



CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@newark.org

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

AGENDA

Thursday, May 28, 2015

The agenda was revised on 5/23/2015 to add closed session M.2.

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, May 14, 2015. (MOTION)**

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Proclaiming June as Celebrating Business Month in Newark. (PROCLAMATION)**
- C.2 Presentation of Awards for Students, Teacher, and Classified Employee of the Year. (PRESENTATION)**

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

- E.1 Hearing to consider abandonment of a portion of Hickory Street right-of-way north of Perrin Avenue - from Assistant City Engineer Fajeau. (RESOLUTION)**
- E.2 Hearing to consider: (1) a resolution to approve a General Plan Amendment to change the land use designation from P-I (Public Institutional) to S-I (Special Industrial); and (2) a resolution, revoking a planned unit development and a conditional use permit, for a private school at 39201 Cherry Street (APNs: 901-110-68 & 69) – from Assistant City Manager Grindall. (RESOLUTIONS-2)**

- E.3** Hearing to consider: (1) a planned unit development, and a conditional use permit, to hold SummerFest in the NewPark Mall parking lot on July 11 and 12, 2015, and dates to be determined in 2016 and 2017; and (2) a waiver of the application fees. NewPark Mall is located to the north by Mowry Avenue, to the west by Cedar Boulevard, to the south by Balentine Drive, and to the east by Interstate 880 (Nimitz Freeway) – from Assistant City Manager Grindall. (RESOLUTION)(MOTION)
- E.4** Hearing to consider: (1) adopting a resolution approving P-15-5, a planned unit development, and U-15-6, a conditional use permit, for: (a) reduced side and front yard setbacks for certain unit plans; and (b) the number of garage facades fronting one street to exceed what is allowed by the Form Based Codes; and ASR-15-9, an Architectural and Site Plan Review, for the project building elevations and finding that Vesting Tentative Map 8085 is in substantial conformance; and (2) adopting a resolution approving the second Addendum to the Dumbarton TOD Specific Plan EIR (State Clearinghouse Number 2010042012), for development of 542 residential units within the Dumbarton Transit-Oriented Development (TOD) Specific Plan area – from Assistant City Manager Grindall. (RESOLUTIONS-2)
- E.5** Hearing on the Housing Element Update 2015 by considering resolutions: 1) approving Housing Element Update 2015 and 2) Finding that the General Plan Tune Up Program Environmental Impact Report addressed the Environmental Impacts of the Housing Element Update 2015 – from Assistant City Manager Grindall. (RESOLUTIONS - 2)

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.3 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

CONSENT

- F.1** Second reading and adoption of an ordinance to commit funds for managing waste and recycling – from City Clerk Harrington. (ORDINANCE)
- F.2** Approval of the final map for Tract 8166, an 85-unit residential townhome development (K. Hovnanian at Cedar Lane, LLC) located at the northeast corner of Cedar Boulevard and Mowry School Road – from Assistant City Engineer Fajeau. (RESOLUTION)

- F.3 Amendment of the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2014-2015 for General Revisions – from Senior Accountant del Rosario. (RESOLUTION)**

NONCONSENT

- F.4 Direction to file Annual Reports and intention to order improvements for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, and 17 and setting June 25, 2015 as the public hearing date – from Assistant City Engineer Fajeau. (RESOLUTIONS-2)**
- F.5 Authorization for the Mayor to sign a Contractual Services Agreement with Group 4 Architecture, Research + Planning, Inc., to complete a Civic Center Replacement/Relocation Feasibility Study, and approval of an amendment to the 2014-2016 Biennial Budget to fund the study – from Assistant City Manager Grindall. (RESOLUTION)**

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

- I.1 Appointments to the Senior Citizen Standing Advisory Committee – from Mayor Nagy. (RESOLUTION)**
- I.2 Recommendation from the Senior Citizen Standing Advisory Committee to rename the Newark Senior Center in memory of Clark W. Redeker – from Mayor Nagy. (RESOLUTION)**

J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of May 15, 2015. (MOTION)

M. CLOSED SESSION

M.1 Closed Session for Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Anticipated Litigation (1 case) – from City Attorney Benoun.

M.2 Closed session for conference with Labor Negotiators pursuant to California Government Code Section 54957.6. Agency designated representatives: Human Resources Director Abe and Assistant City Manager Grindall; Employee Groups: the Newark Police Association, the Newark Association of Miscellaneous Employees; City Officials and the Management, Supervisory, and Professional Employee Group; and the Confidential Employee Group – from City Attorney Benoun and Human Resources Director Abe.

N. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk's Office located at 37101 Newark Boulevard, 5th Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.



CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@Newark.org

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

AGENDA

Thursday, May 28, 2015

CITY COUNCIL:

Alan L. Nagy, Mayor
Sucy Collazo, Vice Mayor
Luis L. Freitas
Michael K. Hannon
Mike Bucci

CITY STAFF:

John Becker
City Manager

Terrence Grindall
Assistant City Manager

Susie Woodstock
Administrative Services Director

Sandy Abe
Human Resources Director

Peggy A. Claassen
Public Works Director

Jim Leal
Police Chief

David Zehnder
Recreation and Community Services Director

David J. Benoun
City Attorney

Sheila Harrington
City Clerk

Welcome to the Newark City Council meeting. The following information will help you understand the City Council Agenda and what occurs during a City Council meeting. Your participation in your City government is encouraged, and we hope this information will enable you to become more involved. The Order of Business for Council meetings is as follows:

- | | |
|--|--------------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | L. APPROPRIATIONS |
| F. CITY MANAGER REPORTS | M. CLOSED SESSION |
| G. CITY ATTORNEY REPORTS | N. ADJOURNMENT |
| H. ECONOMIC DEVELOPMENT CORPORATION | |

Items listed on the agenda may be approved, disapproved, or continued to a future meeting. Many items require an action by motion or the adoption of a resolution or an ordinance. When this is required, the words **MOTION**, **RESOLUTION**, or **ORDINANCE** appear in parenthesis at the end of the item. If one of these words does not appear, the item is an informational item.

The attached *Agenda* gives the **Background/Discussion** of agenda items. Following this section is the word **Attachment**. Unless "none" follows **Attachment**, there is more documentation which is available for public review at the Newark Library, the City Clerk's office or at www.newark.org. Those items on the Agenda which are coming from the Planning Commission will also include a section entitled **Update**, which will state what the Planning Commission's action was on that particular item. **Action** indicates what staff's recommendation is and what action(s) the Council may take.

Addressing the City Council: You may speak once and submit written materials on any listed item at the appropriate time. You may speak once and submit written materials on any item **not** on the agenda during **Oral Communications**. To address the Council, please seek the recognition of the Mayor by raising your hand. Once recognized, come forward to the lectern and you may, but you are not required to, state your name and address for the record. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor. Matters brought before the Council which require an action may be either referred to staff or placed on a future Council agenda.

No question shall be asked of a council member, city staff, or an audience member except through the presiding officer. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the presiding officer for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.



CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@newark.org

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

Minutes

Thursday, May 14, 2015

A. ROLL CALL

Vice Mayor Collazo called the meeting to order at 7:31 p.m. Present were Council Members Hannon, Freitas, and Bucci. Mayor Nagy was absent.

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, April 23, 2015. **MOTION APPROVED**

Council Member Bucci moved, Council Member Hannon seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 4 AYES, 1 ABSENT (Mayor Nagy).

C. PRESENTATIONS AND PROCLAMATIONS

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

E.1 Hearing to consider a request by the League of Volunteers (LOV), for P-15-11, a planned unit development, and U-15-12, a conditional use permit, to have a circus at the NewPark Mall parking lot (APNS: 901-111-20 & 21) with performances from September 3 through September 7, 2015; and authorization to waive the application fee.

**RESOLUTION NO. 10349
MOTION APPROVED**

City Manager Becker gave the staff report recommending approval.

Council Member Hannon asked about the history of the event.

City Manager Becker stated that the circus has performed in Newark for the past 10 years without any complaints.

Vice Mayor Collazo opened the public hearing at 7:34 p.m.

Shirley Sisk, representing the League of Volunteers, said that she had read the resolution and agreed to the conditions.

Vice Mayor Collazo closed the public hearing at 7:36 p.m.

Council Member Freitas moved, Council Member Hannon seconded to: (1) by resolution, approve a request by the League of Volunteers (LOV) with Exhibit A pages 1 through 4, for P-15-11, a planned unit development, and U-15-12, a conditional use permit, to have a circus at the NewPark Mall parking lot (APNS: 901-111-20 & 21) with performances from September 3 through September 7, 2015; and (2) by motion, authorize a waiver of the application fee. The motion passed, 4 AYES, 1 ABSENT.

F. CITY MANAGER REPORTS

Margaret Lewis requested the removal of Item F.1 from the Consent Calendar.

Council Member Bucci moved, Council Member Hannon seconded, to approve Consent Calendar Items F.2 through F.6, that the resolutions and ordinances be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions and ordinances. The motion passed, 4 AYES, 1 ABSENT.

CONSENT

- F.2 Authorization for the City Manager, or Designee, to Sign a Tolling and Relocation Agreement with Gallade Enterprises, LLC and to Review and Comment on Gallade Enterprises' Proposed Allocation of Relocation Expenses.**
RESOLUTION NO. 10350
CONTRACT NO. C15016
- F.3 Ordinance to Commit Funds for Managing Waste and Recycling.**
ORDINANCE INTRODUCED
- F.4 Authorization for the City Manager to sign a Measure BB Master Programs Funding Agreement between the Alameda County Transportation Commission and the City of Newark.**
RESOLUTION NO. 10351
CONTRACT NO. C15017
- F.5 Acceptance of work with Chrisp Company for 2012-2013 Citywide Thermoplastic Street Striping, Project 1036.** **RESOLUTION NO.10352**
- F.6 Acceptance of work with Rosas Brothers Construction for 2014 Curb,**

Gutter and Sidewalk Replacement, Project 1065.**RESOLUTION NO. 10353****NONCONSENT**

- F.1 Second reading and adoption of two ordinances approving the rezoning of property from Limited Industrial to Medium Density Residential – Form Based Codes for the Trumark Dumbarton Transit Oriented Development Residential Project**
ORDINANCE NO. 486
ORDINANCE NO. 487

Margaret Lewis stated that bringing housing to this area would require more city services. She was concerned that the additional traffic and traffic calming measures would not be safer for the residents. She commented on environmental issues and asked a number of questions.

In response to Mrs. Lewis, Assistant City Manager Grindall stated that most of the Dumbarton area development is vacant land. This project will include new stores and commercial opportunities. The Environmental Impact Report studied the traffic extensively and did not indicate any significant problems. The project is conditioned to meet the Regional Water Quality Control Board's requirements; it is the RWQCB that makes the determination as to whether the property is cleaned up adequately.

In response to Vice Mayor Collazo, Mr. Grindall stated there will be emergency vehicle access. If it was not feasible, then the project could not go forward.

Council Member Hannon moved, Council Member Bucci seconded to adopt two ordinances: 1) amending Title 17, Section 17.44.010 of the Newark Municipal Code being the City of Newark Zoning Ordinance by changing the zoning of a specified area in the City Of Newark from ML (Limited Industrial) To MDR-FBC (Medium Density Residential –Form Based Codes) and; 2) amending Title 17 (Zoning) of the Newark Municipal Code Section 17.44.010 “Zoning Map” by rezoning all that real property shown on the Vesting Tentative Map 8098 From ML (Limited Industrial) to MDR-FBC (Medium Density Residential – Form Based Codes). The motion passed, 4 AYES, 1 ABSENT.

- F.7 Authorization for the Mayor to Sign an Agreement with SoftResources, LLC to provide Integrated Financial Information System Consulting Services and authorization for the City Manager to sign an amendment to implement Phase 3 of the scope of work.**
RESOLUTION NO. 10354
CONTRACT NO. C15018

Administrative Services Director Woodstock gave the staff report.

Council Member Hannon asked if this project would increase financial information that could be made available to the public.

Ms. Woodstock reported that the newer software has standardized reports that would be posted to the city website.

Council Member Hannon moved, Council Member Bucci seconded to by resolution, authorize the Mayor to sign an Agreement with SoftResources, LLC to provide Integrated Financial Information System Consulting Services and authorize the City Manager to sign an amendment to implement Phase 3 of the scope of work. The motion passed, 4 AYES, 1 ABSENT.

G. CITY ATTORNEY REPORTS

G.1 Claims of Moises Torres, Allstate Insurance Company, James McThorn, and Luis Torres MOTION APPROVED

City Attorney Benoun gave the staff report recommending denial of the claim.

Council Member Hannon asked what recourse the claimants have should the City Council deny the claims. City Attorney Benoun responded that the claimants' recourse is to file litigation against the City.

Council Member Freitas moved, Council Member Hannon seconded to deny the claims and authorize staff to inform the claimants of such denial. The motion passed, 4 AYES, 1 ABSENT.

G.2 Claim of Leroy and Diane Higgins MOTION APPROVED

City Attorney Benoun gave the staff report recommending denial of the claim.

Council Member Bucci moved, Council Member Hannon seconded to deny the claim and authorize staff to inform the claimant of such denial. The motion passed, 4 AYES, 1 ABSENT.

G.3 Claim of 21st Century Insurance MOTION APPROVED

City Attorney Benoun gave the staff report recommending denial of the claim.

Council Member Bucci moved, Council Member Hannon seconded to deny the claim and authorize staff to inform the claimant of such denial. The motion passed, 4 AYES, 1 ABSENT.

G.4 Claim of Richard Brower MOTION APPROVED

City Attorney Benoun gave the staff report recommending denial of the claim.

Council Member Bucci moved, Council Member Hannon seconded to deny the claim and authorize staff to inform the claimant of such denial. The motion passed, 4 AYES, 1 ABSENT

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Council Member Hannon stated that he attended an affordable housing ground breaking in the City of Fremont. He commended the Housing Authority noting that 25% of the units were set aside for veterans.

Council Member Freitas congratulated Vice Mayor Collazo on her first time conducting a city council meeting.

Council Member Bucci announced that Relay for Life is kicking off its free Summer Movies in the Park beginning on May 30th. All money raised is donated to the American Cancer Society.

Vice Mayor Collazo thanked Recreation and Community Services Director Zehnder and Administrative Assistant Rivera for the success of last weekend's Healthy Kids Fair at the Silliman Center. She congratulated Officer Bloom for being recognized by the Optimists Club as Officer of the Year in Newark. She also announced the Sixth Annual Avanzando Scholarship Awards on May 21st at the Newark Pavilion.

J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

K. ORAL COMMUNICATIONS

Newark Library Branch Manager Adina Aguirre gave a short State of the Library report. The library circulated 7,000 more items than last year, had 15,000 more visitors, and program attendance increased from 13,000 to 20,000. She thanked her staff for the success.

Ms. Aguirre also announced she was beginning maternity leave and would return mid-November. She introduced Eileen Mendez who is the Interim Branch Manager.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of May 14, 2015. MOTION APPROVED

Deputy City Clerk Slafter read the Register of Audited Demands: Check numbers 104485 to 104668.

Council Member Bucci moved, Council Member Hannon seconded, to approve the Register of Audited Demands. The motion passed, 4 AYES, 1 ABSENT.

M. CLOSED SESSION

N. ADJOURNMENT

At 8:05 p.m. Council Member Freitas moved, Council Member Bucci seconded to adjourn the City Council meeting. The motion passed, 4 AYES, 1 ABSENT.

C.1 Proclaiming June as Celebrating Business Month in Newark. (PROCLAMATION)

Background/Discussion – June is Celebrating Business Month in the City of Newark. Chamber President/CEO Valerie Boyle and members of the Newark Chamber of Commerce will accept the proclamation at the meeting.

C.2 Presentation of Awards for Students, Teacher, and Classified Employee of the Year. (PRESENTATION)

Background/Discussion – The Newark Unified School District has selected a Student of the Year from each of our local schools. The District has selected a Teacher and Classified Employee of the Year. The Newark Rotary Club will present each individual with a certificate.

E.1 Hearing to consider abandonment of a portion of Hickory Street right-of-way north of Perrin Avenue - from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – On April 23, 2015, the City Council adopted Resolution No. 10,345 declaring its intention to abandon a portion of Hickory Street right-of-way north of Perrin Avenue. The proposed abandonment would be limited to the 40-foot wide western half of the existing Hickory Street right-of-way between the Alameda County Flood Control and Water Conservation District (District) property located immediately north of Perrin Avenue to a point approximately 335 feet north of the District boundary. This right-of-way has never been improved to public street standards, is not currently used as a public street, and is not needed for future street purposes.

The requested abandonment is consistent with Vesting Tentative Tract Map 8085, TTM-12-25, originally approved by the City Council on November 29, 2012, and as amended on February 28, 2013. As part of the wetlands mitigation work associated with the project, conditions of approval require abandonment of the unused right-of-way prior to the start of construction activities.

If abandoned, this portion of the Hickory Street right-of-way would revert back to William Lyon Homes, Inc., as the adjacent property owner to the west. Utility providers with services in this general area have been notified of the proposed right-of-way abandonment. Utility easements for existing overhead electrical utilities and sanitary sewer facilities will be reserved over portions of the right-of-way. Staff has not received any objections to this proposed abandonment.

Attachment

Action - It is recommended that the City Council, by resolution, abandon a portion of Hickory Street right-of-way north of Perrin Avenue.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK ABANDONING A PORTION OF HICKORY
STREET RIGHT-OF-WAY NORTH OF PERRIN AVENUE

WHEREAS, on April 23, 2015, the City Council adopted Resolution No. 10,345 declaring its intention to proceed under the provisions of Part 3, Division 9, of the Streets and Highways Code of the State of California, known as the Street Vacation Act of 1941, to abandon a portion of Hickory Street, Newark, California; and

WHEREAS, proceedings were conducted in a manner provided by law; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark as follows:

1. That the City Council finds from all the evidence submitted that the certain portion of the eastern half of Hickory Street, Newark, California, as described in the above mentioned Resolution of Intention with minor modifications as hereafter described in Exhibit A attached hereto and made a part hereof, is unnecessary for present or prospective public street purposes.
2. That the City Council further finds from the evidence submitted that reservation of public utility easements for overhead electrical facilities and sanitary sewer services is necessary for protection and maintenance of existing public utility facilities.
3. That the City Council hereby reserves public utility easements portions of the area to be abandoned as shown on the accompanying legal descriptions and plats designated as Exhibits B and C attached hereto and made a part hereof. These easements are to be kept open and free from permanent buildings and structures of any kind.

BE IT FURTHER RESOLVED and it is hereby ordered by the City Council of the City of Newark that the certain portion of public street in the City of Newark, lawfully, officially, and commonly known as a portion of the eastern half of Hickory Street north of Perrin Avenue in the City of Newark as described in Exhibit A, be and the same is hereby abandoned and subject to the reservation of public utility easements as shown on Exhibits B and C;

BE IT FURTHER RESOLVED that the time and date of recording a certified copy of this resolution in the office of the County Recorder of Alameda County, State of California, shall be left to the discretion of the City Engineer.

RIGHT OF WAY AND PUBLIC UTILITY
EASEMENT IN FAVOR OF CITY OF
NEWARK PER RE 5618, IM 745

CARGILL
PARCEL 1
315 PM 84

WILDLANDS INC.
PARCEL 1
252 PM 81

HICKORY STREET
PER "MAP OF
TOWN OF NEWARK"
17 M 10

ACFC&WCD
RE 38, IM 637

40' CITY OF NEWARK
PER RE 3199, IM 420

HICKORY
STREET

N68°11'04"E
28.08'

C1
N7°57'12"E(R)

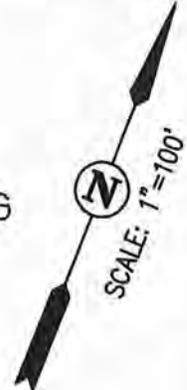
C2

N21°48'56"W 337.27'

PORTION OF HICKORY STREET (EAST)

S21°48'56"E 332.89'

WILLAM LYON HOMES
2013-310645
2013-310647



CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	15.00'	29°46'08"	7.79'
C2	150.00'	1°57'03"	5.11'

S68°16'36"W 40.00'
POB ACFC&WCD
RE 180, IM 904

PERRIN AVENUE

EXHIBIT A
PLAT TO ACCOMPANY LEGAL DESCRIPTION

PORTION OF HICKORY STREET TO BE ABANDONED (EASTERN HALF)
NEWARK, CALIFORNIA

MAY 18, 2015

SHEET 1 OF 1

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA, (925) 866-0322

MAY 18, 2015
JOB NO.: 1496-021

EXHIBIT A
LEGAL DESCRIPTION
PORTION OF HICKORY STREET TO BE ABANDONED (EASTERN HALF)
NEWARK, CALIFORNIA

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF NEWARK, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF HICKORY STREET, AS SAID HICKORY STREET IS SHOWN AND SO DESIGNATED ON THE "MAP OF THE TOWN OF NEWARK, ALAMEDA COUNTY, CAL.", FILED MAY 6, 1878, IN BOOK 17, OF MAPS AT PAGE 10, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, ALSO BEING A PORTION OF THAT CERTAIN PARCEL OF LAND GRANTED TO THE CITY OF NEWARK BY DEED RECORDED AUGUST 4, 1972, IN REEL 3199, IMAGE 420 OF OFFICIAL RECORDS, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTERLINE OF SAID HICKORY STREET, SAID POINT BEING THE SOUTHWESTERN CORNER OF SAID PARCEL OF LAND (REEL 3199, IMAGE 420), SAID POINT ALSO BEING THE NORTHWESTERN CORNER OF THAT CERTAIN PARCEL OF LAND GRANTED TO THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BY DEED RECORDED OCTOBER 5, 1960, IN REEL 180, IMAGE 904 OF OFFICIAL RECORDS, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY;

THENCE, FROM SAID POINT OF BEGINNING, ALONG SAID CENTERLINE OF HICKORY STREET, NORTH 21°48'56" WEST (THE BEARING OF SAID CENTERLINE BEING TAKEN AS NORTH 21°48'56" WEST FOR THE PURPOSE OF MAKING THIS DESCRIPTION) 337.27 FEET;

THENCE, LEAVING SAID CENTERLINE, NORTH 68°11'04" EAST 28.08 FEET;

THENCE, ALONG THE ARC OF A TANGENT 15.00 FEET FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 29°46'08", AN ARC DISTANCE OF 7.79 FEET;

THENCE, ALONG THE ARC OF A REVERSE 150.00 FEET FOOT RADIUS CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 07°57'12" EAST, THROUGH A CENTRAL ANGLE OF 01°57'03", AN ARC DISTANCE OF 5.11 FEET TO A POINT ON THE EASTERN LINE OF SAID HICKORY STREET;

THENCE, ALONG SAID EASTERN LINE, SOUTH 21°48'56" EAST 332.89 FEET TO A POINT ON THE NORTHERN LINE OF SAID PARCEL OF LAND (REEL 180, IMAGE 904);

LEGAL DESCRIPTION - EXHIBIT A
PAGE 2 OF 2

MAY 18, 2015
JOB NO.: 1496-021

THENCE, ALONG SAID NORTHERN LINE, SOUTH 68°16'36" WEST 40.00 FEET TO SAID POINT OF BEGINNING.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

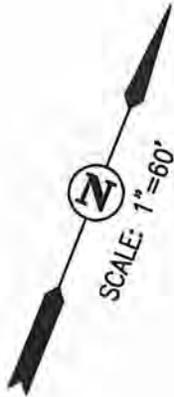
END OF DESCRIPTION





SABRINA KYLE PACK, P.L.S.
L.S. NO. 8164

CARGILL
PARCEL 1
315 PM 84



WILDLANDS INC.
PARCEL 1
252 PM 81

HICKORY STREET
17 M 10

ACFC&WCD
RE 38, IM 637

ACFC&WCD
RE 180, IM 904
EXHIBIT B

WILLIAM LYON HOMES
2013-310645



20' PUBLIC UTILITY
EASEMENT
RESERVATION

LINE TABLE		
NO	BEARING	LENGTH
L1	N68°16'36"E	20.00'
L2	N68°11'04"E	8.08'
L3	S68°16'36"W	20.00'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	15.00'	29°46'08"	7.79'
C2	150.00'	1°57'03"	5.11'

CITY OF NEWARK
PER RE 3199, IM 420

LEGEND

POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
(R) = RADIAL
RE = REEL
IM = IMAGE

PLAT TO ACCOMPANY LEGAL DESCRIPTION

20' PUBLIC UTILITY EASEMENT RESERVATION
PORTION OF HICKORY STREET (17 M 10)
NEWARK, CALIFORNIA
MAY 18, 2015

SHEET 1 OF 1

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

5/18/2015 12:27 PM

EXHIBIT B
LEGAL DESCRIPTION
20' PUBLIC UTILITY EASEMENT RESERVATION
PORTION OF HICKORY STREET (EASTERN HALF)
NEWARK, CALIFORNIA

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF NEWARK, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF HICKORY STREET, AS SAID HICKORY STREET IS SHOWN AND SO DESIGNATED ON THE "MAP OF THE TOWN OF NEWARK, ALAMEDA COUNTY, CAL.", FILED MAY 6, 1878, IN BOOK 17, OF MAPS AT PAGE 10, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, ALSO BEING A PORTION OF THAT CERTAIN PARCEL OF LAND GRANTED TO THE CITY OF NEWARK BY DEED RECORDED AUGUST 4, 1972, IN REEL 3199, IMAGE 420 OF OFFICIAL RECORDS, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE CENTERLINE OF SAID HICKORY STREET, SAID POINT BEING THE SOUTHWESTERN CORNER OF SAID PARCEL OF LAND (REEL 3199, IMAGE 420), SAID POINT ALSO BEING THE NORTHWESTERN CORNER OF THAT CERTAIN PARCEL OF LAND GRANTED TO THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BY DEED RECORDED OCTOBER 5, 1960, IN REEL 180, IMAGE 904 OF OFFICIAL RECORDS, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY;

THENCE, FROM SAID POINT OF COMMENCEMENT, ALONG THE NORTHERN LINE OF SAID PARCEL OF LAND (REEL 180, IMAGE 904), NORTH $68^{\circ}16'36''$ EAST (THE BEARING OF SAID NORTHERN LINE BEING TAKEN AS NORTH $68^{\circ}16'36''$ EAST FOR THE PURPOSE OF MAKING THIS DESCRIPTION) 20.00 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE, FROM SAID POINT OF BEGINNING, ALONG A LINE PARALLEL WITH AND TWENTY (20.00) FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM THE EASTERN LINE OF SAID HICKORY STREET, NORTH $21^{\circ}48'56''$ WEST 337.30 FEET;

THENCE, LEAVING SAID CENTERLINE, THENCE, NORTH $68^{\circ}11'04''$ EAST 8.08 FEET;

THENCE, ALONG THE ARC OF A TANGENT 15.00 FEET FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF $29^{\circ}46'08''$, AN ARC DISTANCE OF 7.79 FEET;

THENCE, ALONG THE ARC OF A REVERSE 150.00 FEET FOOT RADIUS CURVE TO THE LEFT, FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH $07^{\circ}57'12''$ EAST, THROUGH A CENTRAL ANGLE OF $01^{\circ}57'03''$, AN ARC DISTANCE OF 5.11 FEET TO A POINT ON THE EASTERN LINE OF SAID HICKORY STREET;

THENCE, ALONG SAID EASTERN LINE, SOUTH 21°48'56" EAST 332.89 FEET TO A POINT ON SAID NORTHERN LINE OF SAID PARCEL OF LAND (REEL 180, IMAGE 904);

THENCE, ALONG SAID NORTHERN LINE, SOUTH 68°16'36" WEST 20.00 FEET TO SAID POINT OF BEGINNING.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION





SABRINA KYLE PACK, P.L.S.
L.S. NO. 8164

CARGILL
PARCEL 1
315 PM 84



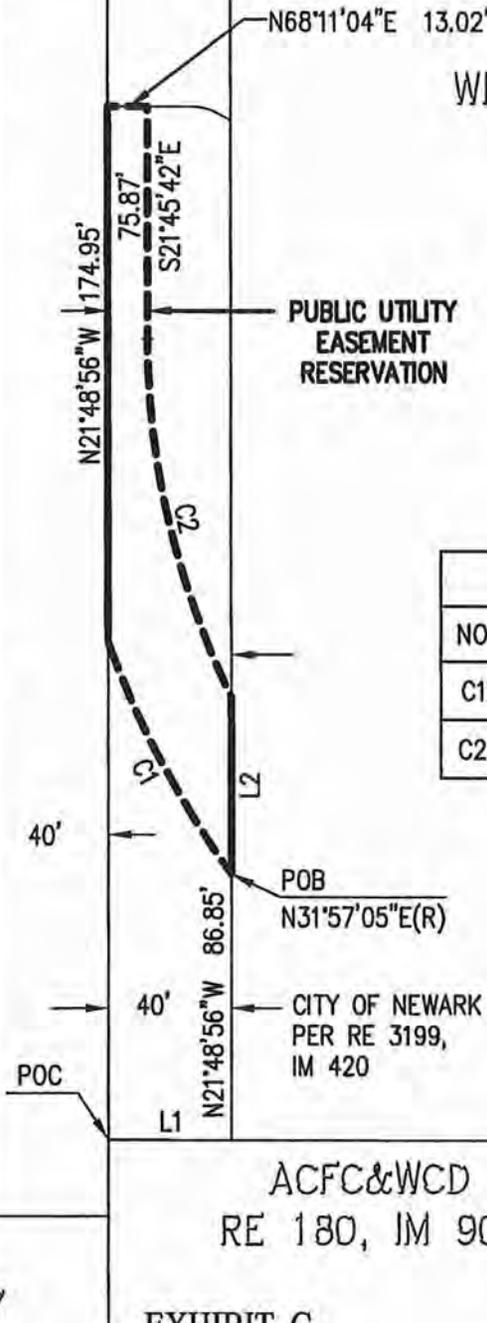
WILLIAM LYON HOMES
2013-310645

LINE TABLE		
NO	BEARING	LENGTH
L1	N68°16'36"E	40.00'
L2	S21°48'56"E	57.73'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	295.00'	16°39'35"	85.78'
C2	265.00'	26°09'58"	121.02'

HICKORY STREET
17 M 10

WILDLANDS INC.
PARCEL 1
252 PM 81



ACFC&WCD
RE 38, IM 637

ACFC&WCD
RE 180, IM 904

EXHIBIT C

PLAT TO ACCOMPANY LEGAL DESCRIPTION

PUBLIC UTILITY EASEMENT RESERVATION
PORTION OF HICKORY STREET (17 M 10)
NEWARK, CALIFORNIA
MAY 18, 2015

SHEET 1 OF 1

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

MAY 18, 2015
JOB NO.: 1496-021

EXHIBIT C
LEGAL DESCRIPTION
PUBLIC UTILITY EASEMENT RESERVATION
PORTION OF HICKORY STREET (EASTERN HALF)
NEWARK, CALIFORNIA

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF NEWARK, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF HICKORY STREET, AS SAID HICKORY STREET IS SHOWN AND SO DESIGNATED ON THE "MAP OF THE TOWN OF NEWARK, ALAMEDA COUNTY, CAL.", FILED MAY 6, 1878, IN BOOK 17, OF MAPS AT PAGE 10, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, ALSO BEING A PORTION OF THAT CERTAIN PARCEL OF LAND GRANTED TO THE CITY OF NEWARK BY DEED RECORDED AUGUST 4, 1972, IN REEL 3199, IMAGE 420 OF OFFICIAL RECORDS, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE CENTERLINE OF SAID HICKORY STREET, SAID POINT BEING THE SOUTHWESTERN CORNER OF SAID PARCEL OF LAND (REEL 3199, IMAGE 420), SAID POINT ALSO BEING THE NORTHWESTERN CORNER OF THAT CERTAIN PARCEL OF LAND GRANTED TO THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BY DEED RECORDED OCTOBER 5, 1960, IN REEL 180, IMAGE 904 OF OFFICIAL RECORDS, IN SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY;

THENCE, FROM SAID POINT OF COMMENCEMENT, ALONG THE NORTHERN LINE OF SAID PARCEL OF LAND (REEL 180, IMAGE 904), NORTH 68°16'36" EAST (THE BEARING OF SAID NORTHERN LINE BEING TAKEN AS NORTH 68°16'36" EAST FOR THE PURPOSE OF MAKING THIS DESCRIPTION) 40.00 FEET TO A POINT ON THE EASTERN LINE OF SAID HICKORY STREET;

THENCE, ALONG SAID EASTERN LINE, NORTH 21°48'56" WEST 86.85 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION;

THENCE, FROM SAID POINT OF BEGINNING, LEAVING SAID EASTERN LINE, ALONG THE ARC OF A NON-TANGENT 295.00 FOOT RADIUS CURVE TO THE RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 31°57'05" EAST, THROUGH A CENTRAL ANGLE OF 16°39'35", AN ARC DISTANCE OF 85.78 FEET TO A POINT ON SAID CENTERLINE OF HICKORY STREET;

THENCE, ALONG SAID CENTERLINE, NORTH 21°48'56" WEST 174.95 FEET;

THENCE, LEAVING SAID CENTERLINE, NORTH 68°11'04" EAST 13.02 FEET;

THENCE, SOUTH 21°45'42" EAST 75.87 FEET;

THENCE, ALONG THE ARC OF A TANGENT 265.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 26°09'58", AN ARC DISTANCE OF 121.02 FEET TO A POINT ON SAID EASTERN LINE OF HICKORY STREET;

THENCE, ALONG SAID EASTERN LINE, SOUTH 21°48'56" EAST 57.73 FEET TO SAID POINT OF BEGINNING.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION





SABRINA KYLE PACK, P.L.S.
L.S. NO. 8164

E.2 Hearing to consider: (1) a resolution to approve a General Plan Amendment to change the land use designation from P-I (Public Institutional) to S-I (Special Industrial); and (2) a resolution, revoking a planned unit development and a conditional use permit, for a private school at 39201 Cherry Street (APNs: 901-110-68 & 69) – from Assistant City Manager Grindall. (RESOLUTIONS-2)

Background/Discussion - In October 2014, the City Council approved a General Plan Amendment, a planned unit development, and a conditional use permit to allow a private school (Stratford School) at 39201 Cherry Street. Subsequent to that approval, Stratford School informed the City that they would not be pursuing the project.

As the approval of the planned unit development and conditional use permit limits uses on the site to a private school only, the owner of the building has requested revocation along with a General Plan Amendment to restore the Special Industrial designation.

The applicant is requesting the General Plan designation be restored to S-I (Special Industrial) as it was before the private school project. The S-I designation was designed to accommodate high-tech, research and development uses envisioned for the area and is still consistent with the nearby Stevenson Point Tech Park, Ohlone College, and the envisioned development of adjacent Area 3.

Attachment

Update – At its May 12, 2015 meeting, the Planning Commission approved: (1) Planning Commission Resolution No. 1910, recommending City Council approval of a General Plan Amendment (GPA-15-20) to change the land use designation from P-I (Public Institutional) to S-I (Special Industrial); and (2) Planning Commission Resolution No. 1911, revoking P-14-23, a planned unit development, and U-14-24, a conditional use permit, for a private school at 39201 Cherry Street (APNs: 901-110-68 & 69).

Action - It is recommended that the City Council: (1) by resolution, approve a General Plan Amendment (GPA-15-20) to change the land use designation from P-I (Public Institutional) to S-I (Special Industrial); and (2) by resolution, revoke P-14-23, a planned unit development, and U-14-24, a conditional use permit, for a private school located at 39201 Cherry Street (APNs: 901-110-68 & 69).

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING AN AMENDMENT TO THE LAND
USE ELEMENT OF THE GENERAL PLAN TO CHANGE
LAND USE REGULATION FROM P-I (PUBLIC AND
INSTITUTIONAL) TO S-I (SPECIAL INDUSTRIAL)

WHEREAS, in response to the application filed by Aditya Birla Investments, the City of Newark has prepared the proposed amendment to the Newark General Plan (GP-15-20) to change the land use designation of the subject property within the boundaries of Tentative Tract Map 7967 from P-I (Public and Institutional) to S-I (Special Industrial); and

WHEREAS, the proposed amendment is consistent with existing goals, policies and objectives contained in the Newark General Plan with respect to the promotion of balanced land use; and

WHEREAS, the City Council has read, reviewed, and considered the information contained in the staff report and conducted a public hearing on the proposed amendment to the Newark General Plan for the subject property as shown on Exhibit A, and discussed, evaluated, analyzed, reviewed, and considered the information presented in said hearing; and

WHEREAS, the City Council did review and use their independent judgment to consider the information at the public hearing; and

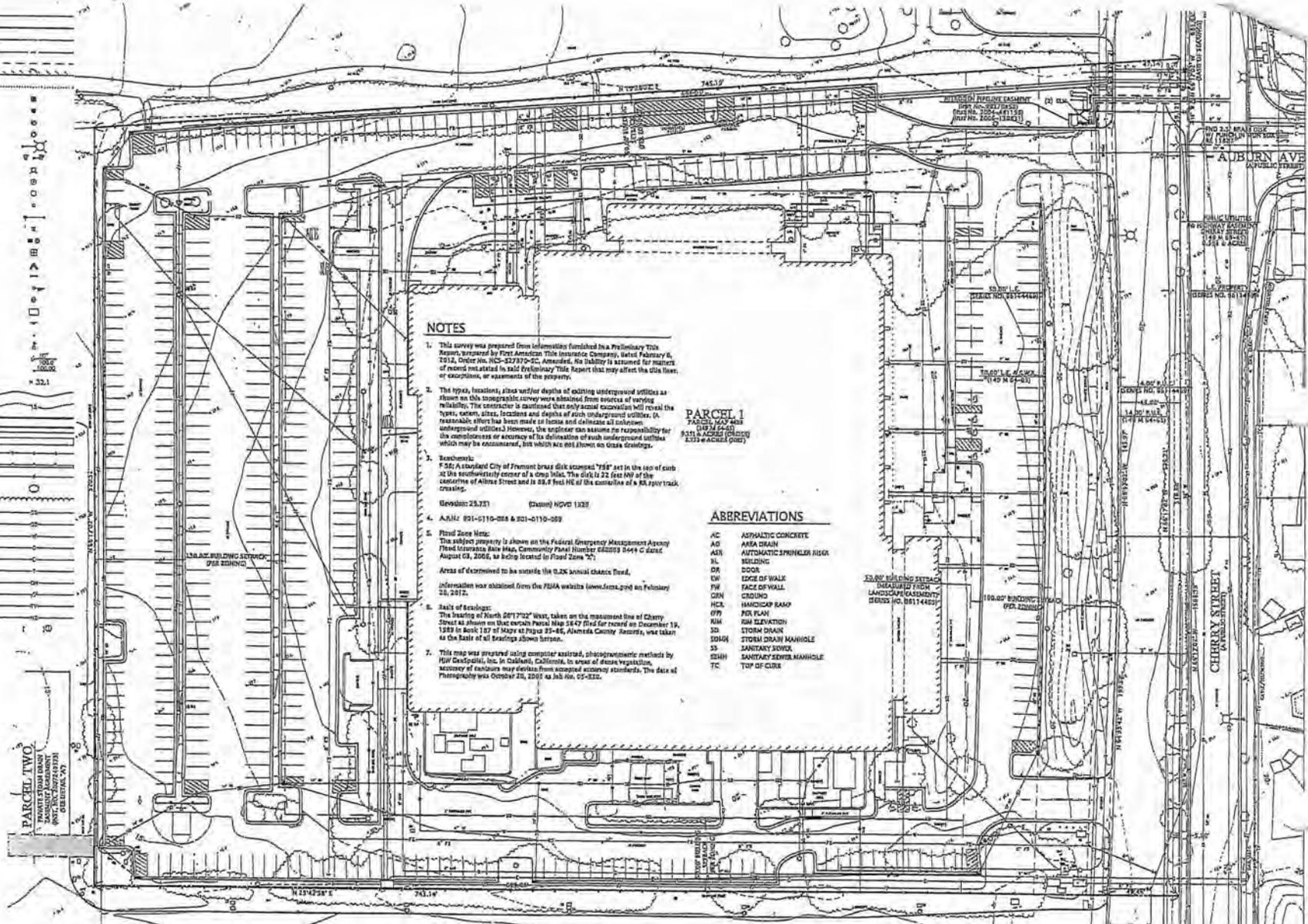
WHEREAS, the City Council finds that the project is categorically exempt from the California Environmental Quality Act per Section 15301, Class 1, operation of existing facilities involving negligible or no expansion of an existing use; and

WHEREAS, pursuant to California Government Code Sections 6061 and Section 65353, a public hearing notice was published in The Argus on May 15, 2015, and the City Council held a public hearing on said application at 7:30 p.m. on May 28, 2015 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby approves the General Plan Amendment, GPA-15-20, with Exhibit A, based on the staff report, staff presentation, and public comments received, with the finding that the proposed amendment is consistent with all other goals and policies of the Newark General Plan.

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- CONTourLINE
- BASEMENT
- BUILDING LINE WITH DOOR
- BUILDING OVERHANG
- FOUND MONUMENT AS NOTED
- FOUND IRON PIPE OR GAS NOTED
- DOLLAR LIGHT
- LIGHT
- STREET LIGHT
- TRAFFIC SIGNAL/ASH / FOOT
- FIRE HYDRANT
- STORM DRAIN MANHOLE
- MANHOLE
- CLEAN OUT
- UTILITY POLE/W/ C/W/W
- VALVE
- CATCH BASIN / DROP INLET
- WATER METERS
- FIRE DEPARTMENT CONNECTION
- BACK FLOW PREVENTER
- POST INDICATOR VALVE
- AUTOMATIC SPRINKLER RISER
- UTILITY BOX (SIZE VARIED)
- SIGN
- DOLLARD
- FLAG POLE
- TREE W/ SIZE AND ELEVATION
- SPOT ELEVATION
- ADJACENT SPOT ELEVATION
- CONTOUR
- INDEX CONTOUR
- CURB
- CURB & CUTTER
- CONCRETE
- FOUR
- RETAINING WALL
- EDGE OF PAVEMENT
- SINGLE TREE
- TREES AND BUSH
- SANITARY SEWER
- STORM DRAIN
- WATER
- GAS
- UNDERGROUND ELECTRIC
- TELEPHONE
- OVERHEAD
- LIGHTING CONDUIT
- CABLE TV
- NITROGEN PIPE LINE
- RECORD INFORMATION W/ REFERENCE



NOTES

1. This survey was prepared from information furnished by a Preliminary Title Report prepared by First American Title Insurance Company, dated February 9, 2012, Order No. NC-27370-0C, Amended, No liability is assumed for matters of record indicated in said Preliminary Title Report that may affect the title hereof, or encumbrances, or easements of the property.
2. The types, locations, sizes and/or depths of existing underground utilities as shown on this topographic survey were obtained from sources of varying reliability. The contractor is cautioned that polyacetal excavations will reveal the types, returns, sizes, locations and depths of such underground utilities. A reasonable effort has been made to locate and delineate all known underground utilities. However, the engineer does assume no responsibility for the completeness or accuracy of the delineation of such underground utilities which may be encountered, but which are not shown on these drawings.
3. **Reference:**
F 56: A standard City of Fremont brick disk stamped "56" set in the top of curb at the southerly corner of a crop line. The disk is 22 (six in) at the centerline of Alma Street and is 33.8 feet NE of the centerline of a RR spur track crossing.
4. **Revision:** 25.251 (Station) HGVD 1925
A.A.N.: 021-0110-005 & 021-0110-009
5. **Flood Zone Map:**
The subject property is shown on the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel Number 62029 5449 C dated August 03, 2006, as being located in Flood Zone "X".
Area of exemption to be outside the 0.2% annual chance flood.
Information was obtained from the FEMA website www.fema.gov on February 22, 2012.
6. **Point of Beginning:**
The bearing of North 201°10' West, taken on the monument line of Cherry Street as shown on that certain Parcel Map 5847 filed for record on December 18, 1989 in Book 187 of Maps at Pages 35-46, Alameda County Records, was taken at the base of all bearings shown herein.
7. This map was prepared using computer assisted, photogrammetric methods by Hill GeoSpatial, Inc. in Oakland, California. In areas of dense vegetation, accuracy of features may deviate from nominal accuracy standards. The date of photography was October 26, 2007 as Job No. 05-212.

PARCEL ONE
PARCEL MAP NO.
087-01-040
8341 & ACRES (PREVIOUS)
2333 & ACRES (PRESENT)

ABBREVIATIONS

AC	ASPHALTIC CONCRETE
AD	AREA DRAIN
AR	AUTOMATIC SPRINKLER RISER
BL	BELOING
DR	DOOR
EW	EDGE OF WALK
FW	FACE OF WALL
GIN	GRADING
HCA	HANDICAP RAMP
FP	FOR PLAN
RM	ROOM ELEVATION
SD	STORM DRAIN
SDMH	STORM DRAIN MANHOLE
SS	SANITARY SEWER
SDMH	SANITARY SEWER MANHOLE
TC	TOP OF CURB

PROJECT: 080322 - AUBURN PLANNING CONSULTING LLC, PERMIT: 01-1010-010, USER: mls@aplanning.com DATE: 8/11/2012 11:52:58am



EXHIBIT A

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK REVOKING A PLANNED UNIT DEVELOPMENT (P-14-23) AND A CONDITIONAL USE PERMIT (U-14-24) FOR A PRIVATE SCHOOL LOCATED AT 39201 CHERRY STREET (APNs: 901-111-68 & 69)

WHEREAS, On October 23, 2014, The City Council of the City of Newark approved a planned unit development and conditional use permit to allow a private school at 39201 Cherry Street; and

WHEREAS, subsequent to that approval, the applicant informed the City the project would not be pursued; and

WHEREAS, pursuant to Chapter 17.72.160 of the Newark Municipal Code, a use permit granted pursuant to the provisions of Chapter 17.72 (Use Permits) shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject to the use permit application; and

WHEREAS, Aditya Birla Investments, LLC, Inc., has filed with the City Council of the City of Newark application to revoke the planned unit development (P-14-23) and conditional use permit (U-14-24) for a private school to be located at 39201 Cherry Street; and

NOW, THEREFORE, the City Council, after due consideration, revokes the planned unit development (P-14-23) and conditional use permit (U-14-24) for a private school to locate at 39201 Cherry Street, under the authority granted in the Newark Municipal Code Section 17.72.130.C.

PLANNING COMMISSION ACTIONS

RESOLUTION NO. 1910

RESOLUTION RECOMMENDING CITY COUNCIL
APPROVAL OF AN AMENDMENT TO THE LAND USE
ELEMENT OF THE GENERAL PLAN

WHEREAS, in response to the application filed by Aditya Birla Investments, LLC for the revocation of a planned unit development and a conditional use permit to allow a private elementary school at 39201 Cherry Street (APNs: 901-110-68 & 69), the City of Newark has prepared the proposed amendment to the Newark General Plan (GPA-15-20) to change the land use designation of the subject property within the boundaries of Tentative Tract Map 7967 from P-I (Public and Institutional) to S-I (Special Industrial); and

WHEREAS, the proposed amendment is consistent with existing goals, policies and objectives contained in the Newark General Plan with respect to the promotion of balanced land use; and

WHEREAS, the Planning Commission has read, reviewed, and considered the information contained in the staff report and conducted a public hearing on the proposed amendment to the Newark General Plan for the subject property as shown on Exhibit A, and discussed, evaluated, analyzed, reviewed, and considered the information presented in said hearing; and

WHEREAS, the Planning Commission did review and use their independent judgment to consider the information at the public hearing; and

WHEREAS, pursuant to California Government Code Sections 6061 and Section 65353, a public hearing was published in The Argus on May 1, 2015, and the Planning Commission held a public hearing on said application at 7:30 p.m. on May 12, 2015 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Newark hereby recommends the City Council approve General Plan Amendment, GPA-15-20, with Exhibit A, based on the staff report, staff presentation, and public comments received, with the finding that the proposed amendment is consistent with all other goals and policies of the Newark General Plan.

This resolution was introduced at the Planning Commission’s May 12, 2015, meeting by Vice-Chairperson Aguilar, seconded by Commissioner Nillo, and passed as follows:

AYES: Aguilar, Fitts, Nillo and Otterstetter.

NOES: None.

ABSENT: Bridges.

s/Terrence Grindall
TERRENCE GRINDALL, Secretary

s/William Fitts
WILLIAM FITTS, Chairperson

RESOLUTION NO. 1911

RESOLUTION REVOKING A PLANNED UNIT DEVELOPMENT (P-14-23) AND A CONDITIONAL USE PERMIT (U-14-24) FOR A PRIVATE SCHOOL LOCATED AT 39201 CHERRY STREET (APNs: 901-111-68 & 69)

WHEREAS, On October 23, 2014, The City Council of the City of Newark approved a planned unit development and conditional use permit to allow a private school at 39201 Cherry Street; and

WHEREAS, subsequent to that approval, the applicant informed the City the project would not be pursued; and

WHEREAS, pursuant to Chapter 17.72.160 of the Newark Municipal Code, a use permit granted pursuant to the provisions of Chapter 17.72 (Use Permits) shall run with the land and shall continue to be valid upon change of ownership of the site or structure which was the subject to the use permit application; and

WHEREAS, Aditya Birla Investments, LLC, Inc., has filed with the Planning Commission of the City of Newark application to revoke the planned unit development (P-14-23) and conditional use permit (U-14-24) for a private school to be located at 39201 Cherry Street; and

PURSUANT to Municipal Code Section 17.72.060, a public hearing notice was published in The Argus on May 1, 2015, and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on May 12, 2015 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, the Planning Commission, after due consideration, revokes the planned unit development (P-14-23) and conditional use permit (U-14-24) for a private school to locate at 39201 Cherry Street, under the authority granted in the Newark Municipal Code Section 17.72.130, and directs a Notice of Decision be mailed to the applicant and filed with the City Clerk who shall present said Notice to the City Council pursuant to Newark Municipal Code Section 17.72.080.

This Resolution was introduced at the Planning Commission’s May 12, 2015 meeting by Vice-Chairperson Aguilar, seconded by Commissioner Nillo, and passed as follows:

AYES: Aguilar, Fitts, Nillo and Otterstetter.

NOES: None.

ABSENT: Bridges.

s/Terrence Grindall
TERRENCE GRINDALL, Secretary

s/William Fitts
WILLIAM FITTS, Chairperson

E.3 Hearing to consider: (1) a planned unit development, and a conditional use permit, to hold SummerFest in the NewPark Mall parking lot on July 11 and 12, 2015, and dates to be determined in 2016 and 2017; and (2) a waiver of the application fees. NewPark Mall is located to the north by Mowry Avenue, to the west by Cedar Boulevard, to the south by Balentine Drive, and to the east by Interstate 880 (Nimitz Freeway) – from Assistant City Manager Grindall. (RESOLUTION)(MOTION)

Background/Discussion - The Newark Chamber of Commerce has submitted an application to hold their seventh annual outdoor fund-raising festival called “Summerfest” in the NewPark Mall parking lot on July 11, 2015 (Saturday) and July 12, 2015 (Sunday). Summerfest is a two-day festival consisting of activities such as arts and crafts, food and commercial vendors, live music, micro-breweries, a car show and a kid’s zone. Summerfest is proposed to be held from 10:00 a.m. to 6:00 p.m. each day. The event would take place in the parking lot between Sear’s and Macy’s, next to the Newark Farmers Market that is held on Sundays. The Chamber would use the funds raised from the event to promote local businesses. NewPark Mall is zoned CR (Regional Commercial). Approval of a conditional use permit and a planned unit development is required.

Last year’s event was held at the same location as proposed this year. Planning staff has not received any complaints regarding any prior Summerfest event. As such, staff recommends approval of the conditional use permit and planned unit development application for the events to be held on July 11, 2015 and July 12, 2015, subject to the conditions of approval listed in the attached resolution; and further recommends that if approved, the application be granted a three-year approval good for two days (to be determined) during the summer of 2016 and 2017.

Environmental Review

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

Attachment

Update – At its meeting of May 12, 2015, the Planning Commission approved Resolution No. 1909, for P-15-14, a planned unit development, and U-15-15, a conditional use permit, to hold SummerFest (consisting of activities such as arts, crafts, food and commercial vendors, live music, micro-breweries, car show, and a kids’ zone) in the NewPark Mall parking lot on July 11 and 12, 2015, and dates to be determined in 2016 and 2017.

Action - It is recommended that the City Council: (1) by resolution, approve P-15-14, a planned unit development, and U-15-15, a conditional use permit, to hold SummerFest in the NewPark Mall parking lot on July 11 and 12, 2015, and dates to be determined in 2016 and 2017; and (2) by motion, waive the application fees.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK APPROVING P-15-14, A PLANNED UNIT DEVELOPMENT, AND U-15-15, A CONDITIONAL USE PERMIT, TO HOLD SUMMERFEST IN THE NEWPARK MALL PARKING LOT ON JULY 11 AND 12, 2015, AND DATES TO BE DETERMINED IN 2016 AND 2017

WHEREAS, the Newark Chamber of Commerce has filed with the City Council of the City of Newark application for P-15-14, a planned unit development, and U-15-15, a conditional use permit, to hold SummerFest (consisting of activities such as arts, crafts, food and commercial vendors, live music, micro-breweries, car show, and a kids' zone) in the NewPark Mall parking lot on July 11 and 12, 2015, and dates to be determined in 2016 and 2017; and

PURSUANT to Municipal Code Section 17.72.060, a public hearing notice was published in The Argus on May 15, 2015, and mailed as required, and the City Council held a public hearing on said application at 7:30 p.m. on May 28, 2015 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

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

Planning Division

- a. This approval shall be for SummerFest on July 11 and 12, 2015 between the hours of 10:00 a.m. and 6:00 p.m., with a reasonable amount of time for set-up prior to opening and for clean-up after closing as determined by the Community Development Director. Further, the application shall be granted a three-year (2015-2017) approval good for two days (to be determined) during the summers of 2016 and 2017. Any future changes to the location at NewPark Mall, general layout, or event content shall be reviewed by the Community Development Director and approved at his/her discretion.
- b. The volume levels of all sound equipment and speakers associated with this project shall not exceed levels determined to be acceptable by the Community Development Director.
- c. All lighting shall be directed on-site so as not to create glare off-site.
- d. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 9:00 p.m. and 7:00 a.m.
- e. Garbage and recycling pick-up shall be coordinated with the City's waste management provider so that a sufficient number of dumpsters are available on-site and picked-up to ensure no refuse, garbage or recycling is stored outdoors except within the approved trash and recycling dumpsters. Prior to the event openings, the developer shall submit written

evidence of the waste management provider's approval.

- f. The site and its improvements shall be maintained in a neat and presentable condition, to the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site clean-up. Graffiti removal/repainting and site clean-up shall occur on a continuing, as needed basis. Any vehicle or portable building brought on the site shall remain graffiti free.
- g. Construction equipment, including compressors, generators and mobile equipment shall be fitted with heavy-duty mufflers designed to reduce noise impacts.
- h. The event staff shall, as needed, direct patrons to park their vehicles in the NewPark Mall parking lot.
- i. Prior to the event opening, the event staff shall submit evidence to the City of approval from the County Health Department for the proposed food and beverage sales, as well as the appropriate liquor license permit from the Department of Alcoholic Beverage Control. There shall be no sale of alcohol other than beer and wine at SummerFest.
- j. Within 24 hours of the conclusion of the events, all structures and improvements brought to the subject site associated with this project shall be removed and the site returned to its original, pre-event condition, to the satisfaction of the Community Development Director.

Engineering Division

- k. Event staff shall implement all applicable Best Management Practices (BMPs) from the California Best Management Practice Handbook for Construction Activities to prevent the pollution or contamination of storm water runoff from the event area. Additional BMPs may be required by the City Engineer, as necessary, to minimize the pollution of storm water runoff and to satisfy requirements under the Municipal Regional Stormwater Permit issued to the City of Newark by the Regional Water Quality Control Board, San Francisco Bay. The following notes shall be added to the final plans:
 - 1. Any stockpiled materials with the potential to pollute storm water runoff shall be properly contained and covered to prevent any such pollution.
 - 2. The parking lot and drive aisles shall be cleaned daily or as required by the City Engineer to remove accumulated trash and debris generated from the project area. Migration of trash and debris into the public right-of-way is prohibited and will be strictly enforced.
 - 3. Water-tight waste receptacles shall be placed around the site as necessary to minimize litter, to the satisfaction of the City Engineer.
 - 4. Any liquid spills associated with the proposed project must be cleaned immediately and prevented from entering the storm drain system.

5. Temporary sanitary facilities shall be managed and maintained at all times, placed away from drainage facilities and traffic circulation, and secured to prevent overturning.
6. All applicable Best Management Practices from the California Storm Water Quality Best Management Practices Handbook for Construction Activities shall be implemented, as necessary, to minimize storm water pollution to the satisfaction of the City Engineer.

Police Department

- I. SummerFest staff shall implement a security program to protect patrons and staff before, during and after the events (until the events are finished and completely off the site), to the satisfaction of the Police Chief. This shall include, but not be limited to, the developer providing security staff to protect the structures and equipment brought onto the site. The developer shall provide the Police Department with the names and mobile telephone numbers of security staff and/or managers, along with the contact name, mobile telephone number and office telephone number of the on-site person in charge who can be reached at all hours while the events are at the subject site.

Fire Department

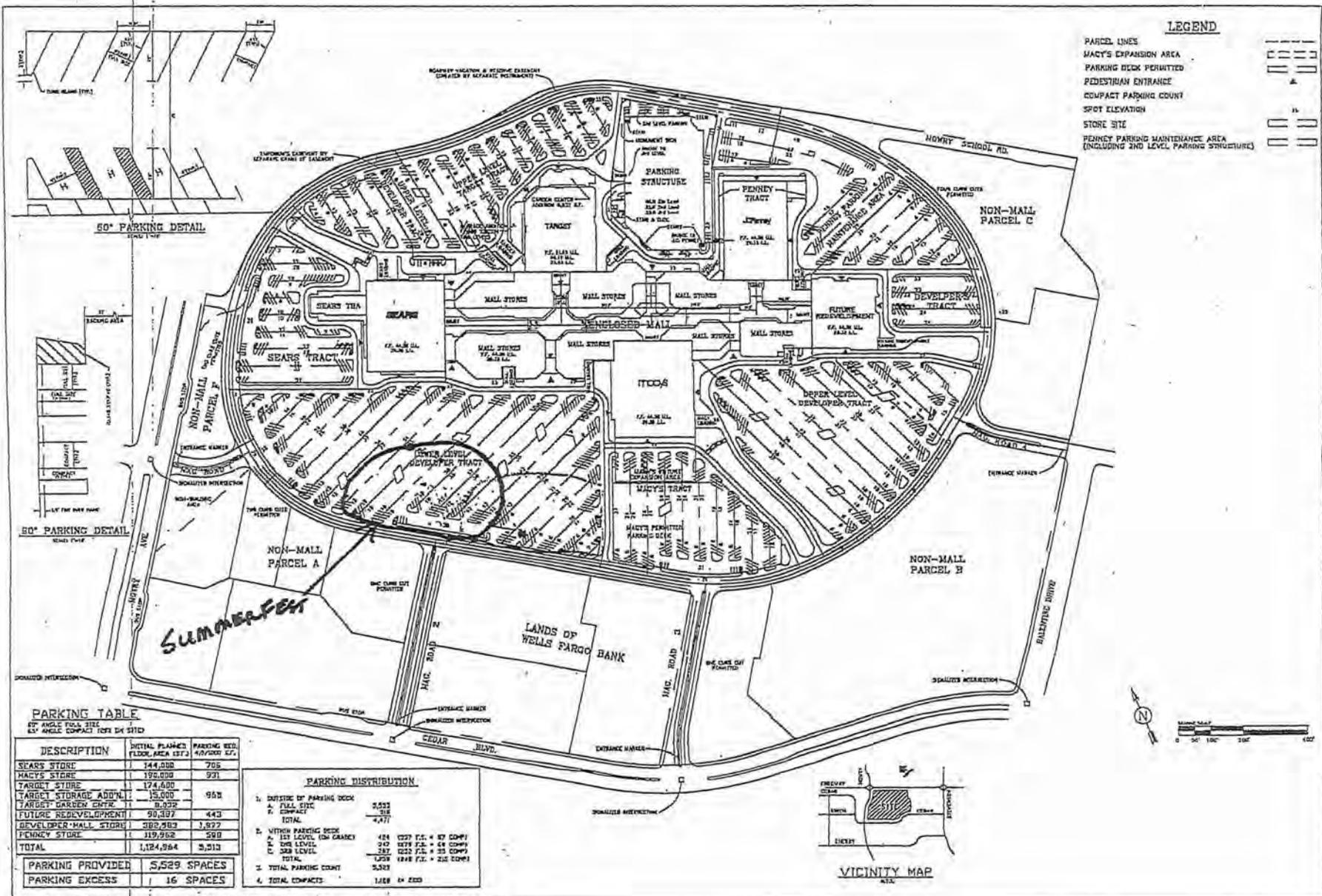
- m. An approved fire department access road shall be provided so that all portions of the structures or tent are within 150 feet of the access road. Fire access roads shall have an unobstructed width of 20 feet and vertical clearance of 13 feet 6 inches.
- n. Tents or membrane structures shall not be located within 20 feet of lot lines, buildings, parked vehicles, or internal combustion engines.
- o. Applicant shall submit a site layout map and obtain a fire department permit for the installation of tents and temporary membrane structures.
- p. Applicant shall meet all applicable fire code requirements at the time of application submittal.

General

- q. 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.
- r. If any condition of this conditional use permit and planned unit development be declared invalid or unenforceable by a court of competent jurisdiction, this conditional use permit and planned unit development shall terminate and be of no force and effect, at the

election of the City Council on motion.

- s. All conditional use permit and planned unit development conditions of approval of this project, as approved by the City Council, shall be posted at the site and distributed to event personnel.
- t. 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.
- u. 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.



CCP

Calvin Clark Properties, Inc.
118 Hedy Wilson Drive
Dubuque, IA 52006
(319) 264-2000
www.ccp.com

THIS PLAN AND SPECIFICATIONS ARE PRELIMINARY AND SUBJECT TO CHANGE WITHOUT NOTICE. THE CLIENT ACCEPTS THE RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON.

ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

DATE OF ISSUE: 07/20/03

NEWPARK MALL
2086 NEWPARK MALL
NEWARK, CA 94560-2011

PROJECT NO. 03-001
SHEET NO. SP-1
DATE: 07/20/03

EXHIBIT A

NEWARK SUMMERFEST SITE MAP

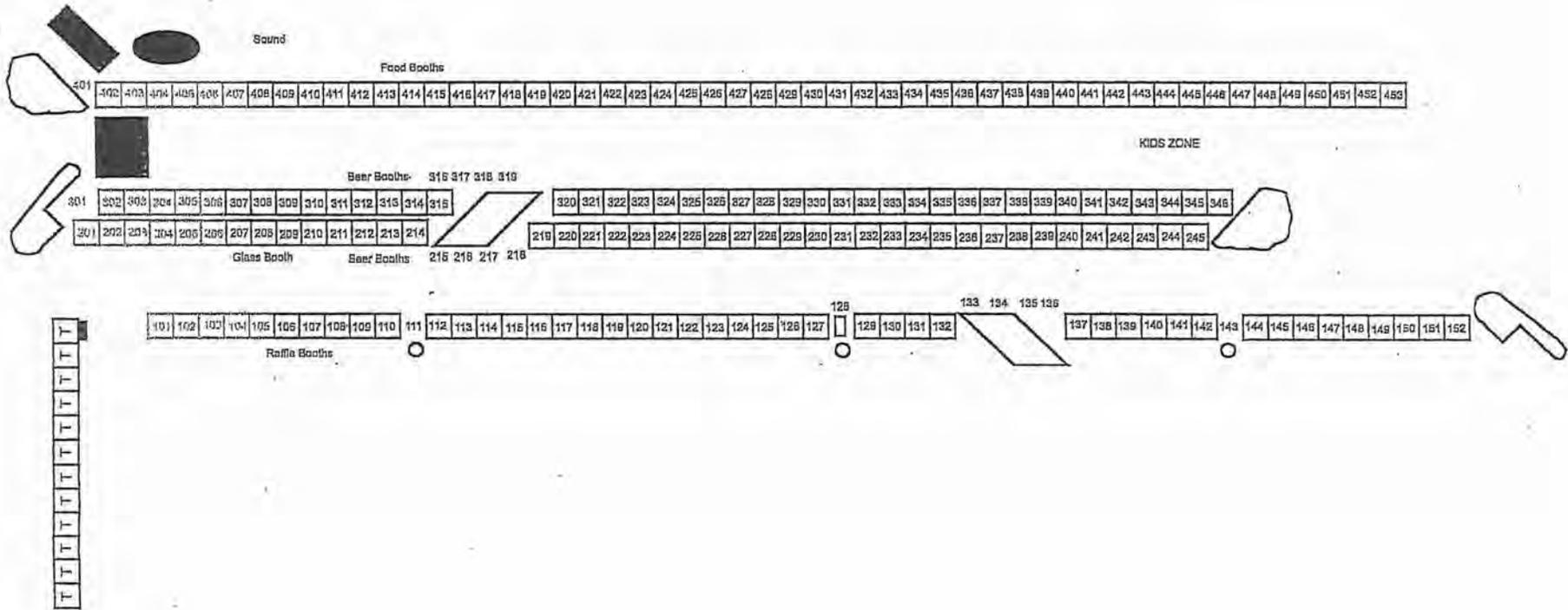


EXHIBIT *A₁P-2*

PLANNING COMMISSION ACTIONS

RESOLUTION NO. 1909

RESOLUTION APPROVING P-15-14, A PLANNED UNIT DEVELOPMENT, AND U-15-15, A CONDITIONAL USE PERMIT, TO HOLD SUMMERFEST IN THE NEWPARK MALL PARKING LOT ON JULY 11 AND 12, 2015 AND DATES TO BE DETERMINED IN 2016 AND 2017

WHEREAS, the Newark Chamber of Commerce has filed with the Planning Commission of the City of Newark application for P-15-14, a planned unit development, and U-15-15, a conditional use permit, to hold SummerFest (consisting of activities such as arts, crafts, food and commercial vendors, live music, micro-breweries, and a kids' zone) in the NewPark Mall parking lot on July 11 and 12, 2015 and dates to be determined in 2016 and 2017 (NewPark Mall is bounded, generally, to the north by Mowry Avenue, to the west by Cedar Boulevard, to the south by Balentine Drive, and to the east by Interstate 880 [Nimitz Freeway]); and

PURSUANT to Municipal Code Section 17.72.060, a public hearing notice was published in The Argus on May 1, 2015, and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on May 12, 2015 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

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

Planning Division

- a. This approval shall be for SummerFest on July 11 and 12, 2015 between the hours of 10:00 a.m. and 6:00 p.m., with a reasonable amount of time for set-up prior to opening and for clean-up after closing as determined by the Community Development Director. Further, the application shall be granted a three-year (2015-2017) approval good for two days (to be determined) during the summers of 2016 and 2017. Any future changes to the location at NewPark Mall, general layout, or event content shall be reviewed by the Community Development Director and approved at his/her discretion.
- b. The volume levels of all sound equipment and speakers associated with this project shall not exceed levels determined to be acceptable by the Community Development Director.
- c. All lighting shall be directed on-site so as not to create glare off-site.
- d. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 9:00 p.m. and 7:00 a.m.

- e. Garbage and recycling pick-up shall be coordinated with the City's waste management provider so that a sufficient number of dumpsters are available on-site and picked-up to ensure no refuse, garbage or recycling is stored outdoors except within the approved trash and recycling dumpsters. Prior to the event openings, the developer shall submit written evidence of the waste management provider's approval.
- f. The site and its improvements shall be maintained in a neat and presentable condition, to the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site clean-up. Graffiti removal/repainting and site clean-up shall occur on a continuing, as needed basis. Any vehicle or portable building brought on the site shall remain graffiti free.
- g. Construction equipment, including compressors, generators and mobile equipment shall be fitted with heavy-duty mufflers designed to reduce noise impacts.
- h. The event staff shall, as needed, direct patrons to park their vehicles in the NewPark Mall parking lot.
- i. Prior to the event opening, the event staff shall submit evidence to the City of approval from the County Health Department for the proposed food and beverage sales, as well as the appropriate liquor license permit from the Department of Alcoholic Beverage Control. There shall be no sale of alcohol other than beer and wine at SummerFest.
- j. Within 24 hours of the conclusion of the events, all structures and improvements brought to the subject site associated with this project shall be removed and the site returned to its original, pre-event condition, to the satisfaction of the Community Development Director.

Engineering Division

- k. Event staff shall implement all applicable Best Management Practices (BMPs) from the California Best Management Practice Handbook for Construction Activities to prevent the pollution or contamination of storm water runoff from the event area. Additional BMPs may be required by the City Engineer, as necessary, to minimize the pollution of storm water runoff and to satisfy requirements under the Municipal Regional Stormwater Permit issued to the City of Newark by the Regional Water Quality Control Board, San Francisco Bay. The following notes shall be added to the final plans::
 - 1. Any stockpiled materials with the potential to pollute storm water runoff shall be properly contained and covered to prevent any such pollution.
 - 2. The parking lot and drive aisles shall be cleaned daily or as required by the City Engineer to remove accumulated trash and debris generated from the project area. Migration of trash and debris into the public right-of-way is prohibited and will be strictly enforced.

3. Water-tight waste receptacles shall be placed around the site as necessary to minimize litter, to the satisfaction of the City Engineer.
4. Any liquid spills associated with the proposed project must be cleaned immediately and prevented from entering the storm drain system.
5. Temporary sanitary facilities shall be managed and maintained at all times, placed away from drainage facilities and traffic circulation, and secured to prevent overturning.
6. All applicable Best Management Practices from the California Storm Water Quality Best Management Practices Handbook for Construction Activities shall be implemented, as necessary, to minimize storm water pollution to the satisfaction of the City Engineer.

Police Department

- i. SummerFest staff shall implement a security program to protect patrons and staff before, during and after the events (until the events are finished and completely off the site), to the satisfaction of the Police Chief. This shall include, but not be limited to, the developer providing security staff to protect the structures and equipment brought onto the site. The developer shall provide the Police Department with the names and mobile telephone numbers of security staff and/or managers, along with the contact name, mobile telephone number and office telephone number of the on-site person in charge who can be reached at all hours while the events are at the subject site.

Fire Department

- m. An approved fire department access road shall be provided so that all portions of the structures or tent are within 150 feet of the access road. Fire access roads shall have an unobstructed width of 20 feet and vertical clearance of 13 feet 6 inches.
- n. Tents or membrane structures shall not be located within 20 feet of lot lines, buildings, parked vehicles, or internal combustion engines.
- o. Applicant shall submit a site layout map and obtain a fire department permit for the installation of tents and temporary membrane structures.
- p. Applicant shall meet all applicable fire code requirements at the time of application submittal.

General

- q. 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.

- r. If any condition of this conditional use permit and planned unit development be declared invalid or unenforceable by a court of competent jurisdiction, this conditional use permit and planned unit development shall terminate and be of no force and effect, at the election of the City Council on motion.
- s. This conditional use permit and planned unit development shall be given a public hearing before the City Council for the Council's review and approval.
- t. All conditional use permit and planned unit development conditions of approval of this project, as approved by the City Council, shall be posted at the site and distributed to event personnel.
- u. 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.
- v. 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.

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

This Resolution was introduced at the Planning Commission's May 12, 2015 meeting by Commissioner Nillo, seconded by Commissioner Otterstetter, and passed as follows:

AYES: Aguilar, Fitts, Nillo and Otterstetter.

NOES: None.

ABSENT: Bridges.

s/Terrence Grindall
TERRENCE GRINDALL, Secretary

s/William Fitts
WILLIAM FITTS, Chairperson

- E.4 Hearing to consider: (1) adopting a resolution approving P-15-5, a planned unit development, and U-15-6, a conditional use permit, for: (a) reduced side and front yard setbacks for certain unit plans; and (b) the number of garage facades fronting one street to exceed what is allowed by the Form Based Codes; and ASR-15-9, an Architectural and Site Plan Review, for the project building elevations and finding that Vesting Tentative Map 8085 is in substantial conformance; and (2) adopting a resolution approving the second Addendum to the Dumbarton TOD Specific Plan EIR (State Clearinghouse Number 2010042012), for development of 542 residential units within the Dumbarton Transit-Oriented Development (TOD) Specific Plan area – from Assistant City Manager Grindall. (RESOLUTIONS-2)**

Background/Discussion - William Lyon Homes is seeking further approvals for the development of the Torian parcels within the Dumbarton Transit-Oriented Development (TOD) Specific Plan area and has submitted applications for a planned unit development and conditional use permit, and for architectural and site plan review, with several project refinements to the City for review and approval (the project). The project proposes the construction of 542 residential units on 42.22 acres generally located on the west side of Willow Street at the terminus of Central Avenue in the City of Newark. The 42.22 acres being developed with residential uses is wholly within the 205-acre TOD Specific Plan area. The project refinements include relocating a wetland connection directly to the Alameda County Flood Control District (ACFCD) F1 Channel under the ACFCD access road, a reconfiguration of the proposed wetland area that would require less of the Hickory Street right-of-way, reconfiguration of certain lots and internal roads, realignment and enlargement of the wetlands reserve to 4.57 acres from 3.5 acres, and realignment of a trail to the north side of the wetlands reserve, a further reduction in the total proposed number of units from 547 units to 542 units, and other minor adjustments to the site plan. A conceptual alignment for the relocation of the force mains through the project site required by a 2013 Regional Board approval is also now available.

Planned Unit Development/Conditional Use Permit

The project proposes the development of a previously analyzed and approved project with minor deviations from the City's Form Based Code for the TOD Specific Plan area. These deviations require the approval of a planned unit development permit and accompanying conditional use permit. The specific proposed deviations are: (1) Village 3 would include 0' front setbacks in lieu of 10' setbacks for Plan 3. This reduced setback is generally consistent with the attached housing product included in the Village and would eliminate a potential nuisance corridor at the end of the Village's alleys; (2) Residences in Village 4 would have rear yard setbacks of 5.5' in lieu of 10'. The Village 4 rear yards have been designed to wrap around the corner of the residences which results in a greater amount of total rear yard square footage that the minimum required by the Form Based Code and is therefore consistent with the intent of the code; and (3) The garages fronting the public street in Villages 4 would exceed the Form Based Code allowed façade area, however these garages would be split with varied setbacks to address the intent of the Form Based Code to avoid unarticulated frontages.

With these design changes, the project would result in 542 residential units and thus would continue to advance the Specific Plan's objectives to develop residential uses of stable and

desirable character on the site; and the project would continue to achieve the purpose of the Form Based Code to ensure that the design and form of the development is compatible with the surrounding environment. Further, the environmental effects of the Project, including those related to traffic and affecting public health and safety, have been analyzed in previous CEQA documents, as discussed below. These CEQA documents demonstrate that the project would not overload roadways and would not adversely affect health and safety.

Architectural and Site Plan Review

Before the Project can be approved, in addition to the other requirements and approvals discussed herein, the City has required that the Project undergo architectural and site plan review. The proposed site plan substantially conforms to Vesting Tentative Tract Map 8085 and will produce a high quality residential development with landscaping and other site improvements that will greatly enhance the site, improve land values, and will complement existing development in the area and the City of Newark. Development of the 542 residential units as shown in the site plan would also promote the objectives of the TOD Specific Plan to produce an attractive, desirable residential community on the Torian parcels.

The proposed architectural styles are Seaside Modern and Agrarian to be consistent with the DTOD Form Based Codes.

Environmental Determination

The Dumbarton TOD Specific Plan EIR (State Clearinghouse Number 2010042012) was certified by the City of Newark on September 8, 2011. The EIR analyzes the impacts of development that will occur on many different parcels owned by various entities within the 205-acre Specific Plan area, including the Torian parcels at issue for the Project. The EIR analyzed the impacts of the construction and operation of 583 residential units on the Torian parcels. The Project calls for development of 542 residential units, which is 40 units less than the development already analyzed by the EIR.

Relying on the EIR, on November 29, 2012, the City of Newark approved Tentative Tract Map 8085 for a 553 residential unit development on the Torian parcels. On February 28, 2013 the City approved a revised Tentative Tract Map, which made minor revisions to the original Tentative Tract Map 8085. These revisions included a contemplated wetland connection through, and the abandonment of, Hickory Street and a total of 547 units, as well as other minor site plan revisions. The revised Tentative Tract Map approval relied on an addendum to the EIR, which concluded that the project revisions would not result in any new or substantially increased environmental impacts.

A second Addendum to the EIR has been prepared, which analyzes the proposed revisions to the development on the Torian parcels as well as any changed circumstances and new information that may require further environmental review. The Project was analyzed by the EIR, the first Addendum, and now the second Addendum; and as proposed, the Project will be undertaken pursuant to and in conformity with the TOD Specific Plan, and the City and applicant will remain obligated to comply with all applicable mitigation measures and conditions of approval contained within the EIR.

Under CEQA, where a public agency has previously certified an EIR for a specific plan, no subsequent EIR shall be prepared for a project undertaken pursuant to that EIR and in conformity with the previously analyzed specific plan as long as the project has not changed in scope since the specific plan was adopted, and as long as the circumstances described in CEQA Guidelines section 15162 have not occurred. Based on the second Addendum, Staff concludes that, because the Project does not include substantial changes relative to the previously analyzed development, will not be developed under substantially changed circumstances, and no new information has come to light meeting the requirements of CEQA Guidelines section 15162(a)(3), preparation of a supplemental EIR is not required.

Attachment

Update – At their April 14, 2015 meeting, the Planning Commission: (1) adopted Planning Commission Resolution No. 1906, approving P-15-5, a planned unit development, and U-15-6, a conditional use permit, for: (a) reduced side and front yard setbacks for certain unit plans; and (b) the number of garage facades fronting one street to exceed what is allowed by the Form Based Codes; and ASR-15-9, an Architectural and Site Plan Review, for the project building elevations and finding that Vesting Tentative Map 8085 is in substantial conformance; and (2) adopted Planning Commission Resolution No. 1907, approving the second Addendum to the Dumbarton TOD Specific Plan EIR (State Clearinghouse Number 2010042012), for development of 542 residential units within the Dumbarton Transit-Oriented Development (TOD) Specific Plan area.

Action - It is recommended that the City Council, by resolutions, (1) approve P-15-5, a planned unit development, and U-15-6, a conditional use permit, for: (a) reduced side and front yard setbacks for certain unit plans; and (b) the number of garage facades fronting one street to exceed what is allowed by the Form Based Codes; and ASR-15-9, an Architectural and Site Plan Review, for the project building elevations and finding that Vesting Tentative Map 8085 is in substantial conformance; and (2) approve the second Addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report (State Clearinghouse Number 2010042012), for and approving the development of 542 residential units within the Specific Plan Area, and making findings in support thereof.

E.5 Hearing on the Housing Element Update 2015 by considering resolutions: 1) approving Housing Element Update 2015 and 2) Finding that the General Plan Tune Up Program Environmental Impact Report addressed the Environmental Impacts of the Housing Element Update 2015 – from Assistant City Manager Grindall. (RESOLUTIONS - 2)

Background/Discussion – The Housing Element of the General Plan must be updated periodically and certified by the State of California. Newark’s Housing Element was last updated in 2009 and an update is required in 2015. The City approved a comprehensive update of the General Plan in December of 2013, but the Housing Element was not updated at that time. An Environmental Impact Report was prepared and certified for the General Plan Update.

Staff has developed a Draft Housing Element Update that is consistent with the approved 2013 General Plan. The Housing Element update process included two community meetings, one of which was on July 30, 2014 to present housing conditions information and proposed criteria for housing site selection. A second community meeting to review the previous information and discuss potential sites for new housing was held on September 3, 2014. The meetings were well attended with approximately 40 people in attendance at each meeting. Information from both meetings, including the presentations used at the meetings and a draft map of housing sites, were posted on the City’s website shortly after each meeting.

The purpose of the Housing Element is to support the vision of assuring the provision of safe, decent, affordable shelter for all Newark residents. The Element places a particular emphasis on lower income Newark residents and residents with special needs, including seniors and persons with disabilities. The Element includes an evaluation of housing needs in the City, based on demographics and housing conditions. As required by state law, it identifies sites sufficient to accommodate the city’s share of the region’s housing needs over an eight year period. The Regional Housing Need Allocation (RHNA) is developed by the Association of Bay Area Governments (ABAG). The City has sites, already designated for housing, that are more than adequate to meet the RHNA. Therefore this Housing Element Update does not include any additional sites for housing beyond those identified in the General Plan Update. The Housing Element contains updated housing information and updated details about the existing housing sites. It also evaluates constraints to housing production and discusses measures to mitigate such constraints. This Housing Element Update 2015 presents a comprehensive picture of the housing issues facing Newark today, as well as a plan for addressing those issues.

The draft Housing Element Update 2015 was posted on the City’s website in early December 2014 and email notification was sent to all those who had attended earlier community meetings on any other housing development in the City. The availability of the Draft Housing Element Update was advertised through the City’s website, an email notice, and a mailing to advocacy groups, property owners, and other interested parties.

At their January 13, 2015 meeting, the Planning Commission unanimously approved the Draft Housing Element and recommended that the City Council approve the Draft Element and submit it to the State Department of Housing and Community Development. On January 22, 2015 the City Council unanimously approved the Draft Housing Element and authorized staff to submit the Draft Housing Element to the State Department of Housing and Community Development.

The Housing Element must be reviewed and approved by the State Department of Housing and Community Development. As a part of the review of the Draft Element by the State, certain changes were recommended to clarify that the Housing Element complied with State Law. The changes were primarily non-substantive, however, there were two "Programs" added. A "Program" is an action that the City commits to accomplish in a specified time frame. The two added programs are: a) Program 6: Adoption of a Fair Housing Ordinance - a clear statement of the City's commitment to work to eliminate housing discrimination and to continue to comply with State and Federal law - by the end of 2016; and b) Program 9: Adoption of a Reasonable Accommodation Ordinance - establishing a process to allow flexibility in the Zoning Code to accommodate access for the disabled by the end of 2015.

The State Department of Community Development has provided written confirmation that, if the City approves the Housing Element Draft as modified, it would be approved by the State.

The Newark Housing Element Update 2015 is fully consistent with the General Plan Update that was analyzed in the General Plan Tune Up Program Environmental Impact Report that was certified in 2013. The Housing Element Update 2015 makes no change to the General Plan in regards of the amount of intensity of development allowed. There are no changes to the Land Use Diagram or other policy changes that can be reasonably foreseen to create physical environmental changes different from the General Plan Update that was analyzed in the General Plan EIR. Thus, no new or increased significant impacts will result. Further, there have not been substantial changes in the built or planned environment or any other environmental condition in the 17 months since the certification of the General Plan Update EIR that would indicate new or increased significant impacts will result. These determinations are documented in the attached Environmental Declaration.

Update - On May 12, 2015, after holding a Public Hearing the Planning Commission recommended that the City Council approve the Housing Element Update 2015 and find that the environmental impacts were addressed in the General Plan Tune Up Program Environmental Impact Report.

Action – It is recommended that the City Council by resolutions: 1). approve the amendment of the General Plan by replacing the Housing Element with the Housing Element Update 2015 and 2) certifies that the environmental impacts of the Housing Element Update 2015 were addressed in the General Plan Tune Up Program Environmental Impact Report.

F.1 Second reading and adoption of an ordinance to commit funds for managing waste and recycling – from City Clerk Harrington. (ORDINANCE)

Background/Discussion – On May 14, 2015, the City Council introduced an ordinance to commit funds for the managing waste and recycling. This action defines that the Waste Augmentation Fund will be used to manage waste and recycling contracts, ensure compliance with waste related regulations on other activities related to the City’s obligations for waste and recycling.

Attachment

Action - It is recommended that the City Council adopt an ordinance to commit funds for managing waste and recycling.

ORDINANCE NO. ____

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NEWARK TO COMMIT FUNDS FOR MANAGING WASTE
AND RECYCLING

WHEREAS, the Government Accounting Standards Board (GASB) enacted GASB 54 – Fund Balance Reporting and Government Fund Type Definitions that requires the highest action of the City Council to Commit Funds. GASB defines Committed Funds as funds that can only be used for a specific, designated purpose; and

WHEREAS, funds have been collected from garbage and recycling service rate payers and deposited into Fund 023-Waste Augmentation Fund for the purpose of managing waste and recycling in the City of Newark and for future possible costs associated with waste and recycling services.

NOW THEREFORE, the City Council of the City of Newark does ordain as follows:

Section 1: The existing funds in Fund 023 or future funds deposited into Fund 023 from the Franchisee, which the Franchisee collected from the rate payers, for the purpose of managing waste and recycling, shall be Committed for the purpose of managing waste and recycling contracts, complying with laws and regulations related to waste and recycling or any activity related to City obligations for waste and recycling.

Section 2: Effective Date. This ordinance shall take effect thirty days from the date of its passage. Before expiration of fifteen days after its passage, this ordinance shall be published in The Argus, a newspaper of general circulation, published and printed in the County of Alameda and circulated in the City of Newark.

F.2 Approval of the final map for Tract 8166, an 85-unit residential townhome development (K. Hovnanian at Cedar Lane, LLC) located at the northeast corner of Cedar Boulevard and Mowry School Road – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – On June 12, 2014, the City Council approved Vesting Tentative Tract Map 8166 for an 85-unit residential townhome development on a 4.28-acre site located at the northeast corner of Cedar Boulevard and Mowry School Road. K. Hovnanian at Cedar Lane, LLC, has submitted the required fees, bonds, and other documents for approval of the final map for Tract 8166. Off-site improvements on Cedar Boulevard and Mowry School Road include new frontage sidewalk and landscaping, utility connections, and pavement overlays. Recording of the final map and issuance of any subsequent permits for construction activity will be at the discretion of the City Engineer.

Attachment

Action – It is recommended that the City Council, by resolution, approve the final map for Tract 8166, an 85-unit residential townhome development (K. Hovnanian at Cedar Lane, LLC) located at the northeast corner of Cedar Boulevard and Mowry School Road.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING THE FINAL MAP FOR TRACT 8166
AN 85-UNIT RESIDENTIAL TOWNHOME DEVELOPMENT
(K. HOVNANIAN AT CEDAR LANE, LLC) LOCATED AT
THE NORTHEAST CORNER OF CEDAR BOULEVARD AND
MOWRY SCHOOL ROAD

WHEREAS, on June 12, 2014, with Resolution No. 10,222, the City Council of the City of Newark approved Vesting Tentative Tract Map 8166 for an 85-unit residential townhome development on a 4.28-acre site located at the northeast corner of Cedar Boulevard and Mowry School Road;

NOW THEREFORE, BE IT RESOLVED BY THE City Council of the City of Newark that the City Council does hereby approve the final map and improvement plans for Tract 8166, City of Newark, County of Alameda, State of California, and that the Mayor is authorized and hereby directed to execute an agreement between the City of Newark and K. Hovnanian at Cedar Lane, LLC, for the improvements of said tract; and

BE IT FURTHER RESOLVED that the City Council does hereby accept all parcels of land offered for public use in conformity with the terms of offer of dedication as shown on the final map for Tract 8166; and

BE IT FURTHER RESOLVED that the City Council does hereby approve the Performance Bond in the amount of \$2,850,000 and the Materials Bond in the amount of \$1,425,000 posted by the developer to secure the installation of improvements in accordance with the plans and specifications and the Subdivision Improvement Agreement; and

BE IT FURTHER RESOLVED that the recording of the final map and final approval for the start of construction activity for Tract 8166, including issuance of all related construction permits, shall be at the discretion of the City Engineer.

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE OWNERS OF OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREIN EMBODIED MAP; THAT SAID OWNERS ACQUIRED TITLE TO SAID LAND BY VIRTUE OF THAT GRANT DEED RECORDED ON MAY 18, 2015, AS SERIES NO. 2015132180, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA; THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID REAL PROPERTY; AND THAT WE HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP AND SUBDIVISION.

WE ALSO HEREBY DECLARE THAT THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR PUBLIC UTILITY PURPOSES: THE AREAS OVER, UNDER AND UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED AS "PUE" (PUBLIC UTILITY EASEMENT) FOR THE PURPOSE OF CONSTRUCTION, OPERATION AND MAINTENANCE OF APPLICABLE STRUCTURES AND APPURTENANCES THERETO, INCLUDING BUT NOT LIMITED TO SANITARY SEWERS, WATER, ELECTRICAL, GAS AND COMMUNICATION FACILITIES; SAID AREAS OR STRIPS OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES THERETO, LAWFUL FENCES AND LAWFUL UNSUPPORTED OVERHANGS.

WE ALSO HEREBY DECLARE THAT THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS AN EASEMENT FOR EMERGENCY VEHICLE ACCESS PURPOSES: THE AREAS OVER AND UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "EVAE" (EMERGENCY VEHICLE ACCESS EASEMENT) FOR THE PURPOSE OF INGRESS AND EGRESS OF EMERGENCY VEHICLES.

WE ALSO HEREBY DECLARE THAT THE STRIPS OF LAND DESIGNATED AND LABELED AS "PVAW" (PRIVATE VEHICLE ACCESSWAY) ARE RESERVED AS AN EASEMENT FOR THE PRIVATE USE OF THE HOMEOWNERS AND RESIDENTS OF TRACT 8166 FOR THE PURPOSE OF INGRESS AND EGRESS TO THE LOTS WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREIN EMBODIED MAP; SAID EASEMENTS ARE NOT OFFERED FOR DEDICATION TO THE PUBLIC AND MAINTENANCE, REPAIR AND/OR REPLACEMENT OF IMPROVEMENTS WITHIN SAID EASEMENT IS THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACT 8166.

WE ALSO HEREBY DECLARE THAT THE STRIPS OF LAND DESIGNATED AS "PSDE" (PRIVATE STORM DRAIN EASEMENT) ARE RESERVED AS AN EASEMENT FOR THE PURPOSE OF INSTALLATION, CONSTRUCTION AND MAINTENANCE OF PRIVATE STORM DRAIN FACILITIES AND THEIR APPURTENANCES THERETO; SAID EASEMENTS ARE TO BE KEPT OPEN AND FREE FROM ALL BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT IRRIGATION SYSTEMS AND APPURTENANCES THERETO, LAWFUL FENCES AND ALL LAWFUL UNSUPPORTED OVERHANGS, THE MAINTENANCE, REPAIR AND/OR REPLACEMENT OF IMPROVEMENTS WITHIN SAID EASEMENT SHALL BE THE SOLE RESPONSIBILITY OF THE LOT OWNERS BENEFITED, AS DETERMINED BY THE APPROPRIATE COVENANTS, CONDITIONS AND RESTRICTIONS, GOVERNING TRACT 8166; SAID EASEMENTS ARE NOT OFFERED FOR DEDICATION TO THE PUBLIC.

WE ALSO HEREBY DECLARE THAT THE STRIPS OF LAND DESIGNATED AS "PAE" (PRIVATE ACCESS EASEMENT) ARE RESERVED AS AN EASEMENT FOR THE PURPOSE OF PEDESTRIAN INGRESS AND EGRESS IN ACCORDANCE WITH THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACT 8166; SAID EASEMENTS ARE NOT OFFERED FOR DEDICATION TO THE PUBLIC; IF THERE IS ANY CONFLICT BETWEEN THE LOCATION OF SAID EASEMENT AS SHOWN ON THIS MAP AND THE LOCATION OF THE EASEMENT AS DEFINED BY THE FENCES AND BUILDINGS ENCLOSED THE EASEMENT AREA INSTALLED AS PART OF THE ORIGINAL CONSTRUCTION OF THE RESIDENCES, THE EASEMENT LOCATION AS DEFINED BY THE FENCES AND BUILDINGS WILL CONTROL.

WE ALSO HEREBY DECLARE THAT THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS A PUBLIC EASEMENT FOR WATER LINE PURPOSES: THE AREAS OVER, UNDER AND UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "WLE" (WATER LINE EASEMENT) FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF APPLICABLE WATER LINE STRUCTURES AND APPURTENANCES THERETO; SAID AREAS OR STRIPS OF LAND ARE TO BE OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT WATER LINE SYSTEMS AND APPURTENANCES THERETO.

WE ALSO HEREBY DECLARE THAT THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED AS A PUBLIC EASEMENT FOR SANITARY SEWER PURPOSES: THE AREAS OVER, UNDER AND UPON THOSE CERTAIN STRIPS OF LAND DESIGNATED AND DELINEATED AS "SSE" (SANITARY SEWER EASEMENT) FOR THE PURPOSE OF CONSTRUCTION AND MAINTENANCE OF APPLICABLE SANITARY SEWER STRUCTURES AND APPURTENANCES THERETO; SAID AREAS OR STRIPS OF LAND ARE TO BE OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND, EXCEPT SANITARY SEWER SYSTEMS AND APPURTENANCES THERETO.

WE ALSO HEREBY DECLARE THAT THE STRIPS OF LAND DESIGNATED AS "SDWE" (STORM DRAIN WATER QUALITY EASEMENT) ARE RESERVED AS AN EASEMENT FOR THE PURPOSE OF STORM DRAIN WATER QUALITY PURPOSES.

WE ALSO HEREBY DECLARE THAT PARCELS LABELED A AND B CARRILLO WAY), B, C AND H (SAWYER TERRACE), D (RILEY WAY), E, F AND G (PELTON TERRACE), G (DRESPI WAY), I (DOLBEER WAY) AND J (MIZCANO WAY) ARE RESERVED FOR THE PURPOSE OF PRIVATE STREETS TO BE CONVEYED TO THE HOMEOWNER'S ASSOCIATION OF TRACT 8166.

WE ALSO HEREBY DECLARE THAT PARCELS LABELED Q, R, U, W AND X ARE RESERVED FOR THE PURPOSE OF COMMON AREAS TO BE CONVEYED TO THE HOMEOWNER'S ASSOCIATION OF TRACT 8166.

TRACT 8166

FOR CONDOMINIUM PURPOSES
CONSISTING OF 6 SHEETS

BEING A SUBDIVISION OF NEW PARCEL 2 OF THE LOT LINE ADJUSTMENT LLA-01,
RECORDED MAY 18, 2015, SERIES NO. 2015132181, ALAMEDA COUNTY RECORDS
CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

MAY 2015

OWNER'S STATEMENT CONTINUED

WE ALSO HEREBY DECLARE THAT PARCELS LABELED K, L, M, N, O, P, S, T, AND V ARE RESERVED FOR THE PURPOSES OF SDNDC, PSDC, AND COMMON AREAS TO BE CONVEYED TO THE HOMEOWNER'S ASSOCIATION OF TRACT 8166.

THE REAL PROPERTY DESCRIBED HEREIN IS ALSO SUBJECT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS GOVERNING TRACT 8166 RECORDED CONCURRENTLY HERewith THIS DAY OF _____ 20____ AS RECORDER'S SERIES NO. _____ OFFICIAL RECORDS OF ALAMEDA COUNTY.

THIS MAP SHOWS OR NOTES ALL THE EASEMENTS EXISTING OR OF RECORD, WITHIN THE BOUNDARY LINES OF THE HEREIN EMBODIED MAP.

CDCC 3 HOV LP, A DELAWARE LIMITED PARTNERSHIP

BY: _____ DATE: _____

NAME: STEVEN S. BENSON
TITLE: THE MANAGER OF CDCC ASSET MANAGEMENT, LLC, AN ARIZONA LIMITED LIABILITY COMPANY,
THE AUTHORIZED AGENT OF CDCC 3 HOV LP, A DELAWARE LIMITED PARTNERSHIP.

OWNER'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ | SS
COUNTY OF _____ |

ON _____ BEFORE ME, _____, A NOTARY PUBLIC, PERSONALLY APPEARED _____ WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF CDCC 3 HOV LP, A DELAWARE LIMITED LIABILITY PARTNERSHIP IN JULY 2014. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN THOSE POSITIONS ON OR BEFORE JULY 2016, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP.

DATE _____
DANA TREZISE BAUMANN, P.L.S.
L.S. NO. 7438



RECORDER'S STATEMENT

FILED FOR RECORD THIS _____ DAY OF _____, 20____, AT _____ M.
IN BOOK _____ OF MAPS, AT PAGES _____ AT THE REQUEST OF CHICAGO TITLE COMPANY.

FEES: _____ PD. SERIES NO. _____

STEVE MANNING
COUNTY RECORDER IN AND FOR THE COUNTY
OF ALAMEDA, STATE OF CALIFORNIA

BY: _____
DEPUTY

TRACT 8166

TRACT 8166

FOR CONDOMINIUM PURPOSES
CONSISTING OF 6 SHEETS

BEING A SUBDIVISION OF NEW PARCEL 2 OF THE LOT LINE ADJUSTMENT LLA-01,
RECORDED MAY 18, 2015, SERIES NO. 2015132181, ALAMEDA COUNTY RECORDS
CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

MAY 2015

TRUSTEE'S STATEMENT

THE UNDERSIGNED CORPORATION, AS TRUSTEE UNDER THE DEED OF TRUST RECORDED ON AUGUST 11, 2014, DOCUMENT NUMBER 2014-197182 OF OFFICIAL RECORDS, ALAMEDA COUNTY, CALIFORNIA; DOES HEREBY JOIN IN AND CONSENT TO THE FOREGOING OWNERS STATEMENT AND ALL DEDICATIONS SHOWN HEREIN.

CHICAGO TITLE COMPANY, A CALIFORNIA CORPORATION

BY: _____

TITLE: _____

DATE: _____

TRUSTEE'S ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ | SS.
COUNTY OF _____

ON _____, BEFORE ME, _____, A
NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE
NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT
HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT
BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON
BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT
THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

CITY CLERK'S STATEMENT

I HEREBY STATE THAT CITY COUNCIL OF THE CITY OF NEWARK AT ITS REGULAR MEETING HELD ON THE _____
DAY OF _____, 20____, DULY APPROVED THE HEREIN EMBODIED FINAL MAP
ENTITLED, "TRACT 8166", AND ACCEPTED ON BEHALF OF THE CITY OF NEWARK AND THE PUBLIC, ALL
PARCELS OF LAND OFFERED FOR DEDICATION, SUBJECT TO IMPROVEMENT, AND ALL EASEMENTS AS OFFERED
FOR PUBLIC USE IN CONFORMITY WITH THE OFFER OF DEDICATION.

SHELA HARRINGTON
CITY CLERK AND CLERK OF THE COUNCIL OF THE
CITY OF NEWARK, COUNTY OF ALAMEDA, CALIFORNIA

DATE: _____

OPTIONEE STATEMENT

THE UNDERSIGNED K. HOVANNIAN AT CEDAR LANE, LLC, A CALIFORNIA LIMITED LIABILITY
COMPANY, UNDER THE "OPTION AGREEMENT" RECORDED ON AUGUST 11, 2014, DOCUMENT
NUMBER 2014-197183 OF OFFICIAL RECORDS, ALAMEDA COUNTY, CALIFORNIA; DOES HEREBY
JOIN IN AND CONSENT TO THE FOREGOING OWNERS STATEMENT AND ALL DEDICATIONS SHOWN
HEREIN.

K. HOVANNIAN AT CEDAR LANE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

BY: _____

TITLE: _____

DATE: _____

OPTIONEE ACKNOWLEDGMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF _____ | SS.
COUNTY OF _____

ON _____, BEFORE ME, _____, A
NOTARY PUBLIC, PERSONALLY APPEARED _____, WHO
PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE
NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT
HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT
BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON
BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT
THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND:

SIGNATURE: _____

NAME (PRINT): _____

PRINCIPAL COUNTY OF BUSINESS: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

SOILS REPORT

A SOILS REPORT ON WAS PREPARED BY ENGEO, DATED AUGUST 4, 2014, PROJECT NO.
10394.001.000, SIGNED BY JEFFREY FIPPIN, GE AND HAS BEEN FILED AT THE OFFICE OF THE
CITY ENGINEER.

CITY ENGINEER'S STATEMENT

I, PEGGY A. CLAASEN, CITY ENGINEER FOR THE CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA,
DO HEREBY STATE THAT I HAVE EXAMINED THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT
8166", CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA, CONSISTING OF SIX (6) SHEETS, THIS
STATEMENT BEING UPON SHEET TWO (2) THEREOF, THAT THE SUBDIVISION AS SHOWN UPON SAID
MAP IS SUBSTANTIALLY THE SAME AS SAID SUBDIVISION APPEARED ON THE TENTATIVE MAP, IF
REQUIRED, AND ANY APPROVED ALTERATION THEREOF; AND THAT ALL PROVISIONS OF THE
SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA, AND ANY LOCAL ORDINANCES APPLICABLE
AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, IF REQUIRED, HAVE BEEN COMPLIED WITH.

IN WITNESS, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 2015.

PEGGY A. CLAASEN, PE 34477
REGISTRATION EXPIRES: SEPTEMBER 30, 2015
CITY ENGINEER FOR THE CITY OF NEWARK
COUNTY OF ALAMEDA, CALIFORNIA

I, MITCHELL L. MOUGHON, SPECIAL ASSISTANT FOR THE CITY OF NEWARK, ALAMEDA COUNTY,
CALIFORNIA, DO HEREBY STATE PURSUANT TO SECTION 66450(e)(4) OF THE GOVERNMENT CODE
THAT I HAVE EXAMINED THE HEREIN EMBODIED MAP ENTITLED "TRACT 8166", CITY OF NEWARK,
ALAMEDA COUNTY, CALIFORNIA, CONSISTING OF SIX (6) SHEETS, THIS STATEMENT BEING UPON
SHEET TWO (2) THEREOF; AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

IN WITNESS, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____, 2015.

MITCHELL L. MOUGHON, PE 25509
REGISTRATION EXPIRES: MARCH 31, 2017
SPECIAL ASSISTANT FOR THE CITY OF NEWARK
COUNTY OF ALAMEDA, CALIFORNIA

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, ANIKA CAMPBELL-BELTON, CLERK OF THE BOARD OF SUPERVISORS FOR THE COUNTY OF ALAMEDA, STATE
OF CALIFORNIA, DO HEREBY STATE, AS CHECKED BELOW, THAT:

- [] AN APPROVED BOND HAS BEEN FILED WITH THE BOARD OF SUPERVISORS OF SAID COUNTY AND
STATE IN THE AMOUNT OF \$ _____ CONDITIONED FOR THE PAYMENT OF ALL TAXES
AND SPECIAL ASSESSMENTS COLLECTED AS TAXES WHICH ARE NOW A LIEN AGAINST SAID LAND OR
ANY PART THEREOF BUT NOT YET PAYABLE AND WAS DULY APPROVED BY SAID LOCAL BOARD IN
SAID AMOUNT.
- [] ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES HAVE BEEN PAID AS CERTIFIED BY
THE TREASURER-TAX COLLECTOR AS TAXES HAVE BEEN PAID AS CERTIFIED BY THE TREASURER-TAX
COLLECTOR OF THE COUNTY OF ALAMEDA.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS _____ DAY OF _____,
20____.

ANIKA CAMPBELL-BELTON
CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY CLERK

TRACT 8166

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	436.00'	6°36'14"	50.25'
C2	20.00'	90°00'00"	31.42'
C3	100.00'	32°31'55"	56.78'

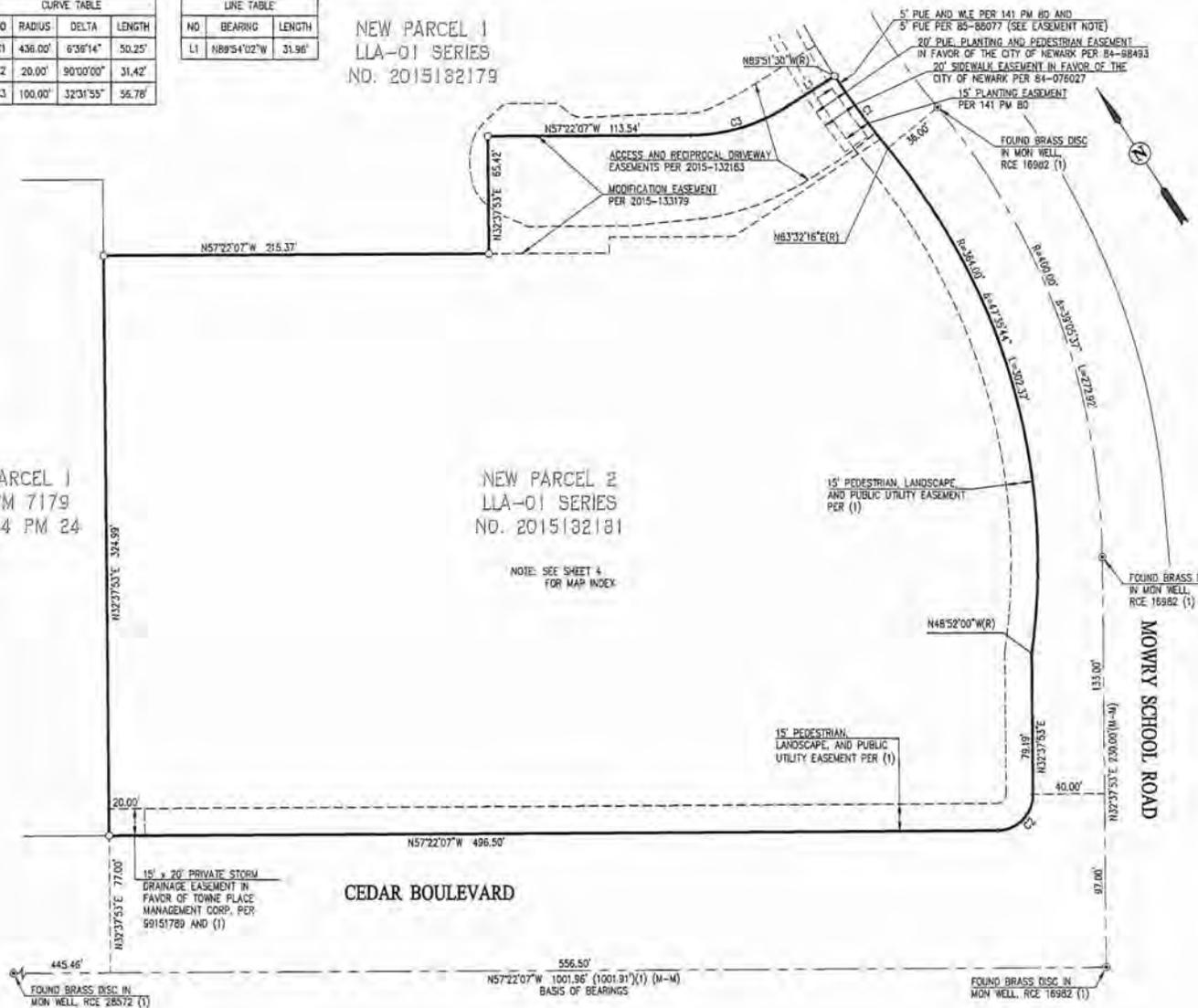
LINE TABLE		
NO	BEARING	LENGTH
L1	N89°54'02"W	31.96'

NEW PARCEL 1
LLA-01 SERIES
NO. 2015182179

PARCEL 1
PM 7179
244 PM 24

NEW PARCEL 2
LLA-01 SERIES
NO. 2015182181

NOTE: SEE SHEET 4
FOR MAP INDEX



TRACT 8166

FOR CONDOMINIUM PURPOSES
CONSISTING OF 6 SHEETS
BEING A SUBDIVISION OF NEW PARCEL 2 OF THE LOT LINE ADJUSTMENT LLA-01,
RECORDED MAY 18, 2015, SERIES NO. 2015132181, ALAMEDA COUNTY RECORDS
CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 40' MAY 2015



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON IN CEDAR BOULEVARD, THE BEARING BEING N57°22'07"W PER PARCEL MAP 7179 (244 PM 24).

LEGEND

	BOUNDARY LINE
	LOT LINE / RIGHT OF WAY LINE
	EASEMENT LINE
	CENTERLINE/MONUMENT LINE
	MONUMENT LINE ONLY
(R)	RADIAL
(T)	TOTAL
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
	FOUND STANDARD STREET MONUMENT, AS NOTED
	SET STANDARD STREET MONUMENT, LS 7438
	SET 5/8" REBAR AND CAP, LS 7438
	FOUND IRON PIPE, AS NOTED
	EMERGENCY VEHICLE ACCESS EASEMENT
	PRIVATE ACCESS EASEMENT
	PUE
	PRIVATE UTILITY EASEMENT
	PSDE
	PRIVATE STORM DRAIN EASEMENT
	PVAW
	PRIVATE VEHICLE ACCESSWAY
	SONOE
	STORM DRAIN WATER QUALITY EASEMENT
	SSE
	SANITARY SEWER EASEMENT
	WLE
	WATER LINE EASEMENT

REFERENCES:

- (#) INDICATES REFERENCE NUMBER.
- (1) PARCEL MAP 7179 (244 PM 24)

EASEMENT NOTE:

STRIP OF LAND 5.00' IN WIDTH IN FAVOR OF PACIFIC BELL PER DOCUMENT 85-88077, OFFICIAL RECORDS IS NOT DEFINED OF RECORD, AND IS NOT SHOWN HEREON.

TRACT 8166

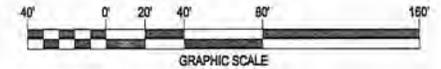
NEW PARCEL 1
LLA-01 SERIES
NO. 2015132179

TRACT 8166

FOR CONDOMINIUM PURPOSES
CONSISTING OF 6 SHEETS
BEING A SUBDIVISION OF NEW PARCEL 2 OF THE LOT LINE ADJUSTMENT LLA-01,
RECORDED MAY 18, 2015, SERIES NO. 2015132181, ALAMEDA COUNTY RECORDS
CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 40' MAY 2015



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON IN CEDAR BOULEVARD, THE BEARING BEING N57°22'07"W PER PARCEL MAP 7179 (244 PM 24).

LEGEND

	BOUNDARY LINE
	LOT LINE / RIGHT OF WAY LINE
	EASEMENT LINE
	CENTERLINE/MONUMENT LINE
	MONUMENT LINE ONLY
(R)	RADIAL
(T)	TOTAL
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
	FOUND STANDARD STREET MONUMENT, AS NOTED
	SET STANDARD STREET MONUMENT, LS 7438
	SET 5/8" REBAR AND CAP, LS 7438
	FOUND IRON PIPE, AS NOTED
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PAE	PRIVATE ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
PSDE	PRIVATE STORM DRAIN EASEMENT
PVAW	PRIVATE VEHICLE ACCESSWAY
SDWQE	STORM DRAIN WATER QUALITY EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT
	SHEET BOUNDARY
	SHEET NUMBER

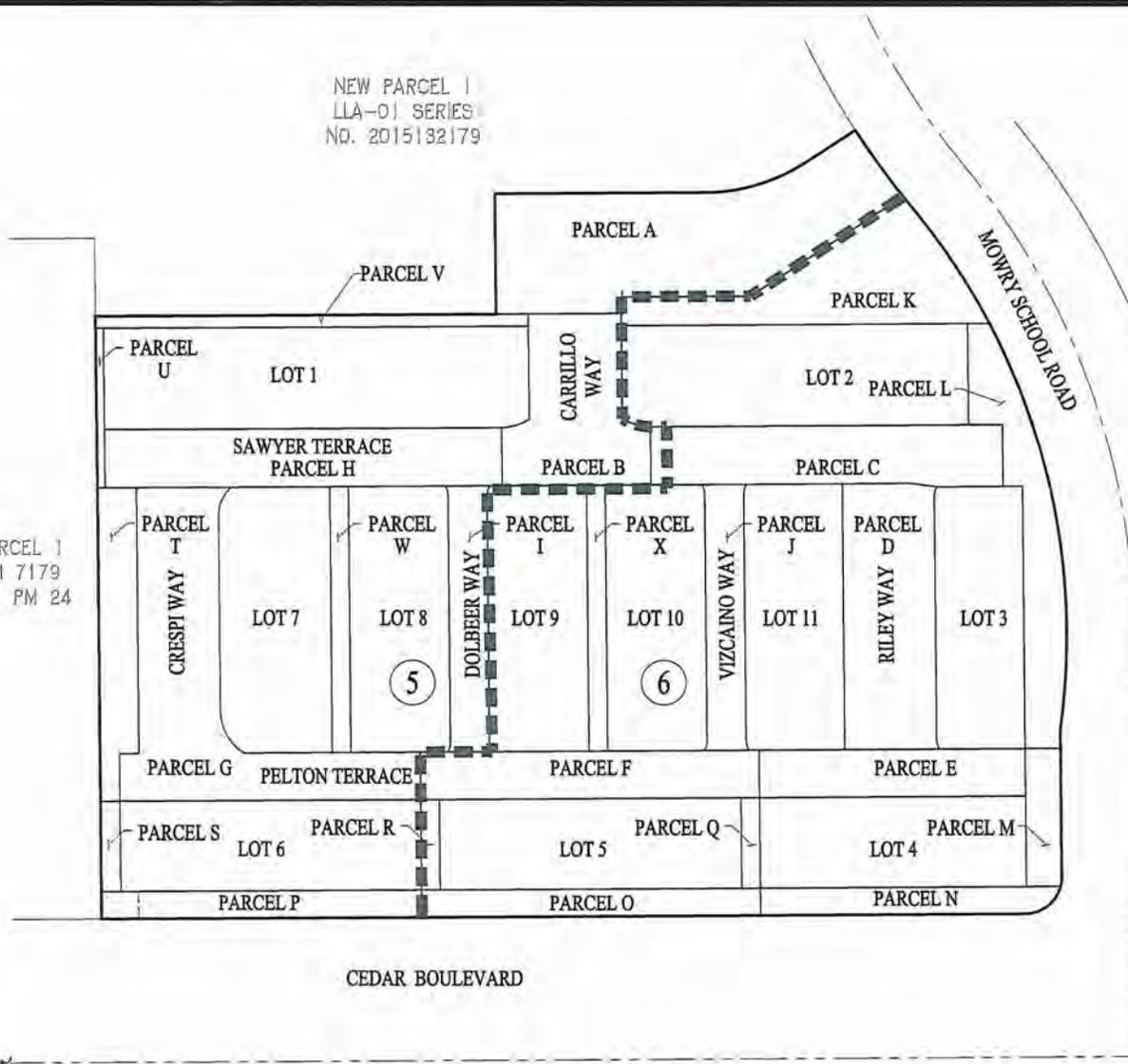
REFERENCES:

- (#) INDICATES REFERENCE NUMBER.
- (1) PARCEL MAP 7179 (244 PM 24)

TRACT 8166

SHEET 4 OF 6

PARCEL 1
PM 7179
244 PM 24



NEW PARCEL 1
LLA-01 SERIES
NO. 2015132179

TRACT 8166

FOR CONDOMINIUM PURPOSES
CONSISTING OF 6 SHEETS
BEING A SUBDIVISION OF NEW PARCEL 2 OF THE LOT LINE ADJUSTMENT LLA-01,
RECORDED MAY 18, 2015, SERIES NO. 2015132181, ALAMEDA COUNTY RECORDS
CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 30' MAY 2015



BASIS OF BEARINGS:

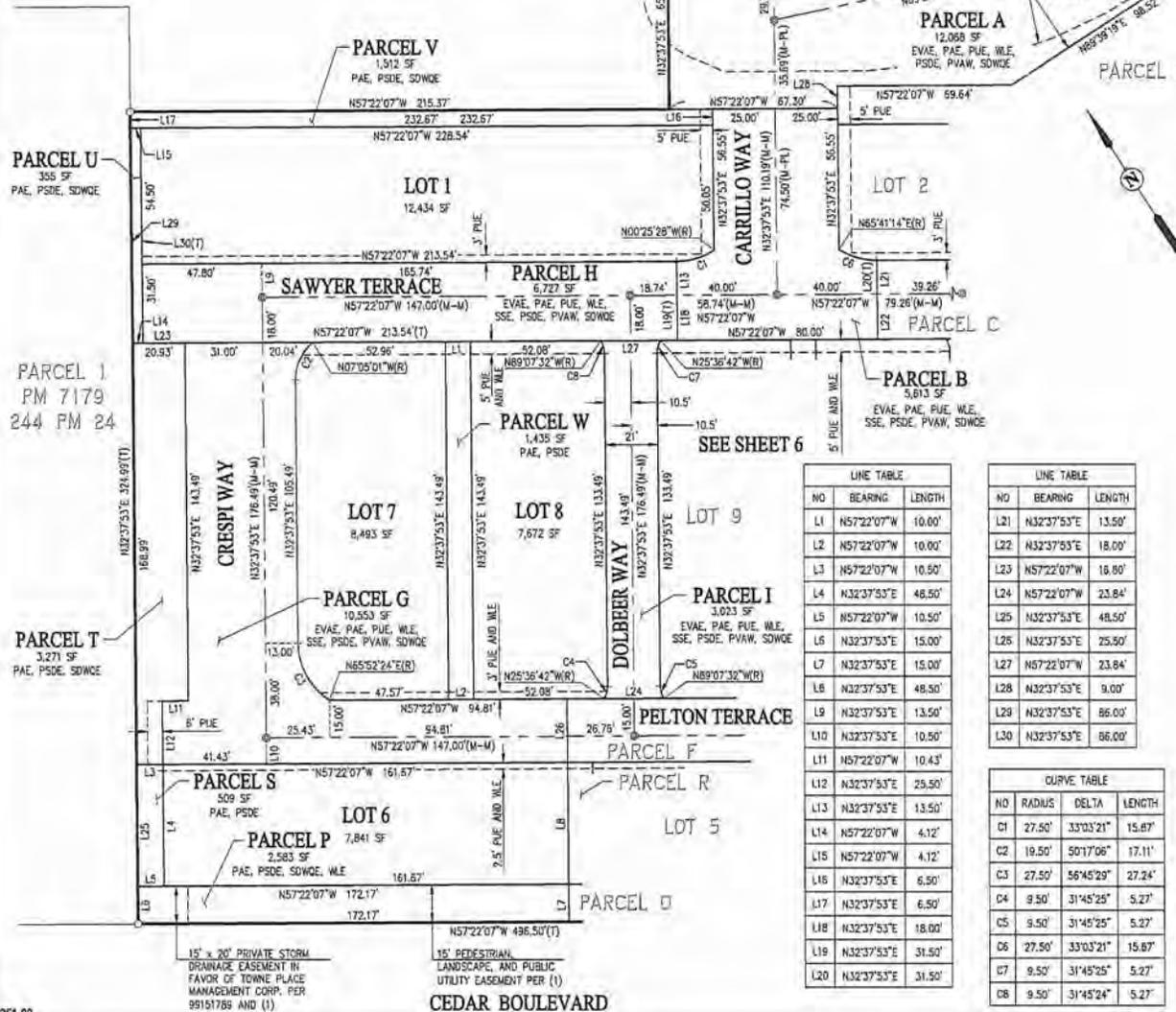
THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON IN CEDAR BOULEVARD, THE BEARING BEING N57°22'07"W PER PARCEL MAP 7179 (244 PM 24).

LEGEND

	BOUNDARY LINE
	LOT LINE / RIGHT OF WAY LINE
	EASEMENT LINE
	CENTERLINE/MONUMENT LINE
	MONUMENT LINE ONLY
(R)	RADIAL
(T)	TOTAL
(M-M)	MONUMENT TO MONUMENT
(M-PL)	MONUMENT TO PROPERTY LINE
⊙	FOUND STANDARD STREET MONUMENT, AS NOTED
⊙	SET STANDARD STREET MONUMENT, LS 7439
⊙	SET 5/8" REBAR AND CAP, LS 7438
●	FOUND IRON PIPE, AS NOTED
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
PAE	PRIVATE ACCESS EASEMENT
PUC	PUBLIC UTILITY EASEMENT
PSOE	PRIVATE STORM DRAIN EASEMENT
PVAW	PRIVATE VEHICLE ACCESSWAY
SDWQE	STORM DRAIN WATER QUALITY EASEMENT
SSE	SANITARY SEWER EASEMENT
WLE	WATER LINE EASEMENT

REFERENCES:

- (A) INDICATES REFERENCE NUMBER.
- (1) PARCEL MAP 7179 (244 PM 24)



NO	BEARING	LENGTH
L1	N57°22'07"W	10.00'
L2	N57°22'07"W	10.00'
L3	N57°22'07"W	10.50'
L4	N32°37'53"E	48.50'
L5	N57°22'07"W	10.50'
L6	N32°37'53"E	15.00'
L7	N32°37'53"E	15.00'
L8	N32°37'53"E	48.50'
L9	N32°37'53"E	13.50'
L10	N32°37'53"E	10.50'
L11	N57°22'07"W	10.43'
L12	N32°37'53"E	25.50'
L13	N32°37'53"E	13.50'
L14	N57°22'07"W	4.12'
L15	N57°22'07"W	4.12'
L16	N32°37'53"E	6.50'
L17	N32°37'53"E	6.50'
L18	N32°37'53"E	18.00'
L19	N32°37'53"E	31.50'
L20	N32°37'53"E	31.50'

NO	BEARING	LENGTH
L21	N32°37'53"E	13.50'
L22	N32°37'53"E	18.00'
L23	N57°22'07"W	18.80'
L24	N57°22'07"W	23.84'
L25	N32°37'53"E	48.50'
L26	N32°37'53"E	25.50'
L27	N57°22'07"W	23.84'
L28	N32°37'53"E	9.00'
L29	N32°37'53"E	86.00'
L30	N32°37'53"E	86.00'

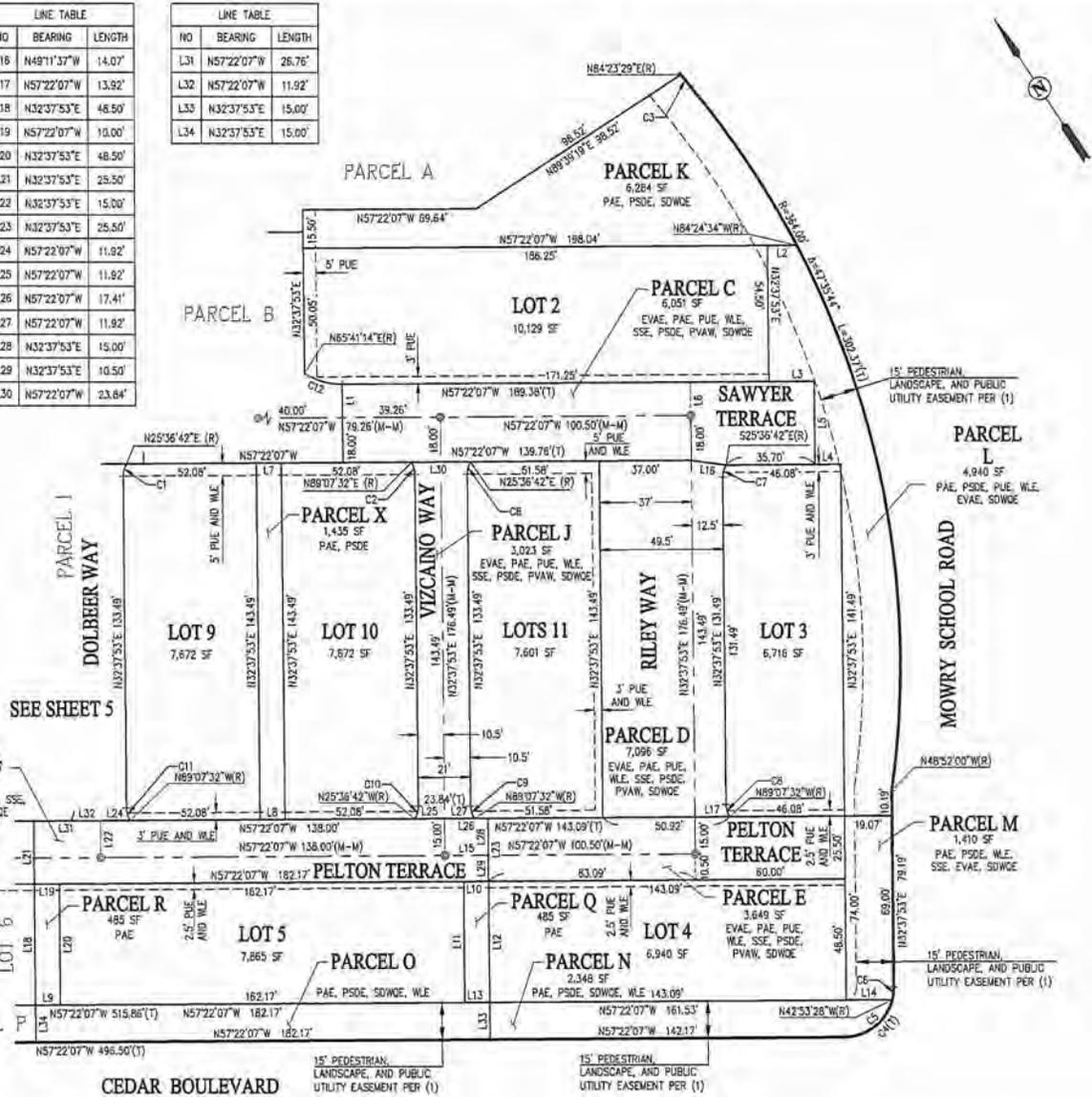
NO	RADIUS	DELTA	LENGTH
C1	27.50'	33°03'21"	15.87'
C2	19.50'	50°17'06"	17.11'
C3	27.50'	56°45'29"	27.24'
C4	9.50'	31°45'25"	5.27'
C5	9.50'	31°45'25"	5.27'
C6	27.50'	33°03'21"	15.87'
C7	9.50'	31°45'25"	5.27'
C8	9.50'	31°45'24"	5.27'

NO	BEARING	LENGTH
L1	N32°37'51"E	13.50'
L2	N57°22'07"W	11.80'
L3	N57°22'07"W	18.13'
L4	N57°22'07"W	10.38'
L5	N32°37'53"E	33.50'
L6	N32°37'53"E	13.50'
L7	N57°22'07"W	10.00'
L8	N57°22'07"W	10.00'
L9	N57°22'07"W	10.00'
L10	N57°22'07"W	10.00'
L11	N32°37'53"E	48.50'
L12	N32°37'53"E	48.50'
L13	N57°22'07"W	10.00'
L14	N57°22'07"W	18.44'
L15	N57°22'07"W	17.41'

NO	BEARING	LENGTH
L16	N49°11'37"W	14.07'
L17	N57°22'07"W	13.92'
L18	N32°37'53"E	48.50'
L19	N57°22'07"W	10.00'
L20	N32°37'53"E	48.50'
L21	N32°37'53"E	25.50'
L22	N32°37'53"E	15.00'
L23	N32°37'53"E	25.50'
L24	N57°22'07"W	11.92'
L25	N57°22'07"W	11.92'
L26	N57°22'07"W	17.41'
L27	N57°22'07"W	11.92'
L28	N32°37'53"E	15.00'
L29	N32°37'53"E	10.50'
L30	N57°22'07"W	23.84'

NO	BEARING	LENGTH
L31	N57°22'07"W	26.76'
L32	N57°22'07"W	11.92'
L33	N32°37'53"E	15.00'
L34	N32°37'53"E	15.00'

NO	RADIUS	DELTA	LENGTH
C1	9.50'	31°45'25"	5.27'
C2	9.50'	31°45'25"	5.27'
C3	436.00'	0°51'13"	6.50'
C4	20.00'	90°00'00"	31.42'
C5	20.00'	75°31'21"	26.36'
C6	20.00'	142°8'39"	5.05'
C7	9.50'	31°45'25"	5.27'
C8	9.50'	31°45'25"	5.27'
C9	9.50'	31°45'25"	5.27'
C10	9.50'	31°45'25"	5.27'
C11	9.50'	31°45'25"	5.27'
C12	27.50'	33°03'21"	15.87'

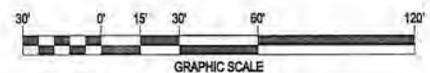


TRACT 8166

FOR CONDOMINIUM PURPOSES
 CONSISTING OF 6 SHEETS
 BEING A SUBDIVISION OF NEW PARCEL 2 OF THE LOT LINE ADJUSTMENT LLA-01,
 RECORDED MAY 18, 2015, SERIES NO. 2015132181, ALAMEDA COUNTY RECORDS
 CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 SAN RAMON, CALIFORNIA

SCALE: 1" = 30' MAY 2015



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON IN CEDAR BOULEVARD. THE BEARING BEING N57°22'07"W PER PARCEL MAP 7179 (244 PM 24).

LEGEND

- BOUNDARY LINE
- LOT LINE / RIGHT OF WAY LINE
- EASEMENT LINE
- CENTERLINE/MONUMENT LINE
- MONUMENT LINE ONLY
- (R) RADIAL
- (T) TOTAL
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- ⊕ FOUND STANDARD STREET MONUMENT, AS NOTED
- ⊙ SET STANDARD STREET MONUMENT, LS 7438
- SET 5/8" REBAR AND CAP, LS 7438
- FOUND IRON PIPE, AS NOTED
- ⊕ EMERGENCY VEHICLE ACCESS EASEMENT
- PAE PRIVATE ACCESS EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- PVAV PRIVATE VEHICLE ACCESSWAY
- SDWQ STORM DRAIN WATER QUALITY EASEMENT
- SSE SANITARY SEWER EASEMENT
- WLE WATER LINE EASEMENT

REFERENCES:

- (#) INDICATES REFERENCE NUMBER.
- (1) PARCEL MAP 7179 (244 PM 24)

**CITY OF NEWARK
SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8166**

This Subdivision Improvement Agreement (hereinafter "Agreement") is made and entered into by and between the CITY OF NEWARK, a municipal corporation (hereinafter "City"), and K.HOVNANIAN AT CEDAR LANE, LLC, a California limited liability company (hereinafter "Developer"). City and Developer may be collectively referred to herein as the "parties."

RECITALS

- A.** In accordance with the Subdivision Map Act (California Government Code Sections 66410, *et seq.*), and the Subdivision Ordinance (Newark Municipal Code, Title 16, Chapters 16.04, 16.08, 16.12, 16.16, 16.20, and 16.32), and the Street Ordinance (Newark Municipal Code, Title 12, Chapters 12.04 and 12.08), the Developer has submitted to the City a Final Map (hereinafter "Final Map") for the Project known as Tract 8166 at the northeast corner of Cedar Lane and Mowry School Road, Newark (hereinafter "Project").
- B.** The Project is geographically located within the boundaries of the Vesting Tentative Tract Map known as "Vesting Tentative Map 8166". The Vesting Tentative Map is on file with the City Engineer, and is incorporated herein by reference.
- C.** The City's approval of the Vesting Tentative Map was subject to specified conditions of approval (hereinafter "Conditions"). The Conditions are on file with the City Engineer, and are incorporated herein by reference.
- D.** Improvement Plans and Specifications have been prepared on behalf of the Developer, and approved by the City Engineer, which describe the improvements which are required to be constructed by the Developer. The term "Plans and Specifications" shall include the improvement plans titled "Tract 8166 Cedar Lane Improvement Plans," approved by the City Engineer. The Plans and Specifications are on file with the City Engineer, and are incorporated herein by reference.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND CONDITIONS IDENTIFIED HEREIN, THE PARTIES HEREBY AGREE AS FOLLOWS:

- 1. SCOPE OF WORK.** The Developer shall perform, or cause to be performed, the Work described in the Plans and Specifications and the Conditions (hereinafter "Work"), to the satisfaction of the City Engineer.

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8166**

The Work shall be performed, and all materials and labor shall be provided, at the Developer's sole cost and expense. No change shall be made to the Scope of Work unless authorized in writing by the City Engineer.

2. **PERMITS, LICENSES, AND COMPLIANCE WITH LAW.** The Developer shall, at the Developer's expense, obtain and maintain all necessary permits and licenses for the performance of the Work. The Developer shall comply with all local, state, and federal laws, whether or not said laws are expressly stated in this Agreement.
3. **DEVELOPER'S AUTHORIZED REPRESENTATIVE.** At all times during the progress of the Work, Developer shall have a competent foreperson or superintendent (hereinafter "Authorized Representative") on site with authority to act on behalf of the Developer. The Developer shall, at all times, keep the City Engineer informed in writing of the name and telephone number of the Authorized Representative. The Developer shall, at all times, keep the City Engineer informed in writing of the names and telephone numbers of all contractors and subcontractors performing the Work.
4. **IMPROVEMENT SECURITY.** The Developer shall furnish faithful performance and labor and material security concurrently with the execution of this Agreement by the Developer, and prior to the commencement of any Work. The Developer shall furnish warranty security prior to the City's acceptance of the Work. The form of the security shall be as authorized by the Subdivision Map Act (including Government Code Sections 66499, *et seq.*) and the Newark Municipal Code, and as set forth below:
 - 4(a). **Faithful Performance.** Security in the amount of \$2,850,000 to secure faithful performance of this Agreement (until the date on which the City Council accepts the Work as complete) pursuant to Government Code Sections 66499.1, 66499.4, and 66499.9.
 - 4(b). **Labor and Material.** Security in the amount of \$1,425,000 to secure payment by the Developer to laborers and materialmen pursuant to Government Code Sections 66499.2, 66499.3, and 66499.4.
 - 4(c). **Warranty.** Security in the amount of \$285,000 to secure faithful performance of this Agreement (from the date on which the City accepts the Work as complete until one year thereafter) pursuant to Government Code Sections 66499.1, 66499.4, and 66499.9.
5. **BUSINESS LICENSE.** The Developer shall apply for and pay the business license fees, in accordance with Newark Municipal Code Title 5, Chapter 5.04.

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8166**

6. INSURANCE. Developer shall, throughout the duration of this Agreement, maintain insurance to cover Developer (including its agents, representatives, contractors, subcontractors, and employees) in connection with the performance of services under this Agreement. This Agreement identifies the minimum insurance levels with which Developer shall comply; however, the minimum insurance levels shall not relieve Developer of any other performance responsibilities under this Agreement (including the indemnity requirements), and Developer may carry, at its own expense, any additional insurance it deems necessary or prudent. Concurrently with the execution of this Agreement by the Developer, and prior to the commencement of any services, the Developer shall furnish written proof of insurance (certificates and endorsements), in a form acceptable to the City. Developer shall provide substitute written proof of insurance no later than 30 days prior to the expiration date of any insurance policy required by this Agreement.

6(a). Minimum Insurance Levels. Developer shall maintain insurance at the following minimum levels:

6(a)(1). Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage in an amount not less than \$5,000,000 general aggregate and \$2,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.

6(a)(2). Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for “any auto”) coverage in an amount not less than \$1,000,000 per accident for bodily injury and property damage.

6(a)(3). Workers’ Compensation coverage as required by the State of California.

6(b). Minimum Limits of Insurance. It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum Insurance coverage requirements and/or limits, up to a maximum of \$8,000,000 general aggregate, shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of any Insurance policy or proceeds available to the named Insured, up to a maximum of \$8,000,000; whichever is greater.

6(c). Endorsements. The insurance policies shall be endorsed as follows:

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8166**

- 6(c)(1).** For the commercial general liability insurance, the City (including its elected officials, employees, volunteers, and agents) shall be named as additional insured, and the policy shall be endorsed with a form at least as broad as ISO form CG 20 10 11 85.
- 6(c)(2).** Developer's insurance is primary to any other insurance available to the City with respect to any claim arising out of this Agreement. Any insurance maintained by the City shall be excess of the Developer's insurance and shall not contribute with it.
- 6(c)(3).** Developer's insurance will not be canceled, limited, or allowed to expire without renewal until after 30 days written notice has been given to the City. During the term of this Agreement, Consultant will not materially alter any of the policies or reduce any of the levels of coverage afforded by its insurance policies.
- 6(c)(4).** Maintenance of proper insurance coverage in conformity with this Section 6 is a material element of this Agreement and failure to maintain or renew coverage or to provide evidence of coverage or renewal may be treated by City as a material breach of this Agreement.
- 6(d). Qualifications of Insurers.** All insurance companies providing coverage to Developer shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California, and shall have an A.M Best's rating of not less than "A:VII."
- 7. REPORTING DAMAGES.** If any damage (including death, personal injury or property damage) occurs in connection with the performance of this Agreement, Developer shall immediately notify the City Engineer's office by telephone at 510-578-4290, and Developer shall promptly submit to the City Engineer and the Risk Manager, a written report (in a form acceptable to the City) with the following information: (a) a detailed description of the damage (including the name and address of the injured or deceased person(s), and a description of the damaged property), (b) name and address of witnesses, and (c) name and address of any potential insurance companies.
- 8. INDEMNIFICATION.** To the fullest extent permitted by law, Developer shall indemnify, hold harmless, and defend the City (including its elected officials, officers, volunteers, agents and employees) from and against any and all claims (including all litigation, demands, damages, liabilities, costs, and expenses, and including court costs and attorney's fees) resulting or arising from performance, or failure to perform, under this Agreement (with the exception of the sole negligence or willful misconduct of the City).

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8166**

- 9. TIME OF PERFORMANCE.** Time is of the essence in the performance of the Work, and the timing requirements set forth herein shall be strictly adhered to unless otherwise modified in writing in accordance with this Agreement. The Developer shall submit all requests for extensions of time to the City, in writing, no later than ten (10) days after the start of the condition which purportedly caused the delay, and not later than the date on which performance is due.
- 9(a). Commencement of Work.** No later than fifteen (15) days prior to the commencement of Work, the Developer shall provide written notice to the City Engineer of the date on which the Developer shall commence Work. The Developer shall not commence Work until after the notice required by this section is properly provided, and the Developer shall not commence Work prior to the date specified in the written notice.
- 9(b). Schedule of Work.** Concurrently with the written notice of commencement of Work, the Developer shall provide the City with a written schedule of Work, which shall be updated in writing as necessary to accurately reflect the Developer's prosecution of the Work.
- 9(c). Completion of Work.** The Developer shall complete all Work by no later than three hundred sixty-five (365) days after the City's execution of this Agreement, unless otherwise agreed to in writing by the City Engineer. If the Developer is delayed at any time in progress of the work by external causes beyond the Developer's reasonable control, financial inability excluded (collectively, "Force Majeure Items"), the applicable time period(s) shall be extended for such reasonable time as may be mutually agreed upon by the City and the Developer.
- 10. INSPECTION BY THE CITY.** In order to permit the City to inspect the Work, the Developer shall, at all times, provide to the City proper and safe access to the Project site, and all portions of the Work, and to all shops wherein portions of the Work are in preparation. The Developer shall provide third party compaction testing in accordance with City standards for all applicable public and private improvements. Testing results are subject to review and approval by City.
- 11. DEFAULT.** If either party ("demanding party") has a good faith belief that the other party ("defaulting party") is not complying with the terms of this Agreement, the demanding party shall give written notice of the default (with reasonable specificity) to the defaulting party, and demand

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8166**

the default to be cured within thirty days of the notice. If: (a) the defaulting party fails to cure the default within thirty days of the notice, or, (b) if more than thirty days are reasonably required to cure the default and the defaulting party fails to give adequate written assurance of due performance within thirty days of the notice, then (c) the demanding party may terminate this Agreement upon written notice to the defaulting party.

11(a). The Developer shall be in default of this Agreement if the City Engineer reasonably determines that any one of the following conditions materially exists:

11(a)(1). The Developer is insolvent, bankrupt, or makes a general assignment for the benefit of its creditors.

11(a)(2). The Developer abandons the Project site.

11(a)(3). The Developer fails to perform one or more requirements of this Agreement.

11(a)(4). The Developer fails to replace or repair any damage caused by Developer or its agents, representatives, contractors, subcontractors, or employees in connection with performance of the Work.

11(a)(5). The Developer violates any legal requirement related to the Work.

11(b). In the event that the Developer fails to cure the default following notice and opportunity to cure as set out in Section 11 above, the City may, in the discretion of the City Engineer, take any or all of the following actions:

11(b)(1). Cure the default and charge the Developer for the costs therefor, including administrative costs and interest in an amount equal to seven percent (7 %) per annum from the date of default.

11(b)(2). Demand the Developer to complete performance of the Work.

11(b)(3). Demand the Developer's surety (if any) to complete performance of the Work.

12. ACCEPTANCE OF WORK. Prior to acceptance of the Work by the City Engineer, the Developer shall be solely responsible for maintaining the quality of the Work, and maintaining safety at the Project site. The Developer's obligation to perform the Work shall not be satisfied until after the City Engineer has made a written determination that all obligations of the Agreement have been satisfied and all outstanding fees and charges have been paid, and the City Engineer has accepted the Work as complete.

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8166**

- 13. WARRANTY PERIOD.** The Developer shall warrant the quality of the Work, in accordance with the terms of the Plans and Specifications, for a period of one year after acceptance of the Work by the City. In the event that (during the one year warranty period) any portion of the Work is determined by the City Engineer to be defective as a result of an obligation of the Developer under this Agreement, the Developer shall be in default.
- 14. RELATIONSHIP BETWEEN THE PARTIES.** Developer is, and at all times shall remain, an independent contractor solely responsible for all acts of its employees, agents, contractors, or subcontractors, including any negligent acts or omissions. Developer is not City's agent, and shall have no authority to act on behalf of the City, or to bind the City to any obligation whatsoever, unless the City provides prior written authorization to Developer.
- 15. CONFLICTS OF INTEREST PROHIBITED.** Developer (including its employees, agents, contractors, and subcontractors) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. If Developer maintains or acquires a conflicting interest, any contract with the City (including this Agreement) involving Developer's conflicting interest may be terminated by the City.
- 16. NONDISCRIMINATION.** Developer shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Developer shall not discriminate against any employee or applicant because of race, color, religious creed, national origin, physical disability, mental disability, medical condition, marital status, sexual orientation, or sex.
- 17. NOTICES.** All notices required or contemplated by this Agreement shall be in writing and shall be delivered to the respective party as set forth in this section. Communications shall be deemed to be effective upon the first to occur of: (a) actual receipt by a party's Authorized Representative, or (b) actual receipt at the address designated below, or (c) three working days following deposit in the United States Mail of registered or certified mail sent to the address designated below. The Authorized Representative of either party may modify their respective contact information identified in this section by providing notice to the other party.

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8166**

City's Authorized Representative Developer's Authorized Representative

Attn: City Engineer
37101 Newark Boulevard
Newark, CA 94560

K. Hovnanian at Cedar Lane, LLC
Attn: Division President
1375 Exposition Blvd., Suite 300
Sacramento, CA 95815

- 18. HEADINGS.** The heading titles for each paragraph of this Agreement are included only as a guide to the contents and are not to be considered as controlling, enlarging, or restricting the interpretation of the Agreement.
- 19. SEVERABILITY.** If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the parties' intent under this Agreement.
- 20. GOVERNING LAW, JURISDICTION, AND VENUE.** The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.
- 21. ATTORNEY'S FEES.** In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.
- 22. ASSIGNMENT AND DELEGATION.** This Agreement, and any portion thereof, shall not be assigned or transferred, nor shall any of the Developer's duties be delegated, without the written consent of the City. Any attempt to assign or delegate this Agreement without the written consent of the City shall be void and of no force or effect. A consent by the City to one assignment shall not be deemed to be a consent to any subsequent assignment.
- 23. MODIFICATIONS.** This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both parties.
- 24. WAIVERS.** Waiver of a breach or default under this Agreement shall not constitute a continuing waiver or a waiver of a subsequent breach of the same or any other provision of this Agreement.

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8166**

- 25. CONFLICTS.** If any conflicts arise between the terms and conditions of this Agreement and the terms and conditions of the attached exhibits or any documents expressly incorporated, the terms and conditions of this Agreement shall control.
- 26. ENTIRE AGREEMENT.** This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the parties concerning the Work described herein. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

**CITY OF NEWARK – SUBDIVISION IMPROVEMENT AGREEMENT
TRACT 8166**

- 27. SIGNATURES.** The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of the Developer and the City. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.
- 28. SITE OWNERSHIP CONTINGENCY.** Prior to the commencement of any portion of the Work on an individual lot or parcel within the exterior boundary of the Final Map, Developer shall obtain ownership of said lot or parcel and provide City with each associated Grant Deed, or Developer shall provide written evidence of approval of the Work from the record property owner.

IN WITNESS WHEREOF, the City and Developer do hereby agree to the full performance of the terms set forth herein.

K.HOVNANIAN AT CEDAR LANE, LLC
a California limited liability company

CITY OF NEWARK,
a municipal corporation

By: _____
David Valiaveedan,
Vice President – Finance & Treasurer

By: _____
Alan L. Nagy, Mayor

ATTEST:

Sheila Harrington, City Clerk

APPROVED AS TO FORM:

David J. Benoun, City Attorney

F.3 Amendment of the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2014-2015 for General Revisions – from Senior Accountant del Rosario. (RESOLUTION)

Background/Discussion – The City is in the first year of a two-year budget cycle. As part of the year end budget review, a number of general revisions are proposed to the annual budget. These revisions affect activities where savings or deficiencies have been identified, modify revenue estimates and increase some expenses where savings will not cover a deficiency. Savings are usually realized when there are staffing vacancies or reduction in expenditures for services or supplies. Deficiencies occur as a result of unforeseen increases in cost or need for services or supplies.

The budget amendment includes a citywide increase to the supplies budget of ten percent (10%). The supply budget was cut by over twenty five percent during the recession. Departments have postponed purchases for many years and this increase will help departments meet the needs of their operations.

This amendment also includes an increase to the Construction Permit revenue which is offset by an increase in the Professional Services cost for the Building Inspection Division.

Transient Occupancy Tax (TOT) is tracking higher than budget, but this will not continue into the following year due to the closure of Motel 6. This one-time increase in TOT revenue of \$108,800 will be used to offset the increase in expenditures where there are not enough savings to cover the amendments.

Exhibit A lists the various adjustments to the budget to accommodate modifications in expenditures and changes in revenue since the budget was approved and also included Capital Improvement Plan (CIP) Project adjustments.

Attachments

Action - It is recommended that the City Council, by resolution, amend the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2014-2015.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AMENDING THE 2014-2016 BIENNIAL BUDGET
AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR
2014-2015

BE IT RESOLVED by the City Council of the City of Newark that the certain document entitled "2014-2016 Biennial Budget and Capital Improvement Plan of the City of Newark" for Fiscal Year 2014-2015 adopted by Resolution No. 10235 on June 22, 2014, and amended by Resolutions: No. 10252 (June 30, 2014), No. 10280 (October 19, 2014), No. 10294 (November 13, 2014), No. 10310 (January 15, 2015), No. 10309 (January 22, 2015), No. 10332 (March 26, 2015), and No. 10343 (April 23, 2015) is hereby amended as set forth in Exhibit A attached.

Exhibit A				
Budget Amendments for Fiscal Year 2014-15				
Operating Budget:				
Fund/Dept	Description	To:	From:	
010-1021	Fiscal Year Leave Costs	\$ 30,000	-	
010-1025	General Leave Conversion	29,000	-	
010-XXXX	Citywide Special Department Supplies	78,000	-	
010-1025	Professional Services	50,000	-	
010-103X	Police Overtime and Other Expenditures	120,000	-	
010-1030	Department Supplies	305	-	
005-0000	DARE Fund Balance	-	305	
010-1031	Investigation Services Cell Locator	5,000	-	
010-1032	Fiber Optic Costs	2,500	-	
010-1030	Special Events Overtime	60,000	-	
010-1030	Special Events Overtime Reimbursement	-	60,000	
010-1013	Election Costs	-	80,000	
010-1041	Fire Contract	-	140,000	
010-0000	Increased Transient Occupancy Tax	-	108,800	
010-1041	Deposit Side Fund into ACFD CERBT	463,000	-	
010-0000	Assigned Fund Balance for ACFD Side Fund	-	463,000	
020-2014	Remodel Plan Check Room	12,300	-	
020-2014	Contract Labor & Building Inspection	171,000	-	
020-2014	Increased Construction Permit Revenue	-	183,300	
040-4014	Utilities Rate Increases - Other than Fuel	42,650	-	
040-4011	Utilities Rate Increases - Other than Fuel	24,250	-	
040-4013	Utilities Rate Increases - Other than Fuel	2,900	-	
709-9410	Utilities Rate Decreases (Fuel Charges)	-	55,500	
031-3050	Walk The Talk, Teen Special Events and Family Day	1,400	-	
031-0000	Fund Balance	-	1,400	
703-9210	Workers Compensation Coverage	20,000	-	
703-0000	Fund Balance	-	20,000	
706-9120	Travel and Meetings	500	-	
706-0000	Fund Balance	-	500	
711-9710	Sweeper Lease	50,000	-	
040-4014	Contractual Services	-	50,000	
		\$ 1,162,805	\$ 1,162,805	
CIP Funds				
037-5600	Building Inspection/Permitting CRW Software	22,500	-	
037-0000	Fund Balance	-	22,500	
109-1041	Recycling Outreach Events, Program Advertising	8,765	-	
109-0000	CalRecycle Grant	-	8,765	

Exhibit A				
Budget Amendments for Fiscal Year 2014-15				
CIP Funds			To:	From:
203-5000	Alameda County Transportation Commission Fees		22,000	-
203-0000	Fund Balance		-	22,000
203-5000	Project #1009 - 2014 Tree Maintenance Service		200,000	-
203-5000	Project #1096 - 2015 Tree Maintenance Service		-	200,000
204-5000	Project #1063 - 2014 Street Asphalt Overlay		276,000	-
204-5000	Project #1065 - 2014 Curb, Gutter, & Sidewalk Replacement		60,000	-
204-5000	Project #1095 - 2015 Curb, Gutter, & Sidewalk Replacement		43,000	
204-0000	Fund Balance		-	379,000
206-5000	Project #1063 - 2014 Street Asphalt Overlay		96,000	-
206-0000	Fund Balance		-	96,000
207-5000	Project #1063 - 2014 Street Asphalt Overlay		22,700	-
207-0000	Fund Balance		-	22,700
212-5000	Project #953 - Pedestrian and Bicycle Master Plan		10,000	-
212-5000	Project #1095 - 2015 Curb, Gutter, & Sidewalk Replacement		110,000	
212-0000	Fund Balance		-	120,000
215-5000	Project #1063 - 2014 Street Asphalt Overlay		289,208	-
215-0000	Fund Balance		-	289,208
216-5000	Project #1063 - 2014 Street Asphalt Overlay		155,000	-
216-5000	Project #1095 - 2015 Curb, Gutter, & Sidewalk Replacement		158,000	
216-0000	Fund Balance		-	313,000
			1,473,173	1,473,173
Transfers:				
010	General Fund		\$ 345,000	\$ 869,500
301	Debt Service Fund - 2002 COP Interest		114,500	-
302	Debt Service Fund - 2012 COP Principal & Interest		755,000	-
001	Paramedics Tax		-	215,000
003	Alameda County Fire Fees		-	130,000
			\$ 1,214,500	\$ 1,214,500

F.4 Direction to file Annual Reports and intention to order improvements for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, and 17 and setting June 25, 2015 as the public hearing date – from Assistant City Engineer Fajeau. (RESOLUTIONS-2)

Background/Discussion – The City Council has previously created Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, and 17 to provide for the operation and maintenance of certain landscaping and lighting improvements. These districts are as follows:

Landscaping and Lighting District No. 1: Central Avenue between Filbert Street and Willow Street - Provides for the maintenance of median landscaping on Central Avenue between Filbert Street and Willow Street and buffer landscaping adjacent to the Alameda County Flood Control channel immediately west of Filbert Street, and for the maintenance and operation of median street lights along this portion of Central Avenue.

Landscaping and Lighting District No. 2: Jarvis Avenue and Newark Boulevard adjacent to Dumbarton Technology Park and Four Corners shopping centers - Provides for the maintenance of Jarvis Avenue and Newark Boulevard median island and in-tract buffer landscaping and landscape irrigation systems adjacent to and within the boundaries of Tract 5232, the Dumbarton Industrial Park, and the Four Corners shopping centers.

Landscaping and Lighting District No. 4: Stevenson Boulevard and Cherry Street adjacent to New Technology Park - Provides for the maintenance of Stevenson Boulevard median island landscaping from the Nimitz Freeway to the railroad tracks west of Cherry Street and maintenance of median island and up to 50 feet of greenbelt landscaping adjacent to Cherry Street and the future interior loop streets within the boundaries of New Technology Park, and the maintenance of landscaping across the Newark Unified School District property on Cherry Street.

Landscaping and Lighting District No. 6: Cedar Boulevard, Duffel Redevelopment Area No. 2 - Provides for the maintenance of all street landscaping within the public right-of-way, and landscaping and landscape irrigation systems within easement areas and developed properties in Redevelopment Area No. 2 at Cedar Boulevard and Stevenson Boulevard plus the Stevenson Station Shopping Center.

Landscaping and Lighting District No. 7: Newark Boulevard, Rosemont Square Shopping Center - Provides for the maintenance of buffer landscaping and the landscape irrigation system within the public right-of-way and easement areas for Rosemont Square Shopping Center.

Landscaping and Lighting District No. 10: Consolidated District - Provides for the maintenance of landscaping and landscape irrigation systems within the right-of-way and easement areas for all of the Inactive Subdistricts.

Landscaping and Lighting District No. 11: Edgewater Drive medians - Provides for the maintenance of landscaped medians on Edgewater Drive.

Landscaping and Lighting District No. 13: Citation Homes and Bren Development/ Thornton Avenue - Provides for maintenance of the landscaping and lighting irrigation systems for Thornton Avenue, Cedar Boulevard, Willow Street, and other streets within these subdivisions. This district was relieved from the responsibility for maintenance of median landscaping on Thornton Avenue in May 1997. This district is therefore now an inactive district.

Landscaping and Lighting District No. 15: Robertson Avenue at Iris Court - Provides for the maintenance of the landscaping and irrigation systems on Robertson Avenue at Iris Court.

Landscaping and Lighting District No. 16: Kiote Drive in Tract 6671 - The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement along the street frontage of Kiote Drive in Tract 6671 and the landscaping, irrigation system, recreation facilities, and storm drainage pump station and filtration system for the mini-park common area.

Landscaping and Lighting District No. 17: Newark Boulevard and Mayhews Landing Road in Tract 7004 - The maintenance of landscaping and the landscape irrigation system within the public right-of-way of the Newark Boulevard and Mayhews Landing Road frontages of Tract 7004.

In the opinion of bond counsel, Brown Act amendments requiring two hearings for increasing assessments do not apply to the annual budget hearings unless there is an addition to the improvements or a change in the formula for allocating the cost among benefited properties. Neither of these cases applies for each of the above districts and the annual public hearings are simply to adopt a budget for the upcoming year.

Upon conclusion of the annual public hearings, the assessments for the cost of the work are added to the tax bills for those property owners included within the boundaries of the particular Landscaping and Lighting District. Excess funds, or funds collected for which no work was done, can be carried over from one year to the next.

Attachment

Action - It is recommended that the City Council, by resolutions, direct the filing of annual reports for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, and 17 in accordance with the provisions in the Landscaping and Lighting Act of 1972 and confirm the intent to order the improvements by setting the date for the annual public hearings for these districts for June 25, 2015.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK DIRECTING FILING OF ANNUAL REPORT

LANDSCAPING AND LIGHTING DISTRICT NOS. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, and 17
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Newark resolves:

1. The City Engineer, the person designated by this Council as the Engineer of Work for Landscaping and Lighting District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, and 17 and is hereby directed to file an Annual Report in accordance with the provisions of the Landscaping and Lighting Act of 1972.
2. This resolution is adopted pursuant to Section 22622 of the Streets and Highways Code.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK OF INTENTION TO ORDER IMPROVEMENTS

ASSESSMENT DISTRICT NOS. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, and 17
(Pursuant to the Landscaping and Lighting Act of 1972)

The City Council of the City of Newark resolves:

1. The City Council intends to levy and collect assessments within Assessment District Nos. 1, 2, 4, 6, 7, 10, 11, 13, 15, 16, and 17 during Fiscal Year 2015-2016. The area of land to be assessed is located in the City of Newark, Alameda County.
2. The improvements to be made in these assessment districts are generally described as follows:

Landscaping and Lighting District No. 1: Central Avenue between Filbert Street and Willow Street - Provides for the maintenance of median landscaping on Central Avenue between Filbert Street and Willow Street and buffer landscaping adjacent to the Alameda County Flood Control channel immediately west of Filbert Street, and for the maintenance and operation of median street lights along this portion of Central Avenue.

Landscaping and Lighting District No. 2: Jarvis Avenue and Newark Boulevard adjacent to Dumbarton Technology Park and Four Corners shopping centers - Provides for the maintenance of Jarvis Avenue and Newark Boulevard median island and in-tract buffer landscaping and landscape irrigation systems adjacent to and within the boundaries of Tract 5232, the Dumbarton Industrial Park, and the Four Corners shopping centers.

Landscaping and Lighting District No. 4: Stevenson Boulevard and Cherry Street adjacent to New Technology Park - Provides for the maintenance of Stevenson Boulevard median island landscaping from the Nimitz Freeway to Cherry Street and maintenance of median island and up to 50 feet of greenbelt landscaping adjacent to Cherry Street and the future interior loop streets within the boundaries of New Technology Park, and the maintenance of landscaping across the Newark Unified School District property on Cherry Street.

Landscaping and Lighting District No. 6: Cedar Boulevard, Duffel Redevelopment Area No. 2 - Provides for the maintenance of all street landscaping within the public right-of-way, and landscaping and landscape irrigation systems within easement areas and developed properties in Redevelopment Area No. 2 at Cedar Boulevard and Stevenson Boulevard plus the Stevenson Station Shopping Center.

Landscaping and Lighting District No. 7: Newark Boulevard, Rosemont Square Shopping Center - Provides for the maintenance of buffer landscaping and the landscape irrigation system within the public right-of-way and easement areas for Rosemont Square Shopping Center.

Landscaping and Lighting District No. 10: Consolidated District - Provides for the maintenance of landscaping and landscape irrigation systems within the right-of-way and easement areas for all of the Inactive Subdistricts.

Landscaping and Lighting District No. 11: Edgewater Drive medians - Provides for the maintenance of landscaped medians on Edgewater Drive.

Landscaping and Lighting District No. 13: Citation Homes and Bren Development/ Thornton Avenue - Provides for maintenance of the landscaping and lighting irrigation systems for Thornton Avenue, Cedar Boulevard, Willow Street, and other streets within these subdivisions. This district was relieved from the responsibility for maintenance of median landscaping on Thornton Avenue in May 1997. This district is therefore now an inactive district.

Landscaping and Lighting District No. 15: Robertson Avenue at Iris Court - Provides for the maintenance of the landscaping and irrigation systems on Robertson Avenue at Iris Court.

Landscaping and Lighting District No. 16: Kiote Drive in Tract 6671 - The maintenance of landscaping and the landscape irrigation system within the public right-of-way and adjacent easement along the street frontage of Kiote Drive in Tract 6671 and the landscaping, irrigation system, recreation facilities, and storm drainage pump station and filtration system for the mini-park common area.

Landscaping and Lighting District No. 17: Newark Boulevard and Mayhews Landing Road in Tract 7004 – The maintenance of landscaping and the landscape irrigation system within the public right-of-way of the Newark Boulevard and Mayhews Landing Road frontages of Tract 7004.

3. In accordance with this Council's resolution directing the filing of an Annual Report, the City Engineer, Engineer of Work, has filed with the City Clerk the report required by the Landscaping and Lighting Act of 1972. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district, and the proposed assessments upon assessable lots and parcels of land within the assessment district.
4. On Thursday, the 25th of June 2015, at the hour of 7:30 p.m., the City Council will conduct a public hearing on the question of levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the City Administration Building, 37101 Newark Boulevard, Newark, California.

5. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

F.5 Authorization for the Mayor to sign a Contractual Services Agreement with Group 4 Architecture, Research + Planning, Inc., to complete a Civic Center Replacement/Relocation Feasibility Study, and approval of an amendment to the 2014-1016 Biennial Budget to fund the study – from Assistant City Manager Grindall. (RESOLUTION)

Background/Discussion – The existing Civic Center and Library are antiquated, functionally obsolete, and suffer from an extensive maintenance backlog. The facilities are not suitable for meeting the City’s public safety, administrative, and cultural needs. Furthermore, they are not likely to be usable structures after a moderate earthquake. The City’s General Plan identified the need for a new Civic Center and the Housing Element addressed the opportunities of reusing the Civic Center/Library site.

The existing Civic Center is 6.5 acres and includes the Police Department (7925 Square feet), the City Administration Building (33,167 square feet) and the Library (15,570 square feet). It is proposed to replace the Police Department, City Administration Building, and Library either on the existing site or at another location. The Community Center site and land adjacent to the Silliman Center are potential locations.

A feasibility study is needed to address seven specific tasks: (1) Identifying a program of uses; (2) a space needs assessment; (3) alternative site identification and analysis; (4) developing a conceptual site plan, building diagrams, and massing strategies; (5) developing a project cost model and schedule; (6) an assessment of funding sources; and (7) recommendations and action plan.

Public and stakeholder input is to be a key part of this process. There would be at least two community meetings and numerous stakeholder interviews. The effort would also include a City Council work session and final City Council approval. This effort is aimed at providing safe, sustainable, accessible, and cost-effective facilities for the citizens of Newark with the library, public safety, administrative, cultural and educational services they need.

In April 2015, the City initiated a Request for Qualification (RFQ) process to develop a list of potential consultants who could develop appropriate conceptual plans for a new Civic Center. Twelve submissions were received and five teams were interviewed by staff. After interviewing consultants, the City determined that Group 4 Architecture, Research + Planning, Inc. was most qualified and had the clearest vision of what a Civic Center feasibility study should encompass.

Group 4 is a full-service architecture firm that provides comprehensive planning and architecture services. Their services span the entire project life cycle, from early project planning, programming and budgeting through design, construction administration, and post-occupancy.

This effort would help fulfil a General Plan Goal and a Housing Element Program and thus the cost is appropriately funded from the Community Development Maintenance Fee. This impact fee was established in 2010 to fund Community Development activities that promote the orderly

development of Newark. No General Fund resources would be used for the feasibility Study Contract. The attached contract, not to exceed \$143,723.00, includes a detailed work plan.

It is important to note that this study would only assess the feasibility and provide conceptual design for a Civic Center Replacement; it would not commit the City to an actual construction project. An action plan would be identified in the study for future City Council consideration.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Mayor to sign a contractual Services Agreement with Group 4 Architecture, Research + Planning, Inc., to complete a Civic Center Replacement/Relocation Feasibility Study, and approval of an amendment to the 2014-1016 Biennial Budget to fund the feasibility study.

1.1 Appointments to the Senior Citizen Standing Advisory Committee – from Mayor Nagy. (RESOLUTION)

Background/Discussion – In September, the City Council declared a vacancy on the Senior Citizen Standing Advisory Committee due to the resignation of Carol McCarty. In April, two more vacancies occurred when Committee Members Mary Hammock and Margrith Reichmuth did not seek reappointments.

A total of four applications have been received for the vacancies. The Bylaws of the committee allows for a membership of no less than 8 or more than 12 members. It is recommended that the City Council confirm the appointments of Gloria Wilson, Glen Wickizer, Kathleen Lemos, and Tamara Tucker to the Senior Citizen Standing Advisory Committee.

Attachment

Action - It is recommended that the City Council, by resolution, approve the appointments to the Senior Citizen Standing Advisory Committee.

RESOLUTION NO. 10264

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING THE APPOINTMENTS TO THE
SENIOR CITIZEN STANDING ADVISORY COMMITTEE

WHEREAS, a number of vacancies currently exist on the Senior Citizen Standing Advisory Committee; and

WHEREAS, the Mayor of the City of Newark has appointed Gloria Wilson, Glen Wickizer, Kathleen Lemos, and Tamara Tucker to the Senior Citizen Standing Advisory Committee for terms expiring April 14, 2017;

NOW, THEREFORE, BE IT RESOLVED that said appointments are hereby approved by the City Council of the City of Newark.

1.2 Recommendation from the Senior Citizen Standing Advisory Committee to rename the Newark Senior Center in memory of Clark W. Redeker – from Mayor Nagy. (RESOLUTION)

Background/Discussion – The Senior Citizen Standing Advisory Committee recently met and recommended that the City Council consider naming the Newark Senior Center in memory of Clark W. Redeker. The proposed name is “Clark W. Redeker Senior Center.”

Clark W. Redeker was a member of Newark’s first City Council and served as the City’s third mayor. He was instrumental in developing Newark’s first General Plan. After his service on the City Council, Clark continued to provide input on City and regional affairs by serving on the Newark Industrial Authority, the Alameda County Fair Board, and the Alameda County Water District. He was a founding and active member of the Newark Rotary Club, past president of the American Association of Retired Persons, and active in Sons in Retirement. In his spare time, Clark regularly volunteered at the Newark Senior Center.

The existing Newark Senior Center sign would be replaced with a new sign that would read “Clark W. Redeker Senior Center.” A brass/bronze plaque would be installed near the front entrance to acknowledge Clark W. Redeker and his contributions to our community. The cost associated with the renaming is estimated at \$5,000 and would come from the existing budget.

Attachment

Action - It is recommended that the City Council, by resolution, rename the Newark Senior Center in memory of Clark W. Redeker.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK RENAMING THE NEWARK SENIOR CENTER IN
MEMORY OF CLARK W. REDEKER

WHEREAS, the Senior Citizen Standing Advisory Committee has recommended that the City Council rename the Senior Center in memory of Clark W. Redeker; and

WHEREAS, Clark W. Redeker was a member of Newark's first City Council and served as the City's third mayor. He was instrumental in developing Newark's first General Plan; and

WHEREAS, after his service on the City Council, Clark continued to provide input on City and regional affairs by serving on the Newark Industrial Authority, the Alameda County Fair Board, and the Alameda County Water District; and

WHEREAS, Clark was a founding and active member of the Newark Rotary Club, past president of the American Association of Retired Persons, and active in Sons in Retirement. In his spare time, Clark regularly volunteered at the Newark Senior Center; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby accepts the Senior Citizen Standing Advisory Committee recommendation and renames the Senior Center the "Clark W. Redeker Senior Center."

L. Appropriations



City of Newark

MEMO

DATE: May 15, 2015
TO: City Council
FROM: Sheila Harrington, City Clerk
SUBJECT: Approval of Audited Demands for the City Council Meeting of May 28, 2015.

REGISTER OF AUDITED DEMANDS

Bank of America General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
May 8, 2015	Pages 1-2	104669 to 104739	Inclusive
May 8, 2015	Pages 1	104740	Inclusive
May 15, 2015	Pages 1-2	104741 to 104787	Inclusive



City of Newark

MEMO

DATE: May 15, 2015

TO: Sheila Harrington, City Clerk

FROM: Susie Woodstock, Administrative Services Director *SKW*

SUBJECT: Approval of Audited Demands for the City Council Meeting of May 28, 2015.

The attached list of Audited Demands is accurate and there are sufficient funds for payment.

1

Final Disbursement List. Check Date 05/08/15, Due Date 05/18/15, Discount Date 05/18/15. Computer Checks.

Bank 1001 BANK OF AMERICA

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
104669	10658	4LEAF INC	05/08/15	6,522.75	FY14-15 BLDG INSPECTION SRVCS
104670	149	ABAG PLAN CORPORATION	05/08/15	5,416.59	DEDUCTIBLE COSTS
104671	11094	ACME AUTO LEASING, LLC	05/08/15	1,909.44	ARMORED RESCUE VEH LEASE
104672	10449	APLAC ATTN: REMITTANCE PROCESSING SERVIC	05/08/15	1,679.90	PAYROLL PREMIUMS
104673	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	05/08/15	686,014.84	FIRE SERVICES CONTRACT
104674	2036	ALAMEDA COUNTY SHERIFF'S OFFICE REGIONAL	05/08/15	585.00	POST RECORDS TRAINING
104675	5188	ALAMEDA COUNTY WASTE MANAGEMENT AUTHORIT	05/08/15	3,073.00	REGIONAL MEDIA CAMPAIGN - USED OIL GRANT
104676	1286	ARTSTONE	05/08/15	2,957.46	COSTUMES FOR ANNUAL DANCE RECITAL
104677	147	AT&T MOBILITY	05/08/15	1,978.91	CELL SVC FOR MDT'S
104678	1963	BAILEY FENCE COMPANY INC	05/08/15	3,725.00	INSTALL GATE AT COMMUNITY PARK
104679	11210	BAY AREA COMMUNICATION ACCESS	05/08/15	552.60	SIGN LANGUAGE SERVICES
104680	9680	BAY CENTRAL PRINTING	05/08/15	126.82	PRINTING SERVICES
104681	882	C L E A R S INC VIRGINIA SIMONIAN	05/08/15	75.00	CLEARNS
104682	11281	CALLYO	05/08/15	2,499.00	UB CELL LOCATOR SVC
104683	11104	CI TECHNOLOGIES INC	05/08/15	1,200.00	TOW FUND PURCHASE
104684	6304	CLASSIC GRAPHICS T & J LEWIS INC	05/08/15	5,202.44	AUTO REPAIRS
104685	2384	CLOVERLEAF FAMILY BOWL ATTENTION: MIKE H	05/08/15	360.00	SDC TRIP 6/18/15
104686	10060	COMCAST	05/08/15	89.63	CABLE SVCS
104687	1109	CAPITAL ONE COMMERCIAL	05/08/15	738.30	PROGRAM SUPPLIES
104688	10649	RESCUE ROOTER	05/08/15	1,000.00	PERFORMANCE BOND RTN
104689	10649	PACIFIC PLUMBING	05/08/15	1,000.00	PERFORMANCE BOND RTN
104690	10649	PLUMBING CONNECTION	05/08/15	1,000.00	PERFORMANCE BOND RTN
104691	10649	PLUMBING MINISTRY	05/08/15	1,000.00	PERFORMANCE BOND RTN
104692	10649	BETTY ZOLLER	05/08/15	1,000.00	PERFORMANCE BOND RTN
104693	10649	ROBERTA THINGGAARD	05/08/15	1,000.00	PERFORMANCE BOND RTN
104694	10649	KING TRENCHLESS	05/08/15	1,000.00	PERFORMANCE BOND RTN
104695	10649	DONALD J HOMEN	05/08/15	1,000.00	PERFORMANCE BOND RTN
104696	10793	BREWER ISLAND PTA C/O HEATHER BURNS	05/08/15	128.50	RENTAL DEPOSIT RTN Reinstated from claim
104697	4411	AMY DAVIS	05/08/15	182.02	MILEAGE/PROGRAM EXPENSES
104698	10794	DUKE DE LEON	05/08/15	465.00	VIDEO SERVICES
104699	7631	DELTA DENTAL	05/08/15	6,836.25	PAYROLL PREMIUMS
104700	7641	DELTA DENTAL INSURANCE COMPANY ATTN: ACC	05/08/15	494.25	PAYROLL PREMIUMS
104701	904	EMPLOYMENT DEVELOPMENT DEPARTMENT ATTN:	05/08/15	1,130.00	STATE UNEMPLOYMENT INSURANCE DUES
104702	7663	FIDELITY SECURITY LIFE INSURANCE/EYEMED	05/08/15	625.96	PAYROLL PREMIUMS
104703	10642	FASTENAL COMPANY	05/08/15	227.06	BLACK PAINT FOR VOLUNTEER DAY
104704	1733	FIRST BAPTIST CHURCH	05/08/15	80.00	PAYROLL CONTRIBUTION
104705	1120	FORENSIC ANALYTICAL SCIENCES, INC	05/08/15	142.00	LAB TESTS
104706	5106	CITY OF FREMONT FINANCIAL SERVICES OFFIC	05/08/15	1,250.00	CASE MGMT SERVICES
104707	5106	CITY OF FREMONT FINANCIAL SERVICES OFFIC	05/08/15	450.00	SDC TRIP JULY 16
104708	8762	GHA TECHNOLOGIES INC	05/08/15	119.36	PLOTTER CARTRIDGE
104709	7783	GOLDEN WEST TRAVEL INC	05/08/15	2,930.00	SR TRIP 4/28/15
104710	11205	MARINA ZEPEDA TRI COUNTY BLDG MAINT	05/08/15	19,392.80	FY14-15 JANITORIAL SERVICES
104711	7618	METLIFE SBC	05/08/15	2,075.13	PAYROLL PREMIUMS
104712	7114	METRO MOBILE COMMUNICATIONS	05/08/15	798.21	TOW FUND PURCHASE
104713	1049	NORTH AMERICAN TITLE COMPANY	05/08/15	2,200.00	PROJECT 1014 (CENTRAL AVE) PRELIMINARY T
104714	6135	OSBORNE LUMBER COMPANY INC	05/08/15	172.56	FY14-15 LUMBER
104715	349	PACIFIC GAS & ELECTRIC	05/08/15	52.25	FY14-15 STREET/TRAFFIC LIGHT ENERGY
104716	78	PERFORMANCE PEST MANAGEMENT LPC SERVICES	05/08/15	142.00	PEST CONTROL
104717	2460	PERS LONG-TERM CARE PROGRAM	05/08/15	67.54	PAYROLL PREMIUMS
104718	329	PHOENIX GROUP INFORMATION SYSTEMS	05/08/15	137.60	PARKING CITATION PROGRAM
104719	7816	PRECISION CONCRETE CUTTING INC	05/08/15	3,900.27	SIDEWALK CONCRETE CUTTING

CCS.AP Accounts Payable Release 8.3.0 R*APZCKREG*FDL

By SHEILA GROCH (SGROCH)

Final Disbursement List. Check Date 05/08/15, Due Date 05/18/15, Discount Date 05/18/15. Computer Checks.
 Bank 1001 BANK OF AMERICA

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
104720	4176	MICHAEL QUEBEC	05/08/15	1,108.50	RECREATION CONTRACT
104721	107	RALEY'S SUPERSTORES IN STORE CHARGE-ACCT	05/08/15	262.96	PROGRAM SUPPLIES
104722	11234	RAY MORGAN COMPANY	05/08/15	4,923.56	COPIER RENTAL AGREEMENT RESO#10263
104723	10864	JEFF REVAY	05/08/15	86.00	SWAT SUPPLIES
104724	10945	REVOLUTION DANCEWEAR, LLC	05/08/15	505.89	COSTUMES FOR ANNUAL DANCE RECITAL
104725	6303	JUDITH A ROBBINS CONSULTING MUNICIPAL AT	05/08/15	618.75	LEGAL SERVICES
104726	654	SFPUC-WATER DEPARTMENT CUSTOMER SERVICE	05/08/15	2,878.05	FY14-15 HET HETCHY RENT
104727	11277	SHRED-IT USA LLC	05/08/15	308.19	SHREDDING SVCS
104728	11098	SILVER & WRIGHT LLP	05/08/15	4,926.44	LEGAL SVCS RELATED TO RECEIVERSHIPS
104729	11279	STAGEBRIDGE	05/08/15	80.00	ENTERTAINMENT FOR SENIOR CENTER 5/20/15
104730	40	STAPLES ADVANTAGE DEPT LA	05/08/15	1,012.85	CITYWIDE OFFICE SUPPLIES
104731	2778	STATE OF CALIFORNIA FRANCHISE TAX BOARD	05/08/15	135.00	PAYROLL WITHHOLDINGS
104732	2778	STATE OF CALIFORNIA FRANCHISE TAX BOARD	05/08/15	150.00	PAYROLL WITHHOLDINGS
104733	676	SUMMIT UNIFORMS CORP	05/08/15	2,349.00	TOW FUND PURCHASE
104734	1476	THE OAKLAND ZOO SCHOOL PROGRAMS REGISTRA	05/08/15	477.50	SDC TRIP 7/2/15
104735	5872	TORTILLA FACTORY	05/08/15	165.22	SUMMER STAFF TRAINING 6/1/15
104736	7517	U S FOODS INC SAN FRANCISCO	05/08/15	679.84	CAFE PURCHASES
104737	363	UNITED STATES POSTMASTER	05/08/15	220.00	BULK MAILING FEES
104738	8751	PROVIDENT LIFE & ACCIDENT INSURANCE COMP	05/08/15	388.98	PAYROLL PREMIUMS BCN E0246926
104739	5623	VERIZON WIRELESS	05/08/15	3,952.81	PD CELLULAR SVC
Total				801,934.98	

Final Disbursement List. Check Date 05/08/15, Due Date 05/18/15, Discount Date 05/18/15. Computer Checks.
Bank 1001 BANK OF AMERICA

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
104740	6009	JT2 INTEGRATED RESOURCES CORPORATE ACCOU	05/08/15	8,824.29	WORKER'S COMPENSATION REIMBUREMENT ANNUA
		Total		8,824.29	

1

Final Disbursement List. Check Date 05/15/15, Due Date 05/25/15, Discount Date 05/25/15. Computer Checks.
 Bank 1001 BANK OF AMERICA

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
104741	10736	ABACUS PRODUCTS INC	05/15/15	613.20	PRINTING SVCS
104742	332	ADAMSON POLICE PRODUCTS PROFESSIONAL POL	05/15/15	19.70	MISCELLANEOUS PURCHASES
104743	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	05/15/15	3,925.11	FIRE ENGINE REPAIRS
104744	3853	COUNTY OF ALAMEDA INTERNAL AUDIT UNIT RI	05/15/15	1,571.50	CITATION PROCESSING
104745	5821	ALL CITY MANAGEMENT SERVICES, INC	05/15/15	3,471.30	CROSSING GUARD SVCS
104746	12	ALLIED AUTO STORES INC	05/15/15	705.62	MISC AUTO SUPPLIES
104747	411	AIG BENEFIT SOLUTIONS	05/15/15	460.08	LIFE INSURANCE PREMIUM
104748	348	AT&T	05/15/15	484.94	ANNUAL TELECOM FY2014-15
104749	10990	BADAWI & ASSOCIATES	05/15/15	25,178.40	AUDITING SERVICES
104750	9680	BAY CENTRAL PRINTING	05/15/15	127.31	BUSINESS CARDS
104751	1131	BAY ISLAND OFFICIALS ASSOCIATION ATTN FR	05/15/15	2,441.00	OFFICIATING BASKETBALL AND SOFTBALL APRI
104752	9888	BUREAU VERITAS NORTH AMERICA INC FILE 59	05/15/15	25,228.35	PLAN CHECK REVIEW FOR PC# 058-15
104753	6304	CLASSIC GRAPHICS T & J LEWIS INC	05/15/15	190.00	VEHICLE REPAIRS
104754	3751	BRYAN COBE	05/15/15	192.48	MILEAGE/PROGRAM EXPENSES
104755	10970	COCA COLA REFRESHMENTS UNION CITY SALES	05/15/15	268.84	CAFE PURCHASES
104756	2623	COMPUTERLAND OF SILICON VALLEY	05/15/15	3,468.65	EQUIPMENT REPLACEMENT: MS-SQL SVR SERVIC
104757	10793	ALVARADO ELEMENTARY SCHOOL ATTN: CLINTON	05/15/15	50.00	RENTAL DEPOSIT REFUND Reinstated from cl
104758	10793	SHELBY HANDELMAN	05/15/15	120.00	SR TRIP CANCELLATION
104759	10793	SANTOS JOVITA ALARCON	05/15/15	300.00	RENTAL DEPOSIT RTN
104760	10793	MARTHA KHALSA	05/15/15	60.00	PROGRAM WITHDRAWAL
104761	10793	CHENELLE HILL	05/15/15	300.00	RENTAL DEPOSIT RTN
104762	3728	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	05/15/15	420.00	FINGERPRINTING FEE
104763	11015	EAST BAY LAWN MOWER	05/15/15	356.49	FY14-15 SMALL ENGINES & TOOLD
104764	310	EQUIFAX INFORMATION SVCS LLC	05/15/15	50.00	CREDIT CHECK FEE
104765	11224	FREMONT RECYCLING & TRANSFER STATION	05/15/15	10,975.19	GARBAGE SERVICES CY2015
104766	10707	GYM DOCTORS	05/15/15	941.75	FITNESS EQUIPMENT MTC
104767	167	HARRIS COMPUTER SYSTEMS	05/15/15	2,931.77	ANNUAL FINANCE SYSTEM TECHNICAL SOFTWARE
104768	10930	TIMOTHY JONES	05/15/15	658.45	CRIME PREVENTION TRAINING EXPENSES
104769	6009	JT2 INTEGRATED RESOURCES ATTN: CLAIMS AC	05/15/15	33,889.02	WORKER'S COMPENSATION REIMBUREMENT ANNUA
104770	11267	KEY LOG ROLLING	05/15/15	2,150.00	KEY LOG TRAINER
104771	11246	LOOMIS ARMORED	05/15/15	748.50	ARMORED CAR SERVICE
104772	6596	CHOMNAN LOTH	05/15/15	671.12	SWAT TRAINING EXPENSES
104773	80	LYNN PEAVEY COMPANY	05/15/15	112.36	EVIDENCE SUPPLIES
104774	11280	MAIN STREET ART INC	05/15/15	11,250.00	REPLACEMENT SCULPURE DEPOSIT
104775	11134	RATTANA MANALO	05/15/15	1,710.00	RECREATION CONTRACT
104776	5248	MOORE MEDICAL CORP	05/15/15	961.97	MEDICAL SUPPLIES
104777	611	KKR AUTOMOTIVE DBA NAPA AUTO PARTS	05/15/15	2,593.88	FY14-15 AUTO SUPPLIES
104778	1049	NORTH AMERICAN TITLE COMPANY	05/15/15	4,150.00	PROJECT 1014 (CENTRAL AVE) PRELIMINARY T
104779	2027	PACHECO BROTHERS GARDENING INC	05/15/15	6,305.00	BIRCH GROVE PARK PICNIC AREAS
104780	10729	PETTY CASH CUSTODIAN-FINANCE GORETTI CHU	05/15/15	203.50	FINANCE PETTY CASH REPLENISHMENT
104781	10822	DINAH SHAH	05/15/15	219.00	RECREATION CONTRACT
104782	11098	SILVER & WRIGHT LLP	05/15/15	10,149.40	LEGAL SVCS RELATED TO RECEIVERSHIPS
104783	4418	SMITH & SONS ELECTRICAL CONTRACTORS INC	05/15/15	1,344.00	COUNCIL CHAMBERS LIGHT FIXTURE
104784	5217	STATE OF CALIFORNIA DEPARTMENT OF CONSUM	05/15/15	115.00	PROFESSIONAL ENGINEER LICENSE RENEWAL FO
104785	10968	UTILITY TELEPHONE	05/15/15	17,125.77	ANNUAL TELECOM FY2014-15
104786	853	VALLEY OIL COMPANY DEPT# 35101	05/15/15	25,040.48	UNLEADED FUEL
104787	7684	WARNACO SWIMWEAR GRP/AFK	05/15/15	153.94	RETAIL GOGGLES AND SWIM CAPS
Total				204,403.07	

M.1 Closed Session for Conference with Legal Counsel pursuant to Government Code Section 54956.9(a), Anticipated Litigation (1 case) – from City Attorney Benoun.

Background/Discussion – The City Attorney has requested a closed session to discuss anticipated litigation (1 case).

M.2 Closed session for conference with Labor Negotiators pursuant to California Government Code Section 54957.6. Agency designated representatives: Human Resources Director Abe and Assistant City Manager Grindall; Employee Groups: the Newark Police Association, the Newark Association of Miscellaneous Employees; City Officials and the Management, Supervisory, and Professional Employee Group; and the Confidential Employee Group – from City Attorney Benoun and Human Resources Director Abe.

Background/Discussion – The City Attorney has requested a closed session to discuss labor negotiations.