E.1  Hearing to consider P-16-11, a planned unit development, U-16-12, a conditional use permit, and TTM-16-10, Tentative Tract Map 8340 to construct a 14-unit condominium project (Merida Place) at 36731 Sycamore Street (APN: 92-21-15-3) – from Associate Planner Mangalam.

**Background/Discussion** – Mr. Joe Wu has submitted a request to construct a 14-unit condominium project at 36731 Sycamore Street. Attached to the resolution for the planned unit development and conditional use permit is Exhibit A, pages 1 through 43. Attached to the resolution for the Tentative Tract Map is Exhibit A, pages 1 through 9.

The vacant, triangular property is about 36,120 square feet (.83 +/- acres) and on the north side of Filbert Street. It is zoned R2500 (Medium Density Residential – 2,500). The applicant requests approval to develop the site with 14 residential condominium units. The site is bordered by single family homes to the north; Union Pacific railroad tracks to the west; an apartment complex to the south; and Sycamore Street to the east.

The proposal consists of four, three-story buildings, with vehicular ingress/egress to the site via a driveway along Sycamore Street. Each building design has extensive wall and roof articulation to avoid a boxy appearance. Exterior materials consist of stucco walls and tile roofing and incorporate wrought iron balcony features. While the builds are sited perpendicular to Sycamore Street, the building elevations facing Sycamore Street have a good deal of articulation and the balcony features are clearly visible.

**Environmental**

A “Noise and Vibration Study” was performed by Vibro-Acoustic Consultants, along with facade recommendations. This was done to determine if the City’s acceptable noise levels (interior limit of 45 LDN and exterior of 60 LDN) can be met with mitigation measures. LDN represents the day-night average noise level.

The report determined that the noise levels at the site from railway activities will decrease to 60 LDN approximately 45-feet to the east of the western property line. Therefore, all facades within 45 feet of the western property line would need to conform with the City of Newark’s standards and the 2010 California Building Code. Facades further away from the western property line are exposed to 60 LDN or less and require no further modifications.

Buildings 2 and 3 fall within the 45 foot range and will be required to install a minimum of 5/8-inch think insulated windows. As the noise level must be met with closed windows, mechanical ventilation is required. A forced heat A/C system will be installed to meet this requirement for
those units within 45 feet of the western property line. In addition, an 8-foot high block wall will be constructed along the western property line to further buffer noise from the rail activity.

Attachment

**Action** – It is recommended that the Planning Commission: (1) by resolution, approve P-16-11, a planned unit development, U-16-12, a conditional use permit, with Exhibit A, pages 1 through 43, for a 14 unit condominium project at 36731 Sycamore Street; and (2) by resolution, approve TTM-16-10, Tentative Tract Map 8340 with Exhibit A, pages 1 through 9.
RESOLUTION NO.

RESOLUTION APPROVING A PLANNED UNIT DEVELOPMENT (P-16-11) AND A CONDITIONAL USE PERMIT (U-16-12) FOR A 14-UNIT CONDOMINIUM PROJECT (MERIDA PLACE) AT 36731 SYCAMORE STREET (APN: 92-21-15-3)

WHEREAS, Mr. Joe Wu, has filed with the Planning Commission of the City of Newark an application for a planned unit development (P-16-11), a conditional use permit (U-16-12), and a Tentative Tract Map (TTM-16-10), for a 14-unit condominium project at 36731 Sycamore Street.

PURSUANT to Municipal Code Section 17.72.060, a public hearing notice was published in The Tri-City Voice on July 26, 2016, and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on August 9, 2016 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

WHEREAS, pursuant to chapter 1740 (Planned Unit Developments), Section 17.40.050 (Permit Procedure) and Chapter 17.72 (Use Permits), Section 17.72.070 (Action by Planning Commission), the Planning Commission hereby makes the following findings:

1. That the proposed location of the planned unit development is in accord with the objectives of the zoning title and the purposes of the district in which the site is located;

2. That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

3. That the standards of population density, site areas and dimensions, site coverage, yard spaces, heights of structures, distances between the structures, usable open space, off-street parking and off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the zoning title;

4. That the standards of population density, site areas and dimensions, site coverage, yard spaces, heights of structures, distances between the structures, usable open space, off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities;

5. That the combination of different dwelling types and/or the variety of land uses in the

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(Pres1611)
development will complement each other and will harmonize with existing and proposed land uses in the vicinity;

6. That the proposed location of the conditional use is in accord with the purposes of the zoning title and the purposes of the district in which the site is located;

7. That the proposed location of the conditional use and the conditions under which it is would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

8. That the proposed conditional use will comply with each of the applicable provisions of Chapter 17.22 (Use Permits).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby approves this application as shown on Exhibit A, pages 1 through 43, subject to compliance with the following conditions:

Planning Division

a. There shall be no roof-mounted equipment.

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

c. 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.

d. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 7:00 p.m. and 8:00 a.m.

e. The site and its improvements shall be maintained in a neat and presentable condition, to the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site clean-up. Graffiti removal/repainting and site clean-up shall occur on a continuing, as needed basis. Any vehicle or portable building brought on the site 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 grading permit, the property owner shall hire a qualified biologist to: (1) determine if 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 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.

h. As part of the application, the property owner shall submit elevations of all dissimilar sides of the buildings for the review and approval of 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 property owner shall submit the floor plans of all dwelling units for the review and approval of the Planning Commission and City Council.

j. Prior to the issuance of a building permit, roof material shall be submitted for the review and approval of the Community Development Director. 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, Inc. 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.

m. 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.

n. Prior to their installation, mailbox locations and designs shall be approved by the Community Development Director and Newark Postmaster, in that order. The mailbox compartments of centralized mailboxes shall identify the individual dwelling units with permanent, easily legible lettering.
o. Prior to the issuance of a Certificate of Occupancy, the parking areas, aisles and access
drives shall be installed and striped as shown on the approved site plan. Guest parking
spaces shall be clearly marked as reserved for guests, as approved by the Community
Development Director.

p. Prior to the issuance of a sign permit, all signs, other than those referring to construction,
sale, or future use of this site, shall be submitted for the review and approval of the
Community Development Director.

q. Approval of this project’s conditional use permit and planned unit development is
conditioned upon City Council approval of Tentative Tract Map 8340.

r. The property owner shall pay all impact fees in effect at the time of building permit
issuance.

Engineering Division

s. The development will require approval of tentative and final tract maps filed in
accordance with the State Subdivision Map Act and the City of Newark Subdivision
Ordinance for the creation of 1 lot, 14 condominium units, and easement dedications.
The final map must be approved prior to the issuance of any building permits.

t. The final map shall designate and/or dedicate emergency vehicle access ways, private
vehicle access ways, open space easements, public utility easements, and other easement
as may be required over the common area. An additional 2-foot wide (total 42 feet from
centerline) roadway easement for street purposes and 15-foot landscape and public utility
easement shall be dedicated adjacent to the Sycamore Street right-of-way within the
limits of development.

u. Prior to approval of the final map, the property owner shall guarantee all necessary street
improvements adjoining the development and over the common area in accordance with
tract improvement plans to be approved by the City Engineer. Improvement plans for on-
site common areas in the development shall be included with the tract improvement plans
to ensure that such improvements are designed and constructed to City Standards. These
plans must be prepared by a qualified person licensed by the State of California to do
such work. Street improvements shall include, but may not be limited to driveway
access, public sidewalks, curb and gutter removal and replacement, frontage landscaping,
pavement removal and replacement, replacement or repair of existing damaged public
improvements, street lighting, undergrounding existing overhead utilities, relocation of
existing signage, pavement striping, and other related improvements. Common area
improvements on-site include, but may not be limited to driveways, drive aisles, parking
facilities, utilities, recreational areas and facilities, storm water treatment measure
installations, perimeter screen walls, fencing, and all landscape areas.

v. Prior to the issuance of the initial grading or any building permits for this project, the
property owner shall submit a Storm Water Pollution Prevention 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 a permanent thermoplastic stencil with the wording “No Dumping - Drains to Bay,” and other applicable practices.

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 property owner 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.

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 property owner 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 property owner to the satisfaction of the City Engineer and the Regional Water Quality Control Board.

The property owner shall submit detailed grading and drainage plans for review and approval by the City Engineer and the Alameda County Flood Control and Water Conservation District. 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

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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 property owner shall ensure that all upstream drainage
is not blocked and that no ponding is created by this development. An overland drainage
release path to the adjoining public right-of-way shall be provided to ensure there are no
drainage impacts to adjoining properties in the event of a storm drain system failure. A
sub-drain system shall be installed along the site perimeter wherever a grade differential
exists. Any construction necessary to ensure this shall be the property owner's
responsibility.

Hydrology and hydraulic calculations shall be submitted for review and approval by the
City Engineer and the Alameda County Flood Control District prior to approval of the
final map(s). The calculations shall show that the City and County freeboard
requirements will be satisfied.

z. 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 property owner 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.

aa. 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.

bb. Prior to approval of the final map, the property owner's engineer shall submit a pavement
maintenance program for the drive aisles and parking areas for the review and approval
of the City Engineer. The property owner shall incorporate the program into the required
Storm Water Pollution Prevention Plan and Storm Water Treatment Measures
Maintenance Agreement.

c. 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.

d. 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.

e. The property owner shall incorporate a Homeowner's Association consisting of all
property owners of lands in the development at the time of incorporation and in the future for the purpose of maintaining the association's property, common drive aisles, parking facilities, stormwater treatment facilities, and landscaping, including landscaping in adjacent public rights-of-way, and for paying for security lighting, any common garbage collection services, any security patrol services, if provided, and other functions of a Homeowner's Association. All common areas within the development shall be owned and maintained by the Homeowner's Association. Each property owner shall automatically become a member of the association and shall be subject to a proportionate share of the maintenance expenses. The Homeowner's Association shall be incorporated prior to the sale of any individual lots and/or prior to acceptance of tract improvements, whichever occurs first.

ff. Prior to City Council approval of the final map(s), the bylaws governing the property owners' association(s) and any declaration of covenants, conditions and restrictions (CC&Rs) filed for this development shall be reviewed and approved by the City Council at its discretion after mandatory review and recommendations by the City Attorney. Said covenants, conditions and restrictions shall be prominently displayed in the project sales office at all times. Approval of the covenants, conditions and restrictions shall not make the City a party to enforcement of same. The CC&Rs shall apply equally to both owners and renters. The CC&Rs shall be written to require renters to comply with the regulations of the CC&Rs, and a copy of the CC&Rs shall be given to each renter. The CC&Rs shall be written to allow less than a majority of owners to have pavement or landscape maintenance done and the cost thereof assessed to all owners in the project. The CC&Rs shall include a pavement maintenance program for on-site pavement.

gg. The Homeowner's Association CC&Rs shall prohibit the on-site parking of non-self-propelled recreational vehicles, including boats, and any self-propelled recreational vehicles not used for transportation unless separate storage facilities are provided. The CC&Rs shall regulate the provision of any on-site parking of self-propelled recreational vehicles used for transportation.

hh. The property owner shall also assist the Homeowner's Association by having a management consultant firm review the maintenance and operating functions of the association. The management consulting firm shall be responsible to prepare a written report with recommendations to the association for managing the association's obligations and setting initial monthly assessment costs for each lot in the development. Membership and assessment cost shall be mandatory for all property owners of property in the development and shall run with the land. The property owner shall pay all costs of incorporation and initial management review and reports.

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

jj. The Homeowner's Association shall be required to contract with a professional
management firm to handle all necessary maintenance operations. Documentation of such contract shall be submitted to the City of Newark. All commonly owned facilities shall be properly maintained in a manner consistent with the CC&Rs and project requirements.

kk. 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.

ll. The joint trench plan shall be submitted by the applicant with the first tract improvement plan check and approved prior to final map approval.

mm. 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 on Sycamore Street unless the affected area is scheduled for a pavement overlay concurrent with site development.

nn. The property owner shall request Pacific, Gas & Electric Co. to commence with the design of the underground utility improvements for the proposed development immediately following approval of the tentative map.

oo. The property owner shall repair and/or replace any public improvements along the Sycamore Street right-of-way and private improvements along the exterior boundary of the site damaged as a result of construction activity to the satisfaction of the City Engineer.

pp. The property owner 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.

qq. The property owner 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.

rr. The property owner shall provide all required paper and digital submittals of the tentative map, project final map, tract improvement 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 final map and improvement plans in a format approved by the City Engineer; (3) One full-sized mylar copy and one reduced copy of the recorded final map; (4) One reproducible set and four blue-line or photocopies sets of the approved tract improvement plans; (5) Two electronic copies and one mylar set of the as-built tract improvement plans. All digital copies of the final map and improvement plans shall be prepared in accordance with Union Sanitary District digital submittal standards. A deposit of $5,000 shall be provided by the property owner to the City to ensure submittal of all required documentation.

ss. The plans submitted for construction must be drawn to an appropriate scale as required by the City Engineer.

Landscape/Parks Division

uu. The property owner shall dedicate a minimum 15-foot wide landscape and public utility easement along the Sycamore Street frontage adjacent to the new right of way limit. This easement shall be dedicated with the final map.

vv. The property owner shall retain a licensed landscape architect to prepare working drawings for tract improvement landscape plans in accordance to with City of Newark requirements and the State of California Model Water Efficient Landscape Ordinance. The associated Landscape Documentation Package must be approved by the City Engineer prior to approval of any final map.
Prior to approval of any final map, the property owner shall enter into a Landscape Maintenance Agreement with the City of Newark. Areas Agreement shall include all continuous landscaped areas contiguous to the site’s public street frontage and all visible on-site landscaping. All landscape maintenance on-site and along the project frontage shall be the responsibility of the homeowners association. 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.

The property owner shall implement Bay Friendly Landscaping Practices in accordance with Newark Municipal Code, Chapter 15.44.080. Prior to approval of any final map, the property owner shall provide sufficient information to detail the environmentally-conscious landscape practices to be used on the project.

Prior to installation by the property owner, 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.

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

Prior to issuance of Certificate of Occupancy or release of utilities, the property owner shall guarantee all trees for a period of 6 months and all other plantings and landscape for 60 days after completion thereof. The property owner 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.

Landscaping adjacent to the public right-of-way must conform to the City’s visibility requirements in accordance with Newark Municipal Code, Chapter 10.36.

Prior to the issuance of any Certificates of Occupancy, the property owner shall pay Park Impact Fees in accordance with the City’s current Master Fee Schedule and any updates thereto.

Any above ground utility structures, including backflow prevention devices, and appurtenances shall be installed within the property owner's property line and a minimum of 10 feet behind street face of curbs. The backflow prevention devices shall have a green painted security cage to protect it from vandalism. These locations shall be screened with landscaping to the satisfaction of the City Engineer. The landscape screen
shall not interfere with the utility companies' or Fire Department's access.

**Building Division**

**eee.** Construction for this project, including site work and all structures, can occur only between the hours of 8:00 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.

**fff.** 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 property owner shall pay the prevailing fee for each additional separate submittal of development exhibits requiring Planning Commission and/or City Council review and approval.

**ggg.** This project will require building permits following PUD/Conditional Use Permit approval by the City Council. The applicant will need to make a separate application to the Building Inspection Division for building permits for each separate building. Such applications shall include complete construction drawings prepared by a California licensed architect, structural engineer or civil engineer.

**General**

**hhh.** 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 property owner shall pay the prevailing fee for each additional separate submittal of development exhibits requiring Planning Commission and/or City Council review and approval.

**iii.** If any condition of this planned unit development and conditional use permit be declared invalid or unenforceable by a court of competent jurisdiction, this planned unit development and conditional use permit shall terminate and be of no force and effect, at the election of the City Council on motion.

**jjj.** This planned unit development and conditional use permit shall be given a public hearing before the City Council for the Council’s review and approval.

**kkk.** The property owner 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.

III. 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 property owner is hereby further notified that the 90-day approval period in which the property owner may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the property owner fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the property owner 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 August 9, 2016 meeting by Commissioner , seconded by Commissioner , and passed as follows:

AYES:  
NOES:  
ABSENT:  

TERRENCE GRINDALL, Secretary  
JEFF AGUILAR, Chairperson
TENTATIVE TRACT MAP 8340
NEWARK CONDOMINIUMS, CALIFORNIA
SUBDIVISION OF PORTIONS OF LOTS 1, 16, 17, 18 AND 19, BLOCK 242,
AND PORTION OF GEORGE AVENUE (80 FEET WIDE), MAP OF THE TOWN OF NEWARK, FILED MAY 6, 1878,
MAP BOOK 17, PAGE 10, ALAMEDA COUNTY RECORDS, CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
(APN 092-0021-015-03)

LEGEND

ABBREVIATIONS

PROJECT LOCATION

VICINITY MAP

REFERENCE DOCUMENTS

1. COVER SHEET
2. PLAT TO SCALE
3. SITE PLAN
4. PROPOSED ACCESS PLAN
5. UTILITIES PLAN
6. SUBDIVISION TREATMENT PLAN
7. INSTALLATION DETAILS
8. LANDSCAPE PLAN

TENTATIVE TRACT MAP INFORMATION

1. RECORD PROPERTY OWNER
2. APPRAISER/ENGINEER
3. DRAFTSMAN
4. SURVEYOR
5. INTERPRETIVE
6. CONSTRUCTION
7. O.H. CONSTRUCTION
8. PLANTING
9. SURVEYING
10. RESEARCH
11. LEGAL
12. A.P.I.
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**TREE CHART**

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<tr>
<th>TREE NUMBER</th>
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<th>HERITAGE TREE</th>
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<th>TREE TYPE</th>
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PROTECTED TREES TO BE REMOVED: 6
REPLACEMENT TREES: 30

**EXHIBIT A**

**COMPLIANCE STATEMENT:**

I have examined the drawings of the site and design and confirm compliance with the standards set forth in the Preliminary Landscape Design Plan.

Signed by: [Signature]
Date: [Date]
HYDROZONE NOTES

1. All proposed on-site hydrozones are shown as in the rCPM for the project. Each is designed to be implemented for the project.
2. The hydrozone areas are detailed in the hydrozone information table below.
3. The hydrozone areas are calculated based on the water use calculations shown below.

HYDROZONE INFORMATION TABLE

<table>
<thead>
<tr>
<th>Hydrozone</th>
<th>Note</th>
<th>Irrigation Method</th>
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<td>LV</td>
<td>All</td>
<td>Deep</td>
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NOTE: Area of all hydrozones shown here are used in calculations below and are not represented in the landscape area in the project.

WATER USE CALCULATION

MAWA = (47.0)(0.82)(0.50 x 10,050) = 191,071 gal per year

ESTIMATED TOTAL WATER USE

ETUU = (47.0)(0.82)(0.3 x 10,050) = 103,381 gal per year

EXHIBIT A

TOTAL LANDSCAPE AREA: 10,500 SQUARE FEET

COMPLIANCE STATEMENT:

I, [Name], a duly licensed landscape architect in the state of [State], do hereby certify that the above water use calculations and proposed design for the overall area of this project is in compliance with the provisions of the [State] Water Conservation Code.
FIRST FLOOR
SCALE: 1/4" = 1'-0"
1ST FLOOR: 373 SQ. FT.

SECOND FLOOR
SCALE: 1/8" = 1'-0"
2ND FLOOR: 798 SQ. FT.

THIRD FLOOR
SCALE: 1/8" = 1'-0"
3RD FLOOR: 939 SQ. FT.

PLAN BM: UNIT #1 ONLY
1ST FLOOR: 373 SQ. FT.
2ND FLOOR: 798 SQ. FT.
3RD FLOOR: 939 SQ. FT.
TOTAL: 2,108 SQ. FT.

GARAGE: 428 SQ. FT.
PORCH: 55 SQ. FT.
DECK: 92 SQ. FT.
FIRST FLOOR
SCALE: 1/8" = 1'-0"
1ST FLOOR: 350 SQ. FT.

SECOND FLOOR
SCALE: 1/8" = 1'-0"
2ND FLOOR: 798 SQ. FT.

THIRD FLOOR
SCALE: 1/8" = 1'-0"
3RD FLOOR: 857 SQ. FT.

PLAN A: UNIT #2,3,4, AND 13 (REVERSED)

1ST FLOOR: 350 SQ. FT.
2ND FLOOR: 798 SQ. FT.
3RD FLOOR: 857 SQ. FT.

TOTAL: 2,006 SQ. FT.

GARAGE: 428 SQ. FT.
PORCH: 53 SQ. FT.
DECK: 92 SQ. FT.

EXHIBIT A, 214
FIRST FLOOR
SCALE: 1/8" = 1'-0"
1ST FLOOR: 350 SQ. FT.

SECOND FLOOR
SCALE: 1/8" = 1'-0"
2ND FLOOR: 791 SQ. FT.

THIRD FLOOR
SCALE: 1/8" = 1'-0"
3RD FLOOR: 857 SQ. FT.

PLAN A: UNIT # 7 AND 8
1ST FLOOR: 350 SQ. FT.
2ND FLOOR: 791 SQ. FT.
3RD FLOOR: 857 SQ. FT.
TOTAL: 2,001 SQ. FT.

GARAGE: 428 SQ. FT.
PORCH: 53 SQ. FT.
DECK: 92 SQ. FT.
PLAN E: UNIT #9 ONLY

1ST FLOOR: 498 SQ. FT.
2ND FLOOR: 891 SQ. FT.
3RD FLOOR: 961 SQ. FT.

TOTAL: 2,351 SQ. FT.

GARAGE: 421 SQ. FT.
PORCH: 47 SQ. FT.
DECK: 74 SQ. FT.
BALCONY: 47 SQ. FT.
FIRST FLOOR
SCALE: 1/8" = 1'-0"
1ST FLOOR: 344 SQ. FT.

SECOND FLOOR
SCALE: 1/8" = 1'-0"
2ND FLOOR: 839 SQ. FT.

THIRD FLOOR
SCALE: 1/8" = 1'-0"
3RD FLOOR: 890 SQ. FT.

PLAN C: UNIT #10 ONLY

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<th>Floor</th>
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<td>1ST FLOOR</td>
<td>344 SQ. FT.</td>
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<tr>
<td>2ND FLOOR</td>
<td>839 SQ. FT.</td>
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<tr>
<td>3RD FLOOR</td>
<td>890 SQ. FT.</td>
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<tr>
<td>TOTAL</td>
<td>2,072 SQ. FT.</td>
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</table>

GARAGE: 506 SQ. FT.
PORCH: 58 SQ. FT.
DECK: 80 SQ. FT.
FIRST FLOOR
SCALE: 1/8" = 1'-0"
1ST FLOOR: 357 SQ. FT.

SECOND FLOOR
SCALE: 1/8" = 1'-0"
2ND FLOOR: 704 SQ. FT.

THIRD FLOOR
SCALE: 1/8" = 1'-0"
3RD FLOOR: 775 SQ. FT.

PLAN D: UNIT #11 ONLY

1ST FLOOR: 357 SQ. FT.
2ND FLOOR: 704 SQ. FT.
3RD FLOOR: 775 SQ. FT.

TOTAL: 1,836 SQ. FT.

GARAGE: 411 SQ. FT.
PORCH: 55 SQ. FT.
DECK: 74 SQ. FT.
FIRST FLOOR
SCALE: 1/8" = 1'-0"
1ST FLOOR: 350 SQ. FT.

SECOND FLOOR
SCALE: 1/8" = 1'-0"
2ND FLOOR: 708 SQ. FT.

THIRD FLOOR
SCALE: 1/8" = 1'-0"
3RD FLOOR: 883 SQ. FT.

PLAN AM: UNIT #12 ONLY

1ST FLOOR: 350 SQ. FT.
2ND FLOOR: 708 SQ. FT.
3RD FLOOR: 883 SQ. FT.

TOTAL: 2,032 SQ. FT.

GARAGE: 423 SQ. FT.
PORCH: 51 SQ. FT.
DECK: 92 SQ. FT.
FIRST FLOOR
SCALE: 1/8" = 1'-0"
1ST FLOOR: 419 SQ. FT.

SECOND FLOOR
SCALE: 1/8" = 1'-0"
2ND FLOOR: 796 SQ. FT.

THIRD FLOOR
SCALE: 1/8" = 1'-0"
3RD FLOOR: 897 SQ. FT.

PLAN F: UNIT #14 ONLY

1ST FLOOR: 419 SQ. FT.
2ND FLOOR: 798 SQ. FT.
3RD FLOOR: 897 SQ. FT.
TOTAL: 2,114 SQ. FT.

GARAGE: 428 SQ. FT.
PORCH: 56 SQ. FT.
DECK 1: 92 SQ. FT.
DECK 2: 66 SQ. FT.

EXHIBIT A P19
BUILDING # 1 ELEVATION: UNITS 1 - 5

FRONT ELEVATION

SCALE: 1/8" = 1'-0"
BUILDING # 1 ELEVATION: UNITS 1 - 5

REAR ELEVATION

SCALE: 1/8" = 1'-0"

MERIDA PLACE
36731 SYCAMORE BLVD. NEWARK, CA
BUILDING # 2 ELEVATION: UNITS 6 - 9

REAR ELEVATION

SCALE: 1/8" = 1'-0"
BUILDING # 3 ELEVATION: UNITS 10 - 11

FRONT ELEVATION

SCALE: 1/8" = 1'-0"
BUILDING #3
ELEVATION: UNITS 10 - 11
REAR ELEVATION
SCALE: 1/8" = 1'-0"
BUILDING # 4 ELEVATION: UNITS 12 - 14

REAR ELEVATION

SCALE: 1/8" = 1'-0'
MERIDA PLACE
BUILDING 1-PICTURE 1

BUILDING # 1 ELEVATION: UNITS 1 - 5
FRONT ELEVATION

Unit 1/4 Body: KM5714 Dunes Manor; Unit 3 Body/Unit 1/4 Accent: KM5777 Cannery Park;
Unit 2 Body/Unit 3/5 Accent: KM4531 Cantankerous Coyote; Unit 5 Body/Unit 2 Accent: KM4533 Leather Bound;
Fascia/Trim: 23 Swiss Coffee; Roof: KM4529 Brown Bag It; Doors: KM4615 Caramel Cupcake; Shutters: KM5035 Princess Kate

Scheme 1

These color renderings have been matched as closely as possible to the actual color sample; however, lighting conditions can affect the presentation. Please refer to actual color samples. Critical color matches should be applied to the building, allowed to dry, and checked before proceeding with the entire job.
MERIDA PLACE
BUILDING 1-PICTURE 3

LEFT END OF BUILDING # 1
ELEVATION: UNIT 1 / PLAN "B"(M)
SYCAMORE STREET
LEFT ELEVATION

RIGHT END OF BUILDING # 1
ELEVATION: UNIT 5 / PLAN "B"(R)
SYCAMORE STREET
RIGHT ELEVATION

Unit 1: KM5714 Dunes Manor; Unit 1 Accent: KM5777 Cannery Park;
Unit 5 Body: KM4533 Leather Bound; Unit 5 Accent: KM4531 Cantankerous Coyote;
Facade/Trim: 23 Swiss Coffee; Roof: KM4529 Brown-Bag It; Doors: KM4615 Caramel Cupcake; Shutters: KM5035 Princess Kate

Scheme 1

These color renderings have been matched as closely as possible to the actual color sample; however, lighting conditions can affect the presentation. Please refer to actual color samples. Critical color matches should be applied to the building, allowed to dry, and checked before proceeding with the entire job.

EXHIBIT A, P33
MERIDA PLACE
BUILDING 1 - PICTURE 2

Building #1 Elevation: Units 1 - 5

Unit 1/4 Body/Lower Body: KM5714 Dunes Manor; Unit 3 Body/Unit 1 Accent: KM5777 Canopy Park;
Unit 2 Body/Unit 5 Accent: KM4531 Cantarderos Coyote; Unit 5 Body/Garage Doors: KM4533 Leather Bound;
Facia/Trim: 23 Swiss Coffee; Roof: KM4529 Brown Bag-It; Doors: KM4615 Caramel Cupcake; Shutters: KM5035 Princess Kate

Scheme 1

These color renderings have been matched as closely as possible to the actual color sample; however, lighting conditions can affect the presentation. Please refer to actual color samples. Critical color matches should be applied to the building, allowed to dry, and checked before proceeding with the entire job.
Unit 6 Body/Unit 6 Accent: KM5714 Dunes Manor; Unit 8 Body/Unit 6 Accent: KM5777 Cannery Park;
Unit 7 Body/Unit 9 Accent: KM4531 Cantankerous Coyote; Unit 9 Body/Unit 7 Accent: KM4533 Leather Bound;
Fascia/Trim: 23 Swiss Coffee; Roof: KM4529 Brown-Bag-It; Doors: KM4615 Caramel Cupcake; Shutters: KM5035 Princess Kate

Scheme 1

These color renderings have been matched as closely as possible to the actual color sample; however, lighting conditions can affect the presentation. Please refer to actual color samples. Critical color matches should be applied to the building, allowed to dry, and checked before proceeding with the entire job.
MERIDA PLACE
BUILDING 2-Picture 2

BUILDING # 2 ELEVATION: UNITS 6 - 9

REAR ELEVATION

Unit 6 Body/Lower Body/Unit 8 Accent: KM5714 Dunes Manor; Unit 8 Body/Unit 6 Accent: KM5777 Cannery Park;
Unit 7 Body/Unit 9 Accent: KM4531 Cantankerous Coyote; Unit 9 Body/Garage Doors/Unit 7 Accent: KM4533 Leather Bound;
Fascia/Trim: 23 Swiss Coffee; Roof: KM4529 Brown-Bag-It; Doors: KM4615 Caramel Cupcake; Shutters: KM5035 Princess Kate

Scheme 1

These color renderings have been matched as closely as possible to the actual color sample; however, lighting conditions can affect the presentation. Please refer to actual color samples. Critical color matches should be applied to the building, allowed to dry, and checked before proceeding with the entire job.
Picture 3-Scheme 1
Unit 6 Body/Unit 8 Accent: KM5714 Dunes Manor; Unit 8 Body/Unit 6 Accent: KM5777 Cannery Park;
Unit 9 Accent: KM4531 Cantankerous Coyote;
Unit 9 Body/Garage Doors/Unit 7 Accent: KM4533 Leather Bound;
Fascia/Trim: 23 Swiss Coffee; Roof: KM4529 Brown-Bag-It;
Doors: KM4615 Caramel Cupcake; Shutters: KM5035 Princess Kate
LEFT END OF BUILDING #3 ELEVATION: UNITS 10 - 11

LEFT ELEVATION
SCALE: 1/8" = 1'-0"
BUILDING #4 ELEVATION: UNITS 12 - 14
FRONT ELEVATION
SCALE: 1/8" = 1'-0"
RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWARK APPROVING TENTATIVE TRACK MAP 8340 AND SUBDIVISION AND ZONING VARIANCES

WHEREAS, Mr. Joe Wu has submitted TTM-16-10, Tentative Map 8340, to the Planning Commission of the City of Newark with subdivision and zoning variances covered by P-16-11, a planned unit development, and U-16-12, a conditional use permit, for a 14-unit condominium project (Merida Place) at 36731 Sycamore Street (APN: 92-21-15-3).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Newark does hereby approve TTM-16-10, Tentative Tract Map 8340 with said subdivision and zoning variances covered by P-16-11 and U-16-12, as shown on Exhibit A, pages 1 through 9 and made part hereof by reference, subject to the following conditions:

a. All applicable conditions listed in Planning Commission Resolution No. _____, dated __________, 2016, recommending approval of P-16-11, a planned unit development, and U-16-12, a conditional use permit, for a 14-unit condominium project at 36731 Sycamore Street (APN: 92-21-15-3).

b. 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.

c. That if any condition of this tentative tract map be declared invalid or unenforceable by a court of competent jurisdiction, this tentative tract map shall terminate and be of no force and effect, at the election of the City Council on motion.

This Resolution was introduced at the Planning Commission’s August 9, 2016 meeting by Commissioner ______, seconded by Commissioner ______, and passed as follows:

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

JEFF AGUILAR, Chairperson

Resolution No. (Pres1610)
TREE CHART

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<th>TREE TYPE</th>
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<td>SCHINUS MOLLE</td>
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PROTECTED TREES TO BE REMOVED: 6
REPLACEMENT TREES: 30

COMPLIANCE STATEMENT:
I have compared this drawing to the criteria of the State of California Public Utilities Commission and affirm that it is consistent with the intent of law as stated in the Preliminary Landscape Design Plan.

Signed: ____________________________
Date: 3/2/06
HYDROZONE INFORMATION TABLE

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NOTE: ACRES OF LANDSCAPE AREA DEPICTED HERE IS IN ACCORDANCE WITH THE FOLLOWING:
- REPRESENTS ALL LANDSCAPE AREA AT A SPECIFIC WATER USE

WATER USE CALCULATION

MAWA = (47.0)(0.8)(0.55 X 10,000)
MAWA = 101,071 GALLONS PER YEAR

ESTIMATED TOTAL WATER USE

ETWU = (47.0)(0.8) (0.3 X 10,000) = 88.5
ETWU = 103,361 GALLONS PER YEAR

EXHIBIT A

TOTAL LANDSCAPE AREA:
10,500 SQUARE FEET

COMPLIANCE STATEMENT:
1. I have complied with the standards of the State of California Water Board's Mandatory Irrigation Standards and apply this form for the efficient use of water in the following landscape design plan.

[Signatures and dates]