

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NEWARK APPROVING TM-12-32 VESTING TENTATIVE  
MAP 8098 TO CONSTRUCTION APPROXIMATELY 217  
RESIDENTIAL UNITS ON THE JONES HAMILTON  
PROPERTY

WHEREAS, Newark Enterprise JV LLC has submitted TM-12-32, Vesting Tentative Map 8098, to the City Council of the City of Newark for a 217-unit residential subdivision on an approximately 21.4-acre project site (Jones Hamilton Property) generally located on the south side of Enterprise Drive east of Willow Street, which is within the Dumbarton Transit-Oriented Development (TOD) Specific Plan project area; and

WHEREAS, TM-12-32, Vesting Tentative Map 8098, includes off-site improvements consistent with the Specific Plan;

NOW, THEREFORE, pursuant to California Government Code Sections 66473 *et seq.*, the City Council and as a result of the studies and investigations made by the City Council and on its behalf, the oral and written testimony presented at the public hearings, the information contained in the Community Development Department's files, the Dumbarton Transit-Oriented Development (TOD) Specific Plan Environmental Impact Report ("EIR"), the Supplemental Environmental Impact Report for the Dumbarton Transit-Oriented Development (TOD) Specific Plan ("SEIR"), finds and resolves as follows:

1. That TM-12-32, Vesting Tentative Map 8098 is consistent with the City's General Plan and the Dumbarton Transit-Oriented Development (TOD) Specific Plan and as such is compatible with the objectives, policies, general land uses, and programs specified therein. TM-12-32, Vesting Tentative Map 8098 calls for the construction of 217 residential units and implements the Specific Plan's objective of providing residential units in the Specific Plan project area. TM-12-32, Vesting Tentative Map 8098 is an implementation of the City's previously adopted policies.

2. That the Jones Hamilton Property is physically suitable for the construction of 217 residential units. The EIR (State Clearinghouse Number 2010042012) certified by the City Council on September 8, 2011 drafted pursuant to CEQA Guidelines 15162 and 15164 and the Supplemental Environmental Impact Report recommended by the Planning Commission on April 22, 2014, analyze all physical impacts of TM-12-32, Vesting Tentative Map 8098 on the Jones Hamilton Property. The impacts on the Jones Hamilton Property of both a residential use generally and the density envisioned by TM-12-32, Vesting Tentative Map 8098 was fully analyzed by the EIR, Addendums, and Supplemental Environmental Impact Report. These previously approved documents conclude the Jones Hamilton Property is physically suitable for construction of 217 residential units.

3. That TM-12-32, Vesting Tentative Map 8098 is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The

EIR (State Clearinghouse Number 2010042012) certified by the City Council on September 8, 2011 drafted pursuant to CEQA Guidelines 15162 and 15164 and the Supplemental Environmental Impact Report recommended by the Planning Commission on April 22, 2014, analyze all the environmental impacts of TM-12-32, Vesting Tentative Map 8098. Despite the City Council determining that the TOD Specific Plan and the project authorized by Vesting Tentative Map 8098 would result in several significant and avoidable impacts, the City Council finds that such impacts will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

4. That TM-12-32, Vesting Tentative Map 8098 is not likely to cause serious health problems. The EIR (State Clearinghouse Number 2010042012) certified by the City Council on September 8, 2011 drafted pursuant to CEQA Guidelines 15162 and 15164 and the Supplemental Environmental Impact Report, recommended by the Planning Commission on April 22, 2014, analyze all the environmental impacts of TM-12-32, Vesting Tentative Map 8098 on public health and safety. Despite the City Council determining that the TOD Specific Plan and the project authorized by Vesting Tentative Map 8098 would result in several significant and avoidable impacts, the City Council finds that such impacts will not cause serious health problems.

5. That TM-12-32, Vesting Tentative Map 8098 does not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. TM-12-32, Vesting Tentative Map 8098 simply implements the Dumbarton Transit-Oriented Development (TOD) Specific Plan, which was previously approved by the City.

6. That as provided by the California Environmental Quality Act ("CEQA"), That TM-12-32, Vesting Tentative Map 8098 will result in significant impacts on the environment as discussed in the EIR and SEIR and a Statement of Overriding Considerations was reviewed and approved by the City Council pursuant to Resolution 9886. The other potentially significant project impacts will be reduced to less than significant levels with the mitigation measures imposed and set forth in the Mitigation Monitoring and Reporting Program as approved by Resolution No. 9886.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby approve TM-12-32, Vesting Tentative Map 8098 as shown on Exhibit A, pages 1 through 69 and made a part hereof by reference, subject to the following conditions:

Planning Division

- a. Approval of TM-12-32, Vesting Tentative Map 8098 shall be effective at such time RZ-12-31, the Rezoning of the property within the boundary of Vesting Tentative Map 8098, takes effect.
- b. The project shall be subject to the environmental mitigation measures as described in the Dumbarton Transit Oriented Specific Plan and the Dumbarton Transit Oriented Development Residential Supplemental Environmental Impact Report.
- c. There shall be no roof-mounted equipment other than satellite dishes, other similar television or radio antennas, and solar equipment. AC units shall not be mounted on the roof.

- d. All lighting shall be directed on-site so as not to create glare off-site, as required by the Community Development Director.
- e. Construction site trailers and buildings located on-site shall be used for office and storage purposes only, and shall not be used for living or sleeping quarters. Any vehicle or portable building brought on the site during construction shall remain graffiti free.
- f. The covenants, conditions and restrictions (CC&Rs) filed for this development shall include a provision requiring that that garages shall only be used for automobile parking.
- g. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 7:00 p.m. and 8:00 a.m.
- h. 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 cleanup shall occur on a continuing, as needed basis. Any vehicle or portable building brought on the site during construction shall remain graffiti free.
- i. 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.
- j. Prior to the issuance of a building permit, the elevations as submitted by the developer as part of this application shall be reviewed and approved by the Planning Commission and City Council. The building elevations shall reflect all architectural projections such as roof eaves, bay windows, greenhouse windows, chimneys and porches. A site plan showing the building locations with respect to property lines shall also show the projections. Said elevations shall specify exterior materials. Final color elevations shall be submitted for the review and approval of the Community Development Director.
- k. Prior to the issuance of a building permit, the floor plans as submitted by the developer as part of this application shall be reviewed and approved by the Planning Commission and City Council.
- l. Prior to the issuance of a building permit, roof material as submitted by the developer as part of this application shall be reviewed and approved by the Planning Commission and City Council. All roof material shall consist of fire retardant shake roof, concrete tile, or a roof of similar noncombustible 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. Composition shingles shall be Presidential-style or of comparable quality, subject to the review and approval of the Community Development Director.
- m. Prior to the issuance of a building permit, the location and screening design for 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. The approved garbage, refuse and recycling areas shall be provided prior to the issuance of a Certificate of Occupancy, as required by the Community Development Director. No refuse, garbage or recycling shall be stored outdoors except within the approved trash and recycling enclosures.

- n. Prior to issuance of building permit, an Acoustical Assessment shall be prepared to demonstrate that the exterior and interior noise levels are consistent with the City's land use compatibility standards and Title 25, Section 1092 of the California Code of Regulations. The Acoustical Assessment shall be prepared by a qualified Acoustical Consultant and submitted to the Community Development Director for review and approval. Measures (e.g., attenuation barriers, acoustically rated windows [i.e. appropriate STC or OITC ratings, upgraded insulation, etc.] shall be implemented where conditions exceed the Noise and Land Use Compatibility Criteria of "Normally Acceptable" noise exposure levels.

Measures to respond to and track complaints pertaining to 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).

- o. Payment by developer to the City of an in-lieu fee for each residential unit within the project at the time of issuance of a certificate of occupancy in the amount shown on Exhibit B to these conditions will constitute the project's compliance with the City's Affordable Housing Program as set forth in Chapter 17.18 of the Newark Municipal Code.
- p. Prior to the issuance of a building permit, the developer shall enter into an agreement with the City Council to address Community Services fiscal support of \$2,500 per unit for the Map Area specific to this project.
- q. Prior to issuance of a grading permit, the developer shall hire a qualified biologist to: (1) determine if occupied 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 occupied 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.
- r. Prior to the transfer of title, the developer shall provide disclosure notices to buyers of individual dwellings in the subdivision as to all of the conditions of project approval and environmental determination approved for this project. This information shall include,

but is not limited to the anticipated commuter rail service along the Dumbarton Rail Bridge between the East Bay and Santa Clara/San Mateo Counties, as well as the presence of loud train horns using the railroad tracks to the north of the property.

- s. Prior to the transfer of title for any lot in the development, the developer shall provide disclosure notices to the buyers as to the possibility of ground borne vibration from trains using the railroad tracks on the north side of the subdivision. The method of disclosure shall be subject to the review and approval of the Community Development Director.
- t. 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.
- u. Prior to their installation, mailbox locations and designs shall be approved by the Community Development Director and Newark Postmaster. The mailbox compartments of centralized mailboxes shall identify the individual dwelling units with permanent, easily legible lettering.
- v. Prior to the issuance of a Certificate of Occupancy, the parking areas, aisles and access drives shall be installed and striped as shown on the approved site plan.
- w. Prior to the issuance of a Certificate of Occupancy, roll-up garage doors with automatic garage door openers shall be provided for each unit.
- x. Prior to final inspection and utility release for each unit, the developer shall pre-wire each unit for satellite and cable television connections, as required by the Community Development Director.
- y. Prior to the issuance of a sign permit, all signs, other than those referring to construction, sale, or future use of this site, shall be submitted for the review and approval of the Community Development Director.

#### Engineering Division

- z. The project shall conform to Vesting Tentative Map – Tract 8098, Sheets 1 through 5, and all conditions of approval set forth herein. Approval of this Vesting Tentative Map shall expire according to the provisions of the State Subdivision Map Act and any amendments thereto and applicable provisions of the Newark Municipal Code consistent with the State Subdivision Map Act. This tentative map provides a preliminary design for the

infrastructure improvements associated with the proposed subdivision. The developer shall be responsible for any required changes to this preliminary design as determined necessary by the City of Newark to satisfy applicable design requirements of the City or any other public agencies or utilities with jurisdictional authority.

- aa. Prior to the approval of any final maps, detailed design review applications must be processed for all proposed building and landscaping improvements within each designated final map boundary. These design reviews may result in required modifications to the infrastructure improvements shown on this tentative map, including but not necessarily limited to public street layout, street widths, utility system design, and the total scope of public improvements; private street layout, widths, and scope of improvements; lot sizes, lot patterns, and the total number of lots; stormwater drainage design and stormwater treatment improvements; solid waste management facilities; and other public improvements. The developer shall be responsible for any and all required changes to the preliminary infrastructure design.
- bb. This development will require approval of final tract maps filed in accordance with the State Subdivision Map Act and the City of Newark Subdivision Ordinance. Any necessary parcel maps or lot line adjustments to acquire lands beyond the current property boundary of the tentative map shall be recorded prior to the first final map or issuance of any model home permits. The final map(s) must be approved prior to the issuance of any building permits. Permission to grade on adjacent private properties shall be obtained prior to approval of the first final map. Evidence of such agreements must be furnished to the City as part of the approval. All required easement dedications as shown on the tentative map and as determined necessary with future design review shall be dedicated on the appropriate final map(s).
- cc. The final map(s) and complete tract improvement plans shall be submitted to the Engineering Division for review to ensure conformance with relevant codes, policies, and other requirements of the Newark Municipal Code and City of Newark street improvement standards. Prior to approval of the final map(s), the developer shall guarantee all necessary public and private street improvements and other infrastructure improvements within the subdivision map boundary as required by the City of Newark Subdivision Ordinance and this tentative map and all conditions herein, in accordance with tract improvement plans to be approved by the City Engineer. Improvement plans for on-site common areas and all private streets in the development shall be included with the tract improvement plans to ensure that the improvements are designed and constructed to City standards. The developer shall not be required to submit improvement plans for, or any guarantee(s) with respect to, the Willow Street improvements described in condition dd if, at the time of final map submission for Jones Hamilton, another developer has already provided such guarantee(s) (or other appropriate improvement security under the Subdivision Map Act) for the Willow Street improvements.

These plans must be prepared by a qualified person licensed by the State of California to do such work. Public improvements shall include, but may not be limited to all required improvements as indicated on the tentative map on Willow Street, Enterprise Drive, all in-tract public streets, all private streets, water, sanitary sewer, and joint trench utilities, storm drain systems and all stormwater treatment systems, street lighting systems including the replacement of all existing street lights in the plan area, all landscaping including median improvements and walls, off-site traffic mitigation measures, and other improvements consistent with the Dumbarton Transit Oriented Development Specific Plan.

- dd. The length of Willow Street along the project frontage shall be improved concurrent with the first proposed phase of work within the vesting tentative map boundary and completed prior to the issuance of the first Certificate of Occupancy. Improvements on Willow Street include, but are not limited to the following between the southerly property line extension of the Alameda County Flood Control and Water Conservation District Line F-6 channel and Enterprise Drive: construction of Willow Street intersection improvements to the extent necessary to address traffic flow issues as determined by the public works director, placement of all utility main lines and utility stub-outs for future developments, a full width pavement grind and an asphalt concrete pavement overlay of 0.25' minimum thickness or greater, or replacement structural sections, that will result in a traffic index of not less than 9.0, curb and gutter, minimum 5-foot wide sidewalk, back-up landscaping, street light system replacement, pavement restriping, bike lane placement, street signage, any required traffic calming measures, and additional improvements as necessary to integrate with the existing roadway facility. The foregoing improvements to Willow Street are included as a condition to an approved adjacent project. This condition dd shall be deemed satisfied if another developer provides assurances for the completion of such improvements.”
- ee. The full length of Enterprise Drive east of Willow Street and west of the Specific Plan Area boundary shall be improved concurrent with the first proposed phase of work within the tentative map boundary and completed prior to the issuance of the first Certificate of Occupancy. Improvements on Enterprise Drive include, but are not limited to the following between Willow Street and the eastern property line extension of the Alameda County Flood Control and Water Conservation District Line F-6 channel: construction of all intersection improvements proposed in the plan area, construction of all center medians including all landscaping improvements, placement of all utility main lines and utility stub-outs for future developments, a full width pavement grind and an asphalt concrete pavement overlay of 0.25' minimum thickness or greater, or replacement structural sections, that will result in a traffic index of not less than 9.0, curb and gutter, minimum 5-foot wide sidewalk, back-up landscaping, street light system replacement, pavement restriping, bike lane placement, street signage, any required traffic calming measures, modifications as necessary to transition from a two-lane to four-lane configuration, and additional improvements as necessary. All right-of-way necessary for these required improvements must be obtained prior to approval of the first final map. Final intersection improvements and other traffic calming measures, including roundabout configuration, are subject to modifications from the preliminary design as shown on the tentative map or

- other tentative maps in the plan area, at the developer's expense, to satisfy code and other design requirements to the satisfaction of the City Engineer.
- ff. All traffic mitigation measures along the project frontage identified under existing plus project conditions in the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report that were not determined to be significant and unavoidable shall be completed or guaranteed prior to the approval of any final maps. All additional traffic mitigation measures along the project frontage under the future year 2035 plus project conditions not considered significant and unavoidable should be completed or guaranteed concurrent with other off-site improvements. The full scope of recommended improvements shall be incorporated into the tract improvement plans.
- gg. Prior to approval of any final map(s), any proposed project phasing shall be submitted for the review and approval of the City Engineer. Phase 1 shall include all right-of-way dedications for the entire development and all public improvements necessary for streets providing access to all Phase 1 dwellings. Phase 1 will need to include all required improvements on Willow Street and Enterprise Drive, all in-tract street improvements to provide access from Phase 1 lots to Willow Street via "A" Avenue and to Enterprise Drive via "B" Street, and all proposed private streets within the Phase 1 area.
- hh. All improvements must conform to the City's Sight Visibility Ordinance, Newark Municipal Code Chapter 10.36. Prior to any final map approval all building architecture and other improvements on proposed lots within a given phase of the development shall be sited as necessary to comply with this ordinance. If necessary, the proposed lot pattern shown on the tentative map shall be modified to accommodate a future desired building product.
- ii. Prior to approval of the final map(s), the developer shall cause all existing railroad and/or other unnecessary easement encumbrances to Tract 8098 to be eliminated from the site. The tract improvement plans shall provide for the removal of any and all existing railroad tracks from the project site.
- jj. 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 Stormwater Pollution Prevention Plan (SWPPP). 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."
- kk. Prior to the issuance of the initial 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 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.

- ii. 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 (RWQCB), 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, 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 Storm Water Control Plan (Sheet TM-5) on this tentative map would be approved as a conceptual plan only. Final approval is subject to the developer providing the necessary plans, details, worksheets, and calculations that demonstrate the plan complies with Provision C.3 of the MRP, subject to final review by the City Engineer prior to the recording of any final maps. The developer is responsible for any and all necessary modifications to the site design to comply with MRP requirements. Public drainage easements shall be dedicated on the final map(s) over properties to be owned by the homeowner's association to allow for conveyance of runoff from public streets through the stormwater treatment systems. The use of treatment controls for runoff requires the submittal of a completed Stormwater Treatment Measures Maintenance Agreement prior to the approval of any final maps.
- mm. 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 design and the stormwater treatment design as necessary to satisfy any and all imposed requirements from this District.

nn. The preliminary Grading and Drainage Plan provided on Sheet TM-3 of the tentative map has not yet been supported with a detailed drainage feasibility analysis. This analysis, including initial drainage calculations, shall be completed and submitted by the developer for review by the City Engineer and the Alameda County Flood Control and Water Conservation District (ACFC&WCD) for determination of the general feasibility of the proposed design prior to development of detailed grading and drainage plans. The ACFC&WCD will not allow the design capacity of the existed flood control channel to be exceeded. The developer shall be responsible for any and all changes to the preliminary drainage design as shown on the tentative map as necessary to satisfy ACFC&WCD and City of Newark storm drain system requirements. The developer shall provide a watershed analysis and back-up calculations to show that storm runoff from the site will not exceed the design capacity of the channel and/or to show that the sizing of the in-tract storm drain lines will have adequate volume to detain any augmented storm runoff.

oo. The developer shall submit detailed grading and drainage plans for review and approval by the City Engineer and the Alameda County Flood Control and Water Conservation District (ACFC&WCD). These plans must be based upon a City benchmark and need to include pad and finish floor elevations of each proposed structure, all rear yard drainage designs and surface treatments, proposed on-site property grades, proposed elevations at property line, and sufficient elevations on all adjacent properties to show existing and proposed drainage patterns. 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. All mitigation measures identified in the Hydrology, Drainage, and Water Quality section of the Environmental Impact Report shall be properly addressed with the detailed grading and drainage plans.

Hydrology and hydraulic calculations based on ACFC&WCD criteria shall be submitted for review and approval by the City Engineer and the ACFC&WCD prior to approval of any final maps. The hydrology and hydraulic calculations shall comply with the Western Alameda County Criteria Summary manual. The calculations shall show that City and ACFC&WCD freeboard requirements will be satisfied (0.75 feet to grate or 1.25 feet to the top of curb under a 10-year storm event design).

pp. Prior to doing any work within the Alameda County Flood Control and Water Conservation District (ACFC&WCD) right-of-way or connection or modification to any ACFC&WCD facilities, an encroachment permit must be obtained from the ACFC&WCD. Improvement plans for construction in and over the District right-of-way shall be reviewed and approved by the ACFC&WCD and all workmanship, equipment, and materials shall conform to ACFC&WCD standards and specifications.

qq. The developer shall remove the existing temporary barb wire fencing along the entire easterly and southerly site boundary of the development adjacent to ACFC&WCD's Line F-6 channel and replace it with a black vinyl clad chain link fence, with an effective height of 6 feet, either as per Alameda County Design Guideline *SD-800*, or an acceptable

alternative. This new fence shall be designed and constructed in such a way that it will not act as a "retaining wall" for the earth material and/or landscaping placed along the project site boundary of the right-of-way line. New 16-foot wide double hung access gates shall be provided during construction at the Willow Street and Enterprise Drive egress/ingress points.

- rr. Where a grade differential of more than a 1-foot is created along the boundary lot 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.
- ss. The applicant shall submit a detailed soils report prepared by a qualified engineer, registered with the State of California. The report shall address in-situ and import soils in accordance with the City of Newark Grading and Excavation Ordinance, Chapter 15.50. The report shall include recommendations regarding pavement sections for all public and private streets. Grading operations shall be in accordance with recommendations contained in the soils report and shall be completed under the supervision of an engineer registered in the State of California to do such work. All documentation prepared during the inspection of grading operations shall be made available for review by the City Engineer.
- tt. An independent Project Geotechnical Engineer shall be retained to review the final grading plans and specifications and provide construction inspection review at the developer's expense. The Project Geotechnical Engineer shall approve the grading plans prior to approval by the City of Newark for issuance of a grading permit.
- uu. Prior to approval of any final maps, the developer shall satisfy Alameda County Water District (ACWD) requirements for the proposed development as specified in previous correspondence with ACWD during the specific plan and tentative map review process. The Utility Plan provided on Sheet TM-4 of the tentative map includes a preliminary water supply system layout that is subject to a complete review by ACWD at such time as formal, detailed utility plans are developed for construction. Any necessary site and utility design changes necessary to satisfy ACWD's design requirements shall be the developer's responsibility.
- vv. Prior to approval of any final maps, the developer shall satisfy Union Sanitary District (USD) requirements for the proposed development. This includes, but is not necessarily limited to: (1) the entire sanitary sewer system designed to serve the development and future development surrounding the tentative map boundary and (2) any existing sanitary sewer infrastructure modifications beyond the tentative map boundary determined by USD as necessary to serve the development. The Utility Plan provided on Sheet TM-4 of the tentative map includes a preliminary sanitary sewer system layout that is subject to a complete review by USD at such time as formal utility plans are developed for

construction. Any necessary site and utility design changes necessary to satisfy USD's design requirements shall be the developer's responsibility.

- ww. Prior to approval of any final map(s), the developer shall obtain and submit a Land Use Permit from the San Francisco Public Utilities Commission for any proposed improvements over the City and County of San Francisco's Hetch-Hetchy right-of-way, and pay all associated costs therewith. A note to this effect shall appear on the improvements plans for work on Enterprise Drive and Willow Street. aaa. Prior to approval of any final map(s), the developer shall obtain approval from the San Mateo County Transit District (SamTrans) and the Public Utilities Commission for any improvements within the Willow Street railroad right-of-way crossing. bbb. Prior to approval of any final map(s), the developer shall acquire the Steffensen property located adjacent to the flood control channel and shall incorporate this property into the development.
- xx. The developer shall incorporate a Homeowner's Association consisting of all property owners of lots in the development at the time of incorporation and in the future for the purpose of owning and maintaining the association's property, including but not limited to all private streets and common drive aisles, parking areas, landscape areas, stormwater treatment areas, storm drain systems, public access areas, and for paying for security lighting, any common garbage collection services, any security patrol services, if provided, and other functions of a Homeowner's Association. All common areas within the development shall be owned and maintained by the Homeowner's Association. The Homeowner's Association's CC&R's shall require the perpetual maintenance of all common front yard, side yard and back-up area landscaping within the development by the Homeowner's Association. At the City's discretion, the developer shall enter into a Landscape Maintenance Agreement with the City to be transferred to the Homeowner's Association to ensure a satisfactory level of maintenance. Any and all necessary easements shall be dedicated over individual lots to allow for perpetual access and maintenance of landscaping. The full extent of landscape maintenance shall be determined with future landscape improvements plans. Landscaping by the City at the expense of the Homeowner's Association in these areas will only occur in the event the City Council deems the Homeowner's Association maintenance to be inadequate. Each property owner shall automatically become a member of the association and shall be subject to a proportionate share of the maintenance expenses. The Homeowner's Association shall be incorporated prior to the sale of any individual lots and/or prior to acceptance of tract improvements, whichever occurs first.

The City of Newark shall be provided with subordinate agreements to ensure that the position of the landscaping lien shall be superior to any liens or encumbrances other than taxes.

- yy. Prior to City Council approval of any final maps, the proposed bylaws governing the property owner's association and any proposed declaration of covenants, conditions and restrictions (CC&Rs) associated with the development shall be reviewed to determine consistency with these conditions by the Community Development Director and the City Attorney. Recording of the CC&Rs shall not occur until approval by the Bureau of Real Estate, which may require revisions to the CC&Rs after City review. Said covenants, conditions and restrictions shall be prominently displayed in the project sales office at all times. The City's consistency determination related the covenants, conditions and restrictions shall not make the City a party to enforcement of same. The CC&Rs shall apply equally to both owners and renters. The CC&Rs shall be written to require renters to comply with the regulations of the CC&Rs, and a copy of the CC&Rs shall be given to each renter. The CC&Rs shall be written to allow less than a majority of owners to have pavement or landscape maintenance done and the cost thereof assessed to all owners in the project. The CC&Rs shall include a pavement maintenance program for all private streets and common drive aisles.
- zz. The Homeowner's Association CC&Rs shall prohibit the on-site parking of non-self-propelled recreational vehicles, including boats, and any self-propelled recreational vehicles not used for transportation unless separate storage facilities are provided. The CC&Rs shall regulate the provision of any on-site parking of self-propelled recreational vehicles used for transportation.
- aaa. The CC&Rs for the project shall include a disclosure statement to all property owners indicating that the project site is located within a seismic hazard zone for liquefaction. The disclosure statement shall indicate that the buildings have been designed to current code requirements. The statement shall further indicate that the buildings, site improvements, and utilities are subject to damage during an earthquake and that the buildings may be uninhabitable after an earthquake. This CC&R disclosure statement is subject to review and approval of the City Engineer prior to final map approval.
- bbb. The developer shall also assist the Homeowner's Association by having a management consultant firm review the maintenance and operating functions of the association. The management consulting firm shall be responsible to prepare a written report with recommendations to the association for managing the association's obligations and setting initial monthly assessment costs for each lot in the development. Membership and assessment cost shall be mandatory for all property owners of property in the development and shall run with the land. The developer shall pay all costs of incorporation and initial management review and reports.
- ccc. Prior to approval of the final map, the developer shall petition the City Council to participate in an active Landscaping and Lighting District for the perpetual maintenance of future median landscaping and lighting systems on Enterprise Drive along the project frontage, all public street trees, all public street lighting systems, and storm drain trash capture devices within public rights-of-way within the limits of the development, and

shared costs for the maintenance of all proposed public parks, and all median landscaping, including roundabout areas on Willow Street within the limits of the Dumbarton Transit Oriented Development Plan Area. Maintenance activities will be performed by the City of Newark or its contractors through the Landscaping and Lighting District. All property owners within the tentative map boundary shall be assessed annually in accordance with requirements established with the Landscaping and Lighting District. The developer shall pay all associated costs in the City's Master Fee Schedule for establishment of the Landscaping and Lighting District. The developer shall record an indenture advising all prospective property owners in the project that their properties are included in a Landscaping and Lighting District for maintenance of landscaping, lighting, and related improvements installed as part of this project.

- ddd. All storm drain inlets within the entire development, located in both public and private areas, shall be equipped with full-capture trash devices approved by the Regional Water Quality Control Board that satisfy Provision C.10 requirements under the Municipal Regional Stormwater NPDES Permit. In-tract trash capture may be satisfied with appropriate devices in advance of the pump stations. Trash capture device selection is subject to approval by the City Engineer. All trash capture device maintenance within public rights-of-way shall be completed through the Landscaping and Lighting District. All trash capture device maintenance within private areas shall be completed by the Homeowner's Association. The Homeowner's Association shall be responsible for trash and litter control and sweeping of all private streets within the development. All private storm drain systems and all associated trash capture devices shall be cleaned on a regularly scheduled basis as detailed in the required Stormwater Treatment Measures Maintenance Agreement.
- eee. The Homeowner's Association shall be required to contract with a professional management firm to handle all necessary maintenance operations. Documentation of such contract shall be submitted to the City of Newark. All commonly owned facilities shall be properly maintained in a manner consistent with the CC&Rs and project requirements.
- fff. The Homeowner's Association shall periodically provide educational materials on stormwater pollution prevention to all residents.
- ggg. Each buyer shall sign an acknowledgment that he/she has read the constitution and bylaws of the Homeowner's Association and the CC&Rs applied to the development.
- hhh. The developer shall provide a complete set of construction plans in electronic format and reproducible paper (mylar) format to the Homeowner's Association at the time of its formation.
- iii. All existing overhead utilities within the development and along the fronting street rights-of-way to the centerline of the street shall be undergrounded to the nearest riser

beyond the development's limits in accordance with the City of Newark Subdivision Standards. Undergrounding shall include all existing and proposed service drops.

- jjj. All new utilities including, but not limited to, electric and communication services shall be provided underground for all buildings in the development in accordance with the City of Newark Subdivision Standards. Electrical transformers shall be installed in underground vaults with an appropriate public utility easement or within the public right-of-way.
- kkk. Fire hydrants are to be located along public and private streets as determined by the Alameda County Fire Department.
- lll. A streetlight plan and joint trench plan shall be submitted by the applicant with the first tract improvement plan check and approved prior to final map approval. All existing street lights on the tract's frontage on Enterprise Drive and the tract's frontage on Willow Street shall be replaced with street lights consistent with the approved Dumbarton Transit Oriented Development Specific Plan. LED lighting shall be utilized on all public and private streets and other common areas.
- mmm. Safety lighting shall be provided on all private streets, walkways, and other common areas. Lights shall utilize vandal-resistant enclosures and shall have sufficient power and spacing to provide a minimum maintained foot-candle level of 0.12.
- nnn. A signpost with a sign having an area of at least 15-inches by 21-inches shall be installed at or near each private street entrance. The name of each private street shall be placed on this sign in clearly legible 4-inch letters. The signs shall have painted, in at least 1-inch letters, "Private Property. Not dedicated for public use."
- ooo. Private Streets shall be posted for "No Parking."
- ppp. The connection between private streets and public streets shall be by a City of Newark standard driveway.
- qqq. Garbage, trash, or recycling containers shall be suitably concealed in an area dedicated within the garage of each unit, except such features may be placed at curbside on the designated garbage pick-up day.
- rrr. Public Utility Easements (PUE), Water Line Easements (WLE), Storm Drain Easements (SDE), and Sanitary Sewer Easements (SSE) shall be dedicated over all private streets in the development. The PUE, WLE, SDE and SSE dedication statements on the final map shall state that the PUE, WLE, SDE and SSE are available for, but not limited to, the installation, access and maintenance of water supply sanitary and storm sewers, and gas, electrical, and communication facilities.
- sss. Emergency Vehicle Access Easements (EVAE) shall be dedicated over the full pavement width on private streets in the development. The final easement geometry shall be subject to the approval of the City Engineer.

- ttt. Easements for public access shall be dedicated over those parcels intended for public uses unless those parcels are otherwise dedicated to the public on a final map. aaaa. The developer shall request Pacific, Gas & Electric Co. to commence with the design of the underground utility improvements for the proposed development as soon as practical following tentative map approval.
- uuu. 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. A pick-up or vacuum type street sweeper shall be available at all times at the direction of the City Engineer to removed tracked dirt and debris from adjacent streets.
- vvv. All existing buildings within the proposed division of land shall be completely demolished prior to recording the first final map.
- www. Street names and an addressing scheme shall be developed during the final map and improvement plan review process in accordance with the City of Newark's Street Numbering and Naming Ordinance (Chapter 12.12). This area of Newark has a "tree" theme for street names. Available street names will need to be determined. All addressing is based on the Alameda County grid pattern with streets running generally northerly and southerly having 5-digit addresses and streets running generally westerly and easterly having 4-digit addresses.
- xxx. The developer shall repair and/or replace any public improvements (pavement, curb, gutter, etc.) damaged as a result of construction activity to the satisfaction of the City Engineer.
- yyy. Prior to issuance of a Certificate of Occupancy or release of utilities for any residential units, private streets, common vehicle accessways and parking facilities serving said units shall be paved in accordance with the recommendation of a licensed engineer, but not less than a Traffic Index of 6.0 unless otherwise approved by the City Engineer.
- zzz. Prior to issuance of a Certificate of Occupancy or release of utilities for each dwelling unit, the on-site drive aisles and uncovered parking facilities shall be installed and striped as shown on the approved site plan. All on-site uncovered parking facilities and drive aisles shall be drained at a minimum cross-slope of 1.0% for asphalt concrete surfaces and 0.3% for Portland cement concrete surfaces.
- aaaa. Prior to occupancy of any buildings within any special flood hazard area or acceptance of any public improvements, the developer shall apply for and receive approval of a letter of map revision, if applicable, based on fill (LOMR-F) from the Federal Emergency Management Agency. The LOMR-F shall be based upon the as-built grades of the building pads and shall determine that the pads and all public and private streets are no longer within the special flood hazard area as indicated on the current Flood Insurance Rate Map for the City of Newark, Community Panel No. 06001C 0443G, dated August 3, 2009.

- bbbb. The developer shall provide all required paper and digital submittals of the project final map, tract improvements plans, and as-built plans as required by the City Engineer, including, but not necessarily limited to the following: (1) One full-size reproducible copy and one reduced reproducible copy of the approved tentative map; (2) Two electronic copies of the approved final map and improvement plans in a format approved by the City Engineer; (3) One full-size mylar copy and one reduced copy of the recorded final map; (4) One reproducible set and four blue-line or photocopied sets of the approved tract improvement plans; (5) Two electronic copies and one mylar set of the as-built tract improvement plans. The City will require a digital submittal of all final maps and improvements plans. All CAD work must be prepared in a manner consistent with the Union Sanitary District's digital submittal requirements for layering conventions. This can be found on the web at: <http://www.unionsanitary.com/digitalSubmittal.htm>. Digital files submitted shall be based on accurate coordinate geometry calculations and the NAD83 State Plane Coordinate System (Zone III) and NGVD29 (USD requires NAVD88) as vertical datum. A deposit of \$5,000 shall be provided by the developer to the City to ensure submittal of all required documents.
- cccc. The developer shall provide as-built record drawings in both electronic format and on mylar paper based on full and complete review and inspection by the developer's project civil engineer, landscape architect, and other design professionals of all public improvements and all improvements on private streets and property included in the tract improvement plan set.
- dddd. If any terms or provision(s) of these conditions is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of these conditions shall may remain in full force and effect unless amended or modified subject to amendments or modifications by mutual consent of the City and developer. If, in the opinion of the City or developer, the invalidation, voiding or lack of enforceability would deprive either City or developer of material benefits of this Vesting Tentative Map, or make performance of these conditions unreasonably difficult, then City and developer shall meet and confer and shall make good faith efforts to amend or modify these conditions in a manner that is mutually acceptable to City and developer.

#### Landscape-Parks Division

- eeee. Concurrent with final map approval, the property owner shall dedicate to the City of Newark sufficient landscape easements to ensure the ongoing and perpetual maintenance of all common front yard, side yard, and back-up area landscaping along Willow Street and Enterprise Drive and on the entry streets, 'A' Avenue and 'B' Street, to the development. These easements shall incorporate all landscape areas beyond a specified minimum dimension to the nearest physical constraints. Landscape easements shall be dedicated across Parcels B adjacent to Willow Street, Parcel C adjacent to Willow Street and Enterprise Drive, the proposed landscape frontage areas of Lots 58, 59, 64, 65, 70, and 71 abutting Enterprise Drive, Lots 1 through 4 and 109 through 112 on 'A' Avenue, and Parcels D and E on 'B' Street. The extent of additional landscape easement dedications adjacent to public streets shall be determined concurrent with the development of final tract improvement plans prior to final map approval for a given project phase.

ffff. Prior to approval of the final map, the developer shall submit detailed tract improvements plans that include all required off-site landscaping within the Willow Street and Enterprise Drive rights-of-way, and all on-site landscaping within designated private streets, common areas, and designated landscape easements. The improvement plans are subject to the review and approval of the City Engineer.

Prior to approval of the final map, the developer shall prepare and submit a Park Master Plan for the park adjacent to Tract 8110 (i.e. 8333 Enterprise Drive) for the review and approval of the City Engineer. The master plan shall incorporate turf, trees, shrubs, groundcover material, irrigation systems, stormwater treatment facilities, pathways, play equipment, benches, picnic tables and related improvements consistent with the Conceptual Park Plan attached as Exhibit A. Developer and City intend that the total costs of the improvements in the Park Master Plan not exceed \$1,000,000.

The developer shall retain a licensed landscape architect to prepare working drawings for tract improvement landscape plans in accordance to with the approved Conceptual Landscape Plan for the project, City of Newark requirements, and the State of California Model Water Efficient Landscape Ordinance. The associated Landscape Documentation Package must be approved by the City Engineer prior to approval of any final maps.

gggg. No later than 30 days after this Resolution is adopted, Developer shall deposit with the City funds in an amount to be determined by the City (estimated at \$15,000) for use by the City for the retention of an environmental consultant to prepare a Phase I Environmental Site Assessment Report ("Initial Phase I Report") for the property at 8333 Enterprise Drive ("Park Property") that is consistent with All Appropriate Inquiry ("AAI") requirements under that Final Rule adopted by the United States Environmental Protection Agency ("EPA") (found at 40 CFR Part 312) and that is consistent with the most current ASTM requirements governing phase I environmental assessments. Within 45 days of the completion of the Initial Phase I Report, the City will advise Developer, in the City's sole discretion, but based on recognized environmental conditions documented in the Initial Phase Report, that the City (i) has approved the Initial Phase I Report and will accept dedication of the Park Property upon Developer's satisfaction of the conditions stated in these conditions of approval or (ii) based on the Initial Phase I Report will decline to accept the offer for dedication of the Park Property. If the City advises Developer that the City is declining to accept the offer of dedication, the City will promptly provide Developer with a statement of the City's reasons for disapproving the Initial Phase I Report. Where, in the City's reasonable discretion, the reasons for disapproval are curable, the City's written statement shall include the actions that must be taken prior to the City's acceptance of the Park Property. The City shall return any portion of the \$15,000 deposit not paid to the Initial Phase I Report consultant, and will provide Developer with reasonable documentation confirming the actual cost paid for the Initial Phase I report. In the event that the City may determine, in the reasonable exercise of its discretion, after reviewing the Initial Phase I

Report, that the environmental condition(s) of the Park Property are such that it would be infeasible to reasonably remediate or otherwise cure such conditions sufficient to allow the development and use of the Park Property as a public park consistent with generally-accepted standards for public health and safety ("Incurable Condition"), then in such instance the City shall give written notification of this determination to Developer within 45 days of the completion of the Initial Phase I Report, and the Developer shall, in turn, be required, prior to the issuance of any certificates of occupancy for residential units in the project (except for model units), to (1) take such actions as necessary for Developer to acquire and take title to the Park Property; (2) cause the industrial use on the Park Property to permanently cease, and the existing buildings on said property to have been demolished and all structures, facilities and equipment thereon removed; (3) maintain the Park Property as open space, and for such other uses as may be permitted by the City; and (4) pay to the City the sum of \$1,000,000 for public park improvements for use in other areas of the City. If such an Incurable Condition is found to exist by the City, the Developer shall then (i) have no further obligation under this Resolution to provide: a Second Phase I Report; the "No Further Action" letter or "Closure Letter" (described below); the "Gallade Assignment" (defined below); any "Enforcement Release" (defined below); and/or the "Gallade Indemnity" (defined below); and (ii) be permitted to obtain all its certificates of occupancy without any park-related limitations except items (1)-(4) above.

- hhhh. All front yards shall be landscaped by the developer. The developer shall provide recommendations for rear-yard landscaping to all property owners and constraints for implementation, modifications and maintenance of both front- rear-yard landscaping shall be included in the project CC&Rs.
- iiiii. The developer shall implement Bay Friendly Landscaping Practices in accordance with Newark Municipal Code, Chapter 15.44.080. Prior to approval of any final maps, the developer shall provide sufficient information to detail the environmentally-conscious landscape practices to be used on the project.
- jjjj. 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 street and park trees shall be minimum 24-inch box specimens. All plant replacements shall be to an equal or better standard than originally approved subject to approval by the City Engineer.
- kkkk. Prior to the release of utilities or issuance of any Certificates 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.
- llll. 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.

- mmmm. Landscaping adjacent to the public right-of-way must conform to the City's visibility requirements in accordance with Newark Municipal Code, Chapter 10.36.
  
- nnnn. Prior to issuance of a Certificate of Occupancy or release of utilities for any of the final 25 dwelling units for each phase, all on-site landscaping and irrigation systems for each phase shall be completed or guaranteed by a cash deposit filed with the City in an amount to cover the remainder of the work..
  
- oooo. Any above ground utility structures, including backflow prevention devices, and appurtenances shall be installed within the developer's property line and a minimum of 10 feet behind street face of curbs. The backflow prevention devices shall have a green painted security cage to protect it from vandalism. These locations shall be screened with landscaping to the satisfaction of the City Engineer. The landscape screen shall not interfere with the utility companies' or City Fire Department's access.

#### General

- pppp. 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.
  
- qqqq. 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.
  
- rrrr. In the event that any person should bring an action to attack, set aside, void or annul the City's approval of RZ-12-31, TM-12-32, ASR-12-33, and E-12-30 (the Dumbarton Transit Oriented Development Residential Project Supplemental Environmental Impact Report), the developer shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with counsel selected by the developer (which shall be the same counsel used by developer) and reasonably approved by the City. Developer's obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City's compliance with Government Code Section 66474.9.

ssss. The Conditions of Project Approval set forth herein may 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.

tttt. Only the specific Impact Fees listed in Exhibit B shall apply to the Project. No change to an Impact Fee in Exhibit B resulting in an increase in dollar amounts charged to the Project that is adopted after the effective date of the Vesting Tentative Map shall apply to the Project. If, after the effective date of this Vesting Tentative Map, City decreases the rate of any of its Impact Fees, Developer shall pay the reduced Impact Fee in effect at the time of payment. Any Impact Fees levied against or applied to the project must be consistent with the provisions of applicable California law, including the provisions of Government Code Section 66000 et seq. ("AB 1600"). Developer retains all rights set forth in California Government Code Section 66020. "Impact Fees" means monetary fees, exactions or impositions, other than taxes or assessments, whether established for or imposed upon the project individually or as part of a class of projects, that are imposed by City on the project in connection with any project approval for the project for any purpose, including, without limitation, defraying all or a portion of the cost of public services and/or facilities construction, improvement, operation and maintenance attributable to the burden created by the Project. Impact Fees do not include "Processing Fees." "Processing Fees" mean fees charged on a citywide basis to cover the cost of City review of applications for any permit or other review by City departments.

uuuu. City shall not issue any certificates of occupancy (except for model units and for such limited purpose only) until the industrial use on the Park Property has permanently ceased; the existing buildings on the site have been demolished; and all structures, facilities, and equipment related to the industrial use have been removed.

In lieu of payment of Park Impact fees, prior to the issuance of the certificate of occupancy for the 121st residential unit, Developer shall offer for dedication to the City in fee, the Park Property and the park improvements required by Condition ffff, above, free of liens and determined by the San Francisco Regional Water Quality Control Board ("Regional Board") to be acceptable for park uses. Confirmation of the Regional Board's approval shall be established through the issuance of a "No Further Action" letter, "Closure Letter" or other equivalent document confirming that site assessment and remediation involving prior operations on the Park Property, such that no further additional environmental assessment, investigation, monitoring, mitigation, treatment, removal work, remediation and/or cleanup work or other similar work or corrective action, is necessary for soils at the Park Property "site" (as defined by the Regional Board) for use of the Park Property as a public park. Ongoing groundwater remediation and monitoring shall be deemed permissible by the City, and a deed restriction prohibiting residential use, but allowing all uses generally associated with a public park, and containing other standard Regional Board requirements consistent with a No Further Action Letter or Closure Letter of soils for non-residential use (park

usage), shall also be deemed permissible by the City. City and Developer shall cooperate in good faith, and take such other and further acts as may be reasonably necessary, to accomplish both of the following: (1) completion of the Park Master Plan improvements and (2) the City's acceptance of Developer's offer for dedication of the Park Property.

If, prior to Developer's request for the issuance of the certificate of occupancy for the 121st residential unit, Developer has (i) completed the park improvements as required in condition ffff, (ii) the Regional Board has confirmed (through a "No Further Action" letter, "Closure Letter" or other equivalent document) that site assessment and remediation activities for soils at the Park Property have resulted in the Park Property being acceptable for park usage, but (iii) the City declines to accept Developer's offer of dedication for any reason(s) other than an Incurable Condition, Developer may fulfill its park-related obligations by retaining the Park Property in private ownership and ensuring public access to the Park property for park usage and park maintenance through an Assessment District or Home Owners Association. If Developer makes this election and has otherwise fulfilled any non-park-related requirements for obtaining certificates of occupancy 121-217, the City shall issue those additional certificates of occupancy as requested in due course by Developer.

No more than 120 days before submitting its offer for dedication and prior to the issuance of the certificate of occupancy for the 121st residential unit, Developer shall deposit with the City additional funds in an amount to be determined by the City (estimated at \$15,000) for use by the City for the retention of the same or a different environmental consultant to prepare a second (or updated) Phase I Environmental Site Assessment Report ("Second Phase I Report") for the Park Property that is consistent with All Appropriate Inquiry ("AAP") requirements under that Final Rule adopted by the United States Environmental Protection Agency ("EPA") (found at 40 CFR Part 312) and that is consistent with the most current ASTM requirements governing phase I environmental assessments. Within 60 days of Developer's deposit, the City will notify Developer whether, in the City's sole discretion (but limited to a REC or RECs that was/were either not fully identified in the Initial Phase Report and/or are based on additional or newly discovered information or conditions disclosed in the Second Phase I Report ) the City (i) has approved the Second Phase I Report and will accept dedication of the Park Property (upon Developer's satisfaction of conditions ffff, gggg, and uuuu) or (ii) will decline to accept the offer for dedication of the Park Property. If the City advises Developer that the City is declining to accept the offer of dedication, the City will promptly provide Developer with a written statement of the City's reasons for disapproving the Second Phase I Report. Where, in the City's reasonable discretion, the reasons for disapproval are curable, the City's written statement shall include the actions that must be taken prior to the City's acceptance of the Park Property. Upon satisfaction of such actions, as determined by City in its reasonable discretion, and the Developer's satisfaction of conditions ffff, gggg, and the other conditions in uuuu, the City shall accept the Park Property. The City shall return any portion of the deposit not paid to the Second Phase I consultant, and will provide Developer with reasonable documentation confirming the actual cost paid for the Initial Phase I report. In the event the City may determine, in the reasonable exercise of its discretion, after reviewing the Second Phase I Report, that new or more fully-identified environmental condition(s) or newly discovered information or more severe conditions of the Park Property as documented in the Second Phase I Report, are such that an Incurable Condition exists, then in such instance the City

shall give written notification of this determination to Developer within 45 days of the completion of the Initial Phase I Report, and the Developer shall, in turn, be required, prior to the issuance of any further certificates of occupancy for residential units in the project (except for model units), to (1) take such actions as necessary for Developer to acquire and take title to the Park Property; (2) cause the industrial use on the Park Property to permanently cease, and the existing buildings on said property to have been demolished and all structures, facilities and equipment thereon removed; (3) maintain the Park Property as open space, and for such other uses as may be permitted by the City; and (4) pay to the City the sum of \$1,000,000 for public park improvements for use in other areas of the City. If such an Incurable Condition is found to exist by the City, the Developer shall then (i) have no further obligation under this Resolution to provide: the "No Further Action" letter or "Closure Letter" (described below); the "Gallade Assignment" (defined below); any "Enforcement Release" (defined below); and/or the "Gallade Indemnity" (defined below); and (ii) be permitted to obtain all its certificates of occupancy without any park-related limitations except items (1)-(4) above.

In addition to funding the Second Phase I Report, no more than 90 days before submitting its offer for dedication, Developer shall submit the following to the City for review and approval by the City, in the City's reasonable discretion. First, Developer shall submit an agreement (or two separate agreements) or other comparable legal document (or two separate documents) (hereafter, the "Enforcement Release or Releases") that accomplish the following: (i) is in accordance with California Land Reuse and Revitalization Act (California Health and Safety Code section 25395.60 et. seq. and/or other similar statutes, regulations, policies or guidelines, (ii) has terms reasonably acceptable to the City, and (iii) is approved by, and ready for execution by, the Regional Board and the Department of Toxic Substances Control ("DTSC"), (iii) confirms that, other than complying with a deed restriction (which may prohibit residential use and certain other uses but must permit park usage consistent with this Resolution) and/or a soil management plan (that is reasonable under the circumstances and allows the Park Property to be used and maintained as a public park without unreasonable limitations), the Park Property is safe for use as a public park, and all uses generally associated with public parks; (iv) neither DTSC nor the Regional Board will seek to compel the City to conduct (or pay any agency oversight costs associated with) any environmental assessment, investigation, inspection, monitoring, mitigation, treatment, removal work, remediation and/or cleanup work, or other similar work or corrective action, with respect to the soil, soil vapors, groundwater and/or surface waters on and/or migrating to or from the Park Property (collectively, "Corrective Action Work"), as a result of the existence or potential existence of any hazardous materials, wastes or substances (as such terms are defined under federal and State laws, hereafter collectively, "Hazardous Substances") existing or potentially existing on, in, around or migrating to or from the Park Property as of the date of the City's acceptance of the offer for dedication; and (v) the City shall not have any liability or responsibility under any hazardous waste facility permit or hazardous waste post-closure facility permit involving the Park Property. To the extent the DTSC determines to defer all decisions regarding the need for Corrective Action Work to the Regional Board, and is unwilling to provide an Enforcement Release directly to the City, the City will accept, in place of and instead of a specific Enforcement Release from the DTSC, written confirmation from the DTSC that, in sum and substance, provides that DTSC has deferred all decisions regarding the need and responsibility for Corrective Action Work,

to the Regional Board, and that the DTSC concurs with the particular Enforcement Release provided by the Regional Board to the City.

Second, Developer shall provide to the City, on terms reasonable acceptable to the City, to be effective upon the City accepting the offer of dedication of the Park Property, a binding written agreement/assignment from Gallade Enterprises to the City ("Gallade Assignment"), conveying to the City all rights, title and interests in those certain indemnities provided by AlliedSignal Inc., to Gallade Enterprises, as set forth in that certain written agreement entered into by and between AlliedSignal, Inc. and Gallade Enterprises in 1998, and involving the Park Property, but with the City accepting none of the liabilities or responsibilities set forth in said agreement. The Gallade Assignment must contain the express written consent of Honeywell International (as the successor in interest to AlliedSignal Inc.) to its terms.

Third, Developer shall provide to the City, on terms reasonably acceptable to the City, a signed Purchase/Sale Agreement to be entered into by and between the Developer and Gallade Enterprises, for the sale of the Park Property from Gallade Enterprises to the Developer, and containing a defense and indemnity, either specifically or generally, from Gallade Enterprises ("Gallade Indemnity"), defending, reimbursing and indemnifying Developer and the City (as to the City, effective upon the City accepting the offer of dedication of the Park Property), from and against any and all claims, causes of action, rights of action, damages, injuries, costs, expenses, attorney's fees, consultant fees, oversight costs, or liabilities of whatever kind or nature, including, but not limited to, any liability for Corrective Action Work, that concern or relate to the existence or potential existence of any Hazardous Substances in, on, under, within or migrating to or from the Park Property, and resulting from the actions, inactions and/or omissions of Gallade Enterprises (other than passive migration of Hazardous Substances released by operations pre-dating Gallade's ownership of the Park Property.)

Developer shall advance (at the City's request) or reimburse the City's costs for consultants, engineers, attorneys, and other third party service providers engaged by the City for the ongoing reviews and analyses of environmental conditions relating to the Park project, or the performance of any of the evaluations or determinations as provided by this section uuuu relating to the condition and feasibility of using the Park property as a public park, until the Park property is developed, and approved by the City to be opened for use as a public park (whether publicly-owned or otherwise)."

City shall reimburse Developer for Eligible Park-Related Costs as provided in the remainder of condition uuuu. Developer's "Eligible Park-Related Costs" shall include all costs reasonably incurred by Developer in connection with the acquisition of the Gallade parcel, planning for the development of improvements on the Park Site, and constructing the public park improvements. The Eligible Park-related Costs shall also include all deposits and advances made by the Developer under the Cost Payment Agreement previously entered into by Developer and City and future payments made for City's consulting and legal fees for the ongoing reviews of environmental issues. From time to time, but no more frequently than quarterly, Developer will provide the City with a spreadsheet and reasonable supporting documentation indicating the Developer's Eligible Park-Related Costs.

Developer shall be entitled to reimbursement as provided below for its Reimbursable Park-Related Costs. Developer's Reimbursable Park-Related Costs shall be calculated by subtracting the following sums from Developer's Eligible Park-related Costs: (a) One Million Six Hundred Eighteen Thousand, Eight Hundred Twenty Dollars (\$1,618,820), representing the Seven Thousand Four Hundred Sixty Dollar (\$7,460) per residential unit park impact fee that would otherwise be paid by Developer at the time each building permit for a unit within the Project was issued) and (b) Developer's Fiscal Impact Fees for the Project, as referenced in Condition p, which are Two Thousand Five Hundred Dollars (\$2,500) per residential unit.

Developer's Reimbursable Park-Related Costs shall be reimbursed as other land owners within the TOD Specific Plan area pursue development approvals from the City, and pay park impact fees for their parcels within the Specific Plan area, and from the \$2,500 per unit Fiscal Impact Fees paid in connection with Tract 8110. Until Developer's Reimbursable Park-Related Costs have been reimbursed in full, the City shall (a) condition the issuance of building permits for all other property owners within the TOD Specific Plan Area that seek approvals for residential development on payment to the City of park impact fees that are no less (on a per unit basis) than the fees applied to the Project; (b) require full payment of all such fees at the time and in the manner customarily required by the City (i.e., no later than the issuance of building permits); (c) grant no discounts, credits, or offsets of any type against such fees (other than those, if any, except as provided below for land owners that develop park(s) on their own property within the TOD Specific Plan Area); (d) account for such fees through unique account and/or project codes so that they can be easily distinguished; and (e) on a quarterly basis, transfer all such fees to Developer. The City and Developer recognize that some of the property owners within the TOD Specific Plan area may satisfy some or all of their park impact obligation by constructing park space within the property they develop residentially, and in so doing satisfy some or all of their obligation to pay park impact fees. Nothing in these conditions prevents such owners from satisfying their park impact obligation through the construction of park space within their development project(s) and under the City's generally applicable procedures, but any park impact fees paid by them will be used to reimburse Developer's Reimbursable Park-Related Costs until those costs are reimbursed in full as provided above.



NOTE: SEE SHEET L1.2 FOR TREE AND SHRUB PALETTES.



GALLADE CONCEPTUAL PARK PLAN  
L1.1  
2/6/14

ENTERPRISE SITE  
Newark, California

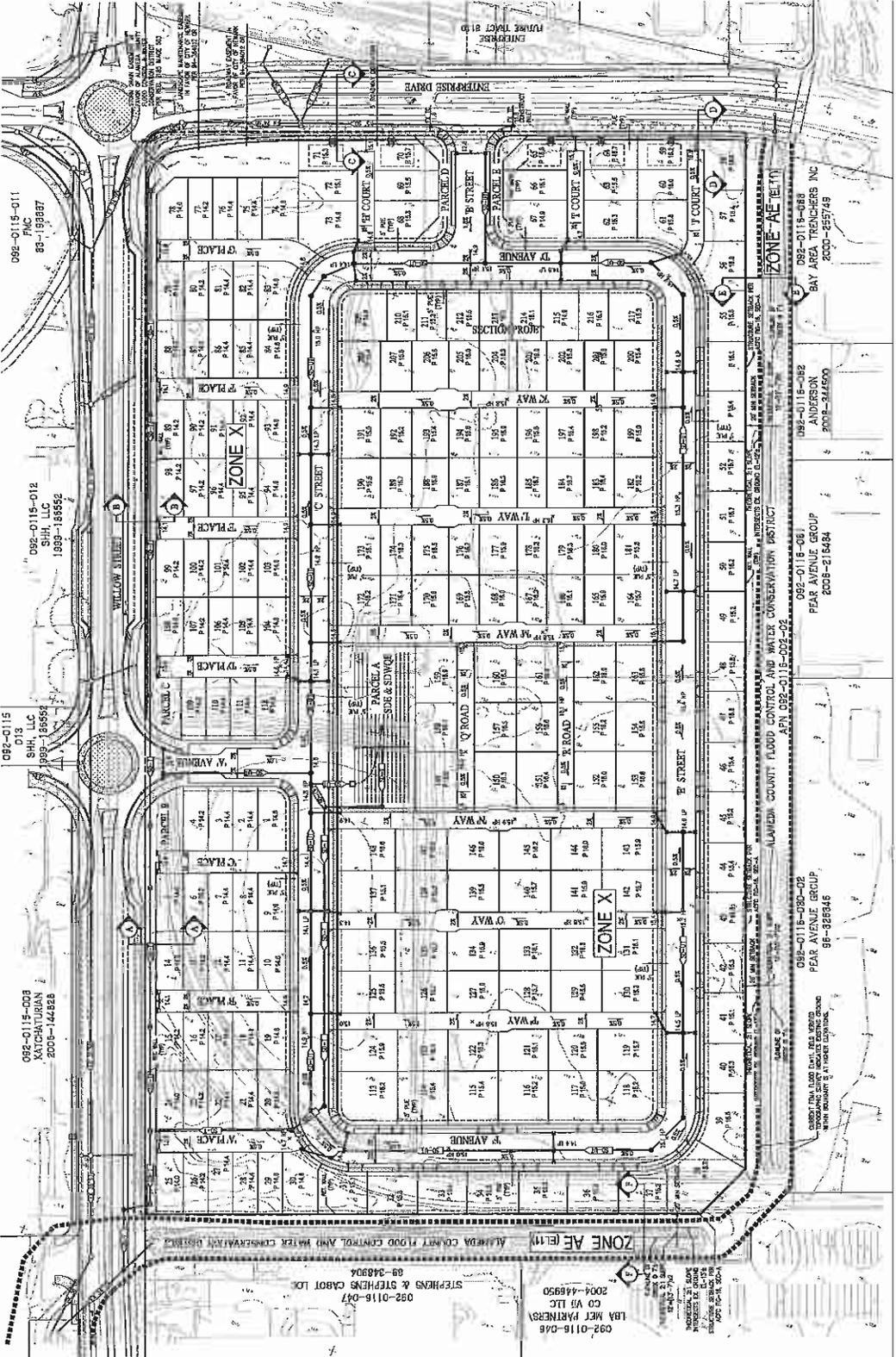
**VAN DORN ABED**  
LANDSCAPE ARCHITECTS, INC.  
1415 HIGHLAND AVENUE, SUITE 200  
SAN FRANCISCO, CA 94109  
SF 415.764.7653 FAX 415.764.4756

**Trumark Companies**  
4185 Blackhawk Plaza Circle, Suite 200  
Danville, CA 94506 (925) 648-3300

**EXHIBIT C**







092-0115-011  
FMC  
83-19987

092-0115-012  
SHH LLC  
1899-18952

092-0115  
SHH LLC  
989-18958

092-0115-008  
KATCHATURIAN  
2000-14288

092-0115-002  
PEAR AVENUE GROUP  
8008-215494

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PEAR AVENUE GROUP  
2008-241590

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PEAR AVENUE GROUP  
8008-215494

092-0115-003  
PEAR AVENUE GROUP  
8008-215494

092-0115-002  
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092-0115-001  
PEAR AVENUE GROUP  
8008-215494

092-0115-008  
KATCHATURIAN  
2000-14288

092-0115-007  
PEAR AVENUE GROUP  
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092-0115-005  
PEAR AVENUE GROUP  
8008-215494

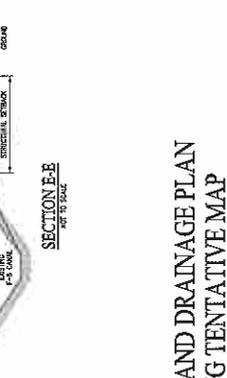
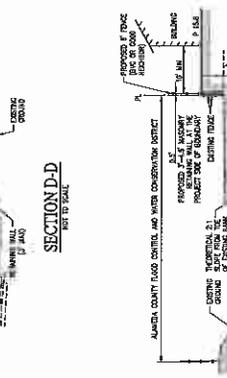
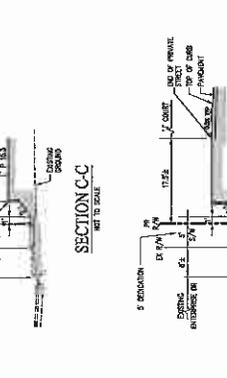
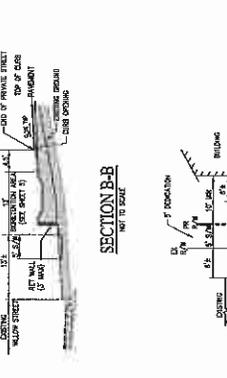
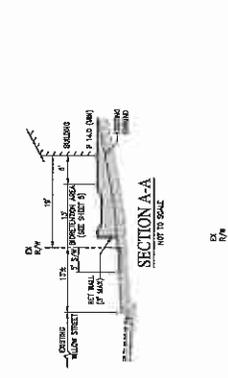
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8008-215494

092-0115-001  
PEAR AVENUE GROUP  
8008-215494

092-0115-000  
PEAR AVENUE GROUP  
8008-215494



**GRADING AND DRAINAGE PLAN**  
**VESTING TENTATIVE MAP**  
**TRACT 8098**  
**JONES HAMILTON PROPERTY**

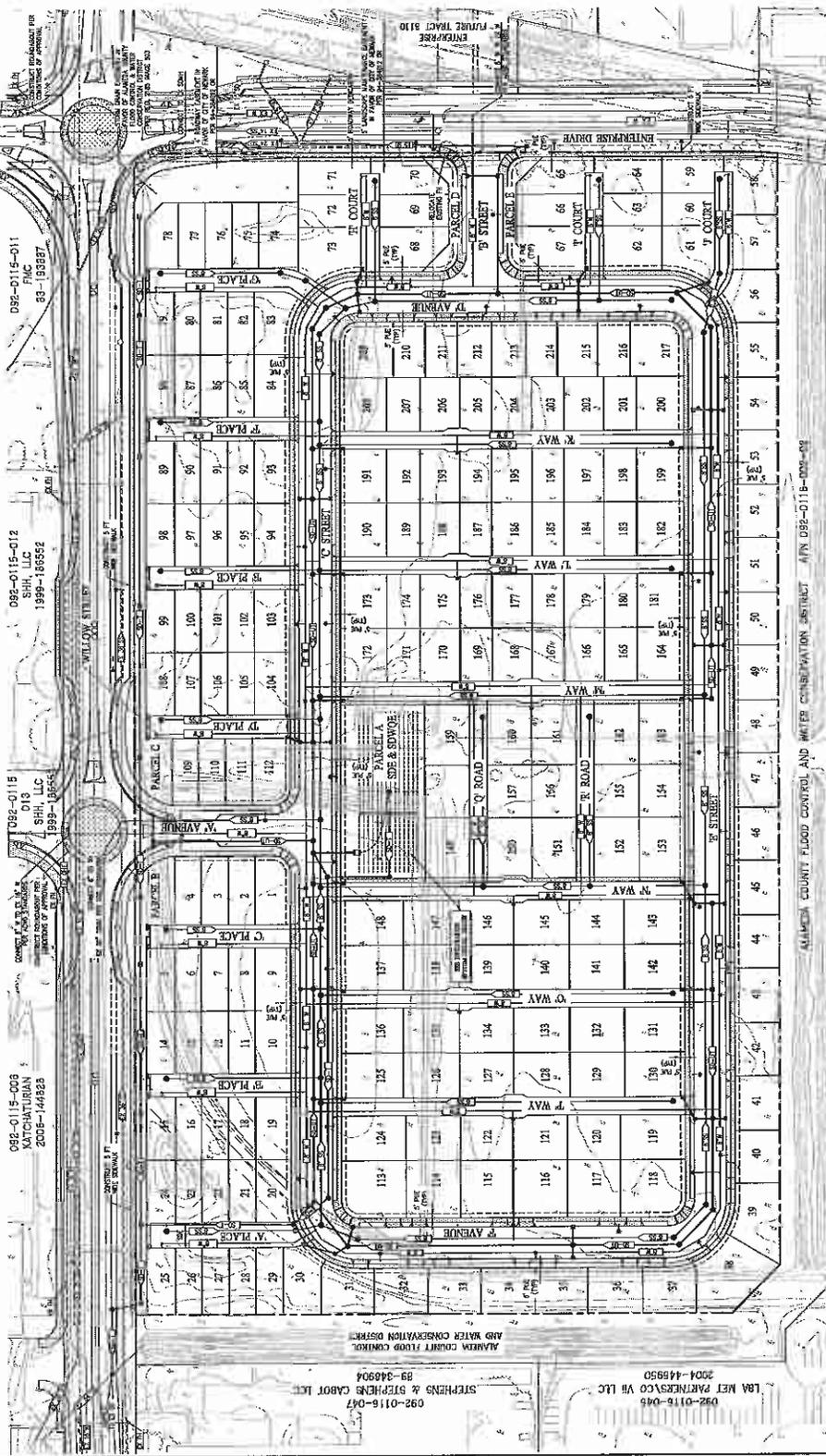
CITY OF NEWARK ALAMEDA COUNTY CALIFORNIA  
APN 092-0115-000  
PEAR AVENUE GROUP  
8008-215494



SCALE: 1" = 50'  
DATE: FEBRUARY 10, 2014

SHEET NUMBER  
**TM-3**  
OF 3 SHEETS

**EXHIBIT A-2**



092-0115-011  
 PUC LLC  
 83-183827

092-0115-012  
 SHH, LLC  
 1999-185532

092-0115-013  
 SHH, LLC  
 1999-185532

092-0115-003  
 KATANTHIAN  
 2002-144923

092-0115-007  
 STEPHENS & STEPHENS CABOT LLC  
 89-343904

092-0115-008  
 LBA MET PARTNERS CO WA LLC  
 2004-448950

092-0115-009  
 LBA MET PARTNERS CO WA LLC  
 2004-448950

092-0115-010  
 LBA MET PARTNERS CO WA LLC  
 2004-448950

092-0115-011  
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 2004-448950

092-0115-012  
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092-0115-013  
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092-0115-016  
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092-0115-018  
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092-0115-019  
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092-0115-022  
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092-0115-025  
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092-0115-027  
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092-0115-028  
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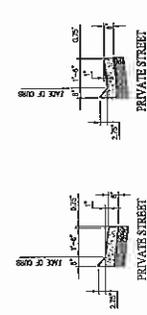
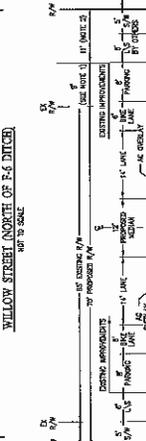
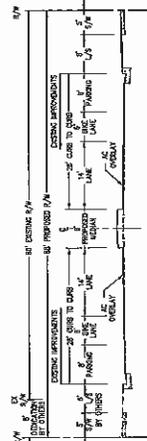
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 2004-448950

092-0115-034  
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092-0115-035  
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092-0115-036  
 LBA MET PARTNERS CO WA LLC  
 2004-448950

092-0115-037  
 LBA MET PARTNERS CO WA LLC  
 2004-448950



UTILITY PLAN AND STREET SECTIONS  
 VESTING TENTATIVE MAP

TRACT 8098

JONES HAMILTON PROPERTY

CITY OF NEWARK, CALIFORNIA



SCALE: 1" = 50'

DATE: FEBRUARY 10, 2014

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 LBA MET PARTNERS CO WA LLC  
 2004-448950

092-0115-039  
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 2004-448950

092-0115-040  
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092-0115-041  
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092-0115-042  
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092-0115-043  
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092-0115-044  
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092-0115-045  
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092-0115-046  
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092-0115-047  
 LBA MET PARTNERS CO WA LLC  
 2004-448950

092-0115-048  
 LBA MET PARTNERS CO WA LLC  
 2004-448950

EXHIBIT A-4

SHEET NUMBER  
 TM-4  
 OF 5 SHEETS

092-0115-049  
 LBA MET PARTNERS CO WA LLC  
 2004-448950

092-0115-050  
 LBA MET PARTNERS CO WA LLC  
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092-0115-051  
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092-0115-071  
 LBA MET PARTNERS CO WA LLC  
 2004-448950

092-0115-072  
 LBA MET PARTNERS CO WA LLC  
 2004-448950

1. THE STRUCTURAL SECTIONS SHOWN ARE PRELIMINARY AND ARE BASED ON AN ASSUMED & UNUSUAL SOIL CONDITION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY SOIL TESTS AND PROVIDING THE GEOTECHNICAL REPORT TO THE ENGINEER.

082-0115-011  
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 1999-18592

082-0115-012  
 SHH, LLC  
 1999-18592

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 1999-18592

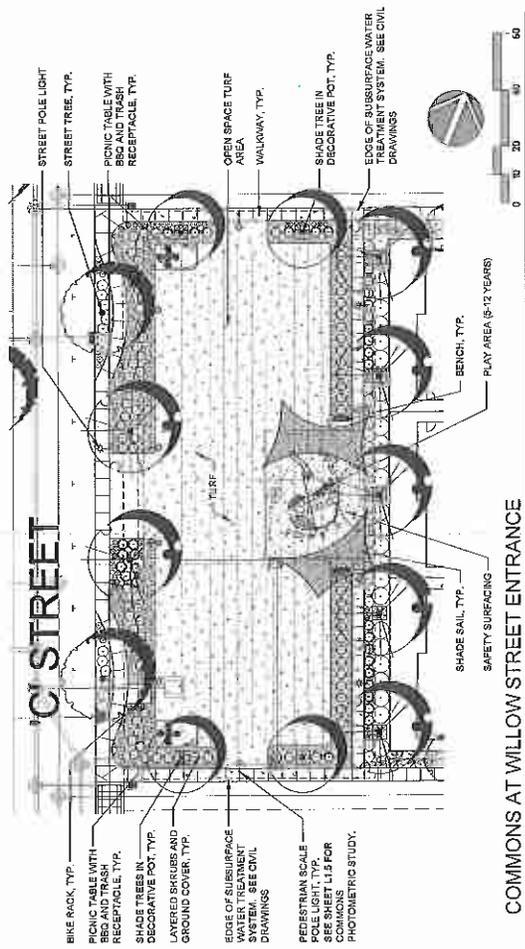
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 2009-144828

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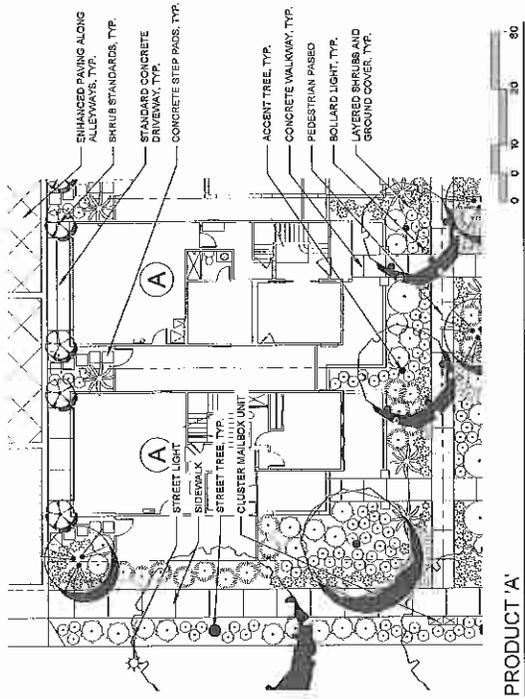
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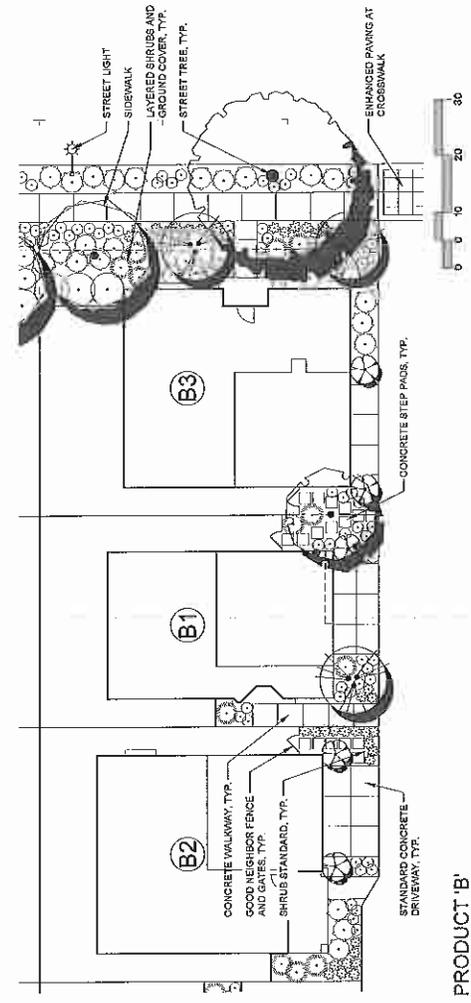




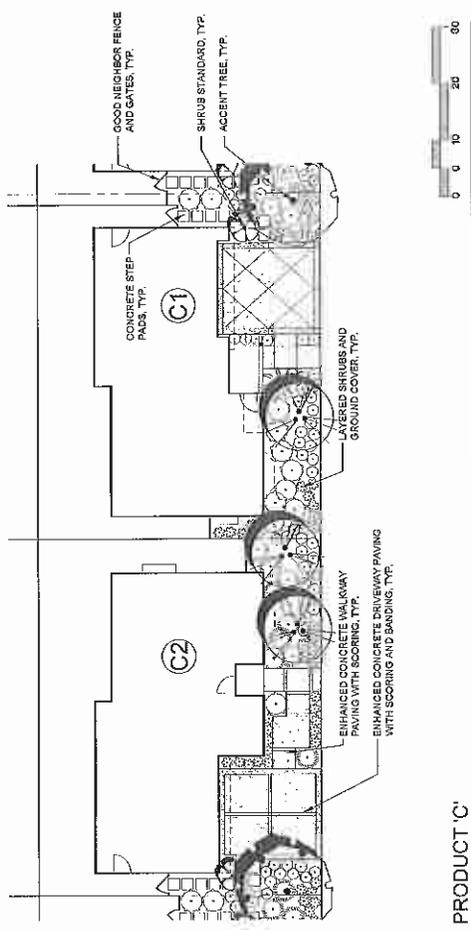
COMMONS AT WILLOW STREET ENTRANCE



PRODUCT 'A'



PRODUCT 'B'



PRODUCT 'C'

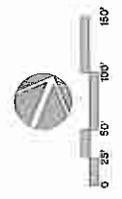
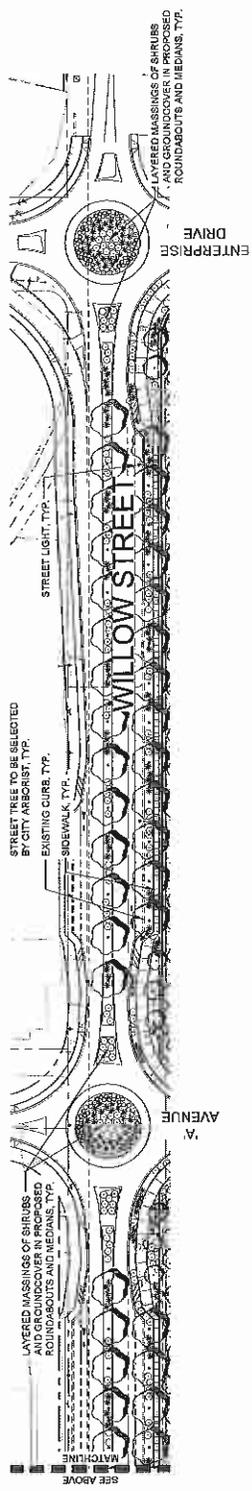
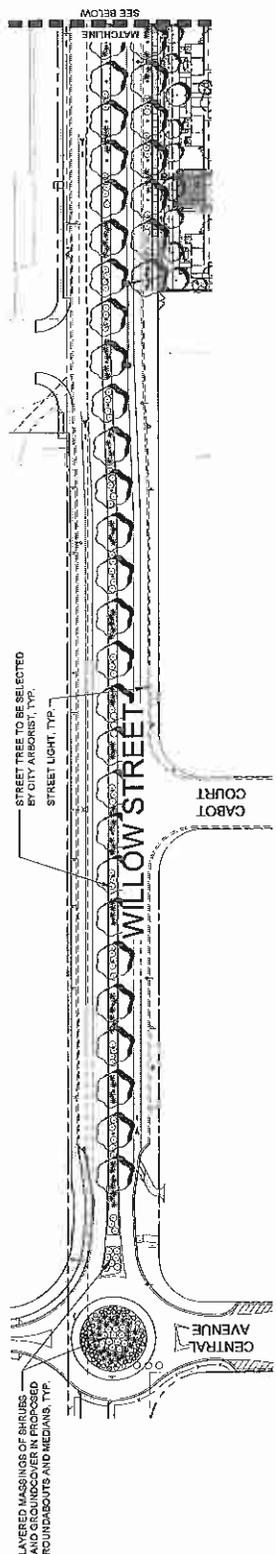
NOTE: SEE SHEET L1.6 FOR PLANTING PALETTE.

**Trumark Companies**  
 4185 Blackhawk Plaza Circle, Suite 200  
 Danville, CA 94506 (925) 648-8300

**VAN DORN ABED**  
 LANDSCAPE ARCHITECTS, INC.  
 81 14TH STREET, SAN FRANCISCO, CA  
 ZP 94103 PH (415) 864-9921 FAX (415) 864-4786

**JONES-HAMILTON SITE** CONCEPTUAL COMMONS & PRODUCTS ENLARGEMENTS  
 L1.1  
 5/20/13  
 Newark, California

**EXHIBIT A28**



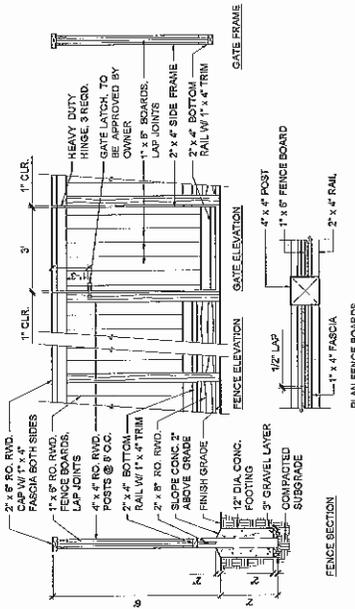
**WILLOW STREET IMPROVEMENTS**  
**L1.2**  
5/20/13

**JONES-HAMILTON SITE**  
 Newark, California

**VAN DORN ABED**  
 LANDSCAPE ARCHITECTS, INC.  
 81 14TH STREET, SAN FRANCISCO, CA  
 ZIP 94103 PH (415) 864-9211 FAX (415) 864-0798

**Trumark Companies**  
 4185 Blackhawk Plaza Circle, Suite 200  
 Danville, CA 94506 (925) 648-8300

**EXHIBIT A7.9**



**GOOD NEIGHBOR FENCE AND GATE**  
- NTS



**ENHANCED PAVING**  
- NTS



**RETAINING WALL**  
- NTS



**POLE LIGHT**  
MODEL: UrbanSteps  
COLORS: Bronze  
www.landscapeforms.com

**SOLLARD LIGHT**  
MODEL: Hawthorne  
COLORS: Bronze  
www.landscapeforms.com

**SITE LIGHTING**  
- NTS



**BIKE RACK**  
MATERIAL: Aluminum  
MODEL: Emerson  
COLORS: Bronze  
www.landscapeforms.com

**BIKE RACK**  
- NTS



**CLUSTER MAILBOX UNIT**  
MATERIAL: Aluminum  
MODEL: Revere Decorative Series, Type 1 (8 door), Type 2 (12 door), Type 3 (16 door)  
COLORS: Bronze  
www.mailboxes.com

**CLUSTER MAILBOX UNIT**  
- NTS



**TRASH RECEPTACLE**  
MATERIAL: Cast Iron and Aluminum  
MODEL: Roo  
COLORS: Bronze  
www.landscapeforms.com

**TRASH RECEPTACLE**  
- NTS



**DECORATIVE POT**  
MATERIAL: Glass, Fiberglass Reinforced Concrete  
MODEL: 80" Urban Collection  
COLORS: Charcoal and Shesaw (400-800)  
www.landscapeforms.com

**DECORATIVE POT**  
- NTS



**PICNIC TABLE**  
MATERIAL: Steel and Aluminum  
MODEL: Casual  
COLORS: Bronze  
www.landscapeforms.com

**PICNIC TABLE**  
- NTS



**BBQ**  
MATERIAL: Stainless Steel  
MODEL: American Outdoor 24" In-Ground Post Gas Grill  
SIZE: 15" W X 24" D X 58" H  
www.outdoorgrill.com

**BBQ**  
- NTS



**BENCH**  
MATERIAL: Aluminum  
MODEL: Meyville, coated with aluminum paint  
COLORS: Bronze  
www.landscapeforms.com

**BENCH**  
- NTS

**Trumark Companies**

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Danville, CA 94506 (925) 648-8300



**VAN DORN ABED**  
LANDSCAPE ARCHITECTS, INC.  
81 14TH STREET, SAN FRANCISCO, CA  
ZIP 94103 PH: (415) 864-8200 FAX: (415) 864-4796

**JONES-HAMILTON SITE**

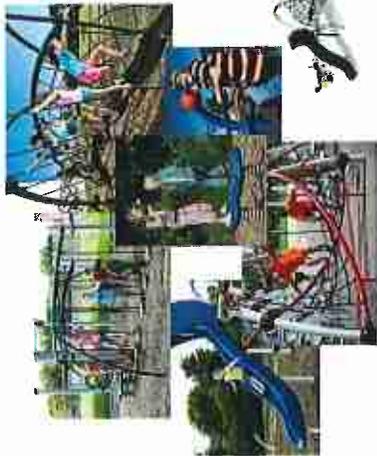
Newark, California

CONCEPTUAL SITE AMENITIES

L1.3

8/20/13

PLAY STRUCTURE (5-12)  
 MODEL: Landscape Structures - EVO 510  
 www.dhfgli.com

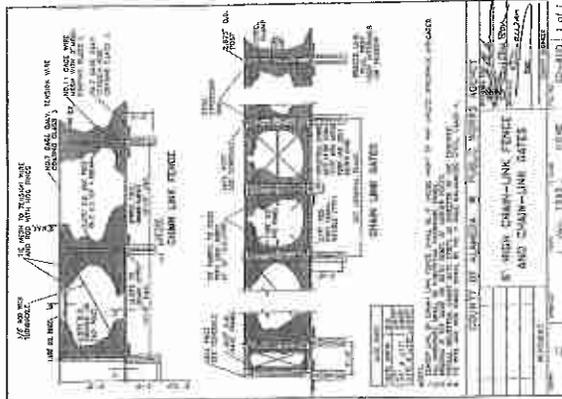


PLAY STRUCTURE (5-12)  
 NTS

SHADE SAILS  
 www.shadesails.com



SHADE SAIL  
 NTS



6' HIGH BLACK VINYL CHAIN LINK FENCE AND GATE  
 NTS

**Trumark Companies**  
 4185 Blackhawk Plaza Circle, Suite 200  
 Danville, CA 94506 (925) 648-8300

**AVAN** VAN DORN ABED  
 LANDSCAPE ARCHITECTS, INC.  
 81 14TH STREET, SAN FRANCISCO, CA  
 ZIP 94103 PH (415) 864-9221 FAX (415) 864-0795

**JONES-HAMILTON SITE**  
 Newark, California

CONCEPTUAL SITE AMENITIES  
 L1.4  
 5/20/13

**EXHIBIT A111**







FARMHOUSE PLAN 1  
2012-0079



CRAFTSMAN PLAN 1  
2012-0079



AGRARIAN RURAL PLAN 1  
2012-0079

A1.1

Plan 1 Front Elevations

**Trumark Companies**

4185 Blackhawk Plaza Circle, Suite 200  
 Danville, CA 94506 (925) 648-8200

KTGY NO. 2012-0079 February 26, 2013

Jones / Hamilton  
 Newark, CA

KTGY Group, Inc.  
 Architecture+Planning  
 550 Second St., Suite 200  
 Oakland, CA 94607  
 510.272.2910  
 ktgy.com



EXHIBIT A1.1



FARMHOUSE PLAN 2



AGRARIAN RURAL PLAN 2



CRAFTSMAN PLAN 2

A2.1

Plan 2 Front Elevations

Jones / Hamilton  
Newark, CA

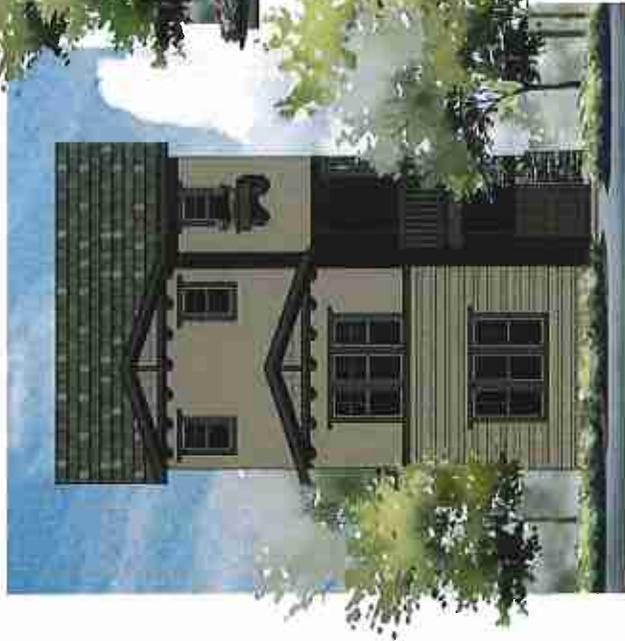
**Trumark Companies**  
4183 Blackhawk Plaza Circle, Suite 200  
Danville, CA 94506 (925) 648-8300  
KTGY NO. 2012-0028 February 26, 2013

**KTGY**  
KTGY Group, Inc.  
Architecture+Planning  
550 Second St., Suite 200  
Oakland, CA 94607  
510.272.2910  
ktgy.com

**EXHIBIT** *AplS*



FARMHOUSE PLAN 3



CRAFTSMAN PLAN 3



AGRARIAN RURAL PLAN 3

A3.1

Plan 3 Front Elevations

**Trumark Companies**

4183 Blackhawk Plaza Circle, Suite 200  
Danville, CA 94506 (925) 648-8300

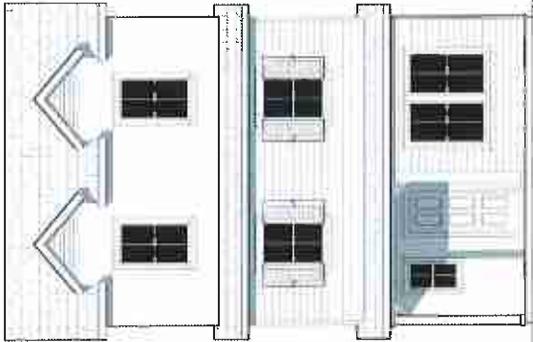
KTGY INC. 2012-0079 2012/03 February 26, 2013

**KTGY**  
KTGY Group, Inc.  
Architecture+Planning  
890 Second St., Suite 200  
Oakland, CA 94607  
510.272.2910  
ktgy.com

**Jones / Hamilton**  
Newark, CA

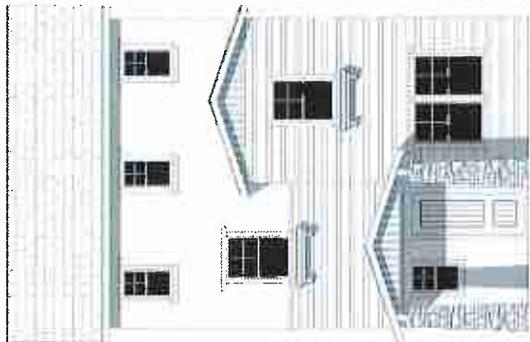
**EXHIBIT** *Apple*





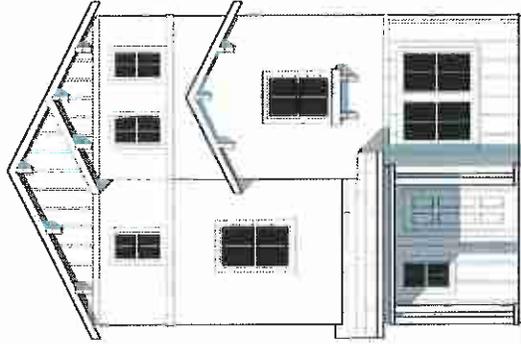
FARMHOUSE PLAN 1

- Material Legend:
- Stucco Finish
  - Flat Concrete Tile Roofing
  - Cementitious Siding
  - Shuffers
  - Decorative Brackets at Wood Posts



CRAFTSMAN PLAN 1

- Material Legend:
- Stucco Finish
  - Flat Concrete Tile Roofing
  - Cementitious Siding
  - Wood Railing
  - Wood Potshelves
  - Stone Veneer



AGRARIAN RURAL PLAN 1

- Material Legend:
- Stucco Finish
  - Flat Concrete Tile Roofing
  - Board and Batten Siding
  - Wood Potshelves



A1.1

**Trumark Companies**

4185 Blackhawk Plaza Circle, Suite 200  
 Danville, CA 94506 (925) 649-8300

Ktgy, Inc. 2012-0079 February 28, 2015  
 2012-0103

**Plan 1 Front Elevations**

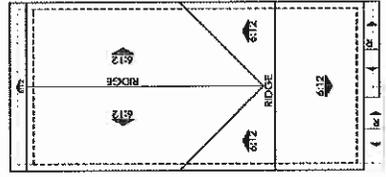
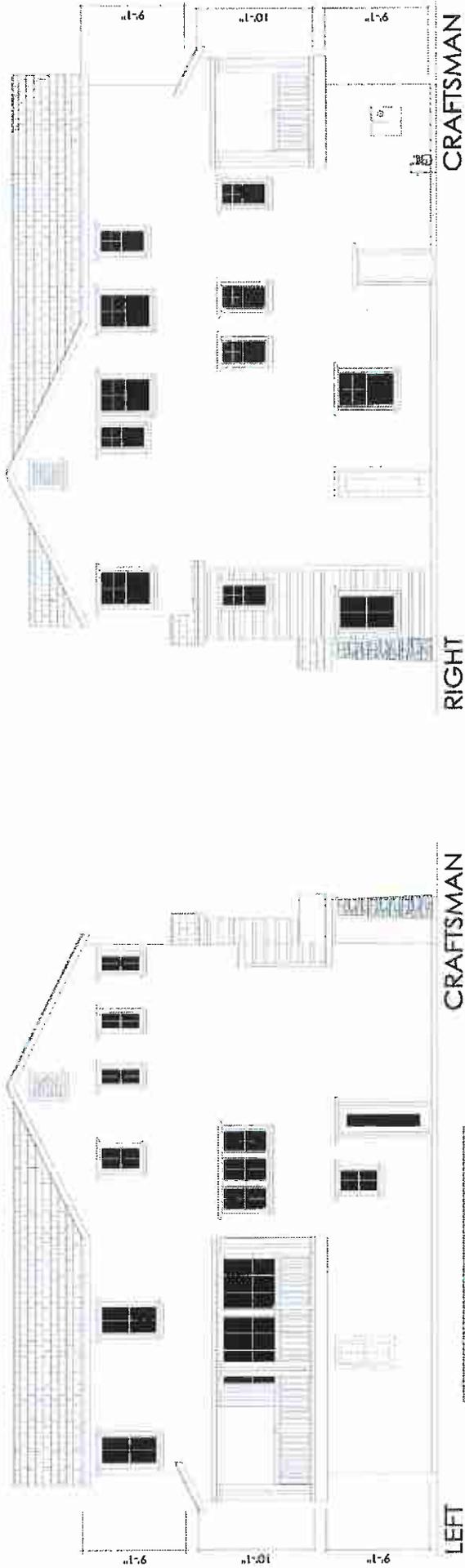
**Jones / Hamilton**

Newark, Ca

**Ktgy Group, Inc.**  
 Architecture-Planning  
 590 Second St., Suite 200  
 Oakland, CA 94607  
 510.272.2970  
 ktgy.com



**EXHIBIT** A1.1



ROOF PLAN

0 2 4 8 16  
A1.2

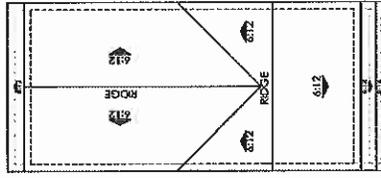
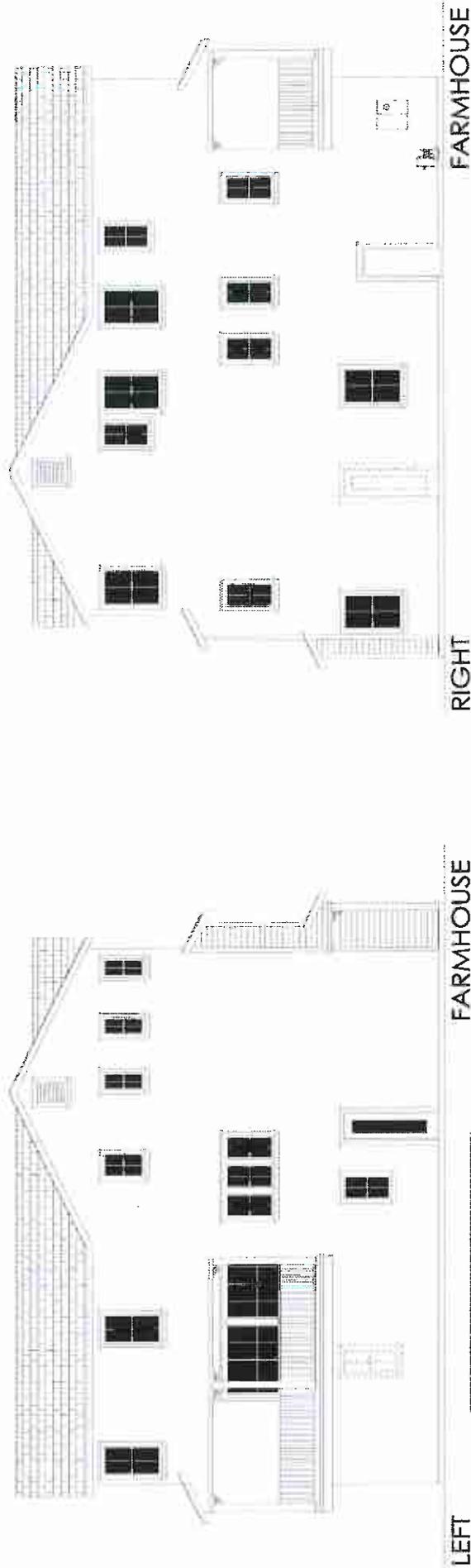
PLAN 1 CRAFTSMAN

**Trumark Companies**  
4185 Bluehawk Plaza Circle, Suite 200  
Danville, CA 94506 (925) 648-8300  
KTGY, INC. 2012.0079 February 26, 2013

**Jones / Hamilton**  
Newark, Ca

**KTGY**  
KTGY Group, Inc.  
Architecture/Planning  
590 Second St., Suite 200  
Oakland, CA 94607  
510.272.2910  
ktgy.com

**EXHIBIT** A1.2



ROOF PLAN



A1.3

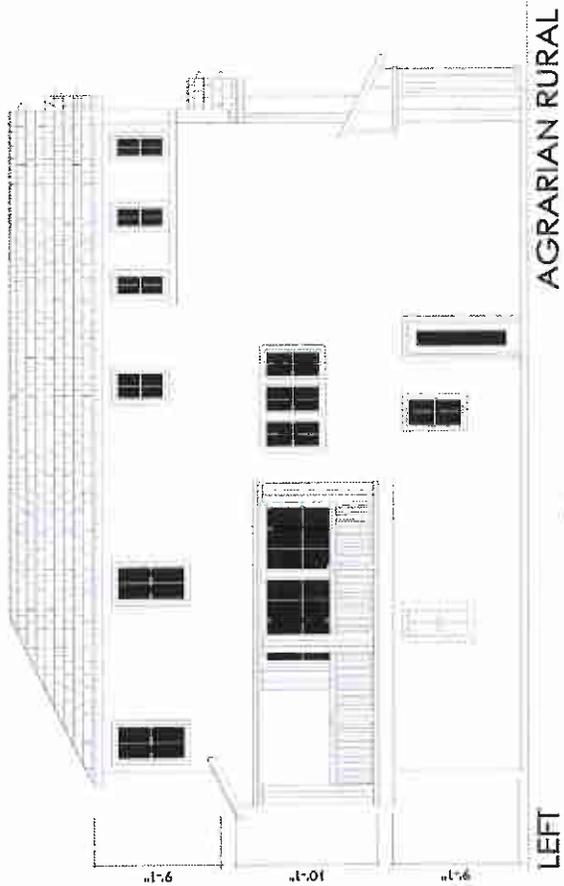
**Trumark Companies**  
 4185 Bluehawk Plaza Circle, Suite 200  
 Danville, CA 94506 (925) 648-3300  
 KTG/NO. 2012-0079 February 26, 2013

**Jones / Hamilton**  
 Newark, Ca

**KTGY Group, Inc.**  
 Architecture/Planning  
 580 Second St., Suite 200  
 Oakland, CA 94607  
 510.272.2910  
 ktgy.com

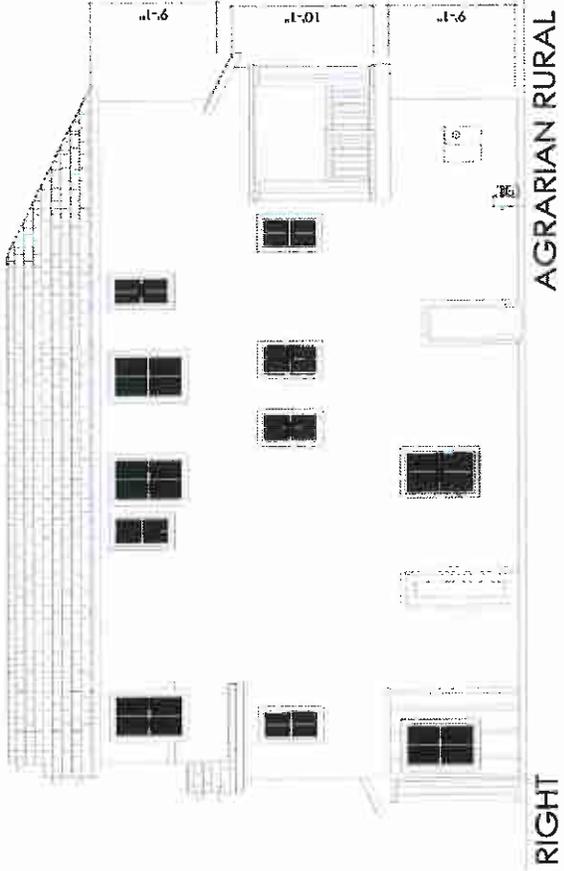


**EXHIBIT** A1.3



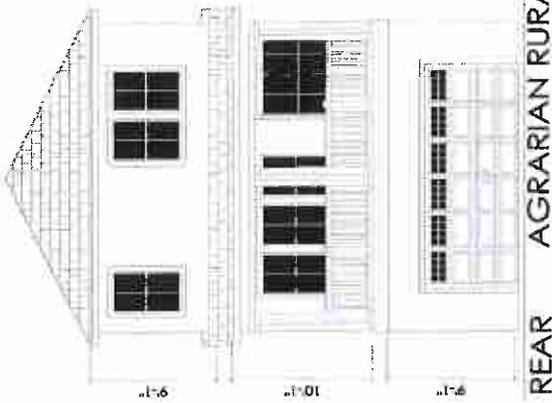
LEFT

AGRARIAN RURAL



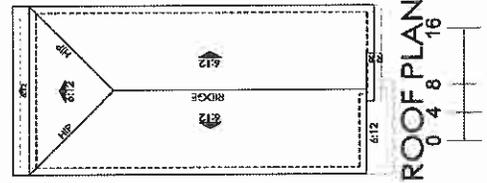
RIGHT

AGRARIAN RURAL

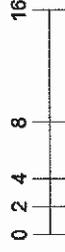


REAR

AGRARIAN RURAL



ROOF PLAN  
0 4 8 16



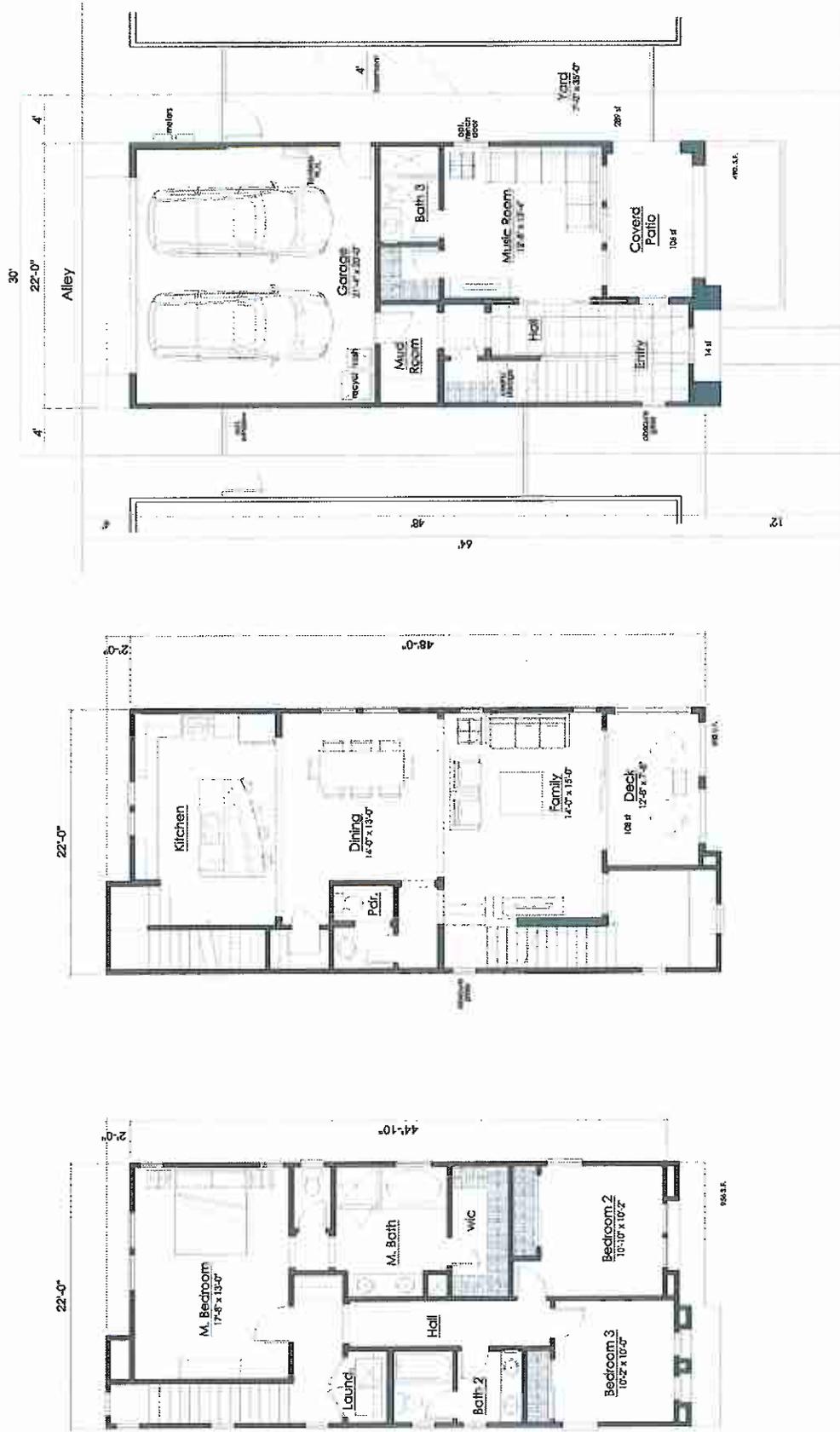
A1.4

**Trumark Companies**  
4185 Blackhawk Plaza Circle, Suite 200  
Dunville, CA 94506 (925) 648-3300  
KTGY INC. 2012-0079 February 28, 2013

PLAN 1 AGRARIAN RURAL  
**Jones / Hamilton**  
Newark, Ca

**KTGY**  
KTGY Group, Inc.  
Architecture/Planning  
580 Second St, Suite 200  
Oakland, CA 94607  
510.272.2970  
ktgy.com

**EXHIBIT** A1.4



# Plan 2 Floor Plan

Floor Plan  
3 Bedrooms + Den  
+ Loft  
3.5 Baths  
2279 SF

A2.0

**Trumark Companies**  
4185 Blackhawk Plaza Circle, Suite 200  
Danville, CA 94506 (925) 448-8300  
KING NO. 20120079 2/12/2013 February 25, 2013

**Jones / Hamilton**  
Newark, Ca

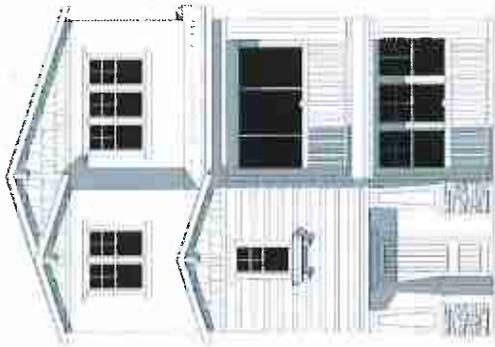
**KTGY**  
KTGY Group, Inc.  
Architecture/Planning  
680 Serrano St., Suite 200  
Oakland, CA 94607  
510.272.2810  
ktgy.com

**EXHIBIT** *Ap22*



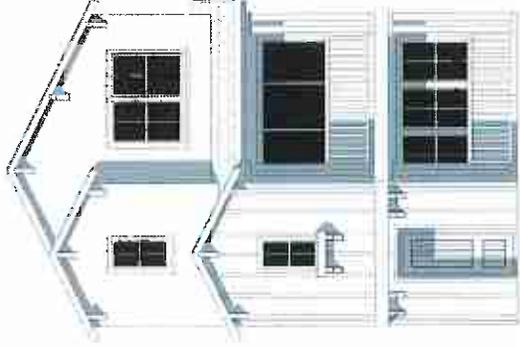
- Material Legend:
- Stucco Finish
  - Flat Concrete Tile Roofing
  - Cementitious Siding
  - Shutters
  - Decorative Brackets at Wood Posts

FARMHOUSE PLAN 2



- Material Legend:
- Stucco Finish
  - Flat Concrete Tile Roofing
  - Cementitious Siding
  - Shingle Wall
  - Wood Railing
  - Wood Posts
  - Stone Veneer

CRAFTSMAN PLAN 2



- Material Legend:
- Stucco Finish
  - Flat Concrete Tile Roofing
  - Board and Batten Siding
  - Wood Posts

AGRARIAN RURAL PLAN 2



A2.1

Plan 2 Front Elevations

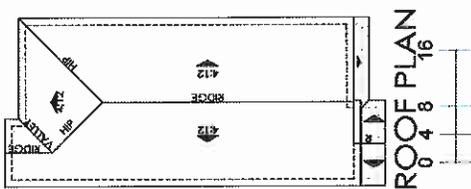
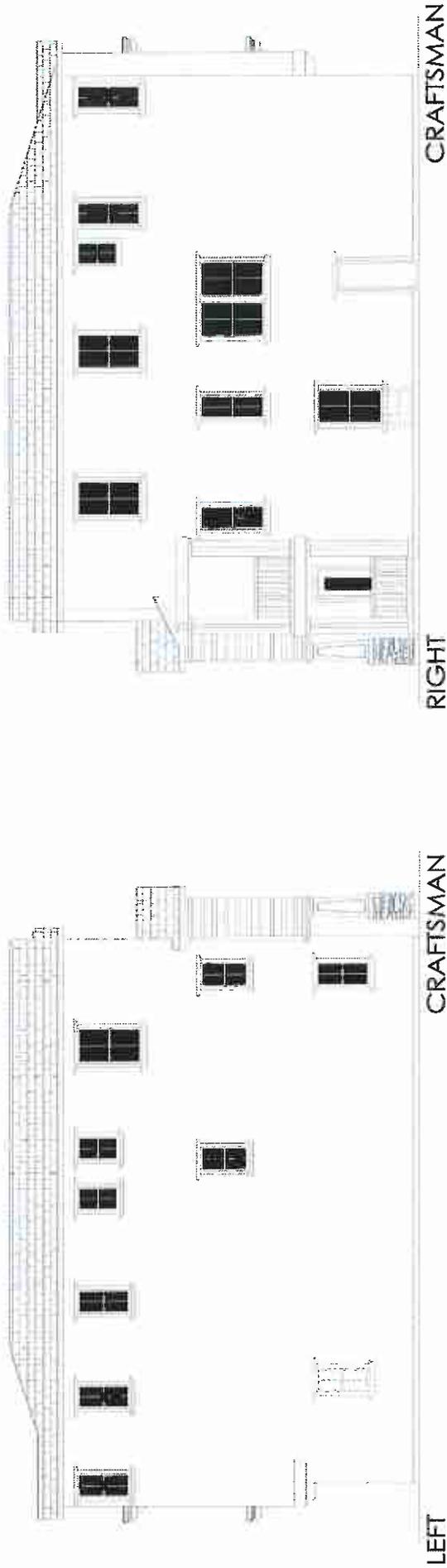
**Trumark Companies**  
 4185 Ellmehawk Plaza Circle, Suite 200  
 Danville, CA 94506 (925) 643-8300  
 RTG/NO. 2012-0079 February 26, 2013  
 2012-0103

**Jones / Hamilton**  
 Newark, Ca

**KTGY Group, Inc.**  
 Architecture/Planning  
 200 Second St., Suite 200  
 Oakland, CA 94607  
 510.272.2510  
 ktgy.com



**EXHIBIT** *A2.1*

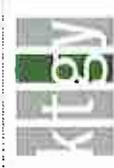


PLAN 2 CRAFTSMAN

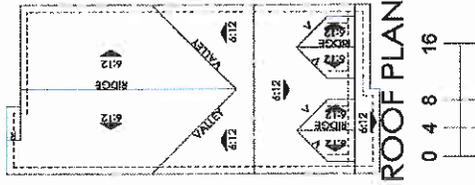
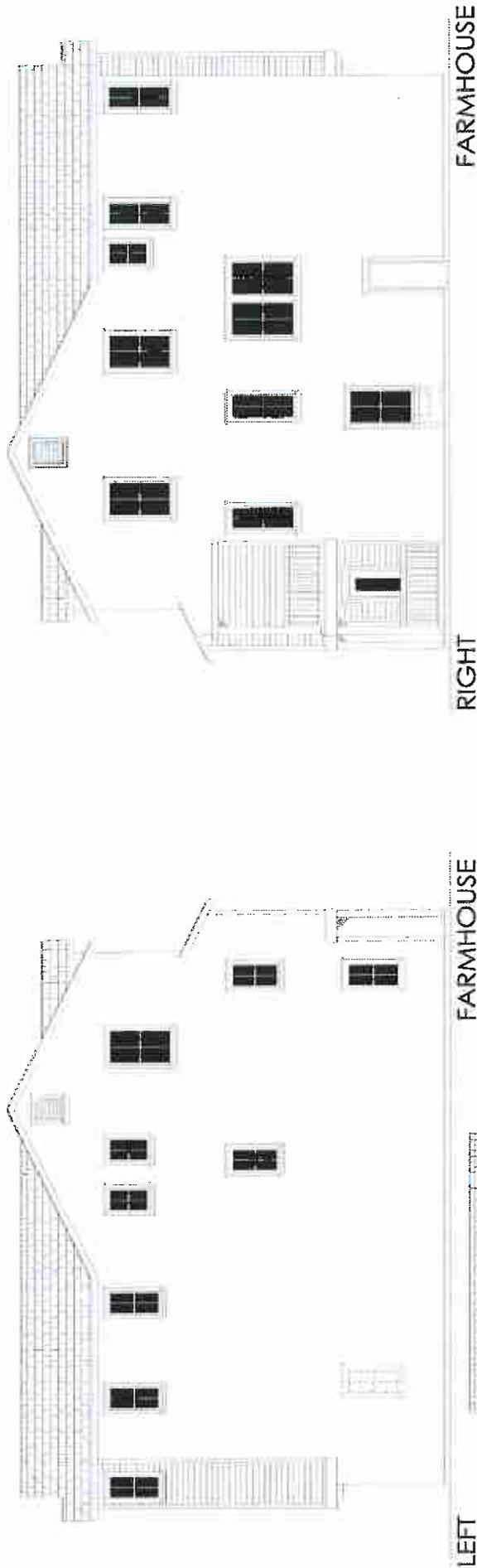
**Trumark Companies**  
 4185 Bluelhawk Plaza Circle, Suite 200  
 Danville, CA 94506 (925) 648-8300  
 KTG INC. 2012-0077 February 28, 2013

**Jones / Hamilton**  
 Newark, Ca

**KTGY Group, Inc.**  
 Architectural Planning  
 500 Second St, Suite 200  
 Oakland, CA 94607  
 510.272.2910  
 ktgy.com



**EXHIBIT** *Ap24*



0 2 4 8 16

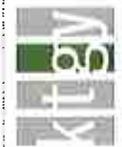
**A2.3**

PLAN 2 FARMHOUSE

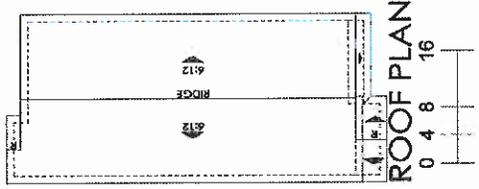
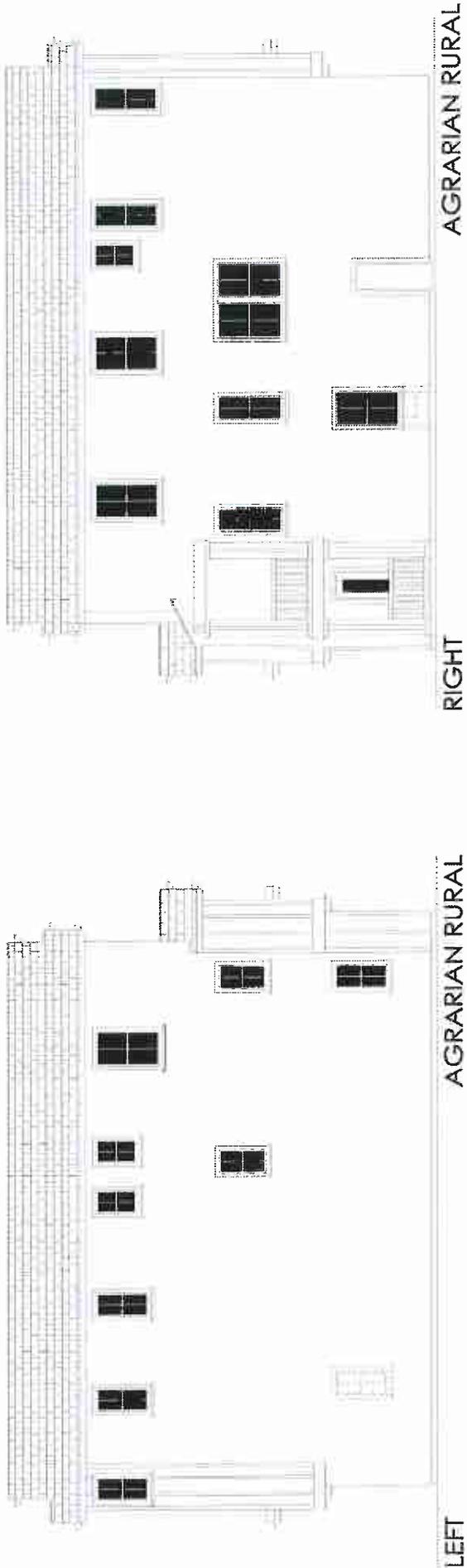
**Trumark Companies**  
 4185 Bluebank Plaza Circle, Suite 200  
 Danville, CA 94506 (925) 648-8300  
 KTGy, INC. 2012-0079 February 28, 2013  
 2012-0103

**Jones / Hamilton**  
 Newark, Ca

**KTGY Group, Inc.**  
 Architecture/Interior Planning  
 500 Second St., Suite 200  
 Oakland, CA 94607  
 510.272.2910  
 ktgy.com



**EXHIBIT** *AD25*



0 2 4 8 16 **A2.4**

PLAN 2 AGRARIAN RURAL

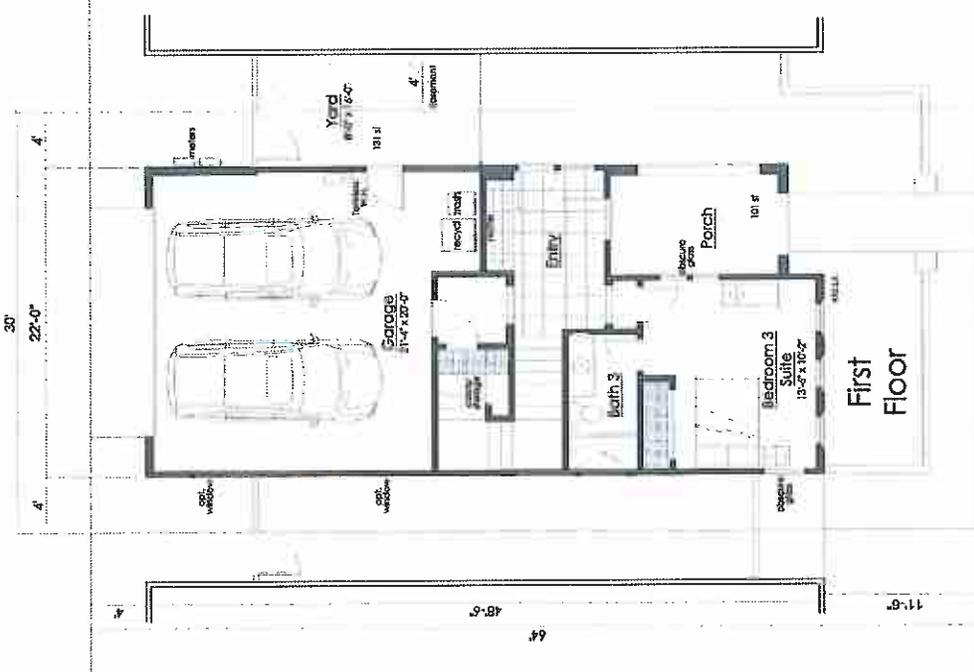
**Trumark Companies**  
 4185 Blackhawk Plaza Circle, Suite 200  
 Danville, CA 94506 (925) 648-8300  
 KTGy NO. 2012-0077 February 28, 2013

**Jones / Hamilton**  
 Newark, Ca

**KTGY Group, Inc.**  
 Architecture & Planning  
 580 Second St., Suite 200  
 Oakland, CA 94607  
 510.272.2910  
 ktgy.com



**EXHIBIT** *A226*



# Plan 3 Floor Plan

A3.0



Floor Plan  
4 Bedrooms  
3.5 Baths  
2312 sf

**Trumark Companies**  
4185 Blackhawk Plaza Circle, Suite 200  
Danville, CA 94506 (925) 648-8300  
KTGY No. 2012-0079 February 28, 2013

**Jones / Hamilton**  
Newark, Ca

**KTGY Group, Inc.**  
Architecture/Planning  
680 Serrano St, Suite 200  
Oakland, CA 94607  
913.272.2510  
ktgy.com

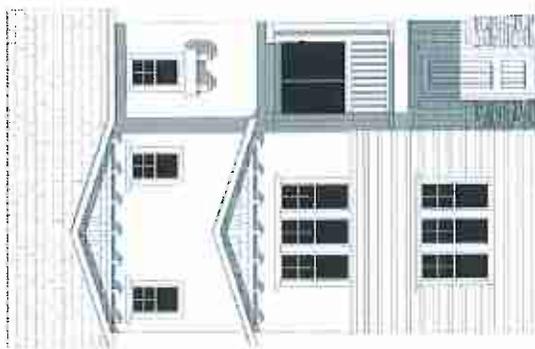


**EXHIBIT** A27



- Material Legend:
- Stucco Finish
  - Flat Concrete
  - Tile Roofing
  - Cementitious Siding/ Shingles
  - Shutters
  - Decorative Brackets at Wood Posts

FARMHOUSE PLAN 3



- Material Legend:
- Stucco Finish
  - Flat Concrete
  - Tile Roofing
  - Cementitious Siding/ Shingle Wall
  - Wood Railing
  - Wood Postshelves
  - Stone Veneer

CRAFTSMAN PLAN 3



- Material Legend:
- Stucco Finish
  - Flat Concrete
  - Tile Roofing
  - Cementitious Siding
  - Wood Railing
  - Wood Postshelves

AGRARIAN RURAL PLAN 3

0 2 4 8 16  
A3.1

## Plan 3 Front Elevations

**Jones / Hamilton**  
Newark, Ca

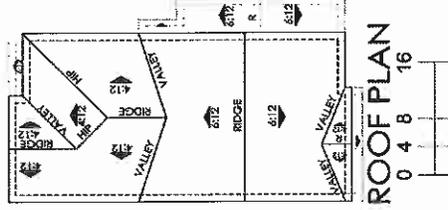
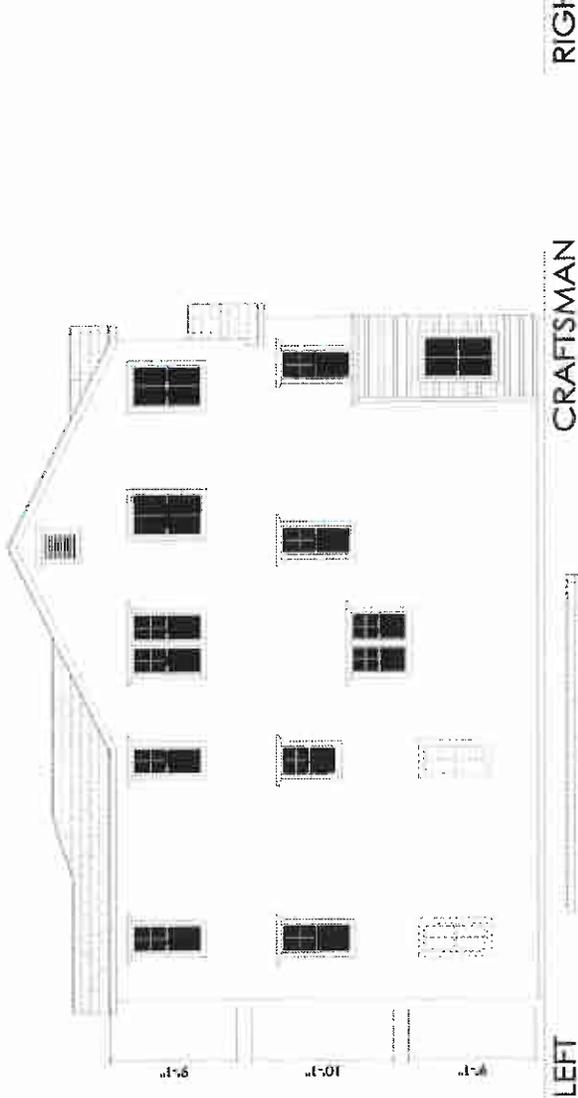
**Trumark Companies**

4185 Blackhawk Plaza Circle, Suite 200  
Danville, CA 94506 (925) 648-8300

KITGY INC. 2012-0099 February 28, 2013  
2012-0103

**KTGY**  
Group, Inc.  
Architecture+Planning  
580 Second St., Suite 200  
Oakland, CA 94607  
510.272.2810  
ktgy.com

**EXHIBIT** A278



0 2 4 8 16  
A3.2

PLAN 3 CRAFTSMAN

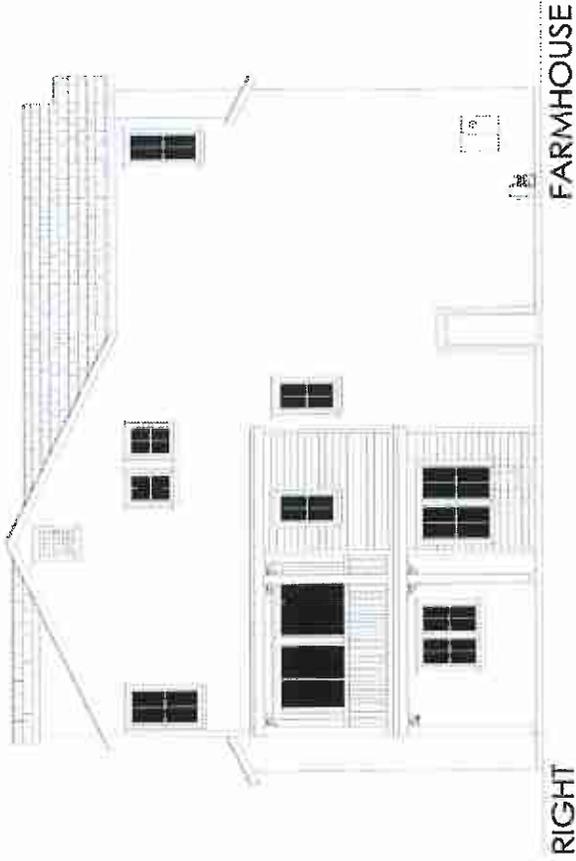
**Trumark Companies**  
4185 Blackhawk Place, Circle, Suite 200  
Danville, CA 94506 (925) 648-8300  
KTGY NO. 2012-0079 February 28, 2013

**Jones / Hamilton**  
Newark, Ca

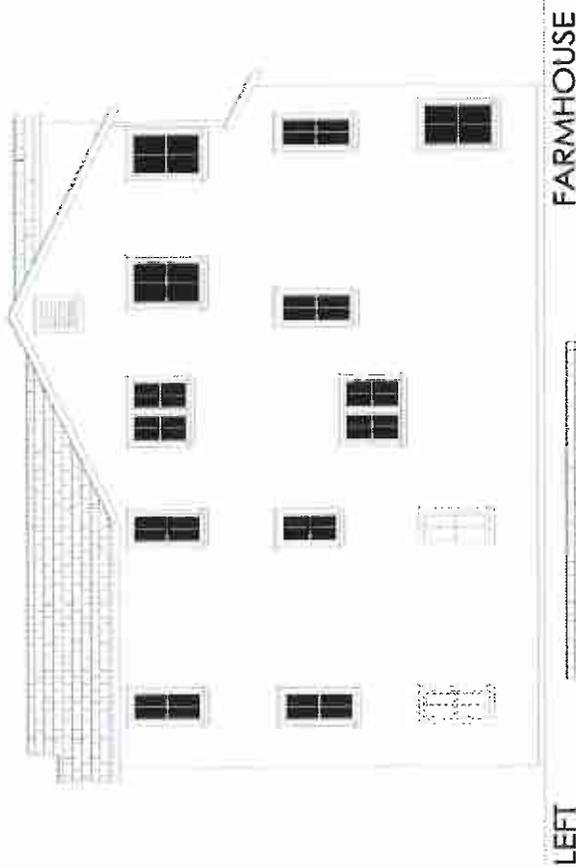
**KTGY Group, Inc.**  
Architecture+Planning  
880 Second St., Suite 200  
Oakland, CA 94607  
510.272.2910  
ktgy.com



**EXHIBIT** A3.2



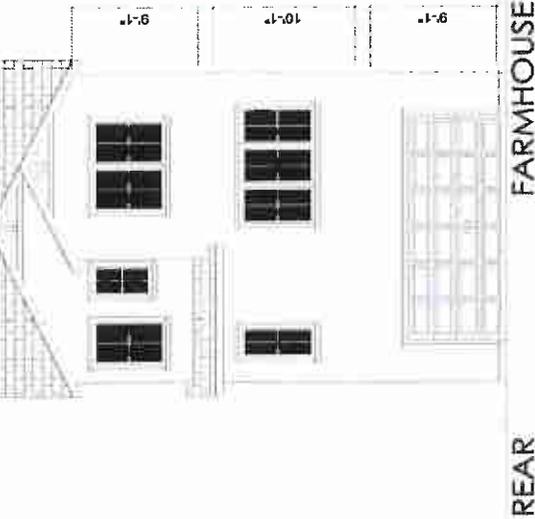
FARMHOUSE



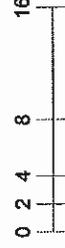
FARMHOUSE

LEFT

RIGHT



ROOF PLAN



A3.3

**Trumark Companies**

4185 Bluehawk Plaza Circle, Suite 200  
Danville, CA 94506 (925) 648-8300

KTCY NO. 2012-0079  
2012-0103 February 24, 2013

FARMHOUSE

PLAN 3 FARMHOUSE

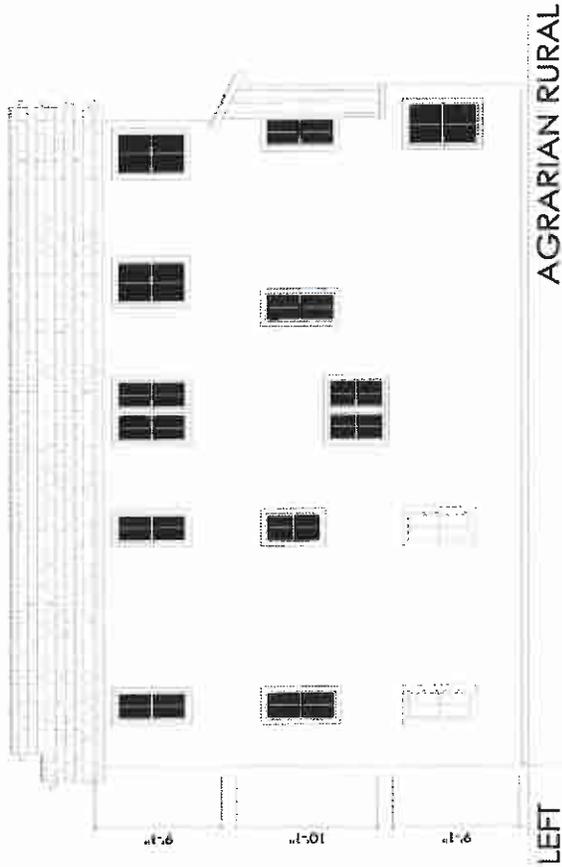
**Jones / Hamilton**

Newark, Ca

**KTCY Group, Inc.**  
Architecture/Planning  
580 Second St., Suite 200  
Oakland, CA 94607  
510.272.2910  
ktgy.com

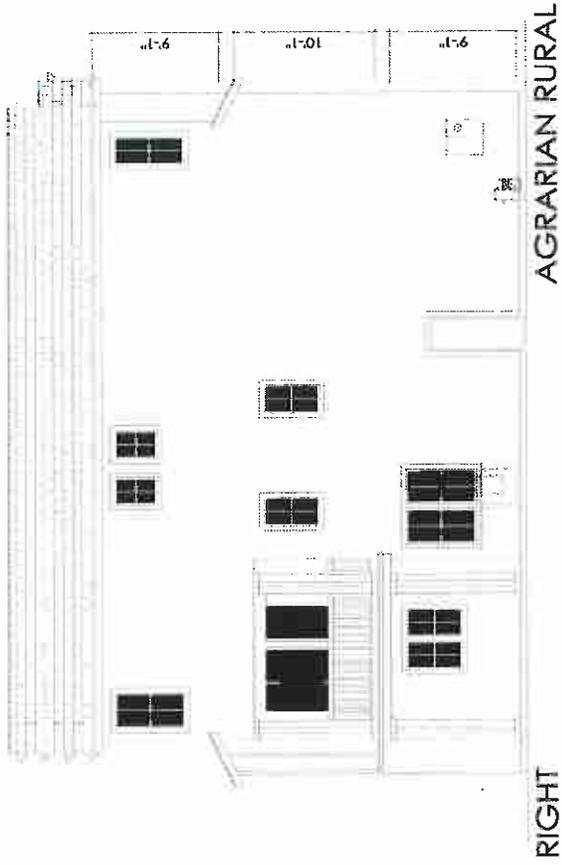


**EXHIBIT** A3.3



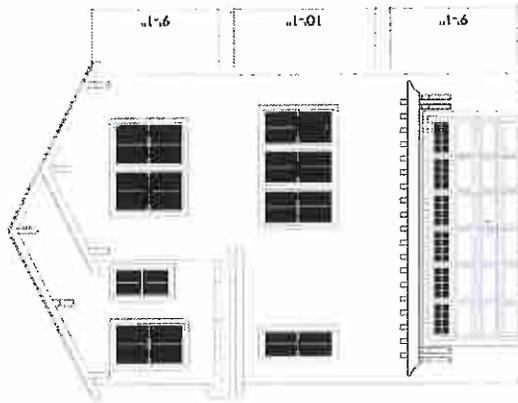
LEFT

AGRARIAN RURAL

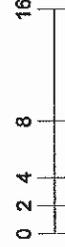


RIGHT

AGRARIAN RURAL



ROOF PLAN



A3.4

REAR AGRARIAN RURAL

PLAN 3 AGRARIAN RURAL

**Trumark Companies**

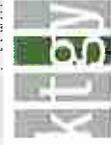
4185 Blackhawk Plaza Circle, Suite 200  
Danville, CA 94506 (925) 648-8300

KTGY NO. 2012-0079

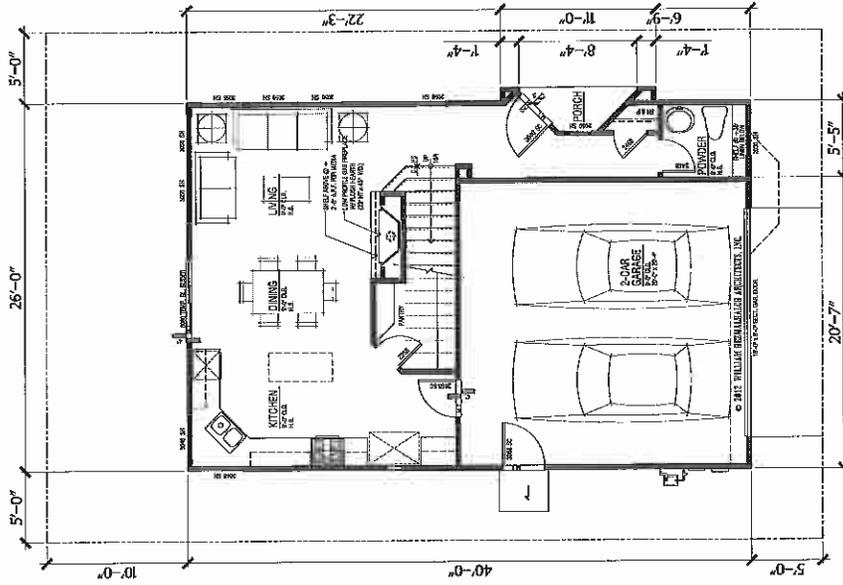
February 28, 2013

**Jones / Hamilton**  
Newark, Ca

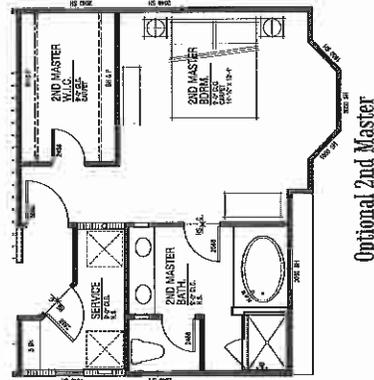
**KTGY Group, Inc.**  
Architecture+Planning  
880 Second St., Suite 200  
Caldwell, CA 94607  
510.272.2510  
ktgy.com



**EXHIBIT** A3.4



First Level: 550 SF



Optional 2nd Master

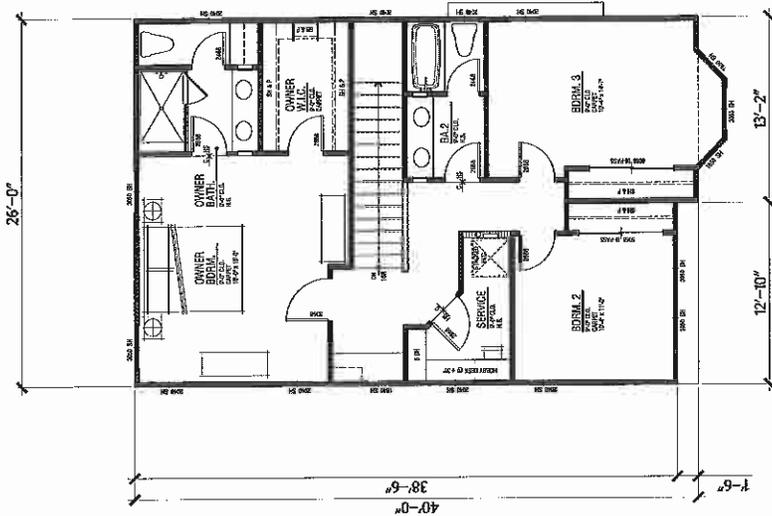
# Plan 1

Elevation A

- Total: 1,509 SF
- Garage: 423 SF
- 3 Bdrm / 2 1/2 Ba
- 2 Car Garage

## Dumbarton - T.O.D.

Product B  
Newark, CA  
Trumark Companies



Second Level: 959 SF



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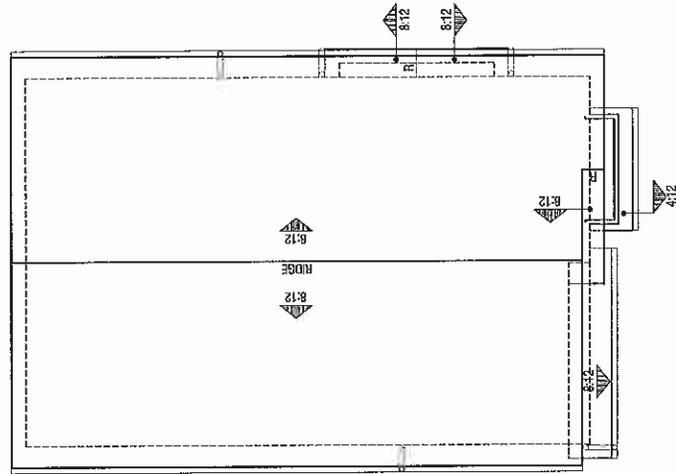


**WILLIAM HEZVALACH**  
ARCHITECTS  
1000 UNIVERSITY AVENUE, SUITE 1000  
NEWARK, CA 94662  
TEL: 510.241.1175  
WWW.HEZVALACH.COM

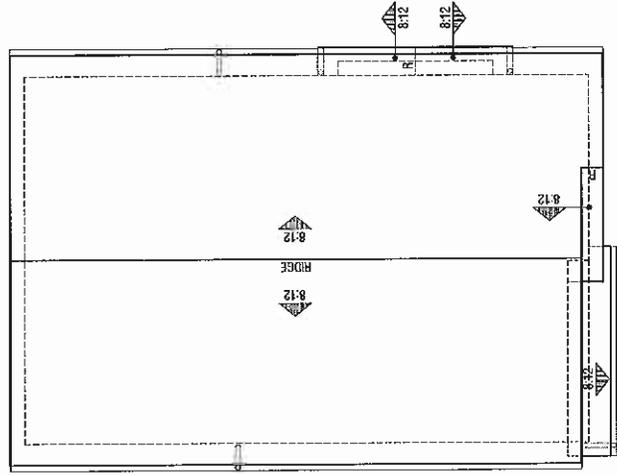
February 21, 2012

4.1

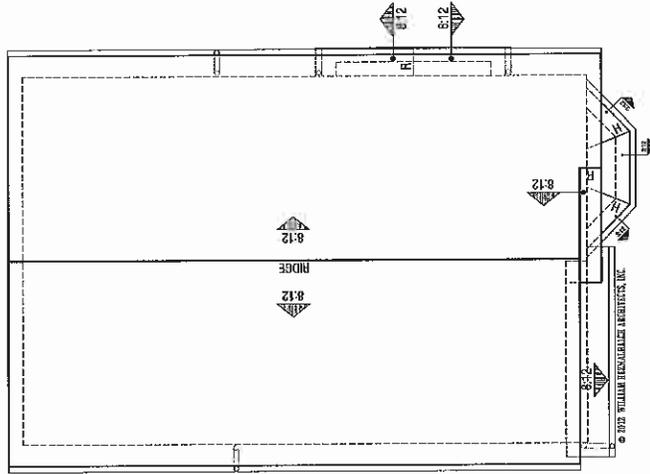
**EXHIBIT A** *Ap32*



Elevation A



Elevation B



Elevation C



**Plan 1**  
 Roof Plans  
**Dumbarton - T.O.D.**  
 Product B  
 Newark, CA  
 Trumark Companies

WILLIAM HICKMAN & ASSOCIATES, INC.  
 ARCHITECTS  
 3111 PALMVIEW AVENUE, SUITE 100, NEWARK, CA 94568  
 TEL: 925.252.4200 FAX: 925.252.4202  
 WWW.WHICKMAN.COM

February 21, 2012  
**4.2**

**EXHIBIT A**  
 P33



Elevation C



Elevation B



Elevation A



**Plan 1**  
 Front Elevations  
**Dumbarton - T.O.D.**  
 Product B  
 Newark, CA  
 Truemark Companies

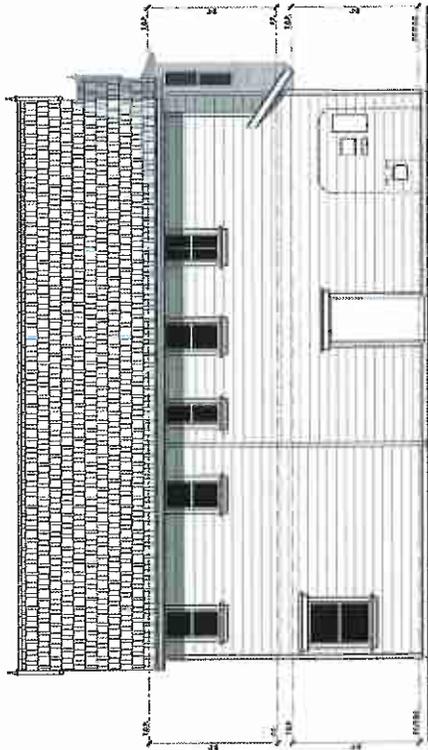
**WILLIAM HERMANHARCH  
 ARCHITECTS, INC.**  
 811 POLAR DRIVE, SUITE 200, NEWARK, CA 94568  
 TEL: 925.259.2000 FAX: 925.259.2005  
 WWW.WHARCHITECTS.COM

February 21, 2012

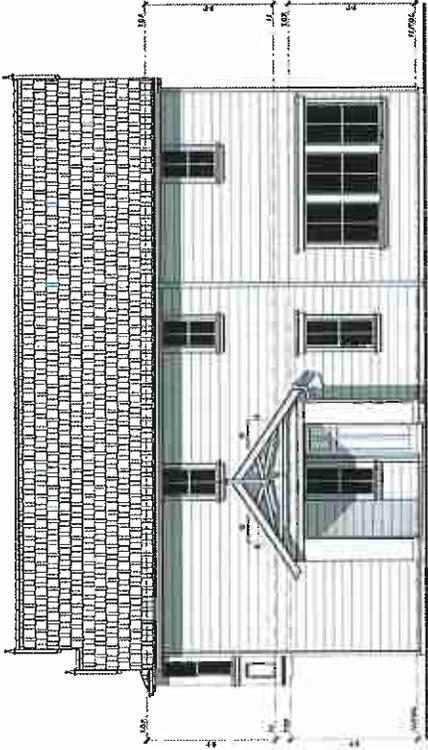
4.3

2011090 Dumbarton - T.O.D. Newark, CA

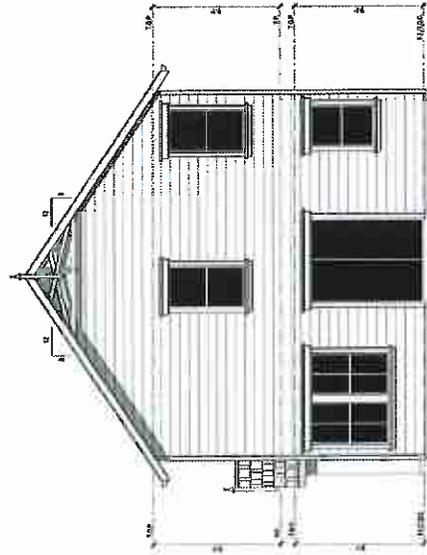
**EXHIBIT** AP34



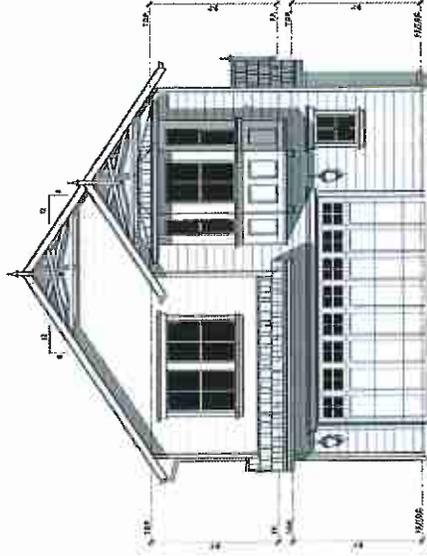
Left Elevation



Right Elevation

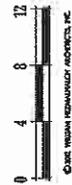


Rear Elevation



Front Elevation

**Plan 1**  
 Elevation A  
**Dumbarton - T.O.D.**  
 Product B  
 Newark, CA  
 TruMark Companies

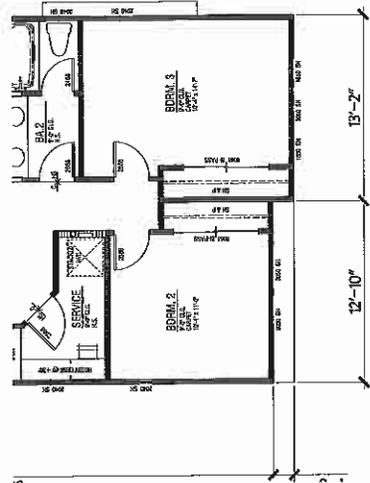


**WILLIAM HEDZUMACH**  
 ARCHITECTS, P.C.  
 611 POLARIS DRIVE  
 NEWARK, CA 94568  
 TEL: 925.251.1234  
 FAX: 925.251.1235  
 WWW.WHARCHITECTS.COM

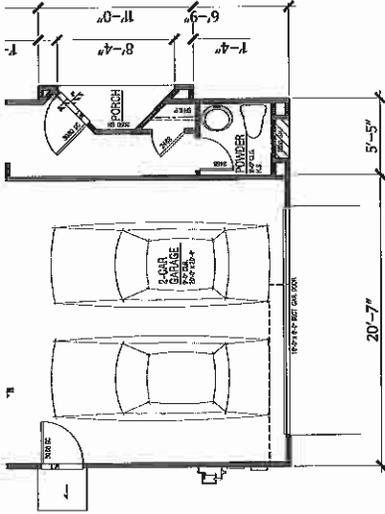
February 21, 2012
4.4

EXHIBIT

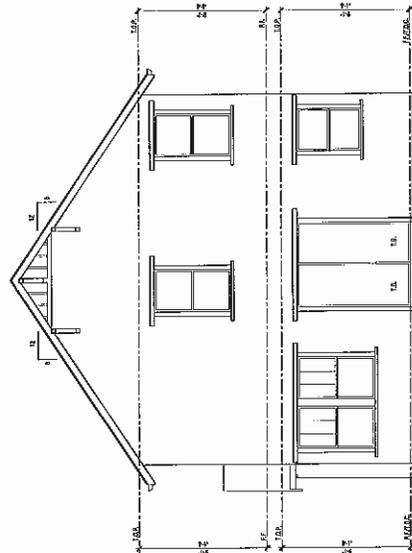
AP35



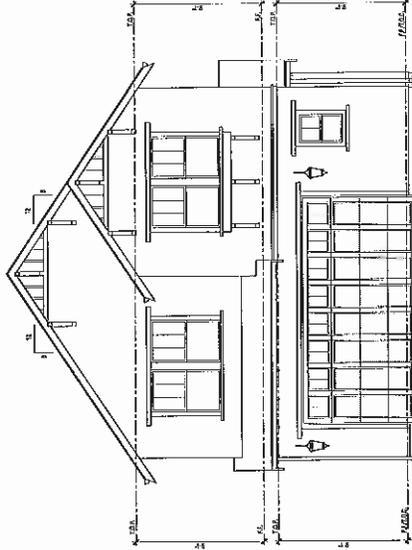
Partial Upper Plan  
@ Elevation B



Partial Lower Plan  
@ Elevation B



Rear Elevation



Front Elevation

# Plan 1

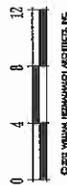
Elevation B

## Dumbarton - T.O.D.

Product B

Newark, CA

Trumark Companies

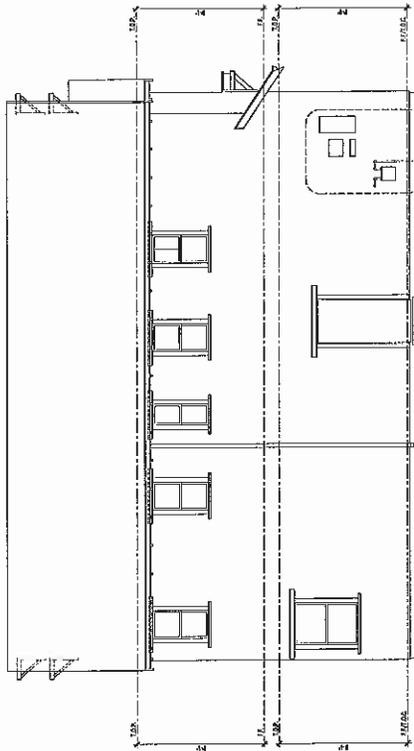


**WILLIAM HEZVALHACH**  
ARCHITECTS, INC.  
1111 DUMMINGTON ROAD, SUITE 200, NEWARK, CA 94568  
TEL: 925.482.1772 FAX: 925.482.1778  
WWW.HEZVALHACH.COM

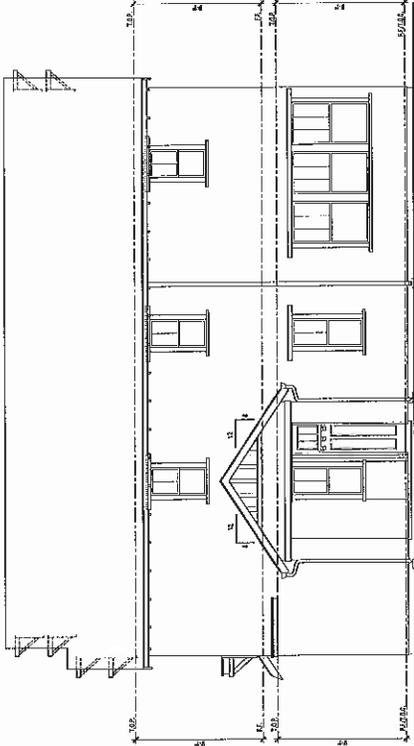
February 21, 2012

4.5

**EXHIBIT** Ap36



Left Elevation



Right Elevation

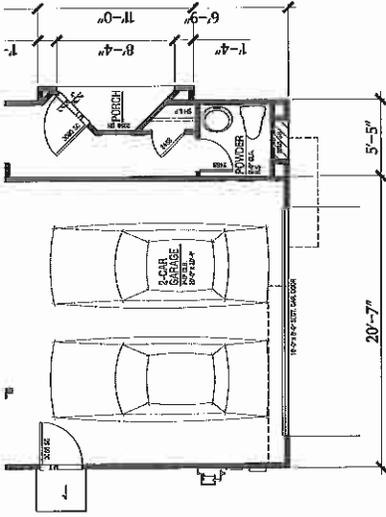


**Plan 1**  
 Elevation B  
**Dumbarton - T.O.D.**  
 Product B  
 Newark, CA  
 Trumark Companies

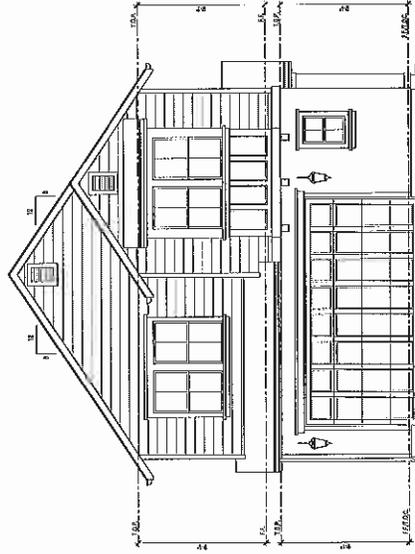
WILLIAM HERMATHALCH  
 ARCHITECTS  
 400 CALIFORNIA STREET, SUITE 200  
 NEWARK, CA 94560  
 TEL: 925.455.1728  
 FAX: 925.455.1729  
 WWW.WHARCHITECTS.COM

February 21, 2012  
**4.5.1**

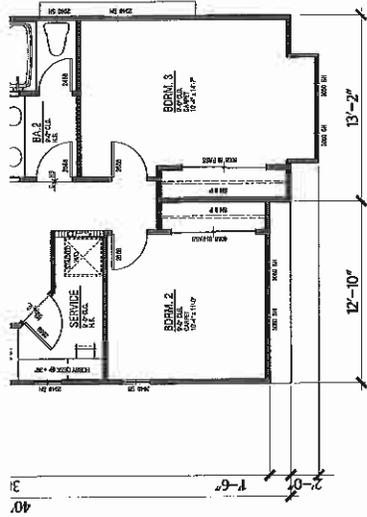
**EXHIBIT**  
 A-237



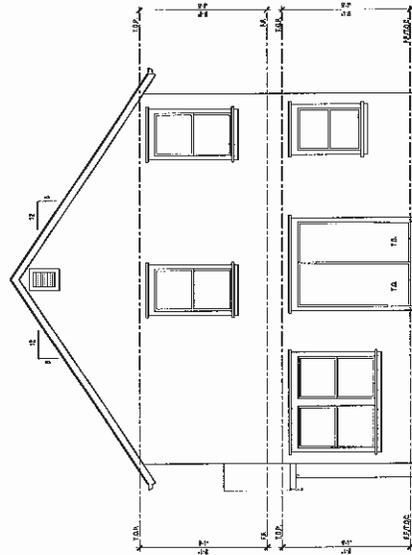
Partial Lower Plan  
@ Elevation C



Front Elevation



Partial Upper Plan  
@ Elevation C



Rear Elevation

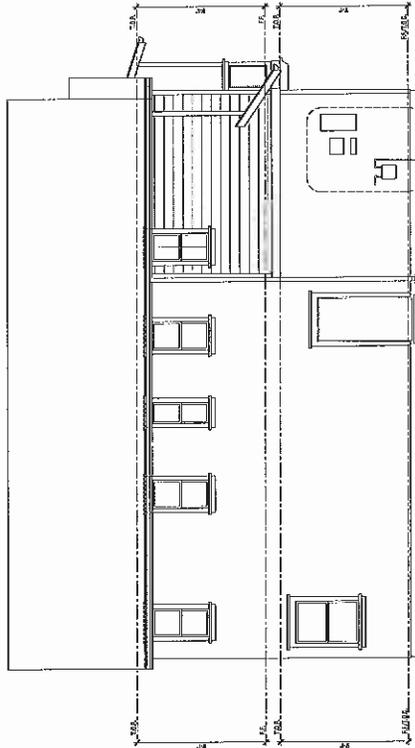
February 21, 2012	4.6
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WILLIAM HENNING  
ARCHITECTS, INC.  
111 HAZARD DRIVE, SUITE 200, NEWARK, CA 94560  
TEL: 925.252.2000 FAX: 925.252.2001  
WWW.WHAMHARCHITECTS.COM

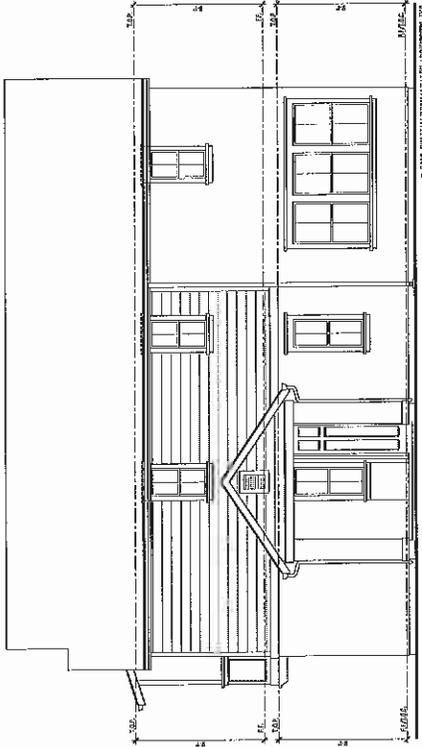
**Plan 1**  
Elevation C  
**Dumbarton - T.O.D.**  
Product B  
Newark, CA  
Trumark Companies



**EXHIBIT A**  
A<sub>238</sub>



Left Elevation



Right Elevation

# Plan 1

Elevation C

## Dumbarton - T.O.D.

Product B  
Newark, CA

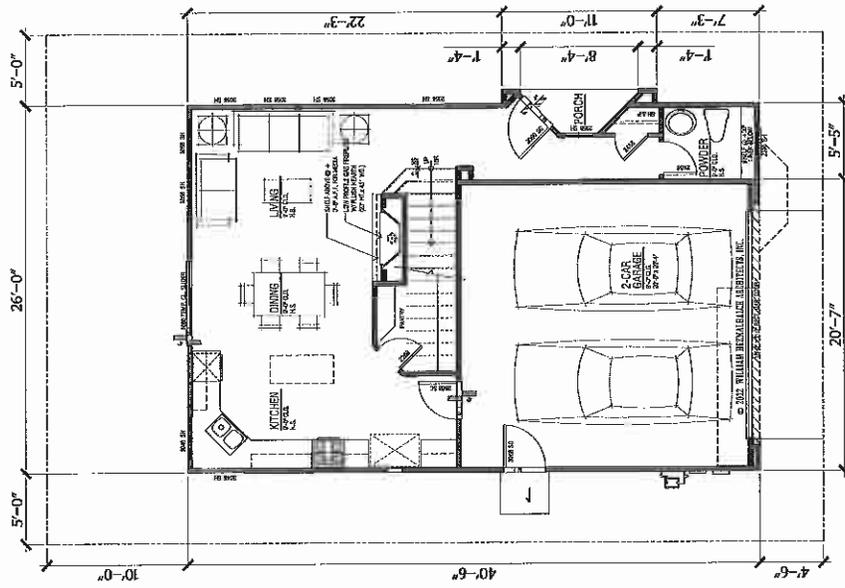
Trumark Companies



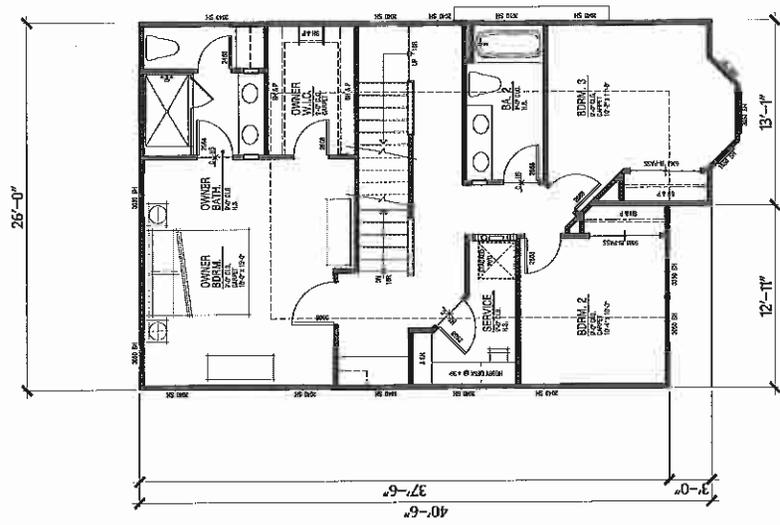
February 21, 2012
4.6.1

**W**  
**WILLIAM HEZVALHALCH**  
 ARCHITECTS  
 111 CALIFORNIA STREET, SUITE 1000  
 SAN FRANCISCO, CA 94111  
 TEL: 415.774.2500 FAX: 415.774.2501  
 WWW.HEZVALHALCH.COM

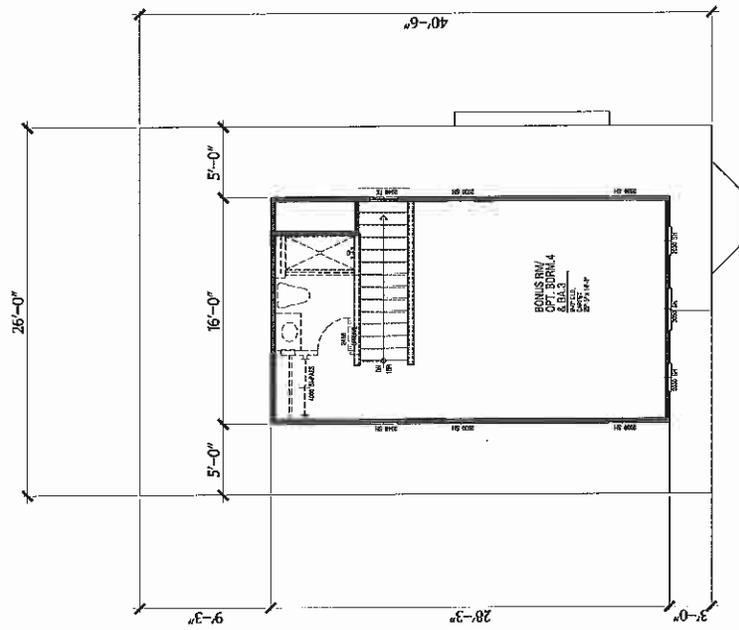
EXHIBIT A 239



First Level: 550 SF



Second Level: 954 SF



Third Level: 394 SF

# Plan 1X

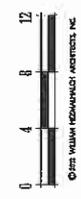
Elevation A

Total: 1,898 SF  
Garage: 423 SF

3 Bdrm / Bonus Rm / 2 1/2 Ba  
2 Car Garage

## Dumbarton - T.O.D.

Product B  
Newark, CA  
Trumark Companies



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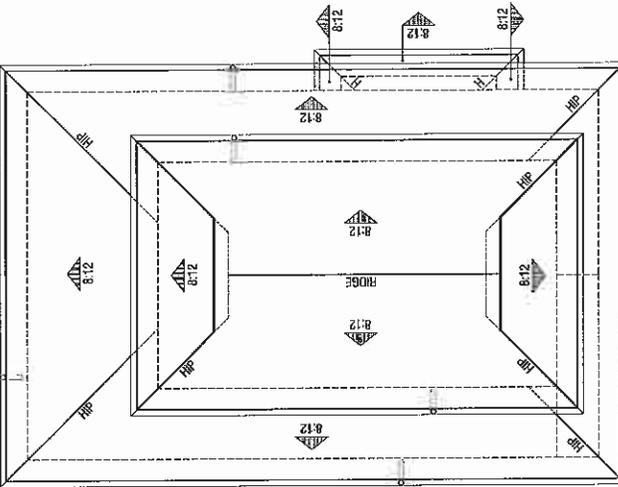


**WILLIAM HEZVALHALCH**  
ARCHITECTS, INC.  
4111 BELLEVUE AVENUE SUITE 400 SAN ANTONIO TEXAS 78209  
254.582.1700 FAX 254.582.1725  
254.582.1701 FAX 254.582.1725  
254.582.1707 FAX 254.582.1725  
www.hezvalhalch.com TX 04 254 582 1700

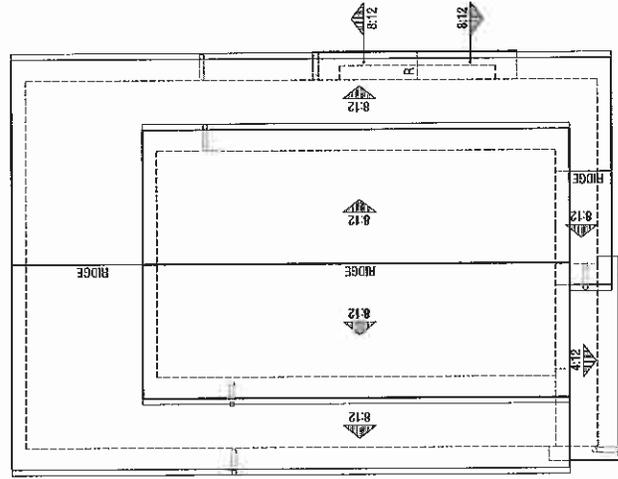
February 21, 2012

5.1

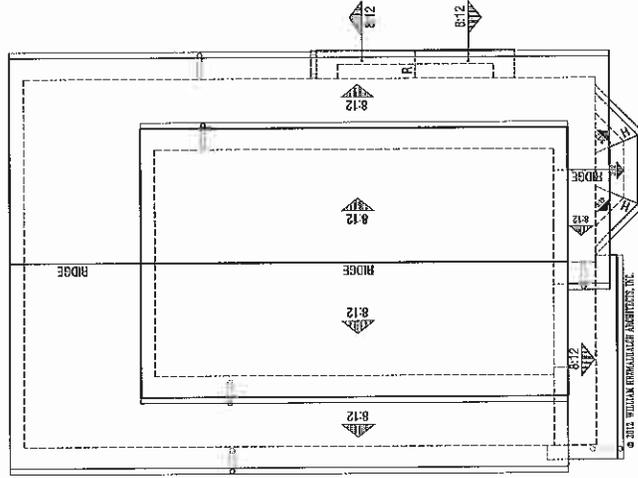
**EXHIBIT A-40**



Elevation C



Elevation B



Elevation A



# Plan 1X

Roof Plans

## Dumbarton - T.O.D.

Product B

Newark, CA

Trumark Companies

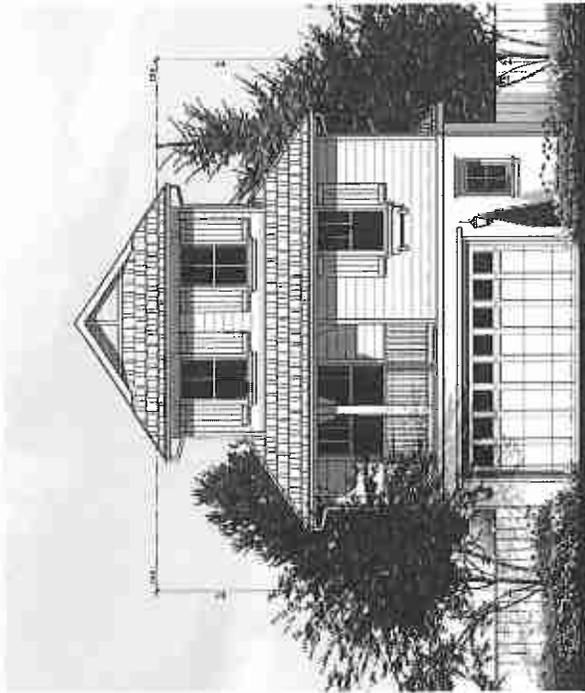


WILLIAM HENNINGLICH  
ARCHITECTS, INC.  
1111 KULLBACK DRIVE, SUITE 200, SAN ANTONIO, TEXAS 78203  
TEL: 214.445.1770 FAX: 214.445.1752  
WWW.WILLIAMHENNINGLICH.COM

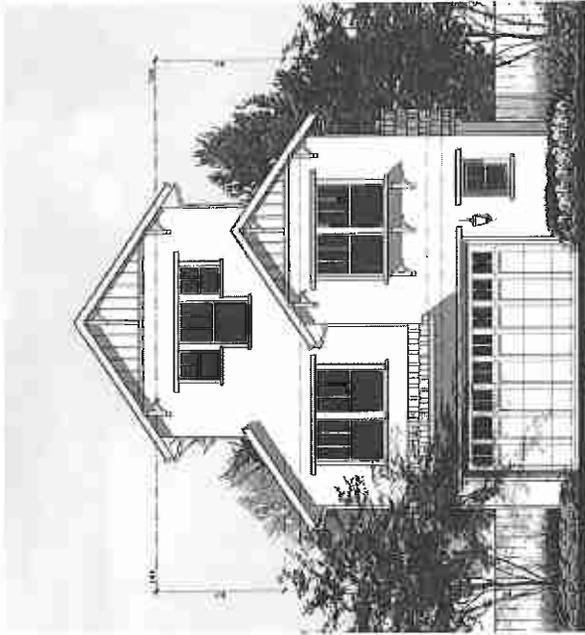
February 21, 2012

5.2

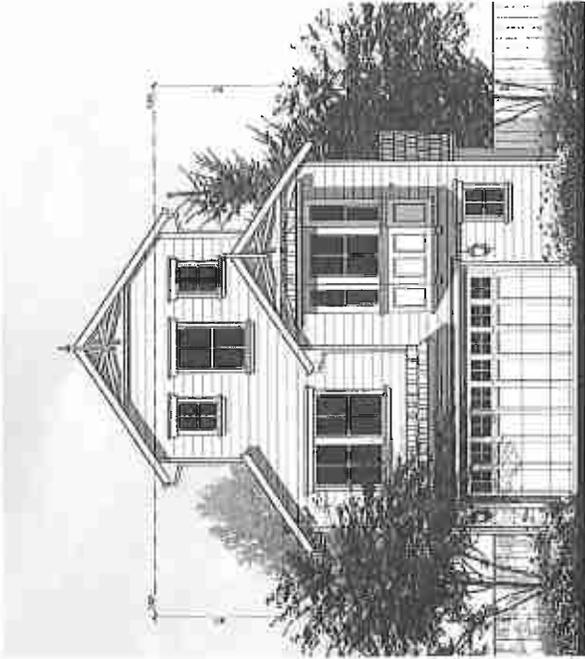
EXHIBIT A-241



Elevation C



Elevation B



Elevation A

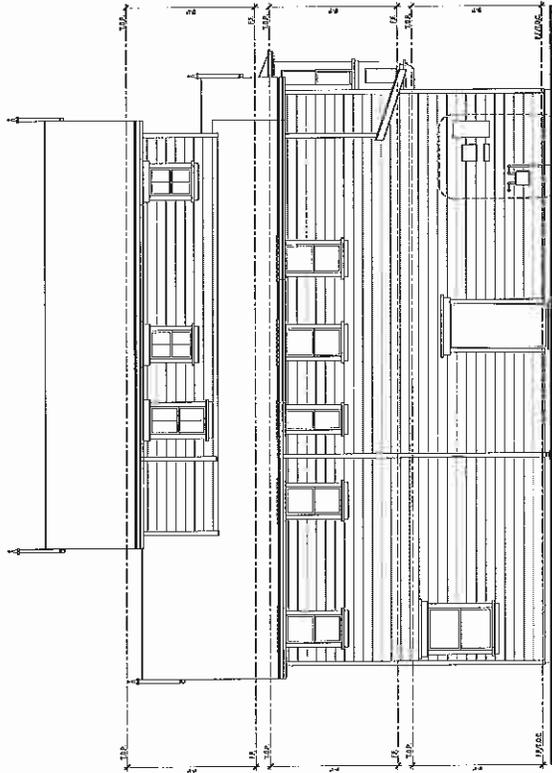


**Plan 1X**  
 Front Elevations  
**Dumbarton - T.O.D.**  
 Product B  
 Newark, CA  
 TruMark Companies

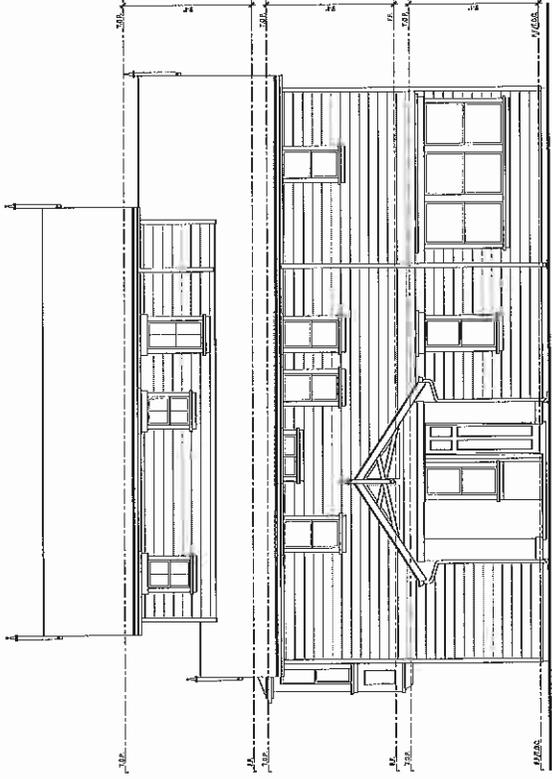
**W**  
 WILLIAM HERMHALCH  
 ARCHITECTS INC.  
 252 4th Ave.  
 NEWARK, NJ 07102  
 TEL: 973.261.1100  
 FAX: 973.261.1101  
 WWW.WHARCHITECTS.COM

February 27, 2012  
**5.3**

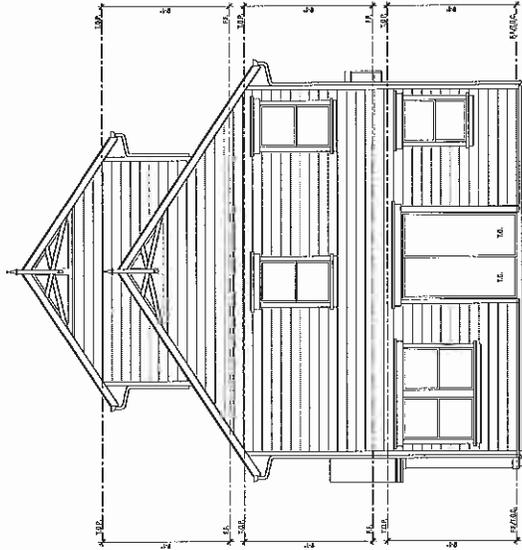
**EXHIBIT** Apr 12



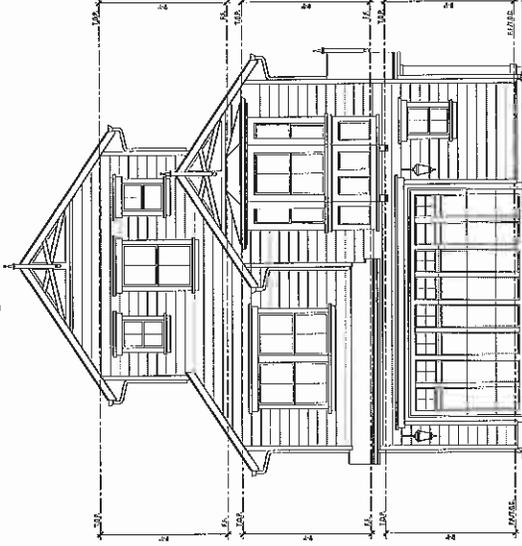
Left Elevation



Right Elevation



Rear Elevation



Front Elevation

# Plan 1X

Elevation A

## Dumbarton - T.O.D.

Product B  
Newark, CA

Trumark Companies

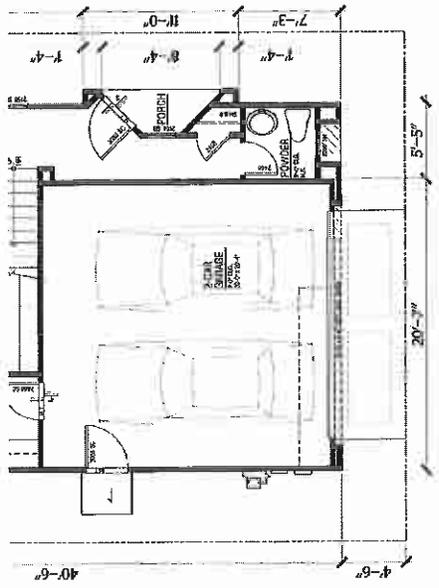


WILLIAM HERZMACHALCH  
ARCHITECTS, INC.  
1100 AMESBURY ROAD, SUITE 400  
NEWARK, CA 94560  
TEL: 925.487.1755  
FAX: 925.487.1756  
WWW.WILLIAMHERZMACHALCH.COM

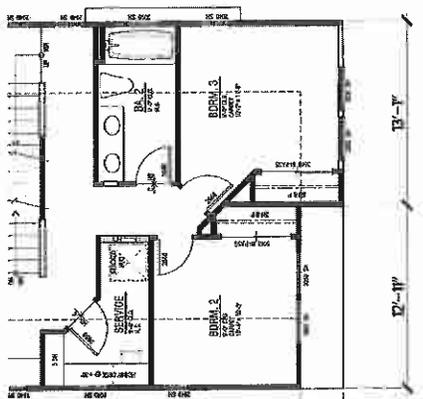
February 21, 2012

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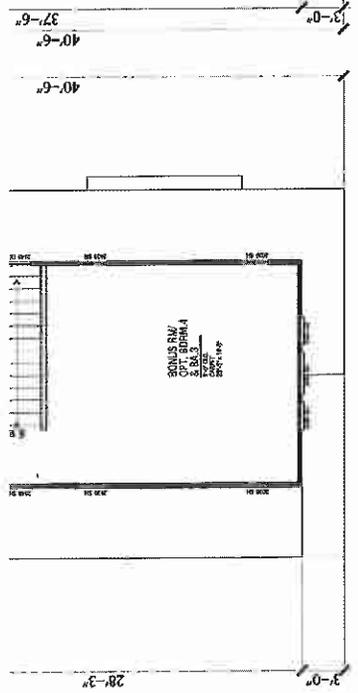
EXHIBIT A<sub>43</sub>



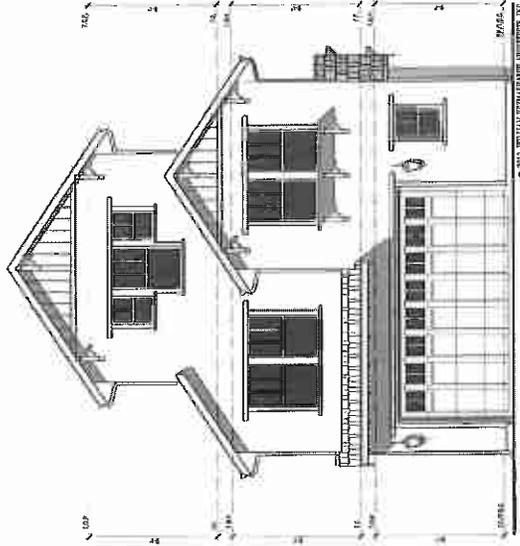
Partial First Level Plan  
@ Elevation B



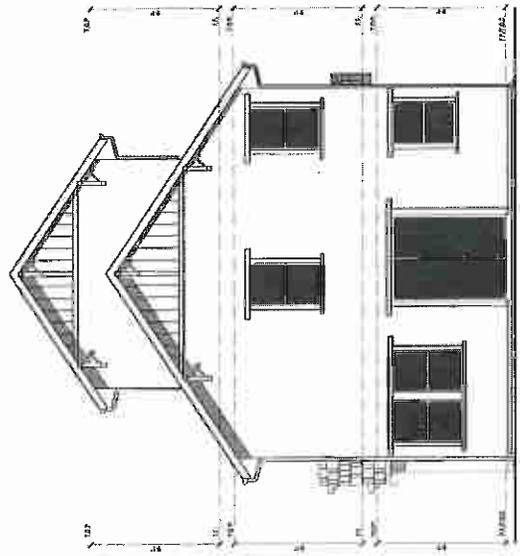
Partial Second Level Plan  
@ Elevation B



Partial Third Level Plan  
@ Elevation B



Front Elevation

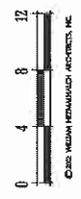


Rear Elevation

**Plan 1X**  
Elevation B  
**Dumbarton - T.O.D.**  
Product B  
Newark, CA  
Truemark Companies

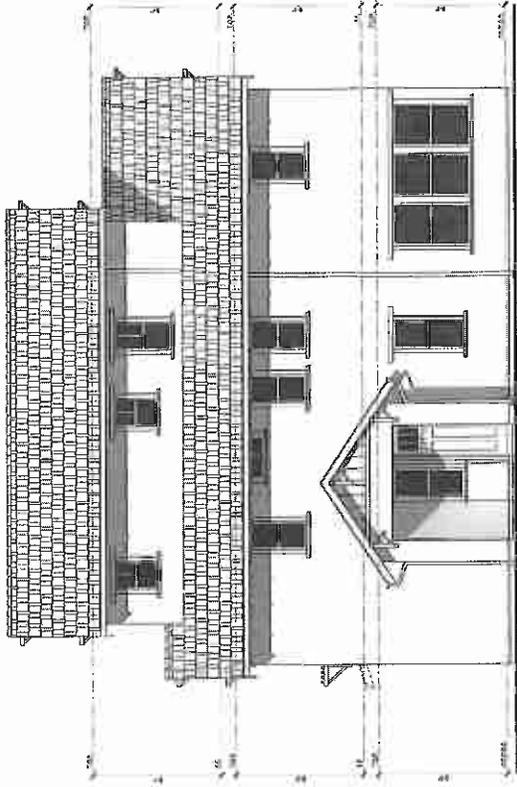
February 21, 2012
5.5

**W**  
WILLIAM HERVALHALCH  
S. F. H. ARCHITECTS  
A PROFESSIONAL CORPORATION  
255 WALLINGFORD AVENUE, SUITE 100  
NEWARK, CALIFORNIA 94560  
PH: 925.251.7500 FAX: 925.251.7502

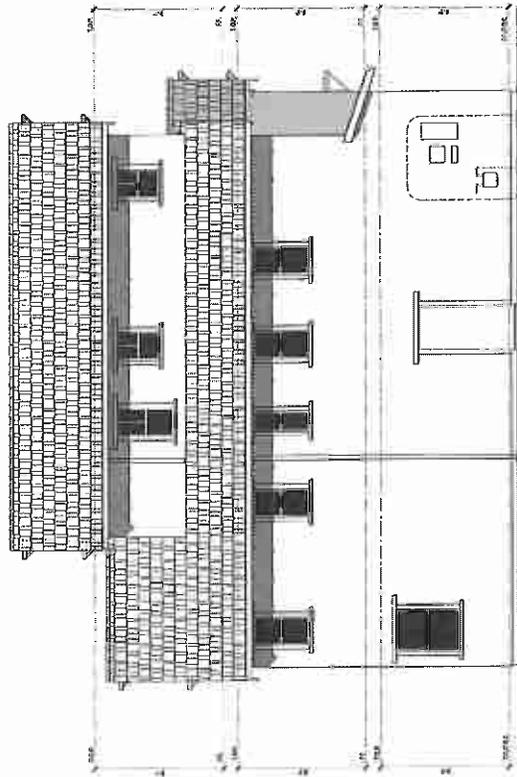


EXHIBIT

APPY



Right Elevation



Left Elevation

# Plan 1X

Elevation B  
**Dumbarton - T.O.D.**  
 Product B  
 Newark, CA  
 Truemark Companies

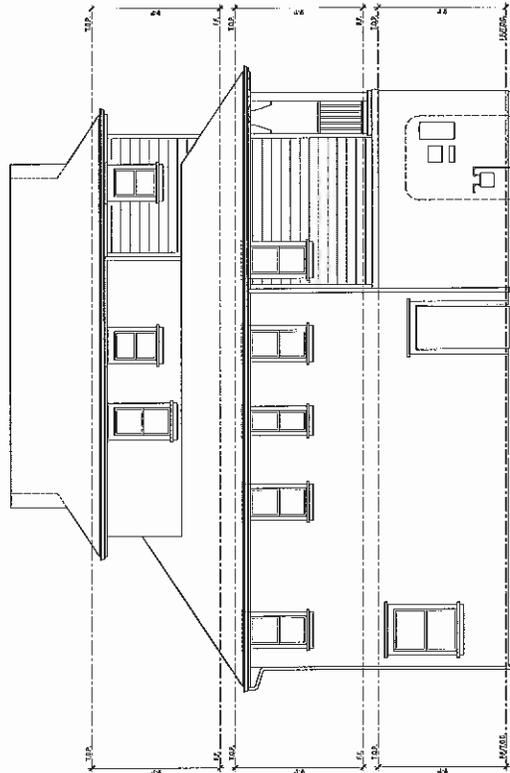


WILLIAM HENNINGSHOF ARCHITECTS, INC.  
 1111 CALIFORNIA STREET, SUITE 200  
 NEWARK, CALIFORNIA 94560  
 TEL: 925.251.1000 FAX: 925.251.1005  
 WWW.HENNINGSHOF.COM

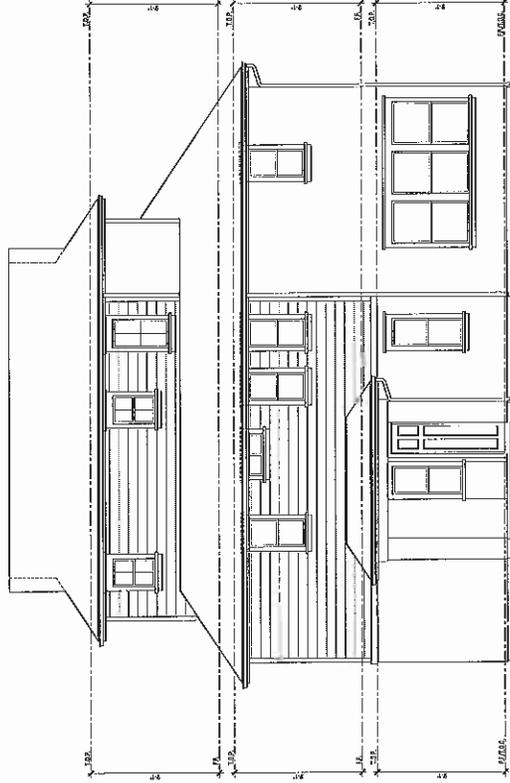
February 21, 2012  
**5.5.1**

**EXHIBIT A**  
 AP45





Left Elevation



Right Elevation

# Plan 1X

Elevation C  
**Dumbarton - T.O.D.**  
 Product B  
 Newark, CA  
 Trumark Companies

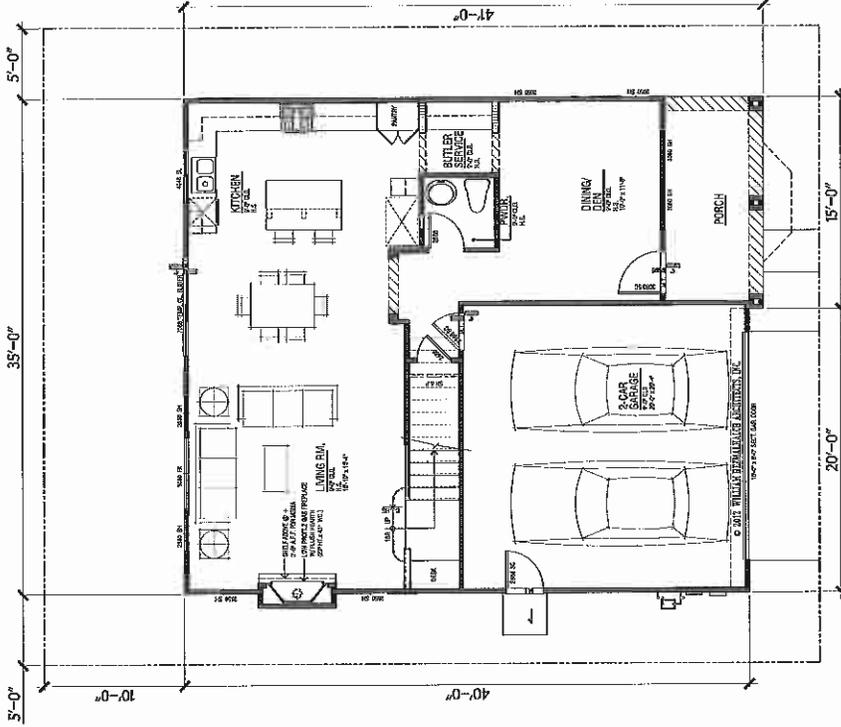


WILLIAM HERZALICH  
 ARCHITECTS  
 1000 UNIVERSITY AVENUE, SUITE 400  
 NEWARK, CA 94701  
 TEL: 949.452.7225  
 FAX: 949.452.7225  
 WWW.WILLIAMHERZALICH.COM

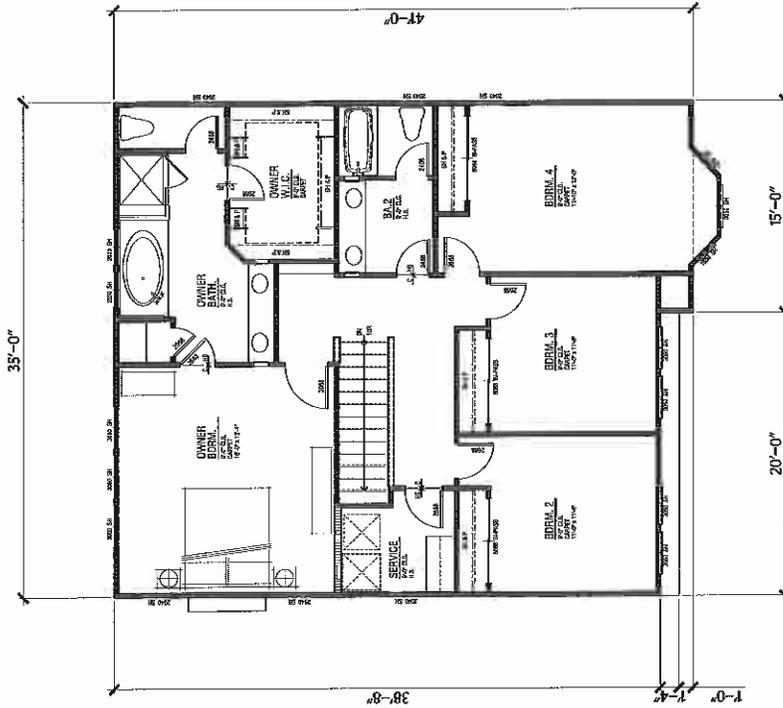
February 21, 2012

5.6.1

**EXHIBIT** A-17



First Level: 895 SF



Second Level: 1,304 SF

## Plan 2

Elevation A

Total: 2,199 SF

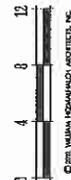
Garage: 424 SF

4 Bdrm / Dining/Deen / 2 1/2" Ba  
2 Car Garage

## Dumbarton - T.O.D.

Product B  
Newark, CA

Trumark Companies



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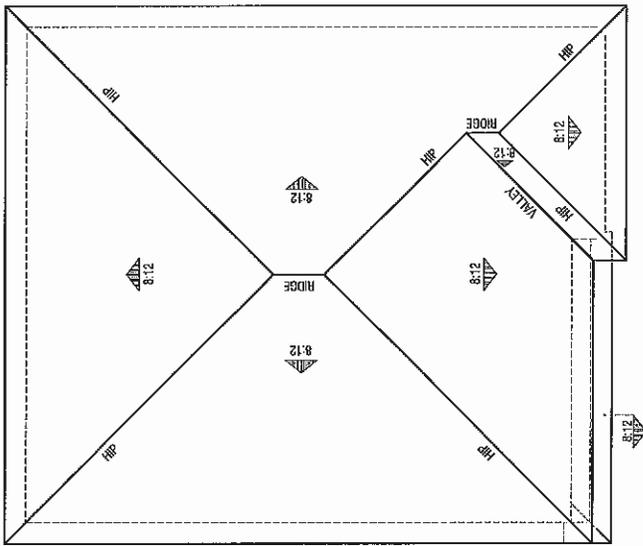


**WILLIAM HEZMALNICH**  
ARCHITECTS, INC.  
311 BELLEVUE AVENUE SUITE 400  
NEWARK, CA 94701  
TEL: 510.481.1125  
FAX: 510.481.1126  
WWW.WILLIAMHEZMALNICH.COM

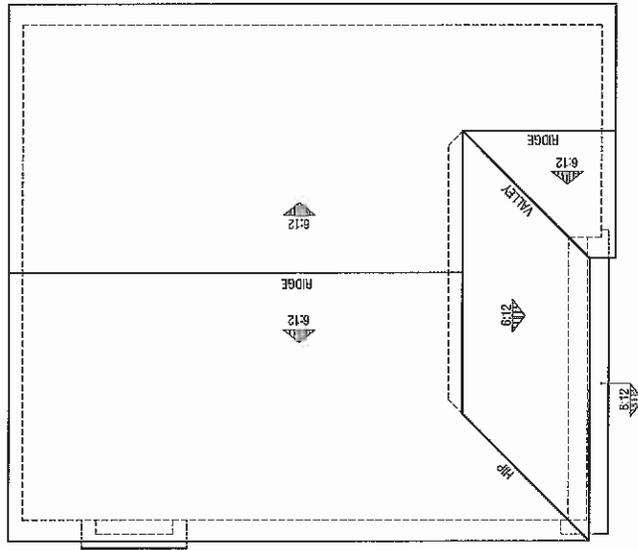
February 21, 2022

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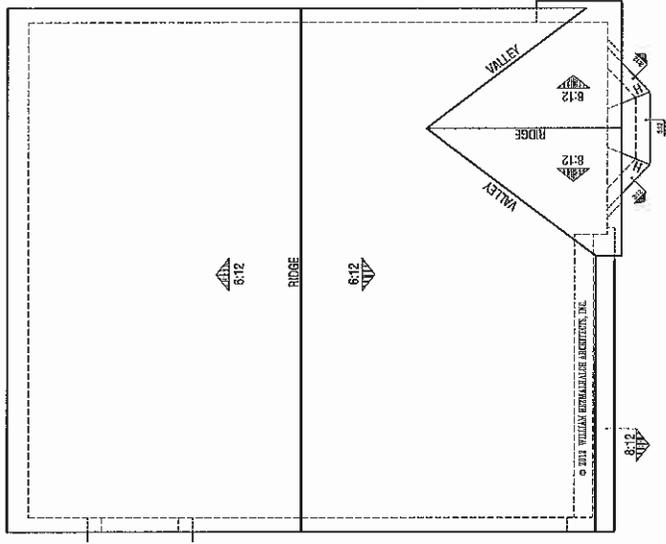
**EXHIBIT** Apt 8



Elevation C



Elevation B



Elevation A



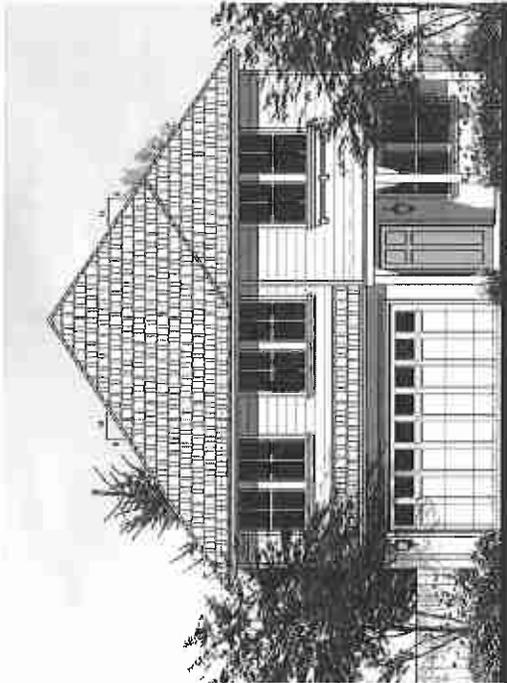
**Plan Z**  
Roof Plans  
**Dumbarton - T.O.D.**  
Product B  
Newark, CA  
Trumark Companies

**WILLIAM HENZELMACH ARCHITECTS**  
A B CORP  
1111 DUBLIN AVENUE, SUITE 200, SAN FRANCISCO, CA 94109  
415.774.2000  
www.henzelmach.com

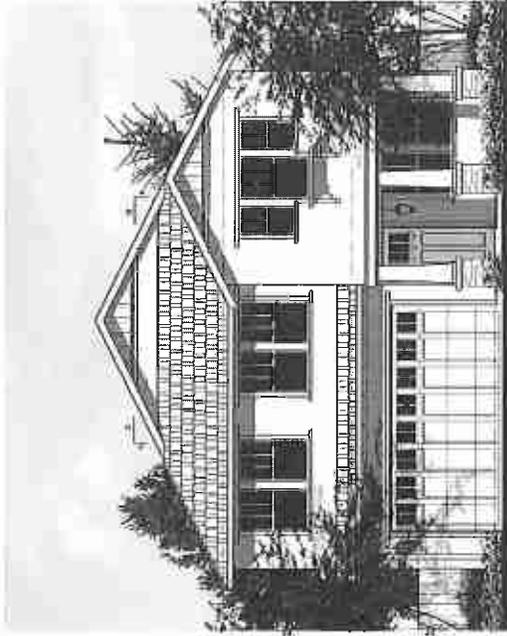
February 21, 2012

**6.2**

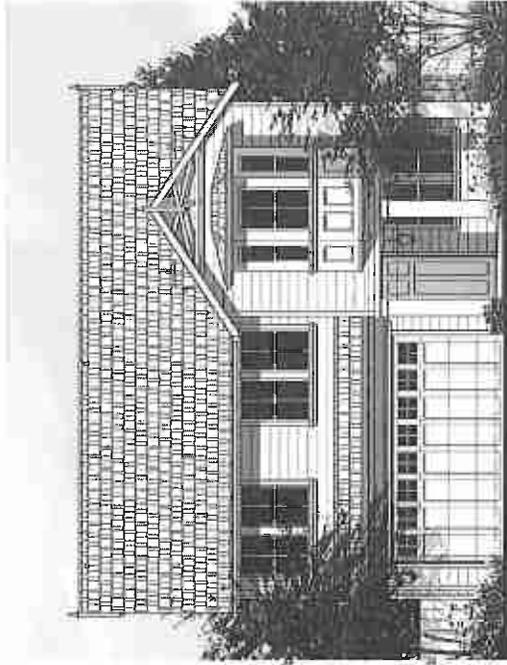
**EXHIBIT**  
Apt 19



Elevation C



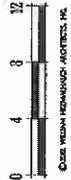
Elevation B



Elevation A

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**Plan 2**  
 Front Elevations  
**Dumbarton - T.O.D.**  
 Product B  
 Newark, CA  
 Trumark Companies



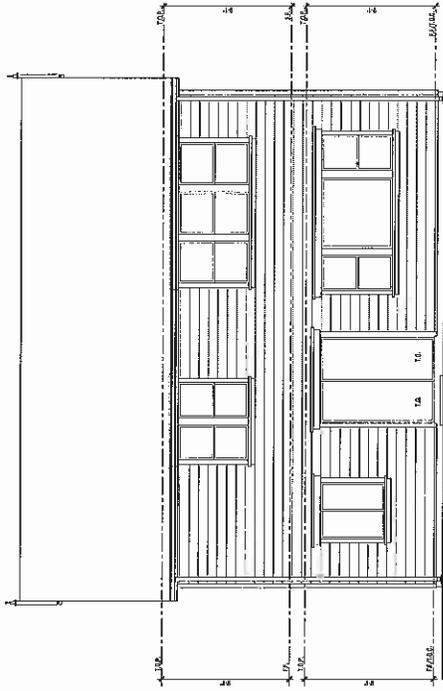
**WILLIAM HERZMACH**  
 ARCHITECTS  
 417 DUMBARTON DRIVE, SUITE 100  
 NEWARK, CA 94560  
 TEL: 925.251.1100  
 FAX: 925.251.1101  
 WWW.WILLIAMHERZMACH.COM

February 21, 2012

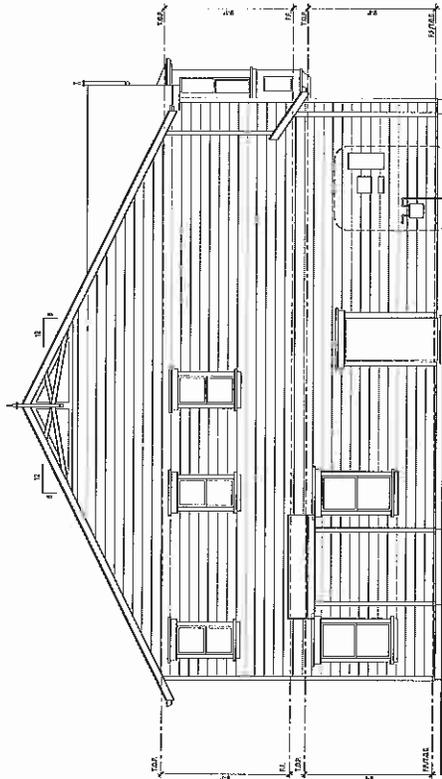
6.3

201109 Dumbarton - T.O.D. - Newark, CA

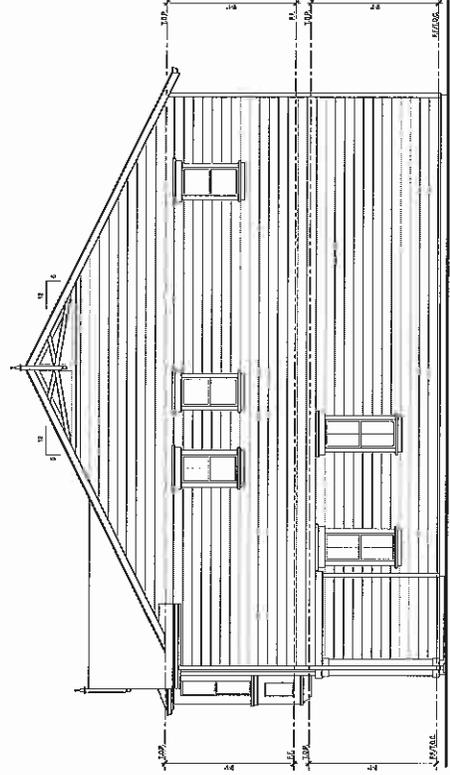
**EXHIBIT A** 750



Rear Elevation



Left Elevation



Right Elevation

Plan 2

Elevation A

Dumbarton - T.O.D.

Product B  
Newark, CA  
Trumark Companies



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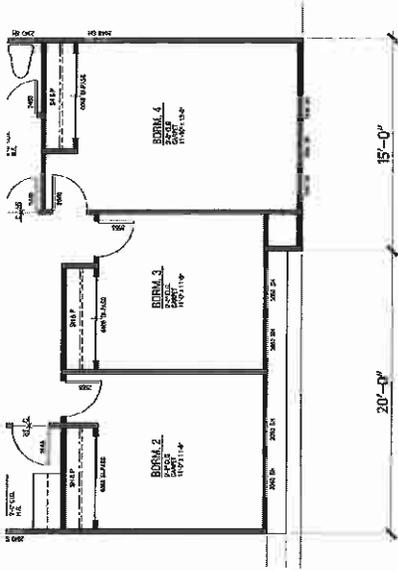


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ARCHITECTS, INC.  
111 BROADWAY, SUITE 200  
NEWARK, NJ 07102  
TEL: 973.261.1175  
WWW.REZVALACH.COM

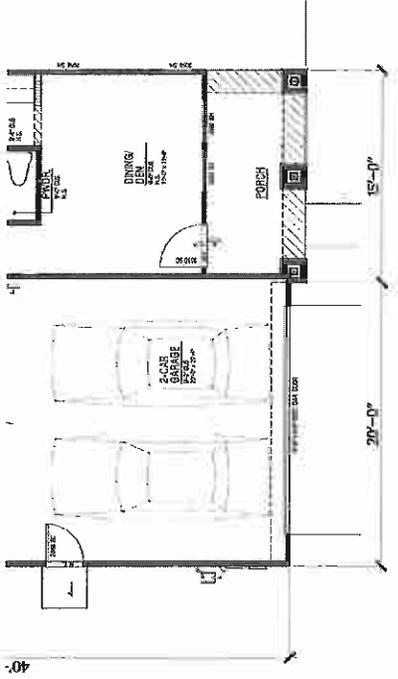
February 27, 2012

6.4

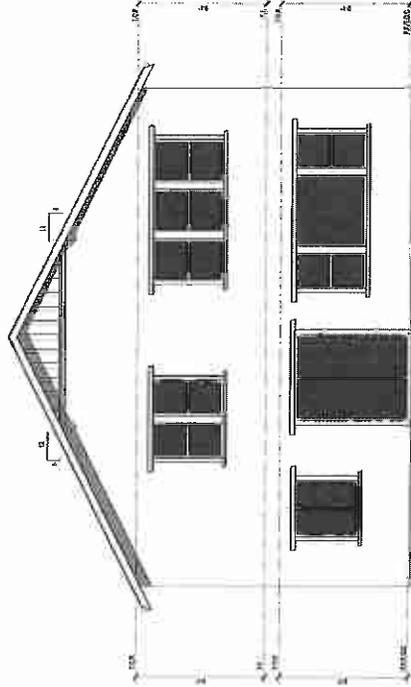
EXHIBIT A (PS)



Partial Upper Plan  
@ Elevation B



Partial Lower Plan  
@ Elevation B



Rear Elevation



Front Elevation

**Plan 2**  
Elevation B  
**Dumbarton - T.O.D.**  
Product B  
Newark, CA  
Trumark Companies

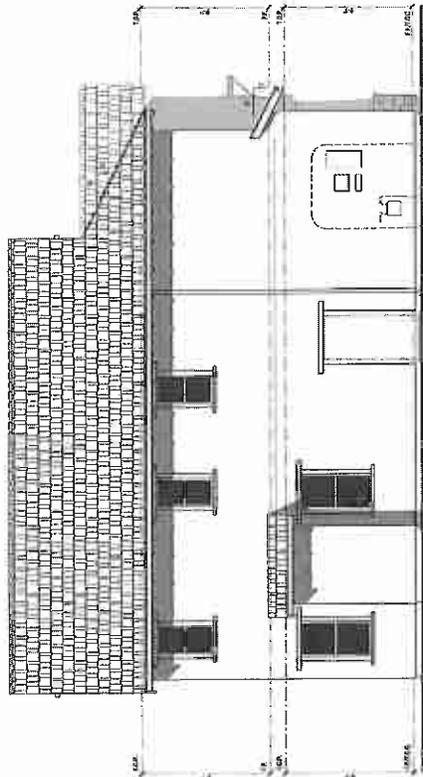


W  
WILLIAM HEZMALHALCH  
ARCHITECTS  
1100 CALIFORNIA STREET, SUITE 200  
NEWARK, CA 94560  
TEL: 925.437.1100  
WWW.WHARCHITECTS.COM

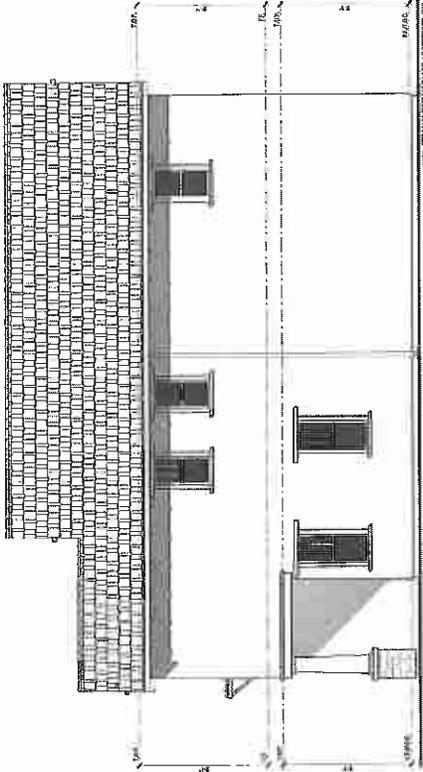
February 21, 2012

6.5

**EXHIBIT** A-252



Left Elevation



Right Elevation

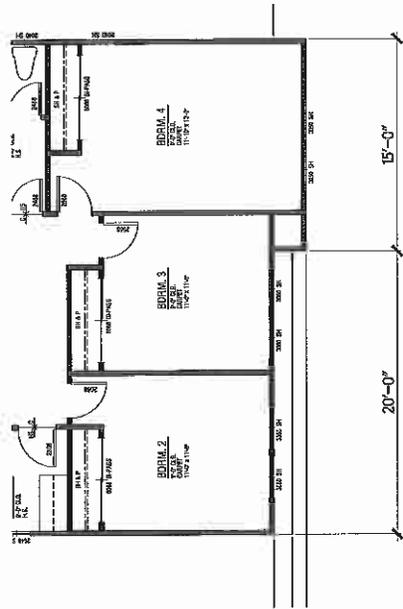


**Plan 2**  
 Elevation B  
**Dumbarton - T.O.D.**  
 Product B  
 Newark, CA  
 Trumark Companies

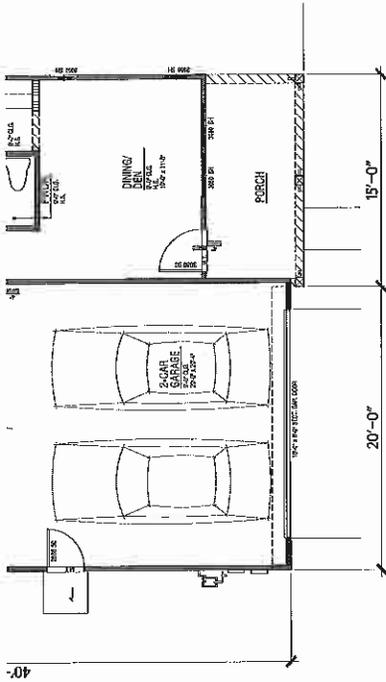
**W**  
 WILLIAM HERMHALCH  
 ARCHITECTS  
 1000 CALIFORNIA STREET, SUITE 200  
 NEWARK, CA 94560  
 TEL: 415.551.1000  
 FAX: 415.551.1001  
 WWW.WHARCHITECTS.COM

February 21, 2012  
**6.5.1**

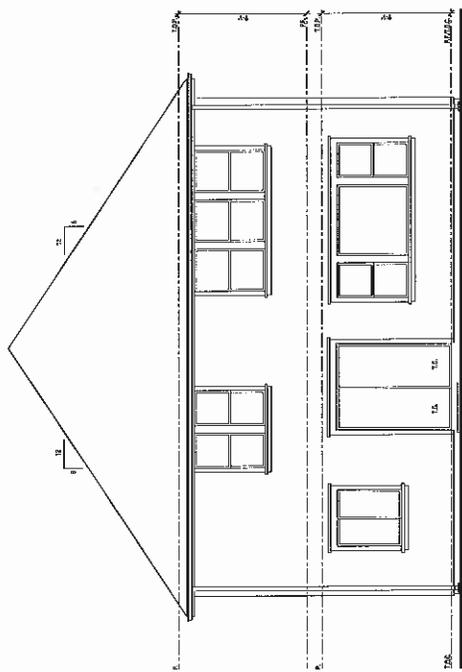
**EXHIBIT** AD53



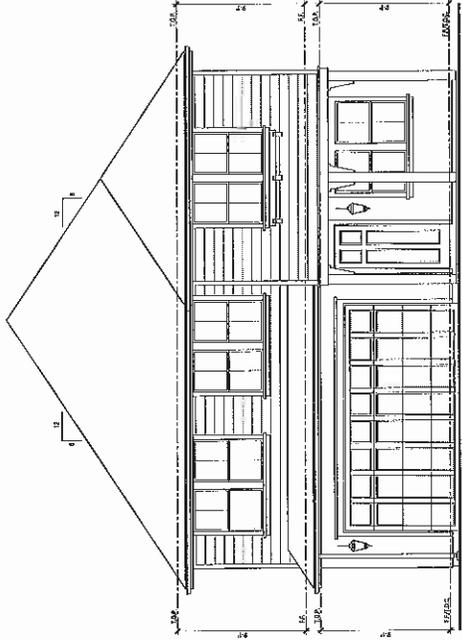
Partial Upper Plan  
@ Elevation C



Partial Lower Plan  
@ Elevation C



Rear Elevation



Front Elevation

**Plan 2**  
Elevation C  
**Dumbarton - T.O.D.**  
Product B  
Newark, CA  
Trumark Companies



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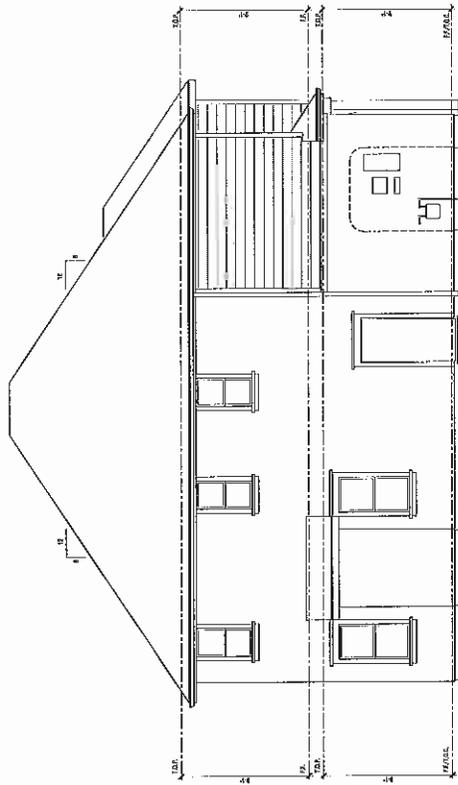


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1011 CALIFORNIA AVENUE, SUITE 100  
NEWARK, CA 94560  
TEL: 925.435.1275  
FAX: 925.435.1276  
WWW.WHARCHITECT.COM

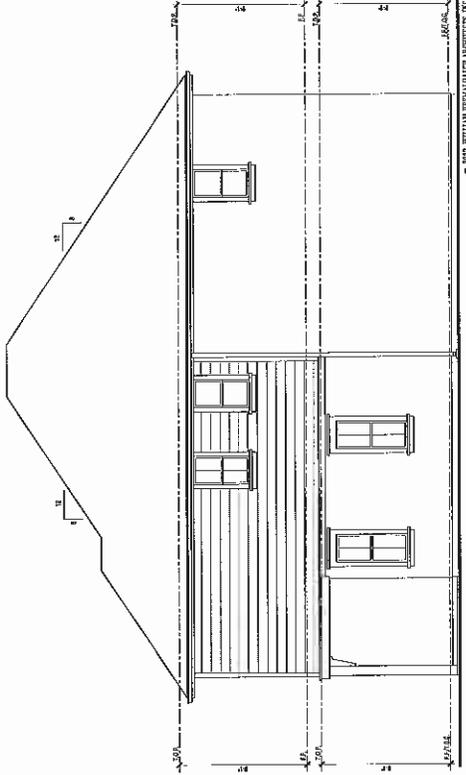
February 21, 2012

**6.6**

**EXHIBIT A** *DP54*



Left Elevation



Right Elevation



**Plan 2**  
 Elevation C  
**Dumbarton - T.O.D.**  
 Product B  
 Newark, CA  
 Trumark Companies

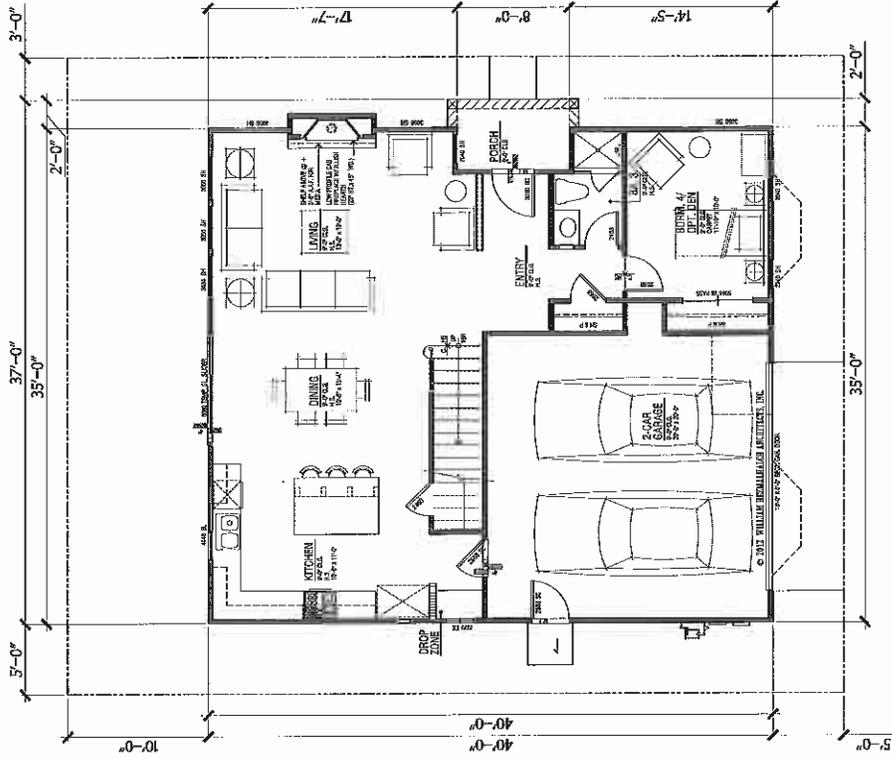


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 500 MARKET STREET, SUITE 400  
 NEWARK, CA 94701  
 TEL: 510.465.1725  
 FAX: 510.465.1725

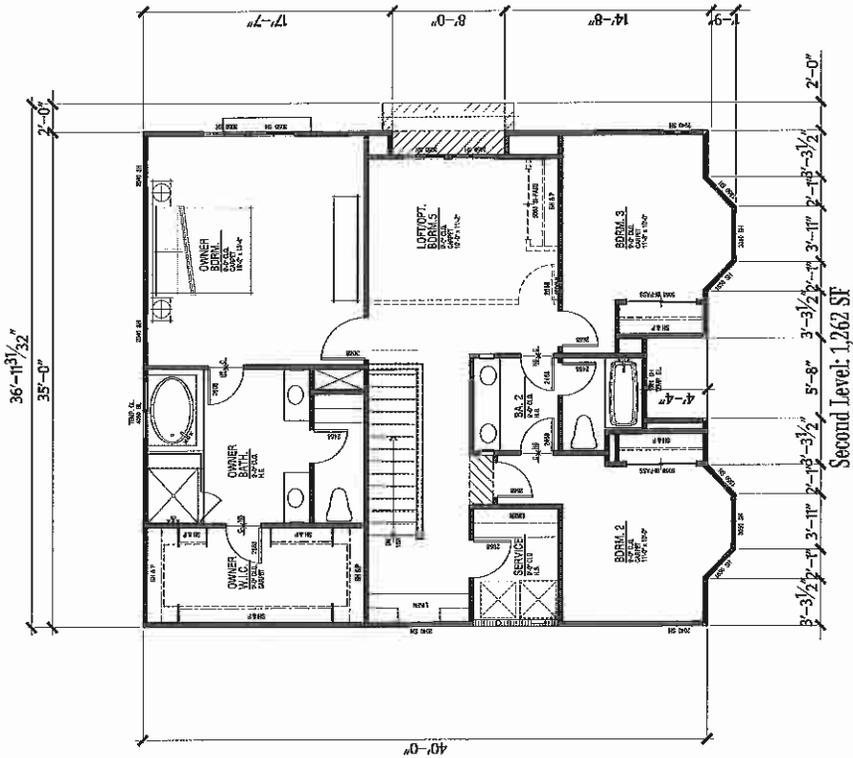
February 21, 2012

6.6.1

**EXHIBIT A-255**



First Level: 941 SF



Second Level: 1,262 SF

### Plan 3

Elevation A

Total: 2,203 SF

Garage: 414 SF

4 Bdrm / Flex Room / 3 Ba

2 Car Garage

## Dumbarton - T.O.D.

Product B

Newark, CA

Truemark Companies



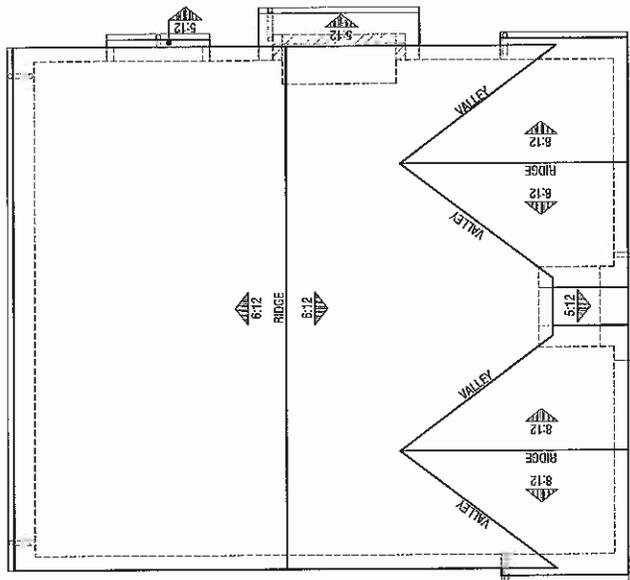
WILLIAM HEZMALHALCH  
ARCHITECTS, INC.  
1111 CALIFORNIA ROAD, SUITE 400  
NEWARK, CALIFORNIA 94661  
TEL: 925.485.1125  
FAX: 925.485.1125  
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February 21, 2012

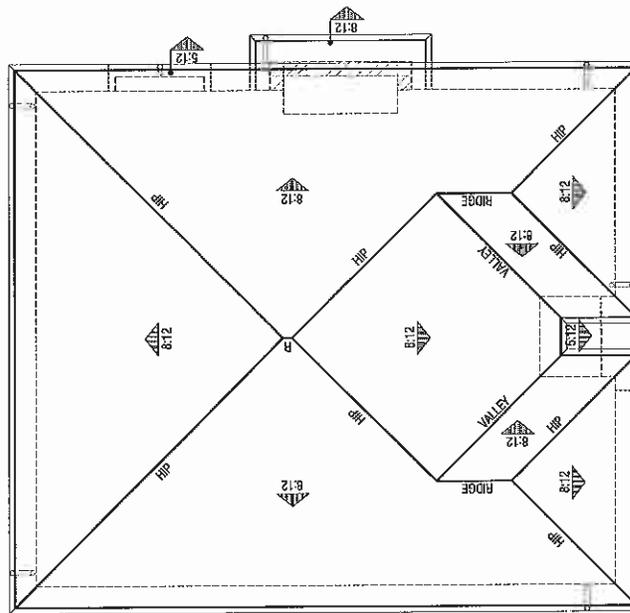
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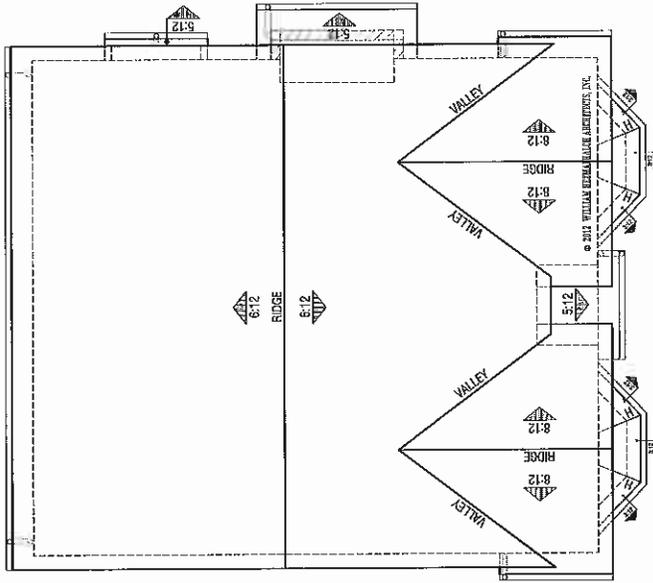
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Elevation A



Elevation B



Elevation C

# Plan 3

Roof Plans  
**Dumbarton - T.O.D.**  
 Product B  
 Newark, CA  
 Trumark Companies

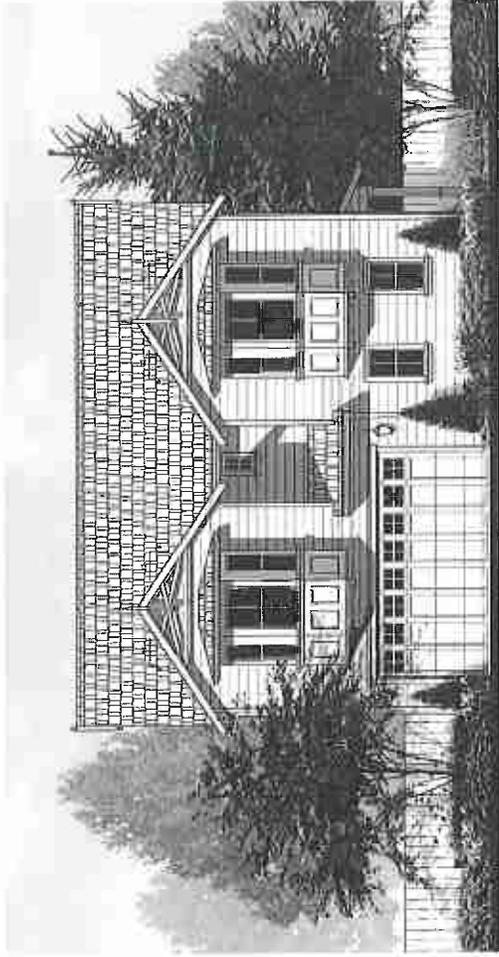


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 2000 UNIVERSITY AVENUE, SUITE 400  
 NEWARK, CA 94561  
 TEL: 925.485.1172  
 WWW.HEZMALHALCH.COM

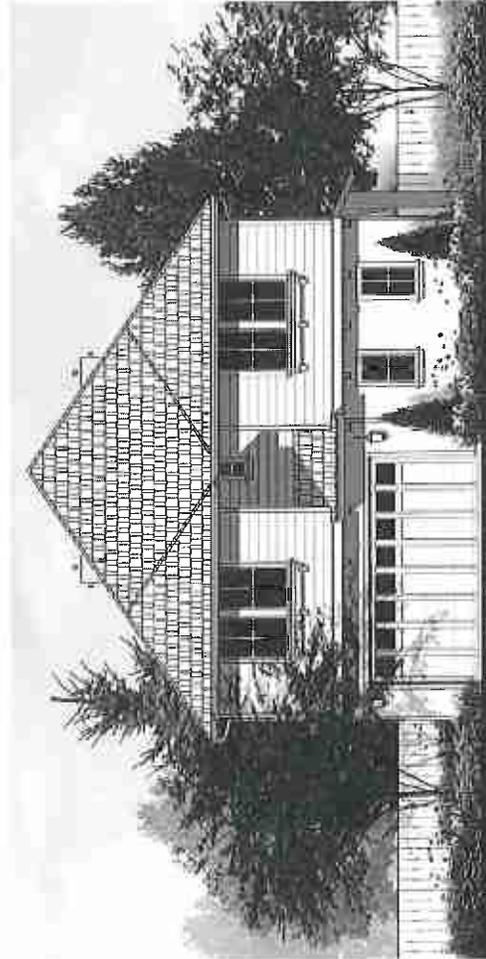
February 21, 2012

7.2

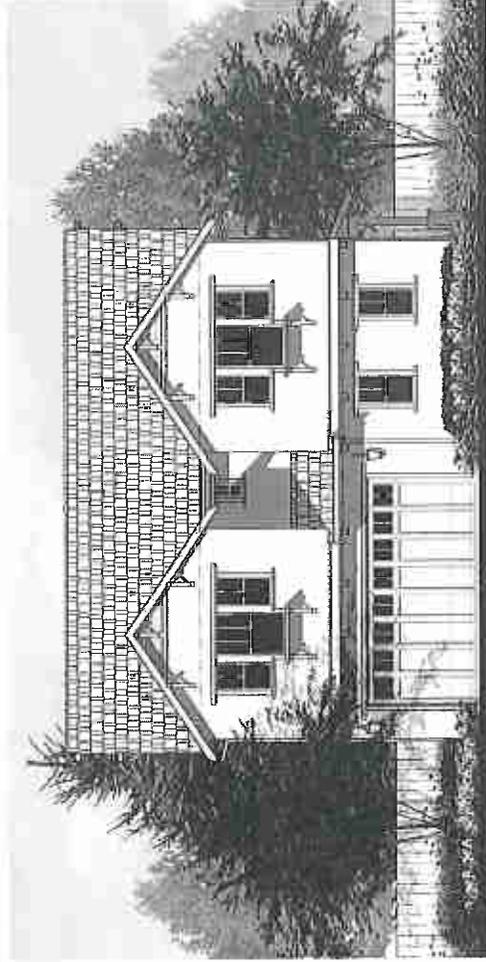
**EXHIBIT** A-57



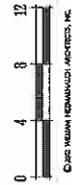
Elevation A



Elevation C



Elevation B



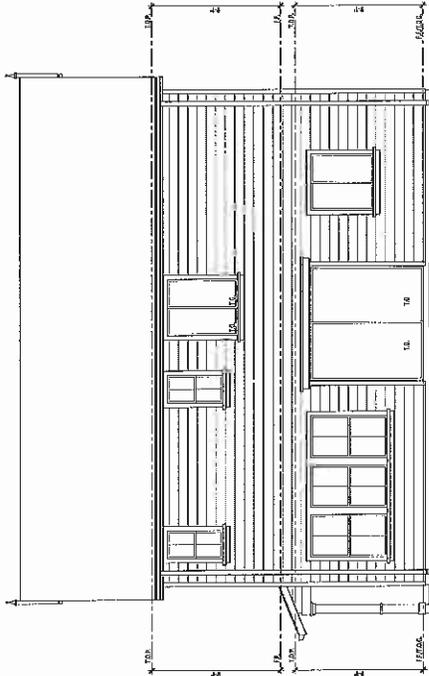
**Plan 3**  
 Front Elevations  
**Dumbarton - T.O.D.**  
 Product B  
 Newark, CA  
 TruMark Companies

**W**  
 WILLIAM HENMULACH  
 ARCHITECTS, INC.  
 111 DUNDEE DRIVE, SUITE 200, NEWARK, CA 94568  
 TEL: 925.436.1775  
 FAX: 925.436.1776  
 WWW.WHARCHITECTS.COM

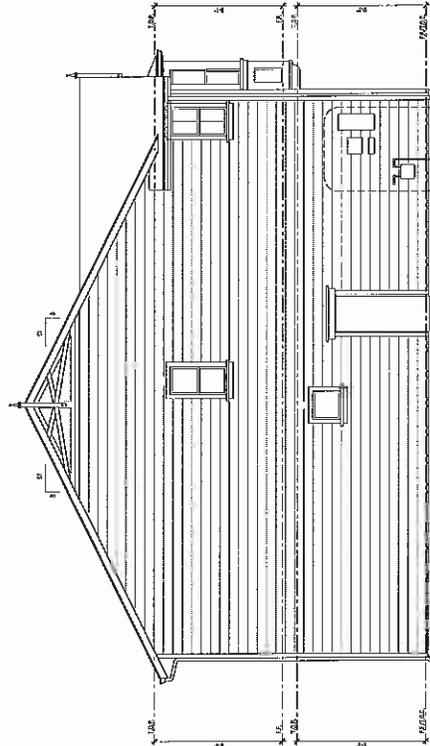
February 21, 2012

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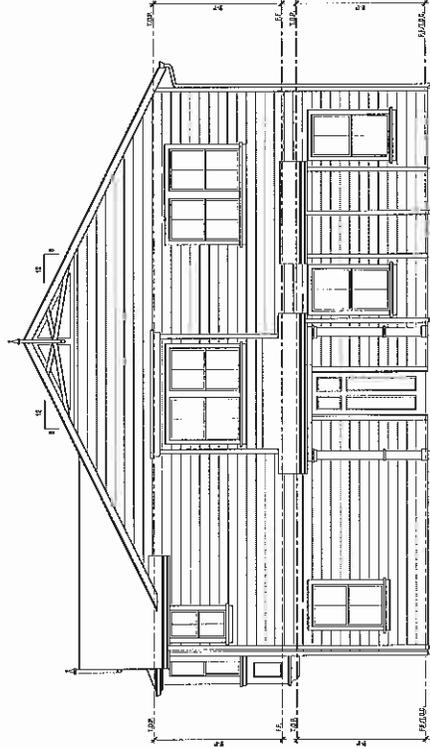
**EXHIBIT** *AD58*



Rear Elevation



Left Elevation



Right Elevation

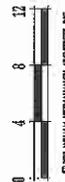
Plan 3

Elevation A

Dumbarton - T.O.D.

Product B  
Newark, CA

Trumark Companies



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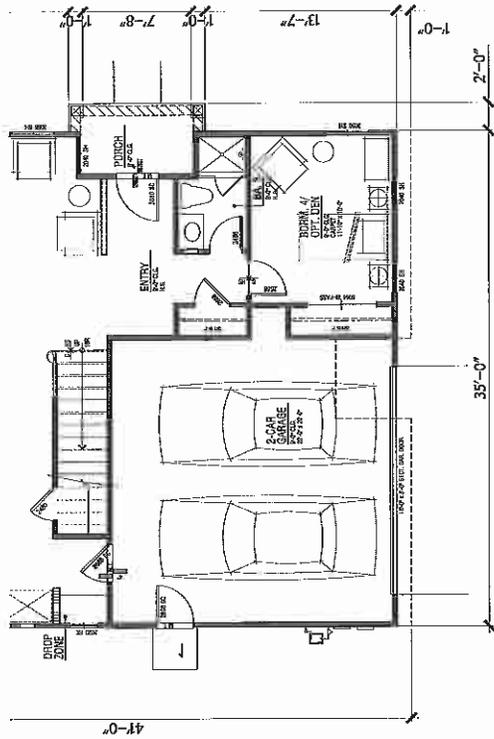


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A PROFESSIONAL CORPORATION  
2000 BROADWAY SUITE 2000  
NEWARK, CA 94560  
TEL: 925.881.1125  
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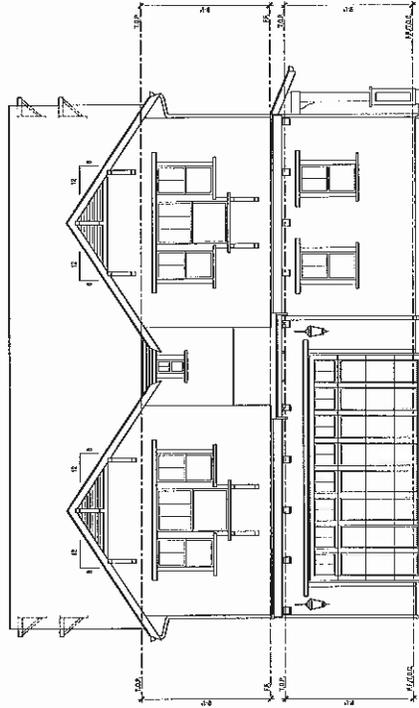
February 21, 2012

7.4

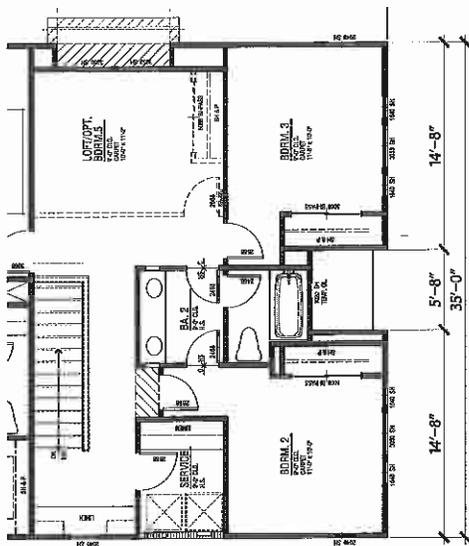
EXHIBIT Aps9



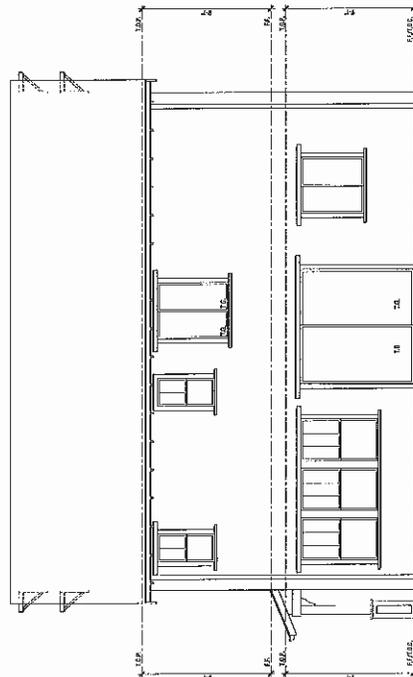
Partial Lower Plan  
@ Elevation B



Front Elevation



Partial Upper Plan  
@ Elevation B



Rear Elevation

**Plan 3**  
Elevation B  
**Dumbarton - T.O.D.**  
Product B  
Newark, CA  
Truemark Companies



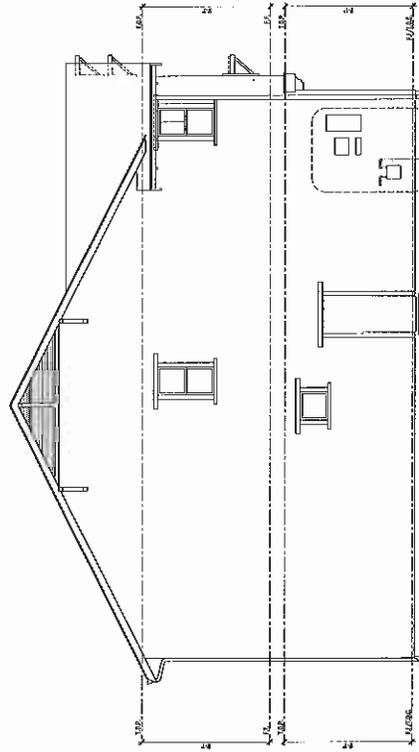
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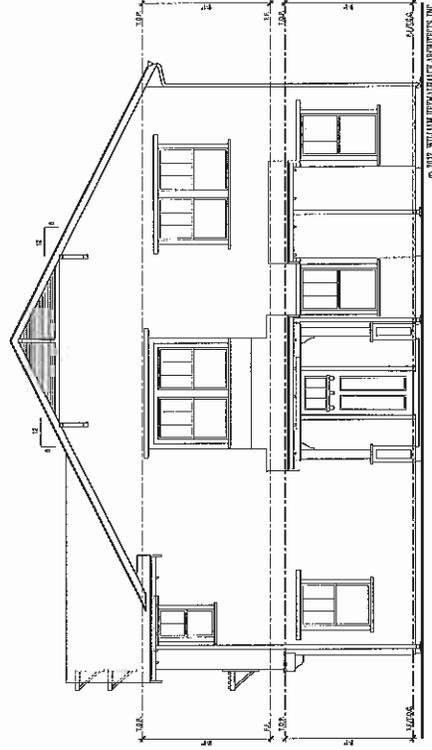
February 21, 2012

**7.5**

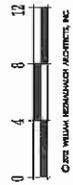
**EXHIBIT A** 760



Left Elevation



Right Elevation

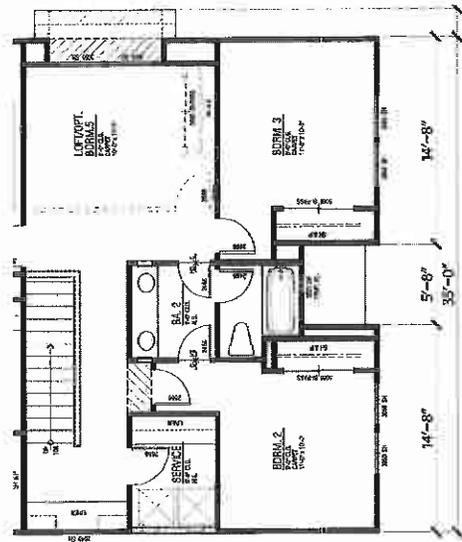


**Plan 2**  
 Elevation B  
**Dumbarton - T.O.D.**  
 Product B  
 Newark, CA  
 Truemark Companies

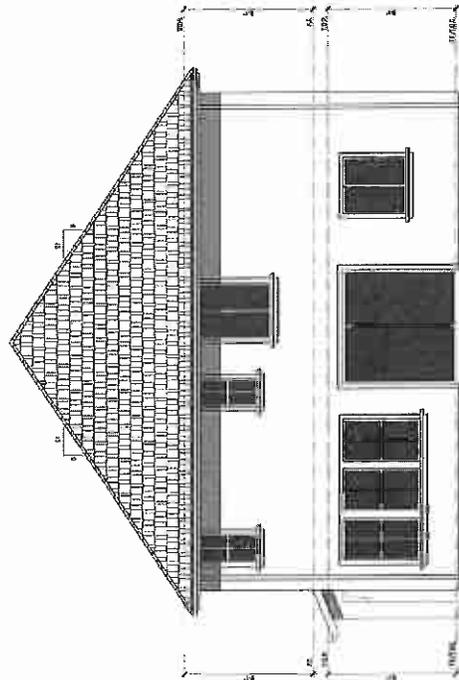
**WILLIAM HENNINGER ARCHITECTS, INC.**  
 205 445 1700  
 205 445 1700  
 205 445 1700  
 205 445 1700

February 21, 2012  
**7.5.1**

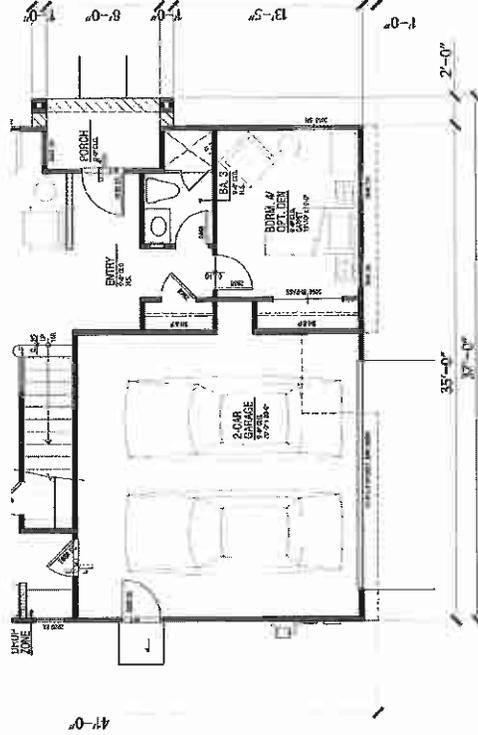
**EXHIBIT** *Appendix*



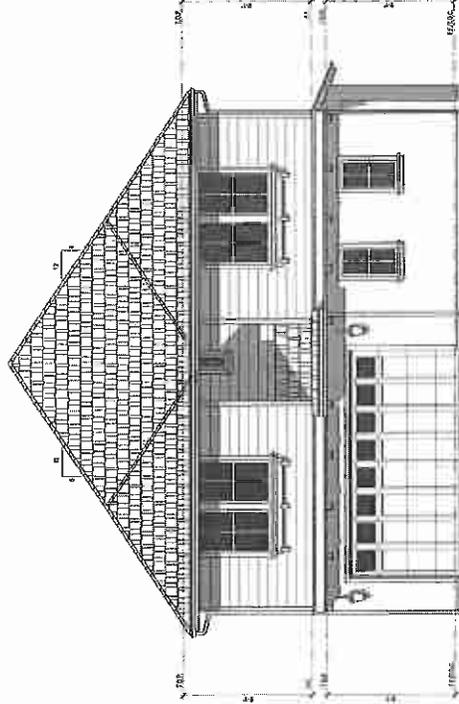
Partial Upper Plan  
@ Elevation C



Rear Elevation



Partial Lower Plan  
@ Elevation C



Front Elevation

### Plan 3

Elevation C

## Dumbarton - T.O.D.

Product B

Newark, CA

Trumark Companies



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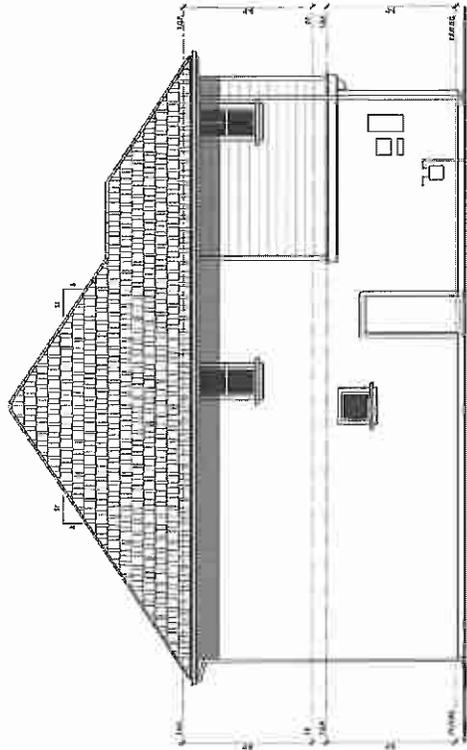
February 21, 2012
7.6



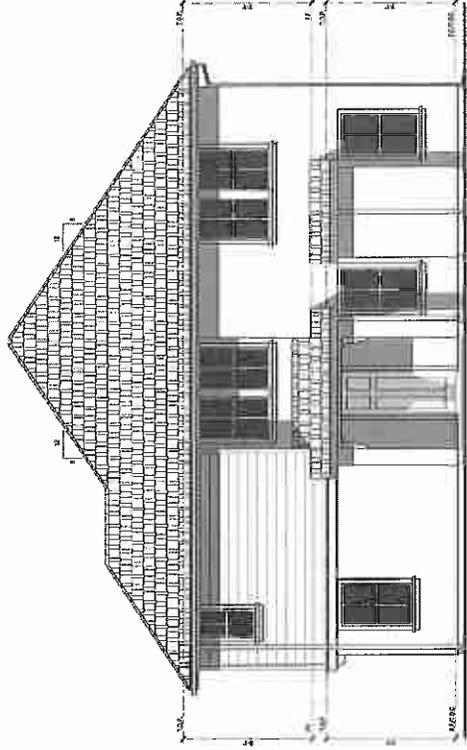
**WILLIAM HEZMAHALCH  
ARCHITECTS**  
2000 BAYVIEW DRIVE, SUITE 200, NEWARK, CA 94560  
TEL: 925.887.1775  
WWW.HEZMAHALCH.COM

EXHIBIT

App 2



Left Elevation



Right Elevation



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**Plan 3**  
 Elevation C  
**Dumbarton - T.O.D.**  
 Product B  
 Newark, CA  
 Trumark Companies

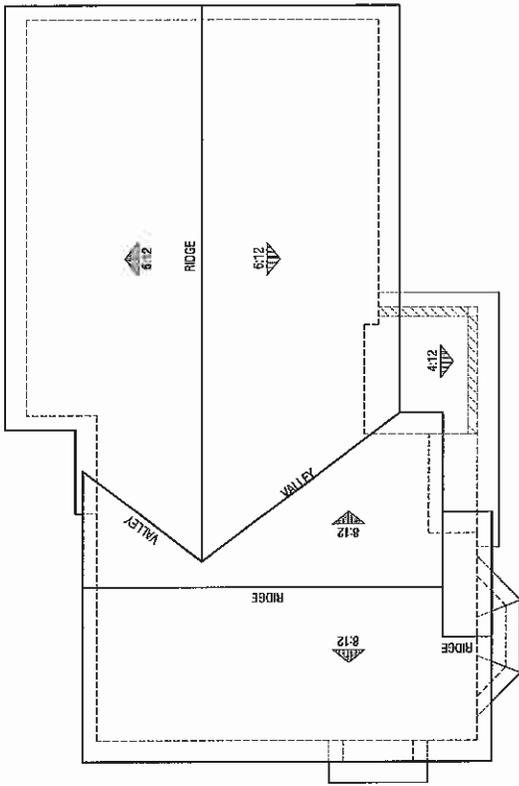
**WM**  
 WILLIAM HEDGECOCK ARCHITECT  
 610 COLLEGE AVE SUITE 200 NEWARK, CA 94701  
 TEL: 925.483.1700 FAX: 925.483.1702  
 WWW.WHEDGECOCK.COM

February 21, 2012  
**7.6.1**

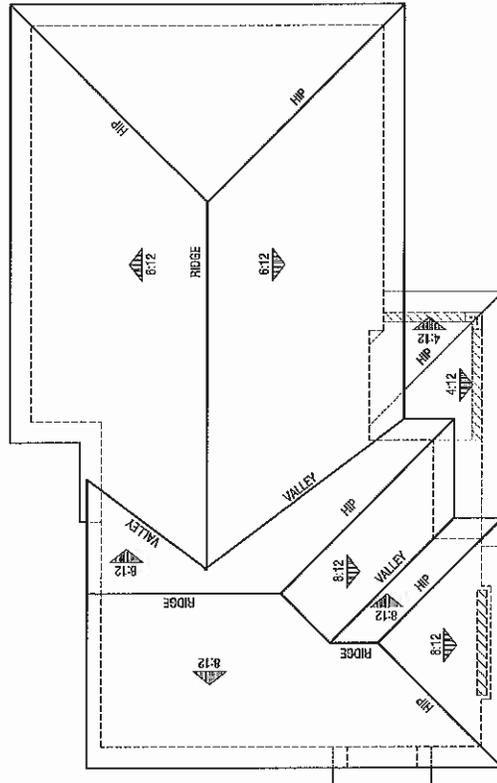
2011090 Dumbarton - T.O.D. - Newark, CA

**EXHIBIT** Ap63

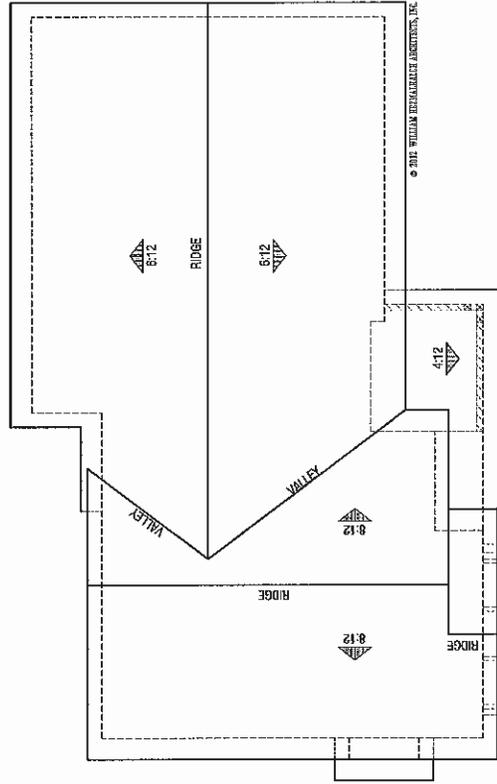




Elevation A



Elevation C



Elevation B

# Plan 1

Roof Plans  
**Dumbarton - T.O.D.**  
 Product 'C'  
 Newark, CA  
 Trumark Companies



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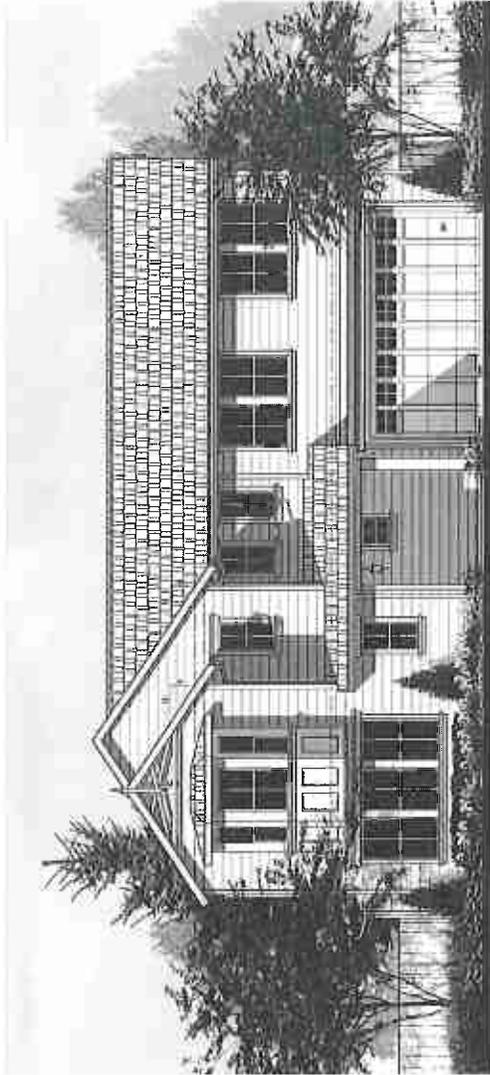


**WILLIAM HEZMALHALCH ARCHITECTS, INC.**  
 100 WALL STREET, SUITE 400, NEWARK, NJ 07102  
 555 BETHLEHEM SUITE 200, SANTA ANA, CA 92705-5864  
 PH: 201-261-2807 www.hezmalhalch.com fax: 949-251-1339

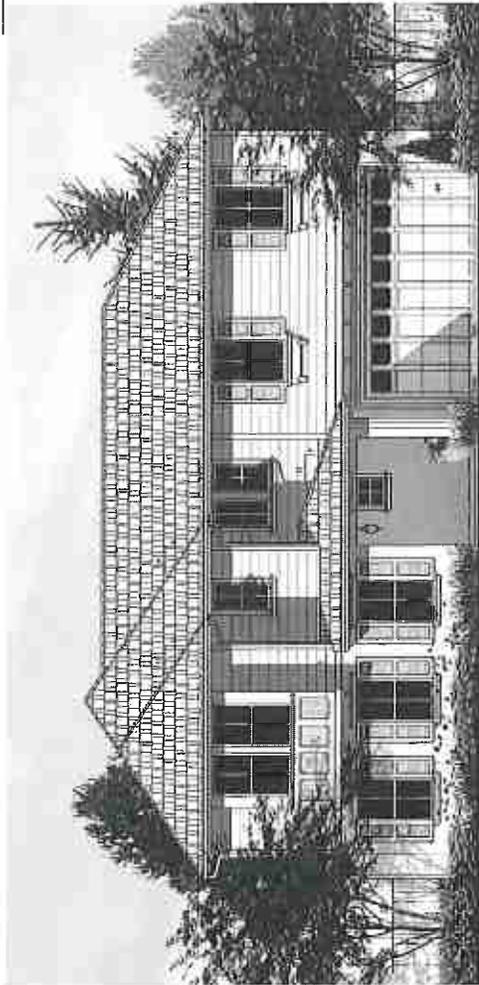
February 17th, 2012

**8.2**

**EXHIBIT** *Apex*



Elevation A



Elevation C



Elevation B

**Plan 1**  
 Front Elevations  
**Dumbarton - T.O.D.**  
 Product 'C'  
 Newark, CA  
 Trumark Companies



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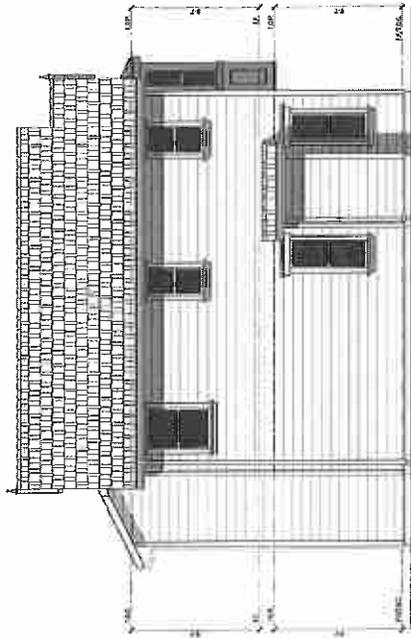
**WILLIAM HERMANN ARCHITECTS, INC.**  
 ARCHITECTS  
 610 COLLEGE CAMPUS DRIVE SUITE 300 DUMMICK AVENUE  
 NEWARK, CA 94568  
 TEL: 925.483.7100 FAX: 925.483.7105  
 WWW.WHARCHITECTS.COM

February 27th, 2012

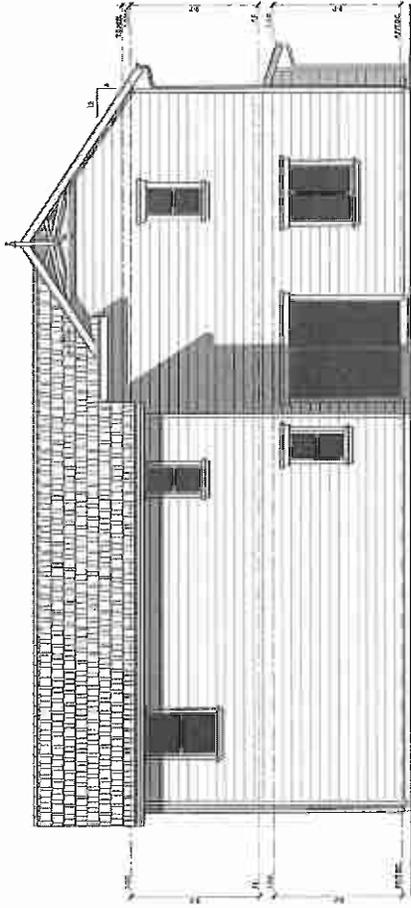
**8.3**

2011001 Dumbarton - T.O.D. - Newark, CA

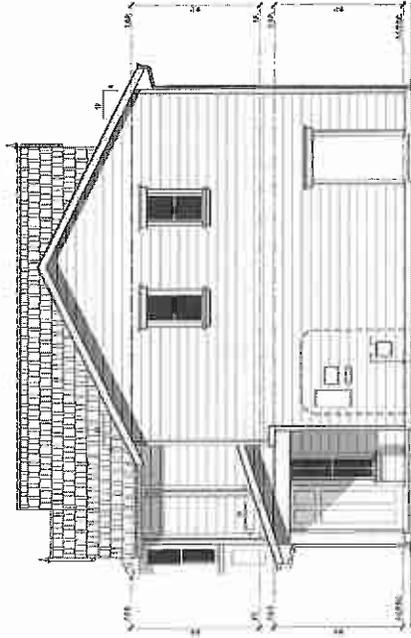
**EXHIBIT A 206**



Left Elevation



Rear Elevation



Right Elevation



Front Elevation

# Plan 1

Elevation A  
**Dumbarton - T.O.D.**  
 Product 'C'  
 Newark, CA  
 Trumark Companies



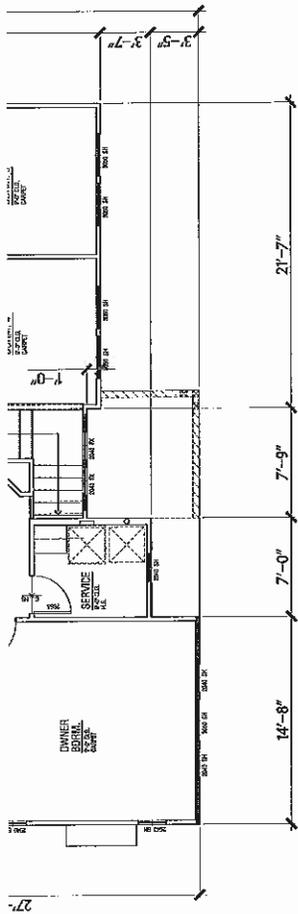
**WILLIAM HEZVALHACH**  
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 611 CALLE DEL PRADO SUITE 300 SAN RAMON, CA 94583  
 925.481.1700 FAX 925.481.1705  
 1000 UNIVERSITY AVENUE SUITE 1000 SAN FRANCISCO, CA 94133  
 415.224.2822 WWW.WHZVALHACH.COM

February 27th, 2012

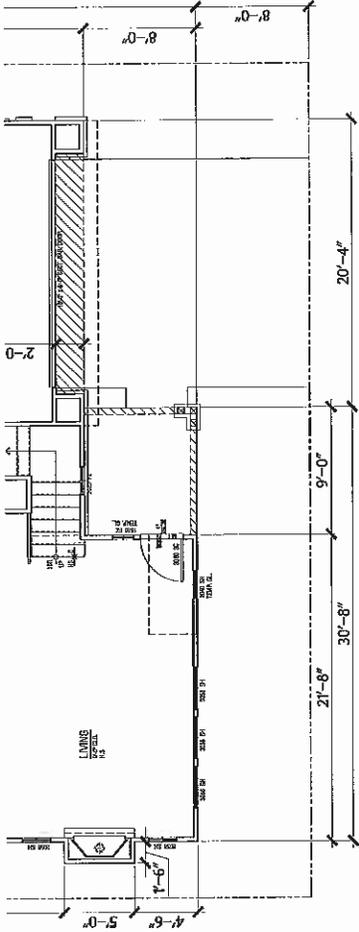
**8.4**

2011081 Dumbarton - T.O.D. - Newark, CA

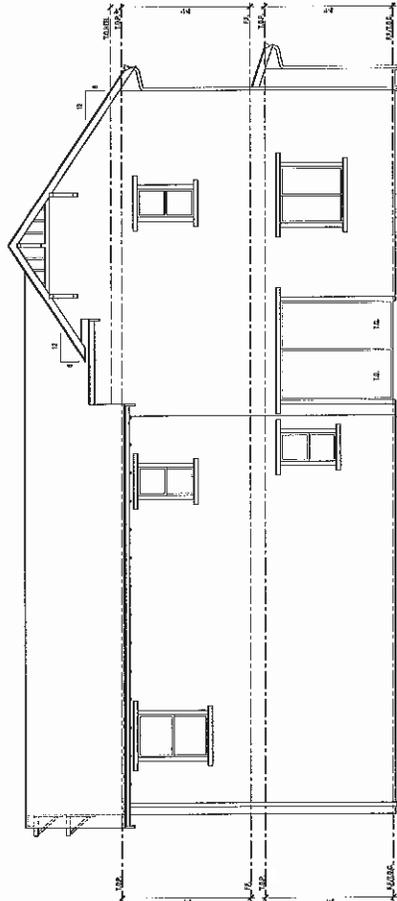
**EXHIBIT A** [A67]



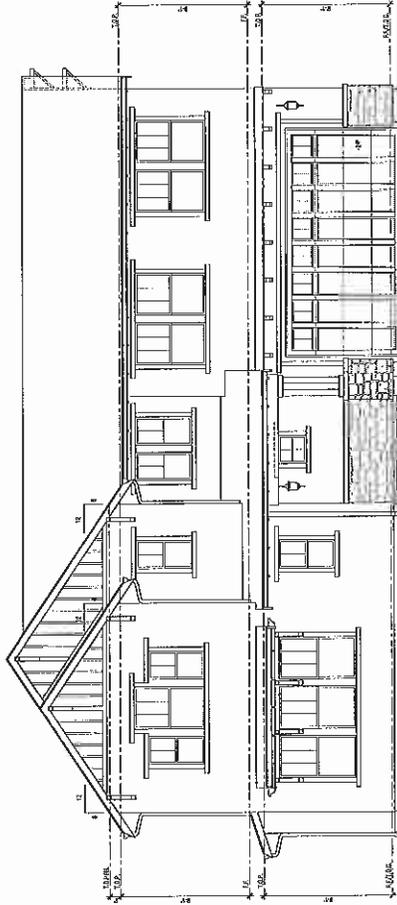
Partial Upper Plan  
@ Elevation B



Partial Lower Plan  
@ Elevation B



Rear Elevation



Front Elevation

**Plan 1**  
Elevation B  
**Dumbarton - T.O.D.**  
Product 'C'  
Newark, CA  
Trumark Companies

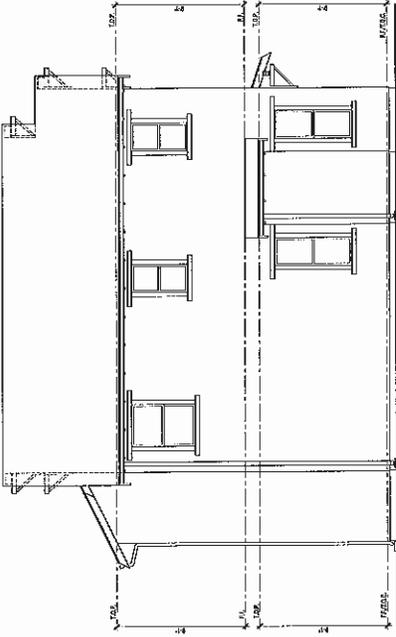
February 17th, 2012
<b>8.5</b>

**W**  
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555 4th Street, Newark, CA 94564  
Tel: 510.485.1725  
Fax: 510.485.1725  
www.hezka-mach.com

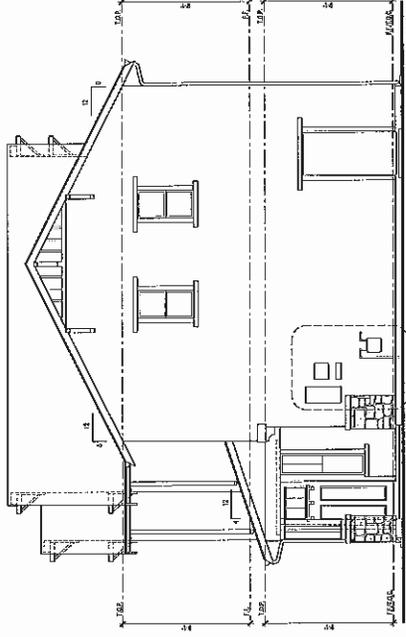


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**EXHIBIT A** *768*



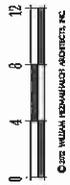
Right Elevation



Right Elevation

**Plan 1**

Elevation B  
**Dumbarton - T.O.D.**  
 Product 'C'  
 Newark, CA  
 Trumark Companies



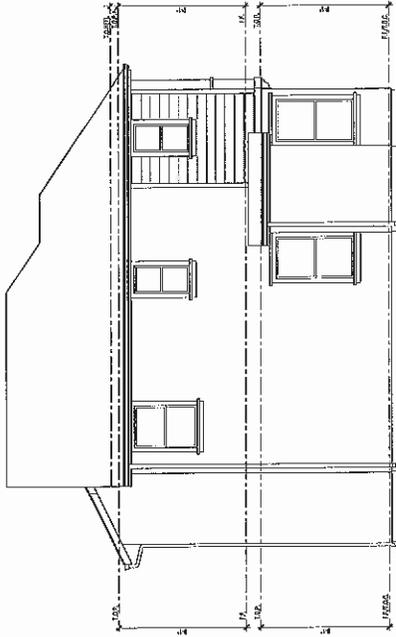
  
**WILLIAM HEZMAHALCH**  
**ARCHITECTS, INC.**  
 210 HOLLIS CAMPBELL SUITE 200 BAYTOWN, NJ 07002  
 908-255-8800 www.WHA.com

February 17th, 2012

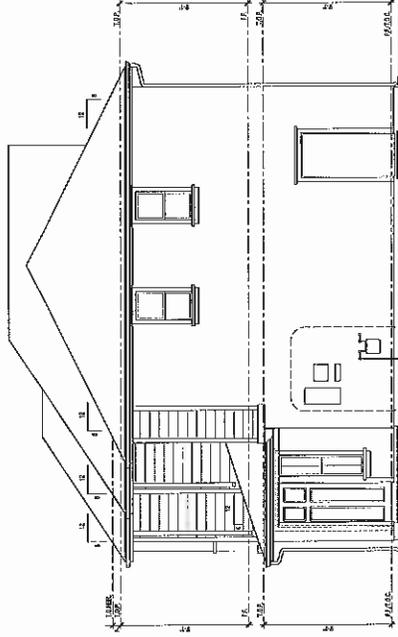
**8.5.1**

**EXHIBIT** *App 9*





Right Elevation



Right Elevation

**Plan 1**

Elevation C  
**Dumbarton - T.O.D.**  
 Product 'C'  
 Newark, CA  
 Trumark Companies



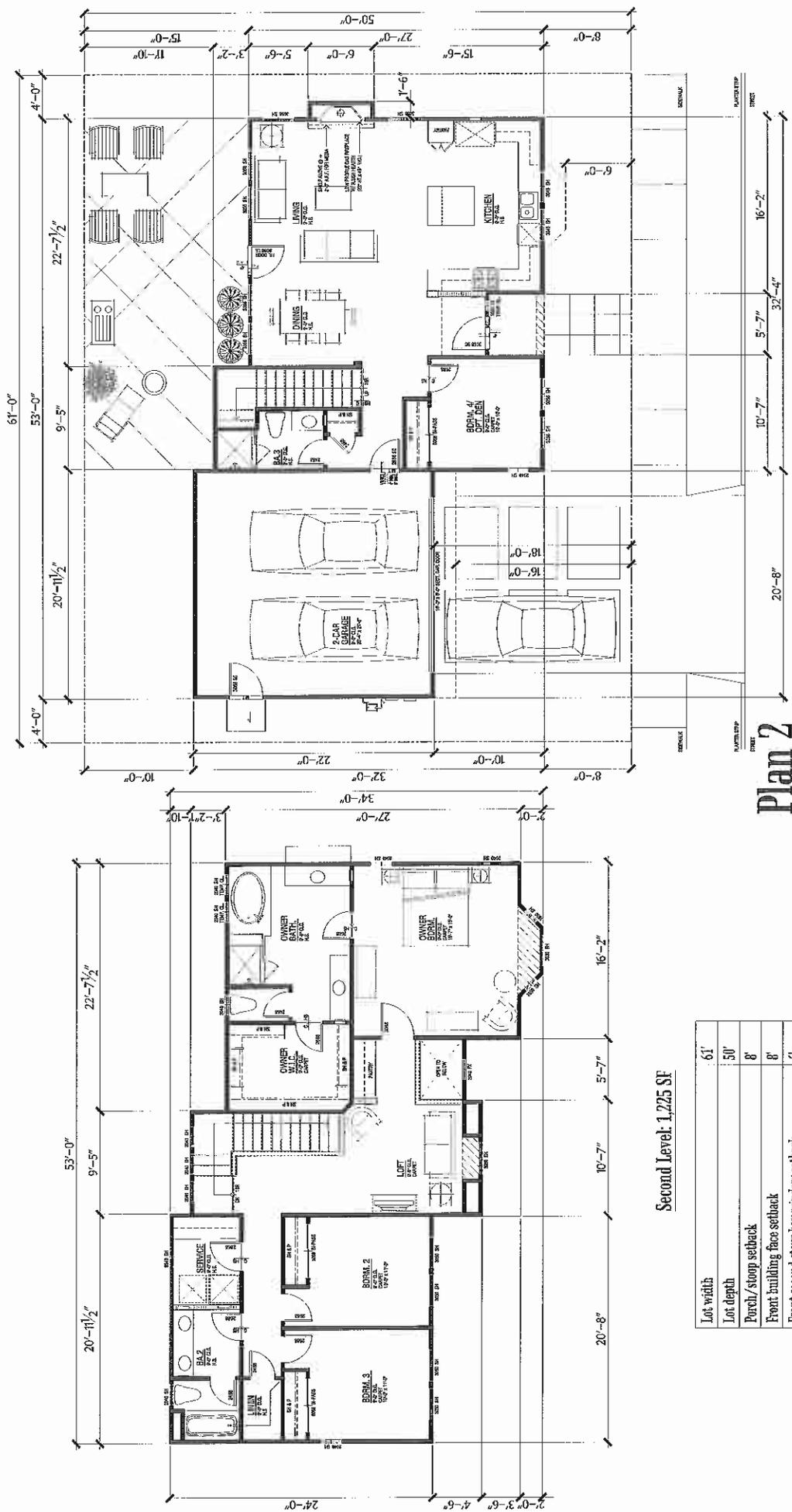
February 17th, 2012

**8.6.1**



**WILLIAM HEZMAHALCH  
 ARCHITECTS INC.**  
 431 DUMBERTON ROAD SUITE 200 NEWARK, NJ 07102  
 200 REDBELL AVENUE SUITE 200 SAN FRANCISCO, CA 94106  
 973 261 0077 www.wheh.com Tel: 949 257 1558

**EXHIBIT A-71**



**Plan 2**

Total: 2,101 SF  
 Garage: 455 SF  
 4 Bdrm / Loft / 3 Ba  
 2 Car Garage

First Level: 876 SF

**Second Level: 1,225 SF**

Lot width	61'
Lot depth	50'
Porch / stoop setback	8'
Front building face setback	8'
Front second story bay window setback	6'
Rear building setback	10'
Side building setback	4'

**Dumbarton - T.O.D.**

Product C  
 Newark, CA  
 Trumark Companies

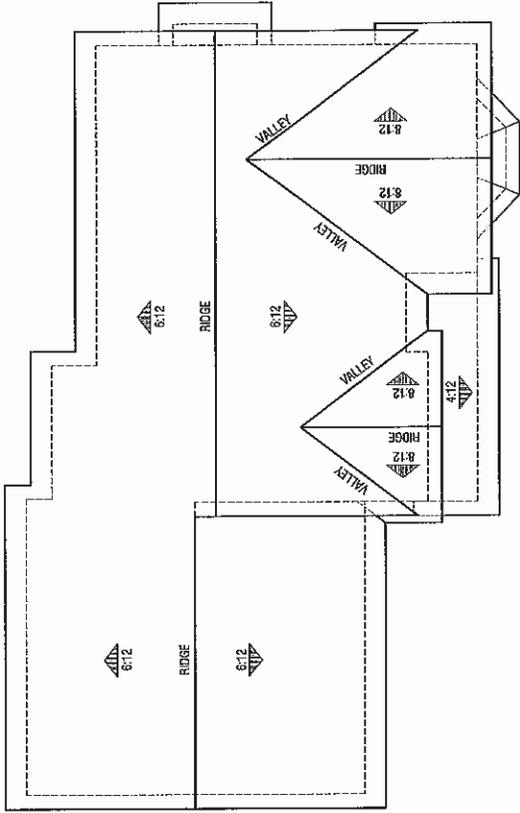
**WILLIAM HEZMALHALCH ARCHITECTS, INC.**  
 2000 CALIFORNIA STREET, SUITE 400, NEWARK, CA 94560  
 TEL: 925.457.1715  
 FAX: 925.457.1716  
 www.hezmalhalch.com

February 21, 2012  
**9.1**

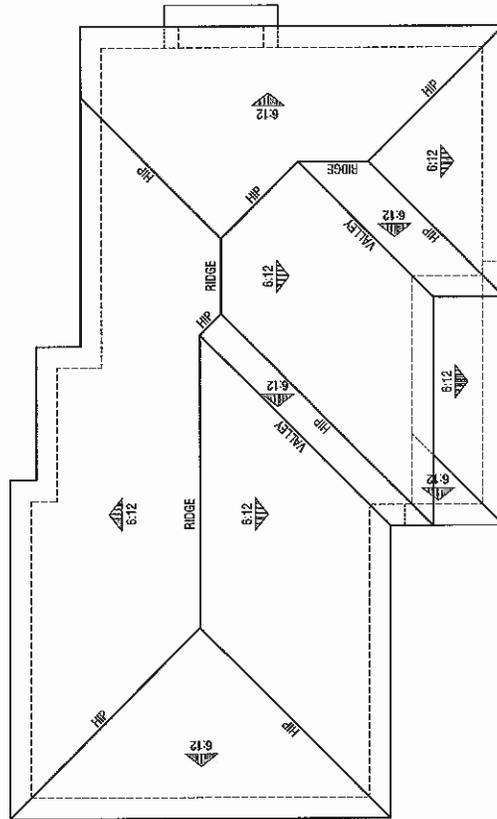


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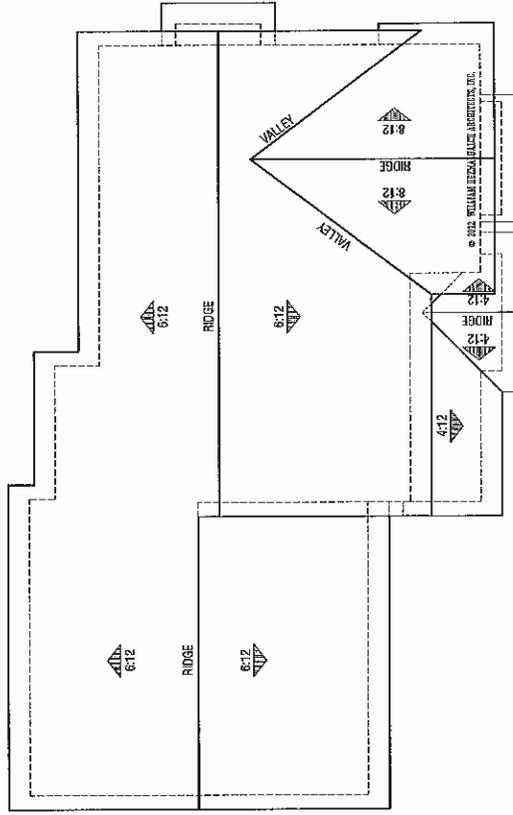
**EXHIBIT A72**



Elevation A



Elevation B



Elevation C

# Plan 2

Roof Plans

## Dumbarton - T.O.D.

Product 'C'

Newark, CA

Trumark Companies



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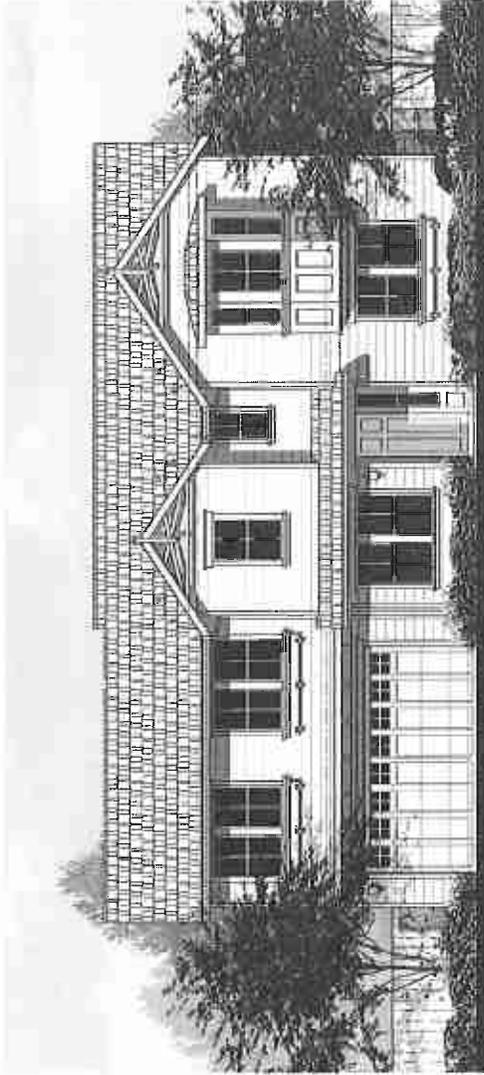


WILLIAM HEZMAHLACH  
ARCHITECTS, INC.  
611 BELLMEAD AVENUE SUITE 200 SAN FRANCISCO, CALIFORNIA 94102  
415 775 1100 FAX 415 460 1102  
415 775 1101 FAX 415 460 1102  
415 250 0007 WWW.WHARCH.COM

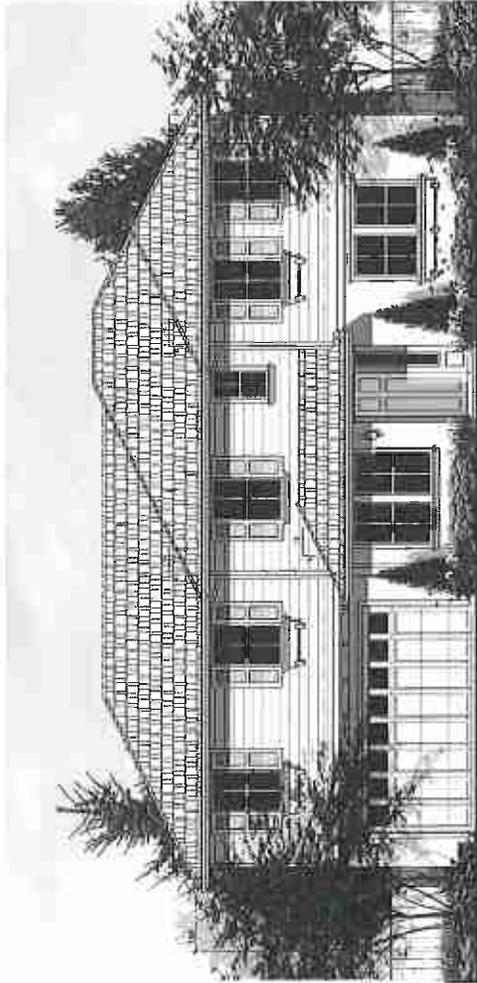
February 17th, 2012

9.2

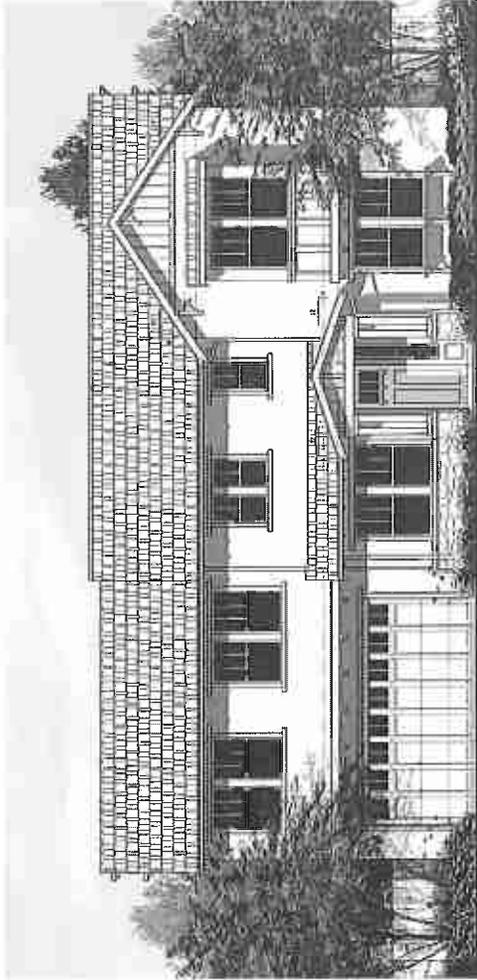
EXHIBIT A p.13



Elevation A



Elevation C



Elevation B

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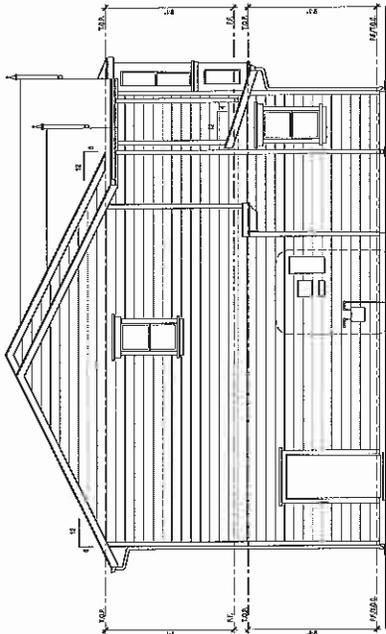
**Plan 2**  
 Front Elevations  
**Dumbarton - T.O.D.**  
 Product 'C'  
 Newark, CA  
 Trumark Companies

**WILLIAM HEZKUMALCH ARCHITECTS, INC.**  
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 www.whezkumalch.com

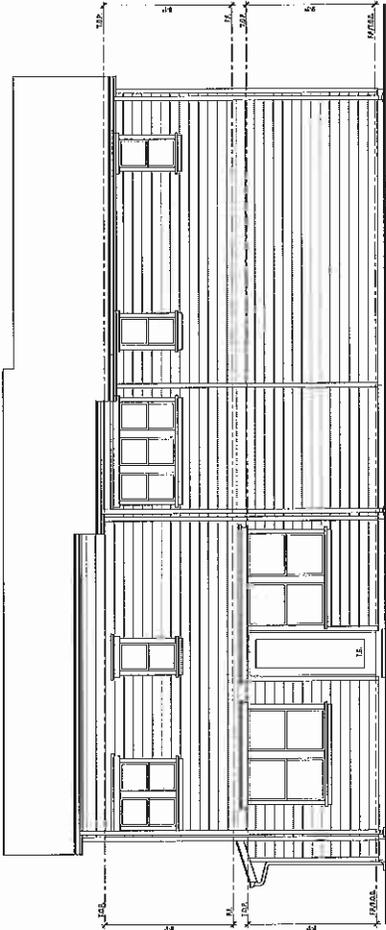
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<b>9.3</b>

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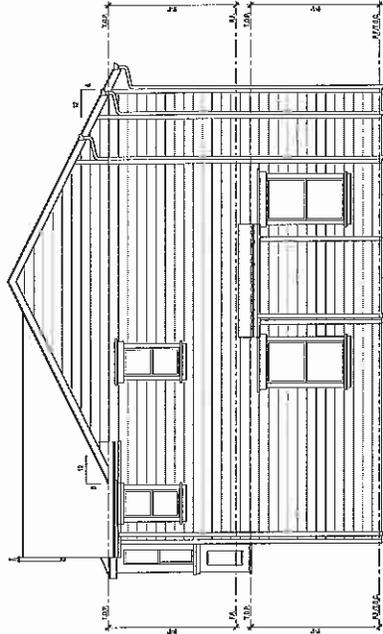
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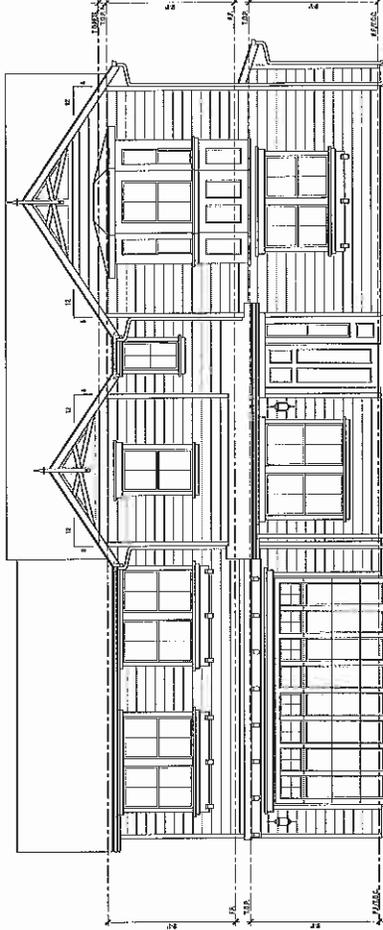
Left Elevation



Rear Elevation



Right Elevation



Front Elevation

**Plan 2**  
 Elevation A  
**Dumbarton - T.O.D.**  
 Product 'C'  
 Newark, CA  
 Trumark Companies



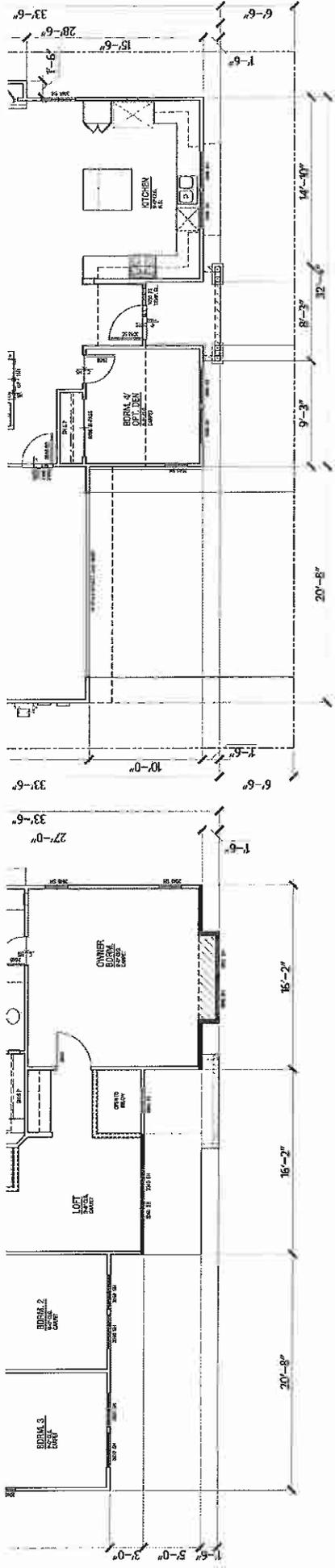
**W**  
 WILLIAM HEZMAHALCH  
 ARCHITECTS, INC.  
 615 DUNDASBOROUGH AVENUE SUITE 200  
 NEWARK, CALIFORNIA 94560  
 949.255.0077 www.wheza.com

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**9.4**

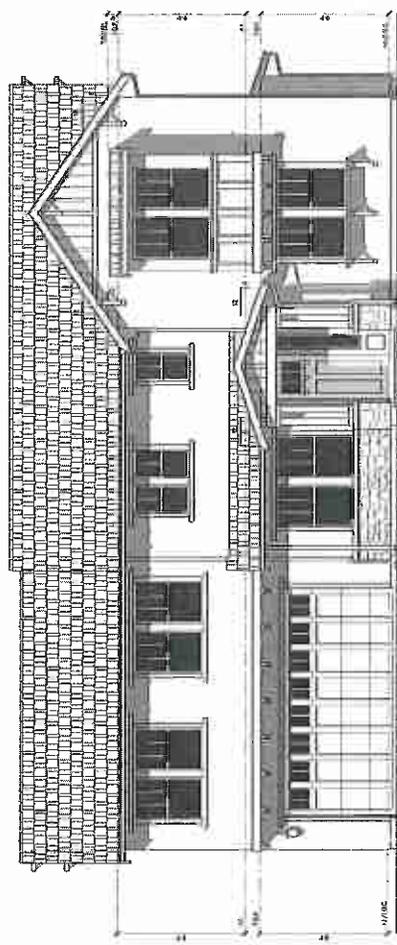
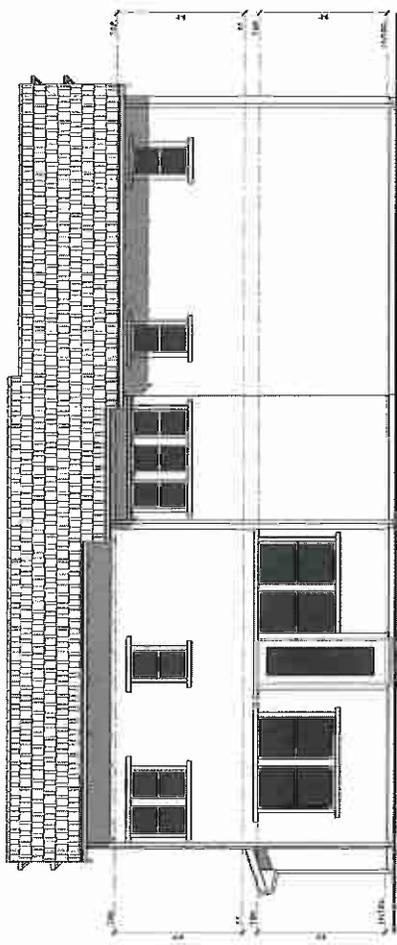
2011081 Dumbarton - T.O.D. - Newark, CA

**EXHIBIT** APTS



Partial Upper Plan @ Elevation B

Partial Lower Plan @ Elevation B



Rear Elevation

Front Elevation

**Plan 2**  
Elevation B  
**Dumbarton - T.O.D.**

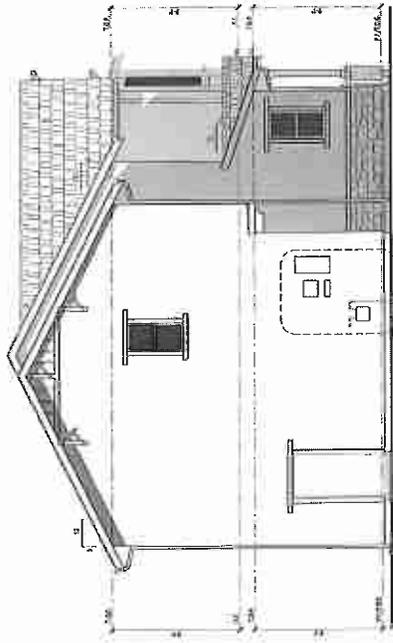
Product of  
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Trumark Companies



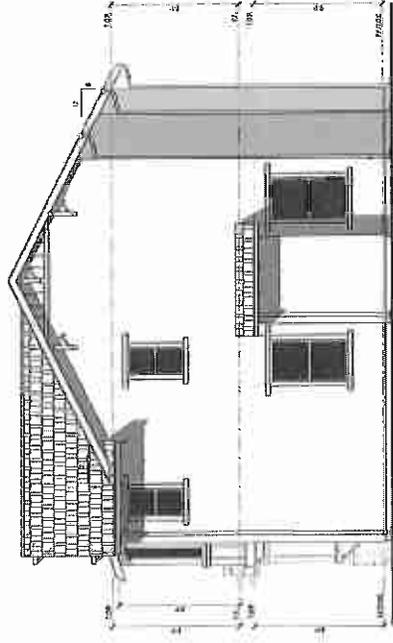
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**9.5**

**EXHIBIT A** 7/6

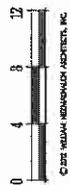


Left Elevation



Right Elevation

**Plan 2**  
 Elevation B  
**Dumbarton - T.O.D.**  
 Product 'C'  
 Newark, CA  
 Trumark Companies



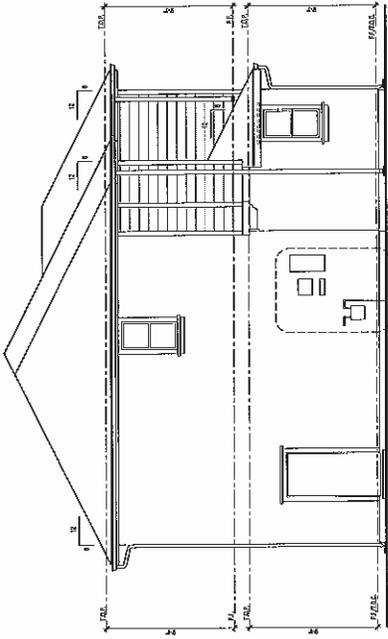
February 17th, 2012
<b>9.5.1</b>

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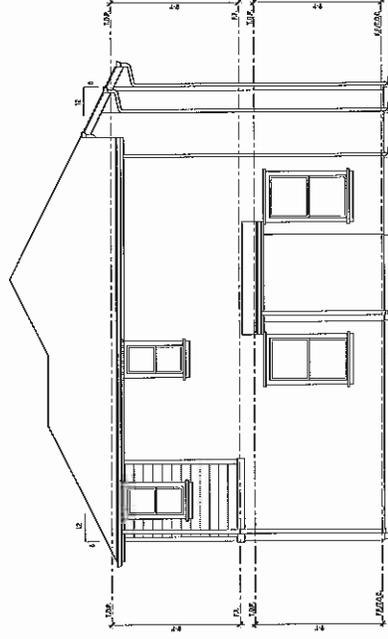
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**EXHIBIT**  
 A p 77



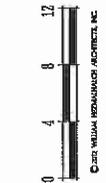


Left Elevation



Right Elevation

**Plan 2**  
 Elevation C  
**Dumbarton - T.O.D.**  
 Product 'C'  
 Newark, CA  
 Trumark Companies



February 17th, 2012  
**9.6.1**

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**EXHIBIT** A-279