

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 12, 2016

- A. ROLL CALL

- B. MINUTES
 - B.1 Approval of Minutes of the regular City Council meeting of Thursday, April 28, 2016. (MOTION)

- C. PRESENTATIONS AND PROCLAMATIONS
 - C.1 Introduction of employee.

 - C.2 Proclaiming May 15-21, 2016, as National Public Works Week. (PROCLAMATION)

 - C.3 Proclaiming May 15-21, 2016, as National Police Week. (PROCLAMATION)

 - C.4 Commendation to Police Officer and Dispatcher of the Year. (COMMENDATIONS)

 - C.5 Presentation from StopWaste on the proposed expansion of the Reusable Bag Ordinance to include retail stores and restaurants. (PRESENTATION)

- D. WRITTEN COMMUNICATIONS

- E. PUBLIC HEARINGS
 - E.1 Hearing to consider: (1) revoking an existing planned unit development and conditional use permit for a veterinary emergency facility at 5600 John Muir Drive; (2) an Addendum to an existing Environmental Impact

Report; and (3) an Architectural and Site Plan Review for a hotel to be located at 5600 John Muir Drive – from Assistant City Manager Grindall.

(RESOLUTIONS - 3)

F. CITY MANAGER REPORTS

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

CONSENT

F.1 Authorization for the Administrative Services Director, City Clerk, Accounting Manager, and Senior Accountant, and their successors by title, to order the deposit or withdrawal of monies in the Local Agency Investment Fund – from Administrative Services Director Woodstock.

(RESOLUTION)

NONCONSENT

F.2 Authorization for the City Manager to sign an agreement with Tetra-Tech, Inc. to complete a Local Hazard Mitigation Plan for the City of Newark and associated budget amendment - from City Manager Becker.

(RESOLUTION)

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Consideration of City Council's summer meeting recess during the month of August 2016 – from Mayor Nagy. (MOTION)(RESOLUTION)

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

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

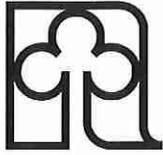
Approval of Audited Demands for the City Council meeting of May 12, 2016. (MOTION)

M. CLOSED SESSION

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.



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

AGENDA

Thursday, May 12, 2016

CITY COUNCIL:

Alan L. Nagy, Mayor
Luis L. Freitas, Vice Mayor
Sucy Collazo
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

Soren Fajeau
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:

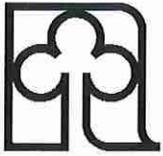
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|--|--------------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | TO REDEVELOPMENT AGENCY |
| D. WRITTEN COMMUNICATIONS | K. ORAL COMMUNICATIONS |
| E. PUBLIC HEARINGS | 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, April 28, 2016

A. ROLL CALL

Mayor Nagy called the meeting to order at 7:32 p.m. Present were Council Members Hannon, Collazo, Bucci, and Vice Mayor Freitas.

B. MINUTES

B.1 Approval of Minutes of the regular City Council meeting of Thursday, April 14, 2016.

Council Member Bucci moved, Council Member Hannon seconded, to approve the Minutes of the regular City Council meeting. The motion passed, 5 AYES.

C. PRESENTATIONS AND PROCLAMATIONS

C.1 Introduction of employee.

Mayor Nagy introduced newly hired Police Officer Blair Slavazza.

C.2 Proclaiming May 13 - 21, 2016, as Affordable Housing Week in Newark.

Mayor Nagy presented the proclamation to Thuy Fontelera.

C.3 Proclaiming May as National Water Safety Month in Newark.

Mayor Nagy presented the proclamation to Aquatics Coordinator Nick Cuevas.

C.4 Proclaiming May 5, 2016, as National Day of Prayer in Newark.

Mayor Nagy presented the proclamation to Pastor Emeritus Ed Moore.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

F. CITY MANAGER REPORTS

Council Member Bucci moved, Council Member Collazo seconded, to approve Consent Calendar Items F.1 through F.5, that the resolutions be numbered consecutively, and that reading of the titles suffice for adoption of the resolutions. The motion passed, 5 AYES.

CONSENT

- F.1 Resolution authorizing the Annual Program Submittal for Measures B and BB funding of paratransit services. RESOLUTION NO. 10484**
- F.2 Approval of the final map for Tract 8085, a 213-unit residential subdivision (CDCG Group Holdings Bayshores L.P.) at 37555 Willow Street. RESOLUTION NO. 10485**
- F.3 Adoption of the Five-year Forecast 2016-2021. RESOLUTION NO. 10486**
- F.4 Acceptance of work with Rosas Brothers Construction for 2015 Curb, Gutter and Sidewalk Replacement, Project 1095. RESOLUTION NO. 10487**
- F.5 Approval to reclassify the Accounting Technician - Confidential position to Accounting Technician II – Confidential by amending the Employee Classification Plan, to add the classification of Accounting Technician II – Confidential and revise the classification of Accounting Technician – Confidential to Accounting Technician I – Confidential; amending the Compensation and Benefit Plan for the Confidential Employee Group to add the classification of Accounting Technician II - Confidential; and amending the 2014-2016 Biennial Budget to add the position and the funding for the position of Accounting Technician II - Confidential and to delete the position and funding for Accounting Technician - Confidential. RESOLUTION NO. 10488-10490**

NONCONSENT

- F.6 Authorization for the City Manager to sign a combined Master Programs Funding Agreement between the Alameda County Transportation Commission and the City of Newark. RESOLUTION NO. 10491
CONTRACT NO. 16016**

Public Works Director Fajeau stated that the Alameda County Transportation Commission proposed a Master Programs Funding Agreement (MPFA) for the implementation of Measure B, Measure BB, and the Vehicle Registration Fee direct local distribution funds. A combined MPFA would provide consistent policies and requirements applicable to all funds and would streamline program implementation. The proposed 10-year MPFA would replace existing agreements with an effective date of July 1, 2016 and a sunset date of June 30, 2026.

Vice Mayor Freitas moved, Council Member Collazo seconded to by resolution, authorize the City Manager to sign a combined Master Programs Funding Agreement between the Alameda County Transportation Commission and the City of Newark. The motion passed, 5 AYES.

F.7 Authorization for the Mayor to sign a Contractual Services Agreement with RHAA Landscape Architecture and Planning Inc. to complete a Citywide Parks Master Plan.
RESOLUTION NO. 10492
CONTRACT NO. 16017

Assistant City Manager Grindall recommended contracting with Royston Hanamoto Alley and Abbey (RHAA) Landscape Architecture and Planning Inc. for the preparation of the Citywide Parks Master Plan. Four Community Meetings will be held throughout the Master Plan development. He stated that the planning process would take 8 months to complete.

Council Member Hannon suggested holding one of the community meetings on a Saturday and providing Spanish translators and outreach materials.

The City Council discussed outreach resources.

Angela Akridge named other funding resources that she would like used for parks. She suggested other forms of public outreach such as surveys for those who cannot attend the meetings.

Council Member Hannon moved, Council Member Bucci seconded to, by resolution, authorize the Mayor to sign a Contractual Services Agreement with RHAA Landscape Architecture and Planning to complete a Citywide Parks Master Plan and amending the 2014-2016 Biennial Budget. The motion passed, 5 AYES.

F.8 Update on the Civic Center Replacement/Relocation Feasibility Study, and direction to proceed with public opinion polling regarding potential funding measures.
MOTION APPROVED

Dawn Merkes of Group 4 provided an update on the Civic Center Feasibility Study. If the Newark Unified School District were to join this project, they would need approximately

13,350 square feet. The refined site option, including NUSD, was projected to cost \$64,000,000. She reviewed the phases of the project that would allow the current buildings to remain in place while the new buildings were constructed.

Sarah Hollenbeck of Public Financial Management reviewed potential funding strategies such as bonds or tax increases.

Council Member Hannon requested that the final report show the current square footage in comparison to the desired square footage of the buildings. He stated that he wanted to keep land and supported a sales tax model.

Mayor Nagy agreed that sales tax model was preferred.

Stephen Lawrence asked about the developer/impact fees that were included in the potential funding strategy. He asked if there would be additional fees that could be used to pay down the debt. He also asked what the total cost would be to the taxpayers.

Assistant City Manager Grindall stated that \$2 million in fees would be available at the start of the project. He estimated that another \$8 million would be received in developer/impact fees as the project proceeded.

Angela Akridge stated that she did not see a parcel tax on the list or the cost to operate the new versus the current buildings. She questioned the square footage needs of the City Administration and Police Buildings. She supported the library and suggested increasing the square footage for that building.

City Manager Becker stated that the existing buildings are at capacity and that Group 4 performed a comprehensive space needs assessment based on what is needed for the future.

Council Member Bucci noted that the library square footage was set at the request of Alameda County.

Adina Aguirre, Newark Branch librarian stated that she loved the placement of the library and the path to the park. They are excited to get a new library that meets the needs of the public and that 26,000 square feet is on par with the other Alameda County libraries.

Martin Doyle requested that the consultant split out the interest and the principal to show the full cost of the project over 30 years.

City Manager Becker stated that the total cost for the project would be approximately \$118 million (this included the principal amount of \$64,000,000 and the remainder in financing costs).

City Manager Becker recommended moving forward with the public polling for the sales tax option.

The City Council discussed public polling options.

Karen Maisen stated that she just purchased a home in Newark. She stated that property owners are the ones who have a stake in Newark and that the property assessment of \$413 is a drop in a bucket. She stated that increasing the sales tax is a greater tax on the poor.

Council Member Hannon moved, Council Member Bucci seconded to by motion, direct staff to commission a public opinion poll to assess the community support for the project and potential funding measures of sales tax and property assessments in the questions. The motion passed, 5 AYES.

G. CITY ATTORNEY REPORTS

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

Vice Mayor Freitas congratulated the Mayor on the State of the City speech.

Council Member Collazo wished everyone a Happy Cinco de Mayo and Mother's Day

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

K. ORAL COMMUNICATIONS

Gregory Lemos stated that he attended the Alameda County Water District Financial Workshop. They are considering changing water rate tiers. He stated that it would be difficult for people living on a fixed income.

Angela Akridge provided additional comments on the Citywide Parks Master Plan and the Civic Center Replacement/Relocation Feasibility Study.

L. APPROPRIATIONS

Approval of Audited Demands for the City Council meeting of April 28, 2016.

City Clerk Harrington read the Register of Audited Demands: Check numbers 107545 to 107656.

Vice Mayor Freitas moved, Council Member Bucci seconded, to approve the Register of Audited Demands. The motion passed, 5 AYES.

M. CLOSED SESSION

N. ADJOURNMENT

At 9:15 pm, Mayor Nagy adjourned the meeting.

C.1 Introduction of employee.

Background/Discussion – Newly hired Assistant Planner Sarah Bowab will be introduced at the City Council meeting.

C.2 Proclaiming May 15-21, 2016, as National Public Works Week. (PROCLAMATION)

Background/Discussion – May 15-21, 2016, has been designated National Public Works Week in Newark. A member of the Public Works Department will be at the meeting to accept the proclamation.

C.3 Proclaiming May 15-21, 2016, as National Police Week. (PROCLAMATION)

Background/Discussion – May 15-21, 2016 has been designated National Police Week in Newark. A member of the Police Department will be at the meeting to accept the proclamation.

C.4 Commendation to Police Officer and Dispatcher of the Year. (COMMENDATIONS)

Background/Discussion – Ryan Johnson has been named Police Officer of the Year. Patricia Lopez has been named Dispatcher of the Year. Commendations will be presented at the City Council meeting.

C.5 Presentation from StopWaste on the proposed expansion of the Reusable Bag Ordinance to include retail stores and restaurants. (PRESENTATION)

Background/Discussion – In 2012, the Waste Management Authority adopted the countywide Reusable Bag Ordinance (Ordinance). The law requires stores selling packaged food and liquor to charge a minimum of 10 cents for a bag at the point of sale. The Waste Management Authority is now considering expanding the Ordinance to include retail stores and restaurants. Meri Soll, Senior Program Manager with StopWaste will provide a presentation on the proposed expansion.

E.1 Hearing to consider: (1) revoking an existing planned unit development and conditional use permit for a veterinary emergency facility at 5600 John Muir Drive; (2) an Addendum to an existing Environmental Impact Report; and (3) an Architectural and Site Plan Review for a hotel to be located at 5600 John Muir Drive – from Assistant City Manager Grindall. (RESOLUTIONS - 3)

Background/Discussion - Shivam Real Estate, LLC has submitted an application for a hotel to be located at 5600 John Muir Drive. The applicant has indicated the hotel will be a Holiday Inn and Suites.

The property is zoned Community Commercial with a Regional Commercial General Plan designation. A portion of the existing building is occupied by Silver Creek Fitness and Physical Therapy. In 2012 the Planning Commission and City Council approved a planned unit development and conditional use permit for a veterinary emergency facility at this site. Although the underlying zoning allows hotels as a permitted use, the existing planned unit development and conditional use permit needs to be revoked to allow a use other than the veterinary emergency facility at this location.

Access to the project site will be via two driveways off of John Muir Drive. The site contains no wetland drainage ways or wetland areas. Supporting utilities and services, including water, sewer, drainage, electrical, and natural gas and related facilities have all been provided. The site is within an urbanized area surrounded by commercial uses.

The five-story hotel contains 110 guest rooms, meeting facilities, an indoor pool, and dining facilities. The modern design has an undulating roof line, three prominent “pop out” features along the east (I-880) elevation. This design also incorporates a stucco panel system with a stone split face base and an arched glass entryway. Signage for the site will consist of a sign on both the east and west elevations, with smaller signs along the north and south. In addition, a 20-foot high pole sign will be located on-site and visible from the adjacent interstate.

Hotels are required to provide one-off street parking space for each employee, plus one additional parking space for each guest room or for each two beds, whichever is greater. The total number of guest rooms provided is 110. A total of 116 parking spaces are provided on-site. This results in 1.1 spaces per room, which is acceptable to the City as it has worked well for several other hotels throughout Newark.

An Addendum to the existing General Plan Environmental Impact Report (EIR) was performed by First Carbon Solutions. Seventeen environmental issues were analyzed (Outlined in Section 3 of the Addendum), none of which were found to have any new significant impact. Table 1-1 of Appendix A details the mitigation measures already in place from the original General Plan EIR.

The Addendum was made available to the public beginning March 28, 2016. Staff did not receive any comments on this project prior to preparing this report.

Update – At its April 12, 2016 meeting, the Planning Commission approved: (1) Resolution No. 1933, revoking an existing planned unit development (P-12-22) and conditional use permit (U-12-21) for a veterinary emergency facility at 5600 John Muir Drive; (2) Resolution No. 1934, for E-16-13, an Addendum to an existing Environmental Impact Report; and (3) Resolution No. 1935, with Exhibit A, pages 1 through 12, for ASR-16-9, an Architectural and Site Plan Review for a hotel to be located at 5600 John Muir Drive.

Attachments

Action - It is recommended that the City Council, by resolutions: (1) revoke a planned unit development (P-12-22) and conditional use permit (U-12-21) for a emergency veterinary facility at 5600 John Muir Drive; (2) make certain findings and adopt an Addendum to an Environmental Impact Report for a hotel at 5600 John Muir Drive (APN: 901-195-18 & 19); and (3) by resolution, approve an Architectural and Site Plan Review (ASR -16-19) for a hotel at 5600 John Muir Drive.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK REVOKING A PLANNED UNIT DEVELOPMENT
(P-12-22) AND A CONDITIONAL USE PERMIT (U-12-21) FOR
AN EMERGENCY VETERINARY FACILITY AT 5600 JOHN
MUIR DRIVE

WHEREAS, on December 13, 2012, the City Council of the City of Newark approved a planned unit development and conditional use permit to allow an emergency veterinary facility at 5600 John Muir Drive; 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 conditional 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 of the use permit application; and

WHEREAS, Shivam Real Estate, LLC has filed with the City Council of the City of Newark application to revoke the planned unit development (P-12-22) and conditional use permit (U-12-21) for an emergency veterinary facility to be located at 5600 John Muir Drive.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark, after due consideration, revokes the planned unit development (P-12-22) and conditional use permit (U-12-21) for an emergency veterinary facility to locate at 5600 John Muir Drive, under the authority granted in the Newark Municipal Code Section 17.72.130.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK MAKING CERTAIN FINDINGS AND ADOPTING
AN ADDENDUM TO AN ENVIRONMENTAL IMPACT
REPORT FOR A HOTEL AT 5600 JOHN MUIR DRIVE (APN:
901-195-18 & 19)

WHEREAS, the Hotel project ("Project"), which is located within the Greater NewPark Mall area, consists of the construction of one, five-story hotel consisting of 110 guest rooms; and;

WHEREAS, the entitlements requested include an Architectural and Site Plan Review (ASR-16-9); and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), an initial study and an Addendum to the 2013 General Plan Environmental Impact Report has been prepared for the Project, pursuant to Section 15070 *et seq.* of the CEQA Guidelines, to analyze and mitigate the Project's potentially significant environmental impacts; and

WHEREAS, through this study, it has been determined that the Project does not result in any new significant impacts and the conclusions in the 2013 Environmental Impact Report remain unchanged; and

WHEREAS, the Initial Study and Addendum was made available to the general public beginning on March 28, 2016; and

WHEREAS, on May 12, 2016 the City Council of the City of Newark conducted a duly noticed meeting to consider the Initial Study and Addendum of environmental impacts for the proposed Project, considered all public testimony, written and oral, presented at the meeting; and received and considered the written information and recommendation of the staff report for the May 12, 2016 meeting related to the proposed Project.

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

1. The Initial Study and corresponding Addendum of environmental impacts were released for public review and said mitigation measures contained within the same would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur; and
2. There is no substantial evidence in light of the whole record before the City of Newark that the project may have a significant effect on the environment; and
3. The City Council has read and considered the Initial Study and the Addendum and the comments thereon, and has determined the Initial Study and the Addendum reflect the independent judgment of the City and were prepared in accordance with CEQA; and

4. The Initial Study and the Addendum (including any revisions developed under 14 C.C.R § 15070(b)), all documents referenced in the same, and the record of proceedings on which the Planning Commission and City Council's decision is based are located in the Community Development Department at City Hall for the City of Newark, located at 37101 Newark Boulevard, California, and is available for public review.

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

a. Based on the evidence and oral and written testimony presented at the public meeting, and based on all the information contained in the Community Development Department's files on the project, including, but not limited to, the Initial Study/Addendum, the staff reports, certifies in accordance with CEQA guidelines that:

1. The Initial Study/Addendum was prepared in compliance with CEQA and CEQA guidelines.
2. The City Council has reviewed and considered the information contained in the Initial Study/Addendum prior to approving the project.
3. The Initial Study/Addendum adequately describe the project, its environmental impacts, reasonable alternatives and appropriate mitigation measures.
4. The Initial Study/Addendum reflect the independent judgment and analysis of the City Council.



**Newark Hotel
Initial Study Checklist and Addendum
City of Newark, Alameda County, California**

Prepared for:

City of Newark

37101 Newark Boulevard

Newark, CA 94560

510.518.4208

Contact: Terrence Grindall, Assistant City Manager

Prepared by:

FirstCarbon Solutions

1350 Treat Boulevard, Suite 380

Walnut Creek, CA 94597

925.357.2562

Contact: Jason Brandman Project Director

Kim Burnell, Project Manager

Date: March 10, 2016

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Appendix A: 2013 Recirculated EIR Mitigation Measures

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SECTION 1: INTRODUCTION

The proposed project is the construction of a 71,119 square foot hotel on a 2.0-acre parcel at the southwest corner of Mowry School Road and John Muir Drive in the City of Newark. The hotel use is planned for in the 2013 General Plan Update, for which the 2013 General Plan Update EIR was prepared pursuant to the California Environmental Quality Act (CEQA [Pub. Res. Code § 21000, et seq.]), certified by the Newark City Council in 2013 (2013 EIR).

The purpose of the following environmental checklist is to evaluate the proposed improvements in order to determine whether they are within the scope of the 2013 General Plan Update EIR, or whether the project would result in new significant impacts or substantially more severe impacts under CEQA Guidelines Section 15162.

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SECTION 2: PROJECT DESCRIPTION

2.1 - Location and Setting

The Newark Hotel project site is located on a 2.0-acre parcel in the City of Newark at 5600 John Muir Drive. Exhibit 1 shows the project in relation to the Bay Area region, including surrounding communities and other major geographic features. The project site is located on the south eastern intersection of Mowry School Road and John Muir Drive, about ¼ mile east of the NewPark Mall.

Directly west of the project site is John Muir Drive and a recreational vehicle retailer further west is the NewPark Mall. To the south is an auto dealership. To the east is a Chuck E. Cheese's and to the north lies Mowry School Road, which runs perpendicular to Interstate 880.

The City of Newark General Plan designates the project site as "Regional Commercial" and the Newark Zoning Ordinance zones the project site "Regional Commercial." The project site currently consists of a 16,000 square foot single story physical fitness and therapy center, as well as surface parking. Two points of vehicular access ingress/egress to John Muir Drive and Mowry School Road. Exhibit 2 shows the site plans existing conditions.

2.2 - Project Background

2.2.1 - Hospitality in the City of Newark General Plan

The Economic Development Element of the General Plan (Plan) contains goals, policies, and actions to encourage a robust economy, support existing businesses, and attract new businesses that contribute to Newark's quality-of-life and fiscal vitality.

The General Plan update in 2013 modified the Regional Commercial land use designation to allow high-density residential, office, and hotel uses to the extent that they support the area's regional retail focus and the General Plan Update EIR analyzed the potential effects of that level of new development in the freeway and adjacent areas of Newark.

The City estimated that the Plan would allow for approximately 1,800 new housing units, 700 new hotel rooms, 200,000 square feet of net new retail space, and 500,000 square feet of net new office space in this area.

Because of Newark's proximity to three international airports, six freeway interchanges, two major universities, and one of the most dynamic employment centers in the world, the city has a thriving hotel industry. The City's hotel occupancy tax is an important source of municipal revenue and the hotels themselves generate hundreds of local jobs. Moreover, hotel visitors patronize Newark restaurants and business, generating additional revenue for the community and providing additional jobs. Because of the lower cost of land relative to the West Bay, room rates in Newark are generally lower than comparable accommodations in the 101 corridor.

There are over 1,700 hotel rooms in the City, primarily located in designated Regional Commercial areas that are generally concentrated in the Gateway area around the two SR 84 interchanges, and in the NewPark area between the Mowry and Stevenson interchanges.

2.2.2 - Project Site and Building

The proposed project would implement the policies in the Economic Development Element of the General Plan by demolishing the existing commercial building and developing the Newark Hotel. The 110-room hotel would consist of a five story building with a total floor area of approximately 71,119 square feet. A total of 122 parking spaces would be provided, of which 5 spaces would be designated accessible. Exhibit 3 shows the projects site plans. The proposed project is consistent with the existing zoning and is simply subject to Architectural and Site Plan Review.

2.3 - Scope of the Environmental Checklist

This document determines whether the proposed modifications could have any significant effects on the environment. For purposes of this evaluation, and consistent with the 2013 EIR and current Appendix G of the CEQA Guidelines, the proposed modifications' potential environmental effects are grouped into the following categories.

- Aesthetics
- Agriculture
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems

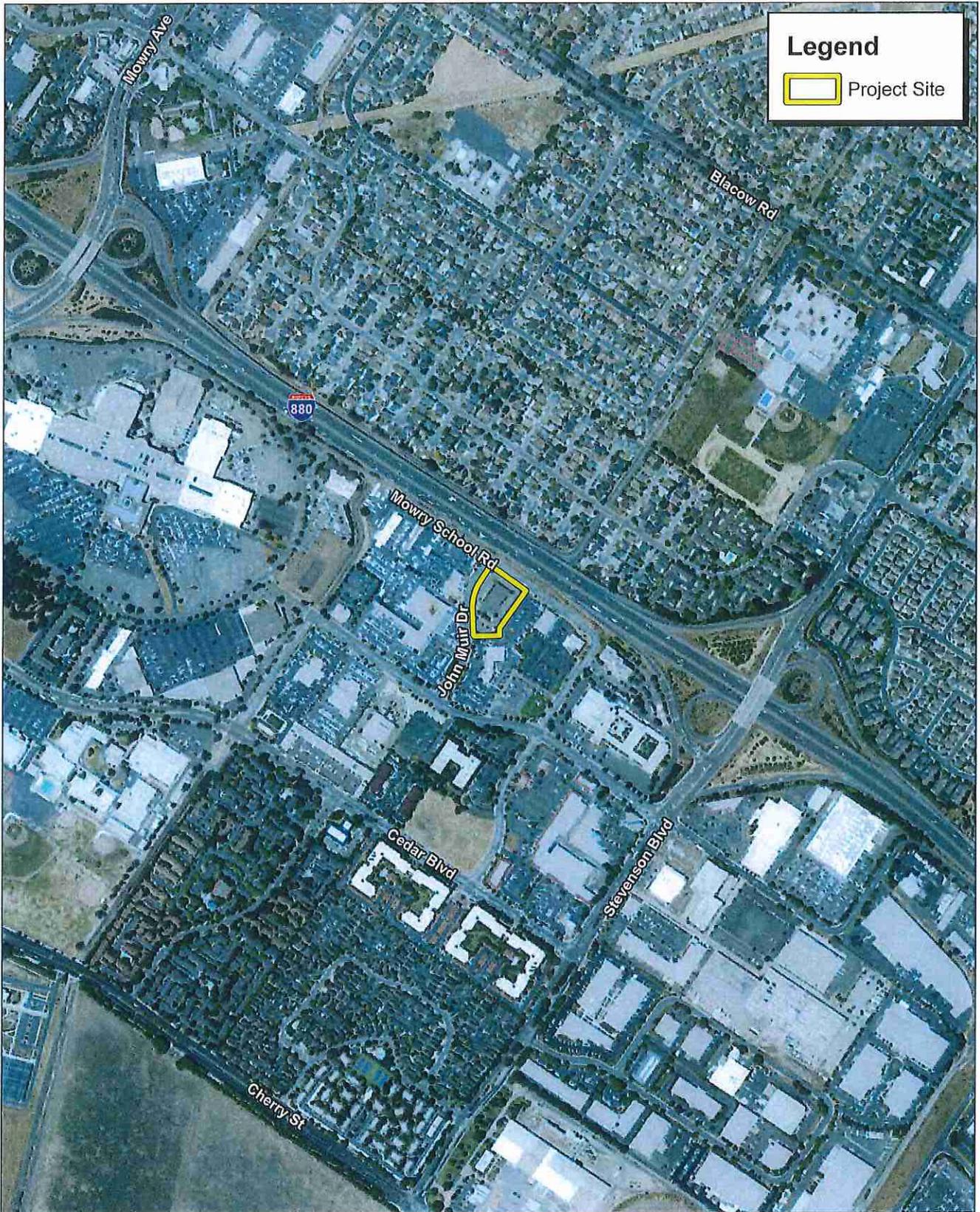


Source: Census 2000 Data, The CaSIL, FCS GIS 2013.



Exhibit 1 Regional Location Map

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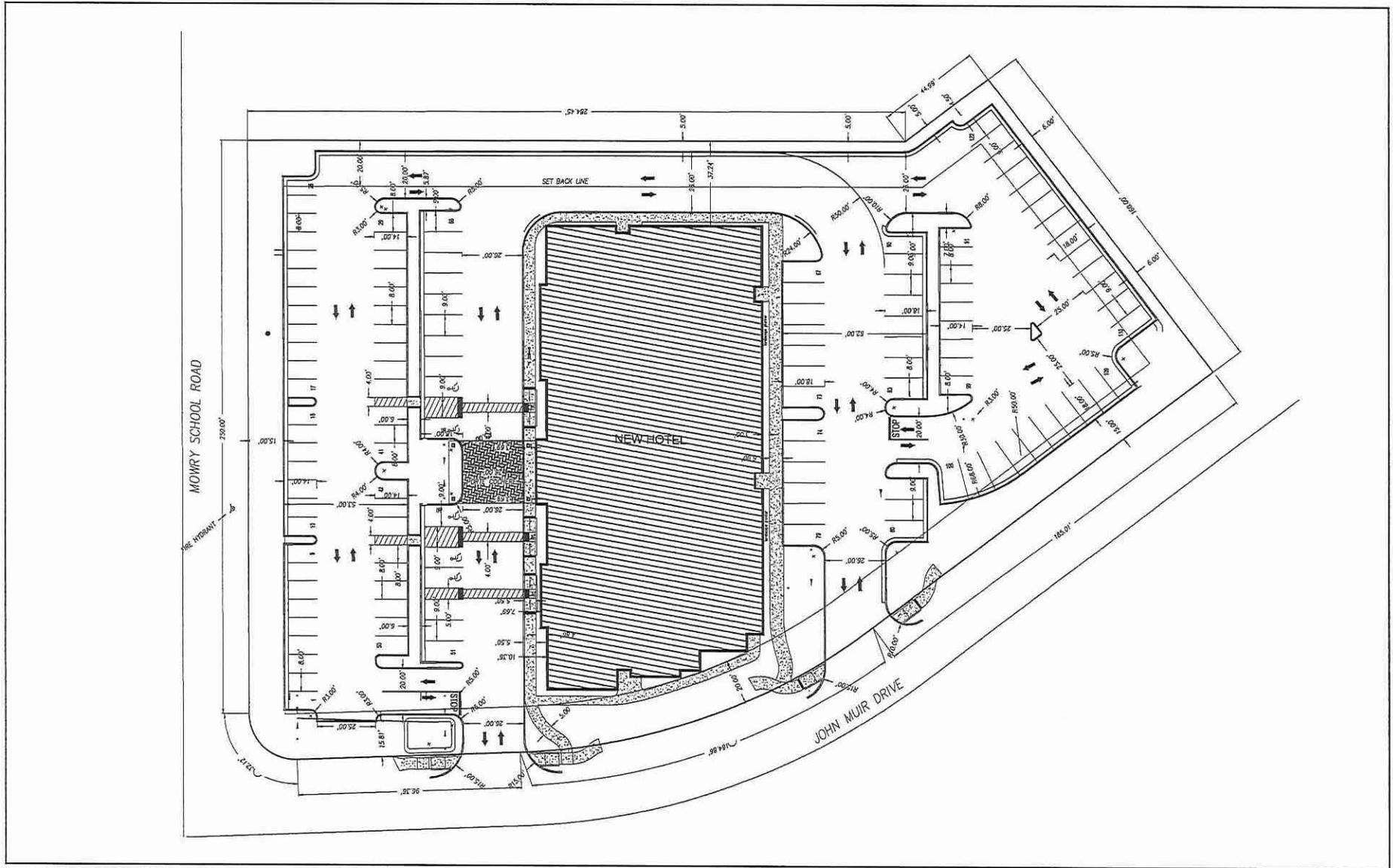
Source: ESRI Imagery, 2014

Exhibit 2

Local Vicinity Map
Aerial Base



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Source: Iyer and Associates, 2016



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Exhibit 3 Proposed Site Plan

CITY OF NEWARK • NEWARK HOTEL PROJECT
INITIAL STUDY CHECKLIST/ADDENDUM TO THE CITY OF NEWARK GENERAL PLAN

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SECTION 3: CEQA CHECKLIST

The purpose of the checklist is to evaluate the categories in terms of any changed condition (e.g., changed circumstances, project changes, or new information of substantial importance) that may result in a changed environmental result (e.g., a new significant impact or substantial increase in the severity of a previously identified significant effect) (CEQA Guidelines Section 15162).

The questions posed in the checklist come from Appendix G of the CEQA Guidelines. A “no” answer does not necessarily mean that there are no potential impacts relative to the environmental category, but that there is no change in the condition or status of the impact since it was analyzed and addressed with mitigation measures in the EIR prepared for the project. These environmental categories might be answered with a “no” in the checklist, since the proposed project does not introduce changes that would result in a modification to the conclusion of the certified EIR.

3.1 - Explanation of Checklist Evaluation Categories

(1) Conclusion in Prior EIR and Related Documents

This column provides a cross-reference to the pages of the EIR where the conclusion may be found relative to the environmental issue listed under each topic.

(2) Do the Proposed Changes Involve New Impacts?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(1), this column indicates whether the changes represented by the revised project will result in new significant environmental impacts not previously identified or mitigated by the EIR, or whether the changes will result in a substantial increase in the severity of a previously identified significant impact.

(3) New Circumstances Involving New Impacts?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(2), this column indicates whether there have been substantial changes with respect to the circumstances under which the project is undertaken that will require major revisions to the EIR, due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

(4) New Information Requiring New Analysis or Verification?

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3)(A-D), this column indicates whether new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR [or ND];
- (B) Significant effects previously examined will be substantially more severe than show in the previous EIR [or ND];

- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerable different from those analyzed in the previous EIR [or ND] would substantially reduce one or more significant effect of the environment, but the project proponents decline to adopt the mitigation measure or alternative.

If the additional analysis completed as part of this environmental review were to find that the conclusions of the EIR remain the same and no new significant impacts are identified, or identified impacts are not found to be substantially more severe, or additional mitigation is not necessary, then the question would be answered “no,” and no additional environmental document would be required.

(5) EIR Mitigation Measures Implemented or Address Impacts

Pursuant to CEQA Guidelines Section 15162, subd. (a)(3), this column indicates whether the EIR provides mitigation measures to address effects in the related impact category. These mitigation measures will be implemented with the construction of the project; a “yes” response will be provided in either instance. If “NA” is indicated, the EIR and this initial study conclude that the impact does not occur with this project or is not significant; therefore, no additional mitigation measures are needed.

3.2 - Discussion and Mitigation Sections

(1) Discussion

A discussion of the elements of the checklist is provided under each environmental category in order to clarify the answers. The discussion provides information about the particular environmental issue, how the project relates to the issue, and the status of any mitigation that may be required or that has already been implemented.

(2) EIR Mitigation Measures

To the extent that mitigation measures in the 2013 EIR have not already been implemented, applicable mitigation measures that apply to the project are listed under each environmental category. However, several of the listed mitigation measures are inapplicable as they apply to only the entire effects of the General Plan Update and therefore are not discussed further in this analysis. Accordingly, only the mitigation measures that are applicable to the proposed project and are assumed to have not been completed have been included in the analysis below. For informational purposes, a listing of each mitigation measure identified in the 2013 EIR has been provided in Appendix A of this document.

(3) Conclusions

A discussion of the conclusion relating to the analysis is contained in each section.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
I. Aesthetics					
<i>Would the project:</i>					
a) Have a substantial adverse effect on a scenic vista?	Less than significant impact.	No	No	No	None
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	No impact.	No	No	No	None
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	Less than significant impact.	No	No	No	None
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	Less than significant impact.	No	No	No	None

Discussion

- a–d) There are no scenic highways identified in the City of Newark, so no potential impacts were found to scenic resources within a scenic highway. The buildout of the General Plan will not substantially degrade the existing visual character or quality of the site and its surroundings, or create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The City of Newark Municipal Code’s zoning ordinance (Title 17) would ensure that new development allowed under the proposed Plan would be consistent with community standards, thus minimizing potential impacts to visual character.

Compliance with the zoning regulations and implementation of the Plan's proposed policies would reduce the impacts to visual character associated with the project to a less than significant level.

Relevant EIR Mitigation Measures

None.

Conclusion

No new significant impacts related to aesthetics would occur from the construction of one hotel. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
II. Agricultural Resources					
<i>Would the project:</i>					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	NA	No	No	No	None
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	NA	No	No	No	None
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	NA	No	No	No	None
d) Result in the loss of forest land or conversion of forest land to non-forest use?	NA	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	NA	No	No	No	None

Discussion

a–e) Agricultural impacts were not analyzed in the 2013 EIR. The proposed project site is designated “Urban and Build-Up Land” and is not under a Williamson Act contract. Additionally, the project is not in or adjacent to areas zoned for agriculture. Therefore, no new significant impacts associated agricultural resources would occur.

Relevant EIR Mitigation Measures

None.

Conclusion

The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
III. Air Quality					
<i>Would the project:</i>					
a) Conflict with or obstruct implementation of the applicable air quality plan?	Significant unavoidable impact.	No	No	No	None
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	Less than significant impact.	No	No	No	None
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	Less than significant impact.	No	No	No	None
d) Expose sensitive receptors to substantial pollutant concentrations?	Less than significant impact.	No	No	No	None
e) Create objectionable odors affecting a substantial number of people?	Less than significant impact.	No	No	No	None

Discussion

- a–e) The 2013 EIR found that while the proposed Plan would support the primary goals of the 2010 Bay Area Clean Air Plan, buildout of the proposed Plan would not be consistent with the Clean Air Plan because the projected vehicle miles traveled (VMT) increase from buildout of the proposed Plan would be greater than the projected population increase. Numerous goals, policies, and actions contained in the proposed Plan address future increase in VMT and criteria air pollutants under the Plan; however, the projected increase in VMT in the Plan Area would still exceed the rate of population growth. There are no additional measures that would reduce this impact. This is a significant, unavoidable impact.

The Plan was found not to violate any air quality standard or contribute substantially to an existing or projected air quality violation, or to result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment. The Plan would not expose sensitive receptors to substantial pollutant concentrations or create objectionable odors affecting a substantial number of people.

Because the new uses and the number of vehicle miles traveled in relation to the uses were anticipated in the air quality analysis in General Plan EIR, no new significant impacts related to air quality would occur. The conclusions from the 2013 EIR remain unchanged.

Relevant EIR Mitigation Measures

None.

Conclusion

The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
IV. Biological Resources					
<i>Would the project:</i>					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	Less than significant impact.	No	No	No	None
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	Less than significant impact.	No	No	No	None
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.)	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
through direct removal, filling, hydrological interruption, or other means?					
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Less than significant impact.	No	No	No	None
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Less than significant impact.	No	No	No	None
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	Less than significant impact.	No	No	No	None

Discussion

a–f) In general, the urbanized portions of the Plan Area are considered to have low habitat value for biological resources, given the urbanized context of the Plan Area and the extent of existing development in Newark. However, while buildout of the proposed Plan would primarily take the form of redevelopment of previously developed sites in urbanized areas of

the City, future development under the Plan could potentially result in impacts on special-status plant and animal species known or suspected to occur within the Plan Area. Direct impacts could result if buildout of the Plan would cause the direct loss of individuals or localized populations, the elimination or degradation of essential habitat, or the isolation of subpopulations due to habitat fragmentation. Additionally, the conversion of existing natural habitat to urban development and infrastructure improvements could result in the elimination of populations of special-status species where they are present within the limits of proposed grading and development. Indirect impacts could result if buildout of the Plan causes disruption of critical functions affecting reproductive success, degradation of habitat quality to such an extent that occupied habitat is no longer suitable for individual survival, and other influences.

In finding no significant impacts to biological resources from the implementation of the General Plan, the 2013 EIR stated that in most instances, surveys and further detailed assessment would be necessary to confirm the presence or absence of special-status species occurrences on development sites within the City. Federal, state, and local regulations described in the EIR would protect special-status species present or potentially present within the Plan Area and compliance with these regulations would minimize potential impacts. The federal and California Endangered Species Acts, Migratory Bird Treaty Act, Fish and Game Code, and California Native Plant Protect Act all serve to prevent the potential “take” of state, federally, or CNPS (1B) listed plant species that may occur, which could require additional mitigation and possibly authorization from the United States Fish and Wildlife Service, California Department of Fish and Wildlife, and National Oceanic and Atmospheric Administration fisheries.

The following policies from the Plan were implemented to reduce impacts to less than significant:

- **Policy CS-1:** Wildlife and Habitat Protection. Preserve and protect Newark’s plant and animal species and habitats, including wetlands, salt marshes, creeks, and lakes. Ensure that land use decisions consider potential impacts on wildlife habitat.
- **Policy CS-4:** Wetlands Delineation. Encourage the owners of large potentially developable properties to enter into early discussions with appropriate agencies conduct wetland delineation studies. Such studies should be used to identify areas to be conserved as permanent open space, as well as appropriate mitigation measures to offset any wetland impacts.
- **Action CS2.B:** Wetlands Restoration in New Development Areas. Work with the developers of Newark’s remaining large development sites, including Dumbarton TOD and the Southwest Newark Residential and Recreational Project (Areas 3 and 4), on efforts to restore and/or re-vegetate natural habitat areas.
- **Action CS2.C:** Review of Wetland Impacts. Ensure that potential wetland impacts are considered during environmental review and prescribe mitigation measures as necessary to avoid or offset such impacts.

Additionally, it is recommended that pre-construction survey be conducted prior to construction if within the avian nesting season (generally March 1 to August 31).

Relevant EIR Mitigation Measures

None.

Conclusion

No new significant impacts related to biological resources would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
V. Cultural Resources					
<i>Would the project:</i>					
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	Less than significant impact.	No	No	No	None
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	Potential significant impact to archaeological resources.	No	No	No	MM CULT-2
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Less than significant impact.	No	No	No	None
d) Disturb any human remains, including those interred outside of formal cemeteries?	Potential impact to Native American human remains.	No	No	No	MM CULT-4

Discussion

- a–d) No historical resources were identified within the project site by the 2013 EIR. It is unlikely that significant paleontological remains will be impacted by the proposed project, due to the relatively recent age of Holocene Bay mud underlying the City as identified in Section 4.4.1.2 of the 2013 EIR. Additionally, since no previous fossil finds have been made in the vicinity, and there are no known paleontological resources in Newark according to the University of California Museum of Paleontology Specimen Search database, paleontological potential of this area is considered low. Potential inadvertent discovery of buried archaeological resources or human remains were addressed by Mitigation Measures CULT-2 and CULT-4 of the 2013 EIR, as well as the additional mitigation measures they reference.

The project would not result in ground disturbance in areas that were previously undisturbed, and no new evidence has come to light through the records search or field survey to indicate the presence or high potential for additional cultural resources to be located within the project area. There is no new information or change in circumstance since the 2013 EIR to determine any impact from the demolition of the existing commercial building. The proposed project would therefore not result in any new significant impacts or substantially increased cultural resources impacts.

Relevant EIR Mitigation Measures

MM CULT-2 Regulatory compliance and implementation of proposed Plan policies would reduce but not eliminate the potential for damage or disturbance. No additional feasible mitigation exists to further reduce this impact.

Relevant General Plan goals and policies include:

- **Goal LU-5:** Identify, preserve, and maintain historic structures and sites to enhance Newark's sense of place and create living reminders of the city's heritage.
- **Policy LU-5.1:** Preserving Important Buildings. Encourage the preservation of historically and architecturally important buildings that help enhance Newark's character and sense of identity. The demolition of historically important buildings is strongly discouraged.
- **Policy LU-5.2:** Context-Sensitive Design. Ensure that the repair, maintenance, and expansion of Newark's historically important structures uses building materials and architectural details, which respect historic context.
- **Policy LU-5.3:** Adaptive Reuse. Where it is no longer feasible to continue to use an older building for its originally intended use, encourage adaptive reuse of the structure rather than demolition and replacement.
- **Policy LU-5.4:** Historic Landscapes. Consider the historic value of landscape features, such as trees, gardens, and fences when evaluating the historical significance or importance of a property.
- **Action LU5.A:** Evaluating Historic Resource Impacts. Evaluate applications for demolition, alteration, or relocation of structures more than 50 years old to determine if the structure has sufficient significance and integrity to merit its designation as a historic resource. In the event alterations to a historic resource are proposed, use the Secretary of the Interior Standards for the Treatment of Historic Properties to guide application review.
- **Action LU5.D:** Historic Inventory. Maintain and periodically update a list of Newark's historic sites and structures.

MM CULT-4 While compliance with the provisions of SB18, California Health and Safety Code Section 7052 and 7050.5, and California Public Resources Code Section 5097 and 15064.5 together with implementation Mitigation Measure 4.4-1 from the 2009–2104 Housing Element EIR, and Mitigation Measures CUL-2.1 through CUL-2.4 from the Area 3 and 4 Specific Plan EIR, described above, would reduce the potential for accidental damage or disturbance of human remains during construction activities associated with buildout of the proposed Plan, damage or disturbance of human

remains through the placement of fill and soil compression could still result during construction activities associated with buildout. No additional feasible mitigation exists to further reduce this impact.

Previous environmental review conducted for the 2009–2014 Housing Element and the Area 3 and 4 Specific Plan identified mitigation measures to address potential impacts to archaeological resources that have been adopted by the City. Mitigation Measure 4.4-1 from the Housing Element EIR requires that in the event an archeological Native American artifact is identified during residential development, work will cease in the immediate vicinity of the artifact until a resource protection plan conforming to CEQA Guidelines is prepared by a qualified paleontologist and/or archeologist and approved by the City of Newark. Previous environmental review concluded that implementation of this mitigation measure would reduce associated impacts to a less-than significant level. The Area 3 and 4 Specific Plan EIR also contains mitigation measures that reduce impacts to paleontological resources. Mitigation Measure CUL-2.1 requires before construction activities begin that a hand excavation led by a professional archaeologist be used to determine the extent of archaeological resources in the area. Mitigation Measures CUL-2.2 and CUL-2.3 require that site development plans and grading then use this information to avoid known cultural resources. Mitigation Measure CUL-2.4 requires that where known archaeological resources are present, and cannot be avoided, preservation in place methods or a program of data recovery will be implemented, following CEQA Guidelines. This would involve a combination of limited hand excavation to remove known human remains to prevent additional damage, as well as heavy equipment under the direction of a professional archaeologist. Mitigation Measure CUL-2.4 requires a certified professional archaeological observe during all construction that causes ground disturbance with specific authority to direct and halt earthmoving activities if, and when, cultural materials are encountered, in accordance with CEQA Guidelines. Additionally, mitigation measure CUL-2.4 requires construction to stop within a 100 foot radius if and when such resources are found, until the archaeologist evaluates the significance of the find, and suggests the appropriate mitigation to protect the resources.

Conclusion

No new significant impacts to cultural resources would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
VI. Geology and Soils					
<i>Would the project:</i>					
a) Expose people or structures to potential substantial adverse effects, including risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	Less than significant impact.	No	No	No	None
ii) Strong seismic ground shaking?	Less than significant impact.	No	No	No	None
iii) Seismic-related ground failure, including liquefaction?	Less than significant impact.	No	No	No	None
iv) Landslides?	Less than significant impact.	No	No	No	None
b) Result in substantial soil erosion or the loss of topsoil?	Less than significant impact.	No	No	No	None
c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?					
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	Less than significant impact.	No	No	No	None
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.	No impact.	No	No	No	None

Discussion

- a–e) The 2013 EIR found that with adherence to the City’s zoning and buildings codes and the policies in the General Plan, the proposed Plan would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving surface rupture along a known active fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; and landslides. Implementation of the proposed Plan would not result in substantial soil erosion or the loss of topsoil. Development under the proposed Plan would not result in a significant impact related to development on unstable geologic units and soils or result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. Development under the proposed General Plan would not create substantial risks to life or property as a result of its location on expansive soil, as defined in Table 18-1-b of the Uniform Building Code (1994). Implementation of the proposed Plan would not result in impacts associated with the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater.

Additionally, the following goals, policies, and actions from the Plan would address hazards related to liquefaction and ground shaking:

- **Policy EH-1.1:** Development Regulations and Code Requirements. Establish and enforce development regulations and building code requirements to protect residents and workers from flooding, liquefaction, earthquakes, fires, and other hazards.
- **Policy EH-1.2:** Considering Hazards in Project Location and Design. Prohibit development in any area where it is determined that the potential risk from natural hazards cannot be mitigated to acceptable levels.
- **Action EH-1.A:** Development Review. Review all development applications to ensure their compliance with all relevant building and safety codes, including those related to fire, flooding, soil, and geologic hazards.
- **Action EH-1.B:** Code Updates. Periodically revise construction codes and regulations to incorporate the latest information and technology related to natural hazards such as earthquakes and flooding.
- **Policy EH-2.1:** Earthquake Safety in New Construction. Require new development to meet structural integrity standards which minimize the potential for damage during earthquakes.
- **Policy EH-2.3:** Earthquake Awareness. Inform Newark residents and businesses of steps they can take to reduce earthquake-related hazards.
- **Policy EH-2.4:** Infrastructure Resilience. Maintain standards for roads and infra-structure which consider geologic hazards, including subsidence and liquefaction.
- **Action EH-2.A:** Geotechnical Studies. At the discretion of the Director of Public Works, require detailed investigations of ground shaking, liquefaction, soil stability, and other geologic hazards as specific development projects are proposed. Such investigations shall be prepared by a qualified geologist or soils engineer, with appropriate mitigation measures identified and implemented.

Applicable Regulations

- City of Newark Municipal Code, Chapter 15 Building Regulations (including California Building Code adopted by reference, Section 15.50, Newark Municipal Code)
- California Public Resources Code, Division 2, Chapter 7.8, Section 2697(a) (a.k.a. the Seismic Hazards Mapping Act)

Compliance with the above ordinances and mitigation measures would reduce geology- and soils-related impacts to the maximum extent practicable. Consequently, the overall, associated impacts would be less than significant.

The construction of two new hotels and a restaurant would not increase any impacts with respect to geology and soils.

Relevant EIR Mitigation Measures

None.

Conclusion

No new significant impacts related to geology or soils would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
VII. Greenhouse Gas Emissions					
<i>Would the project:</i>					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Significant and unavoidable impact.	No	No	No	GHG-1
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	Less than significant impact.	No	No	No	None

Discussion

a–b) The 2013 EIR found that the proposed Plan would generate substantial GHG emissions in excess of the long-term 2050 GHG reduction target interpolated from Executive Order S-03-05.

The proposed Plan would not have a significant environmental impact because it does not conflict with the California Air Resources Board’s (ARB’s) scoping plan, MTC’s Plan Bay Area, or the Newark Climate Action Plan.

Implementation of the General Plan policies as well as compliance with the following applicable State standards listed here and described above would ensure that impacts to consistency with state, regional, and local GHG reduction planning efforts would be less than significant.

- CEQA
- City of Newark Climate Action Plan
- Executive Order S-3-05: Greenhouse Gas Emission Reduction Targets
- AB 32: California Global Warming Solutions Act
- SB 375: Sustainable Communities Strategies
- AB 1493: Pavley Fuel Efficiency Standards
- Title 20 California Code of Regulations: Appliance Energy Efficiency Standards
- Title 17 California Code of Regulations: Low Carbon Fuel Standard

- AB 1881: California Water Conservation in Landscaping Act of 2006
- SB 1368: Statewide Retail Provider Emissions Performance Standards
- SB 1078: Renewable Portfolio Standards

Because the construction of the new uses and the number of vehicle miles traveled in relation to those uses was anticipated in the greenhouse gas analysis in General Plan EIR, no new significant impacts related to greenhouse gas would occur.

Relevant EIR Mitigation Measures

MM GHG-1 To further reduce 2035 GHG emissions resulting from future development under the proposed Plan, the City shall require the following Uniformly Applicable Development Standards for new developments:

- Pedestrian and Bicycle Friendly Design/Bicycle Parking. Site plans submitted shall identify pedestrian and bicycle facilities on-site, including bicycle parking.
- Pedestrian and Bicycle Provisions within New Development. Circulation plans submitted shall identify pedestrian and bicycle routes.
- Source Reduction and Diversion for New Construction. Major new non-residential developments shall submit a plan that identifies solid waste source reduction and diversion measures (e.g. location of recycling bins on-site).
- Sustainable Design/Tree Planting in New Development/Minimizing Impervious Surface Coverage. Landscape plans submitted shall minimize impervious surfaces and identify features to reduce the heat island effect (e.g. tree coverage, permeable pavement, cool pavement).

However, it should be noted that while ARB is currently updating the Scoping Plan to identify additional measures to achieve the long-term GHG reduction targets, at this time, there is no plan past 2020 that achieves the long-term GHG reduction goal established under Executive Order S-03-05. As identified by the California Council on Science and Technology, the State cannot meet the 2050 goal without major advancements in technology.

Conclusion

No new significant impacts related to greenhouse gas emissions would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
VIII. Hazards and Hazardous Materials					
<i>Would the project:</i>					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than significant impact.	No	No	No	None
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than significant impact.	No	No	No	None
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	Less than significant impact.	No	No	No	None
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
create a significant hazard to the public or the environment?					
e) Be located within two miles of a public airport or private use airport and result in a safety hazard for people residing or working in the project area?	No impact.	No	No	No	None
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	No impact.	No	No	No	None
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less than significant impact.	No	No	No	None
h) Be located in an area designated as having a high, extreme, or severe fire hazard, or otherwise expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
urbanized areas or where residences are intermixed with wildlands?					

Discussion

- a–h) The 2013 EIR found that the Plan would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, nor would it result in significant impacts associated with hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. Compliance with applicable federal, state, and local laws and regulations regarding the handling of these materials would minimize this risk. The proposed Plan also includes the following goals, policies, and actions that are intended to further minimize this risk:
- **Goal EH-4:** Protect Newark residents and workers from the potential adverse effects of hazardous materials.
 - **Policy EH-4.1:** Hazardous Materials Risk Reduction. Seek to reduce the risk of hazardous materials accidents, spills, and vapor releases, and minimize the effects of such incidents if they occur.
 - **Policy EH-4.4:** Design and Construction of Hazardous Materials Facilities. Require that all facilities in which hazardous materials are used, handled, or stored are designed and constructed to minimize the possibility of environmental contamination and off-site impacts. The City will work with county, state and federal agencies to ensure that such facilities are regularly inspected and that applicable regulations are enforced.
 - **Policy EH-4.5:** Hazardous Materials Information. Provide the means for Newark residents and businesses to obtain information about hazardous materials handling, storage, and regulations in the community.
 - **Policy EH-4.6:** Hazardous Materials Transport. Seek to reduce the risk of accidents in the transportation of hazardous materials. The City will require compliance with all hazardous waste transport standards established by state and federal agencies.
 - **Action EH-4.E:** Hazardous Materials Management Plans. Require the preparation of Hazardous Materials Management Plans for new uses which will handle hazardous materials. HMMPs should include a complete inventory of materials by type, quantities, and conditions of storage and transportation, an assessment of the potential hazards associated with the materials, and steps to be taken to minimize risks. The HMMP also should outline actions to be taken in the event of a spill.

- **Action EH-4.G:** Hazardous Materials Transport Routes. Work with appropriate state and federal agencies to designate and periodically update official routes for the transportation of hazardous materials.
- **Action EH-4.I:** Community Disclosure Laws. Enforce community disclosure laws (e.g. Right to Know laws) that inform property owners of the presence of hazardous materials nearby.

In addition, compliance with the following laws and regulations, together with implementation of MM HAZ-1 would minimize hazards associated with the routine transport, use, or disposal of hazardous materials to the maximum extent practicable:

- DOT Hazardous Materials Transport Act-Code of Federal Regulations (CFR) 49
- EPA Resource Conservation and Recovery Act (RCRA)
- EPA Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- CAL/OSHA
- California Health and Safety Code (Chapters 6.95 and 19)
- California Code of Regulations (Section 2729)
- California Building Code
- ACDEH–CUPA Program
- Alameda County Water District (ACWD)–LUFT and SLIC Oversight Program
- City of Newark Municipal Code, Chapter 17.25 Hazardous Materials Storage Permit

Compliance with applicable federal, state, and local laws and regulations regarding handling of these materials would minimize the release of hazardous materials into the environment. The proposed Plan also includes the following goals, policies, and actions that are intended to further minimize this risk:

- **Action EH-4.J:** Phase I Assessments. Require a Phase I Environmental Site Assessment when a property is changed from an existing use to a more sensitive use (for example, industrial to residential). If potential hazardous materials issues are identified, ensure that they are investigated and that sites are cleaned to regulatory agency standards prior to development.
- **Action EH-4.K:** Hazardous Building Materials Abatement. As appropriate, incorporate hazardous building materials abatement provisions into building permit and developed approvals. The City will work with property owners to ensure remediation of hazardous building materials such as asbestos, lead, and mercury.

The 2013 EIR found no impact from hazards from private or public airstrips. No hazards from wildfires were identified, as the California Department of Forestry and Fire Protection Services (CAL FIRE) has not identified any very high fire hazard severity zones with the Local Responsibility Areas of Newark.

The Plan also includes the following goals, policies, and actions also intended to further ensure that new development would not conflict with emergency operations in the Plan Area:

- **Goal EH-5:** Emergency Preparedness. Fast, efficient, and coordinated response to natural and man-made emergencies and disaster.
- **Policy EH-5.1:** Complete Circulation System. Provide for a traffic circulation system that assures the City's capacity to deliver emergency services.
- **Policy EH-5.2:** Awareness of Preparedness Programs. Increase public awareness of City emergency preparedness programs and resources.
- **Policy EH-5.3:** Adequacy of Emergency Response Access. Avoid placing new development in areas where emergency response and evacuation cannot be provided within acceptable levels.
- **Policy EH-5.4:** SEMS Plan. Maintain and regularly update emergency plans for floods, earthquakes, fires, hazardous materials, and other disasters. Plans should be consistent with Standard Emergency Management System (SEMS) protocol.
- **Policy EH-5.5:** Interagency Coordination. Cooperate with other public agencies, nearby cities, community groups, and private enterprise in developing comprehensive disaster preparedness, assistance, and post-disaster recovery plans.
- **Policy EH-5.6:** Utility Resilience. Work with local gas, electric, cable, water, sewer, and other utility providers to maintain their facilities and ensure their ability to function (or be quickly restored) following a disaster.
- **Policy EH-5.7:** Communication Improvements. Strive for improved communications and response capabilities following a disaster, including a resilient Emergency Operations Center.
- **Policy EH-5.8:** Multi-Lingual Outreach. Ensure that emergency preparedness information is available in multiple languages, consistent with Newark's demographics. Work with the cultural institutions serving Newark's non-English speaking communities to ensure that information is communicated to all residents.
- **Action EH-5.A:** Capital Improvements to Improve Emergency Response. Periodically update the City's capital improvements program to include railroad grade separations, traffic signal overrides, and other improvements which will expedite emergency response.
- **Action EH-5.B:** Emergency Response Training Conduct regular emergency response training exercises.
- **Action EH-5.C:** Emergency Supplies. Acquire and maintain emergency equipment, supplies, services and communications systems, consistent with emergency management systems plans.
- **Action EH-5.E:** Information on Hazards and Preparedness. Regularly disseminate information about Newark's emergency preparedness plans and resources via the City's website, press releases, Radio Newark, local schools, employee information bulletins, and other means.

The construction of two new hotels and a restaurant would not add any significant impacts in relation to hazards or hazardous materials.

Relevant EIR Mitigation Measures

None.

Conclusion

No new significant impacts resulting from hazards or hazardous materials would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
IX. Hydrology and Water Quality					
<i>Would the project:</i>					
a) Violate any water quality standards or waste discharge requirements?	Less than significant impact.	No	No	No	None
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	Less than significant impact.	No	No	No	None
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	Less than significant impact.	No	No	No	None
d) Substantially alter the existing drainage pattern of the site or area, including through	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?					
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	Less than significant impact.	No	No	No	None
f) Otherwise substantially degrade water quality	Less than significant impact.	No	No	No	None
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	Less than significant impact.	No	No	No	None
h) Place within a 100-year flood hazard structures which would impede or redirect flood flows?	Less than significant impact.	No	No	No	None
i) Expose people or structures to significant risk or loss, injury or	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
death involving flooding, including flooding as a result of the failure of a levee or dam?					
j) Inundation of by seiche, tsunami, or mudflow?	Less than significant impact.	No	No	No	None

Discussion

- a–e) The 2013 EIR found that future construction activities associated with development within the Plan Area could negatively affect the water quality of surface waters. Grading and other earthmoving activities during construction would expose soils that could be eroded and deposited into downstream receiving waters. With the implementation of Plan policies and state and local regulations pertaining to hydrology and water quality, this impact would be less than significant.

Future development within the General Plan Area would result in an increase in impervious surfaces. In addition there may be the potential diversion of groundwater to surface water if short-term construction dewatering is required due to shallow water tables underlying Newark. Future development within the Plan Area would involve vegetation removal, grading, earth excavation, and the construction of buildings, sidewalks, driveways, and parking lots. These activities would alter existing drainage patterns and increase the potential for erosion and/or siltation. However, none of the future development would alter the course of an existing stream or river.

Inundation resulting from dam failure could damage property and structures within the City and pose a severe hazard to public safety. However, the California Division of Safety of Dams inspects each dam on an annual basis to ensure the dam is safe, performing as intended, and is not developing problems.

Implementation of plan goals and policies listed below, along with Goal EH-5, Policies EH-5.2, EH-5.3, EH-5.4, EH-5.5, and Actions EH-5.A, EH-5.B, EH-5.C, and EH-5.D from the Hazards section, above, and compliance with applicable regulations as listed below would reduce these impacts to less than significant.

- **Action CS-1.B:** Soil Erosion BMPs. Require new construction projects to incorporate best management practices (BMPs) which minimize soil erosion and runoff of nutrients, sediments, and pesticides.

- **Policy CS-3.1:** Protection of Water Resources. Ensure that land use decisions consider the availability of water for domestic and non-domestic uses, potential impacts on groundwater quality and groundwater recharge capacity, and potential off-site impacts on water quality.
- **Policy CS-3.4:** Reducing Water Pollution. Protect the quality of Newark’s surface waters by supporting controls on point source and non-point sources of pollution.
- **Policy CS-3.5:** Containment of Contaminated Runoff. Regulate land uses such as auto dismantling, waste disposal, gas stations, and industries in a manner that minimizes the potential for hazardous materials to enter groundwater, surface water, or storm drains.
- **Policy CS-3.8:** Integrated Pest Management. Minimize the use of pesticides, herbicides, and other toxic materials in the maintenance of City parks, medians, and public spaces, as a strategy to avoid runoff of materials, which could potentially harm local waterways, wetlands, and San Francisco Bay.
- **Action CS-3.G:** Countywide Clean Water Program. Continue to participate in the Alameda Countywide Clean Water Program, in accordance with the federal National Pollution Discharge Elimination System (NPDES) permit. The City will work with Alameda County and other participating jurisdictions to carry out measures to monitor stormwater pollution, regulate construction runoff, sweep local streets, clean storm drain inlets, promote education and outreach, enforce regulations and penalties for illicit discharges, and participate in County meetings to discuss water quality issues.
- **Action CS-3.H:** Stormwater Controls. Implement stormwater runoff and retention controls in new development and construction projects that reduce pollution discharges to surface waters, and reduce the rate of runoff to storm drain system. Such controls should encourage greater use of pervious pavement and surfaces.
- **Action EH-3.D:** Review of Potential Flood Impacts. Use the environmental review process to evaluate potential impacts of new development on the flood control system, and to ensure that post-development runoff rates do not exceed the capacity of the flood control system.
- **Action EH-3.E:** Alameda County Flood Control and Water Conservation District (ACFC & WCD) Referrals. Continue to refer projects in flood prone areas to the ACFC&WCD for review and comment.
- **Policy CS-5.5:** Consideration of Climate in Transportation Planning. Consider potential greenhouse gas emissions impacts when making changes to the transportation system. Give preference to solutions that reduce auto dependency and minimize emissions.
- **Policy CS-5.6:** Local Purchasing. Encourage residents to “buy locally.” This includes shopping in Newark rather than driving long distances to other cities for major purchases, and buying food and other products made in Newark to reduce the emissions associated with transportation from source to market.
- **Policy CS-5.7:** Public Awareness. Enhance and expand outreach, marketing, and education programs to raise awareness of Newark’s greenhouse gas reduction programs.
- **Policy CS-5.8:** Planning for Sea Level Rise. Require proposed development close to the Newark bayfront or in low-lying areas to include an assessment of possible impacts related to sea level rise.
- **Action CS-5.E:** Living Near Work. Work with local employers to explore programs and incentives for employees to purchase homes in Newark, thereby reducing their commute lengths and related greenhouse gas emissions

- **Policy EH-3.3:** Residential Development in the Flood Plain. Require that new residential development, including streets and other surface improvements, be constructed above the 100-year flood elevation.
- **Policy EH-3.4:** Non-Residential Development in the Flood Plain. Require that new non-residential development, including commercial and industrial uses, be flood-proofed or constructed on pads elevated above the 100-year flood elevation.
- **Policy EH-3.5:** Storm Drain Maintenance. Manage and maintain the storm drainage system to avoid flooding and reduce the negative effects of stormwater runoff.
- **Policy EH-3.7:** Mitigating Downstream Flood Impacts. Design new development to reduce the potential for downstream flooding. Measures such as porous pavement and on-site drainage retention facilities should be considered to reduce downstream impacts.
- **Policy EH-3.8:** Flood Control Improvements. Work with Alameda County Flood Control and Water Conservation District (ACFC&WCD) on improvements to the storm drain, flood control channel, and levee system which ensure that these systems continue to protect Newark neighborhoods and business districts from flooding.
- **Action EH-3.A:** Hydrologic and Drainage Studies. Require hydrologic and drainage studies for new development, and use these studies to identify measures that will reduce the risk of flooding.
- **Action EH-3.B:** Flood Insurance Rate Maps. Maintain up-to-date Flood Insurance Rate Maps for use in planning and public works decisions.
- **Action EH-3.C:** Flood Prevention Code Provisions. Continue to enforce Municipal Code provisions for construction in flood hazard areas, and amend these provisions as needed to conform to National Flood Insurance Program criteria.
- **Action EH-3.E:** Alameda County Flood Control and Water Conservation District (ACFC & WCD) Referrals. Continue to refer projects in flood prone areas to the ACFC&WCD for review and comment. The City is not considered to be subject to significant risk from tsunamis, seiches, or mudflows. Implementation of City goals and policies under the proposed Plan would further reduce potential impacts due to tsunamis, seiches, or mudflows.

Applicable Regulations

- NPDES General Construction Permit
- City of Newark Municipal Code, Chapter 8.36 Stormwater Management and Discharge Control
- ACWD Ordinance No. 2010-01–Well Ordinance
- Water Conservation Act of 2009
- NPDES General Construction Permit–NOI and SWPPP Requirements
- Alameda County Hydrology and Hydraulics Manual (pending publication)
- Alameda County Clean Water Program–C.3 Provisions
- Alameda County Hydrology and Hydraulics Manual (pending publication)

- FEMA Regulations in floodplains–LOMR-Fill Determination Requirements
- City of Newark FEMA Regulations– Levee Certification
- California Division of Safety of Dams Regulations–California Water Code–Supervision of Dams and Reservoirs
- Association of Bay Area Governments (ABAG) Multi-Jurisdictional Local Hazard Mitigation Plan Newark Municipal Code, Chapter 15.40 Construction in Flood Hazard Areas
- ABAG Multi-Jurisdictional Local Hazard Mitigation Plan and Hazard Maps
- City of Newark Municipal Code, Chapter 15.40 Construction in Flood Hazard Zones
- City of Newark Municipal Code, Section 16.08.06 Curb grade for residential subdivisions

The construction of one new hotel would not add any development or potential for hydrology impacts to those identified by the General Plan EIR because they will comply with the applicable regulations and plan policies. The construction of the proposed project would not place any residence or structure in a 100-year flood area because the site located outside of the FEMA mapped 100-year flood plain.

Relevant EIR Mitigation Measures

None.

Conclusion

No new significant impacts to, or resulting from, hydrology and water quality would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
X. Land Use					
<i>Would the project:</i>					
a) Physically divide an established community?	Less than significant impact.	No	No	No	None
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	Less than significant impact.	No	No	No	None
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	Less than significant impact.	No	No	No	None

Discussion

a–c) The Plan contains the following policies and actions intended to foster greater connectivity in the Plan Area and to prevent new development from dividing existing communities:

- **Policy LU-2.6:** Scale Transition. Avoid abrupt transitions from taller buildings to low-rise buildings, especially where commercial and higher density housing abuts neighborhoods characterized by one-story homes. Buildings taller than three stories should be required to step down in height when located adjacent to single family lots. Overpowering contrasts in scale and height between adjacent lots should be avoided.
- **Policy LU-4.2:** Connectivity. Improve connectivity between neighborhoods and commercial districts so that the city’s shopping areas function as neighborhood gathering

places and focal points. Over time, shopping centers which are oriented exclusively to auto traffic should be redesigned so they are more pedestrian friendly and better integrated with the uses around them.

- **Policy LU-2.5:** Transitional Land Uses. Incorporate transitional land uses as buffers between land uses which are potentially incompatible. For example, this could include office uses as a buffer between industrial and residential areas, and medium density residential uses as a buffer between high and low density residential uses.
- **Policy T-1.4:** Connections to the Regional Street Network. Improve the safety, convenience, and connectivity of existing streets, with the goal of creating seamless links between Newark and the regional transportation network.
- **Policy T-2.3:** Bicycle Network. Maintain and expand an interconnected network of bicycle routes, paths and trails, serving the City's neighborhoods, shopping districts, workplaces, and park and open space areas. The existing bicycle network should be expanded to provide connections to developing areas, including the Dumbarton TOD, the Southwest Residential and Recreational Project, Old Town Newark, and the NewPark Mall vicinity.
- **Policy T-2.5:** Connecting to the Region. Develop bicycle and pedestrian facilities that connect across City boundaries, integrate with larger regional systems, and improve intermodal connections to local and regional public transportation systems.
- **Policy T-2.12:** Trails Along Railroads and Utilities. Consider the use of railroad, flood control, and utility rights of way for jogging, biking, and walking trails, provided that safety and operational issues can be fully addressed.
- **Policy T-2.10:** Railroad Crossings. Ensure that any future grade separated railroad crossings include sidewalks and a designated lane for bicycles.
- **Policy T-2.2:** Pedestrian Facilities. Work to close gaps in the pedestrian network and improve sidewalk connectivity between residential and commercial areas. Develop curbs, gutters, sidewalks on all remaining Newark streets not yet fully improved to encourage safe, convenient pedestrian travel. Where appropriate, include marked crosswalks at intersections and install pedestrian countdowns at traffic signals to facilitate safe pedestrian movement across City streets.
- **Policy T-2.9:** Recreational Trails. Develop and maintain trails in park and open space areas, and between Newark neighborhoods and the city's open spaces.
- **Action T-2.B:** Cedar Boulevard Pedestrian and Bicycle Trail. Convert the linear tract of land formerly reserved for a southerly extension of Cedar Boulevard between Haley St. and Willow St. into a bicycle and pedestrian parkway, including a bicycle and pedestrian bridge over the Union Pacific Railroad. The City will apply for grants and pursue other funding sources to construct this project.
- **Action T-2.G:** Priority Areas for Pedestrian Improvements. Pursue pedestrian and bicycle access improvements in Old Town and in the NewPark Mall vicinity, and between the Mall area and Newark neighborhoods. The City should identify prospective capital improvements which would facilitate walking and cycling within such areas.
- **Action T-2.H:** Wayfinding Signage. Implement a bicycle signage and wayfinding program, including directional signs to indicate major destinations.

Additionally, compliance with the provisions contained in the Newark Municipal Code, including the development standards governing building height, lot width, frontage, and setbacks, would further minimize the potential for physical division of existing neighborhoods. Therefore, with implementation of the above-listed policies and actions from the proposed Plan and compliance with the relevant provisions of the Newark Municipal Code, the proposed Plan would result in a less than significant impact associated with physical division of existing communities. Overall, implementation of the proposed Plan would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect and associated impacts would be less than significant.

Applicable Regulations

- City of Newark Municipal Code, Title 17 Zoning Code.

Relevant EIR Mitigation Measures

None.

Conclusion

No new significant impacts relating to land use would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
XI. Mineral Resources					
<i>Would the project:</i>					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	N/A	No	No	No	None
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	N/A	No	No	No	None

Discussion

a–b) Impacts to mineral resources were not analyzed in the 2013 General Plan EIR. There are no mineral recovery sites in Newark and implementation of the Plan would not affect locally important mining operations.

The construction of the two new hotels and the free-standing restaurant would add no new impacts and does not change the circumstances or available information that the 2013 EIR was based upon.

Relevant EIR Mitigation Measures

None.

Conclusion

No new significant impacts relating to mineral resources would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
XII. Noise					
<i>Would the project:</i>					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Less than significant impact.	No	No	No	None
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	Less than significant impact.	No	No	No	None
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	Significant unavoidable impact.	No	No	No	MM Noise-3
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	Less than significant impact.	No	No	No	None
e) For a project located within an airport land use plan, or where	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?					
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	Less than significant impact.	No	No	No	None

Discussion

- a–f) The 2013 General Plan EIR found that compliance with Title 24 requirements and implementation of the proposed Plan policies and actions described above would prevent the development of land uses in areas with inappropriately high ambient noise levels, and would ensure that any development of noise-sensitive land uses include the study and adequate mitigation of noise impacts. As a result, associated impacts would be less than significant.

Vibration impacts related to construction would be short-term, temporary, and generally restricted to the areas in the immediate vicinity of active construction equipment. As such, implementation of proposed policies and actions would reduce construction-related vibration impacts to the maximum extent practicable, and vibration impacts from construction would be less than significant.

- **Action EH-6.6:** Construction Noise-Regulating Construction Hours. Reduce noise associated with construction activities by prohibiting construction in residential neighborhoods between the hours of 7PM and 7AM Monday through Friday and at all times on Saturdays, Sundays, and State/federal holidays.

- **Action EH-6.7:** Construction Noise-Addressing Sources of Construction Noise. Reduce noise associated with construction activities by requiring properly maintained mufflers on construction vehicles, requiring the placement of stationary construction equipment as far as possible from developed areas, and requiring temporary acoustical barriers/shielding to minimize construction noise impacts at adjacent receptors. Special attention should be paid to noise-sensitive receptors (including residential, hospital, school, and religious land uses).
- **Action EH7.E:** Vibration-Intensive Construction. Implement a standard operating procedure that requires the evaluation of vibration impacts for individual projects which use vibration-intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers, near sensitive receptors. If construction-related vibration is determined to be perceptible (i.e., in excess of Federal Transit Administrations vibration annoyance criterion) at vibration-sensitive uses, then additional requirements, such as the use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction. The proposed Plan contains a wide array of policies and actions which would minimize potential vibration impacts:
- **Policy LU-2.5:** Transitional Land Uses. Incorporate transitional land uses as buffers between land uses which are potentially incompatible. For example, this could include office uses as a buffer between industrial and residential areas, and medium density residential uses as a buffer between high and low density residential uses.
- **Action LU-2.A:** Development Regulations. Administer development regulations which ensure that infill development and renovation projects are compatible with adjacent uses. This includes application of setback and height requirements, parking requirements, and other standards aimed at creating compatible uses, protecting public safety, and maintaining neighborhood quality.
- **Policy LU-3.5:** Non-Conforming Uses. Work toward the eventual replacement or relocation of nonconforming industrial and heavy commercial uses located within areas designated for residential use on the General Plan Diagram.
- **Action EH-6.B:** Noise Ordinance–Limits on Hours of Operation. Draft the Noise Ordinance to include limits on the intensity and hours of use for selected noise sources such as construction equipment, manufacturing equipment, motors, delivery trucks, and parking lot vacuum equipment. Limits on hours of operation should be consistent with and achieve the goals of the land use compatibility standards (as proposed in the Plan).
- **Policy EH-7.3:** Reducing Exposure to Operational Noise. In new residential and mixed-use developments, require that stationary equipment (such as air conditioning units and condensers) be placed in separate spaces, rooftops, or other areas such that noise impacts to interior living areas will be reduced. Similarly, potentially noisy common spaces, such as trash collection areas and loading zones, should be located away from residential units or other noise-sensitive spaces.
- **Policy EH-7.6:** New Noise Sources. Require new developments that have the potential to create long-term noise increases to mitigate potential impact to off-site receptor properties.

- **Action EH-7.B:** Noise Mitigation. Use the development review process to ensure that noise impacts are mitigated through setbacks/buffer zones, earthen berms, sound walls, building siting/orientation, and other appropriate means.
- **Actions EH-7.C:** Conditional Use Permits. Use the development review process, including conditional use permits, to limit activities which would generate high levels of noise during nighttime hours (i.e., from 10 PM to 7 AM).
- **Action EH-7.D:** Allowing Noise-Sensitive Uses Near Noise Sources. Use the development review process when evaluating zoning changes to consider potential noise impacts due to noise-sensitive uses being located near commercial uses, industrial uses, or other activities that typically generate excessive noise.

Future development under the proposed Plan would cause increases in traffic along roadways. Adjacent commercial uses are anticipated to experience increases in ambient noise levels along the following roadway segments with addition of vehicle trips added to roadways as a result:

- Mowry School Road from John Muir Drive to Morwy School Road
- Cedar Boulevard from Stevenson Boulevard to Mowry Avenue

Implementation of the proposed Plan would result in a significant noise impact at sensitive uses along the roadway segments listed above. The proposed Plan contains numerous policies and actions to address the reception of excessive roadway noise at existing sensitive land uses:

- **Action EH-6.D:** Motor Vehicle Code Enforcement. Request that the California Highway Patrol actively enforce the California Vehicle Code sections relating to adequate vehicle mufflers and modified exhaust systems to limit vehicle noise emissions. Likewise, the City of Newark Police Department should be trained and equipped to properly enforce all local and state ordinances related to excessive vehicle noise emissions.
- **Action EH-6.E:** Street Resurfacing to Reduce Noise. Conduct regular maintenance and resurfacing of city streets to reduce road noise due to potholes, grade irregularities, and uneven surfaces. Additionally, explore the feasibility of using 'quiet' paving materials or techniques to reduce road noise at the tire-surface interface.
- **Action EH-6.H:** Sound Wall Improvements. Work with Caltrans to enhance and supplement the benefits of sound walls along I-880 and SR-84. The coordination should be aimed at determining where improvements to these walls may further reduce noise impacts to nearby neighborhoods. Appropriate cost vs. benefit assessments should be part of this coordination and alternative funding sources should be explored.
- **Policy EH-7.4:** Residential Noise Standard–Exterior. Plan for and implement strategies to maintain exterior noise levels that are consistent with the noise compatibility guidelines in Table EH-2. For residential areas, this limit is 60 dBA L_{dn} for outdoor living areas. Where this level is exceeded due to freeways, arterials, and/or railroads, the construction of berms, walls, buffer zones, and other noise-reduction measures to reduce noise to the greatest extent feasible will be required.

Even after the application of relevant regulations and proposed Plan policies and actions, noise impacts to sensitive uses related to increased traffic would remain significant.

By restricting hours of construction, and directing the City to review project noise impacts as part of the planning and permitting processes, the policies and actions from the proposed Plan would serve to reduce temporary or periodic increases to ambient noise: these include Policies EH-6.6 and 6.7 and Action EH 7-B as listed above in the discussion of potential vibration impacts.

Applicable Regulations

- California Building Code
- Newark Land Use Noise Compatibility Guidelines

Because the construction of the new uses and the number of vehicle miles traveled in relation to the uses was anticipated in the noise analysis in General Plan EIR, no new significant impacts related to noise would occur.

Relevant EIR Mitigation Measures

MM NOISE-3 Increases in vehicular traffic resulting from implementation of the proposed Plan in conjunction with regional growth would result in permanent increases to ambient noise levels that would exceed applicable standards along ten major roadway segments in the Plan Area. Proposed Plan policies and actions, including Policy EH-7.4, Action EH-6.D, Action EH-6.E, Action EH-6.H, and Action EH-7.B, described above, would reduce associated impacts; however, increases in noise in excess of the applicable standards could still occur. Although the most effective mitigations such as soundwalls or earthen berms may theoretically be capable of reducing increases to ambient noise to levels below the above standards, such reductions cannot be guaranteed; and, in many cases, other considerations will prevent the use of these noise-attenuating features. Therefore, there are no additional measures available to reduce the associated impacts to a less-than-significant level.

Conclusion

No new significant impacts related to noise would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
XIII. Population and Housing					
<i>Would the project:</i>					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	Less than significant impact.	No	No	No	None
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	Less than significant impact.	No	No	No	None
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	Less than significant impact.	No	No	No	None

Discussion

a–c) The 2013 General Plan EIR concluded that no significant impacts associated with population and housing would occur with the implementation of the following goals and policies from the proposed Plan:

- **Policy LU-1.2: Growth Focus Areas.** Achieve a future growth pattern which includes new neighborhoods on vacant land along the southern and western edges of the city, and infill development in transit-served areas such as Old Town and the Greater NewPark Mall

Area. Zoning and development review decisions should recognize these areas as the priority locations for growth and change over the next 20 years.

- **Policy LU-1.4:** Coordinating Land Use and Transportation Decisions. Coordinate land use and development decisions with the capacity of the transportation system and plans for future transportation improvements.

The implementation of Mitigation Measure 4.9-1 from the Newark Housing Element EIR, requiring that the City report estimated population increases to ABAG, would also help ensure that future planning efforts are coordinated and that additional growth under the proposed Plan would be accommodated.

- **Policy LU-1.2:** Growth Focus Areas. Achieve a future growth pattern which includes new neighborhoods on vacant land along the southern and western edges of the city, and infill development in transit-served areas such as Old Town and the Greater NewPark Mall Area. Zoning and development review decisions should recognize these areas as the priority locations for growth and change over the next 20 years.
- **Policy LU-1.8:** Housing Opportunity Sites. Ensure that adequate sites are provided for the private and nonprofit sectors to develop housing for seniors, persons with disabilities, and lower income households. Such housing should be well designed and managed, and located in a manner that is compatible with existing uses and neighborhood character.
- **Policy LU-1.10:** Vacant and Underutilized Sites. Encourage the development of Newark's remaining vacant and underutilized sites for their highest and best use, consistent with the designations shown on the General Plan Diagram. Future growth in the City should generally be directed to the areas identified in this General Plan.

Applicable Regulations

- Newark Affordable Housing Program

No residential uses are included in the proposed project, and construction of the hotels and restaurant would not affect any existing residences in the project vicinity. Therefore, the proposed project would not result in any new significant impacts to population and housing, or substantially increase a previously identified significant impact.

Relevant EIR Mitigation Measures

None.

Conclusion

No new significant impacts relating to population and housing would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
XIV. Public Services					
<i>Would the project:</i>					
a) Fire protection?	Less than significant impact.	No	No	No	None
b) Police protection?	Less than significant impact.	No	No	No	None
c) Schools?	Less than significant impact.	No	No	No	None
d) Parks?	Less than significant impact.	No	No	No	None
e) Other public facilities?	Less than significant impact.	No	No	No	None

Discussion

a–e) The 2013 General Plan EIR found that the proposed Plan includes goals, policies, and actions that would reduce risks associated with fire hazards and minimize calls for fire and emergency medical response services in Newark:

- **Goal CS-2:** Conserve Newark’s wetlands and baylands.
- **Goal CSF-4:** Provide responsive police, fire, and emergency medical services that ensure the safety of residents, employers, and visitors.
- **Policy CSF-4.2:** Emergency Medical Services. Ensure the provision of high-quality emergency medical response services, including paramedics and emergency medical technicians.
- **Policy CSF-4.4:** Fire Prevention and Response Services. Ensure the provision of fire prevention and response services which minimize fire risks and protect life and property.
- **Policy CSF-4.5:** Mutual Aid Agreements. Support mutual aid agreements that allow for supplemental aid from other police and fire departments in the event of a major fire and which dispatch fire fighters from Newark to other communities in the event of major fires outside the city.
- **Policy CSF-4.6:** Improving Fire Safety. Identify and take action to make buildings fire-safe including, where appropriate, requirements for sprinkler systems, non-combustible materials, and early warning systems.

- **Policy CSF-4.7:** Fire Inspections. Maintain an inspection program for industrial, commercial, public, and multi-family buildings to ensure that fire code violations are identified and corrected.
- **Action CSF-4.F:** Improving Fire Response Capacity. Ensure the provision of sufficient facilities and additional fire personnel, to respond to the demand created by new development.
- **Action CSF-4.G:** Collaboration with ACFD. Work collaboratively with the Alameda County Fire Department to track monthly call frequency, type, and response time. As needed, review and refine the agreement with ACFD to ensure that local needs are met.
- **Action CSF-4.H:** Fire Department Review of Major Development. Engage fire personnel in the review of proposed development to identify necessary fire prevention and risk reduction measures. Fire Department input should also be solicited to ensure that water supplies will be sufficient to meet fire-fighting needs, appropriate building materials are used, and provisions for emergency access are included.

As such, implementation of the proposed Plan goals, policies, and actions cited above and compliance with the provisions of the California Building Code and California Fire Code would ensure that buildout of the proposed Plan would result in a less than significant impact with respect to fire protection services.

Applicable Regulations

- California Building Code
- California Fire Code
- Newark Fire Prevention Code
- Public Safety Impact Fees
- Development Review

The proposed Plan also includes a goals, policies, and actions that would address the need for new or expanded police facilities on an ongoing basis through 2035:

- **Goal CSF-4:** Provide responsive police, fire, and emergency medical services that ensure the safety of residents, employers, and visitors.
- **Policy CSF-4.1:** Police Services. Maintain professional, efficient, effective Police Department activities which promote a high level of public safety.
- **Action CSF-4:** Police Department Strategic Plan. Prepare and periodically update a Police Department Strategic Plan which lays out the Department's priorities, and identifies strategies for technology, communication, training, and performance management.
- **Action CSF-4.D:** Police Department Review of Development. Engage the Police Department in the review of major new development plans to ensure that projects are designed to minimize the potential for criminal activity and maximize the potential for responsive police services.

Additionally, continued implementation of Capital Facilities Fee Program requiring residential, commercial, and industrial developments to pay impact fees would provide funding for the construction or expansion police facilities.

Applicable Regulations

- Public Safety Impact Fees
- Development Review

Buildout of the proposed Plan would result in a less than significant impact with respect to the provision of school facilities.

Applicable Regulations

- Senate Bill 50
- California Government Code, Section 65995(b), and Education Code Section 17620
- Mitigation Fee Act

The proposed Plan does not directly propose the construction of any parks or recreational facilities; however, it includes numerous goals, policies, and actions that seek to promote and encourage the development of parks in the Plan Area. Specific actions for increasing provision of parks include:

- **Action POS-3.A:** calls for developing a Newark Parks Master Plan, which will evaluate local park facilities against National Recreation and Park Association standards and determine the types and locations of improvements needed.
- **Action POS-3.D:** Golf Course. Continue to pursue the development of a public golf course on the undeveloped residentially designated lands located in the southwestern part of the city. In the event a golf course is infeasible, consider development of another major public recreational feature or open space amenity in this area.
- **Action POS-3.H:** Dog Park. Recognize the growing demand for dog play areas in the City, and pursue development of a designated dog park within the Dumbarton TOD area. Therefore, while the proposed Plan would indirectly result in the construction of new parks and recreational facilities in Newark by 2035, associated impacts have previously been addressed at the programmatic level and would be addressed at the project level in the future at such time as specific development applications are made, and consequently impacts from the proposed Plan would be less than significant.

Applicable Regulations

- The Quimby Act
- City of Newark Park Standards
- City of Newark Parkland Dedication Ordinance

Furthermore, the proposed Plan would serve to ensure that existing facilities are maintained adequately to meet the recreational needs of the community. Goals and policies in the Plan that would serve this purpose include:

- **Goal POS-3:** Manage Newark’s parks in a way that enhances their natural qualities, conveys a positive image of the city and its neighborhoods, and fully meets the community’s recreational needs.
- **Policy POS-3.1:** Facility Modernization. Periodically modernize or upgrade existing recreational facilities to ensure that they meet the needs of the community, respond to current trends, and make a positive contribution to Newark’s quality of life.
- **Policy POS-3.2:** Quality Materials. Utilize quality materials in the construction of parks, public spaces, and recreational facilities. Park equipment and facilities should promote durability and resilience, be responsive to the Bay Area’s climate, and be resistant to vandalism to the greatest extent feasible.
- **Policy POS-3.8:** Park Maintenance. Ensure the regular and systematic maintenance of park grounds and facilities. Maintenance methods should be sensitive to the environment, including pest management and weed control methods which minimize toxic chemical use.

Future residents and employees would be expected to increase the use of regional parks, but given the size and number of regional parks accessible from the Plan Area, the physical deterioration of regional parks by buildout of the proposed Plan is unlikely to be substantial. Therefore, the proposed project would not result in substantial physical deterioration of existing neighborhood and regional parks or other recreational facilities and a less than significant impact would occur. The Plan does not directly propose the construction or expansion of parks and recreational facilities in Newark. Direct impacts would be less than significant.

Applicable Regulations:

- The Quimby Act
- City of Newark Park Standards
- City of Newark Parkland Dedication Ordinance

Goals, policies, and actions in the proposed Plan would ensure that adequate library services are provided for Newark residents. These goals, policies, and actions include:

- **Goal CSF-1:** Maintain community services and civic facilities that are readily accessible and respond to the needs of all Newark residents.
- **Policy CSF-1.6:** Library. Ensure that the Newark Public Library continues to offer the services, facilities, and technology needed by Newark residents at the hours desired.
- **Action CSF-1.E:** Demographic Forecasts. Use demographic data and forecasts published by regional, state, and federal agencies to evaluate community service needs and plan for future improvements.
- **Action CSF-1.F:** Community Input on Public Facilities. Conduct periodic community workshops or surveys to evaluate the demand for different services and facilities. Therefore, implementation of the goals, policies and actions in the proposed Plan would ensure that there would be a less-than-significant impact relating to the provision of new or physically altered library facilities.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
XV. Recreation					
<i>Would the project:</i>					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	Less than significant impact.	No	No	No	None
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	Less than significant impact.	No	No	No	None

Discussion

a–b) Growth in the resident and employee population in Newark and Fremont would result in increased use of neighborhood parks and local recreational facilities as well as regional facilities. Regionally, increased population would result in greater demand for parks and recreational facilities, possibly requiring the expansion or construction of additional regional parks and other recreational facilities. The proposed Plan includes the following goal, policies and actions that provide a framework for supporting regional parks and recreational facilities:

- **Policy PR-1.5:** Utility Easements. Encourage public utility agencies such as the San Francisco Water Department (Hetch Hetchy Aqueduct) and PG&E to retain their easements in open space or to improve them with linear parks or trails.
- **Policy PR-4.4:** Regional Parks. Support the continued acquisition and improvement of open space in southwest Alameda County by the East Bay Regional Park District to ensure

that Newark residents have access to an array of natural open spaces, including hillside parks, wilderness areas, and shoreline trails.

- **Goal PR-5:** Improve Newark’s trail system, with a focus on access to the Newark shoreline, and access between the shoreline and Newark neighborhoods.
- **Policy PR-5.1: Bay Trail.** Encourage completion of the Bay Trail along the Newark shoreline, in support of the long-term vision of creating a continuous shoreline trail around San Francisco Bay. Pursue trails that are separated from motor vehicle traffic and pursue pedestrian crossings of railroad rights of way to allow for connections to regional open spaces without conflicts with motorized vehicles.(new)
- **Policy PR-5.2: Spur Trails.** Provide spur trails which link the Newark section of the Bay Trail to the network of bicycle lanes and sidewalks serving the rest of the city.
- **Policy PR-5.3: Shoreline Access.** Where feasible, align new sections of the Bay Trail as close as possible to the shoreline. Where shoreline locations are not feasible, encourage alignments that provide views to wetlands or other bay features.
- **Policy PR-5.4: Trail Safety.** Strive for trail designs which minimize grade level street and rail crossings, and which ensure the safety and comfort of users.
- **Policy PR-5.5: Staging Areas.** Develop strategically located parking and staging areas which provide trail access and encourage trail use.
- **Policy PR-5.6: Land Uses Along Trails.** Consider adjacent land uses, existing operations, security, and potential operational conflicts in the alignment and design of the city’s trails. Trail design should be coordinated with adjacent landowners.
- **Policy PR-5.7: Trail Sustainability.** Consider long-term sustainability issues, such as projected sea level rise, surface durability, and the condition of levees, in the design of shoreline and wetland trail facilities.
- **Policy PR-5.8: Trail Design and the Environment.** Design trails and public access features to minimize impacts on wetlands and other sensitive habitats, including habitat fragmentation. If necessary, identify secondary alignments in the event a trail must be seasonally closed for habitat protection purposes.
- **Action PR-5.A: Trail Dedication.** Encourage trail dedication and construction by developers for portions of the proposed Bay Trail and spur trails located within future development areas.
- **Action PR-5.B: Interpretive Features.** Support development of interpretive features along the Bay Trail to educate visitors about natural resources and local history.
- **Action PR-5.C: Funding for Regional Connections.** Seek regional and state funding for bridges and railroad overcrossings to facilitate regional open space integration and connection.
- **Action PR-5.D: Cedar Boulevard Extension Linear Park.** As funds allow, construct a linear park and trail on the Cedar Boulevard Extension. Crossing of the Union Pacific Railroad should be grade separated to minimize risk and noise.

The Plan does not directly propose the construction or expansion of parks and recreational facilities in Newark. Direct impacts would be less than significant.

The construction of one new hotel would not add any new impacts to recreation with the implementation of the policies listed above.

Relevant EIR Mitigation Measures

None.

Conclusion

No new significant impacts relating to recreation would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
XVI. Transportation/Traffic					
<i>Would the project:</i>					
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	Significant and unavoidable.	No	No	No	Trans-1a, Trans-1b, and Trans-1c
b) Conflict with an applicable congestion management program, including but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for the designated roads or highways?	—	No	No	No	—
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
change in location that results in substantial safety risks?					
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less than significant impact.	No	No	No	None
e) Result in inadequate emergency access?	Less than significant impact.	No	No	No	None
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	Less than significant impact.	No	No	No	None

Discussion

a–f) The General Plan EIR identified potentially significant impacts associated with an decrease in the levels of service along city roadways , assuming the development of the subject site during the build out of the proposed General Plan land uses. Implementation of the proposed Plan would cause intersection operation to degrade to unacceptable LOS F at the following intersections:

- a) Ardenwood Boulevard and SR 84 westbound ramps intersection during the AM peak hour in 2035,
- b) the Newark Boulevard and SR 84 eastbound ramps intersection during the PM peak hour in 2035, and

- c) the Cherry Street/Boyce Road and Stevenson Boulevard intersection during the PM peak hour in 2035. Mitigation measures were identified to reduce these impacts; however, significant and unavoidable impacts were identified even after the implementation of these measures

The proposed Plan includes the following goals, policies, and actions that would help to reduce future congestion levels:

- **Goal T-3:** Support safe, affordable public transportation which provides an alternative means of travel through Newark and convenient access to destinations throughout the Bay Area.
- **Policy T-3.1:** Improving Transit Services. Work collaboratively with BART, AC Transit, VTA, other agencies, and the private sector to provide an improved transit system serving persons who live in Newark, work in Newark, and visit Newark. Transit should have service frequencies (headways) of no more than 20 minutes at high ridership locations.
- **Policy T-3.3:** Connecting to BART. Encourage improved transit connections between Newark and the BART stations in Fremont and Union City. A variety of strategies leveraging public and private resources should be explored to establish more frequent, reliable connections to BART.
- **Policy T-3.4:** Transbay Service. Support implementation of the Dumbarton Rail project between Newark and the Peninsula. Continued express bus service across the Dumbarton Bridge should be supported as an interim measure, but not as an ultimate replacement of the rail service.
- **Action T-3.A:** BART Shuttle. Study the feasibility of a private, public-private, or local transit shuttle that connects Newark's major employment centers, major shopping destinations, and other destinations (such as Ohlone College) with the BART stations in Fremont and/or Union City.
- **Action T-3.B:** Dumbarton Rail Design and Funding. Continue planning, design, and financing studies for the Dumbarton Rail between the Union City BART station and the Peninsula. Support phased implementation of the project, with Newark to the Peninsula as the first phase.
- **Action T-3.C:** Consultation with Local Transit. Work with the local transit provider to align transit routes in Newark in a way that better achieves the goals of the General Plan. This should include better connections between Newark's neighborhoods and shopping centers, including NewPark Mall, Old Town Newark, and the Four Corners area, greater frequency, and more route clarity.
- **Goal T-4:** Reduce vehicle miles traveled (VMT) and dependency on motor vehicles through land use and transportation strategies.
- **Policy T-4.1:** Coordinating Land Use and Transportation. Support land use choices and transportation investments which result in a community that is more walkable and serviceable by public transportation. Land use and development decisions should reflect the existing and planned capacity of Newark's transportation system.

- **Policy T-4.2: Transit-Oriented Development.** Require that the densities and intensities of development in the vicinity of major transit hubs are high enough to capitalize on the investment that has been made in transit and to encourage and support transit use.
- **Policy T-4.3: Co-Location of Housing and Services.** Locate higher density housing and senior housing close to shopping, medical facilities, senior centers, and public transportation as a way of reducing trip lengths and increasing transportation options for residents of such developments.
- **Policy T-4.4: Mixed-Use Development.** Encourage mixed-use development (such as housing over retail uses) as a way of making it easier to live, work, and shop without owning a car, and as a strategy for reducing the number and length of vehicle trips.
- **Policy T-4.5: Home Businesses.** Encourage home-based businesses, home occupations, live-work development, and space for shared offices and office support uses as a way to make it easier for Newark residents to work from home or from local facilities, rather than commuting to distant employment centers.
- **Policy T-4.6: Transportation Systems Management.** Require new commercial and office development to implement Transportation System Management (TSM) measures to reduce trip generation and/or pay for traffic improvements through impact fees or assessment district financing.
- **Policy T-4.7: Car Sharing and Bike Sharing.** Promote car sharing and bike sharing as a viable means of transportation and an alternative to private auto and bike ownership.
- **Policy T-4.8: Ridesharing.** Encourage Newark employers to provide incentives for employees to carpool, vanpool, or use transit when traveling to work. These incentives could include preferential parking for carpools, employee rideshare and vanpool programs, bike parking areas, and shuttles to transit. It could also include the creation of additional park and ride lots in and around Newark.
- **Policy T-4.9: Telecommuting and Flextime.** Encourage Newark employers to reduce peak hour commute volumes by offering flexible work schedules and telecommute options for employees, and by providing facilities such as showers and locker rooms which make it more feasible for employees to bike to work.
- **Action T-4: A Car Sharing Programs.** Work with private car share vendors to explore the feasibility of incorporating car sharing programs and providing preferential car share spaces in business parks, major shopping centers, and higher density residential developments.
- **Action T-4.B: Regional Bike Share Program.** Partner with ABAG, MTC, Alameda CTC, and other entities to implement a regional bike share system.
- **Action T-4.C: 511: org Program.** Continue to support the “511.org” program and other regional initiatives that help residents and workers find carpools, rides home from work, and other alternatives to driving alone.
- **Action T-4.D: City Employee Trip Reduction Program.** Evaluate ways to reduce driving by City employees, including alternative schedules, work from home programs, and incentives for walking or biking to work.
- **Action T-4.E: Commuter Benefits Programs.** Encourage Newark businesses to develop and implement commuter benefit programs, such as transit passes, eco-passes, and pre-tax transit benefits.

- **Policy T-6.1:** Regional Transportation Planning. Support regional transportation planning for Southern Alameda County and the Bay Area to ensure continued mobility between Newark and the region.
- **Policy T-6.2:** Freeway Improvements. Support improvements to Interstate 880 and SR 84 which improve Newark’s connections to the region and provide the capacity needed for the City’s continued economic growth.
- **Policy T-6.4:** Regional Passenger Rail Service. Promote improved passenger rail service between the Newark vicinity and other parts of the Bay Area and California, including improved Altamont Commuter Express (ACE) and Amtrak (Capital Corridor) service, as well as the BART extension to San Jose and the Dumbarton Rail project to the Peninsula.

Therefore, overall, the proposed Plan would not conflict with the Alameda CTC Congestion Management Program and associated impacts would be less than significant.

The proposed Plan contains numerous policies intended to promote safe vehicular, pedestrian, and bicycle circulation, including:

- **Policy T-1.6:** Traffic Calming. Use traffic design features and traffic calming techniques to improve safety and maintain the quality of life in Newark neighborhoods. Traffic calming should be incorporated into urban design and streetscape plans so that a safer environment is provided for all users.
- **Action T-1.B:** Best Practices in Street Design. Follow the City’s adopted standards for the design of streets. As appropriate, update the City’s street classification and engineering design standards to ensure that the roadway system accommodates all users.
- **Policy T-2.7:** Pedestrian and Bicycle Safety. Improve actual and perceived pedestrian and bicycle safety. Make use of the latest technologies available to provide increased safety measures. Special attention should be given to facilitating the safety of children walking or bicycling to school.
- **Policy T-2.8:** Safety Awareness and Health Benefits. Encourage bicycle and pedestrian safety training in schools and through City recreation programs. Such programs should aim to reduce the rate of bicycle and pedestrian accidents while increasing awareness of available facilities and the health benefits of bicycling and walking.
- **Policy T-5.11:** Hazardous Street Conditions. Identify and correct any hazardous street conditions, including obstructed sight lines, on a regular basis.

Compliance with applicable standards described above and implementation of the above-listed proposed Plan policies would ensure that roadway hazard impacts under the Plan would be less than significant.

The proposed Plan contains policies and actions intended to ensure adequate emergency access and efficient circulation, including:

- **Policy T-5.9:** Emergency Access. Improve the street system as necessary to facilitate emergency vehicle response and to provide multiple route options in the event a road is blocked by an emergency or is otherwise made impassable.

- **Policy T-5.1:** Road Hierarchy. Maintain a hierarchy of arterial, collector, and local streets in Newark, and adopt revised design and engineering standards which ensure that each of these streets serves their intended functions.
- **Action T-1.B:** Best Practices in Street Design. Follow the City’s adopted standards for the design of streets. As appropriate, update the City’s street classification and engineering design standards to ensure that the roadway system accommodates all users.

Compliance with applicable standards described above and implementation of the above-listed proposed Plan policies would ensure that emergency access-related impacts under the Plan would be less than significant.

The proposed Plan includes numerous policies and programs that support AB 1358 and the Newark Complete Streets Policy. The major policies that address public transit and pedestrian and bicycle policies include the following:

- **Goal T-1:** Plan, fund, design, construct, operate, and maintain all transportation improvements to provide mobility for all users, appropriate to the function and context of each facility.
- **Policy T-1.1:** Improving Travel Mobility for All. Create and maintain “complete” streets that provide safe, comfortable, and convenient travel for all categories of users, including pedestrians, bicyclists, transit and operators, movers of commercial goods and freight, emergency responders, children, youth, seniors, and persons with disabilities.
- **Policy T-1.3:** Incorporating Complete Streets Elements in Transportation Projects. Incorporate complete streets elements in the planning, funding, design, approval and implementation of all transportation projects. Any construction, reconstruction, retrofit, maintenance, operations, alteration, or major repair of the street network should consider ways to make streets safer for all users. Exceptions to this policy may be considered, consistent with the Complete Streets Resolution adopted by the City Council in March 2013.
- **Policy T-1.6:** Traffic Calming. Use traffic design features and traffic calming techniques to improve safety and maintain the quality of life in Newark neighborhoods. Traffic calming should be incorporated into urban design and streetscape plans so that a safer environment is provided for all users.
- **Action T-1.B:** Best Practices in Street Design. Follow the City’s adopted standards for the design of streets. As appropriate, update the City’s street classification and engineering design standards to ensure that the roadway system accommodates all users.
- **Action T-1.C:** Complete Streets Procedures. Take the following steps to implement the City’s Complete Streets policy: (a) Maintain, plan, and design future transportation projects so that they are consistent with all adopted local plans; and (b) Develop or clearly define a process to allow for early stakeholder involvement in the design of new transportation projects.
- **Action T-1.D:** Performance Measures. Regularly evaluate how well Newark’s transportation network is serving each category of user by establishing performance measures, collecting baseline data, and collecting follow up data on a regular basis.

Additionally, the proposed Plan is consistent with the Newark Transportation System Management Ordinance, adopted to manage employment-related travel demand. The Plan contains the following policy that supports the objectives of the Ordinance:

- **Policy T-4.6:** Transportation Systems Management. Require new commercial and office development to implement Transportation System Management (TSM) measures to reduce trip generation and/or pay for traffic improvements through impact fees or assessment district financing.

The EIR also included a list of goals and policies from the Draft Newark Pedestrian and Bicycle Master Plan that would ensure that impacts to bicycle and pedestrian plans would be less than significant.

The General Plan EIR analyzed the traffic impacts for the project site by applying a travel demand forecast model by zones. This included assumptions from the General Plan about the future types of uses. The one new hotel currently proposed would be consistent with the trip generation used in the 2013 EIR, which analyzed an additional 700 hotel rooms and 200,000 square feet of retail space. Therefore, the proposed project would not result in any new or substantially increased significant impacts compared to the project analyzed in the 2013 EIR.

Relevant EIR Mitigation Measures

MM TRANS-1a To mitigate this impact, the Ardenwood Boulevard and SR 84 westbound ramps intersection would require converting a through lane to a second left-turn lane on Ardenwood Boulevard, south of the Highway 84 westbound ramps. Re-striping of the northbound approach (i.e., Ardenwood Boulevard) would be necessary. LOS calculations show that with implementation of these improvements, the intersection would operate at an acceptable LOS C under proposed Plan conditions in 2035. However, because this mitigation measure is for an intersection under the jurisdiction of Caltrans and located in the City of Fremont, implementation is outside the jurisdiction of the City of Newark. The City of Newark will work with Caltrans and the City of Fremont to implement the mitigation measure and contribute on a fair-share basis; however until such time as there is an implementation plan in place and funding is secured, this impact is considered significant and unavoidable.

MM TRANS-1b To mitigate this impact, the Newark Boulevard and SR 84 eastbound ramps intersection would require adding a right turn lane in addition to the shared through-right lane on the Highway 84 eastbound off-ramp at Newark Boulevard. There is sufficient roadway right-of-way for this improvement, therefore the improvement could be implemented with re-striping of the off-ramp and roadway widening would not be necessary. LOS calculations show that with implementation of these improvements, the intersection would operate at an acceptable LOS D during the PM peak-hour under proposed Plan conditions in 2035. However, because this mitigation measure is for an intersection under the jurisdiction of

Caltrans, implementation is outside the jurisdiction of the City of Newark. The City of Newark will work with Caltrans to implement the mitigation measure and contribute on a fair-share basis; however until such time as there is an implementation plan in place and funding is secured, this impact is considered significant and unavoidable.

- MM TRANS-1c** To mitigate this impact, the Cherry Street/Boyce Road and Stevenson Boulevard intersection would require an additional through lane on the northbound approach (Boyce Road/Cherry Street is considered the north-south street for this intersection). There is potentially sufficient roadway right-of-way on Boyce Road/Cherry Street for this improvement; therefore, the improvement could be implemented with re-striping of Cherry Street. The northbound approach (e.g., south leg) of the intersection is located in Fremont. It would also require that the intersection be re-aligned. On the north side of Stevenson Boulevard, Cherry Street would need to be re-striped for approximately 800 feet. The implementation of these improvements would improve intersection LOS to an acceptable LOS D during the PM peak hour under proposed Plan conditions in 2035. Implementation of the above measure would improve conditions at the intersection to LOS D during the PM peak hour, which would be acceptable. However, because this mitigation measure is for an intersection located partly in the City of Fremont, full implementation is outside the jurisdiction of the City of Newark. The City of Newark will work with the City of Fremont to implement the mitigation measure and contribute on a fair-share basis; however until such time as there is an implementation plan in place and funding is secured, this impact is considered significant and unavoidable.

Conclusion

No new significant impacts relating to transportation and traffic would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
XVII. Utilities and Service Systems					
<i>Would the project:</i>					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	Less than significant impact.	No	No	No	None
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Less than significant impact.	No	No	No	None
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	Less than significant impact.	No	No	No	None
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	Less than significant impact.	No	No	No	None
e) Result in inadequate wastewater	Less than significant impact.	No	No	No	None

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
treatment capacity to serve the project's projected demand in addition to the provider's existing commitments?					
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	Less than significant impact.	No	No	No	None
g) Comply with federal, state, and local statutes and regulations related to solid waste?	Less than significant impact.	No	No	No	None

Discussion

a–g) The following goal and policies contained in the proposed Plan would ensure that new development projects under the proposed Plan contribute to reducing water demands in the ACWD service area.

- **Goal CS-3:** Conserve and enhance Newark's water resources.
- **Policy CS-3.2:** Water Conservation Standards. Promote water conservation through development standards, building requirements, irrigation requirements, landscape design guidelines, and other applicable City policies and programs.
- **Policy CS-3.3:** ACWD Conservation Incentives. Support Alameda County Water District (ACWD) incentives, which encourage Newark residents and businesses to conserve water.
- **Policy CS-3.9:** Reclaimed or Non-Potable Water. Plan for the eventual use of reclaimed water to supplement the local water supply and reduce the necessity of using potable water for landscaping, irrigation, and nondomestic purposes.
- **Action CS-3.B:** Development Review. Use the development review process to ensure that water conservation measures are incorporated in new projects.
- **Policy CSF-5.1:** Water Supply. Work with the Alameda County Water District to ensure a stable supply of clean, safe drinking water for existing and future development in Newark.
- **Policy CSF-5.3:** Reclaimed and/or Non-Potable Water. Continue to work with the Alameda County Water District (ACWD) and the Union Sanitary District (USD) in the development

of a reclaimed water program. The use of reclaimed or non-potable water sources should be encouraged in order to reduce the use of domestic water for landscaping and other non-potable uses.

- **Policy CSF-5.6: Green Infrastructure.** Encourage sustainable, environmentally friendly practices by water, sewer, drainage, and energy utility service providers. The City supports “greener” approaches to infrastructure, such as the use of earthen channels rather than concrete culverts, and porous pavement rather than impervious surfaces.
- **Policy CSF-5.7: Involving Utility Agencies in Development Review.** Engage local water, sewer, and stormwater service providers in the review of new development projects to ensure that infrastructure, including water supply and wastewater treatment capacity, is available or will be made available to meet development-related needs.
- **Policy CSF-5.8: Infrastructure Cost.** Ensure that the cost of infrastructure improvements required for new development is the financial responsibility of that development and is allocated based on each project’s expected impacts.
- **Action CSF-5.A: UWMP Updates.** Encourage the Alameda County Water District to complete regular updates of the state-mandated Urban Water Management Plan to reflect current forecasts, water supply conditions, and best practices in water management.
- **Action CSF-5.B: Ensuring Water Availability.** Coordinate with the Alameda County Water District to conduct water supply assessments or take other steps to ensure that water is available or can be made available to meet current and anticipated needs. Special precautions should be taken to ensure that adequate water supplies are available during drought periods.

Existing regulations, which are listed below, would further reduce potential impacts on water supplies.

Applicable Regulations

- Green Ordinance and Bay Friendly Landscape Guide
- SB-X7-7 and ACWD’s water supply and demand management strategies and water shortage contingency plan identified in the UWMP 2010 California Plumbing Code that requires water conserving fixtures and ACWD’s Water Efficiency Measures for New Residential and Commercial Development.

The following General Plan goals, policies, and programs would ensure that impacts to water facilities would be less than significant:

- **Policy CSF-5.7: Involving Utility Agencies in Development Review.** Engage local water, sewer, and stormwater service providers in the review of new development projects to ensure that infrastructure, including water supply and wastewater treatment capacity, is available or will be made available to meet development-related needs.

- **Policy CSF-5.8:** Infrastructure Cost. Ensure that the cost of infrastructure improvements required for new development is the financial responsibility of that development and is allocated based on each project's expected impacts.
- **Action CSF-5.B:** Ensuring Water Availability. Coordinate with the Alameda County Water District to conduct water supply assessments or take other steps to ensure that water is available or can be made available to meet current and anticipated needs. Special precautions should be taken to ensure that adequate water supplies are available during drought periods.

Applicable Regulations

- 25-Year Capital Improvement Program
- ACWD Development Fees and Charges

In summary, buildout of the proposed Plan would not result in water demands that would require the construction of new water treatment facilities or the expansion of existing facilities. The construction of the two new hotels and restaurant will not add to the amount of water supplies or water treatment capacity required beyond that amount identified in the 2013 General Plan EIR. Therefore, there will be no new impacts to water supply or water treatment.

Sanitary wastewater treatment requirements are established in the NPDES Permit issued by the San Francisco Bay RWQCB, which currently allows discharges of up to 33 MGD. The NPDES Permit also sets out a framework for compliance and enforcement. As the discharger named in the NPDES Permit (Order No. R2-2012-0004), 30 the EBDA, including the USD, implements and enforces a pretreatment program for effluent discharged into San Francisco Bay. Additionally, as discussed below, the projected wastewater generated from potential future development under the Plan would not exceed the AWWTP's capacity. Therefore, the wastewater treatment requirements of the San Francisco Bay RWQCB would not be exceeded from buildout of the proposed Plan, resulting in a less than significant impact.

Applicable Regulations:

- NPDES Permit (Order No. R2-2012-0004)

Buildout of the Plan would increase the volume of wastewater for treatment at the AWWTP. However, this increase represents only a small percentage (less than 1 percent) of the available treatment capacity and it would occur incrementally over a period of 20 years. Therefore, it would not be cumulatively considerable. Because the cumulative demand would not substantially impact the existing or planned capacity of the USD's wastewater treatment system, the construction of new wastewater treatment facilities would not be necessary. Furthermore, as described above, the USD has a plan to expand the capacity of the AWWTP to 38 MGD from 33 MGD, as demands in the service area increase.

The proposed Plan contains multiple policies that would serve to ensure provision of adequate wastewater facilities; these policies include:

- **Policy CSF-5.2: Sanitary Sewer.** Work with the Union Sanitary District to ensure that the sewer system is expanded to serve Newark’s new development areas, existing facilities are regularly maintained, sufficient wastewater capacity is provided to meet projected growth, and wastewater effluent is treated to meet all state and federal standards.
- **Policies CSF-5.7: Involving Utility Agencies in Development Review.** Engage local water, sewer, and stormwater service providers in the review of new development projects to ensure that infrastructure, including water supply and wastewater treatment capacity, is available or will be made available to meet development-related needs.
- **Policy CSF-5.8: Infrastructure Cost.** Ensure that the cost of infrastructure improvements required for new development is the financial responsibility of that development and is allocated based on each project’s expected impacts.

Therefore, with the implementation of the Plan’s policies and compliance with applicable regulations, the buildout of the Plan will have a less than significant effect on wastewater capacity. The construction of the two new hotels and restaurant will not add to the amount of wastewater treatment capacity required beyond that amount identified in the 2013 General Plan EIR. Therefore, there will be no new impacts to wastewater treatment.

Development under the proposed Plan has the potential to increase stormwater runoff associated with construction activities and create impermeable surfaces, thereby placing greater demands on the stormwater drainage system. Runoff from developed surfaces, building roofs, parking lots and roads also contains impurities and has the potential to increase flooding. However, as described above, the projects are regulated by C.3 Provisions and would be required to provide sufficient treatment area to meet the requirements for compliance with these provisions. Construction projects that disturb one or more acres of land would be required to comply with the requirements of the SWRCB Construction General Permit. Project applicants would prepare a SWPPP and implement BMPs to prevent excessive stormwater runoff from construction activity. As a result, buildout under the proposed Plan would not substantially increase either the volume or the velocity of stormwater flowing into the existing storm drain system. In addition, the Plan proposes the following policies and actions to minimize impacts to the stormwater system:

- **Policy CSF-5.4: Flood Control.** Coordinate with Alameda County Flood Control and Water Conservation District (ACFCWCD) and Alameda County Public Works to ensure that stormwater runoff is managed in a way that reduces flood hazards.
- **Policy CSF-5.5: Drainage within New Development.** Ensure that new development provides drainage and flood protection improvements which reduce on-site and downstream hazards such as ponding, flooding, and erosion. New development areas should be designed to minimize impervious surfaces in order to reduce associated site runoff and maximize groundwater recharge
- **Policy CSF-5.6: Green Infrastructure.** Encourage sustainable, environmentally friendly practices by water, sewer, drainage, and energy utility service providers. The City supports “greener” approaches to infrastructure, such as the use of earthen channels rather than concrete culverts, and porous pavement rather than impervious surfaces.

Storm drain catch basins should be designed to capture sediment and debris and should reduce the transport of pollutants to the Bay. Stormwater management strategies should direct water away from buildings and foundations and maintain natural hydrological functions to the greatest extent possible.

- **Policy CSF-5.7: Involving Utility Agencies in Development Review.** Engage local water, sewer, and stormwater service providers in the review of new development projects to ensure that infrastructure, including water supply and wastewater treatment capacity, is available or will be made available to meet development-related needs.
- **Policy CSF-5.8: Infrastructure Cost.** Ensure that the cost of infrastructure improvements required for new development is the financial responsibility of that development and is allocated based on each project's expected impacts.
- **Action CSF-5.D: Stormwater Management Plans.** Require the preparation of stormwater pollution prevention plans and stormwater management master plans for large scale developments. Such plans should determine runoff control and treatment measures, identify drainage improvements to be constructed, and address funding and maintenance responsibilities for the storm drainage system.
- **Action CSF-5.E: ACFCWD Fee Program.** Continue the Alameda County Flood Control and Water Conservation District Drainage Area Fee Program to fund flood control and drainage improvements in newly developing areas.
- **Action CS-3.G: Countywide Clean Water Program.** Continue to participate in the Alameda Countywide Clean Water Program, in accordance with the federal National Pollution Discharge Elimination System (NPDES) permit. The City will work with Alameda County and other participating jurisdictions to carry out measures to monitor stormwater pollution, regulate construction runoff, sweep local streets, clean storm drain inlets, promote education and outreach, enforce regulations and penalties for illicit discharges, and participate in County meetings to discuss water quality issues.
- **Policy CS-6.5: Minimizing Impervious Surface Coverage.** Minimize impervious surface coverage and related stormwater runoff in new development areas by allowing narrower roads and shared driveways, and by encouraging the use of pervious materials on driveways and parking areas. Other means of reducing urban runoff, such as rain barrels and bioswales, also should be encouraged.
- **Action CS-3.H: Stormwater Controls.** Implement stormwater runoff and retention controls in new development and construction projects that reduce pollution discharges to surface waters, and reduce the rate of runoff to storm drain system. Such controls should encourage greater use of pervious pavement and surfaces.
- **Policy CS-6.4: Green Roofs.** Encourage the use of green roofs and cool roofs as a way of reducing heating and cooling costs, and reducing stormwater runoff.

Furthermore, as described above, the ACFC has a list of CIPs and plans to develop a Drainage Master Plan Study to address existing deficiencies and accommodate future development in Zone 5.

With the proposed General Plan Policies, the ACCWP, and RWQCB C.3 provisions in place, future development would not substantially increase demands on the stormwater drainage system.

Based on the ACFC's CIPs, stormwater facilities would be upgraded and expanded, as necessary to support future development in Newark. As a result, a less than significant impact would occur on stormwater treatment facilities.

The construction of the two new hotels and restaurant will not add to the amount of stormwater treatment facilities required beyond that amount identified in the 2013 General Plan EIR. Therefore, there will be no new impacts to stormwater treatment.

Applicable Regulations

- Alameda County Clean Water Program
- RWQCB C.3 provisions
- ACFC Drainage Master Plan Study (in progress)
- ACFC Capital Improvement Program

The Altamont Landfill has a remaining life of 43 million tons with a predicted closure date of 2040. Therefore, the Altamont Landfill would have sufficient capacity to accommodate the Plan's solid waste disposal needs through 2035.

In addition, the proposed Plan includes numerous goals and policies which would further reduce waste generation and the demand for landfill capacity; these goals, policies, and actions include:

- **Goal CS-8:** Reduce landfilled waste through recycling, composting, and source reduction.
- **Policy CS-8.1:** Recycling Program. Actively promote recycling, composting, and waste reduction in order to minimize the amount of waste requiring disposal in landfills. Provide for residential recycling and green waste containers and weekly curbside recycling pickup, to make it as easy and convenient as possible for residents to reduce the volume of trash requiring landfill disposal.
- **Policy CS-8.4:** Increasing Commercial, Industrial, and Multi-Family Recycling. Increase recycling rates by the commercial, industrial, and multi-family residential sectors, including apartment buildings, offices, restaurants, hotels, retail stores, and other businesses. Retail centers and multifamily residential development should be required to provide on-site shared collection bins for recyclable waste.
- **Policy CS-8.2:** Interagency Coordination in Waste Reduction. Promote inter-jurisdictional cooperation, coordination, and planning in the development of recycling and waste management programs.
- **Policy CS-8.3:** Maximizing Reuse. Manage solid waste in a way that maximizes the reclamation and reuse of resources. The City encourages the use of salvaged and recycled materials, rather than the disposal of such materials in landfills.
- **Action CS-8.A:** Reduction Targets. In collaboration with StopWaste.org, implement programs to achieve a 75 percent waste diversion rate by 2015, and to achieve an ultimate target of zero waste.
- **Action CS-8.B:** Waste Reduction Program. Maintain a solid waste reduction and management program that is coordinated with and consistent with the Countywide

StopWaste.org program. The program should include regularly scheduled trash collection, compost and recycling collection, bulk waste and e-waste collection events, household hazardous materials disposal provisions, education and outreach to promote waste diversion, and other components, which minimize landfilled waste.

- **Action CS-8.C:** Source Reduction and Diversion for New Construction. As part of the development review process, require major new projects to prepare solid waste source reduction and diversion programs before building permits are issued.
- **Action CS-8.D:** Construction and Demolition Debris. Reduce the amount of construction and demolition debris being disposed in landfills through mandatory construction and demolition recycling requirements.

Applicable Regulations

- California Integrated Waste Management Act
- Mandatory Commercial Recycling Measure
- CALGreen Building Code
- County Integrated Waste Management Plan
- Alameda County Source Reduction and Recycling Plan
- Alameda County Landfill Ban
- Newark Green Ordinance
- Newark Climate Action Plan

In summary, the Altamont Landfill would have sufficient capacity to accommodate the Plan's solid waste disposal needs, and with the applicable state and local regulations in place, buildout of the Plan would not result in a significant impact with regard to landfill capacity. In summary, the City of Newark is currently in compliance with all applicable State and County solid waste regulations and buildout of the Plan would not result in any violations of federal, state, and local regulations related to solid waste.

The construction of the two new hotels and restaurant will not add to the amount of solid waste produced beyond that amount identified in the 2013 General Plan EIR. Therefore, there will be no new impacts to solid waste disposal.

Relevant EIR Mitigation Measures

None.

Conclusion

No new significant impacts relating to utilities and services systems would occur. The conclusions from the 2013 EIR remain unchanged.

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
XVIII. Mandatory Findings of Significance					
<i>Would the project:</i>					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	—	—	—	—	—
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other	—	—	—	—	—

Environmental Issue Area	Conclusion in 2013 EIR	Do the Proposed Changes Involve New Impacts?	New Circumstances Involving New Impacts?	New Information Requiring New Analysis or Verification?	2013 EIR Mitigation Measures
current projects, and the effects of probable future projects.)					
c) Does the project have environmental effects which will cause substantial adverse effects on human beings?	—	—	—	—	—

Discussion

a–c) As discussed in the Biological Resources analysis above, the project would have a less than significant impact on listed species, migratory species, and riparian habitat. In addition, as discussed in the Cultural Resources analysis above, the project would have a less than significant impact associated with historical, archaeological, or paleontological resources. The proposed development of the site, demolishing the existing buildings and construction of one new hotel would not affect the conclusions identified in the EIR related to these issues.

As discussed in the preceding sections, many of the potential impacts of the proposed project’s would occur during construction, with a few lasting operational effects. Impacts from demolition and construction for the two new hotels and restaurant to accommodate retail uses within the existing building would be reduced to less than significant with implementation of mitigation measures stated in the EIR, and would not result in any new or altered construction impacts. With regard to remaining areas of analysis, the proposed project would not result in significant, long-term cumulative impacts that would substantially combine with impacts of other current or probable future projects’ impacts. The proposed project would not create impacts that are cumulatively considerable, nor would the project substantially increase any cumulatively considerable significant impacts.

The preceding sections of this checklist discuss various types of impacts that could have adverse effects on human beings, including:

- Operational emissions (Section III, Air Quality)
- Increase in greenhouse gas emissions (Section VII, Greenhouse Gas Emissions)

Roadway Noise (Section XII, Noise)

Each type of impact with the potential to cause substantial adverse effects on human beings has been evaluated, and this checklist concludes that these potential impacts would not substantially increase with development of the proposed project and would be consistent with the results concluded in the EIR. Therefore, the proposed project would have a less than significant impact on environmental effects.

Conclusion

The conclusions from the 2013 General Plan EIR remain unchanged.

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SECTION 4: ENVIRONMENTAL CONCLUSION

This Environmental Checklist considers development of a site identified as part of the Hospitality Corridor in the Regional Commercial area in the City of Newark's General Plan and General Plan EIR as described in Section 2.3 herein, and it is our conclusion that the impacts of the project would be generally the same as, or less than, those identified in the 2013 General Plan EIR.

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SECTION 5: REFERENCES

The following references were used in the preparation of this analysis and are referenced in the text and/or were used to provide the author with background information necessary for the preparation of thresholds and content.

City of Newark. 2013. General Plan EIR.

Institute of Traffic Engineers. 2012. Trip Generation Manual, 9th Edition. September.

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**Appendix A:
2013 Recirculated EIR Mitigation Measures**

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AESTHETICS			
AES-1: The proposed Plan would not have a substantial adverse effect on a scenic vista.	LTS	N/A	LTS
AES-2: The proposed Plan would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, within a State scenic highway.	LTS	N/A	LTS
AES-3: The proposed Plan would result in a significant impact to the visual character of the Southwest Newark Residential and Recreational Focus Area, as determined in previous environmental review.	S	AES-3: There is no feasible mitigation which would reduce impacts to a less-than-significant level.	SU
AES-4: The Plan would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.	LTS	N/A	LTS
AES-5: The proposed Plan, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to aesthetics.	LTS	N/A	LTS
AIR QUALITY			
AIR-1: While the proposed Plan would support the primary goals of the 2010 Bay Area Clean Air Plan, buildout of the proposed Plan would not be consistent with the Clean Air Plan because the projected vehicle miles traveled (VMT) increase from buildout of the proposed Plan would be greater than the projected population increase.	S	AIR-1: Numerous goals, policies, and actions contained in the proposed Plan address future increase in VMT and criteria air pollutants under the Plan; however, the projected growth in VMT in the Plan Area would still exceed the rate of population growth. There are no additional measures that would reduce this impact.	SU

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AIR-2: The Plan would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.	LTS	N/A	LTS
AIR-3: The proposed Plan would not result in a cumulatively considerable contribution related to an increase in criteria pollutants for which the San Francisco Bay Area Air Basin is designated a non-attainment area.	LTS	N/A	LTS
AIR-4: The proposed Plan would result in less-than-significant impacts with respect to the placement of sensitive receptors proximate to major sources of air pollution or the siting of new sources of air pollution proximate to sensitive receptors in the City.	LTS	N/A	LTS
AIR-5: The Plan would not create or expose a substantial number of people to objectionable odors.	LTS	N/A	LTS
BIOLOGICAL RESOURCES			
BIO-1: Buildout of the proposed Plan would result in less-than-significant impacts to special-status plant and animal species in the Plan Area.	LTS	N/A	LTS
BIO-2: Buildout of the proposed Plan would result in less-than-significant impact to wetlands, riparian habitat, and sensitive natural communities in the Plan Area.	LTS	N/A	LTS
BIO-3: Buildout of the proposed Plan would result in less-than-significant impact to as-yet undelineated waters of the US in the Plan Area.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-4: The proposed Plan would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	LTS	N/A	LTS
BIO-5: The proposed Plan would not conflict with the City of Newark tree preservation ordinance.	LTS	N/A	LTS
BIO-6: The proposed Plan would result in less-than-significant impacts related to conflicts with the Basin Plan and the Habitat Goals.	LTS	N/A	LTS
BIO-7: The proposed Plan would result in less-than-significant cumulative impacts related to biological resources.	LTS	N/A	LTS
CULTURAL RESOURCES			
CULT-1: The Plan would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.	LTS	N/A	LTS
CULT-2: Construction activities associated with buildout of the proposed Plan could cause a significant impact to archaeological resources in the Southwest Newark Residential and Recreational Focus Area by potentially damaging or disturbing as yet undiscovered archaeological deposits through the placement of fill and soil compression.	S	CULT-2: Regulatory compliance and implementation of proposed Plan policies would reduce but not eliminate the potential for damage or disturbance. No additional feasible mitigation exists to further reduce this impact.	SU
CULT-3: The Plan would not directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
CULT-4: Construction activities associated with buildout of the proposed Plan could cause a significant impact to a significant impact to Native American human remains in the Southwest Newark Residential and Recreational Focus Area by potentially damaging or disturbing as yet undiscovered Native American human remains through the placement of fill and soil compression.	S	CULT-4: While compliance with the provisions of SB18, California Health and Safety Code Section 7052 and 7050.5, and California Public Resources Code Section 5097 and 15064.5 together with implementation Mitigation Measure 4.4-1 from the 2009-2104 Housing Element EIR, and Mitigation Measures CUL-2.1 through CUL-2.4 from the Area 3 and 4 Specific Plan EIR, described above, would reduce the potential for accidental damage or disturbance of human remains during construction activities associated with buildout of the proposed Plan, damage or disturbance of human remains through the placement of fill and soil compression could still result during construction activities associated with buildout. No additional feasible mitigation exists to further reduce this impact.	SU
CULT-5: The Plan, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to cultural resources.	LTS	N/A	LTS
GEOLOGY, SOILS, AND SEISMICITY			
GEO-1: The proposed Plan would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving surface rupture along a known active fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; and landslides.	LTS	N/A	LTS
GEO-2: Implementation of the proposed Plan would not result in substantial soil erosion or the loss of topsoil.	LTS	N/A	LTS
GEO-3: Development under the proposed Plan would not result in a significant impact related to development on unstable geologic units and soils or result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GEO-4: Development under the proposed Plan would not create substantial risks to life or property as a result of its location on expansive soil, as defined in Table 18-1-b of the Uniform Building Code (1994).	LTS	NA	LTS
GEO-5: Implementation of the proposed Plan would not result in impacts associated with the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater.	No Impact	N/A	No impact
GEO-6: The proposed Plan, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to geology and soils.	LTS	N/A	LTS
GREENHOUSE GAS EMISSIONS			
GHG-1: The proposed Plan would generate substantial GHG emissions in excess of the long-term 2050 GHG reduction target interpolated from Executive Order S-03-05.	S	<p data-bbox="936 883 1661 964">GHG-1: To further reduce 2035 GHG emissions resulting from future development under the proposed Plan, the City shall require the following Uniformly Applicable Development Standards for new developments:</p> <ul style="list-style-type: none"> <li data-bbox="936 980 1696 1037">▪ Pedestrian and Bicycle Friendly Design/Bicycle Parking. Site plans submitted shall identify pedestrian and bicycle facilities on-site, including bicycle parking. <li data-bbox="936 1053 1654 1110">▪ Pedestrian and Bicycle Provisions within New Development. Circulation plans submitted shall identify pedestrian and bicycle routes. <li data-bbox="936 1127 1696 1208">▪ Source Reduction and Diversion for New Construction. Major new non-residential developments shall submit a plan that identifies solid waste source reduction and diversion measures (e.g. location of recycling bins on-site). <li data-bbox="936 1224 1696 1339">▪ Sustainable Design/Tree Planting in New Development/Minimizing Impervious Surface Coverage. Landscape plans submitted shall minimize impervious surfaces and identify features to reduce the heat island effect (e.g. tree coverage, permeable pavement, cool pavement). 	SU

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GHG-2: The proposed plan would not conflict with an applicable plan, policy, or regulation for the purpose of reducing the emissions of GHGs.	LTS	However, it should be noted that while CARB is currently updating the Scoping Plan to identify additional measures to achieve the long-term GHG reduction targets, at this time, there is no plan past 2020 that achieves the long-term GHG reduction goal established under Executive Order S-03-05. As identified by the California Council on Science and Technology, the State cannot meet the 2050 goal without major advancements in technology.	LTS
HAZARDS AND HAZARDOUS MATERIALS			
HAZ-1: The Plan would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	LTS	N/A	LTS
HAZ-2: The Plan would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	LTS	N/A	LTS
HAZ-3: The proposed Plan would not result in significant impacts associated with hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school.	LTS	N/A	LTS
HAZ-4: Implementation of the Plan would not create a significant hazard to the public or the environment as a result of development on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HAZ-5: Implementation of the Plan would not result in a safety hazard for people residing or working in the Plan Area due to development within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.	No Impact	N/A	No impact
HAZ-6: Implementation of the Plan would not result in a safety hazard for people residing or working in the Plan Area due to development in the vicinity of a private airstrip.	No Impact	N/A	No impact
HAZ-7: The proposed Plan would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.	LTS	N/A	LTS
HAZ-8: Implementation of the Plan would not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.	LTS	N/A	LTS
HAZ-9: The Plan, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to hazards and hazardous materials.	LTS	N/A	LTS
HYDROLOGY AND WATER QUALITY			
HYDRO-1: The proposed Plan would not violate any water quality standards or waste discharge requirements.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HYDRO-2: The proposed Plan would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.	LTS	N/A	LTS
HYDRO-3: The proposed Plan would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion, siltation, or flooding on- or off-site.	LTS	N/A	LTS
HYDRO-4: The proposed Plan would not create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	LTS	N/A	LTS
HYDRO-5: The proposed Plan would not otherwise substantially degrade water quality.	LTS	N/A	LTS
HYDRO-6: The proposed Plan would not result in a significant impact with respect to the placement of housing or structures, which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.	LTS	N/A	LTS
HYDRO-7: The proposed Plan would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HYDRO-8: The proposed Plan would not result in significant adverse effects related to inundation by seiche, tsunami, or mudflow.	LTS	N/A	LTS
HYDRO-9: The proposed Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to hydrology and water quality.	LTS	N/A	LTS
LAND USE AND PLANNING			
LU-1: The proposed Plan would not physically divide an established community.	LTS	N/A	LTS
LU-2: The proposed Plan would not conflict with an applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.	LTS	N/A	LTS
LU-3: The proposed Plan would result in less than significant conflicts with the Bay Plan and the Don Edwards San Francisco Bay National Wildlife Refuge Comprehensive Conservation Plan.	LTS	N/A	LTS
LU-4: The proposed Plan, in combination with past, present, and reasonably foreseeable development in the surrounding area, would result in less-than-significant-cumulative impacts with respect to land use and planning.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
NOISE			
NOISE-1: The proposed Plan would not expose people to or generate noise levels in excess of standards established in the General Plan or the Municipal Code, and/or the applicable standards of other agencies.	LTS	N/A	LTS
NOISE-2: The proposed Plan would not expose people to or generate excessive groundborne vibration or groundborne noise levels.	LTS	N/A	LTS
NOISE-3: Implementation of the proposed Plan would result in a substantial permanent increase in ambient noise levels in the Plan Area above levels existing without Plan implementation.	S	NOISE-3: Increases in vehicular traffic resulting from implementation of the proposed Plan in conjunction with regional growth would result in permanent increases to ambient noise levels that would exceed applicable standards along ten major roadway segments in the Plan Area. Proposed Plan policies and actions, including Policy EH-7.4, Action EH-6.D, Action EH-6.E, Action EH-6.H, and Action EH-7.B, described above, would reduce associated impacts; however, increases in noise in excess of the applicable standards could still occur. Although the most effective mitigations such as soundwalls or earthen berms may theoretically be capable of reducing increases to ambient noise to levels below the above standards, such reductions cannot be guaranteed; and, in many cases, other considerations will prevent the use of these noise-attenuating features. Therefore, there are no additional measures available to reduce the associated impacts to a less-than-significant level.	SU
NOISE-4: Construction activities associated with buildout of the proposed Plan would not result in substantial temporary or periodic increases in ambient noise levels in the Plan Area above existing levels.	LTS	N/A	LTS
NOISE-5: The proposed Plan would not result in exposure of people residing or working in the vicinity of the plan area to excessive aircraft noise levels, for a project located within an airport land use plan, or where such a plan has not been adopted, within 2 miles of a public airport or public use airport.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
NOISE-6: The proposed Plan would not result in exposure of people residing or working in the project area to excessive noise levels, for a project within the vicinity of a private airstrip.	LTS	N/A	LTS
NOISE-7: Implementation of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would not result in additional cumulatively considerable noise, or groundborne noise and vibration impacts.	LTS	N/A	LTS
POPULATION AND HOUSING			
POP-1: The Plan would not induce substantial unexpected population growth, or growth for which inadequate planning has occurred, either directly or indirectly.	LTS	N/A	LTS
POP-2: The Plan would not displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere.	LTS	N/A	LTS
POP-3: The Plan would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.	LTS	N/A	LTS
POP-4: The proposed Plan, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to population and housing.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
PUBLIC SERVICES AND RECREATION			
PS-1: The proposed Plan would not result in the provision of or need for new or physically altered fire protection facilities, the construction or operation of which could cause significant environmental impacts.	LTS	N/A	LTS
PS-2: The proposed Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to fire protection service.	LTS	N/A	LTS
PS-3: The proposed Plan would not result in a significant impact related to the construction or expansion of police facilities.	LTS	N/A	LTS
PS-4: The proposed Plan, in combination with past, present, and reasonably foreseeable growth, would result in less than significant cumulative impacts with respect to law enforcement services.	LTS	N/A	LTS
PS-5: The proposed Plan would not result in the provision of or need for new or physically altered school facilities, the construction or operation of which could cause significant environmental impacts.	LTS	N/A	LTS
PS-6: The proposed Plan, in combination with past, present, and reasonably foreseeable growth in the NUSD service area, would result in less than significant cumulative impacts with respect to schools.	LTS	N/A	LTS
PS-7: The proposed Plan would not result in substantial adverse physical impacts associated with the provision of new or physically altered parks and recreational facilities in order to maintain the City's adopted ratio of parkland per thousand residents.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
PS-8: The proposed Plan would not increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur, or be accelerated.	LTS	N/A	LTS
PS-9: The proposed Plan would not include or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	LTS	N/A	LTS
PS-10: The proposed Plan, in combination with past, present, and reasonably foreseeable growth, would result in less than significant cumulative impacts with respect to parks and recreational facilities.	LTS	N/A	LTS
PS-11: The proposed Plan would not result in the need for new or physically altered library facilities.	LTS	N/A	LTS
PS-12: The proposed Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to libraries.	LTS	N/A	LTS
TRANSPORTATION AND TRAFFIC			
TRANS-1: Implementation of the proposed Plan would cause intersection operation to degrade to unacceptable LOS F at the a) Ardenwood Boulevard and SR 84 westbound ramps intersection during the AM peak hour in 2035, b) the Newark Boulevard and SR 84 eastbound ramps intersection during the PM peak hour in 2035, and c) the Cherry Street/Boyce Road and Stevenson Boulevard intersection during the PM peak hour in 2035.	S	TRANS-1a: To mitigate this impact, the Ardenwood Boulevard and SR 84 westbound ramps intersection would require converting a through lane to a second left-turn lane on Ardenwood Boulevard, south of the Highway 84 westbound ramps. Re-striping of the northbound approach (i.e., Ardenwood Boulevard) would be necessary. LOS calculations show that with implementation of these improvements, the intersection would operate at an acceptable LOS C under proposed Plan conditions in 2035. However, because this mitigation measure is for an intersection under the jurisdiction of Caltrans and located in the City of Fremont, implementation is outside the jurisdiction of the City of Newark. The City of Newark will work with Caltrans and the City of Fremont to implement the mitigation measure and contribute on a fair-share	SU

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		basis; however until such time as there is an implementation plan in place and funding is secured, this impact is considered significant and unavoidable.	
		TRANS-1b: To mitigate this impact, the Newark Boulevard and SR 84 eastbound ramps intersection would require adding a right turn lane in addition to the shared through-right lane on the Highway 84 eastbound off-ramp at Newark Boulevard. There is sufficient roadway right-of-way for this improvement, therefore the improvement could be implemented with re-striping of the off-ramp and roadway widening would not be necessary. LOS calculations show that with implementation of these improvements, the intersection would operate at an acceptable LOS D during the PM peak-hour under proposed Plan conditions in 2035. However, because this mitigation measure is for an intersection under the jurisdiction of Caltrans, implementation is outside the jurisdiction of the City of Newark. The City of Newark will work with Caltrans to implement the mitigation measure and contribute on a fair-share basis; however until such time as there is an implementation plan in place and funding is secured, this impact is considered significant and unavoidable.	
		TRANS-1c: To mitigate this impact, the Cherry Street/Boyce Road and Stevenson Boulevard intersection would require an additional through lane on the northbound approach (Boyce Road/Cherry Street is considered the north-south street for this intersection). There is potentially sufficient roadway right-of-way on Boyce Road/Cherry Street for this improvement; therefore, the improvement could be implemented with re-striping of Cherry Street. The northbound approach (e.g., south leg) of the intersection is located in Fremont. It would also require that the intersection be re-aligned. On the north side of Stevenson Boulevard, Cherry Street would need to be re-striped for approximately 800 feet. The implementation of these improvements would improve intersection LOS to an acceptable LOS D during the PM peak hour under proposed Plan conditions in 2035. Implementation of the above measure would improve conditions at the intersection to LOS D during the PM peak hour, which would be acceptable. However, because this mitigation measure is for an intersection located partly in the City of Fremont, full implementation is outside the jurisdiction of the City of Newark. The City of Newark will work with the City of Fremont to implement the mitigation measure and contribute on a fair-share basis; however until such time as	SU

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
there is an implementation plan in place and funding is secured, this impact is considered significant and unavoidable.			
TRANS-2: The proposed Plan would not conflict with the 2011 Alameda CTC Congestion Management Program.	LTS	N/A	LTS
TRANS-3: The proposed Plan would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	LTS	N/A	LTS
TRANS-4: The proposed Plan would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	LTS	N/A	LTS
TRANS-5: Implementation of the proposed Plan would not result in inadequate emergency access.	LTS	N/A	LTS
TRANS-6: Implementation of the proposed Plan would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	LTS	N/A	LTS
TRANS-7: Implementation of the proposed Plan, in combination with past, present, and reasonably foreseeable projects, would not result in additional cumulatively considerable impacts.	LTS	N/A	LTS
UTILITIES AND SERVICE SYSTEMS			
UTIL-1: Implementation of the proposed Plan would increase Water Demand, however, sufficient water supplies are available to serve the project from existing entitlements and resources.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
UTIL-2: The proposed Plan would not require or result in the construction of new water facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.	LTS	N/A	LTS
UTIL-3: The Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to water supply.	LTS	N/A	LTS
UTIL-4: The proposed Plan would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (RWQCB).	LTS	N/A	LTS
UTIL-5: The proposed Plan would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	LTS	N/A	LTS
UTIL-6: The proposed Plan would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.	LTS	N/A	LTS
UTIL-7: The Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to wastewater.	LTS	N/A	LTS

EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Impact Criteria	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
UTIL-8: The proposed Plan would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.	LTS	N/A	LTS
UTIL-9: The Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to stormwater facilities.	LTS	N/A	LTS
UTIL-10: The proposed Plan would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.	LTS	N/A	LTS
UTIL-11: The proposed Plan would comply with federal, State, and local statutes and regulations related to solid waste.	LTS	N/A	LTS
UTIL-12: The Plan, in combination with past, present, and reasonably foreseeable development, would result in less than significant cumulative impacts with respect to solid waste.	LTS	N/A	LTS

Note: The abbreviations used in Table 1-1 are as follows: LTS = Less than significant; SU = Significant and Unavoidable; N/A = Not applicable; S = Significant

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK APPROVING AN ARCHITECTURAL AND SITE
PLAN REVIEW (ASR-16-9) FOR A HOTEL AT 5600 JOHN
MUIR DRIVE

WHEREAS, Shivam Real Estate, LLC, has filed with the City Council of the City of Newark, an application for an Architectural and Site Plan Review (ASR-16-9) for a hotel at 5600 John Muir Drive.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby approves this application as shown on Exhibit A, pages 1 through 12, subject to compliance with the following conditions:

Planning Division

- a. There shall be no outdoor vending machines other than for the sale of newspapers. There shall be no outdoor storage except Christmas trees, of any materials for sale, display, inventory or advertisement without the review and approval of the Planning Commission and City Council.
- b. The drive aisles shall not be used by delivery trucks between the hours of 11:00 p.m. and 7:00 a.m. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 11:00 p.m. and 7:00 a.m. No delivery truck or van shall be left overnight on any portion of the site.
- c. Prior to issuance of a sign permit, all signs, other than those referring to construction, sale or future use of this site, shall be submitted to the Community Development Director for review and approval.
- d. All lighting shall be directed on-site so as not to create glare off-site, as required by the Community Development Director.
- e. Construction site trailers and buildings located on-site shall be used for office and storage purposes only, and shall not be used for living or sleeping quarters. Any vehicle or portable building brought on the site during construction shall remain graffiti free.
- f. All exterior utility pipes and meters shall be painted to match and/or complement the color of the adjoining building surface, as approved by the Community Development Director.
- g. Prior to the issuance of a building permit, the elevations as submitted by the developer as part of this application shall be reviewed and approved by the Planning Commission and City Council. The building elevations shall reflect all architectural projections such as roof eaves, bay windows, greenhouse windows, chimneys and porches. A site plan showing the building locations with respect to property lines shall also show the

projections. Said elevations shall specify exterior materials. Final color elevations shall be submitted for the review and approval of the Community Development Director.

- h. Prior to the issuance of a building permit, the floor plans as submitted by the developer as part of this application shall be reviewed and approved by the Planning Commission and City Council.
- i. Prior to the issuance of a building permit, roof material as submitted by the developer as part of this application shall be reviewed and approved by the Planning Commission and City Council. All roof material shall consist of fire retardant shake roof, concrete tile, or a roof of similar noncombustible material. Mansard roofs with the above material may be used to screen tar and gravel roofs. All roofs shall be of Class C fire resistant construction or better. Composition shingles shall be Presidential-style or of comparable quality, subject to the review and approval of the Community Development Director.
- j. Prior to the issuance of a building permit, the location and screening design for garbage, refuse and recycling collection areas for the project shall be submitted for the review and approval of Republic Services and the Community Development Director, in that order. The approved garbage, refuse and recycling areas shall be provided prior to the issuance of a Certificate of Occupancy, as required by the Community Development Director. No refuse, garbage or recycling shall be stored outdoors except within the approved trash and recycling enclosures.
- k. Measures to respond to and track complaints pertaining to construction noise shall include: (1) a procedure and phone numbers for notifying the City of Newark Building Inspection Division and Newark Police Department (during regular construction hours and off-hours); and (2) a sign posted on-site pertaining to the permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours).
- l. The developer shall pay all impacts fees in effect at the time of issuance of a Building Permit. All fees, with the exception of the Community Development Maintenance Fee, are based on the site's net square footage increase.
- m. The initial brand shall be a Holiday Inn, or similar product as approved by the Community Development Director.

Engineering Division

- n. The project must be designed to minimize the pollution or contamination of stormwater runoff from the site. Examples of control measures include, but are not limited to: no uncovered trash enclosures or storage of products and materials; minimization of impervious surfaces; separation of all car wash activities from the storm drain system; routing of pavement and roof runoff through vegetated swales or landscaped areas in-lieu of direct connections to the storm drain system; treatment controls for runoff from paved

areas used for vehicle parking, repair and/or storage such as storm drain inlet filters, interceptors, separators or other acceptable treatment devices; installation of vegetated or turfed areas around storm water inlets, and other Best Management Practices to address the requirements of the NPDES permit issued to the City of Newark by the Regional Water Quality Control Board. The use of stormwater treatment controls for runoff quality requires the submittal of a maintenance agreement prior to the issuance of a Certificate of Occupancy.

- o. Prior to the issuance of a building permit for this project, the developer shall submit a Storm Water Quality Plan for the review and approval of the City Engineer. The plan shall include sufficient details to show how storm water quality will be protected during both: (1) the construction phase of the project and (2) the post-construction, operational phase of the project. The construction phase plan shall include Best Management Practices from the California Storm. Water Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be maintained by the contractor shall be printed on the plans. The operational phase plan shall include Best Management Practices appropriate to the uses conducted on the site to effectively prohibit the entry of pollutants into storm water runoff from this site including, but not limited to, trash and litter control, pavement sweeping, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with the wording "No Dumping - Drains to Bay," and other applicable practices.
- p. The project must be designed to include appropriate source control, site design, and stormwater treatment measures to prevent stormwater runoff pollutant discharges and increases in runoff flows from the site in accordance with Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP), Order R2-2015-0049, revised November 19, 2015, issued to the City of Newark by the Regional Water Quality Control Board, San Francisco Bay Region. Examples of source control and site design requirements include, but are not limited to: properly designed trash storage areas, sanitary sewer connections for all non-stormwater discharges such as fountains, swimming pools, trash compactors, interior floor drains within parking garages, minimization of impervious surfaces, and treatment of all runoff with Low Impact Development (LID) treatment measures. A properly engineered and maintained biotreatment system will only be allowed if it is infeasible to implement other LID measures such as harvesting and re-use, infiltration, or evapotranspiration. The stormwater treatment design shall be completed by a licensed civil engineer with sufficient experience in stormwater quality analysis and design. The design is subject to review by the Regional Water Quality Control Board. The developer shall modify the site design to satisfy all elements of Provision C.3 of the MRP. The use of treatment controls for runoff requires the submittal of a Stormwater Treatment Measures Maintenance Agreement prior to the issuance of any Certificates of Occupancy.
- q. All stormwater treatment measures are subject to review and approval by the Alameda County Mosquito Abatement District. The developer shall modify the grading and drainage and stormwater treatment design as necessary to satisfy any imposed requirements from the District.

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

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

- s. Where a grade differential of more than a 1-foot is created along the boundary parcel lines between the proposed development and adjacent property, the developer shall install a masonry retaining wall unless a slope easement is approved by the City Engineer. Said retaining wall shall be subject to review and approval of the City Engineer. A grading permit is required by the Building Inspection Division prior to starting site grading work.
- t. Prior to issuance of a building permit, the developer shall submit a pavement maintenance program for the drive aisles and parking areas on the project site. The maintenance program shall be signed by the property owner and the property owner shall follow the maintenance program at the City Engineer's direction.
- u. Prior to the issuance of a building permit, the developer shall obtain an Encroachment Permit for all off-site improvements within the frontage street rights-of-way and adjoining easement areas. Improvements shall include but are not necessarily limited to utility tie-ins, driveway and sidewalk modifications, placement of curb and gutter where driveway removal is proposed, landscaping, pavement restoration, and other improvements.
- v. The developer shall upgrade the existing wheel chair accessible ramps along the frontage of the site in accordance with Curb Ramp Detail No. A88A from the Caltrans Standard Plans, dated July 2015.
- w. Any new utilities including, but not limited to, electric, telephone and cable television services shall be provided underground.
- x. Any proposed utility connections and/or underground work within structurally sound street pavement must be bored or jacked. Open street cuts will not be permitted across John Muir Drive and Mowry School Road.

- y. The developer shall repair and/or replace any public and private improvements damaged as a result of construction activity to the satisfaction of the City Engineer and adjoining property owners.
- z. The developer shall ensure that a water vehicle for dust control operations is kept readily available at all times during construction at the City Engineer's direction.

Landscape-Parks Division

- aa. The developer shall retain a licensed landscape architect to prepare working drawings for both off-site and on-site landscape plans in accordance with City of Newark requirements, the approved Conceptual Landscape Plan, and the latest version of the State of California Model Water Efficient Landscape Ordinance. The landscape plans shall be included with the full tract improvement plan set. The associated Landscape Documentation Package must be approved by the City Engineer prior to the issuance of a building permit.
- bb. The developer shall implement Bay Friendly Landscaping Practices in accordance with Newark Municipal Code, Chapter 15.44.080. Prior to the issuance of a building permit, the developer shall provide sufficient information to detail the environmentally-conscious landscape practices to be used on the project. Not less than 3 inches of bark mulch shall be provided in all non-turf landscape areas.
- cc. The plant species identified for any proposed biotreatment measures are subject to final approval of the City Engineer.
- dd. The developer shall enter into a Landscape Maintenance Agreement prior to the issuance of a building permit to ensure adequate maintenance of all proposed landscape areas. Landscape maintenance of these areas by the City under the terms of the Agreement would occur only in the event that City Council deems the property owner's maintenance to be inadequate. Any project perimeter walls and adjoining landscape areas shall be included in a dedicated landscape easement to guarantee adequate maintenance of the walls. Any work other than routine maintenance, including but not necessarily limited to, tree removal, tree pruning, or changes to the approved planting palette shall be approved in advance by the City Engineer. All tree pruning shall be performed by or under the direction of a certified arborist.
- ee. The developer's landscaping shall include minimum 30-inch high mounding or combination of mounding and low masonry screen walls to screen parking and provide an interesting greenbelt along the frontages of John Muir Drive and Mowry School Road. The screening shall be located outside of the City right-of-way and screen wall design, materials, and color finish shall be approved by the Community Development Director.
- ff. Prior to installation by the developer, plant species, location, container size, quality, and quantity of all landscaping plants and materials shall be reviewed and approved by the City Engineer. Street trees shall be planted along the project frontage at a minimum 40-

feet on-center and tree replacement shall be at not less than a 1:1 ratio. All plant replacements shall be to an equal or better standard than originally approved subject to approval by the City Engineer.

- gg. Prior to the release of utilities or issuance of any Certificate of Occupancy, all landscaping and irrigation systems shall be completed or guaranteed by a cash deposit deposited with the City in an amount to cover the remainder of the work.
- hh. Prior to issuance of Certificate of Occupancy or release of utilities, the developer shall guarantee all trees for a period of 6 months and all other plantings and landscape for 60 days after completion thereof. The developer shall insure that the landscape shall be installed properly and maintained to follow standard horticultural practices. All plant replacements shall be to an equal or better standard than originally approved subject to approval of the City Engineer.

Fire Department

- ii. This project is subject to the 2013 California Fire Code.
- jj. The Porte Cochere shall have an unobstructed vertical height of at least 13 feet 6 inches.

Building Division

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

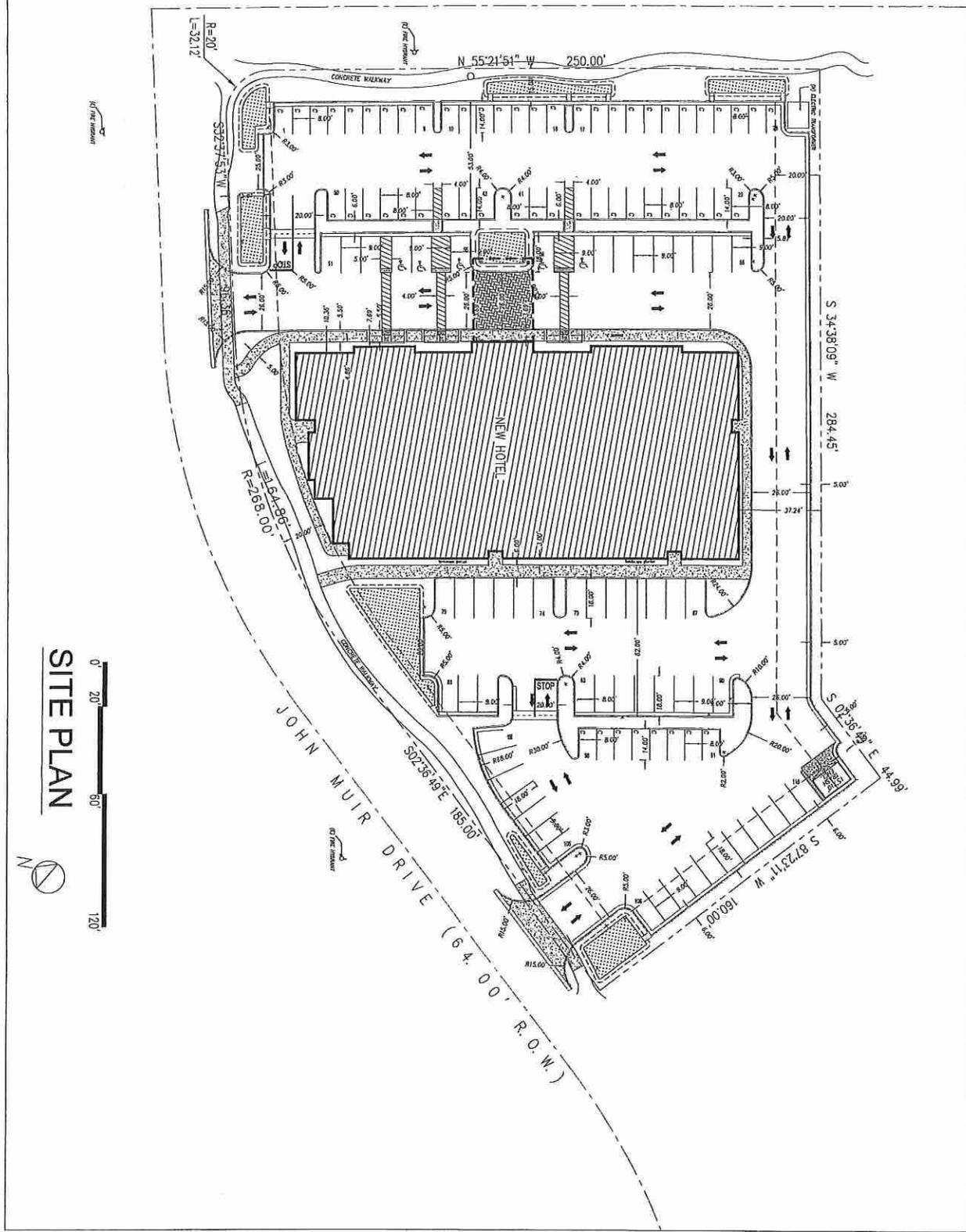
General

- ll. During project construction, if historic, archeological or Native American materials or artifacts are identified, work within a 50-foot radius of such find shall cease and the City shall retain the services of a qualified archeologist and/or paleontologist to assess the significance of the find. If such find is determined to be significant by the archeologist and/or paleontologist, a resource protection plan conforming to CEQA Section 15064.5 shall be prepared by the archeologist and/or paleontologist and approved by the Community Development Director. The plan may include, but would not be limited to, removal of resources or similar actions. Project work may be resumed in compliance with such plan. If human remains are encountered, the County Coroner shall be contacted immediately and the provisions of State law carried out.
- mm. 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.

- nn. If any condition of this Architectural and Site Plan Review be declared invalid or unenforceable by a court of competent jurisdiction, this Architectural and Site Plan Review shall terminate and be of no force and effect, at the election of the City Council on motion
- oo. 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.
- pp. 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.

MOWRY SCHOOL ROAD (72.00' R.O.W.)



SITE PLAN

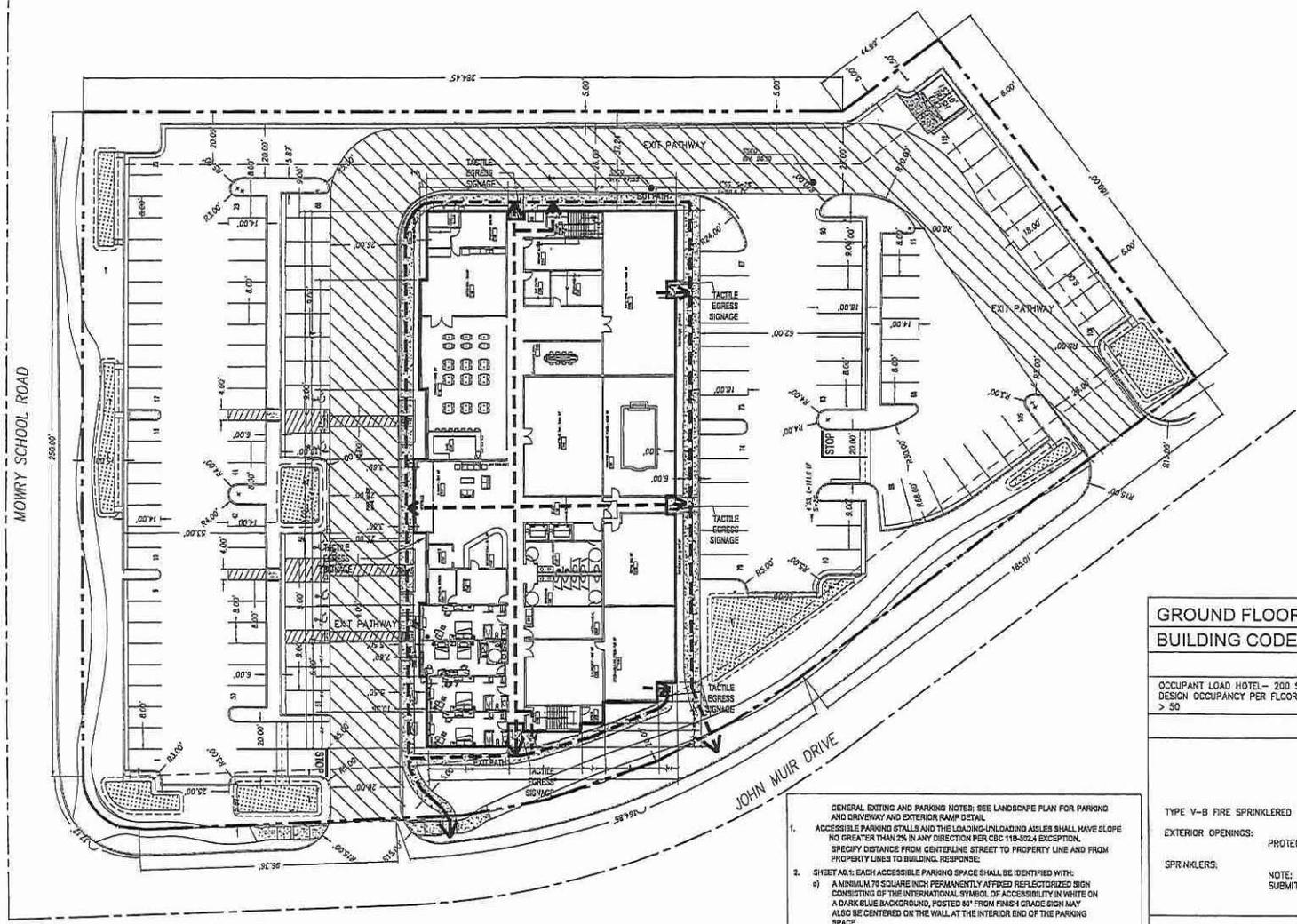


EXHIBIT
A02

<p>NEWRK HOTEL</p> <p>5600 JOHN MUIR BLVD, NEWARK, CA 94560.</p>			<p>IYER</p>
<p>Site: Newark Hotel</p> <p>Sheet: SITE PLAN</p>	<p>Project no. 12160102</p> <p>Sheet no. A1.1</p>		



NEWARK HOTEL
5600 JOHN MUIR BLVD.,
NEWARK, CA 94560.



EGRESS PLAN

1:20



**GROUND FLOOR EXITING PLAN
BUILDING CODE COMPLIANCE**

OCCUPANT LOAD HOTEL - 200 SF
DESIGN OCCUPANCY PER FLOOR : 53 OCCUPANTS - 2 EXITS REQUIRED
> 50

TYPE V-B FIRE SPRINKLERED
EXTERIOR OPENINGS: PROTECTED WHEN <10 FEET FROM PROPERTY LINE
SPRINKLERS: NOTE: A NFPA 13 FIRE SPRINKLER SYSTEM WILL BE SUBMITTED TO FIRE DEPARTMENT FOR PERMITTING.

1. ALL EXIT DOORS SHALL BE OPENABLE FROM THE INSIDE WITHOUT THE USE OF KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. KEY LOCKING HARDWARE MAY BE USED ON THE MAIN EXIT WHEN THERE IS A READILY VISIBLE, DURABLE SIGN ON OR ADJACENT TO THE DOOR STATING "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS".
2. ALL WALKWAYS ALONG ACCESSIBLE ROUTES OF TRAVEL MUST: 1) BE CONTINUOUSLY ACCESSIBLE, 2) HAVE MAXIMUM 1/2" CHANGES IN ELEVATION, 3) BE A MINIMUM OF 48" WIDE, 4) HAVE A MAXIMUM OF 1/4" PER FOOT CROSS SLOPES, AND 5) HAVE A RAMP TO CHANGE ELEVATION WHERE THE SLOPE EXCEEDS 5%.

NOTE: NO ACCESSIBLE PATH OF TRAVEL HAS A SLOPE OF GREATER THAN 2% ON THE EXTERIOR, THE ONLY INTERIOR RAMP (IN THE OFFICE) IS 1:12 AND INCLUDES ACCESSIBLE RAILING

- GENERAL EXITING AND PARKING NOTES: SEE LANDSCAPE PLAN FOR PARKING AND DRIVEWAY AND EXTERIOR RAMP DETAIL.
1. ACCESSIBLE PARKING STALLS AND THE LOADING/UNLOADING AISLES SHALL HAVE SLOPE NO GREATER THAN 2% IN ANY DIRECTION PER CBC 11B-022.4 EXCEPTION. SPECIFY DISTANCE FROM CENTERLINE STREET TO PROPERTY LINE AND FROM PROPERTY LINES TO BUILDING RESPONSE.
 2. SHEET A0.1: EACH ACCESSIBLE PARKING SPACE SHALL BE IDENTIFIED WITH:
 - a) A MINIMUM 19" SQUARE INCH PERMANENTLY AFFIXED REFLECTORIZED SIGN CONSISTING OF THE INTERNATIONAL SYMBOL OF ACCESSIBILITY IN WHITE ON A DARK BLUE BACKGROUND, POSTED 80" FROM FINISH GRADE SIGN MAY ALSO BE CENTERED ON THE WALL AT THE INTERIOR END OF THE PARKING SPACE.
 - b) AN ADDITIONAL SIGN OR ADDITIONAL LANGUAGE BELOW THE SYMBOL OF ACCESSIBILITY SHALL STATE "MINIMUM FINE \$250". CBC SECTION 11B-202.2.2
 - c) VAN ACCESSIBLE SPACES SHALL HAVE AN ADDITIONAL SIGN OR ADDITIONAL LANGUAGE STATING "VAN ACCESSIBLE" BELOW THE SYMBOL OF ACCESSIBILITY.
 - d) POSTED AT SITE ENTRANCE TO OFF-STREET PARKING FACILITIES OR ADJACENT TO AND VISIBLE FROM EACH STALL A 17" X 22" MINIMUM SIGN WITH "I" LETTERING STATING:

"UNAUTHORIZED VEHICLES PARKED IN DESIGNATED ACCESSIBLE SPACES NOT DISPLAYING DISTINGUISHING PLACARDS OR LICENSE PLATES ISSUED FOR PERSONS WITH DISABILITIES WILL BE TOWED AWAY AT OWNERS EXPENSE. TOWED VEHICLES MAY BE RECLAIMED AT _____ OR BY TELEPHONE # _____ . CBC SECTION 11B-022.2.2
 3. PAINT 12" HIGH "NO PARKING" ON THE GROUND WITHIN EACH 5' X 8' WIDE LOADING AISLES OF THE DISABLED PARKING SPACES PER CBC FIG 11B-022.3.3. RESPONSE:

Sheet
EGRESS PLAN

Date	Issued for
07/10/16	Billon proposal planning submittal

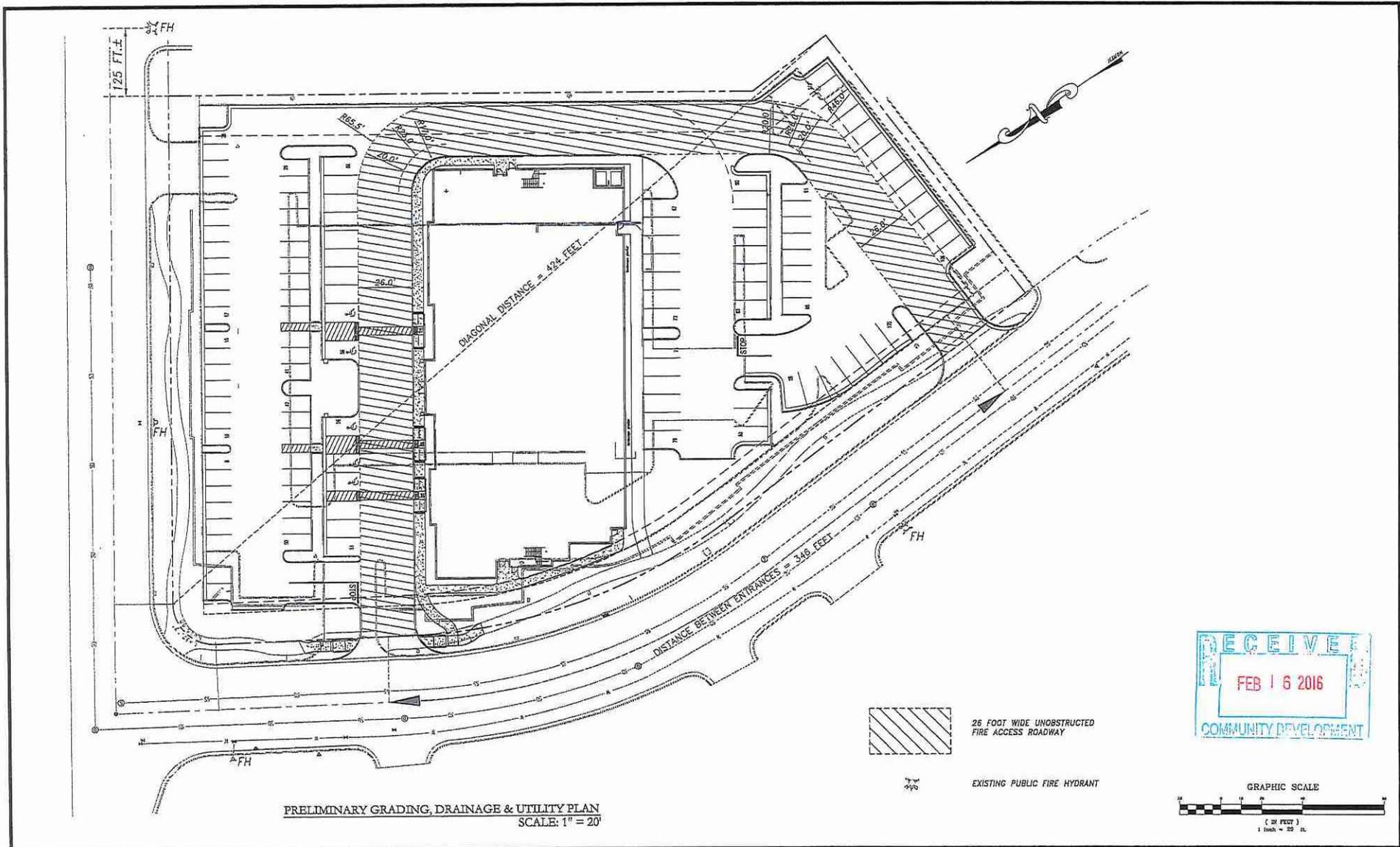
Drawn by JS

Checked by ASI

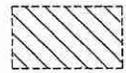
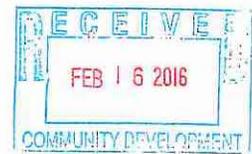
Scaled by AS NOTED

Project no. 12160102
Sheet no. **A1.2**

EXHIBIT Ap3



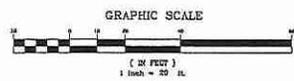
PRELIMINARY GRADING, DRAINAGE & UTILITY PLAN
SCALE: 1" = 20'



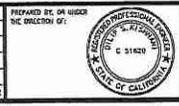
26 FOOT WIDE UNOBSTRUCTED
FIRE ACCESS ROADWAY



EXISTING PUBLIC FIRE HYDRANT



DATE: DEC 14, 2015	NO.	BY	DATE	REVISIONS	CITY APPRO
SCALE: AS NOTED					
DRAWN: DSK					
DESIGNED: DSK					
ENGINEER: DSK					
MANAGER: DSK					



PREPARED BY:
STERLING CONSULTANTS
ENGINEERING • SURVEYING • CONSTRUCTION SUPPORT
1190 ROLLING CANYON RD, SUITE B-100
SAN RAMON, CA 94583
1stSterlingConsultants@gmail.com
PHONE: 925.705.3333
FAX: 925.366.4343

PREPARED FOR:
SHIVAM REAL ESTATE, LLC
23385 FOLEY STREET
HAYWARD, CA 94545
(510) 785-1815

APNs: 901-0195-018 & -019
CITY OF NEWARK

**NEW HOTEL BUILDING
FIRE DEPARTMENT EXHIBIT**

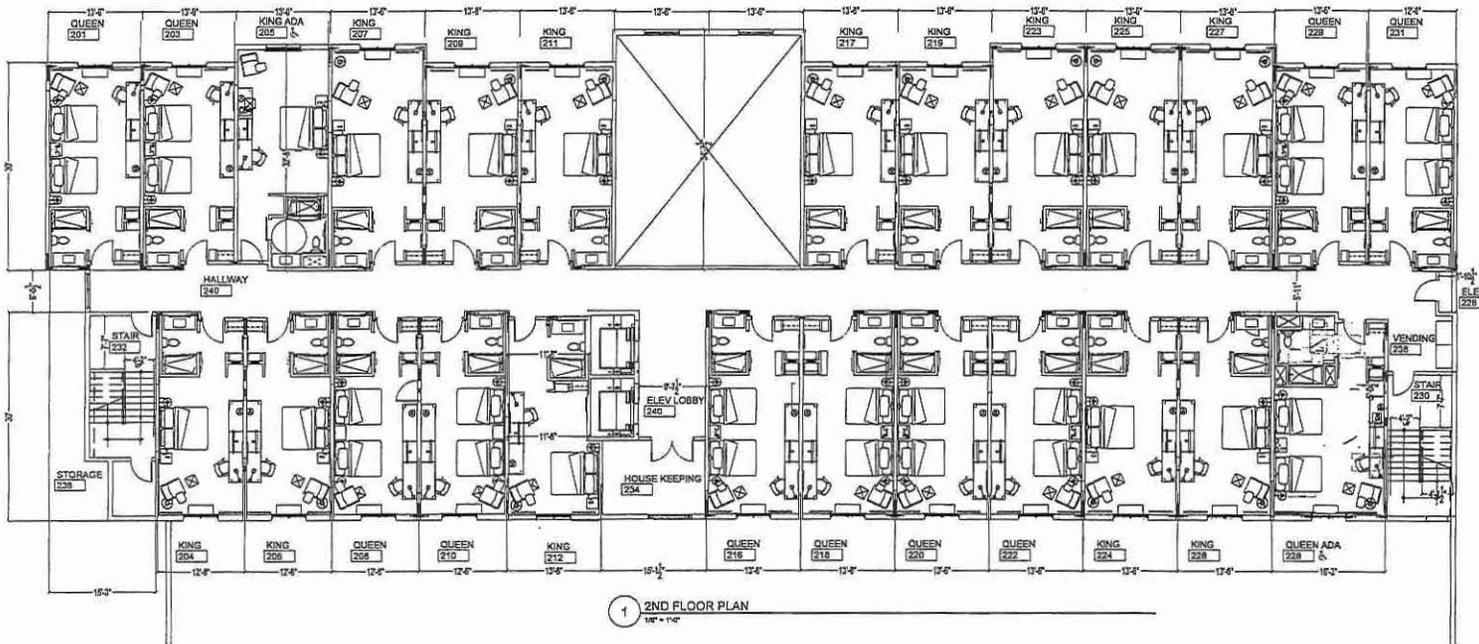
5600 JOHN MUIR DRIVE
ALAMEDA COUNTY
CALIFORNIA

SHEET NO. **FIRE**
2 OF 3 SHEETS
JOB NO. 2015-215

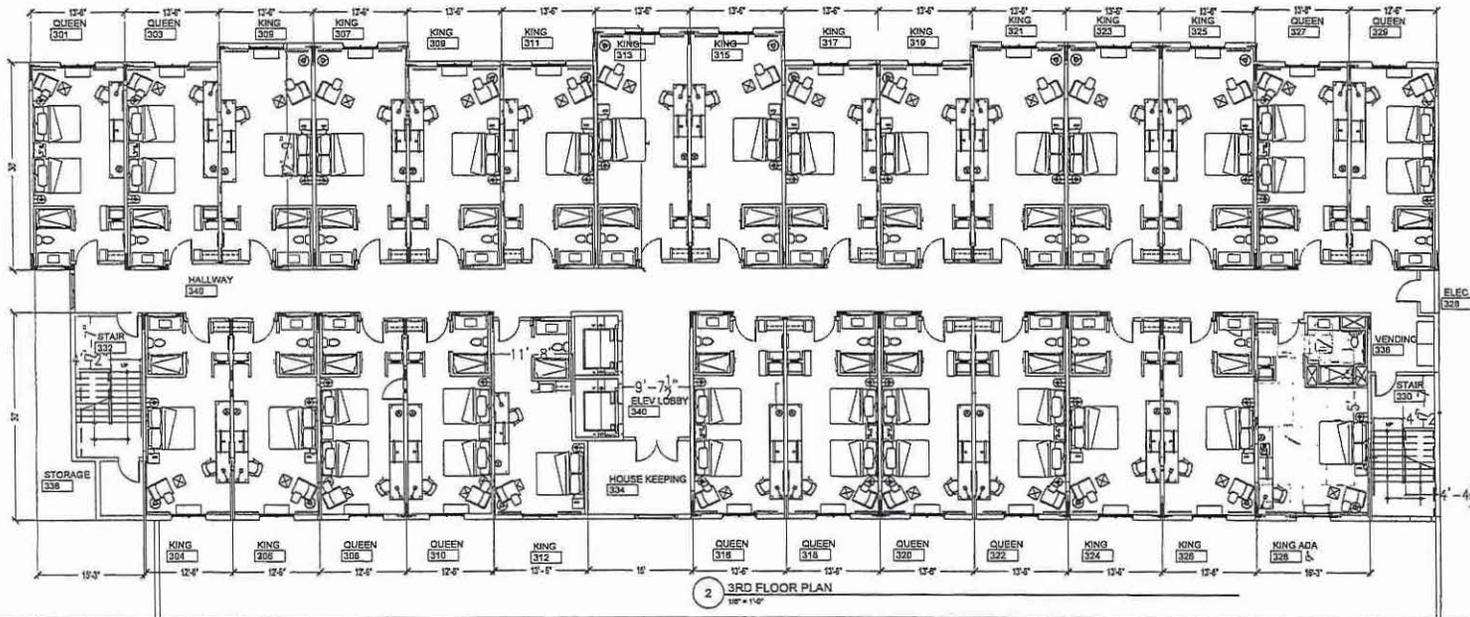
PRELIMINARY • NOT FOR CONSTRUCTION

PRINTED: DECEMBER 14, 2015

EXHIBIT Ap4



1 2ND FLOOR PLAN
1/8" = 1'-0"



2 3RD FLOOR PLAN
1/8" = 1'-0"

IYER & ASSOCIATES
Architecture • Interiors • Planning
IYER BUILDING
822 SARDINE STREET,
SUITE 200
SAN FRANCISCO, CA 94111
PHONE: 415 392-1112
FAX: 415 392-8104

IYER

2014 © IYER & ASSOCIATES



NEWARK HOTEL

5600 JOHN MUIR BLVD.,
NEWARK, CA 94560.

Sheet
2 & 3 FLOOR PLANS

Date	Issued for:
01/27/15	hilton approval
02/19/15	planning submital

Drawn by JS

Checked by ASI

Scale: AS NOTED

Project no. 12160102
Sheet no. **A2.2**

EXHIBIT

Ap7

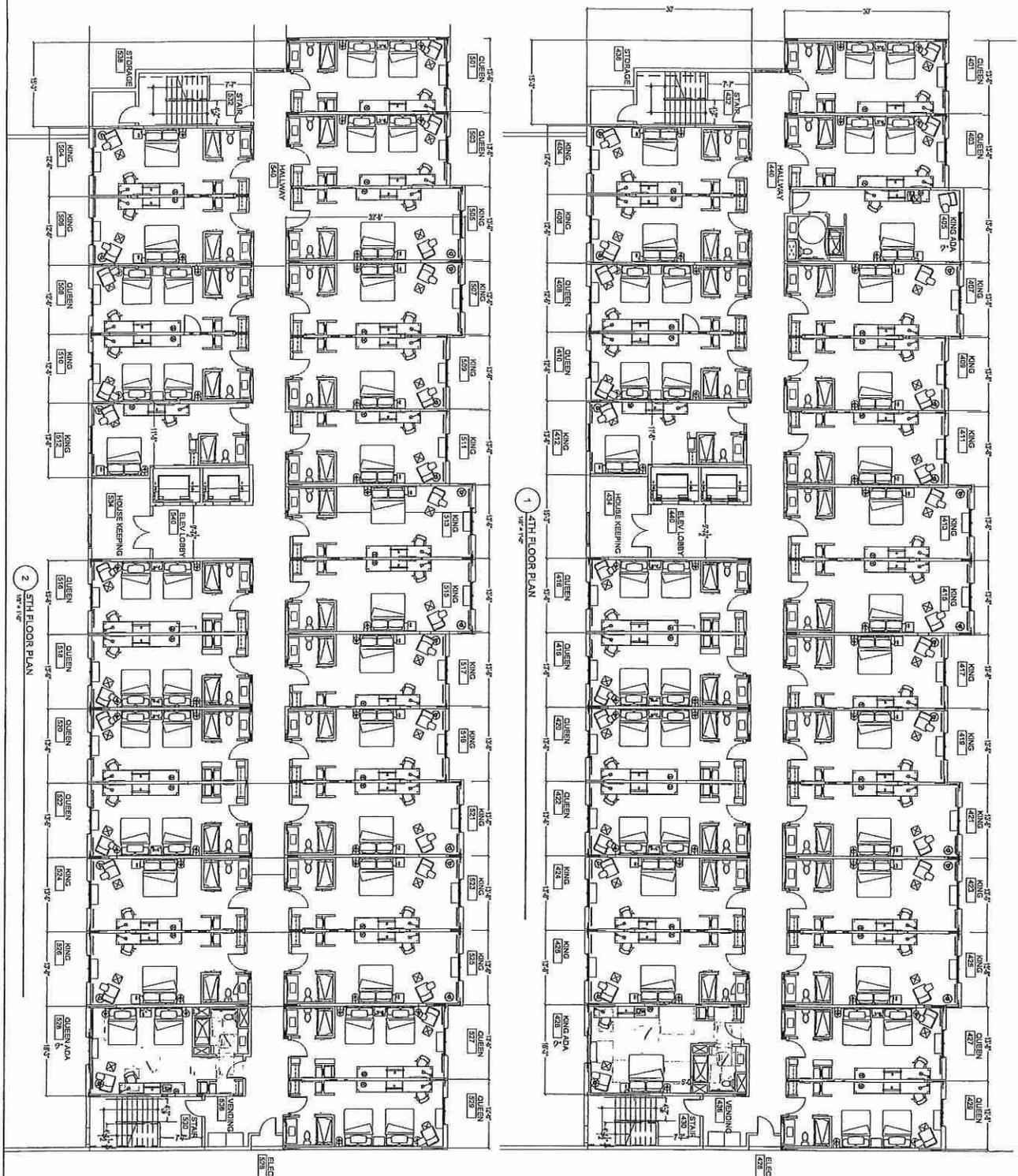
2012 © 1127 & ASSOCIATES



IYER

NEWARK HOTEL

5600 JOHN MUIR BLVD,
 NEWARK, CA 94560.



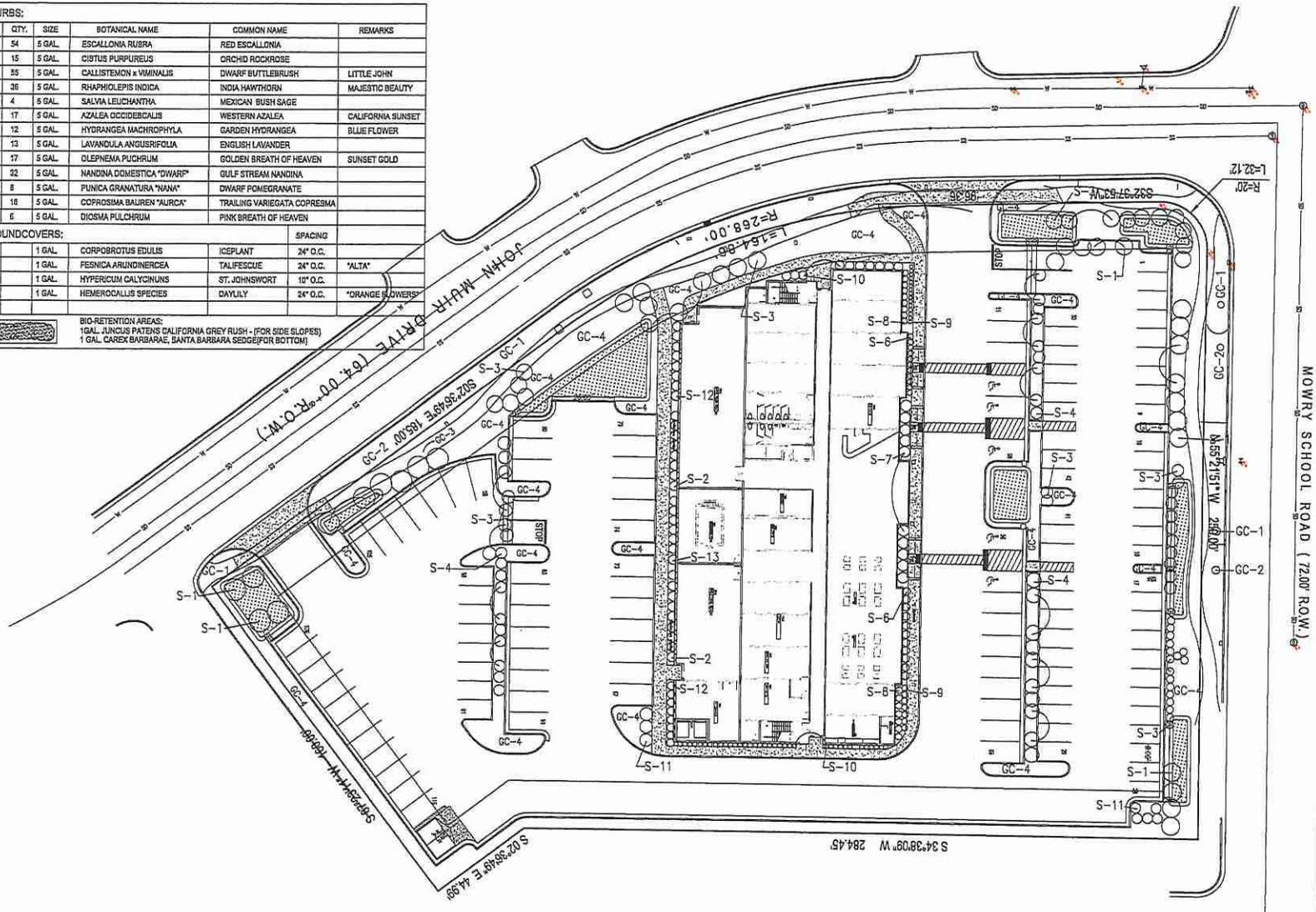
Sheet	4 & 5 FLOOR PLANS
Date	BRAND TOP
Drawn by	1127 & ASSOCIATES
Checked by	ASST
Scale	AS NOTED
Project No.	12160102
Sheet No.	A2.3

EXHIBIT
 App8

SHURBS:					
KEY	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	REMARKS
S-1	54	5 GAL.	ESCALLONIA RUBRA	RED ESCALLONIA	
S-2	15	5 GAL.	CISTUS PURPUREUS	ORCHID ROCKROSE	
S-3	35	5 GAL.	CALLISTEMON x VMINALIS	DWARF BUTTERBUSH	LITTLE JOHN
S-4	36	5 GAL.	RHAPHIOLEPIS INDICA	INDIA HAWTHORN	MAJESTIC BEAUTY
S-5	4	5 GAL.	SALVIA LEUCANTHA	MEXICAN BUSH SAGE	
S-6	17	5 GAL.	AZALEA OCCIDENTALIS	WESTERN AZALEA	CALIFORNIA SUNSET
S-7	12	5 GAL.	HYDRANGEA MACHROPHYLLA	GARDEN HYDRANGEA	BLUE FLOWER
S-8	13	5 GAL.	LAVANDULA ANGUSTIFOLIA	ENGLISH LAVENDER	
S-9	17	5 GAL.	OLEPNEA PUCHRUM	GOLDEN BREATH OF HEAVEN	SUNSET GOLD
S-10	32	5 GAL.	NANDINA DOMESTICA "DWARF"	GULF STREAM NANDINA	
S-11	8	5 GAL.	PUNICA GRANATURA "NANA"	DWARF POMEGRANATE	
S-12	18	5 GAL.	COPROSMA BAUREX "AURCA"	TRAILING VARIEGATA COPRESMA	
S-13	6	5 GAL.	DIOSMA PULCHRUM	PINK BREATH OF HEAVEN	

GROUNDCOVERS:					
GC-1	1 GAL.	CORPOBROTUS EDULIS	ICEPLANT	24" O.C.	
GC-2	1 GAL.	FESNICA ARLUNINERICEA	TALIFESCUE	24" O.C.	"ALTA"
GC-3	1 GAL.	HYPERICUM CALYCHINUM	ST. JOHNSWORT	10" O.C.	
GC-4	1 GAL.	HEMEROCALLIS SPECIES	DAYLILY	24" O.C.	"ORANGE BLOWERS"

BIO-RETENTION AREAS:	
1 GAL.	JUNCUS PATENS CALIFORNIA GREY RUSH - (FOR SIDE SLOPES)
1 GAL.	CAREX BARBARAE, SANTA BARBARA SEDGE(FOR BOTTOM)



SHURB AND GROUND COVER PLAN
SCALE 1"=20'-0"

DESIGNER



Micro Resorts
By ELDER JEREZ ASSOCIATES INC.
LEISURE ARCHITECTURE
DESIGN BUILD

1635 SYLVIA STREET,
HAYWARD, CA 94545
Phone: (510) 304-0293
www.microresorts.com
elderjerez@microresorts.com

SEAL

PROJECT TITLE

NEW HOTEL

5600 JOHN MUIR DRIVE,
NEWARK, CA 94560

SHEET CONTENT

SHURB AND GROUND COVER PLAN

DATE	ISSUED FOR	BY
03-29-18	PERMIT	EJ

DRAWN BY: MRA
CHECKED BY: ELDER JEREZ
SCALE: AS NOTED
PROJECT NO.: 16-
SHEET NO.: L-3

EXHIBIT Ap11

MICRO
RESORTS
BY: ELDER JEREZ ASSOCIATES

HYDROZONES AND PRELIMINARY CALCULATIONS
RELATED TO THE MAXIMUM APPLIED WATER
ALLOWANCE (WAMA)

(CONCEPTUAL LANDSCAPE PLAN)

DATE: DECEMBER 04, 2015
APPLICANT: MR. NIMISHI PATEL
ADDRESS: 5600 JOHN MUIR DRIVE
LANDSCAPE AREA: 9394 SQ. FT.
PROJECT TYPE: HOTEL
WATER SUPPLY: AGRICULTURE

HYDROZONE NUMBER	PLANT WATER USE TYPE(S)	PLANT FACTOR (PF)	HYDRONZONE AREA SQ. FT.	PF X HA SQ. FT.
1	LOW	0.2	1480	336
2	LOW	0.2	849	168
3	LOW	0.1	318	168
4	LOW	0.2	1024	215
5	MEDIUM	0.5	1300	650
6	MEDIUM	0.5	640	320
7	MEDIUM	0.5	1000	500
8	MEDIUM	0.5	600	300
9	MEDIUM	0.2	1630	810
10	MEDIUM	0.5	600	300
11	IRRI	0.8	250	200
12	MEDIUM	0.5	600	300
13	MEDIUM	0.5	900	450
14	MEDIUM	0.5	315	158
15	LOW	0.2	225	45
16	LOW	0.2	700	140
17	MEDIUM	0.5	480	240
18	MEDIUM	0.5	375	188
19	LOW	0.2	1835	367
			0.99*	1,297

ETWA:

ETWA = (ET) (0.62) [(PF) HA + SLA]
IE

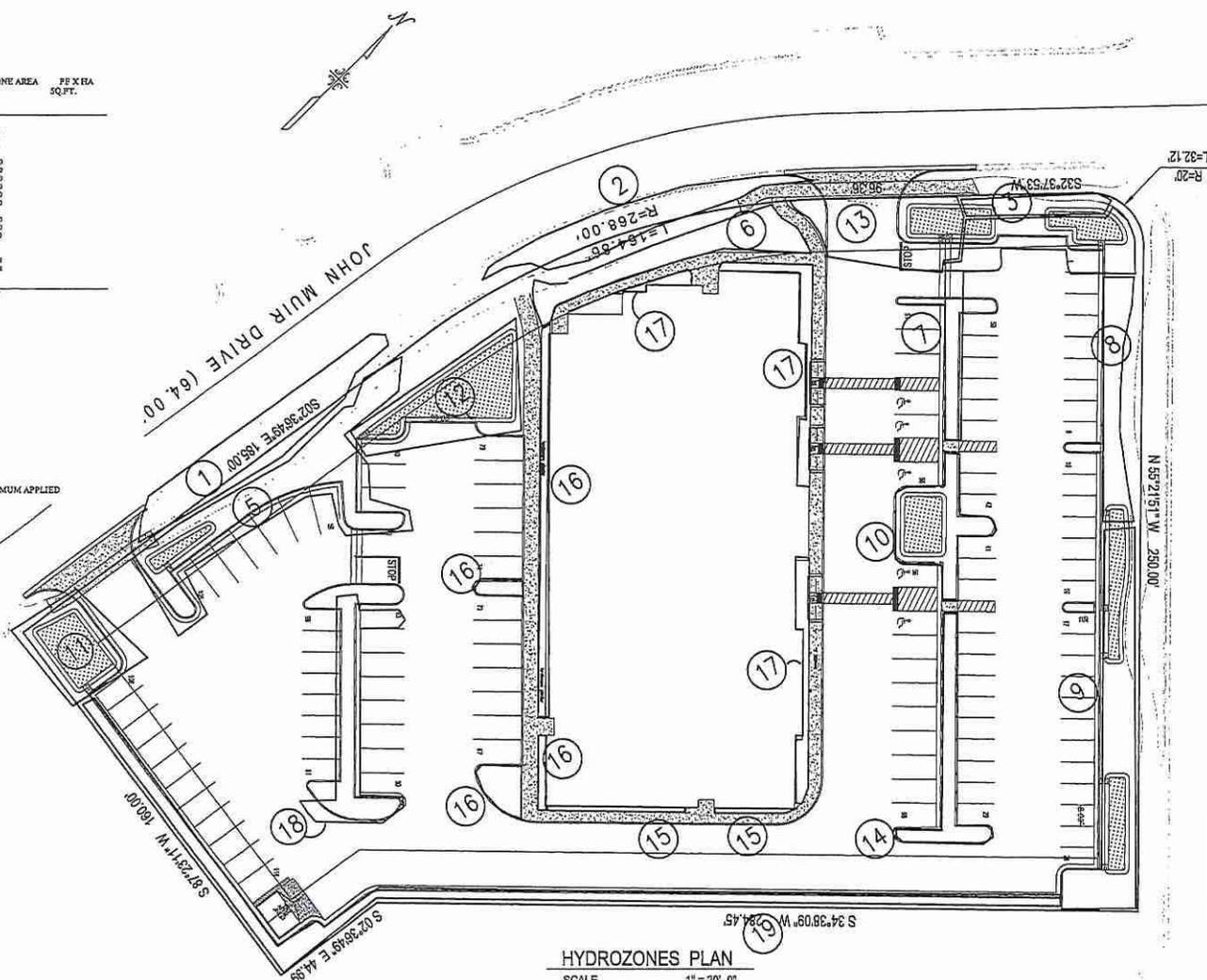
ETWA = (40)(0.62) [(2,297 + 1800)

(28.52) (3,235 + 1800)
ETWA = 143,238 gallons per year.

COMPARING ETWA WITH MAWA:

MAWA = (ET) (0.62) [(0.7) HA] + (0.3) SLA
MAWA = (40) (0.62) [(0.7 x 9,064) + (0.3 x 1800)]
MAWA = (28.52) (6,775) + 540
MAWA = 199,467 Gallons per year.

THIS PROJECT WATER BUDGET COMPLIES WITH THE MAXIMUM APPLIED WATER ALLOWANCE PER YEAR.



HYDROZONES PLAN
SCALE 1" = 20'-0"

**Micro
Resorts**
By: ELDER JEREZ ASSOCIATES INC.
LEISURE ARCHITECTURE
DESIGN BUILD

1635 SYLVIA STREET,
HAYWARD, CA 94545
Phone: (510) 304-0293
www.microresorts.com
elderjerez@microresorts.com

SEAL

PROJECT TITLE

NEW HOTEL

5600 JOHN MUIR DRIVE,
NEWARK, CA 94560

SHEET CONTENT

HYDROZONES PLAN

DATE	ISSUED FOR	BY
02-09-16	PERMIT	EL

DRAWN BY: MRA	MRA
CHECKED BY: ELDER JEREZ	
SCALE: AS NOTED	
PROJECT NO.	SHEET NO.
16-	L-4

EXHIBIT A p12

RESOLUTION NO. 1933

RESOLUTION REVOKING A PLANNED UNIT DEVELOPMENT (P-12-22) AND A CONDITONAL USE PERMIT (U-12-21) FOR AN EMERGENCY VETERINARY FACILITY AT 5600 JOHN MUIR DRIVE

WHEREAS, on December 13, 2012, the City Council of the City of Newark approved a planned unit development and conditional use permit to allow an emergency veterinary facility at 5600 John Muir Drive;

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 conditional 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 of the use permit application; and

WHEREAS, Shivam Real Estate, LLC has filed with the Planning Commission of the City of Newark application to revoke the planned unit development (P-12-22) and conditional use permit (U-12-21) for an emergency veterinary facility to be located at 5600 John Muir Drive; and

NOW, THEREFORE, the Planning Commission, after due consideration, revokes the planned unit development (P-12-22) and conditional use permit (U-12-21) for an emergency veterinary facility to locate at 5600 John Muir Drive, 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 April 12, 2016 meeting by Commissioner Bridges, seconded by Vice-Chairperson Nillo, and passed as follows:

AYES: Aguilar, Bridges, Nillo and Otterstetter.

NOES: None.

ABSENT: Fitts.

s/Terrence Grindall
TERRENCE GRINDALL, Secretary

s/Jeff Aguilar
JEFF AGUILAR, Chairperson

RESOLUTION NO. 1934

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWARK MAKING CERTAIN FINDINGS AND ADOPTING AN ADDENDUM TO AN ENVIRONMENTAL IMPACT REPORT FOR A HOTEL AT 5600 MOWRY SCHOOL ROAD (APN: 901-195-18 & 19)

WHEREAS, the Hotel project (“Project”), which is located within the Greater NewPark Mall area, consists of the construction of one, five-story hotel consisting of 110 guest rooms; and

WHEREAS, the entitlements requested include an Architectural and Site Plan Review (ASR-16-9); and

WHEREAS, pursuant to the requirements of the California Environmental Quality Act (CEQA), an initial study and an Addendum to the 2013 General Plan Environmental Impact Report has been prepared for the Project, pursuant to Section 15070 *et seq.* of the CEQA Guidelines, to analyze and mitigate the Project’s potentially significant environmental impacts; and

WHEREAS, through this study, it has been determined that the Project does not result in any new significant impacts and the conclusions in the 2013 Environmental Impact Report remain unchanged; and

WHEREAS, the IS/Addendum was made available to the general public beginning on March 28, 2016; and

WHEREAS, on April 12, 2016 the Planning Commission of the City of Newark conducted a duly noticed meeting to consider the Initial Study and Addendum of environmental impacts for the proposed Project, considered all public testimony, written and oral, presented at the meeting; and received and considered the written information and recommendation of the staff report for the April 12, 2016 meeting related to the proposed Project.

NOW, THEREFORE, the Planning Commission finds and resolves the following:

1. The Initial Study and corresponding Addendum of environmental impacts were released for public review and said mitigation measures contained within the same would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur; and
2. There is no substantial evidence in light of the whole record before the City of Newark that the project may have a significant effect on the environment; and
3. The Planning Commission has read and considered the Initial Study and the Addendum and the comments thereon, and has determined the Initial Study and the Addendum reflect the independent judgment of the City and were prepared in accordance with CEQA; and

4. The Initial Study and the Addendum (including any revisions developed under 14 C.C.R § 15070(b)), all documents referenced in the same, and the record of proceedings on which the Planning Commission and City Council's decision is based are located at City Hall for the City of Newark, located at 37101 Newark Blvd, California, and is available for public review.

NOW, THEREFORE, the Planning Commission:

a. Based on the evidence and oral and written testimony presented at the public meeting, and based on all the information contained in the Community Development Department's files on the project, including, but not limited to, the Initial Study/Addendum, the Planning Commission staff reports, certifies in accordance with CEQA guidelines that:

1. The Initial Study/Addendum was prepared in compliance with CEQA and CEQA guidelines;
2. The Planning Commission has reviewed and considered the information contained in the Initial Study/Addendum prior to approving the project;
3. The Initial Study/Addendum adequately describe the project, its environmental impacts, reasonable alternatives and appropriate mitigation measures;
4. The Initial Study/Addendum reflect the independent judgment and analysis of the City Council.

This Resolution was introduced at the Planning Commission's April 12, 2016 meeting by Vice-Chairperson Nillo, seconded by Commissioner Otterstetter, and passed as follows:

AYES: Aguilar, Bridges, Nillo and Otterstetter.

NOES: None.

ABSENT: Fitts.

s/Terrence Grindall
TERRENCE GRINDALL, Secretary

s/Jeff Aguilar
JEFF AGUILAR, Chairperson

RESOLUTION NO. 1935

RESOLUTION APPROVING AN ARCHITECTURAL AND
SITE PLAN REVIEW (ASR-16-9) FOR A HOTEL AT 5600
JOHN MUIR DRIVE

WHEREAS, Shivam Real Estate, LLC, has filed, with the Planning Commission of the City of Newark, an application for an Architectural and Site Plan Review (ASR-16-9) for a hotel at 5600 John Muir Drive.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby approves this application as shown on Exhibit A, pages 1 through 12, subject to compliance with the following conditions:

Planning Division

- a. There shall be no outdoor vending machines other than for the sale of newspapers. There shall be no outdoor storage except Christmas trees, of any materials for sale, display, inventory or advertisement without the review and approval of the Planning Commission and City Council.
- b. The drive aisles shall not be used by delivery trucks between the hours of 11:00 p.m. and 7:00 a.m. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 11:00 p.m. and 7:00 a.m. No delivery truck or van shall be left overnight on any portion of the site.
- c. Prior to issuance of a sign permit, all signs, other than those referring to construction, sale or future use of this site, shall be submitted to the Community Development Director for review and approval.
- d. All lighting shall be directed on-site so as not to create glare off-site, as required by the Community Development Director.
- e. Construction site trailers and buildings located on-site shall be used for office and storage purposes only, and shall not be used for living or sleeping quarters. Any vehicle or portable building brought on the site during construction shall remain graffiti free.
- f. All exterior utility pipes and meters shall be painted to match and/or complement the color of the adjoining building surface, as approved by the Community Development Director.
- g. Prior to the issuance of a building permit, the elevations as submitted by the developer as part of this application shall be reviewed and approved by the Planning Commission and City Council. The building elevations shall reflect all architectural projections such as

roof eaves, bay windows, greenhouse windows, chimneys and porches. A site plan showing the building locations with respect to property lines shall also show the projections. Said elevations shall specify exterior materials. Final color elevations shall be submitted for the review and approval of the Community Development Director.

- h. Prior to the issuance of a building permit, the floor plans as submitted by the developer as part of this application shall be reviewed and approved by the Planning Commission and City Council.
- i. Prior to the issuance of a building permit, roof material as submitted by the developer as part of this application shall be reviewed and approved by the Planning Commission and City Council. All roof material shall consist of fire retardant shake roof, concrete tile, or a roof of similar noncombustible material. Mansard roofs with the above material may be used to screen tar and gravel roofs. All roofs shall be of Class C fire resistant construction or better. Composition shingles shall be Presidential-style or of comparable quality, subject to the review and approval of the Community Development Director.
- j. Prior to the issuance of a building permit, the location and screening design for garbage, refuse and recycling collection areas for the project shall be submitted for the review and approval of Republic Services and the Community Development Director, in that order. The approved garbage, refuse and recycling areas shall be provided prior to the issuance of a Certificate of Occupancy, as required by the Community Development Director. No refuse, garbage or recycling shall be stored outdoors except within the approved trash and recycling enclosures.
- k. Measures to respond to and track complaints pertaining to construction noise shall include: (1) a procedure and phone numbers for notifying the City of Newark Building Inspection Division and Newark Police Department (during regular construction hours and off-hours); and (2) a sign posted on-site pertaining to the permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours).
- l. The developer shall pay all impacts fees in effect at the time of issuance of a Building Permit. All fees, with the exception of the Community Development Maintenance Fee, are based on the site's net square footage increase.

Engineering Division

- m. The project must be designed to minimize the pollution or contamination of stormwater runoff from the site. Examples of control measures include, but are not limited to: no uncovered trash enclosures or storage of products and materials; minimization of impervious surfaces; separation of all car wash activities from the storm drain system; routing of pavement and roof runoff through vegetated swales or landscaped areas in-lieu of direct connections to the storm drain system; treatment controls for runoff from paved areas used for vehicle parking, repair and/or storage such as storm drain inlet filters, interceptors, separators or other acceptable treatment devices; installation of vegetated or

turfed areas around storm water inlets, and other Best Management Practices to address the requirements of the NPDES permit issued to the City of Newark by the Regional Water Quality Control Board. The use of storm water treatment controls for runoff quality requires the submittal of a maintenance agreement prior to the issuance of a Certificate of Occupancy.

- n. Prior to the issuance of a building permit for this project, the developer shall submit a Storm Water Quality Plan for the review and approval of the City Engineer. The plan shall include sufficient details to show how storm water quality will be protected during both: (1) the construction phase of the project and (2) the post-construction, operational phase of the project. The construction phase plan shall include Best Management Practices from the California Storm. Water Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be maintained by the contractor shall be printed on the plans. The operational phase plan shall include Best Management Practices appropriate to the uses conducted on the site to effectively prohibit the entry of pollutants into storm water runoff from this site including, but not limited to, trash and litter control, pavement sweeping, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with the wording "No Dumping - Drains to Bay," and other applicable practices.
- o. The project must be designed to include appropriate source control, site design, and storm water treatment measures to prevent storm water runoff pollutant discharges and increases in runoff flows from the site in accordance with Provision C.3 of the Municipal Regional Storm water NPDES Permit (MRP), Order R2-2015-0049, revised November 19, 2015, issued to the City of Newark by the Regional Water Quality Control Board, San Francisco Bay Region. Examples of source control and site design requirements include, but are not limited to: properly designed trash storage areas, sanitary sewer connections for all non-storm water discharges such as fountains, swimming pools, trash compactors, interior floor drains within parking garages, minimization of impervious surfaces, and treatment of all runoff with Low Impact Development (LID) treatment measures. A properly engineered and maintained biotreatment system will only be allowed if it is infeasible to implement other LID measures such as harvesting and re-use, infiltration, or evapotranspiration. The storm water treatment design shall be completed by a licensed civil engineer with sufficient experience in storm water quality analysis and design. The design is subject to review by the Regional Water Quality Control Board. The developer shall modify the site design to satisfy all elements of Provision C.3 of the MRP. The use of treatment controls for runoff requires the submittal of a Storm Water Treatment Measures Maintenance Agreement prior to the issuance of any Certificates of Occupancy.
- p. All storm water treatment measures are subject to review and approval by the Alameda County Mosquito Abatement District. The developer shall modify the grading and drainage and storm water treatment design as necessary to satisfy any imposed requirements from the District.
- q. The developer shall submit a grading and drainage plan for review and approval by the City Engineer and the Alameda County Flood Control and Water Conservation District.

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

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

- r. Where a grade differential of more than a 1-foot is created along the boundary parcel lines between the proposed development and adjacent property, the developer shall install a masonry retaining wall unless a slope easement is approved by the City Engineer. Said retaining wall shall be subject to review and approval of the City Engineer. A grading permit is required by the Building Inspection Division prior to starting site grading work.
- s. Prior to issuance of a building permit, the developer shall submit a pavement maintenance program for the drive aisles and parking areas on the project site. The maintenance program shall be signed by the property owner and the property owner shall follow the maintenance program at the City Engineer's direction.
- t. Prior to the issuance of a building permit, the developer shall obtain an Encroachment Permit for all off-site improvements within the frontage street rights-of-way and adjoining easement areas. Improvements shall include but are not necessarily limited to utility tie-ins, driveway and sidewalk modifications, placement of curb and gutter where driveway removal is proposed, landscaping, pavement restoration, and other improvements.
- u. The developer shall upgrade the existing wheel chair accessible ramps along the frontage of the site in accordance with Curb Ramp Detail No. A88A from the Caltrans Standard Plans, dated July 2015.
- v. Any new utilities including, but not limited to, electric, telephone and cable television services shall be provided underground.
- w. Any proposed utility connections and/or underground work within structurally sound street pavement must be bored or jacked. Open street cuts will not be permitted across John Muir Drive and Mowry School Road.
- x. The developer shall repair and/or replace any public and private improvements damaged as a result of construction activity to the satisfaction of the City Engineer and adjoining property owners.

- y. The developer shall ensure that a water vehicle for dust control operations is kept readily available at all times during construction at the City Engineer's direction.

Landscape-Parks Division

- z. The developer shall retain a licensed landscape architect to prepare working drawings for both off-site and on-site landscape plans in accordance with City of Newark requirements, the approved Conceptual Landscape Plan, and the latest version of the State of California Model Water Efficient Landscape Ordinance. The landscape plans shall be included with the full tract improvement plan set. The associated Landscape Documentation Package must be approved by the City Engineer prior to the issuance of a building permit.
- aa. The developer shall implement Bay Friendly Landscaping Practices in accordance with Newark Municipal Code, Chapter 15.44.080. Prior to the issuance of a building permit, the developer shall provide sufficient information to detail the environmentally-conscious landscape practices to be used on the project. Not less than 3 inches of bark mulch shall be provided in all non-turf landscape areas.
- bb. The plant species identified for any proposed biotreatment measures are subject to final approval of the City Engineer.
- cc. The developer shall enter into a Landscape Maintenance Agreement prior to the issuance of a building permit to ensure adequate maintenance of all proposed landscape areas. Landscape maintenance of these areas by the City under the terms of the Agreement would occur only in the event that City Council deems the property owner's maintenance to be inadequate. Any project perimeter walls and adjoining landscape areas shall be included in a dedicated landscape easement to guarantee adequate maintenance of the walls. Any work other than routine maintenance, including but not necessarily limited to, tree removal, tree pruning, or changes to the approved planting palette shall be approved in advance by the City Engineer. All tree pruning shall be performed by or under the direction of a certified arborist.
- dd. The developer's landscaping shall include minimum 30-inch high mounding or combination of mounding and low masonry screen walls to screen parking and provide an interesting greenbelt along the frontages of John Muir Drive and Mowry School Road. The screening shall be located outside of the City right-of-way and screen wall design, materials, and color finish shall be approved by the Community Development Director.
- ee. Prior to installation by the developer, plant species, location, container size, quality, and quantity of all landscaping plants and materials shall be reviewed and approved by the City Engineer. Street trees shall be planted along the project frontage at a minimum 40-foot on-center and tree replacement shall be at not less than a 1:1 ratio. All plant replacements shall be to an equal or better standard than originally approved subject to approval by the City Engineer.

- ff. Prior to the release of utilities or issuance of any Certificate of Occupancy, all landscaping and irrigation systems shall be completed or guaranteed by a cash deposit deposited with the City in an amount to cover the remainder of the work.
- gg. Prior to issuance of Certificate of Occupancy or release of utilities, the developer shall guarantee all trees for a period of 6 months and all other plantings and landscape for 60 days after completion thereof. The developer shall insure that the landscape shall be installed properly and maintained to follow standard horticultural practices. All plant replacements shall be to an equal or better standard than originally approved subject to approval of the City Engineer.

Fire Department

- hh. This project is subject to the 2013 California Fire Code.
- ii. The Porte Cochere shall have an unobstructed vertical height of at least 13 feet 6 inches.

Building Division

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

General

- kk. During project construction, if historic, archeological or Native American materials or artifacts are identified, work within a 50-foot radius of such find shall cease and the City shall retain the services of a qualified archeologist and/or paleontologist to assess the significance of the find. If such find is determined to be significant by the archeologist and/or paleontologist, a resource protection plan conforming to CEQA Section 15064.5 shall be prepared by the archeologist and/or paleontologist and approved by the Community Development Director. The plan may include, but would not be limited to, removal of resources or similar actions. Project work may be resumed in compliance with such plan. If human remains are encountered, the County Coroner shall be contacted immediately and the provisions of State law carried out.
- ll. 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.

- mm. If any condition of this Architectural and Site Plan Review be declared invalid or unenforceable by a court of competent jurisdiction, this Architectural and Site Plan Review shall terminate and be of no force and effect, at the election of the City Council on motion.
- nn. This Architectural and Site Plan Review shall be presented before the City Council for the Council's review and approval.
- oo. 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.
- pp. 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 April 12, 2016 meeting by Vice-Chairperson Nillo, seconded by Commissioner Otterstetter, and passed as follows:

AYES: Aguilar, Bridges, Nillo and Otterstetter.

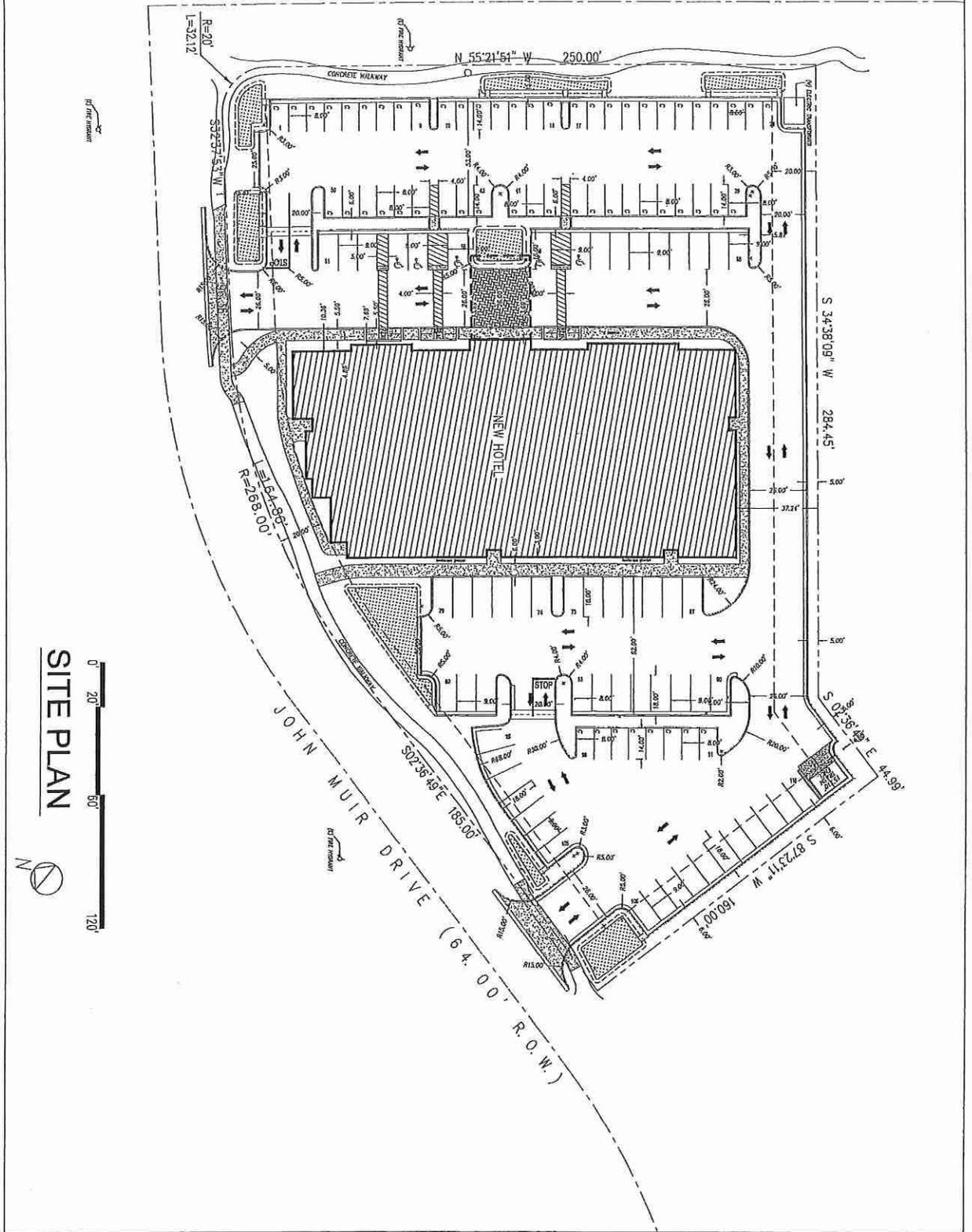
NOES: None.

ABSENT: Fitts.

s/Terrence Grindall
TERRENCE GRINDALL, Secretary

s/Jeff Aguilar
JEFF AGUILAR, Chairperson

MOWRY SCHOOL ROAD (72.00' R.O.W.)



SITE PLAN



EXHIBIT
A p 2

Sheet SITE PLAN	
Date	Issued for
Drawn by	Checked by
AS NOTED	AS NOTED
Project no. 12150102	Sheet no. A1.1

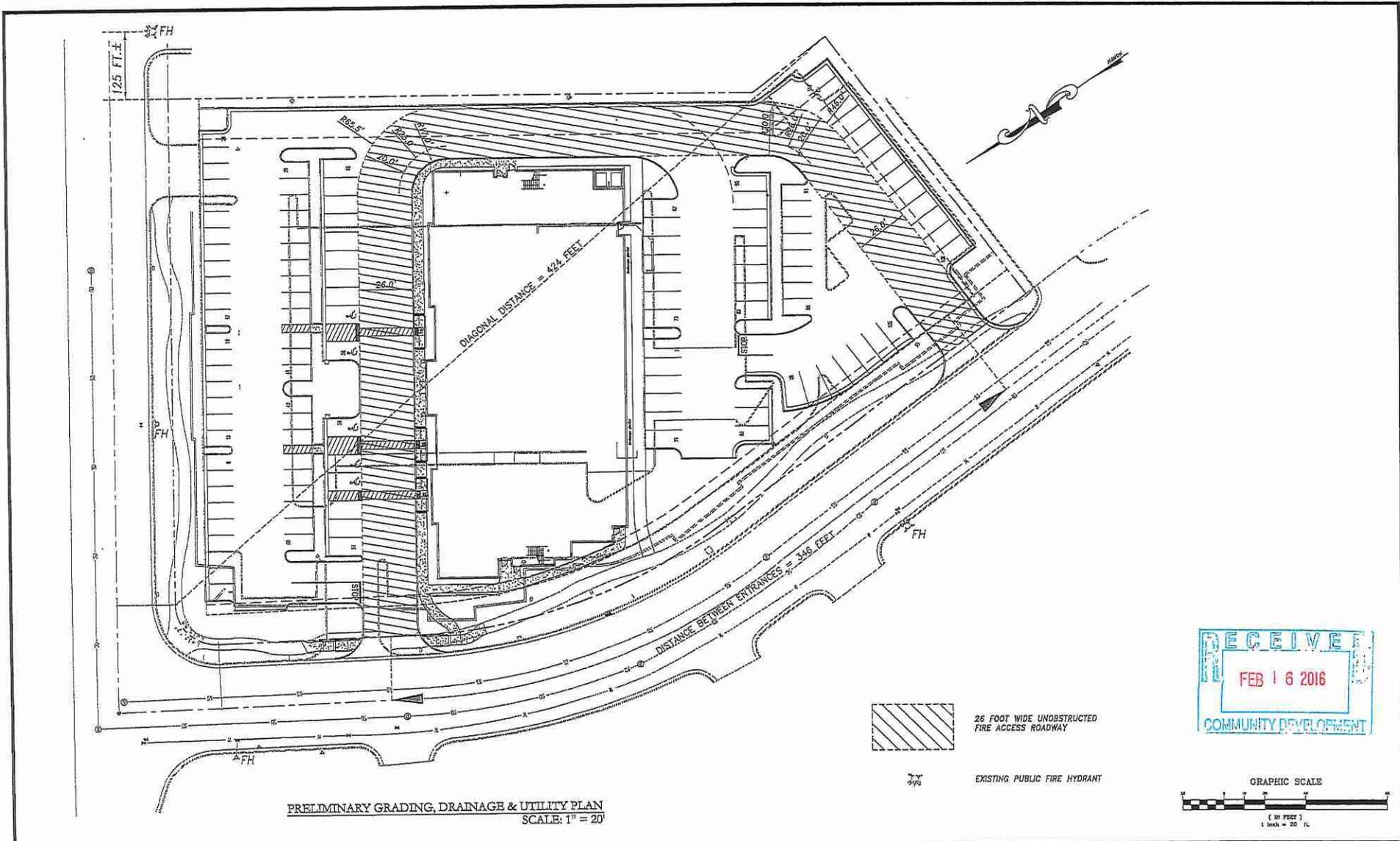
NEWARK HOTEL

5600 JOHN MUIR BLVD,
NEWARK, CA 94560.



IYER & ASSOCIATES
 ARCHITECTS • ENGINEERS • PLANNERS
 5600 JOHN MUIR BLVD., SUITE 200
 NEWARK, CA 94560
 TEL: 415.252.2000
 FAX: 415.252.2001

IYER



PRELIMINARY GRADING, DRAINAGE & UTILITY PLAN
SCALE: 1" = 20'

DATE: DEC 14, 2015	NO.	BY	DATE	REVISIONS	CITY APPR.
SCALE: AS NOTED					
DRAWN: DSK					
DESIGNED: DSK					
ENGINEER: DSK					
MANAGER: DSK					

PREPARED BY: DR. MICHAEL
THE DIRECTOR OF:



PREPARED BY:
STERLING CONSULTANTS
ENGINEERING • SURVEYING • CONSTRUCTION SUPPORT
11940 BOLLINGER CANYON RD., SUITE 810R
SAN RAMON, CA 94582
PHONE: 925.385.2633
FAX: 925.385.4043

PREPARED FOR:
SHIVAM REAL ESTATE, LLC
23385 FOLEY STREET
HAYWARD, CA 94545
(510) 785-1915

APNs: 901-0195-018 & -019

NEW HOTEL BUILDING
FIRE DEPARTMENT EXHIBIT

CITY OF NEWARK ALAMEDA COUNTY CALIFORNIA

5600 JOHN MUIR DRIVE

SHEET NO. **FIRE**

2 of 3 SHEETS

JOB NO. 2015-216

PRELIMINARY • NOT FOR CONSTRUCTION

EXHIBIT *Aph*

PRINTED: DECEMBER 14, 2015



NEWARK HOTEL

5600 JOHN MUJR BLVD,
NEWARK, CA 94560.

Sheet
FIRST FLOOR PLAN

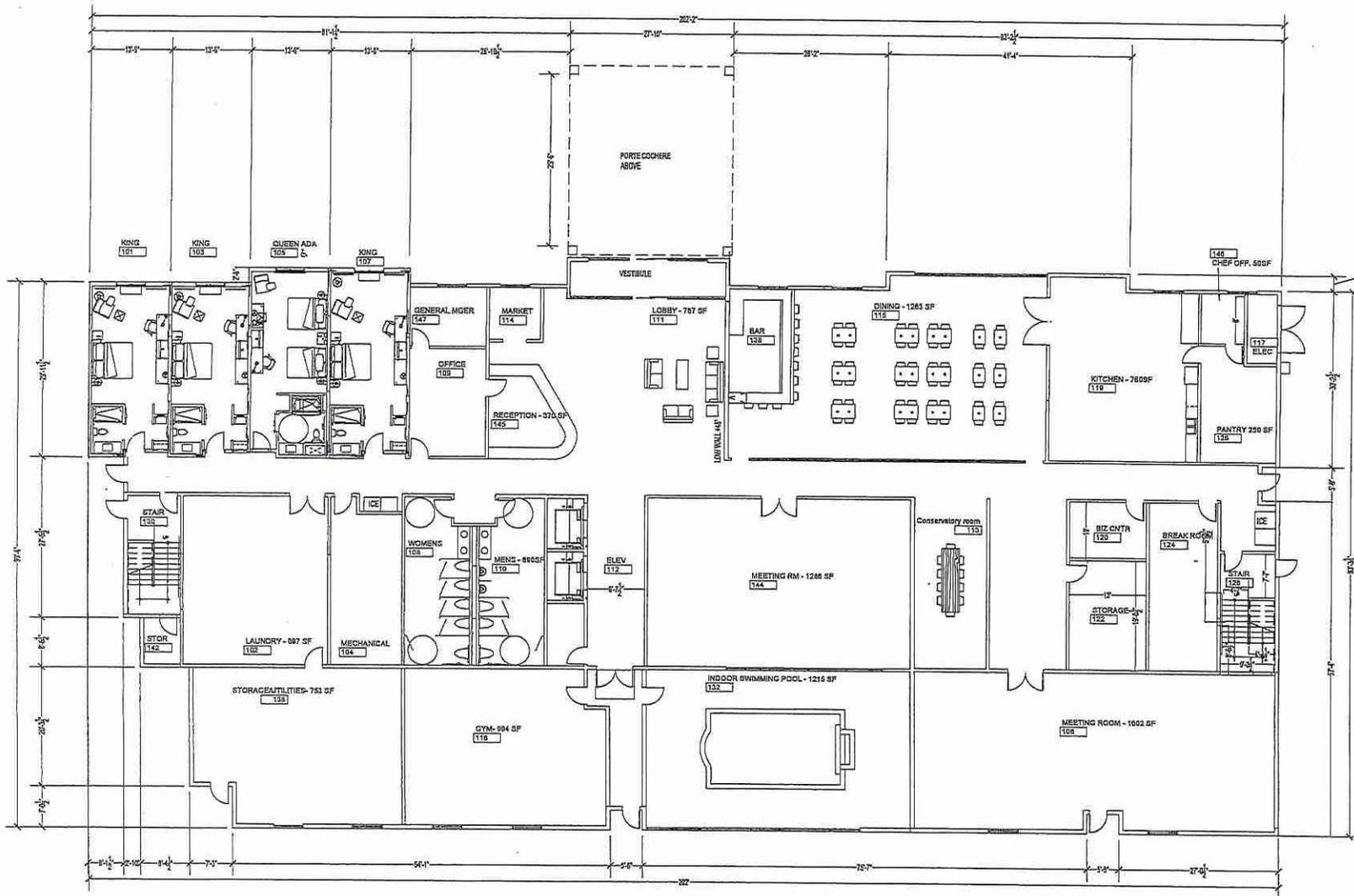
Date	Issued for:
07/28/16	Client approval
07/07/16	Planning Submittal

Drawn by JS

Checked by ASI

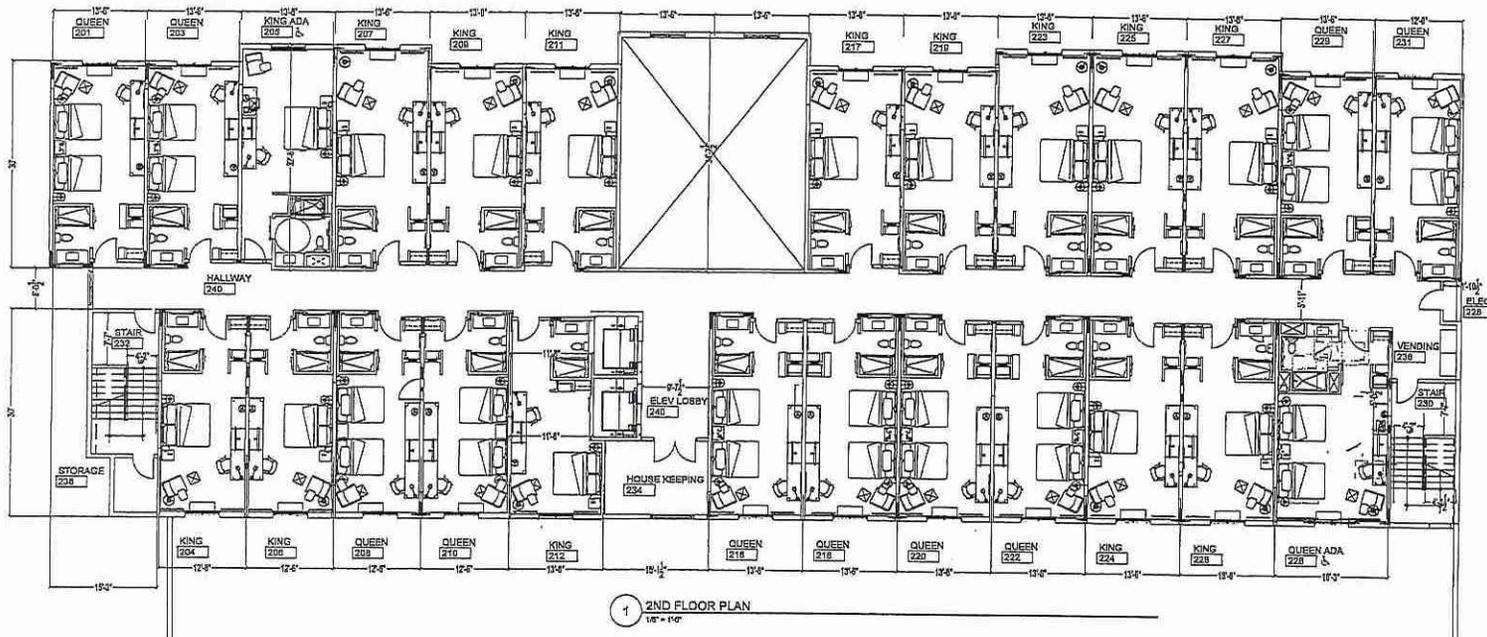
Scale: AS NOTED

Project no. 121.60102 Sheet no. **A2.1**

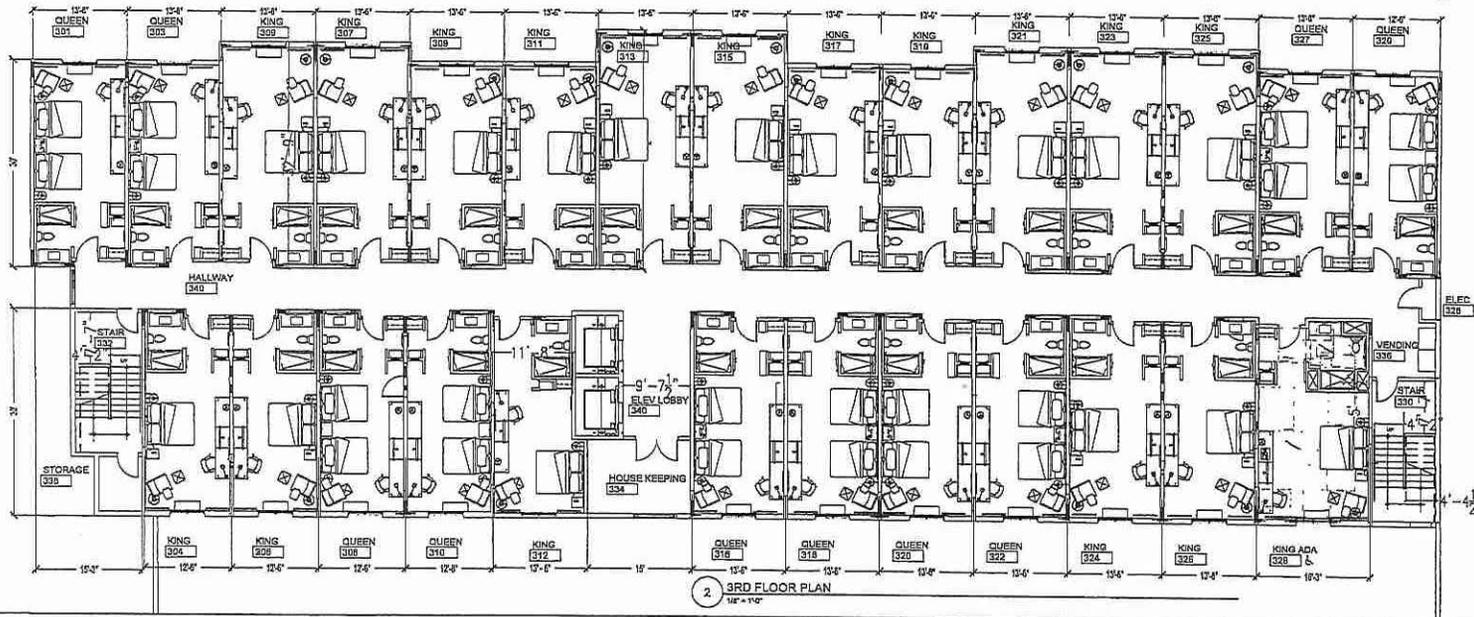


1 FIRST FLOOR PLAN
1/8" = 1'-0"

EXHIBIT Ap5



1 2ND FLOOR PLAN
1/8" = 1'-0"



2 3RD FLOOR PLAN
1/8" = 1'-0"

IYER & ASSOCIATES
Architecture • Interiors • Planning
IYER BUILDING
833 GARDNER STREET,
SAN FRANCISCO, CA 94111
PHONE: 415 398-1111
FAX: 415 392-8155

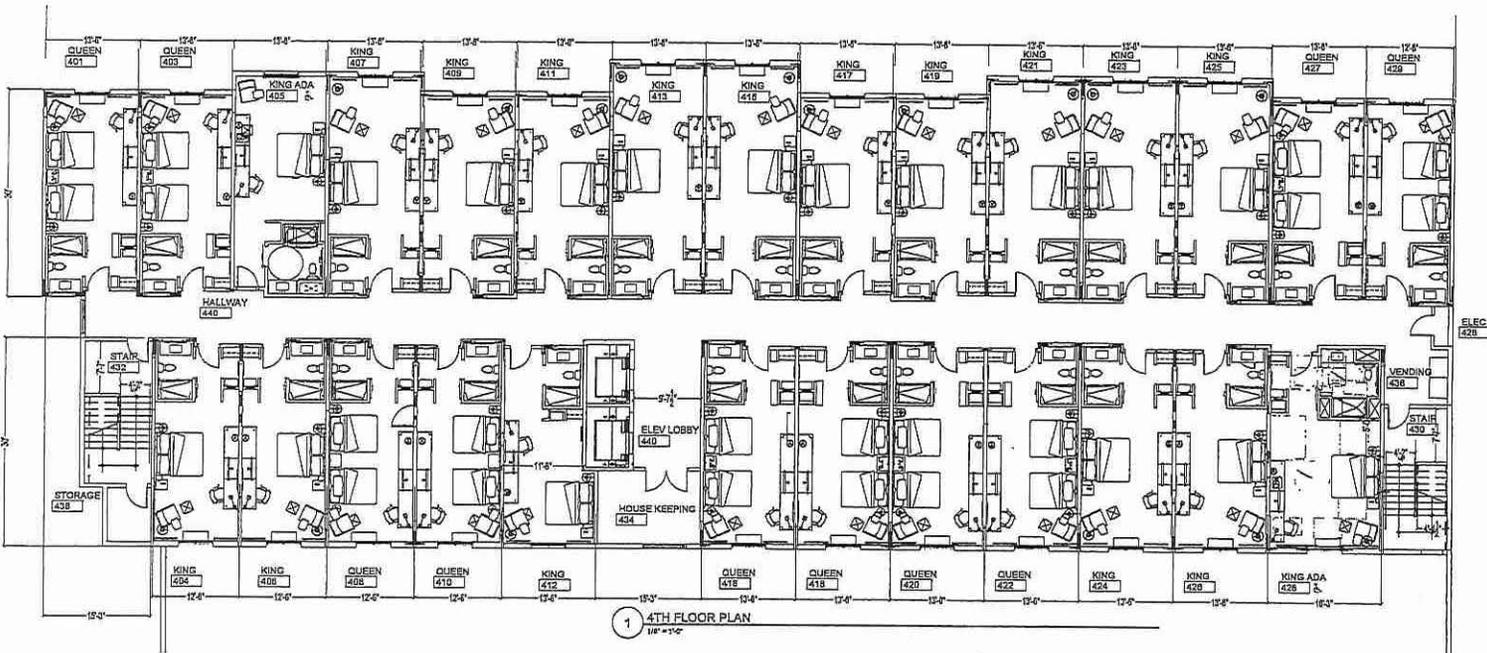
IYER



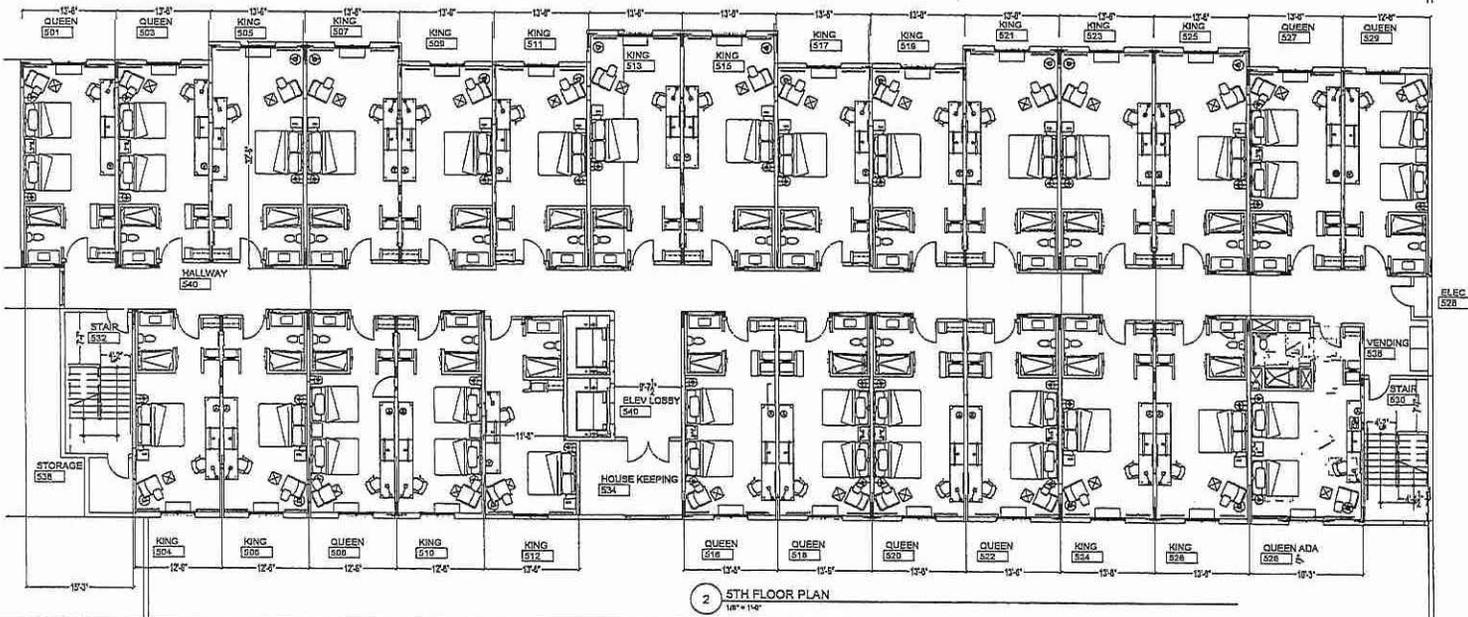
NEWARK HOTEL
5600 JOHN MUIR BLVD.,
NEWARK, CA 94560.

Sheet	
2 & 3 FLOOR PLANS	
Date	Issued For:
11/17/15	Client Approval
07/08/15	Planning Submittal
Drawn by	JS
Checked by	AST
Scale:	AS NOTED
Project no.	Sheet no.
12160102	A2.2

EXHIBIT



1 4TH FLOOR PLAN
1/8" = 1'-0"



2 5TH FLOOR PLAN
1/8" = 1'-0"

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NEWARK HOTEL

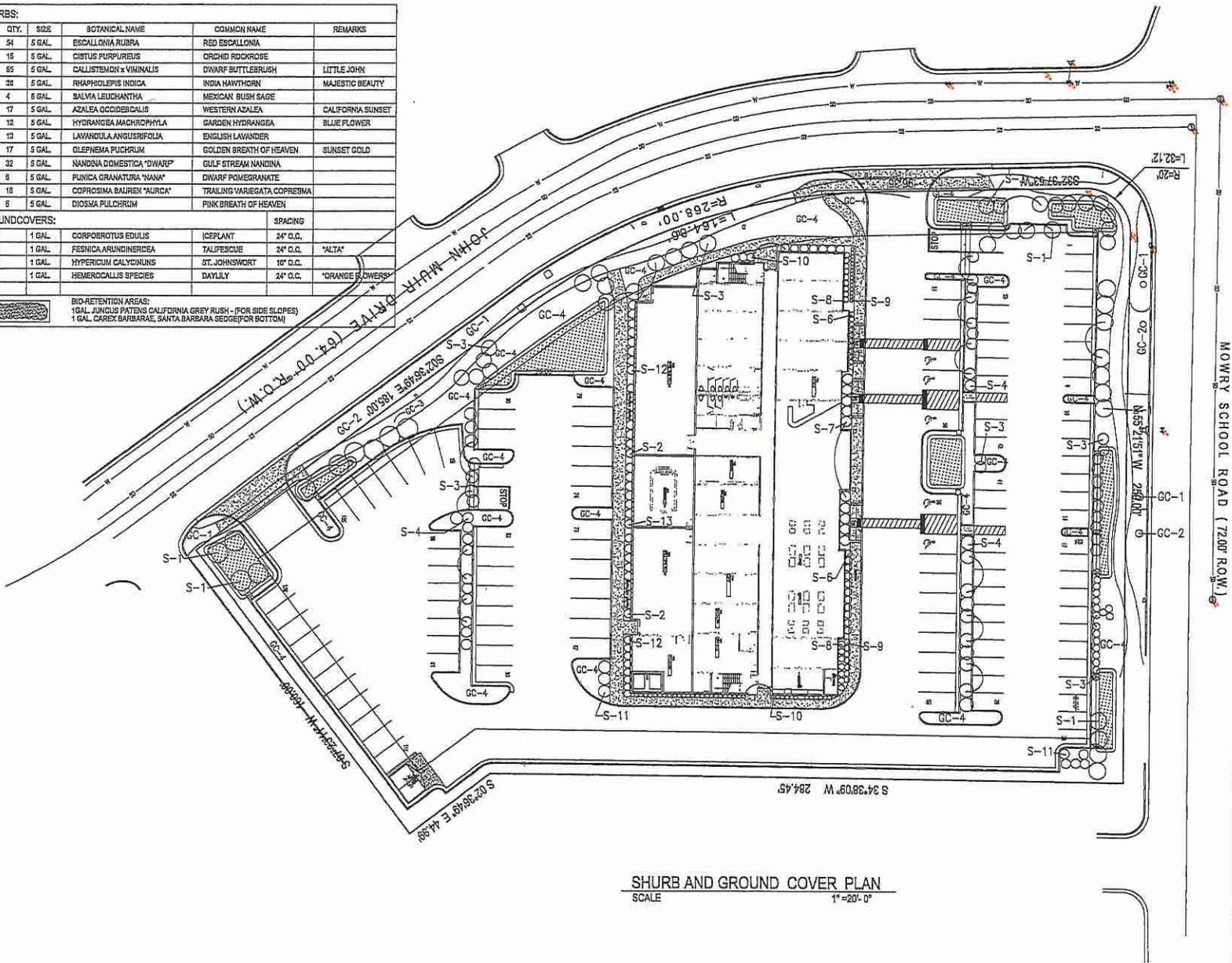
5600 JOHN MUIR BLVD,
NEWARK, CA 94560.

Sheet	
4 & 5 FLOOR PLANS	
Date	Issued for:
01/29/16	utility approval
07/07/16	planning submittal
Drawn by JS	
Checked by ASI	
Scale: AS NOTED	
Project no. 121.60102	Sheet no. A2.3

EXHIBIT Ap8

KEY	QTY.	SIZE	BOTANICAL NAME	COMMON NAME	REMARKS
S-1	54	5 GAL.	ESCALLONIA RUBRA	RED ESCALLONIA	
S-2	15	5 GAL.	CISTUS PURPUREUS	ORCHID ROCKROSE	
S-3	65	5 GAL.	CALLISTEMON VIMINALIS	DWARF BUTTLEBRUSH	LITTLE JOHN
S-4	30	5 GAL.	RHAPHIOLEPIS INDICA	INDIA HAWTHORN	MAJESTIC BEAUTY
S-5	4	5 GAL.	SALVIA LEUCANTHA	MEXICAN BUSH SAGE	
S-6	17	5 GAL.	AZALEA OCCIDENTALIS	WESTERN AZALEA	CALIFORNIA SUNSET
S-7	12	5 GAL.	HYDRANGEA HACHIROPHYLLA	GARDEN HYDRANGEA	BLUE FLOWER
S-8	11	5 GAL.	LAVANDULA ANGUSTIFOLIA	ENGLISH LAVANDER	
S-9	17	5 GAL.	OLEPHEMA PUCHRUM	GOLDEN BREATH OF HEAVEN	SUNSET GOLD
S-10	32	5 GAL.	NANDINA DOMESTICA "DWARF"	GULF STREAM NANDINA	
S-11	8	5 GAL.	PUNICA GRANATURA "NANA"	DWARF POMEGRANATE	
S-12	16	5 GAL.	COPROSMA BAUREN "AURICA"	TRAILING VARIEGATA COPRESMA	
S-13	6	5 GAL.	DIOSMA PULCHRUM	PINK BREATH OF HEAVEN	
GROUND COVERS:			SPACING		
GC-1	1 GAL.	CORPOBROTUS EDULIS	ICEPLANT	3' O.C.	
GC-2	1 GAL.	FESNICA ARUNDINEREA	TALPESCUE	24" O.C.	"ALTA"
GC-3	1 GAL.	HYPERICUM CALYDINUS	ST. JOHNSWORT	10" O.C.	
GC-4	1 GAL.	HEMEROCALLIS SPECIES	DAYLILY	24" O.C.	"ORANGE BLOWERS"

BIO-RETENTION AREAS:
 1 GAL. JUNCUS PATENS CALIFORNIA GREY RUSH - (FOR SIDE SLOPES)
 1 GAL. CAREX BARBARRAE SANTA BARBARA SEDGE (FOR BOTTOM)



SHURB AND GROUND COVER PLAN
 SCALE 1"=20'-0"

DESIGNER

Micro Resorts

95-ELDER JEREZ ASSOCIATES INC.
 LEISURE ARCHITECTURE
 DESIGN, BUILD

1635 SYLVIA STREET,
 HAYWARD, CA 94545
 Phone: (510) 304-0293
 www.microresorts.com
 elderjerez@microresorts.com

SEAL

PROJECT TITLE

NEW HOTEL

5600 JOHN MUIR DRIVE,
 NEWARK, CA 94560

SHEET CONTENT

**SHURB AND GROUND
 COVER PLAN**

DATE	ISSUED FOR	BY
01-09-18	PERMIT	ED

DRAWN BY: NRA
 CHECKED BY: ELDER JEREZ

SCALE: AS NOTED

PROJECT NO.	SHEET NO.
16-	L-3

EXHIBIT

April

F.1 Authorization for the Administrative Services Director, City Clerk, Accounting Manager, and Senior Accountant, and their successors by title, to order the deposit or withdrawal of monies in the Local Agency Investment Fund – from Administrative Services Director Woodstock. (RESOLUTION)

Background/Discussion – The State of California’s Local Agency Investment Fund (LAIF) is presently the City’s main investment instrument. Due to staffing changes, Resolution No. 9798 (adopted January 13, 2011) designating officers that can deposit or withdraw monies with LAIF needs to be updated. It is necessary to update and approve the names and titles of the officers authorized to order the deposit and withdrawal of monies in the LAIF on behalf of the City of Newark.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the Administrative Services Director, City Clerk, Accounting Manager and the Senior Accountant, and their successors by title, to order the deposit or withdrawal of monies in the Local Agency Investment Fund.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE ADMINISTRATIVE SERVICES DIRECTOR, CITY CLERK, ACCOUNTING MANAGER AND SENIOR ACCOUNTANT, AND THEIR SUCCESSORS BY TITLE, TO ORDER THE DEPOSIT OR WITHDRAWAL OF MONIES IN THE LOCAL AGENCY INVESTMENT FUND (LAIF)

WHEREAS, pursuant to Chapter 730 of the statutes of 1976, Section 16429.1 was added to the California Government Code to create a Local Agency Investment Fund (LAIF) in the State Treasury for the deposit of money of a local agency for purposes of investment by the State Treasurer; and

WHEREAS, the City Council of the City of Newark does hereby find that the deposit and withdrawal of money in the LAIF in accordance with the provisions of Section 16429.1 of the Government Code for the purposes for investment as stated therein as in the best interests of the City of Newark;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby authorize the deposit and withdrawal of the City of Newark monies in the LAIF in the State Treasury in accordance with the provisions of Section 16429.1 of the Government Code for the purpose of investment as stated therein, and verification by the State Treasurer's Office of all banking information provided in that regard;

BE IT FURTHER RESOLVED that Resolution No. 9798 is hereby repealed and the following City of Newark Officers, or their successors in office, shall be authorized to order the deposit or withdrawal of monies in the LAIF:

Administrative Services Director

Signature

City Clerk

Signature

Accounting Manager

Signature

Senior Accountant

Signature

F.2 Authorization for the City Manager to sign an agreement with Tetra-Tech, Inc. to complete a Local Hazard Mitigation Plan for the City of Newark and associated budget amendment - from City Manager Becker. (RESOLUTION)

Background/Discussion – Federal Regulations require that all local government agencies prepare a Local Hazard Mitigation Plan (LHMP) for their jurisdictions and to update it every five years. The LHMP purpose is to identify risks and vulnerabilities associated with natural disasters that could impact the community, develop long-term strategies for protecting people and property from future hazard events, and establish a coordinated process to implement the Plan. Once prepared, the plans must be reviewed by the California Office of Emergency Services (Cal OES) prior to being submitted to the Federal Emergency Planning Agency (FEMA) for approval. In the past, FEMA allowed Alameda County cities to be part of the Alameda County Multi-Jurisdictional Local Hazard Plan as “Annexes”. FEMA no longer allows this approach. The current five-year cycle expires at the end of 2016. Cities that do not have an approved Local Hazard Mitigation Plan would not qualify to receive FEMA mitigation project grants and more importantly, may not be eligible to receive a waiver of the required match for FEMA disaster recovery funding.

Staff contacted Union City to discuss a possible multi-jurisdictional planning process. Multi-jurisdictional plans are allowed by FEMA in situations where cities share a border or are in close proximity and share potential hazard conditions. A multi-jurisdictional approach would be beneficial in terms of cost and efficiency in preparing the Plan. Union City agreed to this approach and on March 4, 2016, the Cities jointly issued a Request for Proposal to prepare a Plan for each City.

Proposals were received from Tetra Tech, Inc. and Michael Baker International. Both firms have a proven record of successfully preparing Local Hazard Mitigation Plans and both demonstrated an understanding of each cities needs and the process required. After review and discussion with Union City staff, both Cities agreed to recommend Tetra Tech Inc. to complete the Local Hazard Mitigation Plan to their respective City Councils. Tetra Tech’s bid to complete the LHMP for both Cities is \$78,653. This amount is approximately \$8,000 less than the bid received from Michael Baker International. The cost will be split evenly between the two cities and Newark’s share will be \$39,327. A budget amendment is requested to cover the cost of preparing the plan.

If approved by the City Council, Tetra Tech would begin work immediately following the execution of the agreement. The LHMP development process will include a significant amount of data collection, risk assessment, and public outreach. Tetra Tech is expected to complete the process within 7 months.

Attachment

Action - It is recommended that the City Council, by resolution, authorize the City Manager to sign a consulting services agreement between the City of Union City, the City of Newark and

Tetra Tech, Inc. to complete a Local Hazard Mitigation Plan and to amend the 2014-2016 Biennial Budget and Capital Improvement Plan for Fiscal Year 2015-2016.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO SIGN A CONSULTING SERVICES AGREEMENT BETWEEN THE CITY OF UNION CITY, THE CITY OF NEWARK, AND TETRA-TECH, INC. TO COMPLETE A LOCAL HAZARD MITIGATION PLAN AND TO AMEND THE 2014-2016 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2015-2016

WHEREAS, the Local Hazard Mitigation Plan needs to be updated every five years; and

WHEREAS, city staff has determined that Tetra-Tech, Inc. is the most qualified consultant to prepare the Local Hazard Mitigation Plan; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Newark that the City Manager is hereby authorized to sign the consulting services agreement with Tetra-Tech, Inc. (on file with the City Clerk) to complete a Local Hazard Mitigation Plan.

BE IT FURTHER RESOLVED that the 2014-2016 Biennial Budget (Resolution No. 10235) for the Fiscal Year 2015-2016 is hereby amended as follows:

Transfer from:		
Unallocated Fund Balance	010-0000-2991	\$39,327
Transfer to:		
Professional Services	010-1041-5271	\$39,327

CONSULTING SERVICES AGREEMENT BETWEEN

THE CITY OF UNION CITY

THE CITY OF NEWARK

AND

TETRA TECH, INC.

**FOR CONSULTING SERVICES BETWEEN THE CITIES AND TETRA TECH, INC.
FOR UPDATING LOCAL, HAZARD MITIGATION PLANS (LHRMPS)**

This Agreement for consulting services is made by and between the City of Union City, a municipal corporation, ("Union City"), the City of Newark, a municipal corporation ("Newark") (together referred to as "Cities") and Tetra Tech, Inc. a Delaware Corporation, with offices located at 1999 Harrison Street, Oakland, Ca 94612 ("Consultant"), (together referred to as the "Parties") as of May 13, 2016 (the "Effective Date").

Section 1. Services. Subject to the terms and conditions set forth in this Agreement, Consultant shall provide to Cities the services described in the Scope of Work attached as Exhibit A and incorporated herein, at the time and place and in the manner specified therein. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

1.1 Term of Services. The term of this Agreement shall begin on the Effective Date and shall end on December 31, 2016, and Consultant shall complete the work described in Exhibit A on or before that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8. The time provided to Consultant to complete the services required by this Agreement shall not affect the Cities' right to terminate the Agreement, as referenced in Section 8.

1.2 Standard of Performance. Consultant shall perform all services required pursuant to this Agreement according to the standards observed by a competent practitioner of the profession in which Consultant is engaged.

1.3 Assignment of Personnel. Consultant shall assign only competent personnel to perform services pursuant to this Agreement. In the event that either Union City or Newark, in their sole discretion, at any time during the term of this Agreement, desires the reassignment of any such persons, Consultant shall, immediately upon receiving notice from Union City or Newark of such desire, reassign such person or persons.

1.4 Time is of the Essence. Time is of the essence. Consultant shall devote such time to the performance of services pursuant to this Agreement as may be reasonably necessary to timely finish the Scope of Work, to meet the standard of performance provided in Section 1.1 above and to satisfy Consultant's obligations hereunder.

Section 2. COMPENSATION. Cities hereby agree to pay Consultant a sum not to exceed seventy-eight thousand six hundred fifty-three dollars (\$78,653.00) notwithstanding any contrary indications that may be contained in Consultant's proposal for services to be performed and reimbursable costs incurred under this Agreement. Cities shall be equally responsible for payment to Consultant. Thus, Union City agrees to pay Consultant a sum not to exceed thirty-nine thousand three hundred twenty-six dollars and fifty cents (\$39,326.50) and Newark agrees to pay Consultant a sum not to exceed thirty-nine thousand three hundred twenty-six dollars and fifty cents (\$39,326.50). In the event of a conflict between this Agreement and Consultant's proposal, attached as Exhibit A, regarding the amount of compensation, the Agreement shall prevail. Cities shall pay Consultant for services rendered pursuant to this Agreement at the time and in the manner set forth herein. The payments specified below shall be the only payments from Cities to Consultant for services rendered pursuant to this Agreement. Consultant shall submit all invoices to Union City and Newark in the manner specified herein. Except as specifically authorized by Cities in writing, Consultant shall not bill Cities for duplicate services performed by more than one person.

Consultant and Cities acknowledge and agree that compensation paid by Cities to Consultant under this Agreement is based upon Consultant's estimated costs of providing the services required hereunder, including salaries and benefits of employees and subcontractors of Consultant. Consequently, the parties further agree that compensation hereunder is intended to include the costs of contributions to any pensions and/or annuities to which Consultant and its employees, agents, and subcontractors may be eligible. Cities therefore have no responsibility for such contributions beyond compensation required under this Agreement.

2.1 Invoices. Consultant shall submit separate invoices, not more often than once a month during the term of this Agreement, to Union City and Newark based on the cost for services performed and reimbursable costs incurred prior to the invoice date, in the amount of 50% of said costs to each city. Invoices shall contain the following information:

- Serial identifications of progress bills; i.e., Progress Bill No. 1 for the first invoice, etc.;
- The beginning and ending dates of the billing period;
- A task summary containing the original contract amount, the amount of prior billings, the total due this period, the balance available under the Agreement, and the percentage of completion;
- At Cities' option, for each work item in each task, a copy of the applicable time entries or time sheets shall be submitted showing the name of the person doing the work, the hours spent by each person, a brief description of the work, and each reimbursable expense;
- The total number of hours of work performed under the Agreement by Consultant and each employee, agent, and subcontractor of Consultant performing services hereunder;
- The Consultant's signature;

2.2 Monthly Payment. Cities shall make monthly payments, based on invoices received, for services satisfactorily performed, and for authorized reimbursable costs incurred. Cities shall have 30 days from the receipt of an invoice that complies with all of the requirements above to pay Consultant.

2.3 Final Payment. Cities shall pay the last 10% of the total sum due pursuant to this Agreement within 60 days after completion of the services and submittal to Cities of a final invoice, if all services required have been satisfactorily performed.

2.4 Total Payment. Cities shall pay for the services to be rendered by Consultant pursuant to this Agreement. Cities shall not pay any additional sum for any expense or cost whatsoever incurred by Consultant in rendering services pursuant to this Agreement. Cities shall make no payment for any extra, further, or additional service pursuant to this Agreement.

In no event shall Consultant submit any invoice for an amount in excess of the maximum amount of compensation provided above either for a task or for the entire Agreement, unless the Agreement is modified prior to the submission of such an invoice by a properly executed change order or amendment.

2.5 Hourly Fees. Unless the services provided are for a lump sum or flat fee, fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on the compensation schedule attached hereto as Exhibit A. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit A, the Agreement shall prevail.

2.6 Reimbursable Expenses. Reimbursable expenses are specified in Exhibit A. Reimbursable expenses not listed in Exhibit A are not chargeable to Cities. Reimbursable expenses shall not include a mark-up and are billed as a direct costs. In no event shall expenses be advanced by the Cities to the Consultant. Reimbursable expenses are included in the total amount of compensation provided under this Agreement that shall not be exceeded.

2.7 Payment of Taxes. Consultant is solely responsible for the payment of employment taxes incurred under this Agreement and any similar federal or state taxes.

2.8 Payment upon Termination. In the event that the Cities or Consultant terminates this Agreement pursuant to Section 8, the Cities shall compensate the Consultant for all outstanding costs and reimbursable expenses incurred for work satisfactorily completed as of the date of written notice of termination. Consultant shall maintain adequate logs and timesheets to verify costs incurred to that date.

2.9 Authorization to Perform Services. The Consultant is not authorized to perform any services or incur any costs whatsoever under the terms of this Agreement until receipt of authorization from the Contract Administrator.

2.10. Business License. The Consultant is not authorized to perform services or incur costs whatsoever under the terms of this Agreement until Consultant applies for and has been issued a business license from the City pursuant to Title 5 of the Union City Municipal Code.

Section 3. FACILITIES AND EQUIPMENT. Except as set forth herein, Consultant shall, at its sole cost and expense, provide all facilities and equipment that may be necessary to perform the

services required by this Agreement. Cities shall make available to Consultant only the facilities and equipment listed in this section, and only under the terms and conditions set forth herein.

Cities shall furnish physical facilities such as desks, filing cabinets, and conference space, as may be reasonably necessary for Consultant's use while consulting with Cities' employees and reviewing records and the information in possession of the Cities. The location, quantity, and time of furnishing those facilities shall be in the sole discretion of Cities. In no event shall Cities be obligated to furnish any facility that may involve incurring any direct expense, including but not limited to computer, long-distance telephone or other communication charges, vehicles, and reproduction facilities.

Section 4. INSURANCE REQUIREMENTS. Before beginning any work under this Agreement, Consultant, at its own cost and expense, unless otherwise specified below, shall procure the types and amounts of insurance listed below against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Consultant and its agents, representatives, employees, and subcontractors. Consistent with the following provisions, Consultant shall provide proof satisfactory to Cities of such insurance that meets the requirements of this section and under forms of insurance satisfactory in all respects, and that such insurance is in effect prior to beginning work to the Cities. Consultant shall maintain the insurance policies required by this section throughout the term of this Agreement. The cost of such insurance shall be included in the Consultant's bid. Consultant shall not allow any subcontractor to commence work on any subcontract until Consultant has obtained all insurance required herein for the subcontractor(s) and provided evidence that such insurance is in effect to Cities. Verification of the required insurance shall be submitted and made part of this Agreement prior to execution.

4.1 Required Coverage. Consultant shall maintain all required insurance listed herein for the duration of this Agreement.

<u>COVERAGE</u>	<u>TYPE OF INSURANCE</u>	<u>MINIMUM LIMITS</u>
A	Commercial General Liability Premises Liability; Products and Completed Operations; Contractual Liability; Personal Injury and Advertising Liability	\$1,000,000 per occurrence; Bodily Injury and Property Damage \$2,000,00 in the aggregate; Commercial general coverage shall be at least as broad as Insurance Services Office Commercial General Liability occurrence form CG 0001 (most recent edition) covering comprehensive General Liability on an "occurrence" basis
B	Commercial or Business Automobile Liability All owned vehicles, hired or leased vehicles, non-owned, borrowed and permissive uses.	\$1,000,000 per occurrence; Any Auto; Bodily Injury and Property Damage. Automobile coverage shall be at least as broad as Insurance Services

	Personal Automobile Liability is acceptable for individual contractors with no transportation or hauling related activities	Office Automobile Liability form CA 0001 (most recent edition), Code 1 (any auto). No endorsement shall be attached limiting the coverage.
C	Workers' Compensation (WC) and Employers Liability (EL) Required for all contractors with employees	WC: Statutory Limits EL: \$100,000 per accident for bodily injury or disease. Consultant may rely on a self-insurance program to meet those requirements, but only if the program of self-insurance complies fully with the provisions of the California Labor Code. The insurer shall waive all rights of subrogation against the City and its officers, officials, employees, and volunteers for loss arising from work performed under this Agreement
D	Professional Liability/Errors & Omissions Includes endorsements of contractual liability	\$1,000,000 per occurrence \$2,000,000 policy aggregate; Any deductible or self-insured retention shall not exceed \$150,000 per claim

4.2 Additional requirements. Each of the following shall be included in the insurance coverage or added as a certified endorsement to the policy:

a. All required insurance shall be maintained during the entire term of the Agreement with the following exception: Insurance policies and coverage(s) written on a claims-made basis shall be maintained during the entire term of the Agreement and until three (3) years following termination and acceptance of all work provided under the Agreement, with the retroactive date of said insurance (as may be applicable) concurrent with the commencement of activities pursuant to this Agreement.

b. All insurance required above with the exception of Professional Liability, Personal Automobile Liability, Workers' Compensation and Employers Liability, shall be endorsed to name as additional insured: City of Union City, City of Newark, their respective City Councils, and all City officers, agents, employees, volunteers and representatives of Union City and Newark.

c. For any claims related to this Agreement or the work hereunder, the Consultant's insurance covered shall be primary insurance as respects the Cities, their officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the Cities, their officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

d. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party, except after 30 days' prior written notice has been provided to the Cities.

e. **Certificates of Insurance:** Before commencing operations under this Agreement, Consultant shall provide Certificate(s) of Insurance and applicable insurance endorsements, in form and satisfactory to Cities, evidencing that all required insurance coverage is in effect. The Cities reserve the rights to require the Consultant to provide complete, certified copies of all required insurance policies.

f. **Subcontractors:** Consultant shall include all subcontractors as an insured (covered party) under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

g. **Claims-made limitations.** The following provisions shall apply if the professional liability coverage is written on a claims-made form:

i. The retroactive date of the policy must be shown and must be before the date of the Agreement.

ii. Insurance must be maintained and evidence of insurance must be provided for at least five years after completion of the Agreement or the work, so long as commercially available at reasonable rates.

iii. If coverage is canceled or not renewed and it is not replaced with another claims-made policy form with a retroactive date that precedes the date of this Agreement, Consultant must purchase an extended period coverage for a minimum of three (3) years after completion of work under this Agreement.

iv. A copy of the claim reporting requirements must be submitted to the Cities for review prior to the commencement of any work under this Agreement.

4.3 All Policies Requirements.

a. **Acceptability of insurers.** All insurance required by this section is to be placed with insurers with a Bests' rating of no less than A:VII. Insurance shall be maintained through an insurer with a minimum A.M. Best Rating of A- or better, with deductible amounts acceptable to the Cities. Acceptance of Consultant's insurance by Cities shall not relieve or decrease the liability of Consultant hereunder. Any deductible or self-insured retention amount or other similar obligation under the policies shall be the sole responsibility of the Consultant.

b. **Deductibles and Self-Insured Retentions.** Consultant shall disclose to and obtain the written approval of Cities for the self-insured retentions and deductibles before beginning any of the services or work called for by any term of this Agreement. At the option of the Cities, either: the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the Cities, their officers, employees, and volunteers; or the Consultant shall provide a financial guarantee

satisfactory to the Cities guaranteeing payment of losses and related investigations, claim administration and defense expenses.

c. **Wasting Policies.** No policy required by this Section 4 shall include a “wasting” policy limit (i.e. limit that is eroded by the cost of defense).

d. **Waiver of Subrogation.** Consultant hereby agrees to waive subrogation which any insurer or contractor may require from vendor by virtue of the payment of any loss. Consultant agrees to obtain any endorsements that may be necessary to affect this waiver of subrogation. The Workers’ Compensation policy shall be endorsed with a waiver of subrogation in favor of the entity for all work performed by the consultant, its employees, agents, and subcontractors.

4.4 **Remedies.** In addition to any other remedies Cities may have if Consultant fails to provide or maintain any insurance policies or policy endorsements to the extent and within the time herein required, Cities may, at their sole option exercise any of the following remedies, which are alternatives to other remedies Cities may have and are not the exclusive remedy for Consultant’s breach:

- Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;
- Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or
- Terminate this Agreement.

Section 5. INDEMNIFICATION AND CONSULTANT’S RESPONSIBILITIES.

Consultant shall indemnify, defend with counsel acceptable to Cities, and hold harmless Cities and their officers, officials, employees, agents and volunteers from and against any and all liability, loss, damage, claims, expenses, and costs (including without limitation, attorney’s fees and costs and fees of litigation) (collectively, “Liability”) of every nature arising out of or in connection with Consultant’s performance of the Services or its failure to comply with any of its obligations contained in this Agreement, except such Liability caused by the sole negligence or willful misconduct of Cities.

The Consultant’s obligation to defend and indemnify shall not be excused because of the Consultant’s inability to evaluate Liability or because the Consultant evaluates Liability and determines that the Consultant is not liable to the claimant. The Consultant must respond within 30 days, to the tender of any claim for defense and indemnity by the Cities, unless this time has been extended by the Cities. If the Consultant fails to accept or reject a tender of defense and indemnity within 30 days, in addition to any other remedy authorized by law, so much of the money due the Consultant under and by virtue of this Agreement as shall reasonably be considered necessary by the Cities, may be retained by the Cities until disposition has been made of the claim or suit for damages, or until the Consultant accepts or rejects the tender of defense, whichever occurs first.

With respect to third party claims against the Consultant, the Consultant waives any and all rights of any type to express or implied indemnity against the Indemnitees.

Notwithstanding the forgoing, to the extent this Agreement is a "construction contract" as defined by California Civil Code Section 2782, as may be amended from time to time, such duties of consultant to indemnify shall not apply when to do so would be prohibited by California Civil Code Section 2782.

In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System (PERS) to be eligible for enrollment in PERS as an employee of Cities, Consultant shall indemnify, defend, and hold harmless Cities for the payment of any employee and/or employer contributions for PERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of Cities.

Section 6. STATUS OF CONSULTANT.

6.1 Independent Contractor. At all times during the term of this Agreement, Consultant shall be an independent contractor and shall not be an employee of Cities. Cities shall have the right to control Consultant only insofar as the results of Consultant's services rendered pursuant to this Agreement and assignment of personnel pursuant to Subparagraph 1.3; however, otherwise Cities shall not have the right to control the means by which Consultant accomplishes services rendered pursuant to this Agreement. Notwithstanding any other City, state, or federal policy, rule, regulation, law, or ordinance to the contrary, Consultant and any of its employees, agents, and subcontractors providing services under this Agreement shall not qualify for or become entitled to, and hereby agree to waive any and all claims to, any compensation, benefit, or any incident of employment by Cities, including but not limited to eligibility to enroll in the California Public Employees Retirement System (PERS) as an employee of Cities and entitlement to any contribution to be paid by Cities for employer contributions and/or employee contributions for PERS benefits.

6.2 Consultant Not an Agent. Except as Cities may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of Cities in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind Cities to any obligation whatsoever.

Section 7. LEGAL REQUIREMENTS.

7.1 Governing Law. The laws of the State of California shall govern this Agreement.

7.2 Compliance with Applicable Laws. Consultant and any subcontractors shall comply with all laws applicable to the performance of the work hereunder.

7.3 Other Governmental Regulations. To the extent that this Agreement may be funded by fiscal assistance from another governmental entity, Consultant and any subcontractors shall comply with all applicable rules and regulations to which Cities are bound by the terms of such fiscal assistance program.

7.4 Licenses and Permits. Consultant represents and warrants to Cities that Consultant and its employees, agents, and any subcontractors have all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. Consultant represents and warrants to Cities that Consultant and its employees, agents, any subcontractors shall, at their sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals that are legally required to practice their respective professions. In addition to the foregoing, Consultant and any subcontractors shall obtain and maintain during the term of this Agreement valid Business Licenses from Cities.

7.5 Nondiscrimination and Equal Opportunity. Consultant shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, marital status, sex, or sexual orientation, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Consultant under this Agreement. Consultant shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Consultant thereby.

Consultant shall include the provisions of this Subsection in any subcontract approved by the Contract Administrator or this Agreement.

Section 8. TERMINATION AND MODIFICATION.

8.1 Termination. Cities may cancel this Agreement at any time and without cause upon written notification to Consultant. Consultant may cancel this Agreement upon thirty (30) days' written notice to Cities and shall include in such notice the reasons for cancellation.

In the event of termination, Consultant shall be entitled to compensation for services performed to the effective date of termination; Cities, however, may condition payment of such compensation upon Consultant delivering to Cities any or all work product, including, but not limited to documents, photographs, computer software, video and audio tapes, and other materials provided to Consultant or prepared by or for Consultant or the Cities in connection with this Agreement.

8.2 Extension. Cities may, in their sole and exclusive discretion, extend the end date of this Agreement beyond that provided for in Subsection 1.1. Any such extension shall require a written amendment to this Agreement, as provided for herein.

8.3 Amendments. The parties may amend this Agreement only by a writing signed by all the parties.

8.4 Assignment and Subcontracting. Cities and Consultant recognize and agree that this Agreement contemplates personal performance by Consultant and is based upon a determination of Consultant's unique personal competence, experience, and specialized personal knowledge. Moreover, a substantial inducement to Cities for entering into this Agreement was and is the professional reputation and competence of Consultant. Consultant may not assign this Agreement or any interest therein without the prior written approval of the Contract Administrator. Consultant shall not subcontract any portion of the performance contemplated and provided for herein, other

than to the subcontractors noted in the proposal, without prior written approval of the Contract Administrator.

8.5 Survival. All obligations arising prior to the termination of this Agreement and all provisions of this Agreement allocating liability between Cities and Consultant shall survive the termination of this Agreement.

8.6 Options upon Breach by Consultant. If Consultant materially breaches any of the terms of this Agreement, Cities' remedies shall include, but not be limited to, the following:

8.6.1 Immediately terminate the Agreement;

8.6.2 Retain the plans, specifications, drawings, reports, design documents, and any other work product prepared by Consultant pursuant to this Agreement;

8.6.3 Retain a different consultant to complete the work described in Exhibit A not finished by Consultant; or

8.6.4 Charge Consultant the difference between the cost to complete the work described in Exhibit A that is unfinished at the time of breach and the amount that Cities would have paid Consultant pursuant to Section 2 if Consultant had completed the work.

Section 9. KEEPING AND STATUS OF RECORDS.

9.1 Records Created as Part of Consultant's Performance. All reports, data, maps, models, charts, studies, surveys, photographs, memoranda, plans, studies, specifications, records, files, or any other documents or materials, in electronic or any other form, that Consultant prepares or obtains pursuant to this Agreement and that relate to the matters covered hereunder shall be the property of the Cities. Consultant hereby agrees to deliver those documents to the Cities upon termination of the Agreement. It is understood and agreed that the documents and other materials, including but not limited to those described above, prepared pursuant to this Agreement are prepared specifically for the Cities and are not necessarily suitable for any future or other use. Cities and Consultant agree that, until final approval by Cities, all data, plans, specifications, reports and other documents are confidential and will not be released to third parties without prior written consent of all parties.

9.2 Consultant's Books and Records. Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, and other records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the Cities under this Agreement for a minimum of 3 years, or for any longer period required by law, from the date of final payment to the Consultant to this Agreement.

9.3 Inspection and Audit of Records. Any records or documents that Section 9.2 of this Agreement requires Consultant to maintain shall be made available for inspection, audit, and/or copying at any time during regular business hours, upon oral or written request of the Cities. Under California Government Code Section 8546.7, if the amount of public funds expended under this Agreement exceeds \$10,000.00, the Agreement shall be subject to the examination and audit of the State Auditor, at the request of Cities or as part of any audit of either Union City or Newark, for a period of 3 years after final payment under the Agreement.

Section 10 MISCELLANEOUS PROVISIONS.

10.1 Attorneys' Fees. If a party to this Agreement brings any action, including an action for declaratory relief, to enforce or interpret the provision of this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in addition to any other relief to which that party may be entitled. The court may set such fees in the same action or in a separate action brought for that purpose.

10.2 Dispute Resolution. If any dispute arises between the Parties that cannot be settled after engaging in good faith negotiations, Cities and Consultant agree to resolve the dispute in accordance with the following:

10.2.1 Each party will designate a senior management or executive level representative to negotiate the dispute. Through good faith negotiations, the representatives will attempt to resolve the dispute by any means within their authority.

10.2.2 If the dispute remains unresolved after fifteen (15) days of good faith negotiations, the Parties shall attempt to resolve the disagreement by mediation through a disinterested third person as mediator selected by both Parties. Mediation will begin within thirty (30) days of the selection of this disinterested third party, and will end fifteen (15) days after commencement. The Parties shall equally bear the costs of any mediator, and shall bear their own attorney's fees for the mediation.

10.2.3 The alternative dispute resolution process in this section is a material condition to this Agreement and must be exhausted as an administrative remedy prior to either party initiating legal action. This alternative dispute resolution process is not intended to nor shall be construed to change the time periods for filing a claim or action specified by Government Code Section 900, *et. seq.*

10.3 Venue. In the event that either party brings any action against the other under this Agreement, the parties agree that trial of such action shall be vested exclusively in the state courts of California in the County of Alameda or in the United States District Court for the Northern District of California.

10.4 Severability. If a court of competent jurisdiction finds or rules that any provision of this Agreement is invalid, void, or unenforceable, the provisions of this Agreement not so adjudged shall remain in full force and effect. The invalidity in whole or in part of any provision of this Agreement shall not void or affect the validity of any other provision of this Agreement.

10.5 No Implied Waiver of Breach. The waiver of any breach of a specific provision of this Agreement does not constitute a waiver of any other breach of that term or any other term of this Agreement.

10.6 Successors and Assigns. The provisions of this Agreement shall inure to the benefit of and shall apply to and bind the successors and assigns of the parties.

10.7 Use of Recycled Products. Consultant shall prepare and submit all reports, written studies and other printed material on recycled paper to the extent it is available at equal or less cost than virgin paper.

10.8 Conflict of Interest. Consultant may serve other clients, but none whose activities within the corporate limits of Cities or whose business, regardless of location, would place Consultant in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 *et seq.*

Consultant shall not employ any official of the Cities in the work performed pursuant to this Agreement. No officer or employee of Cities shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 *et seq.* Consultant hereby warrants that it is not now, nor has it been in the previous 12 months, an employee, agent, appointee, or official of the Cities. If Consultant was an employee, agent, appointee, or official of the Cities in the previous twelve months, Consultant warrants that it did not participate in any manner in the forming of this Agreement. Consultant understands that, if this Agreement is made in violation of Government Code § 1090 *et seq.*, the entire Agreement is void and Consultant will not be entitled to any compensation for services performed pursuant to this Agreement, including reimbursement of expenses, and Consultant will be required to reimburse the Cities for any sums paid to the Consultant. Consultant understands that, in addition to the foregoing, it may be subject to criminal prosecution for a violation of Government Code § 1090 and, if applicable, will be disqualified from holding public office in the State of California.

10.9 Solicitation. Consultant agrees not to solicit business at any meeting, focus group, or interview related to this Agreement, either orally or through any written materials.

10.10 Contract Administration. This Agreement shall be administered by the City Manager, or his designee, identified as JOHN BECKER ("Contract Administrator"). All correspondence shall be directed to or through the Contract Administrator.

10.11 Notices. Any written notice to Consultant shall be sent to:

Rob Flaner
Tetra Tech Inc.
1999 Harrison Street
Oakland, Ca 94612
Phone: 208-939-4391

with a copy to

Ed Sussenguth
Tetra Tech Inc.
1999 Harrison Street
Oakland, Ca 94612
Phone: 510-302-6300

Any written notice to Cities shall be sent to:

Antonio E. Acosta, City Manager
City of Union City
34009 Alvarado Niles Rd.
Union City, CA 94587

with a copy to

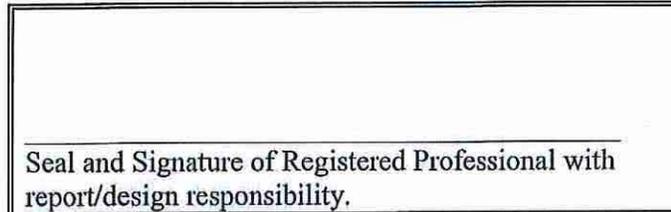
Benjamin T. Reyes II, City Attorney
City of Union City
34009 Alvarado Niles Rd.
Union City, CA 94587

John Becker, City Manager
City of Newark
37101 Newark Boulevard
Newark, CA 94560

with a copy to

David Benoun, City Attorney
City of Newark
37101 Newark Boulevard
Newark, CA 94560

10.12 Professional Seal. Where applicable in the determination of the contract administrator, the first page of a technical report, first page of design specifications, and each page of construction drawings shall be stamped/sealed and signed by the licensed professional responsible for the report/design preparation. The stamp/seal shall be in a block entitled "Seal and Signature of Registered Professional with report/design responsibility," as in the following example.



10.13 Integration. This Agreement, including the scope of work attached hereto and incorporated herein as Exhibit A represents the entire and integrated agreement between Cities and Consultant and supersedes all prior negotiations, representations, or agreements, either written or oral.

Exhibit A Scope of Services & Price Schedule

10.14 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one agreement.

The Parties have executed this Agreement as of the Effective Date.

CITY OF UNION CITY

TETRA TECH, INC.

ANTONIO E. ACOSTA, CITY MANAGER

ED SUSSENGUTH,
NORTHWEST OPERATIONS MANAGER

ATTEST:

ANNA M. BROWN, CITY CLERK

APPROVED AS TO FORM:

BENJAMIN T. REYES II, CITY ATTORNEY

CITY OF NEWARK

JOHN BECKER, CITY MANAGER

ATTEST:

SHEILA HARRINGTON, CITY CLERK

APPROVED AS TO FORM:

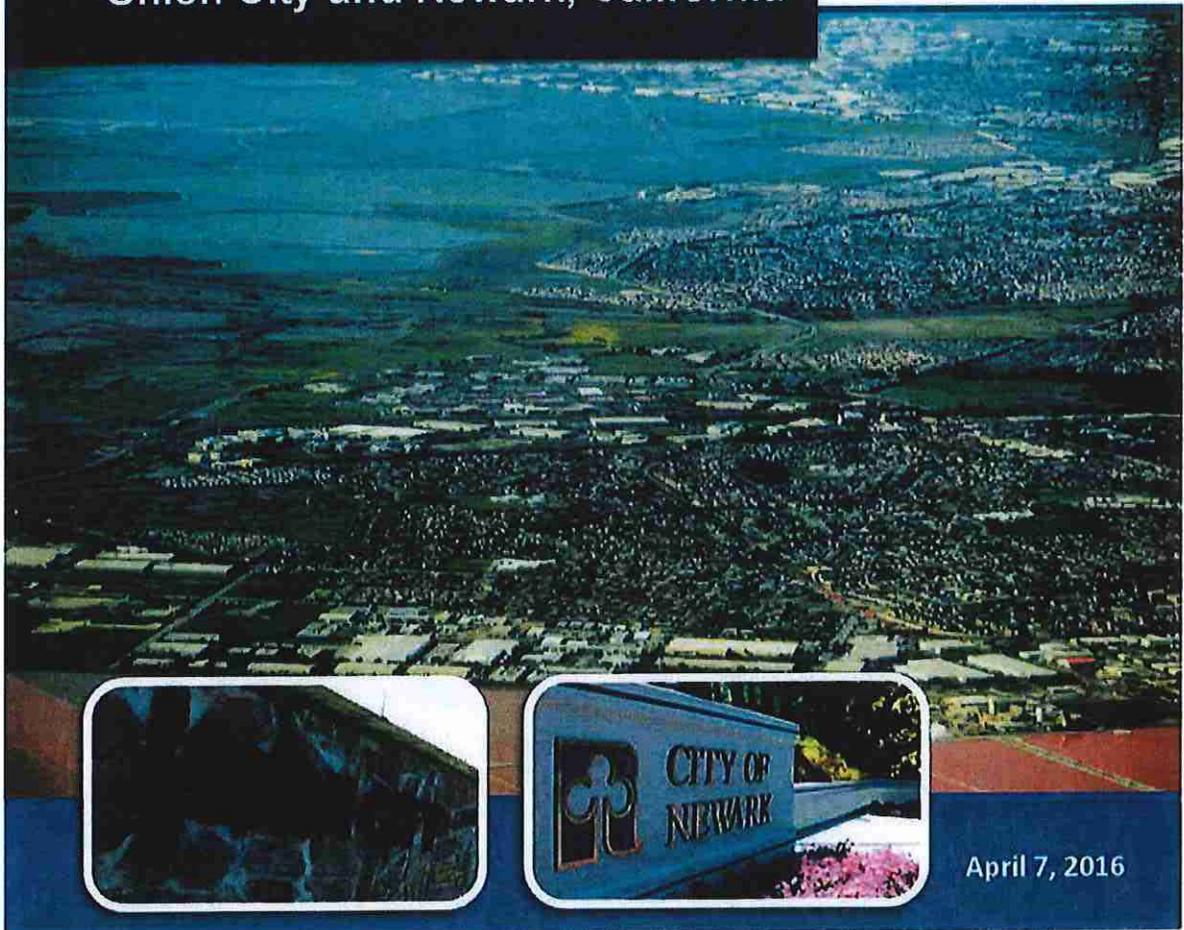
DAVID BENOUN, CITY ATTORNEY
2648064.1

EXHIBIT A

PROPOSAL



Update Local Hazard Mitigation Plans (LHMPs) for the cities of Union City and Newark, California



April 7, 2016



complex world | CLEAR SOLUTIONS®

Tetra Tech, Inc. | 1999 Harrison Street, Suite 500 | Oakland, CA 94612
Tel.: 510-302-6300 | Fax: 510-433-0830 | www.tetrattech.com



April 7, 2016

Mr. Rick LaForce, Assistant to the City Manager
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587-4497

**Subject: Request for Proposal;
UPDATE LOCAL HAZARD MITIGATION PLANS (LHMPs) FOR THE CITIES OF
UNION CITY AND NEWARK, CALIFORNIA**

Tetra Tech Inc. (Tetra Tech) appreciates this opportunity to submit this proposal to facilitate and support the development of an update to the hazard mitigation plans for the Cities of Union City and Newark. We have reviewed the contents of the request for proposal (RFP) and have no issues with the requirements therein.

Tetra Tech is a leader in developing and implementing innovative planning, engineering, and risk-modeling tools that have proven to be instrumental in the fields of disaster planning and hazard mitigation. Tetra Tech has extensive experience in developing Disaster Mitigation Act (DMA) compliant plans nationwide. Our experience includes working directly with the Federal Emergency Management Agency (FEMA) on the development of hazard mitigation planning tools, such as Hazards U.S. Multi-Hazard (HAZUS-MH), that support an all-hazards approach in planning efforts of varying types nationwide. We have annual sales exceeding \$1 billion and provide engineering and resource management services to hundreds of federal, tribal, state, and local clients.

Rob Flaner, CFM; will be your project manager throughout this planning effort. Mr. Flaner is a Contra Costa County native and graduate of University of California, Davis with a long track record of client satisfaction. Prior to joining Tetra Tech, Mr. Flaner was an emergency manager for FEMA, working in FEMA regions VIII, IX and X. As an experienced project manager, Mr. Flaner has an extensive resume of projects with similar scope and complexity to what is being proposed for the Cities of Union City and Newark. This project will be managed out of our Oakland, CA office.

Tetra Tech's Project Approach: Tetra Tech is familiar with the mitigation planning and approval process required by the DMA and other Federal and State initiatives. We have participated in and supported the development of FEMA's planning guidance for developing and updating Hazard Mitigation Plans.

Our experience vastly surpasses that of our competitors -- not only in the quantity and the quality of our planning practice — but also in many added values highlighted throughout our proposal. Specifically, we strive to promote the development of productive working relationships that encourage capacity building and cooperation in all facets of emergency management. For example, our mitigation plan risk assessment supports other areas of FEMA's *whole community* approach to emergency management, providing the tangible information that supports FEMA's mission-critical areas of: prevention, protection, response, recovery, and mitigation. We will also use this approach to interface with other City of Union City and City of Newark planning initiatives, thus, enhancing the resiliency of the City and its stakeholders.

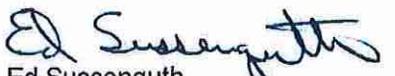
Our expertise in the mitigation field is unrivaled in the West and abroad. We not only provide additional support through our enhanced risk assessment, but we also work with our clients in the development of actual mitigation projects – the strategic portion of mitigation planning. Identifying a wide range of projects that include various funding mechanisms is a meaningful exercise in challenging economic times. Further, the identification of strategic projects and strategies can act as a catalyst and step toward enhanced community resilience.

We realize that this planning initiative requires an expedited process, and we're ready to meet that issue head on. We have tools and resources designed specifically for this type of project, which can result in cost savings. With the support and participation of both Cities and their stakeholders, we will deliver the plans necessary to reach three primary objectives:

1. Develop a plan that meets or exceeds established criteria, including those under 44 CFR Section 201.7, thus making both Cities eligible for the benefits of the DMA.
2. Follow a planning script that will meet multiple program criteria, thereby enabling the City to leverage and maximize their grant funding opportunities for all applicable programs.
3. Provide the City with a plan management tool that promotes sustainability and helps update risk and vulnerability for future plan updates. This tool will be developed using FEMA's "Hazards US-Multi-Hazard" (HAZUS-MH) platform for risk assessment.

Why Tetra Tech? *Because of our perfect record of FEMA first-pass plan approvals in California (and beyond)! Because of our unrivaled experience and qualification with other relevant mitigation programs! Because of our local presence! We have carefully read the Request for Proposal and its addendums, noting the preferred qualifications in a consultant, and we believe our experience working in your backyard speaks to our credentials. We appreciate the opportunity to provide you this proposal. Please contact either Ed or Rob if you have any questions or need additional information.*

Sincerely,
Tetra Tech, Inc.


Ed Sussenguth
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TETRA TECH



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SECTION 1: INTRODUCTION

TETRA TECH, INC.



Tetra Tech Inc. (Tetra Tech) is a leading provider of specialized management consulting and technical services, including emergency management planning, risk assessments, and hazard mitigation planning. Clients include a diverse base of public and private sector organizations located throughout the United States and internationally. The company was founded in 1966 and became a publicly traded company (*NASDAQ-TTEK*) in 1991. Since that time, Tetra Tech has continually expanded and is on extremely solid financial footing.

Relevant to this submittal, Tetra Tech is one of the national leading firms in the field of emergency management and homeland security, with millions of dollars in revenue coming from state and local projects addressing hazard mitigation, emergency response and recovery, emergency management, planning and preparedness, exercise design & delivery, training, and grant management.

Tetra Tech brings to this project 50 years of experience helping clients develop and implement solutions to complex challenges. For the past two decades, Tetra Tech has applied this experience to some of the most vexing emergency management and homeland security challenges facing our nation. From developing biological preparedness plans for the U.S. Army to helping state and local governments effectively plan, train, and exercise for specific threats and all-hazards emergencies, Tetra Tech has provided the vision, hard work, and project management support to effectively meet the needs of our clients.

LOCAL OFFICE LOCATION

Tetra Tech will manage this project from our local Oakland Office, located at:

1999 Harrison Street
Suite 500
Oakland, CA 94612



SECTION 2: THE TETRA TECH PROCESS

Tetra Tech's primary strength is our people and their ability to effectively integrate our technical experience, planning expertise, and commitment to ensuring projects progress in an efficient and timely fashion — precisely the skill sets that is required for this contract. Tetra Tech offers a multi-disciplinary group of practitioners and experts in their field, all of whom have worked together on similar planning projects.

IN-HOUSE SERVICES

All team members are employees of Tetra Tech; we will not be using any subcontractors on this project. Our experience working with the State of California, and directly with the Federal Emergency Management Agency (FEMA) Region IX at a programmatic level, ensures familiarity with the technical and regulatory requirements driving this project, as evidenced by our national record for "first-pass" FEMA reviews on Local Hazard Mitigation Plans (LHMP).

UNIFIED MANAGEMENT APPROACH

Our proposed Project Manager (PM), Mr. Rob Flaner, CFM, will coordinate and oversee the successful completion of all portions of this project. Based out of our local office in Oakland, Mr. Flaner will provide a consistent point of contact for the Cities of Newark and Union City and has the overall authority to direct the team on all technical and financial aspects of the contract. Mr. Flaner will engage the subject matter expertise of Mr. Christopher Godley, CEM, who has a vast resume of Bay Area emergency management experience that will benefit this project. Ms. Jessica Cerutti, CFM also based out of the Oakland Office, will be the lead project planner and the face of this project that interacts with your cities' staff and citizens. Tetra Tech understands the importance of having local mitigation and emergency management specialists easily accessible to the PM and to the cities for maintaining the highest level of quality and cross-functionality in each phase.

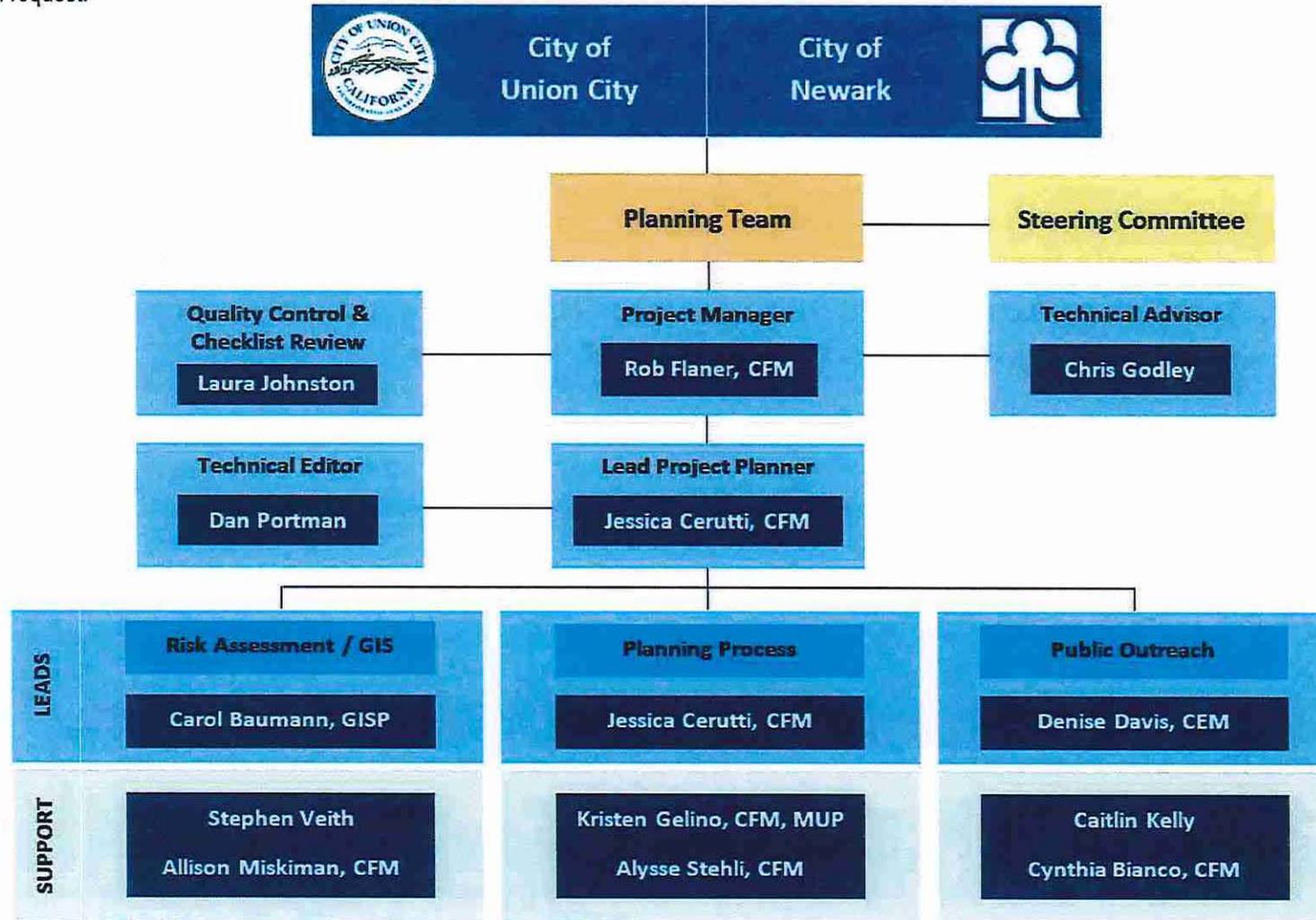
Tetra Tech Team Experience

- Expert understanding of industry standards
- Extensive experience developing local programs to strengthen current plans
- Cadre of subject matter experts ready to support in all aspects of plan finalization
- Local project management with first-hand experience and stakeholder outreach

As illustrated in the organizational chart below, Mr. Flaner has selected a team of experienced planners and practitioners to complete this project. The project team will also be fully supported by Tetra Tech's corporate financial management professionals, procurement specialists, and Quality Assurance (QA) team, while having the capability and authority to engage additional company resources. Our resources include more than 200 staff members with experience in emergency management and hazard mitigation, and additional Tetra Tech staff with technical expertise in a multitude of disciplines.

PROJECT ORGANIZATIONAL CHART

The following presents a description of the qualifications for the Project Manager, Technical Advisors, and Staff Leads. Full resumes are available upon request.





PROJECT MANAGER

Rob Flaner, CFM, has more than 25 years of experience in hazard mitigation in direct support of FEMA. For decades, Mr. Flaner was responsible for implementing FEMA's Community Rating System (CRS) program in nine western states covering three FEMA Regional offices, including Region IX. This program reviews and analyzes community plans and hazard mitigation activities to provide discounts on National Flood Insurance Plan (NFIP) rates. As a result, Mr. Flaner is intimately familiar with all aspects of mitigating natural hazards, especially federal mandates under the Disaster Mitigation Act of 2000 (DMA). In fact, Mr. Flaner has been trained and certified by FEMA as a Disaster Assistance Employee (DAE) to review hazard mitigations plans for DMA compliance. As a direct result, Mr. Flaner recently completed a lead role in developing the largest HMP in the country for Cook County, Illinois, and his extensive resume of hazard mitigation projects include managing the following California hazard mitigation planning efforts: City of Roseville, Contra Costa County, Humboldt County, Del Norte County, Siskiyou County, and Tehama County. Mr. Flaner is currently the Principle in charge overseeing the multi-jurisdictional planning effort in San Mateo County. The LHMP developed by Mr. Flaner for the City of Roseville has become the benchmark standard for all LHMPs in California and nationally. This success has led to additional mitigation contracts with the city and is a foundational element in supporting Roseville's status as the only jurisdiction in the country to have received a Class-1 rating under the CRS program.

LEAD PROJECT PLANNER

Jessica Cerutti, CFM will serve as the lead project planner for this project responsible for the facilitation of all phases of the proposed scope of work. Ms. Cerutti is an experienced planner who holds a Master's of Science in Emergency Management from Millersville University. Ms. Cerutti started her career in the central Pennsylvania area as a public health preparedness and hazard mitigation planner for a small consulting firm. During this time, she worked with FEMA Regions II and III, in addition to various local, state, and federal planning partners. With Tetra Tech, Ms. Cerutti served as a Northern New Jersey Urban Area Security Initiative (UASI) planner, where she was the regional planning lead for a variety of operations-based plans including mass casualty response, mass care, and fire rehabilitation. Ms. Cerutti is currently the lead planner for San Mateo County's LHMP, a support planner for the City of Roseville LHMP 2016 update, and has assisted in various planning tasks for the Bay Area UASI.

RISK ASSESSMENT – GIS/HAZUS LEAD

Carol Baumann, GISP, is a Senior GIS Analyst with 21 years of experience working for public and private sector clients. She has been involved in multiple aspects of GIS projects, including technical project management, data acquisition and integration, data conversion, database design, metadata documentation, application development, software customization, and map design and production. Ms. Baumann has served as the risk assessment lead in multiple LHMPs, where she facilitated detailed analyses of the impact of multiple hazards (including flood, earthquake, dam failure, wildland fire, and tsunami) in the following jurisdictions: City of Los Angeles (California), Los Angeles County (California), King County (Washington), Fremont County (Colorado), El Paso County (Colorado), Maui County (Hawaii), Kootenai County (Washington), Spokane County (Washington), City of Covington (Washington), Humboldt County (California), Park County (Idaho), and Cook County (Illinois). As part of her risk assessment lead responsibilities, Ms. Baumann uses tools such as Hazards U.S. Multi-Hazard (HAZUS-MH) and ArcGIS to analyze current hazards data, general building stock, and critical facilities, to calculate structure exposure and loss estimates. Where feasible, she updates the HAZUS-MH default general building stock data with current tax assessor



information and critical facilities identified by jurisdictions. Ms. Baumann is currently the risk assessment lead for the San Mateo County Regional Hazard Mitigation Planning Effort.

PUBLIC OUTREACH LEAD

Denise Davis, CEM, will serve as the public outreach lead for this project. Ms. Davis has extensive experience in emergency management planning, establishing her expertise while serving in various positions at local governments for more than 30 years. During her career, Ms. Davis has served as the Emergency Management Coordinator for the Cities of Cypress, El Segundo, and Westminster, for a combined total of 24 years. While serving those cities, she was responsible for the emergency management function citywide and authored the emergency operations plans (EOP), hazard mitigation plans, developed emergency operations center (EOC) procedures, conducted EOC training and exercises for responders, served as the EOC Coordinator during EOC activations, advised City Managers and City Councils on emergency management matters, administered and instructed community emergency response team (CERT) and volunteer programs, and conducted public and stakeholder outreach for emergency preparedness activities and education. Ms. Davis is an expert on the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS), and implementing both into government operations, plans, programs, and policies.

TECHNICAL ADVISOR

Christopher Godley, CEM, leads teams tasked with providing emergency management planning services for public and private sector clients. Prior to joining Tetra Tech, Mr. Godley served as Director of Emergency Management for the City of San Jose, California, the tenth largest city in the nation. Mr. Godley also served as the Manager of Emergency Services for Marin County, California, and as the Deputy Emergency Services Coordinator for Sonoma County, California. He has also served in various roles, including incident commander, EOC coordinator, section chief, liaison officer, and project manager, in response to 7 presidential, 11 state, and more than 20 local disasters — most recently as the Deputy Recovery Operations Center Manager for the 2014 Napa County Earthquake.

As a 17-year veteran of the Army National Guard, Mr. Godley served as military field commander, operations officer, and liaison officer in wildfire, winter storm, and flood events. He also led a NATO Military Professional Exchange mission in Ukraine to develop enhanced flood disaster response coordination. He has led or participated in the development of over two dozen local and regional emergency plans in the San Francisco Bay Area.



LHMP DEVELOPMENT APPROACH

Tetra Tech's technical approach to LHMP is broken down by phases. This process has been proven effective through the preparation of numerous FEMA-approved hazard mitigation plans. Each phase described in our approach meets or exceeds the requirements of 44 Code of Federal Regulations (CFR) 201.6 and is our recommended approach on how to proceed in developing the LHMP. The following are some key points Tetra Tech would like to highlight before presenting our recommended approach to this portion of the project:

- The planning requirements specified under 44 CFR Section 201.6 are prescriptive and "process" driven. The requirements address the process of developing the plan rather than dictate plan results, which means that several "shalls" and "mays" are specified in the requirements. You must have a facilitator that has a thorough understanding of the difference between these two specifications to assure plan approval.
- There are many overlaps between hazard mitigation planning requirements and other planning requirements in California, such as the General Planning Law (AB-2140, AB-1241, and SB-379), California Flood Safe Initiative (AB-162), and the CRS. Facilitating a process that generates a plan that will meet multiple program requirements would be an immense benefit to both cities and may lead to substantial savings for a number of households.
- Once completed, this plan will act as the gateway to potential funding under FEMA hazard mitigation grant programs. For the plan to be viewed as a success, it should be successful in securing grant funding for the planning partners. The key to achieving this end is good project development.

With these points in mind, our team would propose the following technical approach.

MULTI-JURISDICTION APPROACH

Tetra Tech recommends a multi-jurisdiction LHMP in support of the Cities of Newark and Union City. We understand that the RFP for this project specified individual plans for both cities. While Tetra Tech can do this for each city, we would advise that benefits of completing a multi-jurisdictional efforts far exceed those for doing individual planning efforts. Development of a multi-jurisdiction LHMP instead of two individual LHMPs is a proactive approach that provides numerous benefits not only during and immediately after the 2016 planning process, but also in preparation for future planning processes. Multi-jurisdiction planning is the preferred approach by both FEMA Region IX and the California Office of Emergency Services (CalOES). In accordance with our proven process, we propose a two-volume, annex-based multi-jurisdiction plan. The process brings together selected planning partners from each jurisdiction to collaboratively decide the overall process. Volume I documents this overall planning process and serves as a reference document for Volume II. In Volume II, each jurisdiction will receive an individual annex containing jurisdiction-specific information such as community/district profile, history, and population. These annexes will also contain jurisdiction-specific hazard rankings and capability assessments. Finally, each annex will house a jurisdiction-specific mitigation strategy. This approach allows for a uniform process that produces the distinctly individualized results both cities desire.

The following key points demonstrate the benefits of a multi-jurisdiction approach:

- **Provides resource savings** - A multi-jurisdiction LHMP allows planning participants to pool resources for value both in cost and personnel resources. This approach eliminates unnecessary redundancies within a defined planning area. By implementing a multi-jurisdiction approach, planning cost is reduced through the development of a single plan instead of two plans.



- **Reduces duplication of efforts** – By joining together under one planning process, planning partners reap the benefits of, among other aspects, a mutually accepted set of goals and public engagement strategy. Overall stakeholder duties are shared among all planning entities, allowing for a streamlined process that benefits stakeholders while remaining respectful of everyday operations and busy schedules.
- **Positioning for future regional integration** – By joining to develop a multi-jurisdiction LHMP, the Cities of Newark and Union City are prepared for potential future regional planning initiatives. Recent action on the part of the federal government has indicated that funding for single-jurisdiction LHMPs is waning and that regionally integrated planning processes will be the preferred method of future hazard mitigation planning efforts. By taking the proactive approach to join in a multi-jurisdiction LHMP for 2016, plan participants are positioning themselves to integrate into a larger regional initiative during the next update period in 2021. This would include any future regional efforts covering Alameda County.
- **Serves as a proven process within the Bay Area** – Recent and current updates from previous Association of Bay area governments (ABAG) initiatives, including San Mateo County and Contra Costa County, are focusing on a truly multi-jurisdiction approach. As more plans are updated, this approach will continue to become the new normal for hazard mitigation planning in and around the Bay Area.

Tetra Tech is open to adjusting the approach based on needs and desires of both cities. If so preferred, Tetra Tech is willing to develop two independent LHMPs for the Cities of Newark and Union City in lieu of the recommended multi-jurisdiction approach. Additional cost would be associated with conducting two separate planning processes for each city. These additional costs may be available upon request if single-jurisdiction plans are the preferred method of the Cities of Newark and Union City.

Note: While the process below assumes the completion of a multi-jurisdiction LHMP, the independent development of two single jurisdiction plans will follow the same planning process.



PHASE 1: DEVELOP PLANNING PROCESS

General Organizational Structure

At the outset of the project, Tetra Tech will work directly with both cities to formalize an overall organizational structure to best meet the needs and interests of the plan participants. Based on Tetra Tech's extensive experience in hazard mitigation planning, Tetra Tech's proposed organizational structure will include the formation of a planning team that would include: a project manager designated by both cities, appropriate staff from the cities, and the project manager and discipline leads from the consultant team. Biweekly planning team calls will be conducted during the course of the project to coordinate project status. Additionally, an oversight advisory committee (Steering Committee) would be formed made up of stakeholders from both cities as described below.

Steering Committee

Tetra Tech will support both cities with establishment of a Steering Committee to provide input and oversight of the development of the LHMP. The Steering Committee will include representatives of relevant jurisdictional departments and agencies, anticipated to include at a minimum: emergency management personnel, representatives from both communities from planning, building, and public works as well as any outside city government stakeholders deemed appropriate for this role. With the full support of Tetra Tech, the Steering Committee will provide guidance and direction to the project and ensure that the needs and interests of the Cities of Newark and Union City are met. The Steering Committee will perform certain planning activities such as: identification of goals and objectives for the plan, a public engagement strategy, and approval of a public review draft of the plan. It is anticipated that this committee would meet no fewer than six times over the performance period for this project.

Planning Process Meetings

The Steering Committee will meet monthly as needed during the course of this project. Tetra Tech believes this schedule meets the interest and intents of the planning process; however, we recognize that the Planning Team and Steering Committee may wish to make modifications. A proposed schedule for these meetings is provided below. Unless otherwise noted, all meetings are expected to be conducted in-person. Tetra Tech will have at least two representatives at all in-person meetings.

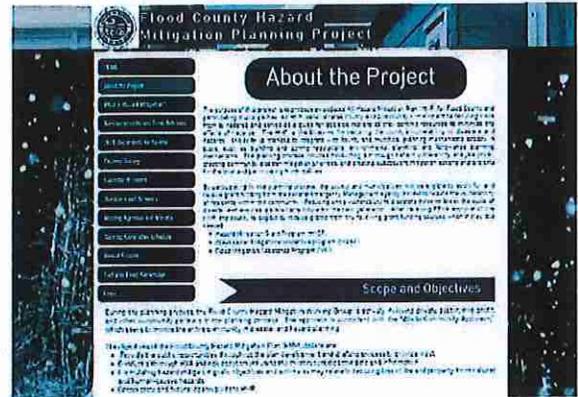
- Steering Committee Project Kick-Off/Data Collection Workshop, Current Plan Review/Goals and Objectives Workshop
- Risk Assessment/Public Outreach Strategy Workshop
- Mitigation Strategy Workshop
- Draft Plan Review Session
- Final Plan Review Session
- State/FEMA Review – Teleconference

Public Outreach Strategy

Tetra Tech will work with the Steering Committee to develop and implement an efficient and effective public outreach strategy, which may include the following elements:

- Public HMP Website:** Working closely with both cities, Tetra Tech will develop and maintain a public mitigation planning website via the Wix platform for the duration of the project to support the planning process (Exhibit 1). This webpage will support broad exposure by providing general information about hazard mitigation planning, the planning process, access to draft plan documents, and information about how the public and stakeholders can participate and provide input to the planning process. Furthermore, the website will provide links to an on-line citizens' preparedness and mitigation survey.
- Public/Citizen Preparedness and Mitigation Survey:** Tetra Tech will develop, maintain, and monitor an on-line natural hazards preparedness citizen survey designed to gauge household preparedness for those hazards that may affect the planning area. This survey will further assess the public's level of knowledge of tools and techniques to assist in reducing risk and loss of those hazards. The survey asks quantifiable questions about citizen perception of risk, knowledge of mitigation, and support of community programs.
- Public Meetings:** Tetra Tech will facilitate public meetings in two phases. The Phase 1 public meetings will be early in the planning process to gage the public's perception of risk and support for possible mitigation actions. Phase 2 will be to present the draft plan during a public comment period. Two phase public meetings will be held for each city (a total of 4) and 1 public meeting for each city (a total of 2) during phase 2. The format and content of each of these meetings will be approved by the Steering Committee. Both of the Cities will be responsible for providing the venue. The Planning Team will be responsible for advertising and facilitation each of these meetings.

Exhibit 1: Sample HMP Website



Stakeholder Outreach

Tetra Tech will work with the Steering Committee to identify a comprehensive list of private and non-government representatives and stakeholders, to develop an appropriate stakeholder outreach strategy that ensures engagement of stakeholders at appropriate stages of the planning process. This will also establish a vehicle or means to obtain useful input to the planning process and plan update document.

PHASE 2: DEVELOP RISK ASSESSMENT/HAZARD IDENTIFICATION

Data Collection

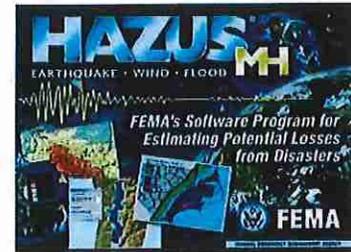
Tetra Tech will implement a data collection program designed to fulfill the identified needs of risk assessment, planning, and mitigation actions development in this plan. At the start of the project, Tetra Tech will prepare a user-friendly data wish-list of all data to be requested from both cities.

Data collection efforts will focus on available local data in the areas of hazard and event data, asset/inventory data, vulnerability data, and planning data. Planning data collected will include existing studies, reports, and technical information; current and future land use; zoning ordinances; comprehensive plans; emergency operation plans; soil surveys; census data; local flood maps; and local GIS data. Tetra Tech has developed, and continues to improve, a suite of survey forms and tools to help facilitate efficient collection of critical data and information.



Inventory Assets

Tetra Tech will use existing data sources, supplemented with committee and stakeholder input, to create an inventory of assets that are exposed to the hazards identified and profiled in the preceding tasks. Asset inventories will be maintained in GIS (ESRI, v10.2.2) for compatibility with FEMA's HAZUS-MH risk assessment tool (v3.1). This inventory will include assets under the general categories of Population and Demographics, General Building Stock (residential, commercial, industrial, and other), and Critical and Essential Facilities (both public and privately owned).



Tetra Tech intends to provide a Level 2, user-defined vulnerability assessment based on the HAZUS-MH risk assessment platform. Tetra Tech will work with through the Planning Team to evaluate available data to update, amend, or replace the default HAZUS-MH databases, allowing a highly detailed risk assessment to support general DMA2000 planning requirements, as well as project identification and ultimately plan implementation.

Our general building stock and critical facility inventory update efforts in HAZUS-MH are structured to build long-term enhancements of our clients' capabilities for supporting local-level risk assessment efforts. Specifically, Tetra Tech develops and implements general building stock and essential facilities inventory update programs based on FEMA's Comprehensive Data Management System (CDMS). This effort will allow our clients to progressively develop a detailed inventory of critical facilities that can be used for various planning and emergency management purposes. We will utilize the best data available including assessors data provided by the cities and obtained from the County

Successful integration of updated building valuation and other required data fields depends on the data available at the local level. Tetra Tech will provide a data wish list that specifically outlines the data required for the HAZUS-MH flood general building stock update (for example, building location, building occupancy class, replacement cost of structure and contents, first-floor elevation, number of stories, foundation type, presence of basement, square footage, occupancy type, year built, and type of construction). If some data are not available or discrepancies between datasets are evident, Tetra Tech will work closely with the cities and make every reasonable effort to ensure the update of the HAZUS-MH general building stock is as accurate as possible for this plan; however, it will be the sole discretion of Tetra Tech as to what is a reasonable and appropriate level of effort to accomplish this data upgrade.

Identify Hazards

At a minimum, the planning team will evaluate natural hazards of concern in the current California State Hazard Mitigation Plan, the 2011 ABAG HMP, and known hazard events in the planning area for this project. The Steering Committee will formally approve the final natural hazards of concern to be addressed in this plan.

Profiling Hazards

Tetra Tech will work with the Steering Committee to obtain the most recent information and data on the hazards to which the planning area is vulnerable. To build upon available local risk assessment and risk management efforts, Tetra Tech will assist the Steering Committee in identifying the characteristics and impacts of those hazards that may impact or may have historically affected the planning area.



All profiles include historical occurrences and the extent, magnitude, and probability of occurrence within the study area. In addition, existing planning area plans will be reviewed as a reference to identify vulnerable areas in each region, thus building on each jurisdictions' prior mitigation planning efforts. Furthermore, pursuant to SB-379 regarding climate adaptation, Tetra Tech will include discussion of the effects of climate change on relevant hazards, referencing recent, peer-reviewed documents prepared for the state.

PHASE 3: DEVELOP VULNERABILITY ASSESSMENT, PREPARE GIS MAP

The primary tool utilized in development of this risk assessment will be HAZUS-MH. This tool will directly support and accomplish the risk and vulnerability assessment of the earthquake and flood-related hazards, including dam failure. Tetra Tech applies HAZUS-MH to support the risk assessment process for specific hazard events because it (1) uses a consistent and defensible methodology, and (2) produces maps and studies that states, local governments, and the private sector can apply to develop quality risk assessments that form the basis of their mitigation plans. These maps and illustrations will be used to support public and stakeholder outreach for this planning process, while the vulnerability assessment data and projects can be used to support other emergency management planning efforts.

Tetra Tech will develop estimates of exposure and losses to existing and future assets from the identified hazards. Each hazard within the planning area will be thoroughly assessed using tools such as GIS/HAZUS-MH and historical and local knowledge of past occurrences.

Under each hazard, a vulnerability analysis will be performed that will include impacts on life, safety, and health; an inventory of the number and type of structures at risk; identification of critical facilities and impacts of the hazard on those facilities; and a review of development and redevelopment trends projected for the future within the area vulnerable to each identified hazard. In addition, the flood hazard risk assessment will include a review of all FEMA-identified repetitive loss properties within each planning area as required under the CRS and Flood Mitigation Assistance (FMA) programs.

Tetra Tech's vulnerability assessments not only add value to mitigation plans, but have also been used in formal cost/benefit analyses in support of hazard mitigation grant applications. The combination of our HAZUS-MH expertise, customization of the tool with jurisdiction-specific data, and utilization of the best available terrain and modeling data, provides our clients with top-notch vulnerability assessments and a solid foundation for identifying and selecting mitigation actions.

PHASE 4: DEVELOP MITIGATION STRATEGY

Mitigation Planning Goals and Objectives

Tetra Tech will work with the Steering Committee to develop hazard mitigation planning goals and associated objectives that will guide and direct identification and prioritization of local mitigation strategies. The goals and objectives identified in the current the California State HMP, planning area previous LHMPs, and other relevant local land use, strategic and emergency management plans will be reviewed for consideration as goals and objectives for this plan are established.

Capability Assessment

Using the capability assessment information garnered from existing planning area plan documents during the data collection process, as well as based on an assessment of federal, state, and regional capabilities to support and effect hazard mitigation, Tetra Tech will introduce capability assessments into the LHMP, as



appropriate. Local capabilities will be identified individually for each city, in terms of regulatory, administrative, technical, fiscal and public outreach capabilities, and whether these capabilities suffice to effectively support mitigation.

Tetra Tech will work directly with the each city's NFIP Floodplain Administrators, or their designees, to document participation in the program and assess local floodplain management capabilities. This approach has been lauded by FEMA reviewers in recent Tetra Tech-supported plan updates. At this time, the City may wish to participate in a Baseline Assessment Tool assessment described in the "Added Values" section of this proposal.

PHASE 5: DEVELOP MITIGATION ACTIONS/PROJECTS AND PLAN MAINTENANCE STRATEGY

Working closely with the Steering Committee, Tetra Tech will implement a structured mitigation action strategy development program following these general steps:

1. Review past and ongoing mitigation efforts, including those identified in existing local plans (comprehensive plans, capital improvement plans, development plans, natural resource management plans, and stormwater management plans).
2. Continue ongoing capture of potential mitigation projects, identified variously throughout the project by plan participants, stakeholders, and the public as a result of outreach efforts.
3. Assist the planning partnership with identification and screening of a comprehensive range of alternatives.
4. Assist the planning partnership in evaluating and prioritizing mitigation actions, including a review of benefits versus costs.

By application of technical expertise, the alternatives will be designed to reduce risks and destructive consequences of the identified hazards of concern. We will work closely with the Steering Committee to develop alternative mitigation initiatives, including **Local Plans and Regulations, Structure and Infrastructure Projects, Natural Systems Protection, Emergency Services and Education and Awareness Programs**. The mitigation actions will reduce the effects of hazards on both new development and existing inventory and infrastructure.

Tetra Tech will work with both cities to prioritize potential mitigation projects and initiatives, based in part on a review of costs versus benefits. Benefits of the mitigation projects that will be considered within the prioritization of projects include life safety, protection from property damage, and economic disruption and environmental damages avoided.

Tetra Tech will also work through the Steering Committee to develop a plan maintenance strategy that includes elements for monitoring, performance evaluation, and foresight to the next 5-year update.

PHASE 6: ASSEMBLE PLAN

Using the information gathered in the first five tasks, Tetra Tech will assemble all of volume I of the plan, and facilitate the assembly of volume II. Tetra Tech will be listed as the author of the mitigation plan and the document will contain the following information:

- Brief introduction, including context for and description of the need for the mitigation plan. This will include a description of the planning process followed in the development of the mitigation plan and



document all public involvement.

- Description of the planning area's mission, goals, programs, and policies, and an analysis of its capabilities to carry them out.
- Brief description of the history, physical setting, land-use patterns, and development trends of the area to be covered by the mitigation plan.
- A profile chapter on Climate Change and the possible impacts of climate change on the identified hazards of concern addressed by the plan.
- List and assessment of the hazards and risks to which each of the cities is vulnerable.
- Summary of current federal, state, and local programs and policies that address the identified risks. Tetra Tech will also include a prioritized list of recommended strategies, programs, policies, and actions to address identified hazards and risks. The review of mitigation activity alternatives will be conducted for each hazard. Additionally, Tetra Tech will identify those persons responsible for implementing recommendations, approximate cost of and potential funding sources for implementing recommendations, cost effectiveness of recommendations, and suggested timeline for implementing recommendations.
- Strategy for evaluating, adopting, and implementing the mitigation plan. The draft Action Plan will identify agencies and departments responsible for implementation, targeted timeframe for implementation, and possible funding mechanisms. Tetra Tech will include documentation that the participating partners have met the requirements of DMA, as described in the Federal Register (Volume 67, Numbers 38 and 190, dated February 26, 2002 and October 1, 2002, respectively).
- Other descriptions, documentation, and mitigation plan elements as required, meeting state, and FEMA approval.
- Summary of how the cities will monitor progress of the mitigation plan and activities and an established timeline for future updates, including an Annual Evaluation Report.
- The LHMP shall describe the need for changes to the risk assessment and what changes were made in comparison to the initial plan. This would include any changes to exposure or probability of occurrence caused by the occurrence of events during the performance period.
- The LHMP shall illustrate any changes to risk exposure caused by changes in land use from annexation, new development, or other relevant factors to be determined.
- The LHMP shall illustrate any changes to the action plan and include an explanation of the status of the action items, and what changes were made.
- The LHMP shall identify the completed, deleted, or deferred actions or activities from the previously approved plan as a benchmark for progress. Further, the updated plan shall include in its evaluation and prioritization any new mitigation actions identified since the previous plan.
- The LHMP shall include an analysis of the prior plans schedule for monitoring, evaluating, and updating the plan, and make any recommendations for changes to the plan maintenance process.
- Each of these elements will be applicable to each of the two cities. Once again, this will be achieved by using templates that will generate annexes for each city ranking risk, quantifying vulnerability by hazard, and identifying and prioritizing mitigation initiatives specific to each jurisdiction. Each city will be familiarized with how to complete their template via one-on-one meetings with the planning team.

Because it will be a multi-jurisdictional plan, the final plan document will be laid out such that the plan will be segregated into two volumes. Volume 1 will contain all information that applies to the whole planning area (City limits of both Cities)) such as description of the planning process, risk assessment, goals, and



objectives, and plan maintenance strategy. Volume 2 will contain those elements that are "jurisdiction specific" such as the jurisdictional capability assessment, risk ranking, and mitigation strategy. Volume 2 will include a jurisdictional annex for each city that fully meets their "participation" requirements specified under section 201.6a.4 44CFR.

PHASE 7: PLAN REVIEW AND ADOPTION

Plan Review

Under Task 7, a first draft of the plan will be presented to the steering committee for review and approval. Changes desired will be incorporated into a Public Review draft. This draft will be made available to the public through a public comment period advertised under the Task 1 public outreach strategy. At the completion of the Public comment period, a final draft will be prepared based on comments received during the public comment period. This final draft plan that will be forwarded to Cal OES and FEMA Region IX to determine the mitigation plan's compliance with the DMA requirements. Key Tetra Tech team members have been trained by FEMA to perform these reviews and will apply these skills to the pre-submittal plans.

Plan Adoption

Tetra Tech recommends that the updated plan be adopted by both City Councils during the agency review process to expedite the timing of receiving final plan approval. FEMA and Cal OES will not grant formal approval of the plan until it has been formally adopted by both cities. The Tetra Tech team feels confident in recommending this approach given our high success rate with 1st review approval. In support of both Cities formal adoption of the plan, Tetra Tech will prepare a PowerPoint presentation summarizing the planning process and plan highlights, attend the City Council meeting where the presentation will be given and prepare a sample resolution for plan adoption. This resolution will also include the proper linkage language for California Assembly Bill 2140 (AB-2140) compliance, which reads that the state may allow for more than 75 percent of public assistance funding under the California Disaster Assistance Act only if the local agency is in a jurisdiction that has adopted a local hazard mitigation plan as part of the safety element of its general plan.

PHASE 8: PROJECT CLOSE OUT

Tetra Tech will provide a summary document of deliverables with final invoice. Final invoice will be submitted when APA is issued by FEMA Region IX.

ADDED VALUES OF THE TETRA TECH LHMP APPROACH

While our proposed technical approach will deliver on the primary objectives for the planning effort — DMA compliance for planning partners — Tetra Tech will provide many other tangible benefits to the Cities. With the current state of declining resources, multi-objective planning is critical for local governments. The other tangible benefits our technical approach provides are as follows:



- The planning process followed for LHMP development is based on that prescribed under FEMA's CRS program. The CRS is a voluntary program that rewards participants for exceeding the minimum requirements of the NFIP. The reward is a reduction in the cost of flood insurance within a participating jurisdiction (up to 45 percent). Neither the City of Newark nor Union City are currently participating in the CRS program. As of November 1, 2015, the City of Newark had 150 flood insurance policies in force with an annual premium of \$94,555; while Union City has 178 flood insurance policies in force with an annual premium of \$155,839. Unfortunately, recent uncertainty concerning the NFIP has led to legislation such as the Biggert-Waters Act and indicates that a sharp increase in NFIP rates will likely occur, in some cases by more than tenfold. Previous Tetra Tech HMP plans have qualified our clients for significant flood insurance premium reductions under the CRS program, providing for a fantastic opportunity for the planning partners to demonstrate and publicize efforts that directly support the community.
- In addition to following the CRS prescribed planning process, and in anticipation of rate increases, Tetra Tech is offering the added benefit of a CRS programmatic assessment for each city using a proprietary Baseline Assessment Tool (BATool™). The BATool™ assessment assists communities in identifying flood program strengths and areas for improvement prior to undergoing the rigors of CRS certification. The ultimate goal of this assessment is to provide jurisdictions with a better understanding of their positioning for entering or advancing in the CRS program to acquire additional flood insurance rate reductions.



While not required as part of the LHMP planning process, Tetra Tech is prepared to offer both cities individual assessments of their current flood management program.

- Our planning process is structured such that our plans easily meet the requirements specified under AB-162, AB-2140, and SB-379. We are very familiar with these state-mandated programs and have developed tools and templates that support program compliance.
- We have structured our wildfire hazard profile section of our plans to meet CalFire's Comprehensive Wildfire Preparedness Plan (CWPP) and SB-1241 requirements. This structure enables our plans to qualify as CWPPs for participating jurisdictions, putting these two important planning documents on the same plan update cycle.
- We facilitate a process that tries to establish hazard mitigation at a programmatic level. Our plans are designed for practical use; therefore, we focus our planning process on building capability to implement the hazard mitigation projects once the plan is complete. We spend a great deal of time on project screening, development, and training on the grant programs to enable the planning partners to pursue funding when it becomes available.
- The jurisdiction-specific HAZUS-MH model constructed during this process will be handed off to planning partnership when the project is complete. HAZUS-MH is a tool with the unique capability to support all phases of emergency management.



SECTION 3: TIMELINE ESTIMATE AND DELIVERABLES

Tetra Tech will strive to complete the LHMP development process within 7 months as specified in the RFP assuming this project can be started by May 1, 2016. Completion of this process within this time frame is contingent being able to start the project as soon as possible after contractor selection and both cities being able to meet their participation expectations required under Section 201.6 44 CFR. It is very important to note that having a contractor complete the entire plan with no city participation is not an option. Each city will need to participate in the process by providing data, access to personnel, providing meeting venues, participate in public outreach and most importantly, identify and prioritize actions.

Any delay in meeting these expectations will impact the time line. We have assumed under the following timeline that all parties involved in the project are on-board with these expectations and unforeseen delays should not be an issue. It is also important to note that Tetra Tech cannot control the amount of time it takes for CalOES and FEMA Region IX to review and approve the plan. Therefore the following time line reflects the time up to plan submittal to the state, not plan approval. It is anticipated that plan approval will extend beyond the December 31, 2016, deadline if plan is submitted on or before that deadline. We base these time estimates on the successful completion of similar projects. This timeline includes the actual plan development and additional time at the end of the project timeline to shepherd both deliverables through the city, state, and federal approval processes. Tetra Tech will provide a detailed project timeline and schedule by phase after initial vendor selection process meetings with the local project sponsor, when project objectives and the level of desired stakeholder involvement can be discussed in more detail. Sample timelines, including associated deliverables for the LHMP completion, are below.

SAMPLE LHMP Update Timeline			
Deliverables	Work Plan Milestones/Tasks	Timeframe	Projected Completion Date
LHMP Phase 1: Develop Planning Process		Ongoing throughout Process	
Public-facing website for duration of project, Steering Committee Meeting Minutes, facilitation of up to three (3) public meetings, draft LHMP, final LHMP.	Steering Committee Meetings	Ongoing, assumed Monthly from project inception. 1 st SC meeting to be held within 2 weeks of Kick-off meeting	
	Kickoff/Data Collection Workshop	1 st week of May, 2016	
	Current Plan Review/Goals/Objectives Workshop	By June 3, 2016	
	Risk Assessment Workshop	By July 1, 2016	
	Mitigation Strategy Workshop	By August 5, 2016	
	Public Website Launch	By May 27, 2016	
	Mitigation Survey	By June 15, 2016	
	Phase 1 Public Meetings	Target the week of July 25, 2016	
	Initiation of 30-day public comment period	October 31, 2016	
	Phase 2 public meetings	Target the week of November 14, 2016	
LHMP Phase 2: Develop Risk Assessment/Hazard Identification		Completed by July 25, 2016	
	Data Collection	May 2, 2016 – July 25, 2016	
	Inventory Assets	May 16, 2016 – June 17, 2016	
	Identify Hazards	By June 17, 2016	
	Profiling Hazards	June 17, 2016 – July 25, 2016	
LHMP Phase 3: Develop Vulnerability Assessment		Completed by July 25, 2016	
Jurisdiction Specific HAZUS-MH model	HAZUS Data Analysis	May 2, 2016 – July 25, 2016	
LHMP Phase 4: Develop Mitigation Strategy		June 15, 2016	
<i>Optional:</i> BATool™ Flood Management Program Assessment	Goals and Objectives	By June 17, 2016	
	Capability Assessment	By August 31, 2016	
LHMP Phase 5: Develop Mitigation Actions/Projects and Plan Maintenance Strategy		By September 2, 2016	
Strategy Workshop, Plan Maintenance Strategy	Strategy Workshop	By August 19, 2016	
	Mitigation Prioritization	By September 16, 2016	
	Plan Maintenance Strategy	By September 30, 2016	



SAMPLE LHMP Update Timeline			
Deliverables	Work Plan Milestones/Tasks	Timeframe	Projected Completion Date
LHMP Phase 6: Assemble Plan			December 16, 2016
Digital copies of internal review, public review and submittal drafts. One print-ready digital copy, and one hard copy for each city of final plan	Internal review Draft	By October 14, 2016	
	Public review Draft	By October 31, 2016	
	Submittal Draft	By December 31, 2016	
	Final Plan	TBD based on CAOES and FEMA region IX review time frame	
LHMP Phase 7: Plan Review and Adoption			January 18, 2017
Completed plan review tool Sample language for jurisdiction resolution	Plan Review Tool	By December 31, 2016	
	Plan adoption	By December 31, 2016	
LHMP Phase 8: Project Close out			TBD
Final APA LHMP (one hardcopy, one CD/DVD per jurisdiction), Summary of deliverables	Summary Document and final invoice	Upon issuance of APA	



SECTION 4: BUDGET

Our stated costs are organized by work plan task and are fully inclusive of all labor and direct reimbursable charges. Our hourly rates are widely accepted by our clients and the FEMA hazard mitigation grant program. Estimates are based on our recent and relevant experience working with similar agencies. In fact, we have yet to underbid a project and not complete the contracted scope of work within our assigned budget.

We note that our estimates are different than our competitors' in that we include time for plan implementation guidance and mentorship. Our planning experts use a suite of tools that have been honed over the past 15 years of developing plans for areas throughout the United States. These resources will be available to the planning area during the plan update process and can ensure that the plans succeed in the federal and state grant arena. Our success is based on each individual plan's success. We are flexible and are willing to adjust our proposed budget by adjusting our scope of work to meet funding constraints during the contracting process.

In Exhibit 2, provides a breakdown of costs by task, and a total cost for the entire project, as depicted below.

Exhibit 2. Total Cost by Task

LHMP Development ²	
<i>Phase</i>	<i>Cost</i>
Phase 1: Develop Planning Process	\$16,163.59
Phase 2: Develop Risk Assessment/Hazard Identification	\$12,688.28
Phase 3: Develop Vulnerability Assessment, Prepare GIS Maps	\$11,671.40
Phase 4: Develop Mitigation Strategy	\$3,887.43
Phase 5: Develop Mitigation Actions/Project	\$5,530.00
Phase 6: Assemble the Plan	\$22,686.30
Phase 7: Plan Review and Adoption	\$2,502.77
Phase 8: Project Close Out	\$3,522.79
LHMP Project Total	\$78,652.56

²Based on a multi-jurisdiction LHMP approach



SECTION 5: ASSUMPTIONS AND LIMITATIONS

This proposal is further based on the following assumptions and limitations:

- Tetra Tech assumes performance of the work under mutually agreeable contractual terms and conditions.
- This proposal is based on Tetra Tech's current understanding of the project. Revisions will be subject to mutual agreement on the final work scope and schedule and other technical and management requirements desired by the Client. The final approved proposal will be part of the awarded contract by reference or incorporated as an exhibit.
- It is understood that comments regarding Draft Plans, Final Draft Plans, and Final Plans may be offered by committees or others at any time throughout the process, and Tetra Tech will make every reasonable attempt to address these comments in the plan documents. However two rounds of comments have been included in the scope and, in the interest of schedule and budget, it will remain the discretion of Tetra Tech to consider and address comments offered after mutually agreed-upon review/response deadlines.
- All documentation that is deemed pertinent to the development of the deliverables should be made available to the task team for review in electronic format upon request.
- Venues for meetings, including stakeholder and public meetings, will be coordinated by the Client at no cost to Tetra Tech.
- Tetra Tech assumes that the Client will be responsible for the reproduction and distribution of all hard-copy deliverables to the planning partnership during the planning process, excluding specific deliverables noted in Section 4 of this proposal, as well as provide access to the documents (in libraries) to the general public.
- The Client will be responsible for disseminating invitations to meetings.
- The Client and Tetra Tech will develop a monthly lump sum invoicing schedule tied to specific project milestones and deliverables for each month. Payment terms are net 30 days.
- The Client agrees to pre-identify and invite steering committee stakeholders to the project kickoff meeting. Notification of the project and invitation to participate in the planning process is the responsibility of the Client.
- At the onset of the project, Tetra Tech will provide the client with a specific list of data needs required for development of a Hazard Mitigation Plan. Each city will provide as much of these datasets as possible to Tetra Tech at the start of this project. These data include relevant local government planning documents and GIS shapefiles/geodatabases. The relevant local government plans include, but are not limited to, local comprehensive plans, emergency operations plans, zoning ordinances, other local plans, other Homeland Security assessment surveys, and ISO Building Code Effectiveness.
- Tetra Tech will update critical/essential facilities, utilities (limited to power facilities, power substations, wastewater treatment plants, wastewater pump stations, potable water facilities, and potable water pump stations), and high potential loss facilities (including dams, levees, military installations, and nuclear facilities) in the HAZUS-MH inventory with GIS data received from the jurisdictions at the onset of the project. Transportation and infrastructure networks, such as roads, railways, conduits, pipelines, will be limited to default data within HAZUS-MH.



- Tetra Tech will provide each jurisdiction with the HAZUS-MH projects (.hpr) created for this plan, along with a GIS dataset (shapefile or geo-database format) of critical/essential facilities, as the GIS data deliverables. Other mapping, data, and information deliverables will be limited to those provided in the electronic versions of the Draft Plan and Final Plan.
- During this planning effort, except for use of HAZUS-MH, Tetra Tech will be using only GIS and other data provided by the Steering Committee and planning partners, and publically available data (Local & County GIS, State GIS, etc.). Tetra Tech will not be responsible for providing metadata for data provided by others, other than providing any metadata that may have been included with those datasets and amending same if these data are modified by Tetra Tech.
- If there is a need for development by Tetra Tech of any GIS and other spatial datasets, either from paper map sources or otherwise, these will be created at accuracy levels suitable for the levels of analysis and presentation required to meet the requirements of DMA 2000 planning. These accuracy levels will be the sole discretion of Tetra Tech's risk assessment and HAZUS-MH experts, who are fully qualified for preparation of such mitigation plans.
- Tetra Tech assumes that digital floodplain mapping is readily available in formats suitable for direct incorporation and analysis using HAZUS-MH, and that this mapping will be provided to Tetra Tech at no charge.
- Notwithstanding the above assumptions and limitations, Tetra Tech assumes that it will not be responsible for development of GIS datasets not currently publicly available. Tetra Tech will be responsible only for use, manipulation, editing, and/or enhancement of existing GIS datasets.
- The risk assessment will be based on default inventory and hazard data, enhanced with suitable data provided by the Steering Committee, and the planning partners. Suitable data will mean data of appropriate format, and sufficient accuracy and attribution to be incorporated into HAZUS-MH analysis or other HAZUS-driven methodologies.
- Throughout the data collection and risk assessment process, the Steering Committee and the planning partners will be expected to obtain and provide data, as available, in a timely fashion.
- Throughout the planning process, planning partners from all participating jurisdictions will be expected to make every effort to attend steering committee meetings or designate an alternate for attendance.
- The acquisition of public or governmental requested resources necessary to achieve ADA compliance in support of individuals with disabilities and others with access and functional needs during process and public meetings is the responsibility of the Steering Committee and planning partners at no expense to Tetra Tech.



SECTION 6: PRIOR EXPERIENCE

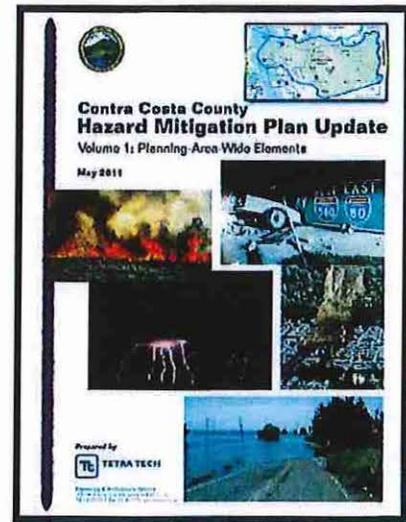
Understanding that Newark and Union City are looking for an experienced contractor that can develop accurate, concise, and timely plans for first time approval by the City Councils, CalOES and FEMA; Tetra Tech offers robust experience and an exceptional skillset. Having developed a multitude of emergency plans such as CEMPs for jurisdictions at all levels of government, Tetra Tech is also the premier provider of LHMPs throughout California and the United States. Tetra Tech's understanding of evolving regulatory and legal requirements has led to an unparalleled track record for first time approval of our planning deliverables.

The Tetra Tech team is proud of our record of past performance. We bring to this project the local knowledge, corporate reliability, and subject-matter expertise to successfully meet the demands of this project. Provided below is information on past performance and points of contact for projects completed by Tetra Tech of similar in size and scope to this project. We have selected contracts relevant to the scope of this project that demonstrate our clients' high level of satisfaction with our services. Tetra Tech encourages you to contact any of these individuals who can attest to the quality of our performance. We are confident they will provide positive input, allowing a fair evaluation of the quality, timeliness, cost-effectiveness, and overall performance of Tetra Tech for similar planning services.

CLIENT: CONTRA COSTA COUNTY

Project Description: Tetra Tech facilitated a comprehensive update to the hazard mitigation plan of record for Contra Costa County, California, and 38 local governments within the county. The county and numerous local governments within the county were covered under a regional plan created by ABAG. Recognizing the numerous shortcomings of a large regional planning effort, Contra Costa County sought to create a countywide plan through the update process that would better suit the needs and capabilities of the county and its planning partners.

Tetra Tech was selected to facilitate this process because of our extensive experience with complex multi-jurisdiction planning efforts. Of utmost importance was the need to address a gap in the ABAG plan, which was inclusive of special-purpose districts within the planning area. This planning effort includes more than 30 special-purpose district planning partners that are the owners, operators, or proprietors of critical facilities identified within the planning area.



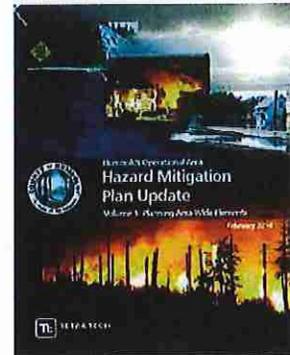
This plan update process has totally repackaged the hazard mitigation plan for the county and has been built upon a comprehensive risk assessment of seven identified hazards of concern using the best available data and technology.

Client Contact: Marcelle Indelicato, (925) 646-4461, minde@so.cccounty.us



CLIENT: HUMBOLDT COUNTY OPERATIONAL AREA HAZARD MITIGATION PLAN

Project Description: Tetra Tech's services were retained to facilitate the development of a multi-jurisdictional, natural hazards mitigation plan for Humboldt County and 21 planning partners, including the cities of Eureka (population 42,233), Arcata (population 16,651) and Fortuna (population 11,250). This was the initial hazard mitigation plan for the Humboldt County operational area. The plan addressed dam failure, drought, earthquake, fishing losses, flood, landslide, severe weather, tsunami, and wildfire. A unique aspect to this plan was the involvement of the eight tribes within the county. While not actual planning partners, these tribes were vital stakeholders in the planning process. This effort also involved project development where FEMA grant-eligible projects were identified, scoped, and targeted for specific FEMA hazard mitigation grants. This plan was well received by the planning partnership as well as the citizens of Humboldt County and received first-pass approval by both the state and FEMA on January 12, 2008. Tetra Tech was also selected to facilitate the 5-year update to this plan in 2012. This plan update was completed within 10 months and received first-pass approval from the State and FEMA region IX on March 20, 2014.



Client Contact: Cybelle Immitt, (707)267-9542, cimmitt@co.humboldt.ca.us

CLIENT: CITY OF ROSEVILLE ALL-HAZARDS MITIGATION PLAN

Project Description: Tetra Tech facilitated development of a comprehensive hazard mitigation plan that addressed both natural and non-natural hazards. Working with the local jurisdictions, Tetra Tech collected data to update the inventory in HAZUS-MH and update maps to support the flood modeling aspects of the project. Using the combined planning, GIS, modeling, and hydrology expertise of the project team, Tetra Tech prepared a hazard mitigation plan that also assisted the community in improving its CRS rating. The city had been working toward a Class 1 rating and was able to use the new LHMP to also address technical deficiencies in its floodplain management plan and achieve the Class 1 rating. The city had undertaken other efforts on its own that also were important to achieving this rating (including removing 480 structures from the floodplain, upgrading culverts, and building floodwalls and berms). The impacts of these efforts significantly reduced flooding associated with heavy rains in 1997.





Based on the information in the plan and with other support from Tetra Tech working closely with Roseville, FEMA awarded Roseville a CRS rating of Class 1 (ratings can range from Class 9 to Class 1). Previously, Roseville had been rated Class 5. This rating was the first such achieved in the country throughout the more than 15 years of the NFIP CRS program. This plan is still the highest scoring plan in the country under the CRS program. The Roseville plan has become the benchmark for successful mitigation planning at a single jurisdictional level and is currently being used by academic institutions (New York University and the University of Washington) in graduate-level urban planning curriculum as examples of good planning. Tetra Tech has developed a long-standing relationship with the city since the completion of the initial planning effort, and is currently in the process of assisting the city in their 2016 plan update.

Client Contact: Carl Walker, (916) 746-1300, cwalker@roseville.ca.us



TETRA TECH

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Oakland, CA 94612-3599
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www.tetrattech.com

I.1 Consideration of City Council's summer meeting recess during the month of August 2016 – from Mayor Nagy. (MOTION)(RESOLUTION)

Background/Discussion – Since 1994 the City Council has approved a summer meeting recess during the month of August. This is because of the lack of any major City business during August and because several Council Members plan vacations during that month. Mayor Nagy would like the City Council to consider a summer recess again this year during August for the same reasons.

The City Council may authorize the City Manager, or his designee, to approve any administrative matters that might occur during the month of August that cannot be deferred until September for City Council action. The general types of administrative matters that might require action are:

- Acceptance of completion of work on City projects
- Approval of agreements as needed for budgeted projects and services
- Approval of plans and specifications
- Award of contracts for budget projects
- Denial of claims

The City Manager would report all such actions taken during the month of August to the City Council at the first regular meeting in September.

Attachment

Action - It is recommended that the City Council, by motion, approve a City Council summer meeting recess during the month of August 2016 and, by resolution, authorize the City Manager, or his designee, to take action on certain administrative matters on behalf of the City of Newark during the recess.

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEWARK AUTHORIZING THE CITY MANAGER, OR HIS
DESIGNEE, TO ACT UPON CERTAIN ADMINISTRATIVE
MATTERS ON BEHALF OF THE CITY OF NEWARK DURING
THE CITY COUNCIL SUMMER MEETING RECESS
AUGUST 2016

WHEREAS, the City Council of the City of Newark will be in recess during the month of August 2016; and

WHEREAS, during said City Council recess, certain administrative matters must be acted upon;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby authorizes the City Manager, or his authorized designee, to act upon these administrative matters during the City Council's meeting recess August 2016, which should not be deferred until the next regularly scheduled meeting of the City Council on September 8, 2016, administrative matters such as:

- Acceptance of completion of work on City projects
- Approval of agreements as needed for budgeted projects and services
- Approval of plans and specifications
- Award of contracts for budgeted projects
- Denial of claims

BE IT FURTHER RESOLVED that all actions taken by the City Manager, or his authorized designee, pursuant to this resolution, shall be reported to the City Council after the recess.



City of Newark

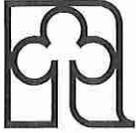
MEMO

DATE: May 3, 2016
TO: City Council
FROM: Sheila Harrington, City Clerk *J.H.*
SUBJECT: Approval of Audited Demands for the City Council Meeting of May 12, 2016.

REGISTER OF AUDITED DEMANDS

Bank of America General Checking Account

<u>Check Date</u>		<u>Check Numbers</u>	
April 21, 2016	Page 1-2	107657 to 107723	Inclusive
April 29, 2016	Page 1-2	107724 to 107777	Inclusive



City of Newark

MEMO

DATE: May 3, 2016

TO: Sheila Harrington, City Clerk

FROM: Susie Woodstock, Administrative Services Director *SW*

SUBJECT: Approval of Audited Demands for the City Council Meeting of May 12, 2016.

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

Final Disbursement List. Check Date 04/29/16, Due Date 05/09/16, Discount Date 05/09/16. Computer Checks.

Bank 1000 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
107724	10736	ABACUS PRODUCTS INC	04/29/16	391.09	PRINTING SVCS
107725	8895	ALAMEDA COUNTY ENVIRONMENTAL HEALTH	04/29/16	3,490.00	HEALTH INSPECTION/PERMITS
107726	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	04/29/16	768,810.00	FIRE SERVICES
107727	3853	COUNTY OF ALAMEDA INTERNAL AUDIT UNIT RI	04/29/16	3,326.50	CITATION PROCESSING FEES
107728	287	ALAMEDA COUNTY SHERIFF'S OFFICE GREGORY	04/29/16	3,571.25	CRIME LAB FEES
107729	7743	ALL AMERICAN RENTALS INC	04/29/16	33.00	DOLLY RENTAL
107730	348	AT&T	04/29/16	293.57	YEAR END TELECOM FY 2015-16
107731	9680	BAY CENTRAL PRINTING	04/29/16	140.45	BUSINESS CARD IMPRINTING
107732	8025	BIDDLE CONSULTING GROUP INC	04/29/16	245.00	ANNUAL SERVICE PLAN RENEWAL OF TESTING S
107733	9876	ANTHONY CERINI	04/29/16	5,083.06	ADPP
107734	3751	BRYAN COBB	04/29/16	229.61	EXPENSE REIMBURSEMENT
107735	11076	CRIME SCENE CLEANERS INC	04/29/16	100.00	OFFICER UNIF DAMAGE
107736	10793	SONDRA JOHNSON	04/29/16	100.00	DEPOSIT REFUND
107737	11081	DIVISION OF THE STATE ARCHITECT ATTN: SB	04/29/16	548.11	CA STATE CASP FEES
107738	11343	ENVIRONMENTAL LOGISTICS, INC.	04/29/16	445.00	FY 2015-16 HAZARDOUS MATERIALS PICK UP
107739	522	FEDEX	04/29/16	25.27	PACKAGE DELIVERY
107740	2986	FIRESTONE PHOTOGRAPHY	04/29/16	281.15	PHOTOGRAPH OF EMPLOYEE OF THE YEAR
107741	1120	FORENSIC ANALYTICAL SCIENCES, INC	04/29/16	95.00	LAB TESTS
107742	5767	FREMONT PARK GOLF COURSE	04/29/16	178.75	RECREATION CONTRACT
107743	313	FREMONT URGENT CARE CENTER	04/29/16	1,356.00	ANNUAL PO FOR PRE-EMPLOYMENT AND DOT PHY
107744	10983	G BORTOLOTTI & CO INC	04/29/16	47,363.09	RETENTION FEES FOR PRJ 1093
107745	167	HARRIS COMPUTER SYSTEMS	04/29/16	1,050.00	SUPPORT FOR BANK TRANSITION
107746	4572	JOHN HERSCHEL	04/29/16	223.43	EXPENSE REIMBURSEMENT
107747	11123	I PIZZA	04/29/16	1,314.50	PIZZA FOR CAFE AND PARTIES
107748	187	INDUSTRIAL SAFETY SUPPLY	04/29/16	186.54	SAFETY CLOTHES
107749	293	LANGUAGE LINE SERVICES INC	04/29/16	203.27	INTERPRETATION SVCS
107750	3644	RELX INC. DBA LEXISNEXIS	04/29/16	176.00	ONLINE LEGAL RESEARCH SUBSCRIPTION
107751	7189	LINCOLN EQUIPMENT INC	04/29/16	511.24	POOL CHEMICALS AND EQUIPMENT
107752	80	LYNN PEAVEY COMPANY	04/29/16	97.15	EVIDENCE SUPPLIES
107753	11309	MANUEL FERNANDEZ CONSTRUCTION	04/29/16	480.00	CARPET CLEANING
107754	4312	NICK MAVRAKIS	04/29/16	313.61	EXPENSE REIMBURSEMENT
107755	5248	MOORE MEDICAL CORP	04/29/16	84.97	GLOVES
107756	10710	MUNICIPAL CODE CORPORATION	04/29/16	514.61	MUNICIPAL CODE SUPPLEMENT PAGES
107757	7335	MUNICIPAL MAINTENANCE EQUIPMENT INC	04/29/16	378.76	PARTS
107758	1409	LAWRENCE E MURPHY PHD CONSULTING PSYCHOL	04/29/16	5,600.00	ANNUAL PO FOR PSHYCOLOGICAL EVALUATIONS
107759	611	KKR AUTOMOTIVE DBA NAPA AUTO PARTS	04/29/16	2,815.57	FY15-16 AUTOMOTIVE SUPPLIES
107760	11089	NEWPARK AUTO SERVICE	04/29/16	703.72	VEHICLE SMOGS
107761	1520	OAKLAND AUDIO-VISUAL SERVICE INC	04/29/16	2,257.00	AUDIO-VISUAL-STATE OF CITY ADDRESS
107762	10918	ANKAR CYCLES, INC dba OAKLAND HARLEY-DAV	04/29/16	613.54	PARTS
107763	327	OCCU-MED LTD	04/29/16	180.00	ANNUAL PO FOR PRE-EMPLOYMENT PHYSICALS
107764	349	PACIFIC GAS & ELECTRIC	04/29/16	38,980.42	FY15-16 GAS/ELECTRIC CHARGES
107765	9337	ELIZABETH DANSIE, M.A., M.F.C.C. PSYCHOL	04/29/16	1,100.00	PSYCH SVCS 15/16
107766	4346	QUALITY SIGN & BANNER	04/29/16	130.46	VINYL GRAPHICS
107767	9811	REDFLEX TRAFFIC SYSTEMS	04/29/16	18,800.00	REDLIGHT CAMERA MONITORING
107768	112	WILLE ELECTRICAL SUPPLY CO INC	04/29/16	2,256.16	PARTS
107769	11277	SHRED-IT USA	04/29/16	119.32	SHREDDING SVCS
107770	9557	SIEMENS INDUSTRY INC BUILDING TECHNOLOGI	04/29/16	4,930.00	FIRE SERVICE AGREEMENT
107771	40	STAPLES ADVANTAGE DEPT LA	04/29/16	1,739.37	OFFICE SUPPLIES
107772	7744	T-MOBILE USA, INC.	04/29/16	200.00	CALL DETAIL RECORDS
107773	679	TARGET SPECIALTY PRODUCTS	04/29/16	491.08	PARTS
107774	146	THYSSENKRUPP ELEVATOR CORPORATION	04/29/16	3,553.07	ELEVATOR REPAIR

Final Disbursement List. Check Date 04/29/16, Due Date 05/09/16, Discount Date 05/09/16. Computer Checks.
 Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
107775	7517	U S FOODS INC SAN FRANCISCO	04/29/16	1,221.12	CAFE PURCHASES
107776	3930	UNION BANK OF CALIFORNIA N.A. CORPORATE	04/29/16	998.00	01/01-12/31/16 AID 34 #6711679600
107777	340	WITMER-TYSON IMPORTS	04/29/16	759.52	K9 TRAINING/SUPPLIES
Total				929,088.33	

Final Disbursement List. Check Date 04/21/16, Due Date 04/30/16, Discount Date 04/30/16. Computer Checks.

Bank 1001 US BANK

MICK Check#	Vendor Number	Payee	Check Date	Check Amount	Description
107657	10	ABC FIRE PROTECTION INC	04/21/16	1,063.29	VEHICLE EXTINGUISHERS
107658	10223	LEXISNEXIS RISK SOLUTIONS ACCT# 1415640	04/21/16	428.40	BACKGROUND CHECKS
107659	11094	ACME AUTO LEASING, LLC	04/21/16	1,909.44	ARMORED RESCUE VEH LEASE
107660	332	ADAMSON POLICE PRODUCTS PROFESSIONAL POL	04/21/16	770.87	MISCELLANEOUS PURCHASES
107661	1396	ALAMEDA COUNTY FIRE DEPARTMENT ATTN: ACC	04/21/16	5,493.96	EQUIPMENT REPAIR/MAINTENANCE
107662	344	ALAMEDA COUNTY WATER DISTRICT	04/21/16	1,323.00	FY15-16 WATER USAGE
107663	5821	ALL CITY MANAGEMENT SERVICES, INC	04/21/16	3,124.17	CROSSING GUARD SVCS
107664	12	ALLIED AUTO STORES INC	04/21/16	586.34	AUTO PARTS
107665	1078	AMERICAN STAGE TOURS ATTN CHARTER SALES	04/21/16	3,630.00	RIVER CITY QUEEN TRIP
107666	1085	AT&T	04/21/16	39.19	LONG DISTANCE TELECOM FY2015-16
107667	134	BATTERY SYSTEMS INC ATTN: ACCOUNTS RECEI	04/21/16	803.33	BATTERIES
107668	1131	BAY ISLAND OFFICIALS ASSOCIATION ATTN FR	04/21/16	550.00	SPORTS OFFICIATING
107669	3665	BRUCE'S TIRE	04/21/16	703.88	TIRES
107670	11011	CHANDLER GARAGE DOOR	04/21/16	825.00	TROLLEY RAIL REPAIR
107671	458	CHEVRON AND TEXACO BUSINESS CARD SERVICE	04/21/16	447.42	GASOLINE
107672	7633	CONTRA COSTA CO SHERIFF	04/21/16	235.00	PATROL POST TRAINING
107673	1558	CALIFORNIA RESERVE PEACE OFFICERS ASSOCI	04/21/16	270.00	RESERVE ASSOC DUES
107674	11032	CUBE SOLUTIONS	04/21/16	412.14	REPLACEMENT CHAIR: PW/BI
107675	10649	AMELIA SILVEY	04/21/16	1,000.00	PERFORMANCE BOND RTN EP# 2015-046
107676	10649	JENSON FREITAS	04/21/16	1,000.00	PERFORMANCE BOND RTN EP# 2015-142
107677	10793	HERMA LEAL	04/21/16	300.00	REFUND DEPOSIT
107678	10793	ROZLYN SMITH	04/21/16	285.00	RENTAL DEPOSIT REFUND
107679	10793	HOOVER KIDS' CLUB	04/21/16	50.00	DEPOSIT REFUND
107680	10677	DAILY JOURNAL CORP CALIFORNIA NEWSPAPER	04/21/16	16.25	LEGAL ADS
107681	63	THE GOODYEAR TIRE & RUBBER CO	04/21/16	1,229.45	TIRES
107682	3728	DEPARTMENT OF JUSTICE ACCOUNTING OFFICE	04/21/16	418.00	ANNUAL PO FOR FINGERPRINTING FEES
107683	3969	DEPARTMENT OF MOTOR VEHICLES MAIL SUPPOR	04/21/16	581.86	BOOKS & BULLETINS
107684	10904	EAST BAY REFRIGERATION	04/21/16	294.98	REFRIGERATOR MAINT
107685	10725	MATT REYMUNDO	04/21/16	1,244.05	EE COMPUTER LOAN PROGRAM
107686	11343	ENVIRONMENTAL LOGISTICS, INC.	04/21/16	287.50	FY 2015-16 HAZARDOUS MATERIALS PICK UP
107687	310	EQUIFAX INFORMATION SVCS LLC	04/21/16	51.26	ANNUAL PO FOR CREDIT REPORTS
107688	11371	EVAN HARRAR	04/21/16	600.00	VIDEO-STATE OF THE CITY ADDRESS 04/14/16
107689	10642	FASTENAL COMPANY	04/21/16	55.15	PARTS
107690	11027	FITGUARD, INC	04/21/16	99.00	FITNESS EQUIP MAINT
107691	275	GOVERNMENT FINANCE OFFICERS ASSOCIATION	04/21/16	50.00	GFOA MEMBERSHIPS/SUBSCRIPTIONS
107692	10999	GURUS EDUCATIONAL SERVICES RITA KHURANA	04/21/16	784.00	RECREATION CONTRACT
107693	167	HARRIS COMPUTER SYSTEMS	04/21/16	3,078.36	SELECT FINANCE SYSTEM MAINTENANCE FY2015
107694	10663	HOSE & FITTING ETC	04/21/16	33.19	FY15-16 HYDRAULIC HOSES, PARTS AND REPAI
107695	187	INDUSTRIAL SAFETY SUPPLY	04/21/16	115.51	HI-VISION PANTS
107696	10930	TIMOTHY JONES	04/21/16	175.00	EXPENSE REIMBURSEMENT
107697	6009	JT2 INTEGRATED RESOURCES CORPORATE ACCOU	04/21/16	3,435.61	ANNUAL PO FOR WORKER'S COMP ADMINISTRATI
107698	6009	JT2 INTEGRATED RESOURCES ATTN: CLAIMS AC	04/21/16	52,083.54	ANNUAL PO FOR WORKER'S COMP TRUST FUND R
107699	10943	KRONOS INC	04/21/16	645.00	UB TELESTAFF UPGRADE
107700	1452	MISA LEAL	04/21/16	158.78	EXPENSE REIMBURSEMENT
107701	80	LYNN PEAVEY COMPANY	04/21/16	74.04	EVIDENCE SUPPLIES
107702	10298	MANAGED HEALTH NETWORK BANK OF AMERICA	04/21/16	381.92	ANNUAL PO FOR CITY EMPLOYEE ASSISTANCE P
107703	5248	MOORE MEDICAL CORP	04/21/16	137.42	GLOVES
107704	11089	NEWPARK AUTO SERVICE	04/21/16	159.71	FY15-16 AUTO REPAIRS
107705	10091	NOWDOCS INTERNATIONAL, INC NOWFORMS DIVI	04/21/16	300.00	CHECK STOCK/TAX SUPPLIES
107706	349	PACIFIC GAS & ELECTRIC	04/21/16	1,935.23	FY15-16 STREET/TRAFFIC LIGHT ENERGY COST
107707	329	PHOENIX GROUP INFORMATION SYSTEMS	04/21/16	182.00	PARKING CITATION PROGRAM

Final Disbursement List. Check Date 04/21/16, Due Date 04/30/16, Discount Date 04/30/16. Computer Checks.

Bank 1001 US BANK

MICR Check#	Vendor Number	Payee	Check Date	Check Amount	Description
107708	4346	QUALITY SIGN & BANNER	04/21/16	144.36	SIGNS
107709	4176	MICHAEL QUEBEC	04/21/16	150.00	SR CTR ENTERTAINMENT 4/15/16
107710	7885	RENNE SLOAN HOLTZMAN SAKAI PUBLIC LAW GR	04/21/16	661.50	ANNUAL PO FOR LEGAL ADVICE
107711	10864	JEFF REVAY	04/21/16	104.95	EXPENSE REIMBURSEMENT
107712	644	ROSIE'S TOURS ROSIE MONIZ	04/21/16	504.00	BLACK OAK CASINO TRIP
107713	11373	RRM DESIGN GROUP	04/21/16	15,513.45	NEWARK ZONING CODE UPDATE
107714	9381	SCHINDLER ELEVATOR CORPORATION	04/21/16	1,309.44	ELEVATOR REPAIR
107715	377	SIMON & COMPANY INC	04/21/16	1,839.98	LEGISLATIVE SERVICES
107716	11133	COMMERCIAL SPEEDOMETER SERVICES, INC DBA	04/21/16	288.00	SPEEDOMETER ACCURACY VERIFCATION
107717	1765	TEMPERATURE TECHNOLOGY INC	04/21/16	2,529.76	HVAC REPAIRS
107718	5246	TURF STAR INC	04/21/16	1,023.82	PARTS
107719	6797	US BANK CORPORATE PAYMENT	04/21/16	19,105.03	US BANK CC PAYMENT 03/22/16
107720	5623	VERIZON WIRELESS	04/21/16	843.12	ANNUAL CELLULAR EQUIPMENT AND SERVICE FY
107721	5732	WATERPROOFING ASSOCIATES	04/21/16	1,009.00	ROOF LEAK/REPAIR
107722	5050	WEST COAST ARBORISTS INC	04/21/16	5,220.00	FY15-16 TREE WORK
107723	9357	WILMA LOTT CATERING	04/21/16	2,303.28	DINNER-MAYORS CONF 4-13-16
Total				146,406.93	