A. ROLL CALL

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, February 23, 2016. (MOTION)

C. WRITTEN COMMUNICATIONS

D. ORAL COMMUNICATIONS (Anyone wishing to address the Commission on any planning item not on the Agenda may take the podium and state his/her name and address clearly for the recorder.)

E. PUBLIC HEARINGS

F. STAFF REPORTS

F.1 Planning Commission consideration of an extension to Vesting Tentative Map 8157 (SHH Project) – from Assistant City Manager Grindall. (RESOLUTION)

F.2 ASR-15-31, an Architectural and Site Plan Review for a two hotel (Staybridge Suites & SpringHill Suites) and one restaurant (Bubba's 33) project at 6000 NewPark Mall Road (APN: 901-111-3 & 4) and E-15-32, an addendum to an Environmental Impact Report – from Assistant City Manager Grindall. (RESOLUTIONS - 2)

G. COMMISSION MATTERS

G.1 Report on City Council actions.

H. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the Planning Commission, will be made available for public inspection at this meeting and at the Planning Division Counter located at 37101 Newark Boulevard, 1st 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.
A. ROLL CALL

At 7:30 p.m., Chairperson Aguilar called the meeting to order. All Planning Commissioners were present.

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, February 2, 2016.

Vice-Chairperson Nillo moved, Commissioner Fitts seconded, to approve the Minutes of February 2, 2016. The motion passed 4 AYES, 1 ABSTENTION (Bridges).

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider: (1) P-16-4, a planned unit development and U-16-5, a conditional use permit for two corridor access lots on Sunset Avenue (APN: 92A-465-56); and (2) ASR-16-6, an Architectural and Site Plan Review for two single family homes at 7731 and 7733 Sunset Avenue.

Assistant City Manager Grindall gave the staff report.

Chairperson Aguilar opened the Public Hearing.

Applicant Abdul Durrani, 38765 Mission Boulevard, Fremont, CA 94536, stated he has read and is in agreement to all conditions in Resolutions 1929.
Answering Chairperson Aguilar, Mr. Durrani stated his neighbors’ only concerns were setbacks and elevations which were addressed at the neighborhood meetings.

Answering Commissioner Otterstetter, Mr. Durrani stated he will landscape the front area next to the driveway.

Chairperson Aguilar closed the Public Hearing.

Motion made by Commissioner Fitts, seconded by Commissioner Bridges to: (1) Approve Resolution 1929, approving P-16-4, a planned unit development and U-16-5, a conditional use permit, for two corridor access lots on Sunset Avenue (APN: 92A-465-56); and (2) by motion approving ASR-16-6, an Architectural and Site Plan Review for two single-family homes at 7731 and 7733 Sunset Avenue, with Exhibit A, pages 1 through 9.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 JS-15-8, a Joint Staff Committee Review, to construct a duplex at 37070 Locust Street (APN: 92-126-13-2).

Assistant City Manager Grindall gave the staff report and informed the Planning Commission that this item was review optional.

Commissioner Bridges commented that she was impressed with the project’s renderings.

Answering Commissioner Fitts, ACM Grindall stated although this project does not fall into the density bonus category, it does fit in well with the flexibility of the R2500 zoning designation.

Commissioner Otterstetter commented that she liked the ample parking provided for this project.

Answering Commissioner Bridges, ACM Grindall stated the Applicant must adhere to the interior and exterior noise standards whether by building a sound wall or installing double-pane or triple-pane windows.
Answering Chairperson Aguilar, ACM Grindall explained when Housing Impact Fees and School District Fees were collected.

The Planning Commission chose not to review this item.

G.2 Report on City Council actions.

ACM Grindall informed the Planning Commission that the City Council has embarked on developing a Citywide Parks Master Plan and a Request for Qualifications (RFQ) was issued to start the process.

ACM Grindall also stated that a Zoning Ordinance Update project has begun.

Commissioners’ Comments

Answering Commissioner Fitts, ACM Grindall described the Civic Center Feasibility Study process and indicated if the project moves forward there would be opportunities for the Planning Commission to give their input.

Vice-Chairperson Nillo thanked the Women’s Council of Realtors for hosting the Tri-Cities Planning Commissioners program.

Commissioner Otterstetter announced Stage One Theater is presenting the Musical Chicago from March 5th through March 20th at the Newark Memorial High School Theatre.

H. ADJOURNMENT

At 7:52 p.m., Chairperson Aguilar adjourned the regular Planning Commission meeting of Tuesday, February 23, 2016.

Respectfully submitted,

TERRENCE GRINDALL
Secretary
Planning Commission consideration of an extension to Vesting Tentative Map 8157 (SHH Project) – from Assistant City Manager Grindall. (RESOLUTION)

Background/Discussion – In April 2014, the Planning Commission and City Council approved an application for Vesting Tentative Map 8157 and building plans for approximately 88 townhome/condominium units, 75 affordable senior housing units, and a 15,000 square foot retail building to be located on approximately 8.09 acres along Enterprise Drive and Willow Street. This project was known as the SHH Project.

The Subdivision Map Act provides that an approved tentative map expires 24 months after its approval, unless a map extension has been approved. The project developer has indicated the final map for the subject subdivision will not be filed before the April 24, 2016 expiration date and has requested a two year extension.

This project is a vital part of the Dumbarton Transit Oriented Development, as it not only provides additional single-family housing options, but provides affordable housing and a much needed retail component to the area. As such, staff recommends the Planning Commission approve the time extension request.

Attachment

Action – It is recommended that the Planning Commission, by resolution, approve a two-year extension to Vesting Tentative Map 8157, with Exhibit B, pages 1 through 7.
RESOLUTION NO.

RESOLUTION APPROVING A TWO-YEAR EXTENSION TO VESTING TENTATIVE MAP 8157

WHEREAS, the SHH Property Owner, LLC and Newark Parcel E Project Owner, LLC, filed with the Planning Commission and City Council of the City of Newark an application for Vesting Tentative Map 8157 and building plans for approximately 88 townhome/condominium units, 75 affordable senior housing units, and a 15,000 square foot retail building to be located on approximately 8.09 acres along Enterprise Drive and Willow Street; and

PURSUANT to Municipal Code Section 17.72.060, a public hearing notice was published in The Argus on April 11, 2014, and mailed as required, and the City Council held a public hearing on said application at 7:30 p.m. on April 24, 2014 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

WHEREAS, on April 24, 2014, the City Council approved Vesting Tentative Map 8157 with associated permits; and

WHEREAS, Municipal Code Section 16.08.070 and the Subdivision Map Act provides that an approved tentative map expires 24 months after its approval, unless a map extension is approved; and

WHEREAS, the project developer has indicated the final map for the subject subdivision will not be filed before the April 24, 2016 expiration date and has requested a two year extension provided under the Subdivision Map Act Government Code Section 66452.6(e).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby approves this application with Exhibit B, pages 1 through 7, subject to compliance with the following conditions:

a. The approval of Vesting Tentative Map 8157 is extended to April 24, 2018. Further extensions will require Planning Commission and City Council approval.

b. Vesting Tentative Map 8157 is subject to all conditions of Planning Commission Resolution Nos. 1857, 1858, and 1859; City Council Resolution Nos. 10193, 10194, 10195, and 10196; and City Council Ordinance 474.

c. This Vesting Tentative Map extension will require review and approval of the City Council.

d. The developer hereby agrees to defend, indemnify, and hold 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.

e. 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 March 22, 2016 meeting
by Commissioner , seconded by Commissioner , and passed as follows:

AYES:

NOES:

ABSENT:

__________________________
TERRENCE GRINDALL, Secretary

__________________________
JEFF AGUILAR, Chairperson

Resolution No. 2

(Prec1322)
F.2 ASR-15-31, an Architectural and Site Plan Review for a two hotel (Staybridge Suites & SpringHill Suites) and one restaurant (Bubba's 33) project at 6000 NewPark Mall Road (APN: 901-111-3 & 4) and E-15-32, an addendum to an Environmental Impact Report – from Assistant City Manager Grindall. (RESOLUTIONS - 2)

Background/Discussion – SyWest Development has submitted an application on behalf of SpringHill Suites, Staybridge Suites, and Bubba's 33 restaurant, for a project at 6000 NewPark Mall Road. Attached is Exhibit A, pages 1 through 16.

Zoning/General Plan Compliance

The site has both a zoning and General Plan designation of Regional Commercial. Hotels and restaurants are permitted uses within the Regional Commercial district; therefore, this project is before the Planning Commission for design review only.

A portion of the site is occupied by the former Cinedome 7 movie theater. The remainder of the site is vacant. The Cinedome building will be removed as part of this development.

Project

The project is comprised of a 104 unit, four-story, 21,550 square foot Staybridge Suite hotel, a 120-unit, four-story, 180 square foot SpringHill Suites, and a Bubba's 33 restaurant with an outdoor game/recreation area. Both hotels will provide an indoor swimming pool, business and fitness centers, and meeting rooms. As the final footprint is still being determined, the building size shown is for illustrative purposes only.

Staybridge Suites, part of the Intercontinental Hotel Group, Staybridge Suites is IHG's global extended stay brand, which offers a “social and home-like environment for guests spending an extended period away from their home and family”. Launched in 1997, for long-stay travelers in the Americas, in 2002 it became the first extended stay hotel brand in the world to reach 50 hotels in just under four years.

The SpringHill Suites by Marriott, which is the largest all-suites style brand, has a progressive design in the upper moderate-tier to meet the needs of the next generation traveler. With modern décor and comforts like great bedding, enhanced food and fitness options, the brand delivers a stylish hotel that provides the space business travelers are looking for.

Bubba's 33 is a family-friendly sports restaurant/bar concept that first opened in 2014. This concept was created by Kent Taylor, founder and CEO of the “Texas Roadhouse” brand. Their philosophy of “legendary food, legendary service, and legendary fun” has also been fully
integrated throughout this concept. The interior space is comprised of a main dining area with two separate, small bar areas. The interior “garage bar” has functional garage doors that allow patrons to experience “al fresco” dining without being outside. The Newark location will be the first location to have an outdoor recreational area. It will also have separate outdoor patio dining with a fire feature. Bubba’s notes that these added features will prove to make this Newark restaurant their “destination location.”

Parking

Per the Newark Municipal Code, hotels require one parking space per employee, plus one additional parking space for each guest room or two beds, whichever is greater. Based on the room count and employee numbers, the two hotels must provide 242 spaces which is exactly what is shown on the plans. At 9,000 square feet, Bubba’s 33 is required to provide 90 spaces; 107 are provided. Obviously, the number of required spaces will be reduced if a smaller footprint is proposed.

Addendum to the Environmental Impact Report

The Addendum to the General Plan Environmental Impact Report (EIR) was prepared for this project and completed by First Carbon Solutions. Seventeen environmental issues were analyzed (Outlined in Section 2.3 of the Addendum), none of which was found to have any new significant impact. Table 1-1 of the Executive Summary notes mitigation measures that have already been accounted for in the original General Plan EIR.

The Addendum was made available to the public beginning February 3, 2016. Staff did not receive any comments on this project prior to preparing this report for the Planning Commission.

Attachment

Action - It is recommended that the Planning Commission, by resolutions: (1) approve ASR-15-31, an Architectural and Site Plan Review for a two hotel (Staybridge Suites & SpringHill Suites) and one restaurant (Bubba’s 33) project at 6000 NewPark Mall Road (APN: 901-111-3 & 4), with Exhibit A, pages 1 through 16; and (2) make certain findings and adopt an Addendum to an Environmental Impact Report, E-15-32, for a two hotel and one restaurant project at 6000 NewPark Mall Road.
RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWARK MAKING CERTAIN FINDINGS AND ADOPTING AN ADDENDUM TO AN ENVIRONMENTAL IMPACT REPORT FOR A TWO HOTEL (STAYBRIDGE SUITES & SPRINGHILL SUITES) AND ONE RESTAURANT (BUBBA’S 33) PROJECT AT 6000 NEWPARK MALL ROAD (APN: 901-111-3 & 4)

WHEREAS, the 2-Hotel/Restaurant project ("Project"), which is located within the Greater NewPark Mall area, consists of the construction of two four-story hotels consisting of a 104-room Staybridge Suites, a 120-room SpringHill Suites, and a 8,500 square foot Bubba’s 33 restaurant (APN: 901-111-3 & 4); and

WHEREAS, the entitlements requested include an Architectural and Site Plan Review (ASR-15-31); 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 February 3, 2016; and

WHEREAS, on March 22, 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 March 22, 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:

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 March 22, 2016 meeting by Commissioner __________, seconded by Commissioner __________, and passed as follows:

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

JEFF AGUILAR, Chairperson

Resolution No. 2 (Pres1532)
RESOLUTION NO.

RESOLUTION APPROVING AN ARCHITECTURAL AND SITE PLAN REVIEW FOR A TWO HOTEL (STAYBRIDGE SUITES & SPRINGHILL SUITES) AND ONE RESTAURANT (BUBBA’S 33) PROJECT AT 6000 NEWPARK MALL ROAD (APN: 901-111-3 & 4)

WHEREAS, Sywest Development has filed with the Planning Commission of the City of Newark an application for an Architectural and Site Plan Review (ASR-15-31) for a two hotel (Staybridge Suites and Springhill Suites) and one restaurant (Bubba’s 33) project at 6000 NewPark Mall Road.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby approves this application as shown on Exhibit A, pages 1 through 16, subject to compliance with the following conditions:

Planning Division

a. The project shall be subject to the mitigation measures included in the Addendum to the General Plan Update Environmental Impact Report, dated February 2, 2016.

b. 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.

c. 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.

d. 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.

e. All lighting shall be directed on-site so as not to create glare off-site, as required by the Community Development Director.

f. 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.
g. 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.

h. 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.

i. 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.

j. 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.

k. 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.

l. 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).

m. Prior to issuance of a grading permit, the developer shall hire a qualified biologist to: (1) determine if occupied Burrowing Owl habitat(s) exist on the site, and (2) implement a plan to protect the owls and to excavate the site around any active burrows using hand tools to assure that the owls are not buried during grading in the event Burrowing Owl habitat(s) is found on the site. The occupied Burrowing Owl habitat(s), if found, shall not
be disturbed during the nesting season. The Burrowing Owl study shall be conducted not more than 30 days prior to the time site grading activities will commence.

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

Engineering Division

o. Prior to the issuance of a building permit, the developer shall obtain approval of a parcel map or a lot line adjustment for reconfiguration of the two-parcel site as required by the City Engineer. The parcel map or any required separate instruments shall designate and/or dedicate emergency vehicle access ways, private vehicle access ways, public utility easements, etc. over the site as determined necessary by the City Engineer. The parcel map (or alternative documents) and site civil plans shall be submitted to the Engineering Division for review to ensure conformance with the relevant codes, policies, and other requirements of the Newark Municipal Code and the Subdivision Map Act. The parcel map, lot line adjustment, and/or easement dedications/reservations shall be recorded prior to the issuance of a Certificate of Occupancy.

p. The preliminary site design has not been reviewed in detail by the Alameda County Water District, Alameda County Flood Control and Water Conservation District, Pacific Gas & Electric, or Union Sanitary District. Any necessary modifications to the site design to meet the requirements of these or any other utilities/districts shall be the responsibility of the developer. Construction-level plans are subject to approval by each of these entities.

q. This site is subject to the State of California National Pollutant Discharge Elimination System (NPDES) Program General Permit for Storm Water Discharges Associated with Construction Activity. Prior to issuance of a grading permit or a building permit, the developer needs to provide evidence that the proposed site development work is covered by said General Permit for Construction Activity. This will require confirmation that a Notice of Intent (NOI) and the applicable fee were received by the State Water Resources Control Board and the submittal of the required Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the City Engineer. In addition the grading plans need to state: “All grading work shall be done in accordance with the Storm Water Pollution Prevention Plan prepared by the developer pursuant to the Notice of Intent on file with the State Water Resources Control Board.”

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r. Prior to the issuance of a grading or any building permits for this project, the developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) for the review and approval of the City Engineer. The site specific plan shall include sufficient details to show how storm water quality will be protected during both: (1) the construction phase of the project and (2) the post-construction, operational phase of the project. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD) in the State of California. The construction phase plan shall include Best Management Practices from the California Storm Water Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be maintained by the contractor shall be printed on the plans. The operational phase plan shall include Best Management Practices appropriate to the uses conducted on the site to effectively prohibit the entry of pollutants into stormwater runoff from the project site including, but not limited to, low impact development stormwater treatment measures, trash and litter control, stockpile protection, liquid storage containment, pavement sweeping, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with a permanent thermoplastic stencil with the wording “No Dumping - Drains to Bay,” and other applicable practices.

s. 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, 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.

t. The project shall be designed to comply with all requirements under Provision C.3.f. of the NPDES permit for limitations on increases of peak storm water runoff discharge rates. The developer shall be responsible for providing sufficient data and calculations to show that any increase in storm water runoff from the development will not result in increased potential for erosion or other significant adverse impacts of earthen channels downstream of the project site. The required analysis for such findings shall be completed by the developer to the satisfaction of the City Engineer and the Regional Water Quality Control Board.
The final design of the curb line radius at the intersection of NewPark Mall Road and the private street at the western corner of the site shall be subject to modification as part of the final construction design to optimize pedestrian accessibility and safety at the intersection.

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.

The entire site shall be equipped with full trash capture devices approved by the Regional Water Quality Control Board – San Francisco Bay Region, for 100% trash capture at all on-site and adjoining off-site storm drain inlets. All on-site trash capture devices shall be permanently maintained by the property owner.

The developer shall submit detailed grading and drainage plans for review and approval by the City Engineer and the Alameda County Flood Control District (District). These plans must be based upon a City benchmark and need 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 and the District prior to the issuance of a grading and/or building permit. The calculations shall show that the City and County 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).

Where a grade differential of more than a 1-foot is created along the boundary lot lines between the proposed development and adjacent property, the developer shall install a masonry retaining wall unless a slope easement is approved by the City Engineer. Said retaining wall shall be subject to review and approval of the City Engineer. A grading permit is required by the Building Inspection Division prior to starting site grading work.

The applicant shall submit a detailed soils report prepared by a qualified engineer, registered with the State of California. The report shall address in-situ and import soils in accordance with the City of Newark Grading and Excavation Ordinance, Chapter 15.50. The report shall include recommendations regarding pavement sections for all public and private streets. Grading operations shall be in accordance with recommendations contained in the soils report and shall be completed under the supervision of an engineer registered in the State of California to do such work.

Prior to the issuance of a building permit, the developer’s engineer shall submit a pavement maintenance program for the drive aisles and parking areas for the review and

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approval of the City Engineer. The developer shall incorporate the program into the required Storm Water Pollution Prevention Plan and Storm Water Treatment Measures Maintenance Agreement.

bb. Prior to issuance of a Certificate of Occupancy or release of utilities for any building, vehicle access ways and parking facilities serving said building shall be paved in accordance with the recommendation of a licensed engineer based on a Traffic Index of 5.0 and striped as shown on the approved site plan.

c. Prior to issuance of a Certificate of Occupancy or release of utilities for each dwelling unit, the on-site drive aisles and uncovered parking facilities shall be installed and striped as shown on the approved site plan. All on-site uncovered parking facilities and drive aisles shall be drained at a minimum slope of 1.0% for asphalt surfaces and 0.3% for Portland cement concrete surfaces.

dd. The property owner shall be responsible for trash and litter control and sweeping of all private streets within the development. All private storm drain systems and all associated trash capture devices shall be cleaned on a regularly scheduled basis as detailed in the required Stormwater Treatment Measures Maintenance Agreement.

ee. All new utilities including, but not limited to, electric, telephone and cable television services shall be provided underground for all buildings in the development in accordance with the City of Newark Subdivision Standards. Electrical transformers shall be installed in underground vaults with an appropriate public utility easement or within the public right-of-way.

ff. The developer shall ensure that a water vehicle for dust control operations is kept readily available at all times during construction at the City Engineer’s direction. A pick-up or vacuum type street sweeper shall be available at all times at the direction of the City Engineer to removed tracked dirt and debris from adjacent streets.

gg. The developer shall implement the following measures for the duration of all construction activity to minimize air quality impacts:

1. Watering should be used to control dust generation during demolition of structures and break-up of pavement.
2. All trucks hauling demolition debris from the site shall be covered.
3. Dust-proof chutes shall be used to load debris into trucks whenever feasible. Watering should be used to control dust generation during transport and handling of recycled materials.
4. All active construction areas shall be watered at least twice daily and more often during windy periods; active areas adjacent to the existing land uses shall be kept damp at all times or shall be treated with non-toxic stabilizers or dust palliatives.
5. All trucks hauling soil, sand, and other loose materials shall be covered or require all trucks to maintain at least 2 feet of freeboard.
6. All unpaved access roads, parking areas, and staging areas at construction sites
shall be paved, watered three times daily, or treated with (non-toxic) soil stabilizers.
7. All paved access roads, parking areas, and staging areas at construction sites shall be swept daily with water sweepers; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality.
8. Limit traffic speeds on unpaved roads to 15 mph.
9. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
10. Replant vegetation in disturbed areas as quickly as possible.
11. Minimize idling time (5 minutes maximum).
12. Maintain properly tuned equipment.

These measures shall be incorporated into the grading specifications as well as the best management practices of the storm water pollution prevention plan, and shall be implemented to the satisfaction of the City Engineer.

hh. The developer shall provide all required paper and digital submittals of the tentative map, record parcel map, site civil plans, and as-built plans as required by the City Engineer, including, but not necessarily limited to the following: (1) One full-sized reproducible copy and one reduced reducible copy of the approved tentative map; (2) Two electronic copies of the approved record parcel map and site civil plans in a format approved by the City Engineer; (3) One full-sized mylar copy and one reduced copy of the recorded parcel map; (4) One reproducible set and four blue-line or photocopied sets of the approved site civil plans; (5) Two electronic copies and one mylar set of the as-built site civil plans. All digital copies of the record parcel map and site civil plans shall be prepared in accordance with Southern Alameda County Geographic Information Systems digital submittal standards. A deposit of $5,000 shall be provided by the developer to the City to ensure submittal of all required documentation.

Landscape-Parks Division

ii. The developer shall retain a licensed landscape architect to prepare working drawings for 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 construction plan set. The associated Landscape Documentation Package must be approved by the City Engineer prior to the issuance of a building permit.

jj. 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.

kk. The plant species identified for any proposed biotreatment measures are subject to final approval of the City Engineer.

Resolution No. 7 (Pres1531)
II. All maintenance associated with the landscape-based stormwater treatment measures shall be the responsibility of the property owner. The developer shall enter into a Landscape Maintenance Agreement prior to the issuance of a building permit. This agreement shall run with the land and be binding to the homeowners association as successors. 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 homeowners association’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.

mm. Prior to installation by the developer, plant species, location, container size, quality, and quantity of all landscaping plants and materials shall be reviewed and approved by the City Engineer. All plant replacements shall be to an equal or better standard than originally approved subject to approval by the City Engineer.

nn. Prior to the release of utilities or issuance of any Certificate of Occupancy, all landscaping and irrigation systems shall be completed or guaranteed by a cash deposit deposited with the City in an amount to cover the remainder of the work.

oo. Prior to issuance of Certificate of Occupancy or release of utilities, the developer shall guarantee all trees for a period of 6 months and all other plantings and landscape for 60 days after completion thereof. The developer shall insure that the landscape shall be installed properly and maintained to follow standard horticultural practices. All plant replacements shall be to an equal or better standard than originally approved subject to approval of the City Engineer.

Fire Department

pp. The Fire Department access roads serving the site shall meet all requirements of the 2013 California Fire Code and Appendix D.

General

qq. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission’s and Council’s review and decision. The developer shall pay the prevailing fee for each additional separate submittal of development exhibits requiring Planning Commission and/or City Council review and approval.

rr. If any condition of this Architectural and Site Plan Review is declared invalid or unenforceable by a court of competent jurisdiction, this Architectural and Site Plan Review shall be modified to conform to the court’s decision.
Review shall terminate and be of no force and effect, at the election of the City Council on motion.

ss. This Architectural and Site Plan Review shall be presented to the City Council for the Council’s review and approval.

tt. 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.

uu. 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 March 22, 2016 meeting by Commissioner , seconded by Commissioner , and passed as follows:

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary JEFF AGUILAR, Chairperson

Resolution No. 9 (Pres1531)