CITY OF NEWARK
CITY COUNCIL

City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4266 | E-mail: city.clerk@newark.org

AGENDA

Thursday, October 26, 2023
7:00 P.M.

A. ROLL CALL

B. PRESENTATIONS

1. Introduction of employee(s)

2. Proclaim October as Promotores Month

3. Proclaim October as Filipino American History Month

4. Senator Aisha Wahab California legislative update

C. PUBLIC COMMENT

The public is invited to address the City Council on any item not listed on the agenda. Public Comments are generally limited to 5 minutes per speaker. Please note that State law prohibits the Council from acting on non-agenda items.

D. CONSENT CALENDAR

Consent Calendar items are considered to be routine and may be approved by one motion. There will be no separate discussion on these items unless there is a request by a Council Member, a staff member, or a member of the public to remove an item for separate discussion and action.

1. Approval of Audited Demands

2. Approval of October 12, 2023 minutes

3. Resolution for acceptance of work with Sposeto Engineering, Inc. for Safe Routes to School Improvements, Project 1280

4. Adopt a resolution authorizing the City Manager to execute a Contractual Equipment and Services Agreement with PB Loader Corporation for the purchase of a dump truck and authorization for outfitting by Classic Graphics and amend the 2022-2024 Biennial Budget and Capital Improvement Plan

5. Adopt a resolution accepting public subdivision improvements for Tract 8459 – Compass Bay, a 138-unit residential subdivision generally located in Bayside Newark on the southeast corner of Enterprise Drive and Hickory Street

6. Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with Joseph Chow & Associates, Inc. for on-call architectural services

7. Adopt a resolution authorizing an amendment to the agreement with Stantec Consulting Inc. for environmental services for the Mowry Village project

E. PUBLIC HEARINGS

1. Public Hearing to consider adoption of the 2023-2031 Housing Element and Safety Element of the City of Newark General Plan

F. OTHER BUSINESS

1. Waive full reading and, by title only, introduce an ordinance to repeal and replace Title 16 “Subdivisions” of the Newark Municipal Code

G. CITY COUNCIL MATTERS

City Council Members report on attendance at intergovernmental agency meetings, conferences, and seminars since the last meeting. City Council Members may also announce upcoming events and coordinate attendance; report on local events attended since the last meeting; and make brief comments on issues of concern.

H. CITY MANAGER UPDATES

I. CLOSED SESSION

J. ADJOURNMENT

MEETING INFORMATION

Members of the public may attend the meeting in person, watch online or watch on Cable Channel 26. The ability to observe online or Cable Channel 26 is predicated on those technologies being available and functioning without technical difficulties. Should those platforms not be available, or become non-functioning, or should the City Council otherwise encounter technical difficulties that make those platforms unavailable, the City Council will proceed with business in person unless otherwise prohibited by law.

How to view the meeting remotely:
YouTube live stream: https://www.youtube.com/@cityofnewark3077/streams
Copy/paste the YouTube URL into your browser if the link does not automatically open.

Cable Channel 26 if the meeting does not broadcast live, please contact your service provider and request the City of Newark channel lineup

Zoom will no longer be available for public participation unless required by Assembly Bill 2449. Should a Council Member or the Mayor attend the meeting via Zoom pursuant to Assembly Bill 2249, then the webinar id https://us06web.zoom.us/j/86880723722 will be activated. The Mayor will make an announcement at the beginning of the meeting that the City will be allowing public comment via Zoom. Raise your virtual hand to notify the City Clerk that you would like to speak during the item that you wish to speak on.

How to submit written Public Comment:
Send an email to City Clerk by 3:00 p.m. the day of the meeting. Please identify the agenda item number in the subject line of your email. Emails will be compiled into one file and will be distributed to the City Council before the meeting.

No question shall be asked of a council member, city staff, or an audience member except through the Mayor. No person shall interrupt the meeting. Any person who refuses to carry out instructions given by the Mayor for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.

Council Meeting Access/Materials:
The agenda packet is available for review at Agendas and Minutes. The packet is typically posted to the City website the Friday before the meeting, but no later than 72 hours before the meeting.

Pursuant to Government Code 54957.5, supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and will be posted at https://www.newark.org/departments/city-manager-s-office/agendas-minutes and will concurrently be made available for public inspection during regular business hours at the David W. Smith City Hall, 37101 Newark Boulevard, Newark CA. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection. For those persons who require special accommodations, please contact the City Clerk at least two days prior to the meeting atCity Clerk or 510-578-4266.

STAFF REPORT

Item B. 1.

DATE	10/26/2023
TO	Honorable Mayor and City Council Members
FROM	Sheila Harrington, City Clerk
SUBJECT	Introduction of employee(s)

The following employees will be introduced at the City Council meeting:
Thomas Curtis promoted to Senior Parks and Landscape Maintenance Worker
Jason Avery promoted to Senior Streets Maintenance Worker

STAFF REPORT

Item B. 2.

DATE	10/26/2023
TO	Honorable Mayor and City Council Members
FROM	Sheila Harrington, City Clerk
SUBJECT	Proclaim October as Promotores Month

The Newark Recreation and Community Services Department's Promotores Network plays an invaluable role in making the City of Newark a more welcoming place to live. Promotores are Spanish-speaking members of our community who are trained to be advocates in the community and to identify solutions to community needs. A proclamation declaring October as Promotores Month has been prepared and will be presented to representatives from Promotores at the City Council meeting.

Attachments

Proclamation

PROCLAMATION NO. 1904

PROCLAIMING OCTOBER 2023
PROMOTORES MONTH

WHEREAS, Promotores are Spanish-speaking women and men who are trained to be advocates who create solutions to community needs; and

WHEREAS, the Newark Recreation and Community Services Department Promotores Network plays an invaluable role in making the City of Newark a more welcoming place to live; and

WHEREAS, the Newark Promotores act as intermediaries between healthcare, social services, and educational institutions and the Latino community. They provide information, referrals, and training to ensure access to these vital services; and

WHEREAS, the Newark Promotores' work is grounded in strong cultural values, including a deep appreciation for personal relationships and an eagerness to help and support each other in a new community; and

WHEREAS, as they learn to navigate a new culture and community, the Newark Promotores become guides to other families new to our City. The Newark Promotores Network is like an extended family providing social and emotional support to each other; and

WHEREAS, October 2023 has been designated as Promotores Month;

NOW, THEREFORE, I, Michael K. Hannon, Mayor of the City of Newark, on behalf of the Newark City Council, do hereby proclaim October 2023 as

PROMOTORES MONTH

in Newark and thank Newark Promotores for the compassion and the commitment they show to their community. They are role models for all of us on how to ensure the health, safety, and educational and financial well-being of the most underserved families.

IN WITNESS THEREOF, I have hereunto set forth my hand and caused the Official Seal of the City of Newark, State of California, to be affixed this Twenty-sixth Day of October, Two Thousand Twenty-three.

MICHAEL K. HANNON
Mayor

STAFF REPORT

Item B. 3.

DATE	10/26/2023
TO	Honorable Mayor and City Council Members
FROM	Sheila Harrington, City Clerk
SUBJECT	Proclaim October as Filipino American History Month

Celebrated in October, Filipino American History Month honors the history, pursuits, accomplishments, and legacy of Filipinos in the United States. A proclamation has been prepared and will be presented to Rosalinda Canlas at the City Council meeting.

Attachments

Proclamation

PROCLAMATION NO. 1905

PROCLAIMING FILIPINO AMERICAN HISTORY MONTH

***WHEREAS**, California is proud to be home to the largest Filipino American population in the nation that contributes greatly to shaping, advancing, and enriching our community. Nearly 100,000 Filipinos live in Alameda County, representing 6% of its total population; and*

***WHEREAS**, Filipino Americans are the third largest Asian American group in the United States and the second largest Asian American Group in the State of California; and*

***WHEREAS,** the Filipino American National Historical Society recognizes the year 1763 as date of the first permanent Filipino settlement in the United States in Saint Malo, Louisiana; and*

***WHEREAS,** in November 2009, the United States Congress passed a resolution to officially recognize October as Filipino American History Month; and*

***WHEREAS,** Filipino men and women have made valuable contributions to all areas of life throughout California and the United States, including government, business, education, arts and sciences, medicine and healthcare, law enforcement, and the military; and*

***WHEREAS**, Filipino Americans have a long history of engaging in social justice movements across the nation including, but not limited to, the United Farmworkers Movement and the Hawaii Sugar Plantation; and*

***WHEREAS**, the Filipino American communities have shared their rich culture and traditions with neighbors and friends while setting examples of model citizens and public servants;*

***NOW, THEREFORE**, I, Michael K. Hannon, Mayor of the City of Newark, on behalf of the Newark City Council, do hereby proclaim October 2023 as*

FILIPINO AMERICAN HISTORY MONTH

in Newark and encourage all members of the community to engage in efforts to learn and respect the history of the Filipino American community.

***IN WITNESS THEREOF**, I have hereunto set forth my hand and caused the Official Seal of the City of Newark, State of California, to be affixed this Twenty-sixth Day of October, Two Thousand Twenty-three.*

MICHAEL K. HANNON
Mayor

STAFF REPORT

Item B. 4.

DATE	10/26/2023
TO	Honorable Mayor and City Council Members
FROM	Sheila Harrington, City Clerk
SUBJECT	Senator Aisha Wahab California legislative update

California State Senator Aisha Wahab represents the 10th District which includes the City of Newark. Senator Wahab will give a California legislative presentation at the City Council meeting.

Attachments

Presentation V2

AISHA WAHAB

— CALIFORNIA STATE SENATOR • 10TH DISTRICT —

Legislative Update

The Contents

01 Authored and Signed into Law

02 Co-Authored and Signed into Law

03 Public Safety

04 Fentanyl

05 Budget Wins

06 Grant Wins

Authored and Signed Into Law

SB 461 – Cultural Observance of Holiday Time

- Permits state employees to use existing holiday time for their own cultural or religious observances.

SB 462 – CalSAWS Data Sharing

- Clarifies rules around data sharing between agencies and simplifies access to safety net services for people who move between counties

SB 463 – Reunification of Parental Cooperation

- Removes mandated penalization of parents attempting reunification with their children, but have barriers to participation in programs.

Authored and Signed Into Law

SB 464 – Survivors of Sexual Assault Bill of Rights

- Expands the rights of victims and survivors of sexual assault and increases rape kit testing.

SB 465 – Refugee Services on DSS Website

- Increases access to resources and information on the DSS website for refugees.

SB 555 – Stable Affordable Housing Act

- Identifies pathways for 1.4M stable, affordable homes for Californians via public, nonprofit, cooperative housing production, and acquisition

Co-Authored and Signed Into Law

AB 12 (Haney) - Rental Deposit Fairness
AB 230 (Reyes) - Menstual Equity for All Act of 2021
AB 278 (Reyes) - High School Dream Resource Centers
AB 373 (Gipson) - Intersession programs: foster children and homeless youth
AB 452 (Addis) - Justice for Survivors Act
AB 567 (Ting) - Criminal Records Relief
AB 701 (Villapudua) - Controlled substances: fentanyl
SB 14 (Grove) - Human Trafficking
SB 474 (Becker) - Canteens
SB 525 (Durazo) - Minimum wage: health care workers.
SB 545 (Rubio) - Juveniles Transfer to Court of Criminal Jurisdiction
SB 567 (Durazo) - Rent Caps and Just Cause
SB 616 (Gonzalez) - Paid Sick Days for All Working Californians
SB 673 (Bradford) - Emergency notification: Ebony Alert: missing Black youth.

Public Safety

200+ Bills heard in committee

95% Bills that passed committee

Public Safety

- **Senate Joint Resolution No. 7 - The Right to Safety Resolution**

  Calls on Congress to call a narrowly focused Constitutional Convention enact 4 common sense firearms regulations.

- **Co-Authored and Signed into Law**

  SB 14 (Grove) - Designates human trafficking of a minor as a serious felony, making it a strike for purposes of the Three Strikes Law.

  AB 452 (Addis) - Eliminates the statute of limitations applicable to civil actions for damages resulting from childhood sexual assault that arise on or after January 1, 2024.

- **Supported**

  AB 442 (Villapudua) - Expands misdemeanor sexual battery to include a person who causes another, against their will, to masturbate or touch an intimate part of either those persons or a third person.

  SB 268 (Alvarado-Gil) - Makes it a violent felony punishable under Three Strikes law to drug a person to become unconscious and then rape that unconscious person.

- **Pending for Next Session**

  SB 400 (Wahab) - Increases police transparency by allowing departments to proactively share why an officer was terminated; if they so choose.

Fentanyl

18 Bills Co-Authored and/or Supported

6 Bills Specifically Address Fentanyl in Schools and/or Colleges and Universities

12 Signed into Law

Fentanyl

- **Signed into Law**

  AB 701 (Asm. Villapudua – Co-Author), which would increase penalties for violating fentanyl possession and sale laws.

  AB 889 (Asm. Joe Patterson), which requires schools to annually inform parents or guardians of the dangers associated with using synthetic drugs and post this information on their respective internet websites.

  AB 1027 (Asm. Petrie-Norris – Co-Author), which requires social media companies to post policies regarding the sale of controlled substances on the platform, store for 90 days information that violates those policies, and to state when that information can be shared with law enforcement.

- **Supported**

  AB 1060 (Asm. Ortega – Co-author), which removes financial barriers to purchasing naloxone which is the medication used to reverse an opioid overdose.

District Budget Wins

$10.6M
Secured for District 10 in 23-24 Budget



City of Hayward

$1.2M - Hayward Evaluation and Response Teams

$2.5M - Stack Youth and Family Center Phase II Construction

County of Santa Clara

$500k - Annual Fellowship at Each Faith Based Reentry Resource Center

City of Santa Clara

$1.8M- Santa Clara Overnight Care Locations

City of Fremont

$500k - Housing Navigation Center

$1.5M - Commercial District Wi-Fi Access Expansion Project

City of Milpitas

$1.6M- Milpitas SMART

BART Board

$1M- Next Generation Fare Gates Project

District Grant Wins

- $45 Million for Housing
  - Awarded by California Strategic Growth Council and California Department of Community Development
  - Will transform a vacant lot into 128 affordable homes in Fremont
- $12 Million for Housing
  - Awarded by California Department of Housing and Community Development
  - Will rehabilitate an existing Hayward development to support extremely low-income individuals.
- $650 Thousand for Climate Change
  - California Governor's Office of Planning and Research
  - Will develop a climate adaptation planning process.



District Activities in Newark

- Participated in:
  - -9th Annual Mariachi Festival
  - -Newark Days
  - -Dia de los Muertos Festival
  - -Avanzando Scholarship Ceremony
  - -Shoreline Clean-up Don Edwards Wildlife Refuge
  - -Newark High School-staff presentation on legislative work
  - -Juneteenth Event
  - -Newark Annual Volunteer Recognition Event
  - -Mobile Hours (1st Thursday of every month)

Honored City of Newark's Promotores for Latino Heritage Month.

District Office Events

February

Black History Month

honored Fremont Chief of Police

Free Tax Preparation Webinar

March

Nowroz

International Women's Day

April

Earth Day Clean-ups

May

Cinco De Mayo

June

Juneteenth Event

July

Immigration Fair

Started Mobile Hours

Backpack Giveaway and Community Closet

August

Backpack Giveaway

September

Senior Resource Fair



District Office

510-794-3900

nurges.gheyszada@sen.ca.gov



Questions?

AISHA WAHAB

— CALIFORNIA STATE SENATOR • 10TH DISTRICT —

Thank You

STAFF REPORT

Item D. 1.

DATE	10/26/2023
TO	Honorable Mayor and City Council Members
FROM	Krysten Lee, Finance Director
SUBJECT	Approval of Audited Demands

Attachments

Audited Demands 09.28.23
Audited Demands 10.05.23
Audited Demands 10.05.23-2

LIVE Newark CA LIVE

Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 09/28/2023

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	09/28/2023	9442	Accounts Payable	4LEAF INC		31,707.50
	Invoice	Date	Description		Check Sort Code	Amount
	J4123J	08/08/2023	TEMP PROFESSIONAL CODE ENFORCEMENT SVCS - 7/1/23-7/31/23			10,939.50
	J4123K	09/20/2023	TEMP PROFESSIONAL CODE ENFORCEMENT SVCS - 8/1/23-8/7/23			3,168.00
	J3962X	09/22/2023	TEMP PROFESSIONAL PLANN SVCS - 8/1/23 - 8/31/23			17,600.00
Check	09/28/2023	9443	Accounts Payable	HEALTH AND HUMAN RESOURCES CENTER, INC.		247.86
	Invoice	Date	Description		Check Sort Code	Amount
	E0300757	09/05/2023	EMPLOYEE ASSISTANT PROGRAM (EAP)-OCTOBER 2023			247.86
Check	09/28/2023	9444	Accounts Payable	ALAMEDA COUNTY SHERIFF'S OFFICE		2,800.00
	Invoice	Date	Description		Check Sort Code	Amount
	290131-0923-8000	09/13/2023	NEWARK PD RECRUIT SKILLS COURSE 09/09/23			2,800.00
Check	09/28/2023	9445	Accounts Payable	ALAMEDA COUNTY SHERIFF'S OFFICE		735.65
	Invoice	Date	Description		Check Sort Code	Amount
	PPE 9.16.23	09/20/2023	GARNISH - 9.3.23-9.16.23 CASE 21CV000937			735.65
Check	09/28/2023	9446	Accounts Payable	TREASURER OF ALAMEDA COUNTY		1,429.50
	Invoice	Date	Description		Check Sort Code	Amount
	AUGUST2023	09/05/2023	CRIME LAB FEES AUGUST 2023			1,429.50
Check	09/28/2023	9447	Accounts Payable	ALL CITY MANAGEMENT SERVICES, INC.		7,981.68
	Invoice	Date	Description		Check Sort Code	Amount
	87341	09/06/2023	SCHOOL CROSSING GUARD SVCS 08/20-09/02/23			7,981.68
Check	09/28/2023	9448	Accounts Payable	ALLIANT INSURANCE SERVICES		17,200.00
	Invoice	Date	Description		Check Sort Code	Amount
	2415522	09/05/2023	SPECIAL EVENT LIABILITY - 1/1/23-1/1/24			16,871.00
	2409044	08/28/2023	SPECIAL EVENT LIABILITY - YMCA CAMP - 1/1/23-1/1/24			329.00
Check	09/28/2023	9449	Accounts Payable	AMERICAN ASPHALT REPAIR & RESURFACING CO., INC.		165,007.40
	Invoice	Date	Description		Check Sort Code	Amount
	17408	07/26/2023	21-22 CITYWIDE PARK PATHWAYS RESURFACING FOR ADA ACCESS 07/23			165,007.40
Check	09/28/2023	9450	Accounts Payable	NORCAL WHOLESALE BARK		11,669.63

	Invoice	Date	Description	Check Sort Code	Amount
	14169	09/13/2023	PLAYGROUND FIBER MAYHEWS LANDING PARK 9/13/2023		4,773.94
	14183	09/19/2023	PLAYGROUND FIBER ASH PARK 9/19/2023		3,536.25
	14186	09/20/2023	PLAYGROUND FIBER MUSICK PARK 9/20/2023		1,060.88
	14185	09/20/2023	PLAYGROUND FIBER BRIDGEPOINT PARK 9/20/2023		2,298.56
Check	09/28/2023	9451 Accounts Payable	AT&T		101.43
	Invoice	Date	Description	Check Sort Code	Amount
	2300-09012023	09/01/2023	CAPTION LISTING - 09/01-09/30/2023		101.43
Check	09/28/2023	9452 Accounts Payable	BAY CENTRAL PRINTING		171.76
	Invoice	Date	Description	Check Sort Code	Amount
	196572	09/06/2023	BUSINESS CARD IMPRINTING - IMAI & OEVERNDIEK		171.76
Check	09/28/2023	9453 Accounts Payable	BAY ISLAND OFFICIALS ASSOCIATION		1,082.00
	Invoice	Date	Description	Check Sort Code	Amount
	AUGUST312023	08/31/2023	OFFICIATING FOR BASKETBALL AND VOLLEYBALL GAMES FOR AUGUST '23		1,082.00
Check	09/28/2023	9454 Accounts Payable	CAL SAFETY INC		520.00
	Invoice	Date	Description	Check Sort Code	Amount
	29843	06/21/2023	PORTABLE CHANGEABLE MESSAGE SIGNS 6/15/23-06/21/23		520.00
Check	09/28/2023	9455 Accounts Payable	CAL-WEST LIGHTING & SIGNAL MAINTENANCE		16,739.23
	Invoice	Date	Description	Check Sort Code	Amount
	230944	09/21/2023	FY23-24 STREET LIGHT MAINTENANCE 09/23		1,848.73
	230705	07/31/2023	FY23-24 STREET LIGHT MAINTENANCE 07/23		3,293.94
	230706	07/31/2023	FY23-24 STREET LIGHT MAINTENANCE 07/23		3,672.99
	230808	08/31/2023	FY23-24 STREET LIGHT MAINTENANCE 08/23		3,574.11
	230809	08/31/2023	FY23-24 STREET LIGHT MAINTENANCE 08/23		4,349.46
Check	09/28/2023	9456 Accounts Payable	DIANA CANGCO		2,041.34
	Invoice	Date	Description	Check Sort Code	Amount
	0826-082923EXP	09/07/2023	EXPENSE REIMBURSEMENT 08/26-08/29/23		1,968.26
	0721-080623EXP	09/21/2023	EXPENSE REIMBURSEMENT 07/21-08/06/23		73.08
Check	09/28/2023	9457 Accounts Payable	BEACON VETERINARY SPECIALISTS		900.00
	Invoice	Date	Description	Check Sort Code	Amount
	143515	07/30/2023	VET SVCS 07/23/23		150.00
	143519	09/21/2023	VET SVCS 07/27/23		150.00
	143513	07/31/2023	VET SVCS 07/23/23		150.00
	143514	07/30/2023	VET SVCS 07/23/23		150.00
	143178	07/20/2023	VET SVCS 07/17/23		150.00
	143245	07/22/2023	VET SVCS 07/22/23		150.00
Check	09/28/2023	9458 Accounts Payable	CENTRAL VALLEY TOXICOLOGY, INC.		84.00
	Invoice	Date	Description	Check Sort Code	Amount
	330051	08/25/2023	LAB TESTS 08/25/2023		42.00
	329759	08/09/2023	LAB TESTS 08/09/2023		42.00
Check	09/28/2023	9459 Accounts Payable	APRO LLC		120.00

	Invoice	Date	Description	Check Sort Code	Amount
	080123-083123	08/31/2023	CAR WASH 08/01-08/31/23		120.00
Check	09/28/2023	9460 Accounts Payable	CITY OF FREMONT		172,594.41
	Invoice	Date	Description	Check Sort Code	Amount
	329754	08/07/2023	JULY 2022 - JUNE 2023 PARATRANSIT SERVICES		172,594.41
Check	09/28/2023	9461 Accounts Payable	CIVICA LAW GROUP, APC		1,451.95
	Invoice	Date	Description	Check Sort Code	Amount
	11006	09/07/2023	PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2023		1,402.15
	11007	09/07/2023	PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2023		24.90
	11008	09/07/2023	PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2023		24.90
Check	09/28/2023	9462 Accounts Payable	CONNECTWISE		21,133.49
	Invoice	Date	Description	Check Sort Code	Amount
	INV00902668	06/30/2023	IT MANAGEMENT SOFTWARE 07/01/23 - 06/30/24		17,184.49
	INV00910306	07/28/2023	IT MANAGEMENT SOFTWARE - ADDITIONAL USERS 07/20/23 - 07/19/24		3,949.00
Check	09/28/2023	9463 Accounts Payable	TONYA CONNOLLY		935.78
	Invoice	Date	Description	Check Sort Code	Amount
	091223EXP	09/12/2023	TOP GOLF TEAM EVENT DEPOSIT 10/25/23		935.78
Check	09/28/2023	9464 Accounts Payable	COUNTY OF ALAMEDA		1,075.00
	Invoice	Date	Description	Check Sort Code	Amount
	AUGUST '23	09/06/2023	CITATION PROCESSING FEES - AUGUST '23		1,075.00
Check	09/28/2023	9465 Accounts Payable	EAST BAY EDA		7,005.00
	Invoice	Date	Description	Check Sort Code	Amount
	FY23029	05/02/2023	EAST BAY EDA ANNUAL MEMBERSHIP FY 23-24		7,005.00
Check	09/28/2023	9466 Accounts Payable	ALHAMBRA		320.56
	Invoice	Date	Description	Check Sort Code	Amount
	15734365091323	09/13/2023	WATER SERVICE 08/30 - 09/08/23		320.56
Check	09/28/2023	9467 Accounts Payable	FARO TECHNOLOGIES, INC.		64,799.75
	Invoice	Date	Description	Check Sort Code	Amount
	91787075	09/05/2023	FARO SCANNER		11,734.98
	91787186	09/06/2023	FARO SCANNER		53,064.77
Check	09/28/2023	9468 Accounts Payable	FOLGERGRAPHICS, INC		2,150.27
	Invoice	Date	Description	Check Sort Code	Amount
	137051	09/15/2023	PRINT FALL ISSUE OF CITY NEWSLETTER		2,150.27
Check	09/28/2023	9469 Accounts Payable	GACHINA LANDSCAPE MANAGEMENT, INC.		1,600.63
	Invoice	Date	Description	Check Sort Code	Amount
	E 212213	09/11/2023	VALVE REPAIR ON STEVENSON 9/11/23		734.53
	E 212212	09/11/2023	VALVE REPAIR ON THORNTON 9/11/23		501.56
	E 212211	09/11/2023	BATTERY CONTROLLER- THORNTON REPAIR 9/11/23		364.54
Check	09/28/2023	9470 Accounts Payable	GIGANTIC IDEA STUDIO, INC.		3,071.25
	Invoice	Date	Description	Check Sort Code	Amount

	INV-4019	05/22/2023	RECYCLING & WASTE REDUCTION OUTREACH - 04/23			3,071.25
Check	09/28/2023	9471 Accounts Payable	GWORKS			4,880.00
	Invoice	Date	Description		Check Sort Code	Amount
	2019-15919	08/01/2023	PUBWORKS SOFTWARE 10/1/23-9/30/24			4,880.00
Check	09/28/2023	9472 Accounts Payable	GYM DOCTORS			300.00
	Invoice	Date	Description		Check Sort Code	Amount
	00144610	07/21/2023	GYM EQUIPMENT MAINTENANCE 7/2023			300.00
Check	09/28/2023	9473 Accounts Payable	HDL COREN & CONE			4,776.25
	Invoice	Date	Description		Check Sort Code	Amount
	SIN031353	09/07/2023	ACFR STATISTICAL PACKAGE 2022-23			695.00
	SIN030211	07/27/2023	PROPERTY TAX CONSULTING - JUL - SEPT 2023			4,081.25
Check	09/28/2023	9474 Accounts Payable	HILLYARD			2,076.61
	Invoice	Date	Description		Check Sort Code	Amount
	605235326	09/07/2023	JANITORIAL SUPPLIES - TOWELS AND LINERS			2,076.61
Check	09/28/2023	9475 Accounts Payable	JOSH HORST			6,468.03
	Invoice	Date	Description		Check Sort Code	Amount
	100123ADPP	09/01/2023	ADPP - 10/01-10/31/23			6,468.03
Check	09/28/2023	9476 Accounts Payable	JOCELYN E. ROLAND			1,425.00
	Invoice	Date	Description		Check Sort Code	Amount
	21961	08/24/2023	PRE-EMPLOYMENT PSYCHOLOGICAL SCREENING -08/23/23			475.00
	21846	07/13/2023	PRE-EMPLOYMENT PSYCHOLOGICAL SCREENING -07/12/23			475.00
	22020	09/19/2023	PRE-EMPLOYMENT PSYCHOLOGICAL SCREENING -09/18/23			475.00
Check	09/28/2023	9477 Accounts Payable	KELLY-MOORE PAINT COMPANY			96.23
	Invoice	Date	Description		Check Sort Code	Amount
	617-00000718717	04/11/2023	SILLIMAN DOOR FRAMES			44.81
	617-00000718801	04/12/2023	CHERRY FIRE CURP PAINT-POINT OF SALE			51.42
Check	09/28/2023	9478 Accounts Payable	LENCO ARMORED VEHICLES			338.25
	Invoice	Date	Description		Check Sort Code	Amount
	20340	09/23/2023	FLEET PARTS-PUSH-ON CAP, FLUSH MOUNT, AND ROOF HATCH			338.25
Check	09/28/2023	9479 Accounts Payable	GOVERNMENT TECHNOLOGY GROUP, LLC			22,499.00
	Invoice	Date	Description		Check Sort Code	Amount
	150	09/04/2023	BROADBAND MASTER PLAN/SMART CITY PAYMENT #5			22,499.00
Check	09/28/2023	9480 Accounts Payable	LIEBERT CASSIDY WHITMORE			609.00
	Invoice	Date	Description		Check Sort Code	Amount
	249475	08/31/2023	PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2023			609.00
Check	09/28/2023	9481 Accounts Payable	LIFE ELDERCARE			14,000.00
	Invoice	Date	Description		Check Sort Code	Amount
	JUNE 2022	03/31/2023	MEALS ON WHEELS MEASURE BB FY 21-22			7,000.00
	JUNE 2023	03/31/2023	MEALS ON WHEELS MEASURE BB FY 22-23			7,000.00
Check	09/28/2023	9482 Accounts Payable	LYNN PEAVEY COMPANY			311.90

	Invoice	Date	Description	Check Sort Code	Amount
	403669	08/31/2023	EVIDENCE SUPPLIES		311.90
Check	09/28/2023	9483 Accounts Payable	MARK GOTHARD		500.00
	Invoice	Date	Description	Check Sort Code	Amount
	80323082423	08/29/2023	SENIOR CHAIR FITNESS 8/3-8/24/23		500.00
Check	09/28/2023	9484 Accounts Payable	MEYERS NAVE		16,289.50
	Invoice	Date	Description	Check Sort Code	Amount
	205383	05/24/2023	LEGAL SVCS FOR CEDAR/ROBSON HOMES - SVCS THRU 4/30/23		454.50
	206363	06/21/2023	LEGAL SVCS FOR CEDAR/ROBSON HOMES - SVCS THRU 5/31/23		3,737.00
	204360	04/27/2023	LEGAL SVCS - MOWRY VILLAGE PROJECT - SVCS THRU 3/31/23		5,370.50
	208407	08/18/2023	LEGAL SVCS FOR CEDAR BLVD TWNHMS (WAYMARK) SVCS THRU 7/31/23		3,524.50
	208408	08/18/2023	LEGAL SVCS FOR NEWPARK PLAZA PROJECT - 7/31/23		3,203.00
Check	09/28/2023	9485 Accounts Payable	MNS ENGINEERS INC		29,596.19
	Invoice	Date	Description	Check Sort Code	Amount
	84094	09/12/2023	ON-CALL PUBLIC WORKS CONSTRUCTION INSPECTION SERVICES 08/23		19,095.77
	84095	09/12/2023	ON-CALL PUBLIC WORKS CONSTRUCTION INSPECTION SERVICES 08/23		2,608.20
	84096	09/12/2023	ON-CALL PUBLIC WORKS CONSTRUCTION INSPECTION SERVICES 08/23		7,892.22
Check	09/28/2023	9486 Accounts Payable	MUNICIPAL INFORMATION TECHNOLOGY ASSOCIATION OF CA		1,000.00
	Invoice	Date	Description	Check Sort Code	Amount
	200006174	08/30/2023	ITIL V4 FOUNDATIONS TRAINING - ANGELA MONTEZ		1,000.00
Check	09/28/2023	9487 Accounts Payable	NATIONAL DATA & SURVEYING SERVICES		1,405.00
	Invoice	Date	Description	Check Sort Code	Amount
	23-080235	08/22/2023	TRAFFIC SURVEY - APA #24-87		1,080.00
	23-080229	07/28/2023	TRAFFIC SURVEY - APA #24-87		325.00
Check	09/28/2023	9488 Accounts Payable	NHA ADVISORS, LLC		9,750.00
	Invoice	Date	Description	Check Sort Code	Amount
	01060	09/25/2023	2022-23 CONSULTING - PENSION EDUCATION & STRATEGIES		9,750.00
Check	09/28/2023	9489 Accounts Payable	PACIFIC GAS & ELECTRIC		5,239.47
	Invoice	Date	Description	Check Sort Code	Amount
	2305-083123	08/31/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 07/27-08/24/23		125.72
	0552-083123	08/31/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 07/28-08/25/23		85.97
	9045-090123	09/01/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 07/27-08/24/23		211.08
	1859-090523	09/05/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 07/31-08/28/23		1,791.22
	3926-090623	09/06/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 07/31-08/28/23		111.29
	0870-090623	09/06/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 08/01-08/29/23		81.40
	7460-091423	09/14/2023	ANNUAL ELECTRICITY FOR STREET/TRAFFIC LIGHTS 07/27-08/24/23		2,832.79
Check	09/28/2023	9490 Accounts Payable	PERFORMANCE PEST MANAGEMENT		1,097.00
	Invoice	Date	Description	Check Sort Code	Amount
	70401	09/07/2023	PEST SERVICES - FIRE STATION #1 102707 9/7/23		275.00
	70434	09/07/2023	PEST SERVICES - COMMUNITY CENTER #102700 9/7/23		95.00
	70433	09/07/2023	PEST SERVICES - FIRE STATION #2 #102709 9/7/23		220.00

	70512	09/07/2023	PEST SERVICES - CITY HALL #102699 9/7/23			267.00
	70400	09/07/2023	PEST SERVICES - FIRE STATION #3 102701 9/7/23			240.00
Check	09/28/2023	9491 Accounts Payable	PREFERRED ALLIANCE INC			130.00
	Invoice	Date	Description		Check Sort Code	Amount
	0188350-IN	08/31/2023	RANDON & NON-RANDOM DRUG TESTING - AUG '23			130.00
Check	09/28/2023	9492 Accounts Payable	R3 CONSULTING, INC			2,640.00
	Invoice	Date	Description		Check Sort Code	Amount
	122641	05/02/2023	WASTE HAULER FRANCHISE AGREEMENT NEGOTIATION SERVICES - 04/30/23			2,640.00
Check	09/28/2023	9493 Accounts Payable	REYES COCA-COLA BOTTLING LLC.			384.49
	Invoice	Date	Description		Check Sort Code	Amount
	11581212763	11/09/2022	CAFE FOOD AND BEVERAGE SUPPLIES			384.49
Check	09/28/2023	9494 Accounts Payable	YORK RISK SERVICE GROUP, INC. A SEDGWICK COMPANY			3,528.00
	Invoice	Date	Description		Check Sort Code	Amount
	400000152123	09/05/2023	WORKERS COMPENSATION CLAIMS - 09/01/23-09/30/23			3,528.00
Check	09/28/2023	9495 Accounts Payable	SFMADE, INC			5,000.00
	Invoice	Date	Description		Check Sort Code	Amount
	CNA-080823	09/08/2023	BAY AREA MANUFACTURING SPONSORSHIP			5,000.00
Check	09/28/2023	9496 Accounts Payable	SIGMA WELLNESS			31,260.00
	Invoice	Date	Description		Check Sort Code	Amount
	2479	09/28/2023	CARDIOMETABOLIC HEALTH ASSESSMENTS			31,260.00
Check	09/28/2023	9497 Accounts Payable	ISABEL ZAMORA			900.00
	Invoice	Date	Description		Check Sort Code	Amount
	0006020	09/13/2023	K9 TRAINING AUGUST 2023			900.00
Check	09/28/2023	9498 Accounts Payable	SPOSETO ENGINEERING			208,934.78
	Invoice	Date	Description		Check Sort Code	Amount
	1-1280	08/31/2023	SAFE ROUTES TO SCHOOL IMPROVEMENTS, PROJECT 1280			208,934.78
Check	09/28/2023	9499 Accounts Payable	STANTEC CONSULTING SERVICES INC			31,479.00
	Invoice	Date	Description		Check Sort Code	Amount
	2083856	05/18/2023	EIR CONSULTING FOR MOWRY VILLAGE PRJCT - PER. ENDING 4/28/23			31,479.00
Check	09/28/2023	9500 Accounts Payable	SUN RIDGE SYSTEMS INC			1,315.00
	Invoice	Date	Description		Check Sort Code	Amount
	RIMS-082023-0268	09/20/2023	RIMSCON FOR JEREMY BECK 08/20/23			1,315.00
Check	09/28/2023	9501 Accounts Payable	MARY TEIXEIRA			663.13
	Invoice	Date	Description		Check Sort Code	Amount
	090723-091923EXP	09/21/2023	PLATES, BOWLS AND FLATWARE FOR EMPLOYEE APPRECIATION GIFT			663.13
Check	09/28/2023	9502 Accounts Payable	THE ED JONES CO INC			931.78
	Invoice	Date	Description		Check Sort Code	Amount
	53994	06/07/2023	SAFETY CATCH HAND GRAVED-HUNTLEY			862.51
	54532	08/31/2023	514 STYLE BADGE-C.VUONG			69.27

Check	09/28/2023	9503	Accounts Payable	THE GOODYEAR TIRE & RUBBER COMPANY		611.03

Invoice	Date	Description	Check Sort Code	Amount
184-1099611	09/06/2023	TIRE REPAIR #266 9/6/23		611.03

Check	09/28/2023	9504	Accounts Payable	SHANNON TODD		1,630.23

Invoice	Date	Description	Check Sort Code	Amount
0411-041223EXP	05/16/2023	CRISIS NEGOTIATIONS TEAM LEADERSHIP-4/11-4/12/23		393.04
0313-031623EXP	05/16/2023	BACKGROUND INVESTIGATION-GARDEN GROVE 03/13-03/16/23		1,237.19

Check	09/28/2023	9505	Accounts Payable	ULINE		371.12

Invoice	Date	Description	Check Sort Code	Amount
168081158	09/06/2023	PROMOTORES BULLETIN BOARD		371.12

Check	09/28/2023	9506	Accounts Payable	UNION PACIFIC RAILROAD COMPANY		1,764.00

Invoice	Date	Description	Check Sort Code	Amount
90127832	08/09/2023	PRELIMINARY ENGINEERING SVCS FOR MOWRY VILLAGE PROJECT-4/23-6/23		1,764.00

Check	09/28/2023	9507	Accounts Payable	URBAN PLANNING PARTNERS, INC.		10,032.50

Invoice	Date	Description	Check Sort Code	Amount
22002-230731	09/18/2023	PROJECT MGMT SVCS - LEPAKSHI @ THORNTON - SVCS 7/31/23		10,032.50

Check	09/28/2023	9508	Accounts Payable	U.S. BANK CORPORATE PAYMENT SYSTEMS		66,398.78

Invoice	Date	Description	Check Sort Code	Amount
092223STMT	09/22/2023	CC PAYMENT 09/22/23		66,398.78

Check	09/28/2023	9509	Accounts Payable	VSS INTERNATIONAL, INC.		1,215,541.06

Invoice	Date	Description	Check Sort Code	Amount
20019488	07/31/2023	FY22-23 RUBBERIZED CAPE SEAL AND SLURRY SEAL PRGM,PRJ 1301 07/23		327,731.88
20022567	08/28/2023	FY22-23 RUBBERIZED CAPE SEAL AND SLURRY SEAL PRGM,PRJ 1301 08/23		887,809.18

Check	09/28/2023	9510	Accounts Payable	ARCANGEL , MICHELLE		153.75

Invoice	Date	Description	Check Sort Code	Amount
693919	09/13/2023	CUSTOMER RE-REGISTERED WITH ARPA FUNDS FOR SCHOLARSHIP		153.75

Check	09/28/2023	9511	Accounts Payable	SUMMIT UNIFORMS, LLC		129.06

Invoice	Date	Description	Check Sort Code	Amount
2119	08/30/2023	UNIFORM AND ACCESSORIES		129.06

Check	09/28/2023	9512	Accounts Payable	OPTIV SECURITY, INC		16,100.58

Invoice	Date	Description	Check Sort Code	Amount
INV-10025856619	09/07/2023	FORTINET SECURITY RENEWAL - 09/22/23 - 09/22/24		16,100.58

EFT	09/28/2023	721	Accounts Payable	GOV CONNECTION (ACH)	211070175 / 1310873272	28,561.50

Invoice	Date	Description	Check Sort Code	Amount
74507180	09/12/2023	DOCKING STATIONS		9,164.56
74429782	08/17/2023	LAPTOP COMPUTERS FOR PROMOTORES		19,396.94

EFT	09/28/2023	722	Accounts Payable	METROPOLITAN PLANNING GROUP	121042882 / 2016189470	3,933.75

	Invoice	Date	Description	Check Sort Code	Amount
	2003955REV	08/29/2023	38600 CEDAR BLVD-WAYMARK PRJCT - SVCS THRU 7/31/23		3,378.75
	2004041	09/18/2023	38600 CEDAR BLVD-WAYMARK PRJCT - SVCS THRU 8/31/23		555.00

EFT	09/28/2023	723	Accounts Payable	PET BENEFIT SOLUTION	021000021 / 238821802	53.75

Invoice	Date	Description	Check Sort Code	Amount
134961	09/20/2023	TOTAL PET PLAN - SEPTEMBER 2023 PREMIUMS		53.75

EFT	09/28/2023	724	Accounts Payable	SEDGWICK CLAIMS MANAGEMENT SERVICES, INC.	121000248 / 4942808510	16,911.76

Invoice	Date	Description	Check Sort Code	Amount
SF-8510-01355791	09/01/2023	WORKERS COMPENSATION CLAIMS -08/01/23-08/31/23		16,911.76

AP ZBA ACCOUNTS PAYABLE Totals:		Transactions: 75	$2,308,693.55

Checks:	71	$2,259,232.79
EFTs:	4	$49,460.76

LIVE Newark CA LIVE

Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 10/05/2023

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	10/05/2023	9513	Accounts Payable	BATTERY SYSTEMS INC		483.74
	Invoice	Date	Description		Check Sort Code	Amount
	35312309081139	09/11/2023	BATTERIES			483.74
Check	10/05/2023	9514	Accounts Payable	BAY AREA TEMPORARY SANITATION, INC.		325.00
	Invoice	Date	Description		Check Sort Code	Amount
	103528	07/31/2023	PORTABLE RESTROOMS FOR GROOVIN AT THE GROVE			325.00
Check	10/05/2023	9515	Accounts Payable	BUREAU VERITAS NORTH AMERICA INC.		1,811.25
	Invoice	Date	Description		Check Sort Code	Amount
	RI 23042964	09/06/2023	BI FIELD INSPECTION AND RELATED PROFESSIONAL SVCS 05/23-07/29/23			1,811.25
Check	10/05/2023	9516	Accounts Payable	EURO SCHOOL OF TENNIS		1,704.00
	Invoice	Date	Description		Check Sort Code	Amount
	06/17-08/08/23	09/19/2023	EURO SCHOOL OF TENNIS CLASSES FOR 6/17-8/8/23			1,704.00
Check	10/05/2023	9517	Accounts Payable	CALIFORNIA MUNICIPAL STATISTICS, INC		550.00
	Invoice	Date	Description		Check Sort Code	Amount
	23091502	09/15/2023	ACFR - DIRECT AND OVERLAPPING BONDED DEBT REPORT AS OF 6/30/23			550.00
Check	10/05/2023	9518	Accounts Payable	PETTY CASH CUSTODIAN-BEVERLY RYANS		746.99
	Invoice	Date	Description		Check Sort Code	Amount
	070523-091623	09/20/2023	PETTY CASH REPL V#3249-3266			746.99
Check	10/05/2023	9519	Accounts Payable	PETTY CASH CUSTODIAN - TIANNA JONES		711.77
	Invoice	Date	Description		Check Sort Code	Amount
	070123-092923SC	09/29/2023	PETTY CASH REPLENISHMENT			711.77
Check	10/05/2023	9520	Accounts Payable	CSG CONSULTANTS, INC.		3,240.00
	Invoice	Date	Description		Check Sort Code	Amount
	52823	08/27/2023	BI FIELD INSPECTION & RELATED PROFESSIONAL SVCS 07/01-07/28/23			3,240.00
Check	10/05/2023	9521	Accounts Payable	DAILY JOURNAL CORPORATION		103.75
	Invoice	Date	Description		Check Sort Code	Amount
	B3741985	09/27/2023	PH NOTICE - SEEDLING CHILDCARE - 9/26/23			103.75

Check	10/05/2023	9522	Accounts Payable	DALE HARDWARE		743.53
	Invoice		Date	Description	Check Sort Code	Amount
	SEPT' 23		09/25/2023	DALE SUPPLIES 09/25/2023		743.53
Check	10/05/2023	9523	Accounts Payable	DUKE DE LEON		300.00
	Invoice		Date	Description	Check Sort Code	Amount
	4177		10/02/2023	BROADCAST AND STREAM CC MTGS SEPTEMBER 2023		300.00
Check	10/05/2023	9524	Accounts Payable	ELESCO		10,000.00
	Invoice		Date	Description	Check Sort Code	Amount
	83636		03/23/2023	SILLIMAN LIGHTING INVERTER		10,000.00
Check	10/05/2023	9525	Accounts Payable	EWING IRRIGATION PRODUCTS INC.		7,868.29
	Invoice		Date	Description	Check Sort Code	Amount
	20547990		09/11/2023	PARK SUPPLIES-IRRIGATION		7,868.29
Check	10/05/2023	9526	Accounts Payable	FARO TECHNOLOGIES, INC.		1,026.37
	Invoice		Date	Description	Check Sort Code	Amount
	91787694		09/11/2023	FARO SCANNER		1,026.37
Check	10/05/2023	9527	Accounts Payable	FEHR & PEERS		43,972.71
	Invoice		Date	Description	Check Sort Code	Amount
	167643		08/17/2023	TASK ORDER #10 - ACTIVE TRANSPORTATION PLAN 07/01-07/28/23		17,748.94
	167720		08/17/2023	TASK ORDER #9 - TRUCK REROUTING STUDY 07/01-07/28/23		8,565.38
	168302		09/13/2023	TASK ORDER #10 - ACTIVE TRANSPORTATION PLAN 07/29-08/25/23		13,913.83
	168639		09/15/2023	TASK ORDER #9 - TRUCK REROUTING STUDY 07/29-08/25/23		3,744.56
Check	10/05/2023	9528	Accounts Payable	DEBTBOOK		9,000.00
	Invoice		Date	Description	Check Sort Code	Amount
	DB2003037		09/01/2023	DEBT MANAGEMENT & LEASE AND SBITA MANAGEMENT 08/11/23-08/10/24		9,000.00
Check	10/05/2023	9529	Accounts Payable	GIGANTIC IDEA STUDIO, INC.		7,456.48
	Invoice		Date	Description	Check Sort Code	Amount
	INV-4093		09/14/2023	RECYCLING & WASTE REDUCTION OUTREACH - 08/23		7,456.48
Check	10/05/2023	9530	Accounts Payable	GRAINGER		2,690.20
	Invoice		Date	Description	Check Sort Code	Amount
	9820498450		08/28/2023	PD TRAINING ROOM JOBBER DRILL		45.75
	9820480219		08/29/2023	SR CTR AND SILLIMAN SUPPLIES		107.43
	9820042613		08/28/2023	SILLIMAN GP MOTOR		1,176.63
	9820042621		08/28/2023	BLDG DIFFUSER		134.39
	9822073418		08/29/2023	FILTER PULLER		20.07
	9824584420		08/31/2023	FIRE STATION STOREROOM LOCK		1,205.93
Check	10/05/2023	9531	Accounts Payable	ANTHONY HECKMAN		2,202.59
	Invoice		Date	Description	Check Sort Code	Amount
	0906-090823EXP		09/14/2023	WLLE SAN DIEGO		1,447.03
	0828-083023EXP		09/14/2023	FTO SUPERVISOR - CAPITOLA		755.56
Check	10/05/2023	9532	Accounts Payable	INTERNATIONAL CODE COUNCIL, INC.		101.89
	Invoice		Date	Description	Check Sort Code	Amount

	101629229	09/22/2023	TRAINING AND EDUCATION MATERIALS		101.89
Check	10/05/2023	9533 Accounts Payable	LYNN PEAVEY COMPANY		1,552.41
	Invoice	Date	Description	Check Sort Code	Amount
	403968	09/13/2023	CERT SUPPLIES		1,552.41
Check	10/05/2023	9534 Accounts Payable	JOLIE MACIAS		75.00
	Invoice	Date	Description	Check Sort Code	Amount
	090723EXP	09/19/2023	WLLE MEAL REIMBURSEMENT 09/07/23		75.00
Check	10/05/2023	9535 Accounts Payable	MEYERS NAVE		30,730.37
	Invoice	Date	Description	Check Sort Code	Amount
	209750	09/21/2023	PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2023		65.40
	208400	08/18/2023	LEGAL SVCS - MOWRY VILLAGE PROJECT - SVCS THRU 7/31/23		808.00
	209744	09/21/2023	PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2023		501.47
	209751	09/21/2023	PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2023		9,810.00
	209752	09/21/2023	PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2023		3,400.80
	209753	09/21/2023	PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2023		3,229.10
	209754	09/21/2023	PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2023		3,393.40
	209759	09/21/2023	PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2023		2,328.20
	209760	09/21/2023	PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2023		784.80
	209761	09/21/2023	PROFESSIONAL SERVICES RENDERED THROUGH AUGUST 31, 2023		6,409.20
Check	10/05/2023	9536 Accounts Payable	MIKE YORKS INVESTIGATIONS		2,475.00
	Invoice	Date	Description	Check Sort Code	Amount
	2023-51	09/10/2023	BACKGROUND INVESTIGATIONS 09/02-09/10/23		525.00
	2023-13	09/11/2023	BACKGROUND INVESTIGATIONS 03/24-09/10/23		300.00
	2023-16	09/11/2023	BACKGROUND INVESTIGATIONS 04/14-09/10/23		825.00
	2023-18	09/11/2023	BACKGROUND INVESTIGATIONS 04/17-09/11/23		825.00
Check	10/05/2023	9537 Accounts Payable	STREET COP TRAINING, LLC		299.00
	Invoice	Date	Description	Check Sort Code	Amount
	ONDEMAND-B.S	09/19/2023	PRO-ACTIVE PATROL TACTICS		299.00
Check	10/05/2023	9538 Accounts Payable	THE PERMANENTE MEDICAL GROUP, INC.		1,214.00
	Invoice	Date	Description	Check Sort Code	Amount
	3209033478510923	09/09/2023	PRE-EMPLOYMENT/ DOT PHYSICALS-08/23		1,214.00
Check	10/05/2023	9539 Accounts Payable	PLAN JPA		5,626.60
	Invoice	Date	Description	Check Sort Code	Amount
	PLAN-2024-0042	09/11/2023	GENERAL LIABILITY PREMIUM FY23/24-AUGUST 2023		5,626.60
Check	10/05/2023	9540 Accounts Payable	EDDA RIVERA		81.38
	Invoice	Date	Description	Check Sort Code	Amount
	91823EXP	09/18/2023	PROMOTORES SNACKS AND SUPPLIES		81.38
Check	10/05/2023	9541 Accounts Payable	SAFEGUARD BUSINESS SYSTEMS, INC		550.26
	Invoice	Date	Description	Check Sort Code	Amount
	9002449383	09/11/2023	DEPOSIT TCKT 100044 FORMAT		550.26
Check	10/05/2023	9542 Accounts Payable	SFPUC		3,885.81
	Invoice	Date	Description	Check Sort Code	Amount

	61896	09/20/2023	HETCH HETCHY RENT AC#3642 09/20/23		970.17
	61930	09/20/2023	HETCH HETCHY RENT AC#2866 09/20/23		2,915.64
Check	10/05/2023	9543 Accounts Payable	SEDGWICK		1,980.00
	Invoice	Date	Description	Check Sort Code	Amount
	BRS-0020470	09/13/2023	REMOTE RISK CONTROL-AUGUST 2023		1,980.00
Check	10/05/2023	9544 Accounts Payable	BLAIR SLAVAZZA		225.00
	Invoice	Date	Description	Check Sort Code	Amount
	092523EXP	09/20/2023	STREET COP TRAINING REIMBURESEMENT		225.00
Check	10/05/2023	9545 Accounts Payable	STANTEC CONSULTING SERVICES INC		15,484.66
	Invoice	Date	Description	Check Sort Code	Amount
	2129921	09/13/2023	EIR CONSULTING FOR MOWRY VILLAGE PRJCT - PER. ENDING 8/25/23		15,484.66
Check	10/05/2023	9546 Accounts Payable	STAPLES		486.13
	Invoice	Date	Description	Check Sort Code	Amount
	8071607958	09/15/2023	OFFICE SUPPLIES 8/29-9/7/23		486.13
Check	10/05/2023	9547 Accounts Payable	T-MOBILE		147.76
	Invoice	Date	Description	Check Sort Code	Amount
	966241989-092123	09/20/2023	IPHONE SVC 06/21-09/20/23		147.76
Check	10/05/2023	9548 Accounts Payable	THIRD DEGREE COMMUNICATIONS, INC.		595.00
	Invoice	Date	Description	Check Sort Code	Amount
	12857	09/20/2023	INTERNAL AFFAIRS- WALNUT CREEK		595.00
Check	10/05/2023	9549 Accounts Payable	TIREHUB, LLC		2,797.94
	Invoice	Date	Description	Check Sort Code	Amount
	35584008	07/10/2023	TIRES-EAGLE RS AND WORKHORSE		2,234.92
	35788054	07/19/2023	TIRES-ASSUR MAXLIFE		563.02
Check	10/05/2023	9550 Accounts Payable	JENNIFER TRAN		55.28
	Invoice	Date	Description	Check Sort Code	Amount
	0905-092823EXP	09/28/2023	MILEAGE REIMBURSEMENT 09/05-09/28/23		55.28
Check	10/05/2023	9551 Accounts Payable	TRUE NORTH COMPLIANCE SERVICES, INC.		20,663.72
	Invoice	Date	Description	Check Sort Code	Amount
	23-08-02-032	09/01/2023	BI FIELD INSPECTION AND RELATED PROFESSIONAL SERVICES 08/23		14,355.00
	23-08-032	09/01/2023	BI FIELD INSPECTION AND RELATED PROFESSIONAL SERVICES 08/23		6,308.72
Check	10/05/2023	9552 Accounts Payable	TURF STAR, INC.		1,161.13
	Invoice	Date	Description	Check Sort Code	Amount
	7295617-00	08/16/2023	FLEET PARTS-BLADE, CUP, SPINDLE, SHAFT, TRIM		1,034.92
	7291256-00	07/25/2023	FLEET SUPPLIES-SIDE MIRROR		126.21
Check	10/05/2023	9553 Accounts Payable	ULINE		1,418.75
	Invoice	Date	Description	Check Sort Code	Amount
	168417213	09/13/2023	GENERAL MAINTENANCE WORKER SUPPLIES		1,418.75
Check	10/05/2023	9554 Accounts Payable	VERDE DESIGN INC		892.50
	Invoice	Date	Description	Check Sort Code	Amount

	1-2313700	09/05/2023	CRICKET FIELD FEASIBILITY STUDY 07/26-08/25/23			892.50
Check	10/05/2023	9555 Accounts Payable	VERIZON WIRELESS			14,124.40
	Invoice	Date	Description		Check Sort Code	Amount
	9944705202	09/18/2023	WIRELESS SERVICE - 08/19-09/18/23			14,124.40
Check	10/05/2023	9556 Accounts Payable	WEST COAST ARBORISTS INC			101,215.85
	Invoice	Date	Description		Check Sort Code	Amount
	202767	07/15/2023	STREET TREE MAINTENANCE 7/1/23-7/15/23			25,592.00
	204570	08/31/2023	STREET TREE MAINTENANCE 8/16/23-8/31/23			28,057.80
	205258	09/15/2023	STREET TREE MAINTENANCE 9/1/23-9/15/23			14,853.35
	203353	07/31/2023	STREET TREE MAINTENANCE 7/16/23-7/31/23			22,061.55
	203934	08/15/2023	STREET TREE MAINTENANCE 8/1/23-8/15/23			10,651.15
Check	10/05/2023	9557 Accounts Payable	AGBAYANI , DOREEN			500.00
	Invoice	Date	Description		Check Sort Code	Amount
	693917	09/13/2023	RENTAL DEPOSIT REFUND			500.00
Check	10/05/2023	9558 Accounts Payable	BOSCO , RIVAS			1,000.00
	Invoice	Date	Description		Check Sort Code	Amount
	2024-00001140	10/03/2023	RETURNING SPECIAL EVENT PERMIT SECURITY DEPOSIT			1,000.00
Check	10/05/2023	9559 Accounts Payable	GRANT , DEBORAH			300.00
	Invoice	Date	Description		Check Sort Code	Amount
	694312	09/15/2023	CC DOUBLE CHARGED DUE TO PROBLEM TRANSACTION			300.00
Check	10/05/2023	9560 Accounts Payable	GRANT , DEBORAH			300.00
	Invoice	Date	Description		Check Sort Code	Amount
	694311	09/15/2023	CC DOUBLE CHARGED DUE TO PROBLEM TRANSACTION			300.00
Check	10/05/2023	9561 Accounts Payable	GRANT , DEBORAH			300.00
	Invoice	Date	Description		Check Sort Code	Amount
	694310	09/15/2023	CC DOUBLE CHARGED DUE TO PROBLEM TRANSACTION			300.00
Check	10/05/2023	9562 Accounts Payable	GRANT , DEBORAH			300.00
	Invoice	Date	Description		Check Sort Code	Amount
	694308	09/15/2023	CC DOUBLE CHARGED DUE TO PROBLEM TRANSACTION			300.00
Check	10/05/2023	9563 Accounts Payable	GHA TECHNOLOGIES INC (ACH)			376.14
	Invoice	Date	Description		Check Sort Code	Amount
	11327298	09/11/2023	APC NETWORK MANAGEMENT CARD			376.14
EFT	10/05/2023	727 Accounts Payable	SUMMIT UNIFORMS, LLC	121000358 / 325183513607		52.50
	Invoice	Date	Description		Check Sort Code	Amount
	2115	08/30/2023	UNIFORM AND ACCESSORIES			52.50
AP ZBA ACCOUNTS PAYABLE Totals:			Transactions: 52			$305,905.15

Checks:	51	$305,852.65
EFTs:	1	$52.50

LIVE Newark CA LIVE

Payment Batch Register

Bank Account: AP - ZBA ACCOUNTS PAYABLE

Batch Date: 10/05/2023

Type	Date	Number	Source	Payee Name	EFT Bank/Account	Transaction Amount
Bank Account: AP - ZBA ACCOUNTS PAYABLE						
Check	10/05/2023	9564	Accounts Payable	GHD INC.		6,907.50
	Invoice		Date	Description	Check Sort Code	Amount
	380-0037505		08/28/2023	ON-CALL TRAFFIC ENGINEERING SERVICES (THROUGH 08/26/23)		6,907.50
Check	10/05/2023	9565	Accounts Payable	ID360		6,328.00
	Invoice		Date	Description	Check Sort Code	Amount
	INV-0334		09/06/2023	CONSTRUCTION & DEMOLITION RECYCLING PROGRAM CONSULTING 09/23		6,328.00
Check	10/05/2023	9566	Accounts Payable	NATIONAL DATA & SURVEYING SERVICES		610.00
	Invoice		Date	Description	Check Sort Code	Amount
	23-080238		08/25/2023	TRAFFIC SURVEY - APA #24-87		610.00
Check	10/05/2023	9567	Accounts Payable	PAKPOUR CONSULTING GROUP, INC.		40,863.38
	Invoice		Date	Description	Check Sort Code	Amount
	4209		08/09/2023	PRJ MANAGEMENT SVCS - CENTRAL AVE OVERPASS PRJ 07/01-07/31/23		20,026.13
	4237		09/06/2023	PRJ MANAGEMENT SVCS - CENTRAL AVE OVERPASS PRJ 08/01-08/31/23		20,837.25
Check	10/05/2023	9568	Accounts Payable	JAMES SCANLIN		989.28
	Invoice		Date	Description	Check Sort Code	Amount
	0910-091323EXP		10/03/2023	EXPENSE REIMBURSEMENT		989.28
AP ZBA ACCOUNTS PAYABLE Totals:				Transactions: 5		$55,698.16

Checks: 5 $55,698.16

STAFF REPORT

Item D. 2.

DATE	10/26/2023
TO	Honorable Mayor and City Council Members
FROM	Sheila Harrington, City Clerk
SUBJECT	Approval of October 12, 2023 minutes

Attachments

Minutes

Draft

Thursday, October 12, 2023
7:00 P.M.

A. ROLL CALL

Mayor Hannon called the meeting to order at 7:00 p.m. Vice Mayor Collazo, Council Members Bucci, Freitas, and Jorgens were present.

B. PRESENTATIONS

1. Assemblymember Alex Lee ceremonial presentation of checks for the Newark Resource Center and the Old Town PDA Road Diet

Assemblymember Lee presented ceremonial checks in the amount of $ 1 million for each project. He noted that this brought a total of $5.8 million in funding to the City over the last two years from the State of California.

2. Manufacturing Week Proclamation

Mayor Hannon presented the proclamation to Business Liaison Morgan Pedersen, Newark Unified School District Heather Decker, Nefab Packaging Eric Hoogvliet, Allogene Therapeutics Tim Moore, ATUM Nick Valencia, and Resource Label Group Sofia Caldera.

Nick Valencia thanked Assemblymember Lee for the funding and noted that many of his colleagues bicycle to work. He thanked Economic Development Manager Stedler and Business Liaison Pedersen for their work.

3. Senator Aisha Wahab California legislative update

Senator Wahab's presentation was rescheduled for the next City Council meeting.

C. PUBLIC COMMENT

Sharon Tokubo stated that she traps, neuters, and releases (TNR) feral cats for the Ohlone Humane Society (OHS). Ohlone's TNR budget for 2023 has been depleted and she requested that the City provide funding. She noted that OHS will present to the City of Fremont and that may be a good opportunity to work with Fremont. She stated that the Tri City Animal Shelter does not provide much help.

Mayor Hannon requested that City staff contact Ms. Tokubo regarding this matter and thanked her for her volunteer efforts.

D. CONSENT CALENDAR

Council Member Bucci moved, Vice Mayor Collazo seconded, to approve Consent Calendar Items D.1 through D.4, that the resolutions and ordinances be numbered consecutively, and that reading of the titles suffice for adoption. The motion passed, 5 AYES.

1. Approval of Audited Demands

2. Approval of September 28, 2023 minutes

3. Adopt a resolution authorizing the acceptance of the Organized Retail Theft (ORT) Prevention Grant Program through the Board of State and Community Corrections (BSCC) and amending the 2022-2024 Biennial Budget
   Resolution No. 11568

4. Adopt a resolution approving a Letter of Understanding to the Memorandum of Understanding with the Newark Police Association
   Resolution No. 11569

E. PUBLIC HEARINGS

F. OTHER BUSINESS

G. CITY COUNCIL MATTERS

Council Member Freitas thanked Assembly Member Alex Lee for the funding and mentioned a State Senator promised funding for skatepark in 1999 that never materialized. He highlighted locations that he thought were eyesores: Home Depot parking lot is using parking spaces for their products, Big Lots needs to be painted, the Newark sign at Cedar Boulevard and Thornton Avenue needs landscaping.

Council Member Bucci referred to Council Member Freitas comments and stated it was Alberto Torrico who promised funding. He thanked Assembly Member Lee for the funding. He invited the public to attend the Ohlone Wildlife Rehabilitation Center open house on October 21.

Vice Mayor Collazo complimented Assemblymember Lee and his staff and thanked them for the funding. She stated the Day of the Dead (Dia De Los Muertos) festival would be held at the Magnolia Plaza on Saturday. Shop Newark.

Mayor Hannon stated that the Mexico Tortilla Factory was featured on KQED this week on Check Please. He complimented Vice Mayor Collazo and her family. St. Edward's school will celebrate their 60th birthday on Saturday. On October 28 there will be Halloween pancake breakfast fundraiser at Newark Memorial High School to benefit the high school.

Vice Mayor Collazo stated that the Newark Library will have an eclipse viewing party on Saturday.

Mayor Hannon stated graffiti abatement volunteers will be out this weekend to clean graffiti.

H. CITY MANAGER UPDATES

City Manager Benoun announced: Community clean up event on October 21st and the Community Emergency Response Team (CERT) Academy begins this month.

I. CLOSED SESSION

J. ADJOURNMENT

Mayor Hannon adjourned the meeting at 7:36 p.m.

STAFF REPORT
Item D. 3.

DATE	10/26/2023
TO	Honorable Mayor and City Council Members
FROM	Alysia Reyes, Junior Engineer
SUBJECT	Resolution for acceptance of work with Sposeto Engineering, Inc. for Safe Routes to School Improvements, Project 1280

SUMMARY AND RECOMMENDATION

On May 11, 2023, City Council awarded a construction contract to Sposeto Engineering, Inc. for Safe Routes to School Improvements, Project 1280. The project was for the installation of pedestrian and bicycle safety improvements in the areas surrounding Schilling Elementary School and Newark Junior High School. The work was completed within an acceptable time and within the original budget.

Staff recommends that the City Council, by resolution, accept the work with Sposeto Engineering, Inc. for Safe Routes to School, Project 1280, authorize the filing of a notice of completion with the County Recorder of Alameda County, and authorize the release of bonds guaranteeing completion of the work.

BACKGROUND

The Alameda County Transportation Commission's (ACTC) Safe Routes to Schools Mini Grant Program aims to support capital improvements which enhance pedestrian, bicycle and transit access to schools in Alameda County. In March 2021, ACTC made $1.7 million in Measure B funds available to jurisdictions within Alameda County on a non-competitive basis. Funds were distributed formulaically based on a jurisdiction's student population share within Alameda County. In July 2021, ACTC programmed $43,000 in Measure B Safe Routes to Schools Mini Grant Program funds to the City of Newark as part of its 2022 Capital Investment Program (2022 CIP).

Pursuant to Resolution No. 11,500, adopted May 11, 2023, the City Council awarded a contract to Sposeto Engineering, Inc. for Safe Routes to School Improvements, Project 1280. The overall project scope of work included installing new ADA-compliant curb ramps with detectable warning surfaces; traffic striping and markings; green bike lane markings; roadside signs; and roadway delineators near Schilling Elementary School and Newark Junior High School. Improvements in the area of Schilling Elementary were identified through a School Safety Assessment facilitated and sponsored by ACTC's Safe Routes to Schools Program. Similarly, improvements at Newark Junior High School were identified through a walking audit performed during development of

Newark's Pedestrian and Bicycle Master Plan.

DISCUSSION/ANALYSIS

Staff has reviewed and inspected the entire scope of work which has now been satisfactorily completed in accordance with the approved project plans and specifications and all applicable standards. Pursuant to the State of California Public Contract Code, formal acceptance of the work by the City Council is now recommended. Photos of some of the completed project improvements are attached to this report.

FISCAL IMPACT

The project was completed within the original budget using a combination of ACTC Measure B Safe Routes to Schools Mini Grant Program, Senate Bill 1 (SB1) Road Repair and Accountability Act (RMRA), and Measure B Bike/Ped Direct Local Distribution (DLD) funds.

REVIEW AND APPROVAL

Prepared by - Alysia Reyes, Junior Engineer
Reviewed by - Jayson Imai, City Engineer
Reviewed by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Resolution
Project Photos

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK ACCEPTING THE WORK WITH SPOSETO ENGINEERING, INC. FOR SAFE ROUTES TO SCHOOL IMPROVEMENTS, PROJECT 1280

WHEREAS, the City of Newark awarded a contract to Sposeto Engineering, Inc. pursuant to Resolution No. 11,500, adopted May 11, 2023, for Safe Routes to Schools Improvements, Project No. 1280 in the amount of $212,631.00 with an additional $21,369.00 in construction contingency, bringing the total allocation for the project to $234,000; and

WHEREAS, Sposeto Engineering, Inc. has successfully completed the improvements for Safe Routes to School Improvements, Project 1280, in accordance with plans and specifications for the contract and as directed by the City Engineer; and

WHEREAS, said work has been completed to the satisfaction of the City Engineer.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby accept the improvements for Safe Routes to School Improvements, Project 1280.

BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby authorize the release of bonds guaranteeing completion of the work.

BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby authorize the filing of a Notice of Completion with the Office of the County Recorder of Alameda County, California.

BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby authorize the City to issue payment including the release of a final retention payment to Sposeto Engineering, Inc. for the completion of Safe Routes to School Improvements, Project 1280, pursuant to the contract.

PROJECT PHOTOS



Figure 1: ACTC Funding Sign at the Newark Junior High School Site



Figure 2: ADA Ramp at the Intersection of Barnard Street and Lafayette Avenue



Figure 3: Crosswalk at the Intersection of Barnard Street and Lafayette Avenue



Figure 4: ADA Ramp at the Intersection of Christine Street and Lafayette Avenue



Figure 5: ACTC Funding Sign at the Birch Grove Elementary School Site



Figure 6 & 7: Curb Extension, Post Delineators, and Green Bike Lane on Thornton Avenue at the Intersection of Spruce Street and Thornton Avenue



Figure 8: Curb Extension and Post Delineators on Spruce Street at the Intersection of Spruce Street and Thornton Avenue



Figure 9: Crosswalk at the Intersection of Poplar Street and Thornton Avenue



Figure 10: ADA Ramp at the Driveway of Birch Grove Elementary School



Figure 11: “No Parking to Driveway” Signs at the Driveways at Birch Grove Elementary School

STAFF REPORT

Item D. 4.

DATE	10/26/2023
TO	Honorable Mayor and City Council Members
FROM	Tonya Connolly, Maintenance Superintendent
SUBJECT	Adopt a resolution authorizing the City Manager to execute a Contractual Equipment and Services Agreement with PB Loader Corporation for the purchase of a dump truck and authorization for outfitting by Classic Graphics and amend the 2022-2024 Biennial Budget and Capital Improvement Plan

SUMMARY AND RECOMMENDATION

The existing 10-cubic yard dump truck operated by the Maintenance Division of the Public Works Department is approximately fifteen years old and at the end of its useful life. The Maintenance Division has identified a 2024 Freightliner dump truck that can transport up to 14 cubic yards of debris as a suitable replacement.

Staff recommends that the City Council authorize the City Manager to execute a Contractual Equipment and Services Agreement with PB Loader Corporation for the purchase of the 2024 Freightliner through Sourcewell Contract #080521 and authorize outfitting by Classic Graphics.

Staff further recommends that the City Council authorize the City Manager to amend the 2022-2024 Biennial Budget and Capital Improvement Plan and reappropriate any unused encumbered funds for the next fiscal year.

BACKGROUND

The City of Newark utilizes a dump truck to offload heavy tree debris which was critical during the most recent storm season.

Dump trucks with capacities of 10 cubic yards or more provide operational efficiency and streamline debris removal processes by allowing staff to transport larger loads, thereby reducing delays, downtime and labor costs. Based on the age of the existing dump truck and the restrictions associated with California Air Resource Board regulations, staff is limited to using the existing dump truck solely for emergency purposes. The purchase of a new dump truck would improve the Maintenance Division's operational capabilities and improve safety conditions for staff, ultimately benefiting the City in the long term.

The City procured the proposed dump truck through an intergovemental procurement process (also known as "piggybacking"), which is an alternative option to Newark's formal bidding process. By piggybacking onto another agency's contract, the City saves the cost and time associated with an additional formal bid process but is still able to procure equipment based upon competitive set prices established by another agency's formal bidding process.

DISCUSSION/ANALYSIS

Sourcewell received bids for roadway maintenance equipment, including dump trucks; PB Loader Corporation was selected by Sourcewell and was issued Contract #080521. PB Loader Corporation was selected because it met the specifications issued by Sourcewell and submitted the lowest bid. PB Loader Corporation is the local distributor of 2024 Freightliner dump trucks with a purchase cost of $270,000.

The cost does not include outfitting which is estimated not to exceed $3,000. The outfitting cost is based on specialized vendor quotes for the installation of lights, cone holders, and logos. The total budget for replacement of a dump truck is $273,000.

FISCAL IMPACT

The proposed purchase requires an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan for Fiscal Year 2024 to allocate funds from unallocated equipment replacement (701.3000) to the Equipment Replacement Program (701.87.701.800.8050) in the amount of $273,000 for the purchase and outfitting of a replacement dump truck. In the event the delivery of the proposed purchase is delayed, staff further recommend Council to authorize the City Manager to reappropriate any unused encumbered funds for the next fiscal year.

REVIEW AND APPROVAL

Prepared by - Tonya Connolly, Maintenance Superintendent
Reviewed by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Resolution PB Loader

Dump Truck CSA - PB Loader

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACTUAL EQUIPMENT AND SERVICES AGREEMENT WITH PB LOADER CORPORATION FOR THE PURCHASE OF A DUMP TRUCK AND AUTHORIZATION FOR OUTFITTING BY CLASSIC GRAPHICS AND AMEND THE 2022-2024 BIENNIAL BUDGET AND CAPITAL IMPROVEMENT PLAN

WHEREAS, the Maintenance Division of the Public Works Department currently operates a dump truck with a 10-cubic yard capacity on an emergency basis only due to its 15-year age and restrictions associated with California Air Resources Board regulations; and

WHEREAS, the purchase of a 2024 Freightliner dump truck would satisfy the City of Newark's need for replacement this existing aged equipment that has reached the end of its useful life; and

WHEREAS, Sourcewell issued a contract for the 2024 Freightliner dump truck and PB Loader Corporation is the local distributor; and

WHEREAS, the City of Newark would be participating in an intergovernmental procurement process (also known as "piggybacking") with PB Loader Corporation as the holder of the Sourcewell procurement contract to purchase a 2024 Freightliner dump truck at a cost of $270,000; and

WHEREAS, the proposed 2024 Freightliner dump truck will require equipment outfitting based on quotes from Classic Graphics, not to exceed $3,000, not to exceed a combined total cost of $273,000.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark does hereby authorize the purchase of a 2024 Freightliner dump truck from PB Loader Corporation in the amount not to exceed $270,000 for the Maintenance Division of the Public Works Department and outfitting by Classic Graphics for a total amount not to exceed $273,000.

BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby authorize the City Manager to execute a Contractual Equipment and Service Agreement with PB Loader Corporation for the purchase of the 2024 Freightliner dump truck.

BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby approve an amendment to the 2022-2024 Biennial Budget and Capital Improvement Plan to appropriate an additional $273,000 to FY 2024 using existing unallocated Capital Fund reserves as follows:

	Account	Description	Amount
TO:	701.87.701.800.8050	Equipment Replacement Program	$273,000
FR:	701.3000	Unallocated Fund Balance	$273,000

BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby authorize the City Manager to reappropriate any unused encumbered funds for the next fiscal year.

CONTRACTUAL SERVICES AGREEMENT

PB LOADER CORPORATION – DUMP TRUCK

This Service Agreement (hereinafter "Agreement") is made and entered into this day of , 2023 by and between the **CITY OF NEWARK**, a municipal corporation ("City"), and **PB LOADER CORPORATION**, a CALIFORNIA CORPORATION ("Consultant"), collectively the "Parties".

W I T N E S S E T H:

WHEREAS, City requested proposals to perform the services generally including: purchase of a 2024 Freightliner dump truck (Sourcewell Contract 080521-PBL).

WHEREAS, in response to City's request, Consultant submitted a proposal and, after negotiations, Consultant agreed to perform the Services more particularly described in Exhibit "A" ("Services"), in return for the compensation described in this Agreement and Exhibit "B".

WHEREAS, in reliance upon Consultant's documentation of its qualifications, as set forth in Exhibit "C", City finds that Consultant has demonstrated the requisite qualifications, experience, training, and expertise to perform the requested Services.

NOW, THEREFORE, the Parties hereto agree as follows:

1. CONSULTANT'S SERVICES. Consultant shall perform Services described, and in the time, place, and manner specified in Exhibit "A" in accordance with the terms and conditions of this Agreement. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit "A", the Agreement shall control.

2. TIME FOR PERFORMANCE. Time is of the essence in the performance of Services under this Agreement and Consultant shall generally adhere to the schedule set forth in Exhibit "A"; provided, that City shall grant reasonable extensions of time for the performance of such Services occasioned by governmental reviews of Consultant's work product or other unavoidable delays occasioned by circumstances, provided, further, that such unavoidable delays shall not include strikes, lockouts, work stoppages, or other labor disturbances conducted by, or on behalf of, Consultant's officers or employees. Any Services for which times for performance are not specified in this Agreement shall be commenced and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to Consultant.

Consultant acknowledges the importance to City of City's performance schedule and agrees to put forth its best professional efforts to perform its Services under this Agreement in a manner consistent with that schedule. City understands, however, that Consultant's performance must be governed by sound professional practices.

3. COMPENSATION.

A. "Not to Exceed" Compensation. City shall compensate Consultant for all Services performed by Consultant hereunder in an amount based upon Consultant's hourly or other

rates set forth in Exhibit "B". The payments specified in Exhibit "B" shall be the only payments to be made to Consultant for Services rendered pursuant to this Agreement.

Notwithstanding the foregoing, the combined total of compensation and costs payable hereunder shall not exceed the sum of TWO HUNDRED SEVENTY THOUSAND and No/100 Dollars ($270,000.00) unless the performance of services and/or reimbursement of costs and expenses in excess of said amounts have been approved in advance of performing such services or incurring such costs and expenses by City, evidenced in writing authorizing such additional amount.

B. Method of Billing. To request payment, Consultant shall submit monthly invoices to City identifying Services performed and the charges therefore (including an identification of personnel who performed Services, hours worked, hourly rates, and reimbursable expenses), based upon Consultant's billing rates (set forth on Exhibit "B" hereto).

Consultant shall submit all billings for said Services to City in the manner specified in Exhibit "B"; or, if no manner is specified in Exhibit "B", then according to the usual and customary procedures and practices which Consultant uses for billing clients similar to City.

Invoices shall be sent to:

City of Newark
Attn: Finance Department
37101 Newark Blvd.
Newark, CA 94560

Upon completion of Services, City shall sign off and acknowledge that all terms and conditions have been satisfactorily met; upon which, unless waived by City in writing, Consultant shall prepare an itemized statement, briefly describing by task and/or labor category the items billed.

C. Payment. Upon receipt of an invoice, City shall make payments to Consultant on a monthly basis, or at such other times as may be specified in Exhibit "B", for Services, which are performed in accordance with this Agreement to the satisfaction of City.

D. Consultant's Failure to Perform. In the event that Consultant performs Services that do not comply with the requirements of this Agreement, Consultant shall, upon receipt of written notice from City, re-perform the services (without additional compensation to Consultant). If Consultant's failure to perform in accordance with this Agreement causes damages to City, Consultant shall reimburse City for the damages incurred (which may be charged as an offset to Consultant's payment).

4. ADDITIONAL SERVICES. In the event City desires the performance of additional services not otherwise included within Services, such services shall be authorized by written task order approved in advance of the performance thereof. Such task order shall include a description of the services to be performed thereunder, the maximum compensation and reimbursement of costs and expenses payable therefore, the time of performance thereof, and such other matters as the Parties deem appropriate for the accomplishment of such services. Except to

the extent modified by a task order, all other terms and conditions of this Agreement shall be deemed incorporated in each such task order.

5. INDEPENDENT CONSULTANT. At all times during the term of this Agreement, Consultant shall be, and is an independent consultant and shall not be an employee or agent of City. Consultant shall not be entitled to any benefit, right, or compensation other than that provided in this Agreement. City shall have the right to control Consultant only insofar as the results of Consultant's Services; however, City shall not have the right to control the means by which Consultant accomplishes Services rendered pursuant to this Agreement.

Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

6. PERSONNEL. Consultant understands that, in entering into this Agreement, City has relied upon Consultant's ability to perform in accordance with its representations regarding the qualifications of Consultant, including the qualifications of its Authorized Representative, its designated personnel, and its Subconsultants, if any, identified in Exhibit "C". Therefore, Consultant shall not replace its Authorized Representative, or any of the designated personnel or Subconsultants identified in Exhibit "C", without the prior written consent of City. All Services shall be performed by, or under, the direct supervision of Consultant's Authorized Representative.

Consultant agrees to include with all Subconsultants in their subcontract the same requirements and provisions of this Agreement including the indemnity and Insurance requirements to the extent they apply to the scope of the Subconsultant's work. Subconsultants hired by Consultant agree to be bound to Consultant and City in the same manner and to the same extent as Consultant is bound to City under this Agreement. Subconsultant further agrees to include these same provisions with any Sub-subconsultant. A copy of this Agreement's Indemnity and Insurance provisions will be furnished to the Subconsultant upon request. The Consultant shall require all Sub-subconsultants to provide a valid certificate of insurance and the required endorsements included in this Agreement prior to commencement of any Services and will provide proof of compliance to the City.

In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the removal of any of Consultant's designated personnel or Subconsultants, Consultant shall, immediately upon receiving notice from City of such desire of City, cause the removal of such person or persons.

7. FACILITIES AND EQUIPMENT. Consultant shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing Services.

8. INFORMATION AND DOCUMENTATION.

A. Information from City. City has made an effort to provide Consultant with all information necessary for Consultant's performance of Services. If Consultant believes additional information is required, Consultant shall promptly notify City and City will provide to Consultant all relevant non-privileged information in City's possession.

B. Consultant's Accounting Records. Consultant shall maintain all accounting records related to this Agreement in accordance with generally accepted accounting principles and state law requirements, and in no event for less than four (4) years. Consultant's accounting records shall include, at a minimum, all documents which support Consultant's costs and expenses related to this Agreement, including personnel, subconsultants' invoices and payments, and reimbursable expenses. Consultant's accounting records shall be made available to City within a reasonable time after City's request, during normal business hours.

C. Ownership of Work Product. All original documents prepared by Consultant (including its employees and subconsultants) for this Agreement ("Work Product"), whether complete or in progress, are the property of City and shall be given to City at the completion of Consultant's Services, or upon demand of City. Consultant shall have a right to make and keep copies of the Work Product except for any confidential information. Consultant shall not reveal the Work Product or the confidential information contained in the Work Product, or make it available, to any third party without the prior written consent of City.

9. CONFLICTS OF INTEREST PROHIBITED. Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. Consultant shall comply with all requirements of the Political Reform Act (California Government Code Section 81000, *et seq.*) and other laws relating to conflicts of interest, including: (a) Consultant shall not make or participate in a decision made by City if it is reasonably foreseeable that the decision may have a material effect on Consultant's economic interest, and (b) if required by law, Consultant shall file financial disclosure forms with the City Clerk. If Consultant maintains or acquires a conflicting interest, any contract with City (including this Agreement) involving Consultant's conflicting interest may be terminated by City.

10. NONDISCRIMINATION. Consultant shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Consultant shall not discriminate against any employee or applicant because of race, color, religious creed, national origin, physical disability, mental disability, medical condition, marital status, sexual orientation, sex, age, or any other basis, as defined in California Civil Code Section 51.

11. COMPLIANCE WITH LAW AND STANDARD OF CARE. Consultant shall comply with all applicable legal requirements including all federal, state, and local laws (including ordinances and resolutions), whether or not said laws are expressly stated in this Agreement. Consultant shall perform Services using a standard of care equal to, or greater than, the degree of skill and diligence ordinarily used by reputable professionals, with a level of experience and training similar to Consultant, performing under circumstances similar to those required by this Agreement.

12. RESERVED

13. RESERVED

14. INSURANCE. Consultant shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may

arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, subconsultants, or employees.

A. Verification of Coverage.

Consultant shall furnish City with original certificates of insurance and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by City before work commences.

Proof of Insurance shall be mailed to the following address or any subsequent address as may be directed in writing by the City Risk Manager:

CITY OF NEWARK
Attn: Risk Manager
37101 Newark Boulevard
Newark, CA 94560

City reserves the right to require and obtain complete, certified copies of all required insurance policies and endorsements at any time. Failure to exercise this right at any time shall not constitute a waiver of right to exercise later. Consultant shall immediately furnish City with certificates of renewal for each policy that is renewed during the term of this Agreement.

B. Minimum Scope of Insurance.

Coverage shall be at least as broad as:

1. Insurance Services Office Form Number CG 00 01covering Commercial General Liability on an occurrence basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury; and

2. Insurance Services Office Form Number CA 00 01 covering Code 1, (any auto), or Code 8 (hired) and Code 9 (non-owned) if consultant has no owned autos; and

3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance; and

4. Errors and Omissions Liability insurance appropriate to the Consultant's profession. Architects' and Engineers' coverage is to be endorsed to include contractual liability.

C. Minimum Limits of Insurance.

It shall be a requirement under this Agreement that any available insurance proceeds broader than or in excess of the specified minimum Insurance

coverage requirements and/or limits shall be available to the Additional Insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this Agreement; or (2) the broader coverage and maximum limits of coverage of and Insurance policy or proceeds available to the named Insured; whichever is greater.

Consultant shall maintain limits no less than:

1. General Liability: (including products and completed operations, property damage, bodily injury, and personal and advertising injury)	**$2,000,000** per occurrence for bodily injury, personal injury, and property damage. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:	**$1,000,000** per accident for bodily injury and property damage.
3. Employer's Liability:	**$1,000,000** per accident for bodily injury or disease.
4. Errors and Omissions Liability:	**$1,000,000** per occurrence or claim; $2,000,000 aggregate.

D. Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by the City Risk Manager. At the option of City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to City, its officers, officials, directors, employees, contractors, agents, and volunteers, or (2) Consultant shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigations, claim administration, and defense expenses in an amount specified by the City Risk Manager or designee.

E. Claims Made Policies.

For all "claims made" coverage, in the event that Consultant changes insurance carriers Consultant shall purchase "tail" coverage or otherwise provide for continuous coverage covering the Term of this Agreement and not less than five (5) years thereafter. Proof of such "tail" or other continuous coverage shall be required at any time that the Consultant changes to a new carrier.

F. Wasting Policies.

No policy required by this paragraph 14 shall include a "wasting" policy limit (ie. limit that is eroded by the cost of defense).

G. Remedies.

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

1. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;

2. Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or

3. Terminate this Agreement.

H. Acceptability of Insurers.

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City Risk Manager. All insurance companies providing coverage to Consultant shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

I. Other Insurance Provisions.

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. Additional Insureds. City, its officers, officials, directors, employees and volunteers ("Additional Insureds") are to be covered as insureds with respect to liability arising out of work or operations performed by or on behalf of Consultant; including materials, parts or equipment furnished in connection with such work or operations.

2. Primary Coverage. For any claims related to Services, Consultant's insurance coverage shall be primary insurance as respects City, its officers, officials, directors, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, directors, employees, or volunteers shall be excess of Consultant's insurance and shall not be contribute with it. Consultant's policy will not seek contribution from the City's insurance or self-insurance.

3. Notice of Cancellation. Each insurance policy required above shall provide that coverage shall not be canceled during the term of this Agreement without notice to City.

4. Civil Code § 2782. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to

indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the California Civil Code.

5. Deductibles and Self-Insured Retentions (SIR). All deductibles and self-insured retentions must be disclosed to the City Risk Manager for approval and shall not reduce the limits of liability. Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named Insured or the City.

6. Subconsultants. Consultant shall include all subconsultants as insureds under its policies or shall require and verify separate certificates and endorsements have been obtained for each subconsultant. All coverages for subconsultants shall be subject to all of the requirements stated herein.

7. Waiver of Subrogation. With respect to Workers' Compensation and Employer's Liability Coverage, the insurer shall agree to waive all rights of subrogation against City, its officers, officials, directors, employees, and volunteers for losses arising from work performed by Consultant for City.

8. Coverage is Material Element. Maintenance of proper insurance coverage in conformity with the provision of this paragraph 14 is a material element of this Agreement and failure to maintain or renew coverage or to provide evidence of coverage or renewal may be treated by City as a material breach of this Agreement.

9. Variation. The City Risk Manager may approve a variation in these insurance requirements upon a determination that the coverage, scope, limits, and form of such insurance are either not commercially available or that City's interests are otherwise fully protected. Any variation granted shall be done in writing and shall be made a part of this Agreement as Appendix "A".

15. REPORTING DAMAGES. If any damage (including but not limited to death, personal injury or property damage) occurs in connection with the performance of this Agreement, Consultant shall immediately notify the City Risk Manager's office by telephone at 510-578-4428, and Consultant shall promptly submit to the City's Risk Manager and the City's Administrator (see paragraph 19, herein below) a written report (in a form acceptable to City) with the following information: (a) name(s) and address(es) of the injured or deceased person(s), (b) name(s) and address(es) of witnesses, (c) name(s) and address(es) of Consultant's insurance company(ies), and (d) a detailed description of the damage(s) and whether any City property was involved.

16. INDEMNIFICATION/SAVE HARMLESS. To the fullest extent permitted by law, the Consultant shall: (1) immediately defend, and (2) indemnify City, its, officers, officials, directors, employees, and volunteers from and against all liabilities regardless of nature or type arising out of or resulting from Consultant's performance of Services, or any negligent or wrongful act or omission of Consultant or Consultant's officers, employees, agents, or subconsultants. Liabilities subject to the duties to defend and indemnify include, without limitation all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. Consultant's obligation to indemnify applies unless it is adjudicated that its liability was caused by the sole active negligence or sole willful misconduct of

an indemnified party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an indemnified party, Consultant's indemnification obligation shall be reduced in proportion to the established comparative liability of the indemnified party.

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

The duty to defend is a separate and distinct obligation from Consultant's duty to indemnify. Consultant shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel approved by City immediately upon tender to Consultant of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. An allegation or determination of comparative active negligence or willful misconduct by an indemnified party does not relieve the Consultant from its separate and distinct obligation to defend City. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Consultant asserts that liability is caused in whole or in part by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the sole active negligence or sole willful misconduct of an indemnified party, Consultant may submit a claim to City for reimbursement of reasonable attorneys' fees and defense costs.

The review, acceptance or approval of Consultant's work or work product by any indemnified party shall not affect, relieve or reduce Consultant's indemnification or defense obligations. This paragraph survives completion of Services or the termination of this contract. The provisions of this paragraph are not limited by and do not affect the provisions of this contract relating to insurance.

Consultant/Subconsultant's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law. The defense and indemnification obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement.

17. <u>LICENSES, PERMITS, ETC</u>. Consultant represents and warrants to City that it has all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required for Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Consultant to practice its profession. In addition to the foregoing, Consultant shall obtain and maintain during the term hereof a valid City of Newark Business License.

18. TERM/TERMINATION.

A. The term of this Agreement shall commence upon the date first hereinabove written and shall expire upon completion of performance of Services hereunder by Consultant.

B. Notwithstanding the provisions of paragraph 18 Section A above, City may terminate this Agreement at any time and without cause upon written notification to Consultant. Consultant may cancel this Agreement upon thirty (30) days' written notice to City and shall include in such notice the reasons for cancellation. In the event of such termination, City shall compensate Consultant for Services rendered and reimburse Consultant for costs and expenses incurred, to the date of termination, calculated in accordance with the provisions of paragraph 3. In ascertaining the Services actually rendered to the date of termination, consideration shall be given both to completed work and work in process of completion. Nothing herein contained shall be deemed a limitation upon the right of City to terminate this Agreement for cause, or otherwise to exercise such rights or pursue such remedies as may accrue to City hereunder.

19. CONTRACT ADMINISTRATION. This Agreement shall be administered by **TONYA CONNOLLY** of the City of Newark ("Administrator"). All correspondence shall be directed to or through the Administrator or his/her designee.

20. NOTICES. Written notices required or convenient hereunder shall be delivered personally or by depositing the same with the United States Postal Service, first class (or equivalent) postage prepaid and addressed, in the case of Consultant, to:

PB LOADER CORPORATION	**CITY OF NEWARK**
MARCUS PUTNAM	TONYA CONNOLLY
Consultant	**Administrator**
Address: PB Loader Corporation Attn: Marcus Putnam, Dir. of Sales 5778 W. Barstow Fresno, CA 93722-5024	City of Newark Attn: Tonya Connolly 37101 Newark Boulevard Newark, CA 94560

21. PARAGRAPH HEADINGS. Paragraph headings used herein are for convenience only and shall not be deemed to be a part of such paragraphs and shall not be construed to change the meaning thereof.

22. EXHIBITS. All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

23. SEVERABILITY. If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the Parties' intent under this Agreement.

24. GOVERNING LAW, JURISDICTION, AND VENUE. The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.

25. ATTORNEY'S FEES. In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

26. ASSIGNABILITY. Neither Consultant nor City shall subconsult, assign, sell, mortgage, hypothecate, or otherwise transfer their respective interests or obligations in this Agreement without the express prior written consent of the non-transferring party.

27. MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

28. WAIVERS. Waiver of breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

29. ENTIRE AGREEMENT. This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the Parties concerning the Services. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

30. SIGNATURES. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Consultant and City. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

31. COVENANT AGAINST CONTINGENT FEES. Consultant hereby warrants that Consultant has not employed or retained any company or person, other than a *bona fide* employee working for Consultant, to solicit or secure this Agreement, and Consultant has not paid or agreed to pay any company or person, other than a *bona fide* employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or formation of this Agreement. For breach or violation of this warranty, City shall have the right to annul this Agreement without liability or, at City's discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF NEWARK,
a municipal corporation

By _____
David J. Benoun, City Manager

Date _____

PB LOADER CORPORATION,
a California corporation

By _____
Marcus Putnam, Director of Sales

Date _____

Attest:

_____
Sheila Harrington, City Clerk

Date _____

Approved as to form:

_____
Kristopher J. Kokotaylo, City Attorney

Date _____

EXHIBIT A

SCOPE OF SERVICES

QTY	PART NO.	DESCRIPTION	PRICE	EXTENSION
		PB LOADER CONTRACT NO. 060521-PBL		
		SOURCEWELL CONTRACT - DISCOUNTED PRICES		
		DUMP BODY & ACCESSORIES		
1	PBLDB-10	PB LOADER SUPPORT BODY, 15 FT 12-14 YARD, HPT53-130 CLASS 80 NTEA HOIST, 3/16" STEEL FLOOR AND TAILGATE, 10 GAUGE STEEL BALANCE, 38" SIDES, 54" FRONT AND 46" REAR, 12" SPREADER APRON, 1/4 CABSHIELD, LED LIGHTS, WIRING HARNESS & BACKUP ALARM, PUMP, CONTROLS, TANK, VALVE, MUD FLAPS, STEEL MUDGUARDS, HOT SHIFT PTO, AIR TAILGATE, PAINT BLACK,		$36,696.00
2	393-00	PULL LADDER - MOUNT BETWEEN REAR AXLES	$200.00	$400.00
1	7661-00	PULL TARP ELECTRIC W/ BENT ARMS - MESH W/ROPE HOOKS EVERY 24"		$4,445.00
1	7000-24	TOOL BOX 24"		$929.00
15	012-030	VULCANIZED RUBBER BODY CUSHIONS - PER FT	$117.00	$1,755.00
1	7302-00	FRAME MNT CONE HOLDER (MALE)		$328.00
1	695-950	ECCO K7000B BACKUP CAMERA SYSTEM (MONITOR + 1 CAM)		$1,023.00
4	695-240	WHELEN LED MICRONS MCRNSA - 2 IN GRILLE, 2 ABOVE FRONT TIRE FENDERS	$608.00	$2,432.00
1	MODS-79	WHELEN TACF85LH LED TRAFFIC ADVISOR 45.12" LG		$2,003.00
1	MODS-06	ARROWBOARD DEBRIS SHIELD		$635.00
4	695-058V	WHELEN 500V LED 5V3A - MOUNT TWO (2) FRONT TOP FACING SIDES, TWO (2) REAR TOP CORNERS FACING REAR	$851.00	$3,404.00
2	695-047	ECCO WORKLIGHT LED 4" - MOUNTED REAR CORNERS OF BODY	$491.00	$982.00
1	8200-00	HITCH PLATE W/ D-RINGS W/ 7 & 6 WIRE PLUGS		$1,385.00
1	9435-00	ELECTRIC BRAKE CONTROLLER #9035 VOYAGER XP		$696.00
		MARKET PRICED ITEMS		
1		UPGRADE ABOVE LISTED DUMP BODY TO INCLUDE 42" SIDES, 56" FRONT, 50" REAR, 1/4" AR450 STEEL BALANCE, DOMEX PULLTARP SHIELD, AIR TAILGATE RELEASE, AIR HI-LIFT, CENTER DITCH GATE, 1/2 CAB SHIELD, HPT63-140TM, INVERTED TRUNION, NO DOGHOUSE, 20-TON PINTLE, AND STEPS AND GRAB HANDLES ABOVE PULL LADDERS		$9,963.00
		MARKET PRICED CHASSIS		
1	CHASSIS	2024 FREIGHTLINER M2 106 TANDEM AXLE CHASSIS, CUMMINS L9 360HP ENGINE, ALLISON 3000 RDS AUTOMATIC TRANSMISSION WITH PTO PROVISION, 54,000 GVWR LEAF SPRING SUSPENSION, 60-GALLON ALUMINUM FUEL TANK, AIR BRAKES, STEEL WHEELS CAB PAINTED WHITE		$161,429.00
		TOTAL:		$228,505.00
1	CUSTOM	5 YEAR WARRANTY ON DUMP BODY		$4,500.00
1	CUSTOM	5 YEAR 1000,000 WARRANTY ON ENGINE, TRANSMISSION, DPF FILTER AND TOWING WITH A 1200 MILE LIMIT		$5,200.00
		SALES TAX (10.75%):		$24,564.29
		FREIGHT:		$1,800.00
		GRAND TOTAL:		$264,569.29

EXHIBIT B

PAYMENT

Payment within 30 days of receipt of dump truck.

EXHIBIT C

QUALIFICATIONS

Sourcewell contract RFP 080521 which expires October 11, 2025.

STAFF REPORT
Item D. 5.

DATE	10/26/2023
TO	Honorable Mayor and City Council Members
FROM	Diana Cangco, Principal Civil Engineer
SUBJECT	Adopt a resolution accepting public subdivision improvements for Tract 8459 – Compass Bay, a 138-unit residential subdivision generally located in Bayside Newark on the southeast corner of Enterprise Drive and Hickory Street

SUMMARY AND RECOMMENDATION

Public and private improvements for Tract 8459 – Compass Bay, a 138-unit residential subdivision generally located on the southeast corner of Enterprise Drive and Hickory Street within the Bayside Newark Specific Plan Area (formerly known as the Dumbarton Transit Oriented Development), have been completed in substantial compliance with the plans and specifications of the project. The developer, TH-HW Enterprise, LLC, has provided a maintenance bond in the amount of $408,300 to guarantee the completed subdivision improvements for a one-year maintenance period.

Staff recommends that the City Council adopt a resolution accepting the public subdivision improvements for Tract 8459 – Compass Bay, a 138-unit residential subdivision generally located in Bayside Newark on the southeast corner of Enterprise Drive and Hickory Street.

BACKGROUND

On November 14, 2019, TH-HW Enterprise, LLC entered into a subdivision agreement with the City of Newark to construct public and private improvements for Tract 8459-Compass Bay, a 138-unit residential subdivision generally located on the southeast corner of Enterprise Drive and Hickory Street within the Bayside Newark Specific Plan Area (formerly known as the Dumbarton Transit Oriented Development). TH-HW Enterprise, LLC provided a performance bond in the amount of $4,083,000 and a materials bond in the amount of $2,041,500 to guarantee the subdivision improvements within Enterprise Drive right-of-way and all private in-tract common area improvements. The public improvements included new frontage sidewalk and landscaping, utility connections and pavement overlay. The private improvements included a new private streets, driveways, sidewalk, signage, utilities, storm drain and stormwater treatment systems, lighting, landscaping, and other common area improvements.

DISCUSSION/ANALYSIS

The construction of the subdivision improvements for Tract 8459 – Compass Bay is now complete. TH-HW Enterprise, LLC has provided a maintenance bond in the amount of $408,300 for the correction of any defective materials or workmanship within the designated one-year maintenance period. After acceptance, the public improvements, some of which are part of Zone 6 of Landscape and Lighting District 19 for Compass Bay, will be owned and maintained by the City. The private improvements for the common benefit of all homeowners will be owned and maintained by the Compass Bay Homeowners Association.

FISCAL IMPACT

The estimated additional annual maintenance cost of the public improvements associated with Tract 8459 is $7,900 and includes pavement maintenance, street sweeping, curb and gutter replacement, and maintenance costs identified as the City's contribution for Zone 6 of Landscape and Lighting District 19 due to general and special benefits for parcels outside Zone 6. These additional maintenance costs will not adversely impact the Fiscal Year 2024 Public Works Department Operating Budget for street maintenance, but will be added to the 2024-2026 Biennial Budget and Capital Improvement Plan as part of a future operating budget increase request for the City Council's consideration.

REVIEW AND APPROVAL

Prepared by - Diana Cangco, Principal Civil Engineer
Reviewed by - Jayson Imai, City Engineer
Reviewed by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Resolution

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK ACCEPTING THE SUBDIVISION IMPROVEMENTS FOR TRACT 8459 – COMPASS BAY (TH-HW ENTERPRISE, LLC), A 138-UNIT RESIDENTIAL SUBDIVISION GENERALLY LOCATED IN BAYSIDE NEWARK ON THE SOUTHEAST CORNER OF ENTERPRISE DRIVE AND HICKORY STREET

WHEREAS, TH-HW Enterprise, LLC previously entered into a Subdivision Agreement with the City of Newark dated November 14, 2019 (Resolution 11,000) for the construction of certain public and private improvements for Tract 8459 – Compass Bay, a 138-unit residential subdivision generally located at on the southeast corner of Enterprise Drive and Hickory Street within the Bayside Newark Specific Plan Area (formerly known as the Dumbarton Transit Oriented Development) in accordance with plans and specifications on file with the City Engineer; and

WHEREAS, the scope of public improvements on Enterprise Drive, Hickory Street, and Seawind Way included new frontage curb, gutter, sidewalk, landscaping, lighting, utility connections, overhead utility undergrounding and street pavement overlay; and

WHEREAS, said work has been completed in substantial compliance with the plans and specifications of the contract entered into heretofore and the City Engineer has recommended the acceptance of these public improvements on Enterprise Drive, Hickory Street and Seawind Way; and

WHEREAS, additional work has been completed in substantial compliance with the plans and specifications, within the common areas of the project site to be owned and maintained by the Compass Bay Homeowners Association, including but not limited to the private streets, driveways, sidewalks, signage, utilities, storm drain and stormwater treatment systems, lighting, landscaping, and other common area improvements; and

WHEREAS, TH-HW Enterprise, LLC has furnished a Subdivision Maintenance Bond in the amount of $408,300 for the correction of any defective materials or workmanship within a designated one-year maintenance period.

NOW, THEREFORE, BE IT RESOLVED BY THE City Council of the City of Newark that said public improvements on Enterprise Drive, Hickory Street and Seawind Way are hereby accepted.

BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby approve a Subdivision Maintenance Bond in the amount of $408,300.

BE IT FURTHER RESOLVED that the City Council of the City of Newark does hereby authorize the release of the Performance Bond in the amount of $4,083,000 and the Materials Bond in the amount of $2,041,500 guaranteeing the completion of work in Tract 8459.

STAFF REPORT
Item D. 6.

DATE	10/26/2023
TO	Honorable Mayor and City Council Members
FROM	Brett Oeverndiek, Administrative Analyst
SUBJECT	Adopt a resolution authorizing the City Manager to execute a Contractual Services Agreement with Joseph Chow & Associates, Inc. for on-call architectural services

SUMMARY AND RECOMMENDATION

The City of Newark utilizes outside consultants to perform architectural services to help the City with various projects. To meet current demands, the City issued a competitive Request for Qualifications (RFQ) for On-Call Architectural Services. Based on staff's analysis of the seven (7) RFQ responses received, three (3) firms were initially recommended by staff and approved by the City Council for contract negotiations with the City Manager at the June 8, 2023, City Council meeting. However, the City was unable to reach agreeable contract terms related to indemnification requirements with one of the three firms.

Staff is now recommending that the City Council consider utilization of the next highest rated RFQ respondent, Joseph Chow & Associates, Inc., as a consultant for On-Call Architectural Services. Hourly rates for Joseph Chow & Associates, Inc., as well as all other RFQ respondents are all closely comparable.

Staff recommends that the City Council, by resolution, authorize the City Manager to enter into a Contractual Services Agreement, in a form approved by the City Attorney, with Joseph Chow & Associates, Inc. in an amount not to exceed $250,000 each, per fiscal year, for On-Call Architectural Services for an initial term of two (2) years, with an option to extend for three (3) additional one (1) year periods.

BACKGROUND

The Public Works Department has a growing backlog of important building improvement and site improvement projects in the current Capital Improvement Plan. There are a sufficient number and variety of projects that architectural design services are needed from multiple firms to assist with the preparation of final plans, specifications, and estimates for the construction stage of these projects.

The City has previously utilized outside consultants to perform on-call architectural services over the years. The Public Works Department released a Request for

Qualifications (RFQ) in accordance with the City's Purchasing Rules and Regulations for On-Call Architectural Services. The RFQ specified firm(s) selection would be made based on the proposed cost for services, qualification and experience of firm and staff identified, the firm's understanding of the City's desires and general approach to completing the work, and other factors.

DISCUSSION/ANALYSIS

In response to the RFQ, Public Works Department staff received a total of seven (7) responses on or before May 2, 2023, from the following firms:

Advance Design Consultants, Inc.
Aetypic
Callander Associates
Interactive Resources, Inc.
Joseph Chow & Associates, Inc.
The KPA Group
Verde Design

Responses from each of the firms were evaluated based on the selection criteria listed in the RFQ. Based on staff's analysis of the seven (7) RFQ responses received, Interactive Resources, Inc., The KPA Group, and Verde Design, Inc. were determined to be the firms who would provide the best overall service to the City. Contractual Services Agreements were approved to be signed with these three selected firms at the June 8, 2023, City Council meeting. Contractual Services Agreements were signed with both The KPA Group and Verde Design. While Interactive Resources, Inc. indicated they had no objections to the City's Contractual Service Agreement language during the RFQ process, after routing the contract for signature they submitted proposed changes to the indemnification/save harmless section of the agreement. The City Attorney's Office reviewed the proposed changes and advised against any such modifications to the standard Contractual Services Agreement. Therefore, the City was unable to reach an agreement on contract terms with Interactive Resources, Inc.

As a result, staff began discussions with the next highest qualified and responsible bidder, Joseph Chow & Associates, Inc. Joseph Chow & Associates, Inc. provided a comprehensive response and satisfied the stated selection criteria. Hourly rates for Joseph Chow & Associates, Inc., as well as all other RFQ respondents are all closely comparable. The firm has provided similar services to other nearby agencies including the County of Santa Clara and the San Francisco Recreation and Parks Department. Staff is therefore recommending the award of contract to Joseph Chow & Associates, Inc. to provide on-call architectural services for an initial term of two (2) years, with an option to extend for three (3) additional one (1) year periods.

The firm was selected to cover the variety of architectural services needed and ensure services can be provided in a timely manner. The contract amount of $250,000 was determined by estimating the cost of services to address project backlog. The selected firm will provide various on-call architectural services to help the City with all aspects of

Capital Improvement Plan building projects, building maintenance projects, site improvements, and landscape and other projects. The required scope of services will include, but may not be limited to the following:

- Provide staff and services on an on-call, as-needed basis
- Provide design services for renovations and modifications of existing public buildings and parks
- Provide personnel or subconsultants for civil, structural, mechanical, electrical, asbestos and lead abatement, and landscaping architecture
- Provide the full range of architectural and engineering services including preliminary studies, public outreach, renderings, drawings, specifications, estimates, scopes of work and other professional services

Typical projects may include, but are not limited to:

- Building renovations such as office, kitchen, and bathroom remodeling; exterior façade renovations; structural modifications or additions; seismic upgrades; ADA upgrades; HVAC upgrades; roofing upgrades; “green” building upgrades; and code compliance alterations
- Site alterations such as fencing and access gate additions or modifications; driveway and parking lot modifications; accessory structure additions or modifications; a variety of security measures; and landscape and irrigation improvements
- Park improvements such as play structures, play fields and courts, irrigation, utilities, grading, landscape, pathways, hardscapes, buildings, parking lots, and lighting

Specific work activities under this agreement will be authorized by individual task orders and subject to funding approval by the City Council through the Capital Improvement Plan or department operating budgets.

FISCAL IMPACT

The 2022-2024 Biennial Budget and Capital Improvement Plan contains sufficient funding for this scope of work through Capital Projects Fund (Fund 610). No budget modifications are necessary at this time. Should department or capital project funding be insufficient for future services, budget approval will be sought on a per-project basis prior to staff authorization of an individual task order.

REVIEW AND APPROVAL

Prepared by - Brett Oeverndiek, Management Analyst II
Reviewed by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David Benoun, City Manager

Attachments

Resolution JCA

Agreement

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ENTER INTO A CONTRACTUAL SERVICES AGREEMENT WITH JOSEPH CHOW & ASSOCIATES, INC. IN AN AMOUNT NOT TO EXCEED $250,000, PER FISCAL YEAR, FOR AN INITIAL TERM OF TWO (2) YEARS, WITH AN OPTION TO RENEW FOR THREE (3) ADDITIONAL ONE (1) YEAR PERIODS

WHEREAS, the City of Newark has a growing backlog of Capital Improvement Plan building projects, building maintenance projects, site improvements, and landscape and other projects; and

WHEREAS, the Public Works Department issued a Request for Qualifications for on-call architectural services to assist the City with reducing the backlog of projects; and

WHEREAS, a total of seven (7) statements of qualifications were received and evaluated by staff on their cost of services, qualifications and experience of firm and staff identified, the firm's understanding of the City's desires and general approach to completing the work, and other factors; and

WHEREAS, staff previously received approval to execute Contractual Services Agreements with three (3) firms at the June 8, 2023, City Council meeting; and

WHERAS, the City signed contractual services agreements with The KPA Group, and Verde Design, Inc. but was unable to finalize a contract with Interactive Resources, Inc.; and

WHEREAS, staff began discussions with the next highest rated and qualified respondent, Joseph Chow & Associates, Inc.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby authorizes the City Manager to negotiate and enter into a Contractual Services Agreement, in a form approved by the City Attorney, with Joseph Chow & Associates, Inc. in an amount not to exceed $250,000, per fiscal year, for an initial term of two (2) years.

BE IT FURTHER RESOLVED that specific consultant work activities shall be authorized by the City Manager or their designee with individual Task Orders, and all such activities are subject to prior budgetary funding authorization by the City Council.

BE IT FURTHER RESOLVED that the Public Works Director is hereby authorized to renew the aforementioned Contractual Services Agreements for up to three (3) additional one (1) year terms upon mutual consent of the City of Newark and Joseph Chow & Associates, Inc. under the terms of the agreement, subject to prior funding approval by the City Council.

CONTRACTUAL SERVICES AGREEMENT

CONSULTANTS

This Service Agreement (hereinafter "Agreement") is made and entered into this 26th day of October, 2023 by and between the **CITY OF NEWARK**, a municipal corporation ("City"), and Joseph Chow & Associates, Inc., ("Consultant"), collectively the "Parties".

W I T N E S S E T H:

WHEREAS, City requested proposals to perform the services generally including: On-call Architectural Services.

WHEREAS, in response to City's request, Consultant submitted a proposal and, after negotiations, Consultant agreed to perform the Services more particularly described in Exhibit "A" ("Services"), in return for the compensation described in this Agreement and Exhibit "B".

WHEREAS, in reliance upon Consultant's documentation of its qualifications, as set forth in Exhibit "C", City finds that Consultant has demonstrated the requisite qualifications, experience, training, and expertise to perform the requested Services.

NOW, THEREFORE, the Parties hereto agree as follows:

1. CONSULTANT'S SERVICES. Consultant shall perform Services described, and in the time, place, and manner specified in Exhibit "A" in accordance with the terms and conditions of this Agreement. In the event of a conflict in or inconsistency between the terms of this Agreement and Exhibit "A", the Agreement shall control.

2. TIME FOR PERFORMANCE. Time is of the essence in the performance of Services under this Agreement and Consultant shall generally adhere to the schedule set forth in Exhibit "A"; provided, that City shall grant reasonable extensions of time for the performance of such Services occasioned by governmental reviews of Consultant's work product or other unavoidable delays occasioned by circumstances, provided, further, that such unavoidable delays shall not include strikes, lockouts, work stoppages, or other labor disturbances conducted by, or on behalf of, Consultant's officers or employees. Any Services for which times for performance are not specified in this Agreement shall be commenced and completed by Consultant in a reasonably prompt and timely manner based upon the circumstances and direction communicated to Consultant.

Consultant acknowledges the importance to City of City's performance schedule and agrees to put forth its best professional efforts to perform its Services under this Agreement in a manner consistent with that schedule. City understands, however, that Consultant's performance must be governed by sound professional practices.

3. COMPENSATION.

A. "Not to Exceed" Compensation. City shall compensate Consultant for all Services performed by Consultant hereunder in an amount based upon Consultant's hourly or other rates set forth in Exhibit "B". The payments specified in Exhibit "B" shall be the only payments to be made to Consultant for Services rendered pursuant to this Agreement.

Notwithstanding the foregoing, the combined total of compensation and costs payable hereunder shall not exceed the sum of Two Hundred Fifty Thousand Dollars ($250,000) per fiscal year unless the performance of services and/or reimbursement of costs and expenses in excess of said amounts have been approved in advance of performing such services or incurring such costs and expenses by City, evidenced in writing authorizing such additional amount.

B. Method of Billing. To request payment, Consultant shall submit monthly invoices to City identifying Services performed and the charges therefore (including an identification of personnel who performed Services, hours worked, hourly rates, and reimbursable expenses), based upon Consultant's billing rates (set forth on Exhibit "B" hereto).

Consultant shall submit all billings for said Services to City in the manner specified in Exhibit "B"; or, if no manner is specified in Exhibit "B", then according to the usual and customary procedures and practices which Consultant uses for billing clients similar to City.

Invoices shall be sent to:

City of Newark
Attn: Finance Department
37101 Newark Blvd.
Newark, CA 94560

Upon completion of Services, City shall sign off and acknowledge that all terms and conditions have been satisfactorily met; upon which, unless waived by City in writing, Consultant shall prepare an itemized statement, briefly describing by task and/or labor category the items billed.

C. Payment. Upon receipt of an invoice, City shall make payments to Consultant on a monthly basis, or at such other times as may be specified in Exhibit "B", for Services, which are performed in accordance with this Agreement to the satisfaction of City.

D. Consultant's Failure to Perform. In the event that Consultant performs Services that do not comply with the requirements of this Agreement, Consultant shall, upon receipt of written notice from City, re-perform the services (without additional compensation to Consultant). If Consultant's failure to perform in accordance with this Agreement causes damages to City, Consultant shall reimburse City for the damages incurred (which may be charged as an offset to Consultant's payment).

4. ADDITIONAL SERVICES. In the event City desires the performance of additional services not otherwise included within Services, such services shall be authorized by written task order approved in advance of the performance thereof. Such task order shall include a description of the services to be performed thereunder, the maximum compensation and reimbursement of costs and expenses payable therefore, the time of performance thereof, and such other matters as the Parties deem appropriate for the accomplishment of such services. Except to the extent modified by a task order, all other terms and conditions of this Agreement shall be deemed incorporated in each such task order.

5. INDEPENDENT CONSULTANT. At all times during the term of this Agreement, Consultant shall be, and is an independent consultant and shall not be an employee or agent of City. Consultant shall not be entitled to any benefit, right, or compensation other than that provided in this Agreement. City shall have the right to control Consultant only insofar as the results of Consultant's Services; however, City shall not have the right to control the means by which Consultant accomplishes Services rendered pursuant to this Agreement.

Except as City may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of City in any capacity whatsoever as an agent. Consultant shall have no authority, express or implied, pursuant to this Agreement to bind City to any obligation whatsoever.

6. PERSONNEL. Consultant understands that, in entering into this Agreement, City has relied upon Consultant's ability to perform in accordance with its representations regarding the qualifications of Consultant, including the qualifications of its Authorized Representative, its designated personnel, and its Subconsultants, if any, identified in Exhibit "C". Therefore, Consultant shall not replace its Authorized Representative, or any of the designated personnel or Subconsultants identified in Exhibit "C", without the prior written consent of City. All Services shall be performed by, or under, the direct supervision of Consultant's Authorized Representative.

Consultant agrees to include with all Subconsultants in their subcontract the same requirements and provisions of this Agreement including the indemnity and Insurance requirements to the extent they apply to the scope of the Subconsultant's work. Subconsultants hired by Consultant agree to be bound to Consultant and City in the same manner and to the same extent as Consultant is bound to City under this Agreement. Subconsultant further agrees to include these same provisions with any Sub-subconsultant. A copy of this Agreement's Indemnity and Insurance provisions will be furnished to the Subconsultant upon request. The Consultant shall require all Sub-subconsultants to provide a valid certificate of insurance and the required endorsements included in this Agreement prior to commencement of any Services and will provide proof of compliance to the City.

In the event that City, in its sole discretion, at any time during the term of this Agreement, desires the removal of any of Consultant's designated personnel or Subconsultants, Consultant shall, immediately upon receiving notice from City of such desire of City, cause the removal of such person or persons.

7. FACILITIES AND EQUIPMENT. Consultant shall, at its sole cost and expense, furnish all facilities and equipment which may be required for furnishing Services.

8. INFORMATION AND DOCUMENTATION.

A. Information from City. City has made an effort to provide Consultant with all information necessary for Consultant's performance of Services. If Consultant believes additional information is required, Consultant shall promptly notify City and City will provide to Consultant all relevant non-privileged information in City's possession.

B. Consultant's Accounting Records. Consultant shall maintain all accounting records related to this Agreement in accordance with generally accepted accounting principles and state law requirements, and in no event for less than four (4) years. Consultant's accounting records shall include, at a minimum, all documents which support Consultant's costs and expenses related to this Agreement, including personnel, subconsultants' invoices and payments, and reimbursable expenses. Consultant's accounting records shall be made available to City within a reasonable time after City's request, during normal business hours.

C. Ownership of Work Product. All original documents prepared by Consultant (including its employees and subconsultants) for this Agreement ("Work Product"), whether complete or in progress, are the property of City and shall be given to City at the completion of Consultant's Services, or upon demand of City. Consultant shall have a right to make and keep copies of the Work Product except for any confidential information. Consultant shall not reveal the Work Product or the confidential information contained in the Work Product, or make it available, to any third party without the prior written consent of City.

9. CONFLICTS OF INTEREST PROHIBITED. Consultant (including its employees, agents, and subconsultants) shall not maintain or acquire any direct or indirect interest that conflicts with the performance of this Agreement. Consultant shall comply with all requirements of the Political Reform Act (California Government Code Section 81000, *et seq.*) and other laws relating to conflicts of interest, including: (a) Consultant shall not make or participate in a decision made by City if it is reasonably foreseeable that the decision may have a material effect on Consultant's economic interest, and (b) if required by law, Consultant shall file financial disclosure forms with the City Clerk. If Consultant maintains or acquires a conflicting interest, any contract with City (including this Agreement) involving Consultant's conflicting interest may be terminated by City.

10. NONDISCRIMINATION. Consultant shall comply with all applicable federal, state, and local laws regarding nondiscriminatory employment practices, whether or not said laws are expressly stated in this Agreement. Consultant shall not discriminate against any employee or applicant because of race, color, religious creed, national origin, physical disability, mental disability, medical condition, marital status, sexual orientation, sex, age, or any other basis, as defined in California Civil Code Section 51.

11. COMPLIANCE WITH LAW AND STANDARD OF CARE. Consultant shall comply with all applicable legal requirements including all federal, state, and local laws (including ordinances and resolutions), whether or not said laws are expressly stated in this Agreement. Consultant shall perform Services using a standard of care equal to, or greater than, the degree of skill and diligence ordinarily used by reputable professionals, with a level of experience and training similar to Consultant, performing under circumstances similar to those required by this Agreement.

12. RESERVED.

13. RESERVED.

14. INSURANCE. Consultant shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, subconsultants, or employees.

A. Verification of Coverage.

Consultant shall furnish City with original certificates of insurance and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by City before work commences.

Proof of Insurance shall be mailed to the following address, or any subsequent address as may be directed in writing by the City Risk Manager:

CITY OF NEWARK
Attn: Risk Manager
37101 Newark Boulevard
Newark, CA 94560

City reserves the right to require and obtain complete, certified copies of all required insurance policies and endorsements at any time. Failure to exercise this right at any time shall not constitute a waiver of right to exercise later. Consultant shall immediately furnish City with certificates of renewal for each policy that is renewed during the term of this Agreement.

B. Minimum Scope of Insurance.

Coverage shall be at least as broad as:

1. Insurance Services Office Form Number CG 00 01covering Commercial General Liability on an occurrence basis, including products and completed operations, property damage, bodily injury, and personal and advertising injury; and

2. Insurance Services Office Form Number CA 00 01 covering Code 1, (any auto), or Code 8 (hired) and Code 9 (non-owned) if consultant has no owned autos; and

3. Workers' Compensation insurance as required by the State of California, with Statutory Limits, and Employer's Liability Insurance; and

4. Errors and Omissions Liability insurance appropriate to the Consultant's profession. Architects' and Engineers' coverage is to be endorsed to include contractual liability.

C. Minimum Limits of Insurance.

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

Consultant shall maintain limits no less than:

1. General Liability: (including products and completed operations, property damage, bodily injury, and personal and advertising injury)	**$2,000,000** per occurrence for bodily injury, personal injury, and property damage. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:	**$1,000,000** per accident for bodily injury and property damage.
3. Employer's Liability:	**$1,000,000** per accident for bodily injury or disease.
4. Errors and Omissions Liability:	**$1,000,000** per occurrence or claim; $2,000,000 aggregate.

D. Deductibles and Self-Insured Retentions.

Any deductibles or self-insured retentions must be declared to and approved by the City Risk Manager. At the option of City, either: (1) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects to City, its officers, officials, directors, employees, contractors, agents, and volunteers, or (2) Consultant shall provide a financial guarantee satisfactory to City guaranteeing payment of losses and related investigations, claim administration, and defense expenses in an amount specified by the City Risk Manager or designee.

E. Claims Made Policies.

For all "claims made" coverage, in the event that Consultant changes insurance carriers Consultant shall purchase "tail" coverage or otherwise provide for continuous

coverage covering the Term of this Agreement and not less than five (5) years thereafter. Proof of such "tail" or other continuous coverage shall be required at any time that the Consultant changes to a new carrier.

F. Wasting Policies.

No policy required by this paragraph 14 shall include a "wasting" policy limit (i.e. limit that is eroded by the cost of defense).

G. Remedies.

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

1. Obtain such insurance and deduct and retain the amount of the premiums for such insurance from any sums due under the Agreement;

2. Order Consultant to stop work under this Agreement or withhold any payment that becomes due to Consultant hereunder, or both stop work and withhold any payment, until Consultant demonstrates compliance with the requirements hereof; and/or

3. Terminate this Agreement.

H. Acceptability of Insurers.

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City Risk Manager. All insurance companies providing coverage to Consultant shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

I. Other Insurance Provisions.

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. Additional Insureds. City, its officers, officials, directors, employees and volunteers ("Additional Insureds") are to be covered as insureds with respect to liability arising out of work or operations performed by or on behalf of Consultant; including materials, parts or equipment furnished in connection with such work or operations.

2. Primary Coverage. For any claims related to Services, Consultant's insurance coverage shall be primary insurance as respects City, its officers, officials, directors, employees, and volunteers. Any insurance or self-insurance maintained by City, its officers, officials, directors, employees, or volunteers shall be excess of Consultant's insurance and shall

not be contribute with it. Consultant's policy will not seek contribution from the City's insurance or self-insurance.

3. Notice of Cancellation. Each insurance policy required above shall provide that coverage shall not be canceled during the term of this Agreement without notice to City.

4. Civil Code § 2782. Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the California Civil Code.

5. Deductibles and Self-Insured Retentions (SIR). All deductibles and self-insured retentions must be disclosed to the City Risk Manager for approval and shall not reduce the limits of liability. Policies containing any SIR provision shall provide or be endorsed to provide that the SIR may be satisfied by either the named Insured or the City.

6. Subconsultants. Consultant shall include all subconsultants as insureds under its policies or shall require and verify separate certificates and endorsements have been obtained for each subconsultant. All coverages for subconsultants shall be subject to all of the requirements stated herein.

7. Waiver of Subrogation. With respect to Workers' Compensation and Employer's Liability Coverage, the insurer shall agree to waive all rights of subrogation against City, its officers, officials, directors, employees, and volunteers for losses arising from work performed by Consultant for City.

8. Coverage is Material Element. Maintenance of proper insurance coverage in conformity with the provision of this paragraph 14 is a material element of this Agreement and failure to maintain or renew coverage or to provide evidence of coverage or renewal may be treated by City as a material breach of this Agreement.

9. Variation. The City Risk Manager may approve a variation in these insurance requirements upon a determination that the coverage, scope, limits, and form of such insurance are either not commercially available or that City's interests are otherwise fully protected. Any variation granted shall be done in writing and shall be made a part of this Agreement as Appendix "A".

15. REPORTING DAMAGES. If any damage (including but not limited to death, personal injury or property damage) occurs in connection with the performance of this Agreement, Consultant shall immediately notify the City Risk Manager's office by telephone at 510-578-4428, and Consultant shall promptly submit to the City's Risk Manager and the City's Administrator (see paragraph 19, herein below) a written report (in a form acceptable to City) with the following information: (a) name(s) and address(es) of the injured or deceased person(s), (b) name(s) and address(es) of witnesses, (c) name(s) and address(es) of Consultant's insurance company(ies), and (d) a detailed description of the damage(s) and whether any City property was involved.

16. INDEMNIFICATION/SAVE HARMLESS. To the fullest extent permitted by law, the Consultant shall: (1) immediately defend, and (2) indemnify City, its, officers, officials, directors, employees, and volunteers from and against all liabilities regardless of nature or type arising out of or resulting from Consultant's performance of Services, or any negligent or wrongful act or omission of Consultant or Consultant's officers, employees, agents, or subconsultants. Liabilities subject to the duties to defend and indemnify include, without limitation all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. Consultant's obligation to indemnify applies unless it is adjudicated that its liability was caused by the sole active negligence or sole willful misconduct of an indemnified party. If it is finally adjudicated that liability is caused by the comparative active negligence or willful misconduct of an indemnified party, Consultant's indemnification obligation shall be reduced in proportion to the established comparative liability of the indemnified party.

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

The duty to defend is a separate and distinct obligation from Consultant's duty to indemnify. Consultant shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel approved by City immediately upon tender to Consultant of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. An allegation or determination of comparative active negligence or willful misconduct by an indemnified party does not relieve the Consultant from its separate and distinct obligation to defend City. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes an obligation to provide independent defense counsel if Consultant asserts that liability is caused in whole or in part by the negligence or willful misconduct of the indemnified party. If it is finally adjudicated that liability was caused by the sole active negligence or sole willful misconduct of an indemnified party, Consultant may submit a claim to City for reimbursement of reasonable attorneys' fees and defense costs.

The review, acceptance or approval of Consultant's work or work product by any indemnified party shall not affect, relieve or reduce Consultant's indemnification or defense obligations. This paragraph survives completion of Services or the termination of this contract. The provisions of this paragraph are not limited by and do not affect the provisions of this contract relating to insurance.

Consultant/Subconsultant's responsibility for such defense and indemnity obligations shall survive the termination or completion of this Agreement for the full period of time allowed by law. The defense and indemnification obligations of this Agreement are undertaken in addition to, and shall not in any way be limited by, the insurance obligations contained in this Agreement.

17. LICENSES, PERMITS, ETC. Consultant represents and warrants to City that it has all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required for Consultant to practice its profession. Consultant represents and warrants to City that Consultant shall, at its sole cost and expense, keep in effect at all times during the term of this Agreement any licenses, permits, and approvals which are legally required for Consultant to practice its profession. In addition to the foregoing, Consultant shall obtain and maintain during the term hereof a valid City of Newark Business License.

18. TERM/TERMINATION.

A. The term of this Agreement shall commence upon the date first hereinabove written and shall expire on June 30, 2025. At the end of the term, the City may renew this Agreement for three (3) one-year terms as authorized by the City Manager.

B. Notwithstanding the provisions of paragraph 18 Section A above, City may terminate this Agreement at any time and without cause upon written notification to Consultant. Consultant may cancel this Agreement upon thirty (30) days' written notice to City and shall include in such notice the reasons for cancellation. In the event of such termination, City shall compensate Consultant for Services rendered and reimburse Consultant for costs and expenses incurred, to the date of termination, calculated in accordance with the provisions of paragraph 3. In ascertaining the Services actually rendered to the date of termination, consideration shall be given both to completed work and work in process of completion. Nothing herein contained shall be deemed a limitation upon the right of City to terminate this Agreement for cause, or otherwise to exercise such rights or pursue such remedies as may accrue to City hereunder.

19. CONTRACT ADMINISTRATION. This Agreement shall be administered by the City of Newark ("Administrator"). All correspondence shall be directed to or through the Administrator or his/her designee.

20. NOTICES. Written notices required or convenient hereunder shall be delivered personally or by depositing the same with the United States Postal Service, first class (or equivalent) postage prepaid and addressed, in the case of Consultant, to:

CITY OF NEWARK

Joyce Chow
Consultant

PUBLIC WORKS DIRECTOR
Administrator

Address: Joseph Chow & Associates, Inc.
650 Delancey Street, Suite 211
San Francisco, CA 94107

City of Newark
Attn: Public Works Director
37101 Newark Boulevard
Newark, CA 94560

21. PARAGRAPH HEADINGS. Paragraph headings used herein are for convenience only and shall not be deemed to be a part of such paragraphs and shall not be construed to change the meaning thereof.

22. EXHIBITS. All exhibits referred to herein are attached hereto and are by this reference incorporated herein.

23. SEVERABILITY. If any term of this Agreement (including any phrase, provision, covenant, or condition) is held by a court of competent jurisdiction to be invalid or unenforceable, the Agreement shall be construed as not containing that term, and the remainder of this Agreement shall remain in full force and effect; provided, however, this paragraph shall not be applied to the extent that it would result in a frustration of the Parties' intent under this Agreement.

24. GOVERNING LAW, JURISDICTION, AND VENUE. The interpretation, validity, and enforcement of this Agreement shall be governed by and interpreted in accordance with the laws of the State of California. Any suit, claim, or legal proceeding of any kind related to this Agreement shall be filed and heard in a court of competent jurisdiction in the County of Alameda.

25. ATTORNEY'S FEES. In the event any legal action is commenced to enforce this Agreement, the prevailing party is entitled to reasonable attorney's fees, costs, and expenses incurred.

26. ASSIGNABILITY. Neither Consultant nor City shall subconsult, assign, sell, mortgage, hypothecate, or otherwise transfer their respective interests or obligations in this Agreement without the express prior written consent of the non-transferring party.

27. MODIFICATIONS. This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by both Parties.

28. WAIVERS. Waiver of breach or default under this Agreement shall not constitute a continuing waiver of a subsequent breach of the same or any other provision of this Agreement.

29. ENTIRE AGREEMENT. This Agreement, including all documents incorporated herein by reference, comprises the entire integrated understanding between the Parties concerning the Services. This Agreement supersedes all prior negotiations, agreements, and understandings regarding this matter, whether written or oral. The documents incorporated by reference into this Agreement are complementary; what is called for in one is binding as if called for in all.

30. SIGNATURES. The individuals executing this Agreement represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this Agreement on behalf of the respective legal entities of Consultant and City. This Agreement shall inure to the benefit of and be binding upon the Parties hereto and their respective successors and assigns.

31. COVENANT AGAINST CONTINGENT FEES. Consultant hereby warrants that Consultant has not employed or retained any company or person, other than a *bona fide* employee working for Consultant, to solicit or secure this Agreement, and Consultant has not paid or agreed to pay any company or person, other than a *bona fide* employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration contingent upon or resulting from the award or formation of this Agreement. For breach or violation of this warranty, City shall have the right to annul this Agreement without liability or, at City's discretion, to deduct from the Agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement the day and year first hereinabove written.

CITY OF NEWARK,
a municipal corporation

CITY OF NEWARK, a municipal corporation	**CONSULTANT**
By: David J. Benoun	By:
Title: City Manager	Title:
Date: _____	Date: _____

ATTEST:

_____

By: Sheila Harrington

Title: City Clerk

Date: _____

APPROVED AS TO FORM:

_____

By: Kristopher J. Kokotaylo

Title: City Attorney

EXHIBIT A

SCOPE OF SERVICES

This Scope of Services, Exhibit "A," is hereby incorporated by reference into the Agreement, under Agreement Paragraph 1.

We have reviewed the scope of work contained in the "Request for Qualifications" document. We understand the scope of work because we have actual project experience with each the project types and services requested. We know that may need a variety of services ranging from Studies to Construction Administration. We have extensive experience providing the full compliment of architectural and engineering services to support your work. The projects below are small sampling of our experience:

Project List

JCA has had an ongoing relationship with multiple clients which has allowed us to excel in various project types, including small and large scale projects.

A. Investigations, Assessments, and Recommendations

- 2300 Clove Drive Building Assessment
  County of Santa Clara, CA
- Santa Clara County Fairgrounds Multibuilding Assessment
  County of Santa Clara, CA
- Study - NAVFAC - Building 93, Architect-Engineering Building Repair Study
  San Diego, CA
- Engineer Evaluation of Exterior of Michelson Laboratory, Building 00005
  Naval Air Weapons Station, China Lake, Ridgecrest, CA
- Engineer Assessment Study of Building 7209
  Port Hueneme, Naval Base Ventura, CA
- Edward R. Roybal Federal Building Renovation Project Program Development Study
  Los Angeles, CA

B. Schematic, Conceptual Design and Design Development Phase

- Design Build RFP Bridging Documents - NAVFAC SW, Human Resources Service Center (HRSC)
  MCAS Miramar, CA
- Design Build RFP Bridging Documents - NAVFAC - P1033 Dining Facility Edson Range, and P10804 Dining Facility Chappo
  MCB Camp Pendleton, San Diego, CA

Project List

- Design Build RFP Bridging Documents - NAVFAC - Consolidated Parking Area
  Los Angeles Air Force Base, CA

Renovations

- P334 Supply Warehouse School of Infantry (SOI) West Overhead/Subsurface Utility Engineering (SUE) and other A/E Services
  MCB Camp Pendleton, CA
- Child Development Center Repair and Alteration on MCAS Yuma
  Yuma, AZ
- NORCO Building Renovation
  NSCC Norco, CA
- First 5 Roof Replacement
  San Jose, CA

New Construction

- Building 1385A
  Naval Base Ventura, Port Hueneme, CA
- Naval Research Laboratory
  Naval Base Ventura, Port Hueneme, CA

C. Construction Documents Phase

Renovations

- CMD Building 7020 Seismic Upgrade
  Camp Roberts, CA
- GSA Social Security Administration Training Center Renovation
  Richmond, CA
- CMD Armory Building Code Upgrades
  Richmond, CA
- Department of Tax and Revenue, 852 1st Street Interior Renovation
  County of Santa Clara, San Jose, CA

OVERALL PROJECT TECHNICAL APPROACH

The JCA team aims to provide the best customer service to meet the City of Newark's goals. We do this by creating a team that seamlessly blends into the City of Newark's project workflow. We will draw upon our team's past experience to provide you the support needed to meet your missions. Whether the task is large or small we will be able to support you at a moments notice. t

Our team recognizes that communication is an essential factor to a project's success. During the height of the pandemic, our team realized just how crucial information is conveyed and distributed. We utilize all tools available to us to maintain a constant stream of communication with our internal and external sub-consultant team. JCA has been able to maintain our quality of work by increasing the frequency of our team communication. Our team uses MS Teams, Zoom, and Webex Conference on top of existing technological forms of communications.

As the potential design team for this contract, our function would be the bridge between the City of Newark and our expert consultants.

Project Knowledge

Rest assured, our team can assist the City with the following and more:

- Building renovations such as office, kitchen, and bathroom remodeling; exterior façade renovations; structural modifications or additions; seismic upgrades; ADA upgrades; HVAC upgrades; roofing upgrades; "green" building upgrades; and code compliance alterations.
- Site alterations such as fencing and access gate additions or modifications; driveway and parking lot modifications; accessory structure additions or modifications; a variety of security measures; and landscape and irrigation improvements.
- Park improvements such as play structures, play fields and courts, irrigation, utilities, grading, landscape, pathways, hardscapes, buildings, parking lots, and lighting.

The proposed design, whether it is a project such as the ones listed above or another project type, we will follow the design objects for each project provided by the City of Newark. Once assigned a Task Order we will fully understand the project scope of work and organize our team to provide the City of Newark of the services needed to fully execute and complete and usable facility.

Understanding Stakeholders to establish Project Requirements and Objectives

Understanding the needs of Stakeholders is something our team takes seriously. The difference between a good project and an exceptional project is how the design addresses their needs. Our team conducts the following analyses to gain a complete understanding of the project stakeholders' needs.

1. **Identify organizational stakeholders.**
   The first step in stakeholder analysis is to identify who are the stakeholders. We will engage all those involved within your organization who may be impacted by this work, those who have influence over it, or have a stake in its successful completion.

2. **Prioritize stakeholders.**
   When meeting with stakeholders, we will keep notes in a table that estimates the stakeholders' influence and their interest in the project, their overall goals, and any objections.

3. **Understand stakeholder perspectives.**
   Conducting semi-structured interviews is a good way to understand stakeholders. We find that asking

broad, open-ended questions are a good way to start a conversation. Questions asking about ways that a project might go right, ways that it might go wrong, and what sources of data are available is a good way of directing the conversation towards collaborative problem solving and discovering the best design solutions for a project.

4. **Incorporate stakeholder perspective into design.** Taking what we have learned from the project's stakeholder we can then incorporate the project's objections, priorities, and requirements into the design. A completely engaged and invested team possesses the following benefits:
   - Ensures that the project plans are a reflection of the real needs and priorities.
   - Develops a trusting environment by allowing the voices of the stakeholders be heard and their issues be known.
   - Makes the project accountable to the stakeholders.
   - Enables the voices of the stakeholders to be heard and by doing that the level of trust in the relationships increases.
   - Promotes transparency in the actions of the project and ensures that the project is held accountable for its actions.
   - Increases ownership by stakeholders who feel the project is including their views. This motivates them to sponsor the project, which ultimately leads to sustainability.
   - It is a key strategy to win support to the project, to gain commitment to the project, and ultimately to increase the chances for sustainability after the project has been completed.

The objective for any assigned Task Order will be to provide comprehensive services to complete a project with exceptional outcomes.

Achieving Deliverables

JCA works closely with our clients and our team to make sure that the project meets all expectations and beyond. We consider the necessary project deliverables as the bare minimum, and we proactively continue to strive to surpass expectations.

Once our fee proposal has been accepted and a Task Order has been issued, we anticipate the following services to be provided a project which requires full design services from Pre-Design through the completion of the Construction Phase.

Pre-Design through Construction Documents

Before the first set of construction documents are created, our project team will:

- Attend kickoff meeting (In-person or virtual) to consult with City of Newark to define and clarify project requirements, including but not limited to: project objects, constraints, space, capacity, performative requirements, flexibility and expansion options, budgetary limitations.
- Identify, review, and re-review available any documents, analyses and reports, facility plans, and site evaluations pertaining to existing site and building.
- Perform field investigations and verify conditions related to discipline with site visit(s). Accurately field measure project scope area as needed to accurately convey information on drawings.
- Develop a Project Requirement Document (PRD).
- Provide Basis of Design (BOD) document defining scope, services and requirements necessary to complete discipline specific design.
- Review available information including geotechnical and topographical studies, study reports, utility layout plans, erosion control plans, security concerns and identify additional services and tests necessary to complete the project.
- Review user-specific information and requirements, COVID-requirements, schedule and budget restrictions.

- Attend project meetings (In-person or virtual) and provide and distribute Meeting Minutes.

Project Schedule

Within five (5) days of contract award we will provide a design completion schedule in MS projects. Each of the milestones will be included in the schedule. If any deviations to the schedule arise during the design phases, we will update the schedule and distribute it to all stakeholders.

Cost Estimating Procedures and Project Cost Control Methods

Our goal on every project is to exceed our client's expectations while maximizing the value of every dollar spent. JCA knows that generating reliable and accurate cost estimates can make or break a project. We strive to provide constantly updated information reflecting construction costs and costing information throughout the entire cycle of any project. We make sure that all construction cost estimates will be developed in a consistent and systematic manner. This activity, and the use of professional cost data and various construction cost information in our office, has enabled JCA to maintain an impressive record for delivering its projects within or substantially under a client's budget. Every team member will be responsible for designing within budget and providing updated information as the project is further developed.

We are a team of professionals who effectively manage our project budgets and schedules to help our clients with their project needs. We understand that budget can sometimes be restricting, but as a team, we are willing to work with you to find a creative solution. We are flexible and adept; we welcome the opportunity to work with you and your staff to ensure the success of the project.

City of Newark and applicable Agency Review - Conducted at each Submittal

- Attend meetings with City of Newark and applicable outside Agencies to review design and documentation.
- Respond to any comments pertaining to the drawing set, calculations and specifications.
- Provide updated documents incorporating agency comments.
- Track any unforeseen design changes.

Deliverables

With the aid of our consultant team, we will produce a complete, quality-checked, set of project deliverables incorporating the City of Newark's furnished design criteria. Each submittal will be reviewed by the City of Newark for comments and approval to advance to the next stage of the design process. We anticipate the following deliverable types: Schematic Design (10%), Design Development (30% or 50%), Construction Documents (60% or 75%, 90% and Final), and Record Drawings.

JCA's Quality Control (QC) Program



Achieving quality work is the result of a cooperative partnership between the design team and the client. Quality work requires performing all activities in conformance, expectations and the incorporation of all the City's goals and requirements. We believe that active involvement will validate and refine the project with project-specific information, quantitative and qualitative requirements, strategies to address programmatic needs, validation of cost models, schedule confirmation and determination of how future spaces will be used.

The act of delivering quality is an ongoing and measured process. At JCA we believe that quality is achieved by focusing on preventing problems and errors rather than reacting to them. This is achieved by qualified individuals performing, coordinating, and back checking all work functions. Quality is maintained by adequate planning, coordination, supervision, and technical direction; proper definition and a clear understanding of job requirements and procedures throughout all phases of the project. Quality is verified through the constant

EXHIBIT B

COMPENSATION

This compensation schedule, Exhibit "B," is hereby incorporated by reference into the Agreement, under Agreement Paragraph 3.

For all services identified in Exhibit "A", Scope of Services, the City agrees to pay, and Consultant agrees to accept as total compensation the following:

JCA	2023	2024	2025	2026	2027
Principal	$265	$273	$281	$290	$298
Project Manager	$232	$239	$246	$253	$261
Project Architect	$206	$212	$219	$225	$232
Job Captain	$175	$180	$186	$191	$197
Interior Designer	$165	$170	$175	$180	$185
ArchitecturalDesigner	$139	$143	$148	$152	$157
Adminiatrative Assistant	$93	$95	$98	$101	$104

SJDA	2023	2024	2025	2026	2027
CASp & Architect Inspector (Principal)	$265	$278	$292	$307	$322
CASp & Architect & AIA Certified Trainer	$265	$278	$292	$307	$322
CASp, P.E., OSHPD 1, AICA Certified, DSA Inspector	$235	$247	$259	$272	$285
CASp and Certified ADA Coordinator	$200	$210	$221	$232	$243
CASp Inspection Field Team Tech/Clerical and Office Admin.	$95	$100	$105	$110	$116

YEI Engineers, Inc.	2023	2024	2025	2026	2027
Firm Principal	$282	$291	$299	$308	$318
Project Manager/Lead Engineer	$268	$276	$284	$293	$301
Senior Engineer	$227	$233	$240	$248	$255
Engineer	$206	$212	$219	$225	$232
Design Engineer	$185	$191	$197	$203	$209
Intermediate Designer	$139	$143	$148	$152	$157

Tuan & Robinson	2023	2024	2025	2026	2027
Principal	$300	$309	$318	$328	$338
Project Manager	$220	$227	$233	$240	$248
Project Engineer	$160	$165	$170	$175	$180
Engineer	$135	$139	$143	$148	$152
BIM Manager	$140	$144	$149	$153	$158
Drafter	$100	$103	$106	$109	$113

BKF Engineers	2023	2024	2025	2026	2027
Principal	$272	$280	$289	$297	$306
Project Manager	$244	$251	$259	$267	$275
Senior Project Engineer	$237	$244	$251	$259	$267
Project Engineer	$198	$204	$210	$216	$223
Design Engineer	$174	$179	$185	$190	$196
Drafter	$124	$128	$132	$135	$140
Survey Party Chief	$189	$195	$201	$207	$213
Instrument Person	$170	$175	$180	$186	$191
Survey Chainperson	$127	$131	$135	$139	$143
Utility Locator	$146	$150	$155	$160	$164
Apprentice	$105	$108	$111	$115	$118

Note: Additional team members can be added at any time. We will submit any addition team member's rates for the City of Newark's approval.

Mileage will be billed at the IRS standard rate at the time of billing. Printing will be charged at cost plus 10%.

Jensen Hughes	2023	2024	2025	2026	2027
Sr. Consultant 3	$310	$319	$329	$339	$349
Sr. Consultant 2	$295	$304	$313	$322	$332
Sr. Consultant 1	$285	$294	$302	$311	$321
Consultant 3	$240	$247	$255	$262	$270
Consultant 2	$225	$232	$239	$246	$253
Consultant 1	$215	$221	$228	$235	$242
Associate 3	$185	$191	$196	$202	$208
Associate 2	$165	$170	$175	$180	$186
Associate 1	$159	$164	$169	$174	$179
Project Administration	$125	$129	$133	$137	$141
Technician	$110	$113	$117	$120	$124
Administration	$100	$103	$106	$109	$113

Merril Morris Partners	2023	2024	2025	2026	2027
Principal Landscape Architect	$235	$242	$249	$257	$264
Associate Principal I	$200	$206	$212	$219	$225
Sr. Associate Landscape Architect I	$165	$170	$175	$180	$186
Lanscape Architect III	$155	$160	$164	$169	$174
Landscape Architect III	$145	$149	$154	$158	$163
Landscape Architect I	$135	$139	$143	$148	$152
Landscape Designer I	$105	$108	$111	$115	$118
Graphic Designer/Copy Editor	$95	$98	$101	$104	$107

Kleinfelder	2023	2024	2025	2026	2027
Professional	$109	$112	$116	$119	$123
Staff Professional	$137	$141	$145	$150	$154
Project Professional	$173	$178	$184	$189	$195
Principal Professional	$200	$206	$212	$219	$225
Senior Principal Professional	$283	$291	$300	$309	$319
Project Manager	$173	$178	$184	$189	$195
Senior Project Manager	$249	$256	$264	$272	$280
Designer/Drafter	$100	$103	$106	$109	$113
Senior Designer/Drafter	$130	$134	$138	$142	$146
Proejct Controls Professional	$123	$127	$130	$134	$138
Senior Project Controls Professional	$186	$192	$197	$203	$209
Technician	$111	$114	$118	$121	$125
Administrator	$122	$126	$129	$133	$137

Sierra West Group	2023	2024	2025	2026	2027
Principal/Chief Estimator	$124	$128	$132	$135	$140
Princpal Program Manager/ Investigator	$150	$155	$159	$164	$169
Principal / Chief Estimator- Expert Witness/Litigation Support	$257	$265	$273	$281	$289
Cost Manager / Quantity Surveyor	$110	$113	$117	$120	$124
Mechanical / Electrical Estimator	$110	$113	$117	$120	$124
Civil Engineer / Estimator	$110	$113	$117	$120	$124
Administrative	$78	$80	$83	$85	$88

EXHIBIT C

QUALIFICATIONS AND PERSONNEL

These Consultant Qualifications, Exhibit "C," are incorporated by reference into the Agreement, under Agreement Paragraph 6.

Joyce Chow, RA, LEED AP

Project Manager/Contact Person/
Project Architect

Joseph Chow & Associates, Inc.
San Francisco, CA



30 Years of Experience

30 Years of Experience
with Current Firm

Education

BA Architecture, UC Berkeley 1991

Current Professional Qualifications

California Licensed Architect - #C26549

Other Professional Qualifications

LEED Accredited Professional
Member, Asian American Architects & Engineers

Contact Information

T: 415.777.1288 x102
@: jchow@jcaarchitects.com

Biography

Ms. Chow, Principal of JCA is a registered, practicing Architect within the state of California. As Project manager, she has overseen various projects within the state of California including those within both Northern and Southern regions of California. The majority of the projects she is involved with are with government agencies, and she is well aware, informed, and knowledgeable of current local, state, and federal codes, criteria and ordinances. She will oversee projects and be personally involved to ensure that the City of Newark's project goals, schedule, and budget are met. Her experience includes a wide range of projects, varying from small renovations, to managing multimillion dollar On-Call contracts.

She is used to wearing many hats. Her experience and flexible approach to projects will be an advantage on this contract.

Relevant Projects

General Services Administration - On-Call Contract
Various Locations *Role: Project Manager/Project Architect*

Ms. Chow provided On-Call services for various GSA owned buildings. She was responsible for preparation of design-bid-build documents and building studies for various renovation projects. The projects ranged from small roof repair projects to Building Assessments of Federal Buildings.

Department of the Navy, Southwest - As Needed Contract
Engineering Field Activity West
Various Locations *Role: Project Manager/Project Architect*

Ms. Chow provided On-Call services to the Department of the Navy. In our short time working with the Navy we have worked over 30 projects ranging from new construction, rehabilitation, building assessments to repair and alteration work, feasibility studies, and reports.

County of Santa Clara - On-Call Contract
County of Santa Clara *Role: Project Manager/Project Architect*

Ms. Chow is currently providing architectural & engineering design services to the County of Santa Clara. Task orders include office renovations, correctional facilities, medical renovations and masterplanning.

National Park Service - On-Call Contract
San Francisco, CA *Role: Project Manager/Project Architect*

Ms. Chow is currently providing architectural and engineer services to the National Park Service. She has completed over 8 projects for the National Park Service. A majority of the projects have been small renovation projects and building studies.

Paul McKenzie, RA

Project Architect

Joseph Chow & Associates, Inc.
San Francisco, CA



30 Years of Experience

5 Years of Experience with Current Firm

Education

BA Architecture, Cal Poly San Luis Obispo

Current Professional Qualifications

California Licensed Architect - #C26359

Contact Information

T: 415.777.1288 x101
@: jca@jcaarchitects.com

Biography

Mr. McKenzie is a registered project architect. He will work closely with the team throughout all phases of the project. He has been the project architect of many of JCA's On-Call contracts, such as NAVFAC Southwest. His professionalism and clear oversight of what needs to be done and achieved during the project's design phase is an irreplaceable asset to JCA.

Relevant Projects

O'Connor Medical Office Building Tenant Improvement
San Jose, CA — *Role: Project Architect*

As part of an On-Call contract, Mr. McKenzie designed the renovation of two suites in an existing medical office owned by the County of Santa Clara. New work included MEP systems to support new exam rooms, offices, new accessible restrooms, breakrooms, reception area, and security systems.

NPS Replace Roof and Exterior Envelope Repairs
Point Reyes National Seashore, CA — *Role: Project Architect*

Mr. McKenzie served as the project architect for this On-Call project. This project focuses on the rehabilitation of the exterior building envelope, including: reroofing, wood siding repairs, refurbishing windows, replacement of rear apartment doors, and recoating of exterior siding and trim.

Engineering Study - Initial Concept for Building 1388
Naval Base Ventura, CA — *Role: Project Architect*

Mr. McKenzie worked on this On-Call project. The primary purpose of the Engineering Study was to identify and document the current physical condition and configuration deficiencies per all applicable building codes. Assessment includes both the Building's interior and exterior. Phasing construction was a necessary criteria for this project.

New Naval Research Laboratory
Naval Base Ventura, CA — *Role: Project Architect*

As part of our On-Call Contract, Mr. McKenzie designed a new 4,997 square foot shop building and a new 3,200 square foot storage building will be built as part of this project. Both buildings will be constructed of a pre-engineered metal building. The new facility will be constructed to meet Sensitive Compartmented Information Facility standards (SCIF).

New Alviso Pump Station and Generator Building
Alviso, CA — *Role: Project Architect*

Mr. McKenzie worked with the City of San Jose to design a new pump station. The goal of this pump station is to account for stormwater runoff within the Alviso area and reduce flooding below the effects of a 100-year storm event.

Baron Gee, Designer

Job Captain/QA/QC
Construction Representative

Joseph Chow & Associates, Inc.
San Francisco, CA



35 Years of Experience

10 Years of Experience
with Current Firm

Education

BA Architecture, UC Berkeley

Current Professional Qualifications

California Licensed Architect - #C23234 (Expired)

Contact Information

T: 415.777.1288 x109
@: jca@jcaarchitects.com

All the projects shown here were part of an On-Call Contract.

Biography

Mr. Gee is a technical architect and his strengths are geared toward the production of tight construction documents and specifications. His construction knowledge is an asset as he is able to quickly come to design decisions. During construction, his knowledge allows a very quick turnaround time. He is currently the senior designer, QA/QC and Construction Representative for the majority of the projects that JCA currently possesses for the County of Santa Clara and NAVFAC SW. His sharp eyes and attention to detail allow him to scrutinize drawing sets and easily cross coordinate team member sets.

Relevant Projects

ADA Barrier Removal - Various Correctional Facilities

County of Santa Clara, CA — *Role: QA/QC/Constructon Rep.*

The scope of work includes surveying all inmate areas to determine areas of non-compliance. Areas of barrier removal included creating accessible cells, dorms, restrooms, recreational areas, inmate intake areas, interview rooms, path of travel, and many others. Mr. Gee was responsible for site investigations, in-house design reviews, technical detailing and construction phase services. This project has received a building permit and is currently under construction.

SCC Muriel Wright Ranch Campus Building Renovation

San Jose, CA — *Role: QA/QC/Construction Rep.*

Mr. Gee was in charge of the reprogramming and realignment the interior spaces of 298 Bernal Road Facility to meet the new program requirements, and the upgrade of the existing building to meet current county and state building code requirements. He performed the following services such as meeting interactions with the county, site investigations, quality control, and construction observation.

70 W. Hedding & 1555 Berger Drive Accessibility Upgrades

San Jose, CA — *Role: QA/QC/Construction Rep.*

This project included the space planning of new workstations, new interior partitions, cosmetic upgrades, and renovation of the space including new offices, collaborative spaces and the cosmetic upgrade of the existing lobby of 70 W. Hedding. Mr. Gee was involved in all phases of the project.

SCC Main Jail North - 2nd Floor Dental Suite Relocation

San Jose, CA — *Role: QA/QC/Construction Rep.*

This project includes the realignment of interior spaces of the Santa Clara County Main Jail Complex (Main Jail North) for the relocation of an existing dental suite. Demolition included plumbing fixtures and building components. Project completed within occupied space. Mr. Gee was involved in all phases of the project.

Pauline Hsu, NCIDQ

Interior Designer

Joseph Chow & Associates, Inc.
San Francisco, CA



23 Years of Experience

5 Years of Experience
with Current Firm

Education

A California State University, Fresno
(FIDER Accredited)
Bachelor of Arts in Interior Design

Current Professional Qualifications

General Contractor License No. 935027
California Certified Interior Designer
NCIDQ, Certification No. 018364

Contact Information

T: 415.777.1288
@: phsu@jcaarchitects.com

Biography

Ms. Hsu is certified interior designer. She is also a licensed General Contractor which gives her a unique perspective of both the design and construction side of her work. She is very attentive to the needs of her clients which helps her create an interior environment which suits the individual needs of each project while being cognizant of schedule and budget.

Relevant Projects

Building 322 Administration Office Renovation
San Diego, CA — *Role: Interior Designer*

The scope of work is to design new office space for 700 staff members of various department within the Navy. Ms. Hsu is currently responsible for the selection of all of the fixtures, furnishings, and equipment and the interior material finish design. Work will be completed in 4 phases.

VA San Francisco Emergency Room Expansion
San Francisco, CA — *Role: Interior Designer*

Ms. Hsu worked this On-Call project to design a new Emergency Room Addition. Our scope of work was to add 3 stories above the first floor of Building 200 to house the new Emergency Department. Ms. Hsu worked with the VA's Interior designer to develop the interior design for this new building addition. She also assisted with the medical equipment layouts.

GSA Renovations of BSU & MSU Areas of the Basement - SSA
Richmond, CA — *Role: Interior Designer*

This renovation project involved demolition and installation includes but is not limited to new walls, flooring, wall base, doors, casework, acoustical tile, and interior widows. Ms. Hsu, worked with GSA and the Social Security Administration to select all the FF&E and finish materials for this On-Call project.

Allcove Tenant Improvement
Palo Alto, CA — *Role: Interior Designer*

The first of its kind in the United States, allcove is a network of standalone, integrated youth mental health centers that welcome young people to take a pause from their daily lives and access a range of professional support services and care. Ms. Hsu provided the interior finishes and equipment selections for this On-Call project.

Transportation Security Administration (TSA) Office Renovation
San Francisco, CA — *Role: Interior Designer*

Ms. Hsu worked with TSA, GSA, and SFO to design a new administration office for TSA. She selected all the interior finishes for this project. All interior components were design to meet CalGreen, LEED, and SFO's Green Building design requirements.

Joseph Chow & Associates, Inc. (JCA) and our team of expert consultants welcomes the opportunity to submit our unique qualifications to provide architectural and engineering services for various City of Newark (City) projects.

Joseph Chow & Associates, Inc. is a Certified Woman Owned Small Business Enterprise whose history began shortly after our incorporation in 1977. For over 45 years, we have developed great working relationships with many government agencies, including the City of Fremont, County of Santa Clara, US Department of Agriculture, Forest Service, Naval Facilities Engineering Command, Southwest; General Services Administration; San Francisco International Airport, City and County of San Francisco, and other local organizations.

Past project collaborations with our government clients has allowed us to fully comprehend the type of services and the quick responses needed for these types of contracts. JCA is based out of San Francisco, within one hour of the City of Newark. Our team's strategic office locations allow our staff and team of consultants to easily travel on-site for projects and participate in meetings. To ensure that we uphold the services we provide to the highest degree, we have included many trusted members to our exceptional team whom we have worked with for years. We are very familiar with the architectural standards, codes, environmental regulation, soil conditions, seismic requirements and local agency regulations that impact the development of any City of Newark project. Project experience has allowed us to learn to quickly respond to any scenarios and project challenges. Through our work, we aim to produce a project that is of superb quality by delivering the greatest of customer service and sustainable innovation.

JCA continues to build our diverse portfolio of demonstrated professional qualifications with new construction, renovation, maintenance, and modernization projects. We have been awarded On-Call contracts from various government agencies including the City of Fremont, Lawrence Berkeley National Laboratory Lawrence Livermore National Laboratory, Department of Veterans Affairs and Naval Facilities Engineering Command Southwest. Our portfolio contains multidisciplinary project types to include commercial, institutional, industrial, operational, and training, research and development, medical, quality of life, housing, food service, transportation, academic, recreation, and historical facilities. We can attribute our successful projects through our diverse work experiences with different clients. Our past work with public entities have allowed us to excel in all types of projects, studies and RFPs – especially new construction both large and small, renovation repair, design build, space planning, LEED, project phasing, seismic retrofits and renovations, modernization and more.

Our vision is to deliver a high-quality City of Newark project with a strong, collaborative and attentive team for the needs of the City of Newark and all its constituents. Honest communication, collaborative approaches, constant coordination of disciplines and a willingness to take responsibility is an undeniable key factor in obtaining this vision for all projects and surpassing expectations. We believe these key factors aide to our success and

comprehensive team synergy.

We directly engage with our clients during the project's execution, creating a thriving team environment for the client, their end users, and our team. For a clear and concise understanding between architects, engineers, construction professionals, facility managers, owners; successful management of the project budget and schedule is the key to any project. Our ability to concisely convey and provide information is reinforced by our team being well versed in Building Information Modeling (BIM) programs. We use industry standard AutoCAD & Revit to complete our projects to show building design from conception to construction. This allows all those involved to share information quickly and efficiently. The end product is a project that is built with the concept "Built as One."

Our commitment to client satisfaction has always been the core value of our company. By having a thorough understanding of our client's expectations, project needs, deliverable requirements, project schedules, and construction budgets, we are able to offer assistance throughout the project's life. Flexibility, insight, and transparency have allowed us to easily integrate ourselves into our clients' goals and business objectives, allowing our firm to provide our clients with unsurpassed technical consulting services. Our experience and ability to work together as an extension of your office is what sets our team apart.

A necessary criterion to deliver a quality project, is to deliver quality work. Quality control is one of JCA's strong points. JCA has long been widely recognized for our expertise and collaborative approach in advancing sustainable and healthy building design, construction, and operational practices. Our multi-disciplinary LEED-accredited staff exhibits leadership in all aspects of green building, including commissioning and offering strategic guidance. We firmly believe that socially and environmentally responsible behavior contributes to sustained profitable growth and value creation for our clients. Between our team, we have completed over 30+ LEED projects.

After reading the enclosed material, I hope you will have a better insight into our team's abilities, credentials, and accomplishments. As an extension of the City of Newark, JCA seeks to promote economic vitality, environmental awareness, safe practices, and the finest customer service through our partnership. We will design projects that will exceed expectations, to reduce long-term operations and maintenance costs. As a firm, we will offer assistance throughout the project's life. Our experience and ability to work together to share a common vision as an extension of your office is what sets our team apart.

We welcome the opportunity to work with you and show you how our innovative design, accurate documents, and sound professional assistance can support the City of Newark effectively in the years to come. We are willing to comply with all City of Newark contracts. We thank you again in advance for your consideration and we look forward to establishing a working relationship with the City of Newark under this On-Call contract.

STAFF REPORT
Item D. 7.

DATE	10/26/2023
TO	Honorable Mayor and City Council Members
FROM	Art Interiano, Deputy Community Development Director
SUBJECT	Adopt a resolution authorizing an amendment to the agreement with Stantec Consulting Inc. for environmental services for the Mowry Village project

SUMMARY AND RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing an amendment to the agreement with Stantec Consulting Inc. to increase the "not-to-exceed" amount by $69,708 for a total not-to-exceed amount of $401,572. The contract amendment would allow the scope of services for the Environmental Impact Report for the Mowry Village project to be revised to include additional services required to complete the review.

BACKGROUND

The City is currently reviewing an application that was submitted by The Mowry Project Owner LLC, which proposes to build 203 residential units on properties located west of the Silliman Center, a short distance after the railroad tracks (APN 537-850-2, 537-850-1-11 & 537-850-1-13). The project site is located within the Newark Areas 3 and 4 Specific Plan area that is currently developed as an auto part and scrap metal salvage lot known as "Pick-n-Pull." The proposed project is within Sub Area D of Area 4 and is zoned Park. The proposed project includes an application for a Specific Plan Amendment to change the zoning from Park to RS-6000: Residential Single-Family.

DISCUSSION/ANALYSIS

The initial review of the environmental impacts of the proposed changes to the Specific Plan and rezoning requires specialized consultant services for the preparation of an environmental analysis, consistent with the requirements of the California Environmental Quality Act (CEQA), as well as services to assess the Project's consistency with the Specific Plan's Policies and Actions. On June 10, 2021 the City approved a contract to hire Stantec Consulting Inc. to perform the necessary environmental analysis. On October 13, 2022 the City approved the first amendment to the contract which increased the not-to-exceed amount to $331,814 for an Environmental Impact Report (EIR). The second amendment includes additional requested services which would include changes to existing tasks to generally provide more review time for responses to public comments, a draft MMRP and additional time

for project management. Based on the project schedule provided by Stantec Consulting Inc., the EIR is anticipated to be completed in late January 2024. The additional services requested would continue to be part of the Stantec contract for the EIR and will be paid through the reimbursement account with the developer. There will be no City cost associated with this request.

Community Development staff is recommending that Stantec Consulting Services Inc. continue to perform the required services as described in the initial Contract Agreement, including the request for additional services in the Second Amendment to Contractual Service Agreement (the “Agreement”) contained in Exhibit A of the Resolution.

FISCAL IMPACT

There is no fiscal impact associated with this item. The contract is being paid through the reimbursement agreement set up with the project that is funded by the developer.

REVIEW AND APPROVAL

Prepared by - Art Interiano, Deputy Community Development Director
Reviewed by - Steven Turner, Community Development Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Stantec 2nd Amendment Resolution

Resolution Exhibit A

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK AUTHORIZING SECOND AMENDMENT TO THE CONTRACTUAL SERVICES AGREEMENT WITH STANTEC CONSULTING SERVICES INC. TO PROVIDE PROFESSIONAL ENVIRONMENTAL SERVICES

WHEREAS, on June 10, 2021, the City of Newark awarded a Contractual Services Agreement (the "Agreement") to Stantec Consulting Services Inc. (the "Consultant") to provide professional environmental services; and

WHEREAS, on October 13, 2022 the City approved the first amendment to the Agreement with the Consultant to increase the not to exceed amount from $169,708 to $331,814 for additional services; and

WHEREAS, the City finds that the scope of services described in the Agreement continue to be necessary and desires to amend the Agreement to provide additional funding for the existing scope of services to be provided by the Consultant.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newark that the City Manager is hereby authorized to execute the second amendment to the Agreement with the Consultant, in a form approved by the City Attorney, to provide professional environmental services and to increase the not to exceed amount of the Agreement by $69,708 for a total not to exceed amount of $401,572.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to take all other actions consistent with this Resolution.

Exhibit A

Stantec

AUTHORIZATION FOR ADDITIONAL SERVICES

		Date	22 September 2023
"Stantec"	Stantec Consulting Services Inc.	Stantec Project #	Stantec Proj. No. 185705508 (to be set up as new PN)
		Stantec Pipeline #	825195 (to be set up as new Pipeline ID)
	1340 Treat Blvd, Suite 300, Walnut Creek, CA 94597 Ph: (925) 285-6541 email: anna.radonich@stantec.com		
Client	City of Newark, Art Interiano	Client Project #	N/A.
	37101 Newark Blvd, Newark, CA 94560 Ph: (510) 578-4331 email: art.interiano@newark.org		
Project Name and Location:	Mowry Village Project	Change Order #	Change Order No. 3

This is authorization for Stantec to perform additional services on the project as noted above.

A. Stantec agrees to perform the following additional service(s):

Based on direct from City Staff, we have developed the following scope of work to prepare an Environmental Impact Report (EIR) for the Mowry Village Project (Project) located on Mowry Avenue in Newark, California. The EIR will be based on the Project Description, Notice of Preparation (NOP), and Draft EIR prepared under the original Project contract executed June 10, 2021, Change Order #1 executed on November 1, 2022, and Change Order #2 executed on August 9, 2023. The EIR tasks include completion of the Final EIR and MMRP, and Project Management and meeting attendance. A Statement of Overriding Considerations and Findings of Fact may be prepared under a separate scope if applicable and requested by the City; it is our current understanding that the City will be preparing both the Statement of Overriding Considerations and Findings of Fact documents.

All deliverables associated with this EIR are budgeted as a combination of electronic. Due to COVID-19 conditions and current Office of Planning and Research guidelines, it is assumed all submittals to State Clearinghouse will be electronic.

Task 1: Administrative Final EIR and Response to Comments

Administrative Final EIR

After the close of the 45-day public comment period, Stantec will prepare written responses to comments received on the Draft EIR and submit them for review by City staff. The responses to comments will be prepared based on the CEQA Guidelines and the City's CEQA implementing procedures and will be submitted to the City in the form of an Administrative Final EIR. To implement this process, the following steps are proposed:

- City staff will compile and transmit to Stantec all written comments on the Draft EIR.
- Stantec will confer with City staff and the Applicant (if approved by the City) to review written comments on the Draft EIR and comments from public meetings and hearings to develop a general framework and strategies for preparing responses. The format of the Final EIR will be as an attachment of responses to comments to the text of the Draft EIR.
- Stantec will submit the Administrative Final EIR and the Administrative Draft MMRP (as detailed below in Task 6) for City staff review. Responses within this proposal's scope of work and budget will consist of explanation, elaboration, or clarification of the data contained in the Draft EIR with Stantec staff time to address up to 260 individual comments in this task. Stantec will communicate to the City if assistance is needed from the Applicant's consultants to respond to technical questions, and comments on their respective work products, or if new analysis is required.

Deliverable

- Administrative Final EIR including response to comments (electronic)

Task 2: Final EIR, MMRP, and Noticing

Screencheck Final EIR and Final EIR

Stantec will revise the Administrative Final EIR by incorporating written responses to comments received from City staff and, if appropriate, the Applicant, yielding a Screencheck Final EIR and then the Final EIR review. One set of unified comments incorporating all City staff comments on the Draft and Screencheck Final EIRs will be provided to Stantec. The Final EIR shall comprise the Draft EIR, comments on the Draft EIR, and responses to all comments on the Draft EIR, including any necessary changes to the Draft EIR text. Submittal of the Final EIR shall be accompanied by submittal of the Final MMRP, as outlined below. Stantec will present the Final EIR and MMRP to the Planning Commission and City Council for certification at a public hearing.

Deliverable

- Screencheck Final EIR including response to comments (electronic)
- Final EIR including response to comments (electronic for City website, electronic submittal to State Clearinghouse, and up to three hard copies with appendices on flashdrive)

Mitigation Monitoring and Reporting Program

Stantec will prepare the MMRP required by Public Resources Code Section 21081.6, as mandated by AB 3180, for adoption at the time of the CEQA findings. Stantec will prepare an Administrative Draft MMRP in accordance with the CEQA Guidelines and the City's CEQA implementing procedures. The MMRP will be designed to ensure compliance with mitigation measures required during project implementation.

The MMRP will be designed to fit into the City's existing entitlement and project review process; the City will provide the format. Stantec will coordinate with City staff to refine MMRP content and format through one round of City review on the Administrative Draft MMRP prior to preparing the "Final" MMRP. The MMRP will include, but not be limited to, the following:

- Mitigation measures.
- Mitigation measures to be monitored with specific mitigation performance standards.
- Monitoring requirements.
- Type of monitoring program or activity necessary to monitor each specific mitigation measure, with monitoring time frame.
- Person/agency responsible for implementing mitigation measures and/or monitoring measures.
- Assignment of roles and responsibility, with the general qualifications that will be required of individuals or organizations necessary to implement each specific mitigation or monitoring activity.
- Timing and/or frequency of monitoring measures.
- Specific review or inspection schedule for each measure.
- Person/agency responsible for ensuring compliance with mitigation requirements and monitoring and reporting program.

After review and comment on the Administrative Draft MMRP, Stantec will revise the MMRP in accordance with the comments provided and will submit the Administrative Draft MMRP with submittal of the Administrative Final EIR. After City review of the Administrative Draft MMRP, Stantec will revise the MMRP in accordance with the comments provided and will submit the "Final MMRP" with the Final EIR. Hard copies of the Final EIR would be provided upon request, up to three copies (with appendices on flashdrive).

Deliverable

- Screencheck Final EIR (electronic)
- Final EIR (electronic for City website, electronic submittal to State Clearinghouse, and up to three hard copies with appendices on flashdrive)
- Administrative Draft MMRP (electronic)
- Draft MMRP (electronic)
- Final MMRP (electronic)

Noticing

Stantec will prepare all CEQA-required notices in compliance with state legislation and guidelines. This task includes the preparation of the Notice of Availability (NOA) and the Notice of Completion (NOC) for the Final EIR. This task includes completing the NOA form but assumes the City will be responsible for preparation of the associated mailings and newspaper notices, electronic files for City printing, envelope stuffing, and distribution. Stantec will prepare the NOC in compliance with the CEQA Guidelines and submit the draft notices for City staff review; if necessary, Stantec will revise the draft notices based on staff comments. Stantec will file one copy of the NOC with the State Clearinghouse at the time of Final EIR publication.

Stantec assumes the City will prepare the Notice of Determination (NOD) and that the City will file the NOD with the County Clerk within five business days of EIR certification. The purpose of the NOD filing is to limit the legal challenge period to 30 days. If an NOD is not filed within five business days of certification, the legal challenge period is 180 days. The NOD filing also requires payment of a filing fee, which Stantec assumes will be paid by the Applicant.

Findings of Fact

Based on the City's September 20, 2023 email communication, Stantec assumes the City will prepare written findings for each significant effect identified in the EIR as a separate document, pursuant to CEQA Guidelines Section 15091. Stantec may prepare a Findings of Fact under a separate scope if applicable and requested by the City

Statement of Overriding Considerations

Based on the City's September 20, 2023 email communication, Stantec assumes the City will prepare the Statement of Overriding Considerations, pursuant to CEQA Guidelines Section 15093. Stantec may prepare a Statement of Overriding Considerations under a separate scope if applicable and requested by the City

Deliverable

- Stantec to upload NOA and NOC to State Clearinghouse, as required (electronic)
- City to be responsible for completing and filing all required forms with County Clerk (NOD and any other applicable forms)

Task 3: Project Management and Meetings

Members of Stantec's Project Management Team will attend various staff and public meetings, including 9 bi-weekly Project check-in meetings, and up to three public hearing meetings (likely one Planning Commission and two City Council). Regular email communications and status updates involving the Stantec Project Manager and City staff, either by telephone conference call or email, are anticipated throughout the duration of the Proiject's18 weeks (approximately January 29, 2024) per the September 22, 2023 Project Schedule included as Attachment 1 to this Change Order #3). This task also consists of the ongoing management activities that ensure Stantec's ability to keep the project running smoothly on time, and within budget, as outlined in the original contract. With exception of the up to three in-person public hearing meetings, it is assumed all other Project meetings, Project check-ins, and document review meetings will be virtual.

Staff Reports and Presentations

This task assumes Stantec will present at up to three public hearings (likely one Planning Commission and two City Council) but assumes the City will be responsible for preparing all staff reports and presentations with exception of a CEQA slide deck for presentation at the three public hearings, similar to the CEQA slid deck presented at the August 22, 2023 Planning Commission meeting.

Schedule

The scope provided herein is based on the Stantec September 22, 2023, Project Schedule prepared for the Project (Attachment 1). The Working Project Schedule will be updated regularly and shared at Project Check-in Meetings.

B. Client agrees to compensate Stantec for such additional services in accordance with the terms of the initial agreement for additional amount(s) stated below:

The time and materials fee for providing the additional scope of work described herein is **$69,758**.

Task	Original Contracted Budget
Task 1: Administrative Final EIR and Response to Comments, and Draft MMRP	$37,240
Task 2: Final EIR, MMRP, and Noticing	$21,198
Task 3: Project Management and Meetings	$9,820
Labor Total	$68,258
Direct Costs	$1,500
Total Budget	**$69,758**

The fees herein are based on Stantec 2023 rates for this Project and are applicable to this September 22, 2023, change order proposal.

Note that Stantec's $69,758 fee does not include any additional City of Newark staff administrative fees that may be applicable to the Applicant. This change order does not account for any scope or fees associated with an appeal should the Project be appealed following the City Council hearing.

C. All other terms and conditions of the original agreement shall remain in full force and effect.

Effect on Schedule: Stantec is available to begin work described herein immediately upon execution of this change order.

By signing below, the parties agree and affirm that each has reviewed and understands the provisions set out above and that each party shall be bound by each and all of said provisions. A copy of this agreement shall serve and may be relied upon as an original.

Stantec Consulting Services Inc.

Print Name and Title

Signature

Date Signed:

Print Name and Title

Signature

Date Signed:

City of Newark, Steven Turner

Print Name and Title

Signature

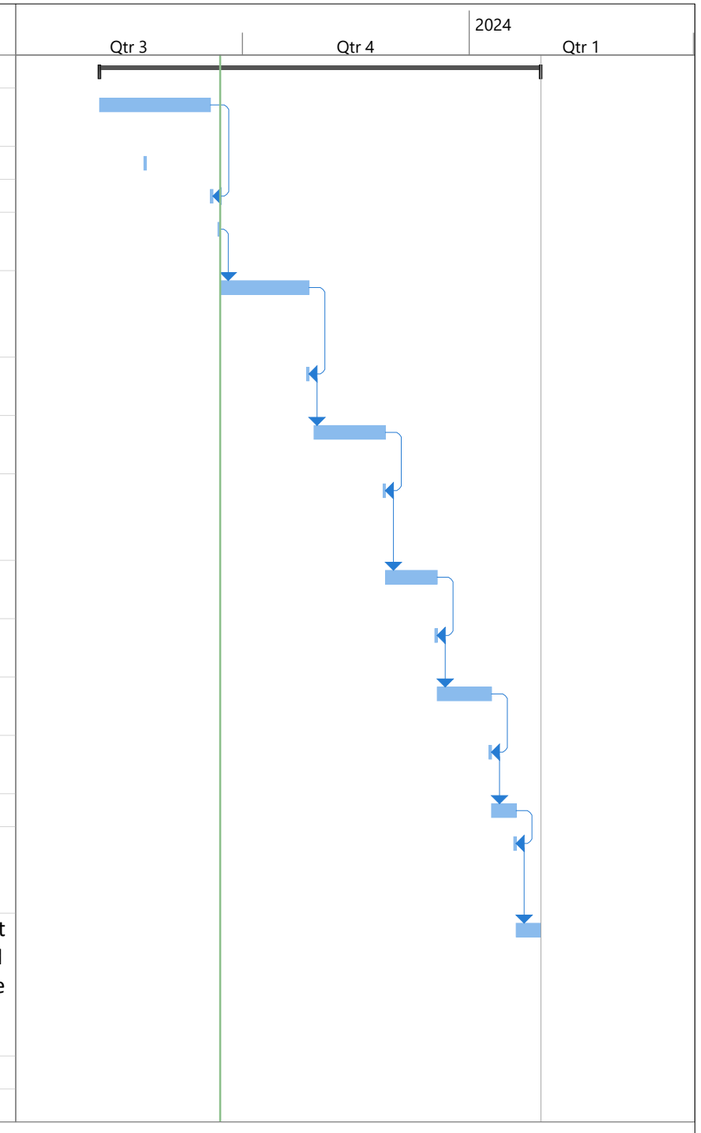
Date Signed:

Print Name and Title

Signature

Date Signed:

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	Notes
1		**Final EIR**	**114 days**	**Fri 8/4/23**	**Mon 1/29/24**		
2		~~Distribute Draft EIR for Public Review (45 days)~~	~~45 edays~~	~~Fri 8/4/23~~	~~Mon 9/18/23~~		
3		~~DEIR PC Meeting~~	~~1 day~~	~~Tue 8/22/23~~	~~Tue 8/22/23~~		
4		~~End of Public Review Period~~	~~1 day~~	~~Mon 9/18/23~~	~~Mon 9/18/23~~	~~2FF+1 day~~	
5		Stantec Receives Public Comments from City	1 day	Thu 9/21/23	Thu 9/21/23		
6		Stantec Prepares Administrative Final EIR and Responses to Comments (RTC), and Draft MMRP	25 days	Fri 9/22/23	Fri 10/27/23	5	
7		Stantec Submits Admin Final EIR and RTC, and Draft MMRP to City	1 day	Fri 10/27/23	Fri 10/27/23	6FF	
8		City Reviews Admin Final EIR and RTC, and Draft MMRP	15 days	Mon 10/30/23	Mon 11/27/23	7	Accounts for City office/holiday closures the week of Thanksgiving.
9		City Provides Comments on Admin Final EIR and RTC, and Draft MMRP to Stantec	1 day	Mon 11/27/23	Mon 11/27/23	8FF	
10		Stantec Prepares Screencheck Final EIR and RTC, and "Final" MMRP	15 days	Tue 11/28/23	Mon 12/18/23	9	
11		Stantec Submits Screencheck Final EIR and RTC, and "Final" MMRP	1 day	Mon 12/18/23	Mon 12/18/23	10FF	
12		City Reviews Screencheck Final EIR and RTC, and "Final" MMRP	10 days	Tue 12/19/23	Tue 1/9/24	11	Accounts for one week City office closure over Winter Holidays.
13		City Provides Comments on Screencheck Final EIR and RTC	1 day	Tue 1/9/24	Tue 1/9/24	12FF	
14		Stantec Prepares Final EIR and RTC	8 days	Wed 1/10/24	Fri 1/19/24	13	
15		Stantec Submits Final EIR and RTC, and "Final" MMRP to City for Circulation/Posting to City Website	1 day	Fri 1/19/24	Fri 1/19/24	14FF	
16		Final EIR Circulation	10 edays	Fri 1/19/24	Mon 1/29/24	15	FEIR posted to SCH and NOA with link to document on Website sent to all individuals who commented during the NOP and DEIR. PC meeting to take place after FEIR 10-day circulation complete.
17		Public Hearings (Planning Commission)	1 day	tbd	tbd		
18		Public Hearings (City Council)	1 day	tbd	tbd		



CO #3 ATTACHMENT 1
Mowry Village EIR Schedule
Date: Fri 9/22/23

Task	Project Summary	Manual Task	Start-only	Deadline
Split	Inactive Task	Duration-only	Finish-only	Progress
Milestone	Inactive Milestone	Manual Summary Rollup	External Tasks	Manual Progress
Summary	Inactive Summary	Manual Summary	External Milestone	

8 **City Reviews Admin Final EIR and RTC, and Draft MMRP**
Accounts for City office/holiday closures the week of Thanksgiving.

12 **City Reviews Screencheck Final EIR and RTC, and "Final" MMRP**
Accounts for one week City office closure over Winter Holidays.

16 **Final EIR Circulation**
FEIR posted to SCH and NOA with link to document on Website sent to all individuals who commented during the NOP and DEIR. PC meeting to take place after FEIR 10-day circulation complete.

STAFF REPORT
Item E. 1.

DATE	10/26/2023
TO	Honorable Mayor and City Council Members
FROM	Steven Turner, Community Development Director
SUBJECT	Public Hearing to consider adoption of the 2023-2031 Housing Element and Safety Element of the City of Newark General Plan

SUMMARY AND RECOMMENDATION

Executive Summary

Staff has prepared a draft update to the Housing Element of the General Plan to affirmatively further fair housing and accommodate the City's 1,874-unit Regional Housing Needs Allocation (RHNA) for the 2023-2031 Housing Element cycle (the Housing Element Update). The content of the Housing Element Update is structured for consistency with the requirements set forth in state law. In addition to responding to state law requirements, the Housing Element Update also demonstrates the City's strategy to meet the City's locally determined housing needs and how these needs are addressed through policies and programs outlined within the Housing Element Update. Public review and input have been a critical component of the preparation of the Housing Element Update.

This report summarizes the Housing Element requirements, an overview of the status of the Housing Element Update, and the findings provided to the City by the California Department of Housing and Community Development (HCD) on the first 90-day review of the draft.

The City has responded to HCD's comments as detailed in Attachment 1, Exhibit B. To respond to HCD's July 12, 2023, comment letter, the City has conducted extra research and analysis, provided additional details and context, added new programs, and updated the sites inventory.

In addition to the Housing Element Update, this report provides background on the General Plan Safety Element requirements under state law and describes the proposed Safety Element with specifics related to the latest updates, including updates in accordance with recently established state requirements (the Safety Element Update). These include an evacuation analysis consistent with Senate Bill (SB) 99 and Assembly Bill (AB) 747. The previous iteration of the City of Newark's policy document was known as the 2013 Environmental Hazards Element, while the current version is now referred to as the Safety Element.

Recommendation
Staff recommends that the City Council adopt a Resolution for a General Plan Amendment to repeal the Fifth Cycle Housing Element for the Period of 2015-2023 and adopt the Housing Element of the General Plan for the Period of 2023-2031, and repeal the existing Natural Hazards Element and adopt the Safety Element of the General Plan, in compliance with State Housing Element Law.

BACKGROUND

Government Code Sections 65580 - 65589.11 regulates the use and requirements of housing elements in California. State law requires that cities and counties update their General Plan Housing Element every eight years. State law further requires the current update for jurisdictions in the Association of Bay Area Governments (ABAG) region, which includes the City of Newark, to comply by January 31, 2023.

The City's Housing Element Update was prepared with the benefit of the community, City Council, and Planning Commission input and discussion at public workshops over the course of the two-year Housing Element preparation period. The City Council and the Planning Commission held workshops on the Housing Element Update. HCD and other community members also provided guidance throughout the process.

On April 12, 2023, the City submitted the Housing Element Update to HCD for its review after an initial 30-day public comment period and incorporation of public comments into the draft. The City received nine comment letters during this period, including from East Bay for Everyone, Save the Bay, Greenbelt Alliance, and the public. Based upon those comments, staff made additional changes to the Housing Element Update. Comments and responses received during the comment period focused on adjusting parking requirements to better facilitate affordable housing development, programs to increase missing middle housing, aligning housing with active transportation investments, and concern about housing development in the floodplain areas of the City. Staff worked with HCD to discuss the state's feedback, and HCD submitted a preview of updated language to staff in advance of the official findings letter.

On July 12, 2023, the City received a letter from HCD providing its findings regarding the Housing Element Update. Based upon the findings letter, staff revised the Housing Element Update to include additional information and analysis.

On August 7, 2023, the City published the Housing Element Update on the website and requested public comment on changes from the prior iteration. The City did not receive comment letters during the public review period. City staff and HCD staff met multiple times to discuss the August 7 revisions, and based upon those discussions, staff made additional changes to the Housing Element Update related to the housing sites list, revisions of programs including missing middle housing and housing for residents with special needs such as Single Room Occupancy housing, among other changes. On August 17, 2023 the City submitted the subsequent Housing Element Update to HCD for review.

On October 17, 2023, the City received a letter from HCD providing its findings. As described in the letter, HCD found that the Housing Element Update requires additional analysis and information before HCD can consider the Housing Element Update to be substantially complete. City staff will prepare responsive revisions that address the substantive HCD comments. Other non-substantive comments will be prepared before HCD certification of the Housing Element Update, which is anticipated to occur before the end of 2023. As provided in the draft adoption resolution, staff will bring the Housing Element Update revisions to the Planning Commission and City Council within 60 days of HCD certification.

The Planning Commission held a hearing to consider the Housing Element Update and the Safety Element Update on October 24, 2023. Staff will return to the Planning Commission and City Council within 60 days of Housing Element certification with an analysis of recommendations for supplemental text amendments, if necessary, to the Housing Element Update provided by HCD, the Planning Commission, and the City Council.

The following section summarizes the required components of Housing Element updates per State law, new requirements included since the 5th Cycle Housing Element Update (2015-2023), and penalties for non-compliance with Housing Element laws. This section also includes the statutory framework for the Safety Element Update and also includes a summary of public meetings related to the 6th Cycle Housing Element Update prior to the October 26, 2023 City Council meeting.

Required Components of a Housing Element
Pursuant to Government Code Section 65583, local governments are required to include the items below as components within their Housing Elements and subsequent updates thereto. Newly required components introduced as part of the 6th Cycle are noted below and discussed in further detail within the “New Requirements for the 6th Cycle Housing Element Update” section.

1. Housing Needs Assessment. Examine demographic, employment and housing trends and conditions and identify existing and projected housing needs of the community, with attention paid to special housing needs (e.g., large families, persons with disabilities). This section includes a community’s Regional Housing Needs Allocation (RHNA) as determined by a community’s regional planning body in partnership with HCD.
2. Evaluation of Past Performance. Review the prior Housing Element to measure progress in implementing policies and programs.
3. Housing Sites Inventory. Identify locations of available sites for housing development or redevelopment to demonstrate there is enough land zoned for housing to meet future needs at all income levels. The standards for designating adequate sites were substantially changed from the fifth cycle, particularly for non-vacant sites.
4. Community Engagement. Implement a robust community engagement program that includes reaching out to individuals and families at all economic levels of the community plus historically underrepresented groups.
5. Constraints Analysis. Analyze and recommend remedies for existing and potential

governmental and nongovernmental barriers to housing development.

6. Policies and Programs. Establish policies and programs to be carried out during the 2023-2031 planning period to fulfill the identified housing needs.
7. Affirmatively Furthering Fair Housing (AFFH). Analyze and address significant disparities in housing needs and access to opportunity by proposing housing goals, objectives, and policies that aid in replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.

New Requirements for the 6th Cycle Housing Element Update

Pursuant to recent state law, the following items are now required as part of the Housing Element Update process:

- Affirmatively Furthering Fair Housing (AFFH). Assembly Bill 686 (AB 686), passed in 2018, created new requirements for jurisdictions to affirmatively further fair housing. According to AB 686, affirmatively furthering fair housing means taking "meaningful actions, in addition to combating discrimination, which overcomes patterns of segregation and fosters inclusive communities free from barriers that restrict access to opportunity based on protected characteristics" and is Federally mandated by the 1968 Fair Housing Act. The four main goals are to:
  - Address significant disparities in housing needs and access to opportunity, and
  - Replace segregated living patterns with truly integrated and balanced living patterns, and
  - Transform racially and ethnically concentrated areas of poverty into areas of opportunity, and
  - Foster and maintain compliance with civil rights and fair housing laws.
- Public Comment on Draft Revisions. Assembly Bill 215 (AB 215, 2021) requires local governments to make the first draft revision of their housing element update available for public comment for at least 30 days. Further, if any comments are received, a local government must take at least ten additional business days to consider and incorporate public comments into the draft revision before submitting to HCD. HCD must review the draft and report its written findings to the planning agency within 90 days of receiving the first draft submittal for each housing element revision or within 60 days of its receipt for a subsequent draft amendment or adoption.

Penalties for Non-Compliance

Jurisdictions face a number of new consequences for not having a certified 6th Cycle Housing Element. Under legislation enacted in recent years, if a jurisdiction does not comply with state law, HCD may refer the jurisdiction to the Attorney General. Significant fines may be imposed if a jurisdiction does not comply with a court order within one year. If a court finds a Housing Element is inadequate, it may limit local land use decision-making authority until the jurisdiction brings its Housing Element into compliance, or local governments may lose the right to deny certain projects.

Conversely, an HCD-certified housing element makes jurisdictions eligible for, or obtain higher priority for, numerous sources of funding, such as Local Housing Allocations,

Affordable Housing and Sustainable Communities Grants, SB 1 Planning Grants, CalHOME Program Grants, Infill Infrastructure Grants, Pro-Housing Design funding, Local Housing Trust Funds and Regional Transportation Funds (such as MTC's OneBayArea Grants).

Safety Element Requirements

Statutory requirements for the Safety Element are outlined in Government Code Section 65302(g), which requires a Safety Element that protects "the community from any unreasonable risks associated with the effects of seismically induced surface rupture, ground shaking, ground failure, tsunami, seiche, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; and other seismic hazards… flooding; and wildland and urban fires." These requirements are organized into nine subsections, and are summarized in the Safety Element Update. In addition to these requirements, Safety Elements are also required to include the identification of residential areas with less than two evacuation routes pursuant to Senate Bill (SB) 99; and the identification of evacuation routes and their capacity safety and viability under a range of emergency scenarios pursuant to Assembly Bill (AB) 747.

Related Elements

- Environmental Justice. In 2016, SB 1000 amended state law to require jurisdictions to adopt an Environmental Justice (EJ) Element or EJ-related goals, policies, and objectives integrated in other elements, which identify "disadvantaged communities" within the area covered by the general plan. This applies only where the city, county, or city and county has a "disadvantaged community" as defined by state law. "Disadvantaged Communities" are defined as areas identified by the California Environmental Protection Agency or low-income areas that are disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation. This law is triggered if the jurisdiction is updating two or more elements concurrently on or after January 1, 2018. Staff will return to the Planning Commission and City Council to review an EJ Element in 2024.
- SB 1035 and SB 379. Require all jurisdictions to address climate change adaptation and resilience in their general plan safety element. SB 379 is triggered by the next update of a jurisdiction's local hazard mitigation plan (updated every five years) or before January 1, 2022, whichever is first. The City of Newark, with the cities of Fremont and Union City, the Alameda County Water District, and Union Sanitary District, are participating in the Multi-Jurisdictional Local Hazard Mitigation Plan (MJLHMP) update, which is expected to be completed in 2024. The adopted MJLHMP would be incorporated by reference in the Safety Element.
- AB 2140. Authorizes local governments to adopt the LHMP with the general plan safety element. Integration by reference or annexation is encouraged through a post-disaster financial incentive to cover local shares of the 25 percent non-federal portion of grant-funded post-disaster projects when approved by the legislature.

Summary of Prior Meetings and Study Sessions

Over the last two years, the City has conducted a comprehensive community engagement and outreach strategy consistent with state law to assist in informing the

6th Cycle Housing Element Update Process. This strategy has included a series of community meetings and study sessions with the Planning Commission and City Council. These meetings and study sessions are summarized below. Feedback received throughout the ongoing community engagement and outreach process has assisted staff and the consulting team in preparing the Housing Element Update and related items.

- September 23, 2021 – Joint Study Session with City Council and Planning Commission
- May 12, 2022 – Joint Study Session with City Council and Planning Commission
- February 28, 2023 – Study Session with the Planning Commission

Housing Element Requirements

The following section summarizes the contents of the City's Housing Element Update.

Housing Needs Assessment

The City is required to analyze the existing and projected housing needs of the City, including its fair share of RHNA requirements, as part of preparing the Housing Element Update. The City's analysis of housing needs is required to include an assessment of detailed demographic data, including population, age, size, and ethnicity; household characteristics; overpayment trends; housing stock conditions; units in need of replacement or rehabilitation; and needs of special needs populations including the elderly, persons with disabilities, unhoused persons, extremely low-income households, and farmworkers. Utilizing the Housing Needs Data Report provided by ABAG, the Housing Element Update outlines the following housing needs of the City.

Regional Housing Needs Allocation (RHNA)

In January of 2022, HCD approved ABAG's adopted *Final RHNA Plan for the San Francisco Bay Area: 2023-2031* (the Plan), which establishes a total RHNA for the San Francisco Bay Area of 441,176 residential units for the 6th Cycle housing element update 2023-2031 planning period. The Plan further distributes this RHNA across the Bay Area's nine counties and 101 cities based on demographic and population data received from the California Department of Finance (DOF). Local jurisdictions must then utilize their ascribed RHNA to update the housing elements of their general plans for the 6th Cycle planning period, inclusive of identifying eligible land resources to accommodate this RHNA. See the Sites Inventory Section below.

RHNA requirements are organized into four affordability categories, established according to the Area Median Income (AMI) of a geography. These categories include very low-income residential units, which are affordable to households earning less than 50% of AMI; low-income residential units, which are affordable to households earning between 50% and 80% of AMI; moderate income residential units, which are affordable to households earning between 80% and 120%; and above moderate-income residential units which are affordable to households earning upwards of 120% of AMI. The City's RHNA is 1,874 units. The RHNA breakdown is shown in Table 1.

Table 1: City of Newark Regional Housing Needs Allocation (RHNA) for 2023-2031

Income Category	Previous Housing Element 5th Cycle (2015-2023)	6th Cycle RHNA (2023-2031)
Very Low (less than 50% AMI)	330	464
Low (50-80% of AMI)	167	268
Moderate (80-120% of AMI)	158	318
Above Moderate (More than 120% of AMI)	423	824
Total RHNA	1,078	1,874

Source: Final RHNA Plan for the San Francisco Bay Area: 2023-2031

RHNA Buffer

New “no net loss” provisions of state law require the City to ensure an adequate supply of land resources to be made available for housing development throughout the duration of the 2023-2031 planning period. This means if housing sites identified within the City’s 6th Cycle housing element update are developed with non-residential uses, lower residential densities, or residential uses at affordability levels higher than anticipated by the Housing Element, the City’s Housing Element could be determined to be out of compliance. Accordingly, the City’s RHNA requirement is further buffered with 980 surplus units representing approximately 52% units above the RHNA requirement to ensure compliance with “no net loss” provisions.

Constraints Analysis

In addition to analyzing the existing and projected housing needs of the City, the Housing Element Update must also identify and analyze potential and actual governmental and nongovernmental constraints to the maintenance, improvement, or development of housing for all income in the community, regardless of protected class. A summary of constraints to the development and improvement of housing in the City is included below, along with descriptions of local efforts to lessen these constraints as applicable.

Governmental Constraints

Government regulations can potentially constrain the supply of housing available in a community if those regulations limit opportunities to develop housing, impose requirements that unnecessarily increase the cost of developing housing, or overcomplicate the development process for developers. State law requires that housing elements contain an analysis of the governmental constraints on housing maintenance, improvement, or development of housing for all income levels, including special needs households and persons with disabilities. In Newark, potential government constraints to housing identified in the Housing Element Update include land use controls, development processing procedures and fees, impact fees, on- and off-site improvement requirements, and building and housing codes and enforcement.

The City has worked proactively in recent years to address constraints to housing development, including notably through the adoption of four (4) specific plans that have significantly increased the City's capacity to accommodate new housing development through the coming duration of the Housing Element Update period and beyond. These plans are expected to guide new housing development during the timeframe of the Housing Element Update and are described in depth in the Housing Element Update. In addition, a number of revised and new policies and programs are included in the Housing Element Update to address identified government constraints.

Other governmental constraints to housing that will be addressed include:

- Zoning for ADUs: In Newark, ADUs are permitted within all single-family, multifamily, and mixed-use residential districts. The City will comply with state law until the existing Accessory Dwelling unit ordinance is in compliance with state law, and Newark will make further amendments to the ordinance, as necessary, to remain consistent with State law and reflect local needs. In particular, the parking requirement for an ADU with one bedroom or more can be a constraint on development.
- Zoning for Single Room Occupancy Units (SROs): The current Zoning Code provisions for SROs limit the potential for SROs in Newark through the requirement of a conditional use permit. Through community engagement, staff identified that there is a need for housing for small households.
- Zoning for Large Community Care Facilities: The Housing Element Update includes an implementation program to permit community care facilities for more than six persons as a permitted use in all zones where other residential uses are permitted subject to the same requirements of other residential uses of the same type in the same zone.
- Need for Objective Design Standards: The City is undertaking an effort to create objective design standards for multi-family housing that provide certainty and clarity in terms of design review and that would be consistent with State laws and requirements that limit the ability of a jurisdiction to enforce design standards that may be interpreted as discretionary.
- Parking Standards: Because off-street parking often requires large amounts of land, parking requirements are one of the development standards that can most negatively impact housing development. The cost of land associated with parking, in addition to the costs of construction, paving, and maintenance, drive up the overall cost of development, requiring more funds to assist in the development of affordable housing. The City has overall higher parking requirements than neighboring jurisdictions, including Union City and Fremont, and for multifamily housing (both residents and guests), seniors, and ADUs

Non-Governmental Constraints

In addition to governmental constraints, there may be non-governmental factors that constrain the production of new housing. These include market-related conditions, such as the availability of financing and land and construction costs, as well as community opposition to new development. In Newark, land and construction costs as well as the availability of financing, have been identified as key non-governmental constraints to housing production. Through various efforts detailed in the Housing Element Update,

the City will continue to work with public, private, and non-profit partners to overcome these constraints.

Environmental Constraints
Environmental issues affect the amount, location, and timing of new residential development in Newark. Sites in Newark are susceptible to a variety of environmental constraints, including sea level rise and flooding, seismic hazards, sensitive ecological areas, and hazardous materials.

In the following Discussion/Analysis section, the report will provide an overview of the Housing and Safety Elements provided for review as part of the Resolution.

DISCUSSION/ANALYSIS

Housing Element 2023-2031

Housing Resources & Sites Inventory
As part of the Housing Element Update, the City is also required to identify resources available to the City for the preservation, rehabilitation, and production of housing throughout the community. This includes programmatic and financial resources, such as those offered locally or through state or federal partners. These resources also include land resources within the City that were identified as eligible for accommodation of the City's RHNA Requirements. The following land resources are eligible for accommodation of the City RHNA: vacant sites zoned for residential use; or vacant sites zoned for nonresidential use that allow residential development; or residentially zoned sites that are capable of being developed at a higher density; or sites zoned for nonresidential use that can be redeveloped for residential use, and for which the Housing Element Update includes a program to rezone the site.

The City's Housing Sites Inventory is summarized below in Table 2. This Housing Sites Inventory is also provided as a map in the Housing Element Update (Figure C-1, Attachment A, Exhibit 1, Page C-4)

Table 2: City Housing Sites Inventory

Site Category	ELI/VLI	LI	Moderate	Above Moderate	Total
Pipeline/Pending Units	274	66	26	891	1,257
ADUs	48	48	48	16	160
Missing Middle Housing Units	0	0	200	0	200
Vacant/Non-Vacant Sites, Units	249	229	348	771	1,597
Total	**523**	**295**	**374**	**1,622**	**2,854**

Policies and Programs

The Housing Element Update includes a set of goals, policies, and implementing programs intended to promote the preservation, rehabilitation, and production of housing throughout the City. Goals are long-range, broad, and comprehensive targets that describe the future outcomes the City desires. A policy is a specific instructional guideline that seeks to promote goals. Together, goals and policies are implemented through a series of programs that identify specific, quantifiable actions the City will undertake during the 6th Cycle planning period. A summary of draft goals, policies and programs included within the Housing Element Update is included below:

Goal H1: Preserve + Improve Existing Housing

Policies:

- POLICY H1: Leverage local funds to supplement county, state and federal funding to support the maintenance, rehabilitation and preservation of existing rental and ownership housing.

Programs:

- PROGRAM H1.1: Housing Rehabilitation and Repair Programs.
- PROGRAM H1.2: Develop citywide rental inspection program to maintain high quality housing throughout the City.

Goal H2: Facilitate the Development of More Homes for More People

Policies:

- POLICY H2.1: Create opportunities for new housing for moderate income households through zoning adjustments to promote missing middle housing types such as courtyard housing, duplex and small multifamily homes.
- POLICY H2.2: Second Units. Recognize second units (also known as Accessory Dwelling Units (ADUs) and in-law apartments) as an important part of Newark's housing supply and continue to allow such units, subject to parking, ownership, and size standards that are consistent with State law.
- POLICY H2.3: Promote and facilitate new affordable housing partnerships with various organizations with different housing needs that include but are not limited to the following:
    - Community serving nonprofits
    - Newark Unified School District
    - Community college districts
- POLICY H2.4: Work with community partners and property owners to revisit a community visioning plan for the Four Corners neighborhood/community commercial area.
- POLICY H2.5: Support programs aimed at housing vulnerable and special needs populations. Monitor the need for housing for seniors across all income groups and for various levels of care, and support programs and incentives that encourage the development of a variety of age-friendly housing options.
- POLICY H2.6: Develop and adopt a Universal Design Ordinance to ensure new construction is accessible to residents in all phases of life and regardless of their physical abilities.
- POLICY H2.7: Update the existing Reasonable Accommodation requirements of

the Zoning Ordinance.

- POLICY H2.8: Support regional homeless initiatives and develop robust and equitable local responses to people experiencing homelessness.
- POLICY H2.9: Increase housing for large households as stated in the Affordable Housing Work Plan (which may be amended from time-to-time). Large households are defined as those with five or more people. The City will review existing site development regulations and design guidelines to ensure that the City is not unintentionally restricting housing designs that meet the needs of extended, multigenerational, and/or large families such as 2 + bedroom units, to reduce overcrowding and assist in maintaining the affordability of existing housing stock.
- POLICY H2.10: Evaluate annual housing production targets to ensure the City is meeting the RHNA goals.

Programs:

- PROGRAM H2.1: Develop new housing options in areas of the City close to services such as parks, schools and grocery stores, with existing infrastructure.
- PROGRAM H2.2: Accessory Dwelling Unit (ADU) Program.
- PROGRAM H2.3: Investigate opportunities in the Four Corners area to facilitate market-rate and affordable housing and promote neighborhood revitalization through increased mixed use development and walkability.
- PROGRAM H2.4: Universal Design Ordinance.
- PROGRAM H2.5: Develop a local response to support people experiencing homelessness.
- PROGRAM H2.6: Work in partnership with the Newark Unified School District
- PROGRAM H2.7: Affordable Housing Development Fund
- PROGRAM H2.8: Zoning for Missing Middle Housing Types.
- PROGRAM H2.9: Area Specific Plans
- PROGRAM H2.10: Single Room Occupancy Housing

Goal H3: Reduce and Remove Constraints to Affordable Housing Development

Policies:

- POLICY H3.1: Allow By-Right Approval of Projects with 20 Percent Affordable Units on “Reused” Sites. Pursuant to AB 1397, amend the Zoning Ordinance to require by-right approval of housing development that includes 20 percent of the units as housing affordable to lower-income households on sites being used to meet the 6th Cycle RHNA that represent “reuse sites” previously identified in the 4th and 5th Cycles Housing Element, and on sites that are subject to a text amendment to accommodate the lower-income RHNA.
- POLICY H3.2: Increase certainty of entitlement procedures and accessibility to resource information for developers. Prepare a comprehensive set of guidelines and associated process diagram for all the City’s processes and fees related to residential development generally and affordable housing specifically.
- POLICY H3.3: Ensure there is a sufficient supply of multifamily and single-family zoned land to meet the housing needs identified in the RHNA.

Programs:

- PROGRAM H3.1: Streamline Ministerial Approval Permit Procedures
- PROGRAM H3.2: Develop objective design standards for single family and multifamily developments and infill housing.

- PROGRAM H3.3: Assess and update impact fees.
- PROGRAM H3.4: Adjust zoning to allow mixed use in current Commercial zones.
- PROGRAM H3.5: Parking standards update and study.
- PROGRAM H3.6: By-Right Approval of Projects with 20 Percent Affordable Units on “Reused” Sites.

Goal H4: Help People Stay in their Homes and Communities
Policies:

- POLICY H4.1: Develop programs that support homeowners and tenants remain in their homes and communities with a focus on low and moderate income residents and BIPOC households.
- POLICY H4.2: Preservation of unsubsidized affordable units. Many low income residents depend on unsubsidized housing at below market rates, which is vulnerable to investment and speculation. Work with nonprofit organizations that may acquire at-risk projects to extend affordability of existing unsubsidized affordable housing for lower-income households. These policies aim to prevent displacement of low-income BIPOC communities, long-term renters, and other marginalized residents by preserving currently affordable housing and creating pathways for permanent affordability.
- POLICY H4.3: Sites Acquisition for affordable housing. The City will proactively work to identify opportunities for partnering with other local public sector agencies and private landowners to acquire sites for affordable housing, as well as to seek creative ways of partnering with developers to include affordable units in market-rate projects.

Programs:

- PROGRAM H4.1: Develop Anti-Displacement Programs for the Old-Town Newark Specific Plan Area.
- PROGRAM H4.2: Develop a Tenant/Community Opportunity to Purchase Policy.
- PROGRAM H4.3: Develop a Just Cause Eviction Ordinance.
- PROGRAM H4.4: Small Sites Program.
- PROGRAM H4.5: Connect Residents to Existing Shared Housing Programs.
- PROGRAM H4.6: Support Tenant Stability Though Minimum Lease Terms and Relocation Assistance.
- PROGRAM H4.7: Identify Housing Opportunities For Those With Developmental Disabilities.
- PROGRAM H4.8: Connect Residents with Foreclosure Assistance.
- PROGRAM H4.9: No Net Loss of Units.
- PROGRAM H4.10: Zoning Ordinance Amendments for Special Needs Housing.
- PROGRAM H4.11: Scattered Site Housing for Persons Experiencing Homelessness.

Goal H5: Increase Access to Affordable Housing
Policies:

- POLICY H5.1: Continue to generate funding for affordable housing and seek additional funding opportunities as they arise.
- POLICY H5.2: Bring homeownership within reach for Newark residents. Develop a Below Market Rate (BMR) homeownership program, and down payment assistance programs, with a focus on first time home buyers.

- POLICY H5.3: Prioritize the use of City-owned property for affordable housing prior to other uses (if the sites are feasible and appropriate for housing), and prioritize housing for extremely low income households.
- POLICY H5.4: Amend the existing Inclusionary Housing Ordinance to require on-site production of units rather than allowing the payment of an in-lieu or impact fee to support increased access to affordable housing opportunities across the city and in high opportunity areas.
- POLICY H5.5: Develop an affordable notice of funding availability (NOFA) that will be released regularly to incentivize new developments consistent with the City's goals of increasing affordable housing opportunities for residents that are families, low income seniors, and residents with disabilities.

Programs:
PROGRAM H5.1: First-Time Homebuyer Assistance.
PROGRAM H5.2: Affordable Housing Development Programs.
PROGRAM H5.3: Public Lands for dedicated affordable housing.
PROGRAM H5.4: Affordable Housing Overlay Zone.

Goal H6: Enhance Quality of Life | *Equity and Environmental Justice*
Policies:
- POLICY H6.1: Identify the various existing and potential funding sources for infrastructure / public facility needs, including local, State, and Federal money.
- POLICY H6.2: Urban Centers. Implement existing specific plans for NewPark Place and Old Town, creating locations in Newark which are more urban and pedestrian-oriented in character than they are today. These areas will be transformed over time into mixed-use centers with retail, office, civic, and higher density housing uses.
- POLICY H6.3: Implement land use and transportation policies that encourage active transportation and transit oriented development. Make land use and transportation decisions that reduce emissions, including promotion of walking and bicycling, improvements to public transportation, and a jobs-housing balance that reduces vehicle commute miles.
- POLICY H6.4: In partnership with local nonprofits and city departments, work to promote energy efficiency and wise water use in new and existing residential buildings in order to reduce energy costs, provide quality and resilient housing, improve building comfort, and reduce greenhouse gas emissions.
- POLICY H6.5: Allow and encourage green building practices and energy efficient construction, such as Cross Laminated Timber buildings, solar installations, and electrification of buildings.
- POLICY H6.6: Urban Heat Island Effect. Develop standards and requirements for municipal projects that can incorporate natural cooling techniques to reduce the urban heat island effect.
- POLICY H6.7: Residential Development in the Flood Plain. Limit development within low-lying areas at high risk from flooding. Require any new residential development, including streets and other surface improvements, to be constructed above the 100-year flood elevation.

Programs:

PROGRAM H6.1: In Response to Multi-Year Drought Conditions, Support a Community Reduction of Local Water Usage.
PROGRAM H6.2: Encourage Water Utilities to Participate in BayREN's Water Upgrades $ave Program.
PROGRAM H6.3: Cool Roofs for Cool Homes.
PROGRAM H6.4: Flood Risk Disclosure for New Development.

Goal H7: Further Fair Housing Throughout Newark
Policies:

- POLICY H7.1: Improve awareness, access, and use of education, training, complaint investigation, mediation services of the fair housing service provider, particularly in areas sensitive to displacement, low-income, racial/ethnic concentration, disability or other fair housing considerations.
- POLICY H7.2: Promote affirmative marketing in affordable housing programs to enable mobility among low-income residents and residents of color in areas of poverty and segregated neighborhoods.
- POLICY H7.3: Address barriers to renting and increase tenant support. Low income households and people experiencing homelessness face obstacles that prevent them from accessing housing that is affordable to them.

Programs:

- PROGRAM H7.1: Training for Voucher Program and Landlord Responsibilities.
- PROGRAM H7.2: Increase City Access, and Partner With Community Organizations To Ensure That Community Members Have Access To Tenant Rights Information and Fair Housing In Multiple Languages.
- PROGRAM H7.3: Work with Newark Unified School District to Distribute Housing Resources.
- PROGRAM H7.4: Affirmatively Market Affordable Housing.
- PROGRAM H7.5: Monitor housing programs through a mid-cycle review.

Affirmatively Furthering Fair Housing
The AFFH requirements, as identified previously in this report, are intended to address racial inequalities seen today throughout the Bay Area which developed through historical policies and practices enacted at federal, state, regional and local levels and across the public and private sectors. Though many of these explicit forms of historical discrimination have been outlawed, the results of these systems have left a lasting imprint on both the Bay Area region and the City. Racially explicit practices (e.g., racial covenants) which excluded persons of color from predominately white neighborhoods have been replaced with race-neutral land use policies that continue to exclude these same groups. Furthermore, rapidly increasing housing costs have deepened racial and economic disparity and segregation, displacing many low-income individuals and people of color to the peripheries of the region or out of the Bay Area entirely.

Accordingly, Newark must incorporate fair housing considerations into its Housing Element Update to increase housing opportunities in high resource neighborhoods and bring additional resources to traditionally under-resourced neighborhoods. The following section summarizes the components of the required AFFH component of the Housing Element Update.

Attachment 2 provides an overview of the AFFH analysis contained in the Housing Element Update, including summaries of community outreach, fair housing assessment, segregation and integration patterns, racially and/or ethnically concentrated areas of poverty or affluence, disparities in access to opportunities, disproportionate housing needs, sites inventory, and goals, policies, and actions.

Safety Element Update

The Safety Element is one of eight state-required components for the General Plan of every jurisdiction in California. In Newark the Safety Element is known as the Environmental Hazards Element, which was originally adopted with the General Plan in 2013. Recent state laws mandate the City review and update the Safety Element of the General Plan when updating the Housing Element. While the City of Newark's Housing Element is being updated for the 6th Cycle period from 2023 to 2031, the Safety Element Update included specifically targeted updates specifically in response to new state mandates and hazard mitigation related to climate change. This section outlines the process through which the Safety Element Update was prepared, including a review of relevant plans, existing conditions analysis, a community survey, and development of the Safety Element Update goals, policies, and actions.

The city hired Environmental Science Associates, Inc. (ESA) to prepare the Safety Element Update associated with the Housing Element Update.

Process

Review of Relevant Plans

ESA began by reviewing existing City plans relevant to the Safety Element Update, including the Environmental Hazards Element (2013), Union City/Newark Multi-Jurisdictional Local Hazard Mitigation Plan (2017), Alameda County Local Hazard Mitigation Plan (2021), Climate Action Plan Initial Framework (2010), Emergency Operation Plan, and other plans identified by City staff.

The 2017 Union City/Newark Multi-Jurisdictional Hazard Mitigation Plan (MJHMP), along with the 2021 Alameda County Local Hazard Mitigation Plan (LHMP), contained much of the information required to update the City's Environmental Hazards Element. In addition to other data collection required for mapping needs, other information was necessary for the evacuation analysis consistent with Senate Bill (SB) 99 and Assembly Bill (AB) 747. The fulfillment of these requirements is discussed in the Summary of Updates section below.

Existing Conditions Analysis

ESA compiled background information from relevant Plans to graphically communicate the information related to anticipated hazards and potential effects of climate change. These included mapping of critical infrastructure and emergency services which can be seen in Figure SAF-15, mapping of sea-level rise in Figure SAF-8 and mapping of PM2.5 and Diesel Particulate in Figure SAF-1 and Figure SAF-2 Additional figures are discussed below in the Summary of Updates section.

Community Survey

Newark community members and stakeholders informed the development of the Safety Element Update through participation in the community survey for the Housing Element Update as described above. Each hazard topic in the Safety Element Update concludes with a section on community and stakeholder input, which summarizes feedback received through the survey related to each topic. Input received informed the development of policies and actions in Section 3 of the Safety Element Update.

Safety Element Update Preparation

Information from the review of relevant plans, existing conditions, and results from the community survey were complied in to the Safety Element Update and established the foundation for the goals, policies, and actions. A summary of the updates are provided in the following section.

Summary of Updates

The Safety Element Update, in alignment with concurrent City policy and planning efforts, places emphasis on recognizing and preparing for climate change hazards and their impact across the City. These include known hazards that have intensified due to climate change as well as previously unknown impacts and threats. The Safety Element Update prioritizes safeguarding against both introducing hazards and placing people in hazardous areas. This update provides new background information on climate change hazards and language to address these threats and hazards among its goals, objectives, and policies.

New or Updated Hazard Topics

The hazards listed below were either absent from the 2013 General Plan or were present in the General Plan but not accounted for in the Environmental Hazards Element. The hazards are presented in order of appearance in the Safety Element Update.

Air Quality

Air quality was discussed in the 2013 General Plan under the Health and Wellness Element. Notable differences between the discussion of air quality in the 2013 Health and Wellness Element and the updated Safety Element include the addition of maps showing the prevalence of diesel particulate and PM2.5. In addition to the establishment of new policies and actions related to air quality for the Safety Element Update, several action items were pulled directly from the 2013 Health and Wellness Element to promote healthy conditions for specific air quality standards. New or updated policies include directions for implementing the forthcoming Climate Action Plan (Policy SAF-1.2 Climate Action and Adaptation Planning; Action SAF-1.B Climate Action and Adaptation Plan Preparation) as well as guidelines for land use planning to promote improved air quality (Policy SAF-1.4 Land Use Planning; Action-1.C Transportation Demand Management Strategies).

Drought and Water Quality

In the 2013 General Plan, discussions about drought and water quality were primarily confined to the Conservation and Sustainability Element. The Safety Element Update includes a discussion of drought and water quality in the existing conditions section as well as corresponding policies and actions in Section 3. A graphical representation of

drought conditions spanning from 2000 to 2023 is included as Figure SAF-3, offering a visual insight into evolving conditions in Alameda County. This section also includes a map of groundwater threats, presented as Figure SAF-4. Policies related to mitigation of drought impacts and improvement of water quality for community members include addressing and preventing water pollution (Policy SAF-2.1 Water Pollution Reduction; Action SAF-2.B Address Pollution in Water Bodies;), educating community members on water conservation (Policy SAF-2.4 Drought Awareness), and investing in water security (Policy SAF-2.5 Water Storage; Policy SAF-2.6 Water Conservation; Policy SAF-2.9 Long Term Water Supply; Action SAF-2.F Ensure Water Availability, Action SAF-2.H Water Use Restrictions).

Extreme Weather

Extreme weather was not explicitly discussed in the 2013 General Plan as a stand-alone hazard section. It is mentioned just once in the General Plan under the Conservation and Sustainability Element in relation to climate change and greenhouse gases. In the updated Safety Element, Extreme Weather is presented as a hazard topic alongside a discussion of topics specific to the city such as the risks associated with the urban heat island effect, the benefits of urban greening and secondary hazards such as increased energy demand and decreased use of active transportation methods. Corresponding policies center around providing cooling methods for households and communities (Policy SAF-3.2 Cooling Amenities; Policy SAF-3.3 Household Cooling; Action SAF-3.B Cool Pavements; Action SAF-3.C Cooling Center Access) as well as guidance for mitigating the impact of urban heat island effects (Policy SAF-3.1 Urban Heat Island Effect; Policy SAF-3.5 Urban Forest Management; Action SAF-3.H; Action SAF-3.I Climate Friendly Trees).

Dam Failure

In the 2013 Environmental Hazards Element, Dam Failure is discussed as a hazard under the Geologic Hazards section. In the Safety Element Update, Dam Failure is discussed as a stand-alone hazard. The existing conditions section on Dam Failure describes local conditions including a discussion of the five dams that have the potential to impact the city if a failure were to occur. Dam inundation zones are mapped in Figure SAF-9. Corresponding policies include guidance on educating community members of the risks associated with dam failure (Policy SAF-5.5 Flooding Resource Education; Action SAF-5.B Flood Insurance Awareness and Coverage in Dam Inundation Zones; Action SAF-5.C Accessible Flooding Insurance Resources) as well as direction for protecting critical facilities and new development from potential dam failure (Policy SAF-5.3 Critical Facilities and Services; Policy SAF-5.4 New Development; Action SAF-5.D Flood Risk Disclosure for New Development; Action SAF-5.E Protect Critical Facilities, Services, and Infrastructure).

Existing Hazard Topics

The following topics were included in the 2013 Environmental Hazards Element. Notable changes are discussed.

Geologic Hazards

Geologic hazards were discussed in the 2013 Environmental Hazards Element. The updated element discusses local conditions, including vulnerabilities, and local

initiatives, in addition to the existing information from the previous element on tsunamis and seiches, subsidence, landslides, liquefaction, fault rupture, and ground shaking. The updated element also includes an updated map of local fault lines (Figure SAF-10) as well as liquefaction and landslide zones (Figure SAF-11). Updated policies under Geologic Hazards include protecting critical public and private facilities (Policy SAF-7.5 Evaluate Critical Facilities; Policy SAF-7.6 Evaluate Critical Public Facilities) and utilizing updated information and assistance to inform best practices for preparing for geologic hazards (Policy SAF-7.7 Require Geotechnical Investigation; Action SAF-7.C Code Updates; Action SAF-7.K Structural Retrofits).

Hazardous Materials

The 2013 Environmental Hazards Element covered Hazardous Materials with topics such as hazardous materials handling, transportation, clean-up, hazardous household waste, and pipeline safety. The updated element retains these topics and expands upon them by including discussions about Hazardous Materials Business Plans, local conditions and initiatives, and relevant government agencies. Additionally, the updated version features a map of hazardous waste sites (Figure SAF-12), providing a visual representation of their locations. New and updated policies aim to enhance safety in the context of hazardous materials. New policies center around the protection of both existing and new developments (Policy SAF-8.9 Facility Use or Storage of Hazardous Materials; Policy SAF-8.11 New Development).

Flood Hazards

The 2013 Environmental Hazards Element addressed flood hazards however, the Safety Element Update includes some changes and updates. An updated new FEMA flood exposure zone map is included as seen in Figure SAF-7. Notable differences in the existing conditions section include discussions about local vulnerabilities such as infrastructure and local wildlife, as well as different types of potential flooding like Coastal, Flash, and Riverine Flooding. In the Safety Element Update, there is a detailed discussion of sea level rise along with an accompanying map (Figure SAF-8). Additionally, several policies from the 2013 Environmental Hazards Element have been retained, with some new policies introduced to enhance safety and resilience against floods. These new policies aim to mitigate the impacts of flood hazards (Policy SAF-4.9 Regional Planning for Sea Level Rise) and investments in infrastructure to withstand impacts (Policy SAF-4.11 Green Infrastructure; Policy SAF-4.12 Impervious Surfaces).

Fire Hazards

Fire hazards are briefly discussed in the 2013 Environmental Hazards Element. Due to the geographic location of the City, wildfire hazard remains low. The Safety Element Update discusses local conditions, vulnerabilities, and initiatives related to fire hazards. Updated or new policies prioritize fire safety standards (Policy SAF-6.1 Fire Hazard Reduction; Action SAF-6.F Public Buildings and spaces) and aim to improve emergency vehicle access (Policy SAF-6.3 Adequacy of Access; Action SAF-6.G Infrastructure Upgrades).

Emergency Preparedness

The primary difference between the Emergency Preparedness section in the 2013

Environmental Hazards Element and Safety Element Update is the evacuation analysis for SB 99 and AB 747. These are described in further detail below. The Safety Element Update also includes a map of emergency services within the City (Figure SAF-15). New policies focus on informing community members of resources to prepare for emergencies (Policy SAF-10.3 Hazard Awareness; Policy-10.15 Natural Hazards Education Programming and Events) and evacuation planning and notification (Policy SAF-10.10 Evacuation Planning; Policy SAF-10.11 Resident Evacuation; Action SAF-10.G Multilingual Emergency Outreach).

SB 99 and AB 747
ESA subcontracted with Fehr & Peers to perform the assessments necessary for SB 99 and AB 747. In compliance with SB 99, Fehr & Peers mapped residential parcels within the City with only one point of access. Additionally, to comply with AB 747, Fehr & Peers conducted a volume-to-capacity analysis of three evacuation scenarios, each focusing on the availability of roadways during flood emergencies. These scenarios assess various factors affecting evacuation, such as access to arterial roadways and highway overpasses.

Roadway capacity assessments conducted by Fehr & Peers conclude that due to the many cul-de-sacs in the City, numerous residential parcels are delimited to only one access route. Additionally, the City is bound by topography, which limit the direction and number of evacuation routes. The findings established by these analyses are summarized in the Safety Element Update under Section 2, Emergency Preparedness. The full analysis can be found in Appendix B of the Safety Element Update. The analysis provided in the appendix also includes potential measures to enhance the evacuation preparation and process, which are reflected in Policy SAF-10.10 Evacuation Planning.

Noise and Vibration
The Safety Element Update did not include changes to the noise policies or existing conditions. These sections were pulled from the 2013 Environmental Hazards Element and are included in the updated draft with no changes made to the content.

Community Engagement
Consistent with State Law, the City has conducted ongoing community outreach efforts throughout the 6th Cycle Housing Element Update process. These efforts, in addition to the Planning Commission and City Council meetings, are summarized within the Introduction and Appendix B of the Housing Element Update and below.

Public Outreach
- Written communication through social media, posters & flyers, and a project website www.newarkhousingupdate.org
- March 15, 2022 – April 30, 2022: online community survey (342 responses)
- In-person outreach in the community (March/April 2022): The city conducted in person community engagement in a variety of locations and events around the city. They engaged with residents at Family Day in the Park on April 9, 2022 spent time connecting with folks at the Newark Public Library on a busy Saturday, visited the senior center for Bingo, and Tri-City food pantry mobile pop up

- 1:1 Interviews and Listening Sessions
- June 22, 2022: online community meeting (50 attendees)
- March 22, 2023: online community meeting
- April 1, 2023 Family Day in the Park outreach and awareness event

Review Process

HCD is the state's department that is responsible for reviewing housing elements and determining compliance with state housing law. The review process is established by state law and includes document submittal requirements and defined review timelines. At the conclusion of each review period, HCD must prepare a response that contains a determination of compliance and, if applicable, any non-compliance findings that the City must address in subsequent submittals. The following is a summary of key milestones throughout the City's Housing Element Update review process with HCD:

- April 12, 2023: At the conclusion of a 40-day public review and public comment consideration period, the City submits the Housing Element Update to HCD for an initial 90-day review.
- July 12, 2023: HCD submits a response to the City. HCD determines that the Housing Element Update does not substantially comply with state law, and revisions are necessary.
- August 7, 2023: The City publishes a revised Housing Element Update and requests public comment.
- August 17, 2023: The City submits the revised Housing Element Update to HCD for a 60-day review. Subsequent discussions with HCD staff identify additional revisions and clarifications.
- October 3, 2023: After a seven-day public review period, the City submits an interim revised Housing Element Update to HCD for a subsequent 60-day review period
- October 17, 2023: HCD submits a response to the City. HCD determines that the revised Housing Element Update does not substantially comply with state law, and additional revisions are necessary.

HCD Findings Letters – Outstanding Comments and City Response

As described above, HCD reviewed the Housing Element Update and reported the results of its review as required by state law. See Attachment 1, Exhibit A for HCD’s requested changes and the City’s response to each comment. Significant progress has been made to comply with state housing law. However, as described in the October 17, 2023 response, HCD has determined that portions of the Housing Element Update do not yet comply. HCD staff has indicated that the remaining noncomplying portions are non-substantive, meaning that additional analysis, information, or adjustments to policies or programs may be needed prior to HCD certification.

Although HCD has determined that the Housing Element Update does not substantially comply with state law and that non-substantive revisions are necessary, staff recommends that the City Council approve the staff recommendation to adopt the Housing Element Update as provided in Attachment 1, Exhibit B. The adoption resolution contains a provision allowing the Community Development Director to make the non-substantive changes to the adopted housing element and submit a revised

Housing Element Update for HCD consideration. Staff's expectation is that HCD will complete their review of the City's responses to the remaining issues and certify the Housing Element Update is in compliance with state law by the end of December 2023.

FISCAL IMPACT

Adopting the 2023-2031 Housing Element Update and the subsequent implementation of Housing Element Update programs is expected to require moderate staff, consultant, and financial resources. Over the eight-year period between 2023 and 2031, the City will implement over 40 programs intended to achieve Housing Element Update goals and policies. Most of these programs will be initiated between 2024 and 2026 and implemented through 2031. The Housing Element identifies the anticipated funding source required to implement the programs. All of the programs would be funded through the Affordable Housing Fund, an impact fee fund charged to developers of new projects, or through the Community Development Maintenance Fee fund, a fee assessed on each building permit issued. Other funding sources include Community Development Block Grant (CDBG) funds and other grants intended to support affordable housing development and programs. As programs are initiated, staff will assess the available funding sources in order to reduce costs.

Adopting the Safety Element is not expected to result in substantial new costs to the city. Similar to the Housing Element, projects to implement Safety Element policies and actions will utilize available funding from a variety of sources in a manner intended to reduce the impact on the city's general fund.

ENVIRONMENTAL/PLANNING COMMISSION REVIEW

Environmental Review

The City has prepared the necessary environmental review, consistent with the California Environmental Quality Act (CEQA) for the Draft 2023– 2031 Housing Element and the Safety Element. Pursuant to CEQA, an Addendum to the Newark General Plan Tune Up Environmental Impact Report (State Clearinghouse No. 2013012052) (Addendum) was prepared. No subsequent EIR is required to be prepared, as no substantial changes have been proposed or the conditions that require major revisions of the General Plan Tune Up EIR. No new significant environmental impacts have been identified, and no substantial increases in the severity of previously identified impacts were discovered. The Housing Element and Safety Element remain subject to all previously adopted mitigation measures, as applicable, and no new mitigation measures or alternatives are required. The Addendum is provided in Attachment 3.

Planning Commission Review and Recommendation

On October 24, 2023, the Planning Commission is scheduled to hold a public hearing to consider the staff recommendation. The Planning Commission's recommendation, transmitted through a resolution, will be provided at the October 26, 2023, City Council meeting.

REVIEW AND APPROVAL

Prepared by - Steven Turner, Community Development Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Attachment 1 - City Council Resolution

Exhibit A - HCD Findings and City Responses

Exhibit B - 2023-2031 Housing Element

Exhibit C - Safety Element Update

Attachment 2 - Affirmatively Furthering Fair Housing Analysis Summary

Attachment 3 - CEQA Addendum

Presentation

CITY COUNCIL RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWARK ADOPTING A GENERAL PLAN AMENDMENT TO REPEAL THE FIFTH CYCLE HOUSING ELEMENT FOR THE PERIOD OF 2015-2023 AND ADOPTING THE HOUSING ELEMENT OF THE GENERAL PLAN FOR THE PERIOD OF 2023-2031 AND ADOPTING THE SAFETY ELEMENT OF THE GENERAL PLAN, IN COMPLIANCE WITH STATE HOUSING ELEMENT LAW.

WHEREAS, the California Legislature has found that "California has a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of the chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives" (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature has further found that "Among the consequences of those actions are discrimination against low-income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration" (Gov. Code Section 65589.5.); and

WHEREAS, the Legislature recently adopted the Housing Crisis Act of 2019 (SB 330) which states that "In 2018, California ranked 49th out of the 50 states in housing units per capita… California needs an estimated 180,000 additional homes annually to keep up with population growth, and the Governor has called for 3.5 million new homes to be built over 7 years"; and

WHEREAS, State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Newark (City) regional housing need allocation (RHNA) of 1,874 housing units, composed of 464 very-low income units, 268 low-income units, 318 moderate-income units, and 824 above moderate-income units; and

WHEREAS, to comply with State Housing Element Law, the City of Newark has prepared Housing Element 2023-2031 (the Housing Element Update) in compliance with State Housing Element Law and has identified sites that can accommodate housing units meeting the City's RHNA; and

WHEREAS, as provided in Government Code Section 65350 et. seq., adoption of the Housing Element constitutes a General Plan Amendment; and

WHEREAS, as provided in Government Code Sections 65352 – 65352.5 the City mailed a public notice to all California Native American tribes provided by the Native American Heritage Commission and to other entities listed; and

WHEREAS, no California Native American tribe requested consultation;

WHEREAS, the City conducted extensive community outreach over the last twenty months, including two joint sessions before the City Council and Planning Commission in September 2021 and May 2022, and an additional session with the Planning Commission in February 2023; and

WHEREAS, in accordance with Government Code Section 65585 (b), on February 24, 2023, the City posted the draft Housing Element Update and requested public comment for a 30-day review period, and on April 12, 2023, after responding to public comments, the City submitted the draft Housing Element to the State Department of Housing and Community Development (HCD) for its review; and

WHEREAS, on July 12, 2023, the City received a letter from HCD providing its findings regarding the draft Housing Element; and

WHEREAS, on August 7, 2023, the City published a revised Housing Element Update responding to HCD's findings and requested public comment on the draft; and on August 17, 2023, after responding to public comments, the City submitted a second draft Housing Element to HCD for its review; and

WHEREAS, on October 17, 2023, the City received a letter from HCD providing its findings regarding the Housing Element Update; and

WHEREAS, the proposed adoption of the Housing Element, the Safety Element, and amendment to the General Plan are collectively referred to as the "Project"; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), an Addendum to Newark General Plan Tune Up Environmental Impact Report (State Clearinghouse No. 2013012052) (Addendum) was prepared for the Project. A copy of the Addendum is on file with the Community Development Department; and

WHEREAS, no subsequent EIR is required to be prepared for the Project, as no substantial changes have been proposed to the Project or the conditions under which the project will be carried out that require major revisions of the General Plan Tune Up EIR. No new significant environmental impacts have been identified and no substantial increases in the severity of previously identified impacts were discovered. The Project remains subject to all previously adopted mitigation measures, as applicable, and no new mitigation measures or alternatives are required; and

WHEREAS, a staff report dated October 24, 2023, and incorporated herein by reference, described and analyzed the Housing Element Update, Safety Element Update, and the Addendum for the Planning Commission; and

WHEREAS, on October 24, 2023, the Planning Commission held a duly and properly noticed public hearing and recommended that the City Council adopt the Housing Element Update and Safety Element Update; and

WHEREAS, on October 26, 2023, the City Council conducted a duly and properly noticed public hearing to take public testimony and consider this Resolution regarding the proposed Housing Element Update, reviewed the Housing Element Update and all pertinent maps, documents and exhibits, including HCD's findings, the City's response to HCD's findings, the

Safety Element, Addendum, the staff report and all attachments, and oral and written public comments.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds that, based on substantial evidence in the record:

The foregoing recitals are true and correct and are incorporated by reference into this action.

1. The foregoing recitals are true and correct and are incorporated by reference into this action.

2. No subsequent environmental impact report or additional environmental analysis is required in connection with the approval of the Housing Element or Safety Element, as the City Council finds and determines that none of the conditions set forth in Public Resources Code Section 21166, CEQA Guidelines Section 15162(a) have occurred.

3. The Housing Element substantially complies with Housing Element Law, as provided in Government Code 65580 et seq., and contains all provisions required by State Housing Element Law.

4. As required by Government Code Section 65585(e), the City Council has considered the findings made by the Department of Housing and Community Development included in the Department's letter to the City of Newark dated July 12, 2023 and October 17, 2023, consistent with Government Code Section 65585(f), and as described in Exhibit A to this resolution, incorporated herein, the City Council has changed the Housing Element in response to the findings of the Department to substantially comply with the requirements of State Housing Element Law as interpreted by HCD.

5. The City Council hereby directs the City Manager or designee to return to Planning Commission and City Council within 60 days of Housing Element certification with an analysis of recommendations for supplemental text amendments to the Housing Element Update provided by HCD, the Planning Commission at the October 24, 2023 meeting, and by the City Council at this October 26, 2023 City Council meeting.

6. The 5th Cycle Housing Element for the 2015-2023 Period is hereby repealed in its entirety, and the 6th Cycle 2023-2031 Housing Element, as shown in Exhibit B to this Resolution, incorporated herein, is adopted.

7. The Environmental Hazards Element is hereby repealed in its entirety, and the Safety Element, as shown in Attachment C to this Resolution, incorporated herein, is adopted.

8. This Resolution shall become effective upon adoption by the City Council.

9. The Community Development Director or designee is hereby directed to file all necessary material with the Department of Housing and Community Development for the Department to find that the Housing Element Update is in conformance with State Housing Element Law and is further directed and authorized to make all non-substantive changes to the Housing Element Update to make it internally consistent

or to address any non-substantive changes or amendments requested by HCD to achieve certification.

10. The Community Development Director or designee is hereby directed to distribute copies of the Housing Element Update in the manner provided in Government Code Sections 65357 and 65589.7.

Exhibit A: Housing and Community Development Findings and City Responses

Exhibit B: 2023 – 2031 Housing Element

Exhibit C: Safety Element

5495138.1

Exhibit A

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

July 12, 2023

Steven Turner, Director
Community Development Department
City of Newark
37101 Newark Blvd
Newark, CA 94560

Dear Steven Turner:

RE: City of Newark's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City of Newark's (City) draft housing element update received for review on April 13, 2023, along with revisions received on June 30, 2023. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by conversations on May 23 and May 30, 2023 with you and your consultants, Paul Peninger and Clara Cheeves. In addition, HCD considered comments from David Kellogg, pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq.). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households; by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's

Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: https://www.opr.ca.gov/planning/general-plan/guidelines.html.

HCD appreciates the hard work and dedication you and your consultants, Clara Cheeves and Paul Peninger, provided in preparation of the City's housing element and looks forward to working with the City toward a compliant housing element. If you have any questions or need additional technical assistance, please contact Shawn Danino, of our staff, at shawn.danino@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX
CITY OF NEWARK

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml. Among other resources, the housing element section contains HCD's latest technical assistance tool, Building Blocks for Effective Housing Elements (Building Blocks), available at http://www.hcd.ca.gov/community-development/building-blocks/index.shtml and includes the Government Code addressing State Housing Element Law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2…shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

   Disproportionate Housing Needs: The element includes some general information on persons experiencing homelessness and housing conditions but should also evaluate those needs, impacts and patterns within the City, such as areas of higher need. For homelessness, the element should examine patterns of need or areas with higher concentrations of persons experiencing homelessness, including access to transportation and services. For housing conditions, the element should discuss any areas of potentially higher needs of rehabilitation and replacement. The element should utilize local data and knowledge such as service providers and code enforcement officials to assist this analysis.

   Affirmatively Furthering Fair Housing (AFFH) and Identified Sites: The element provides some analysis of the identified sites and grouping of socio-economic concentrations. However, the element should quantify the regional housing need allocation (RHNA) by location or area and evaluate the impacts on the existing patterns of socio-economic characteristics. For example, the element should discuss the impacts of isolating a large portion of the RHNA by income group or lack of RHNA by income group in other planning areas. A complete analysis should fully assess how the site inventory is expected to improve and/or exacerbate fair housing conditions. This analysis should address the location, number of units by income group, magnitude of the impact and any isolation of the RHNA and add or modify programs as appropriate to improve fair housing conditions and promote more inclusive and equitable neighborhoods.

2. *Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)*

Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)

Overpayment: The element must quantify and analyze the number of lower-income households overpaying by tenure (i.e., renter and owner).

Age and Condition of the Housing Stock: The element analyzes the age of the housing stock as well as units lacking plumbing and kitchen facilities. However, the element must include an estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from knowledgeable builders/developers, including non-profit housing developers or organizations. For additional information, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/housing-stock-characteristics.shtml.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

   Parcel Listing: While the element lists sites by parcel number and acreage (Table C-2), it must also list sites by general plan designation, zoning, realistic capacity, and the number of units by affordability level.

   Progress in Meeting the RHNA: The City's RHNA may be reduced by pending, approved, or completed projects; however, the element must demonstrate their availability in the planning period. The element lists pipeline projects (Site 7 and Sites 12 through 21) "with an active application". The element should generally discuss any remaining steps, barriers to development, phasing, build out or planning horizons and other relevant factors to demonstrate their availability in the planning period. In addition, the element may list the expected completion date for several projects.

   Small and Large Sites: Sites larger than ten acres in size or smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. While the element included a few examples about developments with lot consolidation, it must also provide specific examples with the densities, affordability and, if applicable, circumstances leading to consolidation. The element should relate these examples to the sites identified to accommodate the RHNA for lower-income households to demonstrate that these sites can adequately accommodate the City's lower-income housing need. In addition, the element could describe it parceling strategy for the 14.7-acre site in the NewPark Place Specific Plan. Based on a complete analysis, the City should add or revise programs to

include incentives for facilitating development on these sites for housing affordable to lower-income households.

Realistic Capacity: The element appears to assume residential development on sites with zoning that allows 100 percent nonresidential uses, but to support this assumption, the element must analyze the likelihood of residential development in zoning where 100 percent nonresidential uses are allowed. The analysis should be based on factors such as development trends including nonresidential, performance standards requiring residential uses or other relevant factors such as enhanced policies and programs.

Suitability of Nonvacant Sites: The element must include analysis demonstrating the potential for additional development on nonvacant sites. While the element mentions underutilized sites were identified based on assessed value (AV) and floor area ratios (FAR), it must support the validity of these assumption in demonstrating the potential for redevelopment and evaluate the extent existing uses impede additional development. For example, the element could utilize recent development activity. In addition, the element should consider additional factors such as building age, structural conditions and expressed interest in residential development. Finally, the element should account for the extent existing uses impede additional residential development including market demand for the existing use and existing leases or contracts that would perpetuate the existing use or prevent additional residential development.

In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period (Gov. Code, § 65583.2, subd. (g)(2).). Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

Environmental Constraints: While the element generally describes environmental constraints were considered (p. C-68), it must also describe any other known environmental or other conditions (e.g., shape, easements, property conditions, contamination) that could impact housing development on identified sites in the planning period. The City, may, for example, discuss individual sites' outstanding environmental constraints and describe its strategy and timeline to mitigate these risks.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at https://www.hcd.ca.gov/planning-and-community-development/housing-elements for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Zoning for a Variety of Housing Types:

- *Emergency Shelters:* The City must demonstrate compliance with laws governing emergency shelters including, but not limited to AB 139 related to parking requirements. In addition, Chapter 654, Statutes of 2022 (AB 2339), adds specificity on how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. Future submittals of the housing element must address these statutory requirements. For example, the element should also clarify shelters are permitted without discretionary action and discuss available acreage in the zones allowed, including typical parcel sizes and the presence of reuse opportunities. In addition, the analysis should address proximity to transportation and services and any conditions inappropriate for human habitability. For additional information and timing requirements, please see HCD's memo at https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf.

- *Low Barrier Navigation Centers:* Low Barrier Navigation Centers shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65661. The element must demonstrate compliance with this requirement and include programs as appropriate.
- *Permanent Supportive Housing:* Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement and include programs as appropriate.
- *Accessory Dwelling Units (ADUs)*: The element should provide a date by which it expects to revise its ordinance to comply with state law.
- *Single-Room Occupancies (SRO)*: The element describes the zones in which SROs are currently permitted. However, given the success of SROs in providing housing for extremely low-income (ELI) households, the element should also describe how zoning will encourage and facilitate SRO development and what development standards SROs will be subject to.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

   Land Use Controls: The element identifies many land use controls as potential constraints on a variety of housing types. However, the analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to maximum units per building, maximum building coverage, FAR, required open space per unit, minimum lot area,

setbacks, height limits, parking and limits on allowable densities. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints.

Fees and Exactions: The element provides information on some fees but must describe all required fees for single family and multifamily housing development and analyze their impact as potential constraints on housing supply and affordability. The element should also describe and analyze fees such as those for obtaining a conditional use permit (CUP), general plan amendments, and zone changes. For example, the analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing. For additional information and a sample analysis and tables, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/fees-and-exactions.

Zoning and Fees Transparency: The element should clarify its compliance with new transparency requirements for posting fees and all zoning and development standards for each parcel on the jurisdiction's website.

Building Codes and their Enforcement: The element should clarify which building code is utilized and any local amendments and evaluate impacts on housing costs. In addition, the element should describe the type (e.g., complaint-based) and degree of code enforcement. For additional information and a sample analysis, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/codes-and-enforcement-and-onsite-offsite-improvement-standards.

On and Off-site Improvements: While the element general describes necessary streetscape improvements in Specific Plan areas (p. 134), it should also identify subdivision level improvement requirements, and analyze their impact on housing costs. For additional information and a sample analysis, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing-elements/building-blocks/codes-and-enforcement-and-onsite-offsite-improvement-standards.

Processing and Permit Procedures: While the element provides a description of the types of permits required for housing developments, it must describe and analyze the permits' processes, identify what is reviewed, typical findings and approval procedures by zone and housing type. The analysis must specifically address the threshold for a CUP on multifamily uses and special development permits. The analysis must evaluate impacts on housing supply (number of units), costs, timing, feasibility, and approval certainty.

Housing for Persons with Disabilities: The element should analyze potential constraints on housing for persons with disabilities, as follows:

- *Definition of Family*: The element briefly mentions a definition of family. However, the element should describe and analyze its definition of family and, if necessary, include a program to address identified constraints.
- *Reasonable Accommodation*: The element describes the general requirements of reasonable accommodation, but it should list and analyze approval findings for impacts on housing for persons with disabilities.
- *Group Homes for Seven or More Persons*: The element describes its procedures for permitting residential care facilities of seven or more persons. However, the element excludes group homes for seven or more persons from some residential zones and subjects the use to a CUP, unlike other similar uses. The element should specifically analyze these constraints for impacts on housing supply and choices and approval certainty and objectivity for housing for persons with disabilities and include programs as appropriate.

B. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element... (Gov. Code, § 65583, subd. (c).)*

   Several programs and actions have timelines that should be moved earlier in the planning period to ensure a beneficial impact. Examples include Programs H2.3 (Four Corners Development), H2.6 (Housing Development on School Sites), H2.8 (Zoning for Missing Middle Housing), H3.4 (Housing in Mixed Use Zones), and H3.5 (Parking Requirement Changes).

   Additionally, programs must have specific commitment to housing outcomes or deliverables. Several programs include actions with no description of how those actions will be implemented (e.g., “support”, “study”, “explore”, “evaluate”, etc.,). For example, Program H2.8 describes the ‘pursuit of’ minimum lot widths of 50 feet and minimum lot sizes of 5,000 feet, and parking that ‘may include a minimum of 1 per unit outside specific plan areas’. However, it does not make a specific commitment to adjust these development standards and to what extent. Programs should be amended, to include specific commitment to a housing related outcome. Examples include, but are not limited to, Programs H2.3 (Four Corners Development), H2.6 (Housing Development on School Sites), H2.8 (Zoning for Missing Middle Housing), H3.4 (Housing in Mixed Use Zones), H3.5 (Parking Requirement Changes), and H5.3 (Public Lands for Affordable Housing).

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city’s or county’s share of the regional housing need for each income level that could not be accommodated on sites identified in the*

inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)

As noted in Finding A3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

3. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

   As noted in Finding A4, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

   As noted in Finding A1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. Programs to AFFH should go beyond status quo actions, include specific commitment, timing, geographic targeting and metrics or numerical targets and should, as appropriate, address housing mobility, encourage new housing choices in higher resource areas, improve place-based strategies toward community revitalization and protect existing residents from displacement.

   The element may, for example, as discussed on the May 23 and May 30, 2023, commit to adopting an ordinance to allow Accessory Commercial Uses in residential neighborhoods and revise Program H2.1 or another similar program accordingly. The element may also, for example, revise Program H2.10 to establish development standards for missing middle housing typologies and/or SROs that encourage their development, for example in specific plan areas. To improve housing opportunities for persons experiencing homelessness or lower-income households employed in the City, the element could commit to additional applications for Project Homekey in areas of

higher need and opportunity by using a scattered sites approach. The City may also, for example, commit to establishing minimum densities across residential and mixed-use zones to provide more certainty in housing choices and affordability. Finally, the City may also, for example, discuss its efforts to improve pedestrian safety and active mobility as a way to increase access to opportunity.

Finally, the element should commit to assessing and revising programs through a mid-cycle review. Please see HCD's AFFH memo for more information: https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf#page=23.

5. *Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)*

   As noted in Finding A3, the City's ADU Program (Program H2.2) should commit to amend the ordinance as necessary to comply with ADU law by a specified date.

C. Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

The element provides a summary of quantified objectives starting on page 198 of the policy document. These objectives include new construction and rehabilitation but must also include conservation objectives by income group. Conservation objectives may include the variety of strategies employed by the City to promote tenant stability and the preservation of units at-risk of conversion to market rate uses. In addition, the element could add missing middle objectives for 20 units in the 8-year planning period and pursuant to public comments received, HCD encourages the City to re-consider increasing these objectives, as well as Program H1.2 objectives to provide 12 rental inspections and Program H1.1's goal to provide 20 home rehabilitations.

D. Public Participation

Local governments shall make a diligent effort to achieve public participation oof all segments of the community in the development of the Housing Element and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)

While the City made extensive efforts to reach the public, including hosting events and meeting with key stakeholders and summarizing community feedback, it should also discuss how input was incorporated into the housing element.

Response to HCD Findings

Pursuant to Government Code section 65585, subdivision (b), HCD reviewed the draft Housing Element and reported the results of its review in the July 12, 2023 letter to the City of Newark.

The following changes were requested by HCD.

KEY:

- *HCD's findings are copied and pasted verbatim from their letter under "**HCD Finding.**" Pages noted here reference the initial draft dated April 12, 2023 and submitted to HCD.*
- *The City's responses are provided under "**City response**". Pages noted under City response refer to the October 3, 2023 version posted at newarkhousingupdate.org (as numbered on the page).*

HCD General Comment Topic Area A: Housing Needs, Resources, and Constraints

1. Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2…shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)

HCD Finding: Disproportionate Housing Needs: The element includes some general information on persons experiencing homelessness and housing conditions but should also evaluate those needs, impacts and patterns within the City, such as areas of higher need. For homelessness, the element should examine patterns of need or areas with higher concentrations of persons experiencing homelessness, including access to transportation and services. For housing conditions, the element should discuss any areas of potentially higher needs of rehabilitation and replacement. The element should utilize local data and knowledge such as service providers and code enforcement officials to assist this analysis.

City response:

- **People experiencing homelessness:** After conducting additional research with a local service provider from Second Chance, the housing element has identified areas of higher need, organizations and resources available serving the city, and parcels in the city that are available for additional housing for special needs housing.

  Programs have been added and updated to better reflect the needs identified. Program H2.5 will continue to build upon the work the city has undertaken to develop a local response to homelessness by the end of 2024 (p. 210). Program H2.10 makes changes to increase uptake of Single Room Occupancy or (SROs), an affordable housing type, Program H4.10, identifies zoning changes for special needs housing, and Program H4.8 connects residents with foreclosure assistance (p. 215-216, 223-224). Program H4.11 commits the City to partnering with nonprofits and neighboring jurisdictions to provide supportive shared housing in hotels/motels and scattered sites for people experiencing homelessness (p. 225).

- **Housing Conditions:** The Housing Element identifies areas of the city that have the highest concentration of code enforcement cases for housing conditions. Due to the age of the housing stock, a large share of the City's code cases are in the Mirabeau Park and Old Town/ Central neighborhood. In response to this finding, the Housing Element has increased the capacity of households served for Program H1.1 Housing Rehabilitation and Repair and Program H1.2, an

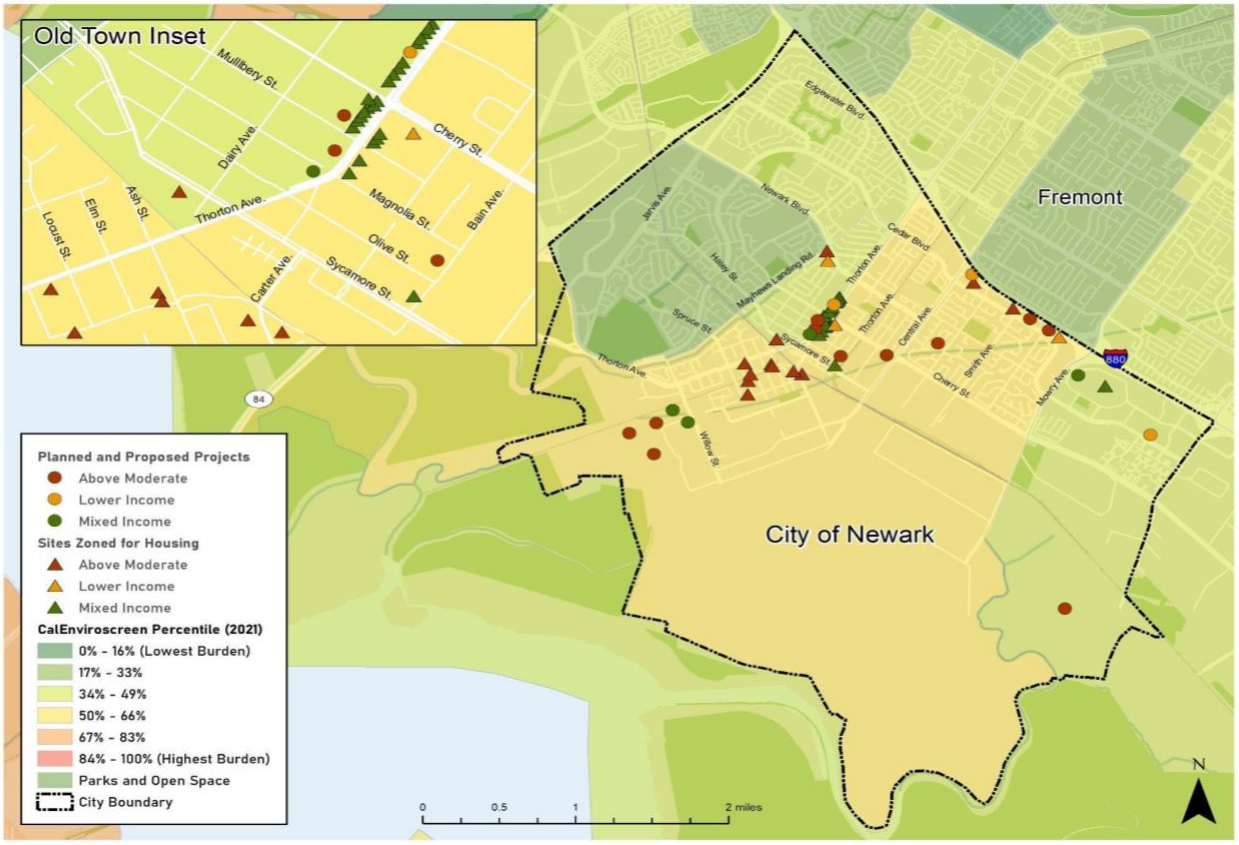
inspection program to ensure safe and healthy living conditions for rental housing, while promoting the repair of housing units with one or more housing conditions issues (p. 205-206).

HCD Finding: Affirmatively Furthering Fair Housing (AFFH) and Identified Sites: The element provides some analysis of the identified sites and grouping of socio-economic concentrations. However, the element should quantify the regional housing need allocation (RHNA) by location or area and evaluate the impacts on the existing patterns of socio-economic characteristics. For example, the element should discuss the impacts of isolating a large portion of the RHNA by income group or lack of RHNA by income group in other planning areas. A complete analysis should fully assess how the site inventory is expected to improve and/or exacerbate fair housing conditions. This analysis should address the location, number of units by income group, magnitude of the impact and any isolation of the RHNA and add or modify programs as appropriate to improve fair housing conditions and promote more inclusive and equitable neighborhoods.

City response: The Housing Element provides additional analysis to quantify, evaluate, and summarize the sites inventory capacity relative to fair housing indicators by census tract (p. 122-124). The element discusses the large RHNA in specific planning areas in the city, as well as the potential for housing sites to improve fair housing conditions by race/ ethnicity, opportunity, and income. A table looking at the sites inventory by income level, census tract, neighborhood and AFFH indicators (p. 124) and a map of the census tracts and areas of the city with site inventory (p. 123). In response to the lack of housing sites in the northern portion of the city, the Element identifies programs to expand housing mobility throughout the city.

Programs include: Program H2.1 SB9 and SB10 ordinance as well as Program H2.8 Zoning for Missing Middle Housing, and Program H2.2 to reduce constraints and expand accessibility for ADU production in order to achieve a greater geographic diversity of housing type and location (p. 206-207, 212-213, 208). Program H2.6 looks at public school sites in Newark as locations for affordable housing to district employees and has the potential to both provide affordable family-sized housing and increase access to opportunities throughout the city (p. 210-211).

On 9/26, HCD requested additional analysis of environmental risk relative to fair housing concerns. A new Environmental map layering the sites on the Cal EnviroScreen assessment has been added to Section 3.H: AFFH Analysis of Sites (p. 132).



Also note existing Figure 3-13: Environmental Opportunity Score and Figure 3-14: Cal Enviro Screen and the Non-White Population (p. 83-84) and the section on Displacement from Environmental Hazards (including Figure 3-50: 100 Year and 500 Year Flooding Projections) (p. 120-121).

Program H2.8 Zoning for Missing Middle Housing has been strengthened: the timeline has been accelerated to rezoning by the end of 2024, the goal has been increased to 100 units, and the City has committed to evaluating and improving the effectiveness of the program by the middle of the RHNA period (p. 212-213). In addition, the City has added clarifying references to specific northern neighborhoods for targeting missing middle housing (Program H2.1 SB 9/SB 10, Program H2.3 Four Corners, Program H2.8 Zoning for Missing Middle Housing Types).

2. Include an analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected needs for all income levels, including extremely low-income households. (Gov. Code, § 65583, subd. (a)(1).)

Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)

HCD Finding: Overpayment: The element must quantify and analyze the number of lower-income households overpaying by tenure (i.e., renter and owner).

City response: Additional analysis was conducted to identify the rates of low-income households by renter and owner (p. 38, figure 2-10).

HCD Finding: Age and Condition of the Housing Stock: The element analyzes the age of the housing stock as well as units lacking plumbing and kitchen facilities. However, the element must include an estimate the number of units in need of rehabilitation and replacement. For example, the analysis could include estimates from a recent windshield survey or sampling, estimates from the code enforcement agency, or information from

knowledgeable builders/developers, including non-profit housing developers or organizations. For additional information, see the Building Blocks at http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/housingstock-characteristics.shtml.

City response: Through additional data from code enforcement, the city has identified 40 units that could use rehabilitation and repair. The existing rehabilitation program has supported about 10 homes per year and with the increase of household supported through programs such as Program H1.1 Housing Rehabilitation and Repair, supporting homeowners with repairs, and new programs such as Program H1.2 Citywide inspection program, which will inspect rental properties to ensure safe and healthy living conditions for all will help in addressing these needs and support even more households (p. 205-206).

3. An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)

HCD Finding: Parcel Listing: While the element lists sites by parcel number and acreage (Table C-2), it must also list sites by general plan designation, zoning, realistic capacity, and the number of units by affordability level.

City response: General Plan land designations, zoning, development standards and site-specific realistic capacity analyses have been included in the detailed sites inventory analysis in Appendix C. This includes an identification of the number of units by affordability level.

Table C-2 was updated to include general plan designation, zoning, and number of units by affordability level. All unit counts listed have realistic capacity analysis factored in (p. C-7-C-11).

HCD Finding: Progress in Meeting the RHNA: The City's RHNA may be reduced by pending, approved, or completed projects; however, the element must demonstrate their availability in the planning period. The element lists pipeline projects (Site 7 and Sites 12 through 21) "with an active application". The element should generally discuss any remaining steps, barriers to development, phasing, build out or planning horizons and other relevant factors to demonstrate their availability in the planning period. In addition, the element may list the expected completion date for several projects.

City response: The Sites inventory has been updated to remove some projects that will not be moving forward during the planning period and to clarify the exact status of projects classified as "pending, approved or completed." Contained primarily in Appendix C, this includes an analysis of remaining barriers to development and phasing and build out projections for specific projects, including Newpark Place Phases B through D.

On 9/14, HCD requested more information on project timelines and the steps remaining for sites in the approvals process. Appendix C site-by-site analyses include additional information for those projects in entitlements with active applications.

HCD Finding: Small and Large Sites: Sites larger than ten acres in size or smaller than a half-acre in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. While the element included a few examples about developments with lot consolidation, it must also provide specific examples with the densities, affordability and, if applicable, circumstances leading to consolidation. The element should relate these examples to the sites identified to accommodate the RHNA for lower-income households to demonstrate that these sites can adequately accommodate the City's lower-income housing need. In addition, the element could describe it parceling strategy for the 14.7-acre site in the NewPark Place Specific Plan. Based on a complete analysis, the City should add or revise programs to include incentives for facilitating development on these sites for housing affordable to lower-income households.

City response: Additional analysis of sites larger than 10 acres and smaller than 0.5 acres is included in the site analyses provided in Appendix C. This includes more detailed information on the NewPark Place Specific Plan Area, including a proposed phasing strategy.

In meetings with HCD on 9/14 and 9/26, the following sites were called out for more attention:

- **Site 3 (formerly Site 5) FMC Willow South:** This project is fully entitled (p. C-21).
- **Site 9 (formerly Site 13) Lepakshi Building B:** This site is actively being pursued by a developer in tandem with Building A across the street. While physical constraints of a small site remain (as there is a street between the two properties, they cannot be consolidated), there are efficiencies associated with Building B being part of the larger project site (p. C-27).
- **Site 11 (formerly Site 15) Mulberry:** This project is already fully entitled at this density (p. C-29).
- **SIte 14 (formerly Site 19) NewPark Place Phasing Strategy:** The NewPark Place Specific Plan (Specific Plan) is anticipated to build out over an approximate 20-year timeframe, with a total capacity of 1,519 units (p. C-32-C34). The Mixed Use I area (where Phases A through D are located and highlighted in this Element) is expected to redevelop first but is subject to market conditions. In order to facilitate and encourage residential development, the Specific Plan was amended in 2021 to allow residential as a permitted use rather than a use allowed with the issuance of a Conditional Use Permit. As a result, the required entitlements for residential uses are limited to Design Review and any Tentative Map/Final Map that may be necessary. This change simplifies the entitlement process and provides certainty to the property owner and developer. The NewPark Place plan has a 20 year planning arc, therefore it is expected that only 40% of the total units will be complete for the 8 year RHNA 6 Housing Element Period.

  As feasible, the City will continue to work with the property owner to encourage the inclusion of larger percentages of affordable units in future phases of development; the build out capacity and affordable housing assumptions for NewPark Place provided in this sites inventory reflects the city's requirements for affordable units to mitigate need for affordable housing (in lieu of paying the Housing Impact Fee) as described in Resolution No. 10,184. As all of the residential units would be for-rent (a requirement of the Specific Plan), 12% of the total units would be affordable at the following percentages: 6% Very Low Income; 3% Low Income; 3% Moderate Income.

  - **Phase A:** Type-III multifamily development. A total of 319 units on.3.98 acres at a density of 80 dwelling units per acre. The development includes six levels of parking.
  - **Phase B1:** Type-III multifamily development. A total of 195 units on 3.47 acres at a density of 56 dwelling units per acre. The development includes a six level garage.
  - **Phase B2:** Type-III multifamily development with a podium. A total of 310 units on 4.30 acres at a density of 72 dwelling units per acre. The development includes a 3 level garage and 1 sub-t.
  - **Phase C:** Type-III multifamily development with a podium. A total of 300 units on 3.70 acres at a density of 81 dwelling units per acre. The development includes a 2 level garage and 1 sub-t.
  - **Phase D2:** Type-III multifamily development. A total of 395 units on 5.67 acres at a density of 70 dwelling units per acre. The development includes a five level garage.

- **Site 27 (formerly Site 17) Fahmy Homes:** Embedded link to project plans shows how the 4 homes are proposed to fit on the site. The entitlements have expired, and this project has been moved to the Sites Zoned for Housing category (p. C-52).

HCD Finding: **Realistic Capacity:** The element appears to assume residential development on sites with zoning that allows 100 percent nonresidential uses, but to support this assumption, the element must analyze the likelihood of residential development in zoning where 100 percent nonresidential uses are allowed. The analysis should be based on factors such as development trends including nonresidential, performance standards requiring residential uses or other relevant factors such as enhanced policies and programs.

City response: The housing element does not propose residential uses on any commercial sites where the City thinks there is a viable existing or future commercial land use. The City regularly receives applications for residential uses on commercial and mixed-use sites confirming that market pressure is pushing toward residential redevelopment. Each site listed in the Sites Inventory that might also allow non-residential uses includes an adjustment factor, and the Sites listed in Appendix C also take into account development trends, market and financial feasibility and other key factors as noted in Comment 8. As noted in the element in the sites methodology section (p. C-16):

> *For realistic capacity analysis in commercial zones such as the CMU and RC districts, market data provided by the HESS tool identified 128 project(s) built in the Non-Residential districts of Alameda South County (tri cities) between 2018 and 2020 and demonstrates that the average number of units built as a percentage of the maximum allowable units was 130 percent. However, due to ground floor retail requirements, a softening market, and comparable pipeline projects, a more conservative feasibility multiplier of 80 percent was used instead to reflect local conditions in Newark.*

HCD Finding: **Suitability of Nonvacant Sites:** The element must include analysis demonstrating the potential for additional development on nonvacant sites. While the element mentions underutilized sites were identified based on assessed value (AV) and floor area ratios (FAR), it must support the validity of these assumption in demonstrating the potential for redevelopment and evaluate the extent existing uses impede additional development. For example, the element could utilize recent development activity. In addition, the element should consider additional factors such as building age, structural conditions and expressed interest in residential development. Finally, the element should account for the extent existing uses impede additional residential development including market demand for the existing use and existing leases or contracts that would perpetuate the existing use or prevent additional residential development. In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate existing uses are not an impediment to additional residential development and will likely discontinue in the planning period (Gov. Code, § 65583.2, subd. (g)(2).). Absent findings (e.g., adoption resolution) based on substantial evidence, the existing uses will be presumed to impede additional residential development and will not be utilized toward demonstrating adequate sites to accommodate the RHNA.

City response: Additional analysis and detailed development capacity and unit yield tables were included for key non-vacant sites in Appendix C. This analysis addresses the points listed in Comment 9. The Element does not rely on non-vacant sites for more than 50 percent of the lower-income RHNA.

HCD requested the housing element show the math for this calculation. The below table has been added to the housing element on page C-18.

Site Location	Lower Income Units	Percent of Lower Income RHNA
Planned and Proposed Sites	340	46.4%
Vacant Sites (Sycamore St.)	50	6.8%
ADUs	96	13.1%
Total Lower Income RHNA	732	100%
Lower Income RHNA vis-a-vis Non Vacant Sites	**246**	**33.6%**

HCD Finding: Environmental Constraints: While the element generally describes environmental constraints were considered (p.C-68), it must also describe any other known environmental or other conditions (e.g., shape, easements, property conditions, contamination) that could impact housing development on identified sites in the planning period. The City, may, for example, discuss individual sites' outstanding environmental constraints and describe its strategy and timeline to mitigate these risks.

City response: Where relevant the Element provides more detailed information on environmental constraints and proposed mitigations as part of the site by site analysis in Appendix C.

After our 9/14 meeting, additional environmental constraints details have been added to the site-by-site analysis in Appendix C.

In addition, the Methodology section at the beginning of Appendix C includes a discussion of Environmental Constraints and the approach to mitigating those risks (p. C-13-C-14):

> *The analysis of environmental constraints included a review of all parcels identified in the inventory using different GIS-based data screens as well as ABAG's HESS tool to determine if sites possess one or more environmental constraint, including hazard risks such as parcel shapes, flood zones or wetlands, easements, contamination, steep slopes, and other possible constraints to development feasibility. Two sites, both in the construction phase, Bridgeway/Gateway and Harbor Pointe have floodplain exposure, which was mitigated during the entitlement process. None of the sites in the inventory, either planned or proposed or zoned for housing, have irregular shapes, or are impacted by either wetlands or critical habitat.*
>
> *The sites zoned for housing in the sites inventory are located in urbanized areas of the City and do not have special hazard risks or significant environmental challenges. However, some of the sites zoned for housing have current or former industrial uses which may need contamination mitigation. For instance, the Environmental Impact Report for the Bayside Newark Specific Area Plan, an area that had considerable previous industrial contamination, outlines and addresses contamination and other environmental concerns which has led the way for significant housing construction. Where siting housing on parcels with environmental constraints may be unavoidable to accommodate the City's housing need, risks would be addressed through building codes and other mitigation measures.*

HCD Finding: Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at

https://www.hcd.ca.gov/planning-and-communitydevelopment/housing-elements for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

City response: The Electronic Sites Inventory will follow under separate cover.

HCD Finding (multiple findings below): Zoning for a Variety of Housing Types:

HCD Finding: Emergency Shelters: The City must demonstrate compliance with laws governing emergency shelters including, but not limited to AB 139 related to parking requirements. In addition, Chapter 654, Statutes of 2022 (AB 2339), adds specificity on how cities and counties plan for emergency shelters and ensure sufficient and suitable capacity. Future submittals of the housing element must address these statutory requirements. For example, the element should also clarify shelters are permitted without discretionary action and discuss available acreage in the zones allowed, including typical parcel sizes and the presence of reuse opportunities. In addition, the analysis should address proximity to transportation and services and any conditions inappropriate for human habitability. For additional information and timing requirements, please see HCD's memo at https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339- notice.pdf.

City response: Additional language has been added to the Emergency Shelters section to clarify the questions raised by HCD, including the zones where shelters are permitted by-right and applicable development standards. In the 9/26 meeting, HCD requested further language on human habitability standards, and this language has been added to the housing element (p. 161):

> *None of these sites have existing structures intended to be used as shelters. Any shelters to be constructed on these sites will be appropriate for human habitability, consistent with the Minimum Habitability Standards for Shelter and Housing Policy published by HCD's Emergency Solutions Grant Program.*

HCD Finding: Low Barrier Navigation Centers: Low Barrier Navigation Centers shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65661. The element must demonstrate compliance with this requirement and include programs as appropriate.

City response: The Housing element identities compliance with Government Code regarding zoning for a variety of housing types. The Emergency Shelters, Transitional Housing, and Supportive Housing section under Constraints outlines how *Low Barrier Navigation Centers* demonstrate compliance with this requirement and includes programs as appropriate (p. 162). Program H4.10 Zoning Ordinance Amendments for Special Needs Housing outlines how the city will meet Government Code, including this language (p.224):

> *Allow "low barrier navigation center" developments by right in mixed-use zones and nonresidential zones permitting multifamily uses, consistent with Government Code Section 65662.*

HCD Finding: Permanent Supportive Housing: Supportive housing shall be a use by-right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses pursuant to Government Code section 65651. The element must demonstrate compliance with this requirement and include programs as appropriate.

City response: The Housing element identities compliance with Government Code regarding zoning for a variety of housing types. The Emergency Shelters, Transitional Housing, and Supportive Housing section under Constraints outlines how *Permanent Supportive Housing* demonstrates compliance with this

requirement and includes programs as appropriate (p. 161). Program H4.10; Zoning Ordinance Amendments for Special Needs Housing outlines how the city will meet Government Code, including this language (p. 224):

> *Allow for the **by-right approval** of 100 percent affordable developments that include a percentage of supportive housing units, either 25 percent or 12 units, whichever is greater, to be **allowed without a conditional use permit or other discretionary review** in all zoning districts where multifamily and mixed-use development is permitted, consistent with Government Code Section 65651(a).*

HCD Finding: Accessory Dwelling Units (ADUs): The element should provide a date by which it expects to revise its ordinance to comply with state law.

City response: Program H2.2 commits the city to comply with state law until a new ADU ordinance is passed in 2024 (p. 208):

HCD Finding: Single-Room Occupancies (SRO): The element describes the zones in which SROs are currently permitted. However, given the success of SROs in providing housing for extremely low-income (ELI) households, the element should also describe how zoning will encourage and facilitate SRO development and what development standards SROs will be subject to.

City response: Program H2.10 expands the zones where single room occupancy is permitted by right to Residential Medium Density, Commercial Mixed Use and Residential High Density, and prioritizes development along transit routes to support access to employment and other services.

After discussion with HCD on 9/26, Program H2.10 now includes the following details (p. 215-216):

> **Under Quantified Objective:** *…Review and update existing development standards (Chapter 17.26.230), including parking requirements, to ensure they are not a barrier to the development of SROs. City fees for SRO projects will remain in line with fees for multifamily projects.*
>
> **Under Timeline:** *IMMEDIATE: updates to land use regulations in zoning code by early 2024. SRO development standards and fee requirements to be reviewed and updated as necessary by December 2024.*

4. An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)

HCD Finding: Land Use Controls: The element identifies many land use controls as potential constraints on a variety of housing types. However, the analysis should analyze land use controls independently and cumulatively with other land use controls. The analysis should specifically address requirements related to maximum units per building, maximum building coverage, FAR, required open space per unit, minimum lot area, setbacks, height limits, parking and limits on allowable densities. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints.

City response: Land use controls and development standards are analyzed in the Government Constraints section and also as part of the site by site development standards analysis in Appendix C.

On 9/26 HCD requested additional details on parking and open space standards.

- **Parking:** Program H3.5 Parking Standards Update and Study (p. 218-219) includes details on the scope of what will be reviewed and updated, including targets for reductions for senior parking, ADUs, two-unit dwellings, and multi-unit dwellings (including not only resident parking but also requirements for covered parking and guest parking). The program also includes language about analyzing the existing standards for SROs, small multifamily (Missing Middle) and shared parking and revising as necessary to reduce development barriers.

- **Open Space:** Additional details about the existing open space requirement have been provided in the housing element and Programs H2.1 (p. 206-207) and H2.8 (p. 212-213) include open space standards as part of a review and update of development standards for Missing Middle housing.

> *The City has a policy in the General Plan that sets parkland standards. For multifamily housing, the open space requirement ranges from 100 square feet per unit for RM in the Old Town District, to 200 square feet per unit in RH, 300 square feet per unit in RM, and 400 square feet per unit in RL. Open space requirements in the mixed-use and commercial districts where housing is allowed (CMU and RC) are at 50 square feet per unit. Overall, these standards are not excessive and are the same or lower than the requirements of Newark's closest neighbors. These standards are typical of many jurisdictions in the Bay Area and would not significantly reduce the affordability of multifamily housing units. Further, the City has not received developer feedback that its open space requirements are excessive or a barrier to feasibility.*

HCD Finding: Fees and Exactions: The element provides information on some fees but must describe all required fees for single family and multifamily housing development and analyze their impact as potential constraints on housing supply and affordability. The element should also describe and analyze fees such as those for obtaining a conditional use permit (CUP), general plan amendments, and zone changes. For example, the analysis could identify the total amount of fees and their proportion to the development costs for both single family and multifamily housing. For additional information and a sample analysis and tables, see the Building Blocks at https://www.hcd.ca.gov/planning-and-communitydevelopment/housing-elements/building-blocks/fees-and-exactions.

City response: Table 4-7 shows planning fees commonly required for development based on level of review. Newark's planning fees are comparable to surrounding jurisdictions and do not present a constraint to the construction of housing (p. 174-175).

The element also includes a Total Estimated Fees section below Table 4-8: Residential Development Impact Fees (p. 175-176).

Per the meeting with HCD on 9/26, this section in the element (p. 176) also includes language confirming that future fees for Missing Middle and SROs will not include any extraordinary requirements:

> *When the City implements Program H2.8 and H2.10, fees for Missing Middle and SRO housing types will be set at levels in line with current permit and impact fees for multifamily.*

HCD Finding: Zoning and Fees Transparency: The element should clarify its compliance with new transparency requirements for posting fees and all zoning and development standards for each parcel on the jurisdiction's website.

City response: The City is in compliance with these requirements and included references to this as part of the updated Government Constraints section.

HCD Finding: Building Codes and their Enforcement: The element should clarify which building code is utilized and any local amendments and evaluate impacts on housing costs. In addition, the element should describe the

type (e.g., complaint-based) and degree of code enforcement. For additional information and a sample analysis, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housingelements/building-blocks/codes-and-enforcement-and-onsite-offsite-improvementstandards.

City response: This information is clarified in the updated Government Constraints Section.

In response to discussion on 9/26 with HCD, the housing element now includes language clarifying that code enforcement currently operates on a complaint-based system (p. 182), and:

> *In 2021, the city expanded the number of full-time employees by hiring a code enforcement manager to oversee existing efforts and create proactive code enforcement services, which would include the rental inspection and landlord registration program identified in Program H1.2.*

Also in response to comments on 9/26, the City's review of Newark's local code amendments indicates that they are mostly clarifying in nature, adding consistency across the various codes. The local amendments adopted with Ordinance No. 539 do not increase requirements above standards (p. 181-182). Generally, the local amendments provide clarifications and consistency with other sections of the Newark Municipal Code. The city does not have a REACH code. In addition, local amendments were made to provide consistency with fire protection, alarms, and detection system requirements of the Alameda County Fire Department, the agency that provides contract fire protection services in Newark.

HCD Finding: On and Off-site Improvements: While the element generally describes necessary streetscape improvements in Specific Plan areas (p. 134), it should also identify subdivision level improvement requirements, and analyze their impact on housing costs. For additional information and a sample analysis, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housingelements/building-blocks/codes-and-enforcement-and-onsite-offsite-improvementstandards.

City response: Area and site specific on and off site improvement standards are described as part of the site by site analysis in Appendix C.

On and Off-SIte Improvements: The City does not have a specific list of required onsite and offsite improvements for new development. All projects typically include basic improvements to sidewalk/curb/gutter, planter strips or tree wells, and adjacent street surfacings. Newark does not have any extraordinary infrastructure requirements. Improvements to wet and dry utilities are considered on an project-by-project basis at the direction of the utility providers (p. 175-176).

HCD Finding: Processing and Permit Procedures: While the element provides a description of the types of permits required for housing developments, it must describe and analyze the permits' processes, identify what is reviewed, typical findings and approval procedures by zone and housing type. The analysis must specifically address the threshold for a CUP on multifamily uses and special development permits. The analysis must evaluate impacts on housing supply (number of units), costs, timing, feasibility, and approval certainty.

City response: Additional details have been added to the housing element to describe and analyze permit approval processes in Newark. An additional Table 4-5: Level of Review Authority **(p. 176)** was added to show who the decisionmaker(s) is/are for various permit types. A new section on Discretionary Findings and Criteria (p. 168-170) describes findings for key permit types.

Conditional Use Permit Threshold: Other than SROs, residential uses in residential districts are permitted without a CUP (p. 158). In the Newpark Place Specific Plan, residential uses are permitted in Mixed Use Area I without a use permit.

> *As shown in Table 4-3, multifamily housing is permitted throughout the City of Newark in all RL, RM, RH*

and CMU zones. Multifamily housing is also permitted in RC zones with a conditional use permit.

Variance Findings: Per our discussion on 9/26, HCD raised questions about the required variance findings on page 169, particularly the phrase: "The granting of the application will not be detrimental or injurious to property or improvements in the vicinity." Newark's variance findings A. and B. are consistent with CA Gov't Code 65906. Findings C and D are typical findings that are not unique to Newark and similar to those imposed by jurisdictions throughout the state. As such, the Variance process does not require extraordinary findings compared to other cities. Requests for variances are extremely uncommon in Newark. In the last five years the city has received a single request for a variance (2023; variance review is in process).

Remaining Public Process: On 9/26, HCD asked for additional detail on which approval conditions still apply for sites with active applications:

- **Site 8 (formerly Site 12) Lepakshi Building A:** As of October 2023, the application is under review (p. C-26). The city anticipates that the application to be complete in early 2024 with public hearings scheduled shortly thereafter. Entitlements include a Planned Development and Design Review.
- **Site 9 (formerly Site 13) Lepakshi Building B:** As of October 2023, the application is under review (p. C-27). The city anticipates that the application to be complete in early 2024 with public hearings scheduled shortly thereafter. Entitlements include Planned Development and Design Review.
- **Site 10 (formerly Site 14) SAHA - 6347 -6375 Thornton Ave:** The developer will submit a formal design review, minor use permit, and a map application before the end of 2024 (p. C-28). Entitlements are expected in late 2024.

HCD Finding (multiple findings below): Housing for Persons with Disabilities: The element should analyze potential constraints on housing for persons with disabilities, as follows:

> **HCD Finding: Definition of Family:** The element briefly mentions a definition of family. However, the element should describe and analyze its definition of family and, if necessary, include a program to address identified constraints.
>
> **City response:** The Housing Element updates the definition of a family and finds no housing constraints related to the definition (p. 166-167).
>
> **HCD Finding: Reasonable Accommodation:** The element describes the general requirements of reasonable accommodation, but it should list and analyze approval findings for impacts on housing for persons with disabilities.
>
> **City response:** The Housing Element lists and analyzes approval findings for impacts on housing for persons with disabilities (p.165-166).
>
> On 9/26, HCD staff raised questions about the term "least restrictive means" under the applicable findings for waivers in NMC 17.37:
>
> > *D. If the waiver requested is to provide reasonable accommodation pursuant to state or federal law, in addition to any other findings that this chapter requires, the decision-maker must also make the following findings:*
> >
> > *…*
> >
> > *c. That the conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and*
>
> The City believes this language intends to ensure that if a waiver of the code is necessary to make a reasonable accommodation for someone with a disability, that the conditions upon that waiver are the

least restrictive for the property owner. In other words, the City must allow the property owner to meet the need in the easiest/least costly way possible and cannot use the waiver and its associated conditions to impose additional requirements. We believe this does not create or increase barriers to housing but in fact ensures they are contained. Let us know if this adds the clarity you were seeking.

HCD Finding: Group Homes for Seven or More Persons: The element describes its procedures for permitting residential care facilities of seven or more persons. However, the element excludes group homes for seven or more persons from some residential zones and subjects the use to a CUP, unlike other similar uses. The element should specifically analyze these constraints for impacts on housing supply and choices and approval certainty and objectivity for housing for persons with disabilities and include programs as appropriate.

City response: The Housing Element includes Program H4.10, an implementation program to permit community care facilities for more than six persons as a permitted use in all zones where other residential uses are permitted subject to the same requirements of other residential uses of the same type in the same zone (p. 224).

HCD General Comment Topic Area B: Housing Programs

1. Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element... (Gov. Code, § 65583, subd. (c).)

HCD Finding: Several programs and actions have timelines that should be moved earlier in the planning period to ensure a beneficial impact. Examples include Programs H2.3 (Four Corners Development), H2.6 (Housing Development on School Sites), H2.8 (Zoning for Missing Middle Housing), H3.4 (Housing in Mixed Use Zones), and H3.5 (Parking Requirement Changes).

Additionally, programs must have specific commitment to housing outcomes or deliverables. Several programs include actions with no description of how those actions will be implemented (e.g., "support", "study", "explore", "evaluate", etc.,). For example, Program H2.8 describes the 'pursuit of' minimum lot widths of 50 feet and minimum lot sizes of 5,000 feet, and parking that 'may include a minimum of 1 per unit outside specific plan areas'. However, it does not make a specific commitment to adjust these development standards and to what extent. Programs should be amended, to include specific commitment to a housing related outcome. Examples include, but are not limited to, Programs H2.3 (Four Corners Development), H2.6 (Housing Development on School Sites), H2.8 (Zoning for Missing Middle Housing), H3.4 (Housing in Mixed Use Zones), H3.5 (Parking Requirement Changes), and H5.3 (Public Lands for Affordable Housing).

City response:

The Housing Element made changes to a number of programs to accelerate timelines and provide more clarity for housing related outcomes.

- **Program H2.3:** Four Corners area neighborhood development has an updated timeline of 2024/2025 and new housing related outcomes associated with 4.5 acres of underutilized land within a half mile of a proposed rail station (p. 209).

  In response to 9/26 discussion, the City has committed to completing the rezoning by December 31, 2025 (p. 209).

- **Program H2.6:** Work in Partnership with Newark Unified School District provides the minimum densities required for affordable housing development on school district owned sites, and moves the timeline up to 2025 (p. 210-211).

- **Program H2.8:** Zoning for Missing Middle Housing Types makes significant revisions to remove constraints to development through design standards and parking requirements (p. 212-213).

  In response to 9/26 discussion, the City has also moved this program earlier in the planning period, planning to rezone by the end of 2024 (p. 213). The City will also evaluate the program by the middle of the planning period (2027) in order to ensure the goals can be achieved. As listed in Program H2.1, the target number of missing middle units (through both programs) has been increased to 200 units (p. 207).

- **Program H3.2:** Objective Design Standards has an immediate implementation of 2024 (p. 216-217).

- **Program H3.4:** Adjust zoning to allow mixed use in current Commercial zones made revisions to utilize state laws SB 6 and AB 2011 to encourage residential development in commercial zones. Program with an immediate start date of 2025 (p. 217-218).

- **Program H3.5:** Parking Standards Update has significant revisions to update the ordinance with parking reductions and removals, as well as the incentive of alternatives to parking for developments. Start date was moved to immediate, 2024 (p. 218-219).

  This program includes details on the scope of what will be reviewed and updated, including targets for reductions for senior parking, ADUs, two-unit dwellings, and multi-unit dwellings (including not only resident parking but also requirements for covered parking and guest parking). The program also includes language about analyzing the existing standards for SROs, small multifamily (Missing Middle) and shared parking and revising as necessary to reduce development barriers. The City will also engage the development community on proposed changes to parking minimums.

- **Program H4.10:** Zoning Ordinance Amendments for Special Needs Housing is a new program to make amendments to the zoning code to allow housing for special needs groups consistent with State law. The program has an immediate start date of 2024 (p. 224).

- **Program H5.3:** Public Lands for affordable housing has an immediate date of 2025 for the development of a public lands framework (p. 226-227).

  In response to 9/26 discussion, the City has targeted the rezoning to happen by the end of 2025 (p. 227).

2. Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)

HCD Finding: As noted in Finding A3, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and

analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

City response: Additional analysis and programs have been developed for this revised Draft as noted above. Site by site analysis is included in Appendix C.

3. Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)

HCD Finding: As noted in Finding A4, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

City response: Additional analysis of government constraints has been included in Section 4 of the Housing Element and in Appendix C.

4. Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)

HCD Finding: As noted in Finding A1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. Programs to AFFH should go beyond status quo actions, include specific commitment, timing, geographic targeting and metrics or numerical targets and should, as appropriate, address housing mobility, encourage new housing choices in higher resource areas, improve place-based strategies toward community revitalization and protect existing residents from displacement.

The element may, for example, as discussed on the May 23 and May 30, 2023, commit to adopting an ordinance to allow Accessory Commercial Uses in residential neighborhoods and revise Program H2.1 or another similar program accordingly. The element may also, for example, revise Program H2.10 to establish development standards for missing middle housing typologies and/or SROs that encourage their development, for example in specific plan areas. To improve housing opportunities for persons experiencing homelessness or lower-income households employed in the City, the element could commit to additional applications for Project Homekey in areas of higher need and opportunity by using a scattered sites approach. The City may also, for example, commit to establishing minimum densities across residential and mixed-use zones to provide more certainty in housing choices and affordability.

Finally, the City may also, for example, discuss its efforts to improve pedestrian safety and active mobility as a way to increase access to opportunity. Finally, the element should commit to assessing and revising programs through a midcycle review. Please see HCD's AFFH memo for more information: https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27- 2021.pdf#page=23.

City response:

The Housing Element conducted a complete assessment of fair housing and as a result has added new programs and made modifications to existing programs to better meet the needs to further fair housing for the Newark community. Page 140 outlines programs to support mobility, new housing choices in areas of opportunity, place based strategies and anti displacement / tenant protection.

- Program H2.10: Single Room Occupancy Housing is a new program that expands the housing type as a permitted use (p. 215-216).
- New programs supporting people experiencing homelessness are Programs H4.10 Zoning Ordinance Amendments for Special Needs Housing and Program H4.11 Scattered Site Housing. These programs, with an immediate time frame will expand the availability of spaces to develop special needs housing in Newark (p. 224-225).
- Modifications were made on the program H4.3: Just Cause Eviction, with an increase in the number of residents supported per year during the cycle (p. 221).
- Program H7.5 was added to monitor housing programs through mid-cycle review (p. 231).

5. Develop a plan that incentivizes and promotes the creation of accessory dwelling units that can be offered at affordable rent... (Gov. Code, § 65583, subd. (c)(7).)

HCD Finding: As noted in Finding A3, the City's ADU Program (Program H2.2) should commit to amend the ordinance as necessary to comply with ADU law by a specified date.

City response: Program H2.2 commits the city to comply with state law until a new ADU ordinance is passed in 2024 (p. 208).

General HCD Comment Topic Area C: Quantified Objectives

Establish the number of housing units, by income level, that can be constructed, rehabilitated, and conserved over a five-year time frame. (Gov. Code, § 65583, subd. (b)(1 & 2).)

HCD Finding: The element provides a summary of quantified objectives starting on page 198 of the policy document. These objectives include new construction and rehabilitation but must also include conservation objectives by income group. Conservation objectives may include the variety of strategies employed by the City to promote tenant stability and the preservation of units at-risk of conversion to market rate uses. In addition, the element could add missing middle objectives for 20 units in the 8-year planning period and pursuant to public comments received, HCD encourages the City to re-consider increasing these objectives, as well as Program H1.2 objectives to provide 12 rental inspections and Program H1.1's goal to provide 20 home rehabilitations.

City response: Page 232 in the document, the quantified objectives look at housing production for very low, low, moderate and above moderate income housing units. For new construction, the city has included pipeline projects, as well as increased the number of units for missing middle housing (Program H2.8) to 160 moderate income units for the cycle and 77 accessory dwelling units (Program H2.2) distributed for each income level. Program H2.1, to implement SB9 and 10 were increased to add 120 moderate income units. For Rehabilitation, both programs offered have increased the number of residents served. Program H1.1, Housing Rehabilitation and Repair has been increased to 102 very low, low and moderate income households served during the housing element cycle, and a new program for the city H1.2, a citywide rental inspection program. This program aims to support renters and increase the safety and quality of rental housing, as well as reduce displacement due to code violations. The program has been increased to the goal of 96 households supported through the Housing Element cycle.

General HCD Comment Topic Area D: Public Participation

Local governments shall make a diligent effort to achieve public participation oof all segments of the community in the development of the Housing Element and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)

HCD Finding: While the City made extensive efforts to reach the public, including hosting events and meeting with key stakeholders and summarizing community feedback, it should also discuss how input was incorporated into the housing element.

City response: Pages 14-20 and Appendix D, pages D-55-D-68 outline the public comments received during the public comment period and staff response, highlighting how the Draft Housing Element has been edited to be responsive to the comments as possible.

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October 17, 2023

Steven Turner, Director
Community Development Department
City of Newark
37101 Newark Blvd
Newark, CA 94560

RE: City of Newark's 6th Cycle (2023-2031) Revised Draft Housing Element

Dear Steven Turner:

Thank you for submitting the City of Newark's (City) revised draft housing element update received for review on August 18, 2023, along with revisions received on October 3, 2023. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review.

The revised draft element addresses many statutory requirements; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq.), as follows:

1. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period... (Gov. Code, § 65583, subd. (a)(3).)*

   Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and... (Gov. Code, § 65583, subd. (c)(1).)

   Progress in Meeting the Regional Housing Needs Allocation (RHNA): While the element now describes the status of pending, approved, or completed projects (pipeline projects); it must demonstrate their availability in the planning period. The element should generally discuss any remaining steps, barriers to development in the planning period, phasing, build out or planning horizons and other relevant factors to demonstrate their availability in the planning period. Lastly, given the element's reliance on pipeline projects, it should include a program that commits to facilitating development and monitoring the progress of projects toward completion in the planning period, including alternative actions such as rezoning or identification of additional sites if pipeline projects are not progressing toward completion in the planning period.

   Small Sites: Sites smaller than half an acre are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with

sufficient evidence, that sites of equivalent size and affordability were successfully developed during the prior planning period or other evidence demonstrates the suitability of these sites. The element mentions some parcels are located next to one another and under common ownership but should also discuss the potential for consolidation. For example, the element could evaluate the circumstances potentially leading to consolidation such as existing shared access, necessity for consolidation to share access, necessity for consolidation to promote financial feasibility, meet development standards or facilitate site planning. This analysis may be conducted on a site-by-site basis. Based on the outcomes of this analysis, the element should add or modify actions to encourage lot consolidation. For example, the element could consider graduated density as an additional incentive to promote lot consolidation.

Realistic Capacity: The element mentions that residential uses are out competing retail and office uses and there has been a trend toward converting commercial uses. However, the element should still analyze the likelihood of 100 percent nonresidential uses occurring on sites where zoning allows 100 percent nonresidential uses. For example, in zones allowing 100 percent nonresidential development, the element could evaluate all development (residential and nonresidential) including how often 100 percent nonresidential development occurs and then account for that likelihood in the calculation of realistic residential capacity.

Suitability of Nonvacant Sites: The element was revised to include general information on several nonvacant sites in the inventory (C-56-C-81) such as the existing improvement to land value ratio. However, the element should still evaluate the extent existing uses impede additional development. This analysis may utilize a site-by-site approach and should address Sites 15 (Grocery Outlet Center), 16 (Thornton Avenue Sites), 17 (Cedar Boulevard and Timber Street Industrial Sites), 18 (E-Z 8 Motel), 20 (Thornton Avenue Sites – Outside of Old Town), 22 (Cedar Boulevard Public Storage Sites), 24 (Filbert Avenue Sites) and 28 (Neighborhood Infill Sites). For example, the element could utilize indicators of existing uses turning over in the planning period such as interest from property owners in residential development, age of structure, lack of recent improvements or investment, vacancies, existing versus allowable floor area, recent and frequent turnover in uses and lack of existing leases, contracts or other conditions that preclude additional residential development or recent development activity.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD's housing element webpage at https://www.hcd.ca.gov/planning-and- community-development/housing-elements for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Zoning for a Variety of Housing Types (Emergency Shelters): As noted in the prior review, the element must address Chapter 654, Statutes of 2022 (AB 2339). For

example, among other changes, these amendments to Government Code section 65583, subdivision (a)(4) expands the definition of "emergency shelters", generally clarifies zones utilized for emergency shelters should allow residential uses, requires sufficient capacity and proximity to services based on statutory formulas and appropriate development standards to encourage the development of emergency shelters.

The element may utilize a program to address these requirements and adopt appropriate zoning and capacity within one year of adoption. For more information, see HCD's AB 2993 memorandum at https://www.hcd.ca.gov/sites/default/files/docs/planning-and-community/ab2339-notice.pdf.

Programs: As noted above, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised, as follows:

- Program H2.2 (Accessory Dwelling Units (ADU)) should commit to amend the ordinance as necessary to comply with ADU law by a specified date.

- Program H2.3 (Four Corners Development) should commit to establish or modify development standards to facilitate maximum densities and set a numeric target for the number of housing units anticipated in the planning period.

2. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including… …persons with disabilities… …including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

   Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)

   Land Use Controls: While the element now includes information on open space requirements, it generally was not revised to address this requirement. The analysis should still specifically address requirements related to maximum units per building, maximum building coverage, floor area ratio (FAR), required minimum lot area, setbacks, height limits, parking, and limits on allowable

densities. The analysis should address any impacts on cost, supply, housing choice, affordability, timing, approval certainty and ability to achieve maximum densities and include programs to address identified constraints.

On and Off-Site Improvements: The element was revised to broadly describe typical on and off-site improvements (p. 185-186). However, the element should evaluate impacts on development costs. The element may, for example, describe the cost of typical improvements as a portion of total development costs or if sewer, water, or other improvements typically exceed the project's street frontage. Based on a complete analysis, the City should revise its policies and programs as needed. For additional information and a sample analysis, see the Building Blocks at https://www.hcd.ca.gov/planning-and-community-development/housing- elements/building-blocks/codes-and-enforcement-and-onsite-offsite-improvement-standards.

Housing for Persons with Disabilities: While the element now explains the definition of family used in land use and approval findings for reasonable accommodation, it should analyze these provisions as potential constraints on housing for persons with disabilities, as follows:

- *Definition of Family*: The City's definition of family includes provisions that may exclude persons with disabilities or constrain housing choices. Specifically, provisions requiring shared living expenses or maintaining a single lease or rental agreement can constrain group homes or housing for persons with disabilities. The element should include a program to address these constraints and modify or replace the definition of family.

- *Reasonable Accommodation*: A reasonable accommodation procedure is a unique exception process that should granted, generally, unless the request would cause a fundamental alteration to zoning, and land use and would result in a financial and administrative burden on the City. Instead, the City's procedure utilizes an approval finding similar to a variance. Specifically, the procedure requires the request to be necessary "… due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance." This finding is a constraint on housing for persons with disabilities and the element should add or modify a program to address the constraint.

Programs: As noted above, the element requires a complete analysis of potential governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

The element will meet the statutory requirements of State Housing Element Law once it has been revised and re-adopted, if necessary, to substantially comply with the above requirements pursuant to Government Code section 65585.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households; by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

For your information, pursuant to Assembly Bill 1398 (Chapter 358, Statutes of 2021), as the City did not adopt a compliant housing element within 120 days of the statutory deadline (January 31, 2023), rezoning to make prior identified sites available (Program H3.6) or address a shortfall of sites to accommodate the RHNA must be completed no later than one year from the statutory deadline. Otherwise, the local government's housing element will no longer comply with State Housing Element Law, and HCD may revoke its finding of substantial compliance pursuant to Government Code section 65585, subdivision (i).

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

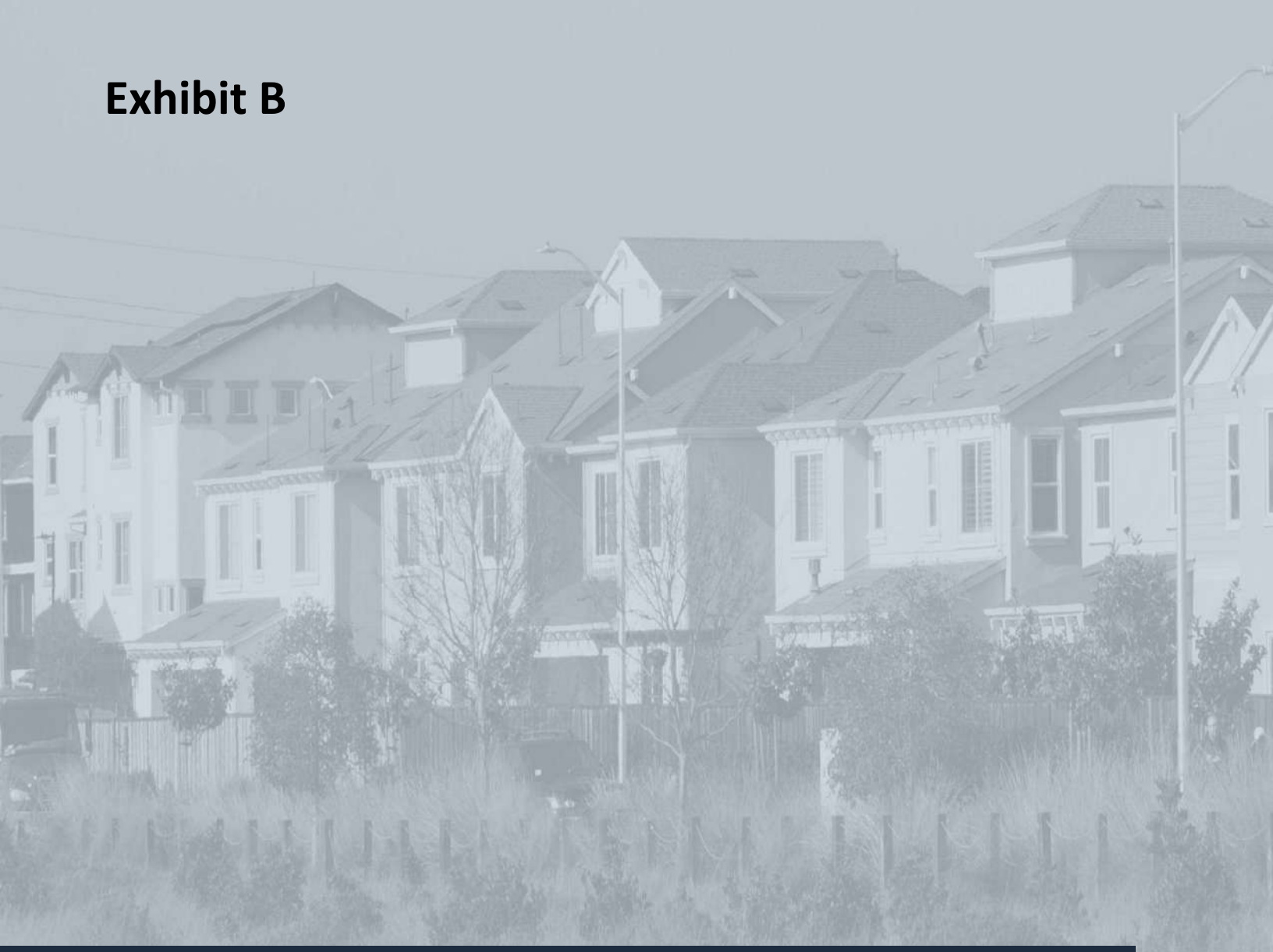
For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: https://www.opr.ca.gov/planning/general-plan/guidelines.html.

HCD appreciates the hard work and dedication you and your consultants, Kristy Wang, Josh Ellsworth and Paul Peninger, provided in preparation of the City's housing element and looks forward to working with the City toward a compliant housing element. If you have any questions or need additional technical assistance, please contact Shawn Danino, of our staff, at shawn.danino@hcd.ca.gov.

Sincerely,

Paul McDougall
Senior Program Manager

Exhibit B



CITY OF NEWARK

2023-2031 HOUSING ELEMENT

HCD REVIEW DRAFT

October 3, 2023

NEWARK
california

Executive Summary

Introduction

The city of Newark is a growing, vibrant, multicultural city with a high quality of life, a diverse commercial and business sector, and an inclusive community character. The City is committed to ensuring that all current and future residents continue to enjoy Newark's distinctive community character through the implementation of policies and programs that provide all residents access to housing that meets the full range of household and community needs.

In this context, this update of the City's General Plan Housing Element for the 2023-2031 planning period provides Newark with a once in a decade opportunity to proactively plan for meeting housing needs for all segments of the community. California's Housing Element law requires that each city and county develop local housing programs to meet a defined "fair share" of existing and future housing needs, expressed as housing unit production goals, for all income groups; in the Bay Area, the Association of Bay Area Governments (ABAG) is responsible for developing and assigning these regional needs, or "RHNA." In Newark, the RHNA for the 2023-2031 Planning Period - also referred to as the 6th Cycle Housing Element - is 1,874 units, of which almost 40 percent (732 units) is identified for homes with rents or sales prices affordable to low- and very low-income families and individuals.

The core of this Housing Element update is planning for a sufficient supply of sites to accommodate the City's housing needs between 2023 and 2031. In conjunction with a robust sites inventory, the City has also developed a comprehensive set of strategies and programs consistent with Newark's overall community vision and goals. These strategies include programs and policies that focus on:

1. Preserving and improving existing housing
2. Removing governmental and other constraints to housing development
3. Promoting and expanding fair and equitable housing opportunities
4. Assisting in the creation of new affordable housing in Newark
5. Providing sites for new housing to be built
6. Addressing existing and emergent housing challenges related to climate change.

Housing Element Organization

The Housing Element comprises the following major sections:

1) Introduction and Community Engagement
2) Housing Needs
3) Affirmatively Furthering Fair Housing
4) Housing Constraints
5) Housing Resources
6) Housing Plan
7) Appendices including detailed analyses of Housing Needs, Community Engagement, and the Sites Inventory

These Sections are summarized below, preceded by a summary of the city's community engagement efforts.

Community Engagement

Newark maintains an ongoing commitment to providing meaningful community engagement in partnership with community-based organizations and in collaboration with other city departments to reach all segments of the population.



Through a multi-pronged and multi-lingual approach, City staff worked to provide opportunities for community engagement over the course of the Housing Element update process. Over a multi-phased outreach process, the city utilized a comprehensive survey including questions on environmental justice and access to opportunity, a social media presence, and posters in public and popular community spaces.

The Housing Element Update website serves as an information hub for the community to understand more about the housing element and process, as well as a space for individual questions and concerns. Through in-person engagement events throughout the city, and targeted outreach at laundromats and grocery stores, staff were able to meet the community where they are.

Conducting stakeholder interviews and listening sessions with organizations also allowed the City to connect with those with housing needs that were identified as a high priority through *Newark's Affordable Housing Work Plan*.

Who We Heard From: Through an online survey, there were 342 overall participants, 300 of which responded in English, 38 in Spanish and 4 in Chinese.

WHAT WE HEARD Residents are very concerned about housing affordability.

WHAT WE HEARD Housing prices have risen, making housing unaffordable to many

WHAT WE HEARD Not everyone feels that they live in a neighborhood of opportunity

WHAT WE HEARD People are interested in a variety of housing types.

WHAT WE HEARD Newark needs to plan for climate change

WHAT WE HEARD Residents want to stay in their communities, and right now it's challenging, with many facing displacement

Housing Needs

According to the US Census, Newark had a population of 47,529 as of 2020, an increase of 11.6% from 2010. Along with this growth, the community has also experienced other types of demographic change.

People aged 25-34 have increased by 14 percent since 2000. Residents are also living longer, with those 65 and over making up 13 percent of Newark's population. In addition to seniors, many other Newark residents have special housing needs, including **large families, single parent households, and persons with disabilities.** In fact, Newark has a higher proportion of households with special needs compared to Alameda County and Bay Area as a whole. While 3,500 persons in Newark have one or more disabilities, more than half are seniors. **The senior population with disabilities represents 30 percent of all seniors living in Newark.**

The community's population has become increasingly more racially and ethnically diverse over time. White populations have decreased over the past 20 years, falling to 24 percent in 2019. However, the Asian and Hispanic/ Latinx populations increased significantly during that time, and the Black population decreased slightly (by 0.2%).[1]

[1] U.S. Census, American Community Survey

More than one-third of Newark residents are foreign-born, and over half speak a language other than English at home. In contrast, a quarter of all Californians are foreign-born and less than a quarter speak a language other than English at home. Over 166 identified languages are spoken in Alameda County, with the most prevalent languages being Spanish (16 percent), Chinese (9 percent) and Tagalog (3 percent).

Household Trends

In 2019, there were 14,047 households in Newark. By 2050, the number of households in South Alameda County is expected to increase to 152,000, 18% of the projected growth for the entire County.[2] This growing demand will continue to put pressure on home prices and rents. Given that over 50 percent of housing in Newark was built before 1980, there will also be a need to upgrade older homes. While upgrades will be essential to make sure housing is of high quality and safe to residents, redevelopment or repair can sometimes result in a loss of affordable housing, especially in older multifamily or apartment buildings. This highlights the need for programs and policies that support affordable home repairs and maintenance.

Job Trends

In 2018, there were 17,168 jobs in Newark. By 2050, the number of jobs in South Alameda County is expected to increase to 221,000, 19 percent of the projected growth for the County.[6] Despite the overall job growth expected in the district, 92 percent of Newark residents work outside of the City, with a greater number today employed in the peninsula and Silicon Valley.

Affirmatively Furthering Fair Housing: Needs + Findings

Equity is a driving force throughout the Housing Element planning process. California's Department of Housing and Community Development (HCD) defines Affirmatively Furthering Fair Housing (AFFH) as taking meaningful actions to explicitly address, combat, and reverse disparities resulting from past patterns of segregation to foster more inclusive communities. Newark is working to ensure that policies, programs, and site selection reflect the intention behind Affirmatively Furthering Fair Housing.

Historic and current land use policies and planning play a key role in the ability of individuals and families to live in neighborhoods with opportunity, including academically and culturally supportive schools, a wide variety of living wage jobs, and convenient access to transit and services. In 2018, the California State Legislature passed Assembly Bill (AB) 686 to expand upon the fair housing requirements and protections outlined in the Fair Employment and Housing Act (FEHA); and protect the requirement to affirmatively

[2] Plan Bay Area 2050 Projected Growth Pattern, U.S. Census, American Community Survey
[4] Association of Bay Area Governments Jobs Housing Fit

further fair housing (AFFH). This Housing Element update deployed a multipronged approach to further fair housing in Newark:

- Inclusive and Equitable Outreach
- Assessment of Fair Housing
- Analysis of Sites Inventory
- Identification of Contributing Factors
- Goals and Meaningful Actions to AFFH

Fair Housing

➔ A lack of affordable for-sale and for-rent housing is one of the largest fair housing issues that Newark faces. Due to a decades-long reduction in federal funding for affordable housing production, and a recent lack of affordable housing production at the city level, there is a shortage of housing at prices and rent levels that meet the needs of current and future residents.

➔ Disability and race are the highest reported instances of discrimination in Newark over the past five years. In 2020-2021, fair housing provider Echo Housing saw 10 cases of reported discrimination based on disability and four cases based on National origin. The City heard from residents, specifically the Latinx community, that there are significant barriers to accessing housing.

Segregation and integration

Defining Integration and Segregation

Integration generally means there is not a high concentration of persons of a particular race, religion, sex, familial status, national origin, or having a disability or a particular type of disability when compared to a broader geographic area.

Segregation generally means there is a high concentration of persons of a particular race, color, religion, sex, familial status, national origin, or having a disability or a type of disability in a particular geographic area when compared to a broader geographic area.

➔ Based on data provided by the State of CA, there is a significant segregation between Hispanic/ Latinx and White residents at 22.9 percent, meaning that 22.9 percent of Latinx or White residents would need to move to reduce segregation.
➔ Asian residents are the most isolated with the average Asian resident living in a neighborhood that is 45.1% Asian. Asian residents also have the highest

percentage (36.7%) of residents making more than 100 percent of area median income.

- ➔ Other ethnicities in Newark have a higher likelihood of interacting with people outside their race. White residents have seen the greatest reduction in isolation, from 43 percent in 2000 to 27 percent in 2020.

Access to Opportunities

What is Access to Opportunity? Access to opportunity is a concept to connect where you live with critical life outcomes. Access to opportunity often means both improving the quality of life for residents of low-income communities, as well as supporting mobility and access to 'high resource' neighborhoods. Determining opportunity takes into account education, employment, economic development, safe and decent housing, low rates of violent crime, transportation, and other opportunities, including recreation, food and healthy environment (air, water, safe neighborhood, safety from environmental hazards, social services, and cultural institutions).

- ➔ Overall, Newark consists of two census tracts that are considered high resource areas (New Park Place and Birch Grove) while the remaining six tracts (The Lakes, Mirabeau Park, Mayhews Landing, Gateway/Bayshore, Old Town and Central Newark) are considered moderate resource areas.
- ➔ The City's high resource areas have both dominant and secondary populations that are either White or Asian. In New Park Place nearly 51% of the population is Asian and 23% is White. In Birch Grove, 35% is White while nearly 29% is Asian.
- ➔ Five out of six of the City's moderate resource areas have dominant populations that are Hispanic/Latinx, ranging from almost 34% in Mayhews Landing to nearly 53% in Old Town/Central Newark. In the remaining moderate resource area, The Lakes, 40% of the population is White, making it the dominant population while nearly 29% is Hispanic/Latinx.
- ➔ There are large disparities in environmental outcomes in Newark, with low outcomes in central Newark and a portion of the Old Town area that is also home to a majority of lower income and Hispanic/Latinx residents.

AFFH Related Housing Needs

Overcrowding

BIPOC (Black, Indigenous and People of Color) populations are the most cost burdened and experience disproportionate rates of overcrowding. In Central Newark within the Old Town neighborhood, nine percent of households experience overcrowded housing,

with five percent of households experiencing extreme overcrowding in the Northwest corner of the city.

Cost Burdened Households

Newark's low- and moderate-income populations and renters experience the highest levels of cost burden. BIPOC communities, Black (41%), Indigenous (46%), Multi Racial (46%), and Latinx (47%) residents face the highest cost burdens, and are most vulnerable to displacement, overcrowding and homelessness. Asian and White residents are the least cost burdened at 27 percent and 21 percent respectively. **Renters are more likely to be cost burdened**, with twice the number of renters **spending more than 30 percent of their income on housing** compared to 16 percent of homeowners.

Families

Households with children face additional challenges accessing housing that meets their needs for both size and cost. Female-headed households make up 17 percent of all households and **22.8% of female-headed households with children fall below the Federal Poverty Line.**

People Experiencing Homelessness

There is a significant population of families experiencing homelessness, with about 5% of all students In Newark, which further indicates the lack of affordable housing. **Notably, about 96% of homeless students in Newark are students of color, with over 167 of these students being Hispanic or Latinx. While NUSD has only a small number of Pacific Islander students (98 students), about 28% of them are homeless**.

Housing Constraints

State housing law requires the City to review both governmental and non-governmental constraints to the maintenance and production of housing for all income levels. Examples of such constraints include development standards, local processing and permit procedures, development fees, construction costs, and compliance with various State laws to facilitate housing for lower-income and special needs households.

Government Constraints

Government regulations can potentially constrain the supply of housing available in a community if those regulations limit opportunities to develop housing, impose requirements that unnecessarily increase the cost to develop housing, or overcomplicate the development process for developers. State law requires that housing elements contain an analysis of the governmental constraints on housing maintenance,

improvement, or development of housing for all income levels including special needs households and persons with disabilities. In Newark, potential government constraints to Housing identified in the Housing Element include land use controls, development processing procedures and fees, impact fees, on- and off-site improvement requirements, and building and housing codes and enforcement.

The City has worked proactively in recent years to address constraints to Housing Development including notably through the adoption of four (4) specific plans which have significantly increased the City's capacity to accommodate new housing development through the coming Housing Element update period and beyond. These plans are expected to guide new housing development during the timeframe of the 2023-2031 Housing Element and are described in depth in the Housing Element. In addition, a number of revised and new policies and programs are included in the 6th Cycle Housing Element to address identified government constraints.

Non-Governmental Constraints

In addition to governmental constraints, there may be non-governmental factors which constrain the production of new housing. These include market-related conditions, such as the availability of financing and land and construction costs, as well as community opposition to new development. In Newark, land and construction costs as well as the availability of financing have been identified as key non-governmental constraints to housing production. Through a variety of efforts detailed in the Housing Element, the City will continue to work with public, private and non-profit partners to overcome these constraints.

Housing Resources

Key resources in Newark to address Housing Needs include housing sites (see below), financial resources, administrative resources and non-profit resources. In addition to a robust inventory of sites available for housing development during the Housing Element planning period, the City is also implementing an ambitious affordable housing work plan which includes the provision of regular financial assistance to nonprofit sponsors of affordable housing through an annual funding "Notice of Funding Availability" (NOFA). Leveraging the City's affordable housing impact fee fund, the City will continue to deploy substantial financial resources to support affordable housing production during the planning period. In addition, the City will implement policies to streamline affordable housing approvals and continue to partner with developers of affordable housing as detailed in the following section, Housing Plan.

Housing Plan

Newark has developed a compressive Plan with seven major goals to further affordable housing production and housing mobility, increase opportunity and protect residents from displacement. The accompanying policies and programs have an implementation timeline of immediate (0-3 years) mid-term, (3 to 5 years), long term (5-8 years) and ongoing programs. The city will track program progress through the identification of responsible department and performance metrics through the 6th cycle.

The below summarizes each goal and major policy with implementing programs and quantified objectives detailed in the full Housing Element.

GOAL H1: PRESERVE + IMPROVE EXISTING HOUSING

POLICY H1: Leverage local funds to supplement county, state and federal funding to support the maintenance, rehabilitation and preservation of existing rental and ownership housing.

GOAL H2: FACILITATE THE DEVELOPMENT OF MORE HOMES FOR MORE PEOPLE

POLICY H2.1: Create opportunities for new housing for moderate income households through zoning adjustments to promote missing middle housing types such as courtyard housing, duplex and small multifamily homes.

POLICY H2.2: Second Units. Recognize second units (also known as Accessory Dwelling Units (ADUs) and in-law apartments) as an important part of Newark's housing supply and continue to allow such units, subject to parking, ownership, and size standards that are consistent with State law.

POLICY H2.3: Promote and facilitate new affordable housing partnerships with various organizations with different housing needs that include but are not limited to the following:

- Community serving nonprofits
- Newark Unified School District
- Community college districts

POLICY H2.4: Work with community partners and property owners to revisit a community visioning plan for the Four Corners neighborhood/community commercial area.

POLICY H2.5: Support programs aimed at housing vulnerable and special needs populations. Monitor the need for housing for seniors across all income groups and for various levels of care, and support programs and incentives that encourage the development of a variety of age-friendly housing options.

POLICY H2.6: Develop and adopt a Universal Design Ordinance to ensure new construction is accessible to residents in all phases of life and regardless of their physical abilities.

POLICY H2.7: Update the existing Reasonable Accommodation requirements of the Zoning Ordinance.

POLICY H2.8: Support regional homeless initiatives and develop robust and equitable local responses to people experiencing homelessness.

POLICY H2.9: Increase housing for large households as stated in the Affordable Housing Work Plan (which may be amended from time-to-time). Large households are defined as those with five or more people. The city will review existing site development regulations and design guidelines to ensure that the city is not unintentionally restricting housing designs that meet the needs of extended, multigenerational, and/or large families such as 2 + bedroom units, to reduce overcrowding and assist in maintaining the affordability of existing housing stock.

POLICY H2.10**:** Evaluate annual housing production targets to ensure the city is meeting the RHNA goals.

GOAL H3: REDUCE AND REMOVE CONSTRAINTS TO AFFORDABLE HOUSING DEVELOPMENT

POLICY H3.1: Allow By-Right Approval of Projects with 20 Percent Affordable Units on "Reused" Sites. Pursuant to AB 1397, amend the Zoning Ordinance to require by-right approval of housing development that includes 20 percent of the units as housing affordable to lower-income households, on sites being used to meet the 6th Cycle RHNA that represent "reuse sites" previously identified in the 4th and 5th Cycles Housing Element, and on sites that are subject to a text amendment to accommodate the lower-income RHNA.

POLICY H3.2: Increase certainty of entitlement procedures and accessibility to resource information for developers. Prepare a comprehensive set of guidelines and associated

process diagram for all the City's processes and fees related to residential development generally and affordable housing specifically.

POLICY H3.3: Ensure there is a sufficient supply of multifamily and single-family zoned land to meet the housing needs identified in the RHNA.

GOAL H4: HELP PEOPLE STAY IN THEIR HOMES AND COMMUNITIES

POLICY H4.1: Develop programs that support homeowners and tenants remain in their homes and communities with a focus on low and moderate income residents and BIPOC households.

POLICY H4.2: Preservation of unsubsidized affordable units. Many low income residents depend on unsubsidized housing at below market rates, which is vulnerable to investment and speculation. Work with nonprofit organizations that may acquire at-risk projects to extend affordability of existing unsubsidized affordable housing for lower-income households. These policies aim to prevent displacement of low-income BIPOC communities, long-term renters, and other marginalized residents by preserving currently affordable housing and creating pathways for permanent affordability.

POLICY H4.3**:** Sites Acquisition for affordable housing. The city will proactively work to identify opportunities for partnering with other local public sector agencies and private landowners to acquire sites for affordable housing, as well as to seek creative ways of partnering with developers to include affordable units in market-rate projects.

GOAL H5 : INCREASE ACCESS TO AFFORDABLE HOUSING

POLICY H5.1: Continue to generate funding for affordable housing and seek additional funding opportunities as they arise.

POLICY H5.2: Bring home ownership within reach for Newark residents. Develop a Below Market Rate (BMR) homeownership program, and down payment assistance programs, with a focus on first time home buyers.

POLICY H5.3: Prioritize the use of City-owned property for affordable housing prior to other uses (if the sites are feasible and appropriate for housing), and prioritize housing for extremely low income households.

POLICY H5.4: Amend the existing Inclusionary Housing Ordinance to require on-site production of units rather than allowing the payment of an in-lieu or impact fee to support increased access to affordable housing opportunities across the city and in high opportunity areas.

POLICY H5.5: Develop an affordable notice of funding availability (NOFA) that will be released regularly to incentivize new developments consistent with the City's goals of increasing affordable housing opportunities for residents that are families, low income seniors, and residents with disabilities.

GOAL H6: ENHANCE QUALITY OF LIFE | EQUITY AND ENVIRONMENTAL JUSTICE

POLICY H6.1: Identify the various existing and potential funding sources for infrastructure / public facility needs, including local, State, and Federal money.

POLICY H6.2: Urban Centers. Implement existing specific plans for NewPark Place and Old Town, creating locations in Newark which are more urban and pedestrian-oriented in character than they are today. These areas will be transformed over time into mixed-use centers with retail, office, civic, and higher density housing uses.

POLICY H6.3: Land use and transportation policy that encourages active transportation and transit oriented development. Make land use and transportation decisions that reduce emissions, including promotion of walking and bicycling, improvements to public transportation, and a jobs-housing balance that reduces vehicle commute miles.

POLICY H6.4: In partnership with local nonprofits and city departments, work to promote energy efficiency and wise water use in new and existing residential buildings in order to reduce energy costs, provide quality and resilient housing, improve building comfort, and reduce greenhouse gas emissions.

POLICY H6.5: Allow and encourage green building practices and energy efficient construction, such as Cross Laminated Timber buildings, solar installations, and electrification of buildings.

POLICY H6.6: Urban Heat Island Effect. Develop standards and requirements for municipal projects that can incorporate natural cooling techniques to reduce the urban heat island effect.

POLICY H6.7: Residential Development in the Flood Plain. Limit development within low-lying areas at high risk from flooding. Require any new residential development, including streets and other surface improvements, to be constructed above the 100-year flood elevation.

GOAL H7: FURTHER FAIR HOUSING THROUGHOUT THE CITY

POLICY H7.1: Improve awareness, access, and use of education, training, complaint investigation, mediation services of the fair housing service provider, particularly in areas sensitive to displacement, low-income, racial/ethnic concentration, disability or other fair housing considerations.

POLICY H7.2: Promote affirmative marketing in affordable housing programs to enable mobility among low-income residents and residents of color in areas of poverty and segregated neighborhoods.

POLICY H7.3: Address barriers to renting and increase tenant support. Low income households and people experiencing homelessness face obstacles that prevent them from accessing housing that is affordable to them.

Sites Inventory

Note: The total units and affordability distribution are subject to change as the Housing Element Team finalizes the Sites Inventory.

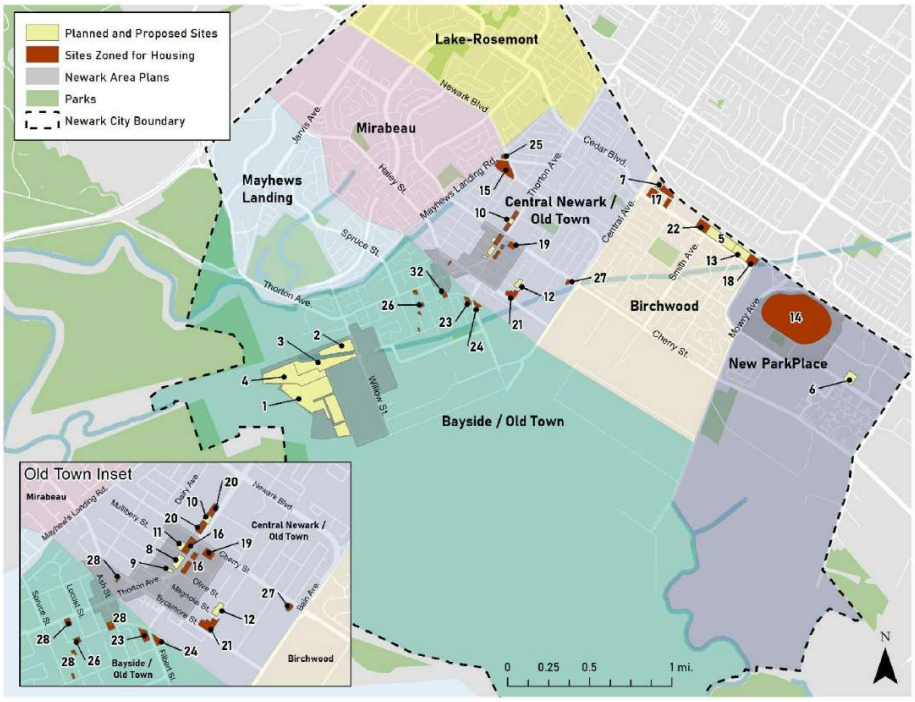
The Housing Element is required to include an inventory of land suitable and available for residential development to meet the locality's regional housing needs by income. For the city of Newark, the Regional Housing Needs Allocation for the years 2023 to 2031 is 1,874 units in total. Figure A provides an overview map of the identified sites throughout the city which correspond by site number to Table 1. A detailed analysis of sites identified for affordable and market rate housing can be found in Appendix C of the Housing Element. The Sites Inventory will accomplish the following major objectives:

- ➔ **Access to Opportunity:** The sites work to expand access to opportunity by siting 48 percent of affordable units in areas identified as high opportunity by the Tax Credit Allocation Committee. Figure B shows how Newark's sites for housing are distributed by income level and TCAC opportunity score.
- ➔ **Connecting Housing and Transit**: Priority Development areas plan to connect new housing with regional and local transportation options in existing and new walkable

communities; 24 percent of new housing sites are located within two Priority Development Areas in Newark and 12 percent of these units are planned for very low- and low-income residents.

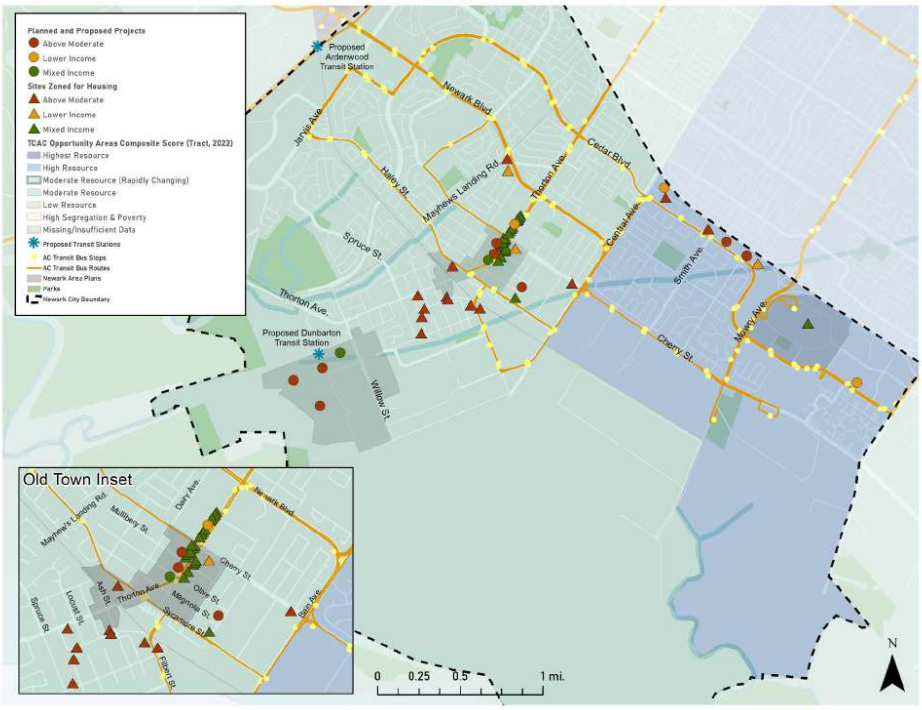
➔ **Neighborhood Revitalization:** Through the implementation of the Newpark Place Specific Plan, the former Newpark Mall will transform into a mixed-use neighborhood, with 1,490 new housing units, including new homes for low and moderate incomes. Pedestrian and bicycle infrastructure improvements will also be developed through a multiphased redevelopment. Similar revitalization efforts are reflected in the sites identified in Newark's other key specific plan areas in the Old Town area and Bayside Newark.

Figure A: Housing Sites for the RHNA 6th Cycle



Source: Adapted by CPC, 2023. HCD AFFH Data Resources and Mapping Tool.

Figure B : Housing Sites by Income Level and Opportunity Score



Source: Adapted by Community Planning Collaborative, 2022. HCD AFFH Data Resources and Mapping Tool

Table 1: City of Newark Sites Inventory

Site	Name	Income Level				Total Units
		Very Low	Low	Moderate	Above Moderate	
Planned and Proposed Projects (Also known as pipeline projects are sites 1 through 13)						
1	Bridgeway / Gateway (under construction)	0	0	0	134	**134**
2	FMC Willow - North (Parcel C) (under construction)	47	23	21	64	**155**
3	FMC Willow - South (under construction)	0	0	0	215	**215**
4	Harbor Pointe (under construction)	0	0	0	192	**192**
5	Cedar Homes- 38478 Cedar Boulevard (entitled)	0	0	0	118	**118**
6	Cedar Community Apts. (complete)	124	0	0	1	**125**
-7	Timber St. Senior Living (entitled)	39	39	1	0	**79**
8	Lepakshi Homes - Building A, 6781 Thornton Ave. (active application)	0	0	0	60	**60**
9	Lepakshi Homes - Building B, 6781 Thornton Ave. (active application)	8	4	3	13	**28**
10	SAHA Development- 6347 -6375 Thornton Ave. (active application)	56	0	1	0	**57**
-11	Mulberry Residential 36952 Mulberry Street (entitled)	0	0	0	8	**8**
12	Bain Ave. & Magnolia St. - 37280 Magnolia Street (under construction)	0	0	0	10	**10**
13	Waymark Homes - Cedar Blvd (entitled)	0	0	0	76	**76**
	Subtotal Planned and Proposed	274	66	26	891	1,257
Sites Zoned for Housing (Vacant and Nonvacant sites are sites 14 through 28)						

Site	Name	Income Level				Total Units
		Very Low	Low	Moderate	Above Moderate	
14	NewPark Mall (Phases A to D)	36	18	18	535	-607
15	Grocery Outlet Shopping Center	27	26	0	0	53
16	Thornton Ave. Sites (within Old Town Specific Plan boundary)	41	41	40	40	162
17	Cedar Blvd. and Timber St. Industrial Sites	0	0	0	61	61
18	E-Z 8 Motel	39	38	0	0	77
19	Cherry Plaza	15	15	0	0	30
20	Thornton Ave. Sites (outside of Old Town Specific Plan boundary)	18	18	18	17	**71**
21	Sycamore St. Vacant Lot	25	25	24	~~0~~	74
22	Cedar Blvd. Public Storage Sites	0	0	0	41	41
23	Filbert Villas - 37243 & 37257 Filbert St. (expired entitlement)	0	0	0	16	**16**
24	Filbert Ave. Sites	0	0	0	7	7
25	Mayhews Place - 36589 Newark Boulevard	0	0	0	9	**9**
26	Locust St. & Railroad - 37093 Locust St.	0	0	0	6	**6**
-27	Fahmy Homes - 37503 & 37511 Cherry St.	0	0	0	6	**6**
28	Neighborhood Infill Lots	0	0	0	17	**17**
	Accessory Dwelling Units (ADUs)	48	48	48	16	160
	Middle Housing Units	0	0	200	0	200
	Subtotal Sites Zoned for Housing	249	229	348	771	1,597
	Total Capacity	523	295	374	1,662	2,854
	Newark RHNA	**464**	**268**	**318**	**824**	**1,874**
	Surplus %	113%	110%	118%	202%	152%
	Surplus Units	59	27	56	838	980

Source: City of Newark; Community Planning Collaborative, 2023.

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Newark Community

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- Housing Consortium of the East Bay
- Promotores
- Second Chance Inc.
- Newark Public Library
- Newark Unified School District: Newark Parent leadership team
- Newark Planning Commission

SECTION 1 INTRODUCTION

The city of Newark is a growing, vibrant, multicultural city with a diverse commercial and business sector, and an inclusive community character. The City is committed to ensuring that all current and future residents continue to enjoy Newark's distinctive attributes through the implementation of policies and programs that ensure that all residents have access to housing that meets the full range of household and community needs. To this end, the City is currently engaged in the implementation of an ambitious affordable housing work plan adopted by the Newark City Council in May, 2021. This Work Plan lays the foundation for the update of the City's General Plan Housing Element, an opportunity for Newark to plan for housing to meet the needs of all segments of Newark's diverse community.

A. Purpose and Organization of the Housing Element

Housing Element Purpose

California law recognizes the vital role that local governments play in the availability, adequacy, and affordability of housing. Every jurisdiction in California is required to adopt a long-range General Plan to guide its physical development, and the Housing Element is one of the seven required elements of the General Plan. Housing Element law mandates that local governments adequately plan to meet the existing and projected housing needs of all economic segments of the community. The law recognizes that in order for the private market to adequately address housing needs and demand, local governments must adopt land use plans and regulatory systems that provide opportunities for, and do not unduly constrain housing production. Housing Element statutes also require the State Department of Housing and Community Development (HCD) to review local housing elements for compliance with State law and to report their findings to the local government.

California's Housing Element law requires that each city and county develop local housing programs to meet its "fair share" of existing and future housing needs for all income groups. The Association of Bay Area Governments (ABAG) is responsible for developing and assigning these regional needs, or "RHNA", to Bay Area jurisdictions. Pursuant to the RHNA planning period, the Newark Housing Element is an eight-year plan extending from 2023 to 2031, also referred to as the 6th Cycle Housing Element.

Newark's Housing Element identifies strategies and programs that focus on:

1. Preserving and improving existing housing
2. Removing governmental and other constraints to housing development
3. Promoting and expanding fair and equitable housing opportunities
4. Assisting in the creation of new affordable housing in the City
5. Providing sites for new housing to be built
6. Addressing existing and emergent housing challenges related to climate change

Element Organization

The 2023-2031 Newark Housing Element is comprised of the following major components:

- An introduction to review the requirements of the Housing Element, recent State laws and the community engagement process
- A community profile evaluating Newark's demographic, household and housing characteristics and related housing needs
- An analysis of governmental and non-governmental constraints on housing production and maintenance
- A detailed analysis of sites to accommodate the City's RHNA for the planning period
- An evaluation of available resources to facilitate the production and maintenance of housing, including housing sites, financial and administrative resources available for housing, and opportunities for energy conservation
- A Housing Plan for addressing the City's identified housing needs, constraints and resources; including housing goals, policies and programs

A series of appendices provide additional documentation.

- **Appendix A** is a presentation of the Housing Needs analysis.
- **Appendix B** provides a summary of public input received from the variety of community engagement opportunities undertaken throughout the Housing Element update process.
- **Appendix C** presents the parcel-specific Housing Element sites inventory.

B. Changes in State Housing Law

In response to California's worsening affordable housing crisis, in each of the last several years the State legislature has enacted a series of bills aimed at increasing production, promoting affordability and creating greater accountability for localities in addressing their housing needs. The following items in Table 1-1 represent substantive changes to State housing law since Newark's last Housing Element was adopted and certified in 2014.

Table 1-1: New State Housing Laws Relevant to Housing Element Update

Housing Bills	Bill Overview
Housing Element Sites Analysis and Reporting AB 879 (2017); AB 1397 (2017); SB 6 (2019)	Requires cities to zone more appropriately for their share of regional housing needs and in certain circumstances require by-right development on identified sites. Site analysis must also include additional justification for being chosen, particularly for sites identified to address lower income needs.
No Net Loss Zoning SB 166 (2017)	Requires cities to identify additional low-income housing sites in their Housing Element when market- rate housing is developed on a site currently identified for low-income housing.
Affirmatively Furthering Fair Housing AB 686 (2017)	Housing Elements must contain an Assessment of Fair Housing, consistent with the federal Affirmatively Furthering Fair Housing (AFFH) Final Rule. The AFFH sections must include a summary of fair housing issues in the jurisdiction; a summary of fair housing data including contributing factors to fair housing issues; analysis of Housing Element sites in relation to AFFH; and an AFFH program that includes meaningful action.
Accessory Dwelling Units and Junior Accessory Dwelling Units AB 494 (2017), SB 229 (2017), AB 68 (2019), AB 881 (2019), AB 587 (2019), SB 13 (2019), AB 670 (2019), AB 671 (2019), AB 3182 (2020)	The State enacted legislation in both 2017 and 2019 to further assist and support the development of ADUs, including "by right" approval for one-bedroom units less than 850 square feet and two-bedroom units less than 1,000 square feet. and Junior ADUs less than 500 square feet.
Density Bonus AB 1763 (2019), AB 2345 (2020)	Permits 100% affordable projects to be built denser and taller through three modifications to current Density Bonus Law. AB 2345 creates additional incentives and also requires the annual progress report to include if density bonuses have been granted.
Housing Crisis Act of 2019 SB 330 (2019)	Seeks to boost homebuilding by expediting approvals for housing development, including application processing times. SB 339 also prevents jurisdictions from decreasing a site's housing capacity through tools such as downzoning if that would preclude a jurisdiction from meeting its RHNA targets. Also, any project that includes demolition of housing units must replace or exceed that number of units. Any demolished units occupied by low-income households must be replaced with new units that are affordable to that same income level.

Housing Bills	Bill Overview
Surplus Land for Affordable Housing SB 1486 (2019), AB 1255 (2019)	Expands definition of surplus land and puts additional restrictions on the disposal of surplus land. Jurisdictions must include information about surplus lands in the Housing Element and Annual Progress Reports. A central inventory of surplus lands also must be submitted to HCD.
Emergency and Transitional Housing Act AB 139 (2019)	Amends assessment method to show site capacity, including using the most up-to-date point-in-time count. Additionally, the bill modifies parking requirement for emergency shelters. The Housing Element must include all of this information as well as analysis of the jurisdiction's special needs populations.
Supportive Housing Streamlined Approval AB 2162 (2018)	Requires supportive housing to be a use by right and eliminates parking if close to transit.
Safety Element Changes SB 1035 (2018), SB 99 (2019), SB 747 (2019)	Updates requirements for the General Plan Safety Element including expanded information on environmental hazards facing jurisdictions and analysis of emergency evacuation routes. These updates must occur at the same time as the Housing Element updates.

C. Relation to Other General Plan Elements

The City of Newark's General Plan is comprised of the following eleven Chapters: 1) Introduction; 2) Planning Framework; 3) Land Use; 4) Transportation; 5) Housing; 6) Economic Development; 7) Conservation and Sustainability; 8) Parks, Recreation, and Open Space; 9) Environmental Hazards (to be renamed Safety Element); 10) Health and Wellness; and 12) Community Services and Facilities. Except for the Housing Element which was updated to be consistent with other elements, the other Newark General Plan Elements were adopted by the Newark City Council on December 12, 2013. State law requires that the General Plan be internally consistent. The Housing Element is consistent with Goals and Policies of the other elements of the General Plan.

The City will ensure consistency between the Housing Element and the other General Plan elements so that policies introduced in one element are consistent with other elements. Whenever any element of the General Plan is amended in the future, the Housing Element will be reviewed and modified, if necessary, to ensure continued consistency between elements.

General Plan and Housing Element Consistency

The City of Newark's General Plan, adopted in 2013, is the city's long term vision for the growth and development. There are a number of elements that are interconnected with the goals and policies of the Housing Element: The Land Use Element, Transportation Element, Economic Development Element, and the Health and Wellness Element.

The Land Use Element seeks to encourage redevelopment and promote infill in strategic areas to create new pedestrian oriented, high-density, mixed-use, and transit-oriented development, especially around the proposed Dumbarton Rail station and Old Town neighborhood. The Land Use Element seeks to ensure that the design of new development is responsive to existing residential neighborhoods and community character. The Land Use Element's policies and actions encourage new housing opportunities for all residents, through increasing ADU production and inclusionary zoning, to co-locate services, parks and recreation to increase access to residential opportunities.

The Transportation Element reinforces elements of the Land Use Element through the emphasis on high density, mixed use housing development in proximity to public transportation. The element also looks at the addressing parking requirements for housing to ensure the number of parking spaces is reflective to the use, resident type and location.

The Economic Development Element is focused on the revitalization of the NewPark Mall area, reducing commuter times through jobs housing balance, and ensuring that new development has a positive economic impact for the city.

The Health and Wellness Element looks at connecting land use planning with the reduction of greenhouse gas emissions and general community health through increasing access to healthy foods. This year a new chapter will be added to the Health and Wellness Element, this chapter will work to:

- Reduce **pollution exposure** and improve **air quality**
- Promote access to **public facilities**
- Promote access to **healthy foods**
- Promote **safe and sanitary homes**
- Promote **physical activity**
- Promote **civic engagement**

Upon adoption, this Housing Element will be incorporated into the 2013 General Plan, updating the existing Housing Element. This Housing Element was prepared to maintain internal consistency with other elements of the General Plan. In addition, State law requires that other General Plan elements be reviewed and/or modified upon adoption of the Housing Element. Senate Bill (SB) 1035 requires the safety element to be revised upon update of the Housing Element to include new information on fire hazards, flood hazards, and climate adaptation and

resilience strategies. The City will be updating the Environmental Hazards Element (to be renamed the Safety Element) in conjunction with the 2023-2031 Housing Element update. The City will maintain consistency between the Housing Element and the other General Plan elements so that policies introduced in one element are consistent with other elements.

D. Community Engagement

The City of Newark maintains an ongoing commitment to providing meaningful community engagement in partnership with community based organizations and in collaboration with other city departments in order to reach all segments of the population.Through a multi-pronged and multi-lingual approach, City staff worked to provide opportunities for community engagement over the course of the Housing Element update process.

Findings from the Community Engagement process were used to inform Newark's Fair Housing Assessment and the goals, policies, and programs of the Housing Element update. See Section 3 (Affirmatively Furthering fair Housing) and 6 (Goals, Policies, & Programs) for more information.

Public Comment from HCD review process

During the HCD Review process, the City received comment letters from East Bay for Everyone, Save the Bay, Greenbelt Alliance and the Planning Commission and the public. Comments and responses received during the comment period focused on making adjustments to parking to better facilitate affordable housing development, programs to increase missing middle housing, aligning housing with active transportation investments and concern about housing development in the floodplain areas of the city. Comment letters and responses can be found in Appendix D.

Outreach Methods Utilized:

Social Media

The City and consultants utilized social media promotion for pop up events, promoting the website and a housing survey through Facebook. Content was posted on Facebook pages for the City of Newark, Newark Unified School District, Promotores, and Newark Recreation and Community Services.

Posters and Flyers

In addition to social media, the city used more traditional forms of communication, including the distribution of posters and flyers. Posters were distributed and posted in a variety of public places throughout the city, including parks, community centers, and other public buildings, local

businesses and with faith-based communities. Posters and flyers were translated into Spanish, Simplified Chinese, Vietnamese and Tagalog in order to reach a broad spectrum of the community.

Places the city posted:

- Newark Public Library
- Mel Nunes Skate Park
- NewBark Dog Park
- Restaurants in partnership with community groups
- Senior Center
- Silliman Community Activity Center
- Newark Community Center and childcare center

Flyers were shared at popular and frequented sites in the community and distributed at in-person community events. The flyers had a QR code that connected residents directly to the website and housing survey.

Website

The city also created a unique, dedicated stand-alone website that is translatable in three languages, and also touches on issues of environmental justice. The website is the hub for the community to access information on the housing element update and opportunities for engagement including in-person events, email updates, and our survey.

In Person Engagement: Meeting The Community Where They Are

The city conducted in person community engagement in a variety of locations and events around the city. They engaged with residents at Family Day in the Park on April 9, 2022, spent time connecting with folks at the Newark Public Library on a busy Saturday, visited the senior center for Bingo, and Tri City food pantry mobile pop up. These provided an opportunity for city staff to answer questions, and encourage residents to take part in the housing survey.

One On One Interviews and Listening Sessions

The city conducted one-on-one interviews with staff from the Housing Consortium of the East Bay (HCEB), an organization that creates inclusive communities for individuals with developmental disabilities or other special needs, and a member of the Newark Parent leadership team with Newark Unified School district. We gained insight and guidance into the needs of families and those with developmental disabilities.

Meeting with a member of the Newark Parent leadership team, the city heard there needs to be more affordable housing, as families are being displaced, or forced to live in hotels on a short-term basis. The member shared that households are kept out of the rental market due to unattainable

income requirements, and they cited the need for rent control in order to make housing more attainable. There is a need to have more homeownership opportunities that are attainable to a larger demographic. The lack of stable housing and internet access places these children at a disadvantage both educationally, mentally and physically. Increasing access to enrichment and after school activities at the Silliman Center was seen as a beneficial element for the city to develop in conjunction with affordable housing.

Survey

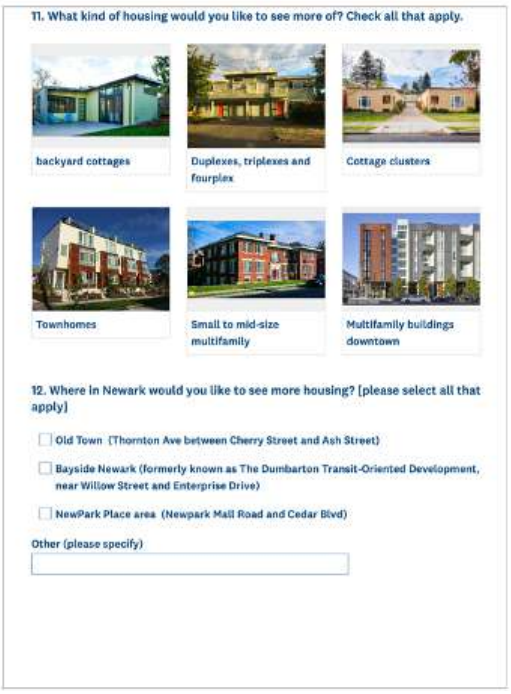
From March 15th through April 30th 2022, 342 people participated in the City of Newark's online community conversation about housing issues and opportunities in Newark. 300 of those responses were in English, 38 in Spanish and 4 in Chinese.

Participants were invited to answer a series of 22 questions covering housing experience and preference, environmental justice and demographic information. The survey was hosted on the SurveyMonkey platform accessible via the city's webpage.

The survey was distributed and advertised in multilingual materials through various platforms to reach as broad of a cross section of the community as possible. It was promoted through the social media pages of the City of Newark, Newark Recreation and Community Services, Newark Police Department, and Newark Unified School District. It was also listed in print newsletters that were sent to all Newark residents, the Clark W. Redeker Newark Senior Center email list, and the Alameda County Health Department Developmental Disabilities council list. To reach those lacking internet access, we conducted in-person outreach at the city's Family Day in the Park event and the Newark Library where residents and workers could take our survey on paper or an iPad.

We also utilized our partnerships with local organizations to share our survey with special needs populations. We worked in partnership with the group Promotores to reach the Latino community. We also reached out to nonprofit organizations that support people experiencing and escaping from domestic violence, and transitioning from homelessness, to share the survey with them. With the intention of connecting with families, we reached out to the Newark Unified School District parent leadership committees, and was able to gain valuable insight into the needs of families in the city.

Essential insight from the survey is that quality of life, in addition to increasing housing affordability and homeownership opportunities for Newark residents is of great importance and concern. For the full survey questions and responses, see Appendix B.



Example survey page



Example flyer

WHAT WE HEARD **Residents are very concerned about housing affordability**

53% of respondents to the English language survey are very concerned about housing affordability. 87% of respondents in the Spanish language survey are very concerned about housing affordability.

The three biggest issues to address for housing affordability:

1. More homeownership opportunities, especially affordable homeownership for first time homebuyers
2. More affordable rental opportunities
3. Low cost home improvements for seniors and low income households

The most urgent affordable housing needs are: housing on both ends of the spectrum. Housing for large families as well as for smaller households.

1. Housing for families: Large and intergenerational. Housing for single parents was brought up in comments repeatedly throughout the survey
2. Housing for smaller households
3. Housing for low income and underserved households
4. Housing for seniors

WHAT WE HEARD **Housing prices have risen, making housing unaffordable to many**

- 40% of respondents are in housing that is not affordable to them
- 17% of respondents are in housing that they can afford but does not meet their needs
- 43% in housing they can afford and like

WHAT WE HEARD **Not everyone feels that they live in a neighborhood of opportunity**

What would make your neighborhood feel like it has more opportunity?

1. City infrastructure that supports physical activity, including sidewalks, bike lanes, parks, and rec centers
2. Affordable, safe, and healthy housing choices
3. Educational opportunities that are academically and culturally supportive

WHAT WE HEARD **People are interested in a variety of housing types**

Residents were most interested in low scale housing types. Backyard cottages were the most favorable housing type. Cottage clusters and Townhomes were similarly favored housing types, while small to mid-size multifamily housing and multi-family buildings downtown were the least favored.

Who We Heard From

There were 342 overall participants, 300 of which responded in English, 38 in Spanish and 4 in Chinese.

There were five demographic questions, including the survey respondent's connection to Newark, living situation, age and race. This information helped us understand if participants were representative of the city's general population and helped us refine subsequent outreach and engagement to improve representation.

In summary, most participants identified as White (31%), followed by Hispanic/Latino (24%) and Asian/Asian American (18%). While nearly half were between the ages of 30 and 49, the remaining were split between people aged 20 to 29 (3%), 50 to 69 (21%), and over 70 (5%). The majority of respondents live in Newark (71%) and in a single family home (57%), and nearly half are homeowners (49%).

Community Meeting

The City held an online community meeting with 50 attendees on June 22 2022, to share with the community the findings from the survey and obtain general feedback on proposed goals and

policies that we had developed in response to research and survey results. We advertised the meeting through email communication to local organizations, posters in laundromats and grocery stores such as 99 Ranch that are located in low-income neighborhoods with a majority of BIPOC community members, as well as on social media sites for the Newark Public Library, the parents of NUSD, community organizations such as the Promotores, and the City of Newark. The meeting provided simultaneous translation in both Mandarin Chinese and Spanish, with small break out groups to help residents feel comfortable discussing their thoughts.

WHAT WE HEARD **Newark needs to plan for climate change**

- Making Newark the green city by the bay: Incorporating and increasing access to public parks, preserving existing ecologically sensitive land, and increasing tree planting to combat increased heat
- Building for energy efficiency: requiring solar panels on homes, insulation, and water conservation
- Increasing access to transportation options: increasing bus access, and building bike lanes to support active transportation with bikes and scooters.
- Building a walkable city: planning housing close to existing amenities such as schools, parks and grocery stores for walkability

WHAT WE HEARD **Residents want to stay in their communities, and right now it's challenging, with many facing displacement**

- Supportive resources: Residents, documented and undocumented, need more support and increased access to housing resources and tenant protections

  "We all deserve housing"

- Innovative programs: Seniors on a fixed income need more support to remain in their homes and communities

  "Developing a shared housing program with others that need a room to rent, connect seniors with single people who need affordable housing. Helps seniors on limited incomes"

- Protect tenants: The city needs programs to combat gentrification such as protections from rapid increases in rent

  "Rents increase but our incomes do not. The median income is really very high for Newark, so you have a lot of people who need housing at the low and very low incomes."

- Build + preserve homes: More affordable housing is needed for a variety of income levels and housing types. Families, and those transitioning out of homelessness are especially in need.

  "It is very hard to move people who have been homeless into permanent housing, we need more options for those that are on SSI and extremely low incomes" – Director of Second Chance

Public Communication for the Draft Housing Element

Newark released the Draft Housing Element for Public Review for 30 days on February 24th, 2023 to March 27th, 2023. The greater Newark community was made aware of the public review and comment period through a variety of channels, including social media, email, the website and a community meeting.

Social media outreach was conducted multiple times a week, with bilingual posts in English and Spanish connecting residents with information about the housing element update such as the release of the draft for comment and the community meeting.

City staff sent out an email announcement that the housing element is available for public comment to 16 community based organizations that are representative of the ethnic and linguistic diversity of Newark. Other organizations included the Alameda County coalition for disability, Def plus, and the domestic violence shelter. Working with the Newark Unified School District, Newark sent out a bilingual community meeting invite over Peachjar, sending the message to parents and caregivers district wide. City staff engaged with the Spanish speaking community, meeting with the local Promotoras group and providing a translated summary of the housing element in Spanish on the website.

Newark hosted a virtual community meeting, the evening of March 22nd, 2023. The meeting provided Spanish and American Sign Language translation to ensure the attendees would be able to participate fully. City staff got the word out through email, social media posts on city and public library sites, and bilingual posters in key locations such as community center, library and laundry mat to reach those without access to the internet.

The website continues to be a source of information for updates on community meetings and Housing Element timelines. A recording providing the public with an overview of the housing element update, how to access and review the draft, the draft goals and a highlight of some of the proposed programs was posted to walk community members through the process.

Detailed Public Comments are provided as Appendix D below.

SECTION 2 HOUSING NEEDS

The Housing Needs Assessment analysis of housing and population characteristics, housing needs for vulnerable population groups, as well as the cities growth and employment, to provide the foundation for the development of the goals, policies and programs to meet the future and current needs of the residents.

This section pulls from various sources, primary data sources were compiled by the Association of Bay Area Governments (ABAG) in 2021. ABAG utilized the US Census, American Community Survey (ACS), the US Department of Housing and Urban Development (HUD), California Department of Finance (DOF), California Employment Development Department (EDD). If possible, data was updated to most recent available data and local sources were utilized.

SUMMARY

- **Population** – Generally, the population of the Bay Area continues to grow because of natural growth and because the strong economy draws new residents to the region. The population of Newark increased by 15.3% from 2000 to 2020, which is above the growth rate of the Bay Area
- **Age** – In 2019, Newark's youth population under the age of 18 was 10,015 and senior population 65 and older was 6,038. These age groups represent 21.2% and 12.8%, respectively, of Newark's population.
- **Race/Ethnicity** – In 2020, 23.7% of Newark's population was White while 3.9% was African American, 33.9% was Asian, and 34.8% was Latinx. People of color in Newark comprise a proportion above the overall proportion in the Bay Area as a whole.[1]
- **Employment** – Newark residents most commonly work in the *Manufacturing, Wholesale & Transportation* industry. From January 2010 to January 2021, the unemployment rate in Newark decreased by 3.7 percentage points. Since 2010, the number of jobs located in the jurisdiction has increased by 4,650 (29.9%). Additionally, the jobs-household ratio in Newark has increased from 1.33 in 2002 to 1.49 jobs per household in 2018.

[1] The Census Bureau's American Community Survey accounts for ethnic origin separate from racial identity. The numbers reported here use an accounting of both such that the racial categories are shown exclusive of Latinx status, to allow for an accounting of the Latinx population regardless of racial identity. The term Hispanic has historically been used to describe people from numerous Central American, South American, and Caribbean countries. In recent years, the term Latino or Latinx has become preferred. This report generally uses Latinx, but occasionally when discussing US Census data, we use Hispanic or Non-Hispanic, to clearly link to the data source.

- **Number of Homes** – The number of new homes built in the Bay Area has not kept pace with the demand, resulting in longer commutes, increasing prices, and exacerbating issues of displacement and homelessness. The number of homes in Newark increased, 11.2% from 2010 to 2020, which is *above* the growth rate for Alameda County and *above* the growth rate of the region's housing stock during this time period.
- **Home Prices** – A diversity of homes at all income levels creates opportunities for all Newark residents to live and thrive in the community.
    - **Ownership** – The largest proportion of homes had a value in the range of $750k-$1M in 2019. Home prices increased by 133.9% from 2010 to 2020.
    - **Rental Prices** – The typical contract rent for an apartment in Newark was $2,110 in 2019. Rental prices increased by 61.1% from 2009 to 2019. To rent a typical apartment without cost burden, a household would need to make $84,720 per year.[2]
    - **Housing Type** – It is important to have a variety of housing types to meet the needs of a community today and in the future. In 2020, 69.6% of homes in Newark were single family detached, 9.5% were single family attached, 4.4% were small multifamily (2-4 units), and 16.5% were medium or large multifamily (5+ units). Between 2010 and 2020, the number of single- family units increased more than multi-family units. Generally, in Newark, the share of the housing stock that is detached single family homes is above that of other jurisdictions in the region.
- **Cost Burden** – The U.S. Department of Housing and Urban Development considers housing to be affordable for a household if the household spends less than 30% of its income on housing costs. A household is considered "cost-burdened" if it spends more than 30% of its monthly income on housing costs, while those who spend more than 50% of their income on housing costs are considered "severely cost-burdened." In Newark, 19.2% of households spend 30%-50% of their income on housing, while 12.4% of households are severely cost burdened and use the majority of their income for housing.
- **Neighborhood** – 9.7% of residents in Newark live in neighborhoods identified as "Highest Resource" or "High Resource" areas by State-commissioned research, while 11.0% of residents live in areas identified by this research as "Low Resource" or "High Segregation and Poverty" areas. These neighborhood designations are based on a range of indicators covering areas such as education, poverty, proximity to jobs and economic opportunities, low pollution levels, and other factors.[3]

[2] Note that contract rents may differ significantly from, and often being lower than, current listing prices.
[3] For more information on the "opportunity area" categories developed by HCD and the California Tax Credit Allocation Committee, see this website: https://www.treasurer.ca.gov/ctcac/opportunity.asp. The degree to which different jurisdictions and neighborhoods have access to opportunity will likely need to be analyzed as part of new Housing

- **Special Housing Needs** – Some population groups may have special housing needs that require specific program responses, and these groups may experience barriers to accessing stable housing due to their specific housing circumstances. In Newark, 7.6% of residents have a disability of any kind and may require accessible housing. Additionally, 18.7% of Newark households are larger households with five or more people, who likely need larger housing units with three bedrooms or more. 11.8% of households are female-headed families, which are often at greater risk of housing insecurity.

A. Population Growth and Trends

In recent decades, Newark's population has seen rapid growth, with an increase of 15.3 percent from 2000 to 2020; this rate is above that of the region as a whole, at 14.8 percent. In 2020, the population of Newark was estimated to be 48,966 (see Table 2-1). From 1990 to 2000, the population increased by 12.2 percent, while it increased by just 0.2 percent during the first decade of the 2000s. In the most recent decade, the population increased by 15 percent. The population of Newark makes up three percent of the population in Alameda County.

Table 2-1: Population Growth Trends

Geography	1990	1995	2000	2005	2010	2015	2020
Newark	37,861	39,681	42,471	43,522	42,573	44,371	48,966
Alameda County	1,276,702	1,344,157	1,443,939	1,498,963	1,510,271	1,613,528	1,670,834
Bay Area	6,020,147	6,381,961	6,784,348	7,073,912	7,150,739	7,595,694	7,790,537

Source: California Department of Finance, E-5 series

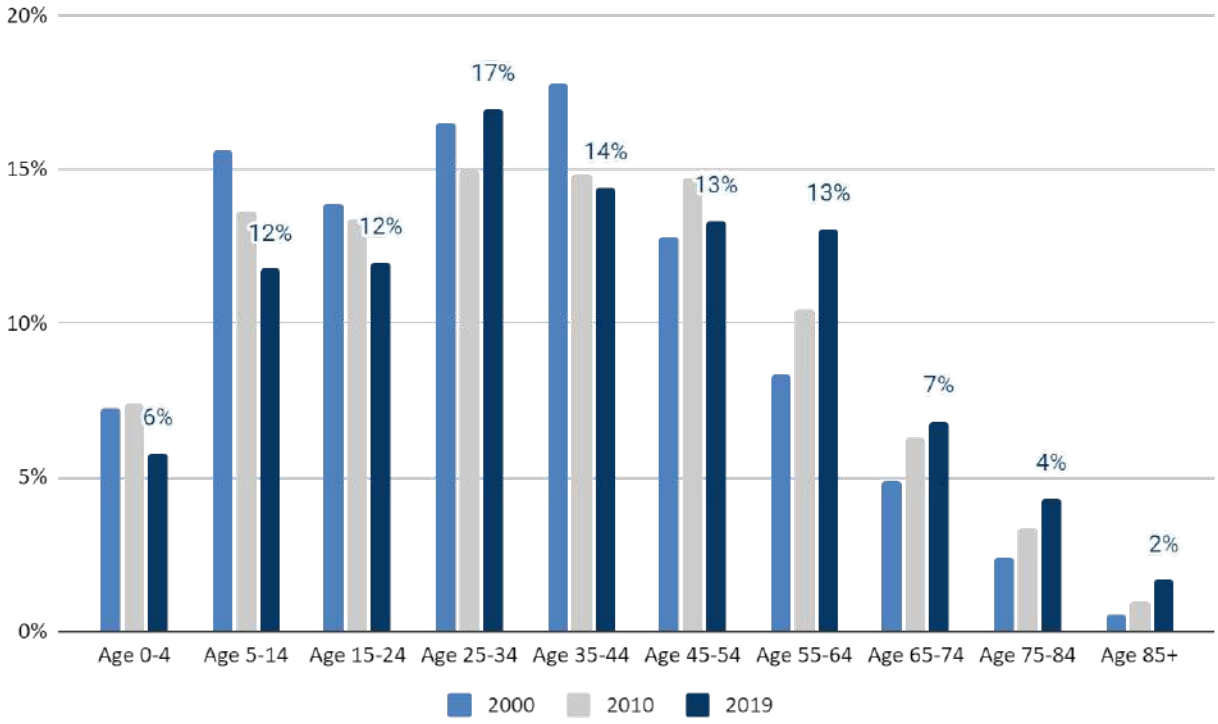
Age

In recent years the population of youth has declined slightly with continued growth in those 55 and over. In 2019, Newark's youth population under the age of 18 was 10,015 and the senior population 65 and older was 6,038. These age groups represent 21.2 percent and 12.8 percent of Newark's population. Figure 2-1 shows slight increases in population in the 25-34 age group, and the 55 to 64+ age group. The increase in senior population can possibly be attributed to the establishment of a new affordable senior housing development. Community members have shown a preference for more walkable, mixed-use neighborhoods that are close to work, schools, parks, and amenities. The majority of seniors prefer to stay in their homes and communities, known as *aging-in-place*. Yet many live on fixed incomes and may have mobility issues as they age, which

Element requirements related to affirmatively furthering fair housing. ABAG/MTC will be providing jurisdictions with technical assistance on this topic this summer, following the release of additional guidance from HCD.

require supportive services. Similar financial and mobility obstacles exist for many of Newark's households with special needs. Younger generations are less likely to own homes and have less savings than previous generations; they are more likely to live alone and delay marriage. Yet, many are growing their families, reflected by a higher percentage of families with children in Newark versus the County and Bay Area, and therefore may be in greater need of support when purchasing their first home. Coupled with increasing housing prices, it is more difficult for younger generations to rent or purchase a home than it is for current residents. For these reasons, Newark residents consider the three biggest issues to address housing affordability as: (1) more homeownership opportunities, especially for first time homebuyers; (2) more affordable rental opportunities; and (3) low cost home improvements for seniors and low income households. We therefore must address how to support our seniors as they get older so they can stay in their homes and communities, and make sure young people and households with special needs, new families, and our workers can find housing that is affordable and accessible.

Figure 2-1: Population by Age, 2000 to 2019



Source: US Census Bureau, American Community Survey, 5 Year Data, 2015-2019, Table B01001

Race & Ethnicity

Since 2000, the percentage of residents in Newark identifying as White has decreased – and at the same time, the percentage of residents of all *other* races and ethnicities has *increased* – by 18.6 percentage points, with the 2019 population standing at 11,168 (see Table 2-2). In absolute terms, the *Asian / API, Non-Hispanic* population increased the most while the *White, Non-Hispanic* population decreased the most. In 2020, 23.7 percent of Newark's population was White while four percent was African American, 33.9 percent was Asian, and 34.8 percent was Latinx. People of color in Newark comprise a proportion above the overall proportion in the Bay Area as a whole.[4] When planning for housing, we need to consider a variety of housing needs—like larger homes for multi- generational families or those with more children—and how to create opportunities for everyone to access quality, affordable housing near schools, transit, jobs, and services.

Past exclusionary practices have prevented people of color from purchasing homes, living in certain neighborhoods, and building wealth over time. As a result, they are more likely to experience poverty, housing insecurity, displacement, and homelessness. And while many of our communities are very diverse, we are still contending with segregation and a lack of equitable opportunities. To help prevent displacement due to gentrification and to create a future where it is possible for everyone to find the housing they need, it will be important to plan for a variety of housing types and affordability options in all neighborhoods.

Table 2-2: Population by Race 2000 to 2019

Year	American Indian or Alaska Native	Asian / API	Black or African American	White	Other Race or Multiple Races	Hispanic or Latinx
2000	148	9,329	1,639	17,103	128	12,145
2010	95	12,005	1,908	11,726	1,845	14,994
2019	130	16,002	1,818	11,168	1,661	16,392

Source: U.S. Census Bureau, Census 2000 SF1, Table P12; U.S. Census Bureau, Census 2010 SF1, Table P12; U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001

[4] The Census Bureau's American Community Survey accounts for ethnic origin separate from racial identity. The numbers reported here use an accounting of both such that the racial categories are shown exclusive of Latino status, to allow for an accounting of the Latinx population regardless of racial identity. The term Hispanic has historically been used to describe people from numerous Central American, South American, and Caribbean countries. In recent years, the term Latino or Latinx has become preferred. This report generally uses Latino, but occasionally when discussing US Census data, we use Hispanic or Non-Hispanic, to clearly link to the data source.

Employment Characteristics

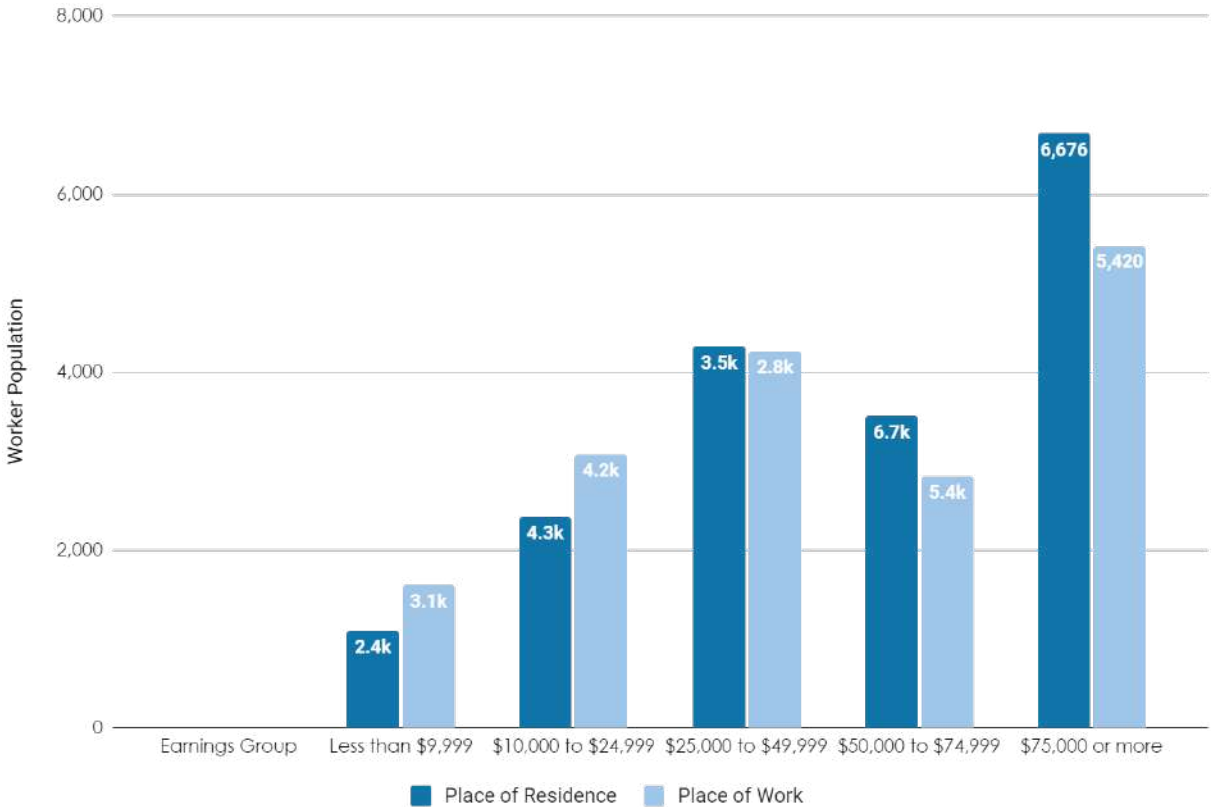
By 2050 the number of jobs in South Alameda County will increase to 221,000, 19% of the projected growth for the County[5] In Newark there are 17,935 employed residents, and 17,168 jobs[6] - the ratio of jobs to resident workers is 0.96; Newark is *a net exporter of workers*. Despite the overall job growth expected in the county, 92 percent of Newark residents work outside of the City, with a greater number today employed in the peninsula and Silicon Valley.

Figure 2-2 shows the balance when comparing jobs to workers, broken down by different wage groups, offering additional insight into local dynamics. A community may offer employment for relatively low- income workers but have relatively few housing options for those workers - or conversely, it may house residents who are low wage workers but offer few employment opportunities for them. Such relationships can potentially contribute to an unbalanced demand for housing in particular price categories. A relative *surplus* of jobs relative to residents in a given wage category suggests the need to import those workers, while conversely, surpluses of workers in a wage group relative to jobs means the community will export those workers to other jurisdictions. Newark has more low-wage *jobs* than low-wage *residents* (where low-wage refers to jobs paying less than $25,000). At the other end of the wage spectrum, the city has more high-wage *residents* than high-wage *jobs* (where high-wage refers to jobs paying more than $75,000). In addition to the inflow of workers, our population is growing naturally, meaning more people are living longer while our children are growing up and moving out into homes of their own. All of this impacts housing demand.

[5] Plan Bay Area 2050 Projected Growth Pattern.

[6] Employed *residents* in a jurisdiction is counted by place of residence (they may work elsewhere) while *jobs* in a jurisdiction are counted by place of work (they may live elsewhere). The jobs may differ from those reported abode as the source for the time series is from administrative data, while the cross-sectional data is from a survey.

Figure 2-2: Wage or Works by Place of Residence and Work, by Income, 2015- 2019



Source: US Census Bureau, American Community Survey, 5 Year Data, 2015-2019, Table B08119, B08519

B. Housing Tenure

The 2020 Decennial Census estimates a total of 15, 371 housing units in Newark, with 14,946 as occupied housing units . Of these occupied housing units, 10,185 or 68 percent were owner occupied and 4,761 or 32 percent were renter occupied, compared to approximately 47 percent of Alameda County households that rent and 44 percent of Bay Area households.

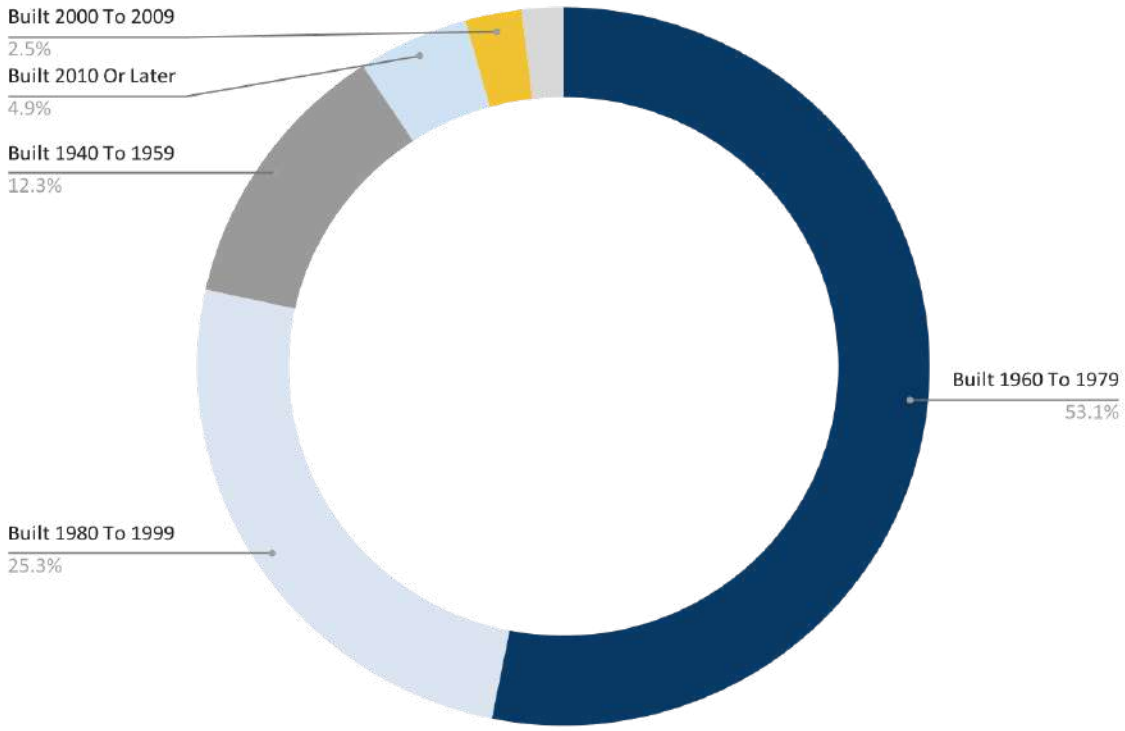
Housing Stock Characteristics

This section examines housing stock in Newark from age, condition, type to understand current and emerging needs and analyzing vacancy and cost to understand the affordability.

Housing Age and Type

Housing in Newark was primarily built before 1980, with 53 percent built from 1960 to 1979 (see Figure 2-3). In 2020, 70 percent of homes in Newark were single family detached, 9.5 percent were single family attached, four percent were small multifamily (2-4 units), and 16.5 percent were medium or large multifamily (5+ units). Between 2010 and 2020, the number of single-family units increased more than multi-family units. Generally, in Newark, the share of the housing stock that is detached single family homes is above that of other jurisdictions in the region. With 10,385 single family homes in 2020 and 659 two to four unit homes, there is opportunity for Newark to support the increase of missing middle housing types. Programs such as SB9 can further support these efforts, as well as program H2.8 Zoning for Missing Middle Housing.

Figure 2-3: Housing Age



Source: US Census Bureau, American Community Survey, 5 Year Data, 2015-2019: Table B25034

Table 2-3: Number and Type of Housing Units in Alameda County 2022

POPULATION			HOUSING UNITS												
City	Household	Total Housing Units	Single Family Detached		Single Attached		Two to Four		Five Plus		Mobile Homes		Occupied	Vacancy Rate	Persons per Household
			#	%	#	%	#	%	#	%	#	%			
Alameda	75,677	33,524	13,993	41.7%	3,482	10.4%	6,003	17.9%	9,920	29.6%	126	0.4%	31,473	6.1%	2.40
Albany	18,450	7,946	4,864	61.2%	277	3.5%	954	12.0%	1,823	22.9%	28	0.4%	7,545	5.0%	2.45
Berkeley	105,151	52,921	21,534	40.7%	2,128	4.0%	10,307	19.5%	18,730	35.4%	221	0.4%	48,377	8.6%	2.17
Dublin	68,482	24,977	13,331	53.4%	3,524	14.1%	812	3.3%	7,254	29.0%	56	0.2%	24,040	3.8%	2.85
Emeryville	12,396	7,656	424	5.5%	406	5.3%	766	10.0%	6,023	78.7%	36	0.5%	7,025	8.2%	1.76
Fremont	227,195	79,749	44,781	56.2%	10,210	12.8%	2,718	3.4%	21,314	47.6%	725	0.9%	76,507	4.1%	2.97
Hayward	156,757	52,870	27,328	51.7%	5,599	10.6%	3,063	5.8%	14,476	53.0%	2,403	4.5%	50,794	3.9%	3.09
Livermore	85,444	33,087	22,536	68.1%	3,218	9.7%	1,652	5.0%	5,140	22.8%	541	1.6%	31,968	3.4%	2.67
Newark	47,029	15,811	11,040	69.8%	1,457	9.2%	688	4.4%	2,626	23.8%	0	0.0%	15,329	3.0%	3.07
Oakland	414,325	183,729	75,322	41.0%	7,115	3.9%	33,457	18.2%	67,272	89.3%	562	0.3%	171,880	6.4%	2.41
Piedmont	10,973	3,964	3,679	92.8%	68	1.7%	138	3.5%	78	2.1%	0	0.0%	3,846	3.0%	2.85
Pleasanton	76,830	29,750	18,004	60.5%	2,858	9.6%	1,687	5.7%	6,806	37.8%	395	1.3%	28,581	3.9%	2.69
San Leandro	87,506	32,952	19,659	59.7%	2,008	6.1%	1,952	5.9%	8,436	42.9%	898	2.7%	31,851	3.3%	2.75
Union City	67,434	21,947	13,762	62.7%	2,856	13.0%	821	3.7%	3,489	25.4%	1,019	4.6%	21,467	2.2%	3.14

Source: California Department of Finance, City/County Population Estimates, E5, 2022

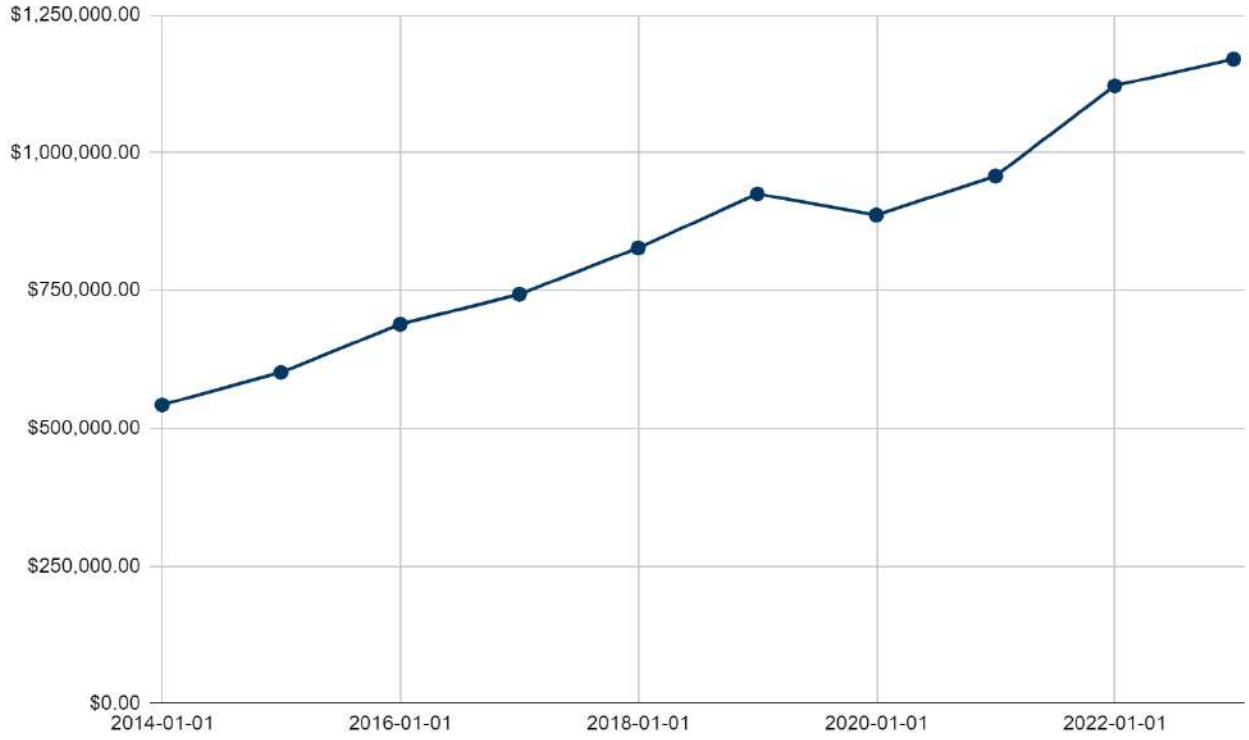
Housing Cost and Vacancy

Housing Costs and Vacancy have a pronounced effect on residents' ability to find housing that is affordable , that fits their needs, and be able to purchase a home, allowing them to build equity and stability in the community. Newark has experienced increasing housing costs over the past decade. The Zillow Home Value Index shows home prices $ 542,000 in 2013, to more than double that in 2022, with an average home value of $1,169,000. Coupled with low vacancy rates of three percent, Newark residents face numerous housing challenges. In relation to other cities in Alameda County, Newark provides fewer housing options, but has a similar percentage of housing types as Union City, and fewer five plus units than Fremont. Only Newark and Piedmont do not have any mobile homes.

In relation to Alameda County and the Bay Area, Newark has a lower percentage of vacancies, with a 3 percent total vacancy rate(Table 2-3) 14 % of rental units are vacant, in comparison to Alameda County at 24 % and the Bay Area at 26% (Figure 2-8). The largest vacancies are for units that are for sale at 23% and for seasonal use at 30%. Taking into account the increase in housing prices over the last 10 years, with a significant spike in 2018, brings ownership costs to over $900,00, the large vacancy rates for homes sales correlates. Throughout community engagement, community members echoed the data to share that housing costs are too high and unattainable for current residents. In response, programs such as H2.2 an Accessory Dwelling Unit program to incentivise and support the increased development of ADU production, Program H2.6 to Work in Partnership with Newark Unified School District to find creative ways to utilize school properties, Program H2.7 the Affordable housing fund to support non profit developers in developing affordable housing, H4.4 the Small Sites program supports the purchase of small scale multi family housing by affordable housing organizations and H5.1 First Time Homebuyer Assistance. As seen in Figure 2-7, BIPOC communities have lower rates of home ownership, and programs such as H5.1 will focus on supporting those populations.

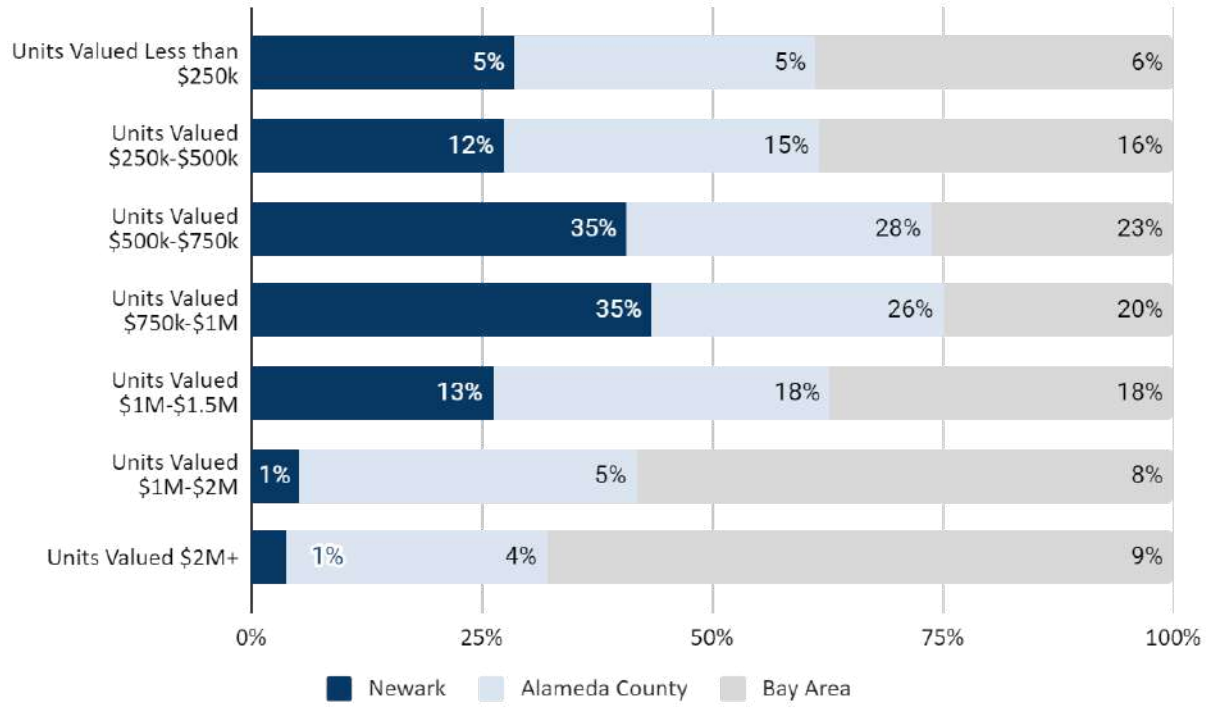
Figure 2-4: Newark Zillow Home Value Index, 2013 -2022

The ZHVI is a smoothed, seasonally adjusted measure of the typical home value and market changes across a given region and housing type. The ZHVI reflects the typical value for homes in the 35th to 65th percentile range. The ZHVI includes all owner-occupied housing units, including both single-family homes and condominiums.



Source: Zillow Home Value Index (ZHCI) 2013-2022

Figure 2-5: Home Values of Owner Occupied Units, 2015-2019



Source: US Census Bureau, American Community Survey, 5 Year Data, 2015-2019, Table B25075

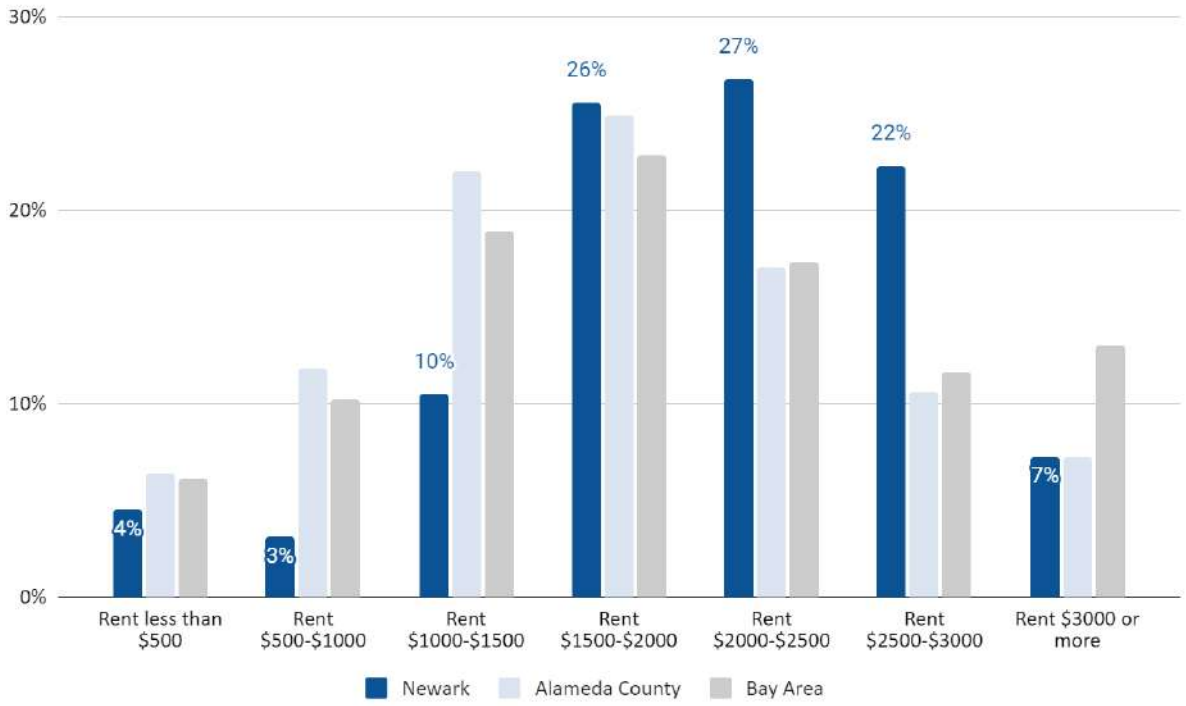
Rental Cost and Affordability

With the recent increase in rents in the Bay Area, affordable housing has become much harder for lower- and moderate-income households to find. This rent burden is an important issue for many households. In Newark 44 percent of rents are from $2,000 to $3,000 dollars per month from the 2021 American Community Survey. Conversely, only 17 percent of residents pay between $500 and $1,500 dollars per month. An indicator of the few choices available for deed restricted affordable housing in the City, which is consistent with what we have heard from community members. This is a slight change from 2019, with a reduction of those paying $1,00 to $2,500 (see Table 2-4), and a sharp increase in those paying $3,000 dollars or more, from 7 percent in 2019 to 20 percent in 2021. The percentage of those paying $500 to $1,000 dollars per month doubled from 3 percent to 6 percent, potentially tied to new affordable senior housing developments.

Newark, in relation to Alameda County and the Bay Area, has an average of 24 percent of residents paying from $2,000 to $3,000 dollars in rent, a higher percentage than both Alameda and the Bay Area with an average of 14 percent (Figure 2-6). In Newark 3 percent of residents were paying $500 to $1,000 dollars per month in cash rent, significantly fewer in comparison to Alameda County at 12 percent and the Bay Area at 10 percent. This wide discrepancy could be attributed to the lack of deed restricted affordable housing, an abundance of single family homes,

and general housing pressure from high wage earners of Silicon Valley. Table 2-5 shows most recent rents show a general increase in rents from the previous years, with housing for two and three bedrooms seeing the largest increases. With some of the largest family sizes in Alameda County, this places extreme pressure on larger families looking for housing. Housing for large families is one of the key populations the city is focusing on for new housing through their Affordable Housing Action Plan. Programs such as H 2.1 and H2.2 will open up new housing opportunities for residents. H2.7 provides funding for affordable housing developments in Newark.

Figure 2-6: Rents for Renter Occupied Units in Newark, Alameda County, and the Bay Area, 2015- 2019



Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25056

Table 2-4: Newark Cash Rent, 2021

Rent	Percent	Population
Less than $500 per month	5%	220
$500 to $1,000 per month	6%	270
$1,000 to $1,500	6%	280
$1,550 to $2,000	18%	799
$2,000 to $2,500	22%	979
$2,500 to $3,000	22%	958
$3,000 or more	20%	860
Total with cash rent	**100%**	**4,366**

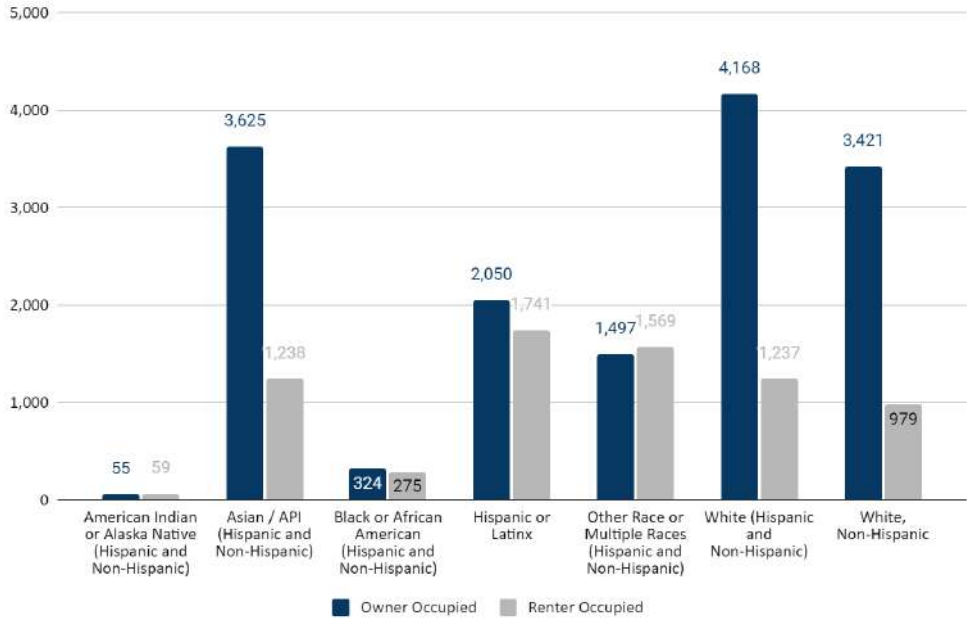
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2017- 2021), Table B25056

Table 2-5: Newark Rents, 2023

Unit	Average Rent	Year over year change
Studio	$1,600	+$200
One Bedroom	$2,300	+$55
Two Bedroom	$2,900	+$299
Three Bedroom	$3,750	+$314
Four Bedroom +	$4,950	+$133

Source :Zillow.com, accessed June 21st, 2023

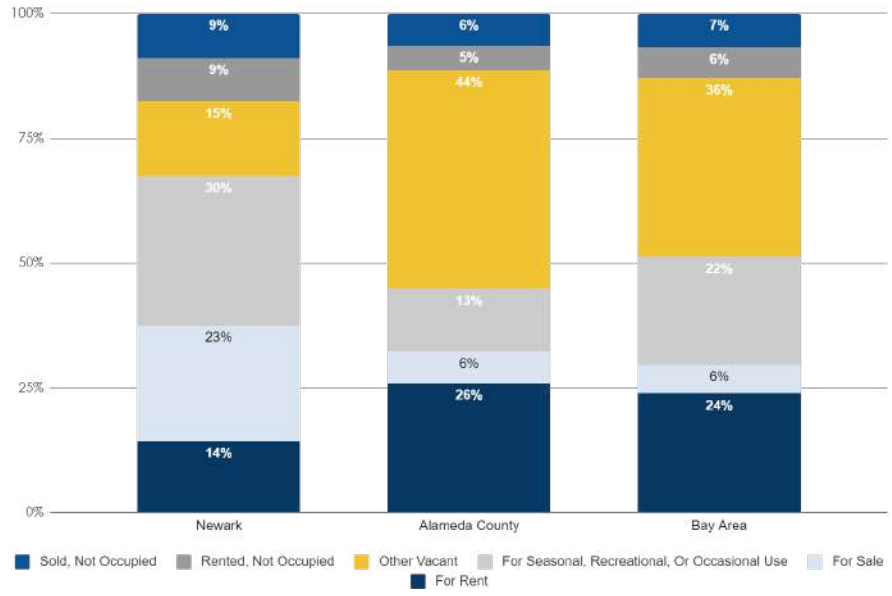
Figure 2-7: Housing Tenure by Race, 2015- 2919



Source: US Census Bureau, American Community Survey, 5 Year Data, 2015-2019, Table B25003 (A-1)

Vacancy Rate

Figure 2-8: Vacant Units By Type, 2015- 2019



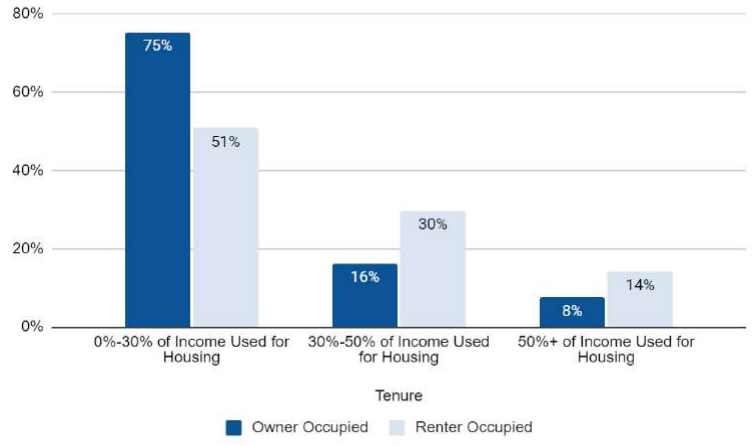
Source: US Census Bureau, American Community Survey, 5 Year Data, 2015-2019, Table B25004

Overpayment and Overcrowding

Overall, many residents are paying too much for housing, while many others have been priced out entirely. If a household spends more than 30 percent of its monthly income on housing, it is considered cost-burdened. If it spends more than 50 percent, it is considered severely cost-burdened. In Newark, 12 percent of households spend 50 percent or more of their income on housing, while 19 percent spend between 30 to 50 percent. However, these rates vary greatly across income and race. Of those who are extremely low income—making 30 percent or less of the area median income (AMI)— 365 renter households, or 51 percent, spend more than half of their income on housing, as do extremely low-income owners at a slightly lower number of 255 households[7]. Figure 2-9 shows that renters are more likely to be cost burdened, with twice the number of renters (30%) spending more than 30 percent of their income on housing compared to 16 percent of homeowners, and 14 percent of renters are severely cost burdened. This leaves them with little to meet other basic needs, such as food and healthcare. Since low-income residents and communities of color are the most cost burdened, they are at the highest risk for eviction, displacement, and homelessness. Through the Inclusionary Housing Ordinance, Newark will be able to support the development of affordable housing throughout the city, with a focus on special populations such as seniors and large families.

Overcrowding is defined by the US Census as households with 1.01 persons or more per room (excluding bathrooms and kitchens). Units with more than 1.5 persons per room are considered severely overcrowded. Newark residents are experiencing both overcrowding and severe overcrowding. Table 2-6 shows Newark with 9 percent of the population living in overcrowded conditions, and three percent in severely overcrowded households.

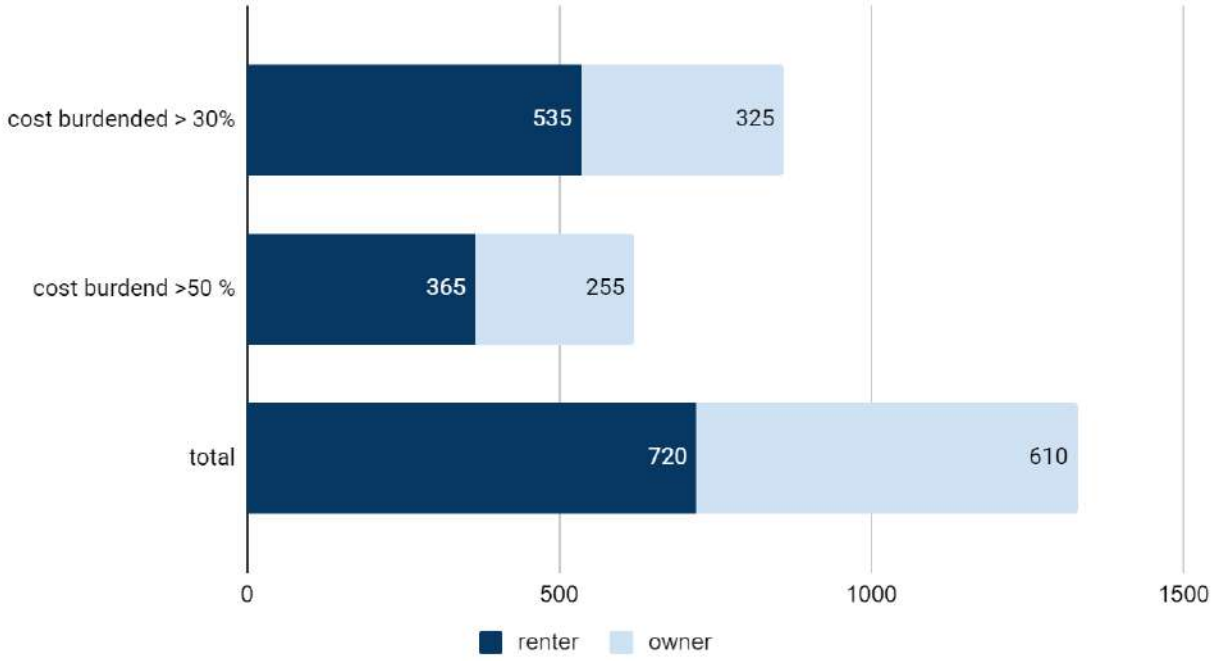
Figure 2-9: Cost Burdened Households, Renters and Homeowners, 2015- 2019



US Census Bureau, American Community Survey, 5 year data, 2015-2019, Table B25070, B25091

[7] Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2015-2019 release

Figure 2-10: Low Income Cost Burdened Households, Renters and Homeowners, 2015- 2019



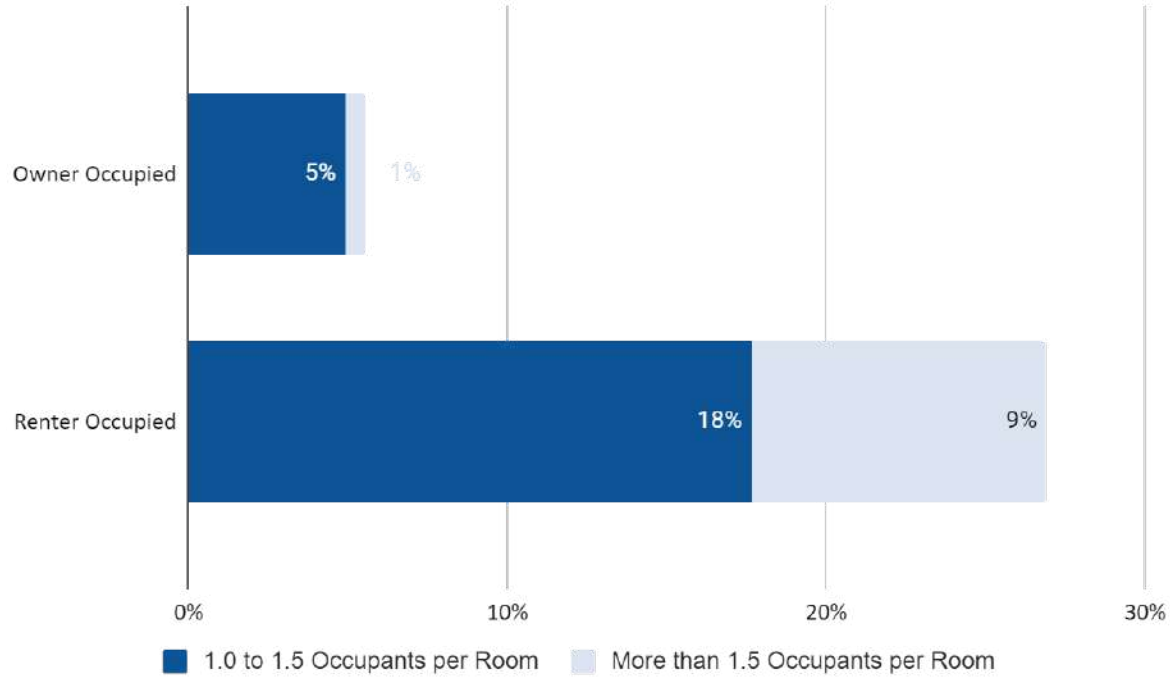
Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2015-2019 release

Table 2-6 Overcrowding by Regional Population, 2013-2017

Geography	1.00 occupants per room or less	1.01 to 1.50 occupants per room	1.50 occupants per room or more
Newark	88%	9%	3%
Alameda County	92%	5%	3%
Bay Area	93%	4%	3%

Source: Housing and Urban Development, Comprehensive Housing Affordability Strategy, ACS Tabulation. 2013-2017

Figure 2-11: Overcrowding by Tenure and Severity, 2013- 2017



Source: Housing and Urban Development, Comprehensive Housing Affordability Strategy, ACS Tabulation. 2013-2017

Substandard Housing Units

High housing costs can often result in households, particularly renters, living in substandard conditions to afford housing. Through public comment and mapping of code enforcement reports, there is a high concentration of substandard housing conditions in the Mirabeau and Old Town/ Central neighborhoods from 2018 to the present, some of the oldest housing stock in the city. US Census data shows that a small number of homeowners and renter households experience substandard housing with .3 percent having substandard kitchens. That would translate to 42 homeowners and 37 rental units. Homeowners reported 0.1 percent of homes without adequate plumbing, or 12 homes. There were no rental units reported. Due to the fact that over 50 percent of Newark's housing stock was constructed before 1980, there is potential for other buildings in need of rehabilitation in the near future, and Newark will continue to offer and expand upon home maintenance programs for low and moderate income residents, with a focus on informing residents in the Mirabeau Park and Old Town/ Central Newark neighborhoods. The city has identified 40 units that could use rehabilitation and repair. The existing rehabilitation program has supported about 10 homes per year and with the addition of programs such as H1.1 Housing Rehabilitation and Repair, supporting homeowners with repairs, and H1.2 Citywide inspection program, which will inspect rental properties to ensure safe and healthy living conditions for all will help in addressing these needs and support even more households.

Table 2-7: Substandard Housing Units, 2015-2019

Building Amenity	Owner	Renter
	Percentage	
Kitchen	0.3%	0.3%
Plumbing	0.1%	0.0%

Source: US Census Bureau, American Community Survey, 5 Year Data, 2015-2019, Table B25053, B25043, B25049

Subsidized Housing Units at Risk

Currently Newark has a total of 274 low income subsidized housing units (Table 2-8), owned by non profit housing developers. Due to the ownership structure of the housing units, the California Housing Partnership finds these units are at low risk of conversion to market rate housing in the next ten years. Newark Station Seniors, Newark Gardens I and Newark Gardens II are senior housing developments in Newark that comprise the total number of subsidized housing units.

Table 2-8: Subsidized Affordable Housing Units at Risk of Conversion to Market Rate 2020

Geography	Low	Moderate	High	Very High	Total Assisted Units in Database
Newark	274	0	0	0	274
Alameda County	23,040	167	189	106	23,502
Bay Area	110,177	3,375	1,854	1,053	116,459

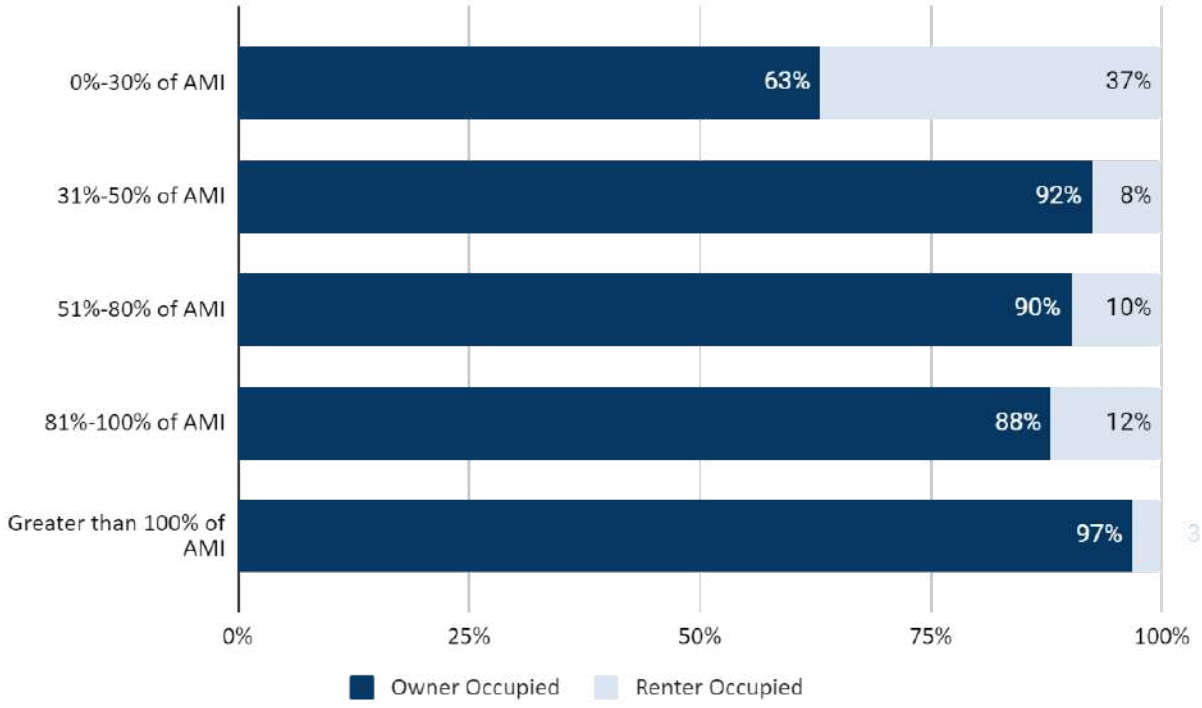
Source: Universe: HUD, Low-Income Housing Tax Credit (LIHTC), USDA, and CalHFA projects. Subsidized or assisted developments that do not have one of the aforementioned financing sources may not be included.

C. Housing Needs for Special Needs Populations

Seniors

Seniors in Newark are a growing population, as long time residents continue to age and the city adds more affordable senior rental housing. As of the 2020 US Census, there are 6,005 Seniors in Newark. Seniors in Newark overwhelmingly are home owners at every income level, with low income seniors having the highest percentage of renters at 37 percent.[8] Low income seniors experience higher rates of cost burden then moderate and above moderate income counterparts. Figure 2-12 shows that 37 percent of very low income seniors are cost burdened with 22 percent extremely cost burdened.

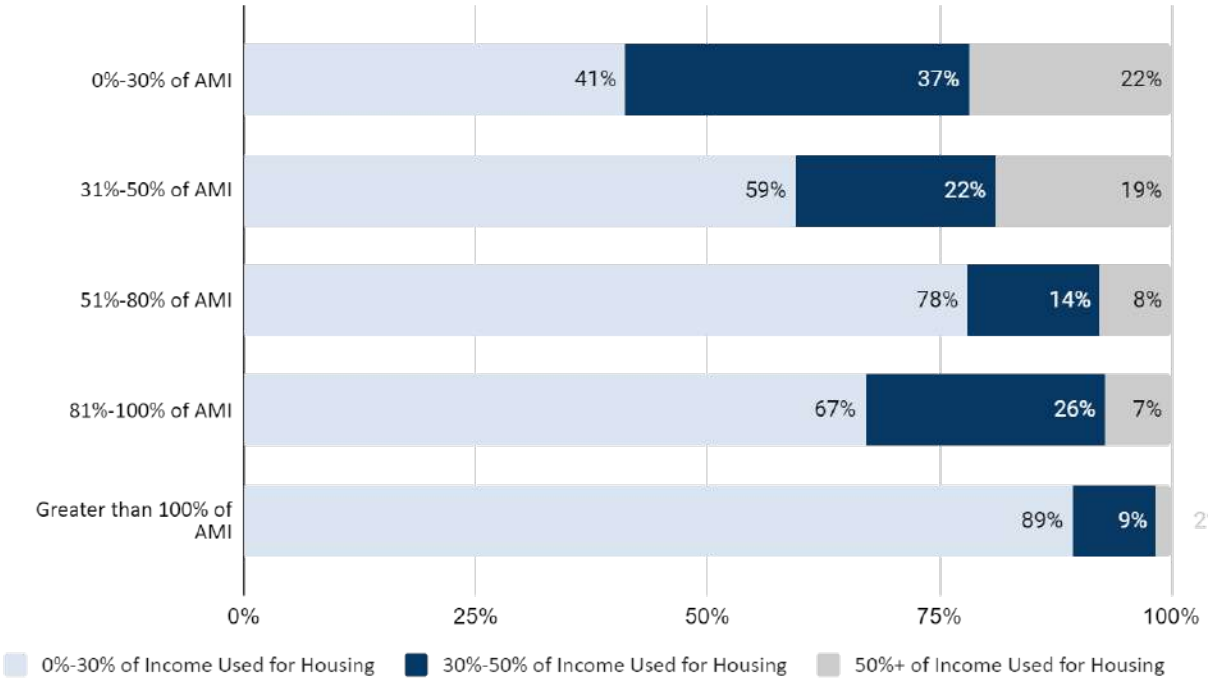
Figure 2-12: Senior Households by Income and Tenure, 2013- 2017



Source: Housing and Urban Development, Comprehensive Housing Affordability Strategy, 2013-2017

[8] Source: US Department of Housing and Urban Development. Comprehensive Housing Affordability Strategy (CHAS) ACS Tabulation, 2013-2017 release

Figure 2-13: Cost Burdened Rates by Income Level, Seniors, 2013- 2017



Source: Housing and Urban Development, Comprehensive Housing Affordability Strategy, 2013-2017

Available affordable housing for seniors in Newark includes: Newark Gardens, Newark Gardens 2 , Newark Station, and Timber Senior Housing is under construction with an anticipated completion later this year. As the senior population continues to grow, there will be increased need for housing that is accessible, affordable to those on fixed incomes and allows residents to age in place. In addition to increased types of housing options, seniors need support with the maintenance of their existing homes and their age and spaces that are accessible. Programs to address the growing senior population are program H1.1 Financial assistance with home repair, the adoption of H2.4 Universal Design Ordinance, and program H4.5 will develop a Shared Housing Partnership.

Disability

People with disabilities often face additional housing challenges. Encompassing a broad group of individuals living with a variety of physical, cognitive and sensory impairments, many people with disabilities live on fixed incomes and often need accessible designed housing to live more independent lives. In Newark, eight percent of the population has a disability of any kind, with the majority being ambulatory (Table 2-9). Due to housing challenges of affordability, accessibility and

discrimination, 87 percent[9] of people with disabilities live with family members in Newark. Partnering with local organizations that serve people with disabilities will support Newark in developing more housing options to meet the diverse needs of this population. Through community engagement we have connected with organizations providing resources and support to those with disabilities: Deaf Plus, Housing Consortium of the East Bay, and Alameda County Public Health Disability Council. **Program H4.7** will identify housing opportunities for those with Developmental disabilities, and **program H2.4** for a Universal Design Ordinance.

Table 2-9: Disability by Type, 2015-2019

Persons with Disability	Percentage
Total percentage of people with Disabilities	8%
With an ambulatory difficulty	4%
With an independent living difficulty	3%
With a hearing difficulty	3%
With a cognitive difficulty	2%
With a self-care difficulty	2%
With a vision difficulty	1%

Source: US Census Bureau, American Community Survey, 5 Year Data, 2015-2019, Table B18102, B18103, B18104, Table B18105, Table B18105, B18107

People Experiencing Homelessness

People experiencing homelessness have steadily increased in Alameda County since 2017, with 9,747 sheltered and unsheltered people at the most recent point in time count on February 22, 2022. The city of Newark has a documented reduction of people experiencing homelessness, from 89 in 2019, to 58 sheltered and unsheltered people in 2022. The point in time count found a total of 32 unsheltered individuals, with 34 percent, or 11 people, living in a tent, with 8 living outside and 7 in a RV. Fewer people were found living in their car, at 6 people or 19 percent. It is no surprise that the largest number of people outside of shelters are living in tents, as the locations with the highest concentrations of people experiencing homelessness are in the undeveloped areas along highway 84, in the Eucalyptus grove, and along the 880. These sites are all concentrated in the Mirabeau and Mayhews Landing areas, in the northern portion of the city due

[9] Source: California Department of Developmental Services, Consumer Count by California Zip Code and Residence Type (2020).

to the proximity of open space for tents along the freeway.

Although Newark has a significantly lower number of people experiencing homelessness than neighboring jurisdictions, housing and homeless support is the most prevalent service request for Newark callers to the countywide 2-1-1 referral service, representing about 42% of all service requests. Newark residents are seeking referrals for low cost rental listings, rent payment and deposit assistance, supportive and transitional housing, emergency shelter, among other services (Eden I&R Referral Service, January 2020 through March 2022).

Currently Second Chance provides transitional housing for those experiencing homelessness in Newark. The facility has 32 beds, with the shelter at 81 % capacity on the point in time count. In conversation with John Balentine, Executive Director of Second Chance, he shared that as an organization, they budget funds for transportation, providing bus passes and having a van to transport residents if public transportation is not sufficient.

The city has engaged in a number of actions to address homelessness in Newark. There is a partnership with the Fremont Family Resource Center to provide support to Newark households at risk of becoming homeless, and the city was awarded a HomeKey grant to convert the Towne Place Suites extended stay hotel into 124 supportive, affordable residential units known as Cedar Community Apartments. The Housing Navigation Center in Fremont has prioritized space for those experiencing homelessness from the greater Tri City area. The 2021 Housing Navigation Center Annual report showed 8 percent or 6 Newark residents were supported. The City also partners with the city of Fremont to provide access for personal hygiene, with a mobile unit coming to Newark once a week for showers and laundry.

Utilizing American Rescue Plan Act funding, the city is working to establish a local family resource center in the Old Town/ Bayside neighborhood. This resource center would provide an initial point of access to any residents in need of social services. Some services could be accessed directly at the center through third party social service providers or referrals could be made to other agencies,and a space for the Promotores, a local organization for the Latino Community. Most recently the city has created a Homelessness Committee with members from various City departments to develop a cohesive plan to address homelessness and have launched a Human Resources webpage, connecting the community with resources for people experiencing homelessness such as housing, transportation. and food pantries around the city.

The city has developed a number of programs in response to the needs of people experiencing homelessness identified : Program H2.5 will continue to build upon the work the city has undertaken to develop a local response to homelessness. Program H2.10, makes changes to increase uptake of Single Room Occupancy or (SROs), an affordable housing type, Program H4.10, identifies zoning changes for special needs housing, and Program H4.8 connects residents with foreclosure assistance. The following is a list of agencies operating support services, emergency shelters, and transitional and supportive housing in Newark and the surrounding area:

- **Viola Blythe Community Services Center, Newark.** Viola Blythe provides services for Children, men, women and families in immediate need can use the services and programs of the Viola Blythe Community Service Center. No fees are charged for any services provided. Some services include food distribution, baby food and formula, clothing, children's shoe fund, and referrals to other agencies.
- **Clean Start Mobile Hygiene Unit.** For someone experiencing homelessness, keeping yourself and your clothes clean can be incredibly challenging, and can greatly impact your ability to get and keep a job, or simply participate in society. To meet this need, the City of Fremont, City of Newark, and several community partners developed the Clean Start Mobile Hygiene Program to provide much-needed shower and laundry services to our homeless neighbors.This mobile hygiene van travels between Fremont, Newark and Union City each week.
- **Centro de Servicios, Union City**. Centro de Servicios has assisted more than 800 families and individuals every month since its inception in 1974. This nonprofit corporation is a major service provider for the homeless population in Alameda County's Tri-City area. The center provides basic necessities, such as food, clothing, and blankets as well as referrals, counseling, job listings, and workshops to its clients. Recently celebrating 40 years of operations, Centro de Servicios serves over 1,300 families per month, out of multiple locations. Staff estimates that they assist at least 20-50 homeless or at-risk clients from Union City per week. Most (80 percent) of these clients are Latino. Many live in substandard housing, in their cars, or at local parks and campgrounds. Staff makes referrals to nearby shelters, especially Sunrise Village in Fremont and Second Chance in Newark.
- **Second Chance Addiction Recovery.** Second Chance is a counseling and recovery agency that operates five outpatient centers in addition to a short-term emergency shelter. They have locations in Newark, Hayward, Phoenix, and the Tri-City area. The emergency shelter has 30 beds for single men, women, and for families. Addiction recovery services are provided on-site and there is not typically a waiting list to receive treatment and recovery services.
- **Abode Services (formerly known as Tri-City Homeless Coalition), Fremont**. Abode Services operates nearly 60 primary programs across six counties and has experienced dramatic growth in response to the increasing need for affordable housing and services for homeless people. Abode Services works to provide housing and services to homeless people in the community as they work to help people remain stably housed and live as independently as possible. In 2021 they served 14,700 adults and children across their programs. In Alameda and Santa Clara Counties, Abode offers three main types of services: emergency shelter and street outreach services, supportive housing for formerly homeless families and individuals, and supportive services, such as mental health services and employment support. They provide extensive services to Tri-City residents, including permanent supportive housing, emergency shelter and services at Sunrise Village Emergency Shelter in Fremont, and social and health services though the HOPE Project Mobile Health Clinic. Their programs serve a wide variety of people, including families with

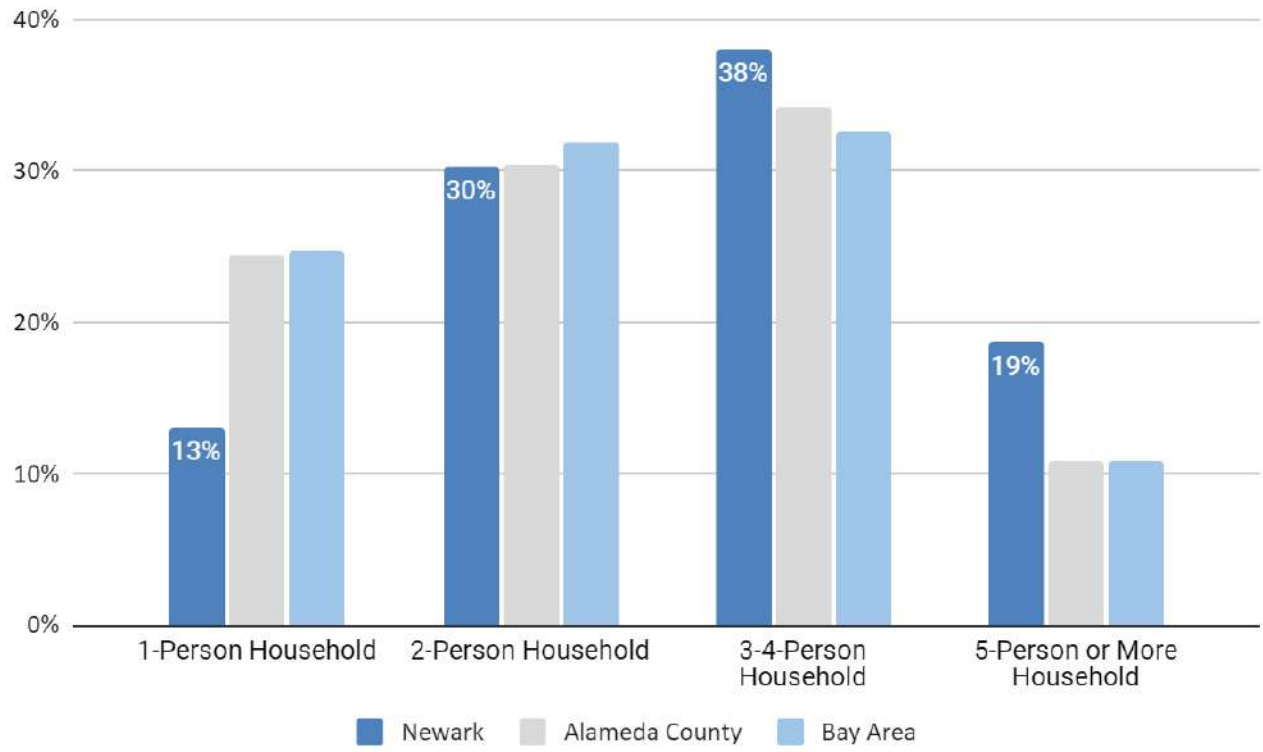
children, at risk youth exiting foster care, veterans and their families, and people who are chronically homeless. In 2021, 5,542 participants throughout Alameda County received support.

- **Safe Alternatives to Violent Environments (SAVE)**. SAVE is a non-profit community-based organization founded in 1976 to address domestic violence. They provide supportive services, advocacy and education, and a 25-bed safe house for families fleeing abuse. From 2020 to 2021, 1,265 participants received critical services from SAVE. SAVE also provided shelter to 98 women and children and provided rent subsidies and ongoing case management to 60 families in the Housing First Program.

Large Households

Large Families are considered to have 5 or more people, bringing about the need for larger housing units with three bedrooms or more. Figure 2-13 shows Newark has a larger percentage of families with 3 or more people than Alameda County and the Bay Area, with 38 percent of households with 3 or more, and 19 percent of households with five or more people. While Newark has a large inventory of single family homes, the cost of rent and ownership place many of these homes beyond reach for families. Families also face costs such as child care, increased transportation and medical care that further reduce their housing budget allowance. The pace of construction of multifamily and affordable units has not kept pace with that of market rate single family homes in Newark. **Program H5.2** Affordable Housing Development Programs work to increase the number of affordable housing constructed in the city. Newark's Affordable Housing Action Plan has identified large families as a community of focus for new housing needs.

Figure 2-14: Households by Household Size, 2015- 2019

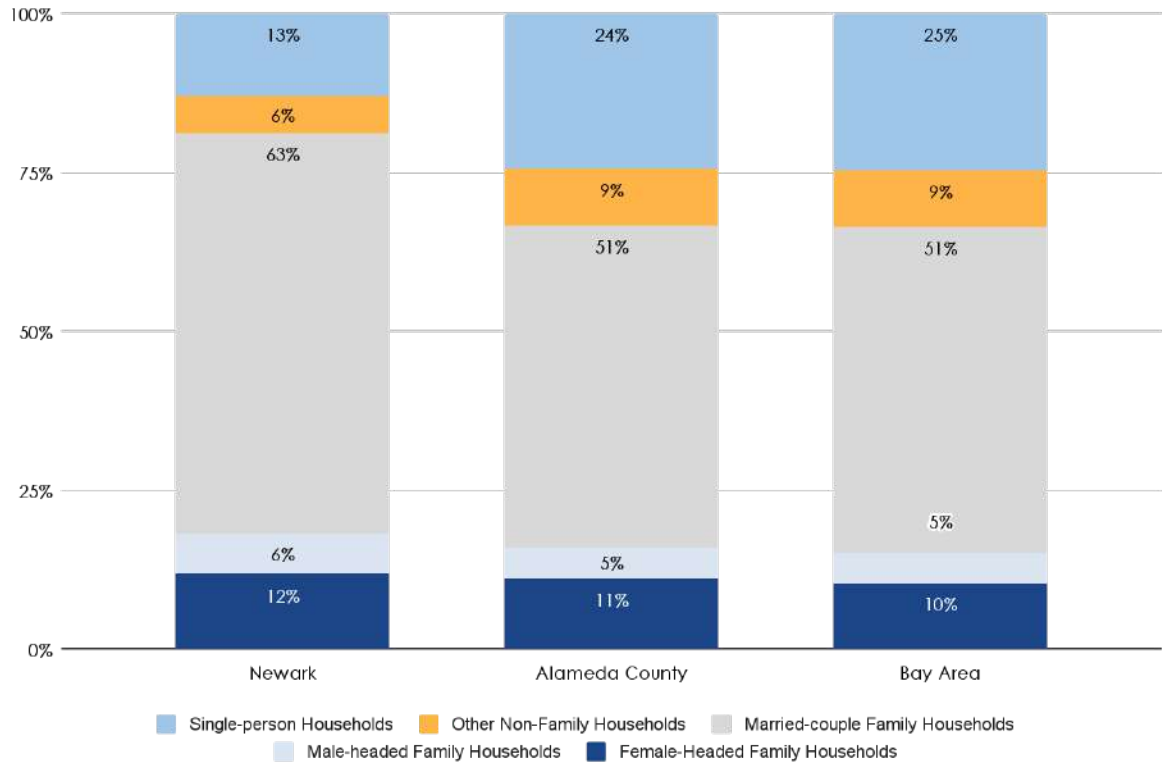


Source: US Census Bureau, American Community Survey, 5 Year Data, 2015-2019, Table B11016

Female Headed Household

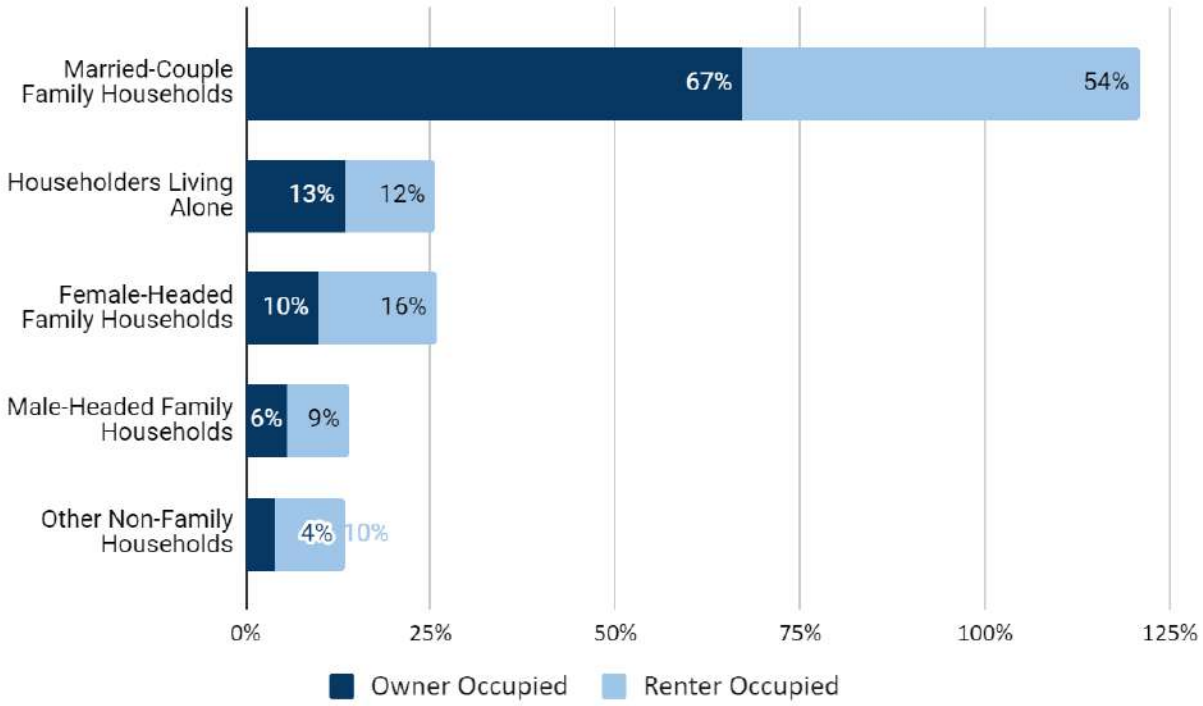
Government Code Section 65583(a)(7) identifies families with female heads of households as a group that may have special housing needs and requires the City to analyze the housing needs of these households. Female-headed households are households led by a single female with one or more children under the age of 18 at home. In Newark, 11 percent of households are female-headed families, which are often at greater risk of housing insecurity. A greater number of single parent headed households are renters, with 67 percent of married households owning homes, compared to 16 percent of female headed households (Figure 2-15). Female headed households have a significantly higher vulnerability to poverty, 22.8 percent of female-headed households with children fall below the Federal Poverty Line, while 5.7 percent of female-headed households without children live in poverty (Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B17012). As Female headed households face challenges of familial housing discrimination, limited income due to wage discrimination against women makes this population have higher rates of poverty and vulnerability to being housing cost burdened.

Figure 2-15: Household Type, 2015- 2019



Source: US Census Bureau, American Community Survey, 5 Year Data, 2015-2019, Table B11001

Figure 2-16: Household Type by Tenure, 2015- 2019



Source: US Census Bureau, American Community Survey, 5 Year Data, 2015-2019, Table B25011

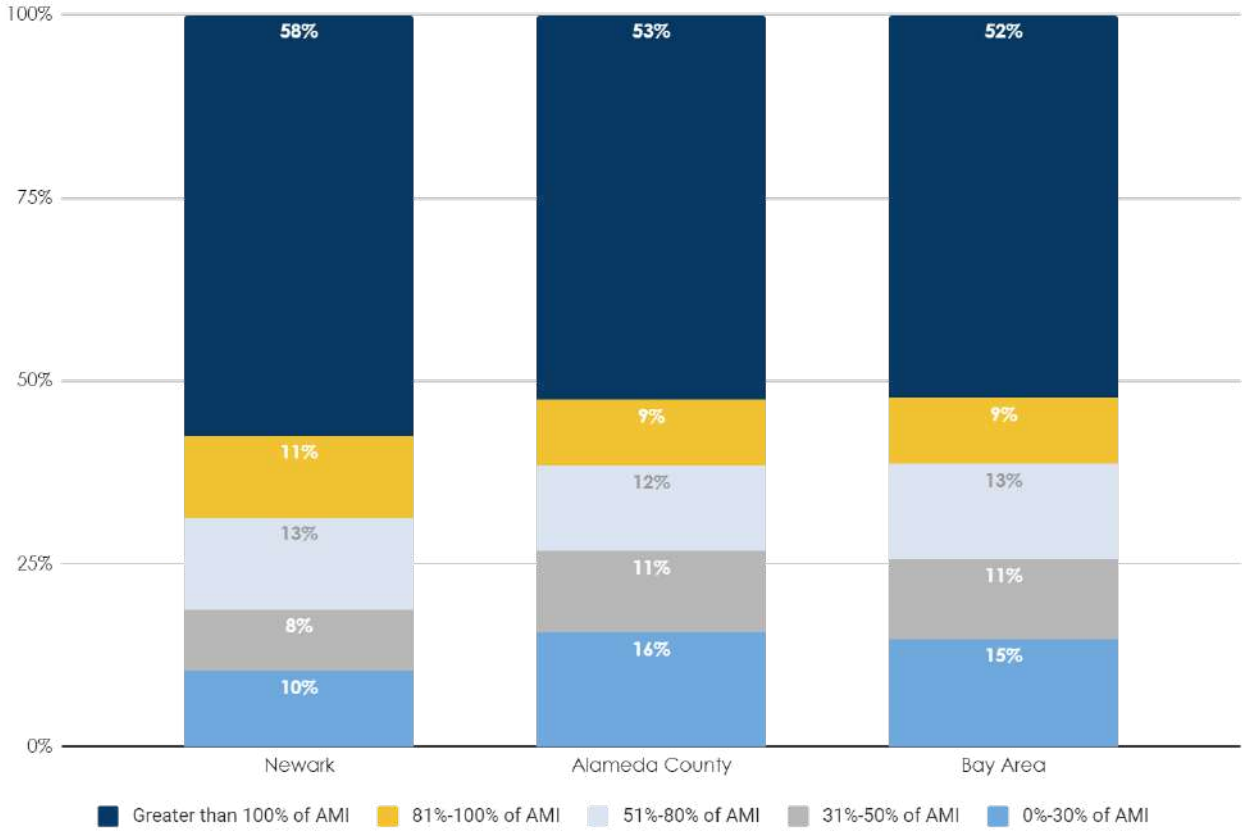
Existing housing need for extremely low-income households

Residents with extremely low incomes, less than 30% of the Area Median Income, face extreme housing challenges due to fixed or low incomes, credit, disability, family structure and access to affordable housing. In Newark, 58% of households make more than 100% of the Area Median Income (AMI), compared to 10% making less than 30% of AMI, which is considered extremely low-income (see Figure 2-17). In Newark, renters are disproportionately experiencing cost burden, with 30 percent of renters cost burdened and 14 percent spending more than 50 percent of their income on housing (Figure 2-9) . Regionally, more than half of all households make more than 100% AMI, while 15% make less than 30% AMI. In Alameda County, 30% AMI is the equivalent to the annual income of $34,850 for a family of four. Many households with multiple wage earners – including food service workers, full-time students, teachers, farmworkers and healthcare professionals – can fall into lower AMI categories due to relatively stagnant wages in many industries.

To estimate the projected housing need for extremely low-income households, 50 percent of Newark's 464 very low-income RHNA units are assumed to serve extremely low-income households. Based on this methodology, the City has a projected need of 232 units for extremely

low-income households over the 2023-2031 Housing Element planning period. More than half of this allocation will be provided through the Cedar Creek Apartments, which is already in the development pipeline and has received $6M in funding support from the City's Affordable Housing Impact Fee Fund. Additional proposed programs to support the housing needs for this population include Program H5.2 Affordable Housing Development Programs work to increase the number of affordable housing constructed in the city.

Figure 2-17: Households by Household Income Level, 2013-2017



Source: Housing and Urban Development, Comprehensive Housing Affordability Strategy, 2013-2017

Farmworkers

The number of farmworkers living in Newark has declined over the years, with the student population at 57 students for the 2019-2020 school year. The previous years saw 79 students for 2017-2018 and 72 for the 2018 to 2019 school year. Table 3-12 shows the trends for both Alameda county and the greater Bay Area see a similar decline in the migrant farmworker student population. Generally, the number of farmworkers living in Alameda county has been declining since 2012, with fewer than 400 residents working in the industry in a permanent position. It is important to recognize that farmworkers could be under-counted by the census due to their

migrant nature. Farming and farmworkers are a significant element of the state's economy, but play less of a role in the Bay Area. Due to lower wages, language barriers, and inconsistent work, farmworkers can have difficulty securing housing, and for these reasons could experience overcrowding and substandard housing conditions. To support these populations, program H2.6 Work in Partnership with Newark Unified School District to ensure that housing resources are reaching families that need them and and Program H5.2 Affordable Housing Development Programs work to increase the number of affordable housing constructed in the city.

SECTION 3 AFFIRMATIVELY FURTHERING FAIR HOUSING

A. Affirmatively Furthering Fair Housing

Historic and current land use policies and planning play a key role in the ability of individuals and families to live in neighborhoods with opportunity, including academically and culturally supportive schools, a wide variety of living wage jobs, and convenient access to transit and services. In response to continued housing discrimination, which prohibits discrimination regarding the sale, rental, and financing of housing based on race, color, religion, national origin, sex, familial status, and disability status — people within protected classes continue to encounter limits in housing choice and mobility. In 2018, the California State Legislature passed Assembly Bill (AB) 686 to expand upon the fair housing requirements and protections outlined in the Fair Employment and Housing Act (FEHA); and, protect the requirement to affirmatively further fair housing (AFFH) as published in the 2015 U.S. Department of Housing and Community Development's (HUD) Affirmatively Furthering Fair Housing Rule. California's Department of Housing and Community Development (HCD) defines AFFH as taking meaningful actions to explicitly address, combat, and reverse disparities resulting from past patterns of segregation to foster more inclusive communities. As part of this, housing elements are required to include the following components:

- **Inclusive and Equitable Outreach:** Housing elements must make an effort to equitably include all community stakeholders in the housing element participation process.
- **Assessment of Fair Housing:** All housing elements must include an assessment of fair housing. This assessment should include an analysis of the following four fair housing issues: integration and segregation patterns and trends, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs, including displacement risk.
- **Analysis of Sites Inventory:** Local jurisdictions must evaluate and address how particular sites available for housing development will meet the needs of households at all income levels. The housing element must analyze and conclude whether the identified sites improve or exacerbate conditions for fair housing.
- **Identification of Contributing Factors:** Based on findings from the previous steps, housing elements must identify, evaluate, and prioritize the contributing factors related to fair housing issues.

- **Goals and Meaningful Actions to AFFH:** Local jurisdictions must adopt fair housing goals and actions that are significant, meaningful, and sufficient to overcome identified patterns of segregation and affirmatively further fair housing. The housing element should include metrics and milestones for evaluating progress and fair housing results.

B. History of the Land and People

The land that is now Newark is the aboriginal homeland to the Muwekma Ohlone Tribe, Ohlone, Confederated Villages of Lisjan and Tamien Nation. Throughout the period of European colonization, aboriginal tribes were removed from their lands and in some circumstances moved into mission settlements, such as the Mission San José, and subjected to religious conversion practices and forced labor. In the Early 20th century Newark was still primarily marshland and waterways leading into the San Francisco Bay. Land speculation brought investors to the area and Newark became home to a dairy farm and tourism from around the county for picnicking and entertainment. Over time a railroad connection was established south to Santa Cruz and North to Alameda and industry followed. Incorporated as a city in 1955, Newark has been the home to steel foundries, manufacturing, and a large and successful solar evaporation of salt production that rivaled the entire Bay Area. Newark's development and land use was divided, with manufacturing isolated to the western portion of the city. The residential portion consisted of single family homes built during the post war building boom that were accessible to white families only through government backed low interest loans provided by the Federal Housing Administration. As manufacturing moved out of Newark in the 1970's and 1980's, Newark has transitioned to an economy of technology and education. The transition has also transformed the city from primarily White to one with a majority of residents from Asia and Latin America.



Ann Marie Sayers, Ruth Orta, Corrina Gould and Caleen Sisk at Living On Ohlone Land, Photo by Christopher McLeod

Although Newark has no redlining maps or racially restrictive covenants on file, de facto discrimination has shaped access to housing historically and into the present day. From discrimination in governmental lending for single family homes, to the real estate industry and personal prejudice, Newark's growth as a city coincided with unregulated racial discrimination in housing during the 1950s and 1960's. Through oral history accounts of Jean Ficklen, founder of Afro-American Cultural & Historical Society and first African American teacher in Newark, we learn of the discrimination her family faced in finding housing in the Bay Area as an African American family in the 1960's. Ms. Ficklen and her family were looking for housing closer to her husband's employment at the Lockheed Missile and Space Center in Sunnyvale, California, a 54 mile commute one way to Richmond where they lived. They found a home in Hayward that they liked, and after meeting with the realtor, were set to move to a house there. The day before they were scheduled to move, the house was no longer available to them. They were offered a house to rent in Newark but were asked not to tell who rented it to them. Soon after they moved to the neighborhood, for sale signs went up, typical of the times of neighborhood blockbusting fueled by fear and discrimination (J.Ficklen, Personal communication, January 21, 2021).

C. Summary of Fair Housing Need

Fair housing

- A lack of affordable housing for residents for sale and rent is one of the largest fair housing issues Newark faces. Due to decades-long reduction in federal funding for affordable housing production, and a lack of affordable housing production at the city level, there is a shortage of housing at prices that meet the needs of current and future residents.
- Disability and race are the highest reported instances of discrimination in Newark over the past five years. In 2020-2021 Echo Housing saw 10 cases of reported discrimination based on disability and 4 cases in National origin. The city heard from residents, specifically the Latinx community that there are significant challenges to accessing housing. A report from El Tiempano found that women and undocumented residents faced the most challenges, specific issues faced by residents were:
    - Difficulty of providing documentation when many undocumented immigrants are paid under the table or are not named on rental leases
    - Challenges accessing information digitally
    - Complicated/confusing applications without assistance readily available

Segregation and Integration

- There is a significant level of segregation between Latinx and White residents with an index of .229 or **22.9%. Meaning that 22 percent of Latinx or white residents would need to move to address this**. Due to the fact that the Latinx community is 30 percent of the population in Newark, this indicates a significant level of segregation between Latinx and White residents in Newark, slightly higher than segregation at the regional level.
- Asian residents are the most isolated at 0.451, meaning the average **Asian resident lives in a neighborhood that is 45.1% Asian.** Asian residents also have the highest percentage (36.7%) of residents making more than 100 percent of area median income.
- Other ethnicities in Newark have a higher likelihood of interacting with people outside their race. **White residents have seen the greatest reduction in isolation, from 43 percent in 2000 to 27 percent in 2020.**

Access to Opportunities

- Overall, Newark consists of two census tracts that are considered high resource areas (NewPark Place and Birch Grove) while the remaining six tracts (Lake- Rosemont, Mirabeau Park, Mayhews Landing, Gateway/Bayshore, Old Town and Central Newark) are considered moderate resource areas.

- The City's high resource areas have both dominant and secondary populations that are either White or Asian. In NewPark Place, nearly 51% of the population is Asian and 23% is White. In Birch Grove, 35% is White while nearly 29% is Asian.
- Five out of six of the City's moderate resource areas have dominant populations that are Hispanic/Latinx, ranging from almost 34% in Mayhews Landing to nearly 53% in Old Town/Central Newark. In the remaining moderate resource area, Lake-Rosemont, 40% of the population is White, making it the dominant population while nearly 29% is Hispanic/Latinx.
- There are large disparities in environmental outcomes in Newark, with low outcomes in central Newark and a portion of the Old Town area that is also home to a majority of lower income and Hispanic/Latinx residents.

Disparate Housing Needs

Overcrowding

BIPOC (Black, Indigenous and People of Color) populations are the most cost burdened and experience disproportionate rates of overcrowding. Central Newark in the Old Town area has 9 percent of households experiencing overcrowded housing, with 5 percent of households experiencing extreme overcrowding in the Northwest corner of the city. As shown in Figure 3-2, these two areas are predominantly occupied by communities of color, with 80 to 100 percent of residents in the Old Town area. Mixed race residents face the highest rates at 33 percent, followed by Hispanic/Latinx (30%) and Indigenous residents at 22 percent.

Cost Burdened

Newark's low and moderate income populations and renters experience the highest levels of cost burden. BIPOC communities, Black (41%), Indigenous (46%), Multi Racial (46%), and Latinx (47%) residents are the highest cost burdened, and most vulnerable to displacement, overcrowding and homelessness. Asian and White residents are the least cost burdened at 27 percent and 21 percent respectively. Renters are more likely to be cost burdened, with twice the number of renters (30%) spending more than 30 percent of their income on housing compared to 16 percent of homeowners.

Families

Households with children face additional challenges accessing housing that meets their needs for both size and cost. Housing survey results conducted from March 15th through April 30th 2022, found that when asked what are the most urgent housing needs at this time, 50 percent responded that housing for families was the greatest need. There was a special interest in housing for single

parents, as female-headed households make up 17 percent of all households and **22.8 percent of female-headed households with children fall below the Federal Poverty Line.**

People Experiencing Homelessness

Through community engagement we have been alerted to the high number of residents experiencing homelessness that are finding shelter in local motels that are not reflected in point in time counts. Homelessness in Newark affects all racial and ethnic groups, although not equally. There is a significant population of families experiencing homelessness, with about 5% of all students In Newark, which further indicates the lack of affordable housing. Notably, about **96 percent of homeless students in Newark are students of color,** with over 167 of these students being Hispanic or Latino. While NUSD has only a small number of Pacific Islander students (98 students), about 28 percent of them are homeless.

D. Fair Housing Assessment

Regional Barriers to Fair Housing

The following is a summary of key barriers to housing in Alameda county, compiled by Alameda County, in the Analysis of Impediments to Fair Housing Choice in January of 2020.

- Across the County, segregation has increased between White residents and BIPOC communities within the last decade, with White residents comprising the majority of homeowners but only approximately a third of the County's population.
- BIPOC households continue to have disproportionate levels of housing discrimination as renters and in the housing market. Overall, the rate of mortgage approvals has gone up in the last seven years, but the disparities in the rate of approval across race and ethnicity has stayed relatively the same. Black applicants continue to have the lowest approval rate at 59.1 percent and Hispanic applicants the second lowest at 61.5 percent compared to White applicants at 70 percent.
- BIPOC communities are displaced residents are being displaced from areas with a traditionally large population and have less access to proficient schools, jobs, and environmental health.

- The average home sales prices have increased from approximately $300,000 to nearly $900,000 in less than 20 years (unadjusted for inflation).
- Wages have not kept up with rent increases, currently the wage needed to rent an average housing unit in the County is $44.79 an hour or $93,000 a year. Median rents have risen an average of $1,000 (unadjusted for inflation) since 2010, representing an increase of 55 percent in a 9-year period.
- Homelessness has increased by 42 percent since 2017.
- BIPOC households, especially black and Hispanic/ Latinx households, have the highest rate of disproportionate housing needs, which includes having incomplete kitchen facilities, incomplete plumbing facilities, more than 1 person per room, and households with a cost burden greater than 30 percent.
- Based on community feedback, Housing Choice Voucher holders and those with disabilities often find it difficult to find an appropriate housing unit. Some find it difficult to find an appropriately sized unit that will take their voucher and others experience that the vouchers will not cover the rent of an appropriately sized unit.
- Disability, race, and familial status are the most common bases of housing discrimination complaints forwarded to the California Department of Fair Employment and Housing and the office of Fair Housing and Equal Opportunity.

Fair Housing Outreach Capacity and Enforcement

Fair housing complaints can be used as an indicator to identify characteristics of households experiencing discrimination in housing. Pursuant to the California Fair Employment and Housing Act [Government Code Section 12921 (a)], the opportunity to seek, obtain, and hold housing cannot be determined by an individual's "race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, genetic information, or any other basis prohibited by Section 51 of the Civil Code." Fair housing issues that may arise in any jurisdiction include but are not limited to:

- Housing design that makes a dwelling unit inaccessible to an individual with a disability;
- Discrimination against an individual based on race, national origin, familial status, disability, religion, sex, or other characteristic when renting or selling a housing unit; and
- Disproportionate housing needs including cost burden, overcrowding, substandard housing, and risk of displacement.

The following are organizations at the state and county level that provide resources and support for fair housing and eviction defense.

East Bay Community Law Center (EBCLC): EBCLC's Housing Program focuses on defending eviction lawsuits brought against low-income tenants, as well as enforcement of local rent and eviction control ordinances. The program emphasizes defense of long-term tenancies to preserve the value of rent-controlled units. EBCLC also prioritizes subsidized tenancies such as those in Section 8 and conventional public housing programs, as well as on behalf of tenants with disabilities.

Housing and Economic Rights Advocates (HERA): HERA is a California statewide, not-for-profit legal service and advocacy organization dedicated to helping Californians — particularly those most vulnerable — build a safe, sound financial future, free of discrimination and economic abuses, in all aspects of household financial concerns. They provide free legal services, consumer workshops, training for professionals and community organizing support, create innovative solutions and engage in policy work locally, statewide and nationally.

Housing Equality Law Project (HELP): HELP seeks to expand legal protections in fair housing through advocacy, leadership training, education and outreach, and enforcement of anti-discrimination laws.

Newark works with ECHO Housing for fair housing enforcement. ECHO provides fair housing counseling and education, tenant/landlord counseling and mediation, and other housing-related programs. To address the needs of Limited English Proficient speakers, ECHO provides services and classes in Spanish, has online information available in multiple languages, and has access to interpretation and translation services. ECHO programs include:

- Fair housing counseling, investigation, education, and enforcement
- Tenant/landlord counseling and mediation
- Rental Assistance Program
- Home Seeking Services
- Shared Housing Counseling & Placement
- Homebuyer Education Workshops

ECHO Housing has compiled fair housing complaints in Newark that align with those at the county level, with the majority regarding race and disability. In Newark, disability has the highest share of complaints filed from 2016 to 2021 at 27, with race at 16 complaints. City staff conducted one on one interviews with affordable housing providers. Through communication with Darin Lounds on April 29th, 2022, Executive Director of the Housing Consortium of the East Bay, he shared that many people with disabilities are well educated in the process, which can make it appear there are a larger number of instances of discrimination in comparison with other types of discrimination.

El Timpano is a non profit, community based organization in Alameda County that provides access

to information for Spanish and Mayan speaking communities through a text based SMS platform. They conducted an in depth investigation on the barriers that residents are experiencing accessing housing resources during COVID-19. They found that women and undocumented residents faced the most challenges, with specific issues faced by residents were:

- Difficulty of providing documentation when many undocumented immigrants are paid under the table or are not named on rental leases,
- Challenges accessing information digitally
- Complicated/confusing applications without assistance readily available

Through communication through text and phone interviews, the organization found that changes that would be most impactful in supporting increased access would be less documentation-heavy requirements, help with the application process over the phone or in person, more promotion and support in Spanish, and a shorter application process.

Table 3-1: Newark Fair Housing Complaints, 2016-2021

Fiscal Year	Race	National Origin	Disability	Familial Status	Marital Status	Religion	Sex	Source of Income	Age	Other	TOTAL
2016-2017	10	0	5	0	0	0	0	0	0	0	15
2017-2018	1	0	1	0	0	0	0	0	0	0	2
2018-2019	4	0	1	0	0	0	0	0	0	0	5
2019-2020	1	0	10	0	0	0	0	0	0	0	11
2020-2021	0	4	10	0	0	0	0	2	0	0	14

Source: ECHO Housing

Table 3-2: Fair Housing Complaints Forwarded to Fair Housing and Equal Opportunity Alameda County, January 2017- June 2020

Complaint type					2017-2021 Total	
	2017	*2018*	*2019*	*2020*	*Cases*	*% of Total*
Color	1	1	1	0	3	1.5%
Disability	32	26	28	15	101	49.8%
Familial Status	10	5	3	2	20	9.9%

Complaint type					2017-2021 Total	
	2017	*2018*	*2019*	*2020*	*Cases*	*% of Total*
National Origin	4	4	0	1	9	4.4%
Hispanic Origin	2	2	0	0	4	2.0%
Race	7	9	5	2	23	11.3%
Asian	0	1	0	0	1	0.5%
Black	5	4	5	2	16	7.9%
Black and White	0	1	0	0	1	0.5%
Native American	1	1	0	0	2	1.0%
White	1	2	0	0	3	1.5%
Religion	1	2	2	0	5	2.5%
Retaliation	7	9	8	1	25	12.3%
Sex	***7***	***5***	***5***	***0***	***17***	***8.4%***
Total Cases	***69***	***61***	***52***	***21***	***203***	***100%***

HUD Note: Percents do not add up to 100 due to cases containing multiple bases of discrimination.

Local Knowledge on Capacity and Enforcement

Four key issues in the capacity and enforcement of fair housing have been identified in the Alameda County Analysis of Impediments to Fair Housing document, and by the Executive Director of ECHO Housing:

1. **Inadequate funding and organizational capacity** are the primary limitations for improving and expanding upon existing fair housing enforcement. Recividng funding from a couple jurisdictions in the County is insufficient.
2. **Limited sources of funding and HUD capping allocation amounts** of Community Development Block Grants for fair housing activities limits the participating jurisdictions from being able to utilize more of these funds for fair housing work.

3. **Reduction in the number of fair housing organizations and activities in the region** has taken place, with at least two fair housing agencies in the East Bay have closed their doors.
4. **A lack of affordable housing supply** due to significant decreases in funding from the federal government since 2008. Guidance from HCD suggests a connection between fair housing complaints and that the lack of affordable housing that is needed is affordable to persons on public assistance, accessible housing for persons with disabilities, and senior citizens, single parent households and large families. Although local tax funding has been approved in select jurisdictions, a large funding shortcoming remains.

The Alameda County Collaborative, an ad-hoc group of housing program professionals working for local Alameda County jurisdictions, held a panel with representatives from community-based organizations (CBOs) on April 25, 2022. The participating CBOs' clientele included members of protected classes, including immigrants and non-English speakers; households with special needs, including persons with disabilities and seniors; and persons who are experiencing fair housing issues. This document synthesizes key points the CBOs presented.

Community-Based Organizations identified key barriers and obstacles that they and their clients face related to fair housing, including:

- Insufficient access to information due to language/technology barriers (particularly for immigrant communities and seniors); fear/distrust of the system; and difficulty understanding rights/resources
- Complex, inflexible application requirements for housing resources that may vary between jurisdictions, exclude certain people (e.g., undocumented, formerly
- incarcerated), or be difficult to meet
- Communication between CBOs and property owners is difficult to navigate, requires individual relationships with each location
- Overall cost of housing (most CBOs' clients fall under the 30% AMI) and need for tenant protections

The CBOs recommend these strategies to strengthen outreach efforts:

- Meet people where they are—engage with existing outreach channels
- Partner with school districts to distribute information, as well as any civic organizations such as libraries, religious institutions, medical services
- "Train the trainer" approach to educate existing service providers on housing rights and referrals for their clients

- Provide materials appropriate for audience (e.g., physical flyers for seniors; video/audio content for Mam speakers)

Solutions that panelists recommended for housing projects to better serve their clients:

- Identify onsite supportive services that are appropriate for residents early in process
- Early and sustained relationships between service providers and properties, especially relative to preparing eligible residents for the document/application needs for housing
- Renters' protection and long-term rental subsidies, particularly for households under 30% AMI
- Greater flexibility in application process (make it easier for CBOs and their clients to navigate, remove barriers for undocumented people)

Through housing survey responses and small group conversations in community meetings, The city has constantly heard from Newark residents and community organizations that there is both not enough affordable housing at levels accessible for those earning lower wages, as well as access to housing resources and application requirements for housing that make accessing housing out of reach.

Segregation and Integration Patterns

Segregation Patterns in the Bay Area

Across the San Francisco Bay Area, White residents and above moderate-income residents are significantly more segregated from other racial and income groups . The highest levels of racial segregation occur between the Black and white populations. The analysis completed for this report indicates that the amount of racial segregation both within Bay Area cities and across jurisdictions in the region has decreased since the year 2000. This finding is consistent with recent research from the Othering and Belonging Institute at UC Berkeley, which concluded that "although 7 of the 9 Bay Area counties were more segregated in 2020 than they were in either 1980 or 1990, racial residential segregation in the region appears to have peaked around the year 2000 and has generally declined since." However, compared to cities in other parts of California, Bay Area jurisdictions have more neighborhood level segregation between residents from different racial groups. Additionally, there is also more racial segregation between Bay Area cities compared to other regions in the state.

Segregation is the separation of different demographic groups into different geographic locations or communities, meaning that groups are unevenly distributed across geographies. The city looked at two spatial forms of segregation: neighborhood level segregation within a local jurisdiction and city level segregation between jurisdictions in the Bay Area.

Neighborhood level segregation: Segregation of race and income groups can occur from neighborhood to neighborhood within a city.

City level segregation: Race and income divides also occur between jurisdictions in a region.

Newark and Regional Segregation

To understand how Newark is connected to the total segregation of the Bay Area, one can look at the difference in the racial composition of a jurisdiction compared to the racial composition of the region as a whole. The racial demographics in Newark for the years 2000, 2010, and 2020 can be found in Table 3-3 below. The table also provides the racial composition of the nine-county Bay Area. As of 2020, Newark has a lower share of white residents than the Bay Area as a whole, a higher share of Latinx residents, a lower share of Black residents, and a significantly higher share of Asian/Pacific Islander residents.

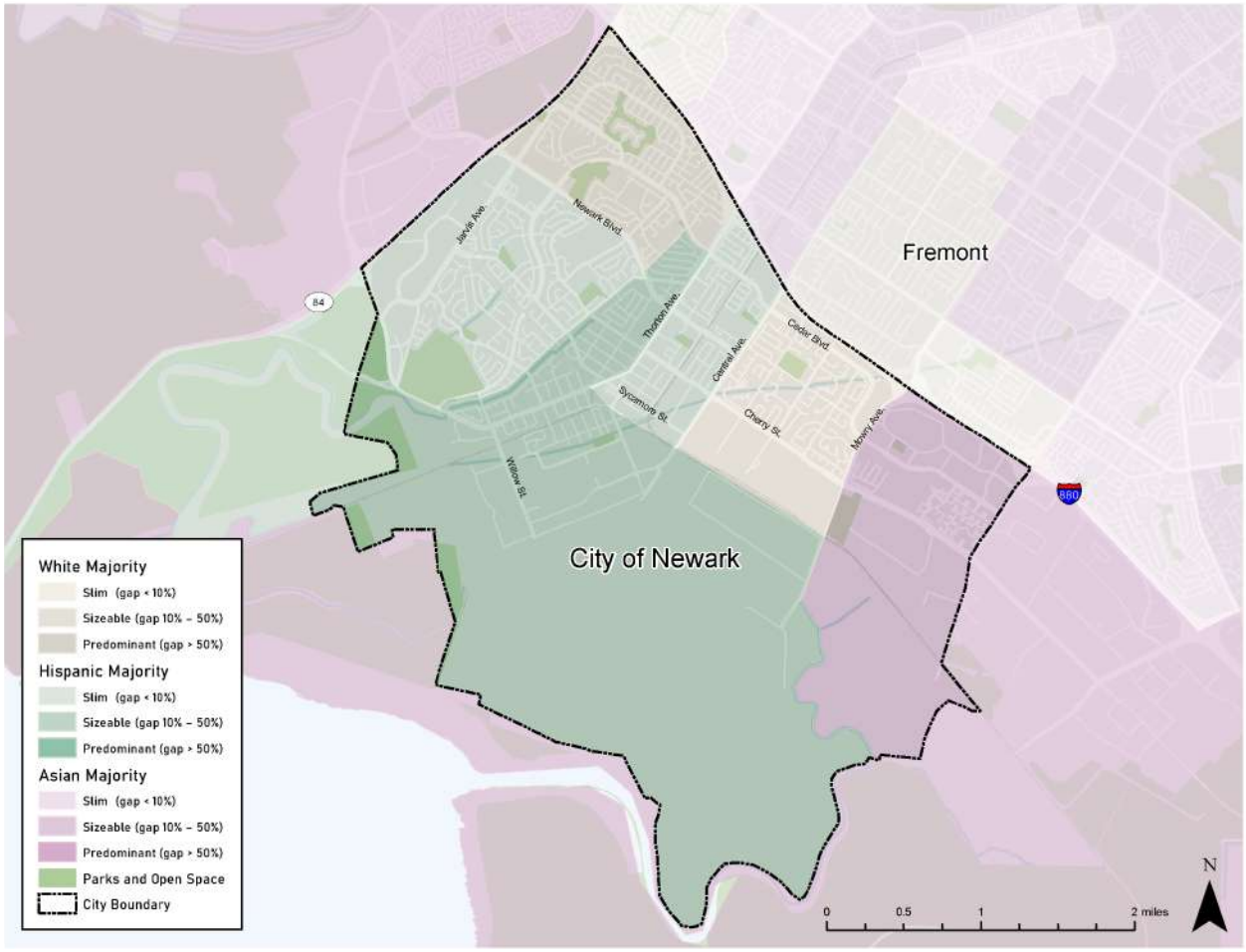
Latinx residents are primarily in close proximity to major highways and arterial roads such as Thornton Avenue, with White and Asian populations predominantly living to the North and South of Newark. The highest non white populations at 80 to 100 percent are concentrated along Thornton Ave in Old Town.

Table 3-3: Population by Racial Group, Newark and the Region, 2000 to 2020

Race	Newark			Bay Area
	2000	*2010*	*2020*	*2020*
Asian/Pacific Islander	21.1%	28.2%	42.6%	28.2%
Black/African American	3.9%	4.5%	3.1%	5.6%
Latinx	28.6%	35.2%	30.2%	24.4%
Other or Multiple Races	6.2%	4.6%	5.3%	5.9%
White	40.3%	27.5%	18.8%	35.8%

Source: Universe: Population. Source: IPUMS National Historical Geographic Information System (NHGIS). U.S. Census Bureau, 2020 Census State Redistricting Data (Public Law 94-171) Summary File, 2020 Census of Population and Housing, Table P002. Data from 2010 is from U.S. Census Bureau, Census 2010, Table P4. Data for 2000 is standardized to 2010 census tract geographies and is from U.S. Census Bureau, Census 2000, Table P004.

Figure 3-1: Predominant Racial Groups in Newark



Source: HCD AFFH Data Resources and Mapping Tool.

Race and Ethnicity

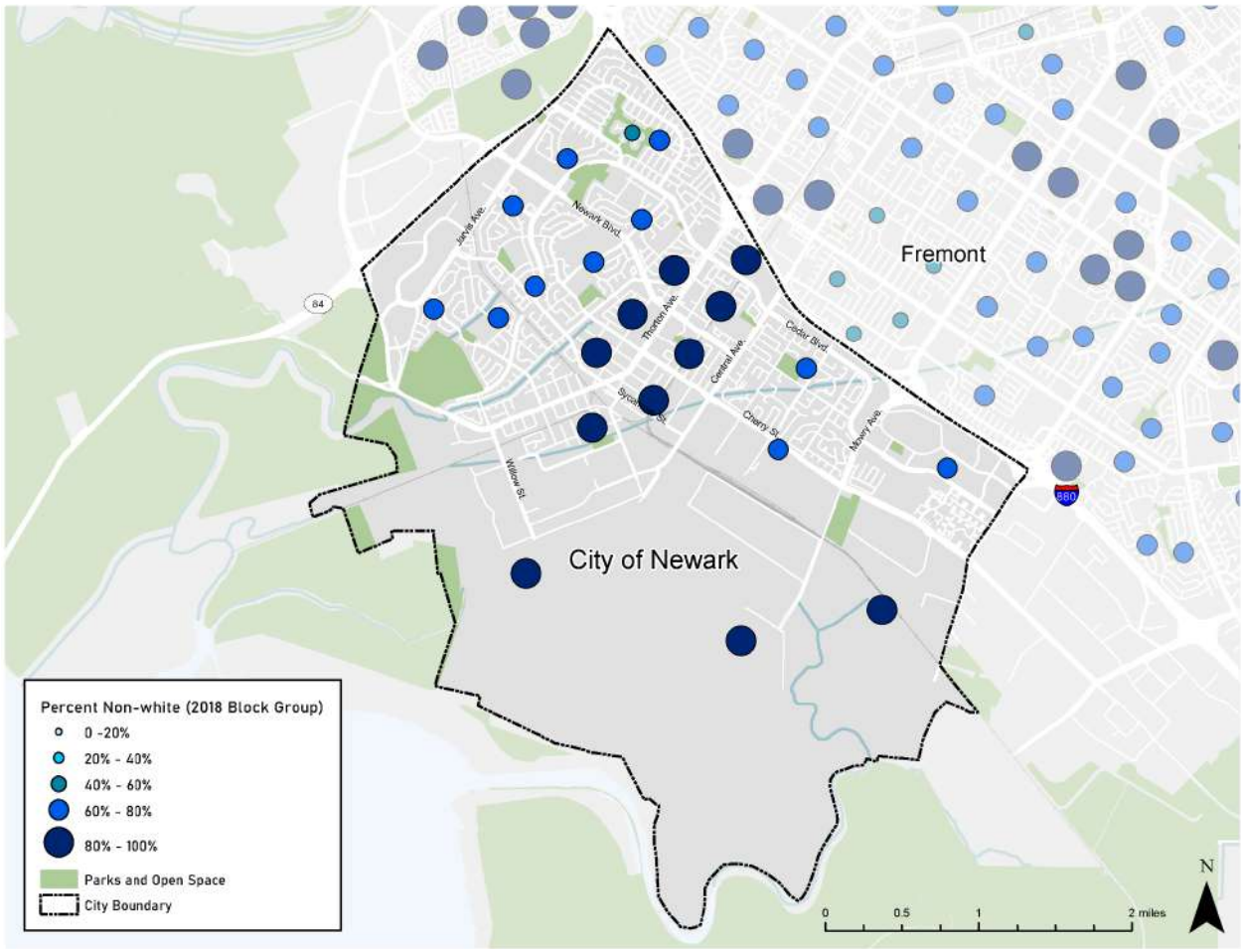
Asian and Hispanic/Latinx populations have grown significantly over the past 20 years to become the majority populations, with decreasing Black and White populations. The Asian population in Newark is multi-ethnic, with the largest being Chinese (10.1 %), followed by Filipino (9.6%) and Asian Indian (8.9%).

Table 3-4: Race and Ethnicity of Newark Residents, 2000 to 2020

Year	American Indian or Alaska Native, Non-Hispanic	Asian / API, Non-Hispanic	Black or African American, Non-Hispanic	White, Non-Hispanic	Other Race or Multiple Races, Non-Hispanic	Hispanic or Latinx
2000	148	9,329	1,639	17,103	128	12,145
2010	95	12,005	1,908	11,726	1,845	14,994
2020	107	17,315	1,534	10,629	1,822	15,975

Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates

Figure 3-2: Racial Demographics of Newark, 2018



Source: HCD AFFH Data Resources and Mapping Tool.

Dissimilarity Index

Dissimilarity Index Guidance for Cities with Small Racial Group Populations

The analysis conducted for this report suggests that dissimilarity index values are unreliable for a population group if that group represents approximately less than 5% of the jurisdiction's total population.

If a jurisdiction has a very small population of a racial group, this indicates that segregation between the jurisdiction and the region (inter-city segregation) is likely to be an important feature of the jurisdiction's segregation patterns.

Table 3-5 below provides the dissimilarity index values indicating the level of segregation in Newark between white residents and residents who are Black, Latinx, or Asian/Pacific Islander. The table also provides the dissimilarity index between white residents and all residents of color in the jurisdiction, and all dissimilarity index values are shown across three time periods (2000, 2010, and 2020).

In Newark, the highest segregation is between Black and White residents (see Table 3-5). Newark's Black/white dissimilarity index of 0.244 means that 24.4 percent of Black or White residents would need to move to a different neighborhood to create perfect integration between Black residents and white residents. However, this dissimilarity index value is not a reliable data point due to small population size. See callout box above for more information. Latinx residents have rates of segregation between White residents with an index of .229 or 22.9 percent. Due to the fact that the Latinx community is 30 percent of the population in Newark, this indicates a significant level of segregation between Latinx and White residents in Newark, slightly higher than segregation at the regional level.

Table 3-5: Dissimilarity Index Between Racial Groups, 2000 to 2020

Race			Newark	Bay Area
	2000	2010	2020	2020
Asian/Pacific Islander vs. White	0.183	0.170	0.192	0.185
Black/African American vs. White	0.180*	0.204*	0.244*	0.244
Latinx vs. White	0.286	0.230	0.229	0.207
People of Color vs. White	0.204	0.173	0.169	0.168

Universe: Population. Source: IPUMS National Historical Geographic Information System (NHGIS). U.S. Census Bureau, 2020 Census State Redistricting Data (Public Law 94-171) Summary File, 2020 Census of Population and Housing, Table P002. Data from 2010 is from U.S. Census Bureau, Census 2010, Table P4. Data for 2000 is standardized to

2010 census tract geographies and is from U.S. Census Bureau, Census 2000, Table P004. Note: If a number is marked with an asterisk (*), it indicates that the index is based on a racial group making up less than 5 percent of the jurisdiction population, leading to unreliable numbers.

Isolation Index

Within the City of Newark the most isolated racial group is Asian residents. Newark's isolation index of 0.451 for Asian residents means that the average Asian resident lives in a neighborhood that is 45.1% Asian. Other racial groups are less isolated, meaning they may be more likely to encounter other racial groups in their neighborhoods. The isolation index values for all racial groups in Newark for the years 2000, 2010, and 2020 can be found in Table 3-6 below. Among all racial groups in this jurisdiction, the white population's isolation index has changed the most over time, becoming less isolated from other racial groups between the years 2000 and 2020.

Table 3-6: Isolation Index for Newark and the Bay Area, 2000 to 2020

Race	Newark			Bay Area Average
	2000	2010	2020	2020
Asian/Pacific Islander	0.236	0.307	0.451	0.245
Black/African American	.041	0.048	0.032	0.053
Latinx	0.331	0.386	0.334	0.251
White	0.431	0.297	0.207	0.491

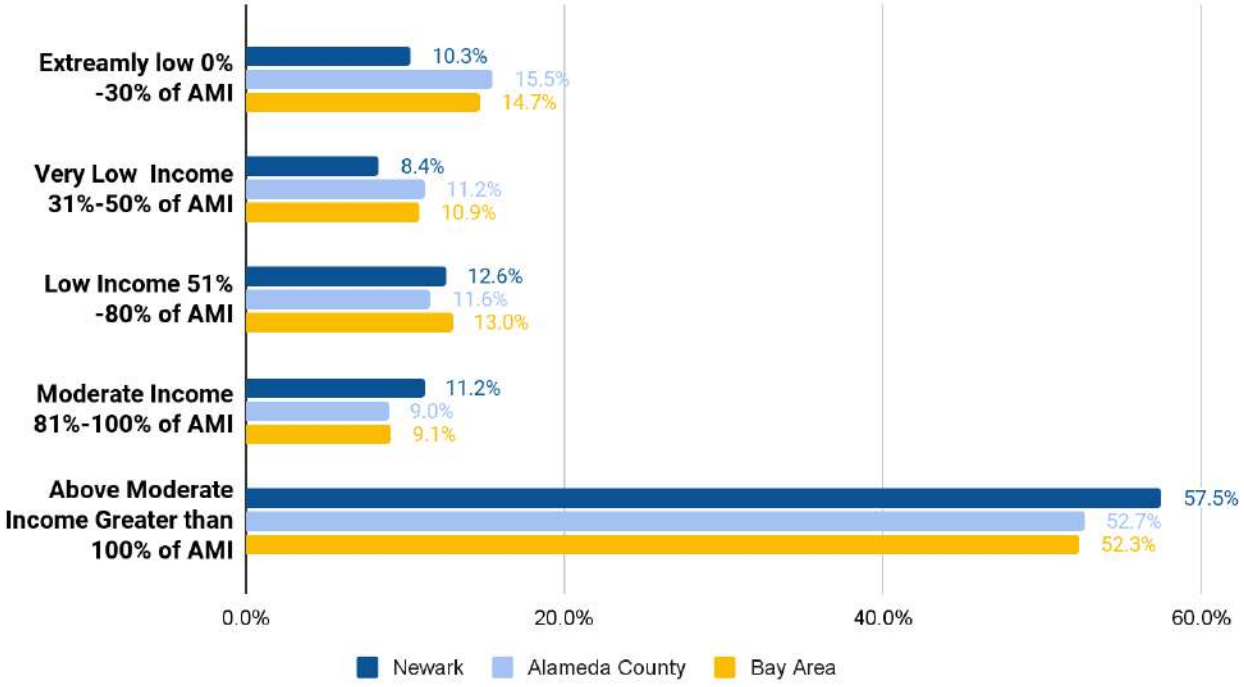
Universe: Population. Source: IPUMS National Historical Geographic Information System (NHGIS). U.S. Census Bureau, 2020 Census State Redistricting Data (Public Law 94-171) Summary File, 2020 Census of Population and Housing, Table P002. Data from 2010 is from U.S. Census Bureau, Census 2010, Table P4. Data for 2000 is standardized to 2010 census tract geographies and is from U.S. Census Bureau, Census 2000, Table P004.

Income status

There are fewer very low and extremely low income households in Newark than Alameda County and the Bay Area, and with slightly higher percentages of moderate and above moderate income households than Alameda County and the Bay Area. Low income households at 50-80 percent area median income are relatively equal across geography at 12.6 percent for Newark, Alameda County (11.6 percent) and the Bay Area (13 percent). In Newark, low income households are concentrated in the central portion of the city, with the highest concentrations found along Thorton avenue in the Old Town area. Figure 3-4 shows income by race in Newark. The areas with 50 percent or greater of low to moderate income populations also have the highest concentrations of BIPOC residents. Higher income residents are found outside of Central Newark, as seen in Figure 3-5. While the majority of Newark is single family housing, Central Newark is where older housing stock is found along a major arterial road, with lower rents as a result. The majority of very

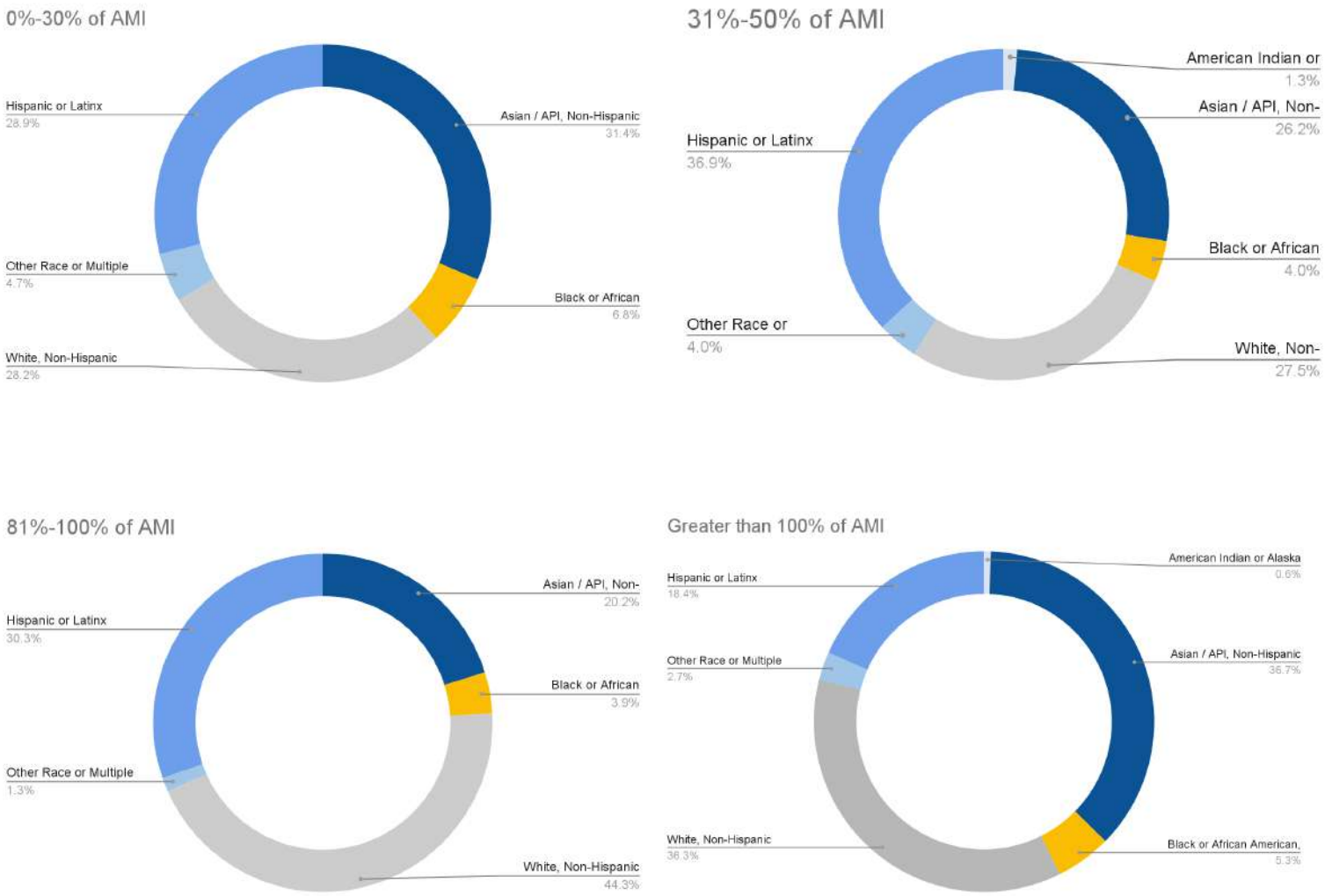
low and low income residents are Black, Hispanic/ Latino and Asian/ Pacific Islander. Figure 3-4 shows these populations are approximately 67 percent of the population for very low incomes and 68 percent for low income. For moderate and above moderate income populations, the demographics shift sharply to a greater percentage of White residents (44 percent) for moderate income and above moderate income White residents (36 percent) and Asian and Pacific Islander residents (37 percent) make up the larger percentage of residents in these income categories. Asian and Pacific Islanders have comprised a large percentage of both the lowest and highest income categories. Although the Censuses data combines the groups, we know from other research that Pacific Islander students in Newark Unified School District have high levels of homelessness.

Figure 3-3: Household Income levels for Newark, Alameda County and the Bay Area, 2013- 2017



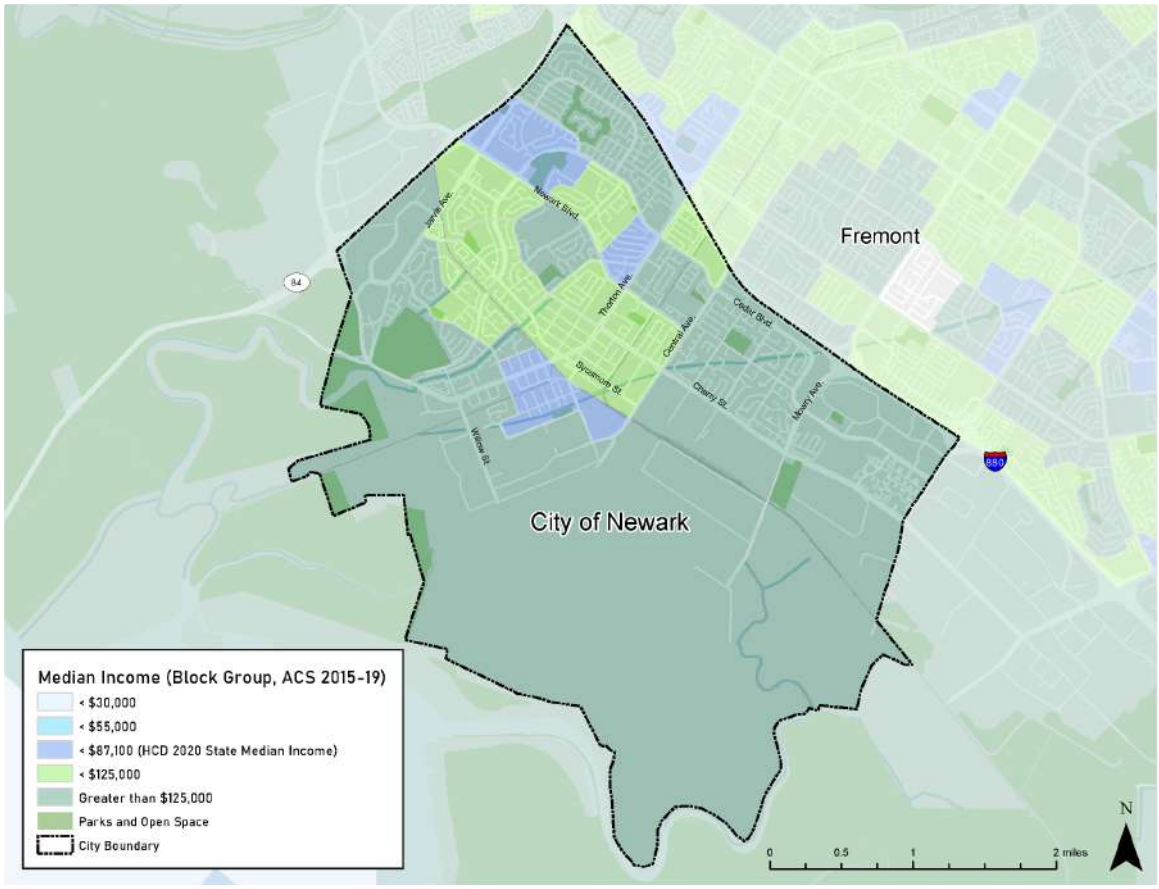
Source: US Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy. ACS tabulation, 2013-2017 release

Figure 3-4: Income by Race and Ethnicity, 2013- 2017



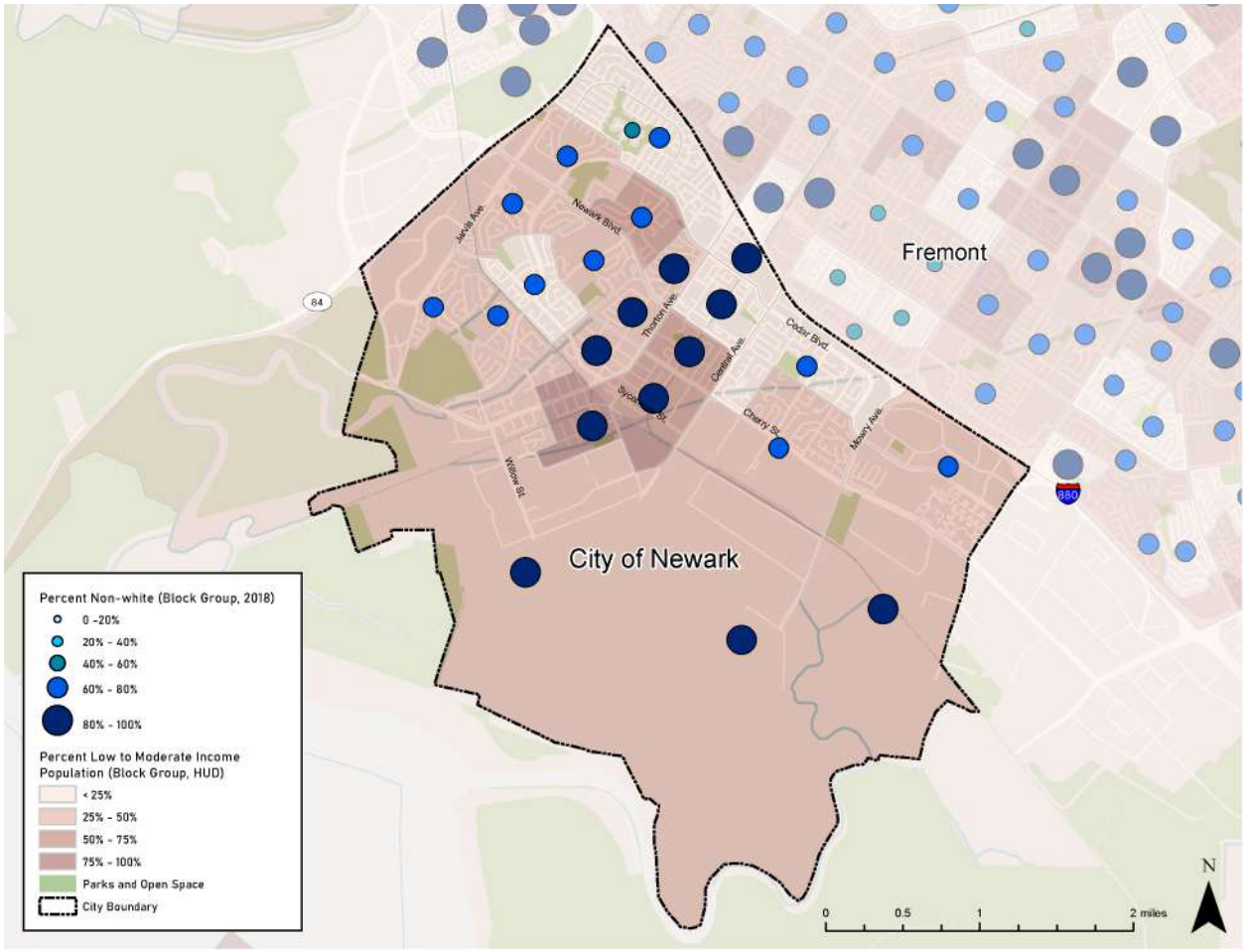
Source: US Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy. ACS tabulation, 2013-2017 release

Figure 3-5: Median Household Income, 2015- 2019



Source: HCD AFFH Data Resources and Mapping Tool.

Figure 3-6: Low to Moderate Income Households and Percent Non-White Population, 2018



Source: HCD AFFH Data Resources and Mapping Tool.

Family Status

Newark has the largest household size in Alameda County. According to the County of Alameda's Regional Analysis of Impediments to Fair Housing Choice (2020), there is a higher percentage of families with children in Alameda County as a whole compared to other family types, but the overall proportion of families with children has decreased by 6 percent from 1990 to 2017. According to the 2021 ACS 5 year data, there are 9,693 children under the age of 18 in Newark, with the majority, 7,546 in married couple households. Figure 3-22 Shows 80 percent and higher of married couples with children are found in the north east, north west and south east corners of the city. These areas include Lake-Rosemont, a moderate opportunity neighborhood of single family homes, NewPark Place and Sanctuary Village, a newer single family housing development and an area identified as high opportunity. The neighborhood to the South East surrounding Lincoln Elementary school is an older single family neighborhood with smaller single story homes. Central Newark has 60 to 80 percent of married couple households with children. This area also

has more civic and commercial uses. Only one area in North central Newark has a concentration of single mother households from 20 to 40 percent. The majority of the city is 20 percent or below. This is an area with older single family housing stock and a recently closed elementary school.

Disability

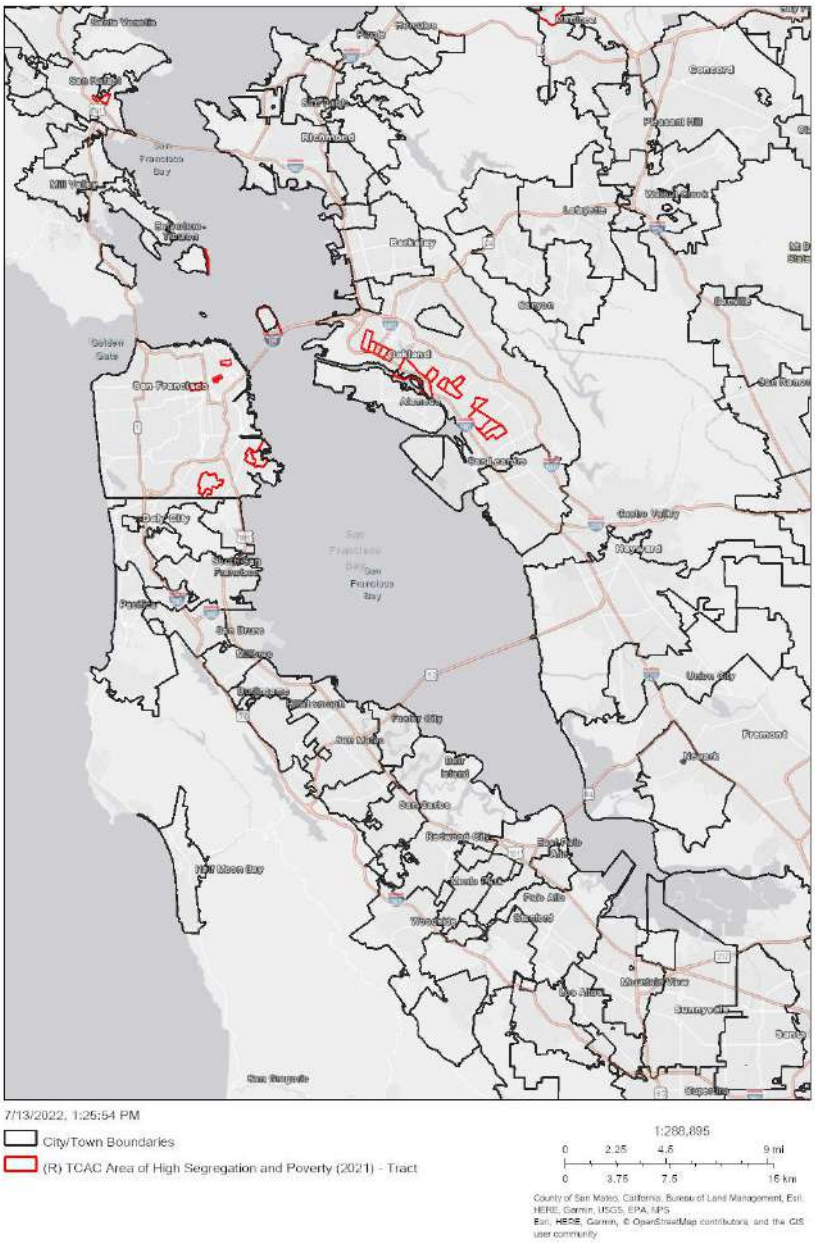
As seen in Figure 3-60, there is no concentration of residents with a disability in Newark. The majority of residents with a physical disability are seniors, and are primarily related to ambulatory movement. Through community engagement, especially with the senior community, there is a strong interest in shared housing and accessory dwelling units in order to remain in their communities. City is proposing programs such as H2.2 Accessory Dwelling Unit incentive program, H4.5, connecting residentings to existing shared housing programs and H4.7, Increasing housing opportunities for those with developmental disabilities.

E. Racially and/or Ethnically Concentrated Areas of Poverty + Affluence

Racially or Ethnically Concentrated Areas of Poverty (R/ECAP) are neighborhoods in which there are both racial concentrations and high poverty rates. HUD's definition of a R/ECAP is:

- A census tract that has a non-white population of 50 percent or more (majority-minority) or, for non-urban areas, 20 percent, AND a poverty rate of 40 percent or more; OR
- A census tract that has a non-white population of 50 percent or more (majority-minority) AND the poverty rate is three times the average tract poverty rate for the county, whichever is lower. Households within R/ECAP tracts frequently represent the most disadvantaged households within a community and often face a multitude of housing challenges. R/ECAPs are meant to identify where residents may have historically faced discrimination and continue to be challenged by limited economic opportunity. While there are several R/ECAPs in Alameda County, the majority are concentrated in the City of Oakland with a few in Berkeley, one in Hayward, and one in the unincorporated county (see Figure 3-7). No R/ECAPs were identified in Newark.

Figure 3-7: Area of High Segregation and Poverty, 2021



Source: HCD AFFH Data Resources and Mapping Tool.

Racially and/or Ethnically Concentrated Areas of Affluence

Racially or Ethnically Concentrated Areas of Affluence (RCAAs) are neighborhoods in which there are both high concentrations of non-Hispanic white households and high household income rates. HCD has not yet established one standard methodology for determining RCAAs in California, but for the purpose of this analysis an RCAA is defined as a census tract with: 1) an average total

White population that is 1.25 times higher than the average total White population in the Bay Area region and 2) a median household income of $141,996 or higher (1.5 times higher than the Bay Area AMI in 2019). Based on this methodology, there are RCAAs throughout the eastern county spanning from Dublin, Livermore, and the unincorporated eastern county up through Castro Valley and Contra Costa County area. There are also RCAAs in the City of Alameda and Oakland. There are no RCAAs within Newark based on this methodology.

Although Newark does not have areas that have been identified as Racially or Ethnically Concentrated Areas of Affluence through this methodology, there are areas of concentrated affluence in Newark, where residents are making more than $141,000, but do not have the levels of white population to identify as an area of Racially or Ethnically Concentrated Area of Influence.

F. Disparities in Access to Opportunity

Historically, and into the present day, affordable housing in the United States has been disproportionately developed in BIPOC neighborhoods that have been disinvested with high poverty rates, thereby reinforcing the concentration of poverty and racial segregation in low opportunity and low resource areas. Several agencies, including HUD and HCD, in coordination with the California Tax Credit Allocation Committee (TCAC), have developed methodologies to assess and measure geographic access to opportunity in areas throughout California. For this assessment, the opportunity indices prepared by HUD and HCD/TCAC are used to analyze access to opportunity in the City of Newark. Access to opportunity is measured by access to healthy neighborhoods, education, employment, and transportation. At the county level, Alameda county is close to equal in the percentage of the county that is high resourced (36%) and the percentage that is low resource (39%). Figure 3-8 shows the distribution of opportunity at the regional level. A large portion of the county is classified as low to moderate opportunity. Higher opportunity areas are found in Berkeley, Alameda, San Leandro, and Fremont. Figure 3-9 shows the composite opportunity areas in Newark. The majority of the city is identified as moderate and high resource, with no low resource areas or areas of high segregation and poverty. Through a community housing survey conducted by the city, residents were asked if they feel their neighborhood has opportunities for you and your family, 18 percent said no and 28 percent said somewhat. When asked what would make it feel that there was more opportunity the top three responses were:

1. City infrastructure that supports physical activity, including sidewalks, bike lanes, parks, and rec centers
2. Affordable, safe, and healthy housing choices
3. Educational opportunities that are academically and culturally supportive

"I think increasing access really has to do with increasing the supply first and putting affordable housing in

high resource areas and near public transit as well as retail."

Figure 3-10 shows the distribution of opportunity areas by race. Asian residents comprise the majority of the residents in the high resource areas at 63.8 percent, followed by White residents (16%), and Hispanic/ Latinx (11.5%). Low resourced or high segregation and poverty areas are primarily populated by Hispanic/ Latinx (39.7%) and Asian (38.3%) residents. Moderate resource areas are representative of the population with 36.9 percent of Hispanic/ Latinx residents, Asian residents (29.7%) and African American (3.5%).

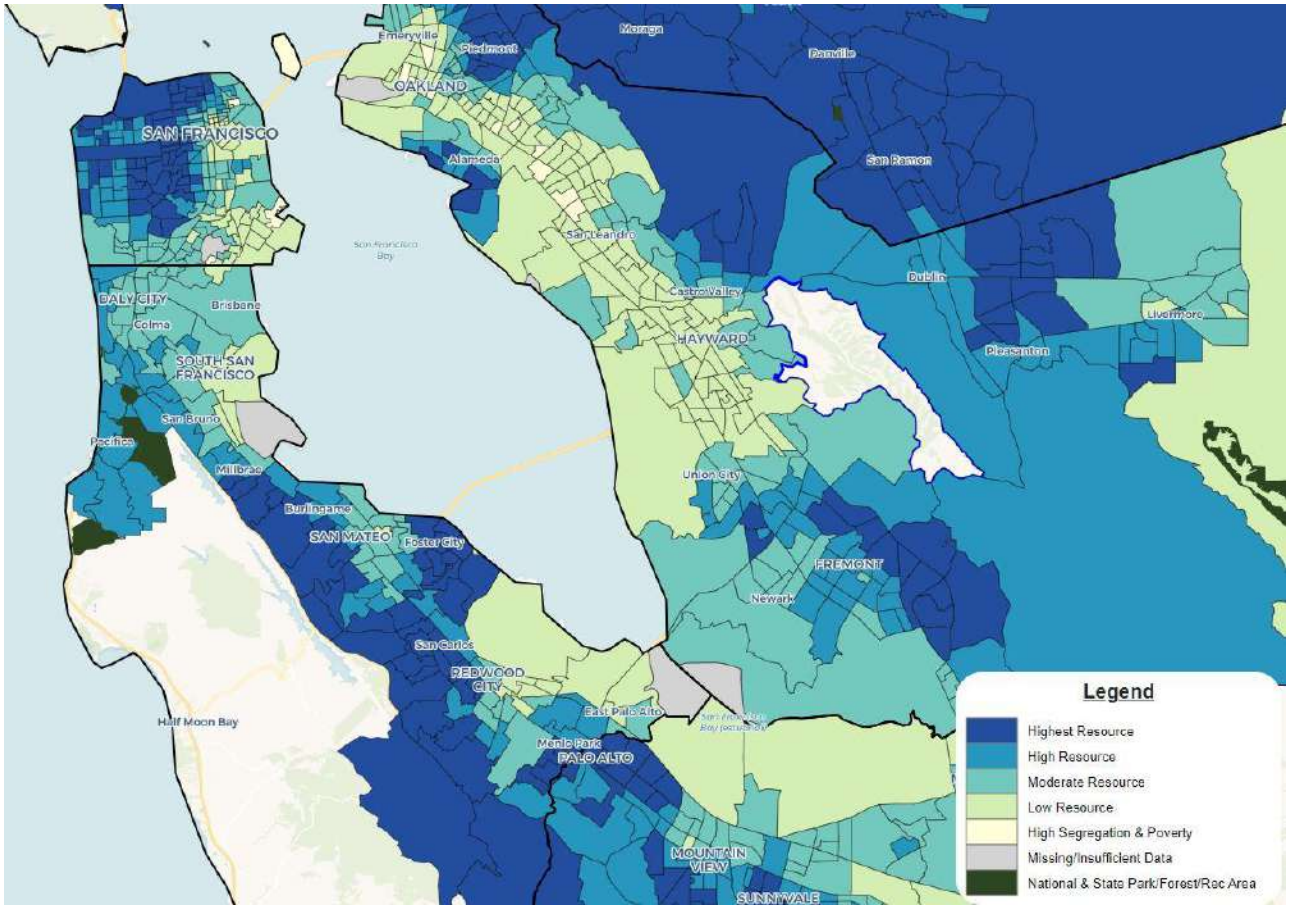
HUD Opportunity Index HUD's opportunity indices compare data indicators by race and ethnicity, for households below the poverty line, between jurisdictions, and for the region overall. The indices include the following:

Table 3-7: Domains and List of Indicators for Opportunity Maps, 2021

Domain	Indicators
Environmental	CalEnviroScreen 4.0 from pollution burdens and socio economic factors are indicators
Economic	Poverty, Adult education, Employment, Job proximity, Median home value
Education	Math proficiency, Reading proficiency, High School graduation rates, Student poverty rates
Poverty and Racial Segregation	Poverty: tracts with at least 30 percent of population under federal poverty line Racial Segregation: Overrepresentation of people of color relative to the county (i.e., Tracts with a racial location quotient higher than 1.25 for Black, Hispanic, Asian, or all people of color in comparison to the county)

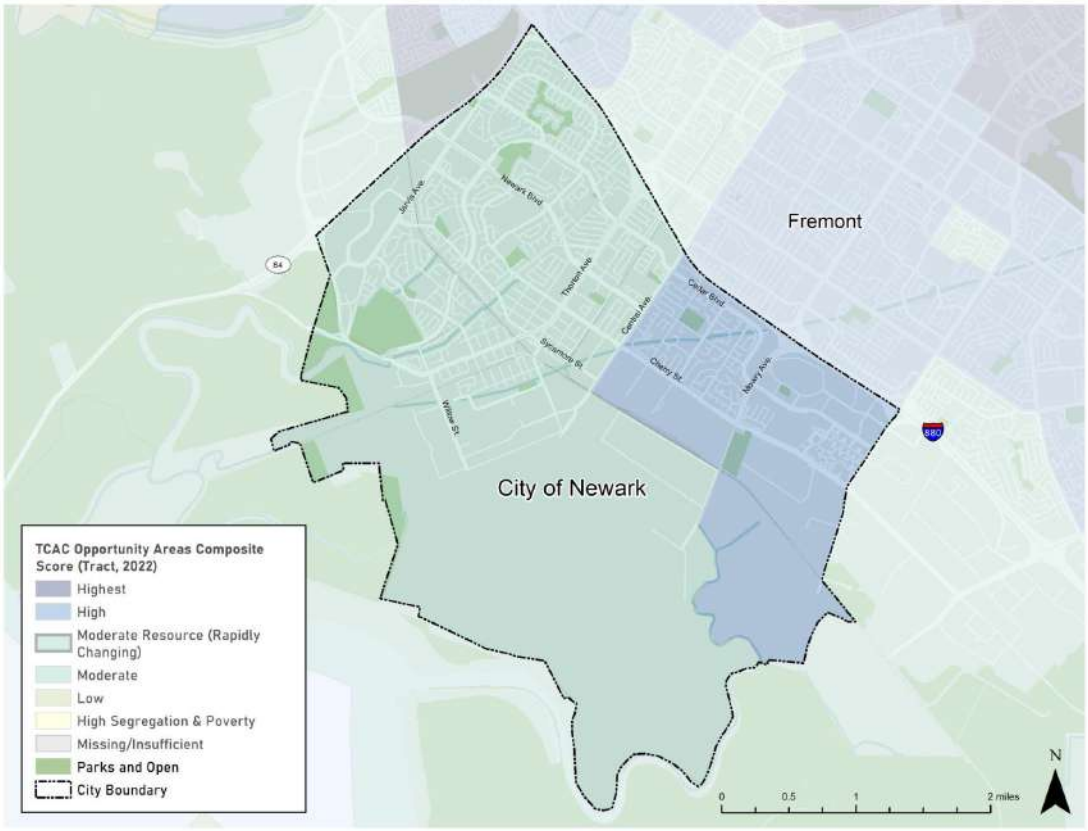
Source: CA Fair Housing Task Force, Methodology for TCAC/HCD Opportunity Maps, December 2021.

Figure 3-8: Distribution of TCAC Opportunity Areas in the San Francisco Bay Area, 2022



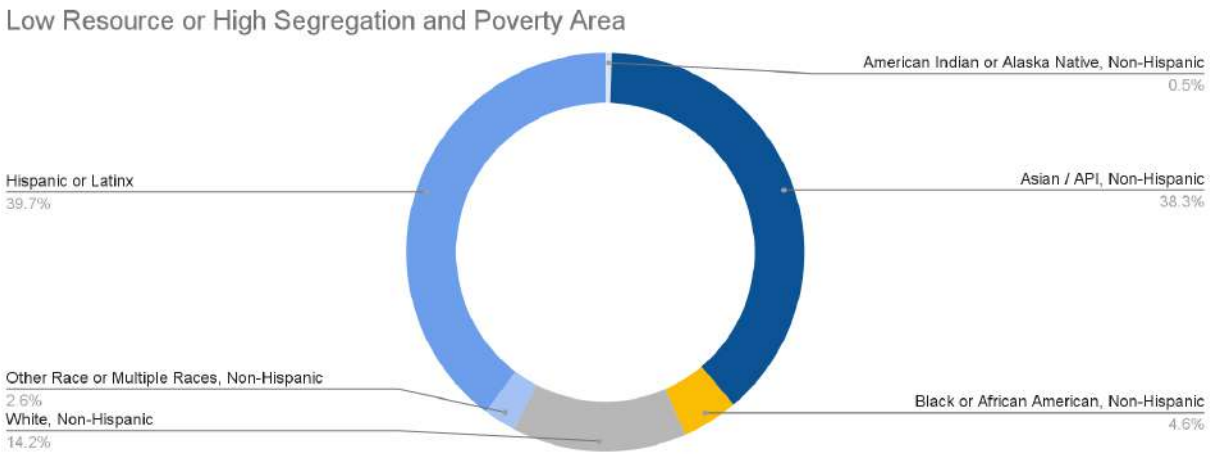
Source: CA Tax Credit Allocation Committee, 2022

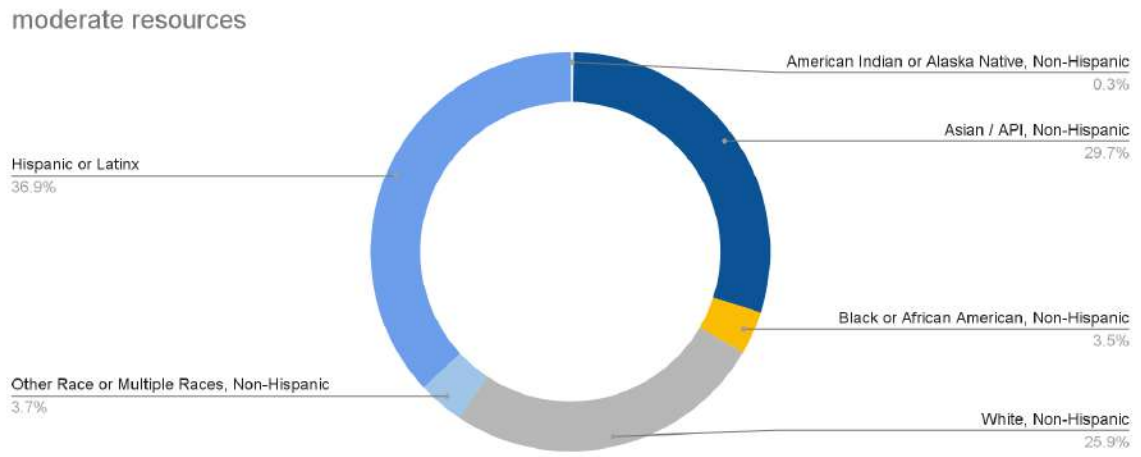
Figure 3-9: Composite of Opportunity Areas in Newark, 2022



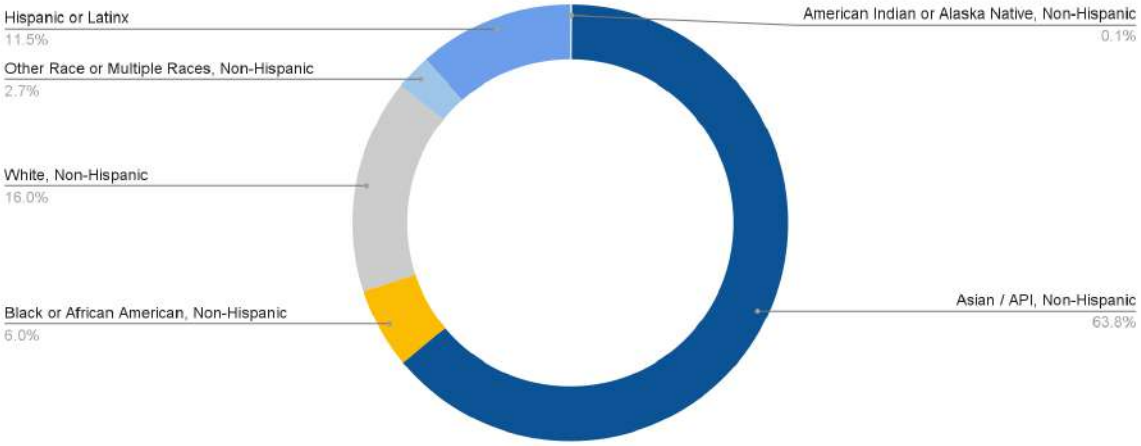
Source: CA Tax Credit Allocation Committee, 2022

Figure 3-10: Percentage of Residents in Low, Moderate and High Resourced Areas by Race, 2015- 2019





Highest Resourced Area



Source: CA Tax Credit Allocation Committee / California Housing and Community Development (HCD),Opportunity Maps (2020); U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates. Table B03002

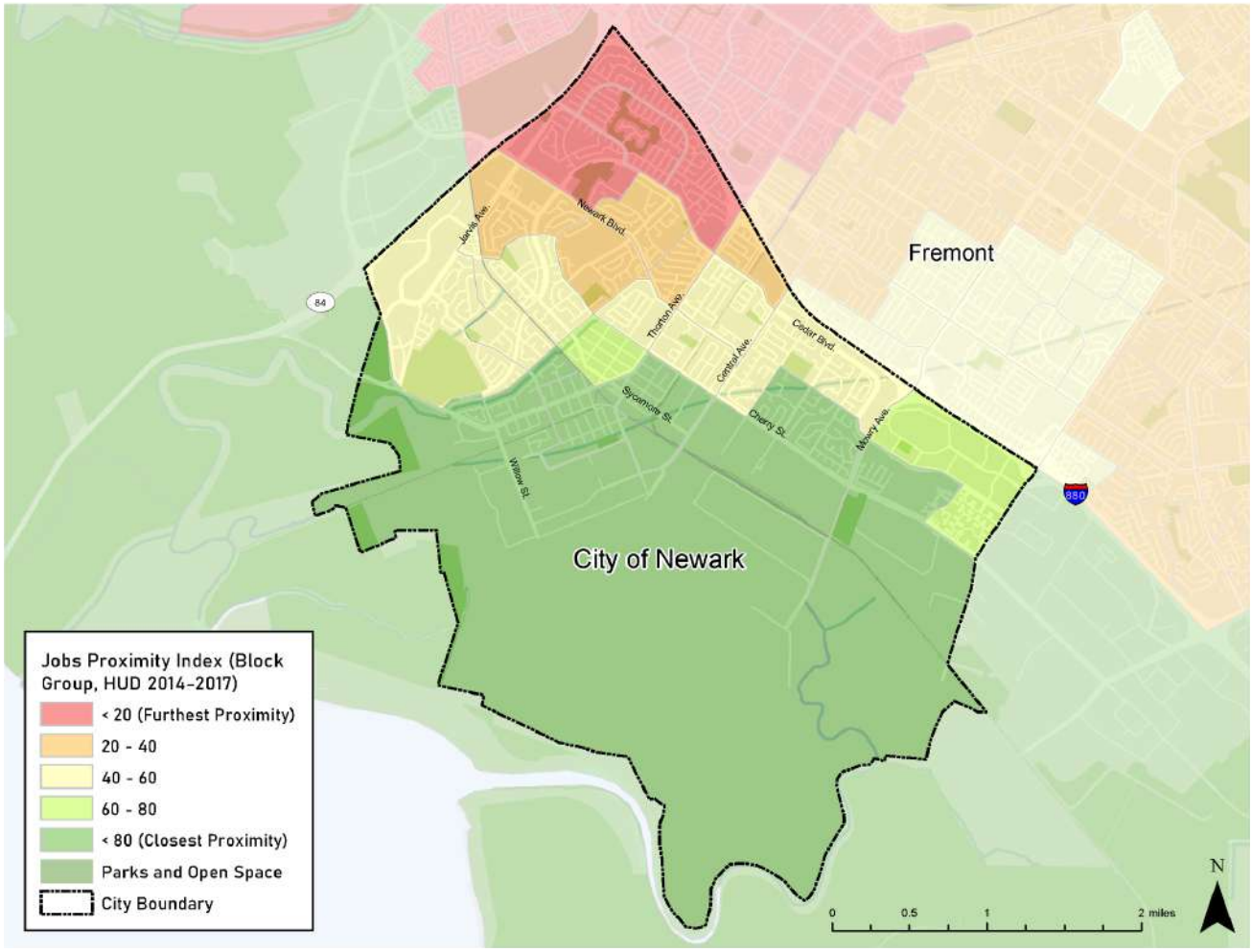
Economic Opportunity and Jobs proximity Index

The TCAC/HCD Economic Opportunity map measures economic opportunity through poverty, levels of adult education, employment, proximity to employment, and median home values. The majority of Newark has an economic score of less than .25 and .25 to .50, indicating less than positive economic opportunity. The southern corner of the city has higher economic opportunity with a score of .50 - .75. The area has a predominant Asian population and a median income greater than 125,000.

Newark has a close proximity to jobs in the eastern portion of the city, close to Silicon Valley. Areas in the northern portion of the city are furthest from jobs, although in the future the south west portion of the city will potentially have access to regional transportation through the creation of

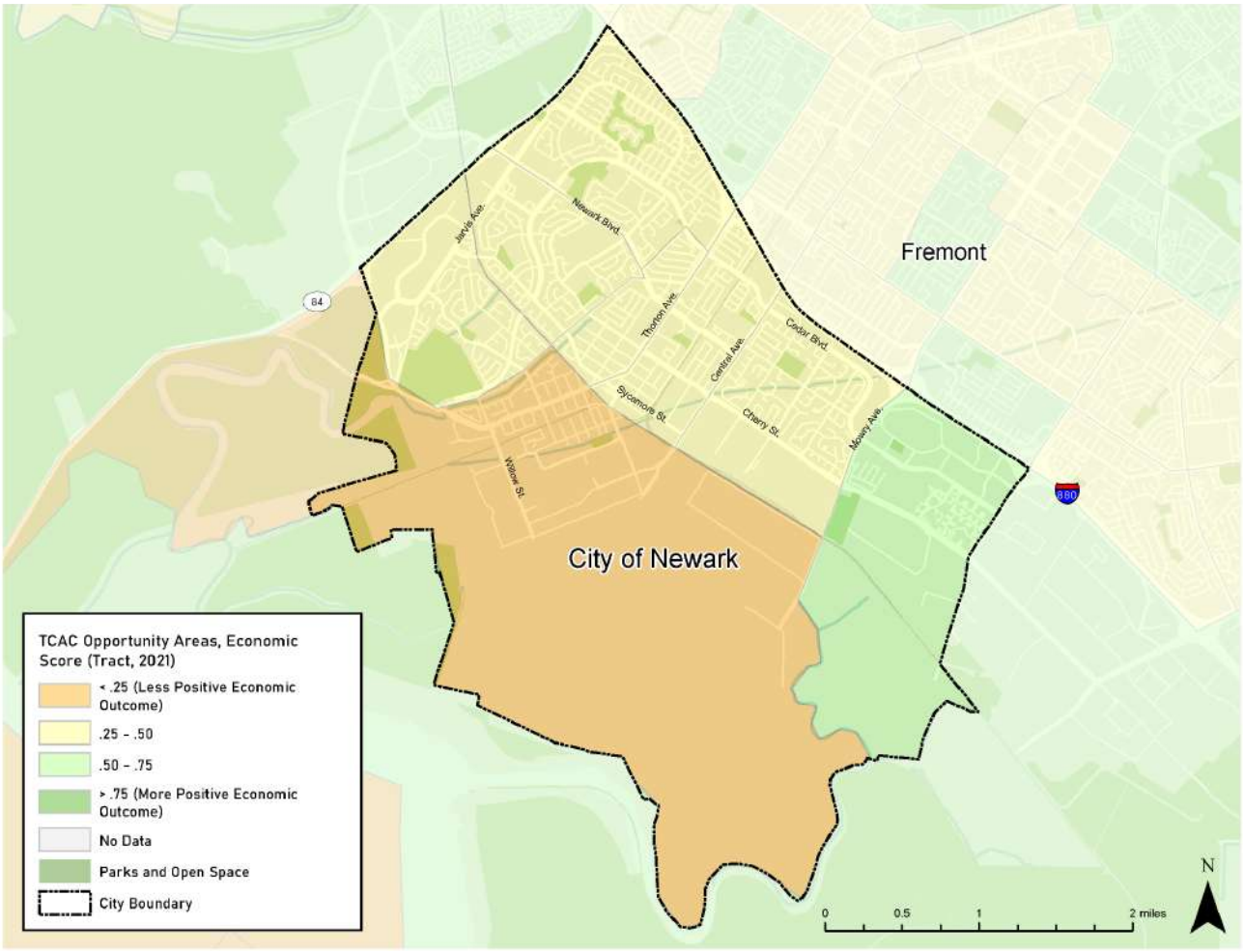
the Dumbarton rail line. Economic opportunity was not cited though community engagement as a concern. Newark has a relatively low unemployment rate of 3.5 percent, but does have a larger percentage of residents leaving the city for work, than remaining in the city.

Figure 3-11: Jobs Proximity Index Composite, 2014-2017



Source: HCD AFFH Data Resources and Mapping Tool

Figure 3-12: Economic Opportunity Score, 2021



Source: HCD AFFH Data Resources and Mapping Tool.

Environmental Opportunity

Exposure to a variety of environmental pollutants causes detrimental effects on human health, especially for children. The environmental opportunity score looks at 12 indicators to determine the level of environmental health of a community. The score is created through the consideration of both the pollution burden of exposure, and the population characteristics of an area. Newark has a mixed classification of environmental impacts, with portions of the city identified as having more positive environmental outcomes and others with less.

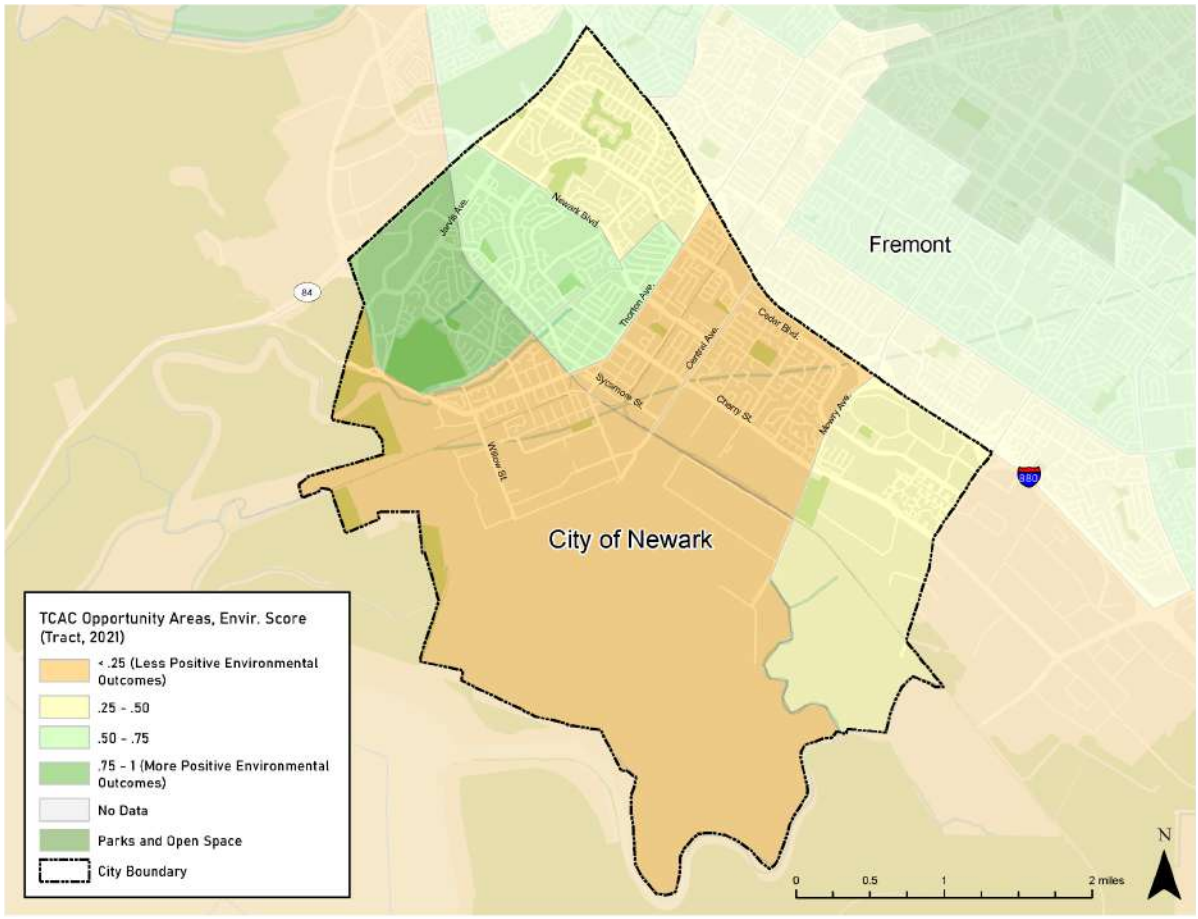
As a whole, Newark has fine particulate matter rates of 7.2 micrometers, which are higher than the World Health Organization guideline of 5 micrometers, but lower than the US EPA standard of 12 micrometers. These levels can be attributed to industrial outputs, diesel exhaust from major arterials, and two freeways that border Newark. From December 1, 2019 - November 30, 2020,

Aclima collated data showing particulate samples of 8.7 micrometers along Thornton Avenue. The CalEnviroScreen score ranks census tracks from 1 to 100, with 100 being the highest percentile of communities disproportionately burdened by multiple sources of pollution and with population characteristics that make them more sensitive to pollution. Figure 3-13 shows the patchwork distribution of outcomes, with the lowest environmental outcomes in central Newark and a portion of the Old Town area that is also home to a majority of BIPOC and low income residents. The census tract is 47 percent Hispanic / Latinx, Asian (26.6%) and African American (4.1%) residents. This area has an overall pollution burden percentile of 61 and 76th percentile for asthma, while areas with higher environmental outcomes are in the Northwestern corner of the city. Long-term exposure may increase the risk of respiratory disease, heart disease, decreased lung function, premature birth, and reduced life expectancy. For Newark, with a high percentage of families with children in the city, addressing environmental issues is vital to addressing environmental justice.

According to an analysis conducted by ESA towards the preparation of an Environmental Justice Element in Newark, the following are major indicators of environmental contamination:

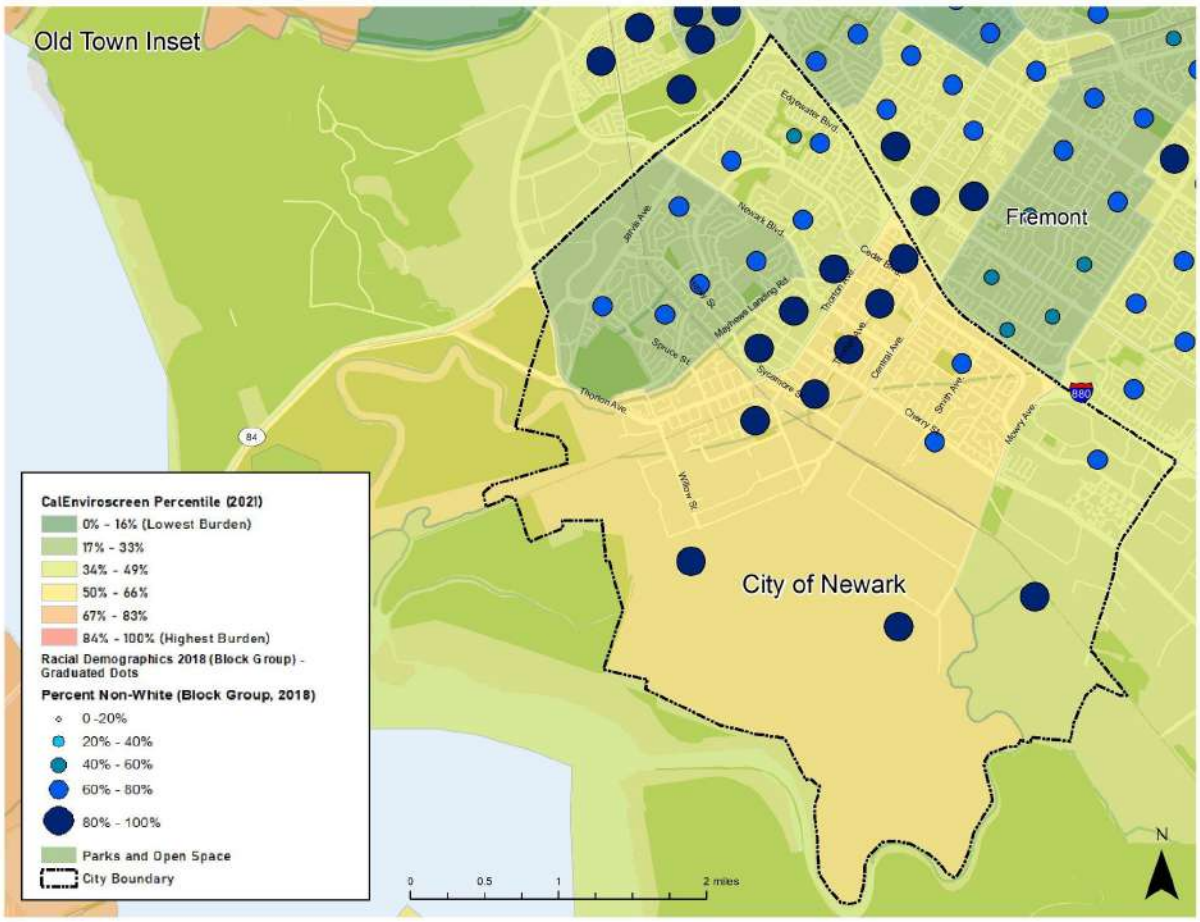
1. Ozone Concentrations,
2. PM 2.5 Concentrations
3. Diesel PM Emissions
4. Drinking-Water Contaminants
5. Pesticide Use
6. Toxic Releases from Facilities
7. Traffic Density
8. Cleanup Sites
9. Groundwater Threats
10. Hazardous Waste Generators and Facilities
11. Impaired Water Bodies
12. Solid Waste Sites and Facilities

Figure 3-13: Environmental Opportunity Score, 2021



Source: HCD AFFH Data Resources and Mapping Tool.

Figure 3-14: CalEnviroScreen and Non-White Population, 2021 and 2018

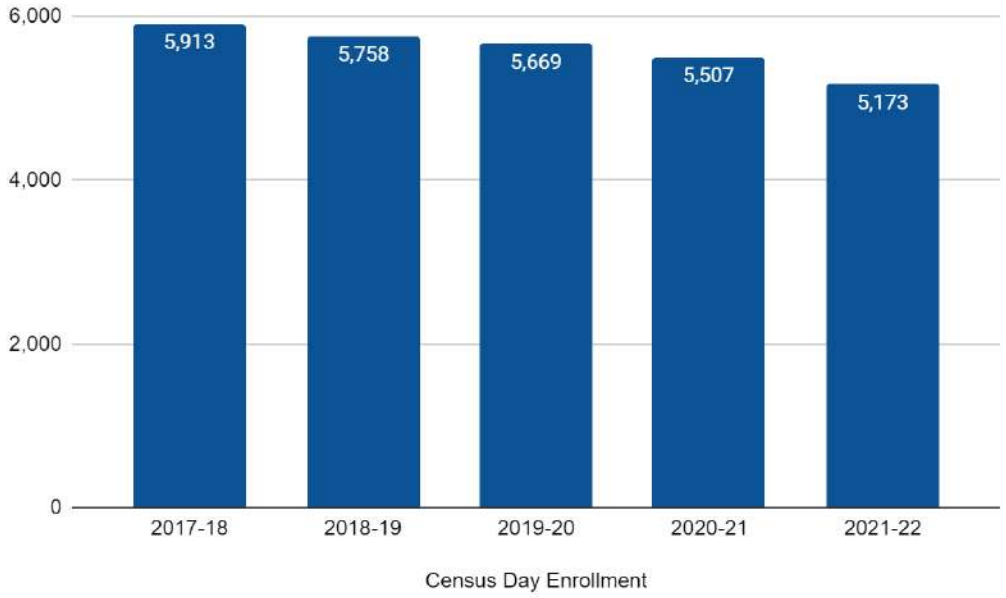


Source: HCD AFFH Data Resources and Mapping Tool.

Education

Equitable access to culturally relevant and engaging educational opportunities is foundational in increasing opportunities for all residents. Newark Unified school district has 11 schools in total, with 2 of its eight elementary schools either closed within the past year or scheduled to close in following the 2022 school year. The school board is making the choice to close schools in response to a 6 million dollar budget shortfall, due to declining enrollment.

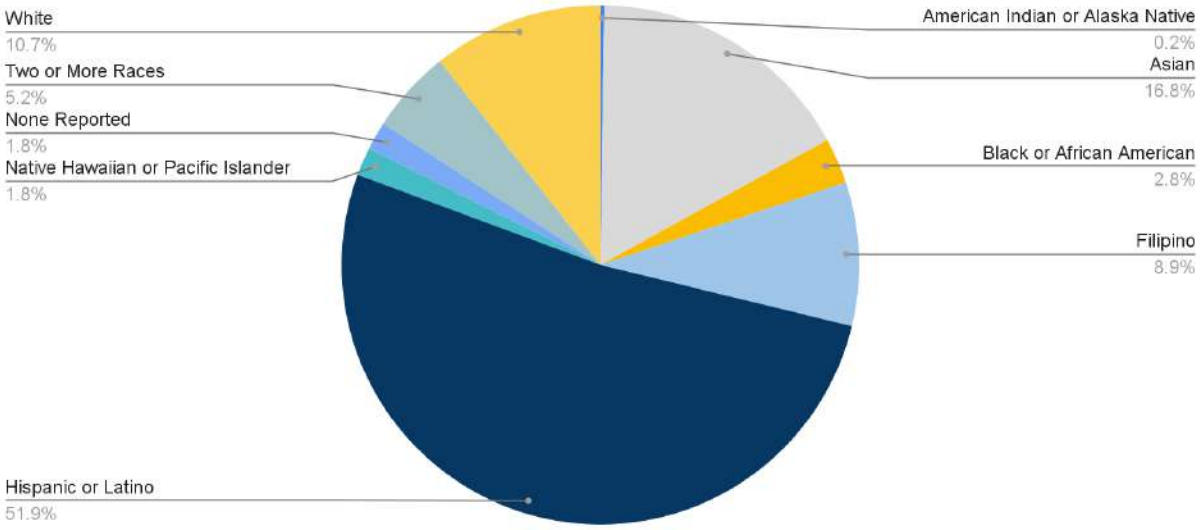
Figure 3-15: Newark School Enrollment, 2017-2022



Source: Data collected by the California Department of Education (CDE) through the California Longitudinal Pupil Achievement Data System (CALPADS)

The racial and ethnic makeup of the district is highly diverse, with Hispanic/Latinx students comprising the majority of the population at 51.9 percent, followed by Asian at 16.8 percent, White at 10 percent and Filipino at 8.9 percent . Figure 3-16 goes into detail of the full district breakdown.

Figure 3-16: Race and Ethnicity of Newark Unified School District, 2020-2021 School Year



Source: Data collected by the California Department of Education (CDE) through the California Longitudinal Pupil Achievement Data System (CALPADS).

Students in the Newark Unified school district have a comparable percentage of students qualifying for free or reduced lunch as Alameda County, at 40.5 percent and 40.7 percent respectively. Both are below the state average at 57.8 percent. Within the district there is a wide range of students that qualify for free and reduced lunch. The California Department of Education district level data for the 2021 to 2022 school year finds Shilling Elementary with the highest percentage of students that qualify for free or reduced lunch at 60 percent, followed by Musick Elementary at 57 percent, one of the schools that is slated to be closed for the 2022-2023 school year, with students distributed among other schools. Schools with the lowest levels of students qualifying for free or reduced lunch are John F Kenedy Elementary school at 23 percent, and Birch Grove Intermediate and Primary schools at 28 and 30 percent respectively.

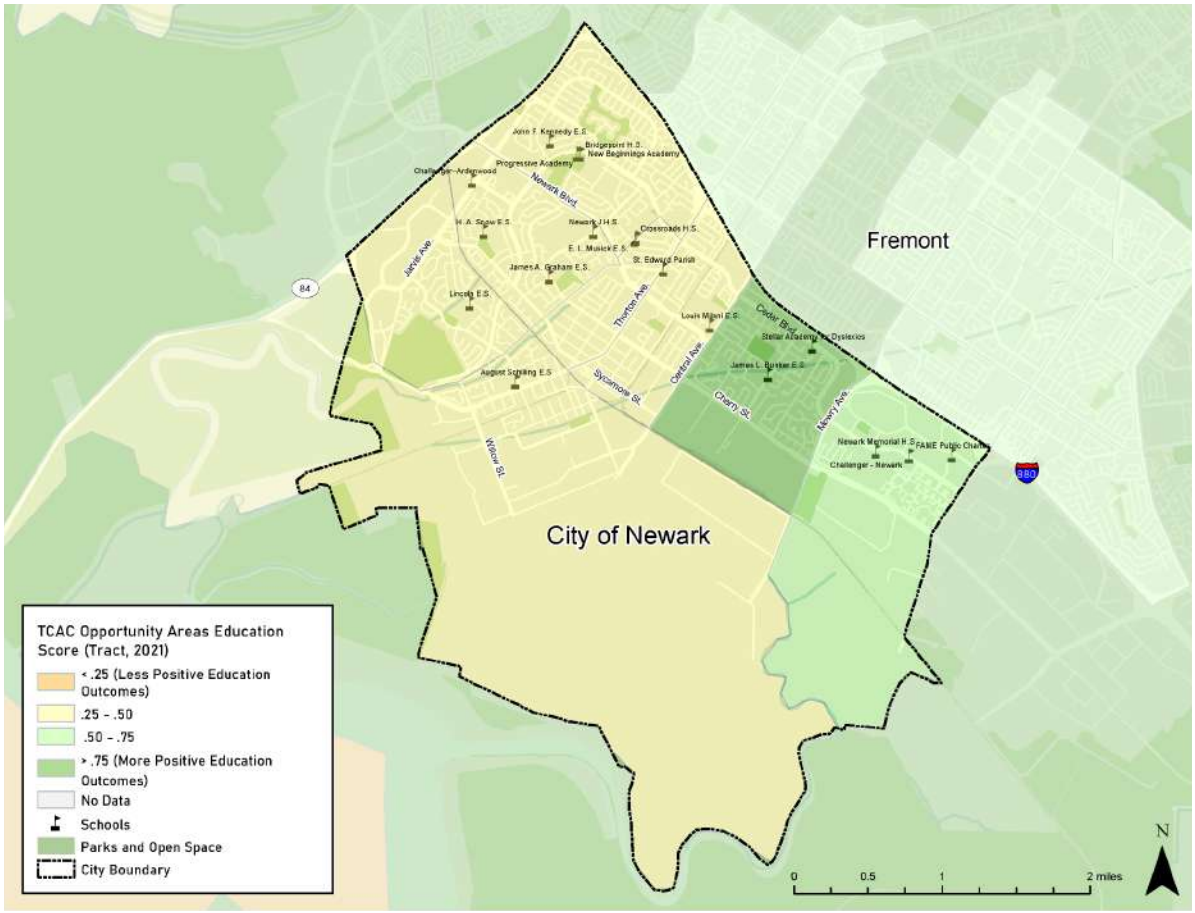
Table 3-8: Selected District Level Data - 0161234—Newark Unified for the year 2021-2022

School	Free or Reduced Price Meals
Non-public non-sectarian schools	3 (42.9%)
August Schilling Elementary	227 (59.9%)
Birch Grove Intermediate	118 (28.0%)
Birch Grove Primary	108 (30.0%)
Bridgepoint High (Continuation)	29 (46.8%)
Coyote Hills Elementary	260 (50.0%)
Crossroads High (Alternative)	70 (43.2%)
E. L. Musick Elementary	101 (57.4%)
John F. Kennedy Elementary	92 (23.0%)
Lincoln Elementary	174 (46.8%)
Newark Junior High	280 (41.2%)
Newark Memorial High	632 (38.7%)
District Total:	***2,094 (40.5%)***
County Total:	***87,363 (40.7%)***
State Totals:	***3,404,572 (57.8%)***

Source: California Department of Education, 2022

The city asked residents through the housing survey what would need to change to feel that their neighborhood is high in opportunity, and residents identified education as one of the top three things. Educational opportunity is measured by Math and Reading Proficiency, High School Graduation Rate, Student Poverty, High Segregation and Poverty. Overall according to the HCD AFFH Data viewer, the majority of Newark has lower than average education opportunities. The one area of Newark that has more positive educational outcomes is near Birch Grove Primary school. The elementary schools have similar performance levels on state indicators, which indicates the role of student poverty in the classification. We recognize that although measures of achievement such as test scores and levels of poverty are indicators, it is difficult to fully measure what a school means for a community. When Graham Elementary was threatened with closure, the primarily Latinx school community rallied together to share what the school community means to them to the school board in hopes of evading closure. Ultimately the school was combined with Snow elementary to form a new school, Coyote Hills Elementary.

Figure 3-17: Educational Opportunity Index, 2021



Source: HCD AFFH Data Resources and Mapping Tool.

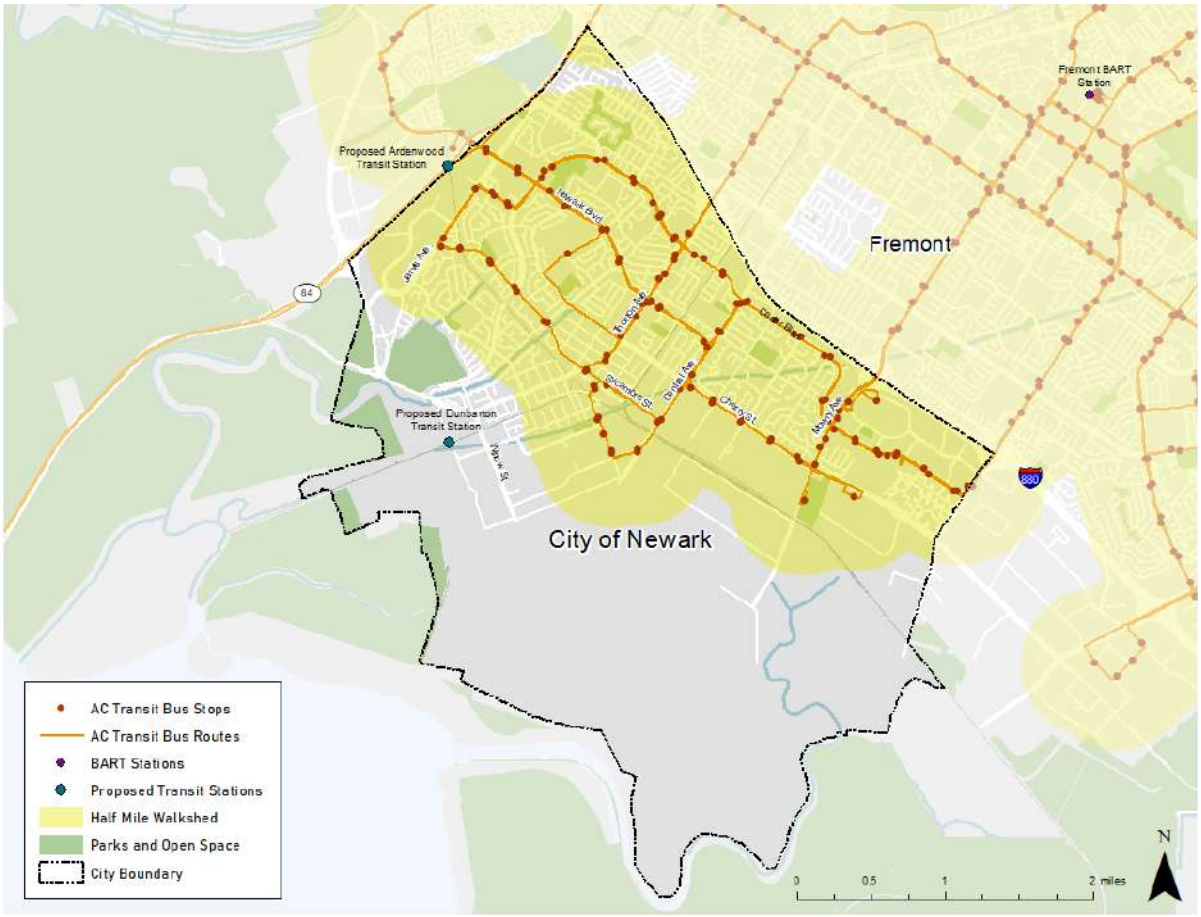
Transportation Access and Cost

To better understand housing affordability, it is important to look at transportation costs associated with a location. Figure 3-19 shows the combined housing and transportation costs in Newark. Due to Newark being low density and auto oriented, with a lack of high frequency public transportation options, the majority of households spend more than 45% of their income on housing and transportation. Only 4 percent of households have combined costs less than 30% of income. Newark has no neighborhoods identified as location efficient, with housing that is close to jobs and services, with a number of transportation options. Due to this fact, 49 percent of residents spend 45 to 54 percent of their income on housing, with 23 percent spending 54 to 66 percent.

Currently, Newark is served by Alameda County Transit (AC Transit) bus service. Public transportation is accessible on major arterials such as Newark Blvd, Ceder, and Thorton. Unlike neighboring Union City and Fremont, there is no BART station in Newark, although a number of bus routes do connect with the Fremont BART station. Public transit options are more accessible in the northern portion of the city, with the addition of three school bus lines from AC Transit during the school year to Newark Memorial High School. Residents in our community meeting expressed the desire for more options beyond the personal automobile such as increased bus service and infrastructure for biking to reduce traffic congestion and be responsive to climate change. Newark's Pedestrian and Bicycle Master plan outlines a number of improvements, such as protected bike lanes, pedestrian overpass for train tracks and an increase in the number of bike lanes.

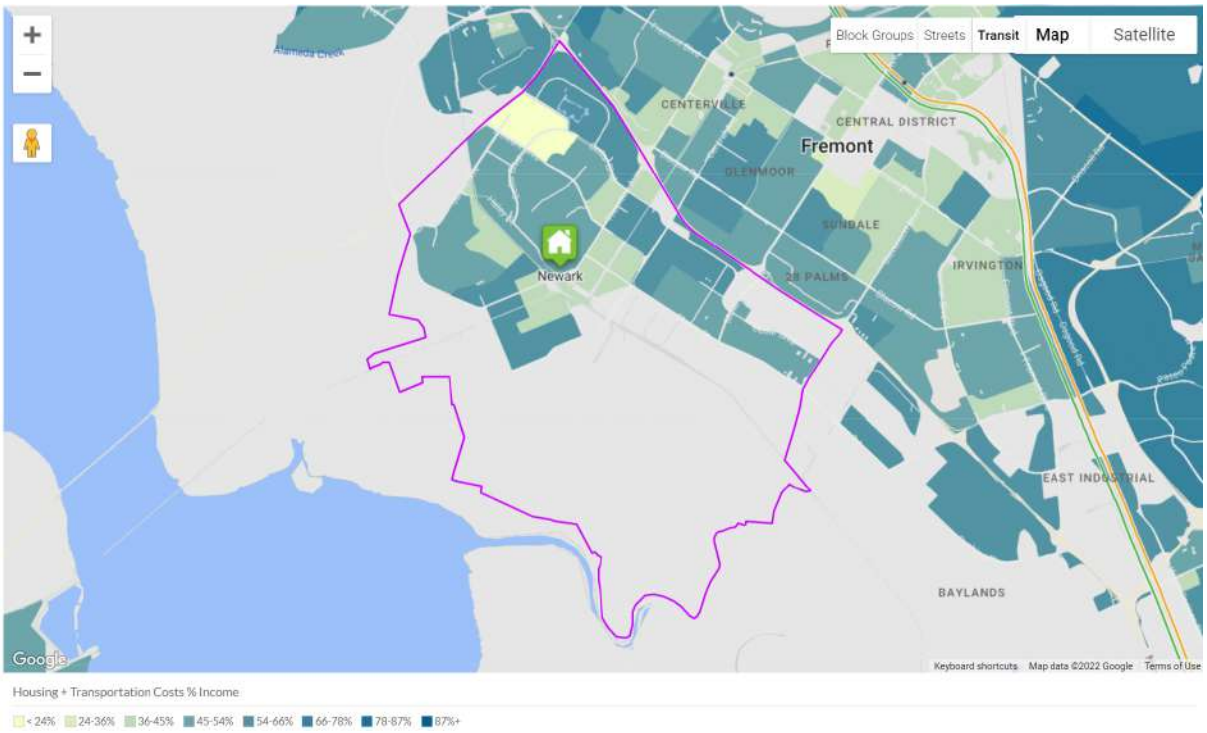
"Housing close to walkable parks and transit. Also need more transit options." – Community comment

Figure 3-18: Alameda County Transit Bus Stops and Proposed Transit Stations, 2022



Source: AC Transit, adapted by Community Planning Collaborative, 2022

Figure 3-19: Housing and Transportation Costs as a Percentage of Income



Source: The Center for Neighborhood Technology's Housing and Transportation (H+T®) Affordability Index,

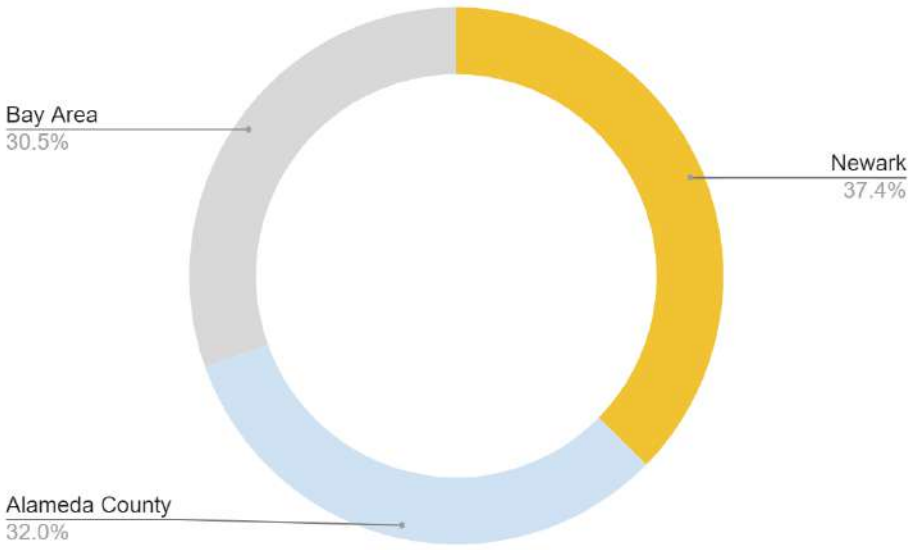
G. Disproportionate Housing Needs for Low-income Households and Protected Classes

Familial Status

The Fair Housing Act (FHA) bans discrimination based on certain protected classes, including "familial status," which refers to the presence of at least one child under 18 years old. Under the FHA, familial status discrimination occurs when a landlord, property manager, real estate agent, or property owner treats someone differently because they have a family with one or more individuals who are under 18 years of age. A "family" also includes people who are pregnant and people who are in the process of securing legal custody of a person under 18 years of age, including a family that is in the process of adopting a child, or foster parents. All families with children are protected by the FHA against familial status discrimination, including single-parent households and same-sex couples with children. Rules that unreasonably restrict children or limit the ability of children to use their housing or the common facilities at the property may violate the FHA. Moreover, enforcing certain rules only against families with children may also violate the FHA. The following are the types of conduct that may violate the FHA:

- Refusing to rent, sell, or negotiate with a family because the family has one or more children under 18 years of age.
- Advertising a preference for households without children or otherwise discouraging such families.
- Telling an individual or family no unit is available even though a unit is in fact available.
- Forcing families into housing units that are larger than necessary.
- Designating certain floors or buildings for families with children, or encouraging families with children to reside in particular areas.
- Charging additional rent, security deposit, or fees because a household has children under 18 years of age.

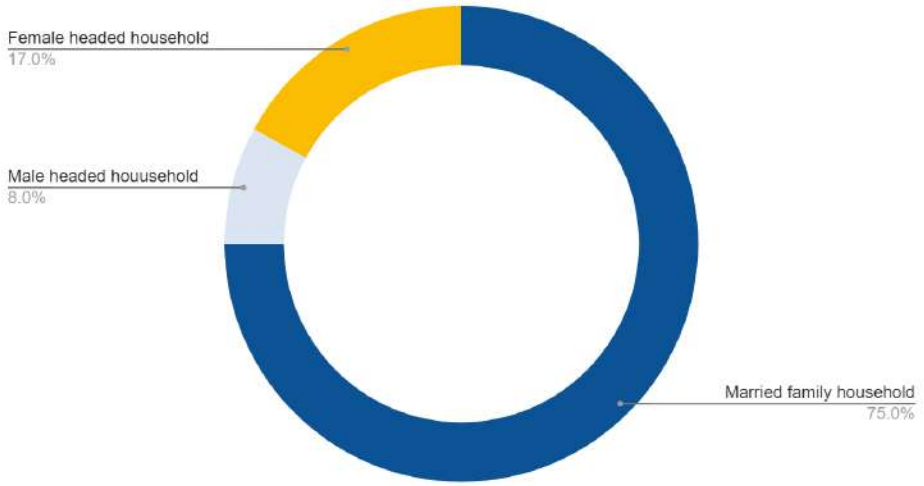
Figure 3-20: Percentage of Households With Children Under 18 Years of Age, 2015- 2019



Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates. Table B11005

Newark has many family households with an average family size of 3.61 people (ACS 2016-2020). The city has 37 percent of households with a child under 18 years of age. This rate is higher than both Alameda County (32%) and the Bay Area (30.5%). Although discrimination based upon family status has not been reported in Newark, it has been reported at the county level. Households with children face additional challenges accessing housing that meets their needs for both size and cost. Survey results found that when asked what are the most urgent housing needs at this time, 50 percent responded that housing for families was the greatest need.

Figure 3-21: Family Structures in Newark, 2015- 2019



Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates. Table S1101

"I would love to see more housing programs accessible for families currently in Newark"
– Community Member

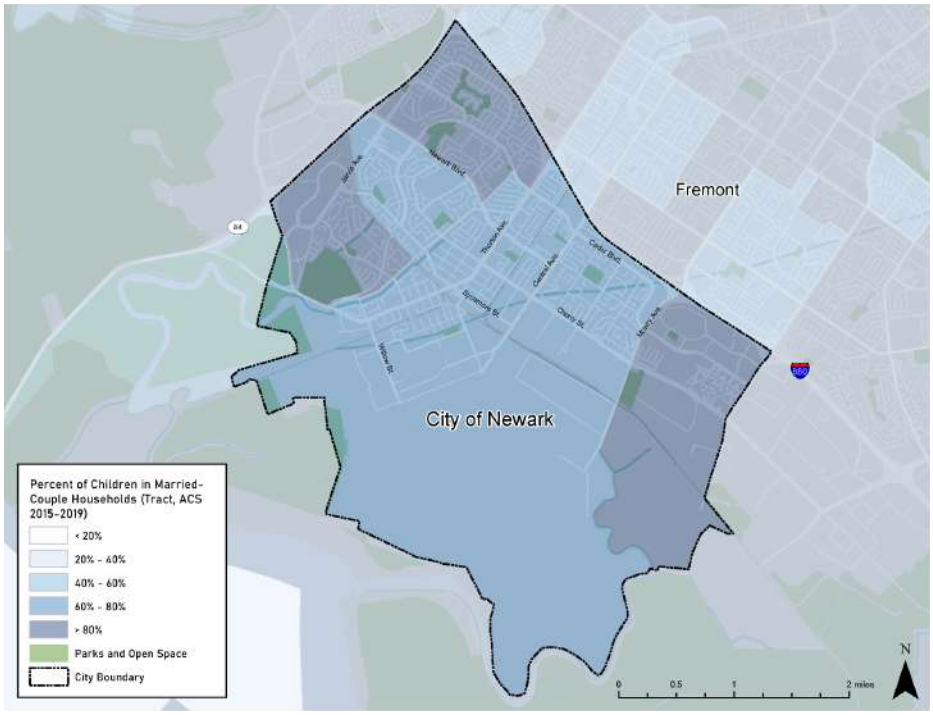
Households headed by one person are often at greater risk of housing insecurity, particularly female headed households, who may be supporting children or a family with only one income. In Newark, the largest proportion of households are Married-Couple Family Households at 75% of total, while Female Headed Households make up 17 percent of all family households and male headed comprise 8 percent. Throughout engagement with the community, the city has heard from residents that housing for families, and single parents in particular is a high need.

"I'm an inside wireman electrician for 26 years. I cannot afford to buy a home in this town as a single father of 2. $2million per home is ridiculously high. I am a critical worker, not just essential, and cannot afford to stay with these house prices."

Female-headed households with children may face particular housing challenges, with pervasive gender inequality resulting in lower wages for women. Moreover, the added need for childcare can make finding a home that is affordable even more challenging.

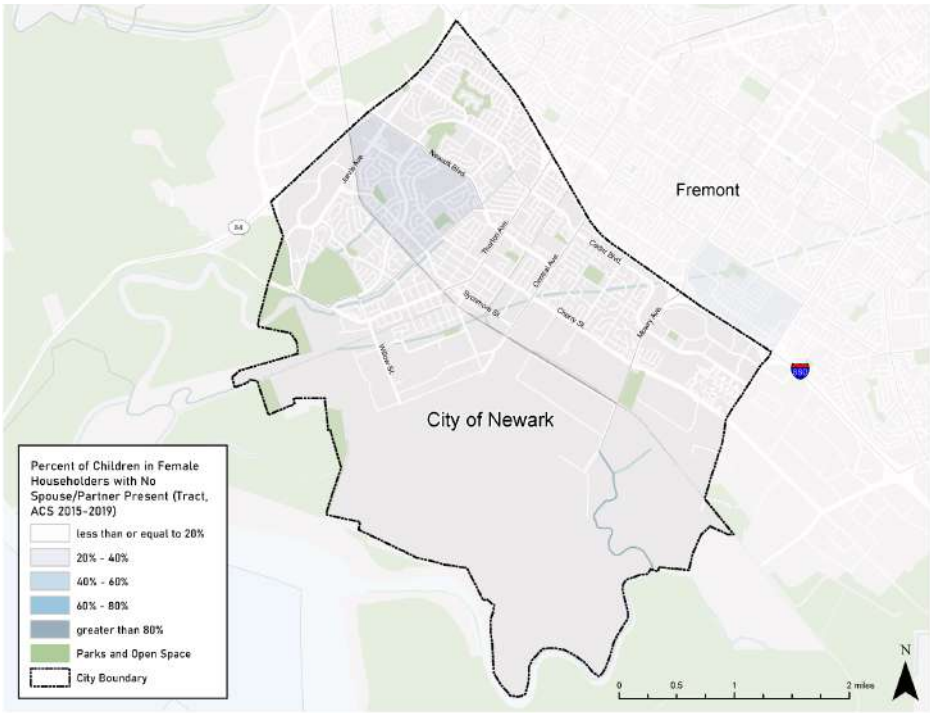
Figure 3-24 shows In Newark, 22.8% of female-headed households with children fall below the Federal Poverty Line, while 5.7% of female-headed households without children live in poverty (Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B17012).

Figure 3-22: Percent of Married Couples with Children, 2015- 2019



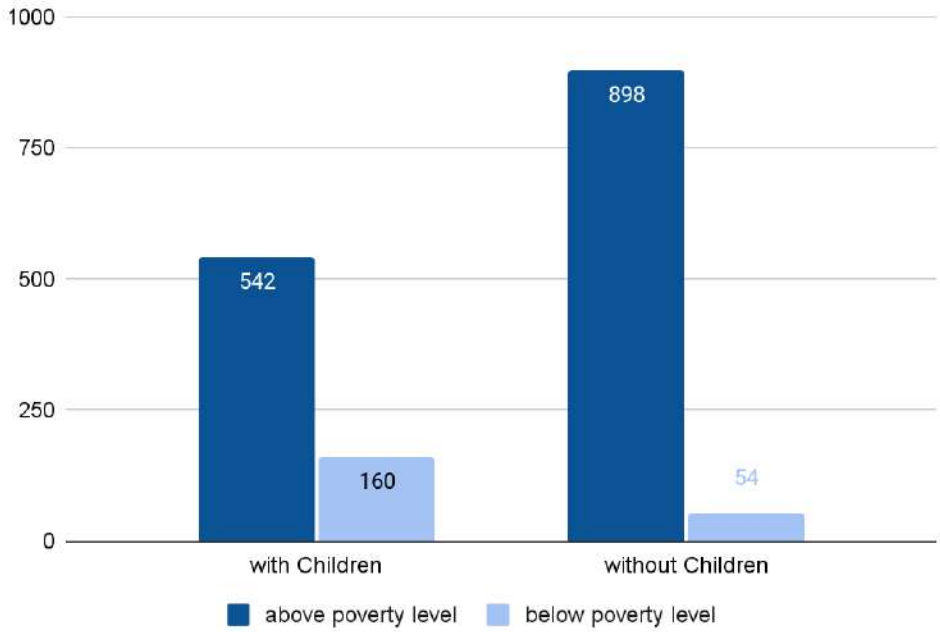
Source: HCD AFFH Data Resources and Mapping Tool.

Figure 3-23: Percent of Children in a Female Headed Household, 2015- 2019



Source: HCD AFFH Data Resources and Mapping Tool.

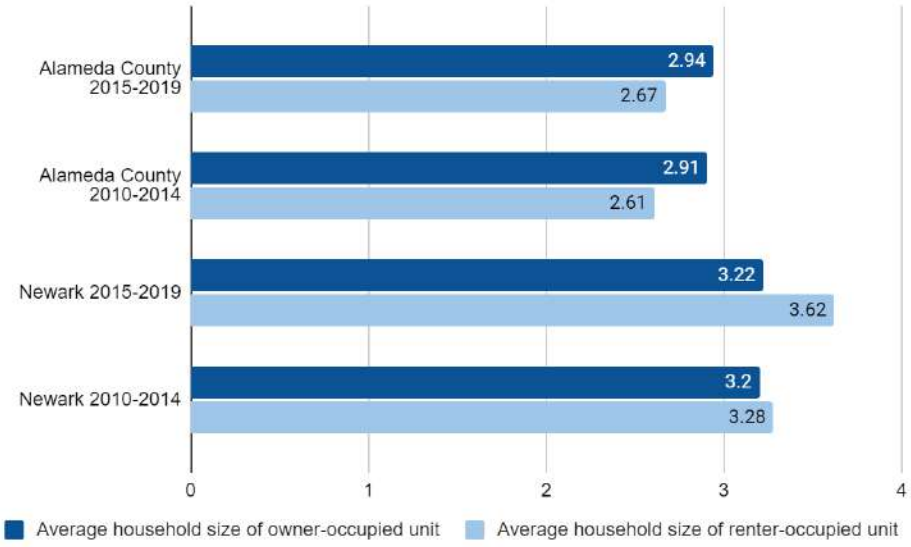
Figure 3-24: Poverty Levels of Female Headed Households in Newark, 2015- 2019



Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates. Table B17012

Household Size

Figure 3-25: Comparison of Household Size for Owners and Renters in Alameda County and Newark, 2015- 2019



Source: U.S. Census Bureau, 2015-2019 American Community Survey 5-Year Estimates. Table CP04, Comparative

Housing Characteristics

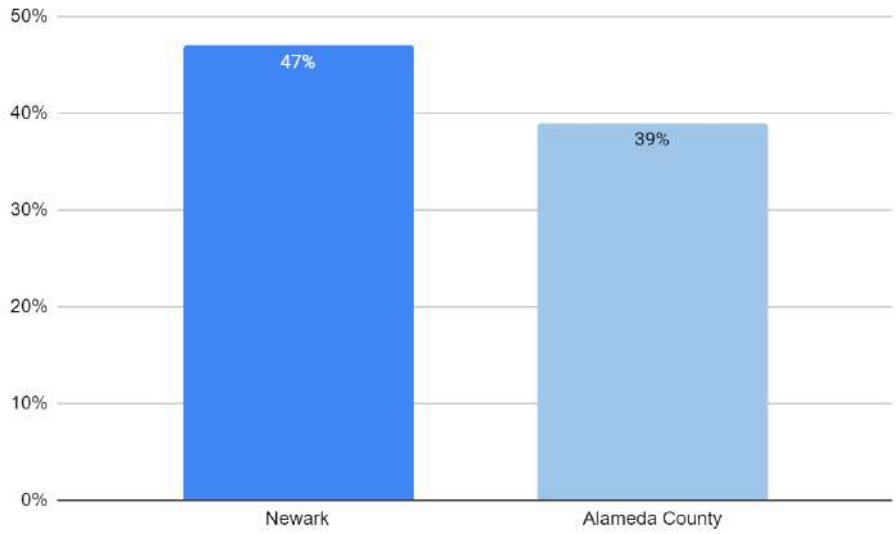
Seniors

The senior population in Newark has increased significantly since 2010, with a 47 percent increase, compared with a 39 percent increase from Alameda county. This could partially be attributed to the construction of Newark Station, a 75 unit building completed in 2019. Figure 3-27, shows seniors in Newark are overwhelmingly home owners at all income levels, with seniors at the lowest income level having the highest percentage of renters at 37 percent. Housing needs change as we move through life, and due to seniors living on fixed incomes in smaller households, Newark needs housing types and programs to support seniors to age in place and remain in their community.

"Developing a shared housing program with others that need a room to rent, connect seniors with single people who need affordable housing. Helps seniors on limited incomes"

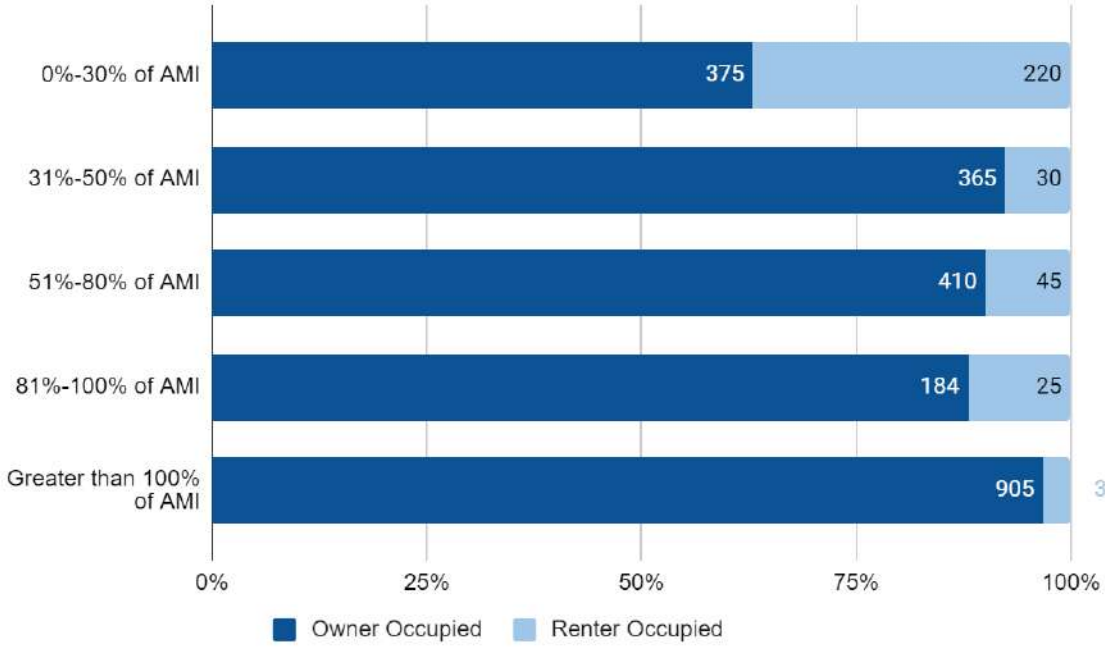
– Community meeting comment

Figure 3-26: Increase of Senior Population, 2010 to 2019



Source: American Community Survey 2015- 2019, 5-Year Estimate

Figure 3-27: Seniors Income Level, Owners and Renters, 2015 -2019



Source: American Community Survey 2015- 2019, 5-Year Estimate

Disability Status

The U.S. Census Bureau defines disability as one of the following: hearing difficulty, vision difficulty, cognitive difficulty, ambulatory difficulty, self-care difficulty, and independent living difficulty. In Newark 3,561 residents over the age of 5 had a disability in 2018. This group equates to approximately 8 percent of the non-institutionalized population over age five in the City, which is slightly lower than the county (10 percent) and lower than the Bay Area (11 percent). Figure 3-28 shows the population of persons with a disability by age in the City. At the local level, seniors in Newark have the highest rates of disability of all age groups at 52 percent. Ambulatory difficulty and independent living were the highest for seniors at 23 and 22 percent, followed by hearing difficulty (13%). African Americans have significantly higher rates of disability compared to other racial and ethnic groups in the city at 22 percent, followed by White residents at 13 percent. Those living with a disability often have specialized housing needs due to living on a fixed or limited incomes, physical or intellectual disabilities or increased health care costs. This points toward a need for housing that incorporates universal design, is integrated within the community, in close proximity to public transportation, and supports seniors to age in place.

In conversation with Darin Lounds, executive director of the Housing Development Consortium of the East Bay, he shared a number of ways that the city of Newark can support inclusive housing options for people with developmental disabilities:

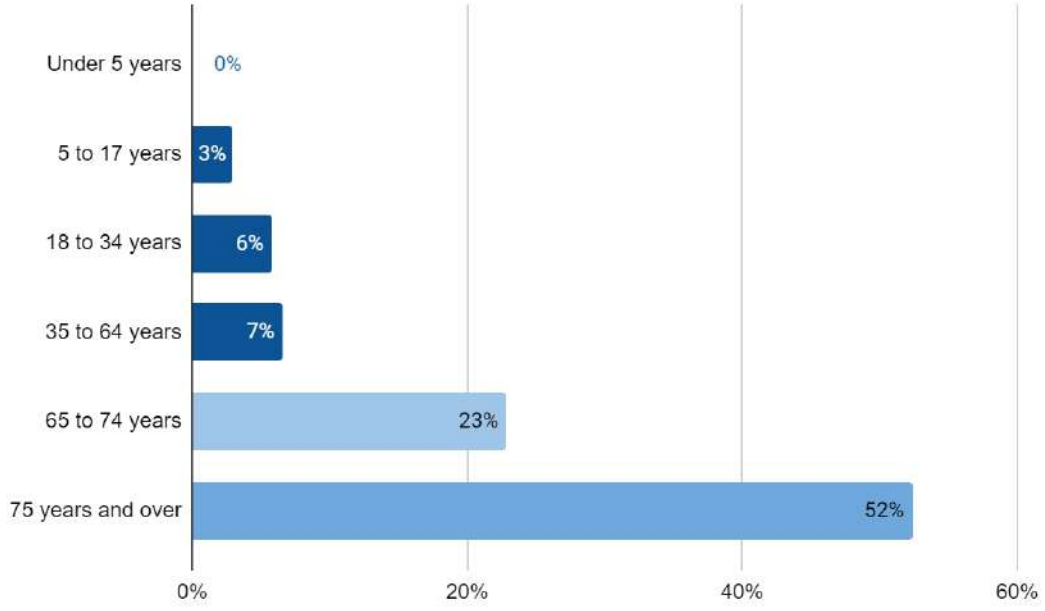
- Work with tax credit developers in larger multi families, to have a percentage devoted to people with disabilities. It is key for jurisdictions to work with developers when they are proposing new developments.
- Transit lines are most important. Only 10% of the demographic own a vehicle. Parking needs are more of a commercial need to provide services, less of a residential need.
- Discrimination: when property owners hear the income is SSI or disability, or someone with visible disability, they form assumptions about their ability to maintain a home. The regional center helps people to live in the community, they have a circle of support.
- Maximum integration is key, not just a big building with one demographic

Table 3-9: Residents With A Disability, Newark and Region, 2015- 2019

Geography	No disability	With a disability	Percentage
Newark	43,583	3,561	8%
Alameda County	1,496,381	151,368	10%
Bay Area	6,919,762	735,533	11%

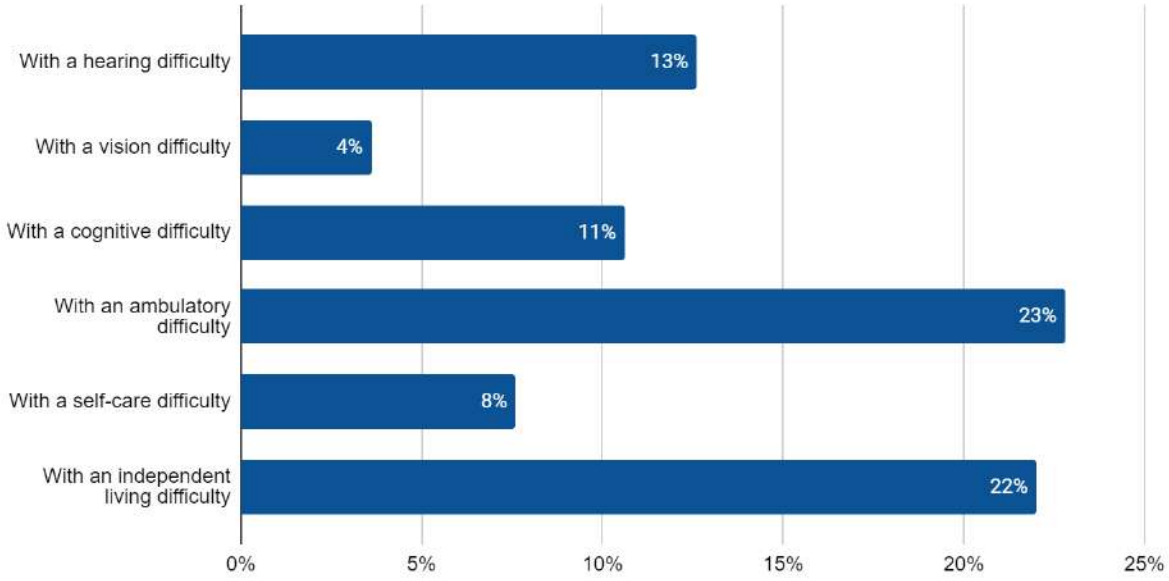
Source: U.S. Census Bureau, American Community Survey 5-Year estimate 2015-2019. Table B18101

Figure 3-28: Disability Status By Age, 2016- 2020



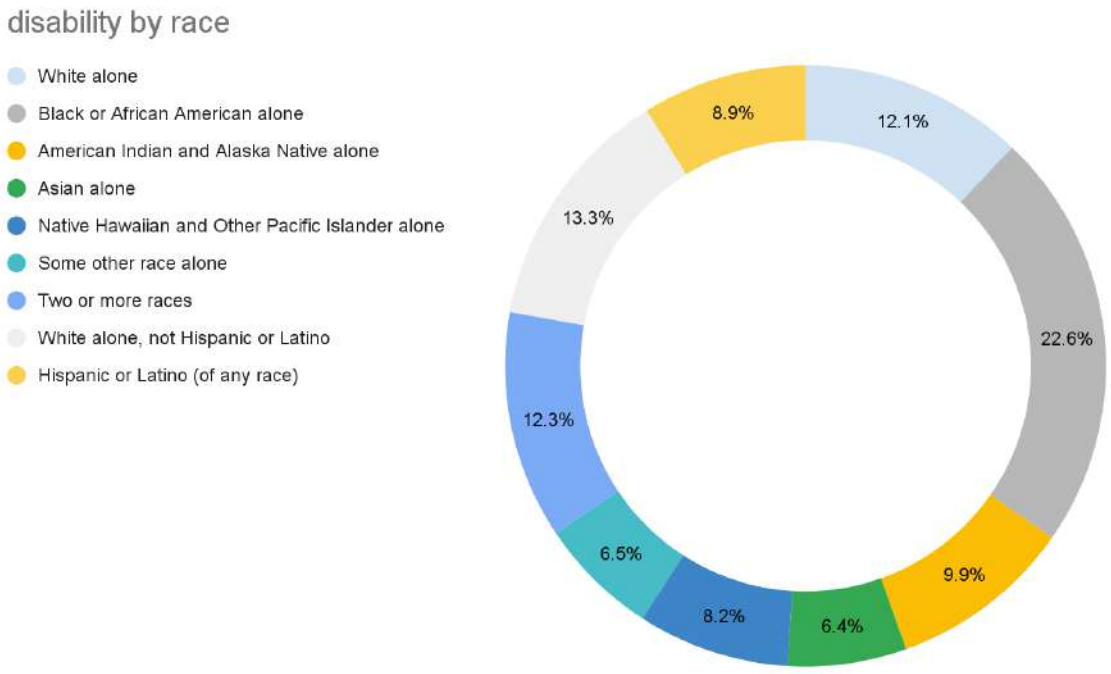
Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates. Table S1810

Figure 3-29: Newark Senior Population with Disability, 65 years and Older, 2016- 2020



Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates. Disability Characteristics, Table S1810

Figure 3-30: Disability Status by Race, 2016- 2020



Source: U.S. Census Bureau, 2016-2020 American Community Survey 5-Year Estimates. Disability Characteristics, Table S1810

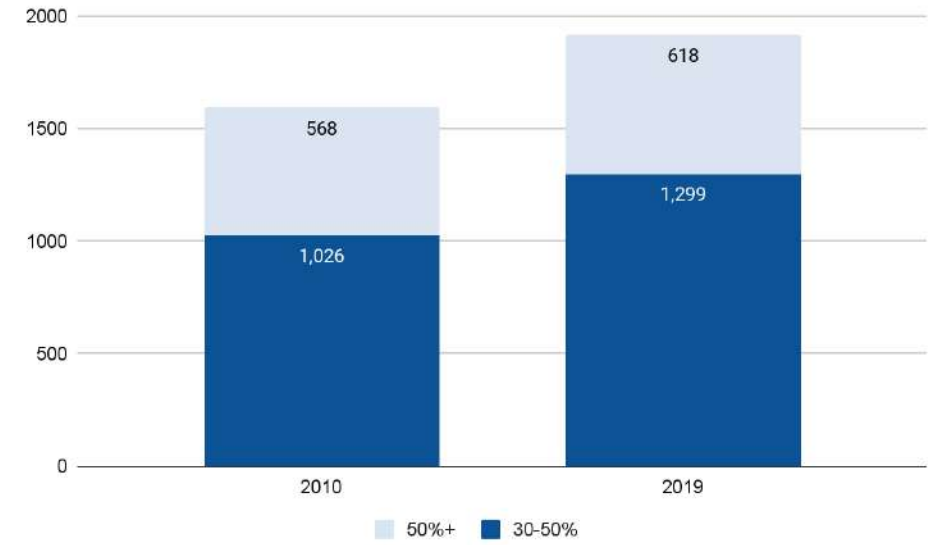
Cost Burden and Overpayment

From 2010-2019, Newark has experienced large increases in both rental and homeownership costs. Two-bedroom rents increased by 45 percent, while two-bedroom home prices have increased by 122 percent (Costar, 2010 and 2019 American Community Survey, 5-Year Estimates, Redfin). The growth in housing costs has outpaced the growth in income leading to large numbers of households cost burdened and experiencing homelessness.

The Department of Housing and Urban Development considers housing to be affordable for a household if the household spends less than 30% of its income on housing costs. A household is considered "cost-burdened" if it spends more than 30% of its monthly income on housing costs, while those who spend more than 50% of their income on housing costs are considered "severely cost-burdened." In Newark, 44 percent of households spend 30%-50% of their income on housing, while 14 percent of households are severely cost burdened and use the majority of their income for housing. Over time, households have become increasingly cost burdened, with a 20 percent increase from 2010 to 2019. Figure 3-31 shows how households in Newark are cost burdened by income. While residents are cost burdened and severely cost burdened at all income levels, residents making below 50 percent area median income experience the highest levels. Fifty-seven percent of residents earning up to 30 percent of the area median income are severely cost burdened, with 22 percent spending 30 to 50 percent of their income on housing. Homeowners Median income households are still finding themselves costburden with 60 percent of households making 50 to 80 percent of median income are cost burdened.

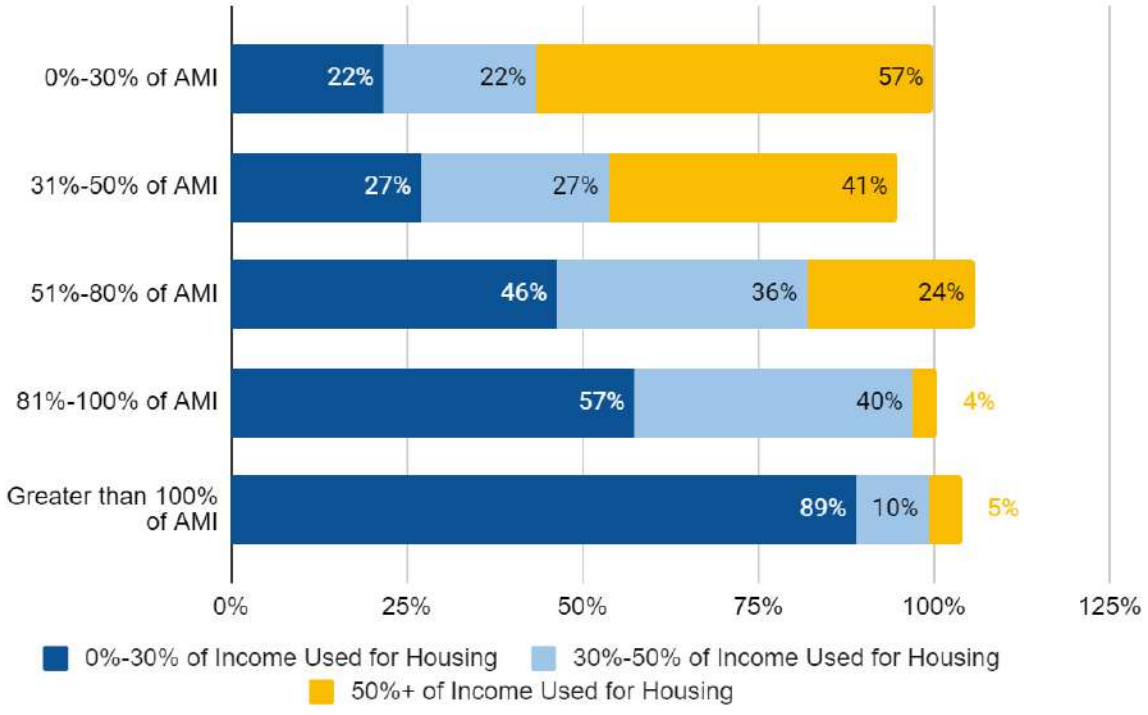
Figure 3-33 shows that renters are more likely to be cost burdened, with twice the number of renters (30%) spending more than 30 percent of their income on housing compared to 16 percent of homeowners, and 14 percent of renters are severely cost burdened. This places renters at a greater risk of living in overcrowded housing, displacement and homelessness.

Figure 3-31: Cost Burden Renter Households in Newark Over Time, 2015- 2019



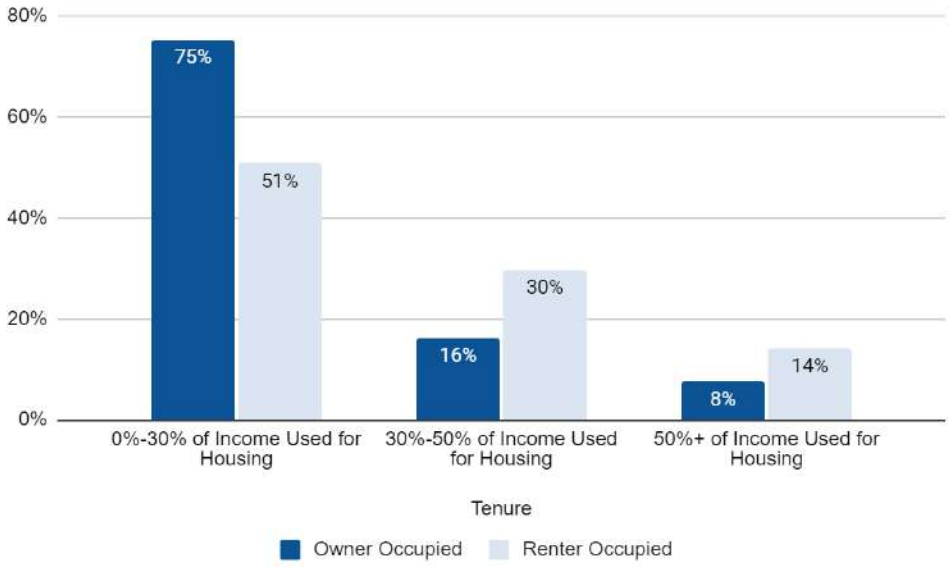
Source: American Community Survey 2015-2019, 5-Year Estimate

Figure 3-32: Cost Burdened by Income, 2013- 2017



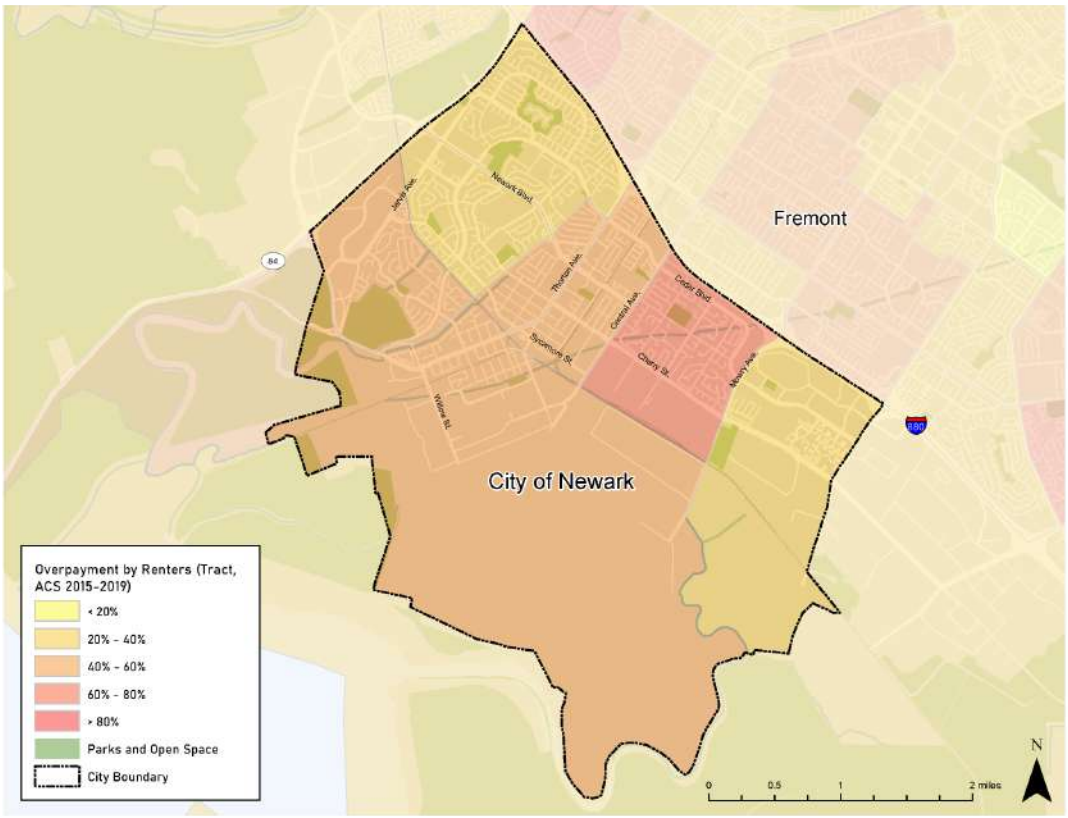
Source: US Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy. ACS tabulation, 2013-2017 release

Figure 3-33: Cost Burdened Households, Renters and Homeowners, 2015- 2019



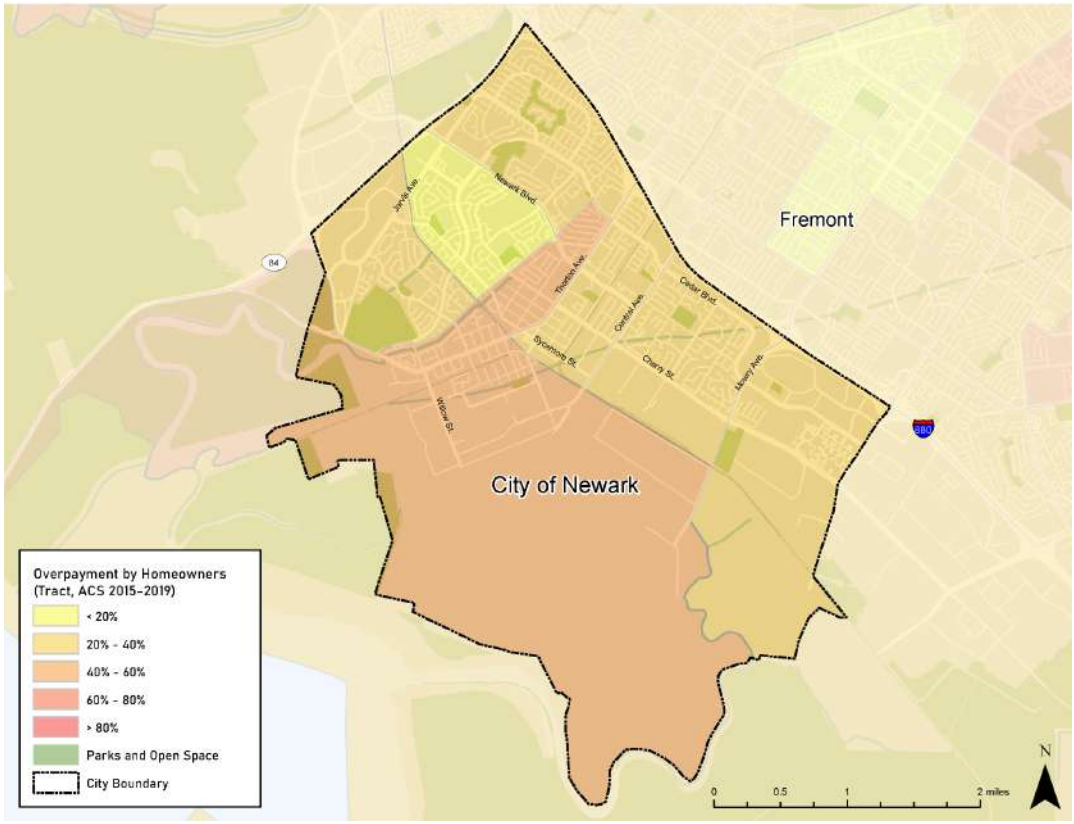
US Census Bureau, American Community Survey, 5 year data, 2015-2019, Table B25070, B25091

Figure 3-34: Overpayment by Renters, 2015- 2019



Source: HCD AFFH Data Resources and Mapping Tool.

Figure 3-35: Overpayment by Homeowners, 2015- 2019

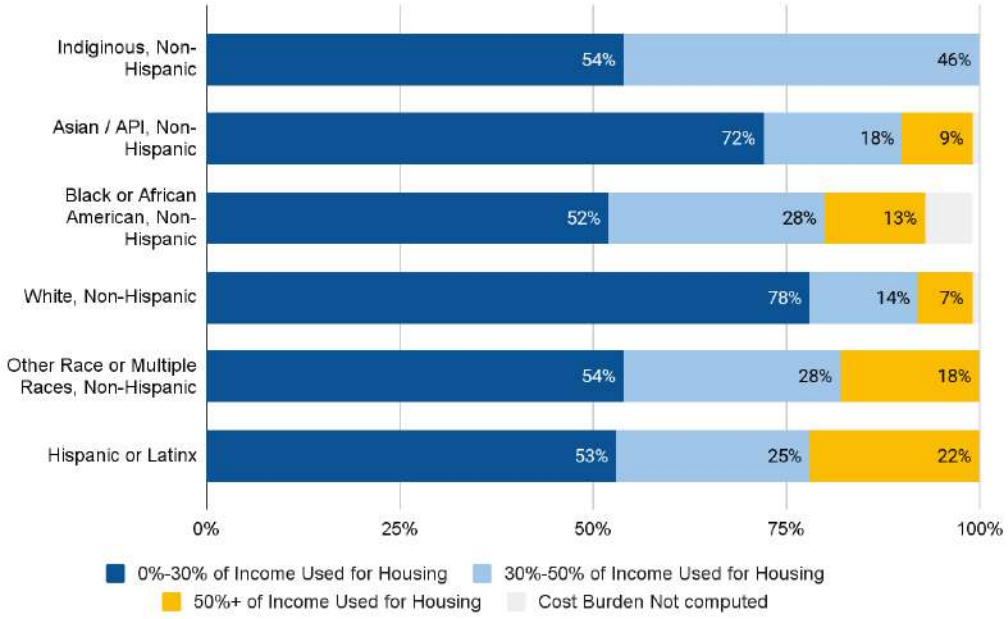


Source: HCD AFFH Data Resources and Mapping Tool.

Cost Burdened Households by Race

Residents who are cost burdened in Newark are disproportionately experienced by some ethnic groups more than others. Figure 3-36 exhibits the changing demographics of being cost burdened in Newark. Black (41%), Indigenous (46%), Multi Racial (46%), and Latinx (47%) residents are the highest cost burdened, and most vulnerable to displacement, overcrowding and homelessness. Asian and White residents are the least cost burdened at 27 percent and 21 percent respectively.

Figure 3-36: Cost Burdened Residents by Race, 2013-2017



Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release Note: Hispanic category is not exclusive of other categories.

Overcrowding

An overcrowded household is defined as having more than one person per room, with severe overcrowding with more than 1.5 people sharing a room. Often immigrant communities, low income families and renter-occupied households are more likely to experience household overcrowding. Referred to as "doubling up"—living with family members or friends for economic reasons—is the most commonly reported living situation for families and individuals before experiencing homelessness.[10] Renters in Newark are more likely to live in overcrowded conditions than homeowners. Figure 3-37 shows renters experience overcrowding at 3 times the rate as homeowners at 18 percent, and severe overcrowding at 9 percent.

Central Newark in the Old Town area has 9 percent of households experiencing overcrowded housing, with 5 percent of households experiencing extreme overcrowding in the Northwest corner of the city. As shown in Figure 3-39, these two areas are predominantly occupied by communities of color, with 80 to 100 percent of residents in the Old Town area. Mixed race residents face the highest rates at 33 percent, followed by Hispanic/ Latinx (30%) and Indigenous residents at 22 percent. The Old Town Neighborhood specific plan has zoning changes that

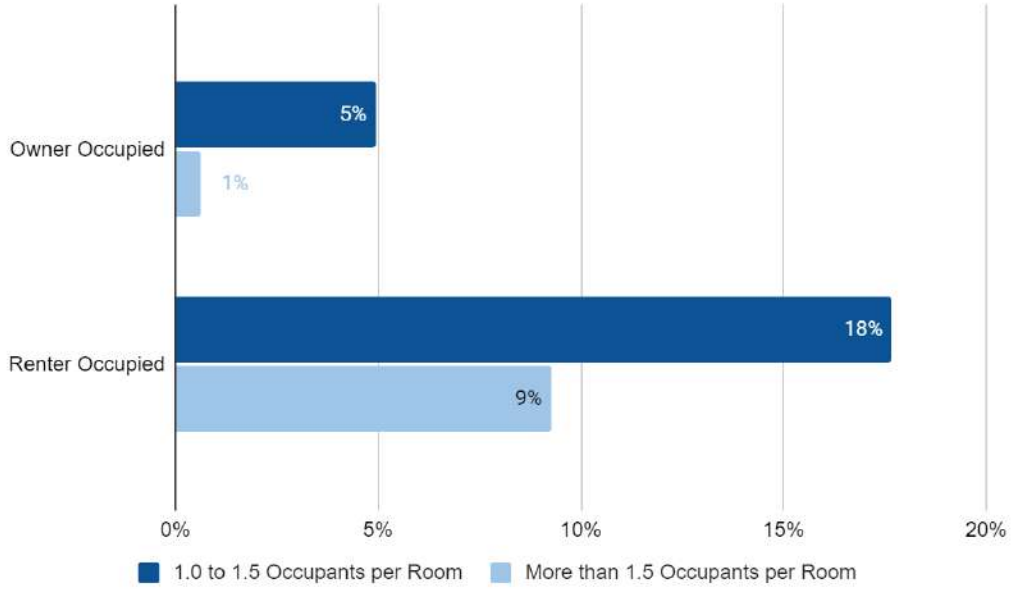
[10] Healthy Communities Data and Indicators Project, California Department of Public Health, Percent of Household Overcrowding, 2017

remove constraints to the production of affordable housing. The upcoming development in the Old Town neighborhood by Satellite Affordable Housing, will provide 56 units of affordable housing, a quarter are 3 bedrooms specifically for large families.

"Families that are doubled up, tripled up can really use some programs that help them find more suitable accommodations in the community they want to stay in"

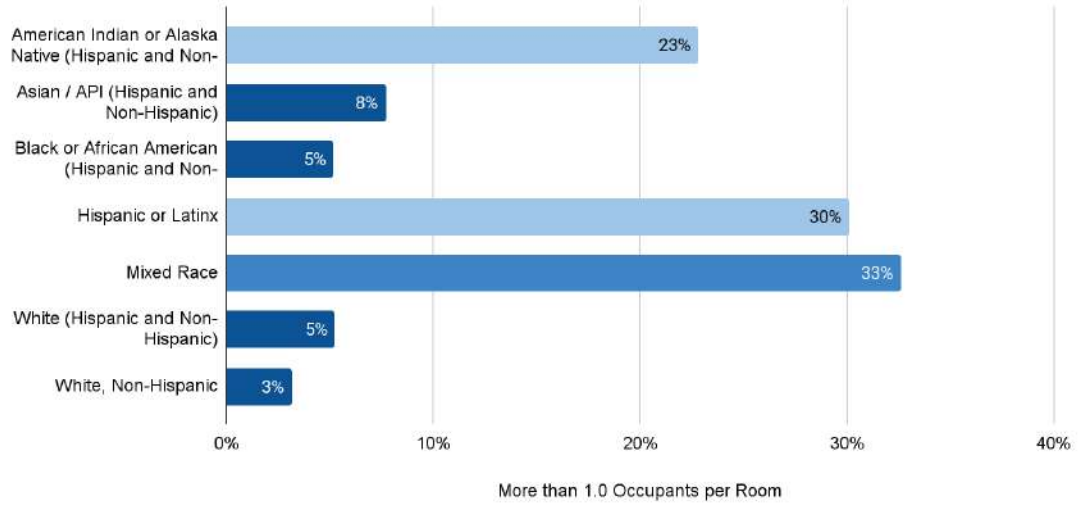
— Community meeting breakout session comment

Figure 3-37: Percent of Owner and Renter Households Living in Crowded Conditions, 2013- 2017



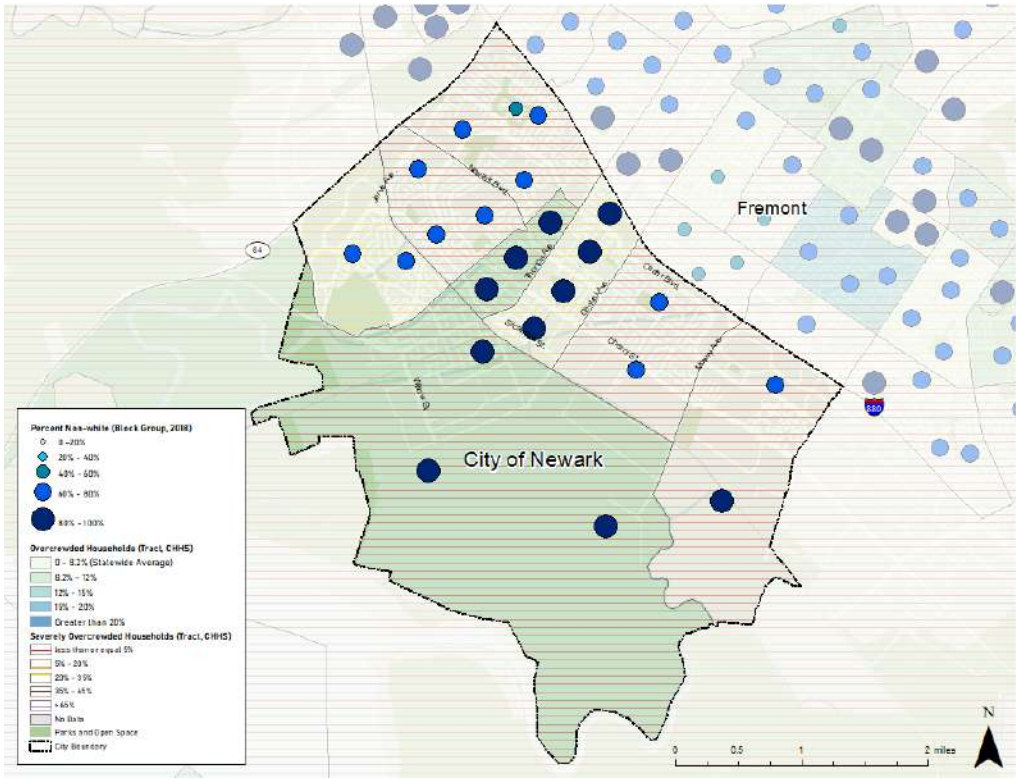
U.S. Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), ACS Tabulation 2013-2017

Figure 3-38: Overcrowding by Race and Ethnicity, 2015- 2019



Source: US Census Bureau, American Community Survey, 5 year data, 2015-2019, Table B25014

Figure 3-39: Overcrowding and Severe Overcrowding in Newark and Non-White Population, 2015- 2019 and 2018



Source: HCD AFFH Data Resources and Mapping Tool.

Housing Choice Vouchers and Subsidized Housing Developments

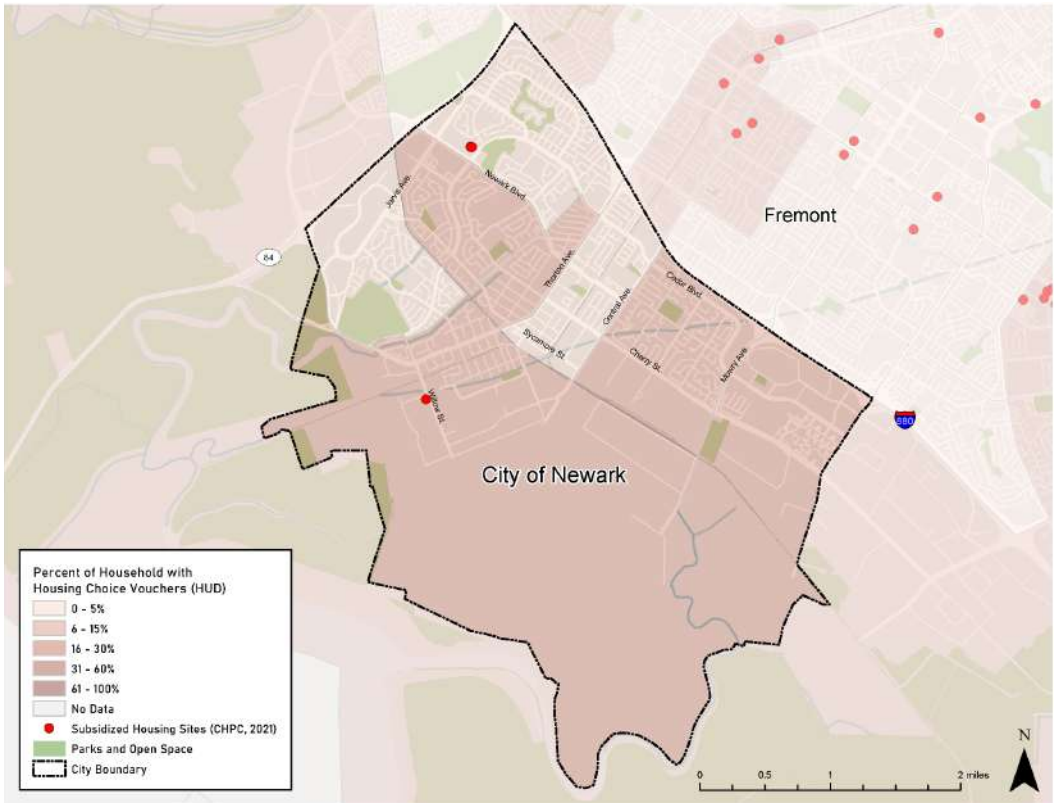
Newark has seen minimal development of subsidized housing, with three subsidized senior housing developments in the city, and a fourth subsidized senior housing development under construction with 79 units. The use of housing choice vouchers is low in Newark, with the majority of the city seeing a 5 to 15 percent use, and the remainder with 5 percent or less. Table 3-10 details the current subsidized housing in Newark. The city has 274 low income units at a low risk of conversion, with no units at the moderate, high and very high income brackets. The majority of subsidized housing in Newark is found in moderate resource areas, with one development in a low resource designated area

Table 3-10: Housing Units at Risk of Conversion, 2022

Name	Address	Affordable Units	Total Units	Active Program(s)	Risk Level	2021 TCAC/HCD Opportunity Map Designation
Newark Station Seniors	37433 Willow Street, Newark	74	75	LIHTC	Low	Low resource
Rosemont aka Newark Gardens I	35300 Cedar Blvd, Newark	150	150	HUD	Low	Moderate resource
Newark Gardens II	35322 Cedar Blvd, Newark	50	50	HUD	Low	Moderate resource

Source: California Housing Partnership, 2022

Figure 3-40: Subsidized Housing and Housing Choice Vouchers, 2021

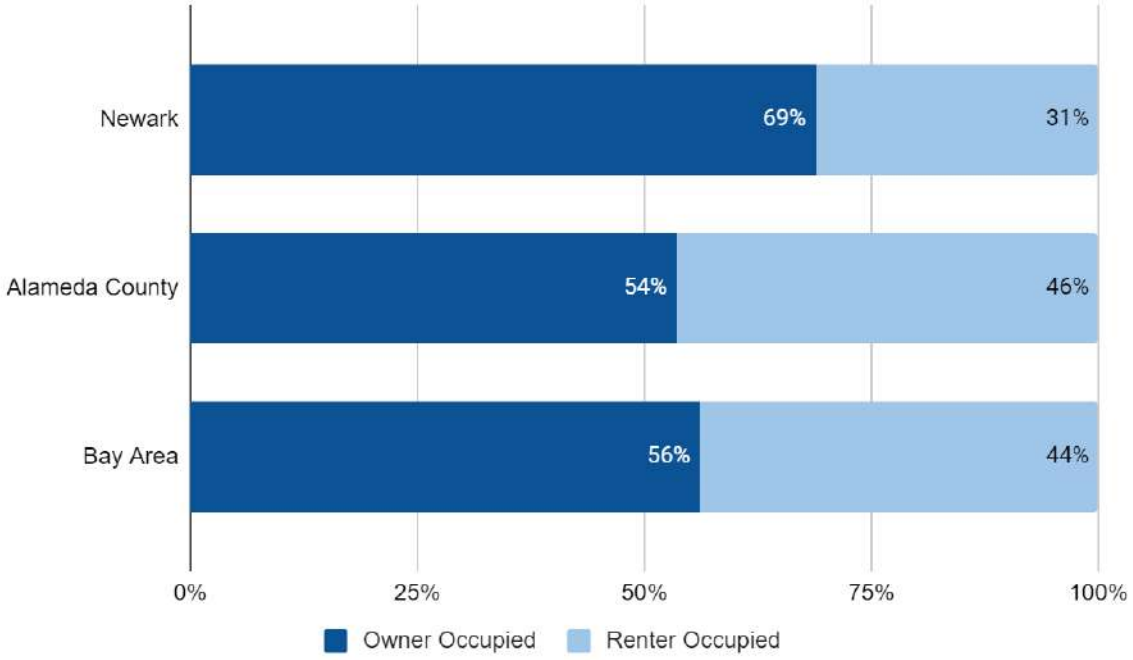


Source: HCD AFFH Data Resources and Mapping Tool.

Rates of Homeownership

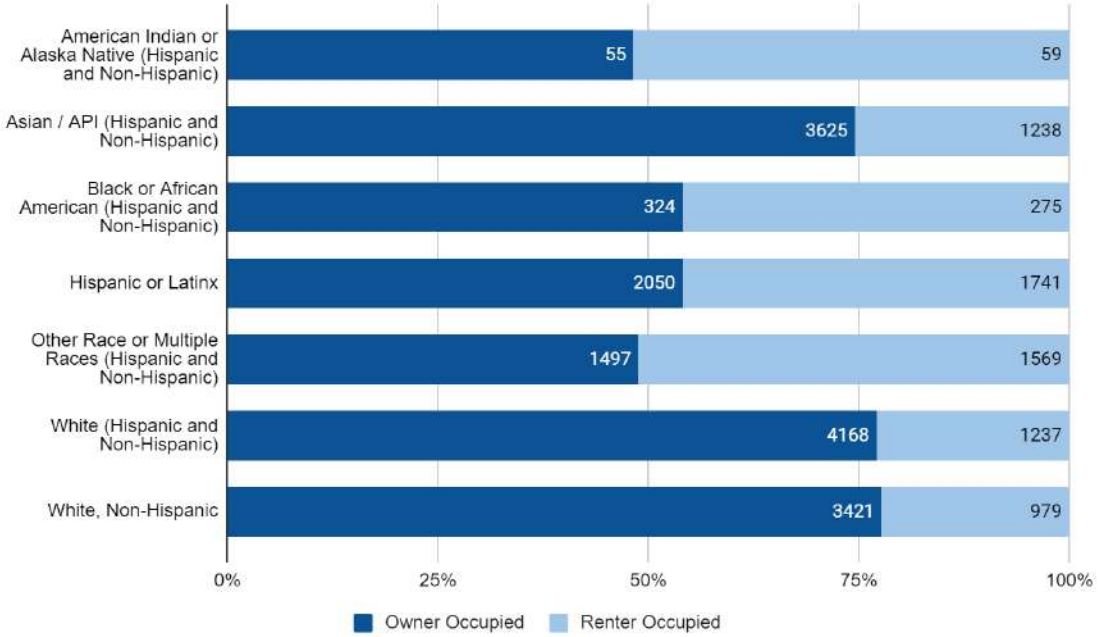
Homeownership in the United States has functioned as the key to generational wealth. Due to historic discrimination from the federal government, the real estate industry, BIPOC communities have lower homeownership rates in comparison to White residents. Addressing disparities between races in rates of homeownership is one way to address historic discrimination and access to wealth, furthering fair housing work. Newark has higher rates of homeownership at 69 percent, than Alameda County (54%) and the Bay Area (56%). Figure 3-42 shows homeowners in Newark are predominantly identified as White and Asian, with the lowest rates of homeownership being found with Indigenous, Black and Hispanic or Latinx residents. This corresponds with rates of acceptance for mortgages. Figure 3-43 shows that White and Asian residents have the highest rate of loan approval with Indigenous and Hispanic/ Latinx residents having the highest rates of application denied.

Figure 3-41: Housing Tenure in Newark, 2015- 2019



Source: U.S. Census Bureau, American Community Survey 5 year data, 2015-2019, Table B25003

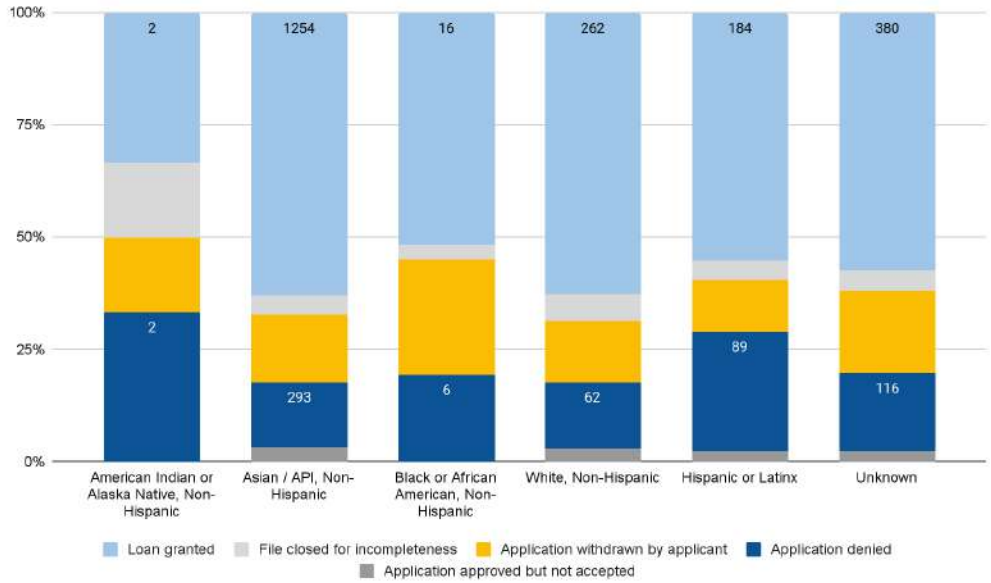
Figure 3-42: Rates of Homeownership by Race, 2015- 2019



Source: U.S. Census Bureau, American Community Survey 5 year data, 2015-2019, Table B25003

Mortgage Loan Access/Rates of Denial Loan Access/Rates of Denial

Figure 3-43: Mortgage Applications and Acceptance by Race, 2018-2019



Source: Federal Financial Institutions Examination Councils (FFIEC) Home Mortgage Disclosure Act Loan/ Application register Files

Substandard Housing

Concern over increased risk of displacement due to code enforcement violations has prompted a look at how substandard housing is addressed in communities. The majority of the community's housing stock is older than 40 years old, which can increase the need for repairs. Oftentimes it is low income renters and homeowners that will be living in substandard housing conditions. While rates of substandard housing, including housing without kitchen or bathroom facilities, is less than one percent, these units could be underreported. As described in section 2 of the housing needs assessment, the neighborhoods of Mirabeau and Old Town / Central Newark through code enforcement data show significant need of rehabilitation. Currently Newark is responsive to code enforcement reports of housing in need of repair, and is planning to develop a new system for addressing code violations that reduce the risk of housing being removed from the market. **Program H1.2** outlines how the city will develop a rental inspection program that will provide a structured process for property owners to address code violations. There will be a process of reinspection, and the creation of an online reporting process for tenants. **Program H1.1 Programs for housing repair and rehabilitation** works to expand upon the existing program, to incorporate targeted outreach to identified neighborhoods of need.

People Experiencing Homelessness

The City has provided continuous support for regional efforts to end homelessness, such as the Alameda County EveryOne Home Program, which prioritizes supportive housing. Newark adopted a resolution declaring a shelter crisis, and authorized the City's participation in the Homeless Emergency Aid Program (HEAP).

People experiencing homelessness have steadily increased at the county level since 2017, with 9,747 sheltered and unsheltered people at the most recent point in time count on February 22, 2022. The city of Newark has a documented reduction from 89 people experiencing homelessness in 2019, to 58 people in 2022. Data from a 2021 Newark Police Department report provides an overview of unsheltered persons in Newark including known encampments:

- Eucalyptus Grove (Highway 84, north of Jarvis Avenue)
- Highway 84 Eastbound off-ramp to Newark Boulevard
- Residence Inn hotel area (near the off-ramp)
- Sycamore Street at the Union Pacific railroad tracks
- Thornton Avenue at Interstate 880
- Home Depot and surrounding businesses parking lot

Housing and homeless support is the most prevalent service request for Newark callers to the countywide 2-1-1 referral service, representing about 42% of all service requests. Newark residents are seeking referrals for low cost rental listings, rent payment and deposit assistance, supportive and transitional housing, emergency shelter, among other services (Eden I&R Referral Service, January 2020 through March 2022). Currently Second Chance provides transitional housing for those experiencing homelessness in Newark. The facility has 32 beds, with the shelter at 81 % capacity on the point in time count. The city has engaged in a number of actions to address homelessness in Newark. There is a partnership with the Fremont Family Resource Center to provide support to Newark households at risk of becoming homeless, and has been awarded a HomeKey grant to convert the Towne Place Suites extended stay hotel into 124 supportive, affordable residential units known as Cedar Community Apartments. Most recently the city has created a Homelessness Committee with members from various City departments to develop a cohesive plan to address homelessness.

Through community engagement, the city has been alerted to the high number of residents experiencing homelessness that are finding shelter in local motels. The challenge with this is that these populations are uncounted, so while the city does not have a full sense of how many individuals and families are there, through communication with parent liaisons with the Newark Unified School district and from a community member experiencing homelessness that those residing in the hotels hold jobs outside of the home, but due to a variety of issues such as the cost of housing, requirements such as three times the income, and credit scores, these community members are kept from accessing stable housing.

Although the documented number of people experiencing homelessness in Newark is low, there are high rates of racial disparity compared to the population of Newark and Alameda County as a whole. As exhibited in Figure 3-46, although the African American population in Newark is 3 percent, they make up 27 percent of the population experiencing homelessness. The Latinx population of Newark is almost equal to that of those experiencing homelessness at 31 percent. White residents have the highest rate of residents experiencing homelessness at 58%, with their portion of the population in Newark at 29 percent.

Figure 3-44: Total Count of People Experiencing Homelessness For The Point In Time Count On February 22, 2022



Source: 2022 Point in Time Count. Everyone Count, February 22, 2022.

Figure 3-45: Unsheltered Individuals in Newark and Alameda County, 2022

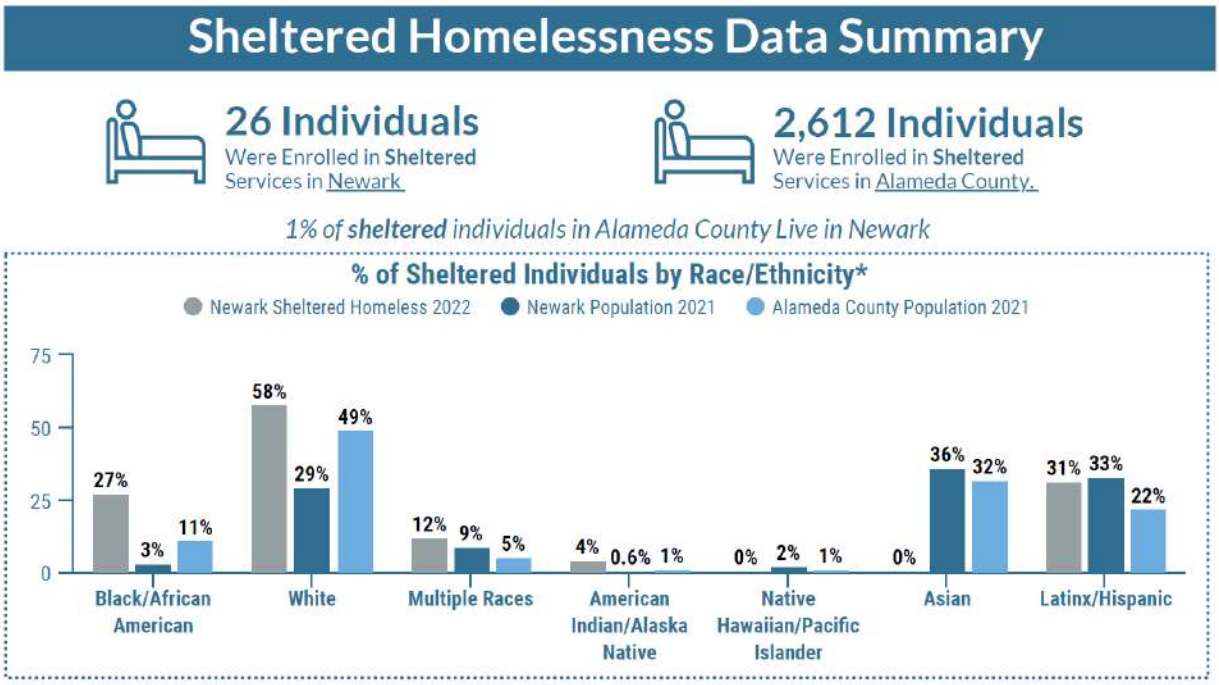


Unsheltered Population by Location

	Tent	Car/Van	RV	Street/ Outside	Abandoned Building
Newark 2022	11 (36%)	6 (19%)	7 (22%)	7 (22%)	0 (0%)
Alameda County 2022	*2216 (31%)*	*2318 (32%)*	*1600 (22%)*	*958 (13%)*	*43 (1%)*

Source: 2022 Point in Time Count. Everyone Count, February 22nd 2022.

Figure 3-46: Sheltered Individuals by Race, 2022



Source: 2022 Point in Time Count. Everyone Count, February 22nd 2022.

Access to affordable, stable housing is foundational for children and their families to be healthy - mentally and physically and support student success in school. Over the past few years the pandemic has amplified the disparities in housing, and with learning transferring online, many students did not have the resources to make that transition. Although schools have returned to in-person teaching, the number of families that are still struggling to access resources and affordable housing are high.

In Newark, the student population experiencing homelessness totaled 300 during the 2019-20 school year and increased by 9 percent since the 2016-17 school year. By comparison, Alameda County has seen a 18.7 percent decrease in the population of students experiencing homelessness since the 2016-17 school year, and the Bay Area population of students experiencing homelessness decreased by eight percent. During the 2019-2020 school year, there were still some 13,718 students experiencing homelessness throughout the region, adding undue burdens on learning and thriving, with the potential for longer term negative effects.

The number of students in Newark experiencing homelessness in 2019 represents **10.5 percent of the Alameda County total and two percent of the Bay Area total.**

In the most recent school year (2021-22), NUSD had 251 students that were homeless (about 5% of all students), which further indicates the lack of affordable housing. Notably, about 96 percent of homeless students in Newark are students of color, with over 167 of these students being Hispanic or Latino. While NUSD has only a small number of Pacific Islander students (98 students),

about 10.8 percent of them are homeless (Source: California Department of Education (ED-Data).

Table 3-11: Students in Local Public Schools Experiencing Homelessness, 2016 to 2020

Academic Year	Newark	Alameda County	Bay Area
2016-17	275	3,531	14,990
2017-18	236	3,309	15,142
2018-19	192	3,182	15,427
2019-20	300	2,870	13,718

Universe: Total number of unduplicated primary and short-term enrollments within the academic year (July 1 to June 30), public schools. Notes: The California Department of Education considers students to be homeless if they are unsheltered, living in temporary shelters for people experiencing homelessness, living in hotels/motels, or temporarily doubled up and sharing the housing of other persons due to the loss of housing or economic hardship. The data used for this table was obtained at the school site level, matched to a file containing school locations, geocoded and assigned to jurisdiction, and finally summarized by geography. Source: California Department of Education, California Longitudinal Pupil Achievement Data System (CALPADS), Cumulative Enrollment Data (Academic Years 2016-2017, 2017-2018, 2018-2019, 2019-2020). This table is included in the Data Packet Workbook as Table HOMELS-05.

Farmworkers

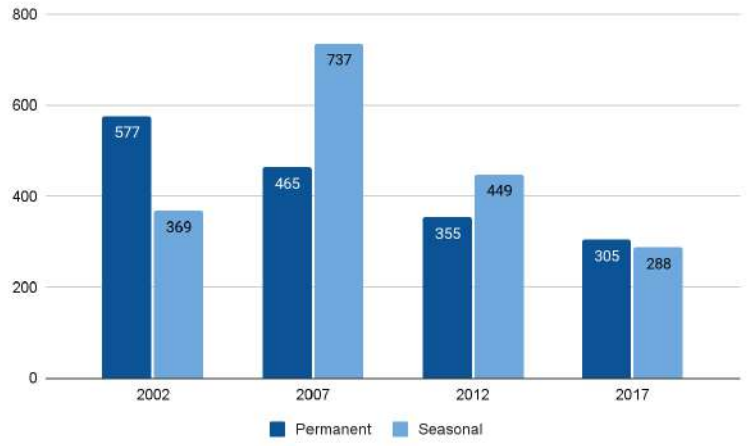
The number of farmworkers living in Newark has declined over the years, with the student population at 57 students for the 2019-2020 school year. The previous years saw 79 students for 2017-2018 and 72 for the 2018 to 2019 school year. Table 3-12 shows the trends for both Alameda county and the greater Bay Area see a similar decline in the migrant farmworker student population. Generally, the number of farmworkers living in Alameda county has been declining since 2012, with fewer than 400 residents working in the industry in a permanent position. It is important to recognize that farmworkers could be under-counted by the census due to their migrant nature. Farming and farmworkers are a significant element of the state's economy, but play less of a role in the Bay Area. Due to lower wages, language barriers, and inconsistent work, farmworkers can have difficulty securing housing, and for these reasons could experience overcrowding and substandard housing conditions.

Table 3-12: Migrant Farmworker Student Population, 2016 to 2020

Geography	2016-17	2017-18	2018-19	2019-2020
Newark	75	79	72	57
Alameda County	874	1,037	785	790
Bay Area	4, 630	4,607	4,075	3,976

Source: California Department of education, California Longitudinal Pupil Achievement Data system, Cumulative Enrollment Data (Academic Years 2016-2017, 2017-2018, 2018-2019, 2019-2020)

Figure 3-47: Permanent and Seasonal Farmworkers at the County Level, 2022 to 2017



Source: U.S. Department of Agriculture, Census of Farmworkers (2002,2007,2012,2017), Table 7: Hired Farm Labor. Note: Farm workers are considered seasonal if they work on a farm less than 150 days a year, while farm workers who work on a farm more than 150 days are considered to be permanent workers for that farm.

Gentrification and Displacement

"It is really sad to see what is happening to our little old town of Newark. I moved here back in 1995 to raise my family. It was a small town and where I wanted to raise my family. My children are NUSD and now currently in college. The Tech Giants have moved into our backyards causing GENTRIFICATION raising rents that our families can't afford. Forcing them to leave and for some to become homeless sleeping in their cars with school-aged children. Also the high number of Homeless on our streets with mental health issues on the corners of all freeways intersections. How is it that we all live in one-million-dollar houses and see all this around us? This breaks my heart we need to see more affordable housing, rent control, good schools with proper equal education for all of our students in our community. All the tech giants use these Big Charter buses to send their employees to Facebook, Google, and Yahoo. Newark should start charging them a fee so that we can have funds available to provide free tutoring for school-aged students struggling in math." – Newark Resident

Defining Sensitive Communities: (Urban Displacement Project, 2020)

Communities sensitive to displacement were measured through a number of indicators. Neighborhoods with a high proportion of residents vulnerable to displacement in the case of rising housing costs, and market-based displacement pressures present in and/or near the community. Communities were designated sensitive if they currently have populations vulnerable to displacement in the event of increased redevelopment and drastic shifts in housing cost. Vulnerability includes metrics for the share of very low income residents, share of renters, share of people of color, and share of very low income households (50% AMI or below) that are severely rent burdened (spending 50% of income on rent). Market-based displacement pressures include percent change in rent between 2012-2017 above county median rent increases.

The City of Newark has grown its job base by 37% since 2010, significantly outpacing the County's job growth, which was also strong. While the City has a higher share of job growth in high-paying industries compared to the County, over 40% of the City's job growth still came from lower wage industries paying less than $75,000 a year. Currently, residents are unable to find housing at a cost and requirements accessible to them, which has led to residents finding shelter in motels. Concern around gentrification is a consistent narrative from residents, many of whom find themselves unable to find housing in a city they have grown up in, and have community connections.

"Programas de vivienda que combaten la gentrificación." (Housing programs that combat gentrification)
– Community Meeting Comment

Figure 3-49 shows areas in Newark that are vulnerable to gentrification and displacement, according to the 2017 study from the Urban Displacement Project, University of California, Berkeley. The area corresponds to a majority of BIPOC populations with an average of 82 percent non white, specifically Hispanic/ Latinx communities, cost burdened and overcrowded households.

The city of Newark has a number of redevelopment projects underway in the Old Town Area, Bayside, and ParkPlace. These projects are working to add more housing to the city through the redevelopment of industrial land into a walkable neighborhood close to commuter rail, repurpose an aging shopping mall, and revitalize a historic district.

Old Town

Old Town is the historic commercial district of Newark that has experienced disinvestment over the years. The neighborhood has a history of a variety of housing types and businesses, with a number of food manufacturing and local restaurants. The Old Town Specific plan looks to revitalize the neighborhood, making it more pedestrian friendly and implement zoning changes to bring higher density housing and mixed use buildings into the neighborhood.

The area has lower rents than the surrounding areas of the city, and is home to a predominantly

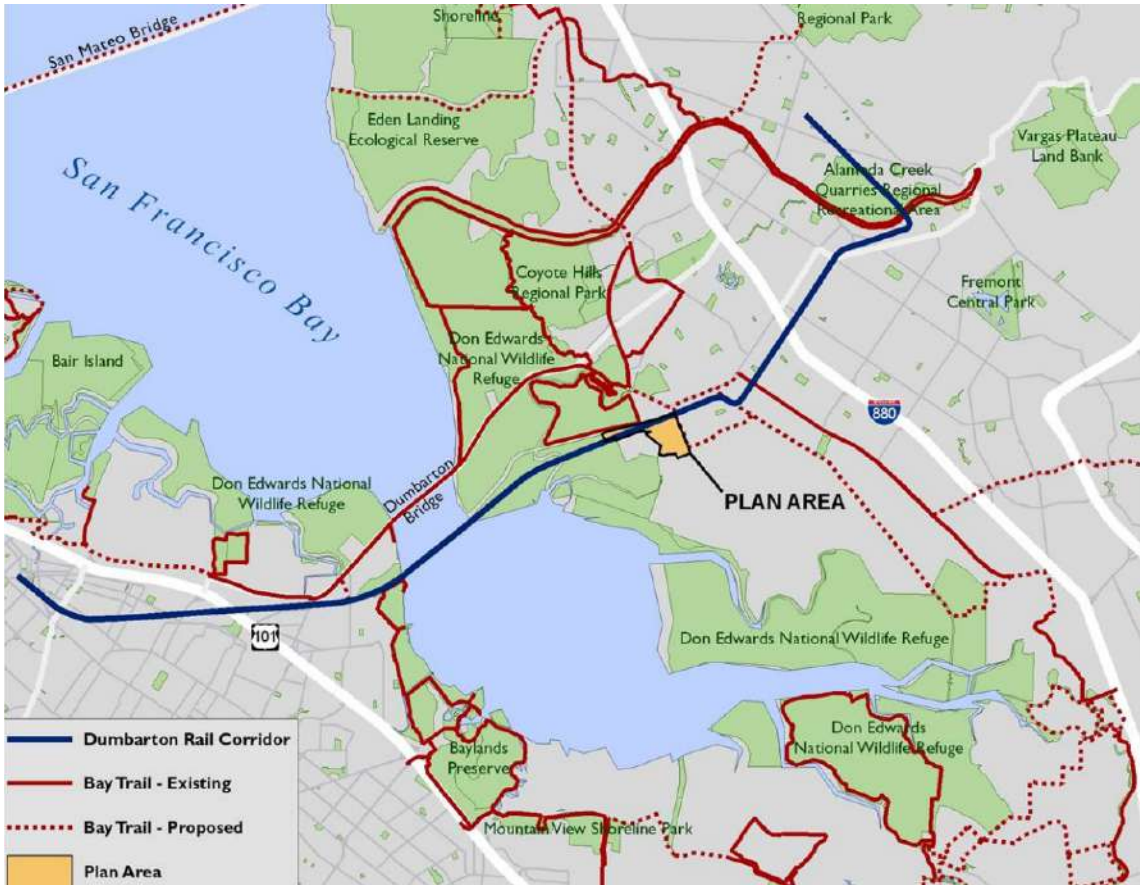
Hispanic/ Latinx population of residents and associated small businesses (fig 3-49). The neighborhood has the highest level of low income residents, with 53 percent of renters cost burdened.

With improvements to the Dumbarton transportation corridor, connecting Newark and the surrounding area to Silicon Valley, this will open up the area for increased development pressure that could result in displacement of existing residents and small businesses.

Bayside Newark

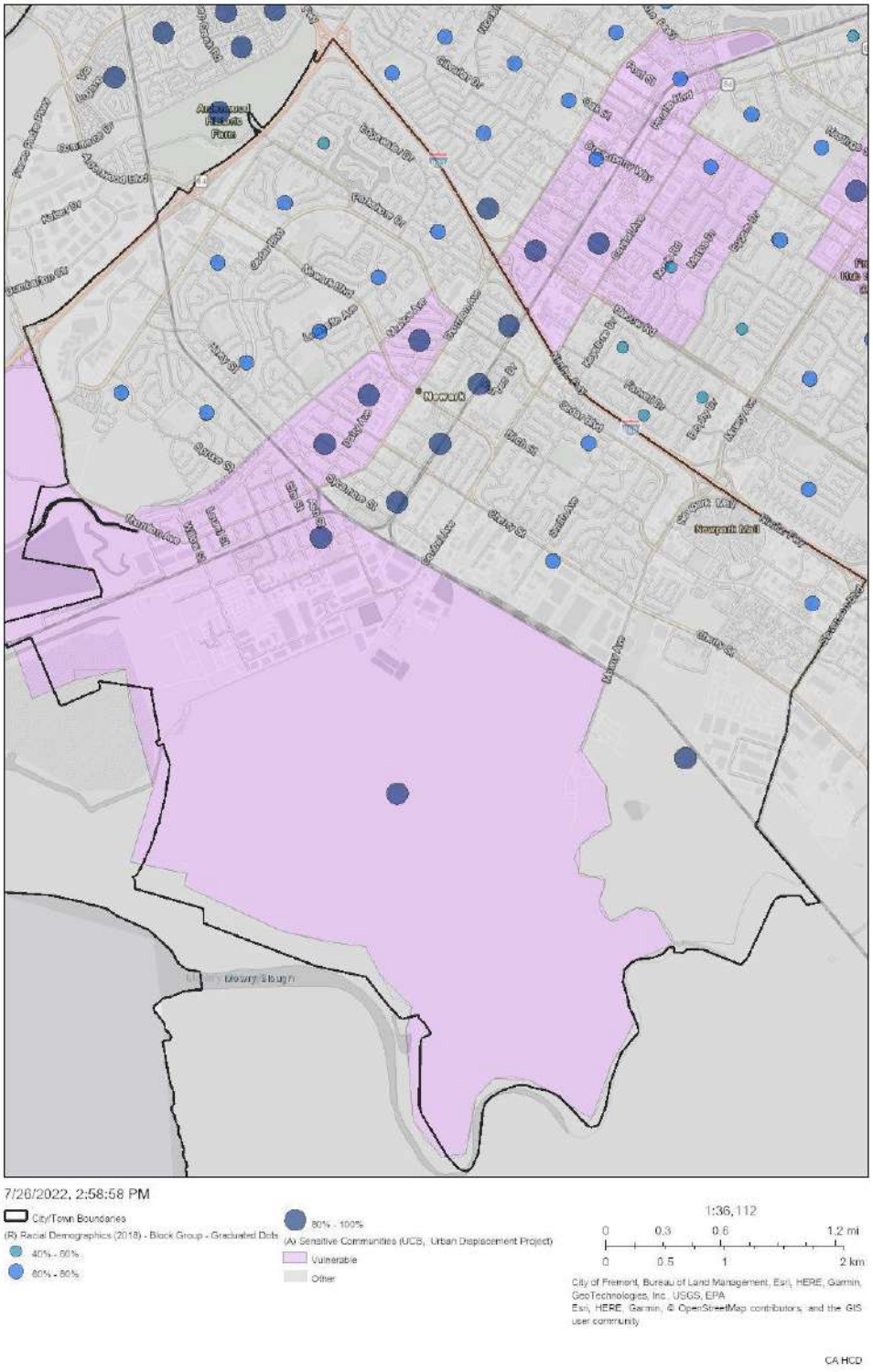
Bayside Newark is a 200-acre planned neighborhood on land previously used for industrial production and manufacturing. The city is implementing a specific plan for a walkable neighborhood with a variety of housing types, recreational open space, and everyday services adjacent to the future Dumbarton rail line. Although there was no residential or small business in the planning area, it is still important to note the impact that the commuter rail line and the inclusion of hundreds of new market rate housing units will have on the demographics of the city.

Figure 3-48: Map of Plan and Dumbarton Corridor, 2010



Source: Dahlin Group, 2010

Figure 3-49: Areas in Newark Vulnerable to Displacement and Percentage of Communities of Color, 2018 and 2022



Source: HCD AFFH Data Resources and Mapping Tool.

Displacement From Environmental Hazards

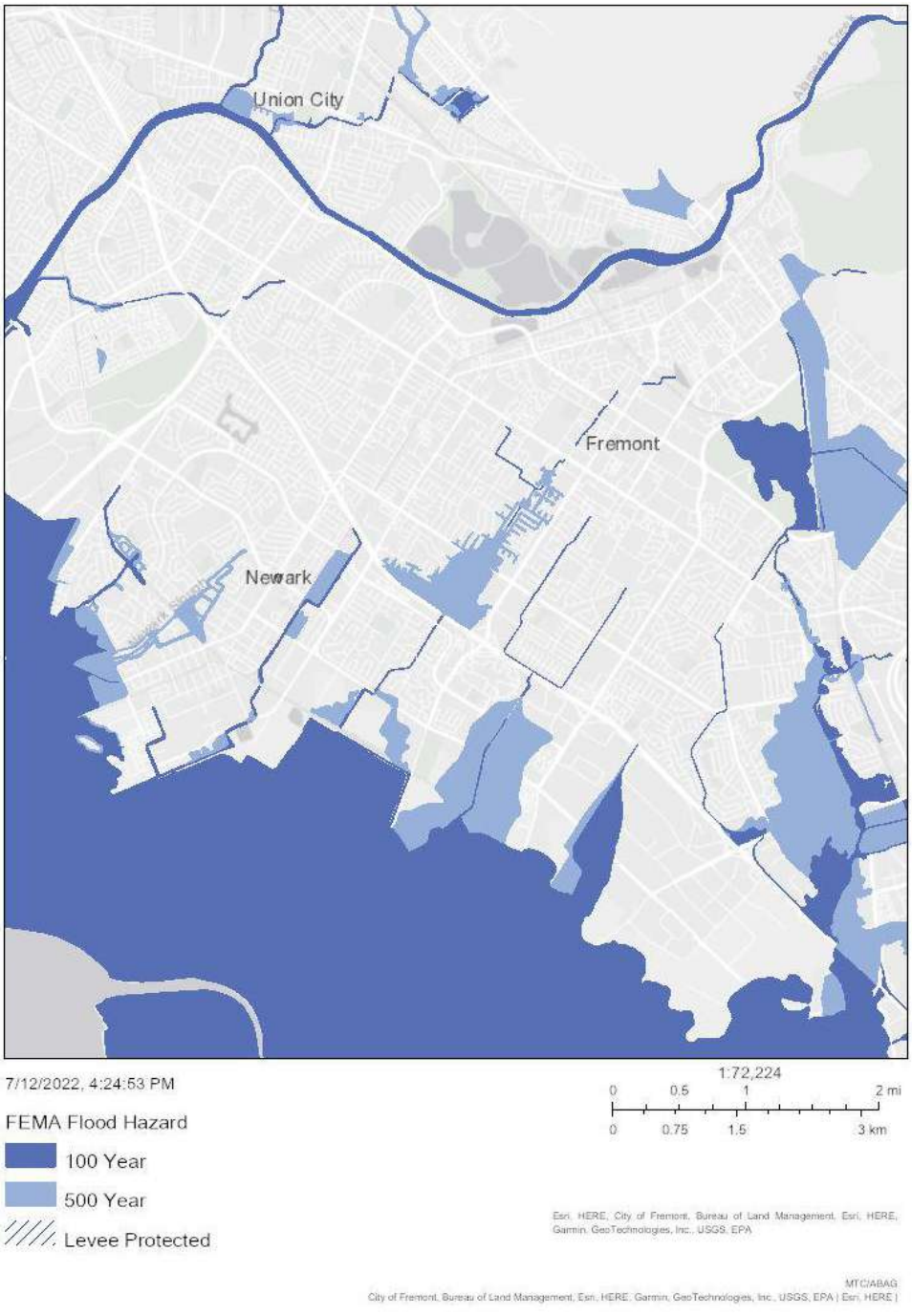
Environmental hazards can cause both physical and social vulnerabilities specifically in low income, disabled, and BIPOC communities. Many communities and households face social vulnerabilities that are intensified during the short- and long-term recovery period after a disaster. Access to information, housing, and social services are disrupted during and after a disaster, straining local housing markets and service providers. Due to the lack of affordable housing due to a mismatch between housing costs and income, communities are vulnerable to local shocks such as a natural disaster. For households that were struggling to find and/or maintain affordable housing before a major event, resulting in displacement of residents and an increase in homelessness. These events also compromise the ability for residents with disabilities to find accessible temporary shelter.

Newark is susceptible to multiple major types of environmental hazards that are visible through the Association of Bay Area Governments Hazard Viewer: Flooding due to sea level rise, tsunamis, and earthquakes. Figure 3-50 of the FEMA flood map shows extreme flooding at the 100 year flood line, engulfing much of the southern portion of the city. At the 500 year flood level, the flooding will move well into established housing, schools and commercial establishments. Flooding most significantly affects areas that are identified as high in opportunity currently, but also encroaches on areas in the city that have been identified as vulnerable to displacement through the Urban Displacement Project.

With Newark being in close proximity to the Hayward fault line, there is the possibility of severe shaking in the event of an earthquake. Residents in our community survey cited multi-year drought as their greatest environmental concern at 52 percent, followed by flooding and sea level rise (44%) and earthquakes (35%). In our community meeting, concern about development in sensitive areas was highlighted, especially ensuring that vulnerable residents are aware of the environmental hazards in their neighborhood.

"Restrict or limit construction of new development in zones or overlay areas that have been identified or designated as hazardous areas to avoid or minimize impacts to coastal resources and property from sea level rise impacts." *– Community meeting comment*

Figure 3-50: 100 Year and 500 Year Flooding Projections for the City of Newark



Source: Association of Bay Area Governments Hazard Viewer

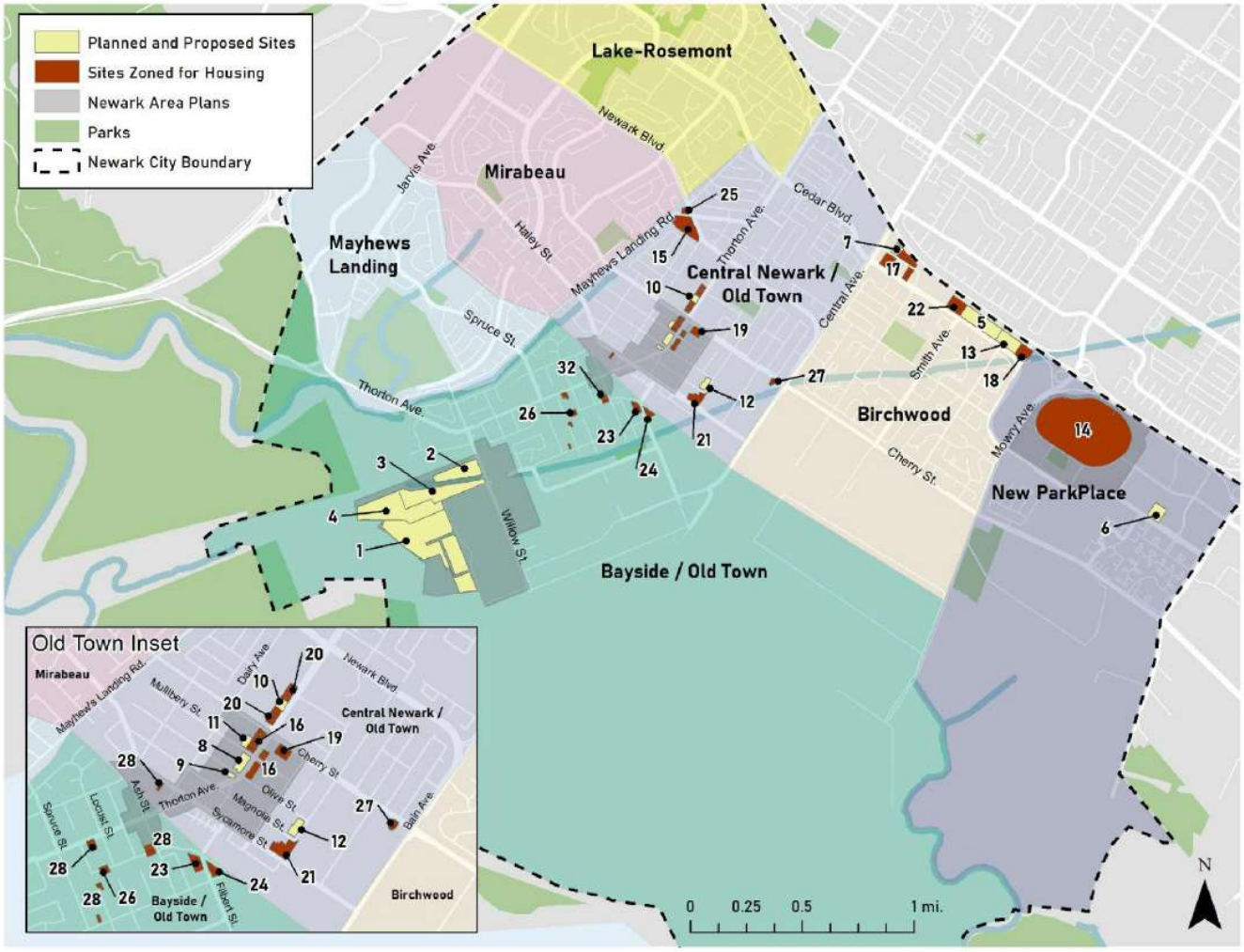
H. AFFH Analysis of Sites

State law, Government Code Section 65583(c)(10), requires the sites analysis to be analyzed with respect to AFFH to ensure that affordable housing is dispersed equitably throughout the City rather than concentrated in areas of high segregation and poverty or low resource areas that have historically been underserved. By comparing the sites inventory to the fair housing indicators in this assessment, this section analyzes whether the sites included in the 2023-2031 Housing Element sites inventory improve or exacerbate patterns of segregation, fair housing conditions, and access to opportunity throughout the City.

Newark was allocated a total of 1,874 new housing units to plan for during the Sixth Cycle Housing Element planning period. This RHNA allocation includes 464 very low-, 268 low-, 318 moderate-, and 824 above moderate-income units. Using data and research from the HCD AFFH Data and Mapping Tool 1.0, Table 3-13 presents the housing unit capacity and existing conditions as they relate to indicators of fair housing analyzed in this assessment for each census tract in the city. For more information about the indicators, refer to the local assessment discussed previously in this chapter. The census tracts and sites inventory are mapped and shown in Figure 3-51. Newark has several physical constraints that present challenges in developing the sites inventory and planning for future growth. These constraints include sensitive wetland habitat and flood plains along the western city boundary and limited vacant land. Because of these constraints, sites included in the 2023-2031 Housing Element inventory are largely located in specific plan areas that are redeveloping existing shopping malls and former industrial lands, with several additional sites located in the Old Town/ Central area.

Newark is a racially and ethnically diverse city, with higher levels of segregation than neighboring jurisdictions such as Union City. As shown in the Table 3-13 BIPOC residents are the majority of the population in all census tracts. Residents identifying as Hispanic/ Latinx compose the largest segments of the population in census tract 4443.02 (Bayside/ Old Town), and census tract 4444 (Old Town/ Central Newark). The sites inventory provides some opportunity to balance the distribution of the various racial/ethnic groups in the city as well as access to opportunity, as sites at all income levels are found in areas with high opportunity and lower predominance of Hispanic/ Latino populations. The sites in NewPark Place, Birchwood, Bayside /Old Town, and Old Town/Central Newark open up opportunities to diversify the area through income and race/ethnicity. Although there are no sites included in the inventory in the northern neighborhoods of the city (Lake-Rosemont, Mirabeau, and Mayhews Landing), proposed programs will work to address the concentration in specific neighborhoods and open up single family neighborhoods to new missing middle housing types identified through community engagement as filling a crucial need for large and small households throughout the city.

Figure 3-51: Housing Sites for the RHNA 6th Cycle



Source: Community Planning Collaborative, 2023.

Table 3-13: Distribution of Housing Capacity by Census Tract with AFFH Indicators

					RHNA Capacity			AFFH Indicators									
								Integration and Segregation								Access to Opportunity	Displacement Risk
Census Tract	Neighborhood	Total Households	Owner Households	Renter Households	Lower	Moderate	Above Moderate	Median Household Income	AMI less than 50%	AMI 50 - 80%	AMI 80 - 100%	AMI greater than 100%	Hispanic / Latino	Non-White Population	Disability Rate	Resource Designation	Overcrowding Rate
4441	Lake-Rosemont	2,573	2,162	411	0	0	0	$116,812	20%	8%	10%	62%	28%	74%	10%	Moderate Resource	0%
4442	Mirabeau Park	1,887	1,484	403	0	0	9	$126,028	14%	12%	9%	64%	35%	81%	7%	Moderate Resource	2%
4443.01	Mayhews Landing	1,189	862	327	0	0	0	$121,156	11%	6%	12%	72%	38%	76%	8%	Moderate Resource	2%
4443.02	Bayside/ Old Town	1,500	762	738	70	21	649	$105,188	24%	12%	13%	51%	66%	89%	6%	Moderate Resource	6%
4444	Old Town / Central Newark	1,519	848	671	201	44	120	$93,094	19%	13%	19%	49%	59%	86%	8%	Moderate Resource	0%
4445	Old Town / Central Newark	2,025	879	1,146	118	42	36	$109,441	16%	14%	9%	60%	21%	88%	7%	Moderate Resource	5%
4446.01	Birch Grove	1,779	1,543	236	155	1	296	$139,119	9%	11%	4%	76%	18%	84%	7%	High Resource	0%
4446.02	NewPark Place	1,575	1,129	446	178	18	536	$128,229	14%	5%	8%	74%	11%	90%	5%	High Resource	0%

Source: Community Planning Collaborative, City of Newark. HCD AFFH Data Resources and Mapping Tool.

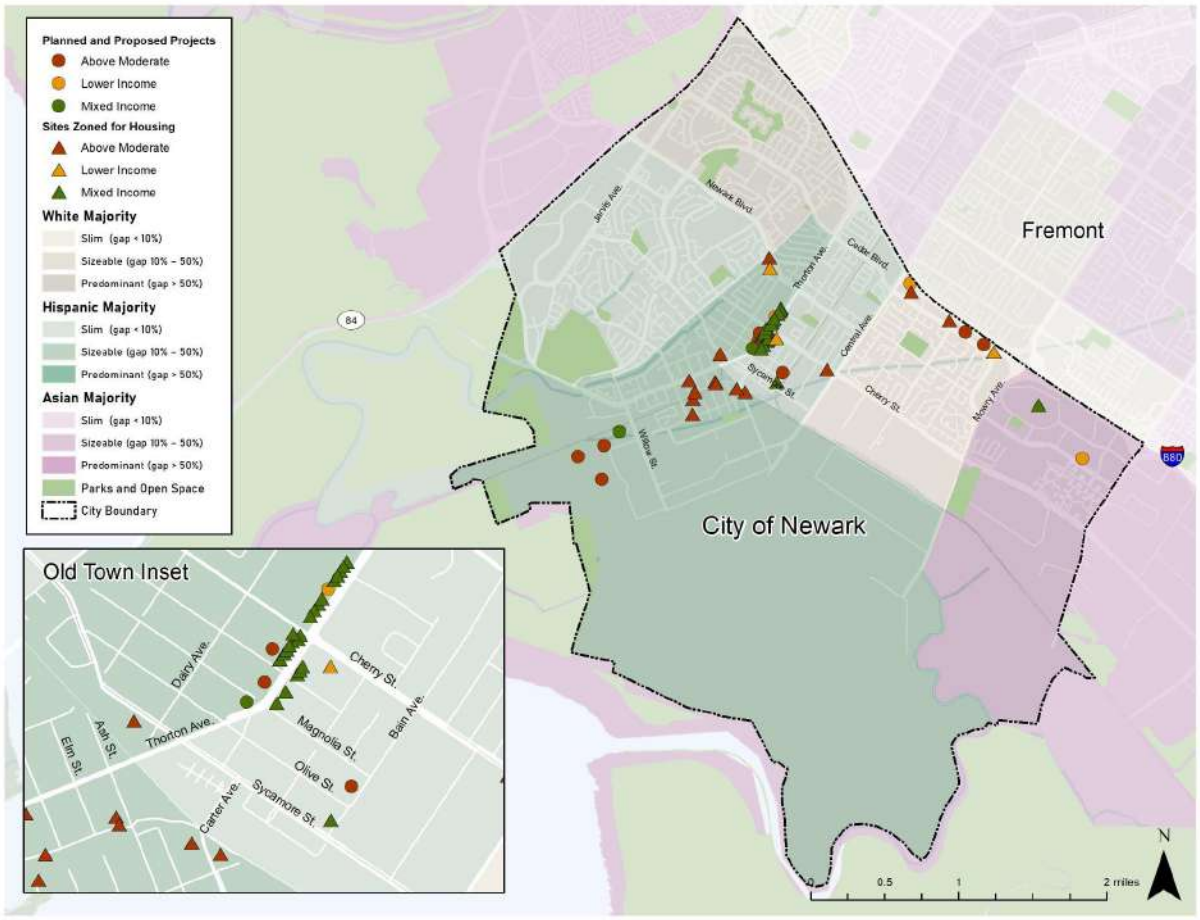
Potential Effects of Segregation and Integration

Race and Ethnicity

In Newark, neighborhoods are predominantly Hispanic/ Latinx. Lake-Rosemont and Birch Grove Neighborhoods are the only neighborhoods in the city where White residents have a slim or sizable gap. The NewPark Place and Sanctuary West areas throughout the city have a predominantly Asian population (composed of a mix of different ethnicities). Generally, the sites inventory will provide some opportunity to balance the distribution of the various racial/ethnic groups in the city. As described above, Hispanic/ Latinx residents are the most segregated group and Asian residents are the most isolated compared to other groups. The sites inventory will not exacerbate segregation by race and ethnicity in Newark due to the high numbers of housing sites in areas that are predominantly Hispanic/ Latinx and Asian, providing new opportunities for housing mobility in the city.

Using the residential sites identified in the site inventory, we look to understand how new housing will impact segregation and integration of race, ethnicity and income level. Figure 3-52 shows the majority of identified sites are concentrated in the areas with a predominantly Latinx/Hispanic population. These areas correspond with the Old Town specific plan, that increases zoning to encourage investment in affordable housing and the transit oriented nature of Bayside Newark. In the Birchwood area, with the highest median incomes in the city, two housing projects, one the Timber Affordable senior housing project and the second, the E-Z 8 Motel site will provide 184 low and moderate income homes, and opportunities for those of other races with lower incomes in an area that has a slim white majority. The redevelopment of NewPark Mall, within the NewPark Place area, will provide 174 low and moderate income units in a high resource neighborhood with a predominantly Asian population. While the increase in above moderate income housing in areas that are predominantly low and moderate income will increase the diversity of incomes and increased investment in the area, it can also lead to higher rents for the surrounding households, and displacement. In response to the concentration of housing opportunity sites located in the central and southern portions of the city, Newark will be implementing a number of programs to expand housing development and housing choice for multiple incomes throughout the city. Programs include: Program H2.1 SB9 and SB10 ordinance as well as H2.8 Zoning for Missing Middle Housing, H2.2 to reduce constraints and expand accessibility for ADU production, in order to achieve a greater geographic diversity of housing type and location. Program H2.6 looks at public school sites in Newark as locations for affordable housing to district employees, and has the potential to both provide affordable family sized housing and increase access to opportunities throughout the city.

Figure 3-52: Sites by Racial Predominance, 2010



Source: Adapted by Community Planning Collaborative, 2022. HCD AFFH Data Resources and Mapping Tool.

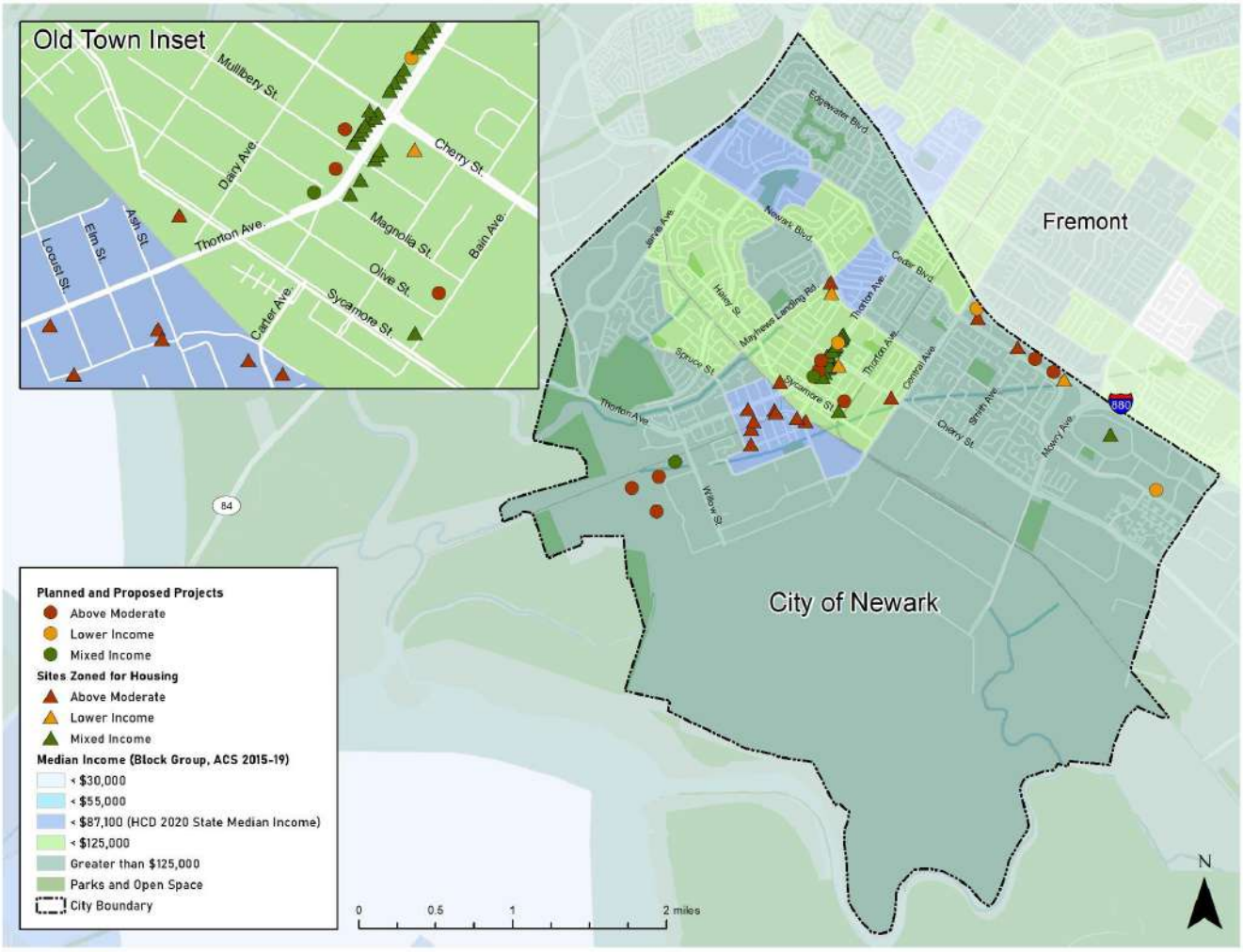
Income

Newark has a population with a high median income, with 50% of residents making more than 100 percent of the median income. Despite this, there is still a large population of residents who are low income, with 10 percent of residents making less than 30 percent of the median income and 13 percent with moderate incomes. Through a variety of programs, the City is working to increase the development of housing for all income types, including housing for those with extremely low incomes, seniors, large families and those with moderate incomes. The Housing Element includes programs to establish development standards that facilitate missing middle housing that is affordable to middle-income households in single-family neighborhoods (Program H2.8) and promoting the development of ADUs throughout the city (Program H2.2).

Fifty percent of sites (2,075 units) are located within the NewParkPlace and the areas, which have a median income of $139,000. The NewParkPlace developments have 28 percent of the total low income units, the largest number of low income units in the city, along with the largest percentage

of above moderate units at 58 percent. Although the lower income sites are distributed amongst The Old Town/ Central, Bayside, Birch Grove and NewParkPlace areas, these census tracts have a range of median incomes between $93,094 to $1390,111, and accounts for 91 percent of the lower-income capacity, 84 percent of the moderate-income capacity, and a majority (2,291 units) of the above-moderate income capacity. The sites in the Bayside /Old Town area are zoned for a variety of housing options to be built, with the greatest capacity of low and moderate income sites which will in turn help to diversify income levels in the area. Table 3-14 show that 23 percent of the lower-income sites are in census tracts with incomes below $93,000. This is driven by the capacity on sites in the Old Town/ Central area along Thornton Boulevard and works to ensure that housing is affordable to existing residents in order to support them to stay in place as investments come to the area. The sites inventory for all other income levels (i.e., lower-income sites, moderate income sites, mixed income sites, and pipeline projects) will not have a significant impact on patterns of segregation and integration by the remaining fair housing indicators including familial status and disability status due the even distribution of those populations in the City.

Figure 3-53: Site Distribution by Median Income, 2015- 2019



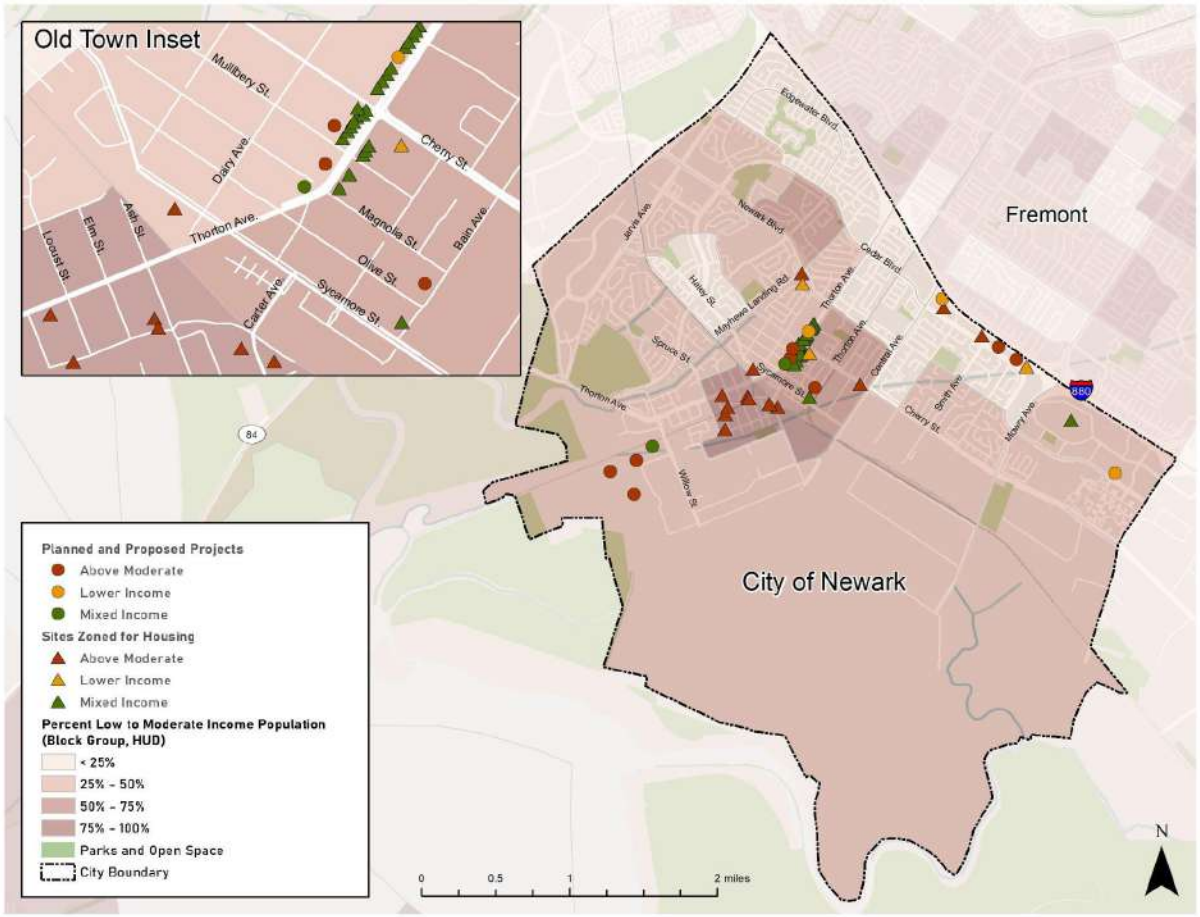
Source: Adapted by Community Planning Collaborative, 2022. HCD AFFH Data Resources and Mapping Tool.

Table 3-14: Site Distribution by Median Income, 2015- 2019

Census Tract	Neighborhood	Lower income		Moderate income		Above Moderate		Total Units						
		units	%	units	%	units	%	units	%	Median Household Income	AMI less than 50%	AMI 50 - 80%	AMI 80 - 100%	AMI greater than 100%
4441	Lake-Rosemont	0	0%	0	0%	0	0%	0	0%	$ 116,812	20%	8%	10%	62%
4442	Mirabeau Park	0	0%	0	0%	9	0.5%	9	0.4%	$ 126,028	14%	12%	9%	64%
4443.01	Mayhews Landing	0	0%	0	0%	0	0%	0	0%	$ 121,156	11%	6%	12%	72%
4443.02	Gateway / Bayshore/ old Town	70	10%	21	17%	649	39%	740	30%	$ 105,188	24%	12%	13%	51%
4444	Old Town / Central Newark	201	28%	44	35%	120	7%	365	15%	$ 93,094	19%	13%	19%	49%
4445	Old Town / Central Newark	118	16%	42	33%	36	2%	196	8%	$ 109,441	16%	14%	9%	60%
4446.01	Birch Grove	155	21%	1	1%	296	18%	452	18%	$ 139,119	9%	11%	4%	76%
4446.02	NewPark Place	178	25%	18	14%	536	33%	732	29%	$ 128,229	14%	5%	8%	74%

Source: Community Planning Collaborative, 2023.

Figure 3-54: Site Distribution By Percent of Low and Moderate Income Residents, 2015- 2019



Source: Adapted by Community Planning Collaborative, 2022. HCD AFFH Data Resources and Mapping Tool.

Potential Effects on Access to Opportunity

According to 2022 TCAC data, Newark is a mix of moderate and high resource areas. The Birchwood, NewParkPlace areas comprise Newark's high resource areas, while the rest of the city is considered moderate resource areas, as highlighted in Figure 3-56. Newark does not have any low resource areas, areas of high segregation, or highest resource areas.

A percentage breakdown of proposed and sites zoned for housing by resource area in Figure 3-56 shows that 46 percent of low income units are located in high resource areas. A significant percentage of planned and proposed moderate income housing, 85 percent, are located in moderate resource areas as are 54 percent for low income units. For the most part, both low and above moderate housing are relatively evenly distributed across moderate and high resource areas. While a high percentage of moderate units are planned and proposed for moderate resource areas, this figure does not take into account the additional units expected from missing

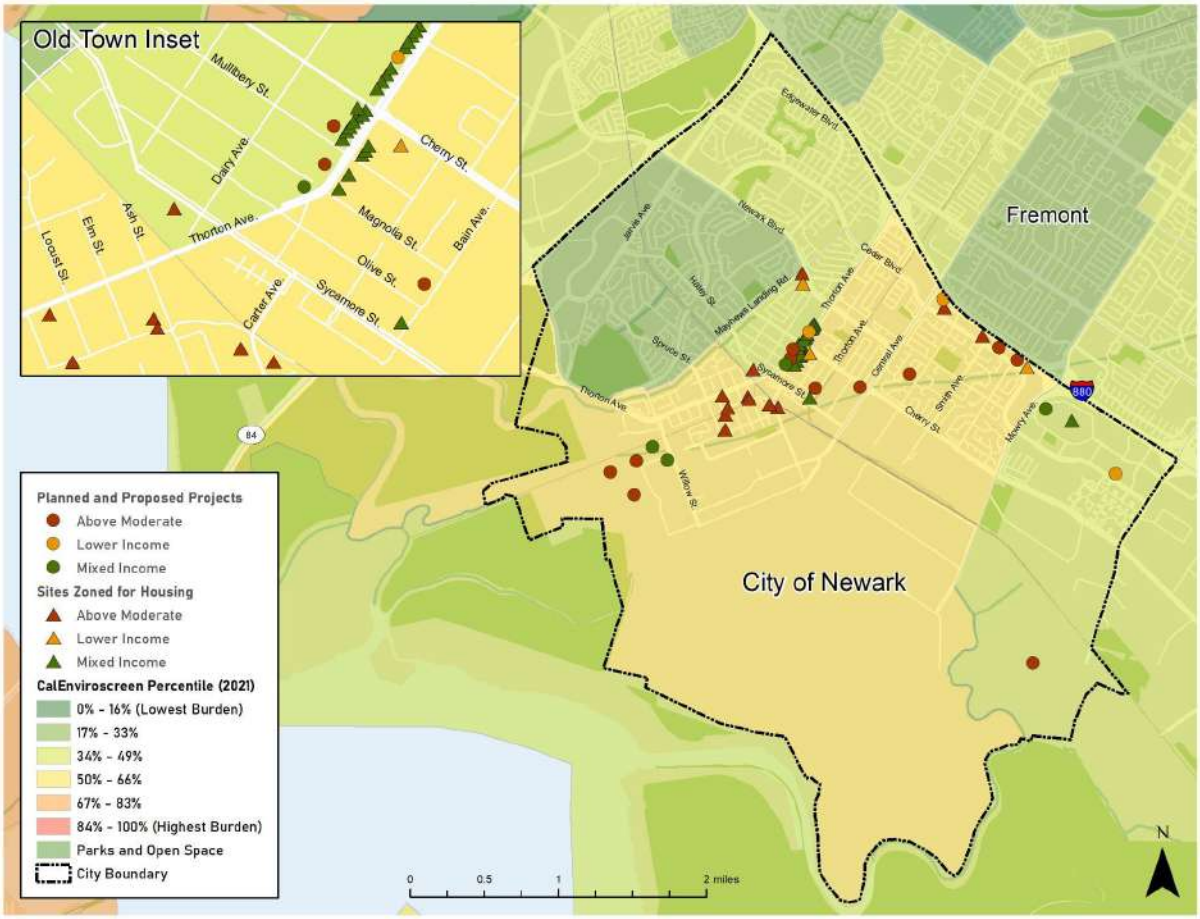
middle and ADU programs which will be prioritized for high resource areas.

In the higher resource areas there is a mix of housing both in the pipeline for development and sites identified for new housing. Pipeline projects include site 9, Cedar Community Apartments, a HomeKey project that provides 124 units of housing for those with extremely low incomes. The focus will be on providing housing for those that are homeless and those at risk of homelessness, with 11 units reserved for veterans that have experienced homelessness. The redevelopment of NewPark Mall consists of two mixed income projects providing housing for very low, low and moderate income households, and one pipeline project serving those with above moderate incomes. Pipeline and housing opportunity sites in the Birchwood and NewPark Place areas will provide 352 units of low and moderate income housing in high opportunity areas. By providing housing opportunities for very low, low and moderate income households in high resourced areas the city is addressing the need to expand housing choices available to those looking for affordable housing close to shopping, parks, transportation and quality schools and support vulnerable populations.

Newark is making targeted investments in the Old Town/ Bayside area, with active transportation infrastructure improvements connected to the Old Town Specific Plan and the Bicycle master plan, and supporting small businesses and community members through facade improvement grants for small businesses in the Old Town area and the construction of a family resource center. See the chapter on transportation and the Public Realm for more details on city lead investments. These investments will provide needed improvements in an area that is lower income than surrounding areas.

Environmental Outcomes

Figure 3-55: Site Distribution by CalEnviroScreen Percentile Score, 2021



Source: Adapted by Community Planning Collaborative, 2023. HCD AFFH Data Resources and Mapping Tool and CalEnviroScreen Data

CalEnviroScreen is a mapping tool that helps identify California communities that are most affected by many sources of pollution, and where people are often especially vulnerable to pollution's effects. The tool uses environmental, health, and socioeconomic information to produce scores at the census tract level and is indexed allowed for cross community comparison. Tracts with high scores experience a much higher pollution burden than areas with low scores.

As displayed in Figure 3-55 above, sites identified by Newark as being suitable for accommodating lower-income RHNA housing during the planning period are located in areas with low to very-low levels of environmental risk. Both planned and proposed projects and sites zoned for housing are in areas with a relatively low incidence of environmental contamination per CalEnviroScreen.

Environmental Quality

Bayside Newark

This project area includes 233 acres of land that historically has contained various industrial, manufacturing, chemical processing and salt production facilities since the early twentieth century. Due to the history of industrial use on the site, the city has remediated portions of the site. One form of contamination was a groundwater plume that exists in shallow groundwater beneath portions of the Plan area. The San Francisco Bay Regional Water Quality Control Board (RWQCB) is directing mitigation of this groundwater plume in collaboration with the Alameda County Water District (ACWD). Some properties within the Specific Plan area also contain soil impacted hazardous substances. The Department of Toxic Substances Control (DTSC) is directing the remediation of impacted soils at these properties.

The specific plan includes neighborhood focused retail, new infrastructure to support new residential and commercial development, new parks and the Bayside Trail, as well as new residential units in a variety of sizes and types.

Old Town Specific Plan Area

Central Newark and sites within the Old Town Specific Plan are at high risk of exposure to particulates from diesel fuel. In an effort to increase health equity in the area, and create a safer environment for walking and biking, the city will conduct a truck route study in 2023, looking to remove semi trucks from using Thornton avenue in the old town district.

Transportation and the Public Realm

Through public participation, pedestrian improvements and access to public transportation have been consistent themes that are associated with opportunity for a variety of populations, as well as being conscientious of climate change and the environment.

Figure 3-57 shows the distribution of housing sites and bus routes in Newark. We have heard from the disability community that having affordable housing in close proximity to transit is important for their community. There is also an understanding that transportation can be a significant expense, to providing housing in close proximity to transportation, new developments can lessen the cost burden and support more sustainable development.

In 2017 Newark City Council approved the Pedestrian and Bicycle master plan, in order to prioritize and implement infrastructure improvements and educational/enforcement programs that will improve the biking and walking environment in Newark. The following is an overview of pedestrian and bicycle improvements to be undertaken during the Housing Element cycle:

- Cherry street will be improved by a class 4 separated bike lane from Central Ave to Stevenson blvd.
- The Central ave overpass, with an estimated completion in 2025, will eliminate railroad grade crossing for pedestrians, creating a separated crossing at Sycamore and Filbert, make it easier for pedestrians to cross safety, and the addition of new bike lanes
- In Old Town, with an estimated completion date of 2025 there will be bike and pedestrian improvements: a road diet, widened sidewalks, bike lines where there are none, high visibility crosswalks.
- The Bay Trail will be extended through the Bayside Newark development
- The city has received grant funding to add sidewalks and for the development of a cycle track on Thornton ave, between Gateway blvd and Hickory street, to improve access to the wildlife refuge. This will add bike lanes to the west side to make it safer to access the wildlife refuge. Estimated project completion will be in 2029.
- Grant funding to install the rapid fire beacons where the residents have expressed concerns over safe crossing, especially for students. One is planned for Old Town at Mulberry street, and near the Bayshore district on Enterprise drive.

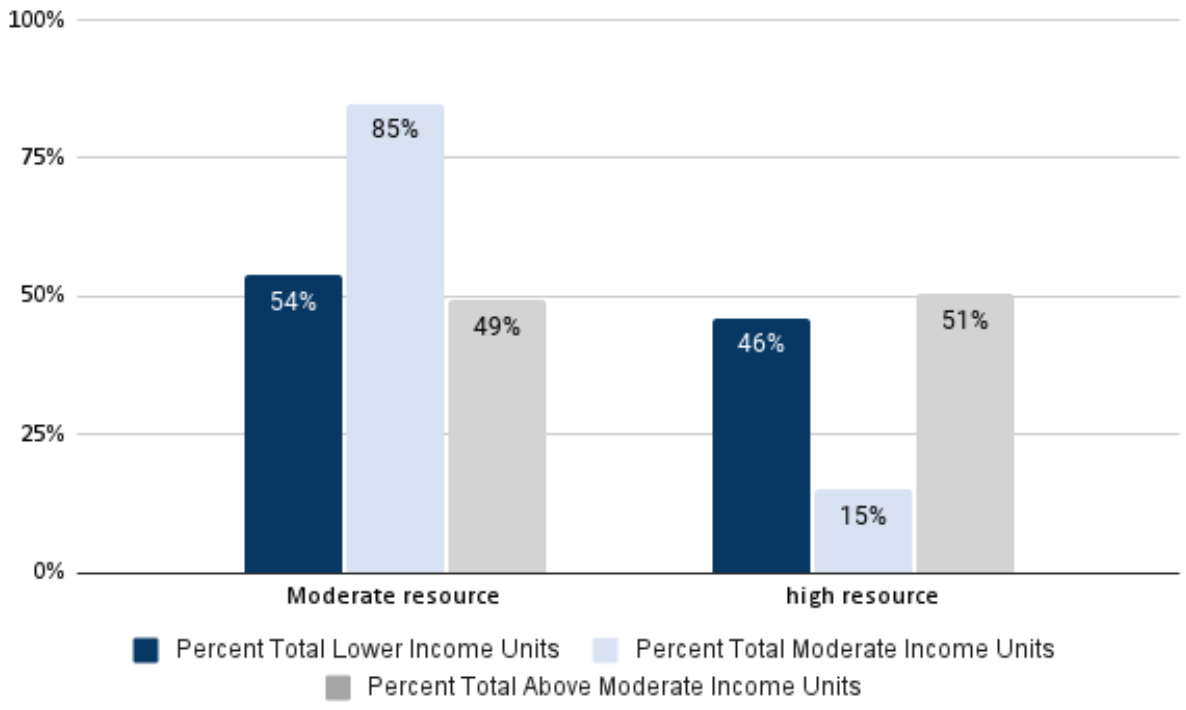
Through area specific plans, Newark is investing in their public realm through pedestrian improvements for active transportation and pedestrian safety through more human scale streets. The Old Town Specific plan will be directing infrastructure investments in the form of streetscape improvements, such as wider sidewalks, bike lanes, high visibility crosswalks and traffic calming. Through the Old Town Area, Thornton Avenue will be reduced to slow traffic and increase space for walking and biking. Public art and new gathering spaces will support placemaking efforts to celebrate Newark past and present.

Table 3-15: Sites along transit lines and High or Moderate Opportunity Areas, 2022

Housing Site	Specific Plan Area and / or Opportunity area	Pedestrian Improvements
14	High Resource (NewPark Place)	
5, 6, 7, 13, 17, 22	High Resource (Birchwood)	
8, 9, 16, 19, 21, 28	Moderate Resource (Old Town)	Changes will be made to Thornton Ave to facilitate safer walking and biking in the area. There will be traffic calming measures, bike lanes and wider sidewalks.
10, 15, 20, 21, 24, 25	Moderate Resource (Old Town / Central Newark)	

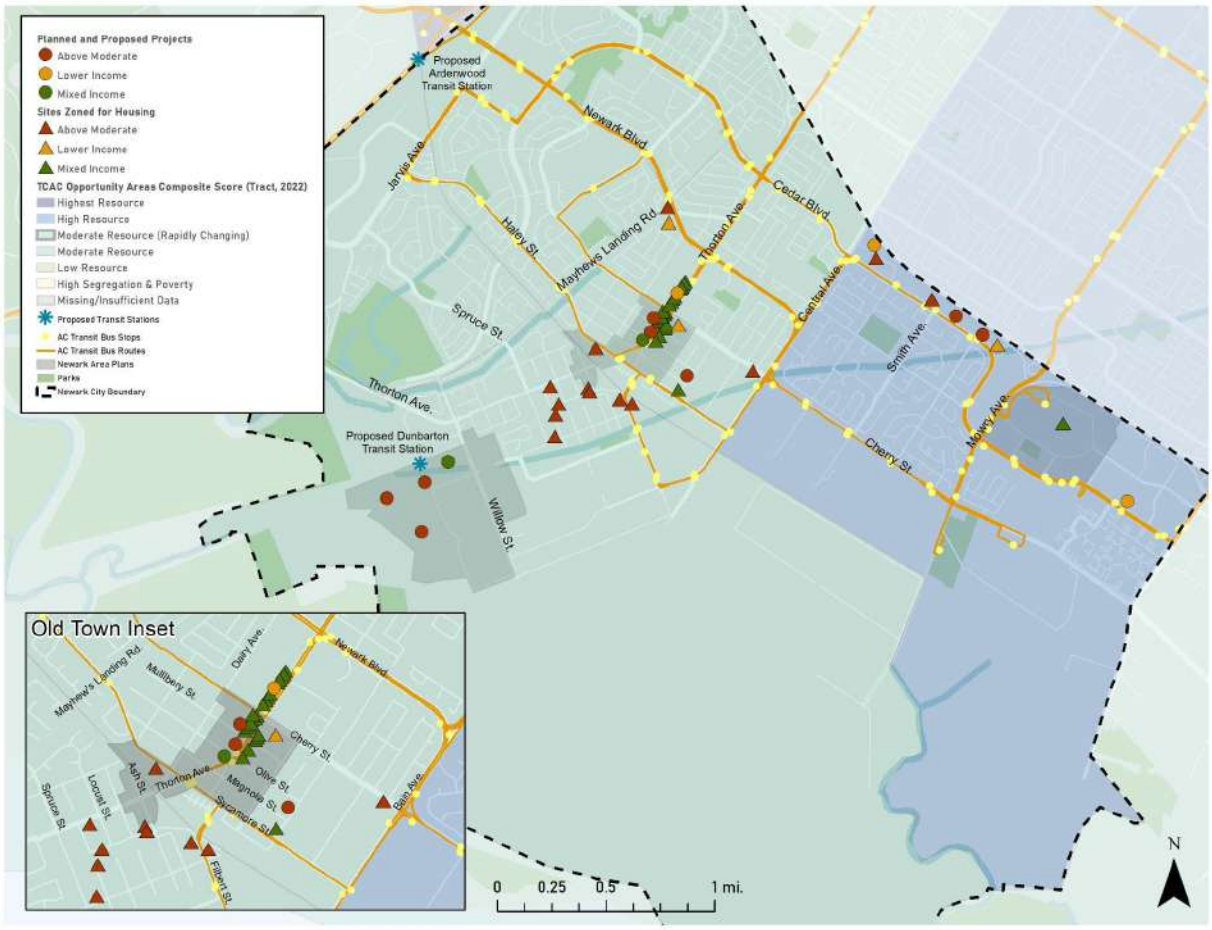
Source: Tax Credit Allocation Committee, 2022, ACTrans 2022, City of Newark

Figure 3-56: Percentage of Housing Units by Resource Opportunity Area, 2022



Source: Tax Credit Allocation Committee, 2022, Community Planning Collaborative Sites Analysis

Figure 3-57: Site Distribution by Resource Level and Transportation Access, 2022



Source: Adapted by Community Planning Collaborative, 2022. HCD AFFH Data Resources and Mapping Tool

Potential Effects On Disproportionate Housing Needs

As previously mentioned, Newark has a large portion of residents that have housing needs that make them vulnerable to displacement due to being cost burdened, large families, female headed households or a senior. As highlighted in Figure 3-59 the areas vulnerable to displacement also correspond with portions of the city with BIPOC populations above 80%, specifically Hispanic / Latinx residents. The areas that are vulnerable to displacement in the Old Town, Bayside area also have higher rates of cost burden. With a focus on increasing affordable housing opportunities in the Old Town/ Central area, 57 percent of sites are for lower income households, as well as sites identified as mixed income developments will provide housing options that will support community members ability to remain in their neighborhoods.

The city is planning to develop and implement a number of policies and programs to support residents to stay in place such as a local preference policy, program H4.2 a community/tenant

opportunity to purchase act, and program H4.1 Develop Anti Displacement programs for the Old Town area.

Figure 3-58 Distribution of Sites by Rates of Cost burdened, 2015- 2019

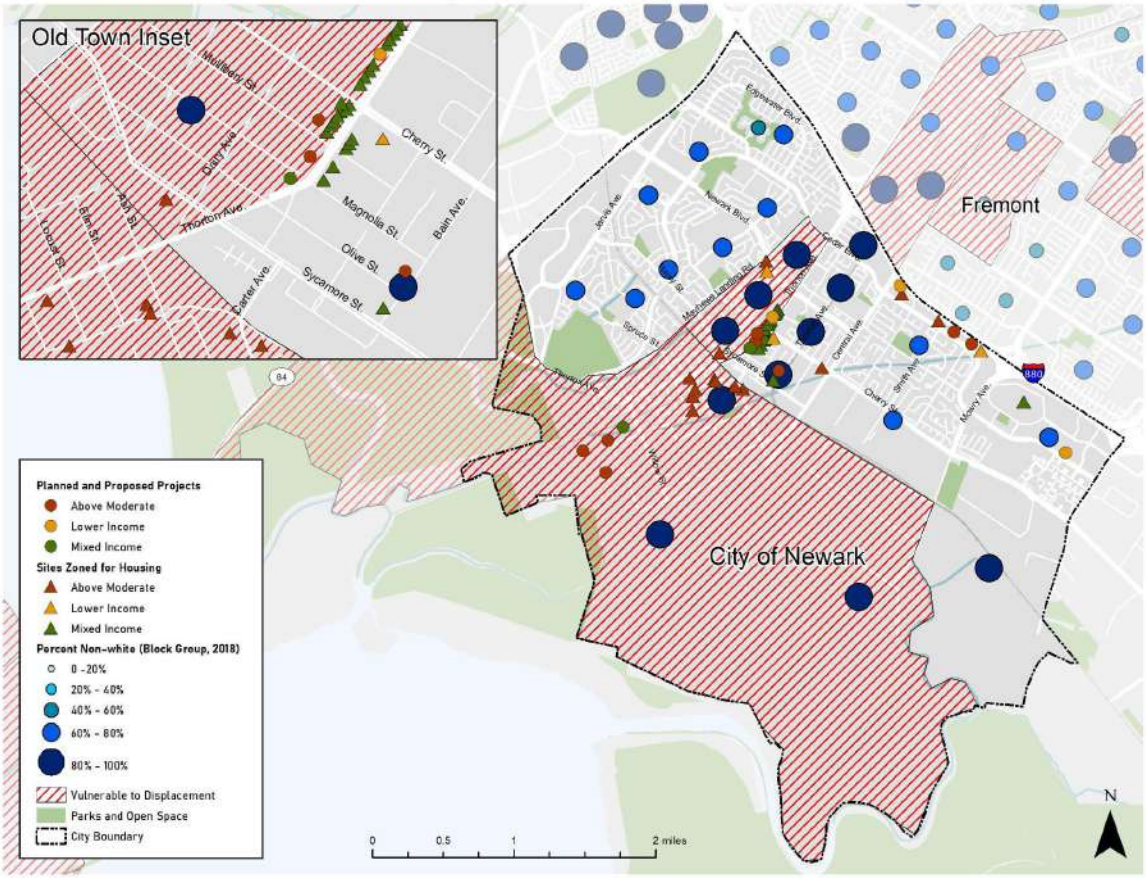


Source: Adapted by Community Planning Collaborative, 2022. HCD AFFH Data Resources and Mapping Tool.

Cost Burdened Households

- 30% of housing sites are affordable for very low, low and moderate income households and are distributed throughout the city.
- Recognizing the role that access to transportation plays, 25 percent of housing units are along existing bus lines and are affordable to very low, low, and moderate income households.

Figure 3-59: Distribution of Sites by Displacement Risk and Percent BIPOC population, 2017 and 2018

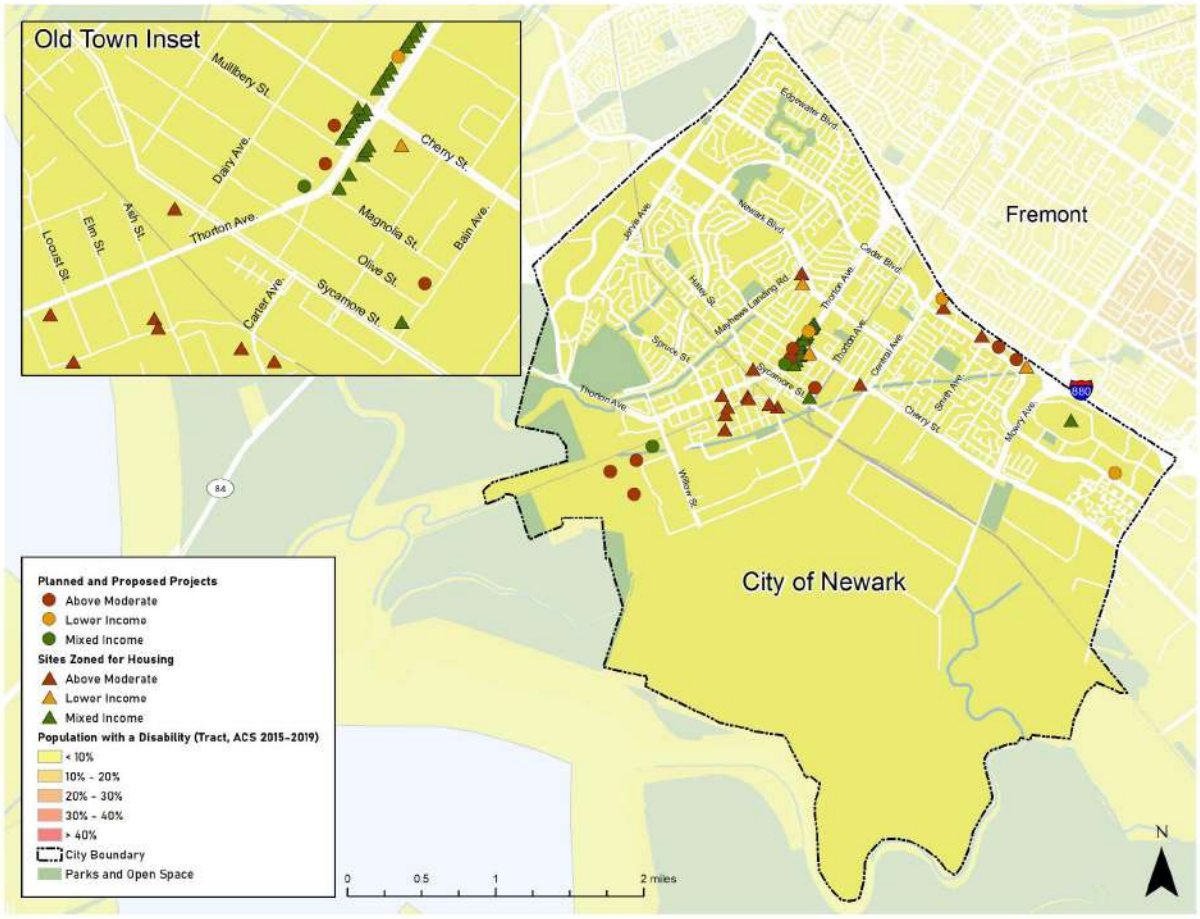


Source: Adapted by Community Planning Collaborative, 2022. HCD AFFH Data Resources and Mapping Tool.

People with Disabilities

Residents with disabilities in Newark are a lower percentage then the county at 8 percent, and are equally distributed throughout the city. Through conversation with the executive director of the Housing Consortium of the East Bay, he identified important aspects of housing development for those with physician and developmental disabilities. Having housing in close proximity to public transit to connect with jobs and services is key, as only 10 percent of the demographic owns a car. In Newark, major transit lines run along Thornton Ave, Central Ave and Sycamore street. Housing sites are well positioned to be within a half mile walking distance of transit as shown in Figure 3-57. With The majority of sites centrally located near parks, libraries and transit, new housing in Newark will be accessible to those with limited mobility. Fifty two percent of housing sites along existing transit routes are to be affordable to those with very low, low and moderate incomes, yielding an expected total of 754 units.

Figure 3-60: Housing Sites Vis-a-Vis Disability Status, 2015- 2019



Source: Adapted by Community Planning Collaborative, 2022. HCD AFFH Data Resources and Mapping Tool.

I. Contributing Factors and Meaningful Actions

The City of Newark has a significant Asian and Hispanic/Latinx population, a large number of families, and few affordable rental and home ownership opportunities available for residents. A history of housing discrimination and disinvestment have brought uneven opportunity and quality of life for BIPOC residents. Housing pressures from workers in Silicon Valley are increasing housing costs for long term residents. The city is constrained by ecologically sensitive marshlands of the San Francisco Bay, and is vulnerable to flooding and sea level rise, which plays a key role in planning for growth in a sustainable manner.

There is an urgent need for affordable housing, especially for families and seniors. There is a high percentage of students experiencing homelessness, single parent households in poverty, and multigenerational families - all with disparate housing needs. Old town and Central Newark have low environmental outcomes, due to pollution from industrial and truck traffic that disproportionately affects children and seniors.

Newark's BIPOC community are disproportionately cost burdened renters, who face increasing rents with few protections. Many residents shared the challenge of finding affordable rental housing, and the desire for stability and the opportunity to build wealth through homeownership.

The city is committed to furthering fair housing in Newark and has identified the contributing factors, and policies and programs to implement in order to increase access to opportunity and affordable housing options in the city, especially for those communities most vulnerable to gentrification and displacement.

Mobility Strategies Removing barriers to housing in areas of opportunity and strategically enhancing access.

PROGRAM H2.8: Zoning for Missing Middle Housing Types.

PROGRAM H5.1: First-Time Homebuyer Assistance

PROGRAM H7.1: Develop training programs in collaboration with Alameda County Housing Authority for property owners to understand the housing choice voucher program

PROGRAM H4.6: Support tenant stability though minimum lease terms and relocation assistance

PROGRAM H4.8: Connect Residents with Foreclosure Assistance

PROGRAM H7.4: Affirmatively Market Affordable Housing

New Housing Choices in Areas of Opportunity Promoting housing supply, choices and affordability in areas of high opportunity and outside of areas of concentrated poverty

PROGRAM H2.1: Encourage New Housing options in areas of the city close to services such as parks, schools and grocery stores.

PROGRAM H2.2: Accessory Dwelling Unit program

PROGRAM H2.6: Work in Partnership with Newark Unified School District to develop new housing

PROGRAM H2.7: Affordable housing development fund.

PROGRAM H2.8: Zoning for Missing Middle Housing types

PROGRAM H2.10: Single Room Occupancy Housing

PROGRAM H4.5: With community partners, connect residents to existing shared housing programs

PROGRAM H5.2: Affordable Housing Development Programs

PROGRAM H5.6: Affordable Housing Overlay Zone

PROGRAM H5.3: Public Lands for dedicated affordable housing.

PROGRAM H2.3: A Community Plan for the 4 Corners Area

Place Based Strategies (Amenities, Economic Development) Conserving and improving assets in areas of lower opportunity and concentrated poverty such as targeted investment in neighborhood revitalization, preserving or rehabilitating existing affordable housing, improving infrastructure, schools, employment, parks, transportation and other community amenities.

PROGRAM H1.1: Housing Rehabilitation and Repair Programs.

PROGRAM H2.9: Area Specific Plans

PROGRAM H4.1: Develop anti displacement programs for the Old-Town Newark Specific Plan area

PROGRAM H6.3: Cool Roofs for cool homes

Anti Displacement Strategies + Tenant Protection (Fair Housing Outreach and Enforcement) strategies that protects residents in areas of lower or moderate opportunity and concentrated poverty and preserves housing choices and affordability

PROGRAM H1.2: Develop a citywide rental inspection program to maintain high quality housing throughout the city

PROGRAM H4.2: Develop a Tenant/Community Opportunity to Purchase Policy

PROGRAM H4.3: Develop a Just Cause Eviction Ordinance

PROGRAM H4.4: Small Sites Program

PROGRAM H4.9: No Net Loss of Units

PROGRAM H5.1: First-Time Home Buyer Assistance

PROGRAM H7.2: Partner with community organizations to ensure that community members have access to tenant rights information and Fair Housing in multiple languages

PROGRAM H7.3: Work with Newark Unified school district to distribute housing resources to families enrolled in the district

Table 3-16: Summary of Contributing Factors and Actions Regarding Housing Issues in Newark

Fair Housing Identified Issue	Contributing Factor	Prioritization and Geographic target	Meaningful actions
Population of children and families experiencing homelessness.	Lack of available rental housing that is affordable to those making at or below the median income. There is no affordable housing available for rent and for those transitioning out of homelessness.	**HIGH. City wide with a focus in supporting the students in schools in the Old Town/ Central area**	• Develop a strong working relationship and partnership with the Newark Unified School district to increase access to resources to families in the District. **PROGRAM H7.3** • Build more housing for low and extremely low income residents and those transitioning from and experiencing homelessness. **PROGRAM H2.7** • Prioritize publicly owned land for affordable housing development. **PROGRAM H5.3** • Implement an affordable housing overlay zone to incentivize the construction of affordable housing for very low, low, and moderate income households in targeted areas. **PROGRAM H5.6** • Develop a local response to support people experiencing homelessness, with specific attention to the racial disparities and large population of youth and families. **PROGRAM H2.5; PROGRAM H7.3** • Support Tenants through minimum lease terms and relocation assistance. **PROGRAM H4.6** • Work with partners to develop scattered sites for shared housing utilizing funding sources such as Project Home Key. **PROGRAM H4.11**
Ineffective outreach and access to information for renters and property owners, those with limited English, lack of existing knowledge of resources, or limited time	Resources for renters are not easily accessible currently. Those with limited English language, lack of access to a personal computer and or internet connection need additional support and resources tailored to their needs. Landlords need training to better understand laws and regulations	**HIGH Citywide with a focus on supporting the significant Hispanic/ Latinx and Asian populations in the Old Town / Central area**	• Partner with a local non profit to co produce tenants rights materials and support systems for communities that have not been equitably served by existing resources and processes. **PROGRAM H7.2** • Update the city website to make housing resources easier to access for populations that have limited English. **PROGRAM H7.2; PROGRAM H7.3; PROGRAM H7.4**

Fair Housing Identified Issue	Contributing Factor	Prioritization and Geographic target	Meaningful actions
Significant negative environmental outcomes for existing low income BIPOC communities & increased risk of climate related displacement	Due to high levels of air pollution from freeway pollution and truck traffic on Thornton Avenue, and high levels of cost burden residents, the majority of Newark has less positive environmental outcomes.	**MEDIUM Focus on the Bayside/Old Town**	• Flood Risk Disclosure for New Development. As a significant portion of Newark falls within the 100 and 500 year flood plain, ensuring that development is built in response to climate change. **PROGRAM H6.4**
Displacement pressure for BIPOC communities. Large cost burden BIPOC community and a low inventory of affordable rental homes for all segments of the population	Due to close proximity to Silicon Valley, the housing market has become more attractive to those working in the tech industries in the area. As rents continue to increase, residents with incomes at or below the median income are not able to find rentals they can afford.	**HIGH Focus on areas identified as vulnerable to displacement such as the Old Town/Central, Bayside areas and renters around the city**	• Increasing renter support by developing and implementing a Just Cause Eviction Ordinance, to ensure that renters clearly know their rights. **PROGRAM H4.3** • Developing a Local Preference policy to support housing that prioritizes those residents currently living in Newark. **POLICY H4.1** • Developing a community / tenant opportunity to purchase ordinance. **PROGRAM H4.2** • Develop an anti displacement plan for the Old Town/ Central Newark areas. **PROGRAM H4.1** • Support tenant stability though minimum lease terms and relocation assistance. **PROGRAM: H4.6** • Develop a city wide rental inspection program. **PROGRAM H1.2**
Lack of affordable rental homes for all segments of the population, with protected classes being the most affected. A large number of single parent families in Newark in poverty	Newark's housing stock is primarily composed of market rate single family homes for ownership or rent. The most recent subsidized housing constructed was the first built in the city in over 20 years, and currently all subsidized housing is for seniors.	**HIGH Citywide focus on new housing on Newark Unified school district sites, and a focus on missing middle housing types in the Birch Grove, Lakes, Mirabeau, and**	• Develop an Affordable Housing NOFA to encourage affordable housing developers to locate projects in the city for high need populations. **POLICY H5.5** • Develop a program for the development of low and moderate income Accessory Dwelling Units in the city, with the intention of increasing housing options for public service workers and residents that are in need of affordable housing such as single parents. **PROGRAM H5.5** • Update the inclusionary zoning policy to include home

Fair Housing Identified Issue	Contributing Factor	Prioritization and Geographic target	Meaningful actions
		Mayhews Landing neighborhoods.	ownership opportunities, encourage more on site affordable units and ensure affordability requirements will address those at residents at low incomes • Generate local funds for affordable housing production and programming through an affordable housing fee program. **PROGRAM H5.2** • In collaboration with a non profit organization, implement a shared housing program in Newark. **PROGRAM H4.5** • Work in partnership with the Newark Unified School District to plan for affordable housing production and build upon the existing partnership between the City of Newark and Newark Unified School District to bring forward implementable plans for affordable housing school owned properties. **PROGRAM H2.6** • Develop new housing options in established neighborhoods of the city close to services such as parks, schools and grocery stores. **PROGRAM H2.1**
Low homeownership levels for Black, Indigenous and Hispanic/ Latinx residents	History of housing discrimination in Newark as well as mortgage lending discrimination has led to a lack of access to home ownership opportunities for Black, Indigenous and HIspanic/ Latinx residents.	**MODERATE Focus on supporting BIPOC residents, as part of the Newark Affordable Housing Action Plan work**	• Develop a below market rate homeownership program in partnership with a non profit organization to expand home ownership for first time homebuyers and BIPOC community members. **PROGRAM H5.1** • Connect residents to foreclosure assistance, With a focus on Hispanic/Latinx, Indigenous and Black residents. **PROGRAM H4.8**
Disproportionate access to opportunity across the city. Areas with low access to opportunity are primarily in areas with high proportion of Hispanic/ Latinx, Asian and	Older areas of the city such as Old Town have seen a lack of investment over the years in the historic commercial and residential district and private investment has gone into newer	**HIGH Programs and policies focused in the Old Town/ Central Newark area. Family sized**	• Develop new affordable homes in opportunity areas throughout the city, close to parks, schools and public transportation. **PROGRAM H2.1** • Invest in improving the infrastructure and affordable housing opportunities in Old Town and Bayside neighborhoods in

Fair Housing Identified Issue	Contributing Factor	Prioritization and Geographic target	Meaningful actions
Indigenous residents **High segregation of Hispanic / Latinx population**	developments. Due to the disinvestment, the area has supported lower rents than the surrounding neighborhoods, supporting a primarily BIPOC neighborhood of residents.	**housing and pedestrian improvements are planned/ in process**	Newark through the Old Town specific plan, to create areas of high opportunity where residents currently reside. **PROGRAM H2.9** • Open up single family zoning in larger portions of the city for low scale "missing middle housing" types such as courtyard housing that were identified in the housing survey. **PROGRAM H2.8** • Update inclusionary zoning policy to ensure new affordable homes are built on site, with no in lieu fee option • Accessory Dwelling Unit program to support the development of new housing distributed throughout the city and with 25 percent in high opportunity neighborhoods. **PROGRAM H2.3** • Develop an Anti Displacement program for the Old Town/Central areas, **PROGRAM H4.1** • Develop a program for the preservation of unsubsidized affordable housing in the city, especially in areas of high displacement risk. **PROGRAM H4.4**

SECTION 4 HOUSING CONSTRAINTS

State housing law requires the City to review both governmental and non-governmental constraints to the maintenance and production of housing for all income levels. Examples of such constraints include development standards, local processing and permit procedures, development fees, construction costs, and compliance with various State laws to facilitate housing for lower-income and special needs households. State law requires the local governments to take action through their Housing Element to "address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing including housing for all income levels and housing for persons with disabilities," (Government Code Section 65583(c) (3)). A thorough understanding of the potential constraints to development can help to create appropriate policy responses

A. Governmental Constraints

Government regulations can potentially constrain the supply of housing available in a community if those regulations limit opportunities to develop housing, impose requirements that unnecessarily increase the cost to develop housing, or overcomplicate the development process for developers. State law requires that housing elements contain an analysis of the governmental constraints on housing maintenance, improvement, or development of housing for all income levels including special needs households and persons with disabilities (Government Code, Section 65583(a) (4)). Potential constraints to housing include land use controls, development processing procedures and fees, impact fees, on- and off-site improvement requirements, and building and housing codes and enforcement. This section discusses these standards and assesses whether any serve as a constraint to affordable housing development in Newark.

Land Use

The City of Newark controls the location, type, density, and scale of new development through the General Plan, the Zoning Ordinance, and various specific plans.

General Plan

Every jurisdiction in California is required to prepare a comprehensive, long-term General Plan to guide decision making. Newark's General Plan, adopted in 2013, sets forth the City's vision, goals, and policies to shape development of the city. The updated plan created new opportunities for residential and mixed-use development throughout the city and has subsequently been supplemented by Specific Plans (described below) that further set forth plans and policies to

accommodate a range of housing types in key priority growth areas to create inclusive housing opportunities for Newark residents. These new residential development opportunities are reflected in the increased capacity of the Housing Element sites inventory. The Land Use Element of the General Plan has five land use designations that allow for residential use as follows:

Table 4-1: General Plan Land Use Designations

Land Use Designation	Housing Capacity	General Uses
Low Density Residential	Less than 8.7 units per net acre	This designation is intended for single-family residential development on lots larger than 5,000 square feet. It corresponds to most of Newark's residential neighborhoods. Multiple zoning districts apply within Low Density Residential areas to distinguish areas with different minimum lot sizes. Other compatible uses, such as schools, childcare centers, parks, and religious facilities may also be located in areas with this designation, subject to appropriate permitting requirements.
Low-Medium Density Residential	8.7 to 15 units per net acre	This designation is intended for small lot single-family homes, zero lot line and patio homes, mobile home parks, and other areas characterized by a mix of older single-family homes and small multi-unit buildings. These areas have the basic characteristics of single-family neighborhoods, such as front and rear yards, driveways, and garages, but have smaller lots and a wider variety of housing types. Densities in areas with this designation range from 8.7 to 15 units per net acre, but the higher end of this range (e.g. from 11 to 15 units per acre) will only be allowed on properties which have their primary access on an arterial or collector street and which are found to be compatible with the character and intensity of residential development in the immediate area. Other compatible uses, such as schools, childcare centers, parks, and religious facilities may be located in all areas with this designation, subject to appropriate permitting requirements.
Medium Density Residential	14 to 30 units per net acre	This designation is intended for garden apartments and condominiums, townhomes, row houses, 4 to 8 plexes, and older areas that contain a mix of multi-family and single-family homes within this density range. These areas tend to be multi-family in character but retain some of the characteristics of suburban neighborhoods such as landscaped yards, off-street parking, common open space, and low building heights. Densities in areas with this designation range from 14 to 30 units per net acre, but the higher end of this range (e.g. from 22 to 30 units per acre) will only be allowed on properties which have their primary access on an arterial or collector street and which are found to be compatible with the character and intensity of residential development in the immediate area. Additionally, to ensure that land with this designation is used as efficiently as possible, a minimum density standard of 14 units per net acre applies. Other compatible uses, such as schools, childcare centers, parks, and religious facilities may also be located in areas with this designation, subject to appropriate permitting requirements.

Land Use Designation	Housing Capacity	General Uses
High Density Residential	25 to 60 units per net acre	This designation is intended for apartment and condominium complexes that are generally three stories or more. On larger parcels with this designation, common open space and other shared amenities are typically provided. Structured (or basement level/ podium) parking is also common. Densities range from 25 to 60 units per acre, corresponding to site area allowances of 725 to 1,450 square feet of lot area per each dwelling unit. To ensure that land with this designation is used as efficiently as possible, a minimum density standard of 25 units per net acre applies. Other compatible uses, such as schools, childcare centers, parks, and religious facilities may also be located in areas with this designation, subject to appropriate permitting requirements.
Commercial Mixed-Use	30 to 60 units per net acre. FAR of 0.5 to 2.0	This designation supports a combination of office, residential, and retail use, with an emphasis on specialty commercial uses such as antique stores, boutiques, galleries, cafes, and restaurants. Development standards should foster a walkable, pedestrian-oriented character that emphasizes a fine-grained building scale and streetscape. Structures that are entirely residential or entirely commercial are both permitted, but the optimal development form on larger sites would include housing located above ground level retail shops or services. This designation is used in Old Town Newark, where it recognizes the historic scale, lot pattern, and context of this district. Floor area ratios (FARs) are generally in the range of 0.5 to 2.0. The actual intensity of development on any given site is dictated by a number of factors, including height limits, parking and landscaping requirements, and site size and dimensions. Multiple zoning districts apply in this designation, with one zone focused on ground floor retail uses and the other allowing more diverse ground floor uses, such as offices and housing.
Regional Commercial	Greater than 30 units per acre. FAR of 0.2 to 4.0	This designation supports the largest and most complete shopping facilities in the city. The emphasis is on a broad array of goods and services, including department stores, retail shops, restaurants, entertainment facilities, and similar uses which draw patrons from throughout Newark and the surrounding region. This designation is applied to NewPark Mall and some of the commercial areas on the Mall's perimeter. Uses such as hotels and corporate office buildings are acceptable in areas with this designation. Housing at densities greater than 30 units per acre may be included in Regional Commercial areas if such housing is a component of a large-scale planned development which is primarily oriented around regional retail commercial uses. FARs are generally in the range of 0.2 to 4.0. The actual intensity of development on any given site is dictated by a number of factors, including height limits, parking and landscaping requirements, and site size and dimensions.

Source: City of Newark General Plan, 2013

Zoning

The City's zoning and development regulations establish permitted and conditionally permitted uses within each zone and standards which dictate how much development can occur on a given parcel of land such as minimum and maximum densities, height, setbacks, and lot coverage. The City Zoning Ordinance is adopted as Title 17 of the Municipal Code. Title 17, as well as all the other titles that comprise the Newark Municipal Code, are easily accessible on the city's website at www.newark.org.

The current zoning ordinance includes four residential zoning districts (RS Residential Single Family, RL Residential Low Density, RM Residential Medium Density, RH Residential High Density, and two mixed-use/commercial districts that allow for residential development (CMU Commercial Mixed Use, RC Regional Commercial). These "base" zoning districts are supported by combining districts or "overlay" districts, including the Form Based Code Overlay District, Planned Development and Old Town Newark Overlay District (Table 4-2).

As shown in Table 4-1, the current zoning districts which permit multifamily housing provide a base density range of 30-60 DU/A with the exception of the RC zone, which permits higher densities. In practice, projects in Newark such as the Newpark Mall Phase 1A have significantly exceeded these base densities.

Development Standards

Table 4-2 identifies the residential standards for the base zoning districts. These standards are further modified by overlay zoning districts or citywide development regulations designed to facilitate affordable housing. The overlay districts are discussed below. Accessory dwelling units are permitted in all zoning districts permitting residential use in Newark. The City's zoning and development standards are also available on the City's website.

Table 4-2 shows the development standards in place prior to the adoption of the zoning amendments required by Programs H3.6 and H3.7.

Table 4-2: Residential Development Standards, Newark 2022

Zoning District	Minimum Lot Area (sq. ft.)	Max Units Per Building	Minimum Lot Width (ft.)	Maximum Main Building Coverage (%)	Maximum Height (ft.)	Required Open Space Per Unit (sq. ft.)
RS	RS-6,000: 6,000; RS-7,000: 7,000; RS-8,000: 8,000; RS-10,000: 10,000	8.7	RS-6,000: 60; RS-7,000: 65; RS-8,000: 70; RS-10,000: 80	50	30	n/a
RL	6,000; 3,000 for Single unit dwelling, detached	11, up to 15 with CUP depending on street classification	60	50	35	400
RM	6,000	22; up to 30 with CUP depending on street classification, 50 within the Old Town Specific Plan area	60	55, 65 within the Old Town Specific Plan area	75 (over 35 requires a MUP), 48 within the Old Town Specific Plan area, 35 within 20 ft of an RS or RL District	300; 100 within the Old Town Specific Plan area
RH	6,000	60	60	55	100 (over 35 requires a MUP); 35 within 20 ft. of an RS or RL district	200
CMU	20,000	60, 100 within the Old Town Newark Specific Plan area	100	n/a	60; 75 within the Old Town Specific Plan area; 48 within 20 ft of an RM District boundary, 35 within 20 ft of an RS or RL District boundary	50
RC	20,000	120	100	n/a	250	50

Source: City of Newark Zoning Ordinance, 2022

An analysis of the residential standards, shown in Table 4-2, indicates that these requirements overall are not a constraint to the development of housing.

Specific Plans

The City has four (4) adopted specific plans which have significantly increased the City's capacity to accommodate new housing development through the coming Housing Element update period and beyond. These plans are expected to guide new housing development during the timeframe of the 2023-2031 Housing Element and are described in more detail below.

Bayside Newark Specific Plan, Adopted July 2021

The Bayside Newark Specific Plan, formerly known as The Dumbarton Transit-Oriented Development (TOD), provides the framework for a proposed new neighborhood that will provide a broad range of new housing, retail and business opportunities in Western Newark, centered around the proposed Dunbarton Commuter Rail station.

This project area includes 233 acres of land that has contained various industrial, manufacturing, chemical processing and salt production facilities since the early twentieth century. The plan steers the development of a contemporary version of a pedestrian oriented neighborhood where housing, recreation, neighborhood retail center and employment opportunities are integrated and connected via pedestrian and bicycle networks. The community would include shops, parks and open space amenities, including a bayside trail. Approximately 8% of the area is designated as low density residential, 33% for medium density residential, 29% for medium/high residential, and 2% for high density residential.

In the proposed design, higher densities of residential development-such as condos-would be located within a quarter-mile radius of the transit station, medium densities-such as townhomes-are located slightly further, and single family dwellings are located farthest from the station. Retail stores and shops are concentrated near the transit station at the intersection of Willow Street and Enterprise Blvd. Higher density housing would be adjacent to the retail area and the transit station. Neighborhood parks would be located within the residential areas and a larger community park would be included. Blocks are generally short and pedestrian-oriented. The street circulation network of streets will have one travel lane in each direction and will utilize traffic calming measures such as bike lanes in both directions, on street parking, and single lane roundabouts with the goal of prioritizing active transportation. The plan has a unit cap of 2,500.

Old Town Specific Plan, Adopted September 2021

The Old Town Specific Plan addresses a 76-acre area which encompasses Thornton Avenue spanning seven blocks from Elm Street to Cherry Street, and residential parcels north and south of the commercial corridor. The plan seeks to develop this corridor into a mixed-use area that accommodates a range of housing types, retail and service businesses, expanded public spaces, and mobility improvement. The Old Town Specific Plan does not allow single unit dwellings, requires densities between 30 and 100 dwelling units per acre, and height maximums of up 75 feet

(48 feet within 20 feet of a RM district and 35 feet within 20 feet of an RS or RL district). The plan also requires ground floor retail commercial uses on projects that front Newark Boulevard and Thornton Avenue between The Union Pacific Railroad Tracks and Olive Street.

Through zoning amendments, streetscape improvements, and public and private investments, the plan envisions Old Town Newark as a revitalized mixed-use neighborhood with a strong sense of place, thriving retail and commercial businesses, a range of housing choices for existing and future residents, a streetscape that prioritizes bicyclists and pedestrians, and public spaces. The plan's grand visions are matched by clear realistic steps for implementation of long-standing goals for revitalization and provide steps to maintain the existing housing stock and avoid displacement of existing residents and businesses.

NewPark Place Specific Plan

The NewPark Place Specific Plan (Plan), adopted in 2018 and implemented as revised in 2021, provides a comprehensive planning and development implementation strategy for a 125-acre area in the southeastern portion of the city adjacent to I-880 which includes the existing NewPark Mall retail center (mall), the parking facilities that surround it, and commercial uses on the perimeter of the center.

The Plan's vision is to transform the Greater NewPark Mall area into a vibrant urban place through thoughtful land use design, which includes mixed-income residential areas, retail and dining opportunities, community venues, a movie theater, inviting pedestrian-oriented streets and public spaces, and enhanced sidewalks, bicycle lanes, and transit facilities. Creating a premier Bay Area and local destination will re-power the regional retail uses within the mall itself as a vital economic engine for the city. Higher-density multifamily housing across types and affordability levels will comprise the predominant land use type in this reconfigured and revitalized area.

The Plan includes guidance in the form of plans, policies, development standards, and design guidelines and serves as an extension of the general plan making it both a policy and regulatory document. To achieve the development vision for the Greater NewPark Mall area, the Plan contains a framework that is flexible in land use types, development standards, and design guidelines. In collaboration with the city, the developer project sponsor will work within this framework to deliver project designs and programs with desired uses, development form, mobility improvements, and public amenities that create a unique "sense of place".

The plan is anticipated to build out over an approximate 20-year timeframe, with a total capacity of 1,519 multifamily residential units. The Mixed Use I area (where Phases A through D are located and highlighted in this Element) is expected to redevelop first based on the expressed interest of the property owner/developer. Diverse affordable housing will be an important component of the overall unit mix in the plan area, with at minimum 6 percent of units being affordable to very-low income households, 3 percent to low-income households and 3 percent to moderate-income households per City Council Resolution 10,184.

The plan calls for building heights between 30 and 200 feet, with a preferred minimum of 60 feet.

The residential densities must be within a minimum of 60 dwelling units to the acre and a maximum of 160 dwelling units per acre, which can be accommodated within the overall plan development area under the Specific Plan's development standards. Building heights are currently constrained by the lack of adequate emergency response infrastructure Newark and the surrounding communities to safely respond to emergencies on high rise buildings. Because of this, the current plan shows densities on the lower edge of the spectrum.

Southwest Newark Residential and Recreational Project (Area 3 and 4 Specific Plan)

This is the largest area proposed for future development in Newark, comprising 856 acres in the area bordered by Mowry Avenue on the west, Stevenson Boulevard on the east, Cherry Street on the north, and Mowry Slough on the south. The Union Pacific Railroad bisects the area. Most of the land is vacant, although the area near the end of Mowry Avenue includes an auto-dismantling yard. The remainder of this area has been disked and graded for agricultural use since the early 1900s.

A Specific Plan was adopted in 2010 and 2015 (Newark Specific Plan - Area 3 and 4 of the General Plan). The Plan calls for the development of housing, a major recreational facility such as an 18-hole golf course, and the dedication of conservation open space on some of the low-lying areas south of the railroad tracks. Areas 3 and 4 contain sub areas where development would be focused.

Area 3, Sub Area B has been developed with 386 single-family residential units; construction was substantially complete by early 2021. This sub area, on land facing Cherry Street just east of Ohlone College, has been developed with a three acre community park, as well as a possible future elementary school on a six acre parcel.

A residential project within Area 3, Sub Area C and Area 4, Sub Area B was approved by City Council in November 2019. This project would include 469 detached single-family homes, open space, new utility infrastructure, and roadways, including a new connecting roadway at the existing terminus of Stevenson Boulevard to the project area. A substantial number of homes are expected to be constructed within the period of the Housing Element.

The City is currently considering a development application for 203 detached single-family homes within Area 4, Sub Area D on a parcel which contain an automobile dismantling yard with retail sales. Entitlements have not been granted as of the publication of the Housing Element.

Once the proposed project within Area 4, Sub Area D has been considered and a final decision has been made, the city may take action to retire the plan in a manner consistent with applicable laws and conforming to previously adopted agreements and approved entitlements.

Zoning

Housing Element Law (Government Code Section 65583(c) (1) and 65583.2(c)) requires that local governments analyze the availability of sites that will "facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobile homes, housing for agricultural employees, supportive housing, single-room occupancy units (SROs), emergency shelters, and transitional housing." This section discusses relevant regulations that govern the development of the types of housing listed above as required by Government Code Section 65583(a) (3). Table 4-3 summarizes the permitted housing types by zone.

Table 4-3: Housing Types Permitted by Zone, Newark 2022

Land Use	RS	RL	RM	RH	CMU	RC
Accessory Dwelling Units	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Single-Unit, Detached	Permitted	Permitted	Permitted	Permitted	-	-
Single-Unit, Attached	-	Permitted	Permitted	Permitted	Permitted[11]	-
Two-Unit Dwelling	-	Permitted	Permitted	Permitted		-
Multi-Unit Development	-	Permitted	Permitted	Permitted	Permitted[12]	Conditional Use Permit Required[19]
Manufactured/Mobile Home	-	-	-	-	-	-
Employee Housing (6 or fewer persons)	-	-	-	-	-	-
Residential Care Facilities (6 or fewer persons)	Permitted	Permitted	Permitted	Permitted	Permitted	-
Residential Care Facilities (7 or more persons)	-	Minor Use Permit Required	Minor Use Permit Required	Minor Use Permit Required	-	-
Family Day Care (Group Residential)	-	-	Minor Use Permit Required	Minor Use Permit Required	Minor Use Permit Required	-
Family Day Care (Large)	Minor Use Permit Required	Minor Use Permit Required	Minor Use Permit Required	Minor Use Permit Required	-	-
Family Day Care (Small)	Permitted	Permitted	Permitted	Permitted	Permitted	-

[11] Single-Unit Dwelling, Attached uses are not permitted in the Old Town Newark Specific Plan area. Residential uses are not allowed on the ground floor along Newark Boulevard frontage and Thornton Avenue frontage, between the Union Pacific Railroad tracks and Olive Street.
[12] Not allowed on the ground floor. Residential units shall be intended to support retail commercial uses of the project.

Land Use	RS	RL	RM	RH	CMU	RC
Single-Room Occupancy Units	-	-	-	Conditional Use Permit Required	Conditional Use Permit Required	-
Emergency Shelters	-	-	Minor Permit Required	Permitted	–	-
Supportive Housing	Permitted	Permitted	Permitted	Permitted		-
Transitional Housing	Permitted	Permitted	Permitted	Permitted		-

Source: City of Newark Zoning Ordinance, 2022

Multifamily Housing

As shown in Table 4-3, multifamily housing is permitted throughout the City of Newark in all RL, RM, RH and CMU zones. Multifamily housing is also permitted in RC zones with a conditional use permit.

Manufactured Housing and Mobile Homes

State law limits the extent to which cities and counties can regulate the installation of manufactured homes, including mobile homes. Government Code Section 65852.3 requires that cities allow installation of certified manufactured homes on foundation systems on lots zoned for conventional single-family residences. This section and Government Code Section 65852.4 generally require that manufactured homes be subject to the same land use regulations as conventional homes. Government Code Section 65852.7 deems mobile home parks to be a permitted use in all areas planned and zoned for residential use. The City of Newark permits manufactured and factory-built housing in designated residential zoning districts. Because of the high cost of land, manufactured housing is not commonly placed on private property, except perhaps as caretaker residences within industrial districts. There are currently no mobile home parks or manufactured housing in Newark. Pursuant to State law, any site that can be developed for site-built residential development is also available for the development of factory-built (manufactured) housing or for mobile homes. There are no specific restrictions upon the development of manufactured housing or mobile home parks within the Newark Municipal Code or General Plan.

Housing for Farmworkers

The provisions of Section 17020 (et seq.) of the California Health and Safety Code relating to employee housing and labor camps supersede any ordinance or regulations enacted by local governments. Such housing is allowed in all jurisdictions in California pursuant to the regulations set forth in Section 17020. Section 17021.5(b) states, for example:

"Any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone."

Section 17021.6, concerning farmworker housing, states that:

"No conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing [consisting of no more than 36 beds in a group quarters or 12 units] that is not required of any other agricultural activity in the same zone."

Emergency Shelters, Transitional Housing, and Supportive Housing

Emergency Shelters

The California Health and Safety Code (Section 50801[e]) defines an emergency shelter as "housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay."

Pursuant to State housing law (California Government Code Sections 65582, 65583, and 65589.5), jurisdictions must identify at least one zone where emergency shelters are allowed as a permitted use without a conditional use permit or other discretionary permit. The identified zone must have sufficient capacity to accommodate the shelter need, and at a minimum provide capacity for at least one year-round shelter. Permit processing, development standards, and management standards for emergency shelters must be objective and facilitate the development of, or conversion to, emergency shelters. Emergency shelters "may only be subject to those development and management standards that apply to residential or commercial development within the same zone" along with a list of exceptions that may be made.

Assembly Bill 139, passed in 2019, revised State housing element law by requiring that emergency shelters only be required to provide sufficient parking to accommodate all staff working in the emergency shelter, provided that the standards do not require more parking for emergency shelters than other residential or commercial uses within the same zone.

Emergency shelters are permitted by right in the Residential High Density, Public Facility, Transit Station, and Park zones and with a Minor Use Permit in the Residential Medium Density zone.

In Newark emergency shelters are subject to the following development standards:

- Location. Emergency shelters shall be located at least three hundred feet from another emergency shelter.
- Number of Residents. No more than fifty clients may be present on the premises at any one time.
- Length of Occupancy. Occupancy by an individual or family may not exceed sixty days. Extensions up to a total stay of one hundred eighty days may be provided if no alternative housing is available, upon determination by the director.
- Common Area. The shelter shall provide at least ten square feet per bed of public or communal gathering space, exclusive of hallways.
- Parking Reduction. The director may reduce the number of on-site parking spaces required by Section 17.23.040, Required Parking Spaces, where a shelter is located on a bus route, or other evidence is provided to indicate that less parking will be needed. The shelter shall, however, provide at least one space for each staff member who will be on duty when residents are present, and at least one space for residents.
- Lighting and Illumination. The shelter shall provide outdoor lighting sufficient to provide illumination and clear visibility to all outdoor areas, with minimal shadows or light leaving

the property. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.

- Outdoor Activities. All functions associated with the shelter, except for children's play areas, outdoor recreation areas, and parking shall take place within the building proposed to house the shelter. There shall be no space for clients to congregate in front of the building, and there shall be no outdoor public telephones.
- Designated Smoking Area. The shelter shall provide a designated smoking area, preferably outside, that is not visible from public rights-of-way.
- Noise. The use shall be conducted in conformance with the noise standards set forth for multifamily housing in the noise element of the general plan.
- Supervision. On-site management shall be provided any time that clients are present at the shelter.
- Management and Security Plan. The operator of the shelter shall submit a management and security plan for approval by the director. The plan shall address issues identified by the director, including emergencies, transportation, client supervision, security, client services, staffing, and good neighbor issues.

Newark's standards for emergency shelter facilities comply with the allowances made for standards set forth under Government Code Section 65583(a)(4)(A). The shelter size of 50 beds provides sufficient space for the identified need and flexibility for parking requirements show that the current zoning is not a constraint for development.

Zoning for Emergency Shelters

As described in Chapter 2, Needs Assessment, the 2022 point-in-time count identified 32 unsheltered homeless individuals in Newark, a reduction from the 2019 estimate of 89 people. As described above, emergency shelters are permitted by right in the Residential High Density, Public Facility, Transit Station, and Park zones. In Newark, there are many parcels owned by the City that are zoned as Public Facility and Park and one site that is zoned as Residential High Density. Collectively, the sites in these zones could be developed with shelter beds needed to accommodate the 2022 demand and reported in the 2022 Point In Time count. Below are some of the sites that could be developed with an emergency shelter.

Table 4-4: Potential Sites for Emergency Shelters in Newark, 2022

APN	Description	Total Acreage	Estimated developable Acreage
92A-1045-13-11	Civic Center Park	5 acres	3.1 acres
92A-1036-11-1	Civic Center, Old Library Site	5.1 acres	0.75 acres
92-150-12-3; 92-150-15-1	Ash Street Park, Senior Center and adjacent site	1.4 acres	1.1 acres
92-148-14-1	Ash Street Park, Former Head Start Site	0.69 acres	0.5 acres
Total		12.19 acres	5.45 acres

Source: City of Newark, 2023

In 2023, Newark initiated a facilities master plan effort to assess all city-owned buildings, including the buildings listed in Table 4-4. The facilities master plan will provide an assessment of each building and the costs to either maintain, improve, or replace each building. Existing and new uses will be considered as part of this effort. The master plan is expected to be completed in 2024.

All of the sites identified in Table 4-4 are centrally located, close to bus routes, community centers and other services that support those experiencing homelessness with access to food and community organizations providing supportive resources.

None of these sites have existing structures intended to be used as shelters. Any shelters to be constructed on these sites will be appropriate for human habitability, consistent with the Minimum Habitability Standards for Shelter and Housing Policy published by HCD's Emergency Solutions Grant Program.

Transitional and Supportive Housing

Transitional housing is designed to assist homeless individuals and families in moving beyond emergency shelter and into permanent housing by helping people develop independent living skills through the provision of supportive services. Permanent supportive housing is housing that is linked to services that assist residents in maintaining housing, improving health, and maximizing ability to live and work in the community.

Pursuant to Government Code Section 65583 and Section 65651, transitional and supportive housing types are required to be treated as residential uses and subject only to those restrictions that apply to other residential uses of the same type in the same zone. Furthermore, per recent changes in State law (AB 2162), the City must also allow 100 percent affordable projects by right where multi-family and mixed-use development is permitted if the project includes 25 percent, or 12 units of, supportive housing.

The Zoning Ordinance allows supportive and transitional housing in all residential districts and in

all zones that allow multifamily and mixed-use development including nonresidential zones, per Government Code Sections 65583 and 65650. No additional parking is required beyond what is required for the residential housing type. While parking requirements can be a constraint, program **H3.5 Parking Standards Update** will address parking to encourage housing development.

Employee Housing

Consistent with Health and Safety Code Sections 17021.5 and 17021.6, employee housing is permitted by right in every residential zone, including single family zones.

Low Barrier Navigation Centers

Assembly Bill 101, passed in 2019, requires that a low barrier navigation center be a use permitted by right in mixed-use zones and nonresidential zones permitting multifamily uses if it meets specified requirements. AB 101 defines "low barrier navigation center" as a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing.

For a navigation center to be considered "low barrier", its operation should incorporate best practices to reduce barriers to entry, which may include, but is not limited to, the following:

- Permitting the presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth
- Pets
- Ability to store possessions
- Providing privacy, such as private rooms or partitions around beds in a dormitory setting or in larger rooms with multiple beds

Accessory Dwelling Units

An accessory dwelling unit (ADU) is an additional self-contained living unit, either attached to or detached from the primary residential unit on a single lot, also referred to as a secondary dwelling unit. The unit is required to include cooking, sleeping, full sanitation facilities, and separate, exterior entrance. ADUs are an important source of affordable housing since they can be constructed relatively cheaply and have no associated land costs. They can also provide supplemental income to the homeowner, allowing them to remain in their homes or moderate-income families to afford houses.

Recognizing that ADUs are part of the solution for addressing the statewide affordable housing shortage, California lawmakers have passed several bills in recent years to facilitate the development of ADUs. To encourage establishment of ADUs, State law requires cities and counties to either adopt an ordinance based on standards set out in the law authorizing ADUs in residentially-zoned areas, or where no ordinance has been adopted, to allow ADUs on lots zoned for single family or multifamily use that contain an existing single-family unit subject to ministerial approval ("by right") if they meet standards set out by law.

In Newark, ADUs are permitted within all single family, multifamily, and mixed-use residential districts. JADUs are a specific type of ADU that is no more than 500 square feet and built entirely within an existing single-unit or duplex dwelling residence. ADUs and JADUs are subject to the following criteria:

- On lots with an existing or proposed single-family dwelling, one ADU and up to one JADU is allowed per parcel. An ADU can be either attached or detached to the primary residence but JADUs must be constructed entirely within the walls of an existing primary residence.
- ADUs may be allowed within existing portions of a multifamily or mixed-use development that are not used as livable space. At least one attached ADU or up to two detached ADUs may be provided per lot.
- ADUs must be between 150 and 1,000 square feet in floor area. Each unit shall, at minimum, include a full bathroom including shower and/or bathtub, a sleeping area, permanent cooking facilities, and a separate, exterior entrance.
- The total lot coverage for all buildings shall not exceed the allowable lot coverage for the zoning district except that such a ratio shall not prohibit an 800 square foot ADU meeting the maximum height and minimum setback requirements.
- ADUs and JADUs may not be sold separately from the primary residence but may be rented separately. ADUs and JADUs may not be used for short-term rentals (less than 30 days).
- For properties with JADUs, the primary residence must be owner-occupied, but the owner may reside in either the JADU or the primary residence. This owner-occupancy requirement does not apply to primary residences owned by a public agency, land trust, or non-profit housing organization.
- Studio ADUs shall not be required to provide parking. Any number of bedrooms require one parking space with limited exceptions such as within a half mile of public transit. When an existing garage, carport or covered parking structure is demolished in conjunction with the construction of an ADU or converted into an ADU, the parking spaces shall not be required to be replaced.
- The ADU must meet specified objective design standards related to building facades and materials, windows and glazing, roof form and detailing, and entryway features. ADUs are prohibited from having exterior stairways or balconies.

The City will comply with state law until the updated existing Accessory Dwelling unit ordinance is in compliance with state law. Newark will make further amendments to the ordinance, as necessary, to remain consistent with State law and reflect local needs. The parking requirement for an ADU with one bedroom or more, can be a constraint on development. **Program H2.2** works to develop tools to support uptake of accessory dwelling units production in Newark and make changes in parking requirements, in collaboration with Alameda County.

Single-Room Occupancy Units

Extremely low-income households typically comprise persons with very low incomes and special

housing needs, including, but not limited to, seniors, people with disabilities, and at risk of homelessness. AB 2634 (Lieber 2006) requires the quantification and analysis of existing and projected housing needs of extremely low-income households. Housing Elements must also identify zoning to encourage and facilitate supportive housing and single-room occupancy units.

Single-room occupancy (SRO) units can provide affordable private housing for lower-income individuals, seniors, low-income working people,and persons with disabilities. An SRO unit is usually small, between 200 to 350 square feet. These units can also serve as an entry point into the housing market for formerly homeless people. The current Zoning Code provisions for SROs limit the potential for SROs in Newark through the requirement of a conditional use permit. The required parking of 0.5 spaces per unit is not seen as a constraint and is comparable to neighboring jurisdictions. The Housing Element includes a program to define SROs as a separate use, expand the zones where SROs are permitted by right, and ensure development standards, including parking, facilitate the development of SROs. Through community engagement, we heard there is a housing need for housing for small households. **Program H2.10** expands the zones where single room occupancy is permitted by right, and prioritizes development along transit routes to support access to employment and other services.

Senate Bill 9 Subdivisions

Senate Bill 9 (SB 9) became effective January 1, 2022. The bill mandates local jurisdictions to ministerially approved two unit developments and urban lot splits within a single-family residential zone, without discretionary review or hearing, if the proposed development meets certain requirements. For SB 9 developments, the City may apply objective zoning, subdivision, and design standards. Include reference to policy for bringing the city in compliance with SB (included in Plan below).

Constraints on Development for People with Disabilities

Residential Care Facilities and Other Zoning Provisions for Persons with Disabilities

Small Community Care Facilities

Health and Safety Code Sections 1267.8, 1566.3, and 1568.08 require local governments to treat licensed group homes and residential care facilities with six or fewer residents no differently than other by-right single-family housing uses. “Six or fewer persons” does not include the operator, the operator’s family, or persons employed as staff. Local agencies must allow these licensed residential care facilities in any area zoned for residential use and may not require licensed residential care facilities for six or fewer persons to obtain conditional use permits or variances that are not required of other family dwellings. In Newark, these facilities are permitted in all residential zoning districts and the CMU zone.

Large Community Care Facilities

Due to the unique characteristics of large community care facilities (serving more than six persons), most jurisdictions require a use permit to ensure neighborhood compatibility in the siting of these facilities. In Newark, large community care facilities are permitted with a minor use permit in all residential zoning districts.

Currently, unless specifically allowed pursuant to a Use Permit approval, residential care facilities serving seven or more persons shall be located on a lot with frontage on an arterial and at least 300 feet from any other residential care facility, day care center, or large family day care home serving seven or more persons. The Housing Element includes program H4.10, an implementation program to permit community care facilities for more than six persons as a permitted use in all zones where other residential uses are permitted subject to the same requirements of other residential uses of the same type in the same zone.

Reasonable Accommodation

State and Federal laws prohibit housing discrimination against persons with disabilities in land use practices and decisions, such as applying special requirements that limit the ability of disabled individuals to live in the residence of their choice. Both the Federal Fair Housing Act and the California Fair Employment and Housing Act direct local governments to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standard of the Zoning Ordinance to ensure that homes are accessible for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances.

The City adopted an ordinance in 2016 establishing the process for allowing flexibility within the zoning code for reasonable accommodation of access for the disabled.

The ordinance includes:

- Clear rules, policies, and procedures to promote equal access to housing and comply with fair housing and disability laws including but not limited to identifying who may request a reasonable accommodation (i.e., persons with disabilities, family members, landlords, etc.) timeframes for decision-making, and provisions for flexibility in the various land-use, zoning, or building regulations that may otherwise constrain housing for persons with disabilities. Chapter 17.37 of the City's Zoning Ordinance outlines the process for requesting a waiver to any zoning regulation to allow improvements to an existing building in order to provide reasonable accommodations for persons with disabilities.
- Regularly monitoring the implementation of the jurisdiction's ordinances, codes, policies, and procedures to ensure they comply with the "reasonable accommodation" for disabled provisions and fair housing laws.
- Reduced parking requirements for projects serving seniors and persons with disabilities (The Zoning Ordinance was revised in 2018 reducing parking requirements to 0.5 spaces per unit, inclusive of guest parking).

The applicable findings for reasonable accommodation requests are provided in NMC 17.37 (Waivers):

A. The waiver is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance.
B. There are no alternatives to the requested waiver that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public.
C. The granting of the requested waiver would not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this title.
D. If the waiver requested is to provide reasonable accommodation pursuant to state or federal law, in addition to any other findings that this chapter requires, the decision-maker must also make the following findings:
    a. That the housing or other property which is the subject of the request for reasonable accommodation will be used by an individual or organization entitled to protection;
    b. If the request for accommodation is to provide fair access to housing, that the request for accommodation is necessary to make specific housing available to an individual protected under state or federal law;
    c. That the conditions imposed, if any, are necessary to further a compelling public interest and represent the least restrictive means of furthering that interest; and
    d. That denial of the requested minor exception or waiver would impose a substantial burden on religious exercise or would conflict with any state or federal statute requiring reasonable accommodation to provide access to housing.

Overall, the findings are not atypical for California jurisdictions that impose findings for reasonable accommodation projects and are generally consistent with State law.

Definition of Family

There are a number of State and Federal rules that govern the definition of family, including the Federal Fair Housing Amendments Act of 1988, the California Fair Housing and Employment Act, the California Supreme Court case City of Santa Barbara v. Adamson (1980), and the California Constitution privacy clauses. The laws for families have a few primary purposes: to protect people with disabilities, to protect non-traditional families, and to protect privacy. According to HCD and Mental Housing Advocacy Services there are three major points to consider when writing a definition of family:

- Jurisdictions may not distinguish between related and unrelated individuals.
- The definition may not impose a numerical limit on the number of persons in a family.
- Land use restrictions for licensed group homes for six or fewer individuals must be the same as those for single families.

The Newark Municipal Code defines "Family" as follows:

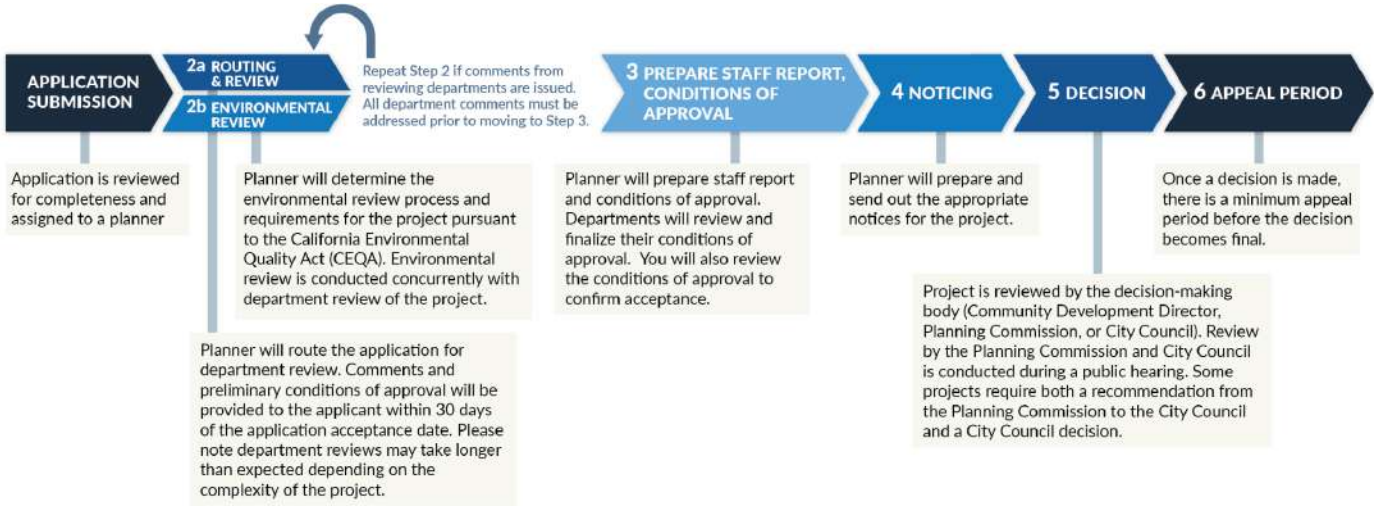
"One or more persons living together in a single dwelling unit, with common access to, and common use of, all living and eating areas and all areas and facilities for the preparation and storage of food; who share living expenses, including rent or mortgage payments, food costs and utilities, and who maintain a single mortgage, lease, or rental agreement for all members of the household."

This definition is consistent with the best practices for a definition of "Family" and does not add any new government constraints.

Site Development Review

Government policies and ordinances regulating development affect the availability and cost of new housing. Land use controls have the greatest direct impact, but development approval procedures, permit fees, building code requirements, and the permit processing time can affect housing costs as well. This section addresses the relationship of development fees, processes, and standards to the production of housing.

Figure 4-1: Development Review Process



The development review process illustrated above is generally consistent across the city's zone districts and planning application types. The municipal code provides the "Level of Review Authority" for various application types:

Table 4-5: Level of Review Authority, Selected Decision Types

Type of Decision	Advisory Body	Decision Maker	Appeal Body
Minor Use Permit	N/A	Community Development Director	Planning Commission
Conditional Use Permit	Community Development Director	Planning Commission	City Council
Variance	Community Development Director	Planning Commission	City Council
Amendments	Planning Commission	City Council	Superior Court
Planned Development Districts	Planning Commission	City Council	Superior Court
Design Review	N/A	Community Development Director or Planning Commission	Planning Commission or City Council

Discretionary Findings and Criteria

As provided in the municipal code, planning applications for city review and decisions that are not "ministerial" (such as building permits) include findings for approval that must be made in the affirmative in order for the Decision Maker to approve a project. The following are the applicable findings and criteria for discretionary applications in Newark:

Minor Use Permit for a Temporary Use (NMC 17.26.260):

A. The proposed use will not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of persons residing or working in the area of such use or to the general welfare of the city; and
B. The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use, and will not create a demand for additional parking that cannot be safely and efficiently accommodated by existing parking areas.

Conditional Use Permit (NMC 17.35.060):

A. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title and all other titles of the Municipal Code;
B. The proposed use is consistent with the general plan and any applicable specific plan;
C. The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;
D. Tax revenue generated by the development will exceed the city's cost of the service demand as a result of the development or a compelling community benefit will be provided.

E. The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this title;
F. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and
G. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

Variance (NMC 17.36.040):

A. There are exceptional or extraordinary circumstances or conditions applicable to the property involved that do not apply generally to property in the vicinity and identical zoning district, and that the granting of a variance will not constitute a granting of a special privilege inconsistent with the limitations on the property in the vicinity and identical zone district;
B. The granting of the application is necessary to prevent a physical hardship which is not of the applicant's own actions or the actions of a predecessor in interest;
C. The granting of the application will not be detrimental or injurious to property or improvements in the vicinity, and will not be detrimental to the public health, safety, general welfare or convenience; and
D. The granting of the variance will be consistent with the general purposes and objectives of this title, any applicable specific plans, and of the general plan.

Amendments (Zoning Map and Text, NMC 17.39.080):

A. The amendment is consistent with the general plan;
B. Any change in district boundaries is necessary to achieve the balance of land uses desired by the city, consistent with the general plan, and to increase the inventory of land within a given zoning district; and
C. The amendment will promote the growth of the city in an orderly manner and to promote and protect the public health, safety, peace, comfort and general welfare.

Planned Development Districts (NMC 17.12.060):

A. The proposed development is consistent with the general plan and any applicable specific plan, including the density and intensity limitations that apply;
B. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
C. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
D. The development generally complies with applicable adopted design guidelines; and

E. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.

Design Review (NMC 17.34.060):

A. The overall design of the project including its scale, massing, site plan, exterior design, and landscaping will enhance the appearance and features of the project site and surrounding natural and built environment.
B. The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.
C. Project details, materials, signage and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.
D. The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the intended character of the area.
E. Parking areas are designed and developed to buffer surrounding land uses; compliment pedestrian-oriented development; enhance the environmental quality of the site, including minimizing stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development.
F. Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, and avoid creating glare.
G. Landscaping is designed to be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape.

Overall, the findings provided above are not atypical for California jurisdictions that impose findings and criteria for discretionary projects and are generally consistent with State law.

Conditional Use Permit Finding D, *"Tax revenue generated by the development will exceed the city's cost of the service demand as a result of the development or a compelling community benefit will be provided."* is somewhat unique in that the city seeks to offset city costs associated with new commercial uses with increased tax revenue. This finding is typically applicable to projects and new uses that are not subject to Development Impact Fees. This does not generally apply to new residential projects, in that Housing Impact Fees or construction of new affordable units offset the costs associated with this development.

As described below, the city is undertaking an effort to create objective design standards that provide certainty and clarity in terms of design review, and that would be consistent with State laws and requirements that limit a jurisdictions ability to enforce design standards that may be interpreted as discretionary.

Objective Design Standards

The City currently relies on a combination of objective and subjective design standards and guidelines to review and regulate the design of most housing projects. However, the State of California continues to enact new laws that require streamlined housing approval by establishing a by-right, ministerial approval process for multifamily residential development. Key to ministerial approval is the replacement of subjective design guidelines with objective standards.

The intent of Objective Design Standards is to provide applicants and developers with a clear understanding of the City's expectations for mixed-use and multi-family residential project design. Objective design standards are written as requirements, rather than guidelines; therefore, all mixed- use and multi-family residential projects applying under Housing Accountability Act (HAA) protections shall comply with each standard. Importantly, objective design standards regulate site and structure design only. Projects must also comply with all applicable building permit requirements, zoning code requirements, and development standards such as height, setbacks, lot coverage, etc.

To accommodate the requirements of State law, the City is developing a thorough set of objective design standards to govern the development of multi-family housing, including certain mixed-use projects. The City anticipates adoption of the new Objective Design Standards in 2025 per Program H3.2.

The objective design review standards supplement the objective development standards (e.g. height limit, lot coverage, setback, etc.) defined in each zoning district. In combination, the two sets of standards (design and development) provide for a streamlined and efficient project review process by ensuring that applicants know and understand the city's requirements and ensuring that the project review and approval process is objective, efficient, and consistent.

Permit Processing Times

The minimum amount of time for processing permits is established by requirements for environmental review, public notice, and by the meetings of the Planning Commission and City Council. While there is little room for processing permits any faster than the City already does, the current practice of automatic review of some Planning Commission permit decisions by the City Council does add several weeks to the total permit processing time. Ultimately, the maximum amount of time for processing residential development permits is set by State law (California Government Code 65920 et. seq.). Some of the average times have increased due to infill complexity and extra notification of State requirements.

Table 4-6 summarizes the average time required to process development permits. The processing time needed to obtain development permits and required approvals varies depending on the scope of the project. Smaller projects typically require less time than larger projects. The City strives to keep its permit procedures streamlined and processing times minimal.

The amount of time between the completion of the review and the issuance of a Building Permit is determined by the speed at which the applicant is able to make any necessary corrections to the Construction Drawings and resubmit for approval and Building Permit.

Table 4-6: Average Permit Processing Time, Newark, 2022

Permit Process	Decision Type	Level of Review	Permit Types	Timeframe
Accessory Dwelling Unit Process	Ministerial (by-right) Discretionary	Staff Staff	Building permits for projects that comply with applicable building, zoning, and development regulations Single Family Design Review permits for projects involving a second story addition for an ADU that is taller than 16 feet	1 to 3 months 2 to 5 months
Ministerial By-Right	Ministerial (by-right)	Staff	Building permits for projects that comply with applicable building, zoning, and development regulations; parcel maps; and lot line adjustments	2 to 5 months
Discretionary By-Right	Discretionary	Staff	Includes design review permits, minor use permits, and sign permits	3 to 5 months
Discretionary (Hearing officer if Applicable)	Discretionary	Hearing officer	Includes variances, certain site development permits, and certain conditional use permits. Site development permits are required when development is proposed on Environmentally Sensitive Lands and for large multifamily developments on consolidated lots. Conditional use permits are required when development is proposed that is subject to supplemental conditions identified in the Municipal Code	4 to 9 months
Discretionary (Planning Commission)	Discretionary	Planning Commission	Includes certain minor use permits, conditional use permits, variances, and certain design review permits	6 to 9 months
Discretionary (City Council)	Discretionary	Planning Commission Recommendation and City Council approval	Includes tentative maps, condominium conversion maps, easement vacations, public right-of-way vacations, rezoning, land use plan and specific plan amendments, and planned development permits. Planned development permits are not required for residential development but are an option for large residential developments to allow greater flexibility than standard zoning.	9 to 18 months

Source: City of Newark, 2022

Senate Bill 35

Senate Bill (SB) 35, passed in 2017, requires jurisdictions that have not approved enough housing units to meet their RHNA to provide a streamlined, ministerial entitlement process for housing developments that incorporate affordable housing. In order for applicants to take advantage of SB 35, per Government Code Section 65913.4 (10)(b)(1)(a)(et seq.) they need to submit a Notice of Intent and jurisdictions need to give Native American tribes an opportunity for consultation.

The City processes SB 35 applications consistent with Senate Bill 35. The City will also establish a written policy or procedure and other guidance as appropriate to specify the Senate Bill (SB) 35 streamlining approval process and standards for eligible projects, as set forth under California Government Code Section 65913.4. The City has included Program H3.1 to prepare and publish administrative procedures for the processing of housing developments eligible for streamlined review pursuant to SB 35.

Senate Bill 330

Senate Bill 330 (SB 330), Housing Crisis Act of 2019, prohibits cities and counties from enacting a development policy, standard, or condition that would impose or enforce design standards that are not objective design standards on or after January 1, 2020 [Government Code Section 663300 (b)(C)]. The bill also established specific requirements and limitations on development application procedures.

The City of Newark permitting process is consistent with Senate Bill 330, the Housing Crisis Act of 2019. Consistent with SB 330, housing developments for which a preliminary application is submitted that complies with applicable General Plan and zoning standards are subject only to the development standards and fees that were applicable at the time of submittal. This applies to all projects unless the project square footage or unit count changes by more than 20 percent after the preliminary application is submitted.

Submittal of a SB 330 preliminary application allows a developer to provide a specific subset of information on the proposed housing development before providing the full amount of information required by the local government for a housing development application. Submittal of the preliminary application secures the applicable development standards and fees adopted at that time. The project is considered vested, and all fees and standards are frozen, unless the project changes substantially. The City has an SB 330 preliminary application form.

Permit Fees and Exactions

Housing construction imposes short- and long-term costs on communities. Short-term costs include the cost of providing planning services and inspections. New residential developments can also result in significant long-term costs relating to the maintenance and improvement of infrastructure, facilities, parks, and streets. To offset these community costs, jurisdictions collect various fees from developers.

This model is comparable to surrounding jurisdictions, such as Fremont, Union City, Hayward. Fees depend on the complexity of the project. Example of fees. Table 4-7 shows planning fees commonly required for development based on level of review. Newark's planning fees are comparable to surrounding jurisdictions and do not present a constraint to the construction of housing.

Table 4-7: Permit Fees, Newark, Fiscal Year 2022-2023

Planning Fee Schedule	
Application Type	**Fee/ Cost**
Preliminary Review	
Preliminary Review	$800 per review, first and second reviews; $900 for subsequent reviews
Preliminary Review for new single-family unit or second story addition to single-family unit, and administrative use permits	No fee.
Site Development Review	
Administrative Site Development Review a. Small Residential Projects (e.g. single detached accessory structure or balcony)	$100
Large Residential Projects (e.g. second-story additions, multiple accessory structures)	$1,500
Commercial/Industrial Projects	$1,500
Use Permit	
MinorUse Permit	$100
Conditional Use Permit, Residential	$2,600
Subdivision	
Tentative Parcel Map	$2,000 + $60 per lot
Tentative Tract Map (including condominiums)	$3,500 + $75 per lot
Variance	
Variance, Residential	$1,400
Amendments	
Zoning Text Amendment	$4,300
Zoning Map Amendment	$4,300
General Plan Amendment	$,300
Specific Plan Amendment	$4,300
Extensions	

Planning Fee Schedule	
Application Type	**Fee/ Cost**
Discretionary Permits/Variances	$800
Environmental Review	
CEQA Exemption	$400
Negative Declaration, (ND)	$1,800
Negative Declaration, Mitigated (MND)	$1,800
Environmental Impact Report (EIR)	Deposit
Other	
Planned Unit Development	$3,200

Source: City of Newark, 2023

Development Impact Fees

The City also collects impact fees to cover the costs of providing the necessary services and infrastructure related to new development projects. Since the passage of Proposition 13 in 1978, local governments in California have come to rely increasingly on impact and connection fees to finance infrastructure. Newark charges several fees on residential development at the building permit stage, as shown in Table 4-7. The estimated City development impact fees for a single family four-bedroom, two-bathroom house of 2,600 square feet are approximately $77,629. There are significant cost savings for multifamily residential development, as development impact fees are estimated at $36,724 per unit of a hypothetical 10-unit multi-family development (averaging 850 square feet per unit), and $35,052 per unit of a 100-unit multi-family development (averaging 750 square feet per unit).

Table 4-8: Residential Development Impact Fees, Newark, Fiscal Year 2022-2023

Fee	Cost	Estimated Fees		
		Single Family Unit	Small Multi-Family (per unit)	Large Multi-Family (per unit)
Citywide Development Fees (Community Development Department)				
Parks		$28,185	$20,293	$20,293
Public Safety		$3,891	$2,335	$2,335
Community Service/Facilities		$2,606	$1,303	$1,303

Fee	Cost	Estimated Fees		
		Single Family Unit	Small Multi-Family (per unit)	Large Multi-Family (per unit)
Transportation		$5,607	$3,476	$3,476
Housing		$37,070	$9,047	$7,375
Art in Public Spaces		$270	$270	$270

Source: City of Newark, 2022

Total Estimated Fees

Newark recently prepared estimates of total fees of example projects to assess total estimated fees (Planning, Building, and Impact fees). The example projects include development of one single-family residence, a small multi-family project of 10-units on one building and a 100-unit project on two acres of land. The result of the estimates are:

- Single Family: $124,246
- Multi-family large: $4,344,915 for a 100-unit project on two acres, or $43,449 per unit
- Multi-family small: $604,453 for a 10-unit project in one building, or $60,445.35 per unit

The estimate indicates that it is significantly less expensive in terms of city fees for multifamily development as compared to single-family development.

When the City implements Program H2.1, H2.8, H2.10 and H4.10, the City will ensure that fees for Missing Middle and SRO housing types will be set at levels in line with current permit and impact fees for multifamily.

City fees associated with development and described above are easily accessible on the city's website: www.newark.org.

Available Infrastructure

With all sites identified for planned housing development already served by utilities, and requirements in place for infrastructure improvements for all new development, infrastructure does not pose a constraint on development of those sites within the eight-year planning period.

The City of Newark does not have a standard list of required onsite or offsite improvements for new development projects, but in practice, there are no extraordinary infrastructure requirements. All projects typically include basic improvements to sidewalk/curb/gutter, planter strips or tree wells, and adjacent street surfacings.

Water and Wastewater

Housing Element housing opportunity sites listed in this Housing Element (see Appendix C) are already served by utilities, with existing infrastructure in place. The Alameda County Water District (ACWD) and the Union Sanitary District (USD) are the sole providers of potable and reclaimed water, and wastewater conveyance and treatment, in Newark. ACWD and USD has current and planned capacity to accommodate the RHNA for water and wastewater. ACWD and USD have provided water assessments for a number of the sites and has determined that adequate water supplies exist to accommodate Newark's current and projected water needs, including the RHNA. Solid waste, recycling, and organics collection are managed through a franchise agreement with Republic Services.

To minimize infiltration of ground water into the sewer system and provide modern, efficient utilities and services, new development proposals in Newark typically replace or upgrade the on-site sewer, storm drain, and water lines following the guidance and requirements of ACWD and USD. Each project is evaluated on a case-by-case basis to determine the extent of replacements and upgrades. Therefore it is difficult to assess a water and wastewater replacement/upgrade cost factor across the city. However, as mentioned earlier, housing element sites are located in areas already served by water and wastewater utilities, so the installation of new service lines is typically not a cost factor.

Priority for Water and Sewer

Per Chapter 727, Statues of 2004 (SB 1087), upon completion of an amended or adopted Housing Element, a local government is responsible for immediately distributing a copy of the element to area water and sewer providers. In addition, water and sewer providers must grant priority for service allocations to proposed developments that include housing units affordable to lower-income households. Chapter 727 was enacted to improve the effectiveness of the law in facilitating housing development for lower-income families and workers.

To comply with SB 1087, upon adoption, the City of Newark will immediately forward its adopted Housing Element to ACWD and USD its water and wastewater providers to grant priority for service allocations to proposed developments that include units affordable to lower- income households.

Available Dry Utilities

Dry utilities, including electricity and telephone service, are available to all areas within the City.

Pacific Gas & Electric (PG&E) serves Newark for electrical service. Newark customers may also consider East Bay Community Energy (EBCE) for electrical service. In 2018, the County of Alameda and 11 of its cities launched EBCE as a not-for-profit public agency that governs this Community Choice Energy service. The Joint Power Agency expanded in 2021. The cities currently served are: Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark,

Oakland, Piedmont, Pleasanton, San Leandro, Tracy, and Union City. EBCE offers a competitive, reliable energy service provider alternative to the Newark community. Similar to the discussion above, new development proposals in Newark are generally required to typically replace or upgrade the electrical service following the guidance and requirements of PG&E. Each project is evaluated on a case-by-case basis to determine the extent of replacements and upgrades. Therefore it is difficult to assess dry utilities cost factor across the city. However, as mentioned earlier, housing element sites are located in areas already served by dry utilities, so the installation of new service lines is typically not a cost factor.

Opportunities for Energy Conservation

The City of Newark has adopted a wide range of policies and programs to facilitate energy efficiency in residential development. Taken as a whole, the City's policies and programs form a comprehensive approach to energy efficiency in residential development.

Parking

Because off-street parking often requires large amounts of land, parking requirements are one of the development standards that can most negatively impact housing development. The cost of land associated with parking, in addition to the costs of construction, paving, and maintenance, drive up the overall cost of development, requiring more funds to assist in the development of affordable housing. Parking standards in some jurisdictions have been arbitrarily established and do not necessarily represent the needs of the people living in the developments. This is especially true for senior and affordable housing developments where occupants are less likely to require more than one parking space.

The city of Newark overall has higher parking requirements than neighboring jurisdictions, Union City and Fremont. For multifamily housing, Newark has higher requirements for studio and one bedroom units than Fremont, as well as higher requirements for covered parking. Although Newark and Fremont have the same guest requirements of 0 .5 spaces per unit, Fremont does not have the same requirements for covered parking. One space per unit must be in a garage in Newark in comparison to Fremont, a requirement that can significantly increase the cost of development. Union City has the lowest guest parking requirement of 0 .25 spaces for multi family housing.

Although it has been found that seniors do not have the same rates of driving, Newark has the highest parking requirements of all three cities for senior housing, at one space per unit.

Union City does not list a parking requirement for ADU's, but Newark has a higher parking requirement than Fremont, which has no parking requirements at all for ADU and JADU units.

Because Newark has higher parking requirements for multi-family, senior housing and accessory dwelling units, there is opportunity for significant changes in parking requirements such as removing parking minimums and aligning requirements to be more in line with neighboring

jurisdictions, responsive to construction costs and the lack of substantial off street parking for seniors. Although the City complies with State density bonus parking standards upon request, the City's parking requirements can be a hindrance on the production of housing. In response, the city will conduct a parking study **Program H3.5**, to develop new parking standards to align with neighboring jurisdictions.

Table 4-9: Off-Street Parking Requirements, Newark, 2021

Residential Use	Required Units	Covered Parking Requirement
Single-Unit Dwelling, Attached or Detached	2 per unit	Must be within a garage
Two-Unit Dwelling	1.5 per studio or one-bedroom unit. 2 per unit with two or more bedrooms. 1 Guest space per unit	One space per unit must be within a garage
Multi-Unit Building	1.5 per studio or one-bedroom unit. 2 per unit with two or more bedrooms. Guest parking: .5 space per unit. Projects located outside a radius of 100 feet of RS and RL districts, or separated by an arterial street from single family homes, or with driveway aprons, or located within a Specific Plan shall require 1 space plus .25 per unit Old Town Specific Plan Area: Minimum of 1.25 per unit; maximum of 2 per unit. No additional guest parking required.	Ten or fewer dwelling units: One space per unit must be within a garage More than ten dwelling units: One space per unit must be covered Guest parking shall be clearly marked as reserved for guests and available with unrestricted access
Accessory Dwelling Unit	No off street parking required for studio units, 1 off street parking space required per unit regardless of number of bedrooms. Off street parking requirement is waived if within a half mile of a transit stop, and other instances. To see the entire list see municipal code section 17.26.040.C.8.	
Supportive Housing	None beyond what is required for the Residential Housing Type	
Transitional Housing	None beyond what is required for the Residential Housing Type	
Senior Housing	1 per unit, plus .25 per unit for guest parking	
Residential Care Facility (7 or more persons)	1 for every 3 beds	
Residential Care Facilities (Less than 7 persons)	None beyond what is required for the Residential Housing Type	

Residential Use	Required Units	Covered Parking Requirement
Family Day Care (Small)	None beyond what is required for the Residential Housing Type	
Family Day Care (Large)	1 for each nonresident employee plus an area for loading and unloading children plus parking required for the residential use	
Group Residential	1 for each employee plus 1 for each guest room or every two beds, whichever is greater Old Town Specific Plan Area: 0.25 per bedroom	
Single Room Occupancy Units	0.5 per unit	
Emergency Shelter	1 per family room, 0.35 per individual bed, plus 1 for each employee	

Source: City of Newark, 2022

State density bonus law (Government Code Section 65915) imposes statewide parking standards that a jurisdiction must grant upon request from a developer of an affordable housing project that qualifies for a density bonus. The parking standards are summarized in Table 4-9. When local parking requirements are higher, the statewide parking standards supersede the local requirements. The developer may request these parking standards even if they do not request the density bonus. These numbers are the total number of parking spaces including guest parking and accessible parking.

Open Space Requirements

The City has a policy in the General Plan that sets parkland standards. For multifamily housing, the open space requirement ranges from 100 square feet per unit for RM in the Old Town District, to 200 square feet per unit in RH, 300 square feet per unit in RM, and 400 square feet per unit in RL. Open space requirements in the mixed-use and commercial districts where housing is allowed (CMU and RC) are at 50 square feet per unit. Overall, these standards are the same or lower than the requirements of Newark's closest neighbors. These standards are typical of many jurisdictions in the Bay Area and would not significantly reduce the affordability of multifamily housing units. Further, the City has not received developer feedback that its open space requirements are excessive or a barrier to feasibility.

Density Bonus Regulations

State law (California Government Code, section 65915-65918) requires cities and counties to approve density bonuses for housing developments that contain specified percentages of affordable housing units or units restricted to occupancy by seniors. A density bonus is the allocation of development rights that allows a parcel to accommodate additional square footage or additional residential units beyond the maximum for which the parcel is zoned. Projects that

qualify for a density bonus are also eligible for reduced parking standards and additional concessions, or incentives. Upon the developer's request the City must also allow the parking standards shown above in Table 4-6. The legislature has made frequent changes to State density bonus law over the years, including AB 1763, which significantly increased density bonus provisions for 100 percent affordable projects.

Building Codes and Enforcement

Building codes and their enforcement influence the style, quality, size, and costs of residential development. Such codes can increase the cost of housing and impact the feasibility of rehabilitating older properties that must be upgraded to current code standards. In this manner building codes and their enforcement can act as a constraint on the supply of housing and its affordability.

Building and housing codes establish minimum standards and specifications for structural soundness, safety, and occupancy. State housing law requires cities and counties to adopt minimum housing standards based on model industry codes. In addition to meeting the requirements of State housing law, local governments enforce other State requirements for fire safety, noise insulation, soils reports, earthquake protection, energy conservation, and access for people with physical disabilities. The enforcement of building and housing codes for all homes is per the minimum standards and requirements set forth in the codes listed in the City's building code. Standards for rehabilitation are no more rigorous than those contained in the California Health and Safety Codes and Uniform Building Codes.

On October 13, 2022, the City Council approved Ordinance No. 539, repealing and replacing certain chapters of Title 15 (Buildings and Construction) to adopt by reference, with modifications to address local conditions, the 2022 editions of the California Building Standards Code (CBSC) and related codes. Ordinance No. 539 includes local amendments to the California Administrative Code, California Building Code, California Plumbing Code, California Electrical Code, California Residential Code, California Mechanical Code, and California Fire Code. The adopted Title 15 including local amendments is provided on the city's website, www.newark.org. The local amendments adopted with Ordinance No. 539 do not increase requirements above standards. Generally, the local amendments provide clarifications and consistency with other sections of the Newark Municipal Code. The city does not have a REACH code. In addition, local amendments were made to provide consistency with fire protection, alarms, and detection system requirements of the Alameda County Fire Department, the agency that provides contract fire protection services in Newark.

Building codes and their enforcement can increase the cost of housing and impact the feasibility of rehabilitating older properties that must be upgraded to existing code standards. In this way building codes and their enforcement can act as a constraint on the amount of housing and its affordability. However, the codes enforced by Newark are similar to other cities in the region and are necessary to promote the minimum standards of safety and accessibility to housing. Therefore, the codes are not considered to be an undue constraint on housing investment or

development.

In some cases, energy conservation requirements may increase construction costs and, therefore, the initial sales prices and cost of rent. However, these increased costs are often offset by the long-term reductions in the utility's component of housing operation costs. Accessibility modifications may also increase initial sales prices and rents but will help address the housing needs of the elderly and people with disabilities.

Code Enforcement

The Building Division is responsible for enforcing both state and City regulations governing maintenance of all buildings and property. The Community Development Department is responsible for code enforcement activities through the Community Preservation Division. The purpose of code enforcement of housing in need of rehabilitation is to ensure the safety of the City's residents; without basic living standards being met, life and safety are threatened. The city does have a code enforcement division to address health and safety concerns in the community. Currently, the City operates on a complaint-based system to respond to code enforcement needs. The Community Preservation Division will respond to complaints and investigate violations to ensure compliance with the City's Municipal Code. In 2021, the city expanded the number of full-time employees by hiring a code enforcement manager to oversee existing efforts and create proactive code enforcement services, which would include the rental inspection and landlord registration program identified in Program H1.2.

State of California, Article 34

Article 34 of the State Constitution requires local jurisdictions to obtain voter approval for specified "low rent" housing projects that involve certain types of public agency participation. Generally, a project is subject to Article 34 if more than 49 percent of its units will be rented to low-income persons. If a project is subject to Article 34, it will require an approval from the local electorate. This can constrain the production of affordable housing, since the process to seek ballot approval for affordable housing projects can be costly and time consuming, with no guarantee of success.

Local jurisdictions typically place a measure or referendum on the local ballot that seeks authority to develop a certain number of low-income units during a given period of time. If the electorate approves general parameters for certain types of affordable housing development, the local jurisdiction will be able to move more quickly in response to housing opportunities that fall within those parameters.

B. Non-Governmental Constraints

The availability and cost of housing is strongly influenced by market forces over which local governments have little or no control. Nonetheless, State law requires that housing elements contain a general assessment of these constraints, which can serve as the basis for actions to offset their effects. This section describes primary non-governmental constraints to the development of new housing in Newark.

Availability of Financing

The availability of financing is a critical factor that can influence the cost and supply of housing. There are generally two types of financing used in the housing market: (1) capital used for initial site preparation and construction; and (2) capital used to finance the purchase of units by homeowners and investors. Financing is largely impacted by interest rates. Small fluctuations in interest rates can dramatically influence the ability to qualify for a loan. Mortgage interest rates have a large influence over the affordability of housing. Higher interest rates increase a homebuyer's monthly payment and decrease the range of housing that a household can afford. Lower interest rates result in a lower cost and lower monthly payments for the homebuyer.

Because interest rates are determined by national policies and economic conditions, there is little that local governments can do to affect these rates. Jurisdictions can, however, offer interest rate write-downs to extend home purchase opportunities to lower-income households. In addition, government-insured loan programs may be available to reduce mortgage down-payment requirements.

The cost of borrowing money to finance the construction of housing or to purchase a house affects the amount of affordably priced housing in Newark. Lower initial rates are available with graduated payment mortgages, adjustable rate mortgages, and buy-down mortgages. Variable interest rate mortgages on affordable homes may increase to the point where the interest rate exceeds the cost of living adjustments, which is a constraint on affordability. Although rates are currently low, they can change significantly and substantially impact the affordability of housing stock. Fluctuating interest rates can eliminate many potential homebuyers from the housing market or render a housing project infeasible that could have been successfully developed or marketed at lower interest rates. Housing prices in Newark are unaffordable for lower-, moderate-, and even some above moderate- income households, even with the lower interest rates. The primary constraint on homeownership in Newark is not the availability of financing, but the cost of housing, of which is unaffordable to many households.

Financing for both construction and long-term mortgages is generally available in Alameda County subject to normal underwriting standards, though rates have increased markedly throughout 2022. A more critical impediment to homeownership involves both the affordability of the housing stock and the ability of potential buyers to fulfill down payment requirements. Conventional home loans typically require 5 to 20 percent of the sales price as a down payment, which is the largest

constraint to first-time homebuyers. This indicates a need for flexible loan programs and a method to bridge the gap between the down payment and a potential homeowner's available funds. The availability of financing for developers under current economic conditions may also pose a constraint on development outside of the City's control.

According to the Alameda Board of Realtors, there is no evidence of "redlining" of any Alameda neighborhood by the financial community. The City provides Community Development Block Grant (CDBG) funding for counseling for individual clients regarding fair housing rights and responsibilities and to disseminate education and information materials. Households receive intensive counseling, and legal and/or agency referral for cases involving discrimination against families, racial or religious minorities, and individuals with disabilities.

Land Costs

As with most built out Bay Area communities, the high cost of land is a constraint to the production of affordable housing in Newark. There are very few vacant parcels zoned for residential development left in the city and it is rare for vacant residential land to be listed for sale.

Based on a review of land for sale in Fremont, Union City, and Hayward, land prices for land zoned to accommodate multifamily projects range from $5M to $15M per acre depending on locational amenities, density, and other factors. In addition to market sales prices, there can be other costs associated with the acquisition of land including the cost of holding the property throughout the development process. Developers in Newark also face added expenses associated with the demolition and removal of existing structures or remediation of contaminated soil.

Construction Costs

In addition to the high cost of land, construction costs can also act as a constraint to the production of new housing, particularly in the Bay Area. The cost of construction depends primarily on the cost of materials and labor, which are influenced by market demand. The cost of construction will also depend on the type of unit being built and on the quality of product being produced. The cost of labor is based on a number of factors, including housing demand, the number of contractors in the area, and the unionization of workers. The construction cost of housing affects the affordability of new housing and may be considered a constraint to affordable housing in Alameda County and throughout the Bay Area.

Both material and labor costs have increased substantially in recent years. Supply chain issues during the Covid-19 pandemic are partly responsible for recent material cost increases, and a shortage in the construction labor market is adding significantly to the cost of producing housing.

According to a 2020 report by the Terner Center, hard construction costs for multifamily projects in California rose by 25 percent over the course of a decade, from an average of $177 per square foot in 2008-2009 to $222 per square foot in 2018. Cost increases were even greater in the Bay Area, increasing by 119 percent and reaching more than $380 per square foot in 2018.

Construction costs vary widely according to the type of development. According to the Terner Center report, Type I projects, which are typically over 5-7 stories and constructed with steel and concrete, cost an average of $65 more per square foot than other types of construction, like Type V (i.e., wood frame floors over a concrete platform). Type I projects are more likely to be found in infill locations where zoning allows higher density construction.

Affordable housing projects also cost more on average than market-rate and mixed-affordability projects. The 2020 Terner Center report found that affordable projects cost $48 more per square foot on average compared to market-rate and mixed affordability projects. Some of the added costs for affordable housing are because many affordable housing developers are required to pay "prevailing wages."

A reduction in construction costs can be brought about in several ways. A reduction in amenities and quality of building materials in new homes (still above the minimum acceptability for health, safety, and adequate performance) may result in lower sales prices. State housing law provides that local building departments can authorize the use of materials and construction methods if the proposed design is found to be satisfactory and the materials or methods are at least equivalent to that prescribed by the applicable building codes.

In addition, prefabricated, factory-built housing may provide lower-priced products by reducing labor and material costs. As the number of units built at one time increases, savings in construction costs over the entire development are generally realized as a result of an economy of scale, particularly when combined with density bonus provisions.

C. Environmental Constraints

Environmental issues affect the amount, location, and timing of new residential development in Newark. Sites in Newark are susceptible to a variety of environmental constraints including sea level rise and flooding, seismic hazards, sensitive ecological areas, and hazardous materials.

Geologic Hazards

Geologic Hazards are associated with earthquakes that can bring about risks such as ground shaking, landslides and tsunamis. Newark sits two miles west of the Hayward fault, and due to this proximity, ground shaking levels would be higher in the southern and western portions of the city. Ground shaking is measured on a scale ranging from I to X (the Modified Mercalli Scale) with shaking levels ranging from imperceptible to very violent. Most of the developed portions of Newark would experience "very strong" ground shaking (level VIII) in a 6.7 Hayward Fault earthquake, but some parts of the city would experience "violent" ground shaking (level IX).

The city has a sandy loam soil type that is prone to liquefaction. The city of Newark could experience seismic shaking levels with the potential to cause liquefaction in areas where groundwater is generally shallower than 30 feet. Based on data provided by the California

Geological Survey, the entire city is considered a liquefaction hazard zone.

Flooding and Sea Level Rise Due to Climate Change

Flooding can have devastating effects on property and residents and impact water quality in Newark housing element housing opportunity sites in Newark may be affected by flooding and sea-level rise. Newark falls within both 100 and 500 year flood zones as well as being affected by sea level rise. The 100 year flood zone covers areas 3 and 4 as well as a number of sites in the Bayside Newark specific plan area. The 500 year flood plain is found further into established residential areas of the city.

The area with the most vulnerability to sea level rise will be in the southern portion of the city, adjacent to the San Francisco Bay. Sea level rise not only affects housing, but other infrastructure such as roads, water and sewer infrastructure.

The City's Municipal Code sets standards to minimize flood hazard risks, including anchoring and flood-proofing and a requirement that the lowest floor, including basements, is at or above the 100-year flood elevation. Development within the 100-year flood zone is limited, with requirements for building at least 1 foot above the flood elevation. The City requires non-residential development to be elevated at least 8 feet above mean high tide and 11.25 feet for residential development

Hazardous Materials

Hazardous materials regulations, which are codified in Titles 8, 22, and 26 of the California Code of Regulations (CCR), and their enabling legislation set forth in Chapter 6.95 of the California Health and Safety Code, were established at the state level to ensure compliance with federal regulations to reduce the risk to human health and the environment from the routine use of hazardous substances. These regulations must be implemented, as appropriate, and are monitored by the state (e.g., Cal OSHA in the workplace or the DTSC for hazardous waste) and/or local jurisdictions.

As with many infill urban locations, many of the housing element housing opportunity sites in Newark are on former industrial or commercial properties. These properties typically have environmental issues related to the prior use. The city of Newark has a high number of existing sites with hazardous materials, a legacy of their industrial land use.

Despite their historical use, all of the housing element sites are either already remediated of their hazardous materials and ready for residential use or are in the process of being remediated of hazardous materials to allow for residential use pursuant to approved plans by the appropriate regulatory agency.

Sensitive Ecological Areas

The southwest portion of Newark contains a number of riparian areas, transitional areas between the water and land that support periodic flooding and habitat. They are typically vegetated with lush growths of grasses, shrubs, and trees that are tolerant of periodic flooding and have sediments that are rich in nutrients and organic matter. Riparian areas are found in Site 2, Sanctuary West, also referred to as specific planning area 3 and 4.

SECTION 5 HOUSING RESOURCES

Key resources in Newark to address housing needs include housing sites (see Appendix C below), financial resources, administrative resources and non-profit resources. In addition to a robust inventory of sites available for housing development during the Housing Element planning period, the City is also implementing an ambitious affordable housing work plan[13] which includes the provision of regular financial assistance to nonprofit sponsors of affordable housing through a regular "Notice of Funding Availability" (NOFA) process. Leveraging the City's affordable housing impact fee fund, the City will continue to deploy substantial financial resources to support affordable housing production during the planning period. In addition, the City will implement policies to streamline affordable housing approvals and continue to partner with developers of affordable housing as detailed in the following section, Housing Plan.

A. Available Sites For Housing

The most important resource for meeting Newark's future housing needs is a sufficient supply of land zoned for housing and with supportive infrastructure and pro-housing policies and programs. As shown in Appendix C, the City has developed a robust inventory of sites to accommodate its 6th cycle RHNA of 1,874. Combining planned and proposed projects that are already in the development pipeline with vacant and non-vacant sites that are zoned for housing and already permit housing to be developed without additional changes to the Zoning code, the sites in Appendix C have the potential to accommodate 2,854 units, representing over 150 percent of the City's RHNA. This includes sites to accommodate all of the City's lower-income housing needs for the 6yh cycle in addition to a significant buffer.

Sites included in the City's 6th cycle inventory are described in detail in Appendix C and displayed below in Figure 5-1.

The sites selected for this Housing Element have also been selected to achieve the following major policy objectives:

Access to Opportunity: The sites work to expand access to opportunity by siting 46 percent of affordable units in areas identified as high opportunity by the Tax Credit Allocation Committee.

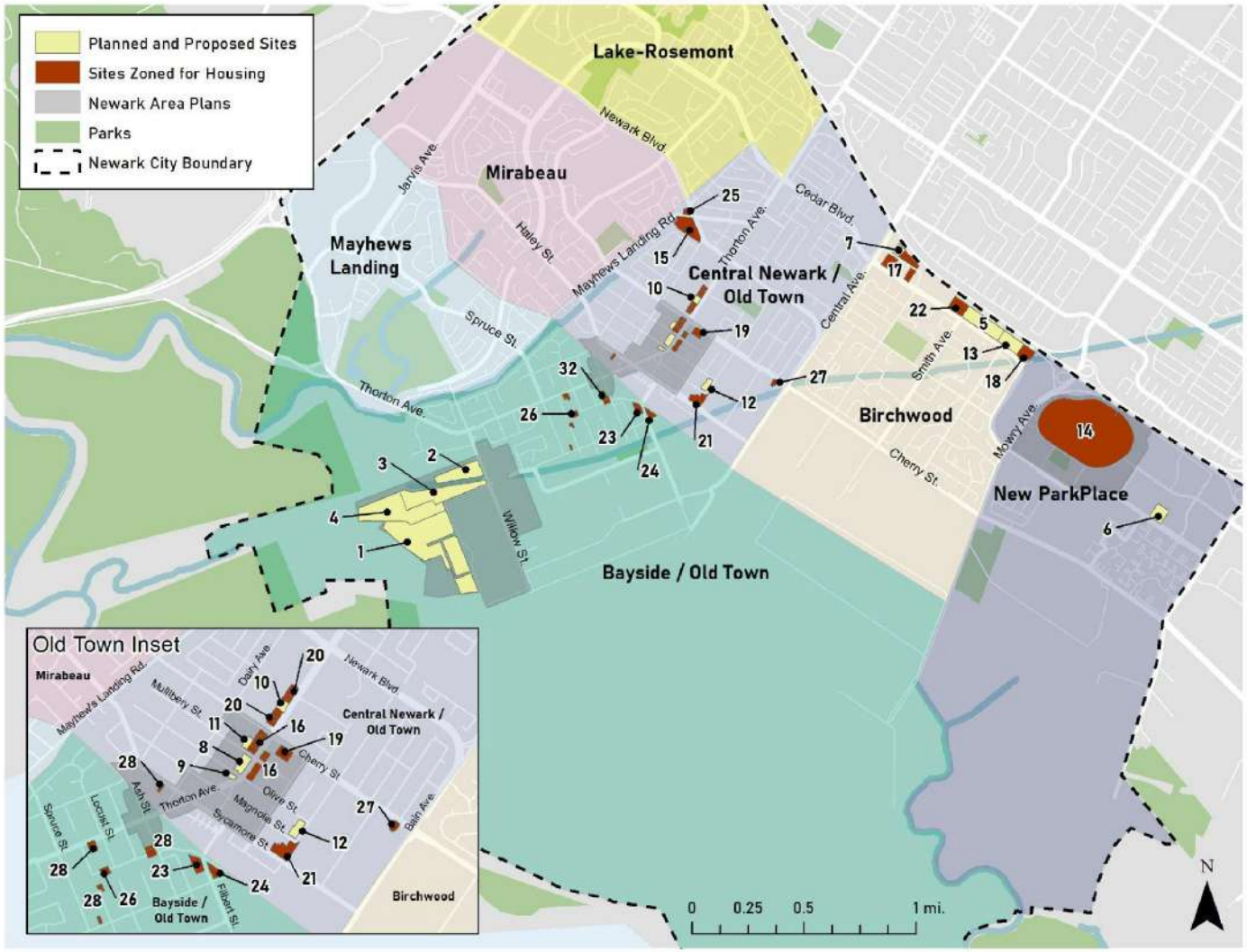
Connecting Housing and Transit: Priority Development areas plan to connect new housing with regional and local transportation options in existing and new walkable communities; 29 percent of new housing sites are located within two Priority Development Areas in Newark which are the Dunbarton TOD (now known as Bayside Newark) and the Old Town Mixed Use Area.

Neighborhood Revitalization: Through the implementation of the NewPark Place Specific Plan, the former Newpark Mall will transform into a mixed-use neighborhood, with 1,519 new housing

[13] Newark Affordable Housing Work Plan

units, including new homes for low and moderate incomes. Pedestrian and bicycle infrastructure improvements will also be developed through a multiphased redevelopment. Similar revitalization efforts are reflected in the sites identified in Newark's other key specific plan areas in the Old Town area and Bayside Newark.

Figure 5-1: Housing Sites for the RHNA 6th Cycle



Source: City of Newark; Planning Collaborative, 2023.

B. City Financial Resources

Along with housing, financial resources are critical for meeting Newark's future housing needs. These include funding and financing programs to provide gap funding for affordable multifamily housing programs, loan and grant programs for first time homebuyers, and home rehabilitation grant and loan programs. The major sources of funding for affordable housing at the Federal and State levels are constrained and highly competitive, and in this context local funding sources for affordable housing are increasingly critical.

Key resources at Newark's disposal include HUD HOME and CDBG funds, allocated to ongoing housing programs through a process overseen by the City's Community Development Advisory Committee (CDAC). As noted elsewhere in this Housing Element, the most important source of funding support for new affordable housing production in Newark is the City's Affordable Housing Impact Fee fund, which has collected upwards of $35M in recent years. $19M of this fund has been allocated by the City to support three affordable housing developments which are included in the City's development pipeline: 1) $2.8M for the entitled but not yet built Timber Street Senior Apartments sponsored by Eden Housing; $4.5M for the Cedar Community Apartments; and 2) $12M awarded to Satellite Affordable Housing Associates to support the development of a new 56-unit development on three underutilized sites that will be assembled. The City retains a balance in June of 2023 of 23,450,000 million in the Affordable Housing Impact Fee fund. The City anticipates issuing regular funding NOFAs to continue to partner with nonprofit sponsors of affordable housing.

The ability of the City to effectively deploy these local financial resources is also critical to the community's ability to leverage other sources of funding from Federal, State, regional and private sources. An important recent example of this is the award last year of $38.2M in State of California Project Homekey funding for the Cedar Community Apartments; this was one of the largest allocations of funding received by any jurisdiction in California for the recent funding round.

C. Other City and Partner Agency Resources

Housing Programs in Newark are administered by the City's Community Development Department. The Department works actively to partner with residents, housing providers and other public agencies to facilitate housing production, preservation and rehabilitation in Newark. Additional key resources provided by partner agencies include:

- **Alameda County 2-1-1.** 2-1-1 is a free, non-emergency, confidential service that provides easy access to housing information and critical health and human services.
- **Alameda County Housing Authority.** The Housing Authority administers programs throughout the County including portable

- Section 8 vouchers for eligible Newark Households. The authority also provides information on housing resources, housing assistance, rental assistance, affordable land and housing, and public housing.
- **Alameda County Housing Portal.** This portal, which is under development, will provide a central location for affordable housing rentals and information, county-wide. Support for multiple languages is available. www.housing.acgov.org
- **COVID-19 Renter Assistance.** AC-Housing Secure is a program that offers assistance with unpaid back rent. Renters and landlords are encouraged to apply. There is a high demand for assistance, but additional program funds have been requested. Applicants will not be asked about their citizenship. Proof of citizenship is not required. Support for multiple languages is available. www.ac-housingsecure.org
- **ECHO Housing.** ECHO Housing provides fair housing services and tenant/landlord counseling and mediation to Newark residents. Renters who believe they have been discriminated against or who need assistance for a dispute with their landlord can contact ECHO at (510) 581-9380. www.echofairhousing.org
- **Fremont Family Resource Center.** The Fremont FRC is a welcoming place where families and individuals are nurtured, encouraged, and provided quality services to build on their own strengths to help themselves and others. Fremont FRC serves the entire Newark community, as well as Union City and Fremont.
- **AC Boost Down Payment Program.** AC Boost provides financial assistance to middle-income working households to purchase a home in Alameda County. The program offers shared appreciation loans to first-time homebuyers who live in, work in, or have been displaced from Alameda County. AC Boost is funded by Alameda County Measure A1 and administered by nonprofit organization Hello Housing. www.acboost.org
- **Alameda County Healthy Homes.** Alameda County has programs and funding opportunities to promote healthy and safe homes. Grants are available for minor home repairs, including the removal of lead hazards. These programs are available to qualified Newark households. www.achhd.org
- **Renew Alameda County.** Renew Alameda County helps homeowners make renovations necessary to stay, grow, and thrive in their homes. Renew AC is administered by Alameda County with funding provided by the Measure A1 Housing Bond. The program is operated by Habitat for Humanity East Bay/Silicon Valley. www.renewac.org
- **Urban County Emergency Mortgage Assistance Program.** The Alameda County Urban County Emergency Mortgage Assistance Program ("EMAP") is intended to provide financial relief for lower income homeowners living in the Alameda County communities (including Newark) who have experienced a loss of income resulting from the COVID-19 pandemic. www.heraca.org/emap

SECTION 6 HOUSING PLAN

A. Evaluation of Accomplishments Under Adopted Housing Element

The City of Newark has developed and implemented various programs and policies to address its housing needs during the previous housing element's planning period (2015 to 2023). The following table provides a detailed program-by-program review of progress and performance. This information will help ensure that the updated element for 2023 to 2031 builds on success, responds to lessons learned, and positions us to better achieve our community's housing needs and priorities.

During the 5th Cycle, the City put in place new policies to help fund and create new affordable housing into the future such as creating a comprehensive affordable housing work plan that will invest 80% of its Housing Impact Fee funds; financing affordable housing production that supports those at risk of or experiencing homelessness; and applying for state, county, regional, and federal funds to construct affordable housing for low income and special needs households. The City also laid the groundwork for future housing and envisioned transit-oriented development (TOD) by producing an Old Town Development Strategy and rezoning its Dumbarton TOD site. It adopted a Specific Plan for Old Town with recommendations and actions to add up to 400 residential units to the planned area and one for Dumbarton TOD that has resulted in the approval or construction of approximately 828 units.

Additionally, the City of Newark has led the way in establishing new policies and programs to affirmatively further fair housing and support communities with special housing needs in obtaining access to housing. The City built a 75-unit affordable complex with universal design features (Newark Station Senior Apartments) and has approved plans for a 79-unit 100% senior housing development with deep levels of affordability (Timber Street Senior Housing). It has modified its building code to require universal design to be applied to both private and public housing and approved 180 units with universal design. Newark has also adopted an Ordinance establishing a process that allows flexibility within the zoning code for reasonable accommodation of access for the disabled and is prepared to adopt a fair housing ordinance for the sixth housing element cycle.

Table 6-1: Review of Policies and Programs of 5th Housing Element Cycle

Program	5th Cycle Activity Summary	Status for 6th Cycle
1. Work with Lower Income Housing Developers and Prioritize Funding	The City worked with nonprofit and for-profit housing developers and organizations to support efforts to create new housing for seniors, people with disabilities, formerly homeless people, households with moderate incomes or below, especially including extremely low income households, and other special needs populations. The City developed a comprehensive affordable housing work plan to engage developers and prioritized funding for housing for people with special needs and very low income people. As provided in the work plan, Newark will invest up to 40% of its Housing Impact Fee fund balance (or approximately $12 million) for funding a NOFA to incentivize affordable housing development. In addition, Newark will invest an additional 40% of the Housing Impact Fee fund balance for site acquisition meant to facilitate affordable housing development. Consistent with the City Council-approved Fiscal Year 2022-2023 Affordable Housing Work Plan, in June 2022, the City of Newark invited developers of affordable rental housing to submit applications for funding assistance under a Notice of Funding Availability (NOFA). A total of approximately $12 million was made available from the City's Affordable Housing Impact Fee Fund. The City received one response from Satellite Affordable Housing Associates (SAHA) requesting $12,000,000 of funding from the City's housing impact fee fund g to construct a 57-unit multifamily apartment building at 6347-6375 Thornton Avenue that would meet the need for family-sized units. On January 19, 2023, the Community Development Advisory Committee on January 19, 2023 reviewed the proposal against the NOFA selection criteria and recommended approval. On March 23, 2023, the City Council reviewed and approved the proposed funding decision as well as authorized the City Manager to execute the Affordable Housing Loan Agreement and all related loan documents to effectuate the approval of the funding award. SAHA will complete the acquisition of the subject properties in April. After conducting community outreach, SAHA expects to submit their formal entitlement application in Summer 2023. In 2021, the City approved plans for "Timber Street Senior Housing", a 79-unit 100% senior housing development, to be built by Eden Housing. The location of the project was rezoned from Limited Industrial District to Medium Residential Density to revitalize the area from a light industrial and warehouse space to a walkable residential neighborhood. A minimum of 20% of the units would have rents restricted at 60% AMI and the remaining units would have rents restricted at no more than 80% AMI. The final AMI unit allocations have not been formally established, but Eden Housing anticipates that most units would have affordability levels deeper than 80% AMI.	**Ongoing.** The City will retain this program and expand it by creating additional programs to supplement it. It will conduct focused outreach to Housing providers annually throughout the 6th Cycle.

Program	5th Cycle Activity Summary	Status for 6th Cycle
	The City granted two incentives/concessions (parking and setbacks) and three waivers (lot coverage, landscaped area, open space) to help facilitate the project and residential density. The entitlements for the project were approved on 10/28/2021 and are expected to be constructed in 2023. • City staff worked with Adobe Services on a Homekey project to convert an existing hotel to supportive housing, which consists of a total of 125 units (1 unit for the on-site manager and 124 units for rent permanent affordable housing). The breakdown of the 124 units for rent permanent affordable housing is 60 units for chronically homeless households and 64 units for households at risk of homelessness; all of which would be for extremely low-income households. On 9/22/2022, the City Council approved a Resolution (Resolution No. 11408) Project Homekey Standard Agreement which includes $38.2 million Homekey grant funds and $6 million City funds. A building permit for the tenant improvement for the project has been issued on 12/22/2022.	
2. Support Regional Homeless Initiatives	The City has provided continuous support for regional efforts to end homelessness, such as the Alameda County EveryOne Home Program, which prioritizes supportive housing. The City adopted a resolution declaring a shelter crisis in the City of Newark and authorized the City's participation in the Homeless Emergency Aid Program (HEAP). It further authorized the City Manager (or his designee) to execute all applications and agreements related to HEAP and other State and County funding sources for homeless populations (Resolution No. 10867 on December 13, 2018). The City of Newark partnered with the City of Fremont's Continuum of Care program to allocate its $229,000 of HEAP funding. The funding was mainly used to provide: • Expanded Warm Center hours; • Expanded "Homeless Navigation" services; • Development of a site for the safe parking of recreational vehicles and vans; • offering time limited housing subsidies The City also took definite action to set aside affordable housing funds for projects through the HomeKey grant program, an effort to provide affordable housing in existing hotels and buildings to low-income households and those experiencing or at-risk of homelessness. In early 2022, the City Council authorized City staff to apply to the State's HomeKey grant program for a grant of up to $39 million and allocated $1.5 million of American Recovery Plan Act (ARPA) funds, as well as $6	**Ongoing**. The City will retain this program into the next Cycle.

Program	5th Cycle Activity Summary	Status for 6th Cycle
	million from the City's Housing Impact Fee fund to acquire Towne Place Suites Hotel with Abode Services and Allied Housing. The Town Places Suites project would convert an extended-stay hotel into 124 permanent, supportive affordable residential units known as Cedar Community Apartments. Additionally, the City has taken on a variety of other initiatives to address issues of homelessness. The Police Department conducts a more in-depth count of its homeless population on a regular basis. The City partners with Caltrans and Alameda County Human Services Agency to address homeless encampments on public property, and with the Fremont Family Resource Center to provide support to Newark households at risk of becoming homeless. It has also created a Homelessness Committee with members from various City departments to coordinate actions and responses to homelessness in the community. In May 2022, the Alameda County Board of Supervisors, along with City Councils throughout Alameda County, endorsed the Home Together 2026 Strategic Community Plan. The Plan is a five-year strategic initiative that centers racial equity, and identifies the strategies, activities, and resources needed to dramatically reduce homelessness in Alameda County. The City will continue to participate in the Home Together 2026 plan to address issues at the local and regional levels. City adopted a resolution declaring a shelter crisis in the City of Newark and authorized the City of Newark's participation in the Homeless Emergency Aid Program (HEAP); and further authorized the City Manager or his designee to execute all applications and agreements related to HEAP and other State and County funding sources for homeless populations. Resolution No. 10867 on December 13, 2018. • The City Council approved a Resolution (Resolution No. 11408) Project Homekey Standard Agreement which includes $38.2 million Homekey grant funds and $6 million City funds on 9/22/2022 for the conversion of an existing hotel to supportive housing Homekey project. • On 5/12/2022, City Council adopted a Resolution (Resolution No. 11,341) for Home Together, a county-wide initiative (Home Together 2026) to address homelessness.	

Program	5th Cycle Activity Summary	Status for 6th Cycle
3. Continue Repair and Rehabilitation Program	Each year, a portion of Newark's CDBG funds is dedicated to the Housing Repair and Rehabilitation Program according to a formula approved by the Alameda County Urban County jurisdictions. The City entered into an agreement with the County of Alameda for participation in the CDBG Program for FY20-21 and the Community Development Advisory Committee made recommendation to the City Council for the use of Jurisdiction Improvement funds for ADA compliance needs at Music Park and Civic Center park on February 18, 2020. Overall, the minor repair program has been very successful in the past. However, the home repairs in 2020 and 2021 were slightly lower than expected due to the COVID-19 pandemic. Conversations with county staff revealed that many homeowners were hesitant to allow contractors into their homes during the last two years out of fear of COVID-19 transmission. Nonetheless, the City of Newark has funded 49 projects in the current 5th Cycle. In discussion with the Alameda County HCD staff, there is no plan to change or substitute the program with any other during FY22-23. The City will continue to participate in the program and will increase community awareness of the program through various city communications tools. Through its continued participation, the City is expected to meet and likely exceed its goal of funding 65 projects by the end of the cycle.	**Ongoing.** Assuming continued CDBG funding, the City will continue to participate in the program.
4. Civic Center Replacement	Staff and consultants prepared a Newark Civic Center feasibility study (completed in June 2016) that assessed the facility needs for a new civic center. The study, informed by two City Council work sessions and a community meeting, included a brief description of locations throughout Newark that were considered for the new civic center. Ultimately, the feasibility analysis focused on the current civic center site as the location for the new civic center. There was no discussion of HE Program 4 as it related to the civic center site, and no discussion of affordable housing as a possible use of the site. The new civic center, which includes city hall, a police building, and library was completed in 2021. Additional analysis would be required to assess the feasibility for affordable housing on remaining city-owned portions of the site. The site retains the Residential High-Density zoning designation and Public-Institutional general plan land use.	**Not completed.** Affordable housing was ultimately not considered as a land use during the civic **center replacement** feasibility **study. Replacement of the civic center was the only project that was considered.**
5. Old Town Development Strategy	The City completed an Old Town Development Strategy in 2017 to facilitate the development of higher density housing in subareas N, M, and O of the Old Town area, with the goal of yielding 228 higher density housing units by 2022. In 2019, two community meetings were held (March 13 and	**Completed.** The City will work to further the recommendations of the Old Town Newark Specific

Program	5th Cycle Activity Summary	Status for 6th Cycle
	June 26) followed by a Joint Work Session on December 12th to develop the Old Town Newark Specific Plan. The City was granted a Planning Grant Program award of $160,000 for the preparation of this plan. In 2021, the City adopted the Specific Plan, which includes a feasibility analysis of sites within the area as well as various policies and strategies that are targeted at reducing barriers to housing in the area. For example, Policy LU-1 focuses on zoning amendments that strategically increase density in certain areas. Policy LU-16 revises zoning regulations to revise parking design standards and reduce the parking demands per unit, thus making units more affordable. Policy INF-1 & INF-2 recommend infrastructure improvements which increase water and sewer capacity which are needed to increase residential density in the area. Additional recommendations included as part of the plan are to reduce or eliminate development impact fees and require inclusionary affordable housing. Overall, the Plan recommendations and actions will add up to 400 residential units to the planned area, far exceeding the goal of 228 units.	Plan within the next few years to advance development.
6. Fair Housing Programs	The City signed an Inter-Governmental Collaboration Agreement for the Completion of the Analysis of Impediments to Fair Housing Choice for Community Development Block Grant Program on March 14, 2019 (Resolution No. 10,904). The Analysis of Impediments (AI) was completed in January 2020. To achieve the AI Metric and Milestone for Activity 1.c to "advocate for local federal/state laws that would improve fair housing protections for those experiencing barriers to accessing housing", the City of Newark's CDD will develop and adopt a fair housing ordinance by FY 2023 for consideration by the City Council. This ordinance will clarify and publicize the prohibition against discrimination in housing and will assist the implementation of Federal Fair Housing regulations. As part of the ordinance, the City will either refer or respond to fair housing complaints.	**Ongoing** programs and initiatives as documented in Section 3: AFFH.
7. Housing Accessible to the Disabled	The City has made it a priority to provide housing that is accessible to disabled people, who comprise 7.6% of the population in Newark, through universal design requirements. Pursuant to the Health and Safety code, HCD has specified that the Building Standards Commission provide documentation of these requirements in the California Building Code. Chapter 11A of the building code outlines the City's accessibility requirements for private housing, including a mandate for adaptable design in all ground floor units that was established in 2013, while Chapter 11B outlines	**Ongoing**. The City will continue to use Chapter 11A and 11B as an effective method to increase housing accessibility.

Program	5th Cycle Activity Summary	Status for 6th Cycle
	the requirements for public housing. During this 5th Cycle of Housing Elements, the City has approved 180 units with universal design. In 2018, the Newark Station Senior Apartments was built with universal design features. This complex, which can house 75 families, was the first affordable apartment community to be built in the City of Newark in at least 25 years.	
8. Seek Funds for Affordable Housing	The City applied for state, county, regional, and federal funds to construct housing for low income and special needs households as well as funding to provide infrastructure that supports housing development. For instance, the City applied for the Alameda County Measure A-1 Bond Competitive grant for $6.5 million. An investment of those funds will go to the Timber Street Senior Housing mentioned in Program 1. In addition, the City has raised money through impact fees from market-rate housing development per the Affordable Housing fee program adopted by Council in 2014. This ordinance is codified in Chapter 17.18 of the Municipal Code. The fee is based on square footage of the project: $21.52 per square foot of floor area is charged for the first 1,000 square feet and $8.62 per square foot is charged for floor area above 1,000 square feet, excluding garages, carports or common areas. To date, approximately, $24 million in impact fees have been deposited in the Affordable Impact Fee Fund to support projects or programs that preserve and/or increase the supply of affordable housing in Newark.	**Ongoing.** The City will evaluate funding each year and apply for funding as appropriate.
9. Adopt Reasonable Accommodation Ordinance	The City adopted an Ordinance in 2016 establishing the process for allowing flexibility within the zoning code for reasonable accommodation of access for the disabled. The ordinance includes: • Clear rules, policies, and procedures to promote equal access to housing and comply with fair housing and disability laws including but not limited to identifying who may request a reasonable accommodation (i.e., persons with disabilities, family members, landlords, etc.), timeframes for decision-making, and provisions for flexibility in the various land-use, zoning, or building regulations that may otherwise constrain housing for persons with disabilities. Chapter 17.37 of the City's Zoning Ordinance outlines the process for	**Ongoing.**

Program	5th Cycle Activity Summary	Status for 6th Cycle
	requesting a waiver to any zoning regulation to allow improvements to an existing building in order to provide reasonable accommodations for persons with disabilities. • Regularly monitoring the implementation of the jurisdiction's ordinances, codes, policies, and procedures to ensure they comply with the "reasonable accommodation" for disabled provisions and fair housing laws. • Reduced parking requirements for projects serving seniors and persons with disabilities (The Zoning Ordinance was revised in 2018 reducing parking requirements to 0.5 spaces per unit, inclusive of guest parking).	
10. Rezone Dumbarton TOD	Development in the Dumbarton Transit Oriented Development (Site Q) is governed by a Specific Plan which has numerous requirements and amenities. The Specific Plan supports and controls development within the 200-acre area, promoting a comprehensive development plan to encourage the creation of a livable community designed for compatible neighborhoods with connectivity to parks, open space, the future Transit Station, and commercial services. These important project elements are assured concurrent with the rezoning application. Most of the Specific Plan has been built-out or is under construction. Construction activities include the previously approved residential uses, streets, sidewalks, landscaping, utilities, and open spaces. The Specific Plan limited residential development to 2,500 units for the entire Specific Plan area. To date, approximately 1,836 units have been approved or constructed. In February 2021, staff provided City Council with an overview of the rezoning activities within the Dumbarton TOD, now known as Bayside TOD. The Bayside TOD developer has summarized development of approved projects, the development that was anticipated in the Specific Plan, and the development table including the current project under review, FMC Willow.	**Completed.** The Bayside TOD area will be built out in phases, with plans for the last site to be entitled before the end of 2023.

B. Housing Plan: Goals, Objectives and Policies

This Chapter pulls from what the city has learned from extensive community engagement and data, to develop seven goals to further affordable housing production and housing mobility, increase opportunity and protect residents from displacement. The programs have an implementation timeline of immediate (0-3 years) mid term, (3 to 5 years), long term (5-8 years) and ongoing programs. The city will track program progress through the identification of responsible department and performance metrics through the 6th cycle.

IMMEDIATE: 2023-2025

MID TERM: 2026-2028

LONG TERM: 2029-2031

ONGOING: This is an existing policy or program that will be continue to be implemented

GOALS

GOAL H1: Preserve + Improve Existing Housing

POLICY H1: Leverage local funds to supplement county, state and federal funding to support the maintenance, rehabilitation and preservation of existing rental and ownership housing.

GOAL H2: Facilitate the Development of More Homes for More People

Supporting the development of housing that is affordable and accessible to all segments of the community.

POLICY H2.1: Create opportunities for new housing for moderate income households through zoning adjustments to promote missing middle housing types such as courtyard housing, duplex and small multi family homes.

POLICY H2.2: Second Units. Recognize second units (also known as Accessory Dwelling Units (ADUs) and in-law apartments) as an important part of Newark's housing supply and continue to allow such units, subject to parking, ownership, and size standards that are consistent with State law. [ongoing]

POLICY H2.3: Promote and facilitate new affordable housing partnerships with various organizations with different housing needs that include but are not limited to the following:

- Community serving nonprofits
- Newark Unified School District
- Community college districts

POLICY H2.4: Work with community partners and property owners to revisit a community visioning plan for the Four Corners neighborhood/community commercial area.

POLICY H2.5: Support programs aimed at housing vulnerable and special needs populations. Monitor the need for housing for seniors across all income groups and for various levels of care, and support programs and incentives that encourage the development of a variety of age-friendly housing options.

POLICY H2.6: Develop and adopt a Universal Design Ordinance to ensure new construction is accessible to residents in all phases of life and regardless of their physical abilities.

POLICY H2.7: Update the existing Reasonable Accommodation requirements of the Zoning Ordinance and adopt [Ongoing]

POLICY H2.8: Support regional homeless initiatives and develop robust and equitable local responses to people experiencing homelessness.[Ongoing]

POLICY H2.9: Increase housing for large households as stated in the Affordable Housing Work Plan (which may be amended from time-to-time). Large households are defined as those with five or more people. The city will review existing site development regulations and design guidelines to ensure that the city is not unintentionally restricting housing designs that meet the needs of extended, multigenerational, and/or large families such as 2 + bedroom units, to reduce overcrowding and assist in maintaining the affordability of existing housing stock.

POLICY H2.10: Evaluate annual housing production targets to ensure the city is meeting the RHNA goals.

GOAL H3: Reduce and Remove Constraints to Affordable Housing Development

Removing barriers to developing affordable housing is key in meeting the goal of providing housing that is accessible to all residents, regardless of income and responsive to the unique ecological and natural environment of the city.

POLICY H3.1: Allow By-Right Approval of Projects with 20 Percent Affordable Units on

"Reused" Sites. Pursuant to AB 1397, amend the Zoning Ordinance to require by-right approval of housing development that includes 20 percent of the units as housing affordable to lower-income households, on sites being used to meet the 6th Cycle RHNA that represent "reuse sites" previously identified in the 4th and 5th Cycles Housing Element, and on sites that are subject to a text amendment to accommodate the lower-income RHNA.

POLICY H3.2: Increase certainty of entitlement procedures and accessibility to resource information for developers. Prepare a comprehensive set of guidelines and associated process diagram for all of the city's processes and fees related to residential development generally and affordable housing specifically.

POLICY H3.3: Ensure there is a sufficient supply of multifamily and single-family zoned land to meet the housing needs identified in the Regional Housing Needs Allocation (RHNA).

GOAL H4: Help People Stay in Their Homes and Communities

POLICY H4.1: Develop programs that support homeowners and tenants remain in their homes and communities with a focus on low and moderate income residents and BIPOC households.

POLICY H4.2: Preservation of unsubsidized affordable units. Many low income residents depend on unsubsidized housing at below market rates, which is vulnerable to investment and speculation. Work with nonprofit organizations that may acquire at-risk projects to extend affordability of existing unsubsidized affordable housing for lower-income households. These policies aim to prevent displacement of low-income BIPOC communities, long-term renters, and other marginalized residents by preserving currently affordable housing and creating pathways for permanent affordability.

POLICY H4.3: Sites Acquisition for affordable housing. The city will proactively work to identify opportunities for partnering with other local public sector agencies and private landowners to acquire sites for affordable housing, as well as to seek creative ways of partnering with developers to include affordable units in market-rate projects.

GOAL H5: Increase Access to Affordable Housing

POLICY H5.1: Continue to generate funding for affordable housing and seek additional funding opportunities as they arise.

POLICY H5.2: Bring home ownership within reach for Newark residents. Develop a BMR homeownership program, and down payment assistance programs, with a focus

on first time home buyers.

POLICY H5.3: Prioritize the use of City-owned property for affordable housing prior to other uses (if the sites are feasible and appropriate for housing), and prioritize housing for extremely low income households.

POLICY H5.4: Amend the existing Inclusionary Housing Ordinance to require on-site production of units rather than allowing the payment of an in-lieu or impact fee to support increased access to affordable housing opportunities across the city and in high opportunity areas.

POLICY H5.5: Develop an affordable notice of funding availability (NOFA) that will be released regularly to incentivize new developments consistent with the City's goals of increasing affordable housing opportunities for residents that are families, low income seniors, and residents with disabilities.

GOAL H6: Enhance Quality of Life | Equity and Environmental Justice

POLICY H6.1: Identify the various existing and potential funding sources for infrastructure / public facility needs, including local, State, and Federal money.

POLICY H6.2: Urban Centers. Implement existing specific plans for NewPark Place and Old Town, creating locations in Newark which are more urban and pedestrian-oriented in character than they are today. These areas will be transformed over time into mixed-use centers with retail, office, civic, and higher density housing uses. [Ongoing policy]

POLICY H6.3: Land use and transportation policy that encourages active transportation and transit oriented development. Make land use and transportation decisions that reduce emissions, including promotion of walking and bicycling, improvements to public transportation, and a jobs-housing balance that reduces vehicle commute miles.

POLICY H6.4: In partnership with local non profits and city departments, work to promote energy efficiency and wise water use in new and existing residential buildings in order to reduce energy costs, provide quality and resilient housing, improve building comfort, and reduce greenhouse gas emissions.

POLICY H6.5: Allow and encourage green building practices and energy efficient construction, such as Cross Laminated Timber buildings, solar installations, and electrification of buildings.

POLICY H6.6: Urban Heat Island Effect. Develop standards and requirements for municipal projects that can incorporate natural cooling techniques to reduce the urban

heat island effect.

POLICY H6.7: Residential Development in the FloodPlain. Limit development within low-lying areas at high risk from flooding. Require any new residential development, including streets and other surface improvements, to be constructed above the 100-year flood elevation.

GOAL H7: Further Fair Housing Throughout the City

POLICY H7.1: Improve awareness, access, and use of education, training, complaint investigation, mediation services of the fair housing service provider, particularly in areas sensitive to displacement, low-income, racial/ethnic concentration, disability or other fair housing considerations.

POLICY H7.2: Promote affirmative marketing in affordable housing programs to enable mobility among low-income residents and BIPOC residents in areas of poverty and segregated neighborhoods.

POLICY H7.3: Address barriers to renting and increase tenant support. Low income households and people experiencing homelessness face obstacles that prevent them from accessing housing that is affordable to them.

PROGRAMS

PROGRAM H1.1: Housing Rehabilitation and Repair Programs

Continue partnership with Alameda County's housing rehabilitation and minor home repair programs, Renew Alameda County, and contracting with Rebuilding Together Oakland East Bay. Encourage participation in these programs by Newark property owners for the maintenance of local rental homes and homeowners. The City shall continue to apply for Community Development Block Grant (CDBG) funds on an annual basis. The City shall give high priority for the expenditure of a portion of CDBG funds for housing rehabilitation, and directly contract with the County to administer the housing rehabilitation services. The City shall also use HOME funds, as available and appropriate, to support housing rehabilitation for lower-income households.

Quantified Objective:	The City plans to support 13 households per year with home rehabilitation. The city will facilitate place-based revitalization by focusing on lower-income households with rehabilitation programs and promoting availability of programs in areas with a high concentration of housing in need of rehabilitation and repair, such as the Old Town and Mirabeau Park areas.
Responsible Agency:	Community Development Department

Timeline:	ONGOING: Continuation of existing program
Funding Source(s):	HOME and CDBG funds as available

PROGRAM H1.2: Develop citywide rental inspection program to maintain high quality housing throughout the city.

Rental Inspection Program / Landlord Registration. The Rental Inspection Program enhances the quality of rental properties and thereby the quality of life for tenants throughout the City and ensures that all rental properties are maintained in accordance with City standards. City inspectors inspect rental properties for code violations and will issue corrective reports with recommendations for improvements to property owners/landlords and tenants. The property owner will be expected to have the property reinspected to ensure the repairs have been made. Examples of reportable issues include: roof leaks, unsafe fire conditions, mold, unsafe stairs and lead based hazards per AB 838.

Quantified Objective:	Update Newark's Community preservation and nuisance abatement ordinance to create a proactive citywide rental inspection program, and develop an online reporting system for tenants to report substandard housing conditions. Support 12 rental units in improved condition per year.
Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE: Program developed by June 30, 2024
Funding Source(s):	Affordable housing fund, Community Development Maintenance Fund

PROGRAM H2.1: Develop new housing options in areas of the city close to services such as parks, schools and grocery stores, with existing infrastructure.

Missing middle housing will provide for an increase in housing choice in established single family neighborhoods, enabling more moderate income homes within walking distance to schools and parks. SB 9 requires ministerial approval of housing developments containing no more than two residential units on lots zoned for single family residences. Adopted simultaneously with SB 9, SB 10 provides for SB 10 allows local agencies to adopt ordinances to permit up to 10 dwelling units on any parcel, at a height specified in the ordinance, if the parcel is within a transit-rich area or urban infill site. Implementing SB 9 and SB 10 ordinances, along with pursuing Program H2.8: Zoning for MIssing Middle Housing Types, will provide additional opportunities for new housing in a variety of neighborhood types throughout the city.

Quantified Objective:	Draft and implement SB 9 and SB 10 ordinances to provide additional opportunities for missing middle housing. Review the City's Zoning Ordinance and Subdivision Ordinance and implement updates as needed to provide clarity and facilitate housing development under SB 9. These include adopting updated definitions, use regulations, development standards, and ministerial processes. Production and affordability will be monitored every two years and alternative actions will be implemented if necessary to meet the RHNA. In coordination with research being conducted at the State level, pursue opportunities to incentivize and provide funding assistance for homeowners to provide affordable units under SB 9 to further housing opportunities and more affordable homeownership options in high opportunity areas. Develop and implement the City's SB 9 Ordinance to expand the housing supply in single-family zones by allowing for lot splits, cottage housing developments, triplexes and duplexes. 120 moderate income SB 9 units developed during the housing element cycle, with a focus on expanding housing opportunity in neighborhoods in the northern portion of the city. Through programs such as H3.2, Objective Design Standards and H3.5, Parking standards update and study, the city will be able to ensure that development standards, including parking and open space requirements, are not a constraint to development. Adopt an SB 10 Ordinance to allow up to 10 units to be developed on smaller residential parcels throughout the City, with a goal to produce 80 units of missing middle housing, targeting 75% of these units in neighborhoods in the northern portions of the city, including Lake-Rosemont, Mirabeau, and Mayhews Landing Neighborhoods. The quantified objective for Missing Middle for Programs H2.1 and H2.8 is a total of 200 units.
Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE: Ordinance developed by June 30, 2025
Funding Source(s):	Community Development Maintenance Fund

Missing Middle Housing
House-scale buildings with multiple units in walkable neighborhoods. These building types, such as duplexes, fourplexes, cottage courts, and backyard cottages (accessory dwelling units), provide diverse housing options and support locally-serving retail and public transportation options.

PROGRAM H2.2: Accessory Dwelling Unit (ADU) Program.

Develop tools to support uptake of accessory dwelling units production in Newark, in collaboration with Alameda County. Newark will comply with state law until the updated existing Accessory Dwelling unit ordinance is in compliance with state law.

Accessory Dwelling Unit Incentive Program. Develop a program to incentivize construction of ADUs that are deed-restricted for very low, low, and moderate income households.

Quantified Objective:	• Increase viability and uptake of accessory dwelling units though through a multi pronged approach. Develop an ADU calculator to be available for Newark residents, pre approved plans, and increase community outreach, in partnership with Alameda County. • Work to develop a series of incentives and a low interest loan program (if feasible in collaboration with Alameda County) to bring more ADU production for affordable rental housing to the city, specifically in areas that are identified as high in opportunity by the Tax Credit Allocation Committee. • Per SB 897, Increase height limits for detached accessory dwelling units on a lot with an existing multifamily or multistory building to 18 feet and 25 feet if the unit is attached to a primary dwelling. • Per AB 345, Accessory Dwelling units built or developed by non profit entities to be sold separately from the primary residence to a qualified buyer. • Remove parking requirements
Responsible Agency:	Community Development Department, Alameda County
Timeline:	IMMEDIATE: ADU Community outreach to begin in 2024, pre approved plans to be finalized by 2025. The Alameda County ADU Resource website will function as a resource for community members interested in constructing an ADU. The site currently includes an ADU calculator and in the future will include a how to handbook and instructional videos. MID-TERM: Accessory Dwelling Unit Incentive Program developed by June 30, 2026, with the goal of 144 very low, low and moderate income units with 25% in high opportunity areas, and 160 total units constructed during the housing element period.
Funding Source(s):	Community Development Maintenance Fund, Housing Impact Fund

PROGRAM H2.3: Investigate opportunities in the Four Corners area to facilitate market-rate and affordable housing and promote neighborhood revitalization through increased mixed use development and walkability.

Quantified Objective:	Creation of a community guided plan for the Four Corners area (in between Lake-Rosemont and Mirabeau Neighborhoods), to bring housing and local retail to the area. The plan will consist of community engagement, with the objective of developing community-led decision making around housing, commercial space and public infrastructure improvements. As a key element of the community guided Four Corners area plan, the city will incorporate the Transit Oriented Communities (TOC) development policies and requirements as a portion of the Four Corners area is within a transit priority area. The Four Corners area is zoned for community commercial, which does not allow for residential development by right, but housing may be considered as a component of planned developments within these areas in the event a shopping center is reused. The regulations provided in AB2011 are available to property owners, to facilitate the redevelopment of older underutilized strip malls in the Four Corners area. For example, per state law AB2011, 4.5 acres of underutilized land can be developed with mixed income housing at 80 dwelling units per acre due to being within 0.5 miles of the proposed Ardenwood rail stop as part of the South Bay Connect rail realignment project.
Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE: Community outreach in 2024, MID TERM: neighborhood plan developed by June 30, 2025, rezoning completed by December 31, 2025
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H2.4: Universal Design Ordinance.

This program supports residential development that incorporates Universal Design features to meet the needs of as many users as possible. The intent is to reduce the potential for occupants to be displaced from their homes due to a disability, to allow those persons to visit neighboring dwelling units, and to increase the number of accessible dwelling units in the local housing supply that meet long term housing needs by creating a process that facilitates this type of accessible design.

Quantified Objective:	Develop a Universal Design ordinance for new construction of single family, accessory dwelling units, duplex and building 20 units or larger.
Responsible Agency:	Community Development Department, Building Division
Timeline:	MID-TERM: Program developed by June 30, 2025
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H2.5: Develop a local response to support people experiencing homelessness.

Develop a local response to support people experiencing homelessness, with specific attention to the racial disparities and large population of youth and families.

Quantified Objective:	The City of Newark adopted a resolution endorsing the Alameda County Home Together 2026 Implementation Plan to address homelessness. Newark is preparing a local homelessness plan intended to be consistent with the Home Together 2026 Plan, which will further the objectives of the County plan. The City will maintain a city webpage to (www.newark.org/residents/homelessness) provide a connection to resources for those at risk of, or experiencing homelessness. The City has responded to homelessness needs by proactively partnering with an affordable housing developer and services provider to create and support 124 units of housing for homeless households and people at risk of becoming homeless. To develop this plan, the City shall work with the appropriate homeless agencies, community stakeholders, and faith-based organizations to identify new strategies, funding, and opportunities to provide new emergency shelter and transitional housing options and address the needs of 40 unsheltered persons (in addition to the completed 124-unit HomeKey project) annually in need of emergency shelter or temporary housing.
Responsible Agency:	Community Development Department/City Manager's office
Timeline:	IMMEDIATE: Homelessness plan developed by the end of 2024
Funding Source(s):	Housing Impact Fee Fund

PROGRAM H2.6: Work in Partnership with the Newark Unified School District

Work in partnership with the Newark Unified School District to plan for affordable housing production and build upon the existing partnership between the City of Newark and Newark Unified School District Liaison Committee. Collaborate to bring forward cohesive and implementable plans for District owned properties, and expand the accessibility of housing resources for families, educators and staff in the district. This program will also expand housing opportunities throughout the city, into high opportunity, predominantly single family neighborhoods.

Quantified Objective:	Develop a strategy in collaboration with the Newark Unified school district and the community on a long term development plan and funding for the redevelopment of school district owned sites. AB 2295 supports housing development on property owned by a local educational agency for teachers and staff on both active and vacant district owned properties. AB2295 establishes minimum standards for development, including a minimum of 10 units, deed restricted for affordability for 55 years and be offered to district teachers and staff. The units are required to be for low and moderate income households, with thirty percent of units required to be for very low incomes. The development standards are 35 feet, with a minimum density of 30 dwelling units per acre.
Responsible Agency:	Community Development Department, City Manager's office, Newark City Council, Newark Unified School District
Timeline:	MID-TERM: Program developed by end of year, 2025
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H2.7: Affordable Housing Development Fund

The city will provide financing for affordable housing construction of at least 343 lower-income units. They are sites 13,11,9 on the sites inventory. The housing will serve very low to moderate income households, with an emphasis on young families, key workers (teachers, first responders, etc.), individuals and families at risk of homelessness, people with disabilities and other special housing needs, and low-income senior citizens.

- **SAHA Development: 6347-6375 Thornton Avenue**
  New construction with a total of 56 very low income units, with one on site management unit. 16 units are 3 bedroom units that are suitable for larger families, a housing priority for the city of Newark. The site is located along Thornton Ave, in a moderate resource area as defined by TCAC.
- **37660 Timber Street: Timber Senior Housing**
  New construction of 78 very low and low income housing units for seniors. The site is located in an area identified as a moderate resource area. The development is close to transit and services – less than a quarter of a mile to a bus station with easy access to

downtown Newark and the Fremont and Union City BART stations. Near the site is a retail plaza with restaurants, dentists and optometry offices. The NewPark Mall is a five minute bus ride away and Newark Civic Center is less than a mile from Timber Street. The project is being funded by measure A funds, and a significant contribution from the city of Newark from the affordable housing fund. Construction is slated to begin in 2022.

- **Cedar Community Apartments at Towne Place Suites, Project Home Key development** As a Project Home Key development, the Cedar community apartments are the reuse of an existing extended stay hotel. The development will result in 124 supportive units affordable to extremely low-income households, with 12 units set aside for veterans and one manager's unit. Cedar Community Apartments is located in an area identified as high resource by TCAC in close proximity to schools, shopping and the Silliman Activity and Family Aquatic Center.

Quantified Objective:	Support the development of at least 343 lower-income units.
Responsible Agency:	Community Development Department, City Council
Timeline:	Ongoing
Funding Source(s):	Affordable Housing Impact Fee Fund, Alameda County Measure A1, Home Key Grant Funds, Launch Initiative

PROGRAM H2.8: Zoning for Missing Middle Housing Types.

Along with the implementation of SB 9 and SB 10 through Program H2.1, the City shall review and amend the Zoning Code and applicable design guidelines to encourage and promote a mix of dwelling types and sizes, specifically missing middle-density housing types (e.g. courtyard housing, duplexes, triplexes, fourplexes) to create housing for middle- and moderate-income households and increase the availability of affordable housing in a range of sizes to reduce displacement risk for residents living in overcrowded units or overpaying for housing.

Within 12 months of Housing Element Adoption, staff shall recommend a specific proposal to the city council for consideration and adoption to increase baseline density to at least 15 dwelling units to the acre in key high opportunity areas in RL zones. Recommendations would include amendments to zoning, appropriate development standards to facilitate maximum densities including but not limited to: eliminating minimum lot size requirements, reducing setbacks, increasing FAR and eliminating minimum unit size requirements. In addition, the city will adopt a development standard waiver system for cases when development standards may preclude development to the maximum allowable density. The City shall evaluate the effectiveness of meeting missing middle housing targets of these strategies in 2027, including but not limited to further increasing development intensity in RL zones within the following year to achieve more inclusive neighborhoods throughout the City.

Quantified Objective:	To remove constraints and better encourage small multi-family developments in the RS, RL, and RM zoning districts, particularly in the northeast area of the city, including Lake-Rosemont, Mirabeau, and Mayhews Landing neighborhoods, zoning text amendments will be implemented. Zoning text amendments to may include, but are not limited to: ● Minimum Lot Size: 5,000 square feet for all building types. ● Minimum Lot Width: 50 feet for all building types. ● Parking Requirements: Parking requirements include a minimum of 1 space per unit for a multifamily dwelling outside the specific plan areas and mixed-use zones, Remove requirements for covered parking spaces, allow parking to be located within required setbacks, and remove guest parking requirements. ● Open Space Requirements: Review 400 square foot/unit requirement in RL zoning districts. ● Study feasible densities, identify sites, corridors, and neighborhoods for intensification. Develop a strategy to increase allowable densities to at least 15 du/ac, housing choices and affordability in RL and high opportunity areas with a target of 200 moderate-income units in the planning period (as noted in Program H2.1) Zoning text amendments will be implemented to support the overall strategy to encourage small, multi-family developments. The City shall evaluate the effectiveness of meeting missing middle housing targets of these strategies by 2027, including but not limited to further increasing development intensity in single family zones within the following year, to achieve more inclusive neighborhoods throughout the City.
Responsible Agency:	Community Development Department, City Council
Timeline:	IMMEDIATE: Community engagement and zoning changes by December 31, 2024
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H2.9: Area Specific Plans

NewPark Place Specific Plan The multi phase redevelopment of a shopping mall, will bring new mixed-use residential development to the area. The City worked closely with Brookfield on entitlements for Phase A, with plans for new mixed income housing and a Costco. Subsequent phases will include additional residential development, small scale retail and pedestrian infrastructure such as bike lanes and human scaled streets.

Though Phase A entitlements have now expired, the City will continue to partner with the developer to implement the Newpark Place Specific Plan to meet the affordable housing goals of the City of Newark.

The original entitled project included a total of 319 units, 29 of which would be affordable (4 very low, 9 low, and 16 moderate). The project included 3,700 square feet of ground floor retail, 12,900 square feet of amenities (such as a bike shop, club room, co-work space, and fitness center), a pool courtyard, and enclosed parking. Along Alpenrose Drive, the structures was planned to be six stories, with five residential levels over ground floor retail and amenities.

Old Town Specific Plan The Old Town Newark Specific Plan, adopted September 23rd 2021, sets forth a community informed plan to support public and private investments in the historic neighborhood. The planning area is envisioned as a mixed-use area that accommodates a range of housing types, retail and service business, expanded public spaces, and mobility improvements. To anticipate this development, this Specific Plan:

- Refines zoning regulations to align with market conditions and balance community desires for form and massing
- Develops programs to support investment in the community and continued affordability for people who live and work in the community today
- Identifies streetscape improvements for Thornton Avenue
- Provides scenarios and prototypes for how future development could build out in the Commercial Mixed Use (CMU) and Residential Medium (RM) Zoning designations

Zoning Amendments: Modifies zoning standards in the Commercial Mixed Use (CMU) and Residential Medium (RM) districts to align development standards, use requirements, and design standards with current market conditions and building types.

Streetscape Improvements: Identifies a streetscape plan for Thornton Avenue as a catalyst for neighborhood revitalization and investment of new housing. The streetscape plan will complement improvements in the private realm and create a safe destination for residents and visitors, whether on bike, foot, or in a vehicle.

Bayside Newark A Transit Oriented Development community to be built next to the proposed Dumbarton Commuter Rail station. Due to the proximity of high capacity transit, this area is also a

priority development area for Newark.

On 9/22/22, The City of Newark approved land use modifications proposed by Lennar Home Builder, FMC Corporation, and Integral Communities within the FMC Willow and Grand Park portion of the Bayside Newark Specific Plan area. The proposed modifications would redevelop the 22.1-acre site into a 370-unit multi-family community including 279 townhouse units, a 1.6-acre mixed-use area with 3,600 sq. ft. of retail, club room, fitness center, and 90 affordable units (plus 1 manager unit) within a 6-story building, a 5-acre community park (Grand Park), and a 1,485 sq. ft. community building, along with approx. 1.8 acres set aside for the future Dumbarton transit station.

The South Site of the project, known as "FMC Willow South", (Grand Park, PA 3, and PA 4) would include a 1,485 square foot community building, 123 multifamily units, and 92 townhomes for a total of 215 units. The 123 units would be UA Split (multifamily), and 92 would be UA Towns (townhomes). The UA Stacks would have 5 floorplans ranging from 1,696 square feet to 2,015 square feet. The UA Splits would have a standard option with 4 floorplans ranging from 1,307 square feet to 2,108 square feet and a 4-story option with 4 floorplans ranging from 1,307 square feet to 2,422 square feet. The homes would be 3-5 stories high.

Quantified Objective:	1,594 total units for the three specific plan areas. 147 very low, 101 low, 82 moderate and 1,263 above moderate units.
Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE, MID- and LONG-TERM: Development underway and though 2031
Funding Source(s):	Development within Area Specific Plans are privately financed. Community Development Maintenance Fund

PROGRAM H2.10: Single Room Occupancy Housing

In order to expand the housing options in Newark, the city will support a wider variety of housing types that would be accessible for low-income working people, retirees, people receiving disability payments and newcomers to the area. Single Room Occupancy (SRO) units provide small units for a single person, with shared amenities such as kitchens or bathrooms. Along with commitments in Program H4.10: Zoning Ordinance Amendments for Special Needs Housing, the City shall update the zoning code to facilitate the development of more SROs and small units.

Quantified Objective:	In order to support an increase in this housing type in the city, SROs will be permitted use in Residential Medium Density, Commercial Mixed Use and Residential High Density, with a priority for SRO development to occur along transit corridors. Review and update existing development standards (Chapter 17.26.230), including parking requirements, to ensure

	they are not a barrier to the development of SROs. City fees for SRO projects will remain in line with fees for multifamily projects.
Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE: updates to land use regulations in zoning code by early 2024. SRO development standards and fee requirements to be reviewed and updated as necessary by December 2024.
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H3.1: Streamline Ministerial Approval Permit Procedures

The City will review and update its approval processes to ensure it accommodates streamlined applications, pursuant to Senate Bill 35.

Quantified Objective:	Prepare and publish administrative procedures by 2024 for the processing of housing developments eligible for streamlined review pursuant to SB 35. Assign a staff member to support the streamlined development review process. This staff person will be a point of contact for affordable housing developers that will work to create a clear and streamlined process.
Responsible Agency:	Community Development Department
Timeline:	MID-TERM: Prepare and publish new procedures by 2024, assign staff as necessary to achieve the objective by June 30, 2026
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H3.2: Develop objective design standards for single family and multi family developments and infill housing.

Identify parking standards, setbacks and height standards to facilitate development that is responsive to fluctuating costs and results in high quality design.

Quantified Objective:	Develop new objective design standards that result in designs that reflect the needs of the community while supporting new developments that are responsive to local ecological conditions and climate change while reducing development costs where applicable.
Responsible Agency:	Community Development Department

Timeline:	MID-TERM: Ordinance and zoning changes implemented by June 30, 2024
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H3.3: Assess and update impact fees

Assess and update impact fees as required to ensure that it is in line with neighboring jurisdictions and not a hindrance to development.

Quantified Objective:	The city will undergo a comprehensive impact fee study to assess and update the impact fee structure to reflect the needs of the community and ensure fee structure is in line with neighboring jurisdictions. • Currently the policy in the Old Town Specific Plan area is to temporarily reduce fees to encourage development. • The city will provide a fee waiver for senior and housing for people with disabilities
Responsible Agency:	Community Development Department/Finance Department
Timeline:	IMMEDIATE: Study would be part of the Affordable Housing work plan.
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H3.4: Adjust zoning to allow mixed use in current Commercial zones

In order to align zoning with planned development areas and associated policies of developing pedestrian friendly, walkable neighborhoods, the city proposes to utilize State laws SB6 and AB 2011 to encourage residential and mixed use developments in current commercial zones. A project proposed under SB 6 may be either a 100-percent residential project or a mixed-use project where at least 50 percent of the square footage is dedicated to residential uses. SB 6 projects are not exempt from CEQA but need not provide any affordable housing. SB 6 projects are required to pay prevailing wages and utilize a "skilled and trained workforce." Although there is a possibility that including commercial space in a mixed use development could be viewed as a constraint, the community and City Council are interested in mixed use, walkable environments that support a variety of uses.

Quantified Objective:	Amend the City's Neighborhood Commercial and Community Commercial zones and land use code to create objective standards for mixed-uses and facilitate the redevelopment of commercial sites to mixed-use.

Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE: Program developed by June 30, 2025
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H3.5: Parking standards update and study

Parking can be a significant portion of the cost of developing new housing. Research and develop new parking standards for residential developments that align with neighboring jurisdictions and are reflective of the community needs and development costs. Although the Dumbarton rail project is proposed for Newark, there is no firm timeline for its development. Due to limited frequent public transportation in the city, many residents are car dependent in order to access employment and other basic needs which reflects the extent of parking reductions.

Quantified Objective:	Update the Zoning Ordinance to encourage infill development for housing for persons with disabilities, senior housing, accessory dwelling units. Engage with the development community to discuss changes to parking minimums. Identify and implement parking requirement reductions in NMC 17.23.50, eliminating parking minimums for ADUs, and/or unbundled parking from the dwelling unit for large housing projects. Revised parking changes include: ● Senior Parking: Reduce from 1 space per unit to .5 spaces per unit ● Remove parking requirements for ADUs ● Two Unit Dwelling : Remove the guest parking requirement ● Multi Unit Dwelling: ○ Reduce covered parking requirement to 0.5 spaces per unit ○ Reduce guest parking to 0.25 spaces per unit ○ Reduce overall parking requirement for studios and one bedrooms to 1 space per unit. ○ Reduce 2-plus bedroom requirement to 1.5 spaces per unit with 0.25 spaces for guest parking. Provide more opportunities for alternatives to individual automobile such as: ● CAR SHARING One stall reduction for each stall dedicated and designated for use by a locally-operating car sharing program, such as Zipcar. ● ON-STREET PARKING CREDIT One-half stall reduction for each new public, on-street parking stall provided as part of a project (through the installation of angled or perpendicular spaces with bulb-outs and curbs or other methods).

	• BICYCLE PARKING CREDIT One stall reduction for every five, non-required bicycle parking spaces provided on the site (beyond the standard requirements. Analyze and revise as necessary existing standards for SROs, small multifamily (Missing Middle), and shared parking.
Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE: Parking requirement updates in zoning code in 2024
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H3.6: By-Right Approval of Projects with 20 Percent Affordable Units on "Reused" Sites.

Pursuant to AB 1397, amend the Zoning Ordinance to require by-right approval of housing development that includes 20 percent of the units as housing affordable to lower-income households, on sites being used to meet the 6th Cycle RHNA that represent "reuse sites" previously identified in the 4th and 5th Cycles Housing Element. The nine sites listed in Table 6-2 will be adjusted by text amendment to accommodate the lower income RHNA as needed.

Table 6-2: Assessors Parcels Numbers Subject to AB 139, 2022

Site Number	Assessor Parcel Number
8	92-30-16-2; 92-30-15-2; 92-30-17-2; 92-30-14-3; 92-30-18-4
9	92-31-15; 92-31-16-2
15	92A-900-1-2
16	92-29-13; 92-29-19-2; 92-29-18-2; 92-29-17-2; 92-29-16-2;92-51-2-3; 92-29-20-2; 92-51-5-3
17	92A-2125-17 92A-2125-11-2' 92A-2125-13
18	92A-2585-32
19	92-50-13
21	92-255-11
22	92A-2375-32
23	92-131-3; 92-131-2-4; 92-131-1-9

Quantified Objective:	602 total units, 304 very low and low income units, 67 moderate income units and 231 above moderate income units.
Responsible Agency:	Newark City Council, Community Development Department, Planning Commission
Timeline:	IMMEDIATE: Text amendment within one year of Housing Element Adoption
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H4.1: Develop Anti-Displacement Programs for the Old-Town Newark Specific Plan Area.

Quantified Objective:	Apply local preference ordinance to new residential development in the Old Town area. Convene an Old Town community working group composed of residents, youth and business owners in the neighborhood. This group will work with staff to develop neighborhood priorities for an anti displacement program for the Old Town Newark Specific Plan area that supports community residents and small businesses to stay in place.
Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE: Local preference policy, 2024. MID-TERM: Anti displacement implementation program developed by June 30, 2026
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H4.2: Develop a Tenant/Community Opportunity to Purchase Policy

Develop programs to support renters stay in their homes and create opportunities for home ownership through a Tenant Opportunity to Purchase or Community Opportunity to Purchase (COPA and TOPA). A TOPA/COPA policy can also facilitate homeownership for tenants by creating limited equity housing cooperatives or other ownership models, enabling increased wealth-building opportunities for BIPOC communities who have historically been denied access to homeownership.

Work with community members, community-based, mission-driven entities, housing providers, real estate professionals, and other relevant stakeholders to review best practices and lessons learned to develop a report with recommendations for the implementation of a small sites program and COPA / TOPA policy in the City of Newark.

Quantified Objective:	The recommendations will include a framework for an ordinance, administrative and supportive policies, program process and design, community engagement plan, and identification of costs and funding sources for implementation.
Responsible Agency:	Community Development Department
Timeline:	MID-TERM: COPA and TOPA ordinance and program developed by June 30, 2026
Funding Source(s):	HOME funds

PROGRAM H4.3: Develop a Just Cause Eviction Ordinance

Just Cause ordinances prohibit landlords from ending a tenancy or evicting a tenant without a specific reason.

Quantified Objective:	Develop and implement a just cause eviction ordinance for the city to cover tenants under state law when AB 1482 expires in 2029. Support 15 low income residents per year to stay in their homes.
Responsible Agency:	Community Development Department, City Council
Timeline:	MID-TERM: Program developed by June 30, 2025
Funding Source(s):	Housing Impact Fund

PROGRAM H4.4: Small Sites Program

Develop a small sites funding funding program that enables nonprofit housing providers to acquire market-rate multifamily properties that are less than 25 units and convert these buildings to affordable housing.

Quantified Objective:	Develop an RFP for small sites program. Recipients of funding from the Small Sites Program sign a 55-year regulatory agreement that governs the income limits for tenants and rents that can be charged. The program will focus on the Old Town/ Central area, identified as vulnerable to displacement, and with higher concentrations of low income residents.
Responsible Agency:	Community Development Department
Timeline:	MID-TERM: Program developed by June 30, 2027
Funding Source(s):	

PROGRAM H4.5: Connect Residents to Existing Shared Housing Programs

With community partners, connect residents to existing shared housing programs to support those in need of affordable housing and seniors in need of additional income to remain in their homes.

Quantified Objective:	Work to connect 20 residents per year to existing shared housing resource programs through non profit partners for Newark such as the Home Match program.
Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE: Program implemented by June 30, 2025
Funding Source(s):	Housing Impact Fund

PROGRAM H4.6: Support Tenant Stability Though Minimum Lease Terms and Relocation Assistance.

Quantified Objective:	Develop an ordinance outlining minimum lease terms and relocation assistance for renters
Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE: Program developed by June 30, 2024
Funding Source(s):	Affordable Housing Fund

PROGRAM H4.7: Identify Housing Opportunities For Those With Developmental Disabilities

Work with community partners such as the Housing Consortium of the East Bay, to identify scattered smaller parcels that would be suitable for affordable housing, and the inclusion of units in larger housing developments for those with developmental disabilities.

Quantified Objective:	20 units to increase housing opportunities for those with developmental disabilities in Newark.

Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE: Coordination with housing developers and community partners by June 30, 2024
Funding Source(s):	Housing Impact Fund

PROGRAM H4.8: Connect Residents with Foreclosure assistance.

Quantified Objective:	Connect residents with existing foreclosure prevention resources for Alameda County to stem the displacement of 20 low and moderate income residents. With a focus on Hispanic/ Latinx, Indigenous and Black residents.
Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE: Program support by June 30, 2024
Funding Source(s):	Affordable Housing Fund

PROGRAM H4.9: No Net Loss of Units

To facilitate place-based revitalization for households at risk of displacement due to new development, the City will require replacement housing units subject to the requirements of Government Code, Section 65915, subdivision (c)(3), when any new development (residential, mixed use, or nonresidential) occurs on a site that has been occupied by or restricted for the use of lower income households at any time during the previous five years. This requirement applies to non-vacant sites and vacant sites with previous residential uses that have been vacated or demolished.

Quantified Objective:	Replace any of the units if (a) they are planned to be demolished for purposes of building new housing, and (b) they are determined to be occupied by low income residents.
Responsible Agency:	Community Development Department,
Timeline:	IMMEDIATE: The replacement requirement will be implemented immediately and applied as applications on identified sites are received and processed.

Funding Source(s):	Community Development Maintenance Fund

PROGRAM H4.10: Zoning Ordinance Amendments for Special Needs Housing

The City of Newark, through its Zoning Ordinance, provides opportunities for special needs housing, including uses such as Group Residential, Residential Care Facilities, Single Room Occupancies, Supportive Housing, and Transitional Housing, and Emergency Shelters. However, the locations where these uses are allowed are limited. Along with commitments in Program H2.10, theh City shall prepare and adopt the following amendments to the Zoning Ordinance to allow housing for special needs groups consistent with State law:

- Allow "low barrier navigation center" developments by right in mixed-use zones and nonresidential zones permitting multifamily uses, consistent with Government Code Section 65662.
- Allow for the by-right approval of 100 percent affordable developments that include a percentage of supportive housing units, either 25 percent or 12 units, whichever is greater, to be allowed without a conditional use permit or other discretionary review in all zoning districts where multifamily and mixed-use development is permitted, consistent with Government Code Section 65651(a).
- Ensure the identified zone has available sites with capacity to accommodate at least 32 shelter beds, using the methodology outlined in Government Code section 65583 subdivision (a)(4), and that the identified zones have sites located near amenities and services that serve people experiencing homelessness, which may include health care, transportation, retail, employment, and social services.
- Allow large Residential Care Facilities for 7 or more people as a permitted use in the Residential Low Density, Residential Medium Density, and Residential High Density zones. The facilities are subject to the same requirements as other residential uses of the same type in these zones.
- Expand the zones where single-room occupancy units (SROs) are a permitted use to RM, RH, and CMU districts.
- Allow employee and farmworker housing consistent with California Health and Safety Code Section 17021.5(b) Section 17021.6.

Quantified Objective:	Ensure compliance with State law
Responsible Agency:	Community Development Department
Timeline:	Immediate: Zoning amendments completed in 2024
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H4.11: Scattered Site Housing for Persons Experiencing Homelessness

As funds become available, the City shall partner with other Alameda County cities and organizations like Bay Area Community Services (BACS) and Abode Housing to apply for funds to support the acquisition and conversion of single-family homes and hotels/motels to supportive shared housing for people experiencing homelessness. If the project is awarded funds and a partner organization acquires a property in Newark, the City will record a 55-year regulatory agreement against the subject property restricting the rents for extremely low-income households and establishing property maintenance and management standards. Staff will work with partners and the other participating cities to refine the program goals and secure matching funding from Alameda County HOME Consortium.

Quantified Objective:	Conversion of a Homekey-funded hotel containing 124 units for households experiencing homelessness and households at risk of homelessness was completed in 2023. Through a scattered-sites program, purchase 1-2 single-family properties in partnership with nonprofits utilizing available funds to provide extremely low-income housing units for persons experiencing homelessness, with a goal of identifying the majority of sites in high resource census tracts
Responsible Agency:	Community Development Department
Timeline:	Homekey-funded hotel conversion will be complete in 2023. Scattered-site program compete in 2025-2026, subject to the availability of federal, state and local funding e.
Funding Source(s):	Federal, state, and local funding sources, including Lanterman Act funds or Project Homekey.

PROGRAM H5.1: First-Time Homebuyer Assistance

Bring home ownership within reach for Newark residents. Develop a BMR homeownership program, and down payment assistance programs, with a focus on first time home buyers and BIPOC residents with low home ownership rates. The City will participate in the Alameda County Housing & Community Development Department Mortgage Credit Certificate (MCC) and Down Payment Assistance (DPA) programs to provide down payment assistance to expand homeownership opportunities in Newark. Down payment assistance funds provided by the County may be used to leverage monies from other grants to provide additional assistance with the intent to make homeownership more attainable for families.

Quantified Objective:	The city will target an average of four households for down payment

	assistance each year, with a focus on recruitment of moderate income BIPOC households.
Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE: Program developed by June 30, 2024 as part of the Affordable Housing work plan
Funding Source(s):	Housing Impact Fund, potentially CDBG funds.

PROGRAM H5.2: Affordable Housing Development Programs

Resolution 10184 to ensure an adequate amount of affordable housing through three programs.

1. **Percentage of Affordable Units to mitigate the effects of new development**. The city utilizes a percentage of units for very low, low and moderate income units to be included in the development of new housing.
2. **Density Bonus Law.** The city will offer developers the opportunity to utilize the state density Density Bonus (Section 17.19) for an increase in housing units affordable to very low, low and moderate income households or seniors. Concessions are also available under the density bonus law such as reduced parking standards and setbacks, and allowing tandem or uncovered parking.
3. **Affordable Housing fee program.** This ordinance is codified in Chapter 17.18 of the Municipal Code. The fee is based on square footage of the project: The fee is calculated per square foot for floor area above 1,000 square feet, excluding garages, carports or common areas.

Quantified Objective:	778 housing units over the period of the Housing Element. 326 very low, 326 low income units, 126 moderate units
Responsible Agency:	Community Development Department, City Council
Timeline:	Ongoing from existing program
Funding Source(s):	Housing Impact Fund

PROGRAM H5.3: Public Lands for dedicated affordable housing.

The city, in compliance with the Surplus Land Act will develop and implement programs and policies to further Increase the utilization of public land for affordable housing with particular emphasis in high resource and gentrifying areas to support housing mobility and anti displacement efforts.

Quantified Objective:	1. Rezone PF (Public Facility) zoned land to allow affordable housing as a permitted use, by-right. 2. Rezone publicly owned land, from Single Family to Mid rise Residential for the development of 20 new housing units targeted for disabled, single parent and low and moderate income households. 3. Develop a public land framework / policy that enables a coordinated interagency approach to public land reuse. 4. Maintain long-term ownership of public sites to ensure permanent affordability and long-term financial benefits. 5. Work with the school district to reuse excess and underutilized school sites and meet the needs of the local education workforce for the creation of 50 new units of housing for low and moderate income households. 6. Consider interim uses of public sites that can provide amenities to the community (e.g., housing for those experiencing homelessness, art installations and non profit art spaces) 7. The City shall also continue to monitor the status of available land owned by other public agencies and actively work with developers that may wish to develop such properties for affordable housing.
Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE: Public land framework developed by June 30, 2025, rezonings to occur by December 31, 2025
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H5.4: Affordable Housing Overlay Zone

Develop an affordable housing overlay zone to incentivize the construction of affordable housing for very low, low, and moderate income households in targeted areas.

Quantified Objective:	Work to develop a series of incentives such as reduced parking requirements, and fast tracked permitting to bring increased production of affordable rental housing to the Four Corners area and other high opportunity areas of the city.
Responsible Agency:	Community Development Department
Timeline:	MID-TERM: Program developed by June 30, 2026
Funding Source(s):	Housing Impact Fund

PROGRAM H6.1: In Response to Multi-Year Drought Conditions, Support a Community Reduction of Local Water Usage

Quantified Objective:	Develop a city wide water wise garden challenge, partner with local non profit organizations and city departments to support the transformation yards and medians with drought tolerant plants. Update municipal code to incorporate language on drought resistant landscaping.
Responsible Agency:	Public Works Department, Community Development Department
Timeline:	MID-TERM: Program developed by June 30, 2026
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H6.2: Encourage Water Utilities to Participate in BayREN's Water Upgrades $ave Program

In order to make water efficiency improvements available to residents at little-to-no up-front cost. Provide information to residents on incentives for energy efficiency and electrification from organizations such as PG&E, BayREN, and others.

Quantified Objective:	Provide information in citywide mailings twice a year and post on City of Newark website and social media outlets.
Responsible Agency:	Community Development Department, Public Works Department
Timeline:	MID-TERM: Program developed by June 30, 2025
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H6.3: Cool Roofs for Cool Homes

In response to increased urban heat events, work to ensure that homes are incorporating designs to support cooler interiors.

Quantified Objective:	Amend the City's building ordinance to exceed Title 24 standards by requiring cool roofs for all new or replacement roofs.
Responsible Agency:	Community Development Department, Public Works Department
Timeline:	IMMEDIATE: Program developed by June 30, 2025

Funding Source(s):	Community Development Maintenance Fund

PROGRAM H6.4: Flood Risk Disclosure for New Development

As a significant portion of Newark falls within the 100 and 500 year flood plain, ensuring that development is built in response to climate change.

Quantified Objective:	Require developments in the flooding and other high-risk inundation areas to disclose flood risks and identify appropriate flood mitigation actions for incorporation into project design.
Responsible Agency:	Community Development Department, Public Works Department
Timeline:	MID-TERM: Program developed by June 30, 2025
Funding Source(s):	Community Development Maintenance Fund

PROGRAM H7.1: Training for Voucher Program and Landlord Responsibilities

Develop training programs in collaboration with Alameda County Housing Authority for property owners to understand the housing choice voucher program and landlord responsibilities.

Quantified Objective:	Hold two workshops annually for rental property owners/managers
Responsible Agency:	Community Development Department
Timeline:	MID-TERM: Program developed by June 30, 2025
Funding Source(s):	Housing Impact Fund

PROGRAM H7.2: Increase City Access, and Partner With Community Organizations To Ensure That Community Members Have Access To Tenant Rights Information and Fair Housing In Multiple Languages.

Expand education and outreach on fair housing laws and source of income discrimination to landlords, property owners with accessory dwelling units, and property owners seeking building permits for rental properties.

Quantified Objective:	• Cocreation of tenants rights information in collaboration with local community organizations made accessible in culturally relevant ways and in a variety of formats such as videos, flyers, social media and public workshops. • The city is working to install and implement the community development information module on the city's website. The city expects to have this operational by the end of 2023 or early 2024. The City has launched a service called "TextMyGov" which is a streamlined way to interact with community members on various topics and services. Users can send questions or concerns via text on mobile devices. Responses are provided via a return text with links to additional information and city services. Users can also register to receive push notifications via text on various city topics such as general city affairs (in English and Spanish), City Council meetings, and community events.
Responsible Agency:	Community Development Department
Timeline:	IMMEDIATE: Program implemented by June 30, 2024
Funding Source(s):	Housing Impact Fund

PROGRAM H7.3: Work with Newark Unified School District to Distribute Housing Resources

Work with Newark Unified School District to distribute housing resources to families enrolled in the district per state law AB27 that directs schools, including charter schools to identify homeless children and youth, requires annual staff training, and mandatory website postings of resources.

Quantified Objective:	Information on housing resources and general family support resources for district families distributed through multiple sources to increase accessibility and that families are connected with housing resources for those experiencing homelessness. Translated into relevant languages for families in Newark. An example would be information published on the website.
Responsible Agency:	City of Newark Homeless Committee, Newark Unified School District
Timeline:	MID-TERM: Program developed by June 30, 2025
Funding Source(s):	Housing Impact Fund

PROGRAM H7.4: Affirmatively Market Affordable Housing

Affirmatively market affordable housing rental and for sale units, through the online affordable housing listing portals such as the Alameda Housing Portal, Doorway and elsewhere, to underrepresented groups such as people with disabilities, extremely low income households and BIPOC households.

Quantified Objective:	Information on housing resources and general family support resources for district families distributed through multiple sources to increase accessibility and that families are connected with housing resources for those experiencing homelessness. Translated into relevant languages for families in Newark. An example would be information published on the website.
Responsible Agency:	Community Development Department, City of Newark Homeless Committee, Newark Unified School District
Timeline:	MID-TERM: Program developed by June 30, 2025
Funding Source(s):	Housing Impact Fund

PROGRAM H7.5: Monitor housing programs through a mid-cycle review

The city commits to continuing improvement, evaluation, and adjustment of programs during the housing element cycle to ensure quantified objectives are being met.

Quantified Objective:	Review quantified objectives for housing construction, rehabilitation, and conservation
Responsible Agency:	Community Development Department
Timeline:	MID-TERM: Programs reviewed by end of 2026
Funding Source(s):	Community Development Maintenance Fund

Quantified Objectives

One of the requirements of State law (California Government Code Section 65583[b]) is that the Housing Element contain quantified objectives for the maintenance, preservation, improvement, and development of housing. State law recognizes that the total housing needs identified by a community may exceed available resources and the community's ability to satisfy this need. Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shown in Table 6-3 represent targets. They are estimates based on experience, anticipated funding levels, and housing market conditions. The quantified objectives are not designed to be minimum requirements. The quantified objectives are based largely upon implementation programs that have measurable outcomes. However, the Housing Element contains several policies and implementation programs that reduce barriers and create opportunities for affordable housing. These policies and programs are essential to meeting the City's housing needs but are more qualitative and difficult to quantify.

Table 6-3: List of Quantified Objectives for the 2023 to 2031 Planning Period

Action	Very Low	Low	Moderate	Above Moderate	Total
RHNA	**464**	**268**	**318**	**824**	**1,874**
New Construction					
Pipeline Projects	274	66	26	891	1,257
Program H2.8 and H2.1 Missing Middle			200		200
Program H2.2 Accessory Dwelling Units	48	48	48	16	160
Rehabilitation					
Program H1.1 Housing Rehabilitation and Repair[14]	34	34	34		102
Program H1.2 Rental inspection and Repair	32	32	32		96
Conservation, Preservation, + Assistance					
Program H4.3 Tenant protections	50	40	30		120
Program H4.8 and H5.1 First Time Home Buyer and Foreclosure		10	14		24
Program H4.7 Disability	10	10			20
Program H4.5 Shared Housing	80	80			160

Source: City of Newark, 2023

[14] Community Development Block Grant Status Report. April 5, 2023. An average of 9 units per year in a 10 year period.

APPENDIX A HOUSING NEEDS

HOUSING NEEDS DATA REPORT: NEWARK

ABAG/MTC Staff and Baird + Driskell Community Planning

2021-04-02



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1 INTRODUCTION

The Bay Area continues to see growth in both population and jobs, which means more housing of various types and sizes is needed to ensure that residents across all income levels, ages, and abilities have a place to call home. While the number of people drawn to the region over the past 30 years has steadily increased, housing production has stalled, contributing to the housing shortage that communities are experiencing today. In many cities, this has resulted in residents being priced out, increased traffic congestion caused by longer commutes, and fewer people across incomes being able to purchase homes or meet surging rents.

The 2023-2031 Housing Element Update provides a roadmap for how to meet our growth and housing challenges. Required by the state, the Housing Element identifies what the existing housing conditions and community needs are, reiterates goals, and creates a plan for more housing. The Housing Element is an integral part of the General Plan, which guides the policies of Newark.

2 SUMMARY OF KEY FACTS

- **Population** – Generally, the population of the Bay Area continues to grow because of natural growth and because the strong economy draws new residents to the region. The population of Newark increased by 15.3% from 2000 to 2020, which is above the growth rate of the Bay Area.

- **Age** – In 2019, Newark's youth population under the age of 18 was 10,015 and senior population 65 and older was 6,038. These age groups represent 21.2% and 12.8%, respectively, of Newark's population.

- **Race/Ethnicity** – In 2020, 23.7% of Newark's population was White while 3.9% was African American, 33.9% was Asian, and 34.8% was Latinx. People of color in Newark comprise a proportion above the overall proportion in the Bay Area as a whole.[1]

- **Employment** – Newark residents most commonly work in the *Manufacturing, Wholesale & Transportation* industry. From January 2010 to January 2021, the unemployment rate in Newark decreased by 3.7 percentage points. Since 2010, the number of jobs located in the jurisdiction increased by 4,650 (29.9%). Additionally, the jobs-household ratio in Newark has increased from 1.33 in 2002 to 1.49 jobs per household in 2018.

- **Number of Homes** – The number of new homes built in the Bay Area has not kept pace with the demand, resulting in longer commutes, increasing prices, and exacerbating issues of displacement and homelessness. The number of homes in Newark increased, 11.2% from 2010 to 2020, which is *above* the growth rate for Alameda County and *above* the growth rate of the region's housing stock during this time period.

- **Home Prices** – A diversity of homes at all income levels creates opportunities for all Newark residents to live and thrive in the community.

    - **Ownership** The largest proportion of homes had a value in the range of $750k-$1M in 2019. Home prices increased by 133.9% from 2010 to 2020.

    - **Rental Prices** – The typical contract rent for an apartment in Newark was $2,110 in 2019. Rental prices increased by 61.1% from 2009 to 2019. To rent a typical apartment without cost burden, a household would need to make $84,720 per year.[2]

- **Housing Type** – It is important to have a variety of housing types to meet the needs of a community today and in the future. In 2020, 69.6% of homes in Newark were single family detached, 9.5% were single family attached, 4.4% were small multifamily (2-4 units), and 16.5% were medium or large multifamily (5+ units). Between 2010 and 2020, the number of single-family units increased more than multi-family units. Generally, in Newark, the share of the

[1] The Census Bureau's American Community Survey accounts for ethnic origin separate from racial identity. The numbers reported here use an accounting of both such that the racial categories are shown exclusive of Latinx status, to allow for an accounting of the Latinx population regardless of racial identity. The term Hispanic has historically been used to describe people from numerous Central American, South American, and Caribbean countries. In recent years, the term Latino or Latinx has become preferred. This report generally uses Latinx, but occasionally when discussing US Census data, we use Hispanic or Non-Hispanic, to clearly link to the data source.
[2] Note that contract rents may differ significantly from, and often being lower than, current listing prices.

housing stock that is detached single family homes is above that of other jurisdictions in the region.

- **Cost Burden** – The U.S. Department of Housing and Urban Development considers housing to be affordable for a household if the household spends less than 30% of its income on housing costs. A household is considered "cost-burdened" if it spends more than 30% of its monthly income on housing costs, while those who spend more than 50% of their income on housing costs are considered "severely cost-burdened." In Newark, 19.2% of households spend 30%-50% of their income on housing, while 12.4% of households are severely cost burden and use the majority of their income for housing.

- **Displacement/Gentrification** – According to research from The University of California, Berkeley, 0.0% of households in Newark live in neighborhoods that are susceptible to or experiencing displacement, and 0.0% live in areas at risk of or undergoing gentrification. 31.8% of households in Newark live in neighborhoods where low-income households are likely excluded due to prohibitive housing costs. There are various ways to address displacement including ensuring new housing at all income levels is built.

- **Neighborhood** – 9.7% of residents in Newark live in neighborhoods identified as "Highest Resource" or "High Resource" areas by State-commissioned research, while 11.0% of residents live in areas identified by this research as "Low Resource" or "High Segregation and Poverty" areas. These neighborhood designations are based on a range of indicators covering areas such as education, poverty, proximity to jobs and economic opportunities, low pollution levels, and other factors.[3]

- **Special Housing Needs** – Some population groups may have special housing needs that require specific program responses, and these groups may experience barriers to accessing stable housing due to their specific housing circumstances. In Newark, 7.6% of residents have a disability of any kind and may require accessible housing. Additionally, 18.7% of Newark households are larger households with five or more people, who likely need larger housing units with three bedrooms or more. 11.8% of households are female-headed families, which are often at greater risk of housing insecurity.

> ***Note on Data***
>
> *Many of the tables in this report are sourced from data from the Census Bureau's American Community Survey or U.S. Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy (CHAS) data, both of which are samples and as such, are subject to sampling variability. This means that data is an estimate, and that other estimates could be possible if another set of respondents had been reached. We use the five-year release to get a*

[3] For more information on the "opportunity area" categories developed by HCD and the California Tax Credit Allocation Committee, see this website: https://www.treasurer.ca.gov/ctcac/opportunity.asp. The degree to which different jurisdictions and neighborhoods have access to opportunity will likely need to be analyzed as part of new Housing Element requirements related to affirmatively furthering fair housing. ABAG/MTC will be providing jurisdictions with technical assistance on this topic this summer, following the release of additional guidance from HCD.

larger data pool to minimize this "margin of error" but particularly for the smaller cities, the data will be based on fewer responses, and the information should be interpreted accordingly.

Additionally, there may be instances where there is no data available for a jurisdiction for particular data point, or where a value is 0 and the automatically generated text cannot perform a calculation. In these cases, the automatically generated text is "NODATA." Staff should reword these sentences before using them in the context of the Housing Element or other documents.

Note on Figures

Any figure that does not specify geography in the figure name represents data for Newark.

3 LOOKING TO THE FUTURE: REGIONAL HOUSING NEEDS

3.1 Regional Housing Needs Determination

The Plan Bay Area 2050[4] Final Blueprint forecasts that the nine-county Bay Area will add 1.4 million new households between 2015 and 2050. For the eight-year time frame covered by this Housing Element Update, the Department of Housing and Community Development (HCD) has identified the region's housing need as 441,176 units. The total number of housing units assigned by HCD is separated into four income categories that cover housing types for all income levels, from very low-income households to market rate housing.[5] This calculation, known as the Regional Housing Needs Determination (RHND), is based on population projections produced by the California Department of Finance as well as adjustments that incorporate the region's existing housing need. The adjustments result from recent legislation requiring HCD to apply additional adjustment factors to the baseline growth projection from California Department of Finance, in order for the regions to get closer to healthy housing markets. To this end, adjustments focus on the region's vacancy rate, level of overcrowding and the share of cost burdened households, and seek to bring the region more in line with comparable ones.[6] These new laws governing the methodology for how HCD calculates the RHND resulted in a significantly higher number of housing units for which the Bay Area must plan compared to previous RHNA cycles.

3.2 Regional Housing Needs Allocation

A starting point for the Housing Element Update process for every California jurisdiction is the Regional Housing Needs Allocation or RHNA – the share of the RHND assigned to each jurisdiction by the Association of Bay Area Governments (ABAG). State Housing Element Law requires ABAG to develop a methodology that calculates the number of housing units assigned to each city and county and distributes each jurisdiction's housing unit allocation among four affordability levels. For this RHNA cycle, the RHND increased by 135%, from 187,990 to 441,776. For more information on the RHNA process this cycle, see ABAG's website: https://abag.ca.gov/our-work/housing/rhna-regional-housing-needs-allocation

Almost all jurisdictions in the Bay Area are likely to receive a larger RHNA this cycle compared to the last cycle, primarily due to changes in state law that led to a considerably higher RHND compared to previous cycles.

In January 2021, ABAG adopted a Draft RHNA Methodology, which is currently being reviewed by HCD. For Newark, the proposed RHNA to be planned for this cycle is 1,874 units, a slated increase from the last cycle. **Please note that the previously stated figures are merely illustrative, as ABAG has yet to issue Final RHNA allocations. The Final RHNA allocations that local jurisdictions will use for their**

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[4] Plan Bay Area 2050 is a long-range plan charting the course for the future of the nine-county San Francisco Bay Area. It covers four key issues: the economy, the environment, housing and transportation

[5] HCD divides the RHND into the following four income categories:
Very Low-income: 0-50% of Area Median Income
Low-income: 50-80% of Area Median Income
Moderate-income: 80-120% of Area Median Income
Above Moderate-income: 120% or more of Area Median Income

[6] For more information on HCD's RHND calculation for the Bay Area, see this letter sent to ABAG from HCD on June 9, 2020: https://www.hcd.ca.gov/community-development/housing-element/docs/abagrhna-final060920(r).pdf

Housing Elements will be released at the end of 2021. The potential allocation that Newark would receive from the Draft RHNA Methodology is broken down by income category as follows:

Table 1: Illustrative Regional Housing Needs Allocation from Draft Methodology

Income Group	Newark Units	Alameda County Units	Bay Area Units	Newark Percent	Alameda County Percent	Bay Area Percent
Very Low Income (<50% of AMI)	464	23606	114442	24.8%	26.5%	25.9%
Low Income (50%-80% of AMI)	268	13591	65892	14.3%	15.3%	14.9%
Moderate Income (80%-120% of AMI)	318	14438	72712	17.0%	16.2%	16.5%
Above Moderate Income (>120% of AMI)	824	37362	188130	44.0%	42.0%	42.6%
Total	1874	88997	441176	100.0%	100.0%	100.0%

Source: Association of Bay Area Governments Methodology and tentative numbers were approved by ABAG's Executive board on January 21, 2021 (Resolution No. 02-2021). The numbers were submitted for review to California Housing and Community Development in February 2021, after which an appeals process will take place during the Summer and Fall of 2021.
THESE NUMBERS SHOULD BE CONSIDERED PRELIMINARY AND SUBJECT TO CHANGE PER HCD REVIEW

4 POPULATION, EMPLOYMENT AND HOUSEHOLD CHARACTERISTICS

4.1 Population

The Bay Area is the fifth-largest metropolitan area in the nation and has seen a steady increase in population since 1990, except for a dip during the Great Recession. Many cities in the region have experienced significant growth in jobs and population. While these trends have led to a corresponding increase in demand for housing across the region, the regional production of housing has largely not kept pace with job and population growth. Since 2000, Newark's population has increased by 15.3%; this rate is above that of the region as a whole, at 14.8%. In Newark, roughly 9.5% of its population moved during the past year, a number 3.9 percentage points smaller than the regional rate of 13.4%.

Table 2: Population Growth Trends

Geography	1990	1995	2000	2005	2010	2015	2020
Newark	37861	39681	42471	43522	42573	44371	48966
Alameda County	1276702	1344157	1443939	1498963	1510271	1613528	1670834
Bay Area	6020147	6381961	6784348	7073912	7150739	7595694	7790537

Universe: Total population
Source: California Department of Finance, E-5 series
For more years of data, please refer to the Data Packet Workbook, Table POPEMP-01.

In 2020, the population of Newark was estimated to be 48,966 (see Table 2). From 1990 to 2000, the population increased by 12.2%, while it increased by 0.2% during the first decade of the 2000s. In the most recent decade, the population increased by 15.0%. The population of Newark makes up 2.9% of Alameda County.[7]

[7] To compare the rate of growth across various geographic scales, Figure 1 shows population for the jurisdiction, county, and region indexed to the population in the year 1990. This means that the data points represent the population growth (i.e. percent change) in each of these geographies relative to their populations in 1990.

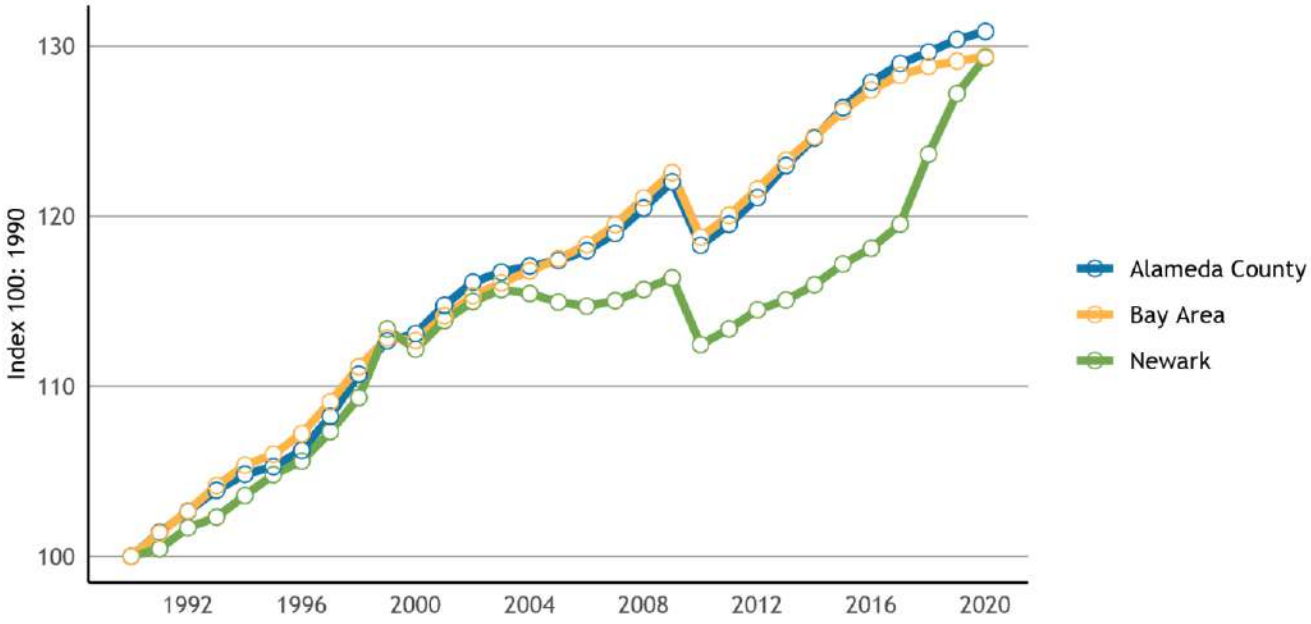


Figure 1: Population Growth Trends

Source: California Department of Finance, E-5 series Note: The data shown on the graph represents population for the jurisdiction, county, and region indexed to the population in the first year shown. The data points represent the relative population growth in each of these geographies relative to their populations in that year.
For some jurisdictions, a break may appear at the end of each decade (1999, 2009) as estimates are compared to census counts. DOF uses the decennial census to benchmark subsequent population estimates.
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-01.

4.2 Age

The distribution of age groups in a city shapes what types of housing the community may need in the near future. An increase in the older population may mean there is a developing need for more senior housing options, while higher numbers of children and young families can point to the need for more family housing options and related services. There has also been a move by many to age-in-place or downsize to stay within their communities, which can mean more multifamily and accessible units are also needed.

In Newark, the median age in 2000 was 32.2; by 2019, this figure had increased, landing at around 37 years. More specifically, the population of those under 14 has decreased since 2010, while the 65-and-over population has increased (see Figure 2).

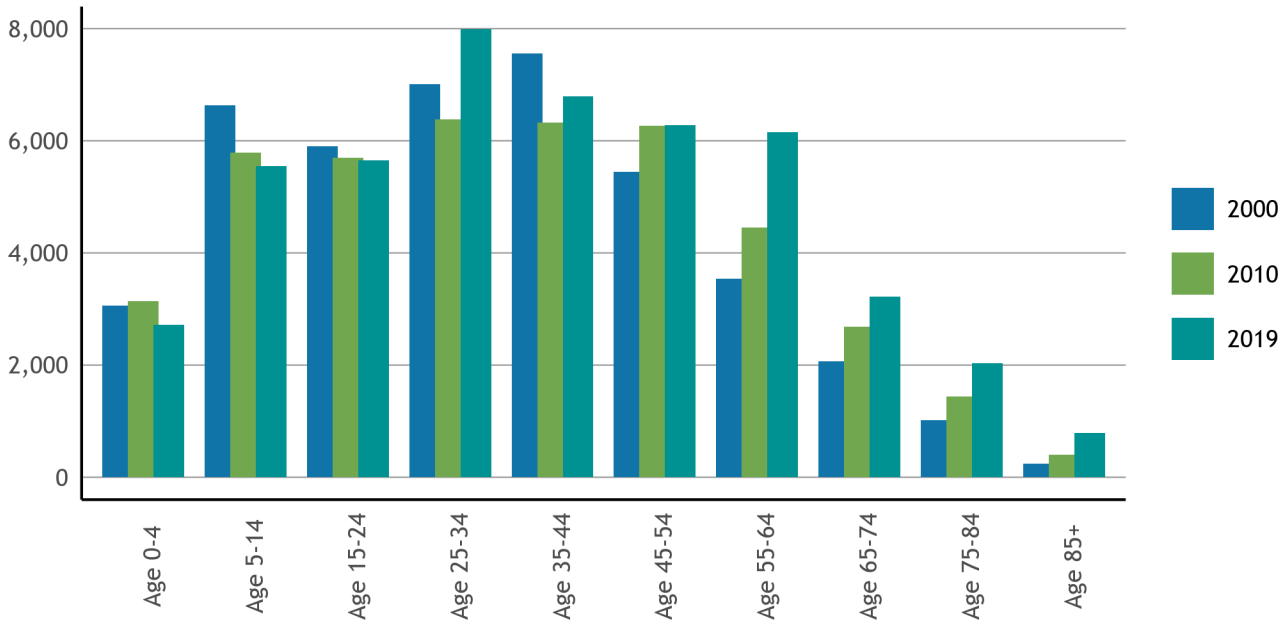


Figure 2: Population by Age, 2000-2019

Universe: Total population
Source: U.S. Census Bureau, Census 2000 SF1, Table P12; U.S. Census Bureau, Census 2010 SF1, Table P12; U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-04.

Looking at the senior and youth population by race can add an additional layer of understanding, as families and seniors of color are even more likely to experience challenges finding affordable housing. People of color[8] make up 51.4% of seniors and 73.8% of youth under 18 (see Figure 3).

[8] Here, we count all non-white racial groups

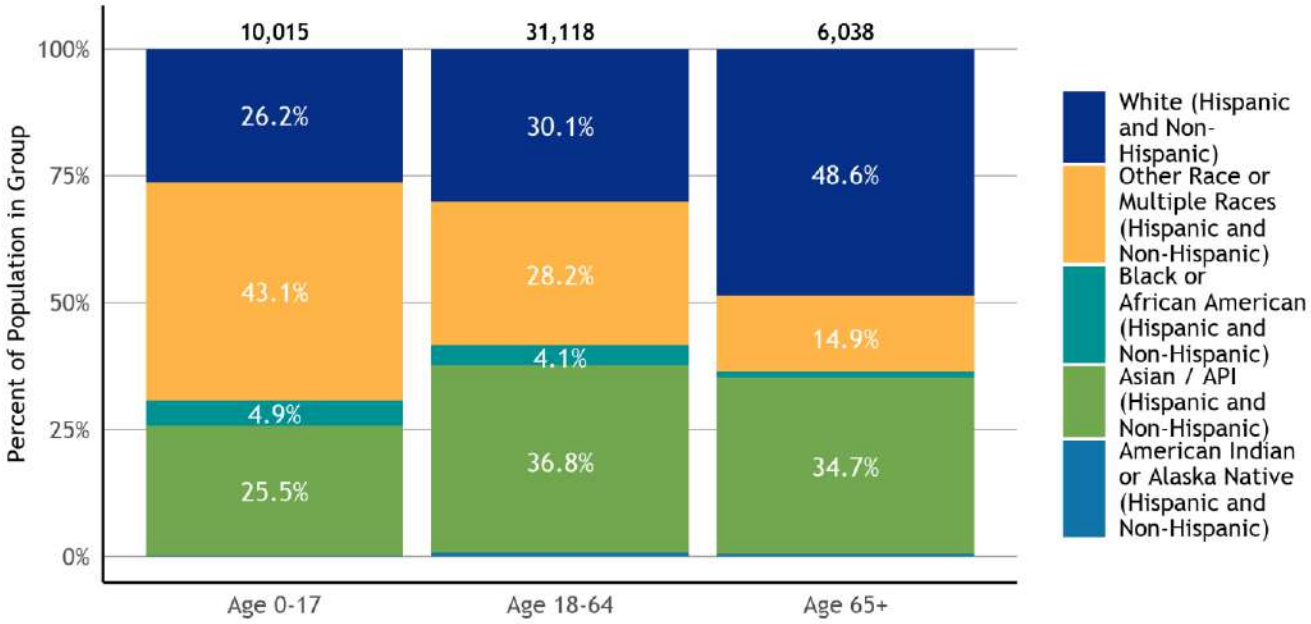


Figure 3: Senior and Youth Population by Race

Universe: Total population
Notes: In the sources for this table, the Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity, and an overlapping category of Hispanic / non-Hispanic groups has not been shown to avoid double counting in the stacked bar chart.
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001(A-G)
For the data table behind this figure, please refer to the Data Packet Workbook, Table SEN-02.

4.3 Race and Ethnicity

Understanding the racial makeup of a city and region is important for designing and implementing effective housing policies and programs. These patterns are shaped by both market factors and government actions, such as exclusionary zoning, discriminatory lending practices and displacement that has occurred over time and continues to impact communities of color today[9]. Since 2000, the percentage of residents in Newark identifying as White has decreased – and by the same token the percentage of residents of all *other* races and ethnicities has *increased* – by 18.6 percentage points, with the 2019 population standing at 11,168 (see Figure 4). In absolute terms, the *Asian / API, Non-Hispanic* population increased the most while the *White, Non-Hispanic* population decreased the most.

[9] See, for example, Rothstein, R. (2017). The color of law : a forgotten history of how our government segregated America. New York, NY & London, UK: Liveright Publishing.

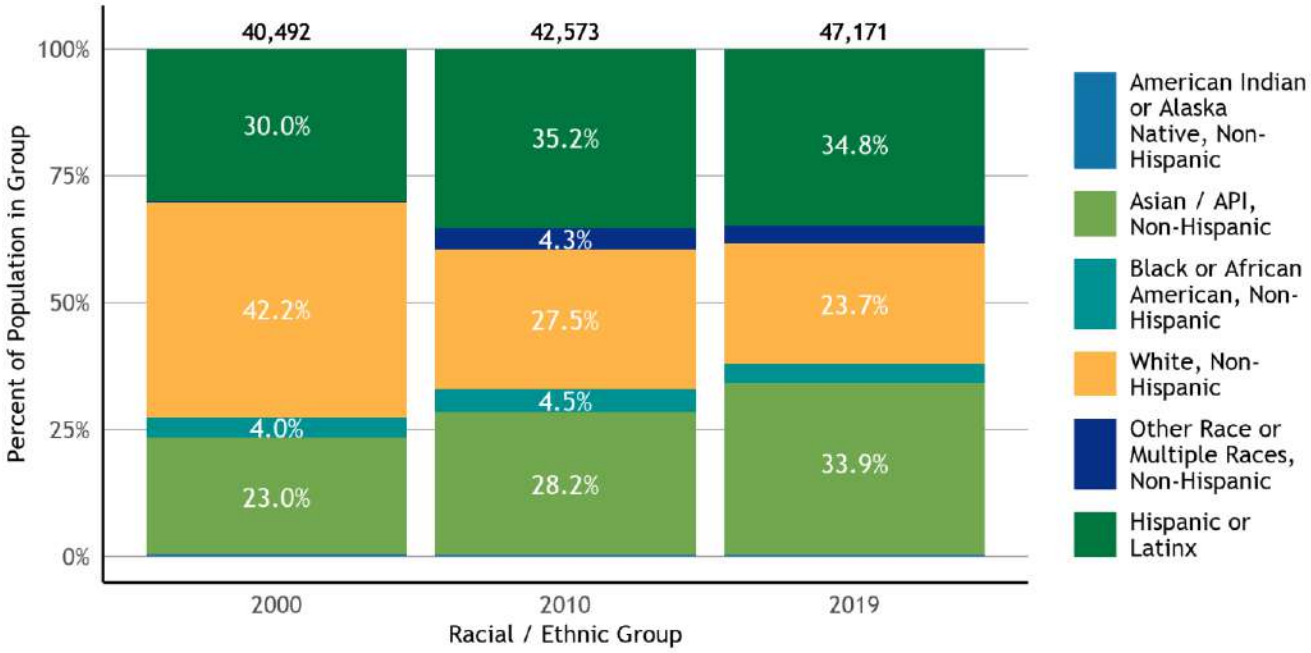


Figure 4: Population by Race, 2000-2019

Universe: Total population
Notes: Data for 2019 represents 2015-2019 ACS estimates. The Census Bureau defines Hispanic/Latinx ethnicity separate from racial categories. For the purposes of this graph, the "Hispanic or Latinx" racial/ethnic group represents those who identify as having Hispanic/Latinx ethnicity and may also be members of any racial group. All other racial categories on this graph represent those who identify with that racial category and do not identify with Hispanic/Latinx ethnicity.
Source: U.S. Census Bureau, Census 2000, Table P004; U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B03002
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-02.

4.4 Employment Trends

4.4.1 Balance of Jobs and Workers

A city houses employed residents who either work in the community where they live or work elsewhere in the region. Conversely, a city may have job sites that employ residents from the same city, but more often employ workers commuting from outside of it. Smaller cities typically will have more employed residents than jobs there and export workers, while larger cities tend to have a surplus of jobs and import workers. To some extent the regional transportation system is set up for this flow of workers to the region's core job centers. At the same time, as the housing affordability crisis has illustrated, local imbalances may be severe, where local jobs and worker populations are out of sync at a sub-regional scale.

One measure of this is the relationship between *workers* and *jobs*. A city with a surplus of workers "exports" workers to other parts of the region, while a city with a surplus of jobs must conversely "import" them. Between 2002 and 2018, the number of jobs in Newark increased by 15.3% (see Figure 5).

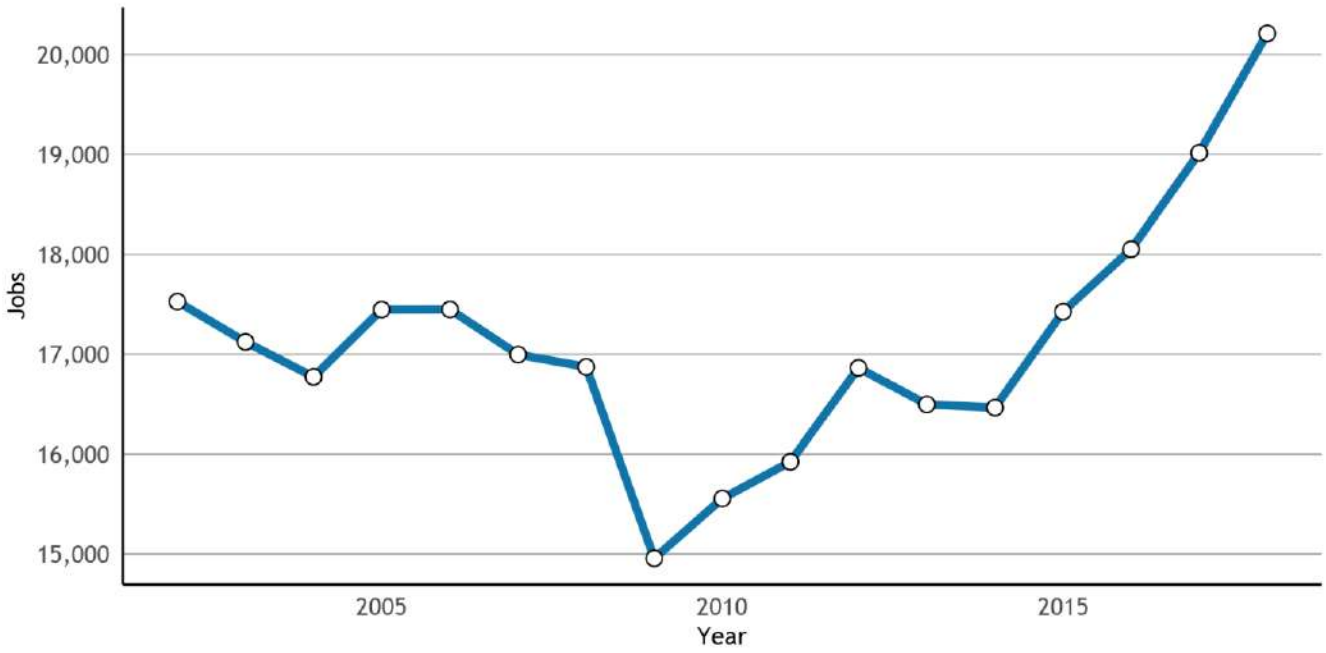


Figure 5: Jobs in a Jurisdiction

Universe: Jobs from unemployment insurance-covered employment (private, state and local government) plus United States Office of Personnel Management-sourced Federal employment
Notes: The data is tabulated by place of work, regardless of where a worker lives. The source data is provided at the census block level. These are crosswalked to jurisdictions and summarized.
Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files, 2002-2018
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-11.

There are 17,935 employed residents, and 17,168 jobs[10] in Newark - the ratio of jobs to resident workers is 0.96; Newark is *a net exporter of workers*.

Figure 6 shows the balance when comparing jobs to workers, broken down by different wage groups, offering additional insight into local dynamics. A community may offer employment for relatively low-income workers but have relatively few housing options for those workers - or conversely, it may house residents who are low wage workers but offer few employment opportunities for them. Such relationships may cast extra light on potentially pent-up demand for housing in particular price categories. A relative *surplus* of jobs relative to residents in a given wage category suggests the need to import those workers, while conversely, surpluses of workers in a wage group relative to jobs means the community will export those workers to other jurisdictions. Such flows are not inherently bad, though over time, sub-regional imbalances may appear. Newark has more low-wage *jobs* than low-wage *residents* (where low-wage refers to jobs paying less than $25,000). At the other end of the wage

[10] Employed *residents* in a jurisdiction is counted by place of residence (they may work elsewhere) while *jobs* in a jurisdiction are counted by place of work (they may live elsewhere). The jobs may differ from those reported in Figure 5 as the source for the time series is from administrative data, while the cross-sectional data is from a survey.

spectrum, the city has more high-wage *residents* than high-wage *jobs* (where high-wage refers to jobs paying more than $75,000) (see Figure 6).[11]

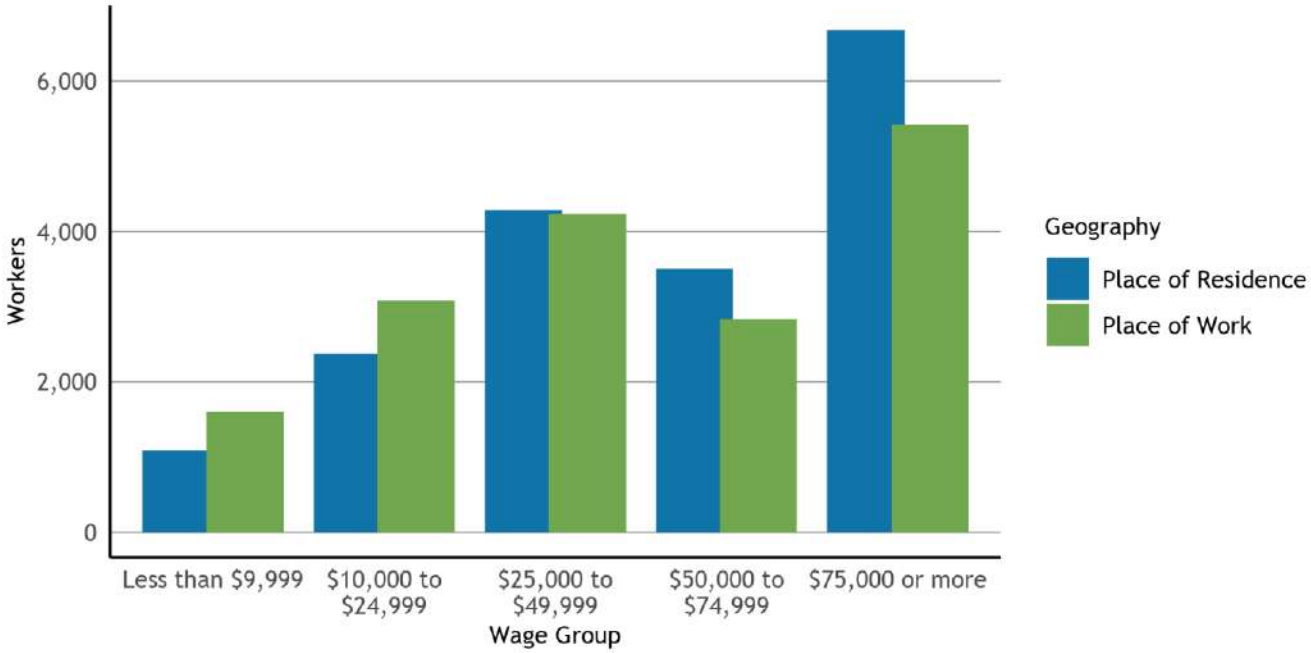


Figure 6: Workers by Earnings, by Jurisdiction as Place of Work and Place of Residence

Universe: Workers 16 years and over with earnings
Source: U.S. Census Bureau, American Community Survey 5-Year Data 2015-2019, B08119, B08519
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-10.

Figure 7 shows the balance of a jurisdiction's resident workers to the jobs located there for different wage groups as a ratio instead - a value of 1 means that a city has the same number of jobs in a wage group as it has resident workers - in principle, a balance. Values above 1 indicate a jurisdiction will need to import workers for jobs in a given wage group. At the regional scale, this ratio is 1.04 jobs for each worker, implying a modest import of workers from outside the region (see Figure 7).

[11] The source table is top-coded at $75,000, precluding more fine grained analysis at the higher end of the wage spectrum.



Figure 7: Jobs-Worker Ratios, By Wage Group

Universe: Jobs in a jurisdiction from unemployment insurance-covered employment (private, state and local government) plus United States Office of Personnel Management-sourced Federal employment
Notes: The ratio compares job counts by wage group from two tabulations of LEHD data: Counts by place of work relative to counts by place of residence. See text for details.
Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files (Jobs); Residence Area Characteristics (RAC) files (Employed Residents), 2010-2018
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-14.

Such balances between jobs and workers may directly influence the housing demand in a community. New jobs may draw new residents, and when there is high demand for housing relative to supply, many workers may be unable to afford to live where they work, particularly where job growth has been in relatively lower wage jobs. This dynamic not only means many workers will need to prepare for long commutes and time spent on the road, but in the aggregate it contributes to traffic congestion and time lost for all road users.

If there are more jobs than employed residents, it means a city is relatively jobs-rich, typically also with a high jobs to household ratio. Thus bringing housing into the measure, the *jobs-household ratio* in Newark has increased from 1.33 in 2002, to 1.49 jobs per household in 2018 (see Figure 8).

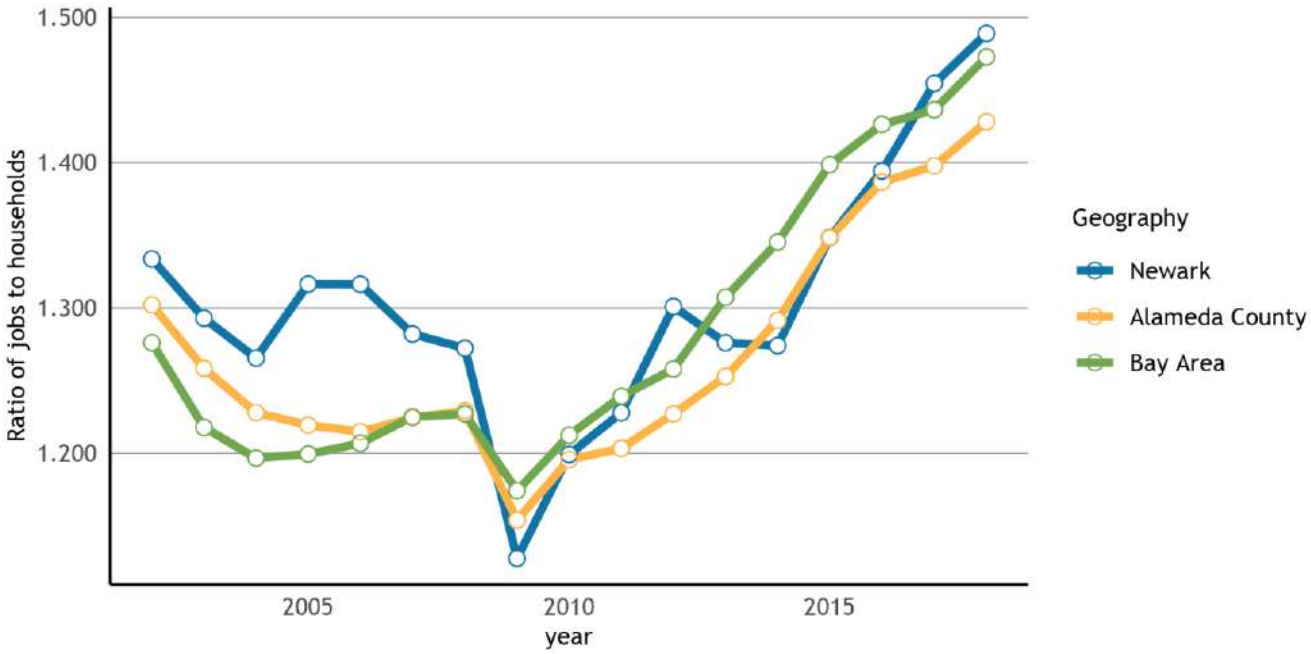


Figure 8: Jobs-Household Ratio

Universe: Jobs in a jurisdiction from unemployment insurance-covered employment (private, state and local government) plus United States Office of Personnel Management-sourced Federal employment; households in a jurisdiction
Notes: The data is tabulated by place of work, regardless of where a worker lives. The source data is provided at the census block level. These are crosswalked to jurisdictions and summarized. The ratio compares place of work wage and salary jobs with households, or occupied housing units. A similar measure is the ratio of jobs to housing units. However, this jobs-household ratio serves to compare the number of jobs in a jurisdiction to the number of housing units that are actually occupied. The difference between a jurisdiction's jobs-housing ratio and jobs-household ratio will be most pronounced in jurisdictions with high vacancy rates, a high rate of units used for seasonal use, or a high rate of units used as short-term rentals.
Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files (Jobs), 2002-2018; California Department of Finance, E-5 (Households)
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-13.

4.4.2 Sector Composition

In terms of sectoral composition, the largest industry in which Newark residents work is *Manufacturing, Wholesale & Transportation*, and the largest sector in which Alameda residents work is *Health & Educational Services* (see Figure 9). For the Bay Area as a whole, the *Health & Educational Services* industry employs the most workers.

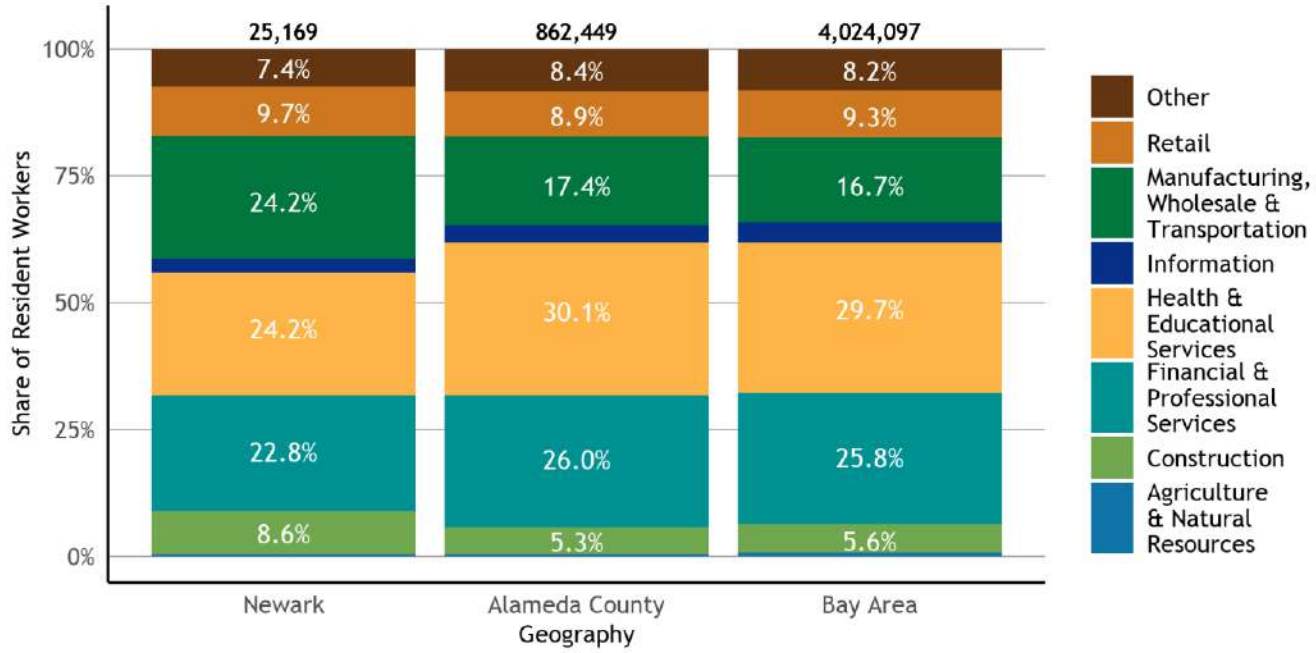


Figure 9: Resident Employment by Industry

Universe: Civilian employed population age 16 years and over
Notes: The data displayed shows the industries in which jurisdiction residents work, regardless of the location where those residents are employed (whether within the jurisdiction or not). Categories are derived from the following source tables: Agriculture & Natural Resources: C24030_003E, C24030_030E; Construction: C24030_006E, C24030_033E; Manufacturing, Wholesale & Transportation: C24030_007E, C24030_034E, C24030_008E, C24030_035E, C24030_010E, C24030_037E; Retail: C24030_009E, C24030_036E; Information: C24030_013E, C24030_040E; Financial & Professional Services: C24030_014E, C24030_041E, C24030_017E, C24030_044E; Health & Educational Services: C24030_021E, C24030_024E, C24030_048E, C24030_051E; Other: C24030_027E, C24030_054E, C24030_028E, C24030_055E
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table C24030
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-06.

4.4.3 Unemployment

In Newark, there was a 3.7 percentage point decrease in the unemployment rate between January 2010 and January 2021. Jurisdictions through the region experienced a sharp rise in unemployment in 2020 due to impacts related to the COVID-19 pandemic, though with a general improvement and recovery in the later months of 2020.

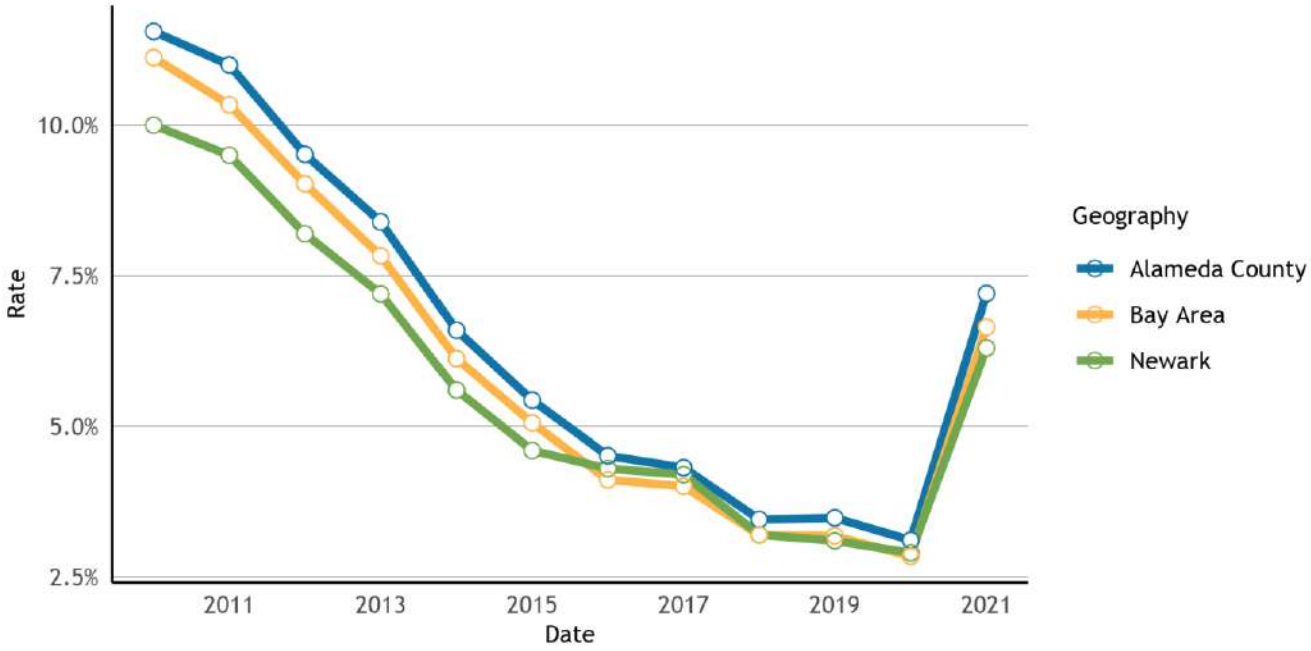


Figure 10: Unemployment Rate

Universe: Civilian noninstitutional population ages 16 and older
Notes: Unemployment rates for the jurisdiction level is derived from larger-geography estimates. This method assumes that the rates of change in employment and unemployment are exactly the same in each sub-county area as at the county level. If this assumption is not true for a specific sub-county area, then the estimates for that area may not be representative of the current economic conditions. Since this assumption is untested, caution should be employed when using these data. Only not seasonally-adjusted labor force (unemployment rates) data are developed for cities and CDPs.
Source: California Employment Development Department, Local Area Unemployment Statistics (LAUS), Sub-county areas monthly updates, 2010-2021.
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-15.

4.5 Extremely Low-Income Households

Despite the economic and job growth experienced throughout the region since 1990, the income gap has continued to widen. California is one of the most economically unequal states in the nation, and the Bay Area has the highest income inequality between high- and low-income households in the state[12].

In Newark, 57.5% of households make more than 100% of the Area Median Income (AMI)[13], compared to 10.3% making less than 30% of AMI, which is considered extremely low-income (see Figure 11).

[12] Bohn, S.et al. 2020. Income Inequality and Economic Opportunity in California. *Public Policy Institute of California*.
[13] Income groups are based on HUD calculations for Area Median Income (AMI). HUD calculates the AMI for different metropolitan areas, and the nine county Bay Area includes the following metropolitan areas: Napa Metro Area (Napa County), Oakland-Fremont Metro Area (Alameda and Contra Costa Counties), San Francisco Metro Area (Marin, San Francisco, and San Mateo Counties), San Jose-Sunnyvale-Santa Clara Metro Area (Santa Clara County), Santa Rosa Metro Area (Sonoma County), and Vallejo-Fairfield Metro Area (Solano County). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located. Households making between 80 and 120 percent of the AMI are moderate-income, those making 50 to 80 percent are low-income, those making 30 to 50

Regionally, more than half of all households make more than 100% AMI, while 15% make less than 30% AMI. In Alameda County, 30% AMI is the equivalent to the annual income of $34,850 for a family of four. Many households with multiple wage earners – including food service workers, full-time students, teachers, farmworkers and healthcare professionals – can fall into lower AMI categories due to relatively stagnant wages in many industries.

Note on Estimating the Projected Number of Extremely Low-Income Households

Local jurisdictions are required to provide an estimate for their projected extremely low-income households in their Housing Elements. HCD's official Housing Element guidance notes that jurisdictions can use their RHNA for very low-income households (those making 0-50% AMI) to calculate their projected extremely low-income households. For more information, visit HCD's Building Blocks page on Extremely Low-Income Housing Needs.

This document does not contain the required data point of projected extremely low-income households, as Bay Area jurisdictions have not yet received their final RHNA numbers. Once Newark receives its 6th Cycle RHNA, staff can estimate the projected extremely low-income households using one of the following three methodologies:

Option A: *Assume that 59.8% of Newark's very low-income RHNA is for extremely low-income households.*

According to HCD's Regional Housing Need Determination for the Bay Area, 15.5% of the region's housing need is for 0-30% AMI households while 25.9% is for 0-50% AMI households. Therefore, extremely low-income housing need represents 59.8% of the region's very low-income housing need, as 15.5 divided by 25.9 is 59.8%. This option aligns with HCD's guidance to use U.S. Census data to calculate the percentage of very low-income RHNA that qualifies for extremely low-income households, as HCD uses U.S. Census data to calculate the Regional Housing Need Determination.

Option B: *Assume that 55.2% of Newark's very low-income RHNA is for extremely low-income households.*

According to the data shown below (Figure 11), 2,508 of Newark's households are 0-50% AMI while 1,384 are extremely low-income. Therefore, extremely low-income households represent 55.2% of households who are 0-50% AMI, as 1,384 divided by 2,508 is 55.2%. This option aligns with HCD's guidance to use U.S. Census data to calculate the percentage of very low-income RHNA that qualifies for extremely low-income households, as the information in Figure 11 represents a tabulation of Census Bureau Data.

Option C: *Assume that 50% of Newark's very low-income RHNA is for extremely low-income households.*

HCD's guidance notes that instead of using use U.S. Census data to calculate the percentage of very low-income RHNA that qualifies for extremely low-income households, local jurisdictions can presume that 50% of their RHNA for very low-income households qualifies for extremely low-income households.

percent are very low-income, and those making less than 30 percent are extremely low-income. This is then adjusted for household size.

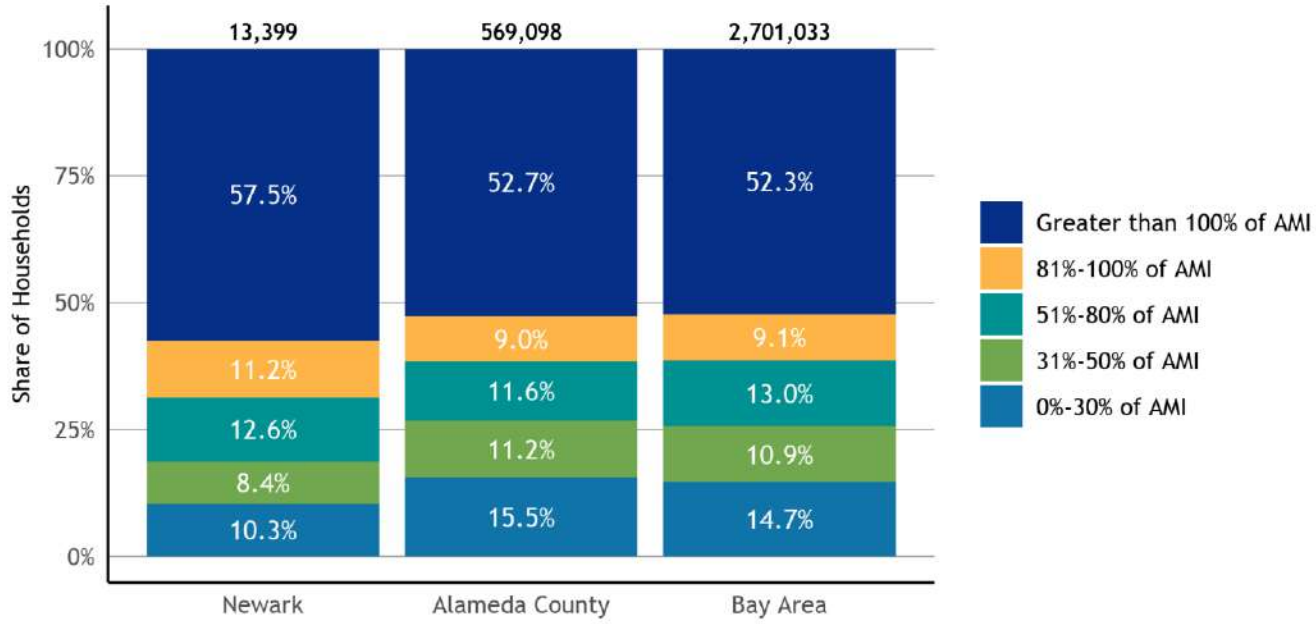


Figure 11: Households by Household Income Level

Universe: Occupied housing units
Notes: Income groups are based on HUD calculations for Area Median Income (AMI). HUD calculates the AMI for different metropolitan areas, and the nine county Bay Area includes the following metropolitan areas: Napa Metro Area (Napa County), Oakland-Fremont Metro Area (Alameda and Contra Costa Counties), San Francisco Metro Area (Marin, San Francisco, and San Mateo Counties), San Jose-Sunnyvale-Santa Clara Metro Area (Santa Clara County), Santa Rosa Metro Area (Sonoma County), and Vallejo-Fairfield Metro Area (Solano County). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located. The data that is reported for the Bay Area is not based on a regional AMI but instead refers to the regional total of households in an income group relative to the AMI for the county where that household is located. Local jurisdictions are required to provide an estimate for their projected extremely low-income households (0-30% AMI) in their Housing Elements. HCD's official Housing Element guidance notes that jurisdictions can use their RHNA for very low-income households (those making 0-50% AMI) to calculate their projected extremely low-income households. As Bay Area jurisdictions have not yet received their final RHNA numbers, this document does not contain the required data point of projected extremely low-income households. The report portion of the housing data needs packet contains more specific guidance for how local staff can calculate an estimate for projected extremely low-income households once jurisdictions receive their 6th cycle RHNA numbers.
Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release
For the data table behind this figure, please refer to the Data Packet Workbook, Table ELI-01.

Throughout the region, there are disparities between the incomes of homeowners and renters. Typically, the number of low-income renters greatly outpaces the amount of housing available that is affordable for these households.

In Newark, the largest proportion of renters falls in the *Greater than 100% of AMI* income group, while the largest proportion of homeowners are found in the *Greater than 100% of AMI* group (see Figure 12).

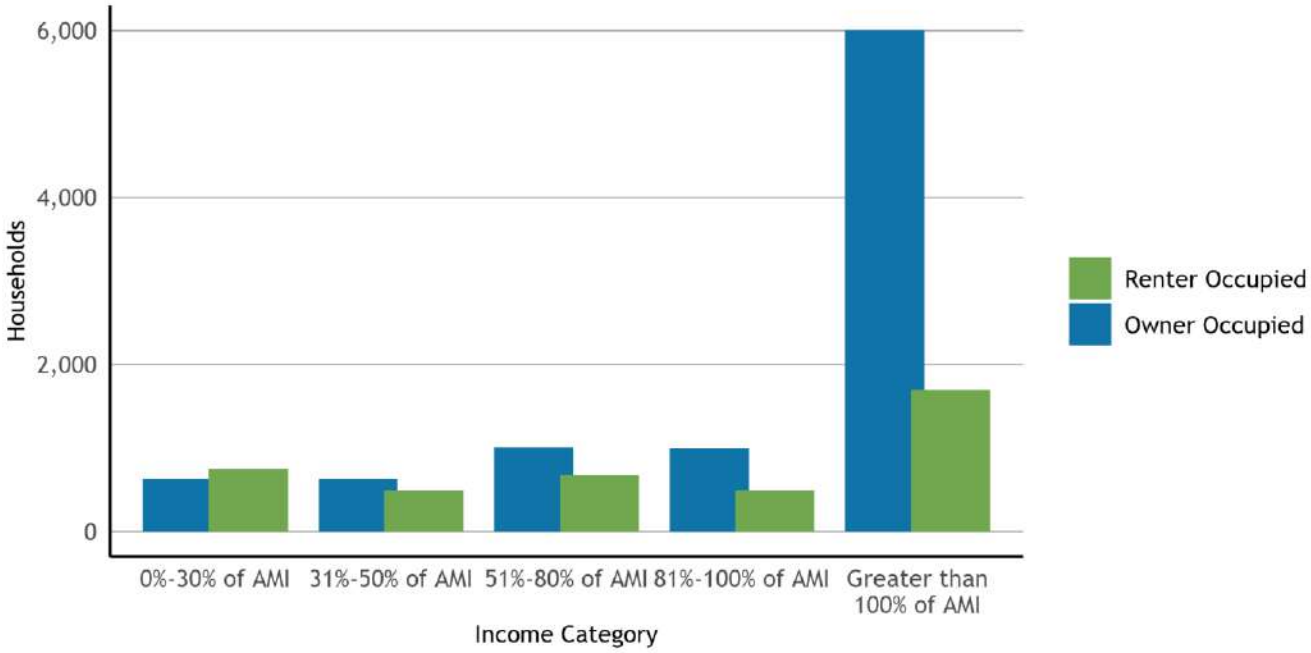


Figure 12: Household Income Level by Tenure

Universe: Occupied housing units
Notes: Income groups are based on HUD calculations for Area Median Income (AMI). HUD calculates the AMI for different metropolitan areas, and the nine county Bay Area includes the following metropolitan areas: Napa Metro Area (Napa County), Oakland-Fremont Metro Area (Alameda and Contra Costa Counties), San Francisco Metro Area (Marin, San Francisco, and San Mateo Counties), San Jose-Sunnyvale-Santa Clara Metro Area (Santa Clara County), Santa Rosa Metro Area (Sonoma County), and Vallejo-Fairfield Metro Area (Solano County). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located.
Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-21.

Currently, people of color are more likely to experience poverty and financial instability as a result of federal and local housing policies that have historically excluded them from the same opportunities extended to white residents.[14] These economic disparities also leave communities of color at higher risk for housing insecurity, displacement or homelessness. In Newark, Black or African American (Hispanic and Non-Hispanic) residents experience the highest rates of poverty, followed by American Indian or Alaska Native (Hispanic and Non-Hispanic) residents (see Figure 13).

[14] Moore, E., Montojo, N. and Mauri, N., 2019. Roots, Race & Place: A History of Racially Exclusionary Housing the San Francisco Bay Area. *Hass Institute*.

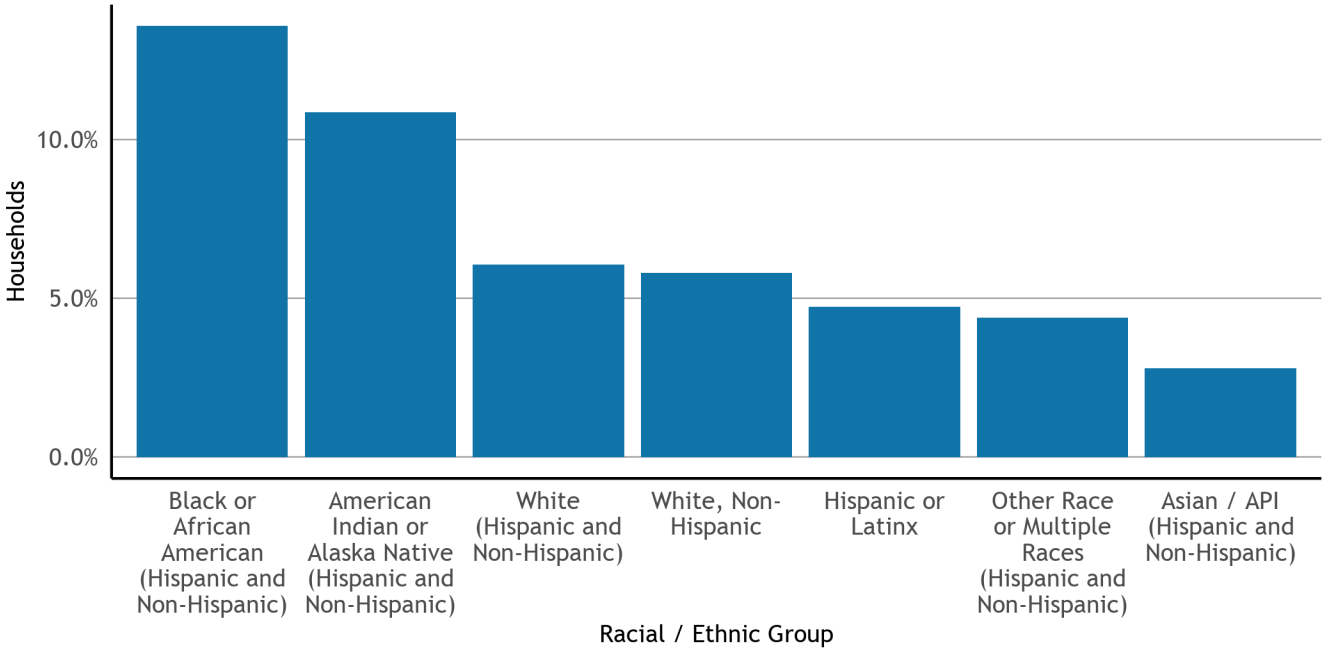


Figure 13: Poverty Status by Race

Universe: Population for whom poverty status is determined
Notes: The Census Bureau uses a federally defined poverty threshold that remains constant throughout the country and does not correspond to Area Median Income. For this table, the Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity. However, data for the white racial group is also reported for white householders who are not Hispanic/Latinx. Since residents who identify as white and Hispanic/Latinx may have very different experiences within the housing market and the economy from those who identify as white and non-Hispanic/Latinx, data for multiple white sub-groups are reported here. The racial/ethnic groups reported in this table are not all mutually exclusive. Therefore, the data should not be summed as the sum exceeds the population for whom poverty status is determined for this jurisdiction. However, all groups labelled "Hispanic and Non-Hispanic" are mutually exclusive, and the sum of the data for these groups is equivalent to the population for whom poverty status is determined.
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B17001(A-I)
For the data table behind this figure, please refer to the Data Packet Workbook, Table ELI-03.

4.6 Tenure

The number of residents who own their homes compared to those who rent their homes can help identify the level of housing insecurity – ability for individuals to stay in their homes – in a city and region. Generally, renters may be displaced more quickly if prices increase. In Newark there are a total of 14,047 housing units, and fewer residents rent than own their homes: 31.2% versus 68.8% (see Figure 14). By comparison, 46.5% of households in Alameda County are renters, while 44% of Bay Area households rent their homes.

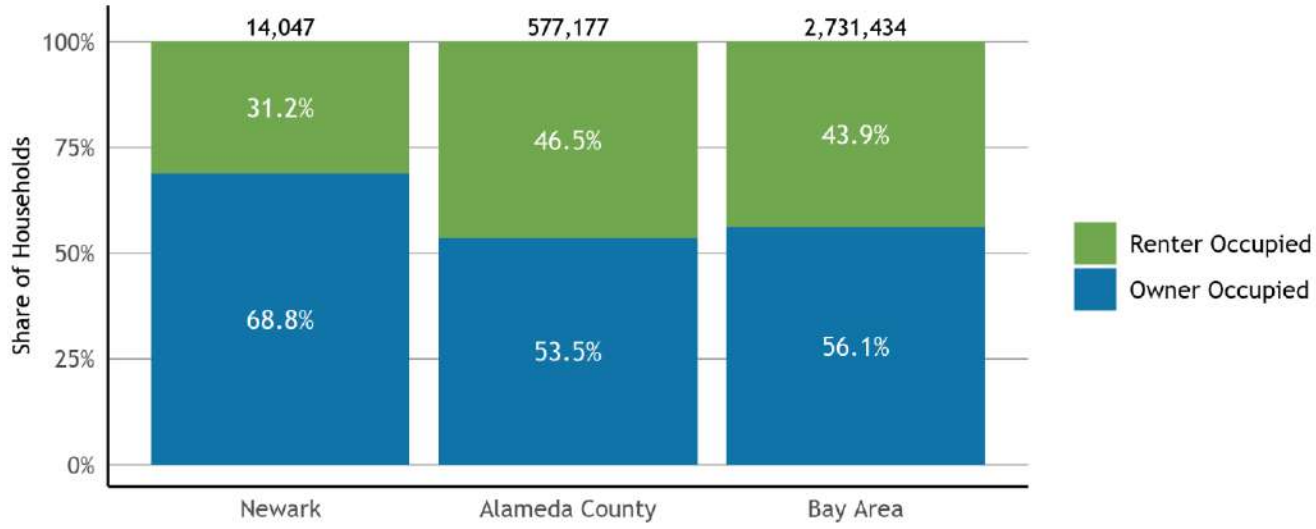


Figure 14: Housing Tenure

Universe: Occupied housing units
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-16.

Homeownership rates often vary considerably across race/ethnicity in the Bay Area and throughout the country. These disparities not only reflect differences in income and wealth but also stem from federal, state, and local policies that limited access to homeownership for communities of color while facilitating homebuying for white residents. While many of these policies, such as redlining, have been formally disbanded, the impacts of race-based policy are still evident across Bay Area communities.[15] In Newark, 54.1% of Black households owned their homes, while homeownership rates were 74.5% for Asian households, 54.1% for Latinx households, and 77.1% for White households. Notably, recent changes to state law require local jurisdictions to examine these dynamics and other fair housing issues when updating their Housing Elements.

[15] See, for example, Rothstein, R. (2017). The color of law : a forgotten history of how our government segregated America. New York, NY & London, UK: Liveright Publishing.

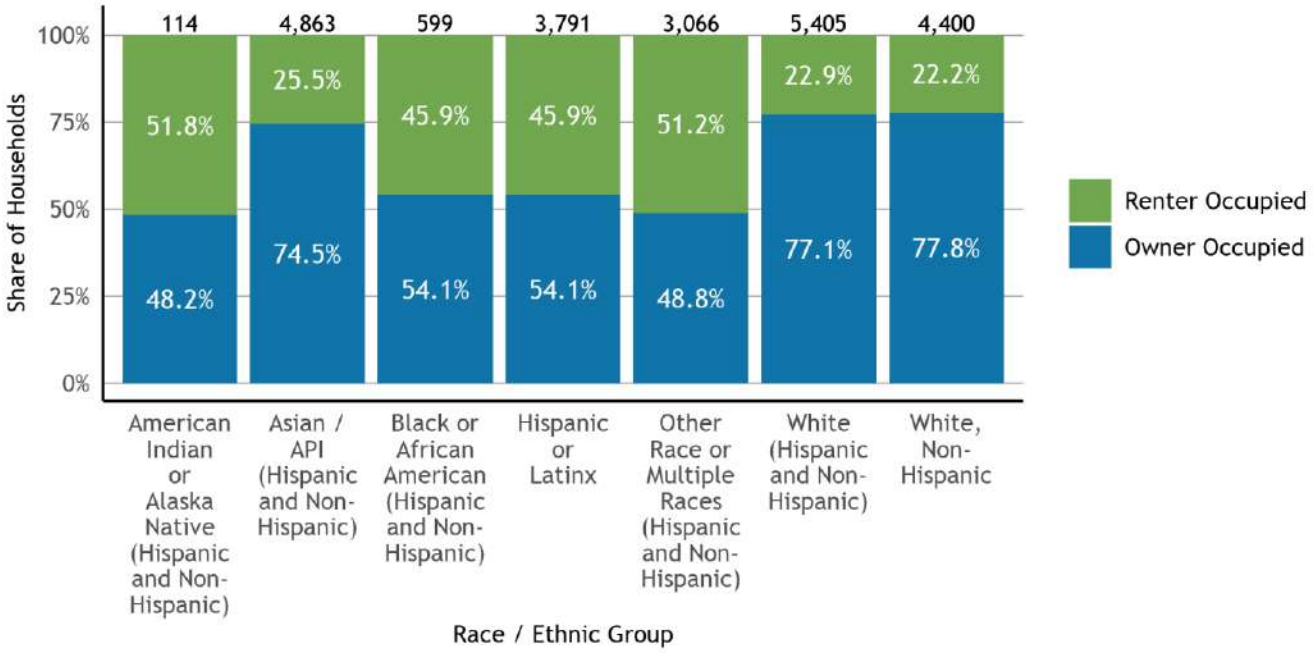


Figure 15: Housing Tenure by Race of Householder

Universe: Occupied housing units
Notes: For this table, the Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity. However, data for the white racial group is also reported for white householders who are not Hispanic/Latinx. Since residents who identify as white and Hispanic/Latinx may have very different experiences within the housing market and the economy from those who identify as white and non-Hispanic/Latinx, data for multiple white sub-groups are reported here. The racial/ethnic groups reported in this table are not all mutually exclusive. Therefore, the data should not be summed as the sum exceeds the total number of occupied housing units for this jurisdiction. However, all groups labelled "Hispanic and Non-Hispanic" are mutually exclusive, and the sum of the data for these groups is equivalent to the total number of occupied housing units.
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003(A-I)
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-20.

The age of residents who rent or own their home can also signal the housing challenges a community is experiencing. Younger households tend to rent and may struggle to buy a first home in the Bay Area due to high housing costs. At the same time, senior homeowners seeking to downsize may have limited options in an expensive housing market.

In Newark, 43.6% of householders between the ages of 25 and 44 are renters, while 13.5% of householders over 65 are (see Figure 16).



Figure 16: Housing Tenure by Age

Universe: Occupied housing units
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25007
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-18.

In many cities, homeownership rates for households in single-family homes are substantially higher than the rates for households in multi-family housing. In Newark, 82.3% of households in detached single-family homes are homeowners, while 22.7% of households in multi-family housing are homeowners (see Figure 17).

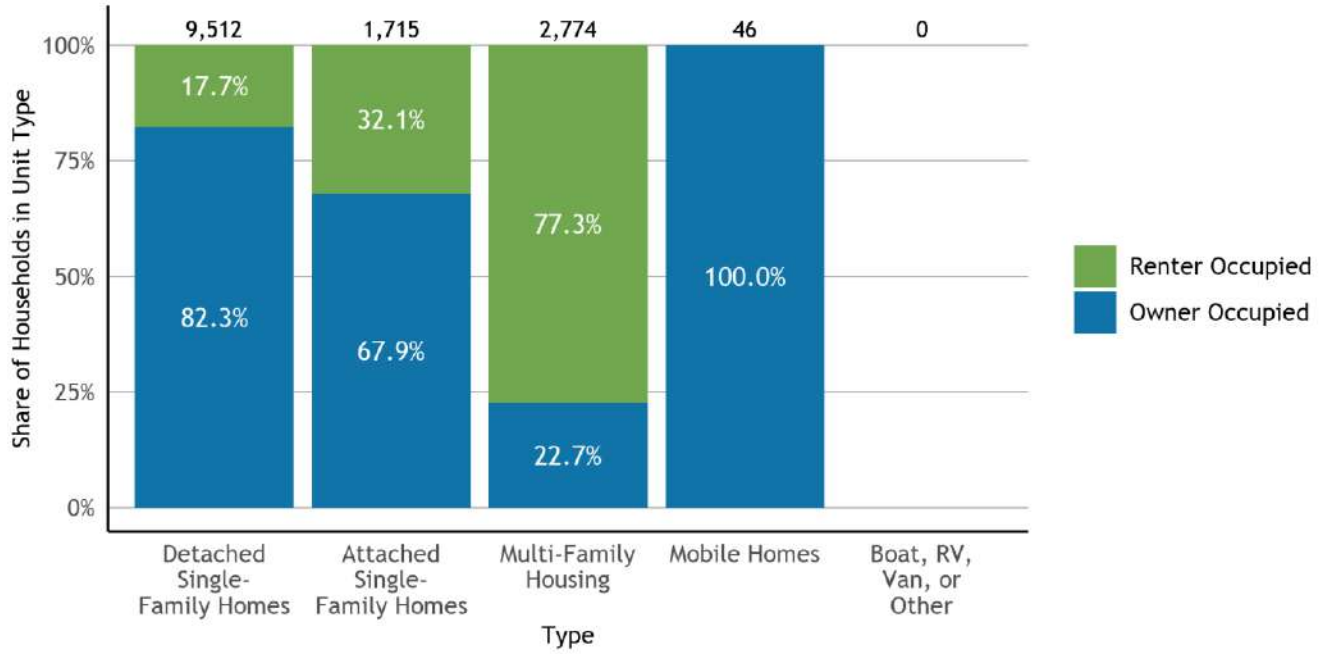


Figure 17: Housing Tenure by Housing Type

Universe: Occupied housing units
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25032
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-22.

4.7 Displacement

Because of increasing housing prices, displacement is a major concern in the Bay Area. Displacement has the most severe impacts on low- and moderate-income residents. When individuals or families are forced to leave their homes and communities, they also lose their support network.

The University of California, Berkeley has mapped all neighborhoods in the Bay area, identifying their risk for gentrification. They find that in Newark, 0.0% of households live in neighborhoods that are susceptible to or experiencing displacement and 0.0% live in neighborhoods at risk of or undergoing gentrification.

Equally important, some neighborhoods in the Bay Area do not have housing appropriate for a broad section of the workforce. UC Berkeley estimates that 31.8% of households in Newark live in neighborhoods where low-income households are likely to be excluded due to prohibitive housing costs.[16]

[16] More information about this gentrification and displacement data is available at the Urban Displacement Project's webpage: https://www.urbandisplacement.org/. Specifically, one can learn more about the different gentrification/displacement typologies shown in Figure 18 at this link: https://www.urbandisplacement.org/sites/default/files/typology_sheet_2018_0.png. Additionally, one can view maps that show which typologies correspond to which parts of a jurisdiction here: https://www.urbandisplacement.org/san-francisco/sf-bay-area-gentrification-and-displacement

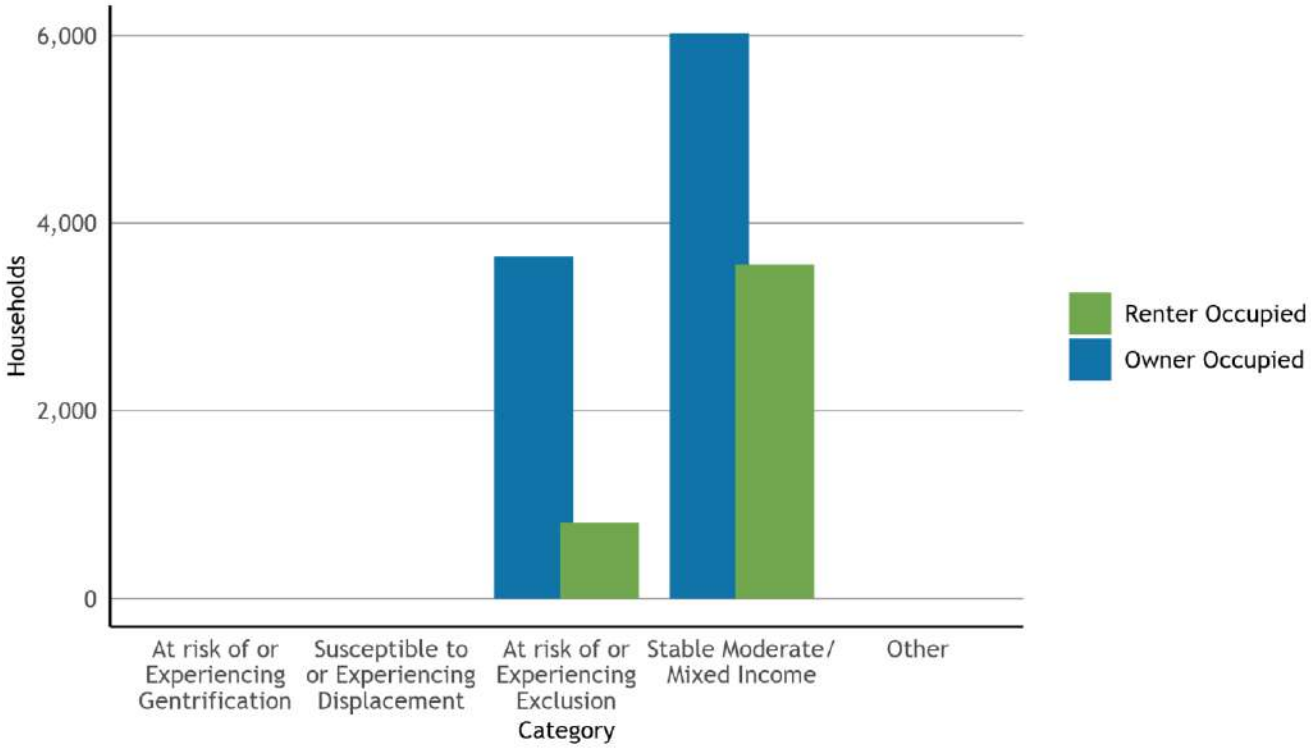


Figure 18: Households by Displacement Risk and Tenure

Universe: Households
Notes: Displacement data is available at the census tract level. Staff aggregated tracts up to jurisdiction level using census 2010 population weights, assigning a tract to jurisdiction in proportion to block level population weights. Total household count may differ slightly from counts in other tables sourced from jurisdiction level sources. Categories are combined as follows for simplicity: At risk of or Experiencing Exclusion: At Risk of Becoming Exclusive; Becoming Exclusive; Stable/Advanced Exclusive At risk of or Experiencing Gentrification: At Risk of Gentrification; Early/Ongoing Gentrification; Advanced Gentrification Stable Moderate/Mixed Income: Stable Moderate/Mixed Income Susceptible to or Experiencing Displacement: Low-Income/Susceptible to Displacement; Ongoing Displacement Other: High Student Population; Unavailable or Unreliable Data
Source: Urban Displacement Project for classification, American Community Survey 5-Year Data (2015-2019), Table B25003 for tenure.
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-25.

5 HOUSING STOCK CHARACTERISTICS

5.1 Housing Types, Year Built, Vacancy, and Permits

In recent years, most housing produced in the region and across the state consisted of single-family homes and larger multi-unit buildings. However, some households are increasingly interested in "missing middle housing" – including duplexes, triplexes, townhomes, cottage clusters and accessory dwelling units (ADUs). These housing types may open up more options across incomes and tenure, from young households seeking homeownership options to seniors looking to downsize and age-in-place.

The housing stock of Newark in 2020 was made up of 69.6% single family detached homes, 9.5% single family attached homes, 4.4% multifamily homes with 2 to 4 units, 16.5% multifamily homes with 5 or more units, and 0.0% mobile homes (see Figure 19). In Newark, the housing type that experienced the most growth between 2010 and 2020 was *Single-Family Home: Detached*.

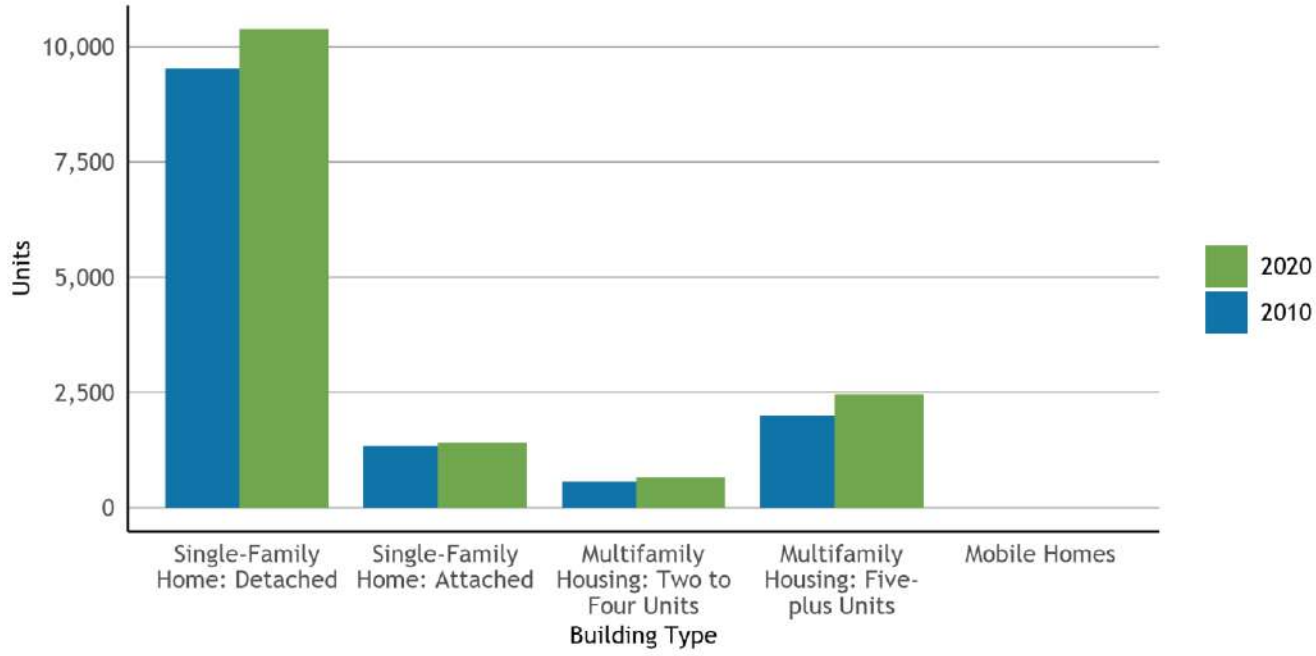


Figure 19: Housing Type Trends

Universe: Housing units
Source: California Department of Finance, E-5 series
For the data table behind this figure, please refer to the Data Packet Workbook, Table HSG-01.

Production has not kept up with housing demand for several decades in the Bay Area, as the total number of units built and available has not yet come close to meeting the population and job growth experienced throughout the region. In Newark, the largest proportion of the housing stock was built 1960 to 1979, with 7,737 units constructed during this period (see Figure 20). Since 2010, 4.9% of the current housing stock was built, which is 713 units.

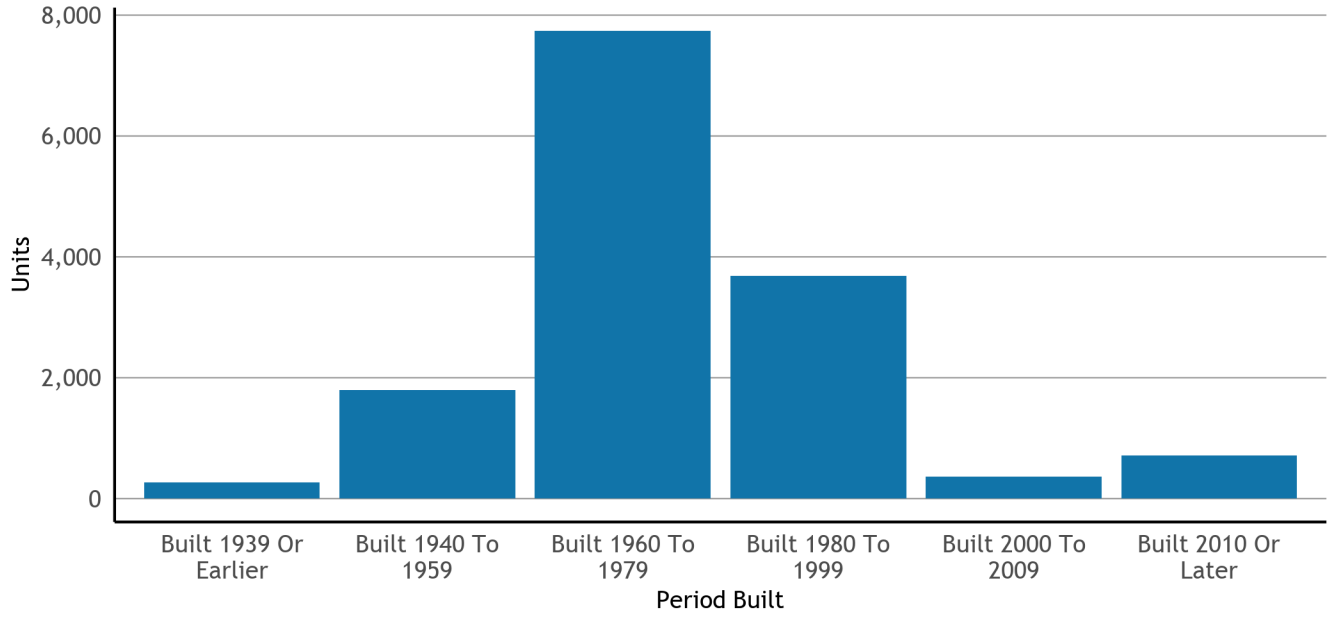


Figure 20: Housing Units by Year Structure Built

Universe: Housing units
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25034
For the data table behind this figure, please refer to the Data Packet Workbook, Table HSG-04.

Vacant units make up 3.5% of the overall housing stock in Newark. The rental vacancy stands at 2.6%, while the ownership vacancy rate is 1.7%. Of the vacant units, the most common type of vacancy is *For Seasonal, Recreational, Or Occasional Use* (see Figure 21).[17]

Throughout the Bay Area, vacancies make up 2.6% of the total housing units, with homes listed for rent; units used for *recreational or occasional use*, and units not otherwise classified (*other vacant*) making up the majority of vacancies. The Census Bureau classifies a unit as vacant if no one is occupying it when census interviewers are conducting the American Community Survey or Decennial Census. Vacant units classified as "for recreational or occasional use" are those that are held for short-term periods of use throughout the year. Accordingly, vacation rentals and short-term rentals like AirBnB are likely to fall in this category. The Census Bureau classifies units as "other vacant" if they are vacant due to foreclosure, personal/family reasons, legal proceedings, repairs/renovations, abandonment, preparation for being rented or sold, or vacant for an extended absence for reasons such as a work assignment, military duty, or incarceration.[18] In a region with a thriving economy and housing market like the Bay Area, units being renovated/repaired and prepared for rental or sale are likely to represent a large portion of the "other vacant" category. Additionally, the need for seismic retrofitting

[17] The vacancy rates by tenure is for a smaller universe than the total vacancy rate first reported, which in principle includes the full stock (3.5%). The vacancy by tenure counts are rates relative to the rental stock (occupied and vacant) and ownership stock (occupied and vacant) - but exclude a a significant number of vacancy categories, including the numerically significant *other vacant*.
[18] For more information, see pages 3 through 6 of this list of definitions prepared by the Census Bureau: https://www.census.gov/housing/hvs/definitions.pdf.

in older housing stock could also influence the proportion of "other vacant" units in some jurisdictions.[19]

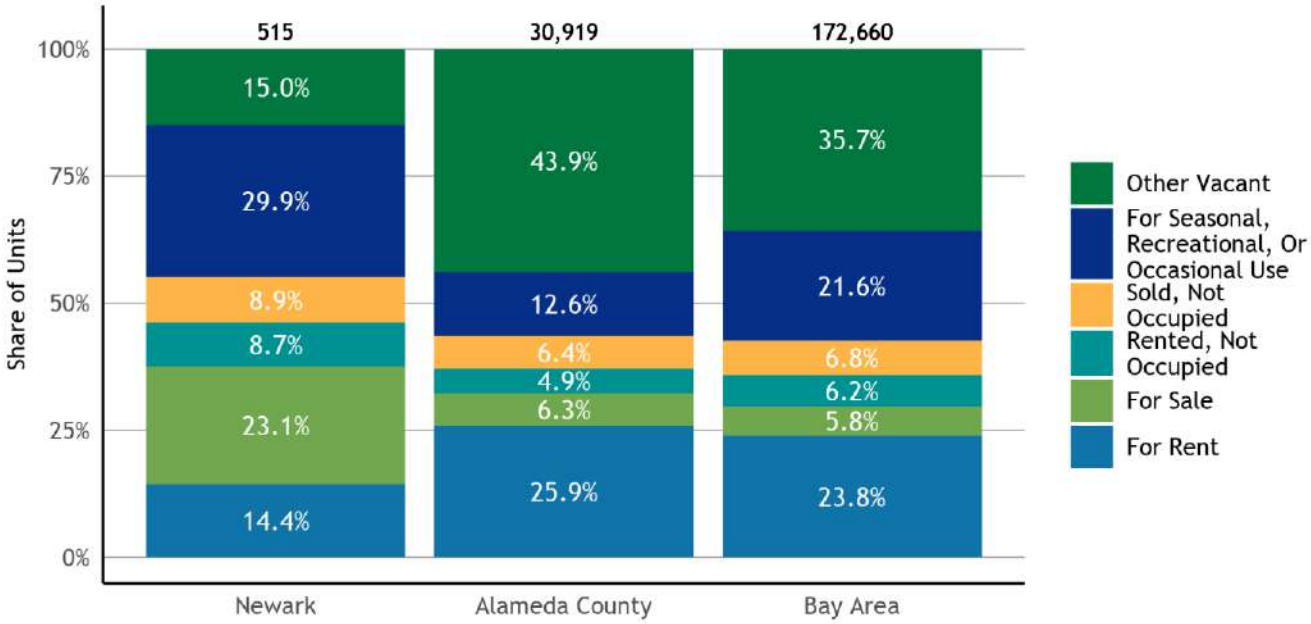


Figure 21: Vacant Units by Type

Universe: Vacant housing units
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25004
For the data table behind this figure, please refer to the Data Packet Workbook, Table HSG-03.

Between 2015 and 2019, 829 housing units were issued permits in Newark. 95.7% of permits issued in Newark were for above moderate-income housing, 4.3% were for moderate-income housing, and 0.0% were for low- or very low-income housing (see Table 3).

Table 3: Housing Permitting

Income Group	value
Above Moderate Income Permits	793
Moderate Income Permits	36
Low Income Permits	0
Very Low Income Permits	0

Universe: Housing permits issued between 2015 and 2019
Notes: HCD uses the following definitions for the four income categories: Very Low Income: units affordable to households making less than 50% of the Area Median Income for the county in which the jurisdiction is located. Low Income: units affordable to households making between 50% and 80% of the Area Median Income for the county in which the jurisdiction is located. Moderate Income: units affordable to households making between 80% and 120% of the Area Median Income for the

[19] See Dow, P. (2018). Unpacking the Growth in San Francisco's Vacant Housing Stock: Client Report for the San Francisco Planning Department. University of California, Berkeley.

county in which the jurisdiction is located. Above Moderate Income: units affordable to households making above 120% of the Area Median Income for the county in which the jurisdiction is located.
Source: California Department of Housing and Community Development (HCD), 5th Cycle Annual Progress Report Permit Summary (2020)
This table is included in the Data Packet Workbook as Table HSG-11.

5.2 Assisted Housing Developments At-Risk of Conversion

While there is an immense need to produce new affordable housing units, ensuring that the existing affordable housing stock remains affordable is equally important. Additionally, it is typically faster and less expensive to preserve currently affordable units that are at risk of converting to market-rate than it is to build new affordable housing.

The data in the table below comes from the California Housing Partnership's Preservation Database, the state's most comprehensive source of information on subsidized affordable housing at risk of losing its affordable status and converting to market-rate housing. However, this database does not include all deed-restricted affordable units in the state, so there may be at-risk assisted units in a jurisdiction that are not captured in this data table. There are 274 assisted units in Newark in the Preservation Database. Of these units, 0.0% are at *High Risk* or *Very High Risk* of conversion.[20]

Note on At-Risk Assisted Housing Developments

HCD requires that Housing Elements list the assisted housing developments at risk of converting to market-rate uses. For more information on the specific properties that are at Moderate Risk, High Risk, or Very High Risk of conversion, local jurisdiction staff should contact Danielle Mazzella, Preservation & Data Manager at the California Housing Partnership, at dmazzella@chpc.net.

Table 4: Assisted Units at Risk of Conversion

Income	Newark	Alameda County	Bay Area
Low	274	23040	110177
Moderate	0	167	3375
High	0	189	1854
Very High	0	106	1053
Total Assisted Units in Database	274	23502	116459

Universe: HUD, Low-Income Housing Tax Credit (LIHTC), USDA, and CalHFA projects. Subsidized or assisted developments that do not have one of the aforementioned financing sources may not be included.

[20] California Housing Partnership uses the following categories for assisted housing developments in its database:
Very-High Risk: affordable homes that are at-risk of converting to market rate within the next year that do not have a known overlapping subsidy that would extend affordability and are not owned by a large/stable non-profit, mission-driven developer.
High Risk: affordable homes that are at-risk of converting to market rate in the next 1-5 years that do not have a known overlapping subsidy that would extend affordability and are not owned by a large/stable non-profit, mission-driven developer.
Moderate Risk: affordable homes that are at-risk of converting to market rate in the next 5-10 years that do not have a known overlapping subsidy that would extend affordability and are not owned by a large/stable non-profit, mission-driven developer.
Low Risk: affordable homes that are at-risk of converting to market rate in 10+ years and/or are owned by a large/stable non-profit, mission-driven developer.

Notes: While California Housing Partnership's Preservation Database is the state's most comprehensive source of information on subsidized affordable housing at risk of losing its affordable status and converting to market-rate housing, this database does not include all deed-restricted affordable units in the state. Consequently, there may be at-risk assisted units in a jurisdiction that are not captured in this data table. Per HCD guidance, local jurisdictions must also list the specific affordable housing developments at-risk of converting to market rate uses. This document provides aggregate numbers of at-risk units for each jurisdiction, but local planning staff should contact Danielle Mazzella with the California Housing Partnership at dmazzella@chpc.net to obtain a list of affordable properties that fall under this designation. California Housing Partnership uses the following categories for assisted housing developments in its database: Very-High Risk: affordable homes that are at-risk of converting to market rate within the next year that do not have a known overlapping subsidy that would extend affordability and are not owned by a large/stable non-profit, mission-driven developer. High Risk: affordable homes that are at-risk of converting to market rate in the next 1-5 years that do not have a known overlapping subsidy that would extend affordability and are not owned by a large/stable non-profit, mission-driven developer. Moderate Risk: affordable homes that are at-risk of converting to market rate in the next 5-10 years that do not have a known overlapping subsidy that would extend affordability and are not owned by a large/stable non-profit, mission-driven developer. Low Risk: affordable homes that are at-risk of converting to market rate in 10+ years and/or are owned by a large/stable non-profit, mission-driven developer.
Source: California Housing Partnership, Preservation Database (2020)
This table is included in the Data Packet Workbook as Table RISK-01.

5.3 Substandard Housing

Housing costs in the region are among the highest in the country, which could result in households, particularly renters, needing to live in substandard conditions in order to afford housing. Generally, there is limited data on the extent of substandard housing issues in a community. However, the Census Bureau data included in the graph below gives a sense of some of the substandard conditions that may be present in Newark. For example, 0.3% of renters in Newark reported lacking a kitchen and 0.0% of renters lack plumbing, compared to 0.3% of owners who lack a kitchen and 0.1% of owners who lack plumbing.

Note on Substandard Housing

HCD requires Housing Elements to estimate the number of units in need of rehabilitation and replacement. As a data source for housing units in need of rehabilitation and replacement is not available for all jurisdictions in the region, ABAG was not able to provide this required data point in this document. To produce an estimate of housing needs in need of rehabilitation and replacement, staff can supplement the data below on substandard housing issues with additional local information from code enforcement, recent windshield surveys of properties, building department data, knowledgeable builders/developers in the community, or nonprofit housing developers or organizations. For more information, visit HCD's Building Blocks page on Housing Stock Characteristics.

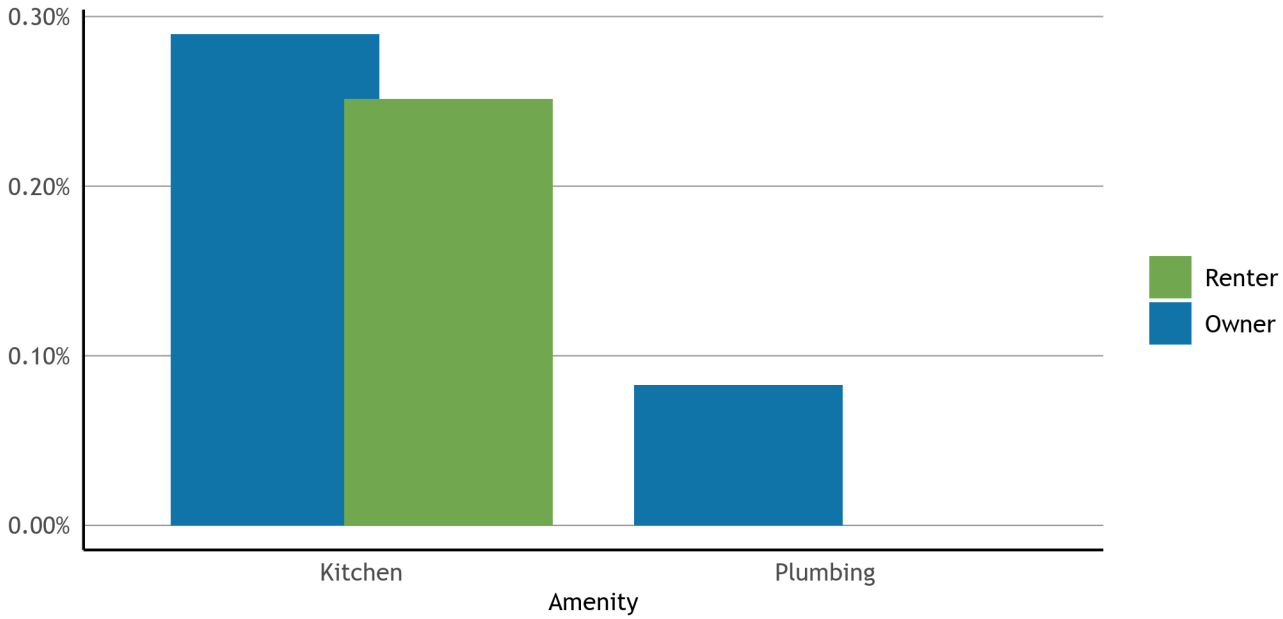


Figure 22: Substandard Housing Issues

Universe: Occupied housing units
Notes: Per HCD guidance, this data should be supplemented by local estimates of units needing to be rehabilitated or replaced based on recent windshield surveys, local building department data, knowledgeable builders/developers in the community, or nonprofit housing developers or organizations.
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25053, Table B25043, Table B25049
For the data table behind this figure, please refer to the Data Packet Workbook, Table HSG-06.

5.4 Home and Rent Values

Home prices reflect a complex mix of supply and demand factors, including an area's demographic profile, labor market, prevailing wages and job outlook, coupled with land and construction costs. In the Bay Area, the costs of housing have long been among the highest in the nation. The typical home value in Newark was estimated at $978,600 by December of 2020, per data from Zillow. The largest proportion of homes were valued between $750k-$1M (see Figure 23). By comparison, the typical home value is $951,380 in Alameda County and $1,077,230 the Bay Area, with the largest share of units valued $500k-$750k.

The region's home values have increased steadily since 2000, besides a decrease during the Great Recession. The rise in home prices has been especially steep since 2012, with the median home value in the Bay Area nearly doubling during this time. Since 2001, the typical home value has increased 165.8% in Newark from $368,220 to $978,600. This change is above the change in Alameda County, and above the change for the region (see Figure 24).

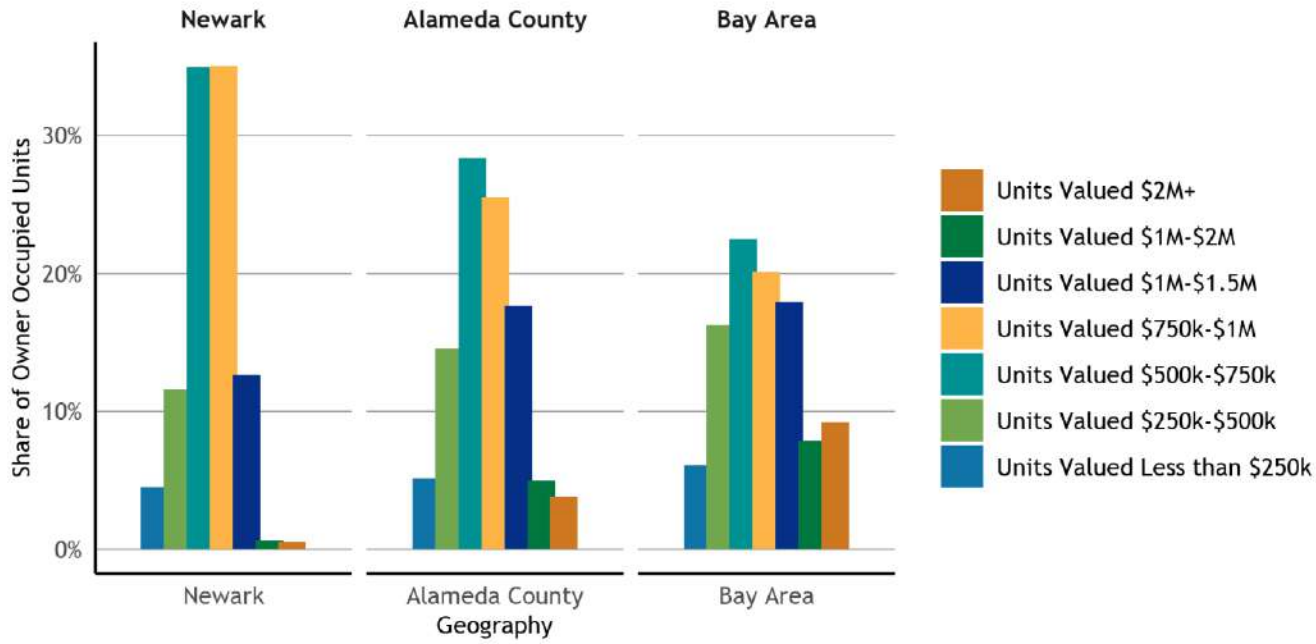


Figure 23: Home Values of Owner-Occupied Units

Universe: Owner-occupied units
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25075
For the data table behind this figure, please refer to the Data Packet Workbook, Table HSG-07.

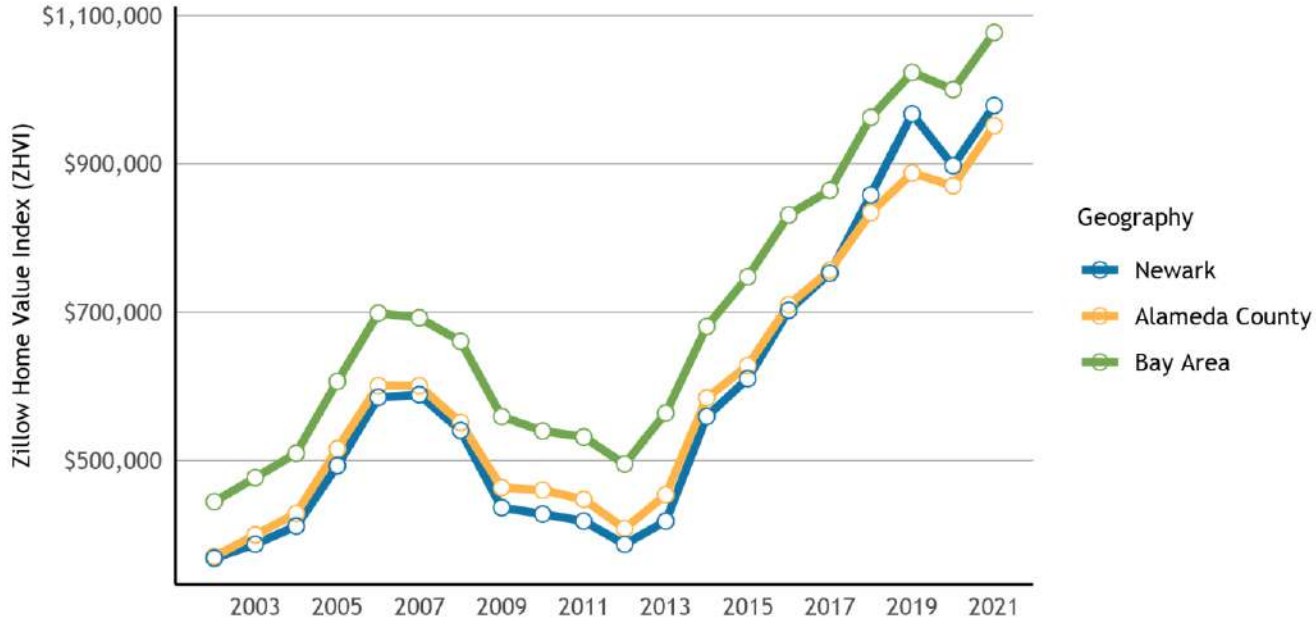


Figure 24: Zillow Home Value Index (ZHVI)

Universe: Owner-occupied housing units
Notes: Zillow describes the ZHVI as a smoothed, seasonally adjusted measure of the typical home value and market changes across a given region and housing type. The ZHVI reflects the typical value for homes in the 35th to 65th percentile range. The

ZHVI includes all owner-occupied housing units, including both single-family homes and condominiums. More information on the ZHVI is available from Zillow. The regional estimate is a household-weighted average of county-level ZHVI files, where household counts are yearly estimates from DOF's E-5 series For unincorporated areas, the value is a population weighted average of unincorporated communities in the county matched to census-designated population counts.
Source: Zillow, Zillow Home Value Index (ZHVI)
For the data table behind this figure, please refer to the Data Packet Workbook, Table HSG-08.

Similar to home values, rents have also increased dramatically across the Bay Area in recent years. Many renters have been priced out, evicted or displaced, particularly communities of color. Residents finding themselves in one of these situations may have had to choose between commuting long distances to their jobs and schools or moving out of the region, and sometimes, out of the state.

In Newark, the largest proportion of rental units rented in the *Rent $2000-$2500* category, totaling 26.8%, followed by 25.6% of units renting in the *Rent $1500-$2000* category (see Figure 25). Looking beyond the city, the largest share of units is in the *rent for $1500-$2000* category.

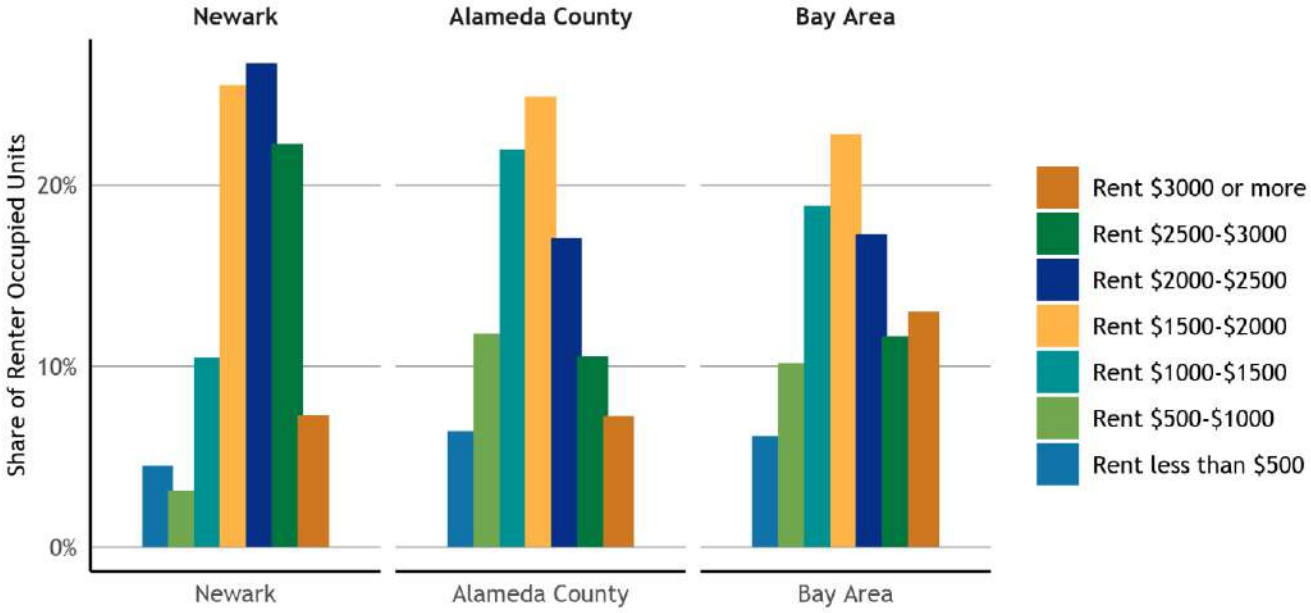


Figure 25: Contract Rents for Renter-Occupied Units

Universe: Renter-occupied housing units paying cash rent
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25056
For the data table behind this figure, please refer to the Data Packet Workbook, Table HSG-09.

Since 2009, the median rent has increased by 61.1% in Newark, from $1,510 to $2,110 per month (see Figure 26). In Alameda County, the median rent has increased 36.0%, from $1,240 to $1,690. The median rent in the region has increased significantly during this time from $1,200 to $1,850, a 54% increase.[21]

[21] While the data on home values shown in Figure 24 comes from Zillow, Zillow does not have data on rent prices available for most Bay Area jurisdictions. To have a more comprehensive dataset on rental data for the region, the rent data in this document comes from the U.S. Census Bureau's American Community Survey, which may not fully

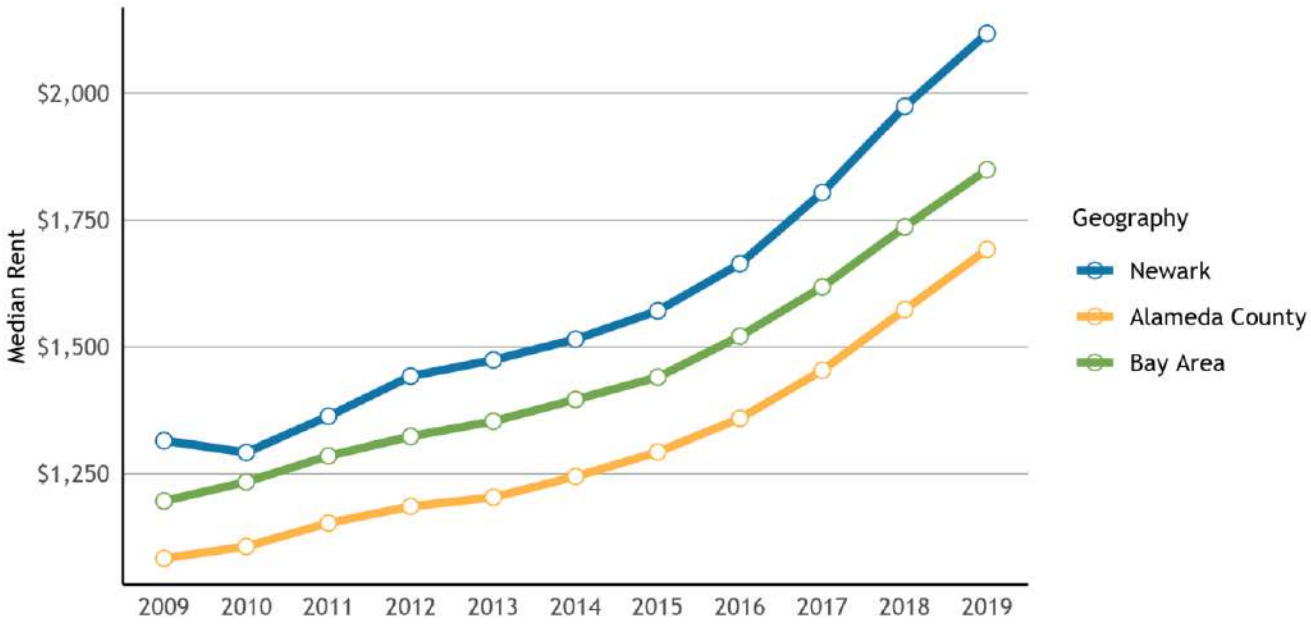


Figure 26: Median Contract Rent

Universe: Renter-occupied housing units paying cash rent
Notes: For unincorporated areas, median is calculated using distribution in B25056.
Source: U.S. Census Bureau, American Community Survey 5-Year Data releases, starting with 2005-2009 through 2015-2019, B25058, B25056 (for unincorporated areas). County and regional counts are weighted averages of jurisdiction median using B25003 rental unit counts from the relevant year.
For the data table behind this figure, please refer to the Data Packet Workbook, Table HSG-10.

5.5 Overpayment and Overcrowding

A household is considered "cost-burdened" if it spends more than 30% of its monthly income on housing costs, while those who spend more than 50% of their income on housing costs are considered "severely cost-burdened." Low-income residents are the most impacted by high housing costs and experience the highest rates of cost burden. Spending such large portions of their income on housing puts low-income households at higher risk of displacement, eviction, or homelessness.

reflect current rents. Local jurisdiction staff may want to supplement the data on rents with local realtor data or other sources for rent data that are more current than Census Bureau data.

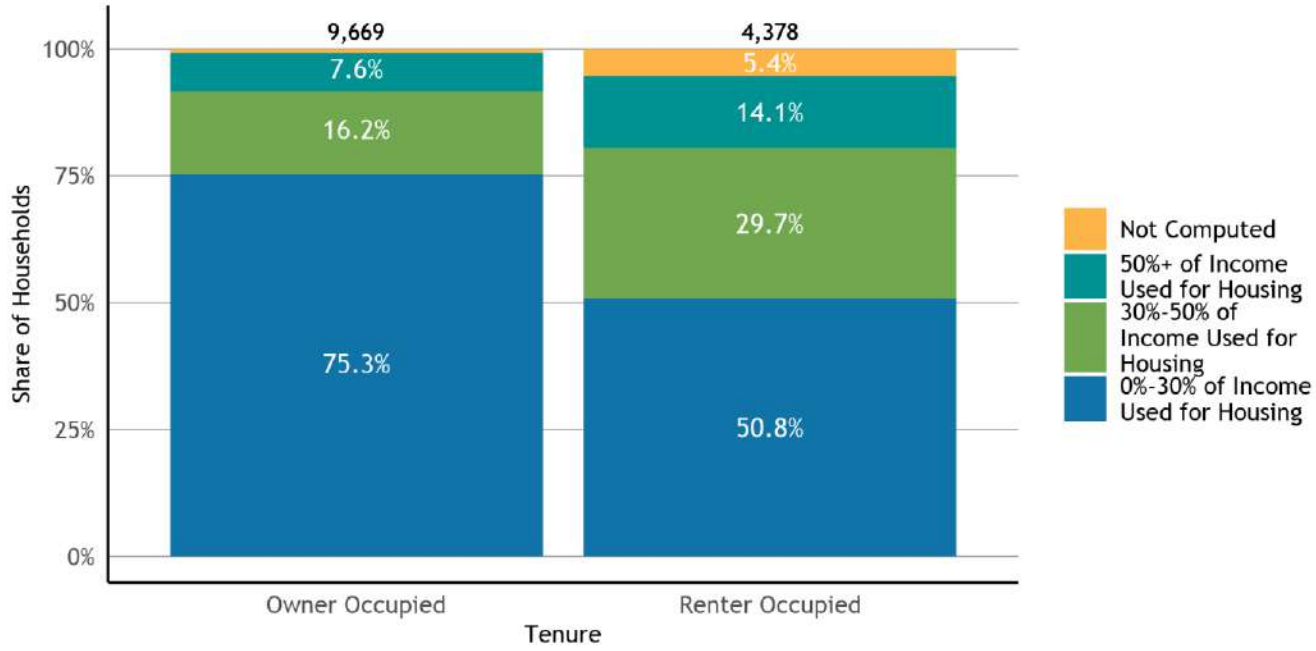


Figure 27: Cost Burden by Tenure

Universe: Occupied housing units
Notes: Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. HUD defines cost-burdened households as those whose monthly housing costs exceed 30% of monthly income, while severely cost-burdened households are those whose monthly housing costs exceed 50% of monthly income.
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25070, B25091
For the data table behind this figure, please refer to the Data Packet Workbook, Table OVER-06.

Renters are often more cost-burdened than owners. While the housing market has resulted in home prices increasing dramatically, homeowners often have mortgages with fixed rates, whereas renters are more likely to be impacted by market increases. When looking at the cost burden across tenure in Newark, 29.7% of renters spend 30% to 50% of their income on housing compared to 16.2% of those that own (see Figure 27). Additionally, 14.1% of renters spend 50% or more of their income on housing, while 7.6% of owners are severely cost-burdened.

In Newark, 12.4% of households spend 50% or more of their income on housing, while 19.2% spend 30% to 50%. However, these rates vary greatly across income categories (see Figure 28). For example, 56.6% of Newark households making less than 30% of AMI spend the majority of their income on housing. For Newark residents making more than 100% of AMI, just 0.8% are severely cost-burdened, and 89.0% of those making more than 100% of AMI spend less than 30% of their income on housing.

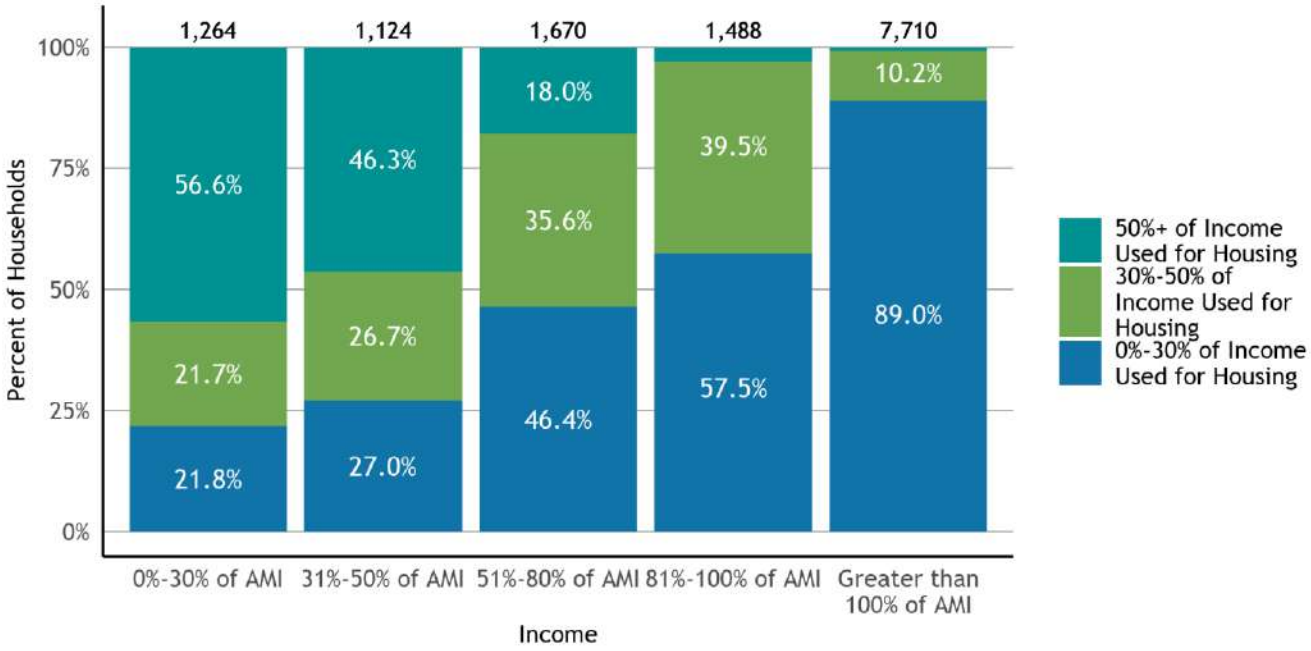


Figure 28: Cost Burden by Income Level

Universe: Occupied housing units
Notes: Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. HUD defines cost-burdened households as those whose monthly housing costs exceed 30% of monthly income, while severely cost-burdened households are those whose monthly housing costs exceed 50% of monthly income. Income groups are based on HUD calculations for Area Median Income (AMI). HUD calculates the AMI for different metropolitan areas, and the nine county Bay Area includes the following metropolitan areas: Napa Metro Area (Napa County), Oakland-Fremont Metro Area (Alameda and Contra Costa Counties), San Francisco Metro Area (Marin, San Francisco, and San Mateo Counties), San Jose-Sunnyvale-Santa Clara Metro Area (Santa Clara County), Santa Rosa Metro Area (Sonoma County), and Vallejo-Fairfield Metro Area (Solano County). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located.
Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release
For the data table behind this figure, please refer to the Data Packet Workbook, Table OVER-05.

Currently, people of color are more likely to experience poverty and financial instability as a result of federal and local housing policies that have historically excluded them from the same opportunities extended to white residents. As a result, they often pay a greater percentage of their income on housing, and in turn, are at a greater risk of housing insecurity.

American Indian or Alaska Native, Non-Hispanic residents are the most cost burdened with *46.2%* spending 30% to 50% of their income on housing, and *Hispanic or Latinx* residents are the most severely cost burdened with *22.1%* spending more than 50% of their income on housing (see Figure 29).

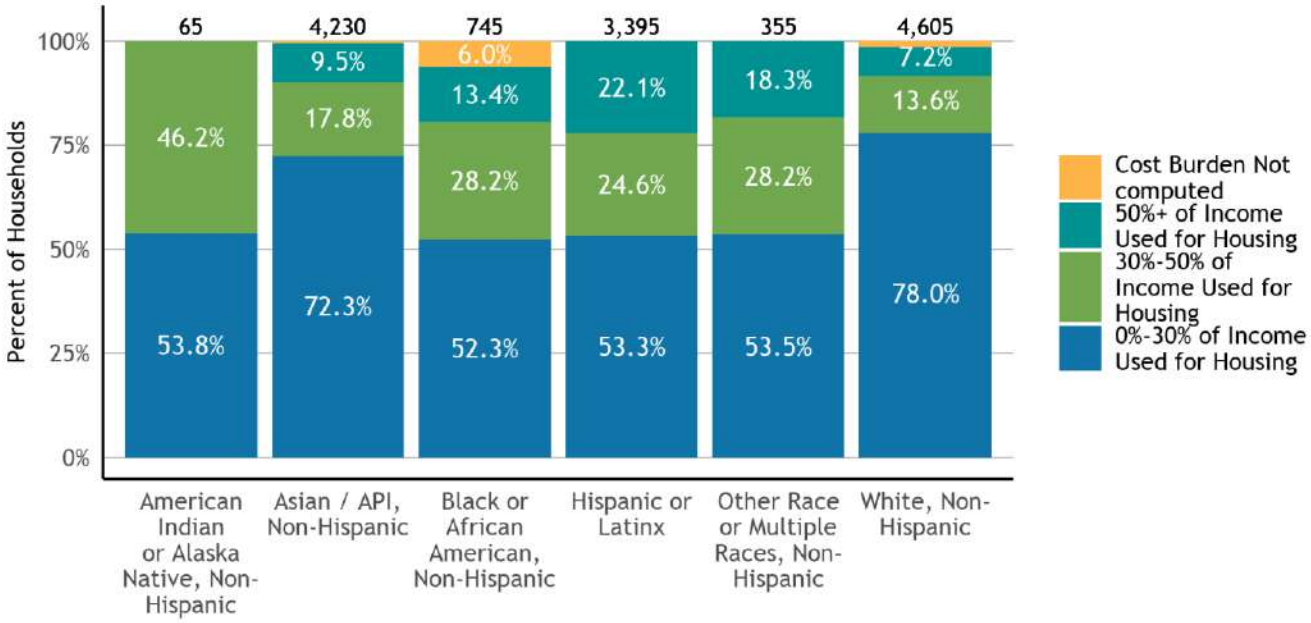


Figure 29: Cost Burden by Race

Universe: Occupied housing units
Notes: Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. HUD defines cost-burdened households as those whose monthly housing costs exceed 30% of monthly income, while severely cost-burdened households are those whose monthly housing costs exceed 50% of monthly income. For the purposes of this graph, the "Hispanic or Latinx" racial/ethnic group represents those who identify as having Hispanic/Latinx ethnicity and may also be members of any racial group. All other racial categories on this graph represent those who identify with that racial category and do not identify with Hispanic/Latinx ethnicity.
Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release
For the data table behind this figure, please refer to the Data Packet Workbook, Table OVER-08.

Large family households often have special housing needs due to a lack of adequately sized affordable housing available. The higher costs required for homes with multiple bedrooms can result in larger families experiencing a disproportionate cost burden than the rest of the population and can increase the risk of housing insecurity.

In Newark, 22.3% of large family households experience a cost burden of 30%-50%, while 13.4% of households spend more than half of their income on housing. Some 18.5% of all other households have a cost burden of 30%-50%, with 12.1% of households spending more than 50% of their income on housing (see Figure 30).

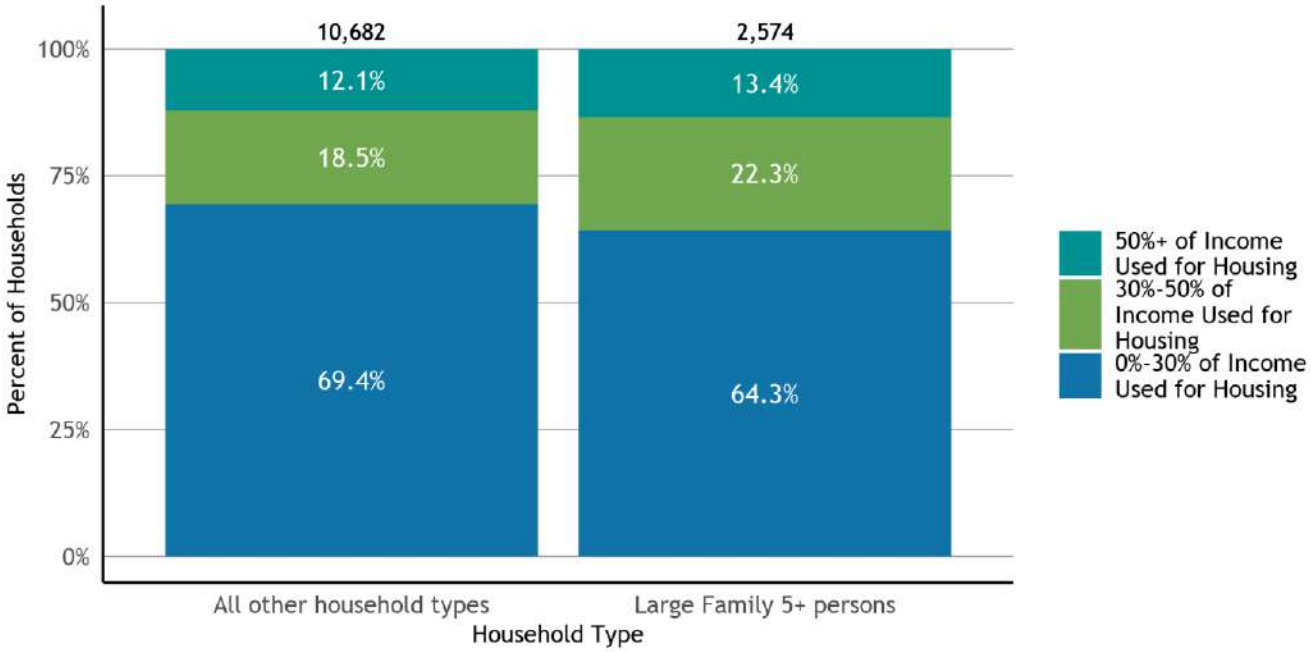


Figure 30: Cost Burden by Household Size

Universe: Occupied housing units
Notes: Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. HUD defines cost-burdened households as those whose monthly housing costs exceed 30% of monthly income, while severely cost-burdened households are those whose monthly housing costs exceed 50% of monthly income.
Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release
For the data table behind this figure, please refer to the Data Packet Workbook, Table OVER-09.

When cost-burdened seniors are no longer able to make house payments or pay rents, displacement from their homes can occur, putting further stress on the local rental market or forcing residents out of the community they call home. Understanding how seniors might be cost-burdened is of particular importance due to their special housing needs, particularly for low-income seniors. 21.8% of seniors making less than 30% of AMI are spending the majority of their income on housing. For seniors making more than 100% of AMI, 89.3% are not cost-burdened and spend less than 30% of their income on housing (see Figure 31).

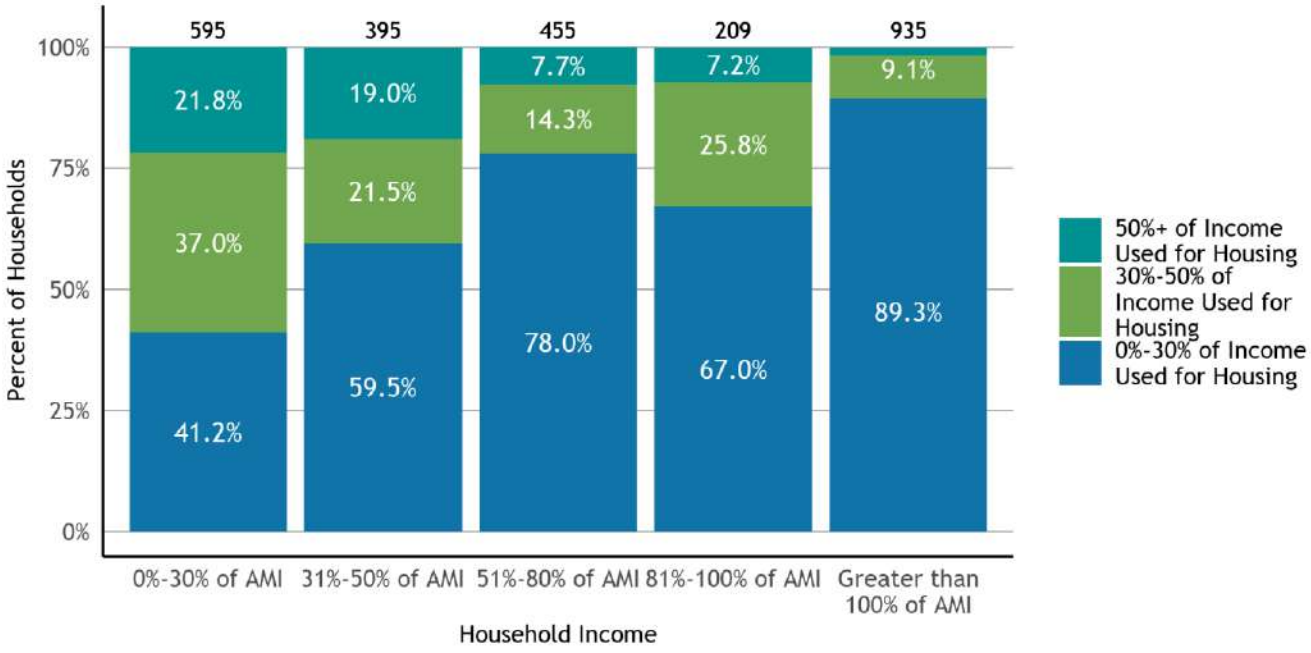


Figure 31: Cost-Burdened Senior Households by Income Level

Universe: Senior households
Notes: For the purposes of this graph, senior households are those with a householder who is aged 62 or older. Cost burden is the ratio of housing costs to household income. For renters, housing cost is gross rent (contract rent plus utilities). For owners, housing cost is "select monthly owner costs", which includes mortgage payment, utilities, association fees, insurance, and real estate taxes. HUD defines cost-burdened households as those whose monthly housing costs exceed 30% of monthly income, while severely cost-burdened households are those whose monthly housing costs exceed 50% of monthly income. Income groups are based on HUD calculations for Area Median Income (AMI). HUD calculates the AMI for different metropolitan areas, and the nine county Bay Area includes the following metropolitan areas: Napa Metro Area (Napa County), Oakland-Fremont Metro Area (Alameda and Contra Costa Counties), San Francisco Metro Area (Marin, San Francisco, and San Mateo Counties), San Jose-Sunnyvale-Santa Clara Metro Area (Santa Clara County), Santa Rosa Metro Area (Sonoma County), and Vallejo-Fairfield Metro Area (Solano County). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located.
Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release
For the data table behind this figure, please refer to the Data Packet Workbook, Table SEN-03.

Overcrowding occurs when the number of people living in a household is greater than the home was designed to hold. There are several different standards for defining overcrowding, but this report uses the Census Bureau definition, which is more than one occupant per room (not including bathrooms or kitchens). Additionally, the Census Bureau considers units with more than 1.5 occupants per room to be severely overcrowded.

Overcrowding is often related to the cost of housing and can occur when demand in a city or region is high. In many cities, overcrowding is seen more amongst those that are renting, with multiple households sharing a unit to make it possible to stay in their communities. In Newark, 9.3% of households that rent are severely overcrowded (more than 1.5 occupants per room), compared to 0.6% of households that own (see Figure 32). In Newark, 17.7% of renters experience moderate overcrowding (1 to 1.5 occupants per room), compared to 4.9% for those own.

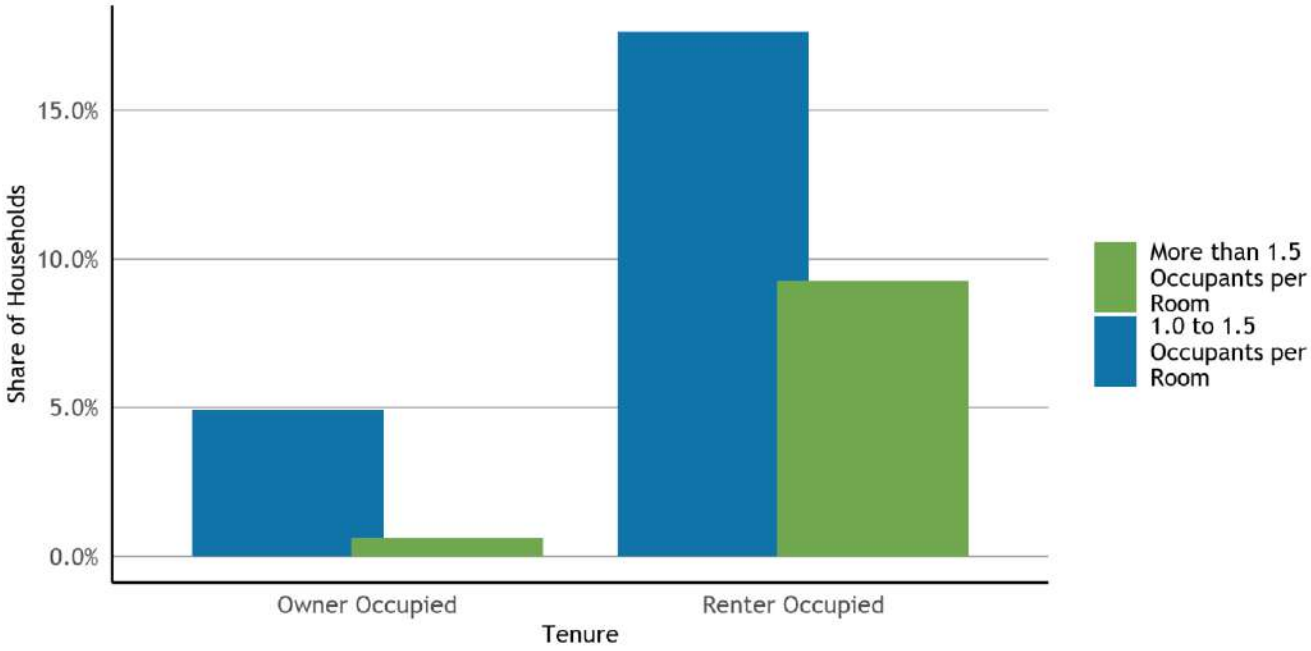


Figure 32: Overcrowding by Tenure and Severity

Universe: Occupied housing units
Notes: The Census Bureau defines an overcrowded unit as one occupied by 1.01 persons or more per room (excluding bathrooms and kitchens), and units with more than 1.5 persons per room are considered severely overcrowded.
Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release
For the data table behind this figure, please refer to the Data Packet Workbook, Table OVER-01.

Overcrowding often disproportionately impacts low-income households. 3.6% of very low-income households (below 50% AMI) experience severe overcrowding, while 1.4% of households above 100% experience this level of overcrowding (see Figure 33).

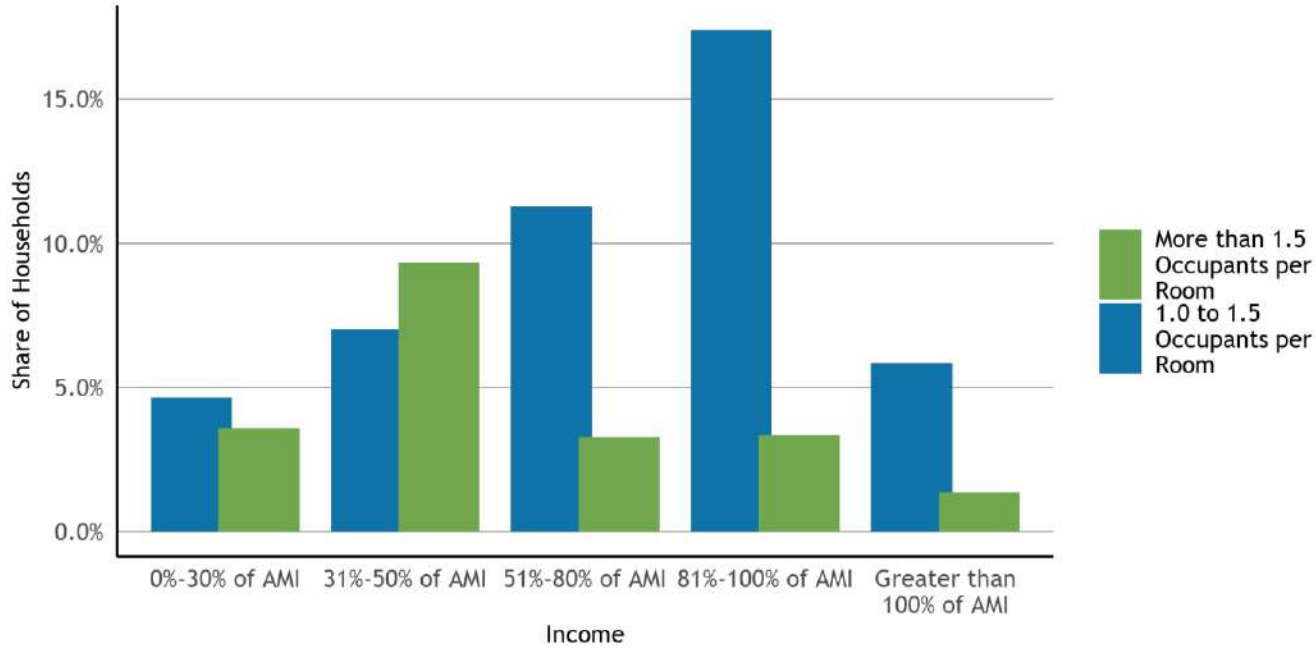


Figure 33: Overcrowding by Income Level and Severity

Universe: Occupied housing units
Notes: The Census Bureau defines an overcrowded unit as one occupied by 1.01 persons or more per room (excluding bathrooms and kitchens), and units with more than 1.5 persons per room are considered severely overcrowded. Income groups are based on HUD calculations for Area Median Income (AMI). HUD calculates the AMI for different metropolitan areas, and the nine county Bay Area includes the following metropolitan areas: Napa Metro Area (Napa County), Oakland-Fremont Metro Area (Alameda and Contra Costa Counties), San Francisco Metro Area (Marin, San Francisco, and San Mateo Counties), San Jose-Sunnyvale-Santa Clara Metro Area (Santa Clara County), Santa Rosa Metro Area (Sonoma County), and Vallejo-Fairfield Metro Area (Solano County). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located.
Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release
For the data table behind this figure, please refer to the Data Packet Workbook, Table OVER-04.

Communities of color are more likely to experience overcrowding similar to how they are more likely to experience poverty, financial instability, and housing insecurity. People of color tend to experience overcrowding at higher rates than White residents. In Newark, the racial group with the largest overcrowding rate is *Other Race or Multiple Races (Hispanic and Non-Hispanic)* (see Figure 34)

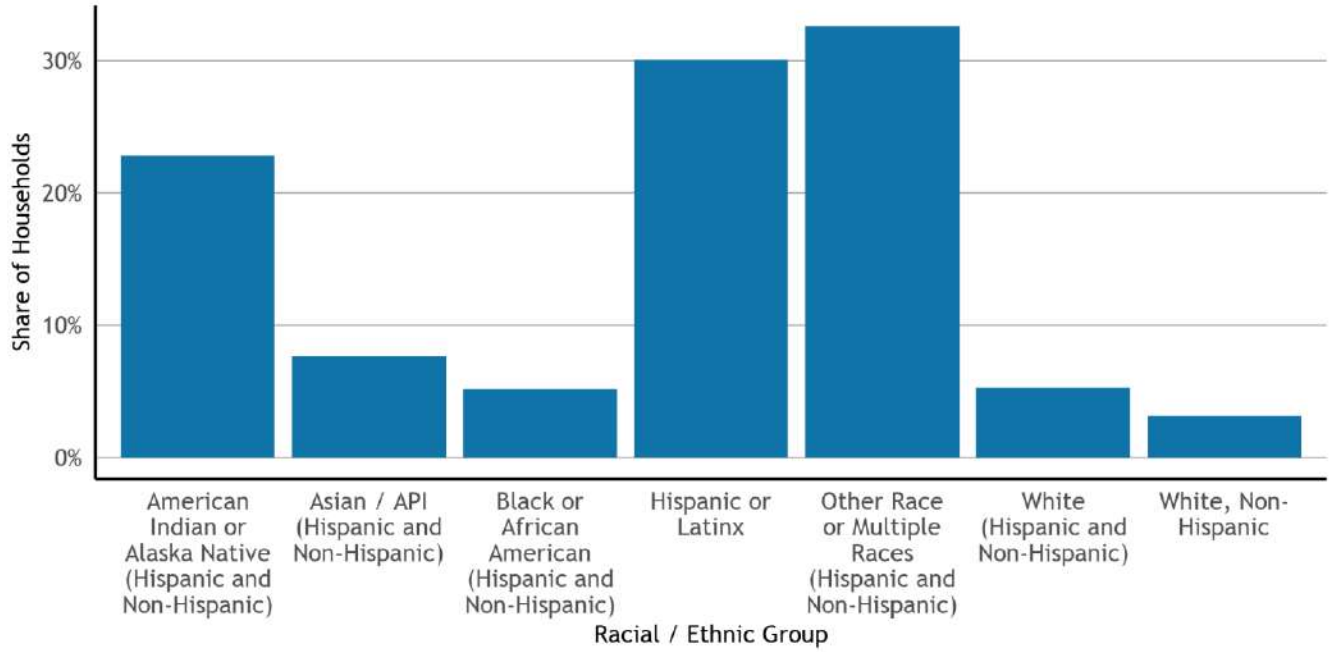


Figure 34: Overcrowding by Race

Universe: Occupied housing units
Notes: The Census Bureau defines an overcrowded unit as one occupied by 1.01 persons or more per room (excluding bathrooms and kitchens), and units with more than 1.5 persons per room are considered severely overcrowded. For this table, the Census Bureau does not disaggregate racial groups by Hispanic/Latinx ethnicity. However, data for the white racial group is also reported for white householders who are not Hispanic/Latinx. Since residents who identify as white and Hispanic/Latinx may have very different experiences within the housing market and the economy from those who identify as white and non-Hispanic/Latinx, data for multiple white sub-groups are reported here. The racial/ethnic groups reported in this table are not all mutually exclusive. Therefore, the data should not be summed as the sum exceeds the total number of occupied housing units for this jurisdiction. However, all groups labelled "Hispanic and Non-Hispanic" are mutually exclusive, and the sum of the data for these groups is equivalent to the total number of occupied housing units.
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25014
For the data table behind this figure, please refer to the Data Packet Workbook, Table OVER-03.

6 SPECIAL HOUSING NEEDS

6.1 Large Households

Large households often have different housing needs than smaller households. If a city's rental housing stock does not include larger apartments, large households who rent could end up living in overcrowded conditions. In Newark, for large households with 5 or more persons, most units (57.4%) are owner occupied (see Figure 35). In 2017, 17.4% of large households were very low-income, earning less than 50% of the area median income (AMI).

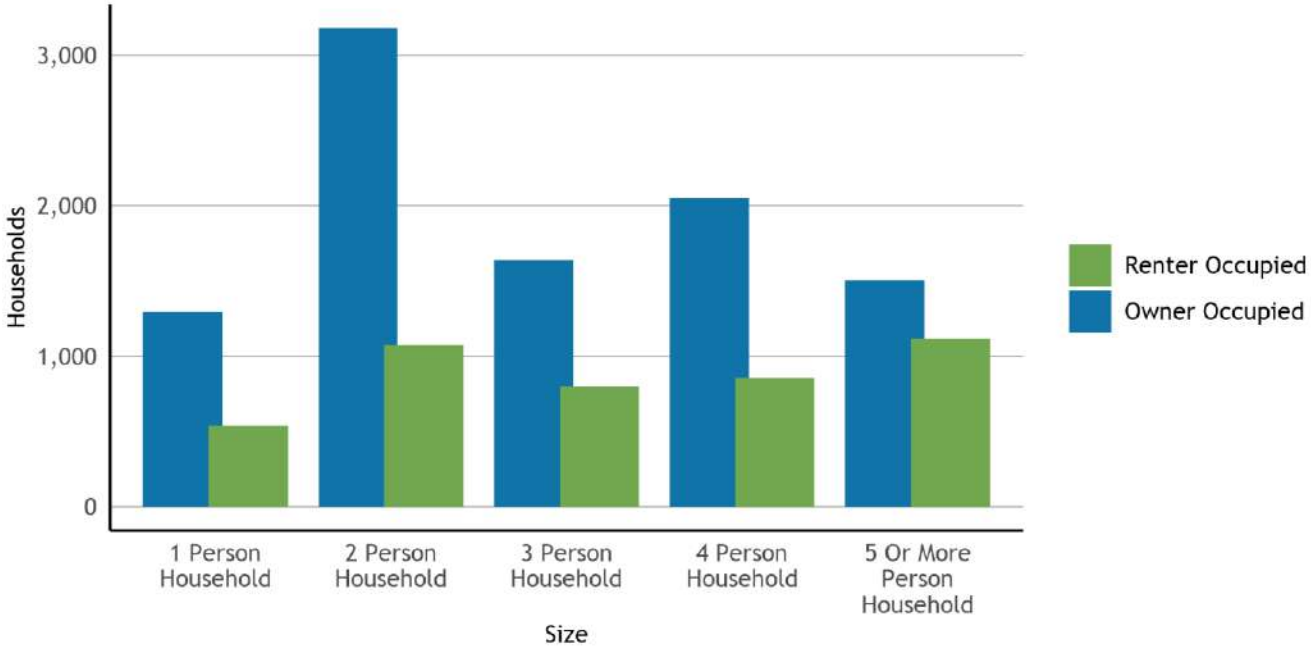


Figure 35: Household Size by Tenure

Universe: Occupied housing units
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25009
For the data table behind this figure, please refer to the Data Packet Workbook, Table LGFEM-01.

The unit sizes available in a community affect the household sizes that can access that community. Large families are generally served by housing units with 3 or more bedrooms, of which there are 10,345 units in Newark. Among these large units with 3 or more bedrooms, 17.4% are owner-occupied and 82.6% are renter occupied (see Figure 36).

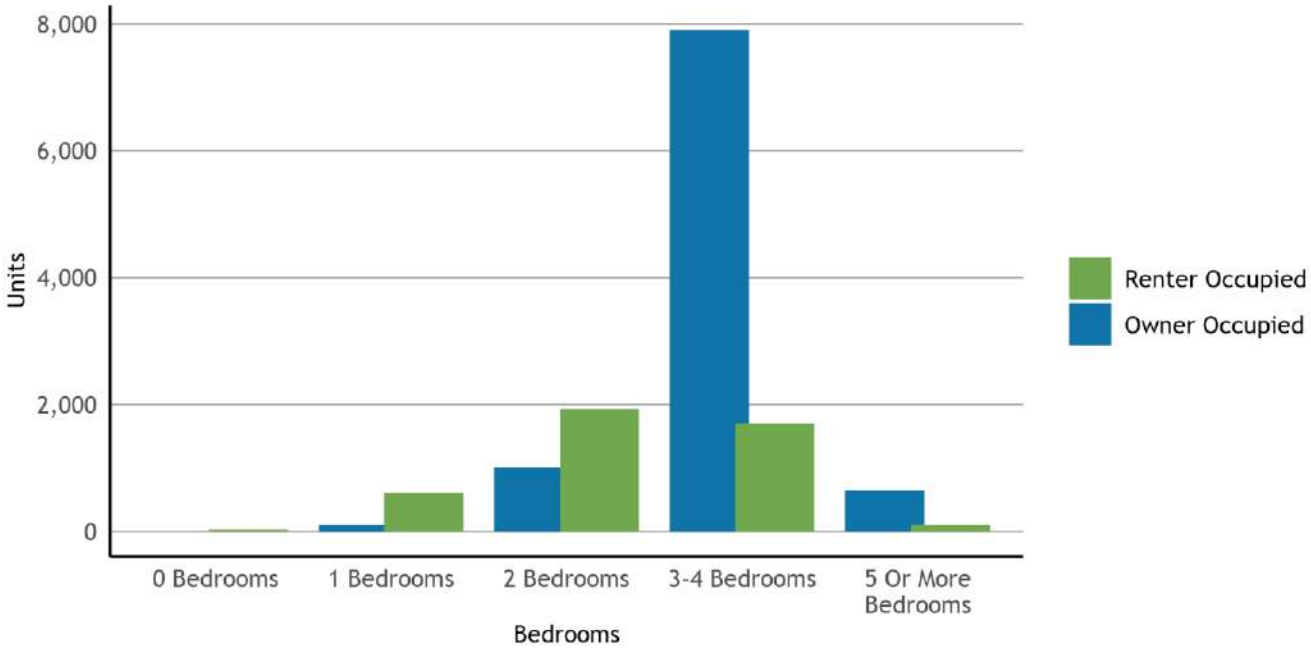


Figure 36: Housing Units by Number of Bedrooms

Universe: Housing units
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25042
For the data table behind this figure, please refer to the Data Packet Workbook, Table HSG-05.

6.2 Female-Headed Households

Households headed by one person are often at greater risk of housing insecurity, particularly female-headed households, who may be supporting children or a family with only one income. In Newark, the largest proportion of households is *Married-couple Family Households* at 63.0% of total, while *Female-Headed Households* make up 11.8% of all households.

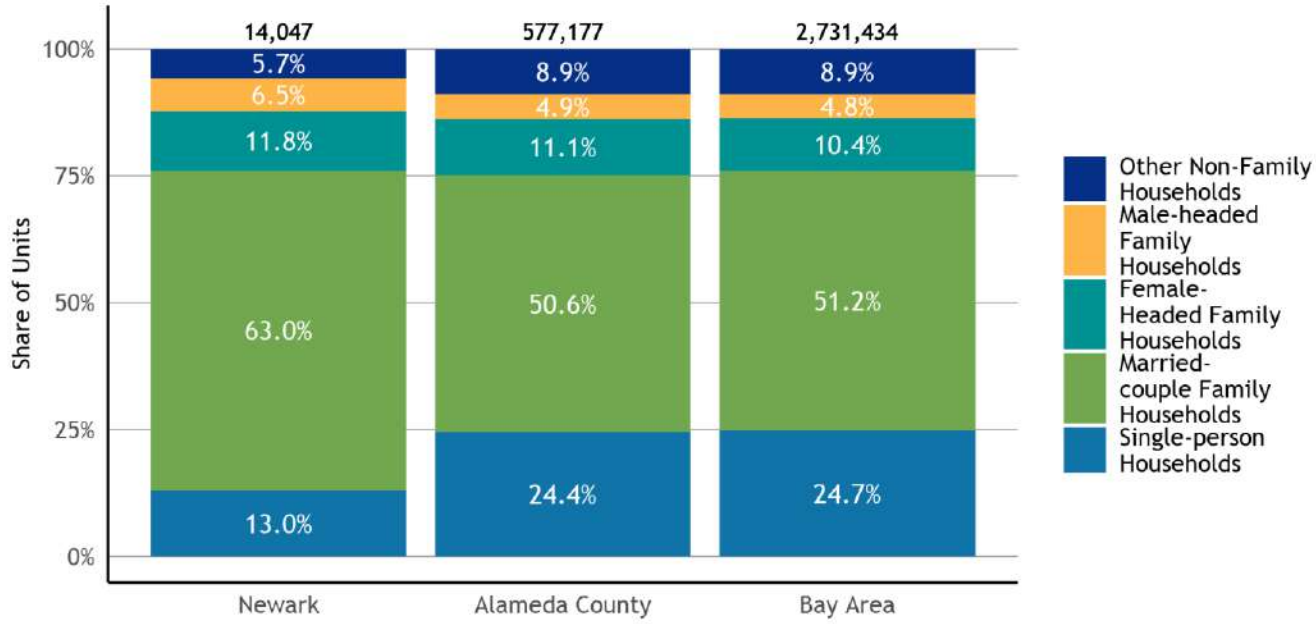


Figure 37: Household Type

Universe: Households
Notes: For data from the Census Bureau, a "family household" is a household where two or more people are related by birth, marriage, or adoption. "Non-family households" are households of one person living alone, as well as households where none of the people are related to each other.
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B11001
For the data table behind this figure, please refer to the Data Packet Workbook, Table POPEMP-23.

Female-headed households with children may face particular housing challenges, with pervasive gender inequality resulting in lower wages for women. Moreover, the added need for childcare can make finding a home that is affordable more challenging.

In Newark, 22.8% of female-headed households with children fall below the Federal Poverty Line, while 5.7% of female-headed households *without* children live in poverty (see Figure 38).

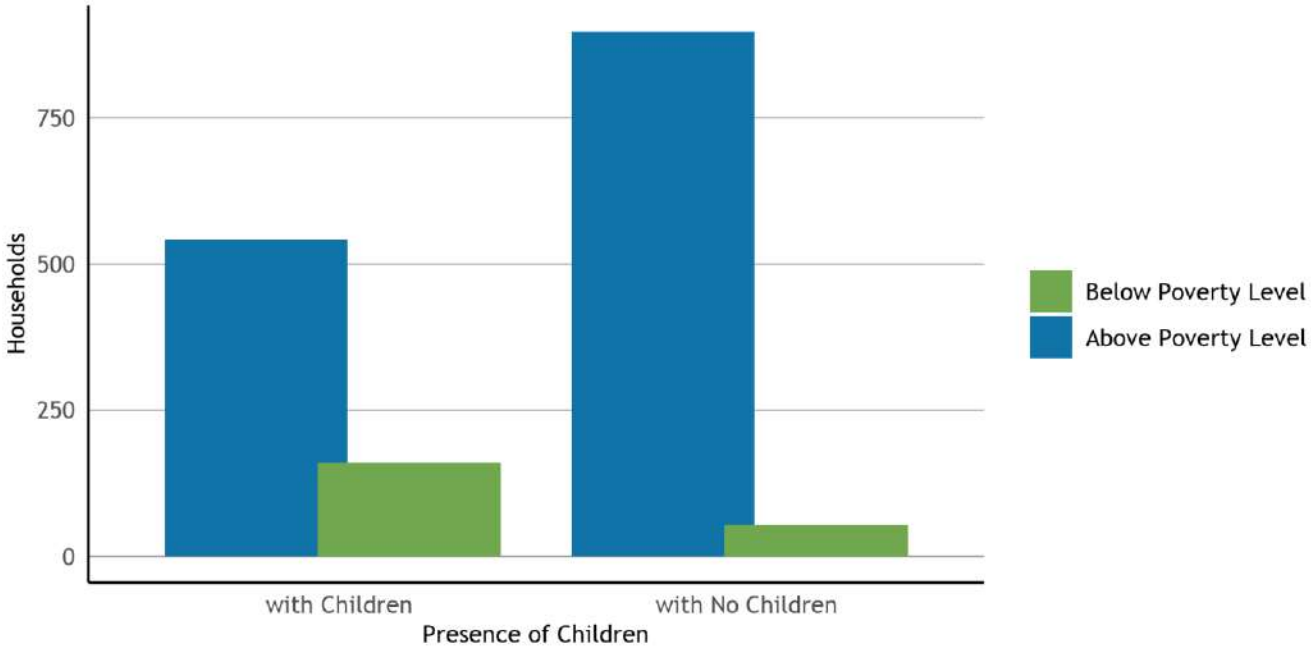


Figure 38: Female-Headed Households by Poverty Status

Universe: Female Households
Notes: The Census Bureau uses a federally defined poverty threshold that remains constant throughout the country and does not correspond to Area Median Income.
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B17012
For the data table behind this figure, please refer to the Data Packet Workbook, Table LGFEM-05.

6.3 Seniors

Senior households often experience a combination of factors that can make accessing or keeping affordable housing a challenge. They often live on fixed incomes and are more likely to have disabilities, chronic health conditions and/or reduced mobility.

Seniors who rent may be at even greater risk for housing challenges than those who own, due to income differences between these groups. The largest proportion of senior households who rent make *0%-30% of AMI*, while the largest proportion of senior households who are homeowners falls in the income group *Greater than 100% of AMI* (see Figure 39).

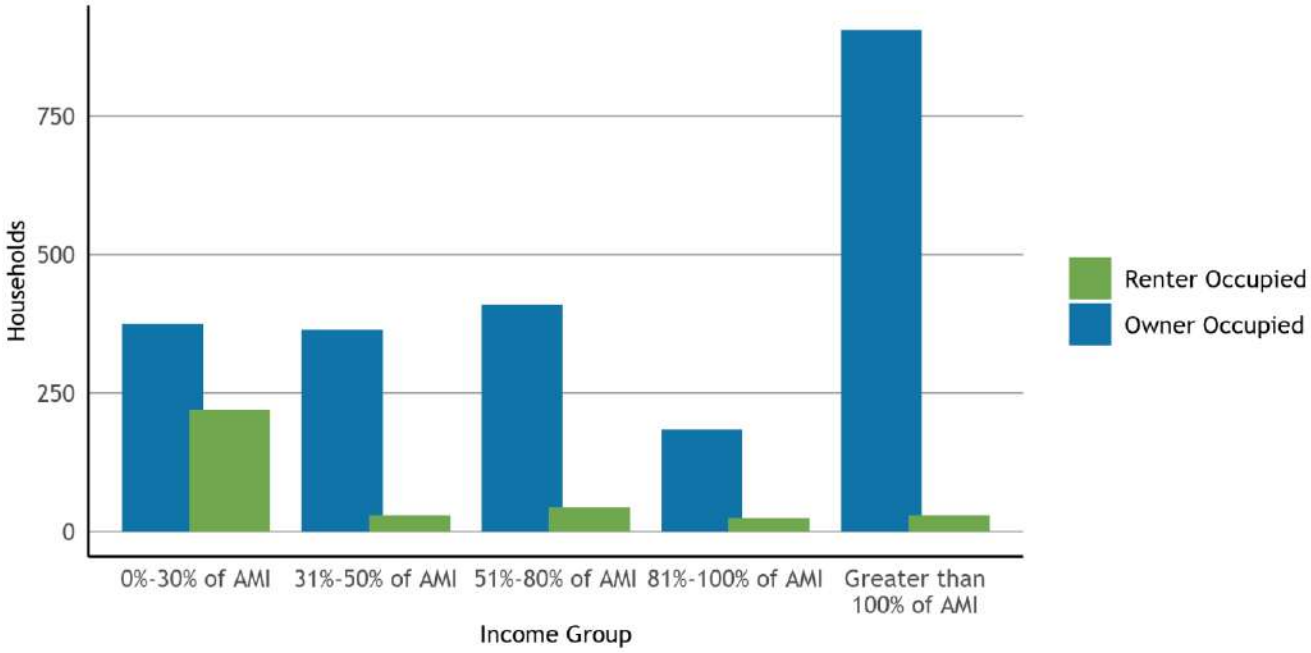


Figure 39: Senior Households by Income and Tenure

Universe: Senior households
Notes: For the purposes of this graph, senior households are those with a householder who is aged 62 or older. Income groups are based on HUD calculations for Area Median Income (AMI). HUD calculates the AMI for different metropolitan areas, and the nine county Bay Area includes the following metropolitan areas: Napa Metro Area (Napa County), Oakland-Fremont Metro Area (Alameda and Contra Costa Counties), San Francisco Metro Area (Marin, San Francisco, and San Mateo Counties), San Jose-Sunnyvale-Santa Clara Metro Area (Santa Clara County), Santa Rosa Metro Area (Sonoma County), and Vallejo-Fairfield Metro Area (Solano County). The AMI levels in this chart are based on the HUD metro area where this jurisdiction is located.
Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release
For the data table behind this figure, please refer to the Data Packet Workbook, Table SEN-01.

6.4 People with Disabilities

People with disabilities face additional housing challenges. Encompassing a broad group of individuals living with a variety of physical, cognitive and sensory impairments, many people with disabilities live on fixed incomes and are in need of specialized care, yet often rely on family members for assistance due to the high cost of care.

When it comes to housing, people with disabilities are not only in need of affordable housing but accessibly designed housing, which offers greater mobility and opportunity for independence. Unfortunately, the need typically outweighs what is available, particularly in a housing market with such high demand. People with disabilities are at a high risk for housing insecurity, homelessness and institutionalization, particularly when they lose aging caregivers. Figure 40 shows the rates at which different disabilities are present among residents of Newark. Overall, 7.6% of people in Newark have a disability of any kind.[22]

[22] These disabilities are counted separately and are not mutually exclusive, as an individual may report more than one disability. These counts should not be summed.

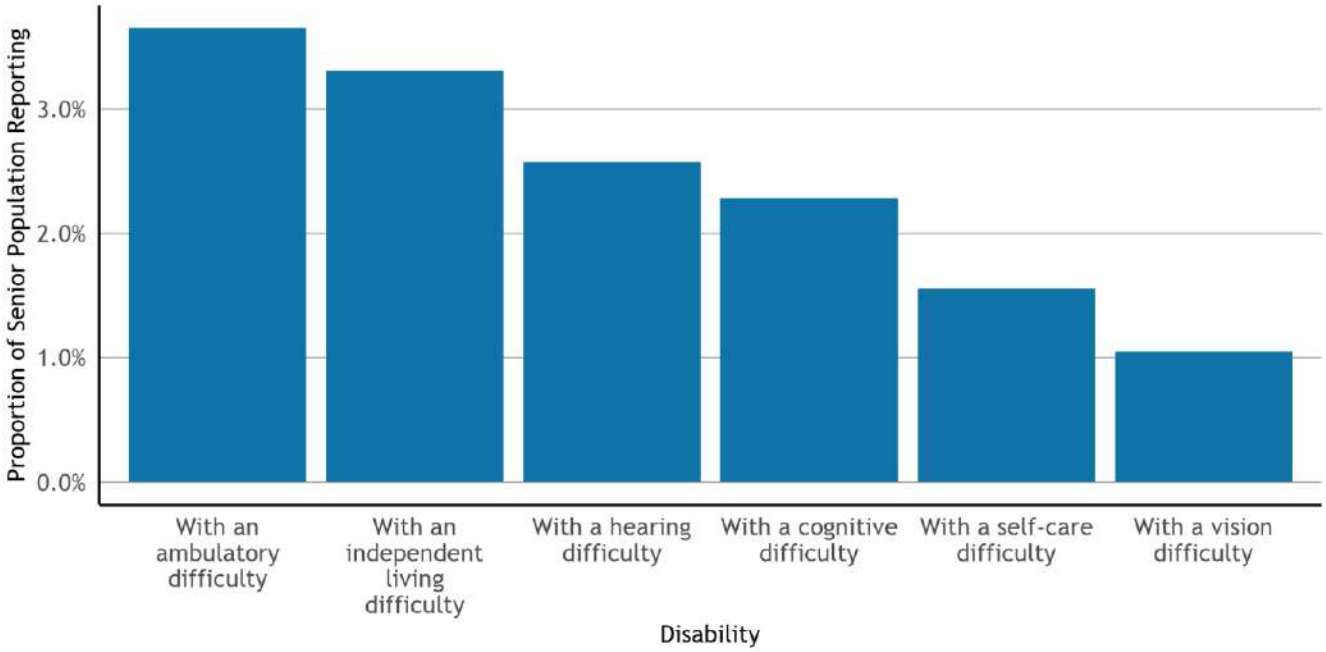


Figure 40: Disability by Type

Universe: Civilian noninstitutionalized population 18 years and over
Notes: These disabilities are counted separately and are not mutually exclusive, as an individual may report more than one disability. These counts should not be summed. The Census Bureau provides the following definitions for these disability types: Hearing difficulty: deaf or has serious difficulty hearing. Vision difficulty: blind or has serious difficulty seeing even with glasses. Cognitive difficulty: has serious difficulty concentrating, remembering, or making decisions. Ambulatory difficulty: has serious difficulty walking or climbing stairs. Self-care difficulty: has difficulty dressing or bathing. Independent living difficulty: has difficulty doing errands alone such as visiting a doctor's office or shopping.
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B18102, Table B18103, Table B18104, Table B18105, Table B18106, Table B18107.
For the data table behind this figure, please refer to the Data Packet Workbook, Table DISAB-01.

State law also requires Housing Elements to examine the housing needs of people with developmental disabilities. Developmental disabilities are defined as severe, chronic, and attributed to a mental or physical impairment that begins before a person turns 18 years old. This can include Down's Syndrome, autism, epilepsy, cerebral palsy, and mild to severe mental retardation. Some people with developmental disabilities are unable to work, rely on Supplemental Security Income, and live with family members. In addition to their specific housing needs, they are at increased risk of housing insecurity after an aging parent or family member is no longer able to care for them.[23]

In Newark, of the population with a developmental disability, children under the age of 18 make up 56.3%, while adults account for 43.7%.

[23] For more information or data on developmental disabilities in your jurisdiction, contact the Golden Gate Regional Center for Marin, San Francisco and San Mateo Counties; the North Bay Regional Center for Napa, Solano and Sonoma Counties; the Regional Center for the East Bay for Alameda and Contra Costa Counties; or the San Andreas Regional Center for Santa Clara County.

Table 5: Population with Developmental Disabilities by Age

Age Group	value
Age Under 18	156
Age 18+	121

Universe: Population with developmental disabilities
Notes: The California Department of Developmental Services is responsible for overseeing the coordination and delivery of services to more than 330,000 Californians with developmental disabilities including cerebral palsy, intellectual disability, Down syndrome, autism, epilepsy, and related conditions. The California Department of Developmental Services provides ZIP code level counts. To get jurisdiction-level estimates, ZIP code counts were crosswalked to jurisdictions using census block population counts from Census 2010 SF1 to determine the share of a ZIP code to assign to a given jurisdiction.
Source: California Department of Developmental Services, Consumer Count by California ZIP Code and Age Group (2020)
This table is included in the Data Packet Workbook as Table DISAB-04.

The most common living arrangement for individuals with disabilities in Newark is the home of parent /family /guardian.

Table 6: Population with Developmental Disabilities by Residence

Residence Type	value
Home of Parent /Family /Guardian	244
Community Care Facility	20
Independent /Supported Living	12
Foster /Family Home	5
Other	0
Intermediate Care Facility	0

Universe: Population with developmental disabilities
Notes: The California Department of Developmental Services is responsible for overseeing the coordination and delivery of services to more than 330,000 Californians with developmental disabilities including cerebral palsy, intellectual disability, Down syndrome, autism, epilepsy, and related conditions. The California Department of Developmental Services provides ZIP code level counts. To get jurisdiction-level estimates, ZIP code counts were crosswalked to jurisdictions using census block population counts from Census 2010 SF1 to determine the share of a ZIP code to assign to a given jurisdiction.
Source: California Department of Developmental Services, Consumer Count by California ZIP Code and Residence Type (2020)
This table is included in the Data Packet Workbook as Table DISAB-05.

6.5 Homelessness

Homelessness remains an urgent challenge in many communities across the state, reflecting a range of social, economic, and psychological factors. Rising housing costs result in increased risks of community members experiencing homelessness. Far too many residents who have found themselves housing insecure have ended up unhoused or homeless in recent years, either temporarily or longer term. Addressing the specific housing needs for the unhoused population remains a priority throughout the region, particularly since homelessness is disproportionately experienced by people of color, people with disabilities, those struggling with addiction and those dealing with traumatic life circumstances. In Alameda County, the most common type of household experiencing homelessness is those without children in their care. Among households experiencing homelessness that do not have children, 84.0% are unsheltered. Of homeless households with children, most are sheltered in emergency shelter (see Figure 41).

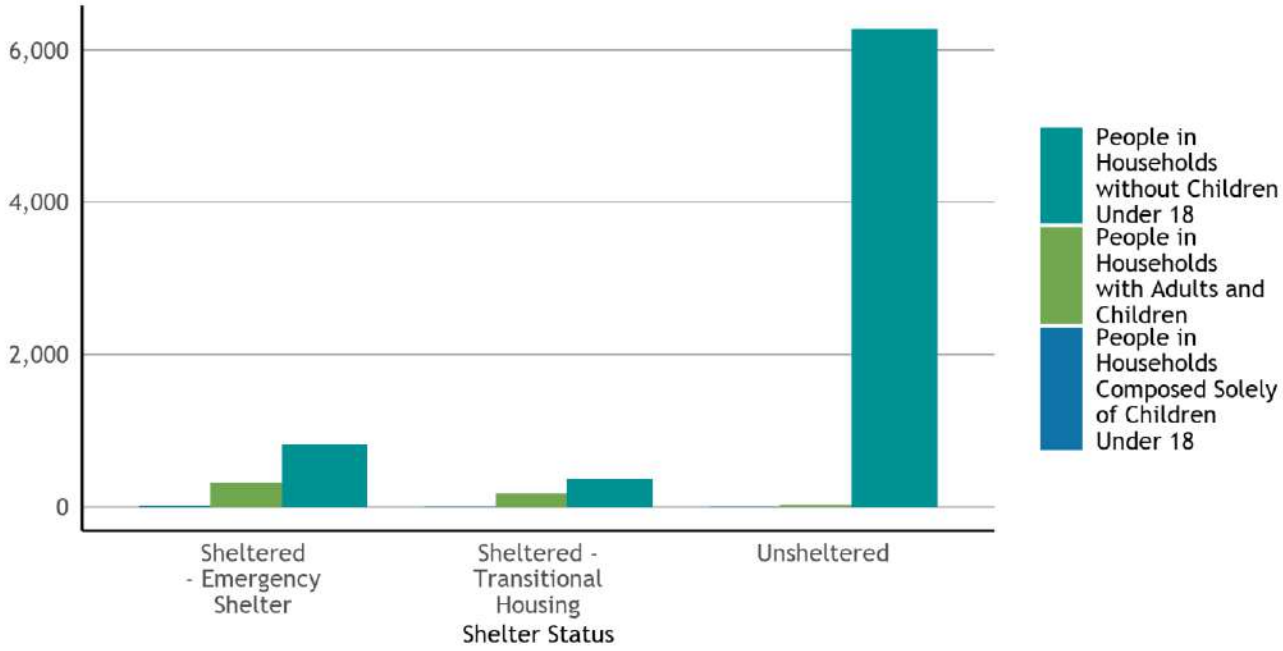


Figure 41: Homelessness by Household Type and Shelter Status, Alameda County

Universe: Population experiencing homelessness
Notes: This data is based on Point-in-Time (PIT) information provided to HUD by CoCs in the application for CoC Homeless Assistance Programs. The PIT Count provides a count of sheltered and unsheltered homeless persons on a single night during the last ten days in January. Each Bay Area county is its own CoC, and so the data for this table is provided at the county-level. Per HCD's requirements, jurisdictions will need to supplement this county-level data with local estimates of people experiencing homelessness.
Source: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019)
For the data table behind this figure, please refer to the Data Packet Workbook, Table HOMELS-01.

People of color are more likely to experience poverty and financial instability as a result of federal and local housing policies that have historically excluded them from the same opportunities extended to white residents. Consequently, people of color are often disproportionately impacted by homelessness, particularly Black residents of the Bay Area. In Alameda County, Black or African American (Hispanic and Non-Hispanic) residents represent the largest proportion of residents experiencing homelessness and account for 47.3% of the homeless population, while making up 10.6% of the overall population (see Figure 42).

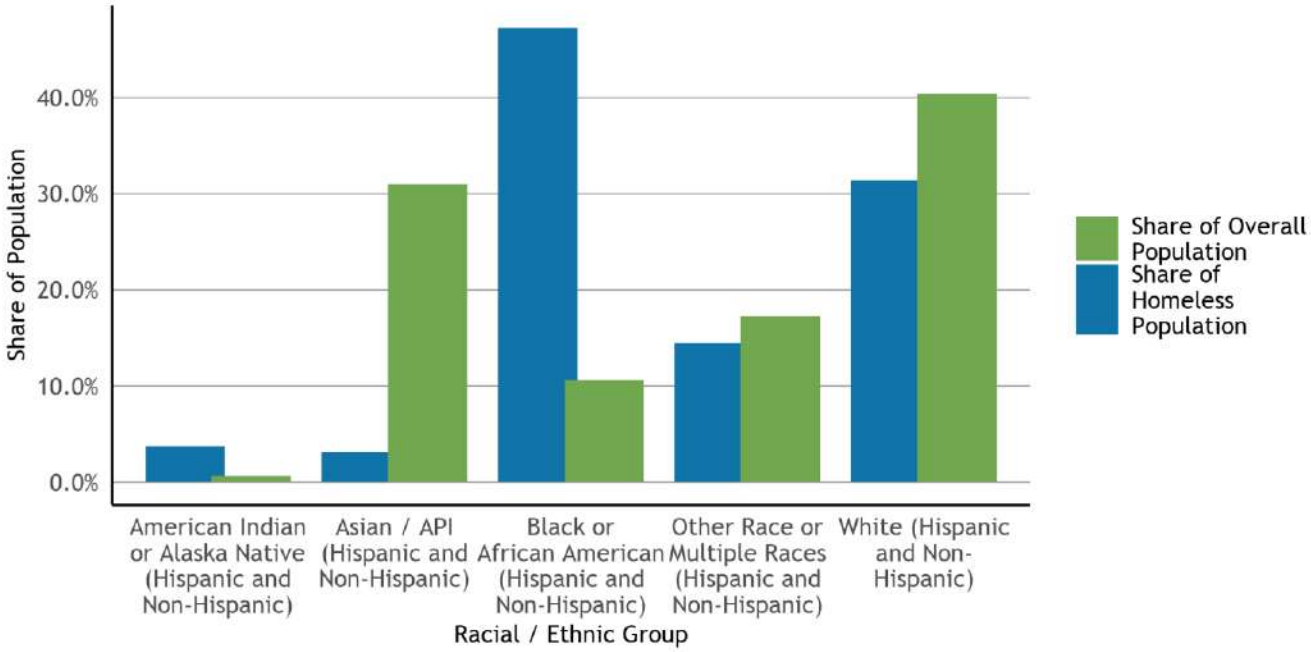


Figure 42: Racial Group Share of General and Homeless Populations, Alameda County

Universe: Population experiencing homelessness
Notes: This data is based on Point-in-Time (PIT) information provided to HUD by CoCs in the application for CoC Homeless Assistance Programs. The PIT Count provides a count of sheltered and unsheltered homeless persons on a single night during the last ten days in January. Each Bay Area county is its own CoC, and so the data for this table is provided at the county-level. Per HCD's requirements, jurisdictions will need to supplement this county-level data with local estimates of people experiencing homelessness. HUD does not disaggregate racial demographic data by Hispanic/Latinx ethnicity for people experiencing homelessness. Instead, HUD reports data on Hispanic/Latinx ethnicity for people experiencing homelessness in a separate table. Accordingly, the racial group data listed here includes both Hispanic/Latinx and non-Hispanic/Latinx individuals.
Source: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019); U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001(A-I)
For the data table behind this figure, please refer to the Data Packet Workbook, Table HOMELS-02.

In Alameda, Latinx residents represent 17.3% of the population experiencing homelessness, while Latinx residents comprise 22.5% of the general population (see Figure 43).

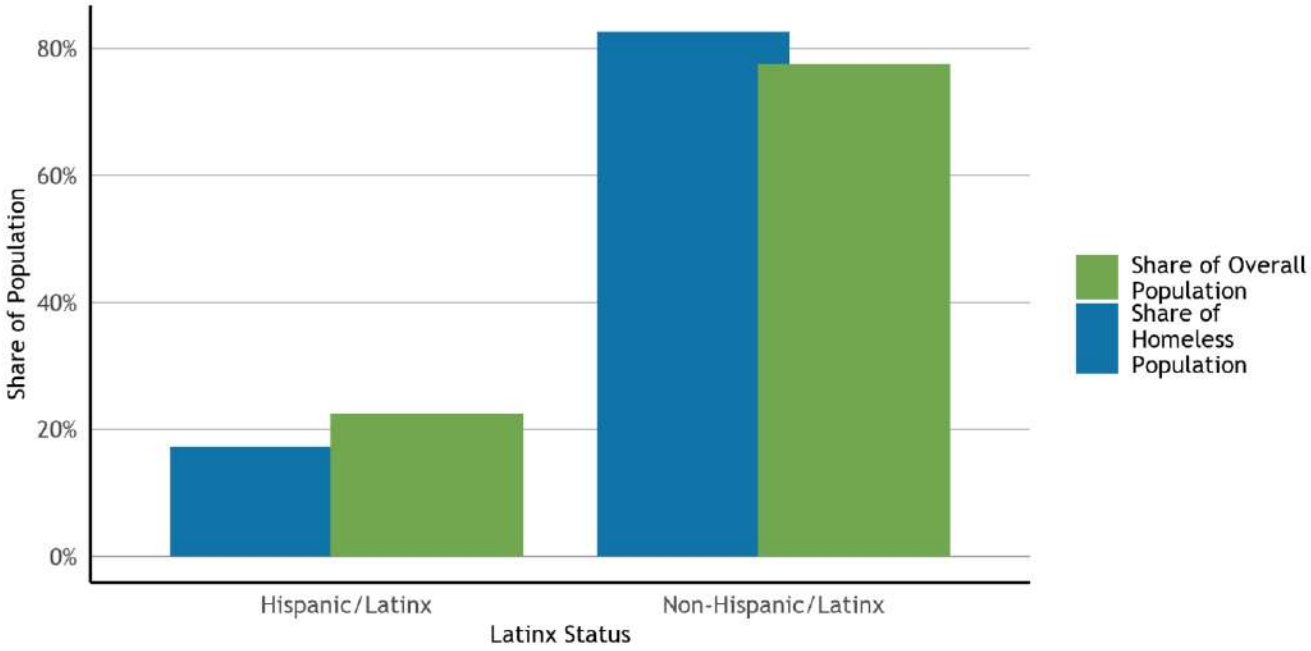


Figure 43: Latinx Share of General and Homeless Populations, Alameda County

Universe: Population experiencing homelessness
Notes: This data is based on Point-in-Time (PIT) information provided to HUD by CoCs in the application for CoC Homeless Assistance Programs. The PIT Count provides a count of sheltered and unsheltered homeless persons on a single night during the last ten days in January. Each Bay Area county is its own CoC, and so the data for this table is provided at the county-level. Per HCD's requirements, jurisdictions will need to supplement this county-level data with local estimates of people experiencing homelessness. The data from HUD on Hispanic/Latinx ethnicity for individuals experiencing homelessness does not specify racial group identity. Accordingly, individuals in either ethnic group identity category (Hispanic/Latinx or non-Hispanic/Latinx) could be of any racial background.
Source: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019); U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B01001(A-I)
For the data table behind this figure, please refer to the Data Packet Workbook, Table HOMELS-03.

Many of those experiencing homelessness are dealing with severe issues – including mental illness, substance abuse and domestic violence – that are potentially life threatening and require additional assistance. In Alameda County, homeless individuals are commonly challenged by severe mental illness, with 2,590 reporting this condition (see Figure 12). Of those, some 78.3% are unsheltered, further adding to the challenge of handling the issue.

Note on Homelessness Data

Notably all the data on homelessness provided above is for the entire county. This data comes from the Department of Housing and Urban Development's (HUD) Point in Time count, which is the most comprehensive publicly available data source on people experiencing homelessness. HUD only provides this data at the county-level and not for specific jurisdictions. However, Housing Element law requires local jurisdictions to estimate or count of the daily average number of people lacking shelter. Therefore, staff will need to supplement the data in this document with additional local data on the number of people experiencing homelessness. If staff do not have estimates of people experiencing homelessness in their jurisdiction readily available, HCD recommends contacting local service providers such as continuum-of-care providers, local homeless shelter and service providers, food

programs, operators of transitional housing programs, local drug and alcohol program service providers, and county mental health and social service departments.[24]

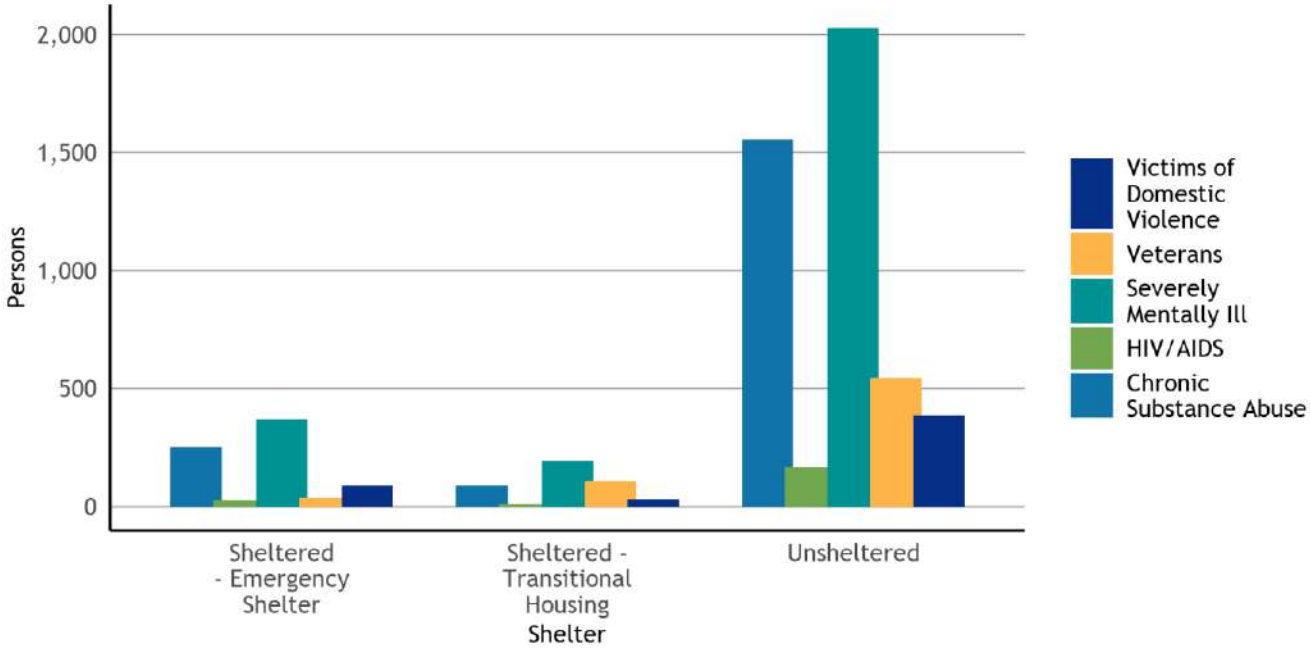


Figure 44: Characteristics for the Population Experiencing Homelessness, Alameda County

Universe: Population experiencing homelessness
Notes: This data is based on Point-in-Time (PIT) information provided to HUD by CoCs in the application for CoC Homeless Assistance Programs. The PIT Count provides a count of sheltered and unsheltered homeless persons on a single night during the last ten days in January. Each Bay Area county is its own CoC, and so the data for this table is provided at the county-level. Per HCD's requirements, jurisdictions will need to supplement this county-level data with local estimates of people experiencing homelessness. These challenges/characteristics are counted separately and are not mutually exclusive, as an individual may report more than one challenge/characteristic. These counts should not be summed.
Source: U.S. Department of Housing and Urban Development (HUD), Continuum of Care (CoC) Homeless Populations and Subpopulations Reports (2019)
For the data table behind this figure, please refer to the Data Packet Workbook, Table HOMELS-04.

In Newark, the student population experiencing homelessness totaled 300 during the 2019-20 school year and increased by 9.1% since the 2016-17 school year. By comparison, Alameda County has seen a 18.7% decrease in the population of students experiencing homelessness since the 2016-17 school year, and the Bay Area population of students experiencing homelessness decreased by 8.5%. During the 2019-2020 school year, there were still some 13,718 students experiencing homelessness throughout the region, adding undue burdens on learning and thriving, with the potential for longer term negative effects.

The number of students in Newark experiencing homelessness in 2019 represents 10.5% of the Alameda County total and 2.2% of the Bay Area total.

[24] For more information, see HCD's Building Blocks webpage for People Experiencing Homelessness: https://www.hcd.ca.gov/community-development/building-blocks/housing-needs/people-experiencing-homelessness.shtml

Table 7: Students in Local Public Schools Experiencing Homelessness

AcademicYear	Newark	Alameda County	Bay Area
2016-17	275	3531	14990
2017-18	236	3309	15142
2018-19	192	3182	15427
2019-20	300	2870	13718

Universe: Total number of unduplicated primary and short-term enrollments within the academic year (July 1 to June 30), public schools
Notes: The California Department of Education considers students to be homeless if they are unsheltered, living in temporary shelters for people experiencing homelessness, living in hotels/motels, or temporarily doubled up and sharing the housing of other persons due to the loss of housing or economic hardship. The data used for this table was obtained at the school site level, matched to a file containing school locations, geocoded and assigned to jurisdiction, and finally summarized by geography.
Source: California Department of Education, California Longitudinal Pupil Achievement Data System (CALPADS), Cumulative Enrollment Data (Academic Years 2016-2017, 2017-2018, 2018-2019, 2019-2020)
This table is included in the Data Packet Workbook as Table HOMELS-05.

6.6 Farmworkers

Across the state, housing for farmworkers has been recognized as an important and unique concern. Farmworkers generally receive wages that are considerably lower than other jobs and may have temporary housing needs. Finding decent and affordable housing can be challenging, particularly in the current housing market.

In Newark, the migrant worker student population totaled 72 during the 2019-20 school year and has decreased by 24.0% since the 2016-17 school year. The trend for the region for the past few years has been a decline of 2.4% in the number of migrant worker students since the 2016-17 school year. The change at the county level is a 9.6% decrease in the number of migrant worker students since the 2016-17 school year.

Table 8: Migrant Worker Student Population

AcademicYear	Newark	Alameda County	Bay Area
2016-17	75	874	4630
2017-18	79	1037	4607
2018-19	72	785	4075
2019-20	57	790	3976

Universe: Total number of unduplicated primary and short-term enrollments within the academic year (July 1 to June 30), public schools
Notes: The data used for this table was obtained at the school site level, matched to a file containing school locations, geocoded and assigned to jurisdiction, and finally summarized by geography.
Source: California Department of Education, California Longitudinal Pupil Achievement Data System (CALPADS), Cumulative Enrollment Data (Academic Years 2016-2017, 2017-2018, 2018-2019, 2019-2020)
This table is included in the Data Packet Workbook as Table FARM-01.

According to the U.S. Department of Agriculture Census of Farmworkers, the number of permanent farm workers in Alameda County has decreased since 2002, totaling 305 in 2017, while the number of seasonal farm workers has decreased, totaling 288 in 2017 (see Figure 45).

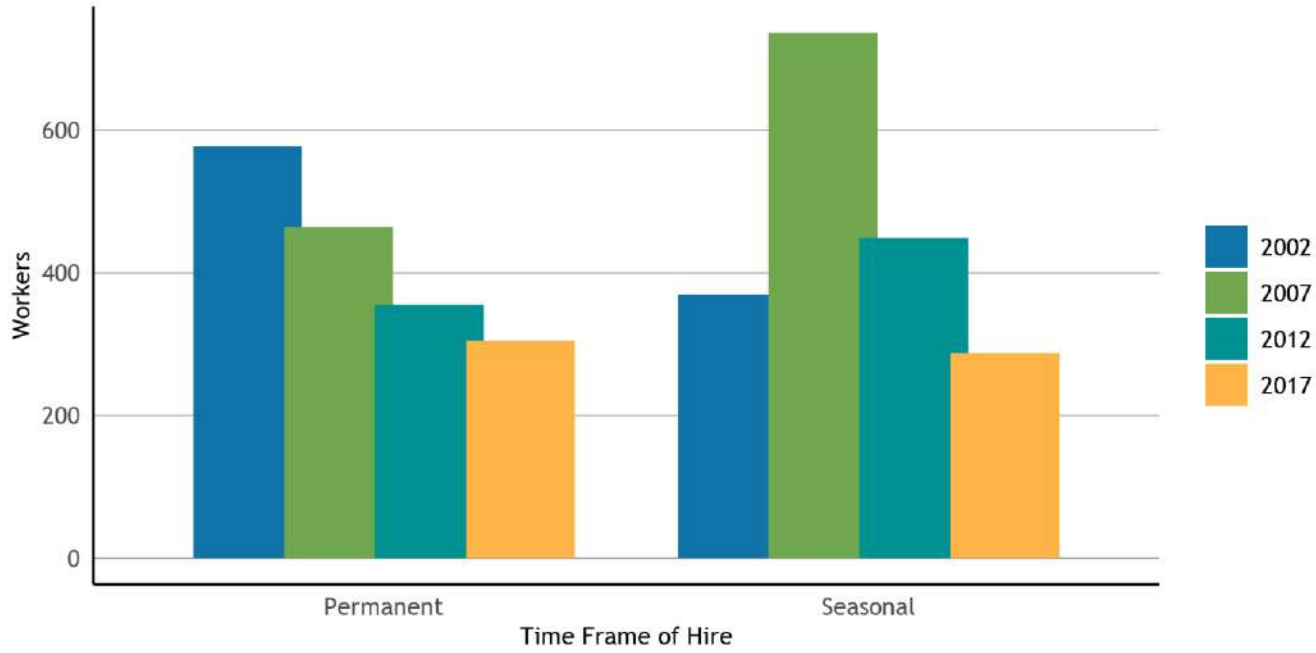


Figure 45: Farm Operations and Farm Labor by County, Alameda County

Universe: Hired farm workers (including direct hires and agricultural service workers who are often hired through labor contractors)
Notes: Farm workers are considered seasonal if they work on a farm less than 150 days in a year, while farm workers who work on a farm more than 150 days are considered to be permanent workers for that farm.
Source: U.S. Department of Agriculture, Census of Farmworkers (2002, 2007, 2012, 2017), Table 7: Hired Farm Labor
For the data table behind this figure, please refer to the Data Packet Workbook, Table FARM-02.

6.7 Non-English Speakers

California has long been an immigration gateway to the United States, which means that many languages are spoken throughout the Bay Area. Since learning a new language is universally challenging, it is not uncommon for residents who have immigrated to the United States to have limited English proficiency. This limit can lead to additional disparities if there is a disruption in housing, such as an eviction, because residents might not be aware of their rights or they might be wary to engage due to immigration status concerns. In Newark, 6.7% of residents 5 years and older identify as speaking English not well or not at all, which is below the proportion for Alameda County. Throughout the region the proportion of residents 5 years and older with limited English proficiency is 8%.

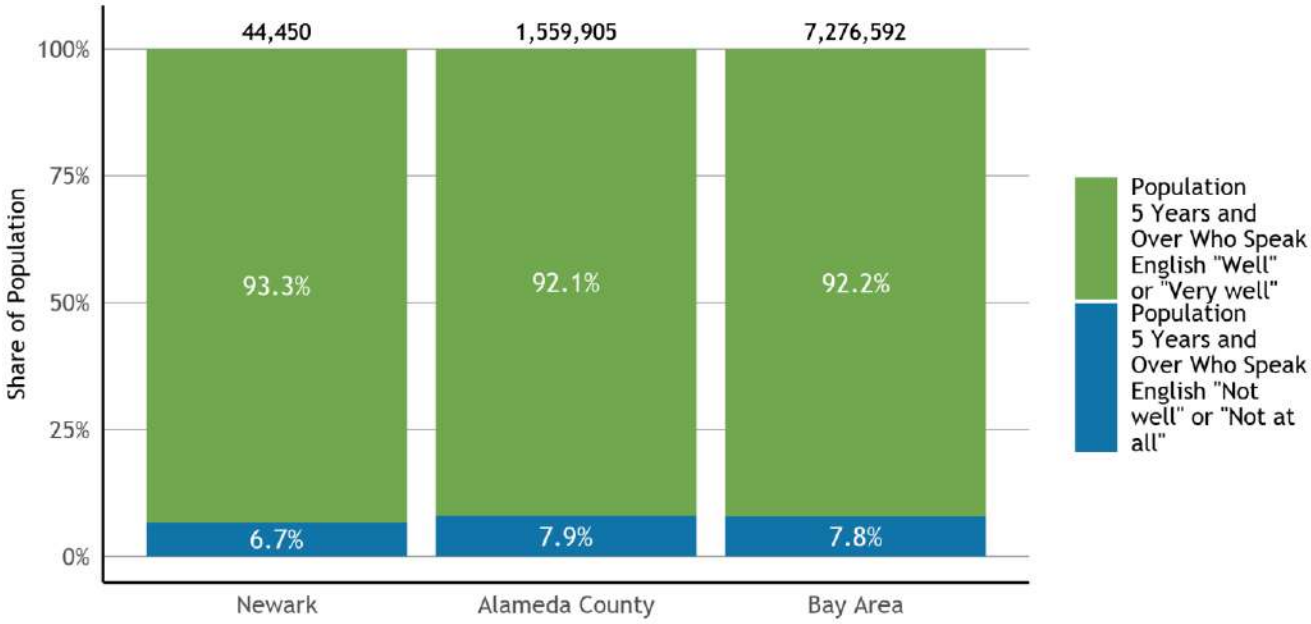


Figure 46: Population with Limited English Proficiency

Universe: Population 5 years and over
Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B16005
For the data table behind this figure, please refer to the Data Packet Workbook, Table AFFH-03.

APPENDIX B PUBLIC ENGAGEMENT AND INPUT SUMMARY

From March 15th through April 30th, 342 people participated in the City of Newark's online community conversation about housing issues and opportunities in Newark. 300 of those responses were in English, 38 in Spanish and 4 in Chinese.

Participants were invited to answer a series of 22 questions covering housing experience and preference, environmental justice and demographic information. The survey was hosted on the SurveyMonkey platform accessible via the city's webpage.

The survey was distributed and advertised in multilingual materials through various platforms to reach as broad of a cross section of the community as possible. It was promoted through social media, print newsletters, email lists to special populations (e.g., seniors, individuals with developmental disabilities), in-person events, and outreach to partner organizations. Our partner organizations were able to extend our reach to the Latinx community, people experiencing and escaping from domestic violence, individuals transitioning from homelessness, and families in the Newark Unified School District.

Essential insights from the survey are that quality of life, in addition to increasing housing affordability and homeownership opportunities for Newark residents, is of great importance and concern.

Approach to Analyses

The following is a summary of responses to each survey question broken down by answer choice. Response Count signifies the number of selections made for a particular answer choice while Respondent Percent signifies the number of respondents who chose the answer choice out of the total number of survey respondents (i.e., 342 people), including the 38 Spanish responses and 4 Chinese responses.

Note: For multi-select questions, the respondent percentages may reflect more than one selection by a single individual rather than all unique responses. Additionally, please keep in mind that for these questions the response count will not sum to the number of respondents who answered the question.

Q1. How concerned are you about the availability of affordable housing in Newark?

Answer Choices	Response Count	Respondent % (out of 342)
Very concerned	182	53%
Somewhat concerned	76	22%
Not that concerned	44	13%
Not at all concerned	35	10%
No opinion/ not sure	4	1%
Number of Respondents	**341**	**100%**

Q2. As we look to improve housing opportunities in Newark, which of the following do you think are the three biggest issues we need to address?

Answer Choices	Response Count (multi-select)	Respondent % (out of 342)
We need more homeownership opportunities especially for first time homeowners	226	66%
We need more affordable rental opportunities	140	41%
We need to encourage more housing types (apartments, accessory dwelling Units, duplexes/triplexes)	93	27%
We need more opportunities for those that are unhoused or in danger of being unhoused	96	28%
We need stronger protections for renters (minimum lease terms, relocation benefits)	44	13%
We need low cost home improvement programs for seniors and those on limited incomes	135	39%
Other (please specify)	60	18%
Number of Respondents	**319**	**93%**

Q3. Thinking about the cost of housing from one year ago ...

Answer Choices	Response Count	Respondent % (out of 342)
It is much less expensive to find a home	8	2%
Somewhat less expensive	6	2%
About the same	22	6%
Somewhat more expensive	73	21%
Much more expensive	188	55%
Does not apply/don't know	10	3%
Number of Respondents	**307**	**90%**

Q4. Based on the definition of "affordable" housing as being housing that takes 30% or less of your income to pay for it, how would you describe your current housing situation?

Answer Choices	Response Count	Respondent % (out of 342)
I'm in a home I like at a price I can afford	136	40%
I'm in a home I like but it's taking more than 30% of my income to be here	97	28%
I'm in a home I can afford, but it's not a place I like or meets my needs	54	16%
I'm in a home I can't afford, and don't like	28	8%
Number of Respondents	**315**	**92%**

Q5. If you're not happy with your current housing situation, what would make it better? (Check all that apply.)

Answer Choices	Response Count (multi-select)	Respondent % (out of 342)
I need a home with more space	106	31%
I would like to live in a different neighborhood	44	13%
I rent, but would like to own my own home	86	25%
I need a place that is more accessible due to disabilities	14	4%
I need a home with fewer housemates or roommates	24	7%
I like my home, but need to pay less	67	20%
I'm happy with my current housing situation	113	33%
Number of Respondents	**299**	**87%**

Q6. Of the following five options, which three do you think are the most urgent affordable housing needs in Newark at this time?

Answer Choices	Response Count (multi-select)	Respondent % (out of 342)
Housing for families - larger units with more bedrooms for all families, especially multigenerational or large families	171	50%
Housing for smaller households - smaller units or housing types for young adults and couples starting out, single households, students and seniors looking to downsize	148	43%
Housing for seniors - specific developments for seniors, including housing with supportive services	112	33%
Housing for people with special needs - greater accessibility and supportive services for those with disabilities	47	14%
Housing for those experiencing homelessness - transitional housing and permanent supportive housing	82	24%
Housing for low-income and underserved households – subsidized housing	119	35%
Other (please specify)	30	9%
Number of Respondents	**298**	**87%**

Q7. Thinking about the future of your neighborhood, what gives you optimism?

The survey received more than 200 responses to this question which were categorized and summarized in part in the community engagement summary included in this Housing Element.

Q8. Do you see your neighborhood as a place of opportunity for yourself and/or your family?

Answer Choices	Response Count	Respondent % (out of 342)
Yes	121	35%
No	60	18%
Somewhat	96	28%
Number of Respondents	**277**	**81%**

Q9. If you didn't answer yes to the previous question, what are three of the most pressing issues that would need to change to feel like there is more opportunity? (Please select up to three)

Answer Choices	Response Count (multi-select)	Respondent % (out of 342)
Pollution from vehicles on neighborhood streets and freeways	55	16%
Healthy food and grocery stores close to home or work	71	21%
City infrastructure and facilities that support physical activity, including sidewalks, bicycle lanes, parks, and recreation centers	112	33%
Air or chemical pollution from industrial businesses and activities.	52	15%
Easy to access health care facilities	35	10%
Affordable, safe, and healthy housing conditions	106	31%
Educational opportunities that are academically and culturally supportive	86	25%
Number of Respondents	**219**	**64%**

Q10. The city could do a variety of things to create more housing affordability. of the following six options, which three do you think are the most promising or worth doing? (Please choose 3)

Answer Choices	Response Count (multi-select)	Respondent % (out of 342)
Create incentives for building affordable housing	120	35%
Reduce the cost of building all housing, but especially affordable housing through lower fees and faster approvals	113	33%
Allow for a larger variety of housing through the city	93	27%
Use city-owned land for affordable housing	94	27%
Use city funds to get more state, federal and private funding for affordable housing (through the city's Affordable Housing Trust Fund)	117	34%
Enact policies such as inclusionary zoning that allow for a portion of affordable units in each development	96	28%
Number of Respondents	**260**	**76%**

Q11. What kind of housing would you like to see more of? (Check all that apply.)

Answer Choices	Response Count (multi-select)	Respondent % (out of 342)
Backyard cottages	125	37%
Duplexes, triplexes and fourplex	86	25%
Cottage clusters	106	31%
Townhomes	104	30%
Small to mid-size multifamily	77	23%
Multifamily buildings downtown	75	22%
Number of Respondents	**252**	**74%**

Q12. Where in Newark would you like to see more housing? (Please select all that apply)

Answer Choices	Response Count (multi-select)	Respondent % (out of 342)
Old Town (Thornton Ave between Cherry Street and Ash Street)	141	41%
Bayside Newark (formerly known as The Dumbarton Transit-Oriented Development, near Willow Street and Enterprise Drive)	99	29%
NewPark Place area (Newpark Mall Road and Cedar Blvd)	156	46%
Other (please specify)	46	13%
Number of Respondents	**248**	**73%**

Q13. Which hazards, both natural and human, do you think are most important for Newark to address? (Please choose three)

Answer Choices	Response Count (multi-select)	Respondent % (out of 342)
None of the above	8	2%
Wildfires	53	15%
More frequent and intense heat waves	87	25%
Earthquakes	119	35%
Multi-year drought	179	52%
Sea-level rise and related flooding	150	44%
Hazardous materials spills	70	20%
Other (please specify)	32	9%
Number of Respondents	**264**	**77%**

Q14. How concerned are you about the impact of sea level rise, bringing the possibility of increased flooding to the lower-lying communities of Newark?

Answer Choices	Response Count	Respondent % (out of 342)
Very concerned about the impact flooding will have on lower-lying communities	100	29%
Somewhat concerned about the impact flooding will have on these communities	92	27%
Not really concerned about it	50	15%
No opinion, don't have enough information	26	8%
Number of Respondents	**268**	**78%**

Q15. Are there pollution and environmental issues you are concerned about in your neighborhood or larger community? (If so, please check all that apply.)

Answer Choices	Response Count (multi-select)	Respondent % (out of 342)
Issues related to car and truck traffic: Noise, air pollution	126	37%
Issues connected to industry in the area: air pollution, dangerous fumes, dumping of chemicals	121	35%
Poor quality drinking water	81	24%
Trash in public spaces, vacant lots, graffiti	168	49%
Other (please specify)	29	8%
Number of Respondents	**250**	**73%**

Q16. What is your connection to Newark? (Please select all that apply.)

Answer Choices	Response Count (multi-select)	Respondent % (out of 342)
Live here	242	71%
Work here	51	15%
Go to school here	40	12%
Have a business here	15	4%
Have family or grew up here (but do not live here)	23	7%
Interested in Newark housing issues (but do not live here)	10	3%
Number of Respondents	**255**	**75%**

Q17. Currently I live...

Answer Choices	Response Count	Respondent % (out of 342)
In a home or condo I own	168	49%
In a home or apartment I rent	72	21%
In an unstable/unhoused situation	3	1%
Prefer not to say	11	3%
Number of Respondents	**254**	**74%**

Q18. How would you describe your home?

Answer Choices	Response Count	Respondent % (out of 342)
A single family home	196	57%
A multi-family home such as a duplex or apartment building	53	15%
A mobile or manufactured home	1	0.3%
Other (please specify)	7	2%
Number of Respondents	**250**	**73%**

Q19. What is your age?

Answer Choices	Response Count	Respondent % (out of 342)
Under 19	1	0.3%
20-29	9	3%
30-49	153	45%
50-69	72	21%
70+	18	5%
Number of Respondents	**253**	**74%**

Q20. What is your race and/or ethnicity? (Check all that apply.)

Answer Choices	Response Count (multi-select)	Respondent % (out of 342)
American Indian or Alaskan Native	8	2%
Asian or Asian American	63	18%
Black or African American	3	1%
Hispanic or Latino	82	24%
Native Hawaiian or Pacific Islander	8	2%
White or Caucasian	107	31%
Other (please specify)	10	3%
Number of Respondents	**241**	**70%**

Q21. We would love for you to be involved in this process. If you have not attended public meetings in the past, please share what is keeping you from attending. (Please check all that apply.)

Answer Choices	Response Count (multi-select)	Respondent % (out of 342)
I have difficulty understanding what is being said in English	18	5%
I don't have the time to attend – too busy with work and/ or family	102	30%
I need child care to attend	25	7%
I don't feel that my opinions are heard and taken into consideration	88	26%
The time and /or day of the week meetings are held makes it difficult for me to attend	47	14%
Other (please specify)	52	15%
Number of Respondents	**200**	**58%**

Q22. and let us know if there's anything else you want to tell us:

The city received more than 200 comments which were categorized and used to inform policies and programs reflected in this document.

APPENDIX C HOUSING SITES INVENTORY

Introduction

A Housing Element must include an inventory of available land that is appropriately zoned and suitable for housing development to accommodate a jurisdiction's Regional Housing Needs Allocation (RHNA) as required by State law. This inventory for the City of Newark focuses on residential sites that are currently in the development pipeline, or vacant and non-vacant sites that can be made available for housing development affordable at varying income levels. This Appendix summarizes the evaluation of potential housing sites, and the adequacy of sites to meet development capacities to accommodate the City's regional housing needs for the 2023-2031 planning period.

California law (Government Code Sections 65583 (a)(3)) requires that the Housing Element contain an inventory of land suitable for residential development, including vacant sites and non-vacant (i.e., underutilized) sites having potential for development. State law also requires an analysis of the relationship to zoning and services to these sites as well as identifying sites throughout the community, in a manner that is consistent with its duty to affirmatively further fair housing (AFFH).

The analysis presented in this Appendix demonstrates that there is an adequate supply of suitable land to accommodate the City's housing allocation of 1,874 units, plus a surplus of 980 units to act as a "buffer" if sites develop to non-residential or at different affordability levels than assumed in the sites inventory. This section is organized by the following topics:

- Summary of Newark's projected housing needs by AMI level
- Capacity to Accommodate RHNA
- Sites selection process, including a description of the methodology and evaluation of site criteria, realistic unit capacity, and sites to accommodate varied income levels
- Evaluation of sites in meeting AFFH requirements
- Individual site profiles

Projected Housing Needs

A key component of any Housing Element Update is identifying adequate sites to address the jurisdiction's Regional Housing Needs Allocation (RHNA). The California Department of Housing and Community Development (HCD) determines state-wide projected housing needs and allocates new housing unit target numbers to regional councils of government (COGs). State law (California Government Code Section 65584) provides for COGs to then prepare and adopt plans

that assign a "fair share" of the region's housing needs to each city and county. The Association of Bay Area Governments (ABAG) is the COG that determines fair-share portions of state allocations for Newark. .

The City's RHNA requirements for the 2023-2031 Housing Element projection period are summarized in Table C- 1 below. For the 2023-2031 Housing Element planning period, the City of Newark is required to plan to accommodate the development of at least 1,874 housing units. This includes 464 units for very low-income households, 268 units for low-income households, 318 units for moderate-income households, and 824 units for above moderate-income households.

Housing Needs for Extremely Low-Income Households

Although the RHNA does not include allocations for extremely low-income households, Housing Element Law requires that jurisdictions estimate the need for housing units affordable to extremely low-income households and plan to accommodate this need. Extremely low-income households are those with incomes less than 30% of area median income. In Alameda County, 30% of the AMI is the equivalent to an annual income of $42,850 for a family of four. Households with extremely low incomes have a variety of housing situations and needs. For example, most families and individuals receiving public assistance, such as supplemental security insurance (SSI) or disability insurance, are considered extremely low-income households. Many households with multiple wage earners – including food service workers, full-time students, teachers, farmworkers, and healthcare professionals – can also fall into lower AMI categories due to relatively stagnant wages in these industries.

HCD's official Housing Element guidance notes that jurisdictions can use their RHNA for very low-income households (those making zero to 50 percent AMI) to calculate their projected need for extremely low-income households. HCD provides three methodologies for estimating this need: 1) allocate the percentage of very low-income need to extremely low-income households based on the ABAG region's proportion; 2) allocate the percentage of very low-income need to extremely low -income households based on the current proportion for Newark; 3) assume that 50 percent of Newark's very low-income RHNA is for extremely low-income households. To estimate the projected housing need for extremely low-income households, 50 percent of Newark's 464 very low-income RHNA units are assumed to serve extremely low-income households. Based on this methodology, the City has a projected need of 232 units for extremely low-income households over the 2023-2031 Housing Element planning period. More than half of this allocation will be provided through the Cedar Creek Apartments, which is already in the development pipeline and has received $6M in funding support from the City's Affordable Housing Impact Fee Fund.

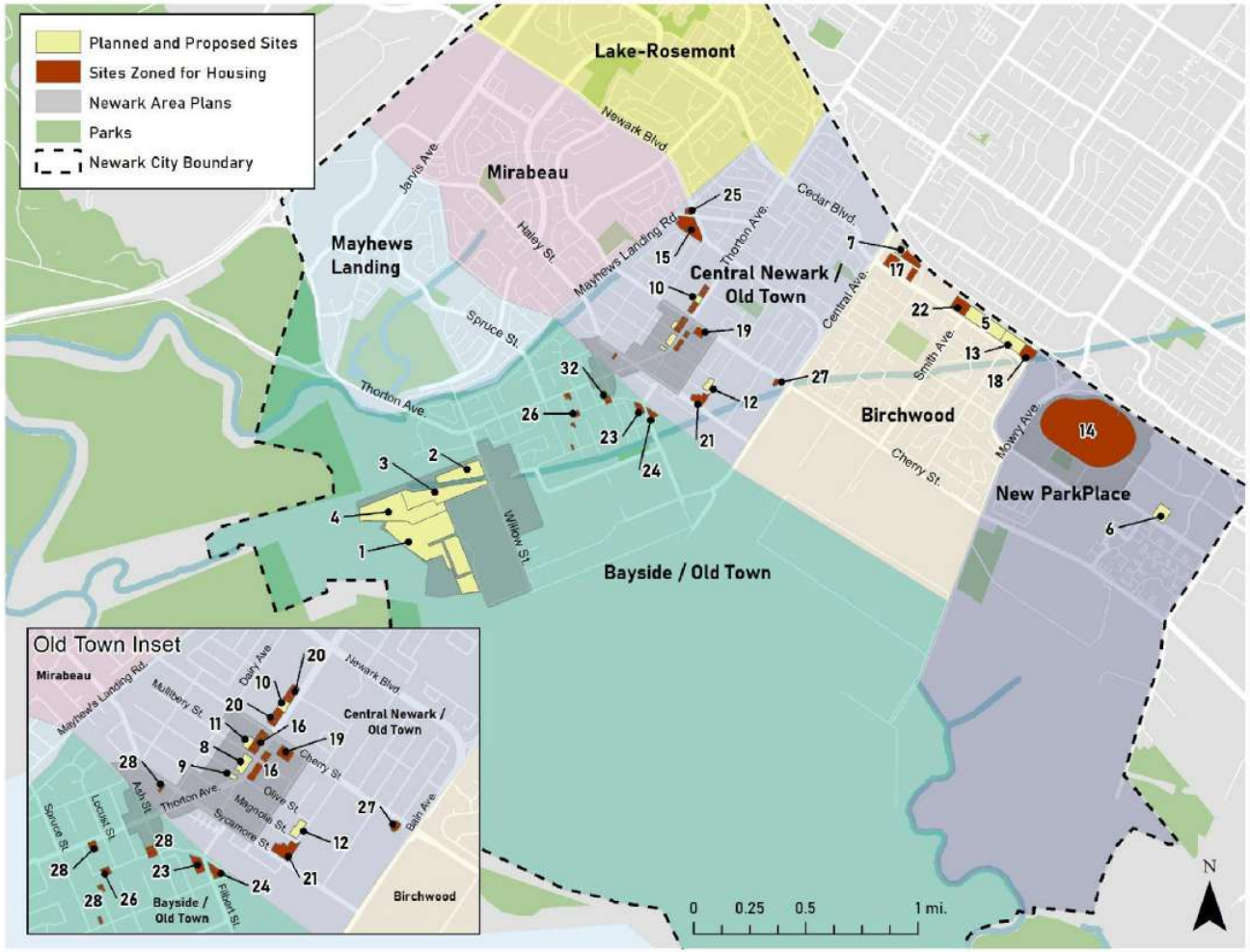
Capacity to Accommodate RHNA

The total realistic development capacity of all sites in the land inventory is detailed in Table C-1 below which lists all consolidated sites in the sites inventory and total residential capacity against the City's 6th cycle RHNA. The total realistic capacity shown is 2,854 units, which exceeds the net target of 1,874 units the City is required to plan to accommodate for its RHNA, and also supplements that allocation by providing a significant buffer representing more than 100 percent of the required RHNA for all income levels; this includes a 13 percent buffer for very low-income units and 10 percent for low-income units. HCD recommends that jurisdictions provide a 15 to 30 percent buffer beyond the minimum RHNA target to comply with the "no net loss" provisions of State Housing Element Law that require the jurisdiction to maintain sufficient capacity to accommodate its RHNA for the duration of the planning period at every income level. In addition to considering the aggregate number of units that the sites can accommodate, it is necessary to consider the potential for sites to accommodate housing that is affordable to all income levels, in accordance with the RHNA allocations, as discussed in the "Evaluation of Sites to Accommodate Varied Income Levels" .

Each of the two primary project types, Pipeline Projects and Sites Zoned for Housing, are presented in Table C-1 below and described in further detail in the Sites Selection section. As shown in Table C-1, the number of units from Pipeline Projects represents 67 percent of the city's RHNA, including 59 percent of Newark's RHNA for very low-income (VLI) housing. Though these Pipeline units do not fulfill the RHNA allocation at every income level, this demonstrates there are sufficient sites for the City's RHNA and provides strong evidence there is residential developer interest and economic feasibility for housing development on the types of sites, including non-vacant sites, identified in this inventory. Table C-2 lists the APNs and acreage for all sites zoned for housing.

The following map shows the distribution of sites throughout the City of Newark with an inset for the boundary of the Old Town Specific Plan. Parcels indicated in yellow are active project sites (pipeline projects) while sites indicated in red are sites zoned for housing, or locations whose zoning and land use will support new housing. The map also shows three specific plan areas: Old Town Specific Plan, Bayside Newark, and NewPark Place Specific Plan. The site numbers match data in the following tables which show unit counts and the more detailed summary sheets found later in this document.

Figure C-1: Housing Sites for the RHNA 6th Cycle



Source: Adapted by Community Planning Collaborative, 2023

Table C-1: City of Newark Sites Inventory

Site	Name	Income Level				Total Units
		Very Low	Low	Moderate	Above Moderate	
Planned and Proposed Projects (Also known as pipeline projects are sites 1 through 13)						
1	Bridgeway / Gateway (under construction)	0	0	0	134	**134**
2	FMC Willow - North (Parcel C) (under construction)	47	23	21	64	**155**
3	FMC Willow - South (under construction)	0	0	0	215	**215**
4	Harbor Pointe (under construction)	0	0	0	192	**192**
5	Cedar Homes- 38478 Cedar Boulevard (entitled)	0	0	0	118	**118**
6	Cedar Community Apts. (complete)	124	0	0	1	**125**
-7	Timber St. Senior Living (entitled)	39	39	1	0	**79**
8	Lepakshi Homes - Building A, 6781 Thornton Ave. (active application)	0	0	0	60	**60**
9	Lepakshi Homes - Building B, 6781 Thornton Ave. (active application)	8	4	3	13	**28**
10	SAHA Development- 6347 -6375 Thornton Ave. (active application)	56	0	1	0	**57**
-11	Mulberry Residential 36952 Mulberry Street (entitled)	0	0	0	8	**8**
12	Bain Ave. & Magnolia St. - 37280 Magnolia Street (under construction)	0	0	0	10	**10**
13	Waymark Homes - Cedar Blvd (entitled)	0	0	0	76	**76**
	Subtotal Planned and Proposed	274	66	26	891	1,257
Sites Zoned for Housing (Vacant and Nonvacant sites are sites 14 through 28)						

Site	Name	Income Level				Total Units
		Very Low	Low	Moderate	Above Moderate	
14	NewPark Mall (Phases A to D)	36	18	18	535	-607
15	Grocery Outlet Shopping Center	27	26	0	0	53
16	Thornton Ave. Sites (within Old Town Specific Plan boundary)	41	41	40	40	162
17	Cedar Blvd. and Timber St. Industrial Sites	0	0	0	61	61
18	E-Z 8 Motel	39	38	0	0	77
19	Cherry Plaza	15	15	~~0~~	~~0~~	30
20	Thornton Ave. Sites (outside of Old Town Specific Plan boundary)	18	18	18	17	**71**
21	Sycamore St. Vacant Lot	25	25	24	~~0~~	74
22	Cedar Blvd. Public Storage Sites	0	0	0	41	41
23	Filbert Villas - 37243 & 37257 Filbert St. (expired entitlement)	0	0	0	16	**16**
24	Filbert Ave. Sites	0	0	0	7	7
-25	Mayhews Place - 36589 Newark Boulevard (expired entitlement)	0	0	0	9	**9**
26	Locust St. & Railroad - 37093 Locust St. (expired entitlement)	0	0	0	6	**6**
-27	Fahmy Homes - 37503 & 37511 Cherry Street (expired entitlement)	0	0	0	6	**6**
28	Neighborhood Infill Lots	0	0	0	17	**17**
	Accessory Dwelling Units (ADUs)	48	48	48	16	160
	Middle Housing Units	0	0	200	0	200
	Subtotal Sites Zoned for Housing	249	229	348	771	1,597
	Total Capacity	523	295	374	1,662	2,854
	Newark RHNA	**464**	**268**	**318**	**824**	**1,874**
	Surplus %	113%	110%	118%	202%	152%
	Surplus Units	59	27	56	838	980

Source: City of Newark; Community Planning Collaborative, 2023.

Table C-2: City of Newark Sites Inventory with APNs and Acreage

#	Name	APN	Acreage	GP Land Use	Zoning	Income Level				Total Units
						Very Low	Low	Mod.	Above Mod.	
Planned and Proposed Projects										
1	Bridgeway / Gateway	assorted	n/a	LDR, MDR	BTP	0	0	0	134	134
2	FMC Willow - North	92-100-5	7.21	TS, R	BTP	47	23	21	64	155
3	FMC Willow - South	537-852-1-8	12.67	HDR, O, TS	BTP	0	0	0	215	215
4	Harbor Pointe	537-852-1-3	1.71	HDR, O	BTP	0	0	0	192	192
		537-852-2-9	2.29							
		537-852-2-16	15.70							
5	Cedar Homes	92A-2375-2-6	7.16	MDR	RM	0	0	0	118	118
6	Cedar Community Apts.	901-195-38	1.36	CC	CC	124	0	0	1	125
		901-195-37	1.36							
7	Timber St. Senior Living	92A-2125-10-2	1.04	MDR	RM	39	39	1	0	79
8	Lepakshi Homes - Building A	92-30-17-2	0.17	CMU	CMU	0	0	0	60	60
		92-30-16-2	0.17							
		92-30-18-4	0.31							
		92-30-14-3	0.19							
		92-30-15-2	0.17							
9	Lepakshi Homes - Building B	92-31-16-2	0.17	CMU	CMU	8	4	3	13	**28**
		92-31-15	0.08							
10	SAHA Development-Thornton Ave.	92A-919-17-2	0.18	HDR	RH	56	0	1	0	**57**
		92A-919-16-2	0.18							
		92A-919-18	0.20							
11	Mulberry St. Residential	92-29-22	0.23	MDR	RM	0	0	0	8	8
		92-29-21	0.23							

#	Name	APN	Acreage	GP Land Use	Zoning	Income Level				Total Units
						Very Low	Low	Mod.	Above Mod.	
12	Bain Ave. & Magnolia St.	92-61-11	0.43	MDR	RM	0	0	0	10	10
		92-61-12-2	0.36							
		92-61-12-1	0.14							
13	Waymark Homes	92A-2585-12-1	0.83	MDR	RM	0	0	0	76	76
		92A-2585-30-4	0.35							
		92A-2585-31	2.62							
Subtotal Planned and Proposed						**274**	**66**	**26**	**891**	**1,257**
Sites Zoned for Housing										
14	NewPark Mall (Phases A to D)	901-111-19	9.71	Mixed-use I	RC	36	18	18	535	607
		901-111-24	7.89							
		901-111-30	0.82							
		901-111-21	4.34							
		901-111-24	1.21							
		901-111-22	6.24							
		901-111-31	3.30							
		901-111-26	5.64							
		901-111-26	1.54							
		901-111-20	7.42							
		901-111-26	0.64							
		901-111-29	1.03							
		901-111-25	14.71							
15	Grocery Outlet Shopping Center	92A-900-1-2	4.62	CMU	CMU	27	26	~~0~~	~~0~~	53
16	Thornton Ave. Sites (within Old Town Specific Plan boundary)	92-50-1-3	0.13	CMU	CMU	41	41	41	41	162
		92-29-20-2	0.34							

#	Name	APN	Acreage	GP Land Use	Zoning	Income Level				Total Units
						Very Low	Low	Mod.	Above Mod.	
		92-29-16-2	0.17							
		92-29-15-2	0.09							
		92-50-2-3	0.13							
		92-29-19-2	0.17							
		92-29-18-2	0.17							
		92-51-5-3	0.50							
		92-50-3-3	0.13							
		92-29-14-2	0.08							
		92-29-17-2	0.17							
		92-29-13	0.16							
		92-51-2-3	0.27							
17	Cedar Blvd. and Timber St. Industrial Sites	92A-2125-17	1.00	MDR	RM	0	0	0	61	61
		92A-2125-11-2	1.67							
		92A-2125-13	2.00							
18	E-Z 8 Motel	92A-2585-32	2.24	HDR	RH	39	38	~~0~~	~~0~~	77
19	Cherry Plaza	92-50-13	0.96	CMU	CMU	15	15	~~0~~	~~0~~	30
20	Thornton Ave. Sites (outside of Old Town Specific Plan boundary)	92A-919-20-2	0.24	RHD	RH	18	18	18	17	**71**
		92A-919-11-2	0.21							
		92A-919-15-2	0.16							
		92A-919-13-2	0.19							
		92A-919-21-2	0.24							
		92A-919-12-2	0.16							
		92A-919-22-2	0.24							
		92A-919-14-2	0.21							
		92A-919-19-2	0.19							

#	Name	APN	Acreage	GP Land Use	Zoning	Income Level				Total Units
						Very Low	Low	Mod.	Above Mod.	
21	Sycamore St. Vacant Lot	92-255-11	1.81	RHD	RH	25	25	24	~~0~~	74
22	Cedar Blvd. Public Storage Sites	92A-2375-32	1.44	RMD	RM	0	0	0	41	41
		92A-2375-32	1.46							
23	Filbert St. Villas	92-131-3	0.17	RMD	RM	0	0	0	16	**16**
		92-54-4	0.18							
		92-54-5	0.21							
24	Filbert Ave. Sites	92-54-6	0.31	RMD	RM	0	0	0	7	7
		92A-623-43	0.52							
		92-125-10	0.43							
25	Mayhews Place	92A-623-43	0.52	LMDR	MDR	0	0	0	9	**9**
26	Locust & Railroad	92-125-10	0.43	LMDR	RS-	0	0	0	6	**6**
27	Fahmy Homes	92-75-5-2	0.18	MDR	RM	0	0	0	6	**6**
		92-75-4-2	0.20							
28	Neighborhood Infill Lots	92-135-23	0.19	LDR	RS	0	0	0	17	**17**
		92-127-13	0.17							
		92-136-15	0.14							
		92-24-10	0.17							
		92-127-20	0.43							
		92-125-2-2	0.42							
	Accessory Dwelling Units (ADUs)	n/a	n/a			48	48	48	16	160
	Middle Housing Units	n/a	n/a			~~0~~	~~0~~	200	~~0~~	200
	Subtotal Sites Zoned for Housing					249	229	348	771	1,597
	Total Capacity					**523**	**295**	**374**	**1,662**	**2,854**

#	Name	APN	Acreage	GP Land Use	Zoning	Income Level				Total Units
						Very Low	Low	Mod.	Above Mod.	
Newark RHNA						**464**	**268**	**318**	**824**	**1,874**
Surplus %						113%	110%	118%	202%	152%
Surplus Units						59	27	56	838	980

Source: City of Newark; Community Planning Collaborative, 2023.

Site Selection Process

The following is a summary of the overall sites inventory process and the methodology and assumptions that support the sites selection process. Using guidance provided by HCD, an inventory of available sites was conducted by closely examining site characteristics and other HCD-established criteria. Primarily, sites were identified by using Geographic Information Systems (GIS) mapping software from multiple datasets to identify parcels that fit the HCD-specified criteria as adequate housing sites. Sites were further refined over a series of working sessions and through input staff, the City Council and community and development sector stakeholders through the community engagement process. The information used to generate the sites inventory database was derived from these primary resources:

1. ABAG's Housing Element Site Selection (HESS) Tool;
2. City of Newark current and long-term planning records and planning documents;
3. County of Alameda assessor's data.

Housing sites identified as part of the site inventory analysis were evaluated using a variety of criteria to determine their ability to meet State requirements and meet the City's RHNA, plus a buffer. The following sections describe the screening criteria and methodology applied for the site selection process. Once all sites had been selected and verified, the realistic density assumption was informed by and calculated from precedent projects in Newark, as well as from regional data provided by ABAG through the HESS tool realistic capacity module.

Methodology/Evaluation of Possible Sites

To meet the City's RHNA requirement, three primary project types are identified in the sites inventory, as described below. The methodology and assumptions that support these project types are summarized in the "General Site Evaluation Considerations" and "Sites for Rezoning" sections.

Planned and Proposed/Pipeline Projects

Pipeline Projects include those that have been approved, permitted, or received a final certificate of occupancy since the beginning of the RHNA projection period (which started on June 30, 2022). Based on HCD guidance, these projects may be credited toward meeting the RHNA allocation based on the affordability and unit count of the development. The following is a description of the subcategories under Pipeline Projects:

Approved/Under Construction: These projects include those that have been approved or are under construction and will receive a final certificate of occupancy after the beginning of the RHNA projection period, making these projects eligible to be counted towards the 6th cycle RHNA.

Proposed Projects: These are projects that are seeking entitlements. Project status includes formal applications or pre-applications under review, master plans with development agreements approved or under review (only those portions realistically expected to start construction by 2031), and sites owned by 100 percent affordable housing developers with the intent to submit applications in the next year. Permits or certificates of occupancy for these Proposed Projects are expected to be issued in the 6th cycle, making these projects eligible to be counted towards the 6th cycle RHNA as well.

Sites Zoned for Housing

Sites zoned for housing comprise the second main type of site to accommodate the City's RHNA, including both vacant and non-vacant sites with available infrastructure and that meet a variety of criteria that make them candidates for residential development during the 6th cycle planning period. These sites are considered vacant or underutilized and are eligible for residential development as is currently allowed under the existing zoning in the General Plan or in one of the City's adopted specific plans.

Accessory Dwelling Units and SB 9 Units

Accessory Dwelling Units are considered opportunities for residential development and are based on projected development during the planning period as is currently allowed under the existing zoning or General Plan. The sites inventory provided in Table C-1 assumes that Newark will continue to approve on the order of 15 units per year[15]. In addition, it is anticipated that homeowners in Newark will begin to take advantage of the opportunities to add additional housing units through the addition of new units on existing residential lots or through urban lot splits as provided in SB 9.[16]

[15] The affordability levels assumed by Newark in the sites inventory for ADU production is supported by research conducted for ABAG's RHTA program and is based on a robust statewide survey of ADUs by affordability level. https://abag.ca.gov/sites/default/files/documents/2022-03/ADUs-Projections-Memo-final.pdf

[16] https://www.hcd.ca.gov/docs/planning-and-community-development/SB9FactSheet.pdf

General Site Evaluation Considerations

This section provides a summary of the evaluation considerations made as part of the analysis and a description of each consideration. As most of the city is already built with limited vacant parcels remaining, sites in the inventory primarily include non-vacant parcels that already have access to infrastructure and meet a variety of HCD criteria that make them suitable candidates for housing redevelopment. While sites not included in the sites inventory can also be developed for housing to meet RHNA targets, those sites identified in the inventory are considered optimal and most likely to develop and contribute to housing production in the 6th cycle. The following considerations were evaluated and are described in more detail in the following sections:

- Infrastructure Availability;
- Environmental Constraints;
- Site Status and Capacity (i.e., vacant, underutilized, existing uses, and residential zoning);
- Site Size;
- Permitted Density; and
- Evaluating Sites from Prior Housing Element(s).

Infrastructure Availability

The availability of utility infrastructure to a site can be a constraint to housing development and was considered as an evaluation criterion when working to identify sites for the inventory. As a primarily developed community, the City of Newark is well-served by existing infrastructure systems, including both wet and dry utilities. As much of Newark already has available or nearby access to water and wastewater services, wet utilities are not a constraint to residential development though minor upgrades to these services (e.g., expanded sewer and water hookups to the trunk line) may be needed to develop select sites for residential uses. All sites have been screened to have available infrastructure.

Environmental Constraints

The analysis of environmental constraints included a review of all parcels identified in the inventory using different GIS-based data screens as well as ABAG's HESS tool to determine if sites possess one or more environmental constraint, including hazard risks such as parcel shapes, flood zones or wetlands, easements, contamination, steep slopes, and other possible constraints to development feasibility. Two sites, both in the construction phase, Bridgeway/Gateway and Harbor Pointe have floodplain exposure, which was mitigated during the entitlement process. None of the sites in the inventory, either planned or proposed or zoned for housing, have irregular shapes, or are impacted by either wetlands or critical habitat.

The sites zoned for housing in the sites inventory are located in urbanized areas of the City and do not have special hazard risks or significant environmental challenges. However, some of the sites zoned for housing have current or former industrial uses which may need contamination mitigation. Additional regulatory constraints or mitigation efforts have not been an issue for the projects that have been entitled or are in the entitlement process (for example, Waymark Homes and Timber St. Senior Living) in this

formerly industrial/warehouse area. For instance, the Environmental Impact Report for the Bayside Newark Specific Area Plan, an area that had considerable previous industrial contamination, outlines and addresses contamination and other environmental concerns which has led the way for significant housing construction. Where siting housing on parcels with environmental constraints may be unavoidable to accommodate the City's housing need, risks would be addressed through building codes and other mitigation measures.

Site Status and Capacity

Sites in Newark which are zoned to accommodate housing include vacant and nonvacant sites in the zoning districts summarized in Section 4A. Residentially zoned sites, either vacant or underutilized, were considered as potential buildable residential sites and were evaluated for site adequacy and capacity. Government Code Sections 65583(a)(3) and 65583.2 require that the inventory of suitable land look at criteria for vacant and underutilized sites as outlined below:

- Vacant sites that are zoned for multi-family development
- Vacant sites that are not zoned for multi-family development, but that allow such development
- Underutilized sites that are zoned for residential development and capable of being developed at a higher density or with greater intensity
- Sites that are not zoned for residential development, but can be redeveloped for and/or rezoned for multi-family residential development
- Sites owned or leased by the City that can be redeveloped for multi-family residential development within the housing cycle
- Sites controlled by the State, a city/county, or another public agency where there is agreement/documentation that the site can be developed within the housing cycle
- Non-vacant sites require substantial evidence to demonstrate that existing development will not preclude housing production during the planning period

A methodology to determine "underutilized" sites was necessary given that the City has shrinking supply of vacant land. Sites were removed from consideration in the underutilized methodology if sites: did not initially allow residential uses, were historic resources, were sites that support community-serving uses (parks, utilities, transportation, schools, hospitals), had structures that were recently built or modified, and were generally built out to their allowed density.

Sites owned by the City and other public agencies were also evaluated for affordable housing development, but none were identified as suitable at this time.

Site Size

Per State law, sites smaller than half an acre or larger than 10 acres are not considered adequate to accommodate lower income housing needs unless it can be demonstrated that sites of equivalent size were successfully developed during prior planning periods, or other evidence is provided that sites at this size can be developed as lower income housing.

Large Sites – There are no individual sites in the inventory larger than 10 acres (with the exception of one parcel within the NewPark Place Specific Plan Area which is 14.7 acres).

Small Sites – The sites inventory includes parcels that are less than or slightly greater than one-half acre in size. A screening of these smaller parcels and common ownership was conducted. Where smaller parcels were immediately adjacent to other Opportunity Sites that had the same landowner, these parcels were consolidated to create larger sites, given the likelihood of these consolidated sites being developed together as a single project (the SAHA Thornton Avenue project falls in this category). A full list of these and other sites is included in the sites inventory form to be prepared for submission to HCD for review.

Permitted Density

State law (Government Code Section 65583.2(c)(3)) establishes a "default density standard" of 30 units per acre for lower income units in a metropolitan jurisdiction such as Newark. This is the minimum density that is deemed appropriate in State law to accommodate the City's lower income RHNA. In accordance with the State's default density standards, sites that could support a minimum of 30 units per acre were considered appropriate for very low and low income units, as well as for moderate income units. All underutilized Opportunity Sites in the inventory can accommodate at least the default density.

Evaluating Sites from Prior Housing Element(s)

To accommodate the 2023-2031 RHNA, sites from both the 4th and 5th cycle housing elements were evaluated to determine their viability for the 2023-2031 Housing Element planning period. As reflected in Programs H3.6 and H3.7 and Table 6-2, the city has identified all parcels that need to be rezoned to accommodate RHNA during the planning period. Specifically, by January 31, 2024, Newark will implement zoning text amendments to provide adequate capacity for up to 602 units. This program will provide for a minimum density of 30 DU/A for sites to accommodate lower income RHNA units. The City will incorporate a replacement housing provision for any sites with existing residential use and will permit multifamily uses without discretionary action.

Pursuant to AB 1397, Newark will also amend the Zoning Ordinance to require by-right approval of housing development that includes 20 percent of the units as housing affordable to lower-income households, on sites being used to meet the 6th Cycle RHNA that represent "reuse sites" previously identified in the 4th and 5th Cycles Housing Element. The ten sites listed in Table 6-2 will be adjusted by text amendment to accommodate the lower income RHNA as needed.

Sites for Rezoning

Government Code section 65583.2(h) sets requirements if sites are identified for rezoning to accommodate a lower income RHNA shortfall. The City's sites inventory does not have a lower income shortfall, and therefore is not subject to those requirements.

Realistic Capacity Evaluation

As required by Housing Element law, local governments must analyze available sites based on a determination of the realistic residential development capacity. To establish realistic capacity, precedent projects were referenced when evaluating vacant and underutilized sites, and specifically the typical densities of existing or approved residential development at similar affordability levels to confirm local development trends. The precedent projects used as references are subject to the same land use controls and site improvement standards as the sites in the inventory. Local precedent projects were supplemented by sub-regional data provided from the ABAG Hess tool regarding typical achieved densities on projects in the Newark (South Alameda County) Market Area.

For housing opportunity sites identified in the City's multi-family residential districts (RM, RH), the realistic capacity assumption applied to total capacity was 65 percent. This assumption is lower than representative projects currently in the City's development pipeline, but is consistent with the HESS tool which found based that based on 357 projects built in the Multi-Family Residential districts of Alameda South County (tri cities) between 2018 And 2020 that the average number of units built as a percentage of the maximum allowable units was 65 percent.

For realistic capacity analysis in commercial zones such as the CMU and RC districts, market data provided by the HESS tool identified 128 project(s) built in the Non-Residential districts of Alameda South County (tri cities) between 2018 and 2020 and demonstrates that the average number of units built as a percentage of the maximum allowable units was 130 percent. However, due to ground floor retail requirements, a softening market, and comparable pipeline projects, a more conservative feasibility multiplier of 80 percent was used instead to reflect local conditions in Newark.

Mixed-Use Areas and Sites

The precedent projects were evaluated to determine the likely density of 100 percent residential development in each of the zones that permit housing in Newark. As noted, however, a significant portion of the City's sites are in commercial/mixed use zones which also allow commercial uses, in particular the remaining phases of the Newpark Mall Specific Plan. In general, throughout Newark and the broader market area, residential uses have been out competing retail and office uses, and the trend has been towards the conversion of existing commercial centers. The Newpark Mall Specific Plan reflects this trend in that there is a planned downsizing of the commercial retail portions of the existing center in favor of higher density residential product types. The sites inventory capacity calculations included in this Housing Element do not include an adjustment factor for the sites listed as sites zoned for housing, but the realistic capacity adjustment factor sites in the CMU zone is intentionally more conservative than the sub-regional factor of 75 percent in order to take into account the possibility that some portion of future developments on these sites may be non-residential.

Evaluation of Sites to Accommodate Varied Income Levels

One of the most important evaluation considerations of the sites selection process is to evaluate a site's ability to accommodate households with varying income levels. To satisfy the RHNA requirement, the amount of lower, moderate, and above moderate income units is specified for each site in the inventory. Furthermore, the unit capacity must be maintained throughout the 2023-2031 planning period. Therefore, a buffer of at least 15 percent to 30 percent is generally recommended by HCD, and Newark's sites inventory buffer is well beyond this recommendation. If sites listed in the inventory are redeveloped with other uses or different income levels than what is identified, the difference can be made up with the buffer sites to ensure there is "No Net Loss" of Suitability of Non-Vacant Sites.

Suitability of Non-Vacant Sites for Development

The lack of vacant land in Newark and the relatively high value of new residential development means that the City consistently sees the redevelopment of underutilized sites, a fact which is reflected most notably in the adoption and ongoing implementation of the Newpark Place Specific Plan. Developer and property interest in non-vacant commercial sites for future residential development has been strong in recent years, and the inventory included here is, by many measures, relatively conservative in terms of the number of non-vacant commercial sites included relative to market pressures.

Non-vacant opportunity sites in the inventory were screened based on the criteria previously described. The consultant team worked closely with city staff to identify suitable properties and analyze existing uses and the conditions of buildings or lots on non-vacant sites. Property owner outreach was also conducted for the relevant sites, as well as analysis on constraints and market conditions. In each case, the analysis indicated that the opportunity sites included in this Housing Element Have a strong likelihood of developing as residential projects during the planning period.

Lower Income RHNA vis-a-vis Non Vacant Sites

State law requires additional analysis of existing uses in the sites inventory if more than 50 percent of the City's low-income RHNA is accommodated on non-vacant sites. HCD has published guidance for how to determine this, which includes adjustments for proposed lower income projects and ADU capacity, in addition to vacant sites in the inventory. A substantial amount of the City's lower-income units (more than 50 percent of the lower income RHNA) are within Pipeline Projects. In addition, the inventory includes affordable ADU units. In summary, less than 34 percent of Newark's lower income RHNA is accommodated on non-vacant sites, which is below the 50 percent threshold. Therefore, no additional analysis is needed to support the site inventory's non-vacant sites.

Table C-3: Lower Income RHNA vis-a-vis Non Vacant Sites, 2023

Site Location	Lower Income Units	Percent of Lower Income RHNA
Planned and Proposed Sites	340	46.4%
Vacant Sites (Sycamore St.)	50	6.8%
ADUs	96	13.1%
Total Lower Income RHNA	732	100%
Lower Income RHNA vis-a-vis Non Vacant Sites	**246**	**33.6%**

Site Profiles

The following site profiles provide specific information about each of the opportunity sites listed in Table C-1 and displayed vis-v-vis AFFH factors in the maps provided above. The sites include both planned and proposed projects as well as sites zoned for housing that will be available to be developed during the planning period. Each profile includes a description of the site's general plan land use designation, zoning, site size and maximum allowable density. Notes regarding realistic capacity are included as well as available links to relevant planning documents and plans. Sites 1 through 13 are in the development pipeline process (either under construction, fully entitled or active applications) and sites 14 through 28 are locations identified for housing either from previous Housing Elements or new analysis. Sites identified as zoned for housing include detailed analyses of development standards, government constraints and environmental constraints. Tables summarizing development standards and unit yield are provided for sites 15 through 19, 21, 22, 24, and 25.

1 Bridgeway / Gateway (Bayside Newark) - under construction

Zoning: Residential High Density, Residential Medium Density

Specific Plan Designation: Medium/High Density Residential

APNs: Consolidated sites with APNs to be listed in the HCD electronic inventory form.

Size: 41 acres

Max Allowable Density 60 units per acre.

Realistic capacity based on approved entitlements or developer proposal



On March 10, 2016, Newark City Council adopted Ordinance No. 492 which was a zoning amendment on property shown in Vesting Tentative Tract Map 8099 from MT-1 (High Technology Park District) to MDR-FBC (Medium Density Residential-Form Based Codes) and HDR-FBC (High Density Residential-Form Based Codes) as part of the Bayside Newark (formerly known as the Dunbarton TOD Specific Plan) to develop the land as Gateway Station West.

The project, proposed by Integral Communities, calls for the phased development of 589 market-rate residential units within approximately 41 acres of the 54.5-acre project site, at an approximately density of 14.36 DU/A. A total of 321 single family detached homes and 268 attached condos are planned, along with streets, 1,473 parking spaces, sidewalks, trails, landscaping, parks, water quality treatment basins and permanent open space. In addition, several off-site roadway, sidewalk and landscaping improvements may be constructed in conjunction with the project. The development site is located within the Dumbarton TOD Specific Plan Project area.

2 FMC Willow - North (Bayside Newark) - entitled

Zoning: Business and Technology Park

Specific Plan Designation: Transit Station, Commercial/Retail

APN: 92-100-5

Size: 7.2 acres

Max Allowable Density: Form-based code

Realistic capacity based on approved entitlements or developer proposal



On 9/22/22, The City of Newark approved land use modifications proposed by Lennar Home Builder, FMC Corporation, and Integral Communities within the FMC Willow and Grand Park portion of the Bayside Newark Specific Plan area. The proposed modifications would redevelop the 22.1-acre site into a 370-unit multi-family community including 279 townhouse units, a 1.6-acre mixed-use area with 3,600 sq. ft. of retail, club room, fitness center, and 90 affordable units (plus 1 manager unit) within a 6-story building, a 5-acre community park (Grand Park), and a 1,485 sq. ft. community building, along with approx. 1.8 acres set aside for a future transit station.

The north site, known as FMC Willow - North" would contain the 91-unit affordable housing, mixed-use building, 64 multifamily units and the future transit station parcel for a total of 155 units. The 64 market-rate units would be UA Stack (multifamily). The UA Stacks would have five floor plans ranging from 1,696 square feet to 2,015 square feet, and they would be three-stories high.



Link to approved Application (Resolution No. 11,407)

Link to FMC Willow Staff Report

3 FMC Willow - South (Bayside Newark) - entitled

Zoning: Business and Technology Park

Specific Plan Designation: High Density Residential, Commercial Office, Transit Station

APN: 537-852-1-8

Size: 12.6 acres

Max Allowable Density 60 units per acre.

Realistic capacity based on approved entitlements or developer proposal



On 9/22/22, The City of Newark approved land use modifications proposed by Lennar Home Builder, FMC Corporation, and Integral Communities within the FMC Willow and Grand Park portion of the Bayside Newark Specific Plan area. The proposed modifications would redevelop the 22.1-acre site into a 370-unit multi-family community including 279 townhouse units, a 1.6-acre mixed-use area with 3,600 sq. ft. of retail, club room, fitness center, and 90 affordable units (plus 1 manager unit) within a 6-story building, a 5-acre community park (Grand Park), and a 1,485 sq. ft. community building, along with approx. 1.8 acres set aside for a future transit station.

The South Site of the project, known as "FMC Willow South", (Grand Park, PA 3, and PA 4) would include a 1,485 square foot community building, 123 multifamily units, and 92 townhomes for a total of 215 units. The 123 units would be UA Split (multifamily), and 92 would be UA Towns (townhomes). The UA Stacks would have 5 floorplans ranging from 1,696 square feet to 2,015 square feet. The UA Splits would have a standard option with 4 floorplans ranging from 1,307 square feet to 2,108 square feet and a 4-story option with 4 floorplans ranging from 1,307 square feet to 2,422 square feet. The homes would be 3-5 stories high.



Link to project plans.

4 Harbor Pointe, FMC Parcel C (Bayside Newark) - under construction

Zoning: Business and Technology Park

Specific Plan Designation: High Density Residential, Commercial/Office

APN: 537-852-2-9, 537-852-1-3, 537-852-2-16

Size: 13.6 acres

Max Allowable Density 60 units per acre.

Realistic capacity based on approved entitlements or developer proposal

In line with the Bayside Newark Specific Plan (formerly known as the Dumbarton TOD), the City of Newark approved a title sheet and site plan submitted by Parcel C Project Owner, LLC. The date on the filing is from 12/17/2018.

The developable area of 13.6 acres was subdivided to accommodate 192 units over three planning areas. Planning Area 1 has a total 72 units at a density of 11.56 units to the acre, Planning Area 2 has a total of 75 units at 16.13 units per acre, and Planning 3 has a total of 45 units at 16.48 units per acre. The plan has multiple typologies which are both three and four bedroom single family units which will be sold at market rate. The project is being built in phases and multiple final maps may be filed.





Link to project plans.

5 Cedar Homes - 38478 Cedar Boulevard - entitled

Zoning: Residential Medium Density

General Plan Designation: Medium Density Residential

APN: 92A-2375-2-6

Size: 7.76 acres

Max Allowable Density 30 dwelling units per acre.

Realistic capacity based on approved entitlements or developer proposal

According to application materials, Robson Homes, LLC proposes to construct 118 residential units composed of single family residences and two-unit attached townhomes on a 7.76-acre site located at 38288-38594 Cedar Blvd. The site would be subdivided to create 124 lots including six common and 118 residential lots. The project would include landscaping and open space areas, a new private street, and on-site and off-site improvements. Below is a rendering of an example unit.





Link to project plans.

6 Cedar Community Apartments – complete

Zoning: Community Commercial

General Plan Designation: Community Commercial

APN: 901-195-37, 901-195-38

Size: 2.7 acres

Max Allowable Density 25-60 dwelling units per acre.

Realistic capacity based on approved entitlements or developer proposal



The Cedar Community Apartments project was selected for a Homekey grant valued at $38.2 million. This grant assisted with the acquisition and conversion of Town Place Suite into 125 apartment units that are affordable to extremely low-income households and households experiencing homelessness, including 11 units that are reserved for military veterans. The grant also assists with the provision of resident services including education and employment services. 1 unit is at market rate for management.

The owner of the Towne Place Suites (TPS) extended-stay hotel in Newark and Allied Housing/Abode Services entered into an option agreement for the sale of the property. The hotel suites were converted into 124 supportive, affordable residential units to be known as Cedar Community Apartments. 60 units are for households who have experienced homelessness, and the other 64 are set aside for people at risk of homelessness.



7 Timber St. Senior Living - entitled

Zoning: Residential Medium Density

General Plan Designation: Medium Density Residential

APN: 92A-2125-10-2

Size: 1.0 acre

Max Allowable Density 30 dwelling units per acre.

Realistic capacity based on approved entitlements or developer proposal



Timber Street Senior, developed by Eden Housing, will provide 79 units of new affordable housing for seniors in a convenient location in Newark, CA. The project will redevelop the 1-acre site and fulfill the city's vision of transforming the surrounding neighborhood from light industrial and warehouse space to a vibrant, walkable residential neighborhood.

The project has been granted $21.7 million in funding for its construction with the City of Newark and Alameda County (Measure A1 Affordable Housing Fund) both as financial partners. The project's funding is a part of Governor Newsom's recent commitment of more than $825 million to help expand the state's affordable housing stock and increase capacity for additional climate-smart infill housing.

The building will include a community room with a kitchen and attached courtyard with space for planter boxes and organized activities, a computer learning center, an exercise room, a bicycle storage room, and offices to house on-site services staff. All of the units are 1-bedrooms, so the community will support seniors living on their own as well as couples. A rendering of the project is shown below.



Link to project plans.

8 Lepaskshi Homes - 6781 Thornton Ave. Building A (Old Town Newark Area Plan) - active application

Zoning: CommercialMixed Use

General Plan Designation: Commercial Mixed Use

APN: 92-30-16-2, 92-30-15-2, 92-30-14-3, 92-30-18-4, 92-30-17-2

Size: 1.0 acres

Max Allowable Density 100 dwelling units per acre (Old Town Newark Area Plan)

Realistic capacity based on approved entitlements or developer proposal

The developer, Lepakshi Homes, has proposed a residential project at the gateway to the City's Old Town neighborhood. The project consists of two sites with a single building on each site. " Building A" with 60 market rate units, 12 one-bedroom, 37 two-bedroom, 6 three-bedroom, and 5 live-work units. The proposed plan is approximately 60 units per acre for Building A.Building A's building height is 57 feet with a clocktower at 72 feet.

As of October 2023, the application is under review. The city anticipates that the application will be complete in early 2024 with public hearings scheduled shortly thereafter. Entitlements include a Planned Development and Design Review.

Link to project plans.



9 Lepakshi Homes - 6781 Thornton Ave. Building B (Old Town Newark Specific Plan) - active application

Zoning: Commercial Mixed-Use

General Plan Designation: Commercial Mixed Use

APN: 92-31-15, 92-31-16-2

Size: 0.25 acres

Max Allowable Density 100 dwelling units per acre (Old Town Newark Specific Plan)

Realistic capacity based on approved entitlements or developer proposal

The developer, Lepakshi Homes, has proposed a residential project at the gateway to the City's Old Town neighborhood. The project consists of two sites with a single building on each site. " Building B" is across the street from Building A and would contain 15 affordable units and 13 market rate units. The proposed plan is at 94 units per acre, and the building height is 59 feet. Below is a rendering of the project, with Building B in the foreground. The smaller "Building B" parcels are part of the same application and approval process as Building A.



As of October 2023, the application is under review. The city anticipates that the application will be complete in early 2024 with public hearings scheduled shortly thereafter. Entitlements include Planned Development and Design Review.

Link to project plans.



10 SAHA - 6347 -6375 Thornton Ave. - active application

Zoning: Residential High Density

General Plan Designation: High Density Residential

APN: 92A-919-18, 92A-919-17-2, 92A-919-16-2

Size: 0.54 acres

Max Allowable Density 60 dwelling units per acre.

Realistic capacity based on developer proposal as submitted to city in NOFA process.



According to application materials, SAHA proposes a multi-family housing development of 57 deeply affordable homes targeted to individuals and families including 15 two-bedroom apartments and 16 three-bedroom apartments, on three underutilized parcels, 6347-6375 Thornton Avenue. The proposal calls for a single 60 foot. 5-story building on 0.54 acres at 105 DU/A (a waiver or concession is needed).

SAHA proposes to develop a five-story building using Type 5A wood-frame construction for the upper four floors over a Type 1A concrete ground floor and parking garage. The design includes numerous family-friendly common area amenities such as a computer lab, an acoustically-insulated music practice room, a bicycle repair station, building wide wireless internet service free to residents, an outdoor tot play area and wheelchair-accessible raised garden beds in a sunny spot where SAHA's Resident Services team will expand its successful gardening program.



To fund this transformation, SAHA requested and received $12M of seed capital from the City of Newark which will cover approximately 25% of the total development cost.

The developer will submit a formal design review, minor use permit, and a map application before the end of 2024. Entitlements are expected in late 2024.

Link to project plans.

11 Mulberry Residential - 36952 Mulberry Street - entitled

Zoning: Residential Medium Density

General Plan Designation: Medium Density Residential

APN: 92-29-22, 92-29-21

Size: 0.46 acres

Max Allowable Density 30 units per acre.

Realistic capacity based on approved entitlements or developer proposal

According to application materials, Rajesh Rao, proposes to demolish the existing single-story residence and detached garage, and construct eight for-sale market-rate condominiums with new landscaping, open space areas, a private driveway, and guest parking on the property located at 36952 Mulberry St. The property is zoned RM-OT (Residential Medium Density with the Old Town Overlay District). The proposed project would merge two existing lots to create a 0.46-acre lot with 4 three-bedroom units and 4 four-bedroom units at a density of 17.4 DU/A. Below is a proposed rendering of the project.





Link to project plans.

12 Bain Ave. & Magnolia St. - 37280 Magnolia Street - under construction

Zoning: Residential Medium Density

General Plan Designation: Medium Density Residential

APN: 92-61-11, 92-61-12-1, 92-61-12-2

Size: 0.93 acres

Max Allowable Density 30 units per acre.

Realistic capacity based on approved entitlements or developer proposal

According to application materials, Goldsilverisland Homes, LLC is proposing 10 market-rate single family homes at 37280 Magnolia Street. The applicant is also proposing a PD overlay district to allow for lower lot sizes of 3,500 square feet instead of 6,000 square feet. The density of the development is approximately 10.75 DU/A.

Link to project plans.



13 Waymark Homes - Cedar Blvd. - entitled

Zoning: Residential Medium Density

General Plan Designation: Medium Density Residential

APN: 92A-2585-30-4, 92A-2585-12-1, 92A-2585-31

Size: 3.44 acres

Max Allowable Density 30 units per acre.

Realistic capacity based on approved entitlements or developer proposal

The applicant, Waymark Development, proposes to demolish the existing buildings currently occupied by commercial/industrial uses and construct 76 three-story attached townhomes within 14 buildings on a 3.44-acre site located at 38600 Cedar Blvd. The project calls for 34 three-bedroom units and 46 four-bedroom units with a total density of 22 DU/A. The project would include landscaping and open space areas, a new private street, and on-site improvements. The property is zoned RM (Residential Medium Density District). The project requires a Design Review, Minor Use Permit for a building height up to 40 feet, and a Vesting Tentative Subdivision Map. Below is a render of an example unit.





Link to project plans.

14 NewPark Place (Phases A to D)

Zoning: Regional Commercial

Specific Designation: Mixed-Use I

APN: 901-111-19, 901-111-30, 901-111-29, 901-111-24, 901-111-22, 901-111-20, 901-111-25, 901-111-21, 901-111-26, 901-111-31

Size: 52.03 acres

Max Allowable Density 160 units per acre.

Realistic capacity based on Specific Plan

As described above in Section 4 and in other sections of this Housing Element, the NewPark Place Specific Plan will guide the redevelopment of this entire area, comprising 52.03 acres with an expected residential build-out capacity of 1,519 across 5 major phases as follows (see Phase A in top aerial, Phases B-D in bottom aerial):





Phase A: Type-III multifamily development. A total of 319 units on.3.98 acres at a density of 80 dwelling units per acre. The development includes six levels of parking.

Phase B1: Type-III multifamily development. A total of 195 units on 3.47 acres at a density of 56 dwelling units per acre. The development includes a six level garage.

Phase B2: Type-III multifamily development with a podium. A total of 310 units on 4.30 acres at a density of 72 dwelling units per acre. The development includes a 3 -evel structure parking facility.

Phase C: Type-III multifamily development with a podium. A total of 300 units on 3.70 acres at a density of 81 dwelling units per acre. The development includes a 2 level garage and 1 sub-t.

Phase D2: Type-III multifamily development. A total of 395 units on 5.67 acres at a density of 70 dwelling units per acre. The development includes a five level garage.

The phases are regulated by the Mixed-Use Area I standards, which include a maximum building height of 200 feet, with buildings adjacent to the streets to be a minimum of 30 feet, but preferably 60 feet. Residential density may be up to 160 units per acre, but not less than 60 dwelling units per acre.

While the specific plan has a relatively high maximum density, it is largely unachievable for multiple reasons. First, the plan has a cap on the total number of units at 1,519. An adjustment of this number would require City Council action and a new EIR process. Second, taller developments than Type-III multifamily would require new emergency vehicle typologies, procedures, and training which the City of Newark currently does not have nor does the surrounding area. Therefore, it is not surprising that the actual densities of the proposed developments are somewhat lower than the maximum would permit.

Residential uses may be within residential only multiple story buildings and/or in buildings with a mix of uses. First floor residential is allowed in non-active frontage locations, which are outlined in the plan. Parking demand for development within areas designed Mixed-Use I must be accommodated by a combination of surface and structured parking per the Parking Sub Plan. The residential uses within each "block" must be self-parked within the boundary of the individual block. For a more detailed account of all applicable development standards, refer to the Specific Area Plan.

The NewPark Place plan has a 20 year planning arc, therefore it is expected that only 40% of the total units will be complete for the 8 year RHNA 65 Housing Element Period. As feasible, the City will continue to work with the property owner to encourage the inclusion of larger percentages of affordable units in future phases of development.

The build out capacity and affordable housing assumptions for NewPark Place provided in this sites inventory reflects City Council Resolution NO. 10,184 which went into effect on June 9, 2014 and is the guiding document which outlines that for apartment development, the affordability breakdown starting point should be 6% VLI, 3% LI, and 3% MOD in order to fully mitigate the impact of the residential development. The document gives City Council the authority to determine that an alternative distribution of affordable units will fully mitigate the impacts of the development on the need for affordable housing, based on community needs and the characteristics of the development. In the case of NewPark Phase A, Council advocated strongly for onsite affordable units instead of a mitigation fee.

As described in full in the Specific Plan, this area has adequate infrastructure to accommodate the planned residential development and there are no known environmental constraints. In addition, each separate phase of this development would comprise a land area of less than 10 acres.





[Link to the project plans for Phase A.]

15 Grocery Outlet Center

Zoning: Commercial Mixed Use

General Plan Designation: Commercial Mixed Use

APN: 92A-900-1-2

Size: 4.62 acres (1.54 acres under the assumption that ⅓ of the site will redevelop)

Max Allowable Density 60 units per acre.



The Grocery Outlet Center site is an aging multi-tenant retail center with a large surface parking lot, which takes up approximately 40% of the site, located on the corner of Newark Boulevard and Mayhews Landing Road. The site was previously included in the 5th Cycle Housing Element. The shopping center is a collection of four different buildings, each with multiple tenants providing a range of retail and service options for the community, including a well established Grocery Store.

Realistic Capacity. Since the leases are current and tenants like Grocery Outlet are popular among residents, the approach here is that only a third of the site will feasibly redevelop throughout the eight-year planning period.

Newark code requires ground floor retail adjacent to Newark Boulevard, so a realistic capacity of 80% was applied to this site yielding a total of 57 units as detailed below. The density is at 45 dwelling units per acre giving it 100% affordable potential**.** The existing establishments, a liquor store, Southeast Asian restaurant, and flower shop would be able to continue to operate on the ground floor.

Analysis of Redevelopment Potential.

-In Newark and the Tri-City Area, similar commercial centers have recently developed as mixed-use and/or 100 percent residential projects at similar densities. The redevelopment of the NewPark mall and surrounding area are an important comparable example of the residential redevelopment potential provided by this ley site.

-The redevelopment potential of this site is also supported by the relatively low improvement to land value ratio of .49, which shows that the built improvements are valued lower than the underlying land. This indicates a strong propensity for the site to redevelop during the planning period

Rezoning. Since the site was included in the 5th Cycle Housing Element, per Program H3.6 described above, this site will be subject to a zoning text amendment that will require by-right approval of any new housing development in which at least 20 percent of the units are affordable to lower-income households.

Table C-4: Grocery Outlet Center Realistic Capacity Analysis

Site Description	
Size of Site	1.54 acres
Zoning	Commercial Mixed Use
Allowable Density	30 - 60 dwelling units per acre
RHNA Affordability	Lower Income
Existing Use	Non-Vacant, aging strip mall
Infrastructure Availability	Yes, no constraints
Environmental Constraints	None Known

Capacity Factors	Adjustment Factor	Reasoning
Land Use Controls and Site Improvements	0.75	Net development area based: on front and side setbacks: open space requirements; reduced parking requirements per program H3.5; and, ground floor commercial use comprising 15% of lot area.
Realistic Capacity of the Site	0.8	Based on recent trends in the tri-city market area and in the City of Newark for the conversion of existing commercial sites to 100% residential or mixed use projects. Program H3.4 will be implemented to facilitate the development of this and other potential residential sites in commercial zones. Program H3.5 will also be implemented to reduce required covered parking standards for residential projects. will be implemented to streamline the Note: the ABAG Hess tool reports build out of 1.35 for residential projects in mixed use zones in the tri city market area, and thus this assumption is very conservative.
Typical Densities	0.95	Affordable housing developments in Newark build out to almost maximum density.
Infrastructure availability	Yes	Water, sewer and power infrastructure in place and sufficient to support residential development.
Environmental constraints	No	No known environmental constraints on this site.
Realistic Capacity With Adjustment Factors	53	

16 Thornton Ave. Sites (within Old Town Neighborhood)

Zoning: Commercial Mixed Use

General Plan Designation: Commercial Mixed Use

APN: 92-51-2-3, 92-29-20-2, 92-29-19-2, 92-51-5-3, 92-29-18-2, 92-29-17-2, 92-29-13, 92-29-16-2, 92-29-15-2, 92-50-1-3, 92-29-14-2, 92-50-2-3, 92-50-3-3

Size: varies by parcel, total of 2.5 acres

Max Allowable Density 100 units per acre per Old Town Specific Plan,



The Thornton Avenue area comprises a number of underutilized parcels which are primed for residential development during the planning period. Improvement to land value ratios for the sites range from .22 to .79 indicating a propensity to redevelop, and the Old Specific Plan also includes policies encouraging residential and mixed-use development.

The major constraints facing these parcels are the need for assemblage (most parcels are less than half an acre) and ground floor retail requirements along Thornton Ave. Because of this, a realistic capacity multiplier of 80% was used to calculate unit totals.

While many of the buildings date from earlier than 1970, The Old Town Newark Specific Plan found that there are no historic buildings or structures in the planning area. The plan notes that 25 buildings within the planning area have "historic merit", the City's Historic Preservation Program allows for modification and demolition of buildings with historic merit. Several existing City regulations would help ensure that development and redevelopment activities do not cause a substantial adverse change. Therefore, the protection of cultural resources is not a significant barrier to redevelopment of these sites.

Rezoning. Since the sites were included in a previous Housing Element, per Program H3.6 described above they will be subject to a zoning text amendment that will require by-right approval of any new housing development in which at least 20 percent of the units are affordable to lower-income households.

Table C-5: Thornton Ave. Sites Realistic Capacity Analysis

Site Description	
Size of Site	2.5 acres
Zoning	Commercial Mixed Use (within Old Town)
Allowable Density	100 dua (within Old Town)
RHNA Affordability	Mixed
Existing Use	Commercial, Parking
Infrastructure Availability	Yes
Environmental Constraints	None

Capacity Factors	Adjustment Factor	Reasoning
Land Use Controls and Site Improvements	0.85	Net development area based on: front and side setbacks; open space requirements; parking requirements, and ground floor commercial uses.
Realistic Capacity of the Site	0.8	Based on recent trends in the tri-city market area and in the City of Newark for the conversion of existing commercial sites to 100% residential or mixed use projects. Program H3.4 will be implemented to facilitate the development of this and other potential residential sites in commercial zones. Program H3.5 will also be implemented to reduce required covered parking standards for residential projects. will be implemented to streamline the Note: the ABAG Hess tool reports build out of 1.35 for residential projects in mixed use zones in the tri city market area, and thus this assumption is very conservative.
Typical Densities	0.95	Affordable housing developments in Newark build out to almost maximum density.
Infrastructure availability	Yes	Water, sewer and power infrastructure in place and sufficient to support residential development.
Environmental constraints	No	No known environmental constraints on this site.
Realistic Capacity With Adjustment Factors	**162**	

17 Cedar Blvd. and Timber St. Industrial Sites

Zoning: Residential Medium Density

General Plan Designation: Medium Density Residential

APN: 92A-2125-13, 92A-2125-11-2, 92A-2125-17

Size: 4.96 acres

Max Allowable Density 22-30 units per acre.

These formerly industrial sites are underutilized properties with I/L ratios ranging from .38 to .58, indicating a propensity to redevelop. They are in an area of rapid change where market dynamics have tended to support residential development in recent years.

Rezoning. Since the sites were included in a previous Housing Element, per Program H3.6 described above they will be subject to a zoning text amendment that will require by-right approval of any new housing development in which at least 20 percent of the units are affordable to lower-income households.



Table C-6:Cedar Blvd. and Timber St. Industrial Sites Realistic Capacity Analysis #1

Site Description	
Size of Site	1 acre
Zoning	Residential Medium
Allowable Density	22; up to 30 with CUP depending on street classification
RHNA Affordability	Above Moderate
Existing Use	Industrial
Infrastructure Availability	Yes
Environmental Constraints	None

Capacity Factors	Adjustment Factor	Reasoning
Land Use Controls and Site Improvements	0.9	Net development area based on front and side setbacks, open space and parking requirements.
Realistic Capacity of the Site	0.8	Based on recent trends in the tri-city market area and in the City of Newark for properties in Residential Medium Density zones.
Typical Densities	0.9	Based on build out densities for comparable projects in Residential Medium density zones.
Infrastructure availability	Yes	Dry and wet utlitity infrastruture avaklable for this site; no know constraints.
Environmental constraints	No	No known environmental constraints.
Realistic Capacity With Adjustment Factors	14	

Table C-7: Cedar Blvd. and Timber St. Industrial Sites Realistic Capacity Analysis #2

Site Description	
Size of Site	1.67 acres
Zoning	Residential Medium
Allowable Density	22; up to 30 with CUP depending on street classification
RHNA Affordability	Above Moderate
Existing Use	Industrial
Infrastructure Availability	Yes
Environmental Constraints	None

Capacity Factors	Adjustment Factor	Reasoning
Land Use Controls and Site Improvements	0.9	Net development area based on front and side setbacks, open space and parking requirements.
Realistic Capacity of the Site	0.8	Based on recent trends in the tri-city market area and in the City of Newark for properties in Residential Medium Density zones.
Typical Densities	0.9	Based on build out densities for comparable projects in Residential Medium density zones.
Infrastructure availability	Yes	Dry and wet utlitity infrastruture avaklable for this site; no know constraints.
Environmental constraints	No	No known environmental constraints.
Realistic Capacity With Adjustment Factors	**24**	

Table C-8: Cedar Blvd. and Timber St. Industrial Sites Realistic Capacity Analysis #3

Site Description	
Size of Site	2 acres
Zoning	Residential Medium
Allowable Density	22; up to 30 with CUP depending on street classification
RHNA Affordability	Above Moderate
Existing Use	Industrial
Infrastructure Availability	Yes
Environmental Constraints	None

Capacity Factors	Adjustment Factor	Reasoning
Land Use Controls and Site Improvements	0.9	Net development area based on front and side setbacks, open space and parking requirements.
Realistic Capacity of the Site	0.8	Based on recent trends in the tri-city market area and in the City of Newark for properties in Residential Medium Density zones.
Typical Densities	0.9	Based on build out densities for comparable projects in Residential Medium density zones.
Infrastructure availability	Yes	Dry and wet utlitity infrastruture avaklable for this site; no know constraints.
Environmental constraints	No	No known environmental constraints.
Realistic Capacity With Adjustment Factors	**23**	

18 E-Z 8 Motel

Zoning: Residential High Density

General Plan Designation: High Density Residential

APN: 92A-2585-32

Size: 2.24 acres

Max Allowable Density 60 units per acre.

This is an underutilized hotel property with an I/L ratio of .97. In the surrounding market area, similar properties have been redeveloped with residential uses, and hotel conversions like the Cedar Community Apartments described above are increasingly common. The site is also adjacent to the entitled Waymark Homes project which proposes 80 townhomes.



Given the sites high density zoning designation which allows for densities between 25 and 60 dwelling units per acre and 100 foot height maximums, the City supports residential redevelopment here. After accounting for max lot coverage standards and setbacks, a realistic capacity modifier of 65% was applied to the site which would yield a total of 87 units. After the adjustment, the density of the site will be almost 39 dwelling units per acre, well above the default density of 30 dwelling units per acre for 100% affordable projects. The city strongly supports the development of a 100% affordable housing development at this site and could pursue a similar strategy as SAHA in Old Town, which was also in an RH zone. The city will continue to work with the property owner to advocate for residential use.

Rezoning. Since the site was included in a previous Housing Element, per Program H3.67 described above it will be subject to a zoning text amendment that will require by-right approval of any new housing development in which at least 20 percent of the units are affordable to lower-income households.

Table C-9: E-Z 8 Realistic Capacity Analysis

Site Description	
Size of Site	2.24 acres
Zoning	Residential High Density
Allowable Density	25 - 60 dwelling units per acre
RHNA Affordability	Lower Income
Existing Use	Motel
Infrastructure Availability	Yes, no constraints
Environmental Constraints	None Known

Capacity Factors	Adjustment Factor	Reasoning
Land Use Controls and Site Improvements	0.75	Net area adjustement accounts for setbacks, open space requirments, and structured parking.
Realistic Capacity of the Site	0.8	Based on comparable properties in the Tri-City Area and Newark and takes into account implementation of Prograsm H3.4 and H3.5.
Typical Densities	0.95	Affordbale housing in Newark builds out at near maximum densitities.
Infrastructure availability	Yes	Water, wastewater and dry utilities infrastrucuture available.
Environmental constraints	No	No known environmental constraints.
Realistic Capacity With Adjustment Factors	77	

19 Cherry Plaza

Zoning: Commercial Mixed Use

General Plan Designation: Commercial Mixed Use

APN: 92-50-13

Size: 0.96 acres

Max Allowable Density 100 units per acre (within Old Town Specific Plan Area)

This underutilized property has an I/L ratio of .55 , indicating a propensity to redevelop. The site has an educational use, but recent images show vacancies with a "for lease" sign. The surrounding market area has experienced the residential redevelopment of other such sites in recent years.

The site is located within the Old Town Specific Plan Area which allows the site to have densities between 30 and 100 dwelling units per acre. The height maximum is 48 feet. Unlike other CMU locations outlined in the Element, this site is not required to have ground floor retail because it is not fronting either Newark Ave. or Thornton Boulevard. A realistic capacity modifier of 80% was still applied, even though this could be considered conservative.



Table C-10: Cherry Plaza Realistic Capacity Analysis

Site Description	
Size of Site	0.96 acres
Zoning	Commercial Mixed Use
Allowable Density	48, within 20 ft. of a RM district
RHNA Affordability	100% affordable
Existing Use	Office building
Infrastructure Availability	Yes
Environmental Constraints	None

Capacity Factors	Adjustment Factor	Reasoning
Land Use Controls and Site Improvements	0.85	Net development area based on: front and side setbacks; open space requirements; parking requirements, and ground floor commercial uses.
Realistic Capacity of the Site	0.8	Based on recent trends in the tri-city market area and in the City of Newark for the conversion of existing commercial sites to 100% residential or mixed use projects. Program H3.4 will be implemented to facilitate the development of this and other potential residential sites in commercial zones. Program H3.5 will also be implemented to reduce required covered parking standards for residential projects. will be implemented to streamline the Note: the ABAG Hess tool reports build out of 1.35 for residential projects in mixed use zones in the tri city market area, and thus this assumption is very conservative.
Typical Densities	0.95	Affordable housing developments in Newark build out to almost maximum density.
Infrastructure availability	Yes	Water, sewer and power infrastructure in place and sufficient to support residential development.
Environmental constraints	No	No known environmental constraints on this site.
Realistic Capacity With Adjustment Factors	**30**	

20 Thornton Ave. Sites (outside of Old Town)

Zoning: Residential High Density

General Plan Designation: High Density Residential

APN: 92A-919-22-2, 92A-919-21-2, 92A-919-20-2, 92A-919-19-2, 92A-919-15-2, 92A-919-14-2, 92A-919-13-2, 92A-919-12-2, 92A-919-11-2

Size: 1.2 acres

Max Allowable Density 60 units per acre.

As with the sites within the OldTown area, these underutilized sites also show strong potential for redevelopment with residential uses. I/L ratios range from .53 to .76. These units do not have a required mixed-use component.

Rezoning. Since the sites were included in a previous Housing Element, per Program H3.6 described above they will be subject to a zoning text amendment that will require by-right approval of any new housing development in which at least 20 percent of the units are affordable to lower-income households.



21 Sycamore St. Vacant Lot

Zoning: Residential High Density

General Plan Designation: High Density Residential

APN: 92-255-11

Size: 1.81 acres

Max Allowable Density: 60 units per acre.

This site consists of an underutilized vacant residential lot in an area with robust services and supportive infrastructure. Zoned for high-density residential uses with a minimum density of 25 dwelling units to the acre and a maximum density of 60 dwelling units to the acre, this site is suitable for accommodating lower-income units. Existing development standards would allow the development of this site at maximum densities, consistent with comparable affordable housing developments currently in Newark's development pipeline.

This site will also also be subject to Program H3.7 since it is being carried over from a previous 5th Cycle Housing Element.



Table C-11: Sycamore St. Vacant Lot Realistic Capacity Analysis

Site Description	
Size of Site	1.81 acres
Zoning	Residential High Density
Allowable Density	25 - 60 dwelling units per acre
RHNA Affordability	mixed income
Existing Use	vacant
Infrastructure Availability	yes
Environmental Constraints	none

Capacity Factors	Adjustment Factor	Reasoning
Land Use Controls and Site Improvements	0.9	Net development area based on front and side setbacks, open space and parking requirements.
Realistic Capacity of the Site	0.8	Based on recent trends in the tri-city market area and in the City of Newark for properties in Residential High Density zones.
Typical Densities	0.95	Affordable housing builds out at near maximum densities.
Infrastructure availability	Yes	Dry and wet utlitity infrastruture avaklable for this site; no know constraints.
Environmental constraints	No	No known environmental constraints.
Realistic Capacity With Adjustment Factors	74	

22 Cedar Blvd. Public Storage Sites

Zoning: Residential Medium Density

General Plan Designation: Medium Density Residential

APN: 92A-2375-32

Size: 2.9 acres

Max Allowable Density 22-30 units per acre.

This public storage site has an I/L ratio of .78, indicating a propensity to redevelop with another use, and residential uses are generally the highest and best use in the surrounding neighborhood market area.

Rezoning. Since the site was included in a previous Housing Element, per Program H3.6 described above it will also be subject to a zoning text amendment that will require by-right approval of any new housing development in which at least 20 percent of the units are affordable to lower-income households.

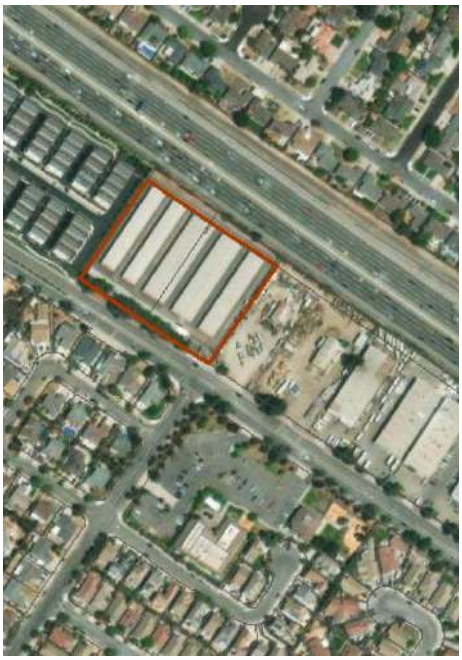


Table C-12: Cedar Blvd. Public Storage Realistic Capacity Analysis

Site Description	
Size of Site	2.9 acres
Zoning	Residential Medium
Allowable Density	22
RHNA Affordability	Above Moderate
Existing Use	Industrial
Infrastructure Availability	Yes
Environmental Constraints	No

Capacity Factors	Adjustment Factor	Reasoning
Land Use Controls and Site Improvements	0.9	Net development area based on front and side setbacks, open space and parking requirements.
Realistic Capacity of the Site	0.8	Based on recent trends in the tri-city market area and in the City of Newark for properties in Residential Medium Density zones.
Typical Densities	0.9	Based on build out densities for comparable projects in Residential Medium density zones.
Infrastructure availability	Yes	Dry and wet utlitity infrastruture avaklable for this site; no know constraints.
Environmental constraints	No	No known environmental constraints.
Realistic Capacity With Adjustment Factors	41	

23 Filbert Villas - 37243 & 37257 Filbert St. - expired entitlement

Zoning: Residential Medium Density

General Plan Designation: Medium Density Residential

APN: 92-131-1-9, 92-131-2-4, 92-131-3

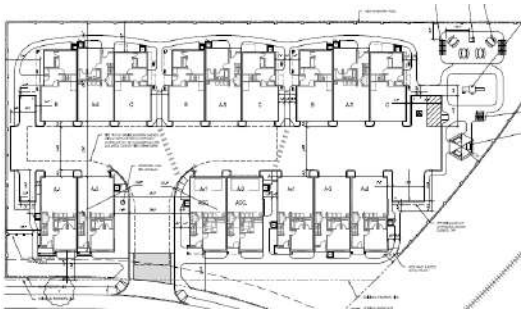
Size: 0.96 acres

Max Allowable Density 30 units per acre.

Realistic capacity based on approved entitlements or developer proposal

According to application materials dated 3/23/17, SRAJ Development Inc, proposed Filbert Villas, a 16 unit market rate residential condominium project. The project consists of 16 new three-story four-bedroom townhouses. The density of the project is approximately 16 DU/A and the units will be market-rate. While the entitlement on this project expired, the city expects to see a project with similar densities.

Link to project plans.





24 Filbert Ave. Sites

Zoning: Residential Medium Density

General Plan Designation: Medium Density Residential

APN: 92-54-5, 92-54-6, 92-54-4

Size: 0.7 acres

Max Allowable Density 22-30 units per acre.

These sites would support relatively lower-density residential development and the sites inventory does not assume that affordable housing would be feasible on these sites.



Table C-13: Filbert Ave. Sites Realistic Capacity Analysis

Site Description	
Size of Site	0.52 acres with assemblage
Zoning	Residential Medium
Allowable Density	22
RHNA Affordability	Above Moderate
Existing Use	Industrial
Infrastructure Availability	Yes
Environmental Constraints	None

Capacity Factors	Adjustment Factor	Reasoning
Land Use Controls and Site Improvements	0.9	Net development area based on front and side setbacks, open space and parking requirements.
Realistic Capacity of the Site	0.8	Based on recent trends in the tri-city market area and in the City of Newark for properties in Residential Medium Density zones.
Typical Densities	0.9	Based on build out densities for comparable projects in Residential Medium density zones.
Infrastructure availability	Yes	Dry and wet utlitity infrastruture avaklable for this site; no know constraints.
Environmental constraints	No	No known environmental constraints.
Realistic Capacity With Adjustment Factors	7	

25 Mayhews Place - 36589 Newark Boulevard - expired entitlement

Zoning: Residential Medium Density

General Plan Designation: Commercial Mixed Use

APN: 92A-623-43

Size: 0.53 acres

Max Allowable Density 30 units per acre.

Realistic capacity based on approved entitlements or developer proposal

According to project plans, David Langon Construction, Inc. is proposing 6 attached two-story, market-rate, single-family units on a site area of approximately 0.53 acres. The density of the proposal is 12 DU/A. Below is a rendering of the exterior facade. While the entitlement on this project expired, the city expects to see a project with similar densities.





Link to project plans.

26 Locust St. & Railroad - 37093 Locust St. - expired entitlement

Zoning: Residential Low Density

General Plan Designation: Low-Medium Density Residential

APN: 92-125-10

Size: 0.43 acres

Max Allowable Density 8.7 units per acre.

Realistic capacity based on approved entitlements or developer proposal

According to application materials dated June 21, 2018, Cherry Properties is proposing 6 new market-rate apartments at 37093 Locust Street. The project title is The Railroad Apartments.

Link to project plans.



27 Fahmy Homes - 37503 & 37511 Cherry Street - expired entitlement

Zoning: Residential Medium Density

General Plan Designation: Medium Density Residential

APN: 92-75-5-2, 92-75-4-2

Size: 0.38 acres

Max Allowable Density 30 units per acre.

Realistic capacity based on approved entitlements or developer proposal

According to application materials dated November 9th, 2020, Sawart S. Fahmy is proposing a four-lot residential project. The proposed subdivision calls for 4 single-family market-rate units. While the entitlement on this project expired, the city expects to see a project with similar densities.

Link to project plans.



28 Neighborhood Infill Sites

Zoning: Residential Low Density

General Plan Designation: Low-Medium Residential, Medium Density Residential

APN: 92-135-23, 92-127-13, 92-136-15, 92-24-10, 92-127-20, 92-125-2-2

Size: 12 acres

Max Allowable Density 11-15 units per acre.

These are mixed neighborhood infill sites supporting lower density residential development.



APPENDIX D PUBLIC COMMENT

The public comment period for the first Draft 2023-2031 Housing Element began on February 24th, 2023. As required by AB 215, the first Draft Housing Element was available for a 30-day public review period, before incorporating public comments and sending the revised first draft to HCD. Based on community feedback and to ensure that the Newark community had enough time to review and comment, the City kept the first public review draft of the Housing Element available for public comment through the 90-day State HCD review period (February 24th - March 27th, 2023). The City posted an updated draft for public review from August 7th - August 17th, 2023).

Thank you to all those who submitted public comments and attended public meetings. Based on community feedback and direction from Councilmembers, staff have prepared a response to comments to illustrate how the revised draft reflects public input received during the 142-day comment period. A total of 11 comments, comment letters, and emails were received during the comment period. No comments were received on the updated draft during or after the 10-day public review period in August 2023.

1. Carla Rodrigez
2. Taran Singh
3. Pamela Roush
4. Andrea Heckman
5. Matt Francois on behalf of Integral Communities
6. Carol Drake
7. Namit Saksena
8. Sarah Klaustermeier, Brookfield Properties
9. Victor Flores, East Bay Resilience Manager, Greenbelt Alliance, David Lewis, Executive Director Save The Bay , Maxwell Davis and the 2500 members of East Bay for Everyone
10. Neelam Noorani
11. Aundi Mevoli, BayKeepers

Table D-1: Housing Element Draft Public Comments Received and City Response

Letter Number	Name/ Organization	Date	Comment	City Response
1.	Carina Rodriguez		After reviewing the Draft document, my biggest concerns are: 1) Newark's continuing to infringe on the marshes and wetlands around our city. This is a large environmental issue and I saw very little mention of this in the housing plans. However, the city continues to approve housing developments on these natural lands. This will especially be an issue as climate change continues to wreak havoc on us - I do not want the city to be put in a situation where we have to use tax dollars to help those who ignorantly purchased homes on these wetlands and marshes. Especially when the lands should have never been built on in the first place. 2) I do not want the city of Newark to become a haven for low income housing. While we should open our city to new residents - low income housing invites low income individuals who will not be contributing a significant amount in taxes. Some are indeed hard workers and have been beaten down by the systemic failures of our city, county, state, and country, but some have no interest in doing anything to help themselves and will just suck up the free resources paid for by taxpayers. Yes, we do need low income housing to assist some in our community. However, we should not accept a large percentage of this low income housing and rather have it spread out throughout the county of Alameda and the Bay Area. 3) Lastly, there are many apartments, townhouses,	1. The City of Newark is guided by the Area 3 and 4 Specific Plan, adopted by the City Council in 2009. This specific plan provides land uses, development regulations, engineering and site improvements, landscape guidelines, and natural resource conservation standards. In 2014, the City entered into a Development Agreement with Newark Partners LLC, which guides development within certain areas of Area 3 and 4 and establishes performance expectations and requirements for the developers and the City. Development within the specific plan area has been limited to Area 3 and the residential subdivision known as “Sanctuary Village”. In 2019, the City Council approved a residential subdivision via a Planned Unit Development permit consisting of 469 homes along with a determination that the environmental effects of the project were sufficiently analyzed and were under the scope of the previously adopted 2015 Recirculated Environmental Impact Report. Subsequent to Council’s 2019 actions, the environmental determination was challenged in court. As of 2023, no unresolved legal matters are associated with the project. In 2021, the project sponsor indicated to the city that the project would be reduced in size from 469 units to approximately 430 units. The project sponsor is working with the city

Letter Number	Name/ Organization	Date	Comment	City Response
			and duplexes that are completely run down and look absolutely awful. These can be found on Newark Blvd across the street from Newark Community park and Cherry towards Thornton. This housing looks abysmal and it's sickening that landlords are allowed to rent these apartments at top dollar while they are clearly falling apart and have made no investment in keeping them up to a basic, human level. Before we begin to build more housing, we need to look at this housing and bring them up to a livable standard for those currently living in the city. Let's fix our home city first before we begin building more housing that may eventually look as awful as this housing on Newark Blvd. and Cherry.	regarding site development activities. As Sanctuary West is a fully entitled project with legal matters resolved, the City has identified the project as contributing to the RHNA goal for above-moderate housing for the 6th Cycle. 2. Newark is subject to RHNA, the process that resulted in the assignment of 1,871 units of housing for the 6th Cycle Housing Element. Each Bay Area jurisdiction received their own RHNA allocation. Compared to other Bay Area cities, Newark's RHNA increase from the 5th Cycle (1,048 units) to the 6th Cycle was relatively small at approximately 75%. This is not a requirement to build 1,874 units, but Newark must demonstrate that the city has the correct land use policy, programs, and requirements to accommodate the units over the next eight years. Since 2015, Newark has built thousands of market-rate units, but relatively few affordable units. The City Council recognizes the need for housing that is affordable and available for all members of the community. 3. The City recognizes that some residential buildings in our community have been neglected by their property owners. Although some investment to refurbish units has occurred, more can be done. The Draft Housing Element includes goals, policies, and programs that address this need, starting with the Goal and Policy H-1: Preserve + Improve Existing Housing- “Leverage local funds to supplement county, state and federal funding

Letter Number	Name/ Organization	Date	Comment	City Response
				to support the maintenance, rehabilitation and preservation of existing rental and ownership housing. “
2.	Taran Singh		Area 3 and Area 4 plan of building 469 homes an environmental disaster. The City of Newark cannot solve the housing problem by 500 odd homes on our wetlands. I urge the city to revert the development plan for Area 3 and Area 4 and let them be a safe abode for our flora and fauna. Overall, I think the City needs to get denser in areas close to the 880 corridors and provide connectivity to BART/Transit.	See Response 1, above.
3.	PAMELA ROUSH		Please do not build in Newark Area 4. That is a flood zone and it will only get worse. Please, please reconsider building in Area 4. Thank you.	See Response 1, above.
4.	Andrea Heckman		I'm very concerned about development in the Area 4 shoreline because of it's importance to the ecosystem and protecting our existing development from future flooding. It seems imprudent to build on an area which is expected to need massive alteration and protection from future sea level rise. Makes no sense to develop housing where future disaster is predictable.	See Response 1, above.
5.	Matt Francois		We are submitting these comments on behalf of our client, Integral Communities, the proponent of the Mowry Village project. We write to request certain technical corrections and clarifications to the draft Housing Element. For instance, the reference to 398 built single family units in Area 3, Sub Area B (on page 104) should instead refer to 386 units. Additionally, the reference to the Mowry Village project (on page 105) refers to the site as being within Area 3 when it is located within Area 4; please also correct the	Thank you for your comments and corrections. The references to Area 3/4 and the unit count have been corrected in the October 3 draft. The language about retiring the Specific Plan has been adapted to reflect that the City “may take action to retire the plan in a manner consistent with applicable laws and conforming to previously adopted agreements and approved entitlements.”

Letter Number	Name/ Organization	Date	Comment	City Response
			location of the Mowry Village project in the last paragraph of this section. Finally, also in the last paragraph of this section, please clarify the intent about retiring the Area 3 & 4 Specific Plan after action on the Mowry Village project as it is anticipated that the Specific Plan would continue to be relied on to make consistency determinations for the Mowry Village and other projects.	
6.	Carol Drake		Newark Area 4 is not a good choice for development. Wetlands sequester carbon, store floodwater, and filter nutrients and sediment from water. Already included in the expansion boundaries of the Don Edwards SF Bay National Wildlife Refuge, Area 4 provides an unparalleled opportunity to restore wetlands and other wildlife habitat, while creating a buffer against sea level rise. Newark should focus on infill development instead. It could utilize existing neighborhoods and major development opportunities such as revitalizing NewPark Mall, which could provide 1,519 housing units, and smaller projects already planned in and around Old Town Newark. Building in these developed areas would help place housing near job centers, reducing vehicle miles traveled and road congestion.	See Response 1, above.
7.	Namit	March 21st 2023	I was very happy to see that you mentioned working with Newark Unified School District in the draft Housing Element, Policy H2.4. Other cities in the Bay Area have helped their school districts address the missing housing for teaching staff and I think Newark should also partner with NUSD to do something	Hello Namit, Thank you for your comments. We have updated policy H2.4, with more information from state law to support the redevelopment of land owned by Newark Unified School District. We agree, and the data shows how large of a burnden

Letter Number	Name/ Organization	Date	Comment	City Response
			similar. I loved the creative idea you had shared during our chat at the after party of Mayor Hannon's swearing in ceremony late last year. Comment 2: After housing, the next big expense for low income residents tends to be transportation. While our Pedestrian & Bicycle Master Plan was approved in Feb 2017, we haven't made massive strides in making the overall vision in that plan come true. Bike lanes will not only improve accessibility to local employers: restaurants, gas stations, retail stores, Home Depot, Amazon etc. but also upcoming city centers such as NewPark Place and might even spark Old Town into life. The other thing is, bike lanes will benefit residents of all income levels. I saw that the number 1 response to Q.9 of the Public Engagement and Input Survey with 33% respondents was public infrastructure including bicycle lanes. Therefore it would be great if the Housing Element had a specific call out to pedestrian and bicycle infrastructure vs. the single specific mention on Pg. 128. I think exploring ways to align the relevant parts of the Housing Element more closely with the Bicycle Element will help us capture this once in a decade opportunity to shape the future of housing in Newark by the handle bars!	transportation can be financially for residents. We also heard the desire for more pedestrian friendly streets and bike lanes in the city for more transportation options. The Public Works department has plans to start implementing portions of the bicycle master plan, and we are happy to see that the majority of sites are along bus routes as well. The community development department looks forward to working with the public works department to coordinate these two critical efforts.
8.	Sarah Klaustermeier	March 24th 2023	I reviewed the draft Housing Element and had one comment specific to Phase A. The breakdown of income levels in Table C-1 is different than what is	Thank you for your comments. The 6th Cycle unit yield and affordability distribution has

Letter Number	Name/ Organization	Date	Comment	City Response
			approved in our Affordable Housing Agreement. [see screenshots below]	been updated in the appropriate tables to reflect the City Council's Resolution 10,184.
9.	Victor Flores, East Bay Resilience Manager, Greenbelt Alliance David Lewis, Executive Director Save The Bay Maxwell Davis and the 2500 members of East Bay for Everyone	March 27th 2023	The undersigned organizations and individuals are excited to participate in Newark's Housing Element process. We write to offer feedback on Newark's Draft Housing element for the sixth cycle. This update is an opportunity for Newark to make sure that high resource and racially segregated neighborhoods take on their fair share of the City's housing needs, particularly for lower income residents who are disproportionately people of color. As your housing element notes, the majority of Newark residents are in housing that is either unaffordable or does not meet their needs. In particular, the Latine community experiences high levels of overcrowding and above average spending on housing. The City must ensure that all, regardless of race or income, can enjoy safe, stable, and accessible homes located either near jobs or transit (bus as well as BART) and on sites that are clean and suitable for development. We are glad to see many great policies and sites that promote infill and active transportation. We also appreciate Newark going above the buffer recommendations for realistic zoning capacity. Among the sites we're excited about is the Newpark project which will build medium density units on parking lots. This project is a perfect example of infill with access to AC Transit lines to BART. We also want to commend the city for Policy H6.7:	Hello Victor, David, and Maxwell, We appreciate your thoughtful comments on the Housing Element draft. In response to community discussion through engagement we have worked to make significant edits to many programs to better support the uptake of housing that is affordable to all segments of the population, and in proximity to public transportation and active transportation infrastructure investments. In response to climate and sea level rise, the Newark Safety Element is in process and will further address many of those questions and comments. Program H3.5 Parking standards has been strengthened, removing and reducing parking requirements for multiple housing types. We welcome your continued advocacy in this area. Numerous programs to increase housing access, opportunity and affordability have been added or strengthened. Program H2.1, SB9, H2.2, for ADU production, and H2.3 is looking at how a community guided plan for the 4 corners area can generate more housing close to parks, schools and a potential rail station. Program H2.6 looks to utilize state law to develop affordable housing for staff and employees, and H2.8 for Missing Middle Housing has been updated, and a new program,

Letter Number	Name/ Organization	Date	Comment	City Response
			Residential Development in the FloodPlain. We continue our opposition to the Sanctuary West project. We are glad that the city recognizes that such developments are not in the interest of Newark residents nor the prudent fiduciary responsibility of the council and staff. In an era where our communities are facing the consequences of climate change and sea level rise, each community should be actively assessing how it will ensure future developments and infrastructure will be resilient to flood risk without adversely impacting existing residents and the environment. Building in Area 4 baylands would both greatly increase flood risk across the city, and also squander the opportunity to utilize these lands as a valuable flood buffer to protect the community from flooding and sea level rise, while also providing improved natural wildlife habitat and increased outdoor access opportunities for residents. Additionally, since there is broad community opposition from both environmental and pro-housing organizations in the area, building here has a high chance of community pushback which could delay the project to outside the planning period. We strongly recommend updating your Climate Action Plan which is now 13 years old in order to implement mitigation measures for water level rise (both sea level rise and groundwater rise) and to reduce greenhouse gas (GHG) emissions. We also recommend adding a policy to restore wetlands in order to maximize carbon sequestration and protection from sea level rise.	H2.10 will increase the zoning districts where single resident occupancy housing is permitted in Newark.

Letter Number	Name/ Organization	Date	Comment	City Response
			Program H3.5: Parking standards study can be strengthened to commit to reducing parking minimums. A study from UC Berkeley's Terner Center found, "the presence of structured parking added nearly $36,000 per unit." The Draft Housing Element notes that Newark has higher parking minimums than neighboring jurisdictions. Parking, especially covered parking, significantly increases the cost of housing developments and uses space for cars rather than for people. In order to combat climate change we know that we must reduce our reliance on cars and fossil fuels. By prioritizing land for people rather than cars we can address the housing crisis and GHG reduction goals. Due to this higher level of parking and its cost, we strongly urge you to commit to reducing the amount of required parking to no more than 0.5 spaces per residential unit, and zero in transit-adjacent areas. Program H2.1: Encourage new middle-density housing with SB 9 and SB 10. While this is a laudable direction for the city to go to encourage housing abundance throughout the city, it could be strengthened with a few more objective outcomes for the program. (1) The SB 9 ordinance should not reduce the buildable envelope below what an underlying single-family zone allows. (2) Missing middle zoning should allow at least 4 units on at least 80% of single-family lots—not merely legal as density, but practical in terms of development standards. See the Portland Residential Infill Program for a possible direction where buildable envelope is increased the	

Letter Number	Name/ Organization	Date	Comment	City Response
			more units are planned on the lot. (3) No areas should be exempted from missing middle except based on floodplain, fire risk, or other major public health / ecological risks. (4) Required parking should continue to be no more than 0.5 spaces /unit, or zero near any bus line, as the major space requirements of off-street parking reliably kills missing middle. As we've mentioned, we oppose site number 2: Sanctuary West because of its location on baylands that are expected to see a nearly two feet rise of water levels in less than 50 years. We continue to urge you to remove this from your site list. To support our vision for Newark, Greenbelt Alliance and other partnering organizations have crafted a go-to guide for accelerating equitable adaptation to the climate crisis; The Resilience Playbook. The Playbook brings together curated strategies, recommendations, and tools to support local decision makers and community leaders wherever they are in their journey. We look forward to continuing to engage with Newark and the community on how this vital work can move forward in the new year.	
10.	Neelam Noorani	March 26th 2023	Steven Turner, Dear Mayor Hannon, Vice Mayor Collazo and Newark City Councilmembers, Thank you for putting together a robust Housing Element draft. This is a once in a decade moment for Newark to make pivotal progress on climate change and fair housing by developing a	See Response 1, above.

Letter Number	Name/ Organization	Date	Comment	City Response
			comprehensive housing strategy that builds housing in existing neighborhoods,while ensuring the long-term climate resilience of the city by protecting protecting valuable open space along the shoreline as wildlife habitat while providing community resilience as a flood buffer from sea level rise. I am writing to you today to implore you to remove Newark Area 4 ("Sanctuary West") from your housing site inventory. This is not a good place to build housing and should not be how Newark meets a significant portion of its housing requirement. Newark Area 4 is almost entirely within a flood zone, and the site is anticipated to be almost completely inundated with just 1 meter of sea level rise. Additionally, new studies show that development of Area 4 could cause flooding for other shoreline communities in the Bay Area. Developing this site will increase flood risk to current and future residents and cause catastrophic financial issues to the city in the future. As evidenced by recent rains, Newark is already experiencing flooding and if Area 4 is developed, flooding will only increase. Newark has the capacity within the existing urban areas to meet its RHNA goals without putting future and current residents at risk. Further, the wetlands and wetland restoration potential of Newark Area 4 should be embraced for the numerous important benefits they provide. Wetlands not only protect the city from	

Letter Number	Name/ Organization	Date	Comment	City Response
			flooding and provide wildlife habitat, they also clean our Bay waters, and have been demonstrated to be one of the most powerful tools in nature for fighting climate change, by sequestering carbon even more efficiently than our forests. We desperately need to protect and restore all the San Francisco Bay wetlands we can, and Newark has an incredible opportunity to support this regional goal. We strongly urge Newark to become a climate-forward city by focusing on infill growth in existing neighborhoods - rather than putting housing in an undeveloped shoreline flood zone that should be permanently protected as a wildlife habitat and as a valuable buffer to protect the community from flooding and sea level rise.	
11.	Aundi Mevoli, BayKeepers	March 27th 2023	I write on behalf of San Francisco Baykeeper ("Baykeeper") in opposition to the City of Newark's inclusion of the Sanctuary West Project (also commonly known as "Area 4") in its Draft Housing Element. Baykeeper submits these comments on behalf of approximately 5,000 members and supporters who live and recreate in and around the San Francisco Bay Area. Together, our mission is to defend San Francisco Bay from the biggest threats and hold polluters and government agencies accountable to create healthy communities and help wildlife thrive. Our team of scientists and lawyers investigate pollution via aerial and water	See Response 1, above.

Letter Number	Name/ Organization	Date	Comment	City Response
			patrols, strengthen regulations through science and policy advocacy, and enforce environmental laws on behalf of the public. It is discouraging to see the city continuing to recommend and approve housing at Area 4. Instead of allowing this area to be used as a natural barrier to mitigate sea level rise (SLR) and groundwater inundation as climate impacts increase, moving forward with development will expose more than a thousand new residents to SLR and put hundreds of millions of dollars of property at risk. With only about ten percent of the original wetlands remaining around San Francisco Bay, keeping these natural bufferlands is essential to having a resilient community and allowing shorelines to adapt in the midst of climate change. In addition, importing fill and paving over Area 4 would destroy restorable diked Baylands and harm wildlife habitats for over a dozen special-status species. This includes the endangered Salt Marsh Harvest Mouse, endemic to only San Francisco Bay's marshes which are increasingly threatened with the prospect of development. Furthermore, fragmenting and degrading the existing wetlands in Area 4 will also threaten pup rookeries for harbor seals. The scientific community has recommended Area 4 as a high priority for protection and restoration of	

Letter Number	Name/ Organization	Date	Comment	City Response
			wetlands and upland habitat in order to support San Francisco Bay wildlife species and help them adjust to rising sea levels. Congress has already authorized lands such as Area 4 to be added to the Don Edwards SF Bay National Wildlife Refuge. We urge you to follow the guidance of the region's scientific community and prioritize protecting and restoring this land rather than development in Area 4 as planned in your current Draft Housing Element. During the January 2023 King Tides, drone footage revealed just how much surface water already occupies the site. These images give a glimpse of what this site will look like under one foot of SLR. Seeing as this site is projected to have two feet of SLR by 2050, it is obvious why this is not a good site to build housing or degrade more wetland habitat. Lastly, sustainable development comes at the intersection of economic, social and environmental capitols. Area 4 development only looks at the economic benefit to build. However, if natural capitol was also part of the equation, one would see how many benefits this land offers: greenhouse gas sequestration, nature based multi-benefit adaptation solutions to SLR, open space for community members to enjoy, and biodiversity to ensure a healthy Bay. Staff, we implore you to remove the Sanctuary West Project from suitable housing in the 6th cycle of	

Letter Number	Name/ Organization	Date	Comment	City Response
			Newark's Housing Element. Follow the advice of the experts and protect these wetlands to, in turn, protect your community against climate change impacts. Thank you for the opportunity to comment on this Draft Housing Element. Please reach out to Aundi Mevoli at aundi@baykeeper.org with any questions.	

COMMENT LETTERS

Comment 1	Carina Rodriguez	After reviewing the Draft document, my biggest concerns are: 1) Newark's continuing to infringe on the marshes and wetlands around our city. This is a large environmental issue and I saw very little mention of this in the housing plans. However, the city continues to approve housing developments on these natural lands. This will especially be an issue as climate change continues to wreak havoc on us - I do not want the city to be put in a situation where we have to use tax dollars to help those who ignorantly purchased homes on these wetlands and marshes. Especially when the lands should have never been built on in the first place. 2) I do not want the city of Newark to become a haven for low income housing. While we should open our city to new residents - low income housing invites low income individuals who will not be contributing a significant amount in taxes. Some are indeed hard workers and have been beaten down by the systemic failures of our city, county, state, and country, but some have no interest in doing anything to help themselves and will just suck up the free resources paid for by taxpayers. Yes, we do need low income housing to assist some in our community. However, we should not accept a large percentage of this low income housing and rather have it spread out throughout the county of Alameda and the Bay Area. 3) Lastly, there are many apartments, townhouses, and duplexes that are completely run down and look absolutely awful. These can be found on Newark Blvd across the street from Newark Community park and Cherry towards Thornton. This housing looks abysmal and it's sickening that landlords are allowed to rent these apartments at top dollar while they are clearly falling apart and have made no investment in keeping them up to a basic, human level. Before we begin to build more housing, we need to look at this housing and bring them up to a livable standard for those currently living in the city. Let's fix our home city first before we begin building more housing that may eventually look as awful as this housing on Newark Blvd. and Cherry.
2	Taran Singh	Area 3 and Area 4 plan of building 469 homes an environmental disaster. The City of Newark cannot solve the housing problem by 500 odd homes on our wetlands. I urge the city to revert the development plan for Area 3 and Area 4 and let them be a safe abode for our flora and fauna. Overall, I think the City needs to get denser in areas close to the 880 corridors and provide connectivity to BART/Transit.
3	PAMELA ROUSH	Please do not build in Newark Area 4. That is a flood zone and it will only get worse. Please, please reconsider building in Area 4. Thank you.
4	Andrea Heckman	I'm very concerned about development in the Area 4 shoreline because of it's importance to the ecosystem and protecting our existing development from future flooding. It seems imprudent to build on an area which is expected to need massive alteration and protection from future sea level rise. Makes no sense to develop housing where future disaster is predictable.

5	Matt Francois	We are submitting these comments on behalf of our client, Integral Communities, the proponent of the Mowry Village project. We write to request certain technical corrections and clarifications to the draft Housing Element. For instance, the reference to 398 built single family units in Area 3, Sub Area B (on page 104) should instead refer to 386 units. Additionally, the reference to the Mowry Village project (on page 105) refers to the site as being within Area 3 when it is located within Area 4; please also correct the location of the Mowry Village project in the last paragraph of this section. Finally, also in the last paragraph of this section, please clarify the intent about retiring the Area 3 & 4 Specific Plan after action on the Mowry Village project as it is anticipated that the Specific Plan would continue to be relied on to make consistency determinations for the Mowry Village and other projects.
6	Carol Drake	Newark Area 4 is not a good choice for development. Wetlands sequester carbon, store floodwater, and filter nutrients and sediment from water. Already included in the expansion boundaries of the Don Edwards SF Bay National Wildlife Refuge, Area 4 provides an unparalleled opportunity to restore wetlands and other wildlife habitat, while creating a buffer against sea level rise. Newark should focus on infill development instead. It could utilize existing neighborhoods and major development opportunities such as revitalizing NewPark Mall, which could provide 1,519 housing units, and smaller projects already planned in and around Old Town Newark. Building in these developed areas would help place housing near job centers, reducing vehicle miles traveled and road congestion.

Comment 7:

From: Nabe Newark <nabenewark@...>
Sent: Tuesday, March 21, 2023 5:23 PM
To: Steven Turner
Cc: Art Interiano; Carmelisa Lopez; Joseph Balatbat; David Benoun; Lenka Hovorka
Subject: Re: City of Newark Virtual Community Meeting - Draft Housing Element March 22 at 7:00 PM

Hi Mr. Turner, thank you for including me in the distribution.

I am unsure if I will be able to join the meeting tomorrow, therefore please find 2 comments from me a fter reading this fantastic work by the city staff:

I was very happy to see that you mentioned working with Newark Unified School District in the draft H ousing Element, Policy H2.4
I want to share some recent news articles which should help support this idea within Newark.

Affordable teacher housing development in Los Gatos 'move-in ready' (mercurynews.com)

Report: Silicon Valley housing crisis linked to declining school enrollment (sanjosespotlight.com)

News – Support Teacher Housing

Affordable teacher housing to be built in Palo Alto – The Talon (lahstalon.org)

Other cities in the Bay Area have helped their school districts address the missing housing for teaching st aff and I think Newark should also partner with NUSD to do something similar. I loved the creative idea y ou had shared during our chat at the after party of Mayor Hannon's swearing in ceremony late last year.

After housing, the next big expense for low income residents tends to be transportation.
While our Pedestrian & Bicycle Master Plan was approved in Feb 2017, we haven't made massive strid es in making the overall vision in that plan come true.
Bike lanes will not only improve accessibility to local employers: restaurants, gas stations, retail stores, Home Depot, Amazon etc. but also upcoming city centers such as NewPark Place and might even spar k Old Town into life. The other thing is, bike lanes will benefit residents of all income levels.

I saw that the number 1 response to Q.9 of the Public Engagement and Input Survey with 33% respon dents was public infrastructure including bicycle lanes.
Therefore it would be great if the Housing Element had a specific call out to pedestrian and bicycle infra structure vs. the single specific mention on Pg. 128.

I think exploring ways to align the relevant parts of the Housing Element more closely with the Bicycle E lement will help us capture this once in a decade opportunity to shape the future of housing in Newark by the handle bars!

Regards,
Namit

P.S. From the Needs Analysis of the Bicycle Master Plan, Pg.29:
"Newark has a great deal of potential for growing its bicycle network and safely and comfortably attra cting new bicycle trips with its temperate climate, flat terrain, growing on-street facilities, system of lo w volume streets ideal for casual cyclists, and access to trails and recreation areas.
However, bicycling today can be difficult in Newark despite the growing interest and number of bicyclists . Heavy traffic, high traffic stress bikeways, and a lack of continuous bicycle facilities on Newark's major arterials, particularly on north & south routes, remain significant challenges for attracting new riders."

On Thu, Mar 16, 2023 at 4:49 PM Steven Turner <Stevent@newark.org> wrote:

Dear City Council, Planning Commission, and Community Development Advisory Committee-

Community Development staff and our consultants are hosting a virtual community meeting about the 2023-2031 Draft Housing Element on Wednesday, March 22, 2023, from 7:00-8:30 PM. You are certainl y welcome to attend and participate.

We ask participants to register for the meeting with this link: Meeting registration. After registering, y ou will receive a confirmation email about joining the meeting.

Comment 8:

From: Klaustermeier, Sarah <Sarah.Klaustermeier@brookfieldpropertiesdevelopment.com> **Sent:** Friday, March 24, 2023 7:46 PM
To: Steven Turner
Cc: Klaustermeier, Sarah
Subject: RE: Newark's Draft Housing Element - NewPark Place Specific Plan Residential Units

Steven,

I reviewed the draft Housing Element and had one comment specific to Phase A. The breakdown of income levels in Table C-1 is different than what is approved in our Affordable Housing Agreement. Please see screenshots below:

Table C-1: City of Newark Detailed Sites Inventory

Site #	Name	Income Level				Total Units
		Very Low	Low	Moderate	Above Moderate	
Planned and Proposed Projects						
1	Bridgeway / Gateway	0	0	0	589	**589**
2	Sanctuary West	0	0	0	469	**469**
3	NewPark Mall - Phase A	15	14	0	290	**319**

Affordable Housing Agreement:

2.1 Occupancy Requirements.

For the Term of the Agreement, no fewer than twenty-nine (29) of the dwelling u the Project shall be occupied (or if vacant, available for occupancy) by Moderate Low-Income and Very Low-Income Households. The size and mix of the Restri Units shall be as follows:

	Studio	1-Bedroom	2-Bedroom	**Total**
Very-Low Income Household	1	2	1	**4**
Low-Income Household	2	5	2	**9**
Moderate-Income Household	4	8	4	**16**
Total	**7**	**15**	**7**	**29**

Sarah Klaustermeier
Sr. Director, Development| Commercial Development

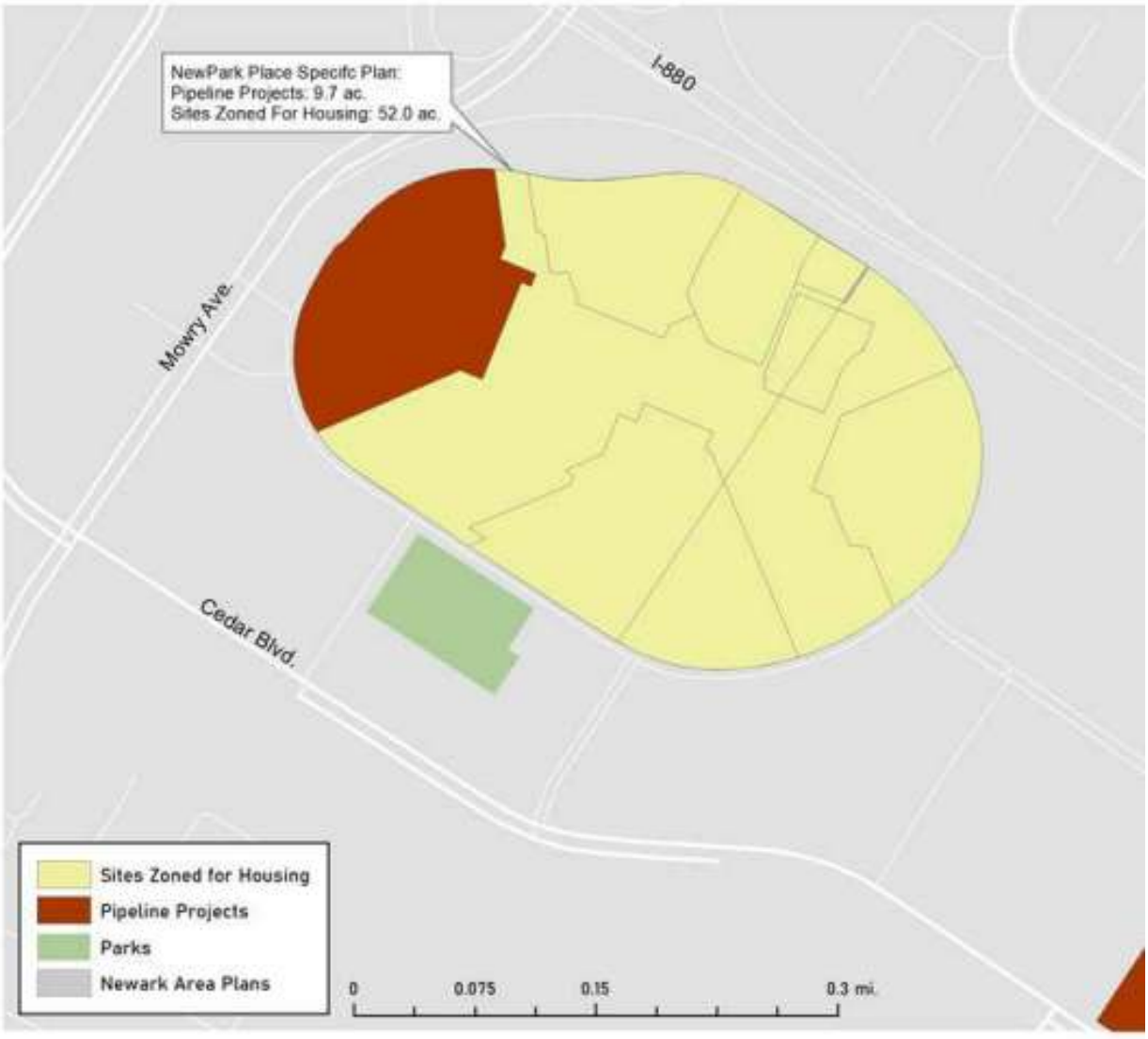
From: Steven Turner <Stevent@newark.org>
Sent: Friday, March 17, 2023 1:21 PM
To: Klaustermeier, Sarah <Sarah.Klaustermeier@...>
Subject: Newark's Draft Housing Element - NewPark Place Specific Plan Residential Units

CAUTION: EXTERNAL MAIL! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe! If unsure use the Report Phishing Button located in the ribbon.

Hi Sarah- I want to let you know that the city has prepared our Draft 2023-2031 Housing Element for p ublic review. We have a dedicated website where the documents can be reviewed, including an executi ve summary and the complete draft document: www.newarkhousingupdate.org

The Draft Housing Element identifies sites through the city that has the appropriate land use and zoning that would allow residential development over the next eight years. This includes sites within our specifi c plan areas, including the sites that allow residential as permitted uses in the NewPark Place Specific Pl an. The entitled Phase A site is identified as a pipeline project site and the other sites anticipated for ho using that surrounds the mall are also identified. Here is a map that illustrates these housing sites (the p

arcel lines likely don't reflect the approved vesting tentative map, but we can update this map). The nu mber of units identified for this area totals 1,519 units, consistent with the specific plan.



Development of 1,519 units is not specifically required during the 2023-2031 period, but the appropri ate land use and requirements are in place to accommodate that development if requested. Newark was able to identify enough sites at the right densities throughout the city to exceed our Regio nal Housing Needs Allocation. We have also projected the number of units that could be developed at various income levels for the sites. See Table C-1 for more information.

The initial public review period runs through March 27. We will then send it to the State of Californ ia Housing and Community Development Department for their review, comments, and edits in earl y April. We expect to revise the housing element in June/July to incorporate all the necessary edits before public hearings are scheduled with the Planning Commission and City Council later in the su mmer.

Paul Peninger and his team are the city's primary consultants who prepare the draft. Paul and I w ould be happy to discuss the housing element with you and answer questions.

Thanks, Sarah,

--Steven

Comment 9

March 27, 2023

RE: Housing Element Policy Recommendations for Climate Resilience & Fair

Housing Dear Mayor Hannon, City Council, and Planning Staff,

The undersigned organizations and individuals are excited to participate in Newark's Housing Element process. We write to offer feedback on Newark's Draft Housing element for the sixth cycle.

This update is an opportunity for Newark to make sure that high resource and racially segregated neighborhoods take on their fair share of the City's housing needs, particularly for lower income residents who are disproportionately people of color. As your housing element notes, the majority of Newark residents are in housing that is either unaffordable or does not meet their needs. In particular, the Latine community experiences high levels of overcrowding and above average spending on housing. The City must ensure that all, regardless of race or income, can enjoy safe, stable, and accessible homes located either near jobs or transit (bus as well as BART) and on sites that are clean and suitable for development.

We are glad to see many great policies and sites that promote infill and active transportation. We also appreciate Newark going above the buffer recommendations for realistic zoning capacity. Among the sites we're excited about is the Newpark project which will build medium density units on parking lots. This project is a perfect example of infill with access to AC Transit lines to BART.

We also want to commend the city for Policy H6.7: Residential Development in the FloodPlain. We continue our opposition to the Sanctuary West project. We are glad that the city recognizes that such developments are not in the interest of Newark residents nor the prudent fiduciary responsibility of the council and staff. In an era where our communities are facing the consequences of climate change and sea level rise, each community should be actively assessing how it will ensure future developments and infrastructure will be resilient to flood risk without adversely impacting existing residents and the environment. Building in Area 4 baylands

would both greatly increase flood risk across the city, and also squander the opportunity to utilize these lands as a valuable flood buffer to protect the community from flooding and sea level rise, while also providing improved natural wildlife habitat and increased outdoor access opportunities for residents. Additionally, since there is broad community opposition from both environmental and pro-housing organizations in the area, building here has a high chance of community pushback which could delay the project to outside the planning period.

We strongly recommend updating your Climate Action Plan which is now 13 years old in order to implement mitigation measures for water level rise (both sea level rise and groundwater rise) and to reduce greenhouse gas (GHG) emissions. We also recommend adding a policy to restore wetlands in order to maximize carbon sequestration and protection from sea level rise.

Program H3.5: Parking standards study can be strengthened to commit to reducing parking minimums. A study from UC Berkeley's Terner Center found, "the presence of structured parking added nearly $36,000 per unit." The Draft Housing Element notes that Newark has higher parking[1] minimums than neighboring jurisdictions. Parking, especially covered parking, significantly increases the cost of housing developments and uses space for cars rather than for people. In order to combat climate change we know that we must reduce our reliance on cars and fossil fuels. By prioritizing land for people rather than cars we can address the housing crisis and GHG reduction goals. Due to this higher level of parking and its cost, we strongly urge you to commit to reducing the amount of required parking to no more than 0.5 spaces per residential unit, and zero in transit-adjacent areas.

Program H2.1: Encourage new middle-density housing with SB 9 and SB 10. While this is a laudable direction for the city to go to encourage housing abundance throughout the city, it could be strengthened with a few more objective outcomes for the program. (1) The SB 9 ordinance should not reduce the buildable envelope below what an underlying single-family zone allows. (2) Missing middle zoning should allow at least 4 units on at least 80% of single-family lots—not merely legal as density, but practical in terms of development standards. See the Portland Residential Infill Program for a possible direction where buildable envelope is increased the more units are planned on the lot. (3) No areas should be exempted from missing middle except based on floodplain, fire risk, or other major public health / ecological risks. (4) Required parking should continue to be no more than 0.5 spaces /unit, or zero near any bus line, as the major space requirements of off-street parking reliably kills missing middle.

As we've mentioned, we oppose site number 2: Sanctuary West because of its location on baylands that are expected to see a nearly two feet rise of water levels in less than 50 years. We continue to urge you to remove this from your site list.

To support our vision for Newark, Greenbelt Alliance and other partnering organizations have crafted a go-to guide for accelerating equitable adaptation to the climate crisis; **The Resilience Playbook**. The Playbook brings together curated strategies, recommendations, and tools to support local decision makers and community leaders wherever they are in their journey.

We look forward to continuing to engage with Newark and the community on how this vital work can move forward in the new year.

Sincerely,

Victor Flores, East Bay Resilience Manager,
Greenbelt Alliance

David Lewis, Executive Director
Save The Bay

Maxwell Davis and the 2500 members of East
Bay for Everyone

[1] https://ternercenter.berkeley.edu/research-and-policy/ab-1401-residential-parking-requirements/

Comment 10

Newark received this same comment as a form letter from numerous individuals during the public comment period.

From: Neelam Noorani <info@...>
Sent: Sunday, March 26, 2023 8:12 PM
To: Steven Turner
Subject: Remove Sanctuary West from the Newark Housing Element

Steven Turner,
Dear Mayor Hannon, Vice Mayor Collazo and Newark City Councilmembers,
Thank you for putting together a robust Housing Element draft. This is a once in a decade moment for Newark to make pivotal progress on climate change and fair housing by developing a comprehensive housing strategy that builds housing in existing neighborhoods, while ensuring the long-term climate resilience of the city by protecting protecting valuable open space along the shoreline as wildlife habitat while providing community resilience as a flood buffer from sea level rise.
I am writing to you today to implore you to remove Newark Area 4 ("Sanctuary West") from your housing site inventory. This is not a good place to build housing and should not be how Newark meets a significant portion of its housing requirement. Newark Area 4 is almost entirely within a flood zone, and the site is anticipated to be almost completely inundated with just 1 meter of sea level rise. Additionally, new studies show that development of Area 4 could cause flooding for other shoreline communities in the Bay Area. Developing this site will increase flood risk to current and future residents and cause catastrophic financial issues to the city in the future.
As evidenced by recent rains, Newark is already experiencing flooding and if Area 4 is developed, flooding will only increase. Newark has the capacity within the existing urban areas to meet its RHNA goals without putting future and current residents at risk.
Further, the wetlands and wetland restoration potential of Newark Area 4 should be embraced for the numerous important benefits they provide. Wetlands not only protect the city from flooding and provide wildlife habitat, they also clean our Bay waters, and have been demonstrated to be one of the most powerful tools in nature for fighting climate change, by sequestering carbon even more efficiently than our forests. We desperately need to protect

and restore all the San Francisco Bay wetlands we can, and Newark has an incredible opportunity to support this regional goal.
We strongly urge Newark to become a climate-forward city by focusing on infill growth in existing neighborhoods - rather than putting housing in an undeveloped shoreline flood zone that should be permanently protected as a wildlife habitat and as a valuable buffer to protect the community from flooding and sea level rise.
Thank you,
Neelam Noorani
noorani25@...
…
San Francisco, California…

Comment 11

March 27, 2023

Transmitted Via Electronic Mail via the City Clerk

Steven Turner, Community Development Director

37101 Newark Blvd.

Newark, CA 94560

Email: city.clerk@newark.org

RE: Public comments by San Francisco Baykeeper on Newark's Draft Housing Element.

Dear Mr. Turner,

I write on behalf of San Francisco Baykeeper ("Baykeeper") in opposition to the City of Newark's inclusion of the Sanctuary West Project (also commonly known as "Area 4") in its Draft Housing Element. Baykeeper submits these comments on behalf of approximately 5,000 members and supporters who live and recreate in and around the San Francisco Bay Area. Together, our mission is to defend San Francisco Bay from the biggest threats and hold polluters and government agencies accountable to create healthy communities and help wildlife thrive. Our team of scientists and lawyers investigate pollution via aerial and water patrols, strengthen regulations through science and policy advocacy, and enforce environmental laws on behalf of the public.

It is discouraging to see the city continuing to recommend and approve housing at Area 4. Instead of allowing this area to be used as a natural barrier to mitigate sea level rise (SLR) and groundwater inundation as climate impacts increase, moving forward with development will expose more than a thousand new residents to SLR and put hundreds of millions of dollars of property at risk. With only about ten percent of the original wetlands remaining around San Francisco Bay, keeping these natural bufferlands is essential to having a resilient community and

allowing shorelines to adapt in the midst of climate change.

In addition, importing fill and paving over Area 4 would destroy restorable diked Baylands and harm wildlife habitats for over a dozen special-status species. This includes the endangered Salt Marsh Harvest Mouse, endemic to only San Francisco Bay's marshes which are increasingly threatened with the prospect of development. Furthermore, fragmenting and degrading the existing wetlands in Area 4 will also threaten pup rookeries for harbor seals.

The scientific community has recommended Area 4 as a high priority for protection and restoration of wetlands and upland habitat in order to support San Francisco Bay wildlife species and help them adjust to rising sea levels. Congress has already authorized lands such as Area 4 to be added to the Don Edwards SF Bay National Wildlife Refuge. We urge you to follow the guidance of the region's scientific community and prioritize protecting and restoring this land rather than development in Area 4 as planned in your current Draft Housing Element.

During the January 2023 King Tides, drone footage revealed just how much surface water already occupies the site. These images give a glimpse of what this site will look like under one foot of SLR. Seeing as this site is projected to have two feet of SLR by 2050, it is obvious why this is not a good site to build housing or degrade more wetland habitat.



Jan. 22, 2023, King Tides at Area 4 *Photo credit: Carin High*

Lastly, sustainable development comes at the intersection of economic, social and

environmental capitols. Area 4 development only looks at the economic benefit to build. However, if natural capitol was also part of the equation, one would see how many benefits this land offers: greenhouse gas sequestration, nature based multi-benefit adaptation solutions to SLR, open space for community members to enjoy, and biodiversity to ensure a healthy Bay.

Staff, we implore you to remove the Sanctuary West Project from suitable housing in the 6th cycle of Newark's Housing Element. Follow the advice of the experts and protect these wetlands to, in turn, protect your community against climate change impacts.

Thank you for the opportunity to comment on this Draft Housing Element. Please reach out to Aundi Mevoli at aundi@... with any questions.

Sincerely,

Aundi Mevoli

Field Investigator and Policy Advocate San Francisco Baykeeper

Exhibit C

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SAFETY

9

1. INTRODUCTION

The Safety Element of the General Plan addresses potential risks to life and property resulting from naturally occurring hazards, such as earthquakes and floods, and man-made hazards, such as air pollution, noise and soil contamination. The Safety Element also addresses emergency preparedness and response. As in other elements of the General Plan, background information on these topics is presented in the first part of the chapter, and goals, policies, and actions are presented at the end.

An important function of this Element is to identify locations in Newark that may be inappropriate for certain land uses due to potential risks and hazards. This Element also identifies areas where hazards are present, but can be mitigated through special design and site planning measures. For example, Newark is located in a seismically active area. While this does not preclude construction, it does require that buildings are designed to withstand ground shaking and other hazards associated with earthquakes. The hazards discussed in this Element help to shape Newark's Land Use Map, and have influenced its land use, housing, open space, and transportation policies.

The specific topics covered by this Element are listed below:

- Air Quality
- Drought and Water Quality
- Extreme Weather
- Geologic and Seismic Hazards
- Flood Hazards
- Dam Failure
- Fire Hazards
- Hazardous Materials
- Emergency Preparedness

CLIMATE CHANGE

Many of the hazards impacting the City are made worse by climate change. Climate change refers to a significant and long-lasting shift in global temperatures and climate patterns due primarily to manmade greenhouse gas (GHG) emissions, which trap heat in the atmosphere and lead to increasing global temperatures. Global warming and the hazards that come from this phenomenon are expected to worsen over time as GHG emissions continue to increase. Expected impacts from climate change in Newark include worsening air quality, prolonged drought, extreme weather conditions, more intense flooding, and an increase in sea level rise. These threats will not affect everything and everyone equally. Some people and places are more exposed and/or more sensitive to climate impacts. As such, the increased risk of natural hazards as a result of climate change, including local vulnerabilities, are addressed within each hazard section as applicable.

RELATIONSHIP TO OTHER GENERAL PLAN ELEMENTS

To ensure that the General Plan is consistent across elements, hazards discussed in the Safety Element are related to other elements of the General Plan, including Land Use, Transportation, Housing, Economic Development, Conservation and Sustainability, and Parks, Recreation, and Open Space. Some of these relationships between other General Plan Elements and this Safety Element are summarized and illustrated below:

- Policies related to areas at risk of recurring flooding, dam failure, extreme weather, and wildfire are found in the **Land Use** and **Conservation and Sustainability** Elements.
- Policies associated with secondary access during an emergency are found in the **Transportation Element**.
- Policies important to resilience planning in urban development as well as protecting critical facilities from hazardous threats are found in **Land Use**, **Housing**, and **Economic Development Elements**.
- Policies related to maintaining recreation and open space to avoid hazards such as wildfire are found in the **Parks, Recreation, and Open Space Element**. Water quality is addressed in the **Conservation and Sustainability Element**.
- Police and fire services are covered in the **Community Services and Facilities Element**.

Taken together, the policies in the General Plan minimize risks, protect the quality of life, and provide a foundation for response and recovery when disaster strikes. References to related policies are provided where appropriate within the Safety Element.

STATUTORY REQUIREMENTS

California Government Code Section 65302 (g) includes the requirements that should be addressed in a community's General Plan Safety Element. These requirements are organized into nine subsections [65302 (g) (1) through 65302 (g) (9)], which are summarized below:

- 65302 (g) (1) identifies the primary hazards/issues that should be included in the Safety Element, which include: seismically induced surface rupture, ground shaking, ground failure, slope instability leading to mudslides and landslides, tsunami, seiche, dam failure, flooding, subsidence, liquefaction, other geologic hazards, wildland and urban fires, evacuation routes, military installations, peak load water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.
- 65302 (g) (2) adopted through AB 162 (2007) identifies the requirements to update floodplain mapping and information, which includes special requirements.
- 65302 (g) (3) adopted through SB 1241 (2012) identifies the requirements for updating wildfire mapping, information, and goals and policies to address wildfire hazards.
- 65302 (g) (4) adopted through SB 379 (2015) identifies the requirements for updating the safety element to address potential impacts associated with climate change and potential strategies to adapt/mitigate these hazards.
- 65302 (g) (5) adopted through SB 99 (2019) requires identification of specified evacuation constraints associated with residential developments.
- 65302 (g) (6) adopted through SB 1035 (2018) requires the update of the safety element every time the housing element or local hazard mitigation plan is updated.
- 65302 (g) (7) allows for the incorporation of a flood plain management ordinance into the safety element.
- 65302 (g) (8) requires consultation with the California Geological Survey, California Office of Emergency Services.

- 65302 (g) (9) allows cities to adopt a County Safety Element if adequate detail is provided to address city-level concerns.

Additionally, California Government Code Section 65302.15 was adopted through Assembly Bill (AB) 747 (2019) and includes the requirement to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios.

AB 2140

In 2006, the state adopted Assembly Bill (AB) 2140 which added provisions specifying what is to be included in a Local Hazard Mitigation Plan (LHMP) and requiring a linkage between a local jurisdiction's LHMP and the Safety Element of their General Plan. AB 2140 requires a jurisdiction to adopt the LHMP into the Safety Element of the General Plan in order to be fully eligible for disaster relief funding under the California Disaster Assistance Act. AB 2140 can be met by either including the LHMP language specific to AB 2140 as part of the Safety Element or by incorporating the LHMP by reference into the Safety Element of the General Plan.

The City of Newark has a current LHMP which includes an assessment of the City's risk and vulnerability related to natural and other identified hazards, and a comprehensive mitigation strategy which includes actions and projects designed to mitigate or reduce the impacts of those hazards and to increase community resiliency. This LHMP has been formally adopted and incorporated by reference into the Safety Element of the General Plan via City Council Resolution No. 10,690.

To further meet the requirements of AB 2140, the City of Newark adopts and incorporates by reference the most current LHMP as part of this Safety Element to the General Plan which should be consulted when addressing known hazards to ensure the general health and safety of people within the city.

As of 2023, updates to the LHMP for the City of Newark planning area are being prepared in accordance with the Disaster Mitigation Act of 2000 (DMA 2000) and follow FEMA's 2023 Local Hazard Mitigation Plan guidance. The LHMP incorporates a process where hazards are identified and profiled, the people and facilities at risk are analyzed, and mitigation actions are developed to reduce or eliminate hazard risk. The implementation of these mitigation actions, which include both short

and long-term strategies, involves planning, policy changes, programs, projects, and other activities.

The City of Newark Local Hazard Mitigation Plan can be accessed here.

SAFETY ELEMENT EXISTING CONDITIONS REPORT

The Safety Element Existing Conditions Report (**Appendix A**) provides detailed information on existing hazards, community vulnerabilities, and County capacity to respond to hazards. The information contained within the report provides the foundation for the update of the Safety Element, including the formulation of goals and policies. The reader should refer to the Existing Conditions Report in Appendix A, as well as the Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) described below, for the most up-to-date and comprehensive information on hazards impacting the city.

UNION CITY/NEWARK MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

In 2016, the cities of Union City and Newark teamed together to prepare an updated MJHMP that would best suit local needs and capabilities of the two cities and local special districts. The plan was adopted in 2017 and represents an update to each city's component of the Association of Bay Area Governments 2010 MJHMP for the San Francisco Bay Area. The MJHMP identifies resources, information, and mitigation strategies for reducing risk from natural hazards. The risk assessments for each hazard have been summarized and incorporated into this Element to serve as important background and context for the preparation of goals, policies, and actions. Many of the MJHMP mitigation measures have also been incorporated into the goals and policies of the Safety Element.

COMMUNITY INPUT

From the outset, the intent of the Newark Safety Element Update has been to create a plan that understands and responds to community needs and desires. Many Newark community members and stakeholders informed the development of this Safety Element through community surveys, public workshops, and stakeholder meetings. Each

hazard topic in this Safety Element concludes with a section on community and stakeholder input, which summarizes feedback received through the survey, community workshops, and stakeholder meetings related to each topic. Input received from the public engagement activities informed the development of policies and actions in this Safety Element.

2. EXISTING CONDITIONS

AIR QUALITY

Air quality is an important contributor to health and quality of life. Poor air quality can harm community and personal health as well as the environment, and cause property damage. Poor air quality has been linked to respiratory complications such as asthma, pulmonary disease, pneumonia, bronchitis, and other infections, as well as cardiovascular issues such as heart disease, heart failure, and cardiac arrest.

According to the California Healthy Places Index, the city of Newark has a high existing rate of asthma cases as compared to other cities in California (the asthma rate in the City is higher than 84% of the census tracts in California) (HPI, 2022). In addition, higher incidences of asthma and cardiovascular disease occur near the intersection of I-880 and SR 84, making these census tracts more vulnerable to the impacts of air pollution (EDF, 2021).

Air quality is regulated at all levels of government. California has adopted legislation to address air quality issues that are as restrictive or more restrictive than national standards. The California Air Resources Board (CARB) is responsible for developing plans to meet the federal and state standards. Air quality is also the focus of several local and regional initiatives relating to land use and transportation planning. Newark and other surrounding jurisdictions work closely with CARB and other regional agencies to ensure healthy air quality.

Local Conditions

According to the U.S. Environmental Protection Agency (EPA), an independent executive agency tasked with environmental protection matters, there are several major air pollutants of concern found all over the United States. These major pollutants and their primary pollutant sources are listed in **Table SAF-1**.

TABLE SAF-1 MAJOR AIR POLLUTANT SOURCES

Pollutants	Major Pollutant Sources
Ozone	Motor vehicles, paints, coatings, and solvents
Carbon Monoxide (CO)	Internal combustion engines, primarily gasoline-powered motor vehicles
Nitrogen Oxides	Motor vehicles, petroleum-refining operations, industrial sources, aircraft, ships, and railroads
Sulfur Dioxide	Fuel combustion, chemical plants, sulfur recovery plants, and metal processing
Suspended Particulate Matter (PM2.5 and PM10)	Dust- and fume-producing construction, industrial, and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays)

SOURCE: California Air Resources Board (CARB, n.d.)

Particulate matter (PM) includes finely divided solids or liquids such as dust, fly ash, soot, smoke, aerosols, fumes, mists, and condensing vapors that can be suspended in the air for extended periods of time. Sources of particulate matter are from both human and natural activities. A significant portion of PM sources is generated in agricultural operations, industrial processes, combustion of wood, coal and gas, construction and demolition activities, road dust, windblown dust, and wildfires. Days with stagnant air have much higher particle concentrations than days with air partially "scrubbed" by rain or wind. Because of their small size, fine particles outdoors can penetrate into homes and buildings.

Newark is located in the San Francisco Bay Area, where common pollutants of greatest concern are ozone, diesel particulate matter, and fine particulate matter (BAAQMD, 2016). The areas in the city with the highest exposure to these pollutants are those portions of the community located adjacent to Highway 880 and the Dumbarton Bridge. **Figure SAF-1 and Figure SAF-2** show the relative pollution burden of PM2.5 and diesel particulate matter in Newark. These figures compare census tracts within the City to identify areas that are more burdened by **particulate matter** pollution than other areas in the city. Compared to the County as a whole Newark has relatively lower levels of pollution across the city. When looking at the city in isolation (**Figure SAF-1**) we see that the areas in the Northern part have more concentrated levels. In the Bay Area, a certain amount of air pollution comes from industrial sources such as refineries and power plants. As identified in the Economic Development Element, industrial land uses in Newark are concentrated in the southern and western portions of the city. But a greater percentage of harmful air emissions comes from cars and trucks, construction equipment, and other motor vehicles. In

the wintertime, the largest single source of air pollution, in addition to the sources previously mentioned, is residential wood burning (BAAQMD, 2016). Increased population and human activity, such as industrial activity, will worsen greenhouse gas emissions and air quality conditions.

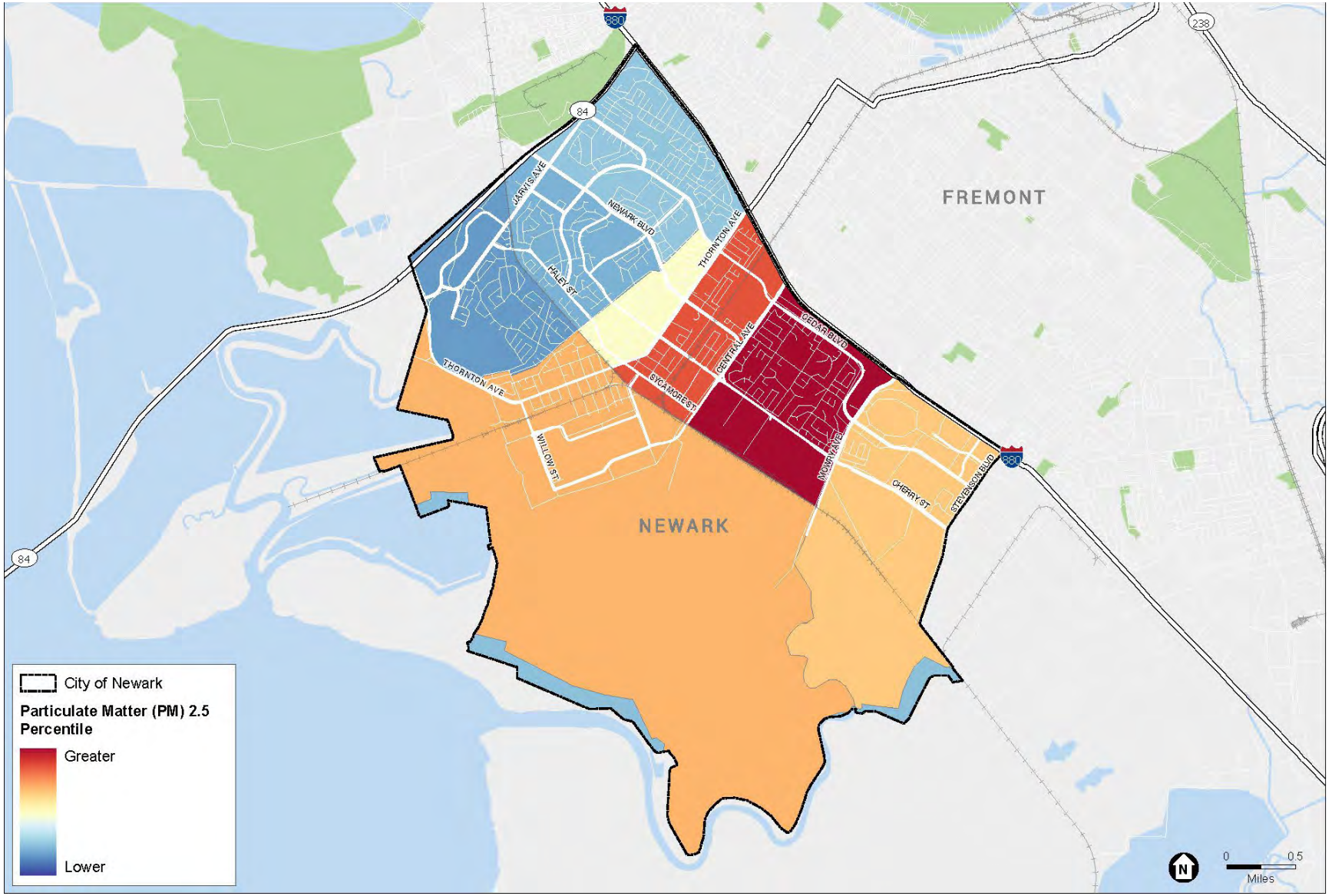


FIGURE SAF-1 CITY OF NEWARK PARTICULATE MATTER (PM2.5) POLLUTION

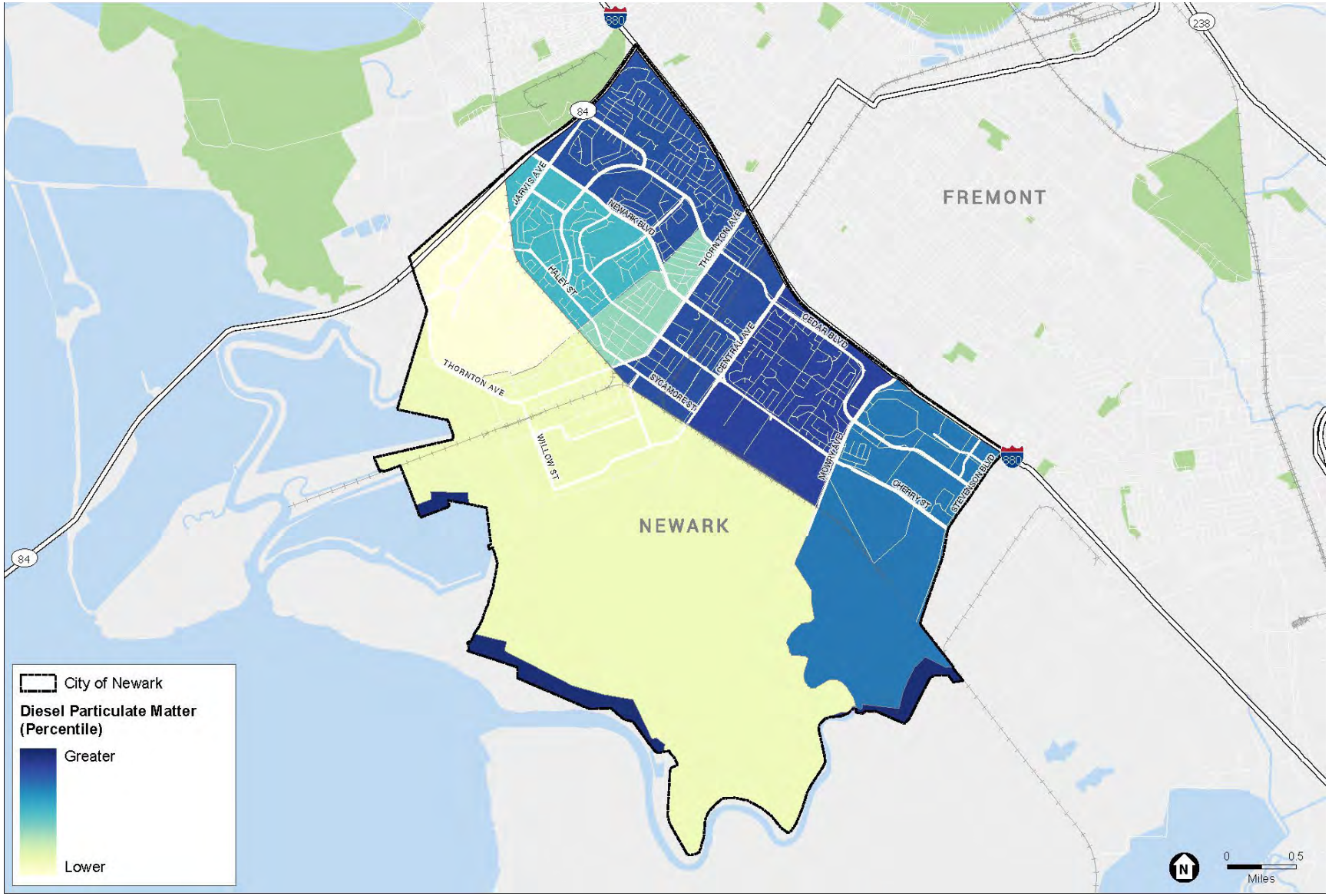


FIGURE SAF-2 CITY OF NEWARK DIESEL PARTICULATE MATTER POLLUTION

Local Vulnerabilities

Populations that are particularly vulnerable to air pollution include the elderly, children, pregnant women, unsheltered individuals, outdoor workers, individuals without healthcare, and individuals with pre-existing health conditions, such as asthma, cardiovascular disease, or cancer, that may be exacerbated by poor air quality. **Table SAF-2** lists the percentages of Newark residents affected by health conditions that are linked to poor air quality. These health conditions can also be linked to a variety of factors, including but not limited to genetics, diet, lack of exercise, smoking, and exposure to air pollution. Overall, these health conditions in Newark are higher than 50% of census tracts across the state of California (OEHHA, 2022).

TABLE SAF-2 NEWARK POPULATION HEALTH STATISTICS

Health Indicator	Percent of Newark Residents	Percent of Alameda County Residents
Asthma	2.1%	2.3%
Cancer (except Skin Cancer)	5.0%	5.3%
Coronary Heart Disease	4.2%	4.4%

SOURCE: PHASoCal, 2022; CDC, 2019; Healthy Alameda County, 2018.

Days with poor air quality can result in secondary impacts, such as missed days of work and school. Additionally, as evidenced by the wildfire season of 2020, poor air quality can lead to the need to shelter in place within homes. Although temporary, being restricted to home can reduce people's ability to access services and social connections within their communities.

Local Initiatives

The City of Newark works closely with regional and state agencies to ensure safe and healthy air quality within the city and across the greater San Francisco Bay Area as a whole. In addition to county programs, the City of Newark, the State of California, and the federal government also have programs that help reduce poor air quality. These are described below.

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) is the primary agency that regulates air pollution control in the San Francisco Bay Area. BAAQMD conducts air quality permitting, monitoring, and enforcement of national and state emission standards. It also provides informational materials and alerts regarding air quality conditions and public health concerns. With increasing concerns of climate change, the BAAQMD prioritizes emissions reductions from mobile sources through sound land use planning practices, innovative technology, and policy development.

The agency works collaboratively with other agencies such as the Alameda County Transportation Commission and the Metropolitan Transportation Commission to develop air quality improvement strategies at the regional and local levels. In addition, BAAQMD generally considers areas within 500 feet of freeways and high-volume roadways (more than 10,000 vehicles per day) to have higher potential risks. Accordingly, future housing developments and other new sensitive receptors near State Route (SR) 84 and Interstate 880 (I-880) may need to incorporate special site planning and construction features to reduce risk exposure.

BAAQMD Spare the Air Program

The Spare the Air program is a regional program that encompasses seven Bay Area counties as well as half of Solano and Sonoma Counties, including the city of Newark in Alameda County (BAAQMD, 2014). Spare the Air was created by BAAQMD to alert residents when air quality is forecast to be unhealthy during winter and summer and during wildfires, and to share information on ways to reduce air pollution. Residents who are sensitive to unhealthy air are advised to limit their time outdoors, especially in the afternoon, when temperatures are warmer and ozone levels rise. Spare the Air alerts can be sent via text, email, or through the free Spare the Air cell phone application.



Image courtesy of BAAQMD

Additional BAAQMD programs in the Spare the Air program include behavior change campaigns to reduce vehicle trips and long commute times, neighborhood outreach, programs providing high-efficiency air

filtration for those who are most vulnerable to wildfire smoke and air pollution, and educational materials to help understand air quality and air pollution.

Newark Climate Action Plan

On January 28, 2010, the City of Newark adopted the Climate Action Plan (CAP) Initial Framework. The CAP Initial Framework includes an inventory of greenhouse gas (GHG) emission producing activities in the community and specifically from municipal activity. Based on the inventory results, the CAP recommends multiple actions and timelines to reduce emissions with cost analyses where possible. These goals and actions were proposed to occur over a short-term (1-4 years), mid-term (4-8 years) or longer term (8 plus years) timeframe. Lastly, the CAP also establishes a monitoring plan to determine the effectiveness of implemented measures. The CAP is related to the Safety Element as it provides strategies and actions to reduce GHG emissions which cause air pollution in the City.

Overall, the Newark community, including city operations, businesses, residents and workers produce greenhouse gas emissions in a wide variety of ways. Some of these sources include:

- General economic and domestic activity which consumes electricity and natural gas
- Commuting by residents to their job within and outside of City limits, and by nonresidents commuting into the City for work
- Production of waste material that produces potent greenhouse gases when decomposing.
- The use of electricity and natural gas to power and heat City buildings and facilities.
- The use of gasoline, compressed natural gas, diesel fuel and other fossil-based fuels to power vehicles, equipment, compressors and other machinery.
- Emissions from the collection and disposal of waste from City facilities
- Public lighting, such as streetlights.

As the City looks forward towards the future, the Newark CAP is meant to be a dynamic document that will evolve, fill in and be re-evaluated on a regular basis, especially as climate science and policy continues to change.

KEY FINDINGS RELATED TO AIR QUALITY

- Areas in the city with the highest exposure to air pollutants are those portions of the community located adjacent to Highway 880 and the Dumbarton Bridge.
- Higher incidences of asthma and cardiovascular disease exist near the intersection of the I-880 and SR 84, making these census tracts more vulnerable to the impacts of air pollution.
- In addition to the harmful emissions coming from cars and trucks, residential wood burning activity in the wintertime is a significant source of air pollution.

COMMUNITY/STAKEHOLDER INPUT

The City released a community survey to elicit input on topics related to community hazards, sea-level rise, pollution, and air quality to get a better understanding of how the City can improve safety in Newark.

- Overall, respondents indicated the following relating to air quality and pollution in Newark: Air pollution connected to vehicular traffic and industrial activity (air pollution, dangerous fumes, and dumping of chemicals) is a significant concern for Newark residents.
- Wildfire pollution was also identified as an issue of concern for Newark residents.

DROUGHT AND WATER QUALITY

Drought occurs when a prolonged period of below-average levels of rainfall leads to a water shortage. Drought is affected by rainfall quantities and distribution, as well as temperature and snowpack levels. Warming global temperatures and decreases in snowpack can significantly worsen drought conditions, especially for regions that depend on snowpack for water supply – the State of California as a whole relies heavily on the Sierra Nevada snowpack as the primary source for water replenishment. During periods of drought, less water is available for delivery to communities, which affects drinking water as well as water for other uses (such as landscaping and irrigation, agriculture, energy, and cooling).

Water quality conditions can also change during drought due to impacts from other climate hazards, such as extreme heat, sea-level rise, high winds, and flooding. These events can exacerbate drought by adding pressure on existing supplies, polluting surface and ground waters, and reducing moisture levels in soils.

LOCAL CONDITIONS

The city of Newark receives water service from its retail water purveyor, the Alameda County Water District (ACWD), which provides water supplied from the State Water Project, the San Francisco Regional Water System, and local water supplies, including six ACWD wells that pump water from the groundwater basin.

Local and regional water resources are generally more abundant in the winter, from November to March, when the majority of the state's annual rainfall occurs. However, climate change is expected to shift historic trends and lead to more intense climate conditions, for both cold and wet periods and dry and warm periods (Tetra Tech, 2017).

Average annual rainfall is expected to increase from approximately 16 inches to 19 inches by late-century; however, the frequency and duration of rainfall is generally expected to decrease (Cal-Adapt 2021b). This means that future rainfall events will become more intense, as projected increases in rainfall will occur over shorter time periods. Additionally, dry periods are expected to occur with increased frequency, duration, and intensity. **Dry spells**, the maximum number of

consecutive days without precipitation, are also expected to increase from a historic average of 123 days annually up to 135 days by late-century (Cal-Adapt 2021c). Overall, this will result in a shorter wet season and reduced water supplies that favor drought conditions.

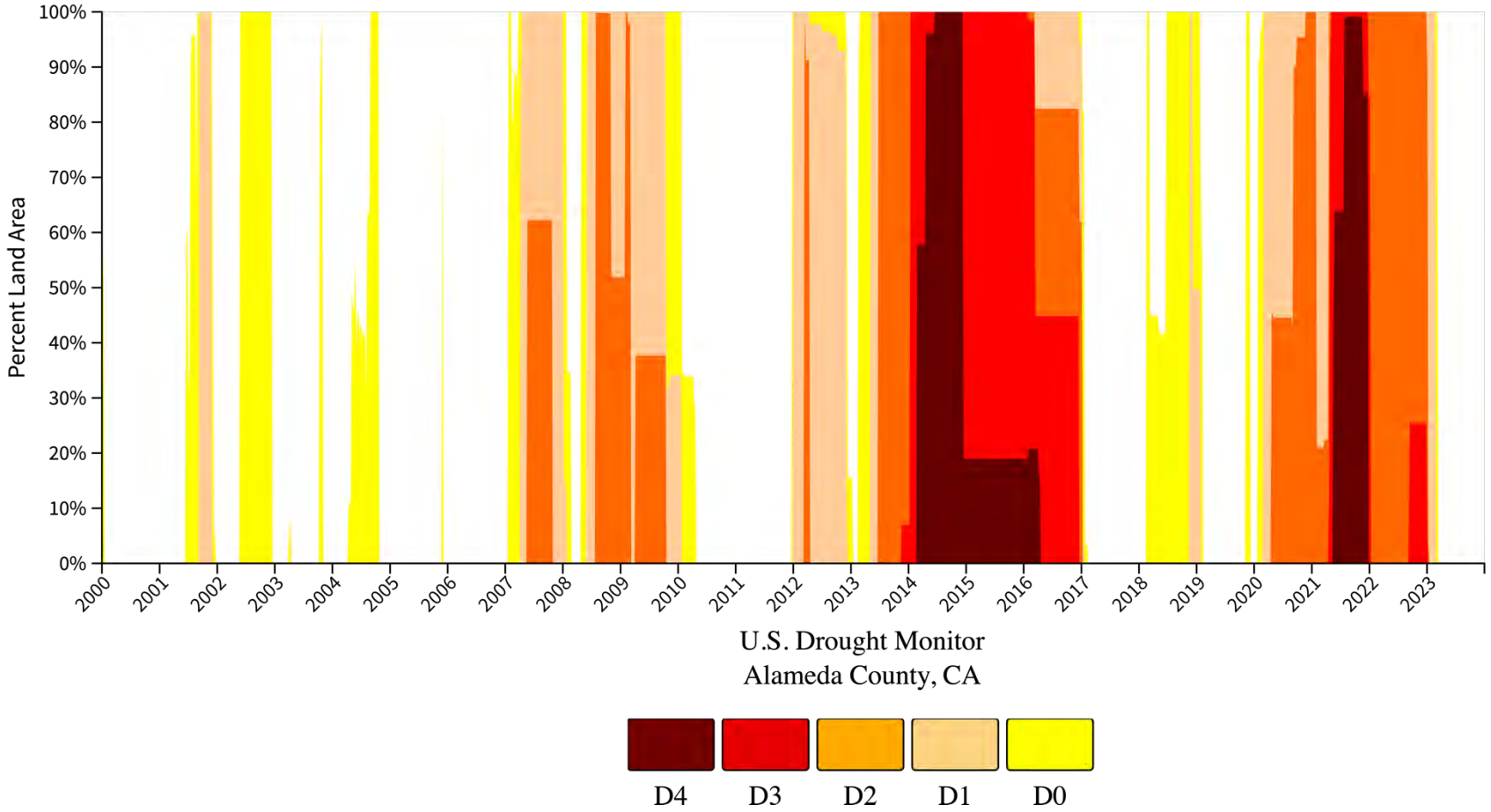
The U.S. Drought Monitor classifies drought conditions using a five-category classification system, as shown in **Table SAF-3**. Conditions statewide vary according to the drought classification system. Local and regional agencies issue water shortage restrictions for residences, businesses, farming, and other activities according to drought conditions.

TABLE SAF-3 U.S. DROUGHT MONITOR CLASSIFICATIONS

Category	Description	Impacts
D0	Abnormally Dry	• Short-term dryness • Growth of crops and pastures is slowed
D1	Moderate Drought	• Impacts on crops and pastures • Water shortages developing in reservoirs, streams, and wells • Voluntary water restrictions
D2	Severe Drought	• Loss of crops/pastures • Water shortages • Water restrictions issued
D3	Extreme Drought	• Major loss of crops/pastures • Widespread water restrictions and water shortages
D4	Exceptional Drought	• Exceptional and widespread loss of crops/pastures • Water shortages in reservoirs, streams, and wells • Water emergency declarations

SOURCE: USDM (2022b)

Figure SAF-3 shows drought conditions in Alameda County from 2000 to 2023. For the majority of 2023, the city was in D2 Severe Drought conditions. D2 Severe Drought conditions are when water reservoirs are low, river flow is decreased, trees and plants are stressed, and water temperatures are increased. Under these drought conditions, the fire season is extended, trees and plants are stressed, and water producers increase water efficiency methods (USDM, 2022c).



SOURCE: USDM (2023a)

NOTES: Drought designations are D0 (Abnormally Dry); D1 (Moderate Drought); D2 (Severe Drought); D3 (Extreme Drought); and D4 (Exceptional Drought)

FIGURE SAF-3 DROUGHT CONDITIONS IN ALAMEDA COUNTY, 2000–2023

Water Quality

The health and quality of water resources can also affect potable water supplies. Drinking water contamination can be a byproduct of both natural and human sources. The presence of hazardous substances and pollutants in water sources can pose public health concerns, as contaminated water cannot be consumed safely and must be removed as a potable source until water quality conditions improve (Zeise, 2021). Contaminated waters can thus increase pressure on other water sources to meet the needs for water supply.

In Newark, pollution in surface water bodies and groundwater is affected primarily by urban runoff. There are numerous regulations in place at the state level that work to monitor negative impacts to water quality from urban runoff. Urban runoff is typically caused by heavy storms and groundwater threats that carry sediments and pollution from industrial and hazardous sites into water sources. Saltwater intrusion can also contribute to water pollution. Another threat to groundwater is from hazardous materials that leak into the ground, including diesel fuels, solvents, heavy metals, and pesticides. The presence of hazardous substances and pollutants in water sources can impact potable water supplies and pose public health concerns, as contaminated water cannot be consumed safely and therefore removes this water as a potable source until water quality conditions improve (Zeise and Blumenfeld, 2021). While drinking water quality is high, Newark has high levels of lead contamination and groundwater threats (OEHHA, 2021). See the Hazardous Materials section for information on hazardous materials in Newark.

Groundwater threats are relatively high in the city of Newark and the vicinity. **Figure SAF-4** shows groundwater threat sites in and near the city of Newark and shows a measure of pollution due to groundwater threats across census tracts in the city (OEHHA, 2021). There are 38 groundwater threat sites within the city, the majority of which are **cleanup sites** that have had unauthorized releases or discharges of pollutants that affect groundwater (SWRCB, 2021). Cleanup sites in Newark are clustered mostly near the center of the community and to the west. The city is within the top 17 percent of communities statewide that are most impacted by groundwater threats (OEHHA, 2021). The southernmost census tract of the city experiences greatest burden from groundwater threats, as shown in Figure SAF-4. Of note, the area

surrounding Jerry Raber Ash Street Park have the most groundwater threats. Additional areas in Newark with high groundwater threats are located along Enterprise Drive and between Thornton Avenue and Union Pacific Avenue. Several of the sites along Enterprise Drive are located in a higher-density residential neighborhood.

Secondary Hazards

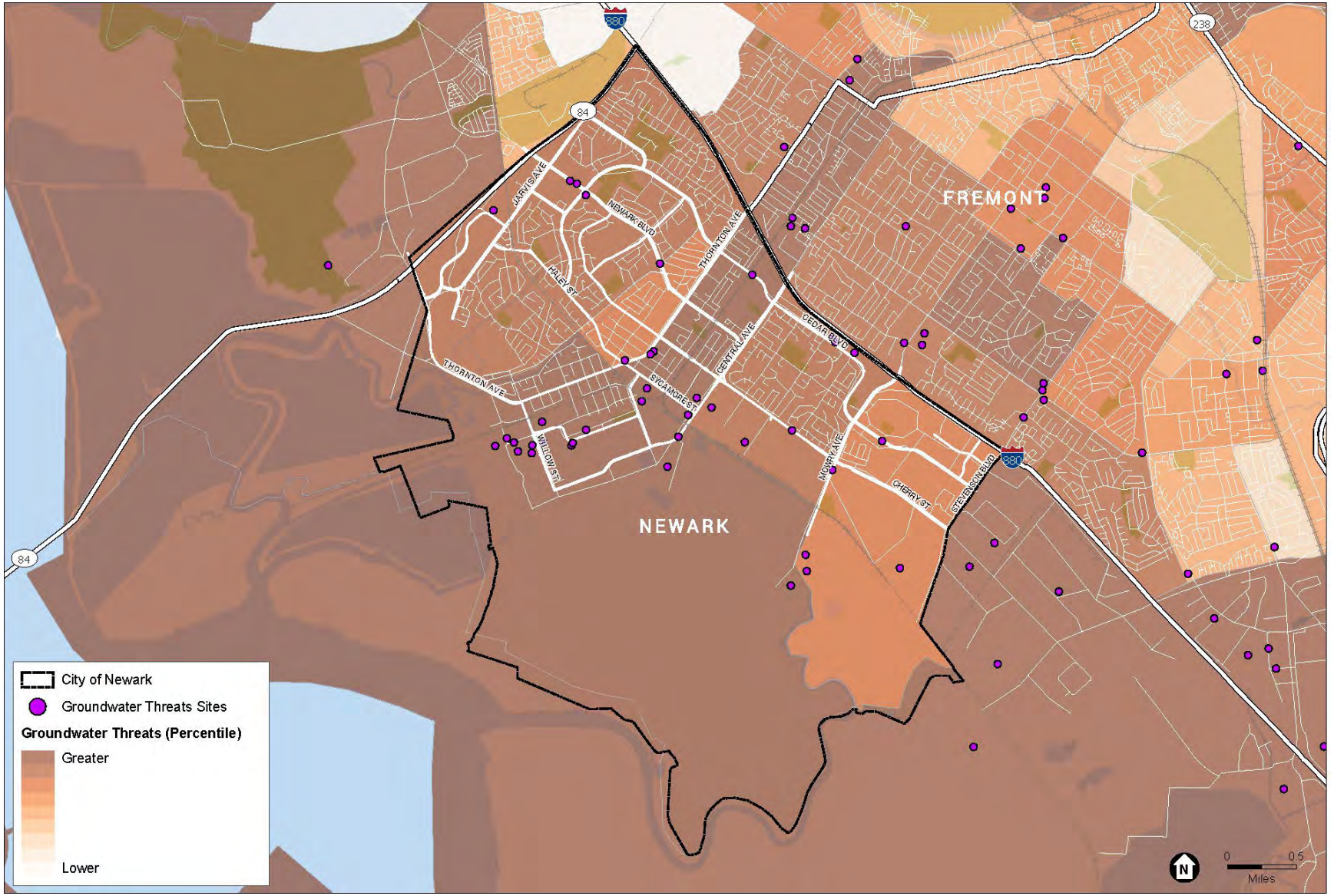
Wildfires are the most significant secondary hazard caused by drought. Prolonged precipitation and warmer temperatures create suitable, dry conditions that increase susceptibility for wildfires. In such cases, resources used for extinguishing fires have the potential to place further stress on limited water supplies and can extend drought periods. Drought conditions can also decrease soil moisture and lead to plant and crop death, impacting food resources, reducing natural benefits from evaporative cooling, and contributing to higher temperatures. Dust levels can also increase due to drought conditions and pose increased dangers to public health (Hall et al., 2018).

Employment and economic losses are also considered a secondary impact from drought. Past economic analyses of drought conditions on California's economy have shown how prolonged drought can have cascading impacts relating to public health and job loss, such as those discussed in the following section on vulnerabilities.

LOCAL VULNERABILITIES

Drought conditions have the potential to affect numerous aspects, including water availability, water restrictions, water quality, access to recreational areas, air quality, health impacts, and economic impacts.

Populations that are most vulnerable during droughts include those that are low-income, outdoor workers, and those who are unsheltered or experiencing homelessness. These groups are at greater risk from increased costs to water and fresh produce, which can affect food security, public health, and financial stability. Individuals with existing health conditions are more susceptible to risk from secondary hazards, particularly wildfires. Drought conditions that facilitate wildfires can lead to smoke and worsening air quality. This has the potential to exacerbate asthma and other respiratory illnesses for individuals with existing conditions (SF DPH, 2014).



SOURCE: OEHHA (2021)

FIGURE SAF-4 GROUNDWATER THREATS IN NEWARK (CENSUS TRACT AVERAGE)

The physical assets and infrastructure that are at risk from drought conditions include public facilities and services that rely on water to operate, such as water supply infrastructure, and parks and trees. Industries that rely on water can experience impacts related to potential revenue and employment, in addition to widespread economic losses.

Further, as drought strains water supplies, sanctions are placed primarily on recreation, natural areas, and agriculture to help with conservation. This increases vulnerability of these systems as they generally become the first to experience water restrictions and will have to endure for longer periods of time. This affects wildlife, trees and plants, habitats, and water bodies.

The health of water bodies also becomes more significant during periods of extreme drought, as pollution and contamination of water sources can further limit the water supply. This can cause further strain on people, plants and wildlife, and the natural environment.

Local Initiatives

Water quality standards are regulated at all levels of government. At the local level, the Alameda County Water District (ACWD) provides water to Newark, Fremont, and Union City from the following sources:

- The State Water Project supplies approximately 40 percent of ACWD's water from dams and reservoirs.
- San Francisco Regional Water System provides approximately 20 percent of ACWD's water through the Hetch Hetchy aqueduct (ACWD, 2020).
- The remaining 40 percent comes from local water sources including groundwater from the Niles Cone Groundwater Basin, surface water from the Del Valle Reservoir and desalinated brackish groundwater (ACWD,2020).

Before the ACWD distributes water to its customers, it is treated to meet all State and Federal drinking water standards (Newark, 2013). The ACWD also manages state mandated programs to ensure that drinking water is safe from lead contamination. In order to ensure that tap water is safe to drink, the EPA and the California Department of Public Health (CDPH) prescribe regulations that limit the amount of certain contaminants in water provided by public water systems.

Department regulations also establish limits for contaminants in bottled water that must provide the same protection for public health. CDPH regulations are in many cases more stringent than federal ones.

In addition, the ACWD monitors and manages drought restrictions for the region through the following initiatives, among others:

- The ACWD The Water Shortage Contingency Plan (WSCP) addresses drought impacts and outlines procedures for potential water shortages, disruptions to water service, and other water supply and service emergencies. The WSCP outlines steps to address water shortages, including guidance for communities and individuals to engage in voluntary reductions in water uses, educational outreach on water conservation, and promotion of water use efficiency opportunities for residential, commercial, business, and other customers (ACWD, 2021b).
- The Water Efficiency Master Plan (WEMP) serves as a roadmap for ensuring the sustainable and long-term water supply reliability for Newark, Fremont, and Union City. The WEMP outlines recommendations for improving indoor, outdoor, and commercial water use efficiency; retrofit programs for efficient water fixtures; residential and large landscape water surveys; incentives for irrigation and landscape upgrades; and outreach for conservation and water efficient practices (ACWD 2021a).
- The ACWD is working to recharge the Niles Cone Groundwater Basin, which contains saltwater as a result of seawater intrusion from the early 1900s. The ACWD is improving the water quality through groundwater monitoring and reducing future risk of seawater intrusion and urban pollution (City of Newark, 2013). This is significant, as pollution to this resource puts strain on other stressed water bodies.
- The ACWD receives water from the Newark Desalination (Desal) Facility, which uses a filtration process to treat brackish groundwater and produce potable water for delivery (ACWD, 2022). Saltwater from the Niles Cone Groundwater Basin is pumped through the Desal Facility and turned into drinking water, which helps reduce dependence on outside water sources and increases reliability of the local water supply.

In addition to ACWD and state initiatives, the City of Newark adopted the City of Newark Green Stormwater Infrastructure Plan (GSI Plan) in 2019. The purpose of the GSI Plan is to guide the identification, implementation, tracking, and reporting of green infrastructure projects within the city of Newark. These projects provide a number of benefits if implemented, including filtering out pollutants from stormwater, replenishing groundwater reserves, and helping to enhance air and water quality.

Key Findings

- Temperatures and duration of dry spells will increase, while wet periods will bring more intense rainfall over shorter periods. These changes facilitate future drought conditions.
- In Newark, urban runoff contributes to pollution in surface water bodies and groundwater, typically caused by heavy storms that carry pollution from sediments and industrial and hazardous sites into water sources. Saltwater intrusion, and hazardous material leakage can also contribute to water pollution.
- There are several cleanup sites located in the central and western portions of the city, posing additional risks to water bodies and sensitive populations.
- Groundwater contamination caused by hazardous waste sites is also a significant threat in Newark. Of note, the areas surrounding Jerry Raber Ash Street Park and along Enterprise Drive and between Thornton Avenue and Union Pacific Avenue have high groundwater threats.
- While drinking water quality is high, Newark has high levels of lead contamination in the existing housing stock (OEHHA, 2022).
- Drought conditions create suitable conditions for wildfires, which can worsen water quality and availability and cause impacts to public health.
- Groups that are most vulnerable to drought include low-income populations, homeless, and outdoor workers.

Community/Stakeholder Input

The City released a community survey to elicit input on topics related to community hazards, sea-level rise, pollution, and air quality to get a better understanding of how the City can improve safety in Newark.

Overall, respondents indicated the following relating to drought and water quality in Newark:

- Multi-year drought is the top hazard of concern for Newark residents, over sea-level rise, flooding, and earthquakes.
- There is concern regarding insufficient water availability to support Newark households as well as how overcrowding will add stress to water resources and conservation efforts.
- Wetlands and lake areas are in need of protection from climate change impacts.
- There is concern for the health and water quality of the Lakeshore Park Lake.
- There is significant concern for environmental pollution from traffic, industrial activity, and hazardous materials; however, there is lower concern toward poor-quality of drinking water in the community.
- Residents commented on potential for desalination plants to address long-term droughts.

EXTREME WEATHER

As climate change continues to increase global temperatures, it is expected to shift the frequency, duration and intensity of severe weather patterns, particularly extreme heat and precipitation. **Extreme weather** refers to highly unusual conditions and events that can cause devastating impacts on global systems, including humans, ecosystems, and the built environment (USDA, 2022). **Extreme heat** describes days where prolonged, maximum temperatures exceed historical baselines,[1] while **extreme heat events** or **heat waves** refer to periods of four or more consecutive extreme heat days, often accompanied by high humidity (Cal-Adapt, 2021a).

LOCAL CONDITIONS

Weather in the Bay Area is characterized by a Mediterranean climate, with cool, wet winters and warm, dry summers. The regional topography and ocean proximity generally result in a lower daily temperature compared to other areas of the state. However, increasing greenhouse gas emissions from climate change are expected to result in an increase in average temperatures by mid-century,[2] as well as more intense storms and rainfall (Ackerly et al., 2018).

Extreme Heat and Precipitation

Extreme heat days in Newark are expected to increase from 5 days a year historically to between 16 and 27 days a year by the end of the century (Cal-Adapt, 2021a). Heat wave events may also increase, from zero a year historically up to three a year by end of century. Annual average maximum temperatures are also expected to increase, from a historic average of 68 degrees up to 76 degrees Fahrenheit by 2100 (Cal-Adapt, 2021b).

Warming temperatures and extreme heat days have the potential to increase public health emergencies for heat-related illnesses, including heat cramps, severe heat exhaustion, heat stress, and heat stroke, and can worsen existing health conditions for individuals such as asthma, heart disease, and respiratory illnesses (Cal OES, 2018).

[1] Cal-Adapt uses a historical baseline of 1961 to 1990.

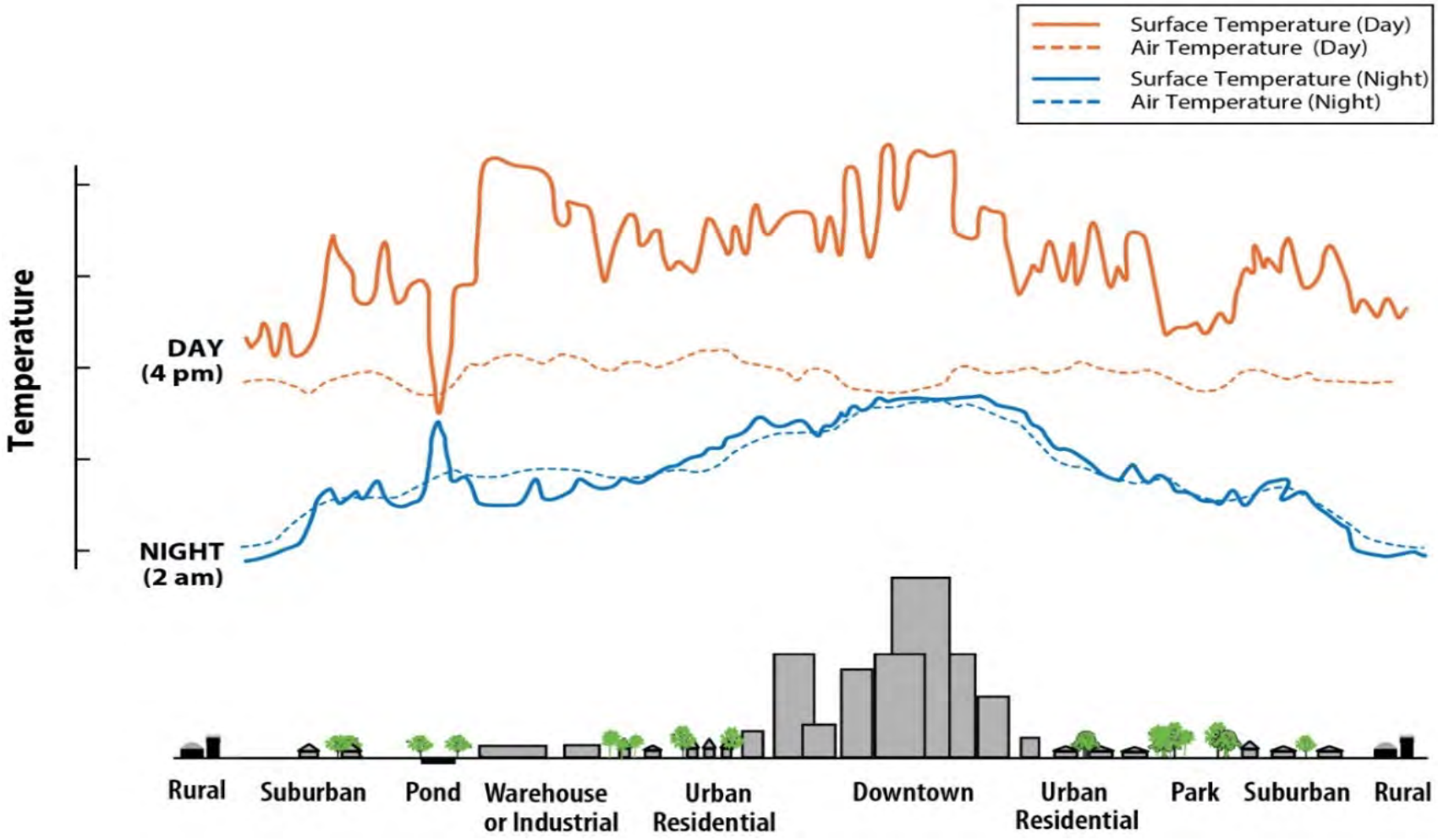
[2] Mid-century is defined as the period between 2035 to 2064.

Precipitation levels are also expected to shift significantly, with greater variability in average annual rainfall by the end of the century. In Newark, annual rainfall is expected to increase from 14 to 17 inches historically to between 13 to 21 inches by the end of the century (Cal-Adapt, 2021c).

Urban Heat Island Effect and Urban Greening

Urban communities, including Newark, will be affected more severely due to the **urban heat island effect**, a phenomenon where buildings, dark pavements, and urban infrastructure absorb and re-emit the sun's heat with more intensity than the natural landscape does (EPA, 2021). **Figure SAF-5** illustrates the urban heat island effect across urban and rural communities. Cities and urban neighborhoods experience higher daytime and nighttime temperatures (orange and blue lines, respectively) relative to less urban or rural areas.

Urban greening, such as tree canopy and parks, can contribute to local temperature conditions in communities. Trees are essential to mitigating the effects of climate change, especially extreme heat, as they provide natural cooling to surrounding areas, provide shade relief, and promote health and wellness (PHASoCal, 2018). As such, urban communities with more tree canopy and green surfaces are likely to experience lower effects from the urban heat island effect.



SOURCE: EPA (2021)

FIGURE SAF-5 URBAN HEAT ISLAND EFFECT

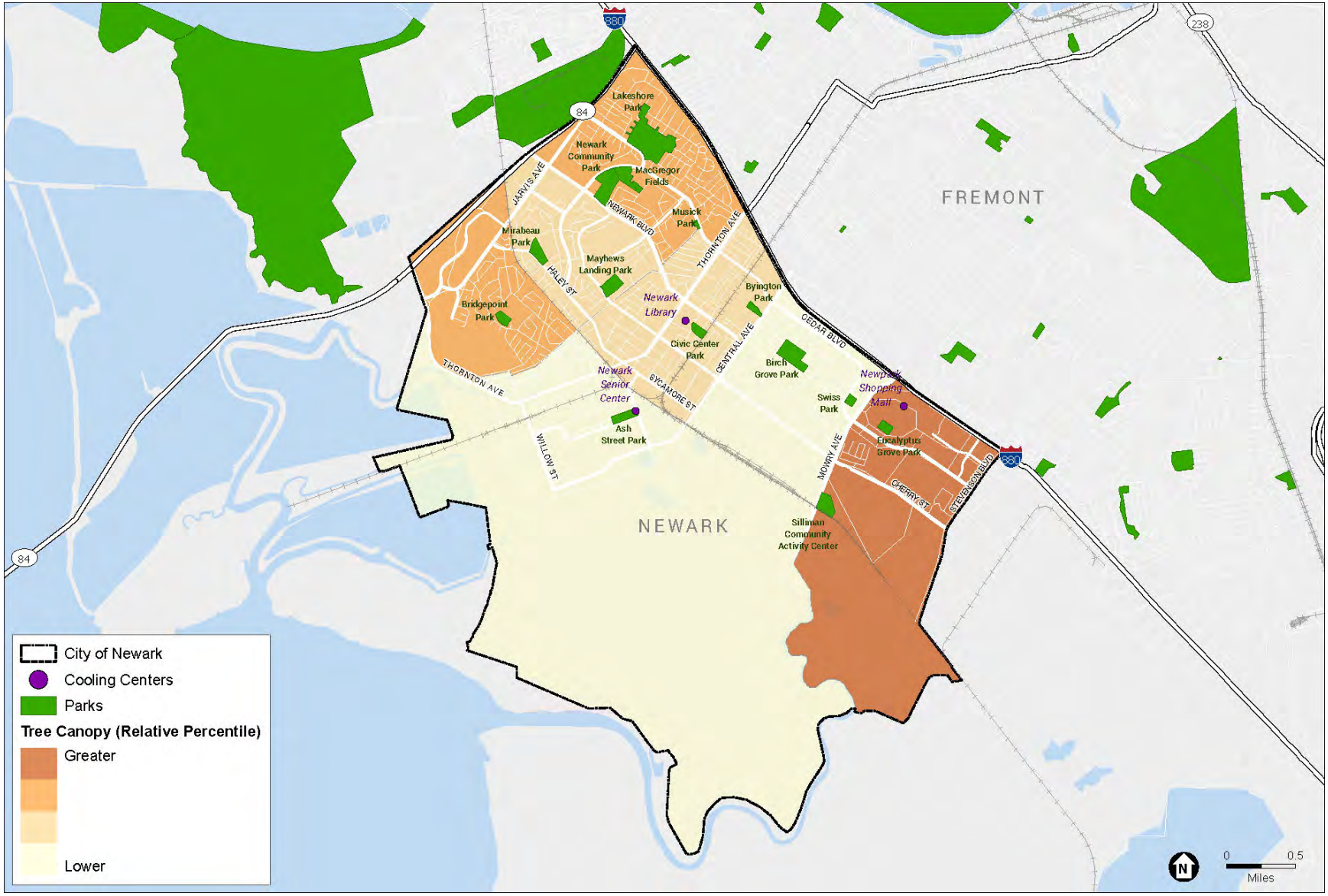
The availability of designated public spaces that serve as cooling centers can also provide relief from extreme heat and heat events. The city of Newark has three designated and publicly accessible **cooling centers** that serve as safe locations for individuals to get out of extreme heat temperatures, and have access to air conditioning and other resources and amenities (Alameda County, 2019). These are located at the Newark Library, Senior Center, and NewPark Shopping Mall. Access to these centers can help provide relief during extreme heat days, especially since approximately 64 percent of Newark households lack air conditioning (PHASoCal, 2018). Individuals lacking access to air conditioning and community cooling centers are more vulnerable, as these resources provide critical protection against extreme heat.







Figure SAF-6 shows the location of parks and cooling centers in the community, in addition to land with tree canopy. Approximately 5 percent of the city's land surface has tree canopy, and most residents (81 percent) live within a half-mile of a park or open space areas (TPL, 2022). Residential neighborhoods in the southwestern portion of the city, west of Willow Street, and near the eastern boundary of the city are outside of a half-mile of both parks and open spaces. Neighborhoods along the northwestern and eastern edges of the city have the most tree canopy compared to other areas of the city, while neighborhoods between Central and Mowry Avenue have the least.



SOURCE: ESA, 2022.

FIGURE SAF-6 URBAN GREENING IN NEWARK

Secondary Hazards

Warming global temperatures are projected to cause more negative health events and create suitable conditions for other harmful hazards over time. For instance, higher temperatures can contribute to increases in harmful air pollutants, exacerbating health conditions for individuals with existing health concerns, such as asthma, which affects approximately 8 percent of the population (PHASoCal, 2018). Other significant secondary hazards from extreme weather and heat include:

- More frequent and intense wildfires that last longer in duration, are more intense, and contribute further to increasing temperatures and worsening pollution.
- Worsening drought conditions that affect water resources, plants and trees, biodiversity, food production, wildlife and other sectors.
- Impacts to the economy and jobs, including stress on healthcare and government operations that are critical to emergency response and are likely to experience increased pressure due to funding and staffing to address more heat-related illnesses.
- Increased temperatures of outdoor areas lacking in canopy and cooling, as well as reductions in visitors due to heat conditions.
- Stress and loss of plants and biodiversity, affecting trails and open space amenities.
- Increases in local and regional energy demand as communities seek cooling relief. This can cause increased costs for customers and can contribute to blackouts caused by energy spikes during heat waves.
- Decreased use of active transportation modes, as extreme weather may create uncomfortable and unsafe conditions.
- Potential for missed school and work days due to heat-related illnesses that can affect income stability for vulnerable populations.

LOCAL VULNERABILITIES

Extreme weather and heat can have severe impacts to people, infrastructure, and the environment. Extreme heat is the cause of more annual deaths across the United States than other weather hazards, including floods, storms, and lightning combined (Bedsworth et al., 2018). All individuals are at risk from extreme heat impacts, which pose a significant danger to human health. Some groups and

individuals have greater risk and sensitivity to these impacts, including individuals with preexisting health conditions, children, elderly, outdoor workers, people experiencing homelessness, and low-income individuals, among others.

Extreme heat can also affect buildings and infrastructure due to increases in the need and use of air conditioning, cooling centers, emergency response operations, healthcare facilities, and staffing and labor. Infrastructure impacts are often related to increasing energy costs; overheating of ventilation, heating and air conditioning (HVAC) systems; and/or lack of adequate HVAC systems, insulation, and air conditioning. Extreme heat can also lead to power outages caused by added stress on the electrical grid as demand for cooling is increased. Power outages can also result in traffic disruptions and resulting delays in emergency response. **Active transportation modes**, including walking paths and bikeways, may also be affected in terms of use and benefit to communities.

Extreme weather can also affect wildlife, plants and trees, and water resources. Extreme weather can make certain crops more vulnerable to diseases and pests, which can affect food supplies and availability from local to global scales.

Local Initiatives

In 2007, the City signed the U.S. Conference of Mayors Climate Protection Agreement, with the goal of reducing local pollution, and in 2010 the City completed its Climate Action Plan Initial Framework to guide sustainability initiatives and address local climate issues. The City has expanded on these efforts over the years with programs and projects that help address greenhouse gas emissions and extreme weather impacts, including the following:

- The Street Tree Management Program develops and maintains a safe and healthy urban forest, which includes caring for trees, ensuring proper pruning and planting techniques, and replacing dead or dying trees. The City ensures that removed trees are replaced at the same location or somewhere else in the city, as suitable, and has an approved list of appropriate species for planting in Newark (City of Newark, 2022). This practice helps

to ensure trees are maintained sustainably and continue to provide natural cooling benefits to the community.

- The Pavement Maintenance Program helps to extend the life of streets and pavement areas through maintenance, resurfacing, and cool pavements. Cool pavements are able to provide local cooling benefits, with slurry resurfacing and seal that fades to gray, helping to combat the urban heat island effect (City of Newark, 2010).
- The 2016 Hazard Mitigation Plan for the city identifies extreme weather hazards and vulnerabilities within the community. The plan also provides recommended actions for mitigation and resiliency.
- The 2019 Green Stormwater Infrastructure Plan provides a guide for green infrastructure projects within Newark. These projects help to address weather runoff that occurs from precipitation in a sustainable manner (City of Newark, 2019).

KEY FINDINGS

- Average temperatures, extreme heat days, and the urban heat island effect are expected to worsen by the end of the century, creating a new "normal" of warmer climate conditions in Newark.
- Warmer temperatures increase the risk for heat-related illnesses, which can be deadly.
- Approximately 64 percent of Newark households lack air conditioning, which increases risk of exposure and heat-related illnesses for residents (PHASoCal, 2018).
- Residential neighborhoods in the southwestern and eastern areas of the city are outside of a half-mile radius to parks and designated cooling centers. Residents in these neighborhoods may be more vulnerable to extreme heat impacts as there is lower access to cooling amenities.
- There is less tree canopy near the center of the community, between Central and Mowry Ave.

COMMUNITY/STAKEHOLDER INPUT

The City released a community survey to elicit input on topics related to community hazards, sea-level rise, pollution, and air quality to get a better understanding of how the City can improve safety in Newark.

Overall, respondents indicated the following relating to extreme weather in Newark:

- There is community concern regarding more frequent and intense heat waves.
- There is need for increasing trees and drought-tolerant plants and landscaping in the community.



Wetlands near Newark. *Courtesy of KQED Website.*

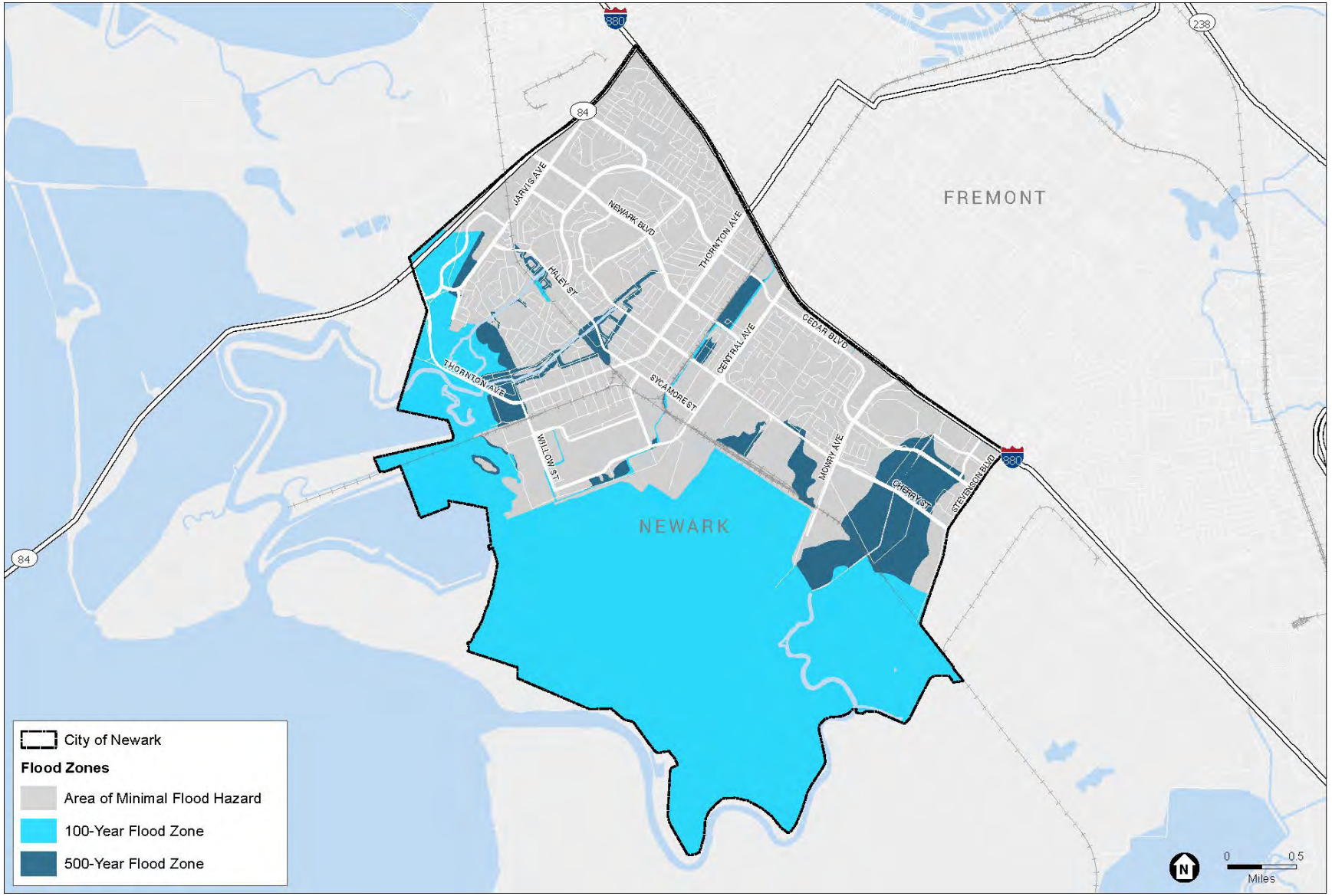
FLOODING HAZARDS

Flooding is a natural event, and floodplains provide many natural and beneficial functions. Nonetheless, flooding can have significant impacts on people, infrastructure, and the environment. **Flooding** occurs when the existing channel of a stream, river, canyon, or other water course cannot contain excess runoff from rainfall or snowmelt, resulting in overflow onto adjacent lands. Floods are one of the most common natural hazards in the United States. They can develop slowly over a period of days or develop quickly, with potential for disastrous effects.

The Federal Emergency Management Agency (FEMA) identifies hazardous flood zones, including the following floodplains:

- **500-year flood plain.** This is the portion of land that would be covered during a flood event that has a 0.2 percent annual chance of occurring. Statistically, this means the 0.2 percent (500-year) flood has a 6 percent chance of occurring during a 30-year period of time.
- **100-year flood plain.** This is the portion of land that would be covered during a flood event that has a 1 percent chance of being flooded in any given year. This means, statistically, the 1 percent (100-year) flood has about a 26 percent chance of occurring during a 30-year period of time.

Figure SAF-7 shows most of the northern portion of Newark is within the minimal flood hazard area. However, the southwestern and southern areas of the city are within the 100-year flood zone, and smaller areas throughout the city, including residential neighborhoods in the eastern portion of the city, are within the 500-year flood zone.



SOURCE: CEC; FEMA; Google Maps; HIFLD; OSM; UrbanFootprint; USGS; ESRI; ESA, 2021.

FIGURE SAF-7 FEMA FLOOD ZONE EXPOSURE MAP

Local Conditions

Flooding in the city of Newark typically occurs during the rainy season, between November and April. Flooding may result when heavy rainfall exceeds the capacity of Newark's storm drains and flood control channels. Water may overfill channel banks or back up from storm drain inlets, which can flood streets and surrounding properties. The risk of such flooding is highest in areas that are next to creeks, **sloughs**, and **waterways**. Flooding may also occur as a result of high tides, extreme rain, wind, sea-level rise, and dam and levee failure.

Slough: A small marshy tract lying in a swale or other local shallow, undrained depression; a sluggish creek or channel in a wetland.

Waterways: Waterways are the navigable parts of a body of water, and can be located within a bay or open sea, can connect two or more waterbodies, or may even form networks within a city.

SOURCES: USGS (2013); NOAA (2022a)

The channels that flow through the city of Newark are affected at their outlets by the variation of tidal elevations in the San Francisco Bay. Thornton Avenue and the Southern Pacific Railroad embankments (walls or banks of earth built to prevent flooding) act as dikes to protect the city from high tides. The areas on the bay side of these dikes are subject to tidal flooding. The channels that flow under Thornton Avenue are cut off from the effects of tidal flooding by flap-gated culverts. These culverts are a major cause of flooding in the city of Newark at times of high-water elevations of the Bay.

Flooding in the city can occur due to stormwater, riverine, flashfloods, coastal (tidal) flooding, and sea-level rise.

Stormwater Flooding

Stormwater flooding is a result of local drainage issues and high groundwater levels. Heavy precipitation, especially during high-tide events and storms, may produce flooding in areas other than delineated floodplains or along recognizable channels. There is also a propensity for **urban drainage flooding**, where the drainage systems cannot accommodate intense precipitation and, through a combination of infiltration and surface runoff, water may accumulate and create flooding. Urbanized areas with more impervious surfaces have low capacity to absorb rainfall, which results in ponding in low-lying areas and the concentration of flood waters in unnatural channels.

Urban Drainage Flooding: This type of flooding is caused by increased water runoff due to urban development and drainage systems. Drainage systems reduce the amount of time the surface water takes to reach surrounding streams, flooding in those streams can occur more quickly and reach greater depths than prior to development in that area (FEMA 2021a).

Riverine Flooding

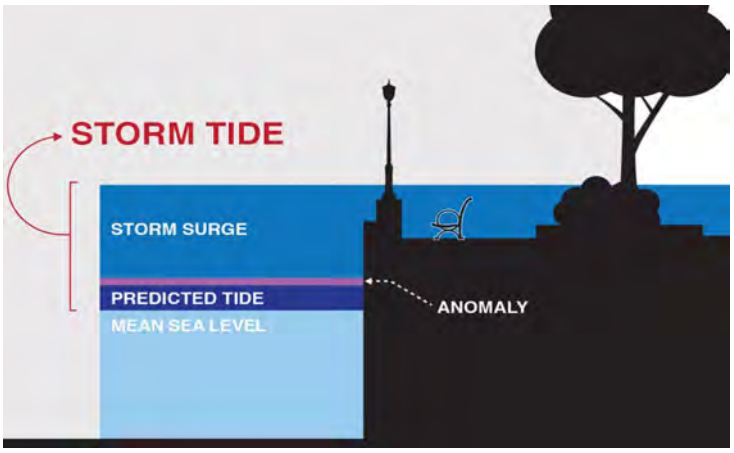
Riverine flooding is the flooding of rivers and stream banks. The natural processes of riverine flooding add sediment and nutrients to floodplain areas. Flooding in large river systems typically results from prolonged rainfall over a wide geographic area, causing flooding in hundreds of smaller streams, which then drain into major rivers.

Flash Flooding

Flash flooding refers to rapid and extreme flows of water into normally dry areas, or rapid water rising within waterways that rise above predetermined flood levels (NWS, 2022). Flash floods generally occur from intense precipitation or dam failures. Flash floods are capable of severe damage, such as undermining buildings and bridges, scouring new channels, and causing removal of vegetation and replacement of groundcover with impermeable surfaces such as roads, driveways, and parking lots. The greatest risk from flash floods is that they occur with little to no warning. The major factors in predicting potential damage are the intensity and duration of rainfall and watershed and stream steepness.

Coastal Flooding

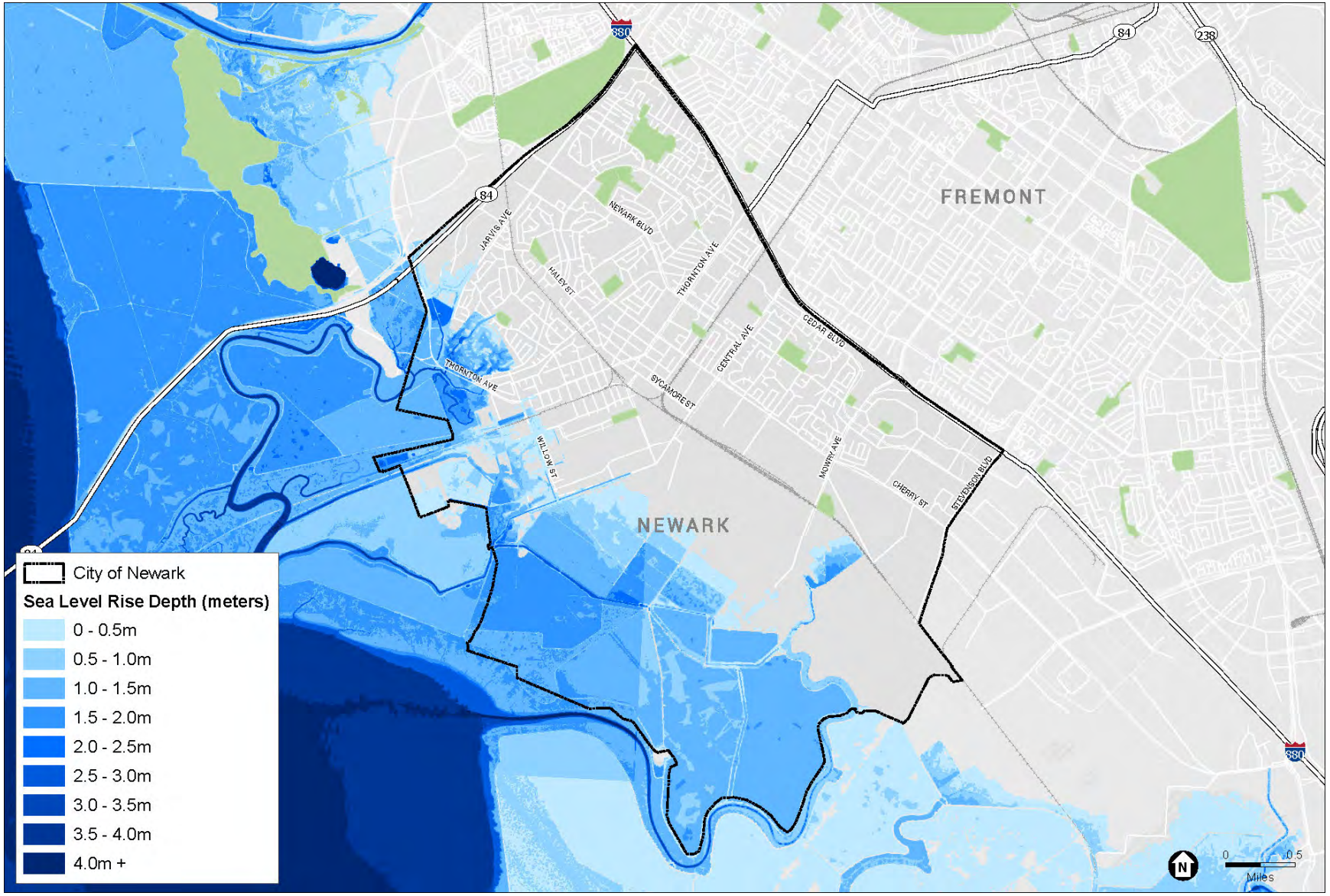
The city of Newark is at risk of coastal flooding from the San Francisco Bay. Coastal floods are characterized by inundation of normally dry lands by ocean waters. This flooding is often caused by a storm surge resulting from severe storms, tsunamis, or extreme high-tide events that produce shallow flooding of low-lying coastal areas. Storm surge floods typically result in coastal erosion, salinization of freshwater sources, and contamination of water supplies. These floods are also responsible for significant loss of life and damage to public and private structures and infrastructure. The graphic below shows how the tides resulting from a rise in sea level during a storm can cause a storm surge to flood coastal areas.



Storm surge *is the rise in seawater level caused solely by a storm (NOAA, 2022b). Courtesy of the National Oceanic and Atmospheric Administration (NOAA) Website.*

Sea-Level Rise

Sea-level rise is a direct result of global warming temperatures and is responsible for subsequent melting of the Earth's ice caps. In addition to melting ice sheets, other climate-related factors that contribute to sea-level rise include stormwater flooding, more frequent and intense precipitation, increasing river flows, groundwater fluctuations, and seismic activity. Global average sea level has risen 8–9 inches since 1880 (NOAA, 2022c). In California, climate science projects an average sea-level rise of up to 55 inches along the coast by 2100. The projection for the Bay Area is significantly higher, with a projection of up to 113 inches, almost 9.5 feet, by 2100 (Ackerly et al., 2018). **Figure SAF-8** shows the sea-level rise projection for the city of Newark. The area with the most vulnerability will be in the southern portion of the city, adjacent to the San Francisco Bay.



SOURCE: Cal-Adapt, CalFloD-3D, 2021; ESRI; ESA, 2022

FIGURE SAF-8 SEA-LEVEL RISE

Local Vulnerabilities

Flooding can pose severe hazards to individuals, including injury, death, and isolation due to being cut off from essential services. Property damage from flooding can be particularly burdensome for low-income families or renters who may face challenges rebuilding or finding other housing following a flood event. Flooding also has the potential to result in mold in buildings, which can result in long-term health impacts following flooding.

Low-lying areas are at higher risk of flooding, with sea-level rise creating a risk for permanent inundation. In these areas, critical transportation routes are particularly vulnerable, including all roads, railroads, and bridges in the flow path of water. This can affect emergency services as well as critical access functions for residents and emergency responders. Other impacts of flooding include:

- **Roads.** Severe flood events have the potential to damage or block roads and prevent access to some areas. The following major roads have segments that are at risk of flooding from a 100-year and/or 500-year flood:
    - State Route 84
    - Interstate 880
    - Thornton Avenue
    - Newark Boulevard
    - Jarvis Avenue
- **Bridges.** Flooding events can significantly impact road bridges, which can be the only ingress and egress to some neighborhoods. There are five bridges that are in or cross over the 100-year flood zone and the 500-year flood zone. These are located on the west side of the city, mostly over creeks and on the northern boundary of the city over the Dumbarton Pier.
- **Water and Sewer Infrastructure.** Water and sewer systems can be affected by flooding. Floodwaters can back up drainage systems, causing localized flooding. Culverts, or structures that channel water, can be blocked by debris from flood events, also causing localized urban flooding. Floodwaters can get into drinking water supplies, causing contamination. Sewer systems can be backed up, causing wastewater to spill into homes, neighborhoods, rivers, and streams.

- **Levees.** Levees have historically been used to control flooding in bay-front portions of the city and these areas are susceptible to flooding caused by levee failure. Many are older earthen levees built under earlier flood management standards. Many of these older levees are exposed to erosion and failure due to age and construction methods. The Alameda County Flood Control and Water Conservation District (ACFC&WCD) has jurisdiction over levee maintenance in Newark and has been evaluating their condition for FEMA certification. The evaluations include underground exploration, soil and stability testing, and operation and maintenance plans. Until FEMA certification is received, areas identified as flood prone are required to carry insurance through the National Flood Insurance Program.
- **Wildlife and Environment.** During flood events, migrating fish can wash into roads or over dikes into flooded fields, with no possibility of escape. Pollution from roads, such as oil, and hazardous materials can wash into rivers and streams. During floods, these can settle on to normally dry soils, polluting them for agricultural uses. Human development such as bridge abutments and levees, and log jams from timber harvesting, can increase streambank erosion, causing rivers and streams to migrate into non-natural courses.

Local Initiatives

The City's Municipal Code sets standards to minimize flood hazard risks, including anchoring and flood-proofing and a requirement that the lowest floor, including basements, is at or above the 100-year flood elevation. Development within the 100-year flood zone is limited, with requirements for building at least 1 foot above the flood elevation. The City requires non-residential development to be elevated at least 8 feet above mean high tide and 11.25 feet for residential development. In addition, the City also requires drainage studies for major development projects to ensure that such projects will not cause or worsen downstream flooding.

The City's codes also require the use of materials and utility equipment that are resistant to flood damage. Electrical, heating, ventilation, plumbing, air conditioning, and other building systems must be designed to avoid exposure to flooding. Water and sewer systems must also be designed to minimize or eliminate the potential for infiltration

of floodwater. The City has adopted engineering standards and street design guidelines that further reduce the potential for flooding.

Additionally, the City has developed the Green Stormwater Infrastructure Plan to prioritize projects for flood control, using green technologies and natural methods to assist with flood control, adequate drainage, and roadway maintenance. The Green Stormwater Infrastructure Plan identifies targets for areas of impervious surface to be retrofitted with cover that facilitates drainage and reduces stormwater runoff and infiltration.

There are other agencies in the region that have established practices for reducing flood risks within and around the city of Newark. These include the following:

- ACFC&WCD maintains flood control systems, with channels following through historic drainage channels that were used for irrigation for agriculture. Major drainage courses in the city include Plummer Creek, Newark Slough, and Mowry Slough. Stormwater, which is water following a rainstorm that does not seep into the ground, flows to these drainage courses through gutters, drains, channels, and culverts. The ACFC&WCD also has jurisdiction over levee maintenance in Newark and has been evaluating levee conditions since 2007 as it works toward FEMA levee accreditation.
- FEMA administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities that comply with FEMA regulations limiting development in floodplains. FEMA issues Flood Insurance Rate Maps for Newark and other cities throughout the Bay Area. In addition, FEMA has been working with flood control agencies across the country on a levee accreditation program. Levee systems must meet minimum FEMA standards and must be maintained according to an officially adopted maintenance plan to achieve certification. Removal from the flood plain requires a formal *Letter of Map Revision* from FEMA, and relieves the owner(s) of the mandate to have flood insurance. The Community Rating System (CRS) is also a program offered by the NFIP. It's a voluntary initiative that rewards and promotes efforts made by communities to manage floodplains better than the minimum requirements set by the NFIP. By participating in the CRS, communities can receive discounts on flood insurance premiums.

KEY FINDINGS

- The southern area of the city is within the 100-year flood zone, and smaller portions of the city that include households are within the 500-year flood zone.
- Flooding puts critical infrastructure, including roads, bridges, and water and sewer infrastructure, at risk. Major roads within the 500-year flood zone include Cherry Street, Thornton Avenue, and Haley Street.
- Urban development and urban drainage systems may be insufficient to accommodate future, severe flooding.
- Sea-level rise is expected to impact the southern portion of the city.

COMMUNITY/STAKEHOLDER INPUT

The City released a community survey to elicit input on topics related to community hazards, sea-level rise, pollution, and air quality to get a better understanding of how the City can improve safety in Newark.

Overall, respondents indicated the following relating to flooding in Newark:

- Sea-level rise and flooding hazards are the second-highest concern for the community, following drought.
- Residents are very concerned about flooding and sea-level rise impacts on low-lying communities.
- Infrastructure is needed to support adequate drainage and address flooding hazards.
- The city should coordinate with regional and state agencies to address sea-level rise.
- Wetlands should be protected from further development as they provide flooding control.

DAM FAILURE

A dam is an artificial barrier that has the ability to store water, wastewater, or liquid-borne materials for a number of purposes, including flood control, human water supply, irrigation, livestock water supply, energy generation, containment of mine tailings, recreation, or pollution control. Dams provide a life-sustaining resource to people in all regions of the United States.

The United States Society on Dams identifies twelve different types of dams that are commonly found in the built environment. The Union City/Newark MJHMP identifies Earthen and Hydraulic Fill dam types in Alameda County with potential failure hazards to the City of Newark. An earthen dam is made up mostly of compacted earth material (soil) generally smaller than 3 inches in size and a hydraulic fill dam is constructed by selectively placing soil and other materials using a stream of water instead of compacting the materials.

LOCAL CONDITIONS

According to the 2021 Alameda County Local Hazard Mitigation Plan), as of 2021, there were 26 dams in Alameda County (County of Alameda 2021). Of these, there are five dams that have the potential to impact the city if a failure were to occur, including the Calaveras, Del Valle, James H. Turner, Middlefield, and Patterson Dams.

The Calaveras Dam is a hydraulic fill dam that is owned by the City and County of San Francisco and is located close to the Calaveras fault line, which is one of the most geologically active and complex faults in the San Francisco Bay Area. The dam is located approximately 10 miles southeast of the city of Newark. The original dam structure was built in 1925. The San Francisco Public Utilities Commission recently built a replacement Calaveras Dam. Construction began in 2011 to build a new 210-foot-tall earth and rock (earthen) fill dam adjacent to the existing dam. The project was completed in May 2019. The new dam is located directly adjacent to the old dam and has been built to withstand a 7.25 magnitude earthquake on the nearby Calaveras Fault.

The Del Valle dam is an earthen dam owned by the California Department of Water Resources (DWR) that was constructed in 1968 to create Lake Del Valle, which serves as a reservoir and provides water

storage, flood control for Alameda Creek, and regulatory storage for a portion of water delivered through the South Bay Aqueduct. The dam is 235 feet in height and is the only flood control dam in the Livermore Valley. The dam typically stores 25,000 to 40,000 acre-feet of water and is located approximately 16 miles northeast of the city of Newark.

The James H. Turner Dam is an earthen dam owned by the City and County of San Francisco that is located on the San Antonio Reservoir that was built in 1964. The dam is 71 feet in height and is located approximately 8 miles northeast of the city of Newark.

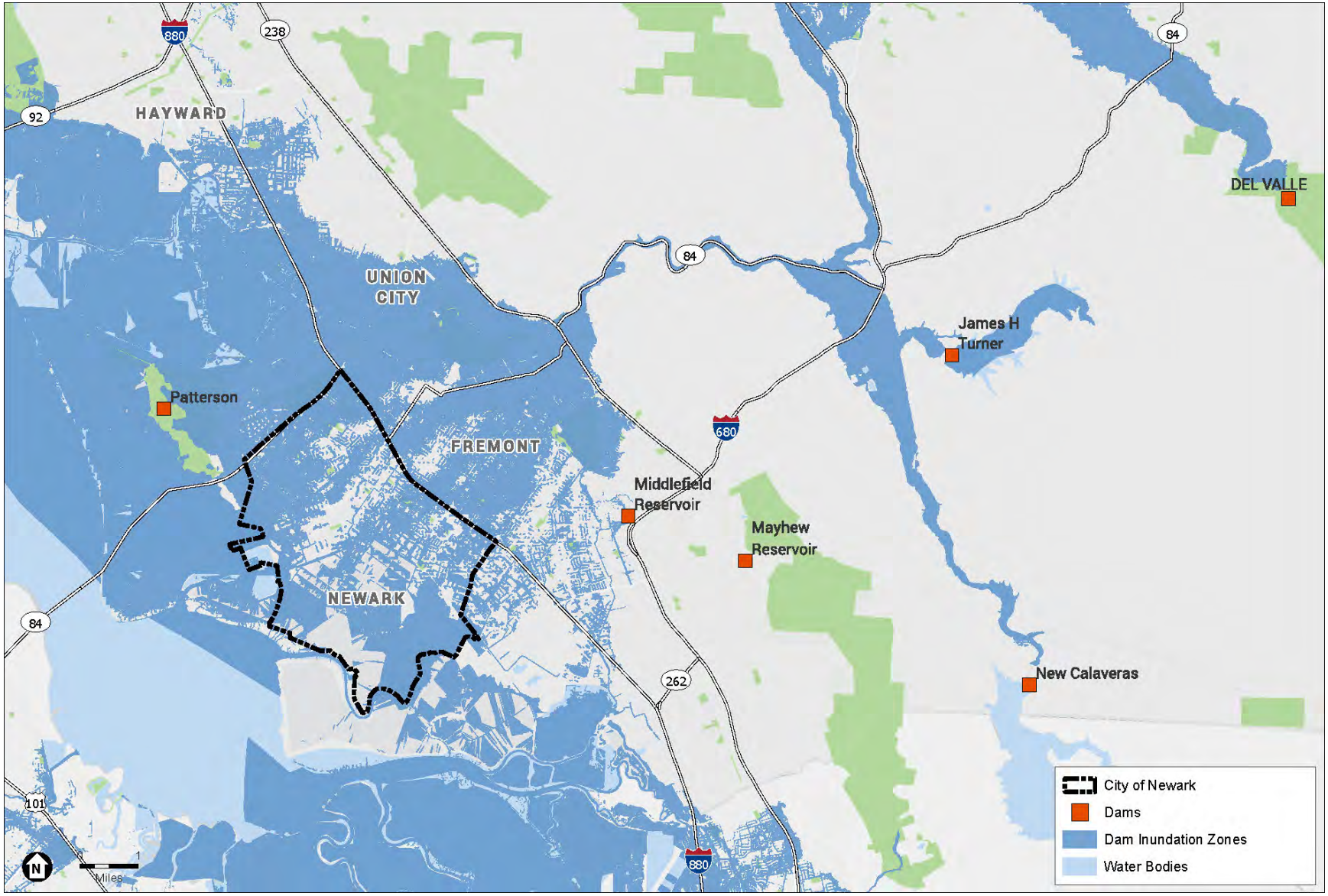
The Middlefield Dam is an earthen dam that was built in 1958, is owned by the Alameda County Water District, and is located on the Middlefield Reservoir. The dam is 147 feet in height and is located approximately 2 miles east of the city of Newark.

The Patterson Dam is an earthen dam that was built in 1962, is owned by the Alameda County Water District, and is located on the Middlefield Reservoir. The dam is 100 feet in height and is located approximately 0.8 miles northwest of the city of Newark.

These dams are shown in **Figure SAF-9** *Dam Inundation Zones*.

LOCAL VULNERABILITIES

Earthquake-induced dam failure of the Calaveras, Del Valle, James H. Turner, Middlefield, or Patterson Dams could have serious effects on Newark. Dam failure from any of the existing reservoirs could cause flooding in Newark, with floodwaters reaching the city in as little as 90 minutes. Virtually all property in the city would be impacted. Failure of large water storage tanks in Fremont or Newark could also lead to localized flooding in Newark, although these hazards are less widespread. Dam failure inundation is the flooding of lands due to the failure or overtopping of a dam. As shown in Figure SAF-9, almost the entire city is within a dam inundation zone.



SOURCE: DWR; USDOT; ESRI; ESA, 2021.

FIGURE SAF-9 DAM INUNDATION ZONES

Populations that are particularly vulnerable to the impacts of flooding as a result of dam failure are those who may be less mobile and may be unable to get out of the inundation area. These populations include the elderly and the young, as well as individuals or families who may not receive adequate warning from warning systems, televisions, radios, reverse 911 systems, or cell phones. Properties closest to the dam failure inundation area would experience the largest, most destructive surge of water.

All critical infrastructure and facilities, including hospitals and schools, in the dam inundation zone are vulnerable to inundation. According to the Union City/Newark MJHMP, 127 of the city's critical facilities and infrastructure are in the inundation areas. Transportation routes are also vulnerable to dam failure inundation and have the potential to be damaged or destroyed, creating isolation issues. This includes all roads, railroads, and bridges in the path of the dam failure inundation. Those that are most vulnerable are those that are already in poor condition and would not be able to withstand a large water surge. Utilities such as overhead power lines and cable and phone lines could also be vulnerable. Loss of these utilities could create isolation issues for the inundation areas.

Local Initiatives

In the event of dam failure, flood control efforts within the city are managed between the Newark Public Works Department, the Alameda County Flood Control District, FEMA, the U.S. Army Corps of Engineers (USACE), and Bay Conservation and Development Commission (BCDC).

The Engineering Division of the Newark Public Works Department is responsible for mitigating for flooding in the city through regulating public and private developments and capital improvement projects, performing cleanouts of storm drain inlets, and undertaking a variety of public education and outreach events.

The BCDC was established in 1965 to promote responsible planning and regulation of San Francisco Bay and currently focuses on research and adaptation strategies for sea-level rise.

USACE is responsible for safety inspections of federal and non-federal dams that meet size and storage limitations specified in the National

Dam Safety Act. USACE inventories dams; surveys state and federal agency capabilities, practices, and regulations regarding design, construction, operation, and maintenance of dams; and developed guidelines for inspection and evaluation of dam safety.

In addition, state laws have been adopted to reduce dam failure, such as Senate Bill 92, the National Dam Safety Act, and requirements set forth by the California Division of Safety of Dams. The California Division of Safety of Dams is a division of DWR that monitors the dam safety program at the state level. When a new dam is proposed, DWR staff inspects the site. There are 26 dams located in Alameda County, and all have been inspected by the DWR and USACE. The USACE National Inventory of Dams provides the most recent inspection dates for Alameda County dams. The most recent inspection date listed in the USACE National Inventory of Dams for the Calaveras Dam was November 13, 2020; November 10, 2020, for the Del Valle Dam; January 5, 2021, for the James H. Turner Dam; and February 25, 2021, for both the Middlefield and Patterson reservoir dams. USACE has a classification system for the hazard potential of dam failure. The system is meant to classify a dam according to the potential impact a dam failure or mis-operation leading to unscheduled release would have on upstream and/or downstream areas, or at locations near the vicinity of the dam. The Patterson Dam has a USACE hazard potential classification of "significant" and the Calaveras, Del Valle, James H. Turner, and Middlefield Dams have a USACE hazard potential classification of "high."

Key Findings Related to Dam Failure

- The City needs to coordinate with USACE to ensure ongoing monitoring of physical dam conditions.
- There is no clear educational program for residents to prepare in case of a dam failure event.
- Many existing public and private critical facilities in the community are located in areas of hazard risk.
- There are no preparatory actions or evacuation orders in the event of a possible dam failure event.

COMMUNITY/STAKEHOLDER INPUT

The City released a community survey to elicit input on topics related to community hazards, sea-level rise, pollution, and air quality to get a better understanding of how the City can improve safety in Newark.

Specifically, sea-level rise and related flooding were reported within the top three choices of highest concern to community residents. However, there was no community input regarding hazards specifically related to dam failure.

FIRE HAZARDS

Wildfire is any uncontrolled fire occurring on undeveloped land that requires firefighting efforts. Wildfires can be ignited by natural causes such as lightning and severe weather, increased fuels that are exacerbated by drought conditions, or by human-caused activity such as smoking, campfires, downed powerlines, equipment use, and arson. Wildfire can be further exacerbated by severe weather, such as wind, extreme heat, and drought conditions.

LOCAL CONDITIONS



Alameda County Fire Department

Newark is considered to be at low risk for wildfire. The California Department of Forestry and Fire Protection (CAL FIRE) has mapped areas at risk of fires around the state and has determined that the majority of Newark is neither in a State Responsibility Area (SRA) High Fire Severity Area nor a Local Responsibility (LRA) High Fire Severity Area. This means that the city of Newark is not subject to CAL FIRE regulations, but is instead subject to local development and wildfire protection regulations with respect to wildfire, such as defensible space and setback requirements.

LOCAL VULNERABILITIES

The areas located to the immediate south of Newark city limits, adjacent to the San Francisco Bay and the Dumbarton Bridge, are mapped as being within a Federal Responsibility Area (FRA). As of 2022, these lands are used for salt harvesting, refining, and production activities and thus have few buildings that are vulnerable to wildfires.

LOCAL INITIATIVES

The Alameda County Fire Department (ACFD) provides all-risk emergency and non-emergency services to the unincorporated areas of Alameda County, the cities of San Leandro, Dublin, Newark, and Union City, the Lawrence Berkeley National Laboratory, and the Lawrence Livermore National Laboratory. There are three Alameda County Fire Stations within the Newark city limits that serve the city of Newark, including Alameda County Fire Department Stations 27, 28, and 29. In addition to fire suppression services, the Alameda County Fire Department provides residents resources for emergency preparedness.

Preventative measures in the Fire Code and Building Code reduce the risk of fire and ensure the ability to detect and respond to fires when they occur. These measures address evacuation, alarm systems, emergency response, water availability and pressure, road design, and building access.

Fire prevention and protection services in Newark are addressed in the Community Services and Facilities Element of the General Plan.



Newark Community Emergency Preparedness Workshop. Courtesy of the City of Newark

KEY FINDINGS RELATED TO WILDFIRE

- Newark is considered to be at low risk for wildfire. As of 2022, there have been no recorded incidents of loss of life from wildfires in Newark.
- The areas located to the immediate south of Newark city limits, adjacent to the San Francisco Bay and the Dumbarton Bridge, are mapped as being within an FRA. As of 2022, these lands are used for salt harvesting, refining, and production activities and thus have few buildings that are vulnerable to wildfires.

COMMUNITY/STAKEHOLDER INPUT

The City released a community survey to elicit input on topics related to natural disasters, sea-level rise, pollution, and air quality to get a better understanding of how the City can improve safety in Newark. There was no community input regarding concerns related to wildfire.

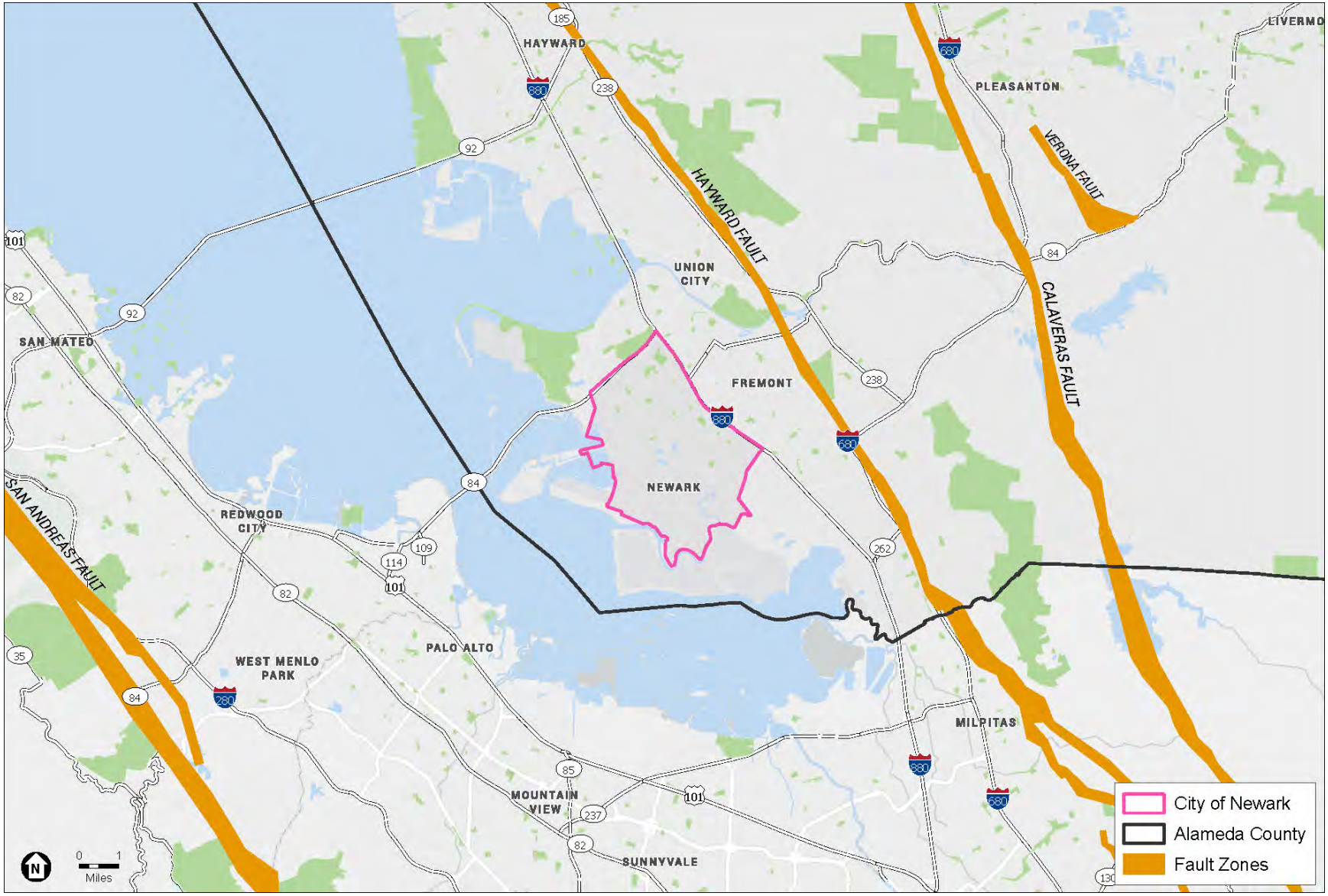
GEOLOGIC HAZARDS

Geologic hazards are those effects associated with earthquakes. An earthquake is the shaking of the ground caused by an abrupt shift of rock along a crack in the earth or a contact zone between tectonic plates. They often occur along geologic faults. Faults are narrow zones where rock masses move in relation to one another. Earthquakes result in fault rupture, which occurs when movement on a fault deep within the earth breaks through to the surface, creating an offset in the ground as the two sides of the fault slip past each other.

Geologic risks are defined as those associated with geologic hazards, such as seismically induced surface rupture, ground shaking, ground failure, tsunamis, seiches and dam failure, and slope instability leading to mudslides, landslides, and subsidence. All of these geologic hazards are capable of causing property damage and risks to life and safety of persons.

LOCAL CONDITIONS

Newark's geological conditions have been mapped by the US Geological Survey (USGS). There are no active earthquake faults that pass through the city of Newark. However, the city is located in the Bay Area, which, as a whole, is seismically active. Therefore, Newark is subject to the potential risks typically associated with earthquakes. The city is located 2 miles west of the Hayward Fault, 9 miles east of the San Andreas Fault, and 13 miles west of the Calaveras Fault. Of these, the Hayward Fault is of most significant threat to the city; it lies closest to Newark and has not experienced a major earthquake since 1868 (UC Berkeley, 2018). **Figure SAF-10** shows regional fault zones, including the San Andreas, Calaveras, and Hayward Faults. The USGS estimates that the probability of an earthquake with a magnitude of 6.7 or greater happening along these three faults within the next 30 years is 26 percent for the Calaveras Fault, 33 percent along the Hayward Fault, and 50 percent along the San Andreas Fault (USGS, 2003). Even though no known earthquake faults pass directly through Newark, an earthquake of moderate to high magnitude within the Bay Area could cause significant damage in the city.



SOURCE: DOC CGS; ESRI; ESA, 2022

FIGURE SAF-10 EARTHQUAKE FAULTS

LOCAL VULNERABILITIES

The entire city of Newark is primarily at risk for ground shaking, fault rupture, and liquefaction, as defined and described below (DOC, 2016). Other earthquake hazards, including landslides, subsidence, tsunamis, and seiches are not considered a risk in Newark.

Ground Shaking

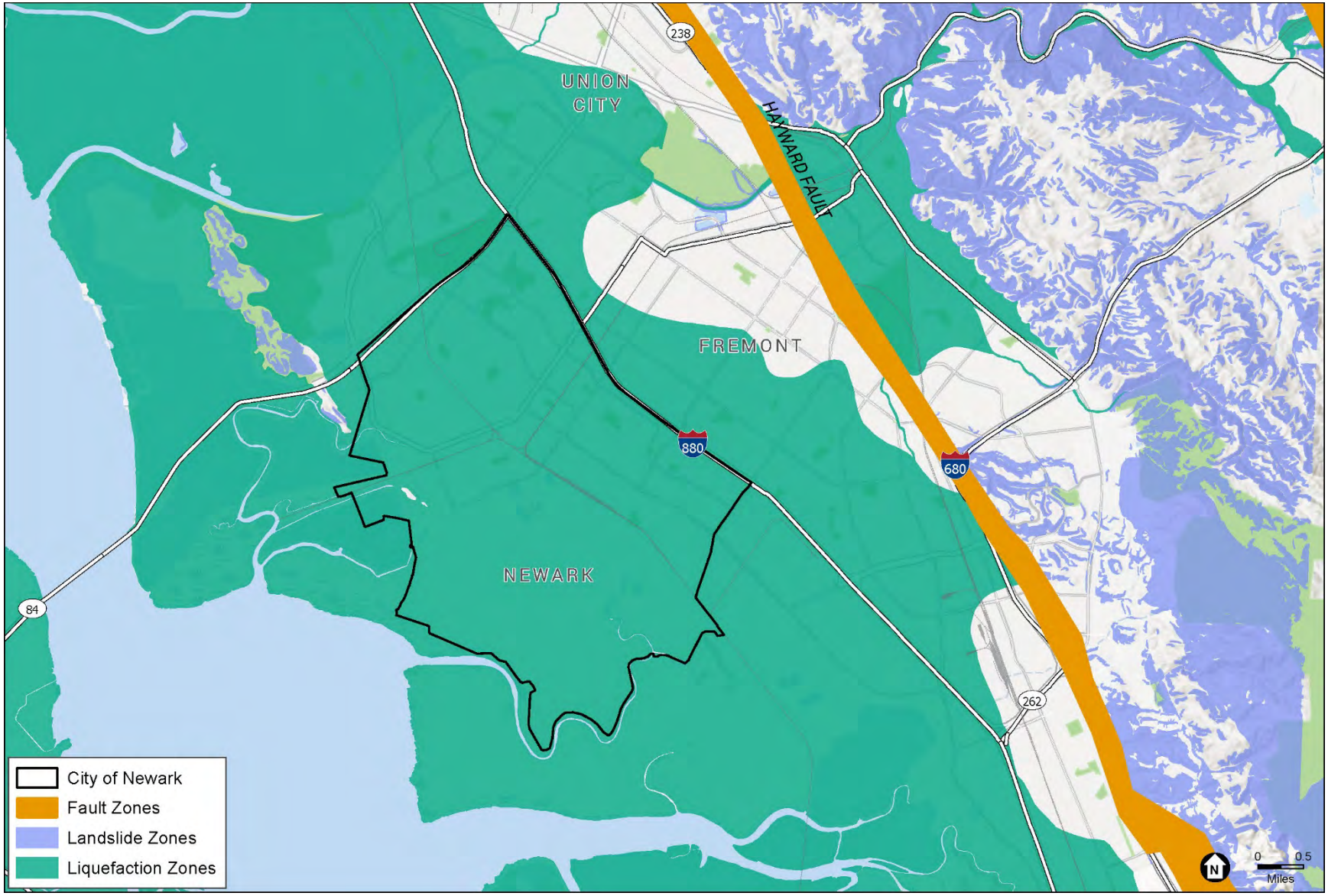
Ground shaking is a result of the energy created from an earthquake event as it moves out from the epicenter, or the point on the Earth's surface directly above the point in the Earth's crust where the seismic activity begins. The degree of shaking is dependent on the magnitude of the event, the duration of the event, the distance to the zone of rupture, and local geologic and soil conditions. Thus, an earthquake in Newark might be felt as a sharp relatively rapid vibration, or a swaying rolling motion, or it could have no effect, or it could trigger slumping near water bodies or a loss of support capacity near structures.

Ground shaking is measured on a scale ranging from I to X (the Modified Mercalli Scale) with shaking levels ranging from imperceptible to very violent. Most of the developed portions of Newark would experience "very strong" ground shaking (level VIII) in a 6.7 Hayward Fault earthquake, but some parts of the city would experience "violent" ground shaking (level IX). Ground shaking levels are higher on the southern and western fringes of the city.

Fault Rupture

In addition to ground shaking, earthquakes also create the risk of fault rupture. Fault rupture refers to the actual ground surface tearing apart as a result of an earthquake, which typically occurs along a fault trace line. A fault trace line is the line where the ground surface meets a fault, which is also the line commonly plotted on geologic maps to represent a fault.

The risk from fault rupture is considered very low in Newark, since there are no active faults within the city. **Figure SAF-11** shows there are no fault zones within the city of Newark, with the closest being the Hayward Fault.



SOURCE: DOC CGS; ESRI; ESA, 2022

FIGURE SAF-11 GEOLOGIC AND SEISMIC HAZARDS

According to the Union City/Newark Multi-Jurisdiction Hazard Mitigation Plan (MJHMP), the last significant earthquake event within the city of Newark or in vicinity was the 2014 Magnitude 6.0 earthquake that originated 6 miles southwest of Napa Valley. No significant earthquake events have been recorded within or in the vicinity of Newark since 2014.

Liquefaction

Liquefaction results from a loss of soil strength during earthquake vibrations. Soils that are most prone to liquefaction are loose, saturated, fine-grained sands with shallow groundwater. Liquefaction is a greater risk given Newark's soil characteristics and underlying geology. Most of the developed portion of the city is built on alluvial fan deposits, consisting of sandy clay. Areas closer to the bay consist of flood plain deposits with sandy or silty clay.

The city of Newark could experience seismic shaking levels with the potential to cause liquefaction in areas where groundwater is generally shallower than 30 feet. Based on data provided by the California Geological Survey, the entire city is considered a liquefaction hazard zone (see Figure SAF-8). The level of risk varies from location to location, and can best be determined through site-specific geotechnical studies. Areas nearest to the bay, along sloughs, or on artificial fill are generally considered more susceptible than other areas. Based on soil conditions and underlying geology, these areas may also be prone to more severe ground shaking in a major earthquake.

Soil liquefaction can cause severe damage to property, including damaging pipes, compromising building foundations, and bucking roads and airport runways.

Landslides

Landslides are masses of rock, earth, or debris that move down a slope. Landslides are most likely to occur in areas with a slope of greater than 25 percent (hillside areas) and along steep bluffs. Newark is comparatively flat, sloping gently from 37 feet above mean sea level (msl) in the northeastern part of the city to 5 feet below sea level in the marshes near the Bay shoreline. There are no significant hills or steep slopes. As shown in Figure SAF-11, *Geologic and Seismic Hazards*, there are no landslide hazard areas within the city.

Subsidence

Subsidence refers to the gradual settling or sudden sinking of the ground due to movements below. It can also occur due to prolonged pumping of groundwater. Groundwater elevations in Newark are generally 40 to 140 feet below the surface, beneath a thick silt and clay layer. The Alameda County Water District has been recharging the aquifer for the past 50 years to improve its stability and to reduce saltwater intrusion. Subsidence is not considered a risk in Newark.

Tsunamis and Seiche

Tsunamis are sea waves generated by earthquakes that have been known to cause serious damage to coastal locations, including California. Tsunamis usually occur shortly after an earthquake and appear as a rapid rising and falling of sea level over several minutes or hours. The Pacific Ocean is approximately 20 miles west of the City. Although the San Francisco Bay could be impacted by a Pacific Ocean tsunami, the effects would dissipate by the time they reached Newark. A seiche is a local water wave generated by an earthquake, which would include abnormal waves on San Francisco Bay generated by seismic activity, as well as waves on lakes. Due to the distance of the Pacific Ocean to Newark; the configuration of the shoreline; depth of water offshore; and the small size of lakes and ponds in the city, tsunamis and seiche are not considered a risk in Newark.

LOCAL INITIATIVES

State and local laws have been adopted to reduce exposure to seismic hazards, such as the Alquist-Priolo Earthquake Fault Zoning Act, Seismic Hazards Mapping Act, and the California Building Code (CBC). The Earthquake Fault Zoning Act was passed in 1972 to prevent the construction of buildings on top of active faults. Areas on either side of such faults are referred to as "Earthquake Fault Zones." Since there are no known active faults in Newark, there are no designated Fault Zones in the city. In 1990, California adopted the Seismic Hazards Mapping Act to assess the potential for other types of earthquake hazards, including liquefaction. One of the purposes of the act was to assist local governments with land use planning by mapping high hazard areas.

The CBC also incorporates standards that reduce exposure to seismic risks. The 2019 CBC, which has been adopted as part of the Newark

Municipal Code, provides specific requirements for seismic safety, excavation, foundations, retaining walls, grading, and demolition.

Given the risk of liquefaction and potential for strong ground shaking, the City requires site-specific soils reports and geotechnical evaluations as part of the approval process for major developments. This includes the preparation of a liquefaction study, which was implemented through Section 15.50.026 of the Newark Municipal Code (NMC). The liquefaction report is required to be prepared by a licensed engineer and should address the potential for seismic-induced liquefaction at a construction site and, if a potential for liquefaction does exist, recommend mitigating measures. The City further requires that recommendations from such reports be incorporated into the project design. Newark has adopted additional regulations under Chapter 15.50 of the NMC for grading to reduce the potential for erosion and to ensure the stability of filled areas.

In 2011, Newark voters approved Measure G, a bond measure that allocated $63 million for school renovation, including seismic upgrades to existing Newark Unified School District facilities. The City itself periodically evaluates the seismic safety of public buildings, including City Hall, to determine the need for structural improvements to improve earthquake safety. A priority is placed on locating new facilities in areas where safety, access, and operational capacity can be ensured during and after an earthquake.

According to the Union City/Newark MJHMP, there is no current reliable way to predict the day or month that an earthquake will occur at any given location. Research is being done with warning systems that use the low-energy waves that precede major earthquakes. These potential warning systems would give approximately 40 seconds notice that a major earthquake is about to occur. The warning time is very short, but it could allow for someone to get under a desk, step away from a hazardous material, or shut down a computer system.

The City of Newark uses its radio system, the Radio 1610 AM, as well as Alameda County (AC) Alert software service to deliver important and timely information, including emergency messages and alerts, at no cost to the community. The Radio 1610 service broadcasts safety, health, and emergency messages. The AC Alert is a mass notification

system used by City and County agencies throughout Alameda County to rapidly disseminate emergency alerts to people who live, work in, or visit the county. AC Alert is capable of sending alerts by voice, text, and email, as well as messaging Nixle subscribers, posting to social media pages, and sending Federal Emergency Management Agency (FEMA) wireless alerts. AC Alert is a primary source of information to the public in the event of a major disaster, such as an earthquake, flood, or fire (Alameda County, 2019). This service could be used as a warning system during an earthquake event. Seconds and minutes of advance warning can allow people and systems to take actions to protect life and property from destructive shaking. Even a few seconds of warning can enable protective actions such as:

- Citizens to drop, cover, and hold on as well as turn off appliances and safely stop vehicles.
- Business personnel to move to safer locations; ensure that automated systems such as elevator doors, open; production lines are shut down; and equipment is placed in a safe mode.
- Surgeons, dentists, and others stop delicate procedures.
- Emergency responders such as fire departments can open firehouse doors, and have personnel prepare and prioritize response decisions.
- Power infrastructure and grid facilities can be protected from strong seismic shaking.

To encourage residents and businesses to be prepared for an earthquake or other natural or major disaster, the City provides links to the Great Shakeout webpage on the Southern California Earthquake Center) website (https://www.shakeout.org/) and a flyer on how to sign up for the AC Alert system (https://www.acgov.org/emergencysite/). The City recommends that everyone be prepared to provide for their care and safety before and after an earthquake event through proper planning and preparedness. The City provides Community Preparedness Resources and training information on the city website (https://www.newark.org/residents/emergency-preparedness).

The City of Newark works closely with the California Department of Transportation (Caltrans), Alameda County Water District (ACWD), and other utilities to support seismic upgrades to infrastructure. Caltrans completed major seismic upgrades to the Dumbarton Bridge in 2013 and regularly inspects overpasses and other facilities to ensure their safety

(MTC, 2013). The ACWD increased its rates in 2013 to fund a major seismic upgrade of its water mains and to replace aging pipelines in the Fremont, Newark, and Union City areas. The Hetch Hetchy Aqueduct has been upgraded to improve earthquake reliability.

KEY FINDINGS RELATED TO GEOLOGIC HAZARDS

All people, property, and environments in the city of Newark could be exposed to direct and indirect impacts, such as those listed below, from geologic and seismic events:

- Ground shaking levels are higher on the southern and western fringes of the city.
- Building damage: The most significant damage from earthquakes would be to buildings, i.e., commercial and industrial buildings that are more vulnerable to structural damage as opposed to wooden-frame structures. Based on the modeling of critical facility performance performed for the MJHMP a high number of facilities in the Planning Area for the MJHMP (i.e., Newark and Union City) are expected to have complete, or extensive, damage from earthquake events. These facilities are prime targets for structural retrofits.
- Transportation problems, such as roadways blocked by debris, unsafe structures, damaged routes.
- Displacement of populations: Employees working in the city could be stranded if transportation problems occur during an earthquake event.
- Destroyed utilities: Destroyed power and telephone lines and gas, sewer, or water mains may set off fires and/or hinder rescue efforts.
- Emergency operations: Emergency services could be affected by the loss of communications and damage to transportation routes within, to, and from the disaster area to hospitals and emergency shelters.
- Power outages: Power outages would create loss of communications, which could disrupt emergency systems and operations as well as elements of the financial community like banks and insurance companies.
- Liquefaction: Newark is located in a soil liquefaction zone and could experience seismic shaking levels with the potential to cause liquefaction in areas where groundwater is generally shallower than 30 feet. Building and road foundations may lose

load-bearing strength and sink into what was previously solid ground.

- Hazardous materials: Unless properly secured, hazardous materials can be released during an earthquake event, causing significant damage to the environment and people.
- The City periodically evaluates the seismic safety of public buildings, including City Hall, to determine the need for structural improvements to bolster earthquake safety. A priority is placed on locating new facilities in areas where safety, access, and operational capacity can be ensured during and after an earthquake.
- Earthquakes could trigger other natural hazard events, such as dam failures, which could severely impact the city.

COMMUNITY/STAKEHOLDER INPUT

The City released a community survey to elicit input on topics related to community hazards, sea-level rise, pollution, and air quality to get a better understanding of how the City can improve safety in Newark.

Overall, respondents indicated the following relating to geologic hazards in Newark:

- Safety was a primary concern to residents as they emphasized earthquakes as a significant hazard. Specifically, earthquakes were reported within the top three choices of highest concern to community residents.

HAZARDOUS MATERIALS

A hazardous material includes substances that may pose a threat to human health or the environment when they are improperly handled, stored, transported, or disposed (Title 22 of the California Code of Regulations (CCR)). Releases, leaks, or disposal of chemical compounds within the city can lead to contamination of surface water and underlying soil and groundwater. Disturbance of a previously contaminated area through grading or excavation operations could expose the public to health hazards from physical contact with contaminated materials or hazardous vapors.

Hazardous materials are classified based on the form of hazard(s) they pose, namely flammable, combustible, poisonous, and/or radioactive. For purposes of this section, the term "hazardous materials" refers to both hazardous substances and hazardous wastes. Hazardous substances include toxic metals, chemicals, gases, flammable and/or explosive materials, corrosive materials, infectious substances, and radioactive materials. Hazardous waste is the byproduct of various processes, including motor oil, gasoline, compressed gas tanks such as propane and oxygen, paints and solvents, household cleaners, drain openers, batteries, cleaners, and pesticides, all of which are potentially hazardous (EPA 2021).

LOCAL CONDITIONS

Newark has a sizeable number of industries where hazardous materials are used, and a rail and freeway network on which hazardous materials are frequently transported. There are several independent agencies that monitor hazard sites and hazardous materials at the state and federal level, which include the California Department of Toxic Substances Control (DTSC), the California State Water Resources Control Board (SWRCB), or the U.S. Environmental Protection Agency. As of February 2018, there were 146 listed facilities and sites in or near Newark（SWRCB 2018a; SWRCB 2018b; DTSC 2018a; DTSC 2018b; and EPA 2017). **Figure SAF-12** identifies the approximate locations of all these hazardous sites from the collective agency databases, including toxic release sites, permitted **underground storage tanks**, hazardous waste facilities, and hazardous waste cleanup sites. The figure identifies the approximate locations of cleanup sites in the city, which include sites that are being monitored by DTSC and SWRCB. Most chemical

Petroleum hydrocarbons are a broad range of chemicals that comprise oil and products refined from oil, such as gasoline and diesel.

An **underground storage tank** is defined by the EPA as a tank and any underground piping connected to the tank that has at least 10 percent of its combined volume underground.

SOURCE: EPA (2021b)

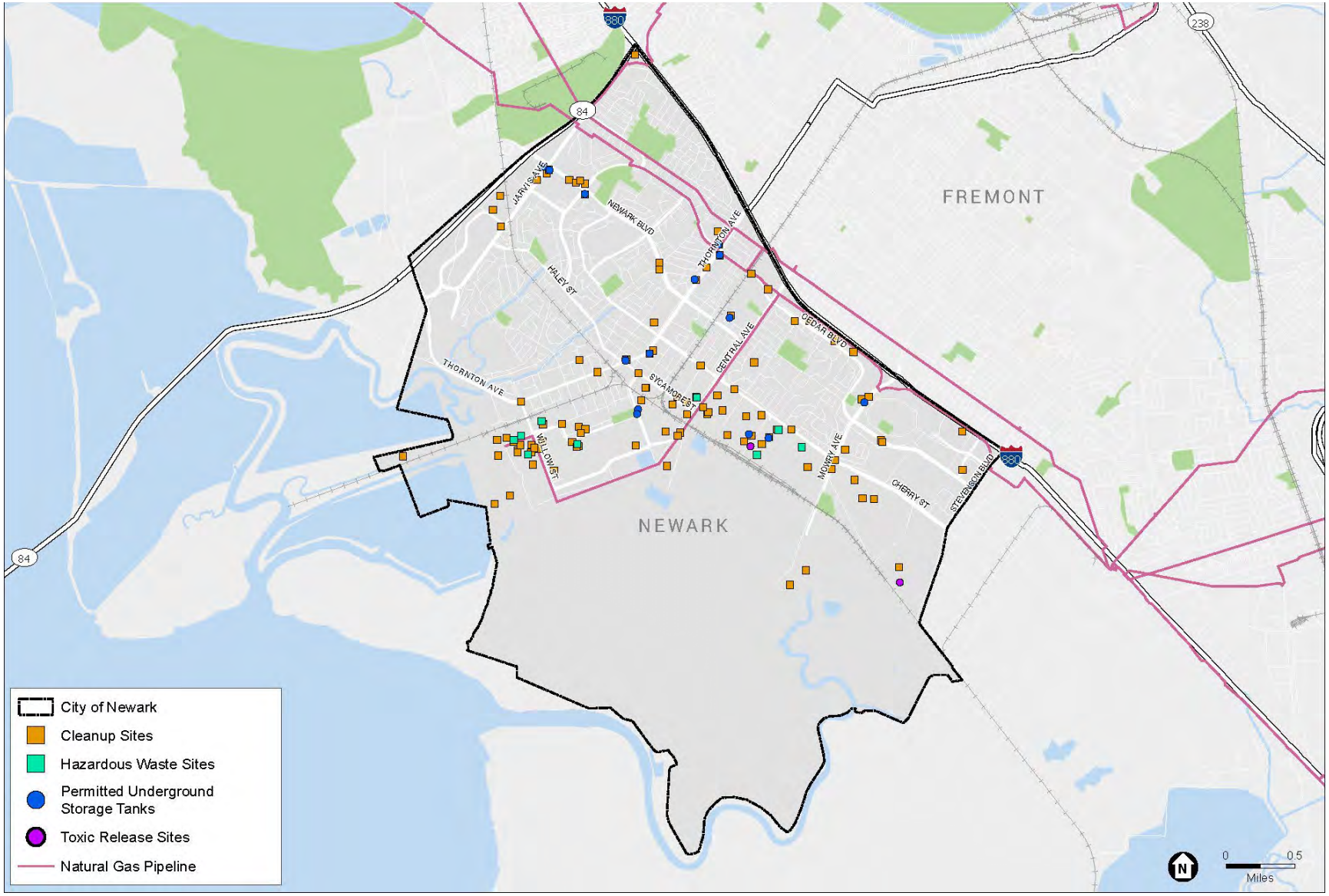
cleanup locations are situated in the industrial areas along Willow Street, Central Avenue, Sycamore Street, and Cherry Street. The hazardous facilities and documented hazardous sites in the city are also identified below under their respective monitoring agency.

California Department of Toxic Substances Control

DTSC maintains the EnviroStor Data Management System, which provides information on hazardous waste storage and disposal facilities (both permitted and in need of action) as well as any available site cleanup information. According to the DTSC, there are approximately nine hazardous waste storage facilities in the city. Of those nine facilities, eight have been closed and require no further remediation action and one site is operating under a permit. (DTSC 2018a; DTSC 2018b)

California State Water Resources Control Board

The SWRCB oversees the statewide Underground Storage Tank Program, which is aimed at protecting public health and safety and the environment from releases of petroleum and other hazardous substances from underground tanks. GeoTracker is the SWRCB's internet-accessible database system used by regional boards and local agencies to track and archive compliance data from authorized or unauthorized discharges of waste to land, or unauthorized releases of hazardous substances from underground storage tanks as well as any available site cleanup information. According to GeoTracker, there are 16 permitted underground storage tank facilities in the city (SWRCB 2018a). In addition, the SWRCB identified 96 cleanup sites (leaking underground storage tank cleanup, and cleanup program sites). Of the 96 cleanup sites, 11 sites are open and undergoing monitoring, 17 are undergoing site assessment, 9 are being remediated, 49 are closed, 4 are eligible for closure or are in the process of being closed down, 2 are inactive (closed down or cleaned up), and 4 are active (SWRCB 2018b).



SOURCE: DTSC; EPA; SWRCB; ESRI; ESA, 2022

FIGURE SAF-12 HAZARDOUS MATERIALS SITES

Local Vulnerabilities

Hazardous materials pose a significant long-term risk and threat to public health and safety, property and the environment. Hazardous materials also pose a risk to emergency response personnel. Many of the city's industries produce, use, and store hazardous materials. All residential neighborhoods in the city of Newark that are located in or within the vicinity of industrial areas known to have potential hazardous material (including industrial areas along Willow Street, Central Avenue, Sycamore Street, and Cherry Street) are physically vulnerable to a hazard caused by release of hazardous materials due to their proximity to hazardous materials sites. Public safety issues involve not only the use of these materials in populated areas but also the transportation and disposal of chemicals and other hazardous substances through the city.

Critical facilities and infrastructure that may be at risk are those that are essential to the health and welfare of the population, such as schools, senior centers, residences, hospitals, and emergency operations centers. Critical infrastructure that could be at risk includes the roads and bridges that provide ingress and egress and allow emergency vehicles access to those in need, and the utilities that provide water, electricity, and communication services to the community. Also included are facilities and railroads that hold or carry significant amounts of hazardous materials with a potential to impact public health and welfare in a hazard event.

Transportation of Hazardous Materials

Two major freeways, Interstate 880 (Nimitz Freeway) and State Route 84 (Dumbarton Freeway), and the urban arterials carry traffic transporting hazardous materials. The locations of these routes are to be periodically revisited, as a number of them pass through areas planned for future residential development (Newark Community Development Department 2017).

Two rail lines owned by Union Pacific Railroad traverse the city of Newark and also carry hazardous materials. The Union Pacific Railroad routes 142 freight trains a week through the city and includes two subdivision lines off the main line: These transportation routes carry a variety of materials, such as methanol and/or petroleum, that could pose

health risks to city residents in the event of an accident. The possibility of such an occurrence may be relatively higher in Newark than in other cities given the extent of freeway and railroad traffic that passes through and the concentration of manufacturing uses in the area. The locations of these routes will need to be periodically revisited, as a number of them pass through areas planned for future residential development. Backup routes also should be identified in the event a truck route is blocked or congested, impeding access by emergency vehicles.

With respect to the freeways and railroad, the City has less control over such activities due to the interstate nature of this traffic. Communication with state and federal regulatory agencies is critical to reduce the risk of accidents and ensure that response to transportation-related hazardous materials incidents is immediate and effective. In the event of a hazardous materials incident in Newark, the Alameda County Fire Department (ACFD) has a Hazardous Materials Unit that would provide the initial response.

Transmission Pipelines

Gas and hazardous liquid transmission pipelines could also be at risk. Approximately 300,000 miles of gas transmission pipelines and 170,000 miles of hazardous liquid pipelines move their products throughout the United States every day. Transmission pipelines connect urban areas, and only occasionally traverse highly populated areas. Nearly all distribution pipelines, however, are concentrated in highly populated areas. Distribution pipelines serve homes and businesses and thus are located where people work and live. In the city of Newark, there are 131 miles of under-road pipelines.

There are also two large (20- and 30-inch) PG&E-owned and -operated high-pressure gas lines running through Newark along Central Avenue and along the northern boundary of the city. Figure SAF-12, *Hazardous Materials Sites*, shows the PG&E pipelines in or near the city. After a gas explosion in San Mateo County in 2010, PG&E began reviewing the safety of these lines and others. Moving forward, continued steps should be taken to ensure the long-term safety of the gas pipelines running through the city.

LOCAL INITIATIVES

Since 1990, state law has required that hazardous waste be properly disposed of in approved hazardous waste treatment or disposal facilities. To accomplish this, treatment methods and facilities have been developed and approved to pre-treat hazardous waste before its final disposal.

The City coordinates with the Alameda County Department of Environment Health (ACDEH), who is the Certified Unified Program Agency (CUPA) for Newark. The ACDEH has developed a Hazardous Waste Management Plan. The ACDEH coordinates and enforces environmental protection and hazardous material management, handling, and storage programs from the local to the federal level. These programs include the Hazardous Materials Business Plan (HMBP) Program; Hazardous Waste Generator Program; and California Accidental Release Program. Other County programs applicable to Newark include an underground storage tank program, an aboveground storage tank program, a tiered permitting program, and a risk management program.

In addition to the ACDEH, the City works with the ACFD in requiring hazardous materials users and generators to store and handle hazardous materials in accordance with best management practices to identify safety procedures for responding to accidental spills and emergencies. Fire codes, which are enforced by the ACFD, also address the handling of hazardous materials, and the Newark Municipal Code requires Hazardous Materials Storage Permits.

The storage of petroleum products and other chemicals on sites in Newark has created the risk of soil and groundwater contamination in parts of the city. The SWRCB monitors gas stations and industrial operations that operate subsurface gasoline or diesel storage units in Newark to ensure compliance with applicable hazardous material regulations. Groundwater monitoring and soil vapor testing are conducted regularly at contaminated and potentially contaminated locations to assess the degree of pollution.

HOUSEHOLD HAZARDOUS WASTE

The City encourages residents to properly dispose of household hazardous waste. The City partners with StopWaste.Org, an organization whose mission is to help Alameda County's businesses, residents, and schools waste less, recycle properly, and use water, energy, and other resources efficiently.

The City educates residents about the safe use and storage of household hazardous waste and its rules and regulations for waste disposal. Residents are often unaware of the potential damage these substances cause when they are disposed of in the trash, poured on the ground, or dumped down an indoor or outdoor drain. Household hazardous wastes must be safely disposed of in designated facilities. The facility closest to Newark is located just outside the city in Fremont.

HAZARDOUS MATERIALS BUSINESS PLANS



Businesses that use hazardous materials are required to prepare HMBPs for their operations. The HMBP must include a complete inventory of all materials that are handled by type, quantity, storage conditions, and routes of transport. Each HMBP assesses the potential hazards associated with the materials and the steps to be taken to minimize risks. The HMBP identifies actions to be taken in the event of a spill, identifies a responsible person for the facility, and includes any other data determined necessary to ensure public health and safety. The HMBP also addresses the methods for storing hazardous materials, including the design of storage tanks, containment facilities, and handling practices. As development occurs, each proposal will continue to be carefully evaluated to limit the potential for negative effects on adjacent uses. Businesses will continue to prepare HMBPs that indicate the protocol for minimizing risks. In addition, the City will continue to maintain distance thresholds in its zoning regulations that ensure that businesses storing hazardous materials are separated from residential uses.

KEY FINDINGS RELATED TO HAZARDOUS MATERIALS

- Hazardous materials pose a risk to emergency response personnel.
- All residential neighborhoods in the city that are located in or within the vicinity of industrial areas along Willow Street,

Central Avenue, Sycamore Street, and Cherry Street are physically vulnerable to hazards caused by the release of hazardous materials.

- Public safety issues involve the use, transportation, and disposal of chemicals and other hazardous substances through the city.
- Critical facilities and infrastructure that may be at risk from a hazardous materials release or groundwater contamination include schools, senior centers, residences, hospitals, and emergency operations centers.

COMMUNITY/STAKEHOLDER INPUT

The City released a community survey to elicit input on topics related to community hazards, sea-level rise, pollution, and air quality to get a better understanding of how we can improve safety in the city of Newark. However, there was no community input regarding hazardous materials.

NOISE

Noise is one of the seven mandated elements of a general plan in California. Because noise is considered a public safety issue, the City of Newark has merged this element with the State-mandated safety element. The noise section meets the requirements of Government Code Section 65302(f) and provides the framework for protecting Newark's residents from excessive noise.

Noise

This section and the accompanying policies in Section 3 are taken from the 2013 Environmental Hazards Element that will be updated in the next comprehensive General Plan Update.

The Noise section of the Safety Element describes the major sources of noise in the city. It includes measurements of existing noise levels along with projections of future noise levels based on expected increases in traffic and other factors. This section also establishes standards for acceptable noise levels for different land uses. The final section of the Safety Element includes the City's goals, policies, and actions related to noise.

Newark's location in a large metropolitan area makes it susceptible to high levels of noise. Each day, almost 200,000 cars pass along the city's eastern boundary on Interstate 880 while 60,000 cars pass along the northern boundary along State Route 84. Freight trains and large trucks pass through the city and aircraft fly overhead. Even in relatively quiet parts of the city, residents contend with domestic noise sources such as leaf blowers, barking dogs, and construction. Maintaining a relatively quiet environment is considered an important quality of life goal in Newark's neighborhoods.

Noise is an important factor in determining the distribution of land uses shown on the General Plan Land Use Map. Policies in the Land Use Element and in this Safety Element ensure that site planning for individual projects is responsive to local conditions, and protects public safety and well- being. For properties subject to high noise levels, this may mean that particular building orientations and buffering methods will be required, or that certain land uses may not be acceptable. Similarly, policies in the Transportation Element work in tandem with those in this Element to ensure that projected noise levels are considered in the design of transportation improvements.

Noise Definitions and Standards

Noise can produce undesirable effects that range from irritability to hearing loss. The extent of adverse effects depends on the intensity, duration, time, and frequency of noise. Even noise of moderate volume and short duration, such as a heavy truck passing by, can have physiological effects.

The level of noise at a given location is usually expressed in decibels (dB). Decibels are measured on a logarithmic scale. This means that 10 dB is 10 times more intense than 1 dB, 20 dB is 100 times greater than 1 dB and 30 dB is 1,000 times greater than 1 dB. A particular type of decibel scale, called the "A" scale, is used to relate decibels to human perception. The A scale filters out very high and very low frequencies. Everyday sounds range from 30 dB, which is very quiet, to 100 dB, which is very noisy. Above 70 dB, noise can become irritating and disruptive.

When reporting noise levels, it is important to also report the distance between the source and receiver. Under typical atmospheric conditions, sound attenuates at a rate of 3 to 6 dB for each doubling of the distance. An untrained human ear typically cannot detect a difference in sound levels of less than 3 dB. It is difficult to tell the difference between 60 dB and 62 dB, but the difference between 60 dB and 65 dB is easily noticed.

Typical A-weighted sound levels for various sources of noise measured at specific distances are shown in **Table SAF-4**. Different rating scales have been developed to assess the severity of noise exposure, taking into consideration such factors as duration, repetition rate, background levels, and time of occurrence.

TABLE SAF-4 TYPICAL NOISE LEVELS

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	110	Rock Band
Jet Flyover at 1,000 feet		
	100	
Gas Lawn Mower at 3 feet		
	90	
Diesel Truck at 50 feet, at 50 mph		Food Blender at 3 feet
	80	Garbage Disposal at 3 feet
Noisy Urban Area, Daytime		
	70	Vacuum Cleaner at 10 feet
Commercial Area		Normal speech at 3 feet
Heavy Traffic at 300 feet	60	
		Large Business Office
Quiet Urban Daytime	50	Dishwasher Next Room
Quiet Urban Nighttime	40	Theater, Large Conference Room (background)
Quiet Suburban Nighttime		
	30	Library
Quiet Rural Nighttime		Bedroom at Night, Concert Hall (background)
	20	
		Broadcast/Recording Studio
	10	
Lowest Threshold of Human Hearing	0	Lowest Threshold of Human Hearing

SOURCE: Caltrans, 2009.

The term Ldn is used to express the average sound level over a 24-hour period, with a 10 dBA weighting factor applied for noise that occurs between 10 PM and 7 AM. The adjustment for night-time noise accounts for the greater human sensitivity to noise during these hours. The use of a 24-hour measurement period accounts for the variations in the intensity of sound levels that may occur throughout the day.

Noise Criteria For Land Use Planning

The potential for adverse psychological and physiological impacts related to noise requires that criteria be established for determining acceptable levels of noise for different land uses. Certain land uses are considered "sensitive receptors," meaning they are more prone to the adverse effects of high noise levels than others. These include residential areas, schools, childcare centers, hospitals, churches, libraries, and nursing homes, among others. Future land use decisions should protect these uses from high levels of noise. At the same time, when land uses such as housing and schools are developed in the future, it is important that they are located and designed in a way that protects occupants from potential impacts from existing noise sources.

Table SAF-5 provides interior and exterior noise compatibility guidelines for different land uses. To avoid the potential for noise-related problems, future development proposals should comply with these guidelines to the greatest extent feasible.

Table SAF-5 uses four terms to define the level of noise compatibility for each land use:

- "Normally Acceptable" means that the specified land use is satisfactory based on the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
- "Conditionally Acceptable" means that new construction or development should be undertaken only after a detailed analysis of noise reduction requirements is made and necessary noise mitigation measures are included in the design.
- "Normally Unacceptable" means that new construction or development of the particular land use should be discouraged. If new construction or development proceeds, a detailed noise analysis must be performed.
- "Clearly Unacceptable" means that new construction or development should generally not be undertaken.

TABLE SAF-5 NOISE COMPATIBILITY GUIDELINES FOR NEWARK

Land Uses	Interior CNEL or L_{dn} (dBA)	Exterior Noise Exposure, CNEL or L_{dn} (dBA) 55 60 65 70 75 80
Residential-Low Density Single-Family, Duplex, Mobile Homes	45*	
Residential-Multiple Family	45*	
Transient Lodging, Motels, Hotels	45*	
Schools, Libraries, Churches, Hospitals, Nursing Homes	45*	
Auditoriums, Concert Halls, Amphitheaters	--	
Sports Arena, Outdoor Spectator Sports	--	
Playgrounds, Neighborhood Parks	--	
Golf Courses, Riding Stables, Water Recreation, Cemeteries	--	
Office Buildings, Businesses, Commercial and Professional	50	
Industrial, Manufacturing, Utilities, Agricultural	--	

Normally Acceptable:
Specified land use is satisfactory based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

Conditionally Acceptable:
New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and the needed noise insulation features are included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

Normally Unacceptable:
New construction or development should generally be discouraged. If new construction does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly Unacceptable:
New construction or development generally should not be undertaken.

* Noise level requirement with closed windows, mechanical ventilation, or other means of ventilation shall be provided per Chapter 12 Section 1205 of the Building Code.

SOURCE: State of California General Plan Guidelines, 2003.

The noise criteria for multi-family housing should also comply with the Noise Insulation Standards of the California Code of Regulations, Part 2, Title 24 (commonly referred to as "Title 24"). These standards establish minimum noise insulation levels for new hotels, motels, dormitories, long-term care facilities, apartments, and other attached or multi-family dwellings. Consistent with Title 24, when part of a development site is exposed to exterior noise levels greater than 60 dB Ldn, an acoustical analysis is required. The analysis should include measures that reduce the noise levels in interior living spaces to 45 dB Ldn or less.

Noise Emission Standards

In addition to the noise compatibility standards in the previous sections, State and federal agencies have established standards for motor vehicles. Section 38370 of the California Vehicle Code establishes noise emission standards that are enforced during licensing. The Newark Police Department may enforce noise violations caused by vehicles operating in excess of State standards.

Noise criteria which are designed to protect the health of employees in workplaces have been established at the federal level by the EPA and OSHA. The California Occupational Safety and Health Administration (Cal-OSHA) generally mirrors the federal standards.

Ground Vibration

Ground-borne vibration can be detrimental to structures and can cause annoyance to persons within those structures. The level of vibration is influenced by a number of factors, including soil characteristics, groundwater depth, and geologic conditions. In the past, the greatest vibration-related concerns in Newark have been freight traffic along the Union Pacific Railroad, trucks along major thoroughfares, and heavy construction activity such as pile drivers, vibratory rollers, and jackhammers. Vibration levels usually dissipate rapidly with distance, so the area of concern is typically close to the source(s).

Policies in this Element ensure that vibration impacts are considered when development is proposed. Appropriate setbacks for structures are determined on a site-by-site basis during the environmental review process for any planned development along a railroad corridor.

Additionally, the City sets limits on construction hours and activities to reduce the potential for vibration-related impacts to become a source of annoyance and/or structural damage.

THE NEWARK NOISE ENVIRONMENT

The noise environment in Newark is influenced primarily by roadway traffic, railroad operations, industrial activities, and to lesser extent, commercial and residential activities. Major noise sources include Interstate 880 and State Route 84, the Union Pacific Railroad, and major thoroughfares such as Mowry Avenue, Thornton Avenue, Stevenson Boulevard, Cherry Street, Cedar Boulevard, Central Avenue, Jarvis Avenue, and Newark Boulevard. There are also a number of stationary noise sources in the city's industrial areas that create localized areas with high noise levels.

To identify existing noise conditions and develop a baseline for the projection of future noise conditions, noise level measurements were made at three long-term (LT) sites and ten short-term (ST) sites as part of the 2013 General Plan revision. Noise levels reported in various EIRs and prior planning documents also were considered. Using the noise measurement data, noise contour maps have been prepared to show the noise environment in the city under both existing and future traffic conditions. **Figure SAF-13** shows current (2013) noise contours while **Figure SAF-14** shows projected contours in 2035. The contour maps also consider existing and projected railroad noise.

The major types of noise sources within the city are profiled below.

Vehicles

Cars, motorcycles, trucks, and buses are the principal sources of vehicle noise in Newark. Vehicle noise is generated by engines, tires, and exhaust systems. The highest noise levels are associated with Interstate 880, which borders the city on the east, and State Route 84, which borders the city on the north. Both freeways are at grade, with under-crossings or overpasses at major interchanges. In addition, arterial, collector, and local streets create a significant source of ambient noise around the city.

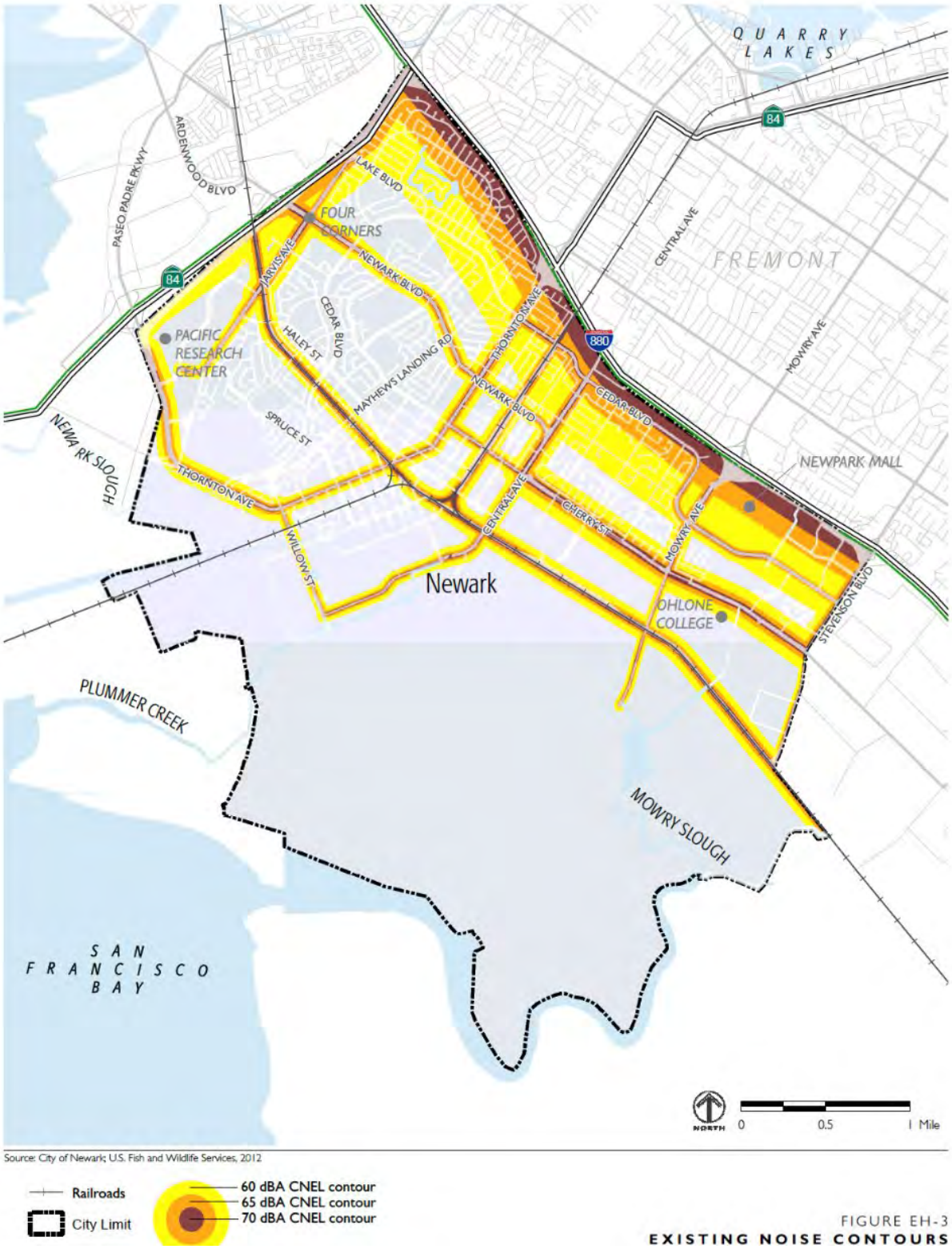


FIGURE SAF-13 EXISTING NOISE CONTOURS



FIGURE SAF-14 FUTURE (2035) NOISE CONTOURS

Figure SAF-13 shows the noise contour lines along the Newark side of the two freeways and along major arterials as of 2013. Figure SAF-14 shows projected noise levels in 2035 in the same locations. A slight in1crease in noise levels is anticipated as a result of increased traffic volumes. The General Plan EIR may be consulted for a more detailed evaluation of the data. Policies and actions later in this Element indicate the steps that should be taken to mitigate the impacts of roadway noise on existing development and future development that takes place near the freeways and along major arterials.

Railroad

The Union Pacific Railroad includes two lines that bisect the city – one running north-south and another running east-west. The two lines intersect near Thornton Avenue and Sycamore Street. Newark's railways serve freight trains and passenger trains. In 2013, there were eight Altamont Commuter Express trains and 14 Capitol Corridor trains each weekday. The number of freight trains varies from day-to-day, depending on the local and regional demand for the movement of goods.

Noise from passing trains is generated by locomotive engines, mechanical components, warning horns, crossing guard bells, and the interaction of steel wheels and rails. Federal regulations require that trains sound a warning horn ¼-mile before they approach a grade-level crossing. Some cities have established "Quiet Zones" where these regulations are suspended, but Newark has not done so.

Aircraft

Aircraft contribute to the noise environment in Newark, but they are not considered a major problem at this time. The city is located roughly 10 to 15 miles from runways at the region's three international airports. At these distances, the city is not within the airport land use planning areas or runway protection zones associated with these airports. Smaller airports, including the Palo Alto and Hayward Airports, are located more than 5 miles away from the city. Low-altitude regular traffic patterns to and from the region's airports do not occur over the city. Further, there are no heliports in Newark or in immediate proximity to the city. While intermittent aircraft or helicopters over-

flights may produce single-event noise levels of approximately 60 to 70 dBA, aviation noise, in general, is minimal throughout the city.

Stationary Noise Sources

Stationary noise is generated by day-to-day activities associated with industrial, commercial, residential, and public uses. These land uses may generate noise from heating, ventilation, and air conditioning (HVAC) systems, loading and delivery activities at local businesses, and the use of motorized equipment and heavy machinery. Even public uses such as schools and parks may generate noise associated with outdoor activities such as physical education programs and sporting events.

Industrial uses are generally located in the area west of Cherry Street and along both sides of Central Avenue between Cherry and Willow Streets. There are also areas of industrial activity along Cedar Boulevard near Central Avenue and along the southern perimeter of Old Town Newark along Wells Avenue and Enterprise Drive. Noise from these areas varies widely, with some businesses operating only during typical work-day hours and others operating on a 24-hour basis. The city's heavier industrial activities, such as Pabco Gypsum and Cargill Salt, tend to be more distant from residential uses. The potential for noise conflicts may be greater where industrial uses are adjacent to homes or generate noise that is perceptible at nearby neighborhoods.

Domestic noise also has the potential to create conflicts. This includes noise associated with yard maintenance activities such as leaf blowers and lawn mowers, and noise from loud music, barking dogs, parties, and other household sources. These types of noise issues are typically controlled through administrative processes such as police complaints, rather than through land use planning.

Impacts Of Land Use Changes On Noise-Related Issues

The future noise environment in Newark will be impacted not only by changes in traffic volumes, but also by changes in land use. In particular, new transit-oriented development around the future Dumbarton Rail station and residential development in Southwest Newark will result in a larger population in areas that are presently vacant. New homes may be built in areas subject to railroad noise and in areas where there is audible noise from nearby industrial activities.

The environmental impact reports (EIRs) prepared for approved development in these areas included measures to mitigate potential noise impacts. Likewise, future EIRs will include such measures, as appropriate.

Similarly, the development of new medium-density housing along Cedar Avenue between NewPark Mall and Mowry Avenue and potentially in the NewPark area could result in higher populations near Interstate 880. Infill development in Old Town Newark and on other housing sites will likely mean more residents living along major thoroughfares in the city. Development of the remaining vacant sites in Pacific Research Center, Stevenson Point Technology Park, and other industrial areas of the city could create new noise sources, which in turn could affect nearby residential areas.

Policies and actions in the General Plan have been developed to reduce the potential for impacts associated with these changes. As appropriate, through implementation of a new Noise Ordinance, the City will continue to require acoustical studies when development is proposed near noise sources, or when new development will generate noise that could impact nearby sensitive receptors.

When an acoustical analysis is required, it must be submitted at the same time as the application for a planning or building permit. The City requires that the analysis be prepared under the supervision of a person experienced in the field of acoustical engineering. The reports must include noise data obtained from on-site sound level measurements with appropriate variations based on the time of day and different locations on the site. Factors such as topography, the location, and characteristics of noise sources, and projected noise sources must be considered and discussed. As appropriate, acoustical reports also must include noise attenuation measures, and an analysis that demonstrates that interior noise level requirements will be achieved in a manner consistent with Title 24 and other applicable building code requirements.

Controlling Future Noise Effects

Noise problems are usually associated with one of three components: 1) noise sources, 2) the noise transmission pathway, and 3) noise receivers. Most measures to reduce the effects of noise focus on some

combination of these three components. These measures include reducing noise at the source, providing greater distance separation (buffering) and/or barriers along the path between the noise source and the noise receiver, and modifying the receiver through sound insulation and/or other means.

Noise Source Controls

One of the most effective ways to reduce noise is to control it at the source. This can be accomplished by placing enclosures around motors, requiring quieter machinery and equipment, regulating the hours during which noise is generated, and similar measures. For example, conditional use permits may specify that certain businesses activities are prohibited during night-time hours to reduce potential noise conflicts. Likewise, construction may be prohibited during certain times of the day and night. Other examples of noise source controls include federal regulations for quieter aircraft and motor vehicle mufflers, and the designation of certain streets as truck routes to direct truck traffic away from residential streets.

The Newark Municipal Code regulates industrial operations to reduce noise levels that could disturb nearby sensitive uses. The code sets strict limits on the emission of noise from industrial sites and also sets limits for the reception of noise at certain land uses adjacent to industrial districts. Noise from home occupations, animals, agriculture, alarms, and vehicles is also addressed by different sections of the Municipal Code. As noted earlier, an action in the General Plan calls for the reorganization of these various provisions into a City Noise Ordinance.

Noise Pathway Controls

Noise levels can be reduced by modifying the pathway that noise travels between its source and nearby receivers. Typical noise barriers include earthen berms and sound walls. Fences are sometimes used on private properties to absorb noise and increase privacy. Planting and shrubbery are less effective as roadway noise barriers, although they do provide privacy and visual screening. Another example of noise path control is to increase the separation distance between the source and receiving point.

Sound walls have been constructed along portions of Interstate 880 to reduce noise levels in adjoining residential areas in the northeastern part of Newark. Residents have expressed interest in using taller walls to further reduce noise levels in this area. The City has also constructed back-up masonry walls along arterials where noise levels exceed residential compatibility guidelines. These walls exist along portions of Thornton Avenue, Cherry Street, Cedar Boulevard, Newark Boulevard, Mowry Avenue, and Jarvis Avenue.

Noise Receiver Controls

Adjusting the noise receiver is typically done through site planning, building design, and construction. Lower noise levels can be achieved by designing a development to maximize separation distance between noise sources and receptors, and taking advantage of natural barriers and topography. For example, mechanical equipment should be placed away from sleeping areas. Likewise, decks and balconies should be avoided on facades that face noisy streets. Interior rooms should be arranged so that noise-sensitive spaces such as bedrooms are placed further away from the roadway or other nearby noise sources. Within the building itself, noise levels can be reduced by increasing wall mass and thickness, using double glazed windows and solid core doors, and through interior finishes such as carpeting, drapes, and acoustical ceiling tiles.

EMERGENCY PREPAREDNESS

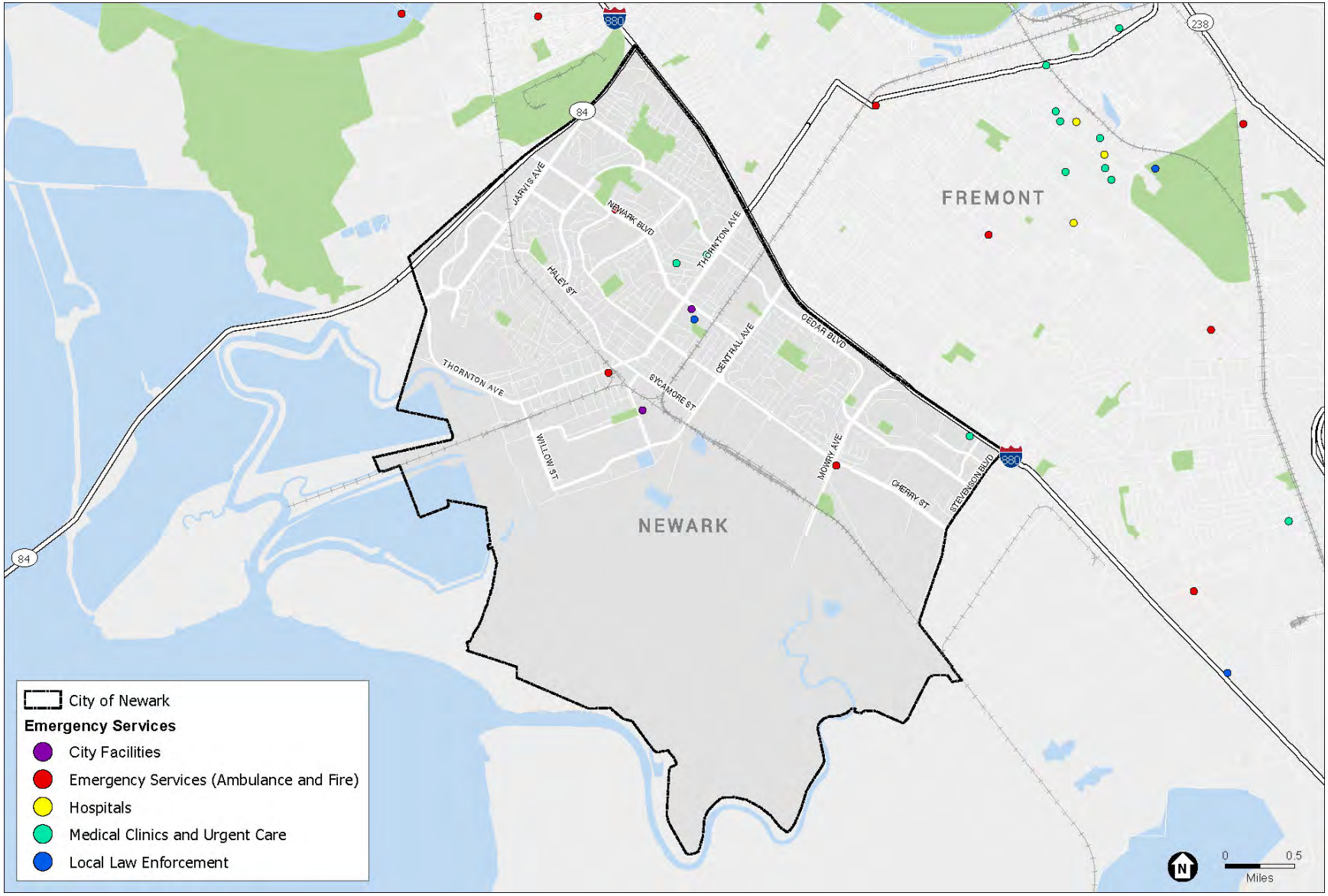
Emergency preparation is key to the safety of a community in the event of a disaster. Newark's location in an area prone to earthquakes, floods, and hazardous material incidents means it is essential to be prepared in the event of an emergency. Emergency preparedness infrastructure (emergency response facilities, community gathering spaces, and emergency evacuation routes) as well as a strong communication and response network aid with the City's ability to address multiple hazards and build community resilience broadly.

CITY CAPACITY TO RESPOND TO EMERGENCIES AND BUILD RESILIENCE

Newark has adopted a comprehensive emergency response plan. The *Emergency Operations Plan* sets forth operational procedures for responding to a variety of emergency conditions. The procedures address the needs of the entire community and identify key responsible agencies and personnel. The City has designated an Emergency Operations Center so that citywide emergencies can be dealt with effectively from a central location.

This comprehensive plan is periodically updated in response to new requirements, technology and communication protocol, and real-world experiences. Newark has also designated a Disaster Council consisting of the Mayor, City Manager, department heads, and representatives of schools and utilities, to discuss disaster preparedness. Disaster planning efforts are coordinated with the cities of Fremont, Hayward, and Union City to maximize mutual aid response.

The City of Newark and the Alameda County Fire District work collaboratively to reduce exposure to hazards, implement training programs for residents, and ensure effective response and quick recovery following an incident. There are three Alameda County Fire Stations that serve the City of Newark, which includes Alameda County Fire Department Stations 27, 28, and 29, the Newark Police Department, and three medical facilities (see **Figure SAF-15**.



SOURCE: Google Maps; HIFLD; OSM; ESA, 2022.

FIGURE SAF-15 EMERGENCY PREPAREDNESS AND RESILIENCE

The City also encourages its residents and businesses to be better prepared for disasters. The ACFD offers a local Community Emergency Response Team (CERT) training program for community volunteers. The training provides basic skills in firefighting, search and rescue, first aid, and emergency preparedness. Lastly, the City's Disaster Preparedness webpage includes information related to different types of emergency preparedness workshops, such as the CERT program and the Personal Emergency Preparedness workshop hosted by the Alameda County Fire Department. The webpage also includes links and resources to other local, county, state, and federal agency emergency preparedness guides.

Evacuation Planning

Emergency evacuation of residents, businesses, and particularly our vulnerable communities has become an important focus of emergency preparedness. Two recently adopted legislative bills (SB 99 & AB 747) require that cities update their Safety Elements to identify and evaluate evacuation routes. AB 747 specifically requires that safety elements be updated to identify evacuation routes and assess the capacity, safety, and viability of those routes under a range of emergency scenarios. Senate Bill 99 similarly requires the agencies to identify residential developments in hazard areas that do not have at least two emergency evacuation routes.



The City's emergency evacuation scenarios and constrained parcels are evaluated in **Appendix B**. Several maps identify residential parcels with only one access route, The maps also show the relationship between the identified parcels and Newark's most significant hazards including earthquakes and flooding from dam inundation or sea level rise.

Appendix B also illustrates three evacuation scenarios, each focusing on the availability of roadways during flood emergencies. These scenarios assess various factors affecting evacuation, such as access to arterial roadways and highway overpasses. The analysis also recognizes the city's distinctive topographical features bordering the Bay, and industrial sites such as salt harvesting, refining, and production facilities, which further constrain the direction and quantity of viable evacuation routes.

The analysis provided in Appendix B also includes potential measures to enhance the evacuation preparation and process focusing on both the

supply side (increasing evacuation capacity) and demand side (managing evacuation volumes). Supply-side strategies include increasing capacity through transit lanes or shoulders, managed traffic control for maximized evacuation flow, and street parking management on high-risk days. On the demand side, strategies include improved communication systems for disaster alerts, dynamic route guidance, and programs for better accounting of households needing assistance. Other suggested measures include coordination with public transit for special evacuation shuttles, neighborhood programs for advanced ride-sharing coordination, and phased evacuations. Evacuation measures such as these should aim to reduce vehicle volumes during evacuations, encouraging households to evacuate in as few vehicles as possible.

Key Findings Related to Emergency Preparedness

- Newark has a robust emergency management system in place based on a the existing Emergency Operations Plan.
- The City of Newark and the Alameda County Fire District work collaboratively to reduce exposure to hazards, implement training programs for residents, and ensure effective response and quick recovery following an incident.
- The City encourages residents and business to be better prepared for disasters through education and preparedness programming.
- Parcels constrained by less than two access routes exist throughout the city (mapped in Appendix B).
- The city's distinctive topographical features as it borders the San Francisco Bay, and industrial facilities such as salt harvesting, refining, and other production facilities constrain the direction and quantity of viable evacuation routes.
- Measures to enhance the evacuation preparation and processes include increasing road capacity and monitoring of households with special evacuation needs including those without personal vehicles.

Community/Stakeholder Input

The City released a community survey to elicit input on topics related to natural disasters, sea-level rise, pollution, and air quality to get a better understanding of how the City can improve safety in Newark. There

was no community input regarding hazards related to emergency preparedness systems and related efforts in Newark.

3. GOALS, POLICIES, AND ACTIONS

The following goals, policies, and actions are organized in the order they appear in the existing conditions section 2. Policies and actions indicated with accompanying black titles mirror the presentation in the Newark 2013 General Plan. Policies and actions paired with red titles maintain similarities to those in the previous 2013 plan but have been revised to align with current conditions or mandates. Policies and actions bearing green/teal titles are entirely new or have undergone substantial modifications compared to the 2013 plan.

AIR QUALITY

GOAL SAF-1 A community with clean and healthy air.

POLICIES

Policy SAF-1.1 **Cooperation Among Agencies.** Continue to cooperate with regional, state and federal jurisdictions, including BAAQMD and CARB to minimize exposure to air pollution.

Policy SAF-1.2 **Climate Action and Adaptation Planning.** Ensure that the forthcoming Climate Action Plan is a qualified climate action and adaptation plan that comprehensively addresses GHG emissions reductions, and includes strategies and actions to not only reduce vehicular and other emissions, but protect and mitigate the impact of those emissions on sensitive resources, particularly in areas most exposed to air pollution.

Policy SAF-1.3 **Sensitive Uses.** Amend the zoning ordinance to include standards and restrictions that protect sensitive uses (residential areas, parks, schools, etc.) from pollutants originating from freeways, truck routes, heavy industrial or other polluting sources.

Policy SAF-1.4 **Land Use Planning.** Take actions to expand infill development within job centers and around transportation nodes. Require multifamily developments and large commercial projects over one acre in size to mitigate, to the extent feasible, anticipated emissions which exceed BAAQMD guidelines.

Policy SAF-1.5 **Truck Congestion.** Develop and implement strategies to reduce traffic congestion and pollution in collaboration with the business community to encourage mutually beneficial operations such as off-peak truck deliveries.

Policy SAF-1.6 **Funding.** Apply for alternative financing mechanisms for local air quality improvement programs.

Policy SAF-1.7 **Transportation Demand Management.** Develop and implement **transportation demand management (**TDM) policies, strategies, and incentives as a vital tool for reducing vehicle emissions, improving air quality and promoting active transportation.

ACTIONS

Action SAF-1.A **Zoning Ordinance Amendments.** Amend the zoning ordinance to create provisions that protect or restrict sensitive uses within 1,000 feet of I-880 and SR 84 rights-of-way, and near heavy industrial or other polluting uses that could impact the health and safety of sensitive populations. Incorporate recommendations from the forthcoming Climate Action Plan into the zoning ordinance. (*Implements Policy SAF-1.3 Sensitive Uses*)

Action SAF-1.B **Climate Action and Adaptation Plan Preparation.** Prepare, adopt, and implement a qualified Climate Action and Adaption Plan within 3 years. (*Implements Policy SAF-1.2 Climate Action and Adaptation Planning*)

Action SAF-1.C **Transportation Demand Management (TDM) Strategies.** Update the zoning ordinance to include TDM standards and incentives to be implemented at the project scale. Standards may include mandating the inclusion of bike infrastructure and pedestrian amenities; developing parking caps and unbundling parking; establishing narrow street standards and traffic calming requirements; requiring higher-density developments near transit. Incentives may include employer-based programs such as subsidized transit passes and bike storage facilities (*Implements Policy SAF-1.4 Land Use Planning*)

Action SAF-1.D **Wood Burning Fireplaces.** Require compliance with state and federal standards for wood-burning fireplaces and stoves in new or remodeled homes. (*Implements Policy SAF-1.1 Cooperation Among Agencies*)

Action SAF-1.E **Air Quality Studies for New Development.** Use the environmental review process to require mitigation of potential air quality impacts generated by new development. Site-specific air quality studies should be required for future development that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within designated air quality buffer areas along Interstate 880 and State Route 84. (*Implements Policy SAF-1.1 Cooperation Among Agencies*)

Action SAF-1.F **Furnace Replacement and Clean Appliances.** Invest in programs that help property owners replace residential, commercial, and industrial furnaces and gasoline powered appliances with cleaner fuel, low emission furnaces, and clean energy appliances. (*Implements Policy SAF-1.1 Cooperation Among Agencies*)

Action SAF-1.G **Restaurant Exhaust Systems.** Require new restaurants located in mixed-use developments or adjacent to residential developments to install kitchen exhaust vents with filtration systems, re-route vents away from residential development, and use other accepted methods of odor control, in accordance with local building and fire codes. Restaurant Exhaust Systems. (*Implements Policy SAF-1.3 Sensitive Uses*)

Action SAF-1.H **Health Risk Assessments.** Require submittal of a Health Risk Assessment (HRA) for applicants proposing major development or redevelopment within 1,000 feet of the I-880 or SR 84 freeways. For projects where the incremental cancer risk exceeds ten in one million, PM2.5 concentrations exceed 0.3 µg/m3 , or the appropriate non-cancer hazard index exceeds 1.0, the HRA shall identify mitigation measures capable of reducing potential risks to acceptable levels. (*Implements Policy SAF-1.4 Land Use Planning*).

HRAs shall be done in accordance with the latest State Office of Environmental Health Hazard Assessment and Bay Area Air Quality Management District guidelines, and shall mitigate impacts to levels deemed acceptable by these agencies. The City shall modify its standard conditions of approval to implement this action.

Action SAF-1.I **Construction-Related Pollutants.** Require that construction contractors implement basic control measures consistent with BAAQMD recommendations to limit emissions of construction-related criteria pollutants, including fugitive dust. (*Implements Policy SAF-1.1 Cooperation Among Agencies*)

Action SAF-1.J **Nuisance Odors.** Evaluate the potential for proposed projects to emit nuisance odors beyond the property line and require that property owners submit odor management plans consistent with BAAQMD regulations. (*Implements Policy SAF-1.1 Cooperation Among Agencies*)

Action SAF-1.K **Standard Conditions of Approval.** Update the City's Standard Conditions of Approval to require measures which reduce particulate emissions (PM10) from construction and reduce construction-related emissions if project-level environmental review determines that BAAQMD thresholds for criteria pollutants may be exceeded. (*Implements Policy SAF-1.1 Cooperation Among Agencies*)

Mitigation measures for construction impacts could include using construction equipment rated by the EPA as complying with current emission limits, ensuring construction equipment is serviced and maintained to the manufacturer's standards, and limiting nonessential construction equipment idling to no more than five minutes.

DROUGHT AND WATER QUALITY

GOAL SAF-2 A community that protects and enhances the availability, conservation, and health of water resources for long-term needs.

POLICIES

Policy SAF-2.1 **Water Pollution Reduction.** Identify pollution risks and levels of contamination for the city's water bodies. Reduce pollutants entering and degrading water resources, including groundwater and surface waters in Newark, by minimizing hazardous materials accidents, spills, and vapor releases.

See also Safety Element policies on hazardous materials.

Policy SAF-2.2 **Cleanup Sites.** Cooperate with local and state agencies to address mitigation and improvements of cleanup sites. Prioritize the cleanup of sites that pose a risk to water bodies and sensitive populations.

Policy SAF-2.3 **Cooperation Among Agencies to Address Lead Risk.** Work with the Alameda County Department of Public Health to identify and address lead risk in infrastructure and the housing stock to ensure access to clean lead-free water for all community members.

Policy SAF-2.4 **Drought Awareness.** Collaborate with public agencies and community organizations to raise awareness of long-term climate and drought impacts and encourage emergency planning efforts to consider drought.

Policy SAF-2.5 **Water Storage.** Raise awareness of on-site water storage and rainwater capture practices for conservation and emergency drought events, that can be used for fresh water supply, watering of plants, and other uses. Utilize public campaigns and starter kits for households to engage in water storage practices, such as using rain barrels.

Policy SAF-2.6 **Water Conservation.** Identify technologies and retrofits at municipal facilities for expanding water conservation. Develop new programs to encourage water conservation for residential, business, and commercial sectors.

Policy SAF-2.7 **Protection of Surface Water Bodies.** Protect surface water bodies in the city, including lakes, rivers, streams, creeks, and wetlands, from development and other activities that impact water quality.

Policy SAF-2.8 **Lakeshore Park Amenity.** Identify pollution risks to Lakeshore Park Lake and plan improvements for the health and water quality of the lake for its benefit to the community and wildlife.

Policy SAF-2.9 **Long-Term Water Supply.** Invest resources in expanding water desalination projects to help ensure long-term supply of water and build local resiliency against long-term droughts.

ACTIONS

Action SAF-2.A **Prioritize Cleanup Sites.** Identify a funding source and prioritize cleanup sites that are contributing to pollution and degradation of water resources, considering contamination levels and proximity to residential neighborhoods, community amenities, and parks and recreation. Work to address and minimize material leakages and water quality concerns from cleanup sites in the community. *(Implements Policy SAF-2.1 Water Pollution Reduction; Policy SAF2.2 Cleanup Sites; Policy SAF-2.7 Protection of Surface Water Bodies; and Policy SAF-2.8 Lakeshore Park Amenity)*

Action SAF-2.B **Address Pollution in Water Bodies.** Identify contaminated surface water bodies in the city, and conduct regular evaluation of clean-up efforts. *(Implements Policy SAF-2.7 Protection of Surface Water Bodies)*

Action SAF-2.C **Collaborate with the ACWD.** Collaborate with the ACWD to identify prevention measures to protect water bodies from pollution risk. *(Implements Policy SAF2.1 Water Pollution Reduction; Policy SAF-2.2 Cleanup Sites; Policy SAF-2.7 Protection of Surface Water Bodies; and Policy SAF-2.8 Lakeshore Park Amenity)*

Action SAF-2.D **Lead Risk Education.** Develop and implement special training workshops and projects related to education on lead risk and reduction. Regularly test water supplies and publish results for public viewing. Implement a program to replace lead pipes and fixtures in public and private properties. *(Implements Policy SAF-2.1 Water Pollution Reduction; and Policy SAF-2.3 Cooperation Among Agencies to Address Lead Risk)*

Action SAF-2.E **Lead Risk Mediation.** Pursue funding to mediate lead pollution in the community. Implement a program to replace lead pipes and fixtures in both public and private properties. Offer free or subsidized home inspections for lead, particularly targeting older homes and vulnerable communities. Provide grants or low-interest loans for homeowners to remediate lead issues. *(Implements Policy SAF-2.1 Water Pollution Reduction; and Policy SAF-2.3 Cooperation Among Agencies to Address Lead Risk)*

Action SAF-2.F **Ensuring Water Availability.** Coordinate with the Alameda County Water District to monitor water availability and drought conditions and conduct regular water supply assessments. Create and distribute a plan for precautionary measures to ensure water availability during drought periods. *(Implements Policy SAF-2.4 Drought Awareness; Policy SAF-2.6 Water Conservation; and Policy SAF-2.9 Long-Term Water Supply)*

See also Community Services and Facilities Element policies on water supply availability.

Action SAF-2.G **Emergency Supplies.** Collaborate with ACWD to prepare emergency drought supplies and resources prioritizing the needs of vulnerable populations, including low-income households, outdoor workers, homeless individuals, and individuals with existing health conditions who may have less capacity or financial stability to withstand severe droughts. *(Implements Policy SAF-2.4 Drought Awareness; Policy SAF-2.5 Water Storage; Policy SAF-2.6 Water Conservation; and Policy SAF-2.9 Long-Term Water Supply)*

Action SAF-2.H **Water Use Restrictions.** Collaborate with the ACWD to disseminate water shortage information and enforce water use restrictions, especially during drought periods. *(Implements Policy SAF-2.4 Drought Awareness; Policy SAF-2.5 Water Storage; and Policy SAF-2.6 Water Conservation)*

Action SAF-2.I **Clean-up Events.** Organize regular cleanup events for wetland and lake areas, including Lakeshore Park Lake, with public engagement and collaboration with residents, schools, and community organizations. Use events as opportunities to increase local drought awareness and best practices for conservation. *(Implements Policy SAF-2.4 Drought Awareness; Policy SAF-2.7 Protection of Surface Water Bodies; and Policy SAF-2.8 Lakeshore Park Amenity)*

Action SAF-2.J **Landscaping Guidance.** Enhance the city's existing Bay-Friendly Landscape Guidelines to exceed state requirements for municipal landscape areas, with stronger requirements for climate-friendly and drought-tolerant trees and low-flow irrigation systems. *(Implements Policy SAF-2.6 Water Conservation)*

EXTREME WEATHER

GOAL SAF-3 A resilient and healthy community that adapts to changing climate conditions and mitigates the effects of extreme weather impacts.

POLICIES

Policy SAF-3.1 **Urban Heat Island Effect.** Develop standards and requirements for municipal projects that can incorporate natural cooling techniques to reduce the urban heat island effect.

Policy SAF-3.2 **Cooling Amenities.** Evaluate and asses the need for additional cooling centers in the southern and eastern areas of the community and reduce barriers to access existing centers.

Policy SAF-3.3 **Household Cooling.** Identify and educate residents on programs and solutions for helping households with cooling during extreme heat periods, including new or replacement air conditioning, and other household cooling mechanisms where air conditioning is not feasible, such as improved insulation, tree canopy, urban greening, cool roofs, cool pavements, cool paints and materials, and other mechanisms to help reduce extreme heat impacts for households.

Policy SAF-3.4 **Parks and Open Spaces.** Identify potential for expanding existing parks or creating new parks in the community that are accessible by all residents in under-resourced locations, including the southwestern and eastern areas of the community, where access to existing parks is low.

Policy SAF-3.5 **Urban Forest Management.** Plan for the sustainable growth and management of the urban forest to help mitigate greenhouse gas emissions and extreme heat impacts.

Policy SAF-3.6 **Urban Greening.** Prioritize urban greening where the tree canopy is relatively lower than other parts of the city, including near the center of the community between Central and Mowry Avenue.

Policy SAF-3.7 **Health and Safety.** Coordinate with local health providers, schools, and community organizations to share information and resources regarding extreme heat and heat-related illnesses.

Policy SAF-3.8 **Heat and Active Transportation.** Identify active transportation routes in need of amenities to protect against extreme heat, and prioritize bikeways, walkways, and trails near schools, community centers, and commuter routes.

ACTIONS

Action SAF-3.A **Cool Roofs Requirements.** Amend the City's building ordinance to exceed Title 24 standards by requiring cool roofs for all new or replacement roofs. *(Implements Policy SAF-3.1 Urban Heat Island Effect)*

Action SAF-3.B **Cool Pavements.** Expand cool pavements as streets become in need of resurfacing, conduct this work through the Pavement Maintenance Program. *(Implements Policy SAF-3.1 Urban Heat Island Effect; and Policy SAF-3.8 Heat and Active Transportation)*

Action SAF-3.C **Cooling Center Access.** Identify potential sites for new cooling centers, prioritizing areas where there is less access to existing centers and areas with sensitive populations, including children, low-income, and individuals with existing health conditions. Identify municipal facilities that may provide cooling amenities during extreme heat events. *(Implements Policy SAF-3.2 Cooling Amenities)*

Action SAF-3.D **Street Amenities.** Add street amenities along active transportation routes, including bikeways, sidewalks, walking paths, and trails, to protect users from extreme heat and other climate elements. Add bus stop shelters, tree canopy, natural landscaping, green pavements, and other features that enhance cooling and reduce the urban heat island effect. *(Implements Policy SAF-3.1 Urban Heat Island Effect; and Policy SAF-3.8 Heat and Active Transportation)*

Action SAF-3.E **New Parks Development.** Identify potential sites for new parks in the southwestern and eastern portions of the community that are outside of a half-mile to existing parks. *(Implements Policy SAF-3.4 Parks and Open Spaces)*

Action SAF-3.F **Existing Parks Access.** Increase access to existing parks in close proximity (Ash Street Park, Eucalyptus Grove Park, and Silliman Community Activity Center) with designated bikeways and urban pathways, signage, lighting, and landscaping that connects underserved neighborhoods to park amenities. *(Implements Policy SAF-3.4 Parks and Open Spaces)*

Approximately 60 percent of surfaces in urban communities are covered by roofs or pavements, which are typically dark surfaces that absorb sunlight and contribute to hotter temperatures. Replacing these with **cool roofs** and **cool pavements** means using more reflective materials, such as white surface, to help reflect sunlight, keep buildings cool, and reduce energy costs. Cool roofs and pavements may also incorporate vegetation, tree canopy, and other permeable surfaces to complement cooling effects.

Source: Global Cool Cities Alliance, 2012.

Action SAF-3.G **Community Resources.** Identify organizations with resources and programs for households to be able to stay safe from extreme heat impacts, including for lower-income households and households lacking air conditioning, and educate residents about these resources available to them. *(Implements Policy SAF-3.3 Household Cooling; and Policy SAF-3.7 Health and Safety)*

Action SAF-3.H **Tree Inventory.** Develop a citywide tree inventory and management plan to increase the urban forest, prioritizing areas with less tree canopy as well as climate-appropriate and water-efficient or drought-tolerant species that can provide long-term benefits for cooling, air quality, and public health. *(Implements Policy SAF 3.5 Urban Forest Management; and Policy SAF 3.6 Urban Greening)*

Action SAF-3.I **Climate-Friendly Trees.** Develop and adopt a list of approved tree and plant species that are climate-appropriate and water-efficient or drought-tolerant. Require any new and replacement plantings to be from the City's approved list. *(Implements Policy SAF 3.5 Urban Forest Management; and Policy SAF 3.6 Urban Greening)*

FLOODING HAZARDS

GOAL SAF-4 A community with sustainable development practices that reduce risks to life and property associated with flooding.

POLICIES

Policy SAF-4.1 **Planning to Avoid Flood Hazards.** Monitor flood-prone areas in Newark and use this data for land use, transportation, and infrastructure capital improvement and planning purposes. Flood-resistant construction techniques and minimum building elevations shall be required to reduce flood hazards.

Policy SAF-4.2 **Maintaining Drainage Patterns.** Prohibit development, grading, and land modification activities that would adversely affect Newark's drainage system or create potential erosion impacts.

Policy SAF-4.3 **Residential Development in the Flood Plain.** Limit development within low-lying areas at high risk from flooding. Require any *new residential* development, including streets and other surface improvements, to be constructed above the 100-year flood elevation.

Policy SAF-4.4 **Non-Residential Development in the Flood Plain.** Limit development within low-lying areas at high risk from flooding. Require that any new *non-residential* development, including commercial and industrial uses, be flood-proofed or constructed on pads elevated above the 100-year flood elevation.

Policy SAF-4.5 **Storm Drain Maintenance.** Manage and maintain the storm drainage system to avoid flooding and reduce the negative effects of stormwater runoff.

Policy SAF-4.6 **Mitigating Downstream Flood Impacts.** Create standards to ensure that the design of new development reduces the potential for downstream flooding, including measures for maximizing porous pavement and on-site drainage retention.

Policy SAF-4.7 **Flood Control Improvements.** Work with ACFC&WCD on improvements to the storm drain, flood control channel, and levee system to ensure that these systems continue to protect Newark neighborhoods and business districts from flooding.

Policy SAF-4.8 **Sea-Level Rise.** Evaluate the effects of rising sea level on the potential for flooding in low-lying areas, and monitor sea-level rise modeling for anticipated impacts. Consider compounding impacts from sea-level rise, including storm surges and extreme tides.

Policy SAF-4.9 **Regional Planning for Sea-Level Rise.** Participate in regional planning and adaptation efforts to address sea-level rise impacts to low-lying areas. Information on flood hazards related to sea-level rise should be used to ensure that flood risk is reduced.

See also Community Services and Facilities Element policies on storm drainage.

See also Conservation and Sustainability Element policies on climate change.

Policy SAF-4.10 **Wetlands Preservation.** Protect wetlands and natural open space from development by creating setback and buffer zones, and increase awareness of natural flooding benefits provided by wetlands.

Policy SAF-4.11 **Green Infrastructure.** Identify green technologies and natural systems that can be incorporated into planning and development practices to address flooding hazards and provide community co-benefits.

Policy SAF-4.12 **Impervious Surfaces.** Continue to identify opportunities for retrofitting impervious surfaces and increasing natural land cover to provide flooding mitigation and community co-benefits.

Policy SAF-4.13 **Roadway Maintenance.** Identify risks to critical roadways and plan for the sustainable management and maintenance of roadways, prioritizing those that serve as evacuation routes and connect to essential services, emergency response, and critical facilities. Coordinate with surrounding local and regional agencies, including the County and ACFC&WCD, on roadway maintenance for stormwater and flooding mitigation.

ACTIONS

Action SAF-4.A **Flooding Risk Studies.** Require new developments to assess flooding risks and identify measures that will reduce the risk of flooding and flooding impacts, including downstream impacts. Limit developments in low-lying areas within flood hazard zones. *(Implements Policy SAF-4.1 Planning to Avoid Flood Hazards; Policy SAF-4.3 Residential Development in the Flood Plain; Policy SAF-4.4 Non-Residential Development in the Flood Plain; and Policy SAF-4.6 Mitigating Downstream Flood Impacts)*

Action SAF-4.B **Flood Insurance Rate Maps.** Maintain up-to-date Flood Insurance Rate Maps for use in planning and public works decisions. *(Implements Policy SAF-4.1 Planning to Avoid Flood Hazards; SAF-4.3 Residential Development in the Flood Plain; SAF-4.4 Non-Residential Development in the Flood Plain; and Policy SAF-4.6 Mitigating Downstream Flood Impacts)*

Action SAF-4.C **Flood Prevention Code Provisions.** Enforce municipal code provisions for construction in flood hazard areas, and amend these provisions as needed to conform to National Flood Insurance Program criteria. *(Implements Policy SAF-4.1 Planning to Avoid Flood Hazards; Policy SAF-4.3 Residential Development in the Flood Plain; and Policy SAF-4.4 Non-Residential Development in the Flood Plain)*

Action SAF-4.D **Design Standards Code Enhancements.** Update the City's municipal code to add additional design standards for mitigation of downstream flood impacts, including green infrastructure and impervious surface best practices. *(Implements Policy SAF-5.1 Planning to Avoid Flood Hazards; and Policy SAF-5.6 Mitigating Downstream Flood Impacts)*

Action SAF-4.E **Infrastructure Improvements.** Collaborate with ACFC&WCD to identify priorities for infrastructure improvements that can be budgeted in the upcoming CIPs to protect the community from potential flooding. Prioritize maintenance of critical facilities and evacuation routes. *(Implements Policy SAF-4.1 Planning to Avoid Flood Hazards; Policy SAF-4.5 Storm Drain Maintenance; Policy SAF-4.7 Flood Control Improvements; Policy SAF-4.11 Green Infrastructure; Policy SAF-4.12 Impervious Surfaces; and Policy SAF-4.13 Roadway Maintenance)*

Action SAF-4.F **Review of Potential Flood Impacts.** Evaluate potential impacts of new development on the flood control system. Ensure that post-development runoff rates do not exceed the capacity of the flood control system using the environmental review process. *(Implements Policy SAF-4.1 Planning to Avoid Flood Hazards; Policy SAF-4.2 Maintaining Drainage Patterns; Policy SAF-4.3 Residential Development in the Flood Plain; Policy SAF-4.4 Non-Residential Development in the Flood Plain; and Policy SAF-4.6 Mitigating Downstream Flood Impacts)*

Action SAF-4.G **Alameda County Flood Control and Water Conservation District Referrals.** Continue to refer projects in flood prone areas to the ACFC&WCD for review and comment. *(Implements Policy SAF-4.3 Residential Development in the Flood Plain; Policy SAF-4.4 Non-Residential Development in the Flood Plain; and Policy SAF-4.7 Flood Control Improvements)*

Action SAF-4.H **Green Stormwater Infrastructure Implementation.** Continue to track and report the implementation of the City's Green Stormwater Infrastructure Plan and take additional green measures to address flooding hazards. *(Implements Policy SAF-4.10 Green Infrastructure; and Policy SAF-4.11 Impervious Surfaces)*

Action SAF-4.I **Regional Collaboration.** Continue to collaborate with the ACFC&WCD, FEMA, U.S. Army Corps of Engineers, and other regional and state agencies to assess risk and impacts from flooding, including sea-level rise. *(Implements Policy SAF-4.1 Planning to Avoid Flood Hazards; Policy SAF-4.7 Flood Control Improvements; Policy SAF-4.9 Regional Planning for Sea-Level Rise; and Policy SAF-4.13 Roadway Maintenance)*

Action SAF-4.J **Climate Action Planning for Sea-Level Rise and Flooding.** In the update to the City's Climate Action Plan include the latest data and best practices on flooding hazards and associated risks from climate change. Consider mitigation and adaptation efforts to reduce risk and impacts to the community from flooding hazards. *(Implements Policy SAF-4.1 Planning to Avoid Flood Hazards; Policy SAF-4.8 Sea-Level Rise; and Policy SAF-4.11 Green Infrastructure)*

DAM FAILURE

GOAL SAF-5 A community protected from the risk of flood and dam inundation hazards with reliable drainage infrastructure and flood-ready development practices.

POLICIES

Policy SAF-5.1 **Dam Safety.** Advocate for dam safety and maintenance at the Calaveras, Del Valle, James H. Turner, Middlefield, and Patterson Dams and take the precautions necessary to protect Newark properties from related flood hazards in the event of dam failure.

Policy SAF-5.2 **Coordinate with USACE.** Ensure ongoing monitoring of physical dam conditions in coordination with USACE.

Policy SAF-5.3 **Critical Facilities and Services.** Ensure that public facilities and services in flooding and dam inundation zones (such as police and fire stations, and water and sewer facilities) are designed to maximize their resilience and ability to function during and after a flood event.

Policy SAF-5.4 **New Development.** Require development projects to submit hydrologic and drainage studies to ensure that new development in Newark is designed to mitigate for dam inundation and is not located within hazard zones.

Policy SAF-5.5 **Flooding Resource Education.** Provide communities within dam inundation zones to access flood hazard mitigation and protection resources.

Policy SAF-5.6 **Dam Failure in Emergency Plans.** Ensure that city emergency response plans include contingencies for catastrophic dam failure.

Actions

Action SAF-5.A **Hydrologic and Drainage Studies.** Require hydrologic and drainage studies for new development, and use these studies to identify measures and best practices that will reduce the risk of flooding and dam inundation. (*Implements Policy SAF-5.4 New Development*)

Action SAF-5.B **Flood Insurance Awareness and Coverage in Dam Inundation Zones.** Develop a public outreach program that informs property owners located in the dam inundation zones about voluntary flood insurance and increasing participation in the National Flood Insurance Program. (*Implements Policy SAF-5.5 Flooding Resource Education*)

Action SAF-5.C **Accessible Flooding Insurance Resources.** Publicize the availability of flood insurance to Newark residents and business owners. (*Implements Policy SAF-5.5 Flooding Resource Education*)

Action SAF-5.D **Flood Risk Disclosure for New Development.** Require developments in the flooding and other high-risk inundation areas to disclose flood risks and identify appropriate flood mitigation actions for incorporation into project design. (*Implements Policy SAF-5.4 New Development; and Policy SAF-5.5 Flooding Resource Education*)

Action SAF-5.E **Protect Critical Facilities, Services, and Infrastructure.** Identify and implement cost-effective strategies to protect publicly-owned critical facilities in flooding and dam inundation zones. Cost-effective measures may involve a combination of engineering solutions, natural barriers, and community warning and education. Whenever possible, opt for solutions that serve multiple purposes. (*Implements Policy SAF-5.1 Dam Safety; and Policy SAF-5.3 Critical Facilities and Services*)

Action SAF-5.F **Flood Prevention Strategies.** Asses and identify risks and prioritize facilities based on their vulnerability and importance. Evaluate electrical systems above potential flood levels to prevent water damage and ensure continued operation during floods. Enhance drainage systems to divert water away from critical facilities. Restrict new construction of critical facilities in flood-prone areas and considering relocating existing ones if feasible. (*Implements Policy SAF-5.1 Dam Safety; and Policy SAF-5.3 Critical Facilities and Services*)

Action SAF-5.G **Dam Failure Emergency Preparedness and Evacuation.** Prepare dam failure inundation maps in order to determine emergency operation procedures and evacuation routes. These shall be included in all city emergency response plans. (*Implements Policy SAF-5.1 Dam Safety; and Policy SAF-5.6 Dam Failure in Emergency Plans*)

Action SAF-5.H **Dam Zone Prevention and Protection Strategies.** Implement early warning systems that can alert facility managers to evacuate or initiate emergency protocols. Regularly inspect dams and their safety features to ensure they are up to code and functional. Ensure that critical facilities have backup power sources that are elevated and protected from potential inundation. (*Implements Policy SAF-5.1 Dam Safety; and Policy SAF-5.6 Dam Failure in Emergency Plans*)

Action SAF-5.I **Development Review.** Ensure development applications comply with all relevant building and safety codes, including those related to flooding and dam failure. (*Implements Policy SAF-5.4 New Development*)

Action SAF-5.J **Code Updates.** Revise construction codes and regulations to incorporate the latest information and technology related to dam failure. (*Implements Policy SAF-5.4 New Development*)

Action SAF-5.K **Dam Failure Evacuation Education.** Distribute updated emergency evacuation plans for dam failure and inundation to residents. (*Implements Policy SAF-5.6 Dam Failure in Emergency Plans*)

Action SAF-5.L **District Coordination.** Work with the ACWD to ensure the city is provided with current information regarding reservoir and dam safety, particularly for the Calaveras, Del Valle, James H. Turner, Middlefield, and Patterson Dams. (*Implements Policy SAF-5.1 Dam Safety*)

FIRE HAZARDS

GOAL SAF-6 A city where life and property are protected from urban wildfire hazards.

POLICIES

Policy SAF-6.1 **Fire Hazard Reduction.** Identify wildfire fuel reduction planning programs to reduce the quantity of flammable material in Newark, including in those areas in Newark adjacent to the San Francisco Bay.

Policy SAF-6.2 **Interagency Coordination.** The City shall coordinate with ACFD and neighboring fire agencies to plan for and coordinate future fire prevention and suppression needs.

Policy SAF-6.3 **Adequacy of Access.** Require adequate access and clearance for fire equipment, fire suppression personnel, and evacuation for new development.

ACTIONS

Action SAF-6.A **Landscape Protection.** Develop a jurisdiction-wide tree inventory and long-term tree management plan to increase tree canopy in urban areas and increase resilience to wildfire and extreme heat-related hazards, including an outreach initiative encouraging Newark residents to conduct tree maintenance on private property. (*Implements Policy SAF-6.1 Fire Hazard Reduction*)

Action SAF-6.B **Community Education.** Launch a public awareness campaign as part of a broader emergency preparedness event to educate residents about fire-resistant landscaping and the importance of maintaining a defensible space around their homes. This could include school programs, workshops or online resources. (*Implements Policy SAF-6.1 Fire Hazard Reduction*)

Action SAF-6.C **Climate Adaptation.** Integrate fire hazard reduction measures into the city's broader climate adaptation strategy in the next update of the Climate Action Plan, ensuring that actions are aligned with future climate projections and risks. (*Implements Policy SAF-6.1 Fire Hazard Reduction*)

Action SAF-6.D **Stormwater Management.** Implement effective stormwater management systems can help reduce flooding risks, which in turn can mitigate fire risks by maintaining moisture levels in soil and vegetation. (*Implements Policy SAF-6.1 Fire Hazard Reduction*)

Action SAF-6.E **Joint Training Exercises.** Conduct joint training exercises with ACFD and neighboring fire agencies to simulate various types of fire scenarios, including urban wildfires, to assess and improve the department's readiness and improve coordination. (*Implements Policy SAF-6.2 Interagency Coordination*)

Action SAF-6.F **Public Buildings and Spaces.** Conduct an audit of existing public buildings and spaces to ensure they meet fire safety standards, including standards for fire equipment access and personnel clearance. (*Implements Policy SAF-6.2 Interagency Coordination and Policy SAF-6.3 Adequacy of Access*)

Action SAF-6.G **Infrastructure Upgrades.** Identify and prioritize upgrades to roads and other infrastructure to ensure they can support the weight and size of fire equipment. (*Implements Policy SAF-6.2 Interagency Coordination; and Policy SAF-6.3 Adequacy of Access*)

See Community Services and Facilities Element policies on Fire and EMS.

GEOLOGIC HAZARDS

GOAL SAF-7 Reduced risks to life and property associated with geologic hazards such as seismically induced surface rupture, ground shaking, ground failure, tsunamis, seiches, dam failure, and liquefaction.

POLICIES

Policy SAF-7.1 **Earthquake Safety in New Construction.** Continue to require new development to meet structural integrity standards which minimize the potential for damage during earthquakes.

Policy SAF-7.2 **Seismic Retrofits.** Continue to encourage the retrofitting of existing structures to reduce the potential for damage during earthquakes, especially on southern and western fringes of the city where ground shaking levels are higher.

Policy SAF-7.3 **Earthquake Awareness.** Inform Newark residents and businesses of specific steps they can take to reduce earthquake-related hazards.

Policy SAF-7.4 **Infrastructure Resilience.** Maintain standards for roads and infrastructure that consider geologic hazards, including subsidence and liquefaction.

Policy SAF-7.5 **Evaluate Critical Facilities.** Work with private property owners of critical facilities that are prime targets for structural retrofits as identified in the MJHMP (e.g., churches, hotels, hospitals, other gathering facilities) to evaluate the ability of the buildings to withstand earthquakes and to address any deficiencies identified to improve earthquake safety.

Policy SAF-7.6 **Evaluate Critical Public Facilities.** Evaluate public facilities that are critical to health and safety, including emergency response (e.g., police and fire stations, and water and sewer facilities) for their ability to withstand earthquakes, and prioritize addressing any deficiencies identified to improve earthquake safety.

Policy SAF-7.7 **Require Geotechnical Investigation in High-Risk Liquefaction Zones.** Require geological and geotechnical investigations in areas with high potential for earthquake-induced liquefaction as part of the environmental and development review process.

ACTIONS

Action SAF-7.A **Homeowner Education on Earthquake Safety.** Educate homeowners on the importance of retrofitting their homes for earthquake safety, particularly bolting of foundations where there are currently no connections between the foundation and frame. (*Implements Policy SAF-7.3 Earthquake Awareness*)

Action SAF-7.B **Development Review.** Review all development applications to ensure their compliance with all relevant building and safety codes, including those related to geologic hazards. (*Implements Policy SAF-7.1 Earthquake Safety in New Construction*)

Action SAF-7.C **Code Updates.** Annually review, and revise as necessary, construction codes and regulations to incorporate the latest information and technology related to geologic hazards, such as seismically induced surface rupture, ground shaking, ground failure, tsunamis, seiches, dam failure, and liquefaction. (*Implements Policy SAF-7.1 Earthquake Safety in New Construction; and Policy SAF-7.4 Infrastructure Resilience*)

Action SAF-7.D **Geotechnical Studies.** At the discretion of the Director of Public Works, continue to require detailed investigations of ground shaking, liquefaction, oil stability, and other geologic hazards as specific development projects are proposed. Such investigations shall be prepared by a qualified geologist or soils engineer, with appropriate mitigation measures identified and implemented. (*Implements Policy SAF-7.1 Earthquake Safety in New Construction; and Policy SAF-7.7 Require Geotechnical Investigation in High-Risk Liquefaction Zones*)

Action SAF-7.E **Geotechnical Staff Assistance.** As needed, retain outside consulting to assist City staff in conducting specialized evaluations of geotechnical and structural engineering issues. (*Implements Policy SAF-7.1 Earthquake Safety in New Construction; and Policy SAF-7.7 Require Geotechnical Investigation in High-Risk Liquefaction Zones*)

Action SAF-7.F **Mandatory Seismic Upgrades.** Implement a tiered system for mandatory seismic upgrades based on the building's age, use, and location. For example, critical facilities like hospitals and emergency response centers should be prioritized for immediate retrofitting, regardless of renovation plans. (*Implements Policy SAF-7.5 Evaluate Critical Facilities; and Policy SAF-7.6 Evaluate Public Facilities*)

Action SAF-7.G **Seismic Safety at Schools.** Work with Newark Unified School District to enhance the seismic safety of all school facilities. (*Implements Policy SAF-7.6 Evaluate Public Facilities*)

Action SAF-7.H **State-Licensed Professional for Investigations.** Conduct an investigation by a State-licensed professional to identify the potential for liquefaction in areas within high-risk liquefaction zones. (*Implements Policy SAF-7.7 Require Geotechnical Investigation in High-Risk Liquefaction Zones*)

Action SAF-7.I **Mapping Liquefaction Areas.** Prepare a map and priority listing identifying all areas subject to liquefaction and include the locations of critical facilities and infrastructure. This information can be used for public education awareness, for planning and public works projects, and for developing a warning system. (*Implements Policy SAF-7.7 Require Geotechnical Investigation in High-Risk Liquefaction Zones*)

Action SAF-7.J **Interagency Coordination.** Establish a standing Interagency Coordination Committee comprising representatives from the Public Works Department, utility providers, and other relevant stakeholders. This committee will meet at least annually to review the latest geotechnical data and adjust strategies accordingly.(*Implements Policy SAF-7.4 Infrastructure Resilience*)

Action SAF-7.K **Structural Retrofits.** Develop a public database that tracks the seismic resilience of both public and private critical facilities. Update this database annually and use it to guide grant applications and public-private partnerships aimed at funding the most urgent retrofitting projects. (*Implements Policy SAF-7.2 Seismic Retrofits*)

HAZARDOUS MATERIALS

GOAL SAF-8 A community that protects residents and workers from the potential adverse effects of hazardous materials.

POLICIES

Policy SAF-8.1 **Hazardous Materials Risk Reduction.** Reduce the risk of hazardous materials accidents, spills, and vapor releases, and minimize the effects of such incidents if they occur.

Policy SAF-8.2 **Hazardous Materials Source Reduction and Recycling.** Undertake source reduction programs, recycling programs, and household hazardous waste reduction programs to reduce the quantity of hazardous waste generated in Newark and to ensure its safe disposal.

Policy SAF-8.3 **Mutual Aid.** Improve mutual aid cooperation and coordination with other jurisdictions to ensure swift, effective response to hazardous materials incidents. Ongoing training should be provided to first responders to ensure readiness in the event of a hazardous materials incident.

Policy SAF-8.4 **Design and Construction of Hazardous Materials Facilities.** Require that all facilities in which hazardous materials are used, handled, or stored are designed and constructed to minimize the possibility of environmental contamination and off-site impacts. The City will work with county, state, and federal agencies to ensure that such facilities are regularly inspected and that applicable regulations are enforced.

Policy SAF-8.5 **Hazardous Materials Information.** Provide the means for Newark residents and businesses to obtain information about hazardous materials handling, storage, and regulations in the community, particularly for residents who reside in or within the vicinity of industrial areas along Willow Street, Central Avenue, Sycamore Street, and Cherry Street.

Policy SAF-8.6 **Hazardous Materials Transport.** Seek to reduce the risk of accidents in the transportation of hazardous materials. The City will require compliance with all hazardous waste transport standards established by state and federal agencies.

Policy SAF-8.7 **Containment of Contaminated Runoff.** Regulate land uses such as auto dismantling, waste disposal, gas stations, and industries in a manner that minimizes the potential for hazardous materials to enter groundwater, surface water, or storm drains.

Policy SAF-8.8 **Waste Reduction Program.** Maintain a solid waste reduction and management program that is coordinated with and consistent with the countywide StopWaste.org program. The program should include regularly scheduled trash collection, compost and recycling collection, bulk waste and e-waste collection events, household hazardous materials disposal provisions, education and outreach to promote waste diversion, and other components that minimize landfilled waste.

Policy SAF-8.9 **Facility Use or Storage of Hazardous Materials.** Require that all facilities storing, using, or otherwise involved with substantial quantities of on-site hazardous materials near sensitive uses comply with applicable codes and standards to reduce the risk of hazardous materials release due to a natural hazard.

Policy SAF-8.10 **Certified Unified Program Agency (CUPA) Coordination.** Continue to work with the Alameda County Department of Environmental Health (ACDOEH) to administer and enforce state and federal hazardous materials regulations. The ACDOEH is the CUPA for the City of Newark and enforces requirements for HMBPs, hazardous waste generator reporting, and underground storage tank removal and cleanup.

Policy SAF-8.11 **New Development.** Review all new development applications to ensure their compliance with all relevant building and safety codes, including those related to hazardous materials release.

ACTIONS

Action SAF-8.A **Hazardous Material Inventories and Inspections.** In cooperation with the CUPA, inventory and regularly inspect those buildings and facilities in which hazardous materials accidents would pose a threat to the community. Work with the owners to develop and implement programs for reducing risks associated with these buildings and facilities. *(Implements Policy SAF-8.1 Hazardous Materials Risk Reduction; Policy SAF-8.4 Design and Construction of Hazardous Materials Facilities; and Policy SAF-8.10 Certified Unified Program Agency (CUPA) Coordination*)

Action SAF-8.B **Zoning for Hazardous Materials.** Create a zoning standard or a zoning regulation that ensures safe distances (e.g., 1000 feet) between businesses using or emitting hazardous materials and sensitive uses, including but not limited to residential areas, schools, and hospitals. Consider proximity to earthquake and liquefaction areas when establishing zoning for hazardous materials. (*Implements Policy SAF-8.4 Design and Construction of Hazardous Materials Facilities*)

Action SAF-8.C **Underground Tanks.** In cooperation with the CUPA, enforce State standards for the design, monitoring, and testing of underground storage tanks. (*Implements Policy SAF-8.10 Certified Unified Program Agency (CUPA) Coordination*)

Action SAF-8.D **Hazardous Materials Business Plans.** Continue to require the preparation of HMBPs for uses that will handle hazardous materials, including a complete inventory of materials by type, quantities, conditions of storage and transportation, an assessment of the potential hazards associated with the materials, steps to be taken to minimize risks, and outline actions to be taken in the event of a spill. (*Implements Policy SAF-8.10 Certified Unified Program Agency (CUPA) Coordination*)

Action SAF-8.E **Hazardous Materials Resources.** Provide links from the City's website to the websites of the county, state, and federal agencies that regulate hazardous materials. Distribute information about hazardous materials to businesses and residents. (*Implements Policy SAF-8.5 Hazardous Materials Information*)

Action SAF-8.F **Hazardous Materials Transport Routes.** Work with appropriate State and federal agencies to designate and periodically update official routes for the transportation of hazardous materials. (*Implements Policy SAF-8.6 Hazardous Materials Transport*)

Action SAF-8.G **Household Hazardous Waste Collection Awareness.** Continue to work with Alameda County to publicize household hazardous waste collection events and provide Newark residents with information on safe disposal procedures for household waste such as paint, motor oil, and batteries. (*Implements Policy SAF-8.2 Hazardous Materials Source Reduction and Recycling; and Policy SAF-8.5 Hazardous Materials Information*)

Action SAF-8.H **Community Disclosure Laws.** Enforce community disclosure laws (e.g., Right to Know laws) that inform property owners of the presence of hazardous materials nearby. (*Implements Policy SAF-8.5 Hazardous Materials Information*)

Action SAF-8.I **Phase I Assessments.** Continue to require a Phase I Environmental Site Assessment when a property is changed from an existing use to a more sensitive use (for example, industrial to residential). If potential hazardous materials issues are identified, ensure they are investigated and that sites are cleaned to regulatory agency standards prior to development. (*Implements Policy SAF-8.9 Facility Use or Storage of Hazardous Materials; and Policy SAF-8.11 New Development*)

Action SAF-8.J **Hazardous Building Materials Abatement.** Incorporate hazardous building materials abatement provisions into building permit and development approvals. The City will continue to work with property owners to ensure remediation of hazardous building materials such as asbestos, lead, and mercury. (*Implements Policy SAF-8.9 Facility Use or Storage of Hazardous Materials; and Policy SAF-8.11 New Development*)

NOISE

GOAL SAF-9 Maintain the peace and quiet of Newark neighborhoods and promote and environment where noise does not adversely affect sensitive land uses.

Policy SAF-9.1 **Vehicle Roadway Noise.** Actively coordinate with Caltrans, neighboring jurisdictions, and other transportation providers during the planning and design phases of proposed roadway projects so that noise impacts are minimized and appropriate noise mitigation measures are provided.

Policy SAF-9.2 **Truck Noise.** Establish, maintain, and enforce designated truck routes within the city to reduce noise from truck traffic near residential areas.

Policy SAF-9.3 **Public Transit Noise.** Coordinate with transit service providers in the planning and design of proposed transportation projects to incorporate noise-reduction technologies and operations processes both on a system-wide and vehicle-specific basis. Technologies and processes should minimize noise impacts from public transportation systems, including existing and future bus service(s) and the proposed Dumbarton Rail system.

Policy SAF-9.4 **Railroad Noise.** Actively coordinate with Union Pacific, Caltrans, neighboring jurisdictions, and other transportation service providers during the planning and design of proposed rail-related projects so that noise impacts to the community are minimized and appropriate mitigation measures are provided.

Policy SAF-9.5 **Aviation Noise.** Actively coordinate with operators at Palo Alto Airport (PAO), Moffett Federal Airfield (NUQ), Hayward Executive Airport (HWD), and all local heliports so that take-off and landing procedures are prepared and implemented in a manner that minimizes noise impacts to the Newark community. Likewise, if changes to flight paths or transit routes from Oakland, San Francisco, or San Jose (Mineta) International Airports are proposed, the City should actively coordinate with airfield operators and the FAA so that future noise impacts from aircraft over-flights are minimized in the Newark community.

Policy SAF-9.6 **Construction Noise- Regulating Construction Hours.** Reduce noise associated with construction activities by prohibiting construction in residential neighborhoods between the hours of 7 PM and 7 AM Monday through Friday and at all times on Saturdays, Sundays, and State/federal holidays.

Policy SAF-9.7 **Construction Noise- Addressing Sources of Construction Noise.** Reduce noise associated with construction activities by requiring properly maintained mufflers on construction vehicles, requiring the placement of stationary construction equipment as far as possible from developed areas, and requiring temporary acoustical barriers/ shielding to minimize construction noise impacts at adjacent receptors. Special attention should be paid to noise-sensitive receptors (including residential, hospital, school, and religious land uses).

Policy SAF-9.8 **Domestic Noise.** Reduce the negative effects of domestic noise sources, such as residential maintenance activities (e.g. leaf blowers or automobile repair), car alarms, barking dogs, and loud music through the establishment and enforcement of municipal codes. The enforcement provisions should ensure that response(s) to resident noise complaints are prompt and effective so as to maintain a quiet and peaceful environment within the city.

ACTIONS

Action SAF-9.A **Noise Ordinance- Limits on Noise Levels.** Draft and adopt a Noise Ordinance that establishes acceptable noise levels and standards, as well as provisions for enforcement and penalties in the event these levels are exceeded. The Ordinance should include a requirement that no person shall be allowed to cause any noise beyond his/her property line that exceeds prescribed noise levels limits. These limits should be consistent with and promote the implementation of the land use compatibility standards, as shown in Table SAF-5. *(Implements Policy SAF-9.1 through Policy SAF-9.8)*

Action SAF-9.B **Noise Ordinance- Limits on Hours of Operation.** Draft the Noise Ordinance (described in Action SAF-6.A above) to include limits on the intensity and hours of use for selected noise sources such as construction equipment, manufacturing equipment, motors, delivery trucks, and parking lot vacuum equipment. Limits on hours of operation should be consistent with and achieve the goals of the land use compatibility standards (as shown in Table SAF-5). *(Implements Policy SAF-9.1 through Policy SAF-9.8)*

Action SAF-9.C **Railroad Quiet Zones.** Explore the feasibility of creating railroad "Quiet Zones" in existing and planned residential areas along the UP right-of-way per Federal Rail Administration rules and procedures. *(Implements Policy SAF-9.4 Railroad Noise)*

Action SAF-9.D **Motor Vehicle Code Enforcement.** Request that the California Highway Patrol actively enforce the California Vehicle Code sections relating to adequate vehicle mufflers and modified exhaust systems to limit vehicle noise emissions. Likewise, the City of Newark Police Department should be trained and equipped to properly enforce all local and state ordinances related to excessive vehicle noise emissions. *(Implements Policy SAF-9.1 Vehicle Roadway Noise; Policy SAF-9.2 Truck Noise; and Policy SAF-9.3 Public Transit Noise)*

Action SAF-9.E **Street Resurfacing to Reduce Noise.** Conduct regular maintenance and resurfacing of city streets to reduce road noise due to potholes, grade irregularities, and uneven surfaces. Additionally, explore the feasibility of using 'quiet' paving materials or techniques to reduce road noise at the tire-surface interface. *(Implements Policy SAF-9.1 Vehicle Roadway Noise)*

Action SAF-9.F **Reducing Noise from City Operations.** Periodically review City operations procedures and timing to ensure that noise from refuse collection, street sweeping, outdoor recreational programs, and other activities has been reduced to the lowest practical level. *(Implements Policy SAF-9.8 Domestic Noise)*

Action SAF-9.G **Reducing Noise from City Equipment.** If feasible, purchase new municipal equipment and vehicles which comply with noise level performance standards based upon the best available noise reduction technologies. *(Implements Policy SAF-9.8 Domestic Noise)*

Action SAF-9.H **Sound Wall Improvements.** Work with Caltrans to enhance and supplement the benefits of sound walls in residential areas along I-880 and SR-84. The coordination should be aimed at determining where improvements to these walls may further reduce noise impacts to nearby neighborhoods. Appropriate cost vs. benefit assessments should be part of this coordination and alternative funding sources should be explored. *(Implements Policy SAF-9.1 Vehicle Roadway Noise)*

EMERGENCY PREPAREDNESS

GOAL SAF-10 Fast, efficient, and coordinated response to natural and man-made emergencies and disasters.

POLICIES

Policy SAF-10.1 **Complete Circulation System.** Provide for a traffic circulation system that assures the City's capacity to deliver emergency services. This should include measures to ensure that all areas of the city can be accessed by emergency vehicles in the event a grade-level railroad crossing is blocked or otherwise inaccessible.

Policy SAF-10.2 **Awareness of Preparedness Programs.** Increase public awareness of City emergency preparedness programs and resources, including the CERT program.

Policy SAF-10.3 Hazard Awareness. Promote public awareness of hazards, along with the resources available to help homeowners make their homes safer and be better prepared for an emergency. Individuals and businesses should have access to up-to-date information that allows them to collaborate with regional agencies and community-based organizations to expand communications, to improve hazard preparation and response, and to be able to make informed decisions about potential safety hazards and the level of risk they are willing to accept.

Policy SAF-10.4 **Standard Emergency Management System (SEMS) Plan.** In cooperation with the ACFD, maintain and regularly update emergency plans for floods, earthquakes, fires, hazardous materials, and other disasters. Plans should be consistent with SEMS protocol.

Policy SAF-10.5 **Interagency Coordination.** Cooperate with other public agencies, nearby cities, community groups, and private enterprise in developing comprehensive disaster preparedness, assistance, and post-disaster recovery plans in order to maximize mutual aid response.

Policy SAF-10.6 **Utility Resilience.** Work with local gas, electric, cable, water, sewer, and other utility providers to maintain their facilities and ensure their ability to function (or be quickly restored) during and following a disaster.

Policy SAF-10.7 Utilize Technology. Support the use of communication technologies to transmit information to other agencies and the public during emergencies, including:

- Nixle emergency alert system.
- Integrated Public Alert and Warning System (IPAWS).
- Social media operated by Alameda County Fire Department, Newark Police Department and other public safety agencies and municipalities.
- Other systems to provide outreach to residents without telephone or Internet service.

Policy SAF-10.8 **Expanding Outreach.** Ensure that emergency preparedness information is available in multiple languages, consistent with Newark's demographics.

Policy SAF-10.9 Critical Facilities. Ensure that public facilities that are critical to health and safety (such as police and fire stations, and water and sewer facilities) are designed to maximize their resilience and ability to function during and after a natural disaster.

Policy SAF-10.10 **Evacuation Planning.** Using the methodology and conclusions from the Evacuation Planning analysis in **Appendix B**, consider the following when formalizing potential or imminent evacuation routes:

- Increasing capacity through the use of contraflow lanes or shoulders.
- Managed traffic control, including turn restrictions and route or ramp closures, to maximize outflows from evacuation areas.
- Faster clearing of fire-induced road closures.
- Prohibiting or restricting street parking on high hazard days.
- Continually improving communication systems and strategies that improve disaster alerts.
- Instigating dynamic route guidance and monitoring.
- Phase evacuations.
- Vehicle volume reduction during evacuations, such as encouraging household to use only one vehicle to evacuate.
- Close monitoring of power issues that could affect traffic signals and slow down evacuations.

Policy SAF-10.11 **Resident Evacuation.** To improve emergency preparedness, inform residents of shelter locations and evacuation routes and procedures for storing or taking valued items before large-scale evacuations.

Policy SAF-10.12 **Residential Care and Assisted Living Facility Planning.** Require all residential care and assisted living facilities to produce an emergency action plan, to ensure these facilities are well prepared for a disaster and have alternative access plan and evacuation routes to protect the vulnerable during a disaster.

Policy SAF-10.13 **Private Sector Collaboration.** Encourage the involvement of the private sector in disaster response and post-disaster recovery efforts.

Policy SAF-10.14 **First Responder Collaboration.** Continue to collaborate with ACFD and Newark Police Department to ensure effective response and quick recovery following an incident.

Policy SAF-10.15 **Natural Hazards Education Programming & Events.** Establish a natural hazards public education program and events to develop comprehensive public outreach for emergency preparedness during natural hazards and implementing risk reduction strategies for Newark residents.

ACTIONS

Action SAF-10.A **Capital Improvements to Improve Emergency Response.** Update the City's capital improvements program as needed to include railroad grade separations, traffic signal overrides, and other improvements that will expedite emergency response. (*Implements Policy SAF-10.1 Complete Circulation System; Policy SAF-10.3 Hazard Awareness; and Policy SAF- 10.5 Interagency Coordination*)

Action SAF-10.B **Local Hazard Mitigation Plan Updates.** Continue to support and actively participate in the plan maintenance strategy identified in the Union City – Newark Hazard Mitigation Plan. (*Implements Policy SAF-10.1 through Policy SAF- 10.11*)

Action SAF-10.C **Emergency Operation Planning.** Evaluate and update the City's Emergency Operations Plan to ensure that it is up to date with new legislation, technology and communication protocol, and real-world conditions. (*Implements Policy SAF-10.1 through Policy SAF-10.11*)

Action SAF-10.D **Emergency Response Training.** Mandate regular emergency response training exercises for Newark City employees. (*Implements Policy SAF-10.5 Interagency Coordination*)

Action SAF-10.E **Emergency Facilities.** Identify specific facilities and lifelines critical to effective disaster response, and evaluate their ability to operate efficiently after a major disaster. Require all critical facilities to produce an emergency action plan, to ensure these facilities are well prepared for a disaster and are accessible during emergencies. Designate alternative facilities for post-disaster assistance in the event that primary facilities become unusable. Take appropriate actions to ensure that critical services and facilities return to normal levels of operation as soon as possible after a disaster. (*Implements Policy SAF-10.9 Critical Facilities; and Policy SAF-10.11 Residential Evacuation*)

Action SAF-10.F **CERT Teams.** Continue CERT training programs and expand public awareness of these programs. (*Implements Policy SAF-10.2 Awareness of Preparedness Programs*)

Action SAF-10.G **Multilingual Emergency Outreach.** Work with the cultural institutions serving Newark's non-English-speaking communities to ensure that information is communicated to all residents. Outreach programs also should be designed to reach seniors and persons with disabilities, including those with hearing or sight impairments. (*Implements Policy SAF-10.6 Utility Resilience*)

Action SAF-10.H **Comprehensive Outreach.** Utilize existing platforms – including the City's webpage, social media, regular events, and meetings – to disseminate information and resources for resilience against natural disasters, including poor air quality days, environmental pollution events, wildfire, earthquakes, and flooding. Develop materials to inform community members of public health risks from extreme heat, particularly for sensitive populations. **(***Implements Policy SAF-10.2 Awareness of Preparedness Programs; Policy SAF-10.6 Utility Resilience; and Policy SAF-10.7 Utilize Technology***)**

Action SAF-10.I **Natural Hazards Awareness Week.** Collaborate and work with city departments and public service providers such as the Department of Public Works and the Alameda County Fire District to implement hazard awareness, education, and preparation programming such as a Natural Hazards Awareness Week for Newark residents and businesses to learn about natural hazards, risk, and risk reduction strategies. (*Implements Policy SAF-10.13 Private Sector Collaboration*)

See Community Services and Facilities Element policies on Fire and EMS.

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5. APPENDICES

APPENDIX A: EXISTING CONDITIONS REPORT

APPENDIX B: EMERGENCY EVACUATION ASSESSMENT

Appendix A

NEWARK, CA GENERAL PLAN

Safety Element – Existing Conditions Memorandum

Prepared for
City of Newark

May 2022



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Draft

NEWARK, CA GENERAL PLAN

Safety Element – Existing Conditions Memorandum

Prepared for
City of Newark

May 2022

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Acronyms

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACDEH	Alameda County Department of Environment Health
ACFC&WCD	Alameda County Flood Control and Water Conservation District
ACFD	Alameda County Fire Department
ACWD	Alameda County Weather District
APSA	Aboveground Petroleum Act
BAAQMD	Bay Area Air Quality Management District
BC3	Business Council on Climate Change
BCDC	Bay Conservation and Development Commission
BMPs	best management practices
CAL FIRE	California Department of Forestry and Fire Protection
CalEPA	California Environmental Protection Agency
CalEnviroScreen	California Environmental Health Screening Tool
Cal OES	California Office of Emergency Services
CARB	California Air Resources Board
CBC	California Building Code
CBSC	California Building Standards Commission
CCR	California Code of Regulations
CEMA	California Emergency Management Agency
CERT	Community Emergency Response Training
CHAT	California Heat Assessment Tool
CNAP	California-Nevada Climate Applications Program
CO	Carbon Monoxide
USACE	U.S. Army Corps of Engineers
CPTED	Crime Prevention Through Environmental Design
CS	Conservation and Sustainability
CSF	Community Services and Facilities
CUPA	Certified Unified Program Agency
DCP	California Drought Contingency Plan
DOC	California Department of Conservation
DR	Disaster
DSA	Division of the State Architect
DTSC	California Department of Toxic Substances Control
DWR	Department of Water Resources
EAP	Emergency Action Plan
EM	Emergency
EOP	Emergency Operations Plan
EPA	Environmental Protection Agency

ESRI	Environmental Systems Research Institute
FEMA	Federal Emergency Management Agency
FERC	Federal Energy Regulatory Commission
FIRM	Flood Insurance Rate Maps
FRA	Federal Responsibility Area
GHG	Greenhouse Gases
GIS	Geographic Information System
HHE	Heat Health Events
HMBP	Hazardous Materials Business Plan
HPI	Healthy Places Index
IPCC	International Panel on Climate Change
LHMP	Local Hazard Mitigation Plan
LRA	Local Responsibility Area
LUST	Leaking Underground Storage Tank
MJHMP	Multi-Jurisdictional Local Hazard Mitigation Plan
MMI	Modified Mercalli Intensity
msl	mean sea level
NFIP	National Flood Insurance Program
NIDIS	National Integrated Drought Information System
NOAA	National Oceanic and Atmospheric Administration
NPD	Newark Police Department
NRF	National Response Framework
NWS	National Weather Service
OEHHA	Office of Environmental Health Hazard Assessment
OPR	Office of Planning & Research
OSHA	Occupational Safety and Health Administration
PEP	Personal Emergency Preparedness
PG&E	Pacific Gas & Electric
PHASoCal	Public Health Alliance of Southern California
PM	Particulate Matter
PM2.5	Particulate Matter (PM2.5) Pollution
RCRA	Resource Conservation and Recovery Act
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCEC	Southern California Earthquake Center
SCP	Site Cleanup Program
SEMS	Standard Emergency Management System
SF DPH	San Francisco Department of Public Health
SHMP	State Hazard Mitigation Plan
SMS	Short Message Service

SR	State Route
SRA	State Responsibility Area
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	California State Water Resources Control Board
TOD	Transit-Oriented Development
TRI	Toxic Release Inventory
UCR	Uniform Crime Reporting
URM	Unreinforced Masonry
U.S. DOT	United States Department of Transportation
USACE	U.S. Army Corps of Engineers
USD	Union Sanitary District
USDA	United Stated Department of Agriculture
USDM	United States Drought Monitor
USGS	United States Geological Survey
USSD	United States Society on Dams
UST	Underground Storage Tank
WEA	Wireless Alerts
WEMP	Water Efficiency Master Plan
WSCP	Water Shortage Contingency Plan

Newark, CA General Plan, Safety Element – Existing Conditions

1. Introduction

The purpose of the Safety Element is to reduce the risk of death, injuries, property damage, environmental damage and economic and social dislocation associated with natural and human-caused hazards. The City of Newark faces the potential for natural and human-induced emergencies and disasters. Hazards facing the City of Newark that are addressed in this Element include: air quality, dam failure, drought, extreme weather, flooding, geologic and seismic hazards, hazardous materials, and wildfire hazards. Many of these hazards are made worse by **climate change**. Climate change refers to a significant and long-lasting shift in global temperatures and climate patterns due primarily to manmade **greenhouse gas (GHG) emissions**, which trap heat in the atmosphere and lead to increasing global temperatures. Global warming and the hazards that come from this phenomenon are expected to worsen over time as GHG emissions continue to increase. Expected impacts from climate change include worsening air quality, prolonged drought, extreme weather conditions, more intense flooding, an increase in wildfires and sea level rise. As such, the increased risk of natural hazards as a result of climate change are addressed within each hazard section as applicable. Lastly, emergency preparedness is discussed in this Element as well, which is key in planning for the potential occurrence of these hazards and increasing the community's ability to adapt and withstand the impacts of hazardous events.

The Safety Element Existing Conditions Report provides detailed information on existing hazards, community vulnerabilities, and City capacity to respond to hazards. The information contained within the report provides the foundation for the update of the Safety Element including the formulation of goals and policies.

1.1 Statutory Requirements

California Government Code Section 65302 (g) includes the requirements that should be addressed in a community's general plan safety element. These requirements are organized into nine subsections [65302 (g) (1) through 65302 (g) (9)], which are summarized below:

- 65302 (g) (1) identifies the primary hazards/issues that should be included in the safety element, which include: seismically induced surface rupture, ground shaking, ground failure, slope instability leading to mudslides and landslides, tsunami, seiche, dam failure, flooding, subsidence, liquefaction, other geologic hazards, wildland and urban fires, evacuation routes, military installations, peak load water supply requirements, and minimum road widths and clearances around structures, as those items relate to identified fire and geologic hazards.
- 65302 (g) (2) adopted through Assembly Bill (AB) 162 (2007) identifies the requirements to update floodplain mapping and information, which includes special requirements.
- 65302 (g) (3) adopted through Senate Bill (SB) 1241 (2012) identifies the requirements for updating wildfire mapping, information, and goals and policies to address wildfire hazards.

- 65302 (g) (4) adopted through SB 379 (2015) identifies the requirements for updating the safety element to address potential impacts associated with climate change and potential strategies to adapt/mitigate these hazards.
- 65302 (g) (5) adopted through SB 99 (2019) requires identification of specified evacuation constraints associated with residential developments.
- 65302 (g) (6) adopted through SB 1035 (2018) requires the update of the safety element every time the housing element or local hazard mitigation plan is updated.
- 65302 (g) (7) allows for the incorporation of a flood plain management ordinance into the safety element.
- 65302 (g) (8) requires consultation with the California Geological Survey, California Office of Emergency Services.
- 65302 (g) (9) allows cities to adopt a County Safety Element if adequate detail is provided to address city-level concerns.

Additionally, California Government Code Section 65302.15 was adopted through AB 747 (2019) and includes the requirement to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios.

1.2 Relationship to Regional and Local Plans

Newark General Plan

The hazards discussed in the Safety Element are related to other Elements of the General Plan, including Land Use, Transportation, Housing, Economic Development, Conservation and Sustainability, Parks, Recreation, and Open Space. For instance, policies related to areas at risk of recurring flooding, dam failure, extreme weather, and wildfire are found in the Land Use and Conservation and Sustainability Elements; policies associated with secondary access during an emergency are found in the Transportation Element; policies important to resilience planning in urban development as well as protecting critical facilities from hazardous threats are found in Land Use, Housing, and Economic Development Elements; and policies related to maintaining recreation and open space to avoid hazards such as wildfire are found in the Parks, Recreation, and Open Space Element. References to related policies are provided where appropriate within the Safety Element.

Union City/Newark Multi-Jurisdictional Hazard Mitigation Plan

In 2016, the Cities of Union City and Newark teamed together to prepare an updated multi-jurisdiction hazard mitigation plan that would best suit local needs and capabilities of the two cities and local special districts. The plan represents an update to each city's component of the Association of Bay Area Governments (ABAG) 2010 *Multi-Jurisdictional Local Hazard Mitigation Plan (MJHMP) for the San Francisco Bay Area*. Union City and Newark prepared annexes for the ABAG 2010 HMP that were approved and adopted in 2010. The 2016 *Union City/Newark Multi-Jurisdiction Hazard Mitigation Plan* fulfills the five-year plan update requirement specified in the DMA and in the 2010 ABAG HMP. The MJHNP was updated in 2016 and adopted in April 2017. It identifies resources, information, and strategies for reducing risk from natural hazards in the Union City/Newark Planning Area that comply with federal

requirements for hazard mitigation planning. Federal regulations require periodic updates of hazard mitigation plans. The update provided the opportunity to reevaluate recommendations, monitor the impacts of actions that have been accomplished, and determined if there was a need to change the focus of mitigation strategies. The MJHMP presents mitigation strategy and actions that work to achieve the greatest risk reduction based upon available resources. Many of these mitigation measures will be incorporated into the goals and policies of the Safety Element. The risk assessments for each hazard have been summarized and incorporated into the Existing Conditions to serve as important background and context for the preparation of goals, policies and actions.

2. Existing Conditions

2.1 Air Quality

Introduction

Air quality is an environmental subject that is regulated at all levels of government. Air quality is also an important contributor to health and quality of life. Poor air quality can harm community and personal health, the environment, and cause property damage. Poor air quality has been shown to directly contribute to asthma, respiratory disease, and some cancers. Due to previous hazards and subsequent legislation, air quality is closely regulated by federal and state agencies, and is the focus of several local and regional initiatives relating to land use and transportation planning.

This section of the Safety Element will describe air quality in and around Newark, and will provide maps and graphics showing the areas where the community is most vulnerable to air pollutants.

Local Conditions

According to the U.S. Environmental Protection Agency (EPA), an independent executive agency tasked with environmental protection matters, there are several major air pollutants of concern found all over the United States. These major pollutants and their primary pollutant sources are listed in **Table 2.1-1**.

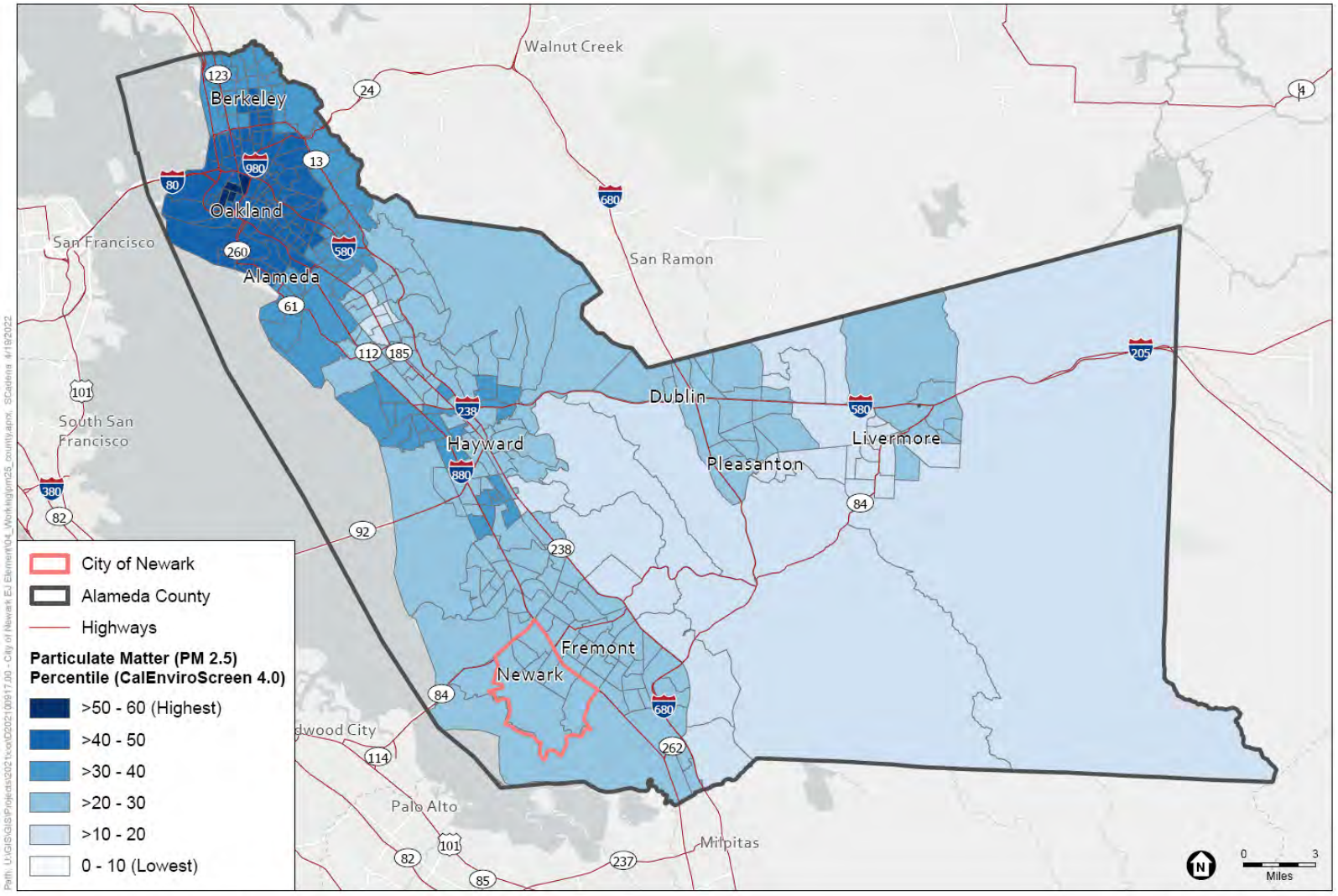
TABLE 2.1-1 **Major Pollutant Sources**

Pollutants	Major PollutantSources
Ozone	Motor vehicles, paints, coatings, and solvents
Carbon Monoxide (CO)	Internal combustion engines, primarily gasoline-powered motor vehicles
Nitrogen Oxides	Motor vehicles, petroleum-refining operations, industrial sources, aircraft, ships, and railroads
Sulfur Dioxide	Fuel combustion, chemical plants, sulfur recovery plants, and metal processing
Suspended Particulate Matter (PM2.5 and PM10)	Dust and fume-producing construction, industrial, and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays)

SOURCE: Newark General Plan

Newark is located in the San Francisco Bay Area and the common pollutants of greatest concern in the Bay Area are ozone, diesel particulate matter and fine particulate matter[1] (BAAQMD 2016). The areas in the City with the highest exposure to these pollutants are those portions of the community located adjacent to Highway 880 and the Dumbarton Bridge. **Figures 2.1-1 and 2.1-2** show the pollution burden of PM2.5 and

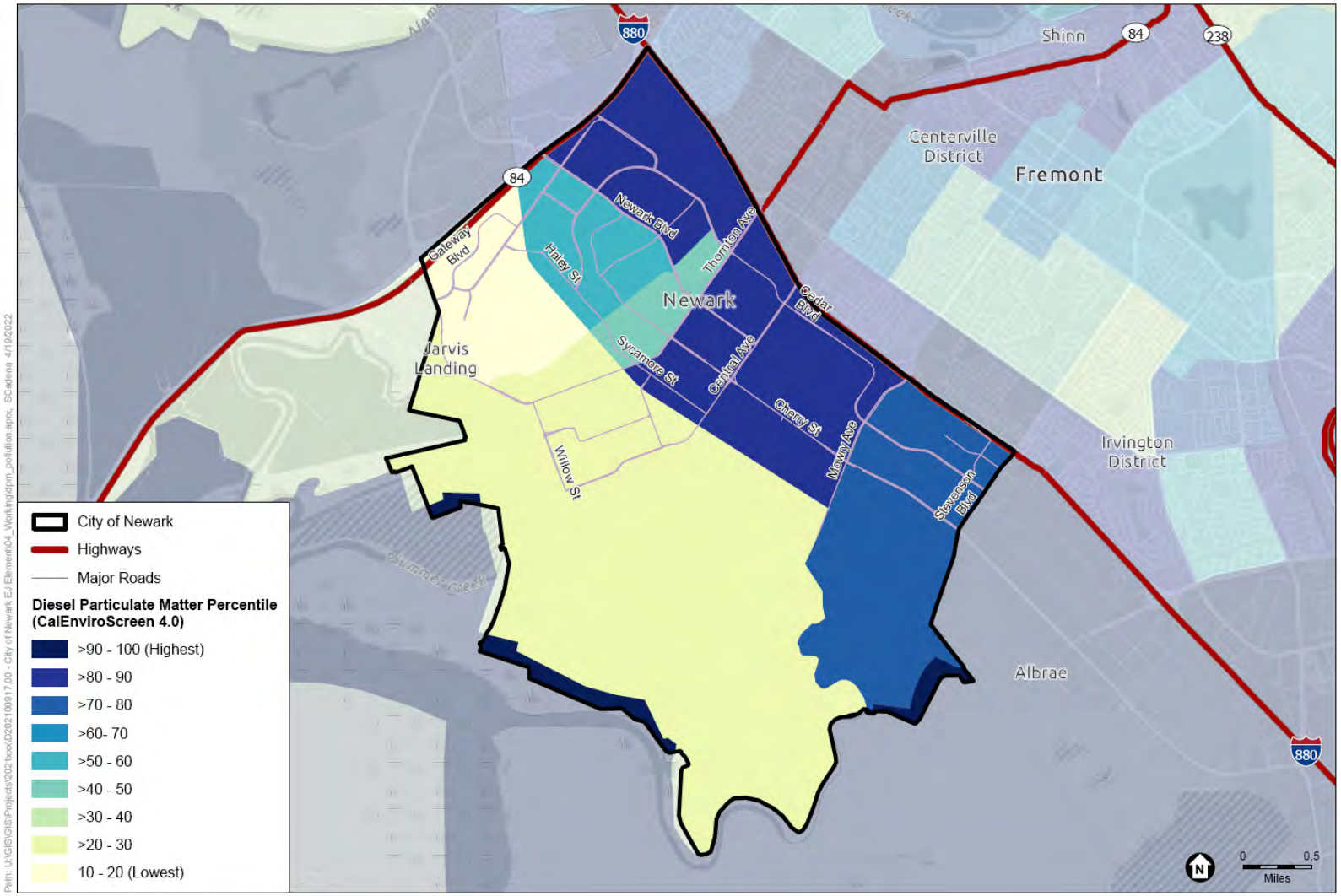
[1] Particulate Matter (PM) includes finely divided solids or liquids such as dust, fly ash, soot, smoke, aerosols, fumes, mists, and condensing vapors that can be suspended in the air for extended periods of time. Sources of particulate matter are from both human and natural activities. A significant portion of PM sources is generated in agricultural operations, industrial processes, combustion of wood, coal and gas, construction and demolition activities, road dust, windblown dust, and wildfires. Days with stagnant air have much higher particle concentrations than days with air partially "scrubbed" by rain or wind. Because of their small size, fine particles outdoors can penetrate into homes and buildings.



SOURCE: OEHHA, 2021; ESA, 2022.

Newark Safety Element

FIGURE 2.1-1 **Alameda County Particulate Matter (PM2.5) Pollution**



SOURCE: OSM; OEHHA, 2021; ESA, 2022.

Newark Safety Element

FIGURE 2.1-2 **City of Newark Diesel Particulate Matter Pollution**

Diesel Particulate Matter in Newark. In the Bay Area, a certain amount of air pollution comes from industrial sources, such as refineries and power plants. But a greater percentage of harmful air emissions comes from cars and trucks, construction equipment, and other motor vehicles. In the wintertime, the largest single source of air pollution, in addition to the sources previously mentioned, is residential wood burning (BAAQMD 2016). Increased population and human activity, such as industrial activity, will worsen greenhouse gas emissions and air quality conditions.

Local Vulnerabilities

Populations that are particularly vulnerable to air pollution include the elderly, children, pregnant women, unsheltered individuals, individuals without healthcare, and individuals with pre-existing health conditions. that may be exacerbated by poor air quality such as asthma, cardiovascular disease, or cancer. Poor air quality has been linked to respiratory complications such as pulmonary disease, pneumonia, bronchitis, and other infections, as well as cardiovascular issues such as heart disease, heart failure, and cardiac arrest.

Days with poor air quality can result in secondary impacts, such as missed days of work and school. Additionally, as evidenced by the wildfire season of 2020, poor air quality can lead to the need to shelter in place within homes. Although temporary, being restricted to home can reduce peoples' ability to access services and social connections within their communities.

Capacity to Respond to Air Pollution

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD) is the primary agency that regulates air pollution control in the San Francisco Bay Area. BAAQMD. BAAQMD conducts air quality permitting, monitoring, and enforcement of national and state emission standards. It also provides informational materials and alerts regarding air quality conditions and public health concerns. With increasing concerns of climate change, the BAAQMD prioritizes emissions reductions from mobile sources through sound land use planning practices, innovative technology, and policy development.

The agency works collaboratively with other agencies such as the Alameda County Transportation Commission and the Metropolitan Transportation Commission to develop air quality improvement strategies at the regional and local levels. In addition, BAAQMD generally considers areas within 500 feet of freeways and high-volume roadways (more than 10,000 vehicles per day) to have higher potential risks. Accordingly, future housing developments and other new sensitive receptors near State Routes 84 and Interstate 880 may need to incorporate special site planning and construction features to reduce risk exposure.

BAAQMD Spare the Air Program

The Spare the Air program is a regional program that encompasses seven Bay Area counties as well as half of Solano and Sonoma Counties, including the City of Newark in Alameda County (BAAQMD 2014). Spare the Air was created by BAAQMD to alert residents when air quality is forecast to be unhealthy during winter and summer and during wildfires, and to share information on ways to reduce air pollution. Residents who are sensitive to unhealthy air are advised to limit their time outdoors, especially in the afternoon, when temperatures are warmer and ozone levels rise. Spare the Air alerts can be sent via text, email, or through the free Spare the Air cell phone application.



Image courtesy of BAAQMD

Additional BAAQMD programs included within the Spare the Air program include behavior change campaigns to reduce vehicle trips and long commute times, neighborhood outreach, programs providing high-efficiency air filtration for those who are most vulnerable to wildfire smoke and air pollution, and educational materials to help understand air quality and air pollution.

Plans, Policies, and Regulations

In addition to the County programs, the City of Newark, the State of California, and the federal government also have programs that help reduce poor air quality.

Local Regulations

Newark General Plan: Health and Wellness Element

At the local level, the City of Newark addresses air quality through its land use planning and environmental review processes, consistent with BAAQMD guidelines and standards. In Newark, land uses such as housing, schools, convalescent homes, and hospitals are referred to as “sensitive receptors.” As such, the City has adopted specific siting and design standards for certain land uses. For example, according to Section 17.26.150, hookah lounges shall be located a minimum of five hundred feet from any other such establishment, public park, child day care facility, or school and a minimum of one hundred feet from any residential district.

Policies and programs related to air quality protection are found in the 2013 Health and Wellness Element of the Newark General Plan and include supporting implementation of regional air quality plans, reducing exposure to air pollution in new development, encouraging the use of cleaner fuels in individual, commercial, and industrial activity, and including standard conditions of approval on development projects that work to regulate negative air quality impacts from construction.

As part of these efforts, the City of Newark will continue to participate in the regional planning efforts being undertaken by BAAQMD and other regional agencies to develop and implement strategies to improve local and regional air quality for generations to come.

State Regulations

The California Air Resources Board

California has adopted additional legislation to address air quality issues. The state standards tend to be more restrictive than the national standards and include similar requirements for attainment by the earliest practical date. The California Air Resources Board (CARB) is responsible for developing plans to meet the federal and state standards.

Federal Regulations

Federal Clean Air Act

The federal Clean Air Act of 1970 enabled the U.S. EPA to regulate levels of air pollutants around the United States. EPA has developed standards that work to control the release of ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, particulate matter, and lead into the environment. **Air basins** that do not meet these standards are called "nonattainment areas" and are required to develop plans and programs to demonstrate how they will attain the standards in the future. Newark does not have any nonattainment areas.

Air Basin (CARB n.d)

A land area with generally similar meteorological and geographic conditions throughout. To the extent possible, air basin boundaries are defined along political boundary lines and include both the source and receptor areas. California is currently divided into 15 air basins.

2.2 Dam Failure

Introduction

A **dam** is an artificial barrier that has the ability to store water, wastewater, or liquid-borne materials for many reasons including flood control, human water supply, irrigation, livestock water supply, energy generation, containment of mine tailings, recreation, or pollution control. Dams provide a life-sustaining resource to people in all regions of the United States.



Del Valle - Courtesy of Los Angeles Times

Types of Dams

Man-made dams can be classified according to the type of construction material used, the methods used in construction, the slope or cross-section of the dam, the way the dam resists the forces of the water pressure behind it, the means used for controlling seepage, and, occasionally, according to the purpose of the dam. The materials used for the construction of dams include earth, rock, tailings from mining or milling, concrete, masonry, steel, timber, miscellaneous materials (plastic or rubber), and any combination of these materials.

The United States Society on Dams (USSD) identifies twelve different types of dams that are commonly found in the built environment. The Union City/Newark Multi-Jurisdiction Hazard Mitigation Plan identifies **Earthen** and **Hydraulic Fill dam** types in Alameda County with potential failure hazards to the City of Newark. These are defined below:

- **Earthen Dam**: Also known as earth fill dams, earthen dams are made up mostly of compacted earth material generally smaller than 3 inches in size. Del Valle Dam, pictured right, is one example of an earthen dam.



Del Valle Dam, located in Alameda County.

- **Hydraulic Fill Dam**: A dam constructed by hydraulic methods. During construction, a mixture of excavated materials in slurry condition is pumped and discharged at the edges of the dam. This slurry of excavated materials and water consists of coarse and fine materials. When it is discharged near the outer edges of the dam, the coarser materials settle first at the edges, while the finer materials move to the middle and settle there. Fine particles are deposited in the central portion to form a watertight central core. In this method, compaction is not required. Calaveras Dam, located primarily in Santa Clara County, with a small portion in Alameda County, is an example of a hydraulic fill dam (see image below).

Local Conditions

According to the 2021 Alameda County Local Hazard Mitigation Plan (LHMP), as of 2021, there were 23 dams in Alameda County (County of Alameda 2021). Of these, there are three dams that have the potential to impact the City if a failure were to occur, including the Calaveras, Del Valle, and James H. Turner dams. **Table 2.2-1** provides details for each of these dams.

TABLE 2.2-1 **Dams with Potential to impact the City of Newark**

	Calaveras	Del Valle	James H. Turner
Hazard Class	High	High	High
Water Course	Calaveras Creek	Arroyo Valle	San Antonio Creek
Owner	City & County of San Francisco	California Department of Water Resources	City & County of San Francisco
Year Built	1925	1968	1964
Dam Type	Hydraulic Fill	Earth	Earth
Crest Length (feet)	775	773	255
Height (feet)	210	235	71
Storage Capacity (acre-feet)	100,000	77,100	130
Drainage area (sq. mi.)	98.4	146	1.9
Inundation Area (sq. mi.)	41.25	97.98	1.09

SOURCE: Union City/Newark Multi-Jurisdiction Hazard Mitigation Plan (2017)

The Calaveras dam is located close to the Calaveras fault line, which is one of the most geologically active and complex faults in the San Francisco Bay Area (Section 2.6, *Geologic and Seismic Hazards*). It was built in 1925 and is 210 feet tall. The San Francisco Public Utilities Commission recently rebuilt the Calaveras Dam. Construction began in 2011 to build a new earth and rock (earthen) fill dam adjacent to the existing dam. The project was completed in May 2019. The new dam is located directly adjacent to the old dam, and has been built to withstand a 7.25 magnitude earthquake on the nearby Calaveras Fault.

The Del Valle dam was constructed in 1968 to create Lake Del Valle, which serves as a reservoir and provides water storage, flood control for Alameda Creek, and regulatory storage for a portion of water delivered through the South Bay Aqueduct. The dam is 235 feet in height and is the only flood control dam in the Livermore Valley. The dam typically stores 25,000 to 40,000 acre-feet of water (Newark Community Development Department 2017a).

The James H. Turner Dam is located on the San Antonio Reservoir and was built in 1964.

Dam Failure

Dam failure is an uncontrolled release of impounded water due to structural deficiencies in a dam. Dam failures in the United States typically occur in one of four ways (Association of State Dam Safety 2021):

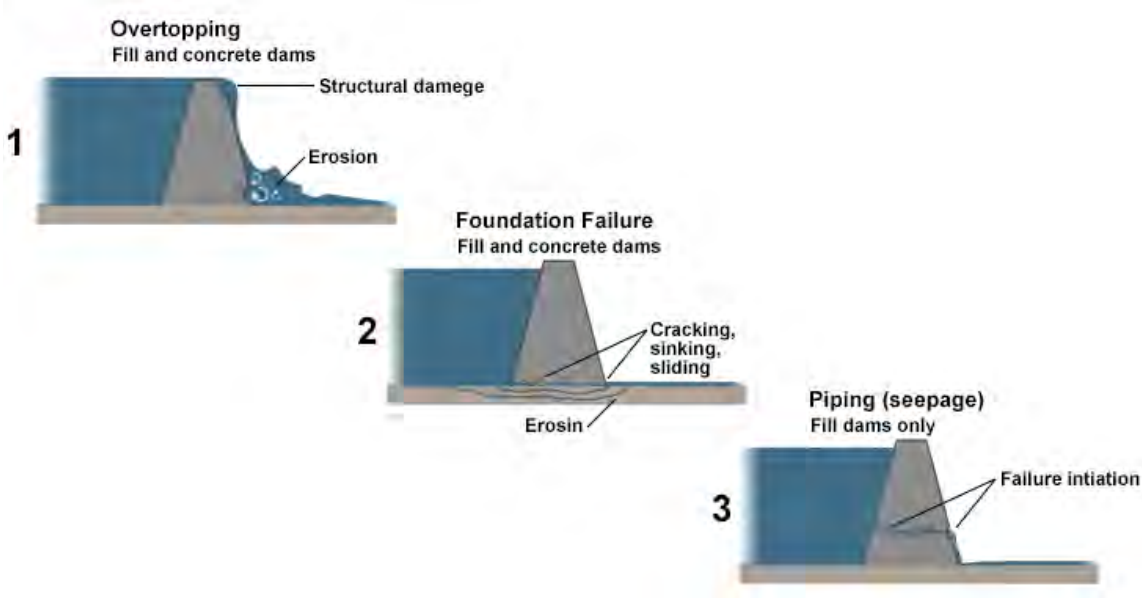
- **Overtopping** of the primary dam structure, which accounts for 34 percent, or the majority, of all dam failures, can occur due to inadequate spillway design, settlement of the dam crest (top of dam), blockage of spillways, and other factors. Overtopping occurs when water pours over the crest of the dam
- **Foundation defects** due to the dam's support foundation settling in an uneven fashion. Foundation defects can occur in mud and landslides, slope instability, earthquakes, and foundation seepage. These can lead to structural damage, which can also cause dam failure. These account for 30 percent of all dam failures.



Calaveras Dam – located primarily in Santa Clara County, California, with a small portion in Alameda County

- **Failure due to underground piping and erosion of soils overlaying the pipes** accounts for 20 percent of all failures. These are caused by internal erosion due to piping and seepage. Piping occurs through erosion within dam structures due to animal burrows and cracks in the dam structure. The material that is "piped" through joints or cracks, causes failure or problems with conduits and valves, which may result in dam failure. Piping constitutes 10 percent of all failures.

Figure 2.2-1 shows common dam failure types, including overtopping, foundation failure, and piping.



Source: COMET Program 2017

FIGURE 2.2-1 **Dam Failure Types**

The hazard classification for each dam is shown above in Table 2.2-1 and are identified in the National Performance of Dams Program as low, significant, and high. The three dams impacting Newark are classified as high, meaning that the risk of dam failure and subsequent downstream damage is high, and that more than six lives would be in jeopardy and excessive economic loss would occur as a direct result of dam failure.

Figure 2.2-2 shows the three dams posing a risk to Newark, and the **dam inundation zones**, or the areas that would experience the highest impacts from dam failure in the City. As shown in the figure, the majority of the population of Newark is in a dam failure inundation zone and exposed to the risk of a dam failure. The most likely causes of dam failure for the three dams impacting the City of Newark are their advanced age, earthquakes, periods of excessive rainfall, and landslides.

Earthquake-induced dam failure of the Calaveras, Del Valle, or James H. Turner Dam (San Antonio) Dams would cause flooding in Newark, with floodwaters reaching the city in as little as 90 minutes. All property in the city would be impacted. All three of these dams are evaluated annually by the California Division of Safety Dams to ensure that they are safe and performing as intended (DWR 2021).

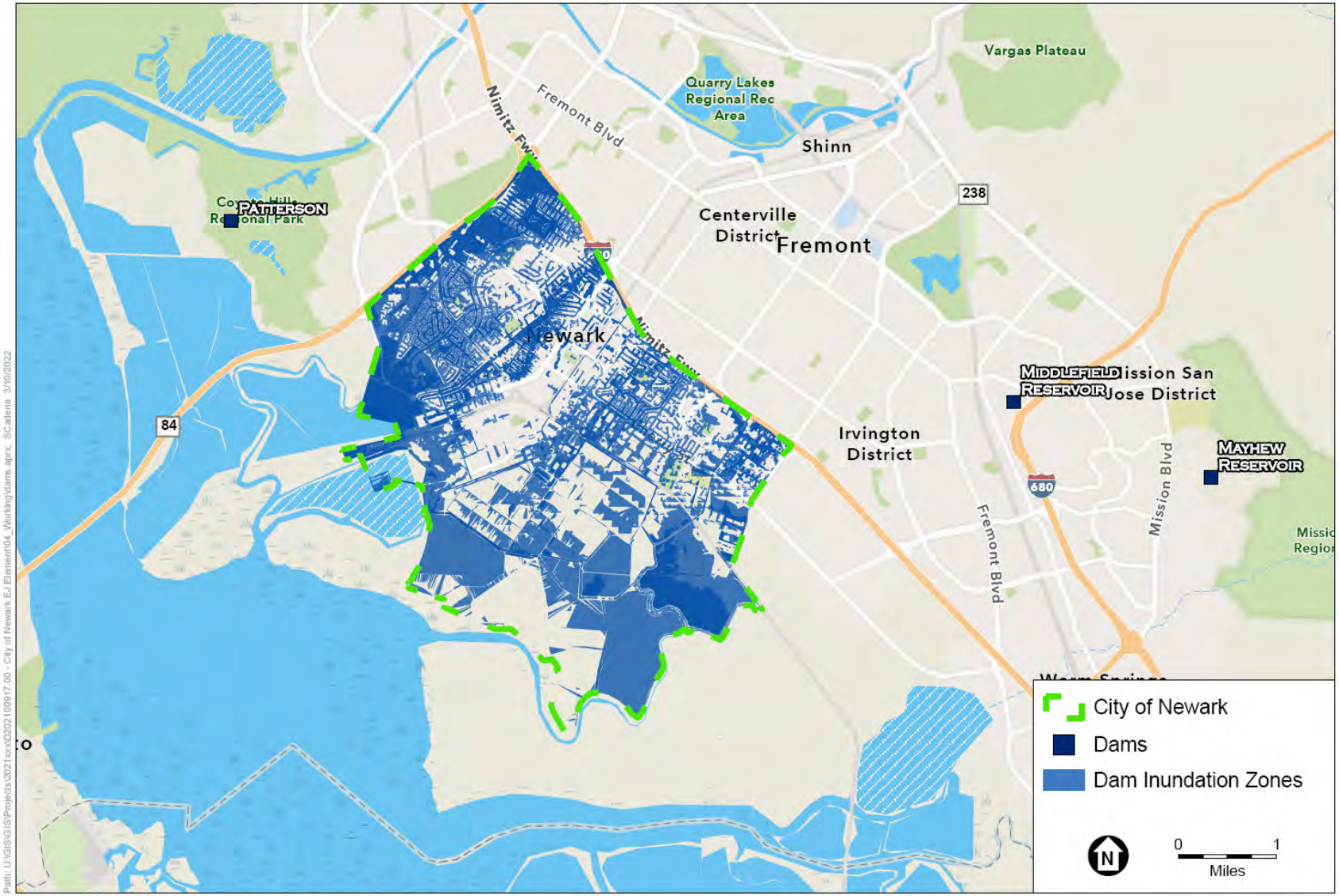
Past Events

The most recent dam failure involving Newark was in 2015, where the inflatable dam on Alameda Creek (Rubber Dam 3) failed due to vandalism, releasing nearly 50 million gallons of water from the community's water. The water was supposed to go into the Niles Cone Groundwater Basin where residents and businesses from the Cities of Newark, Union City and Fremont could access drinking water but instead it went directly into the San Francisco Bay. Prior to 2015, only one recorded dam failure involving Newark occurred in 1918, when the Calaveras Dam failed during construction. A landslide damaged the upstream shell of the dam and destroyed the dam's outlet tower.

Local Vulnerabilities

Populations Affected by Dam Failure

Populations that are particularly vulnerable to the impacts of flooding as a result of dam failure are those who may be less mobile and may be unable to get out of the inundation area. These populations include the elderly, the young, as well as individuals or families who may not receive adequate warning from warning systems, televisions, radios, reverse 911 systems, or cell phones. The potential for loss of life is influenced by the capacity and number of evacuation routes available to populations living in areas of potential inundation. Evacuation routes would navigate the population out of those areas in the event of an emergency.



SOURCE: DWR; USDOT; ESRI; ESA, 2021.

Newark Safety Element

FIGURE 2.3-2 **Dam Inundation Zones**

Development, Critical Facilities, and Infrastructure

Although dams are built to protect communities from flooding, buildings located in the dam inundation area are still at risk of floods as not all existing buildings were built to withstand flooding. Properties closest to the dam failure inundation area would experience the largest, most destructive surge of water. Low-lying areas that collect water are also vulnerable. All critical infrastructure and facilities, including hospitals and schools in the dam inundation zone are vulnerable to inundation. Transportation routes are also vulnerable to dam failure inundation and have the potential to be damaged or destroyed, creating isolation issues. This includes all roads, railroads and bridges in the path of the dam failure inundation. Those that are most vulnerable are those that are already in poor condition and would not be able to withstand a large water surge. Utilities such as overhead power lines, cable and phone lines could also be vulnerable. Loss of these utilities could create isolation issues for the inundation areas.

According to the Union City/Newark Multi-Jurisdiction Hazard Mitigation Plan, 127 of the City's critical facilities and infrastructure are in the inundation areas, as listed in **Table 2.2-2**. **Table 2.2-3** also includes data gathered for the City of Newark on the value of property exposed to dam failure from the Union City/Newark Multi-Jurisdiction Hazard Mitigation Plan dam hazards analysis.

TABLE 2.2-2 **Critical Facilities/Infrastructure in Dam Failure Inundation Areas in Newark**

Critical Facilities & Infrastructure	Total
Newark	
Medical & Health Services	3
Emergency Services	4
Educational Facilities	19
Government	5
Utilities	13
Transportation Infrastructure	15
Hazardous Materials	65
Other Assets	3
Total	**127**

SOURCE: Union City/Newark Multi-Jurisdiction Hazard Mitigation Plan (2017)

TABLE 2.2-3 **Value of Property Exposed to Dam Failure in Newark**

	Number of Buildings Exposed	Value Exposed		
		Building	Contents	Total
Newark	12,215	$5,837,648,120	$4,810,446,014	**$10,648,094,134**

SOURCE: Union City/Newark Multi-Jurisdiction Hazard Mitigation Plan (2017)

Other Impacts to the Environment

Dam failure can cause severe downstream flooding depending on the magnitude of the failure. Other potential secondary hazards of dam failure include landslides around the reservoir perimeter, bank erosion on the rivers, and destruction of downstream habitat. The inundation could introduce many foreign elements into local waterways, which may impact water quality and local water supply. In addition, this could result in the destruction of habitats downstream and detrimental effects on many species of animals, and potentially endangered species.

City Capacity to Respond to Dam Failure

In the event of dam failure, flood control efforts within the City are managed between the Alameda County Flood Control District, FEMA, the USACE, and Bay Conservation and Development Commission (BCDC). The Engineering Division of the Newark Public Works Department is responsible for carrying out the City's stormwater quality initiatives, including stormwater control requirements for businesses and new development, enforcement of illicit discharge regulations, street sweeping, cleanouts of storm drain inlets, and a variety of public education and outreach events. As mentioned in Section 2.5, *Flooding*, Newark does not allow development within the 100-year flood zone that is not elevated at least 1 foot above the flood elevation. and the city also requires drainage studies for major development projects to ensure that such projects will not cause or worsen downstream flooding.

Warning Time for Dam Failures

In the event of an imminent dam failure, the County issues a warning to cities and community organizations. These warnings include calls, alarms, email blasts, social media posts, and short message service (sms) notifications. Warning time for dam failure varies depending on the cause of the failure. In events of heavy rains, evacuations can be planned with sufficient time. In the event of a structural failure due to earthquake, it is possible that there would be no warning time.

A dam's structural type also affects warning time. Earthen dams do not tend to fail completely or instantaneously. If a breach occurs, discharging water erodes the breach until either the reservoir water is depleted or the breach resists further erosion. Concrete gravity dams also tend to have a partial breach as one or more monolithic sections formed during dam construction are forced apart by the escaping water. These breach times range from a few minutes to a few hours. Alameda County and the City of Newark have established protocols for emergency warning and response through adopted emergency operations plans. Additionally, the California Department of Water Resources recommends that emergency action plans be prepared for dams and be updated and exercised regularly.

Plans, Policies, and Regulatory Environment

Poor construction, lack of maintenance and repair, and deficient operational procedures are preventable or correctable through regular inspections and subsequent maintenance by regulatory agencies as detailed below.

State Regulations

California Department of Water Resources, Division of Safety of Dams

California's Division of Safety of Dams, a division of the California Department of Water Resources (DWR), monitors the dam safety program at the state level. When a new dam is proposed, Division staff inspects the site. The Division reviews dam applications and building plans to ensure that the dam is designed to meet minimum requirements and that the design is appropriate for known geologic conditions. It also inspects construction to ensure that the work is done in accordance with the approved plans. The Division also inspects completed dams on an annual basis to ensure that it is performing as intended and is not developing problems. Roughly a third of these inspections include in-depth instrumentation reviews. The Division periodically reviews the stability of dams and their major appurtenances in light of improved design approaches and requirements, as well as new findings regarding earthquake hazards and hydrologic estimates in California (DWR 2021). This Division inspects all dams located in California, including the 23 Alameda County dams.

Senate Bill 92: Dam Safety

SB 92 was signed into law on June 27, 2017, and it provides new requirements focused on dam safety. SB 92 provides the DWR with enforcement tools, including fines and operational restrictions for failure to comply with the dam safety program. Specifically, it requires dam owners to submit inundation maps to the DWR. After they have been approved, the dam owner must then submit an emergency action plan (EAP) to California Office of Emergency Services (Cal OES) (2020). Cal OES will review and approve the emergency action plans, which include compliance requirements, exercises of the plan, and coordination with local public safety agencies.

National Dam Safety Act

Potential for catastrophic flooding due to dam failures led to passage of the National Dam Safety Act (Public Law 92-367). The National Dam Safety Program requires a periodic engineering analysis of the majority of dams in the country. This includes the 23 dams of Alameda County.

FEMA monitors compliance with this Act to identify and mitigate the risk of dam failure to protect lives and property of the public. The National Dam Safety Program is a partnership among the states, federal agencies, and other stakeholders that encourages individual and community responsibility for dam safety. Under FEMA's leadership, state assistance funds have allowed all participating states to improve their programs through increased inspections, emergency action planning, and purchases of needed equipment. FEMA has also expanded existing and initiated new training programs. Grant assistance from FEMA provides support for improvement of dam safety programs that regulate most of the dams in the United States (FEMA 2013).

California Division of Safety of Dams

DWR's Division of Safety of Dams monitors dam maintenance and safety at the state level through all of the following procedures (DWR 2016):

- When a new dam is proposed, Division engineers and geologists inspect the site and the subsurface.

- Upon submittal of an application, the Division reviews the plans and specifications prepared by the owner to ensure that the dam is designed to meet minimum requirements and that the design is appropriate for the known geologic conditions.
- After approval of the application, the Division inspects all aspects of the construction to ensure that the work accords with the approved plans and specifications.
- After construction, the Division inspects each dam annually to ensure performance as intended and to identify developing problems. Roughly a third of these inspections include in-depth reviews of instrumentation.
- The Division periodically reviews stability of dams and their major appurtenances in light of improved design approaches, requirements, and new findings regarding earthquake hazards and hydrologic estimates in California.

Federal Regulations

Federal Energy Regulatory Commission Dam Safety Program

The Federal Energy Regulatory Commission (FERC) has the largest dam safety program in the United States. FERC cooperates with a large number of federal and state agencies to ensure and promote dam safety and, more recently, homeland security. Approximately 3,036 dams that are part of regulated hydroelectric projects are in the FERC program. FERC staff conducts unscheduled inspections on hydropower, also known as water power, projects to investigate potential dam safety problems.

Every five years, an independent consulting engineer, approved by the FERC, must inspect and evaluate projects with dams higher than 32.8 feet, or with a total storage capacity of more than 2,000 acre-feet. The City of Newark is near two dams, the Calaveras and Del Valle dams, that meet this threshold. FERC staff also evaluates the effects of potential and actual large floods on the safety of dams. During and following floods, FERC staff visits dams and licensed projects, determines the extent of damage, if any, and directs any necessary studies or remedial measures the licensee must undertake. The FERC publication *Engineering Guidelines for the Evaluation of Hydropower Projects* guides the FERC engineering staff and licensees in evaluating dam safety. The publication is frequently revised to reflect current information and methodologies.

U.S. Army Corps of Engineers Dam Safety Program

The U.S. Army Corps of Engineers (USACE) is responsible for safety inspections of some federal and non-federal dams in the United States that meet the size and storage limitations specified in the National Dam Safety Act. The USACE inspects the Calaveras and Del Valle dams. The USACE has inventoried such dams and surveyed each state and federal agency's capabilities, practices, and regulations regarding design, construction, operation, and maintenance of the dams. The USACE develops guidelines for inspection and evaluation of dam safety.

The USACE National Inventory of Dams provides the most recent inspection dates for 26 Alameda County dams. The Calaveras Dam was and the Del Valle dam were last inspected on January 24, 2012, and November 3, 2011, respectively.

2.3 Drought and Water Quality

Introduction

Drought is affected by rainfall quantities and distribution, as well as temperature and snowpack levels. Drought occurs when a prolonged period of below-average levels of rainfall leads to a water shortage. Warming global temperatures and decreases in snowpack can worsen drought conditions, especially for regions that depend on snowpack for water supply – the State of California as a whole relies heavily on the Sierra Nevada snowpack as the primary source for water replenishment. During periods of drought, less water is available for delivery to communities, which affects drinking water as well as water for other uses (such as landscaping and irrigation, agriculture, energy, and cooling). Water quality conditions can also change during drought due to impacts from other climate hazards, such as extreme heat, sea level rise, high winds, and flooding. These events can exacerbate drought by adding pressure on existing supplies, polluting surface and ground waters, and reducing moisture levels in soils.

Several indicators are used to measure drought conditions, including rainfall levels and frequency, rainfall distribution, atmospheric pressure, current water storage amounts, and expected supplies. For Newark, drought is affected by regional conditions similar to Alameda County and the larger Bay Area Region. While the region's water resources are generally more abundant in the winter (November to March) when the majority of the state's annual rainfall occurs, climate change is likely to affect historic trends and lead to greater variation in expected annual rainfall (MJHMP 2017). In Newark, projections show that both colder and wetter periods, and dry and warmer periods will become more intense over time. Additionally, dry periods are expected to occur with increased frequency, duration, and intensity. Overall, this will result in a shorter wet season and reduced water supplies that favor drought conditions.

Drought has impacted almost every county in California and has caused millions of dollars in collective damages. In Alameda County, drought conditions have the potential to affect numerous aspects given impacts on water, including water restrictions, reduced water quality, restricted access to recreational areas, reduced air quality, health impacts, and economic impacts.

Local Conditions

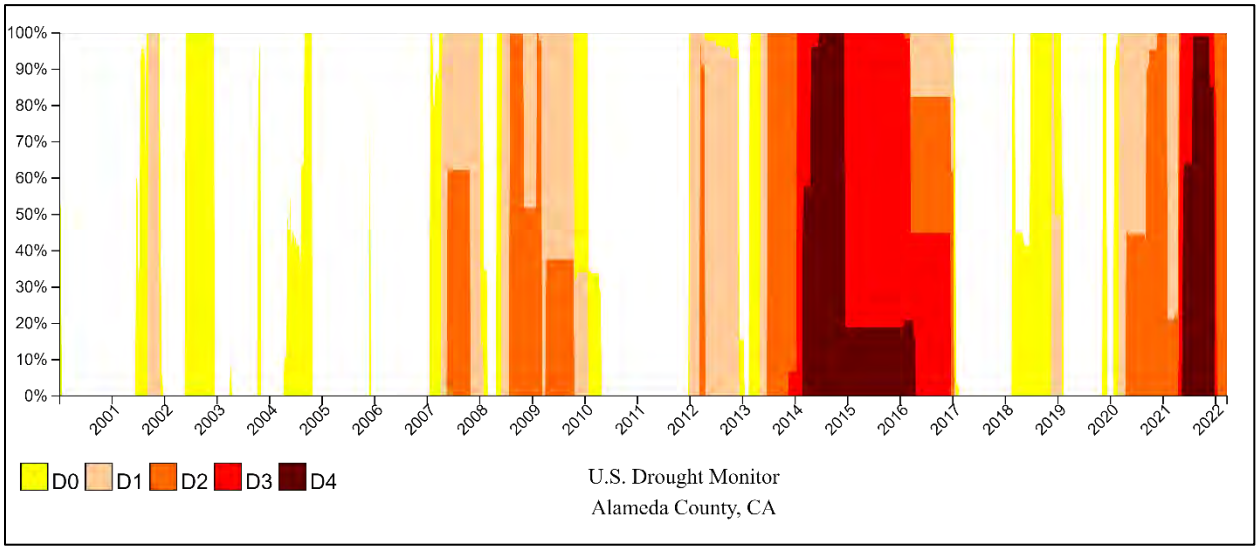
The U.S. Drought Monitor classifies drought conditions using a five-category classification system, as shown in **Table 2.3-1**. Conditions statewide vary according to the drought classification system. Local and regional agencies issue water shortage restrictions for residences, businesses, farming, and other activities according to drought conditions.

TABLE 2.3-1 **U.S. Drought Monitor Classifications**

Category	Description	Impacts
D0	Abnormally Dry	• Short-term dryness • Growth of crops and pastures is slowed
D1	Moderate Drought	• Impacts on crops and pastures • Water shortages developing in reservoirs, streams, and wells • Voluntary water restrictions
D2	Severe Drought	• Loss of crops/pastures • Water shortages • Water restrictions issued
D3	Extreme Drought	• Major loss of crops/pastures • Widespread water restrictions and water shortages
D4	Exceptional Drought	• Exceptional and widespread loss of crops/pastures • Water shortages in reservoirs, streams, and wells • Water emergency declarations

SOURCE: USDM (2022a)

Figure 2.3-1 shows drought conditions in Alameda County from 2000 to 2022. The County and Newark are currently in D2 Severe Drought conditions, meaning that water reservoirs are low, river flow is decreased, trees and plants are stressed, and water temperatures are increased. Under these drought conditions, some limitations are likely to be seen for water uses towards agriculture, wildlife, and recreation in order to prioritize sustainable supplies of potable water (NIDIS 2021).



SOURCE: USDM (2022b)

NOTES: Drought designations are D0 (Abnormally Dry); D1 (Moderate Drought); D2 (Severe Drought); D3 (Extreme Drought); and D4 (Exceptional Drought)

FIGURE 2.3-1 **Drought Conditions in Alameda County, 2000–2022**

The City of Newark is vulnerable to drought conditions due to lower levels of rainfall and dependence on outside water resources. As rainfall has high variability from year to year, there is potential for having more intense rainfall in the future. Historically, the City of Newark has experienced approximately 16 inches of average annual precipitation (from 1961 to 1990). This average is expected to increase to 17 inches by mid-century (defined as 2035 to 2064) and up to 19 inches by late-century (Cal-Adapt 2021). However, rainfall frequency and duration are generally expected to decrease. This means that future rainfall events will become more intense, as projected increases in rainfall will occur over shorter time periods. Wet years and periods of heavy rainfall do not mean drought conditions cannot occur or that existing drought conditions are clear. However, these events can help alleviate drought conditions by replenishing water supplies and removing pressure from other sources.

Higher temperatures can exacerbate conditions due to dry climate settings and extended dry spells. The term *dry spells* refers to the maximum number of consecutive days without precipitation (Cal-Adapt 2021). In Newark, dry spells have historically averaged 115 days. Future conditions project dry spells to increase, averaging 130 to 136 days by mid-century and late-century, respectively.

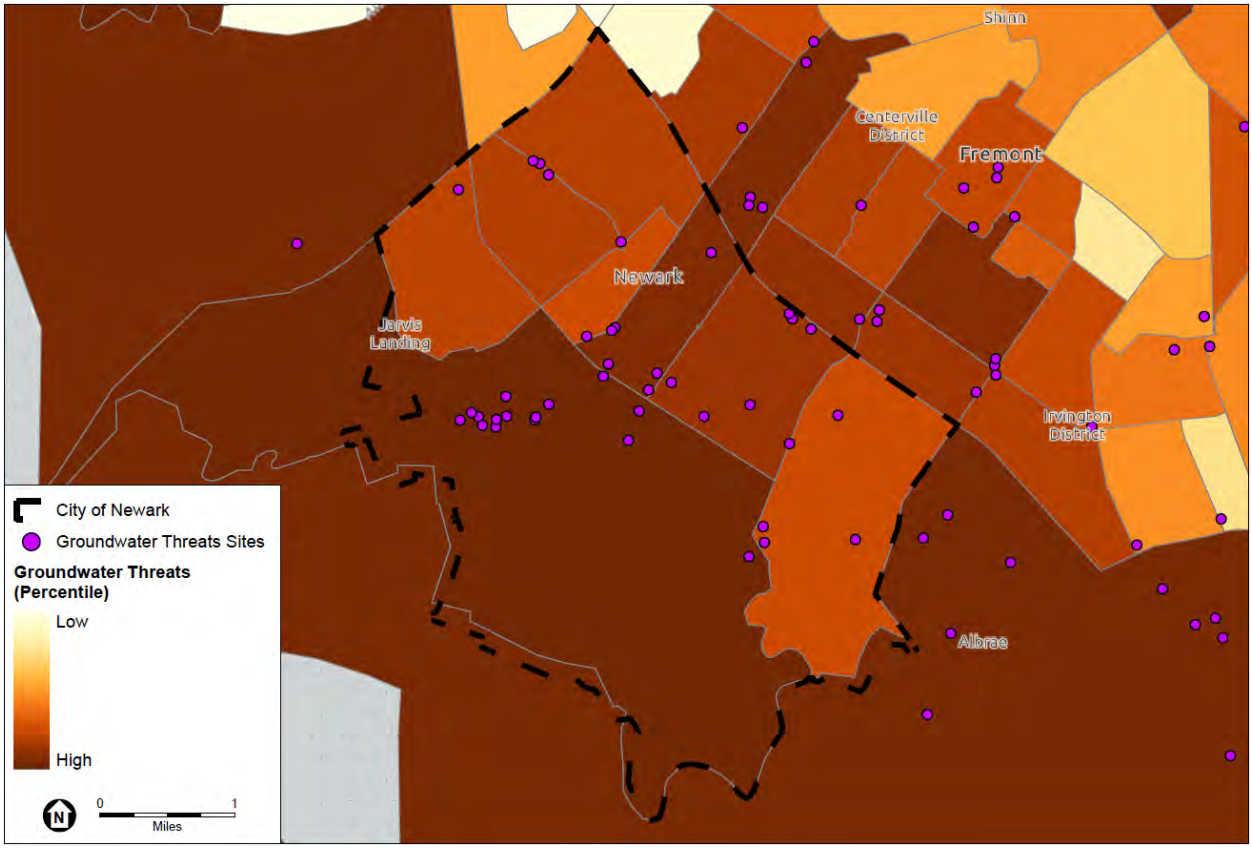
Variable rainfall events and longer and more frequent dry spells will mean water sources, including surface water bodies and groundwater, could significantly decrease. This could reduce local water availability and may create pressure on other water sources. The City of Newark receives water service from its retail water purveyor, the Alameda County Weather District (ACWD), which provides water supplied from the State Water Project, the San Francisco Regional Water System, and local water supplies, including six City wells that pump water from the groundwater basin.

Water Pollution

In addition to climate conditions and water availability, the health and quality of water resources can also affect potable water supplies. The presence of hazardous substances and pollutants in water sources can impact potable water supplies and pose public health concerns, as contaminated water cannot be consumed safely and removes this as a potable source until water quality conditions improve (Zeise 2021). Contaminated waters can also increase pressure on other water sources to meet the needs for water supply. In Newark, pollution in surface water bodies and groundwater is affected primarily by urban runoff. This is typically caused by heavy storms and industrial and hazardous sites that carry pollution and sediments into water sources. Saltwater intrusion can also contribute to water pollution. The City of Newark is located within the Alameda Creek watershed and the Niles Cone Groundwater Basin, which are the main tributaries to the San Francisco Bay. The Niles Cone contains salt water due to seawater intrusion from the early 1900s, which is still being corrected today. The ACWD is working to recharge the basin and improve the water quality through groundwater monitoring and reducing future risk of seawater intrusion and urban pollution (City of Newark 2013a).

An existing threat to water resources is **groundwater threats**, which are pollutants to soil and groundwater from hazardous materials, including diesel fuels, solvents, heavy metals, and pesticides. Groundwater threats are high in the City of Newark and the vicinity. **Figure 2.3-2** shows groundwater threats sites in and near the City of Newark and shows a measure of pollution due to groundwater threats across census tracts in the City (OEHHA 2021). There are 38 groundwater threat sites within the City of Newark, the majority of which are **cleanup sites.** These are sites that have had unauthorized releases or discharges of pollutants

that affect groundwater, and are currently being monitored for contaminants of concern (SWRCB 2021). Cleanup sites in Newark are clustered mostly near the center of the community and to the west. The severity of groundwater threats is also shown with darker colors indicating worse conditions for groundwater quality, relative to other tracts statewide. The City as a whole is in the 83rd percentile, meaning City is within the top 17 percent of communities statewide that are most impacted by groundwater threats. As shown in Figure 2.3-2, the southernmost census tract of the City experiences greatest burden from groundwater threats (this census tract is within the 97th percentile).



SOURCE: OEHHA (2021)

FIGURE 2.3-2 **Groundwater Threats in Newark**

Secondary Hazards

The most significant secondary hazard that can result from drought are wildfires. Prolonged precipitation and warmer temperatures create suitable, dry conditions that increase susceptibility for ignitions. Along with increased wildlife risk, resources used for extinguishing fires places further stress on limited water supplies and can extend drought periods. Drought conditions can also decrease soil moisture and lead to plant and crop death, impacting food resources, reducing natural benefits from evaporative cooling, and contributing to higher temperatures. Dust levels can also increase due to drought conditions and pose increased dangers to public health (Hall 2018).

Employment and economic losses are also considered a secondary impact from drought. Past economic analyses of drought conditions on California's economy have shown how prolonged drought can have

cascading impacts relating to public health and job loss, such as those discussed in the following section on vulnerabilities.

Local Vulnerabilities

Vulnerable People

Populations that are most vulnerable during droughts are low-income households and families that will be disproportionately affected from increased costs to water and fresh produce, which can affect public health and financial stability. Low-income populations may become unable to afford rising costs to healthy foods which, over a period of time, can lead to nutritional deficiencies and food insecurity as a result (SF DPH 2014). Low-income populations are also likely to experience greater financial stress and instability during drought periods due to increasing costs. Unsheltered individuals and outdoor workers are also more vulnerable, as they may experience the effects of hotter and drier periods during drought that can affect their health. During extended dry spells and increased heat events, these groups may have more limited access to clean and safe water sources and may be more vulnerable to dehydration.

Additionally, increasing drought conditions can fuel wildfires and lead to smoke and worsening air quality. This has the potential to exacerbate asthma and other respiratory illnesses for individuals with existing conditions (SF DPH 2014).

Emergency response workers and governmental workers may also be affected, as many past drought events contributed to an increase in working hours for these employment areas as emergency drought declarations were issued.

Vulnerable Infrastructure

Physical assets and infrastructure are also at risk from drought conditions, particularly public facilities and services that rely on water to operate, such as water supply infrastructure, and parks and trees. Industries that rely on water can experience impacts related to potential revenue and employment, in addition to widespread economic losses. The low snowpack levels from the 2012-2016 drought resulted in over $2 billion in losses and approximately 21,000 jobs lost in the agricultural and recreational sectors statewide (Ackerly 2018). This is due to water restrictions that can lower or eliminate maintenance and operation of recreation industries (e.g., water parks), and reduce agricultural productions and outputs, which are both tied to jobs.

Vulnerable Environment

Natural environments and resources, including wildlife, trees and plants, habitats and waterways are sensitive to climate conditions and are at increased risk from drought conditions. As drought strains water supplies, sanctions are placed primarily on recreation, natural areas, and agriculture to help with conservation. This increases vulnerability of these systems as they generally become the first to experience water restrictions and will have to endure for longer periods of time.

City Capacity to Respond to Drought

Local Regulations

City of Newark General Plan

The 2013 City of Newark General Plan serves as the framework to guide development and future planning for the City. It includes specific goals and policies that pertain to hazards and safety for the community. The General Plan elements of Transportation, Conservation and Sustainability Community Services and Facilities contain goals and policies that address drought, water conservation, and water resources. The General Plan goals and policies support protection, conservation, and sustainable use of water resources, which help build local resilience to the effects of drought.

Alameda County Water Shortage Contingency Plan

Required by the Urban Water Management Planning Act, the ACWD's Water Shortage Contingency Plan (WSCP) (ACWD 2021a) addresses drought impacts and procedures for addressing potential water shortages, disruptions to water service, and other water supply and service emergencies. In the case of shortages, the WSCP outlines steps for the ACWD, communities and individual to take to address issues, such as voluntary reductions in water uses, educational outreach on water conservation, and promotion of water use efficiency opportunities for residential, commercial, business and other customers. During drought periods, the ACWD will identify potential impacts, degree of severity, and respond with appropriate actions that balance protection of water supplies and continued service to communities.

Alameda County Water Efficiency Master Plan

The ACWD's 2020/2021 Water Efficiency Master Plan (WEMP) (ACWD 2021b) provides a roadmap for ensuring the sustainable and long-term water supply reliability for the communities of Newark, Fremont, and Union City. The WEMP also outlines a recommended strategy concept with measures for promoting water use efficiency and meeting conservation goals. This strategy adds to ACWD existing efforts with new measures for improving indoor, outdoor, and commercial water use efficiency. The measures that relate to drought focus on home and school retrofit programs for efficient water fixtures, residential and large landscape water surveys, incentives for irrigation and landscape upgrades, and outreach for conservation and water efficient practices. The WEMP further outlines a timeline and cost for implementation of these measures from 2020 through 2050, which if implemented can help address state water goals, increase water use efficiency services for lower income communities, and reduce overall water use across sectors of the communities. The focus of the ACWD on water use efficiency contributes to the sustainable management of water resources, which will help alleviate harmful and extended impacts during drought periods.

State Regulations

California Drought Contingency Plan

The 2010 California Drought Contingency Plan (DCP) serves to minimize drought impacts and guide responses to drought conditions across the state. Included in the DCP is a description of the drought classifications for defining drought levels, and identification of appropriate actions that can be taken in response to specific drought conditions. Refer to Table 2.3-1 for a description of the drought classifications.

Additionally, the DCP highlights the following strategies and actions that agencies and communities can participate in to help prepare for and address droughts:

- Drought Response Workshops and Planning
- Drought monitoring and forecasting
- Water Conservation
- 20 by 2020 Water Conservation Plan
- DWR Water Transfers Program
- Model Landscape Ordinance
- 20 Urban Water Management Plans
- Agricultural Water Management Plans
- Mobile Desalinization

California Water Plan

The 2018 California Water Plan provides a strategic roadmap for the sustainable management of water resources for current and future generations across the state. The CWP describes the current status and projected trends of water resources and uses, and provides scenarios on water demand for various sectors. A key component of the CWP are the sustainability actions recommended to facilitate water resources management, improve water quality conditions, and meet statewide targets. While CWP actions are focused on state-lead programs and efforts, the following describes two actions that have relevant outcomes for local conditions in Newark, and they focus on building opportunities for sustainable water management that is critical during periods of drought.

Action 2.1: Improve Infrastructure and Promote Long-Term Management. The State should continue and build upon recent efforts to evaluate and maintain State-owned and State-regulated water supply infrastructure and State Plan of Flood Control infrastructure. It also should assist local agencies with the implementation of long-term solutions for infrastructure management. This would include identifying and evaluating opportunities to implement resource management strategies, such as those related to water supply reliability, flood risk reduction, aquifer replenishment and remediation, and surface and groundwater storage.

Action 6.1: Facilitate Comprehensive Water Resource Data Collection and Management. As required by AB 1755 (Dodd 2016), State agencies will publish and update State water and ecological datasets on an easily accessible federated open-water data platform. State agencies should also maintain data management best practices and work with local agencies to improve data gathering, accessibility, quality, and related decision support tools.

2.4 Extreme Weather

Introduction

The increase in global temperatures as a result of climate change will lead to changes in the frequency, duration and intensity of severe weather, particularly extreme heat. **Extreme weather** is defined as highly unusual conditions and events that can cause devastating impacts on global systems, including humans, ecosystems, and the built environment (USDA 2022). **Extreme heat** describes days where prolonged, maximum temperatures exceed 1961 to 1990 historical baselines, while **extreme heat events** or **heat waves** refer to periods of five or more consecutive extreme heat days, often accompanied by high humidity (Cal-Adapt 2021).

This section of the Safety Element will describe extreme weather conditions in and around Newark, and will provide maps and graphics showing the areas where the community is most vulnerable to extreme weather.

Local Conditions

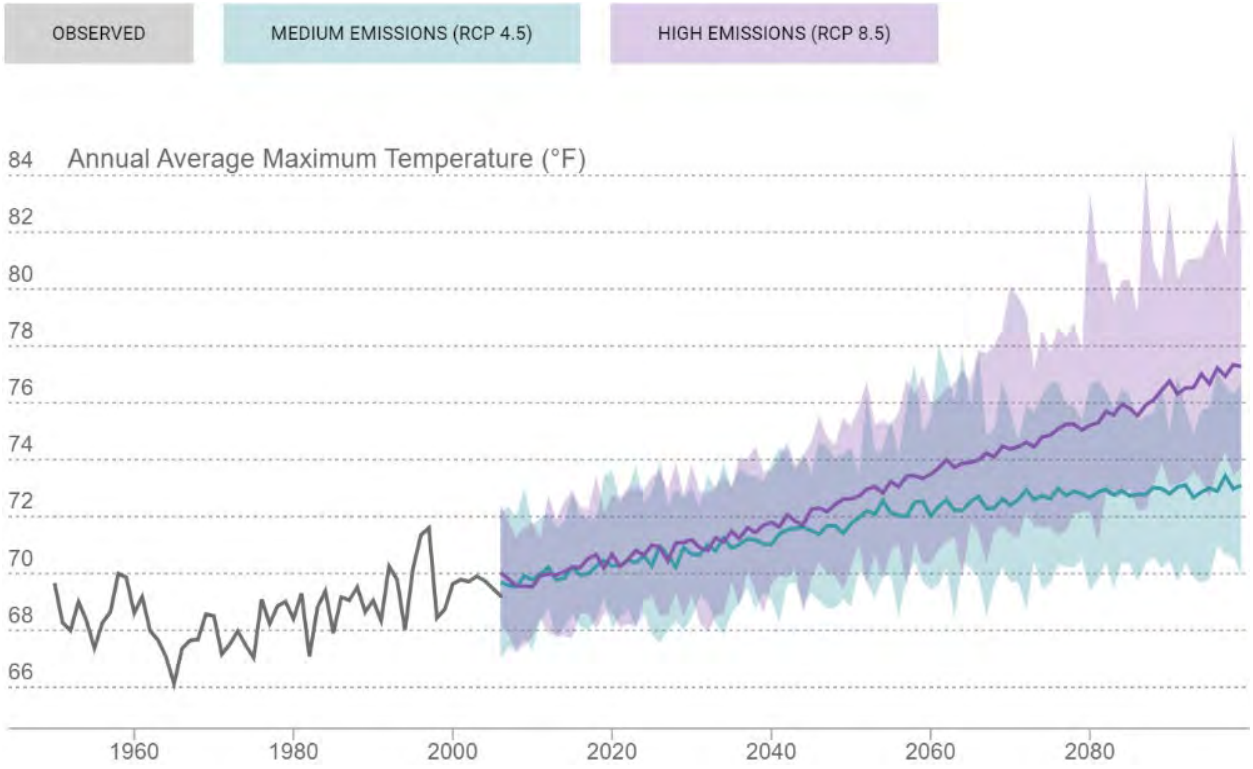
Weather in the Bay Area is characterized by a Mediterranean climate, with cool, wet winters and warm, dry summers. The regional topography and ocean proximity generally result in a lower daily temperature compared to other areas of the state. However, increasing GHG emissions from climate change are expected to result in an increase in average temperatures by mid-century (defined as 2035-2064) as well as more intense storms and rainfall (Ackerly 2018).

Extreme Heat

Historically, Newark has experienced approximately five **extreme heat days** per year, which is defined as days when the maximum temperatures rise above 90.8 degrees Fahrenheit in Newark (Cal-Adapt 2021). This is expected to increase to between 8 and 21 days by mid-century and between 12 and 27 days by the end of the century (Cal-Adapt 2021). Heat wave events may also increase, from zero historically to three by end of century.

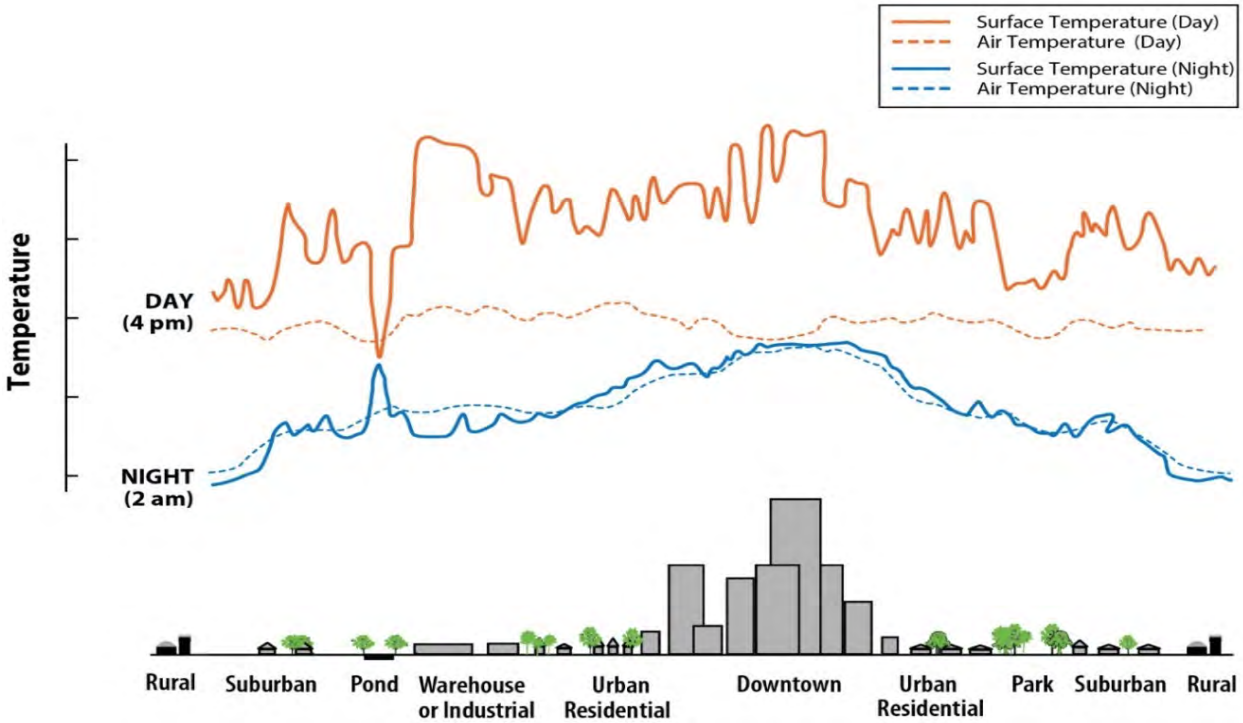
For the City of Newark, annual average maximum temperatures are expected to increase between four and seven degrees, changing from a historic average temperature of 68 degrees Fahrenheit up to 76 degrees by the end of the century (Cal-Adapt 2021). **Figure 2.4-1** shows Annual Average Maximum Temperatures in Newark from 1960 to 2080, including historically observed temperatures and projected temperatures.

Extreme heat is expected to impact urban communities more severely due to the **urban heat island effect**, a phenomenon where buildings, dark pavements, and urban infrastructure absorb and re-emit the sun's heat with more intensity than the natural landscape does (EPA 2021a). **Figure 2.4-2** illustrates the urban heat island effect across urban and rural communities. Cities and urban neighborhoods experience higher daytime and nighttime temperatures (orange and blue lines, respectively) relative to less urban or rural areas.



SOURCE: Cal-Adapt (2021)

FIGURE 2.4-1 **Annual Average Maximum Temperature, Newark California**



SOURCE: EPA (2021)

FIGURE 2.4-2 **Urban Heat Island Effect**

Heat health events (HHE) provide another method for tracking extreme heat impacts that is people-focused and combines heat conditions with health vulnerabilities (Four Twenty-Seven 2018a). This is used to better predict risks to populations that are vulnerable to heat by considering emergency room visits and other medical and hospital care instances attributed to heat events. Currently Newark experiences less than one HHE per year – this is projected to increase approximately up to three by mid-century and up to six by the end of the century (Four Twenty-Seven 2018b). Heat health events are different from extreme heat events or heat waves as they refer to instances of extreme heat that result in public health emergencies, such as heat-related illnesses, heat exhaustion, and heat stroke (described in the text box to the right).

Heat-related illnesses include heat cramps, severe heat exhaustion, heat stress, and heat stroke, and can worsen existing health conditions for individuals such as asthma, heart disease, and respiratory illnesses.

Heat exhaustion is an imbalance of electrolytes caused by body dehydration that can lead to headache, dizziness, nausea, pale skin, cramps, weakness, and profuse perspiration.

Heat stroke is a severe and life-threatening medical emergency that results from the body's inability to cool down from a high temperature. Heat stroke symptoms are similar to those of heat exhaustion but include no perspiration, rapid pulse, hot and dry skin, changes in mental state, seizures, loss of consciousness, and kidney failure. Heat stroke can lead to death if not treated promptly.

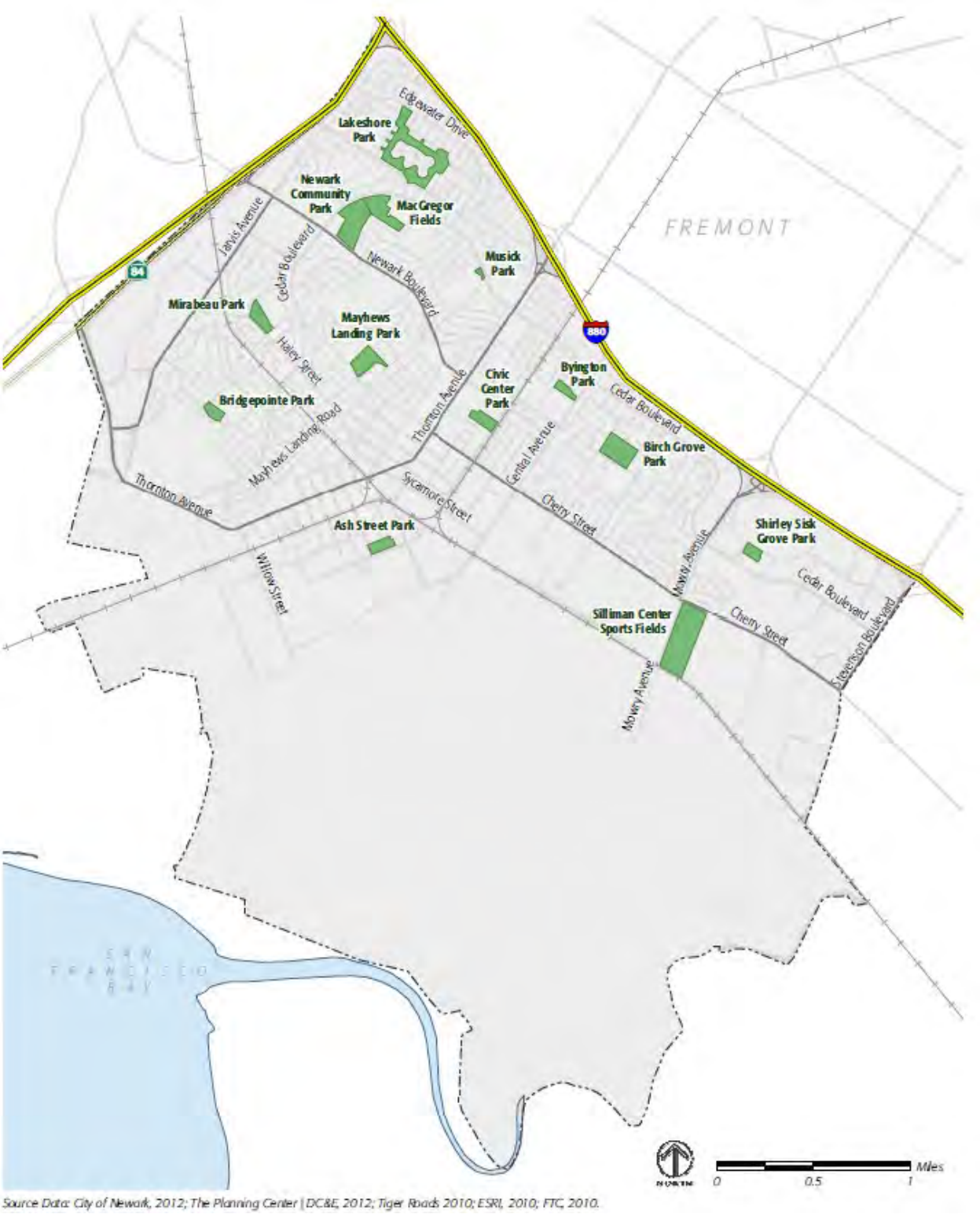
SOURCE: Cal OES (2018)







Urban greening, such as tree canopy and parks, can also contribute to local temperature conditions in communities. Trees are essential to mitigating the effects of climate change, especially extreme heat, as they provide natural cooling to surrounding areas, provide shade relief, and promote health and wellness (PHASoCal 2018). As such, urban communities with more tree canopy and vegetated surfaces are likely to experience lower effects from the urban heat island effect. In Newark, approximately five percent of land surface has tree canopy, which is greater than 32 percent of other cities statewide. As shown in **Figure 2.4-3**, neighborhoods along the northwestern and eastern edges of the City have the most tree canopy compared to other areas of the City, while neighborhoods between Central and Mowry Avenue have the least. Additionally, the majority of Newark's residents live within a half-mile of a park or open space areas, which contributes to greater access to these natural cooling amenities during extreme heat conditions. The availability of designated public spaces that serve as cooling centers can also provide relief from extreme heat and heat events. The City of Newark has three designated and publicly accessible **cooling centers** that serve as safe locations for individuals to get out of extreme heat temperatures, and have access to air conditioning and other resources and amenities (Alameda County 2019). Figure 2.4-3 also shows the location of parks and cooling centers in the community, in addition to land with tree canopy.

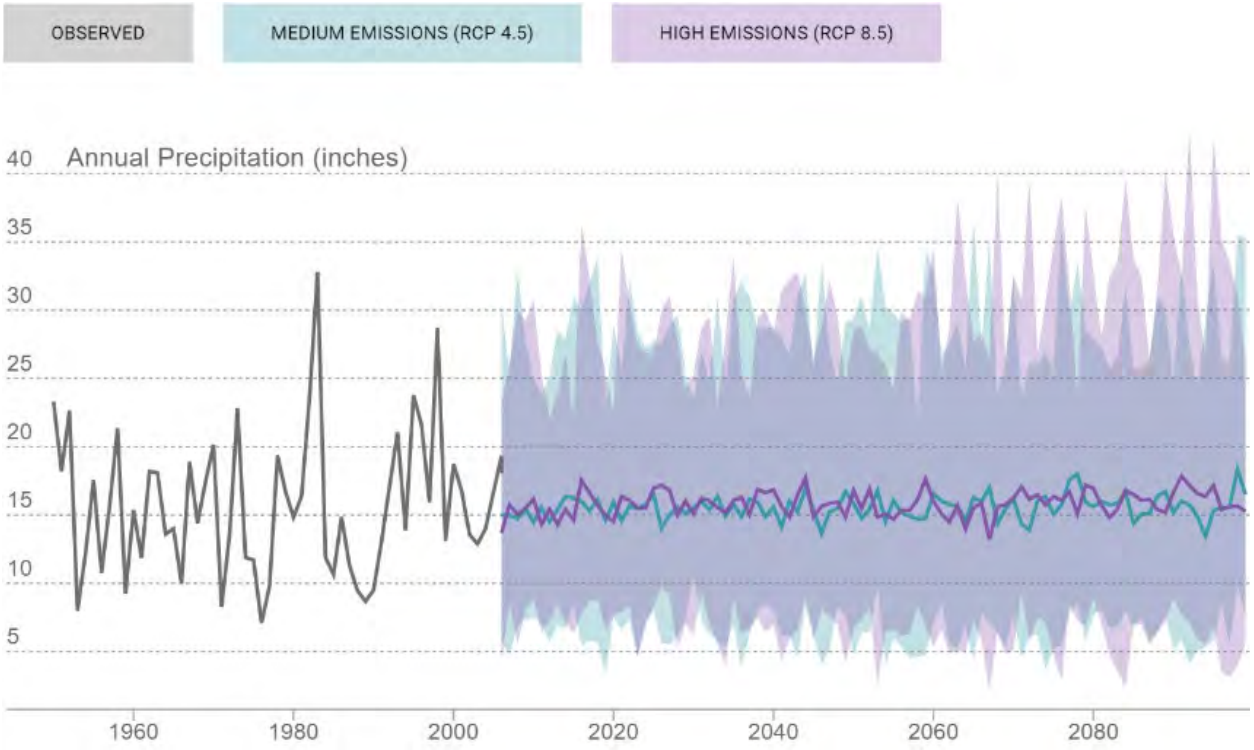


SOURCE: City of Newark (2012b)

FIGURE 2.4-3 **Urban Greening in Newark**

Precipitation Levels

Precipitation levels are also expected to shift significantly, with greater variability in average annual rainfall by the end of the century. Historically, Newark has averaged 14 to 17 inches of annual rainfall. This range is expected to increase to between 11 to 21 inches (Cal-Adapt 2021). **Figure 2.4-4** shows Annual Precipitation in Newark from 1960 to 2080, including historically observed levels and projected levels.



SOURCE: Cal-Adapt 2021

FIGURE 2.4-4 **Annual Precipitation, Newark California**

Secondary Hazards

More frequent and intense extreme heat events create favorable conditions for more wildfires which last longer in duration, are more intense, and contribute further to increasing temperatures and worsening pollution. Increased temperatures also worsen drought conditions, affecting water resources, plants and trees, biodiversity, food production, wildlife and other sectors.

Extreme heat can also impact economies and job sectors. Healthcare businesses and government facilities and operations that are critical to emergency response will likely experience increased pressure due to funding and staffing to address more heat-related illnesses. Outdoor areas without suitable canopy and cooling may see a reduction in visitors due to heat conditions, and trails and open space amenities may experience plant and biodiversity impacts. Local and regional energy demand is also likely to increase as communities seek cooling relief. This can cause increased costs for customers and can contribute to black outs by energy spikes during heat waves. Extreme heat days can also result in missed school and workdays due to heat-related illnesses and potentially affect income stability for vulnerable groups.

Local Vulnerabilities

Vulnerable People

All individuals are at risk from extreme heat impacts, which pose a significant danger to human health, particularly for **vulnerable populations** and individuals with pre-existing conditions (described in the text box to the right). Extreme heat is the cause of more annual deaths across the United States than other weather hazards, including floods, storms, and lightning combined (Bedsworth et al. 2018). In 2006, a California heat wave caused over 600 deaths and resulted in 1,200 hospitalizations and 16,000 emergency department visits (CNAP 2015). Warming global temperatures are projected to cause more negative health events and create suitable conditions for other harmful hazards over time. For instance, higher temperatures can contribute to increases in harmful air pollutants, exacerbating health conditions for individuals with existing health concerns such as asthma, which affects approximately eight percent of the population (PHASoCal 2018).

While all individuals are vulnerable to the effects of extreme heat, certain groups and individuals are at greater risk due to unique social, economic, and geographic conditions. These include persons experiencing pre-existing inequities and/or conditions of vulnerability, such as:

- Children
- Communities of color
- Immigrants and refugees
- Individuals with disabilities
- Individuals with existing health conditions
- Lesbian, gay, bisexual, transgender, queer (LBTQ+) individuals Age (children and elderly);
- Linguistically-isolated individuals Active commuting;
- Low-income individuals
- Older adults/seniors
- Outdoor workers
- People experiencing homelessness

SOURCE: Cal OES (2018)

Vulnerable Infrastructure

Extreme heat does not typically result in significant or direct impacts to buildings, though there can be increases in the need and use of cooling centers, emergency response operations, and healthcare facilities. More staff is needed to accommodate these increases as well. Infrastructure impacts are often related to increasing energy costs, overheating of HVAC systems, and/or lack of adequate HVAC systems, insulation, and air conditioning. Heat-related mortalities have been found to be lower in areas that have more air conditioning (Ackerly 2018). The role of air conditioning and adequate housing and facilities are critical in protecting human health impacts from heat. In Newark, approximately 64 percent of households lack air conditioning, which increases risk of exposure and heat-related illnesses for residents (PHASoCal 2018). Individuals lacking access to air conditioning and community cooling centers are more vulnerable, as these resources provide critical protection against extreme heat.

Extreme heat can also lead to power outages caused by added stress on the electrical grid as demand for cooling is increased. This can indirectly impact health as power outages have the potential to put vulnerable populations, such as the elderly and individuals with existing health conditions, at further risk as they must go without medical devices, air conditioning, and refrigeration. Power outages can also result in traffic disruptions and resulting delays in emergency response.

Active transportation modes, including walking paths and bikeways, may also be affected in terms of use and benefit to communities. Extreme heat has the potential to make these modes of travel uncomfortable and even unsafe, which may reduce how often individuals utilize these options for their travel needs. As a

result, active transportation projects and costly infrastructure can become ineffectual. This is important as currently seven percent of workers commute to work by transit, walking, or biking, and the City's General Plan outlines goals for increasing active transportation in the future (PHASoCal 2018).

Vulnerable Environment

Wildlife, plants and trees, and natural resources are sensitive to extreme heat conditions, all of which provide benefits to people and communities. Higher temperatures also affect demand on water resources, and health and abundance of soils, minerals, and agriculture. While Newark does not have any agriculture, extreme heat can also make certain crops more vulnerable to diseases and pests, which can affect food supplies and availability from local to global scales.

City Capacity to Respond to Extreme Heat

Local Regulations

City of Newark General Plan

The City's General Plan, adopted in 2013, directly and indirectly addresses extreme heat through a variety of goals, policies and programs across all elements. Relevant goals and policies acknowledge the role of land use choices that can exacerbate climate risks and the urban heat island effect and provide guidance for mitigation and resiliency actions to reduce risks. Several policies within the General Plan focus on the preservation and management of the City's tree canopy and other vegetation, which can provide significant protection from extreme heat conditions in urban communities. Other policies prioritize community services and response capacity, with the goal of improving supportive actions that can address extreme heat impacts, particularly those that relate to human health.

2.5 Flooding

Introduction

Flooding occurs when the existing channel of a stream, river, canyon, or other water course cannot contain excess runoff from rainfall or snowmelt, resulting in overflow on to adjacent lands. Floods are one of the most common natural hazards in the United States. They can develop slowly over a period of days or develop quickly, with disastrous effects that can be local (impacting a neighborhood or community) or regional (affecting entire river basins, coastlines and multiple counties or states).



Wetlands near Newark. *Courtesy of KQED Website. KQED serves the people of Northern California with a community-supported alternative to commercial media.*

In the City of Newark, flooding may result when heavy rainfall exceeds the capacity of Newark's storm drains and flood control channels. Water may overfill channel banks or back up from storm drain inlets, which can flood streets and surrounding properties. The risk of such flooding is highest in areas that are next to creeks, sloughs, and waterways. Flooding may also result from the failure of levees and dams, and is also one of the long-term effects of rising sea levels due to global climate change (City of Newark 2022). Flooding may also occur due to high tides, extreme rain, and wind. Levees located in the city are described in detail, below. See Section 2.2 for more information on how Newark could be impacted by dam failure.

Slough: A small marshy tract lying in a swale or other local shallow, undrained depression; a sluggish creek or channel in a wetland.

Waterways: Waterways are the navigable parts of a body of water, and can be located within a bay or open sea, can connect two or more waterbodies, or may even form networks within a city

SOURCES: USGS (2022); NOAA (2022a)

Understanding Floods

To understand flood hazards, it is important to note that connections between a river and its floodplain are most apparent during and after major flood events. A **floodplain** is any land area susceptible to being inundated by floodwaters from any source. This can include coastal areas impacted by storm surge, land along a river or bayou that is flooded when that waterway rises out of its banks, or low-lying land that fills with water when it rains. When flood waters recede after a flood event, they leave behind layers of rock and mud. These layers gradually buildup to create a new floor of the floodplain.

As defined by the Federal Emergency Management Agency (FEMA), areas mapped include the following floodplains:

- **500-year flood plain.** This is the portion of land that would be covered during a flood event that has a 0.2 percent chance of occurring every single year. Again, this means that statistically, the 0.2 percent (500-year) flood has a 6 percent chance of occurring during a 30- year period of time.
- **100-year flood plain.** This is the portion of land that would be covered during a flood event that has a one percent chance of being flooded in every given year. This means statistically, the 1 percent (100-year) flood has about a 26 percent chance of occurring during a 30- year period of time.

Local Conditions

Flood hazards in Newark are carefully managed to minimize the potential for damage. Alameda County Flood Control and Water Conservation District (ACFC&WCD) maintains flood control systems, with channels following through historic drainage channels that were used for irrigation for agriculture. Major drainage courses in the City include Plummer Creek, Newark Slough, and Mowry Slough. Stormwater, which is water following a rain storm that does not seep into the ground, flows to these drainage courses through gutters, drains, channels, and culverts.

Flooding in the City of Newark typically occurs during the rainy season, between November and April. Four types of flooding primarily affect the City: stormwater, riverine, flashfloods, and coastal (tidal) flooding. The types of flooding that are a hazard for the City of Newark are defined below.

Stormwater Flooding. Stormwater flooding is a result of local drainage issues and high groundwater levels. Locally, heavy precipitation, especially during high-tide events and heavy rain, may produce flooding in areas other than delineated floodplains or along recognizable channels. If local conditions are mostly developed, then there is a propensity for **urban drainage flooding** where the drainage systems cannot accommodate intense precipitation and through a combination of infiltration and surface runoff, water may accumulate and cause flooding. Flooding created by the inability of urbanized areas to absorb rainfall, results in ponding in low-lying areas and the concentration of flood waters in unnatural channels. Flooding of this nature generally occurs in areas with flat gradients and generally increases with urbanization, which increases the accumulation of floodwaters because of impervious areas.

Urban Drainage Flooding: This type of flooding is caused by increased water runoff due to urban development and drainage systems. Drainage systems reduce the amount of time the surface water takes to reach surrounding streams, flooding in those streams can occur more quickly and reach greater depths than prior to development in that area (FEMA 2021a).

Riverine Flooding. Riverine flooding is the flooding of rivers and streams banks. The natural processes of riverine flooding add sediment and nutrients to floodplain areas. Flooding in large river systems typically results from prolonged rainfall over a wide geographic area, causing flooding in hundreds of smaller streams, which then drain into major rivers.

Flash Flooding. The National Weather Service defines flash flooding as follows:

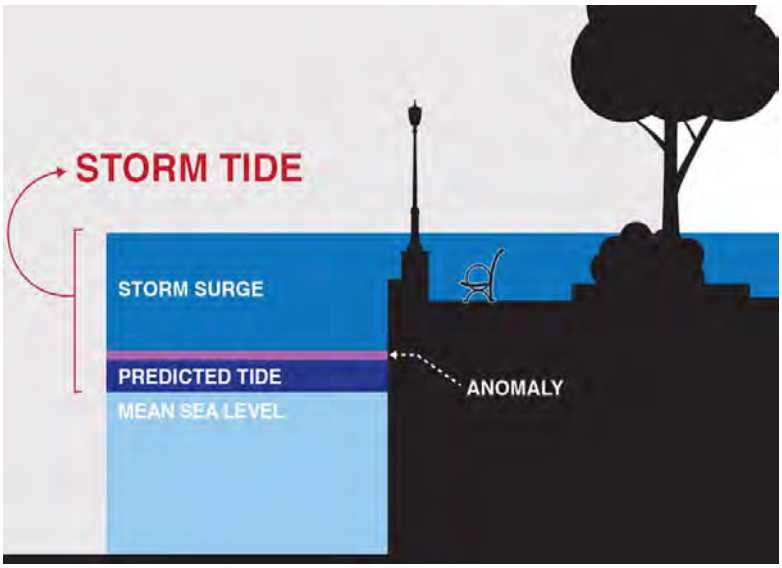
> *"[A] rapid and extreme flow of high water into a normally dry area, or a rapid water level rise in a stream or creek above a predetermined flood level, beginning within 6 hours of the causative event (e.g., intense rainfall, dam failure). However, the actual time threshold*

may vary in different parts of the country. Ongoing flooding can intensify to flash flooding in cases where intense rainfall results in a rapid surge of rising floodwaters."

Flash floods are capable of tearing out trees, undermining buildings and bridges, and scouring new channels. In urban areas, flash flooding is an increasingly serious problem due to the removal of vegetation and replacement of groundcover with impermeable surfaces such as roads, driveways, and parking lots. The greatest risk from flash floods is that they occur with little to no warning. The major factors in predicting potential damage are the intensity and duration of rainfall and watershed and stream steepness.

Storm surge: Storm surge is the rise in seawater level caused solely by a storm (NOAA 2022b).

Coastal Flooding. The San Francisco Bay is the most likely source of coastal flooding for the City of Newark. Coastal floods are characterized by inundation of normally dry lands by ocean waters. This flooding is often caused by a storm surge resulting from severe storms, tsunamis, or extreme high tide events that produce shallow flooding of low- lying coastal areas. Storm surge floods typically result in coastal erosion, salinization of freshwater sources, and contamination of water supplies. These floods are also responsible for significant agricultural losses, loss of life and damage to public and private structures and infrastructure. The graphic below shows how the tides resulting from a rise in sea level during a storm can cause a storm surge to flood coastal areas.



Storm Surge. *Courtesy of the National Oceanic and Atmospheric Administration (NOAA) Website.*

Sea Level Rise. Sea level rise is the direct result of global warming temperatures and is responsible for subsequent melting of the earth's ice caps. In addition to melting ice sheets, other climate-related factors that contribute to sea level rise include stormwater flooding, more frequent and intense precipitation, increasing river flows, groundwater fluctuations, and seismic activity. In the last century, global sea level has risen approximately 6.7 inches, on average (Newark Community Development Department 2017a). In California, climate science projects an average sea level rise of up to 55 inches along the coast by 2100. The projection for the Bay Area is significantly higher, with a projection of up to 113 inches, almost 9.5 feet, by 2100 (Ackerly 2018). **Figure 2.5-1** shows the sea level rise projection for the City of Newark. The area with the most vulnerability will be in the southern portion of the City, adjacent to the San Francisco Bay.

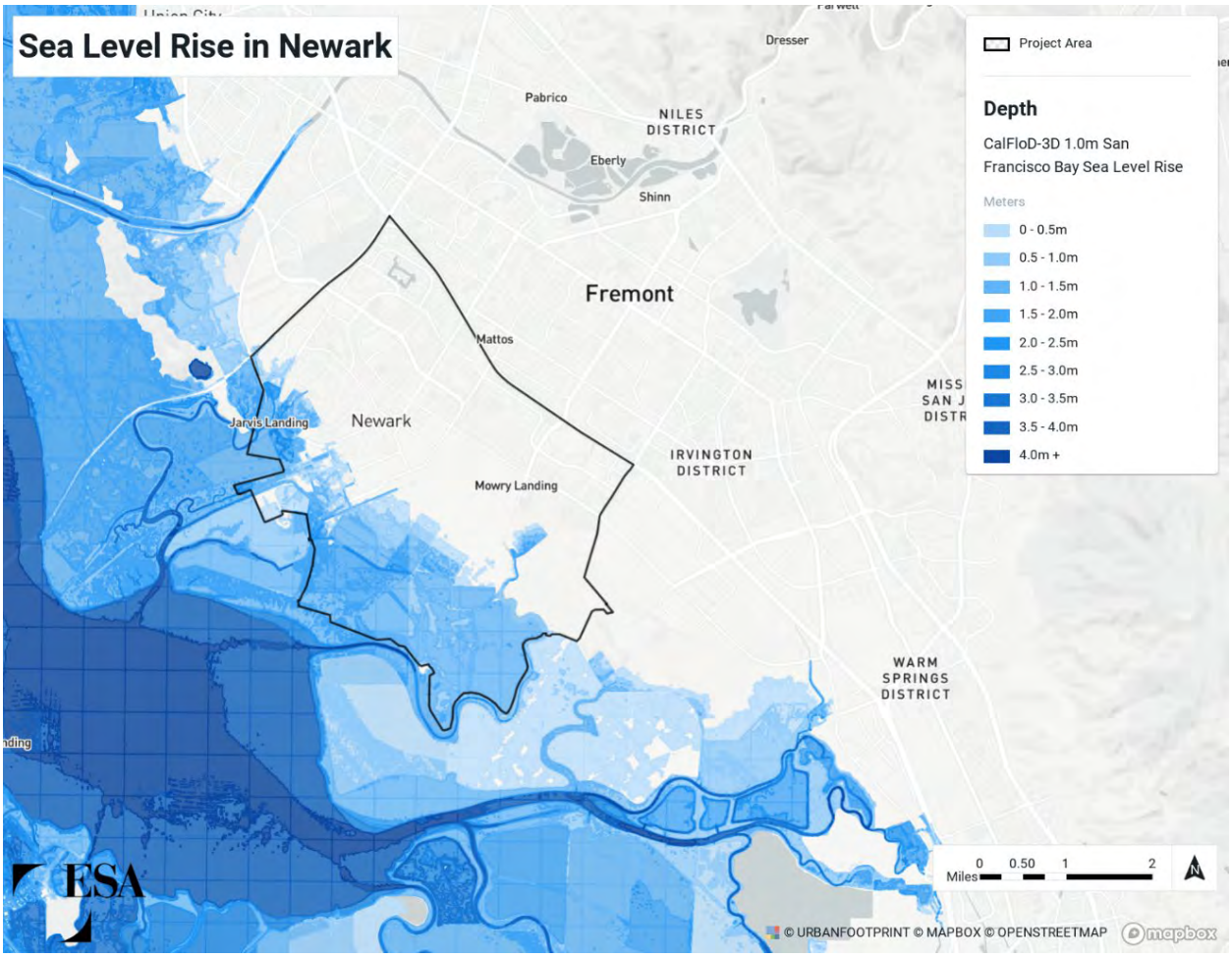


FIGURE 2.5-1 **Sea Level Rise**

Past Events

Little recorded information is available regarding previous flooding occurrences in the City of Newark. Sources that provide historical information regarding previous occurrences and losses associated with flooding events in Alameda County and the City of Newark include FEMA, National Weather Service (NWS), and National Oceanic and Atmospheric Administration (NOAA). Between 1954 and 2016, FEMA issued disaster (DR) or emergency (EM) declarations for California for 45 flood hazard-related events, classified as one or a combination of the following: winter storms, debris and mudflows, severe winter storms, severe storms, mudslides, landslides, levee break, soil erosion, fire, coastal storms, heavy rains, tropical storm, and high tides. Alameda County was included in 10 of the declarations and Newark was only identified in one event, where a series of significant winter storms impacted the area between November and December of 2012. The storms brought gusty winds, heavy rain, high surf and flooding. During the November 30 event, 13,800 customers experienced power outages in the Bay Area. In Newark, Highway 84 was flooded between Decoto Road and Newark Boulevard and between Mission Boulevard and Main Street.

Local Vulnerabilities

This section describes vulnerabilities to flooding in terms of population, property, and infrastructure, and provides a graphic representation of these vulnerabilities overlayed on FEMA floodplains. Low lying roads are especially vulnerable to flood hazards and serve critical access functions for residents and emergency responders. Floodplains in the City of Newark, as determined by FEMA, are mapped in **Figure 2.5-2**. As shown in Figure 2.5-2, most of Newark is in a minimal flood hazard area.

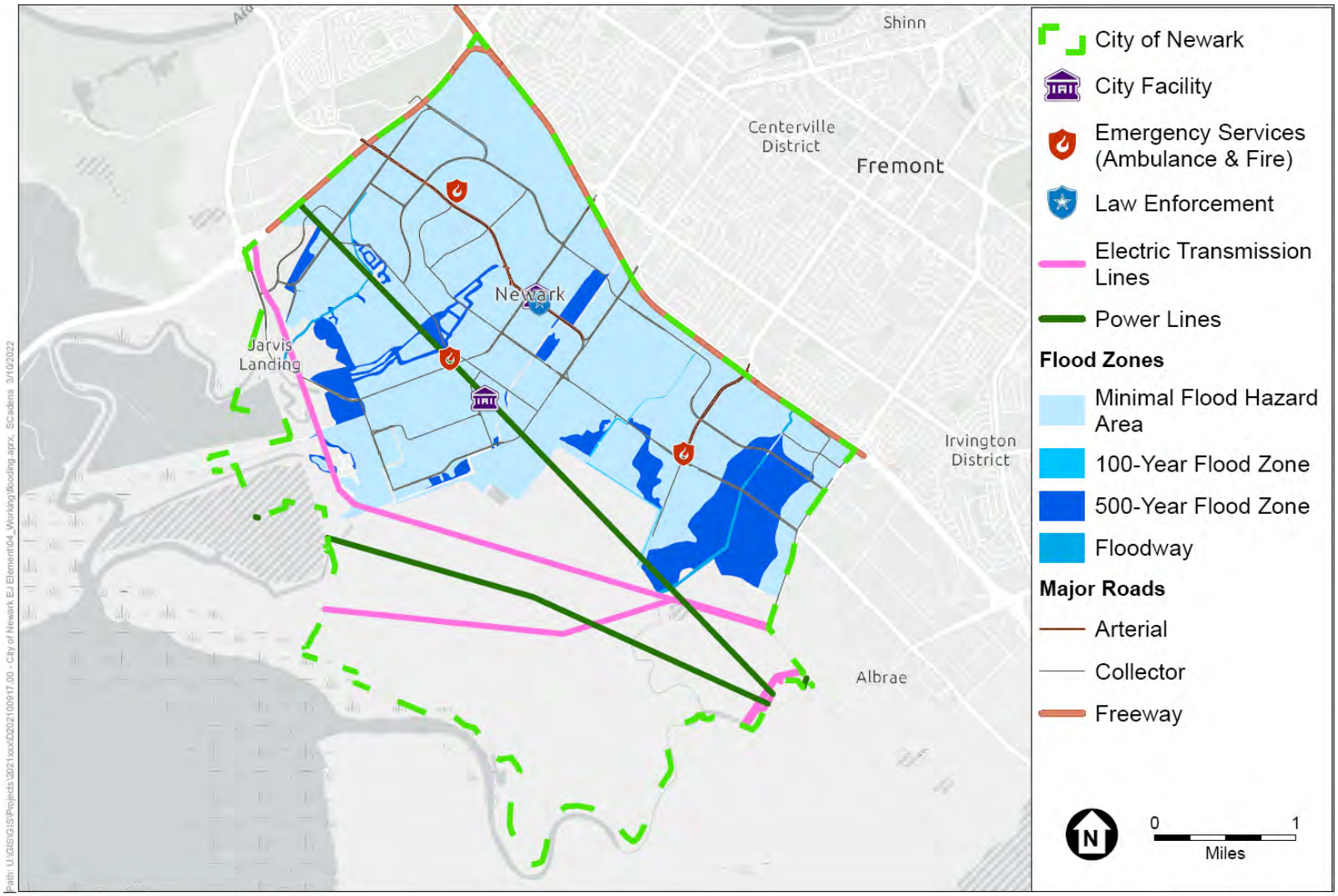
People

According to the Union City/Newark MJHMP, it was estimated that the flood impact on persons and households for the displaced population is 443 within the 1 percent annual chance of flood and 3,099 within 2 percent annual chance of flood, whereas the flood impact on people requiring short-term shelter is 390 within the 1 percent annual chance of flood and 2,865 within 2 percent annual chance of flood. As identified in Figure 2.8-1, the entire population of Newark is exposed to the risk of flooding. Flooding can impact communities by resulting in injury or death, or isolating individuals or families and cutting them off from essential services. Property damage from flooding can be particularly burdensome for low-income families or renters who may face challenges rebuilding or finding other housing following a flood event. Flooding also has the potential to result in mold in buildings, which can result in long-term health impacts following flooding.

Development, Critical Facilities, and Infrastructure

Per Office of Planning & Research (OPR) Guidelines, critical facilities are “facilities that either (1) provide emergency services or (2) house or serve many people who would be injured or killed in case of disaster damage to the facility. Examples include hospitals, fire stations, police or emergency service facilities, utilities, or communications facilities. Low-lying areas are vulnerable to dam inundation, especially transportation routes. This infrastructure includes all roads, railroads, and bridges in the flow path of water. According to the effective 2009 FEMA Flood Insurance Study for Alameda County, the channels that flow through the City of Newark are affected at their outlets by the variation of tidal elevations in the San Francisco Bay. Thornton Avenue and the Southern Pacific Railroad embankments (walls or banks of earth built to prevent flooding) act as dikes to protect the City from high tides. The areas on the bay side of these dikes are subject to tidal flooding. The channels that flow under Thornton Avenue are cut off from the effects of tidal flooding by flap-gated culverts. These culverts are a major cause of flooding in the City of Newark at times of high water elevations of the Bay.

The Union City/Newark MJHMP estimated the flood loss potential to critical facilities exposed to the flood risk. The critical facility results showed that in the case of a flood event, facilities within flood risk areas would obtain enough damages to structures that would take an approximate 480 days to restore to 100 percent of their functionality.



SOURCE: CEC; FEMA; Google Maps; HIFLD; OSM; UrbanFootprint; USGS; ESRI; ESA, 2021.

Newark Safety Element

FIGURE 2.5-2 **FEMA Flood Zone Exposure Map**

Roads

Roads are typically built above the flood level, and others function as levees to prevent flooding. Still, in severe flood events these roads can be blocked or damaged, preventing access to some areas. The following major roads in the Newark pass through the 1 percent annual chance floodplain (one percent chance of being flooded in every given year) and thus are exposed to flooding:

- State Route 84
- Interstate 880
- Thornton Avenue
- Union City Boulevard
- Alvarado Niles Road
- Mission Boulevard

Bridges

Flooding events can significantly impact road bridges, which act as the only ingress and egress to some neighborhoods. There are five bridges that are in or cross over the 1 percent annual flooding chance floodplain and 0.2 percent annual flooding chance floodplain. These are located on the west side of the city, mostly over creeks and on the northern boundary of the city over the Dumbarton Pier.

Water and Sewer Infrastructure

Water and sewer systems can be affected by flooding. Floodwaters can backup drainage systems, causing localized flooding. Culverts, those structure that channel water, can be blocked by debris from flood events, also causing localized urban flooding. Floodwaters can get into drinking water supplies, causing contamination. Sewer systems can be backed up, causing wastewater to spill into homes, neighborhoods, rivers and streams.

Levees

Levees have historically been used to control flooding in bay-front portions of the City and these areas are susceptible to flooding caused by levee failure. Many are older earthen levees built under earlier flood management standards. Many of these older levees are exposed to erosion and failure due to age and construction methods. The Alameda County Flood Control and Water Conservation District (ACFC&WCD) has jurisdiction over levee maintenance in Newark and has been evaluating their condition for FEMA certification. The evaluations include underground exploration, soil and stability testing, and operation and maintenance plans. Until FEMA certification is received, areas identified as flood prone are required to carry insurance through the National Flood Insurance Program.

Environment

Flooding is a natural event, and floodplains provide many natural and beneficial functions. Nonetheless, flooding can impact the environment in negative ways. Migrating fish can wash into roads or over dikes into flooded fields, with no possibility of escape. Pollution from roads, such as oil, and hazardous materials can wash into rivers and streams. During floods, these can settle on to normally dry soils, polluting them for agricultural uses. Human development such as bridge abutments and levees, and log jams from timber harvesting can increase streambank erosion, causing rivers and streams to migrate into non-natural courses.

City Capacity to Respond to Flooding

Given the proximity of waterways and flood control channels that are subject to flood hazards in the City of Newark, there are multiple responsible agencies and policy measures that have been put in place in order to make the City more resilient to flood hazards. The City works with Alameda County Flood Control, FEMA, the Army Corps of Engineers, Bay Conservation and Development Commission (BCDC), and other state and federal agencies to assess and mitigate flood danger.

Local Regulations

Alameda County Flood Control and Water Conservation District (ACFC&WCD)

The Alameda County Flood Control and Water Conservation District's flood management services focus on managing and coordinating projects intended to protect local communities from inundation by maintaining and clearing tributary channels and sponsoring capital improvements. This includes maintaining flood control systems, with channels following historic sloughs and former agricultural drainage channels. The ACFC&WCD has jurisdiction over levee maintenance in Newark and has been evaluating their condition since 2007 as it works toward FEMA levee accreditation.

City of Newark Municipal Code, Chapter 15.40

The City's Building Code and stormwater management regulations also reduce the impacts of flood hazards. Chapter 15.40 of the City's Municipal Code sets standards to minimize flood hazard risks, including anchoring and flood-proofing and a requirement that the lowest floor, including basements, is at or above the 100-year flood elevation. Newark does not allow development within the 100-year flood zone that is not elevated at least 1 foot above the flood elevation. The City requires non-residential development to be elevated at least 8 feet above mean high tide and 11.25 feet for residential development. In addition, the City also requires drainage studies for major development projects to ensure that such projects will not cause or worsen downstream flooding.

The City's codes also require the use of materials and utility equipment that are resistant to flood damage. Electrical, heating, ventilation, plumbing, air conditioning, and other building systems must be designed to avoid exposure to flooding. Water and sewer systems must also be designed to minimize or eliminate the potential for infiltration of floodwater. The City has adopted engineering standards and street design guidelines that further reduce the potential for flooding.

Federal

Federal Emergency Management Agency (FEMA)

FEMA administers the National Flood Insurance Program (NFIP) to provide subsidized flood insurance to communities that comply with FEMA regulations limiting development in floodplains. FEMA issues Flood Insurance Rate Maps (FIRM) for Newark and other cities throughout the Bay Area. In addition, FEMA has been working with flood control agencies across the country on a levee accreditation program. Levee systems must meet minimum FEMA standards and must be maintained according to an officially adopted maintenance plan to achieve certification. Removal from the flood plain requires a formal *Letter of Map Revision* from FEMA, and relieves the owner(s) of the mandate to have flood insurance.

2.6 Geologic and Seismic Hazards

Introduction

There are no active **earthquake faults** that pass through the City of Newark. However, the City is located in the Bay Area, which as a whole, is seismically active. Therefore, Newark is subject to the potential risks typically associated with earthquakes. The effects of an earthquake may take many forms depending on a number of factors, including distance from the **epicenter**, the characteristics of the underlying soils, the presence of groundwater, and topography. The City of Newark is primarily at risk for ground shaking, fault rupture, and liquefaction, as defined and described in this section. Other earthquake hazards, including landslides, subsidence, tsunamis, and seiches are not considered a risk in Newark (City of Newark 2013b).

An **earthquake** is the shaking of the ground caused by an abrupt shift of rock along a fracture in the earth or a contact zone between tectonic plates. They often occur along geologic faults.

Faults are narrow zones where rock masses move in relation to one another. Earthquakes result in fault rupture, which occurs when movement on a fault deep within the earth breaks through to the surface, creating an offset in the ground as the two sides of the fault slip past each other

The **epicenter** is the point on the Earth's surface vertically above the focus point in the crust where a seismic rupture begins.

Measuring Earthquakes

Magnitude is the size of the earthquake. An earthquake has a single magnitude. The shaking that it causes has many values that vary from location to location based on how far away the epicenter is and the type of surface material. The degree of shaking is dependent on the magnitude of the event, the duration of the event, the distance to the zone of rupture, and local geologic and soil conditions. Thus, an earthquake in Newark could have no permanent effect on the ground, or it could trigger slumping near water bodies or a loss of support capacity near structures. These important differences would be a function of local soil and groundwater conditions, rather than distance from the fault. A structure's ability to withstand the magnitude of an earthquake often depends on when and where it was built, and whether it was built to seismic codes.

Table 2.6-1 lists the seven earthquake magnitude classes, which range from micro to great. A magnitude class of great can cause tremendous damage to infrastructure, compared to a micro class, which results in minor damage to infrastructure.

TABLE 2.6-1 **Earthquake Magnitude Classes**

Magnitude Class	Magnitude (M) Range	Description
Great	M>8	Tremendous damage
Major	7<=M<7.9	Widespread heavy damage
Strong	6<=M<6.9	Severe damage
Moderate	5<=M<5.9	Considerable damage
Light	4<=M<4.9	Moderate damage
Minor	3<=M<3.9	Rarely causes damage
Micro	M<3	Minor damage

SOURCE: United States Geological Survey (USGS) 2019.

Whereas the magnitude of an earthquake is one value that describes the size, **intensity** is used to measure ground shaking due to the earthquake event. There are many intensity values for each earthquake that are distributed across the geographic area around the earthquake's epicenter. The United States uses the Modified Mercalli Intensity (MMI) Scale to measure intensity. The intense shaking from an earthquake can cause damage and lead to the collapse of buildings and structures. This ground shaking is measured on a scale ranging from I to X with shaking levels ranging from not felt to very violent. Intensity is the measure of shaking at each location, which varies from place to place depending mostly on the distance from the fault rupture area. **Table 2.6-2** includes the description of the levels of MMI (for intensity). The lower numbers of the intensity scale generally relate to how people feel in an earthquake. The higher numbers of the scale are based on observed structural damage.

TABLE 2.6-2 **Earthquake Intensity MMI Levels**

MMI Intensity	Description
I	Not felt, except by a very few people under especially favorable conditions.
II	Felt only by a few people at rest, especially on the upper floors of buildings.
III	Noticeable by people indoors, especially on the upper floors of buildings, although it is not widely recognized as an earthquake. Parked vehicles may move slightly.
IV	Felt indoors by many and felt outdoors by some. May awaken sleeping people. Dishes, windows, and doors disturbed. Parked vehicles move noticeably.
V	Felt by almost everyone. Sleeping people awaken, and some dishes and windows broken. Unstable objects overturned, and pendulum clocks may stop.
VI	Felt by everyone. Some heavy furniture moved, and some instances of falling plaster. Damage slight, although many people may be frightened.
VII	Considerable damage in poorly built or badly designed structures, slight to moderate damage in well-built ordinary structures, and negligible damage in buildings of good design and construction. Some chimneys broken.
VIII	Great damage in poorly built structures, considerable damage and partial collapse of well-built ordinary structures, and slight damage in specially designed structures. Chimneys, factory stacks, columns, monuments, and walls fall. Heavy furniture overturned.
IX	Well-designed structures thrown out of plumb, considerable damage in specially designed structures. Substantial buildings suffer great damage and partial collapse. Buildings shifted off foundations.
X	Some well-built wood structures destroyed. Most masonry and frame structures and foundations destroyed. Rails bent.
XI	Few if any masonry structures remain standing. Bridges destroyed and rails greatly bent.
XII	Total damage. Lines of sight and level are distorted. Objects thrown into the air.

SOURCE: USGS (2019).

Local Conditions

The City of Newark is located within a seismically active region. Even though no known earthquake faults pass directly through Newark, an earthquake of moderate to high magnitude within the Bay Area could cause significant damage in the City. The City is located 2 miles west of the Hayward Fault, 9 miles east of the San Andreas Fault, and 13 miles west of the Calaveras Fault. Of these, the Hayward Fault is of most

significant threat to the city; it lies closest to Newark and has not experienced a major earthquake since 1868. **Figure 2.6-1** shows regional fault zones including the San Andreas, Calaveras, and Hayward faults, all of which are fault zones under the **Alquist-Priolo Act** (California Geological Survey 1994). The Hayward Fault runs along the most urbanized edge of the San Francisco Bay and is about 74 miles long.

Calaveras Fault. The Calaveras Fault is a major branch of the San Andreas Fault in the San Francisco Bay area. It is east of the Hayward Fault and extends 76 miles from the San Andreas Fault near Hollister to Danville at its northern end. The Calaveras Fault is one of the most geologically active and complex faults in the San Francisco Bay Area. The probability of a magnitude 6.7 or greater earthquake along the Calaveras Fault within the next 30 years is 26 percent (USGS 2003).

Hayward Fault. The Hayward Fault runs along the foot of the East Bay hills, is approximately 45 miles long and runs parallel to the San Andreas Fault. Its last major earthquake with an estimated magnitude of 6.8 occurred on October 21, 1868, destroying downtown Hayward, causing damage throughout the area, killing 5 people and injuring 30. It was considered the "Great Earthquake" until 1906. Scientists have been studying the past earthquakes on the Hayward fault. They have found that the most recent 5 major earthquakes happened on average every 140 years. Since it has been more than 144 years since the last major earthquake, it is likely that the Hayward fault will rupture and produce a significant earthquake within the next 30 years (UC Berkeley 2022). The probability of a magnitude 6.7 or greater earthquake along the Hayward Fault within the next 30 years is 33 percent (USGS 2003). The City of Newark is close to the Hayward Fault and would therefore experience significant impacts from an earthquake along this fault.



The Hayward fault runs through the East Bay hills from San Jose through Richmond. *Courtesy of UC Berkeley (2022).*

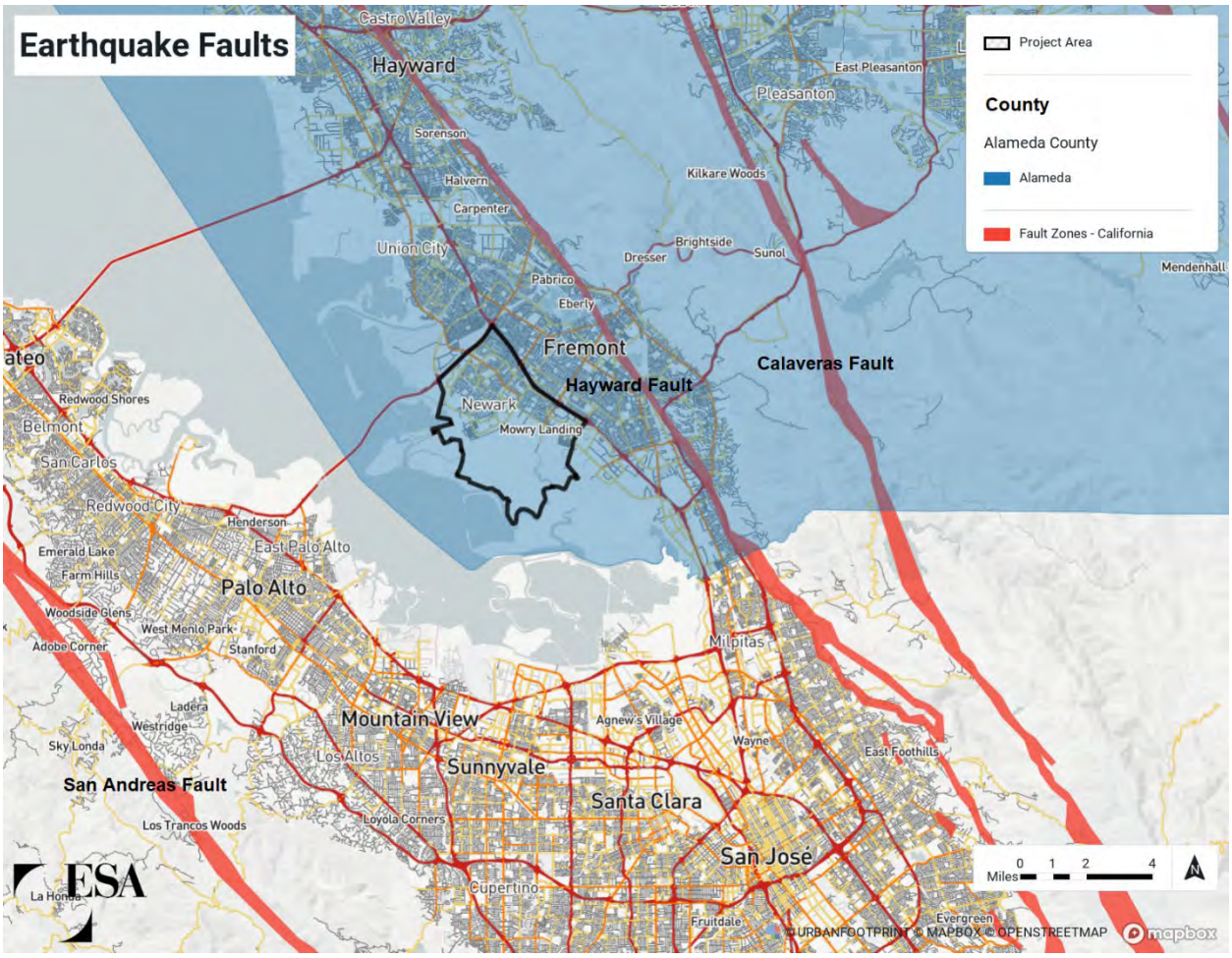


FIGURE 2.6-1 **Earthquake Faults**

San Andreas Fault. The San Andreas fault is considered most likely to produce a large seismic event within the next 100 years. The San Andreas fault lies approximately 9 miles west of the City. Geologic evidence suggests that a major earthquake (7.5 to 8.5 magnitude) has a 50 percent chance of occurring within the next 30 years (USGS 2003). An earthquake of this magnitude is comparable to the 1906 San Francisco earthquake and has the potential for causing considerable damage in the Northern California region.



The San Andreas Fault. *Courtesy of California Earthquake Authority (2022).*

Ground Shaking

Ground shaking is a result of the energy created from an earthquake event as it moves out from the epicenter. The energy moves in waves that affect various rock and soil types differently. In some instances, ground shaking may cause **unconsolidated soils** to settle and result in significant damage to buildings.

As listed above in Table 2.6-2, ground shaking is measured on a scale ranging from MMI level I to X. When it comes to the potential hazards related to ground shaking, most of the developed portions of Newark would experience "very strong" ground shaking (MMI level VIII) in a 6.9 Hayward Fault earthquake, but some parts of the city would experience "violent" ground shaking (MMI level IX). Ground shaking levels are higher on the southern and western boundaries of the city.

Unconsolidated soil is sediment that is loosely arranged or not formed, or whose particles are not cemented together, found either at the ground surface or at depth.

Fault trace line is the line where the ground surface meets a fault, which is also the line commonly plotted on geologic maps to represent a fault.

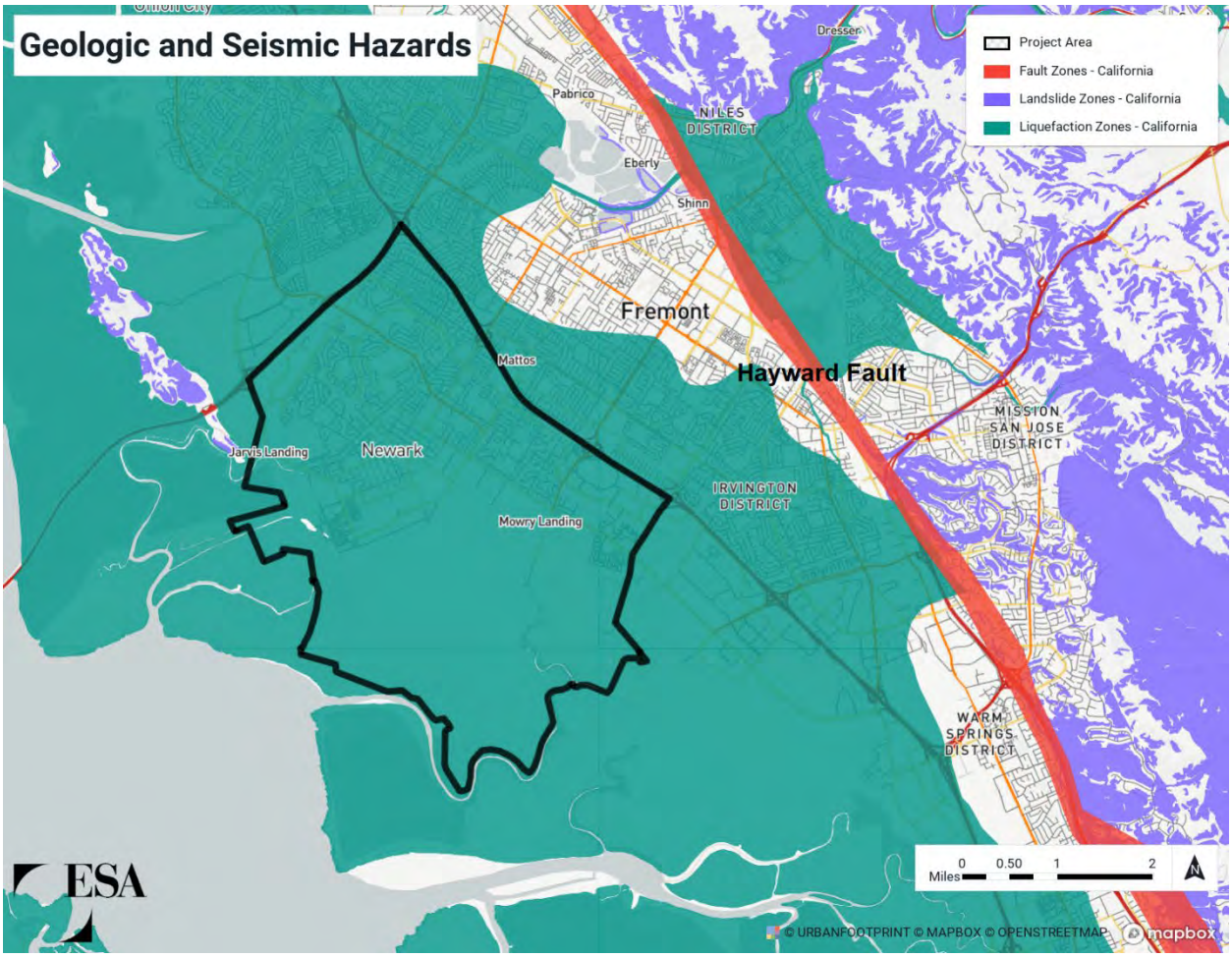
Alquist-Priolo Earthquake Fault Zones are regulatory zones surrounding the surface traces of active faults in California.

SOURCE: USGS (2022)

Fault Rupture

Fault rupture refers to the actual ground surface tearing apart as a result of an earthquake, which typically occurs along a **fault trace line**. The effects of surface rupture may be mitigated by placing structures at a specified distance from the known fault trace. California has enforced regulations prohibiting the placement of structures over, or in close proximity to, a known fault trace through the implementation of the **Alquist-Priolo Act**. This Act established earthquake fault zones in California. Alquist-Priolo Earthquake Fault Zones are made up of surface traces of active faults with a potential for future surface fault rupture. These zones have been established by the State Geologist, are mapped, and indicate an active fault within the zone.

The risk from fault rupture is considered very low in Newark, since there are no active faults within the City. Liquefaction as a post-secondary hazard resulting from an earthquake event is a greater risk given Newark's soil characteristics and underlying geology. Liquefaction results from a loss of soil strength during earthquake vibrations. Soils that are most prone to liquefaction are loose, saturated, fine-grained sands with shallow groundwater. During an earthquake, such soils may lose strength and fail, causing damage to buildings, bridges, and other structures. **Figure 2.6-2** shows there are no fault zones within the City of Newark with the closest being the Hayward Fault.



SOURCE: City of Newark (2013b)

FIGURE 2.6-2 **Geologic and Seismic Hazards**

Landslides

Landslides are masses of rock, earth, or debris that move down a slope. Landslides move along surfaces of separation by falling, sliding, and flowing, giving rise to many characteristic features. These features range from largely unweathered and uneroded, to highly weathered and eroded, which are only recognized by topographic layouts. Landslides are characteristically abundant in areas of high seismicity, steep slope, and high rainfall, and the following factors contribute to landslides:

- Type and structure of earth materials
- Steepness of slope
- Water
- Vegetation
- Erosion
- Earthquake-generated ground shaking

Landslides are most likely to occur in areas with a slope greater than 25 percent (hillside areas) and along steep bluffs. Newark is comparatively flat, sloping gently from 37 feet above mean sea level (msl) in the northeastern part of the city to 5 feet below sea level in the marshes near the Bay shoreline. There are no significant hills or steep slopes. The California Geological Survey's Seismic Hazard Mapping Program reports no landslide hazard areas within the city. Figure 2.6-2 shows landslide zones in proximity to the city (City of Newark 2013b).

Liquefaction

Liquefaction is when loosely packed, water-logged sediments lose their strength and liquefy in response to strong shaking, causing major damage during earthquakes. Soil liquefaction can cause severe damage to property, including damaging pipes, compromising building foundations, and bucking roads and airport runways. The City of Newark could experience seismic shaking levels with the potential to cause liquefaction in areas where groundwater is generally shallower than 30 feet.

The California Department of Conservation (DOC) has evaluated liquefaction susceptibility for most of the City of Newark area. The entire City is considered a liquefaction hazard zone and is identified as having a potential for liquefaction, as shown in Figure 2.6-2.

As previously mentioned, liquefaction generally occurs during significant earthquake activity, and structures located on soils such as silt or sand may experience significant damage during an earthquake due to the instability of structural foundations and the moving earth. In some cases, this ground may be subject to liquefaction, depending on the depth of the water table. Buildings and their occupants are at risk when the ground can no longer support these structures. The level of risk varies from location-to-location, and can best be determined through site-specific geotechnical studies. Areas nearest to the bay, along sloughs, or on artificial fill, are generally considered more susceptible than other areas. Based on soil conditions and underlying geology, these areas may also be prone to more severe ground shaking in a major earthquake.

Past Geologic and Seismic Events

Although there are several faults around the vicinity of the City, Newark has never been severely impacted by an earthquake. However, there have been many recorded earthquakes in Alameda and Napa County, most below a magnitude of 3. According to the Union City/Newark Multi-Jurisdiction Hazard Mitigation Plan, the most intense earthquakes with a magnitude of 5.0 or greater that have taken place in Northern California between 1986 and 2014 are listed in **Table 2.6-3**. The last significant seismic event in the Union City/Newark vicinity was the 2014 Magnitude 6.0 earthquake that originated 6 miles southwest of Napa. No significant seismic events in the Union City/Newark vicinity have been recorded since these two events. Other significant earthquakes in California include the 1906 earthquake in San Francisco, the 1971 San Fernando Earthquake, and the 1994 Northridge earthquake. Recent earthquake events with a magnitude of 5.0 or greater within a100-mile radius of the Union City/Newark vicinity are listed in Table 2.6-3 and their locations are shown in **Figure 2.6-3** (Newark Community Development Department 2017a).

TABLE 2.6-3 **Earthquake Events with a Magnitude of 5.0 or Larger in Northern California**

Date	Magnitude	Epicenter Location
8/24/2014	6.0	South Napa Earthquake
10/31/2007	5.6	San Francisco Bay Area, California
5/14/2002	5	Northern California
9/3/2000	5	Northern California
4/18/1990	5.4	Northern California
10/18/1989	5.0	Northern California
10/18/1989	7.2	Northern California
6/13/1988	5	San Francisco Bay Area, California
3/31/1986	5.6	Northern California

SOURCE: Newark Community Development Department (2017a)

Local Vulnerabilities

Population and Property

All people, property, and environments in the City of Newark could be exposed to direct and indirect impacts from earthquakes. In general, the resident population is less at risk during non-work hours (if at home) as wood-frame structures, which accounts for a majority of homes, are relatively less vulnerable to major structural damage than are typical commercial and industrial buildings. Transportation problems are intensified if an earthquake occurs during work hours, as significant numbers of employees would be stranded in the City. An earthquake occurring during work hours would create major transportation problems for those displaced workers.

Facilities and Infrastructure

According to the City's Hazard Mitigation Plan, the most significant damage from earthquakes would be to buildings. Buildings vary in susceptibility, depending on construction types and the types of soils on which they are built. Earthquakes destroy power and telephone lines; gas, sewer, or water mains; which, in turn, may set off fires and/or hinder firefighting or rescue efforts. In 1986, the State required jurisdictions in earthquake hazard areas to inventory unreinforced masonry (URM) buildings and establish programs to reduce the risks associated with these buildings. URM buildings are brick, stone, or concrete structures without steel reinforcement. Newark surveyed its buildings after this law was passed and determined there were no URMs present. However, the City does have structures that fail to meet modern structural code standards and may be susceptible to earthquake damage. As appropriate, the City may require such buildings to be upgraded when applications for building permits or use permits are filed. Other hazards associated with earthquakes include shifting of homes off their foundations. This hazard can be minimized through earthquake bracing between the house frame and foundation.



SOURCE: Newark Community Development Department (2017b)

FIGURE 2.6-3 **Past Earthquake Events**

If an earthquake were to occur, extensive federal assistance could be required and could continue for an extended period. Efforts would be required to remove debris and clear roadways, demolish unsafe structures, assist in reestablishing public services and utilities, and provide continuing care and welfare for the affected population, including temporary housing for displaced persons.

Emergency medical care, food, and temporary shelter would be required for injured or displaced persons. Emergency operations could be seriously hampered by the loss of communications and damage to transportation routes within, and to and from, the disaster area and by the disruption of public utilities and services. The economic impact on the City from a major earthquake would be considerable in terms of loss of employment and loss of tax base. The loss of communications through power outages could seriously disrupt the operations of banks, insurance companies, and other elements of the financial community.

Environment

Earthquakes can cause secondary hazards such as flooding from dam failure or a triggered tsunami. It depends on where the earthquake event is located. As previously mentioned, the City of Newark is located in a soil liquefaction zone. Building and road foundations lose load-bearing strength and may sink, quick-sand-like, into what was previously solid ground. Unless properly secured, hazardous materials can be released, causing significant damage to the environment and people.

Additionally, fires can result from gas lines or power lines that are broken or downed during an earthquake. It may be difficult to control a fire, particularly if the water lines feeding fire hydrants are also broken. After the 1906 earthquake in San Francisco, for example, a fire burned for three days, destroying much of the city and leaving 250,000 people homeless (Newark Community Development Department 2017a).

City Capacity to Respond to Earthquake Hazards

An earthquake can strike suddenly, without warning and can occur at any time of the year and at any time of the day or night. There is currently no reliable way to predict the day or month that an earthquake will occur at any given location. In any earthquake, the primary consideration is saving lives. Time and effort must be given to reuniting families, providing shelter to the displaced persons, and restoring basic needs and services.

Research is being done with warning systems that use the low energy waves that precede major earthquakes. These potential warning systems would give approximately 40 seconds notice that a major earthquake is about to occur. The warning time is very short but can enable protective actions such as:

- Citizens, including school children, drop, cover, and hold on; turn off stoves; and safely stop vehicles.
- Business personnel move to safe locations, automated systems ensure that elevator doors open, production lines are shut down, and sensitive equipment is placed in a safe mode.
- Surgeons, dentists, and others stop delicate procedures.
- Emergency responders such as fire departments can open firehouse doors, and have personnel prepare and prioritize response decisions.
- Power infrastructure and grid facilities can be protected from strong seismic shaking.

In 2011, Newark voters approved Measure G, a bond measure that allocated $63 million for school renovation, including seismic upgrades to existing Newark Unified School District facilities. The City itself periodically evaluates the seismic safety of public buildings, including City Hall, to determine the need for structural improvements to improve earthquake safety. A priority is placed on locating new facilities in areas where safety, access, and operational capacity can be ensured during and after an earthquake.

The City of Newark works closely with Caltrans, Pacific Gas & Electric (PG&E), and other utilities to seismically upgrade infrastructure. Caltrans is in the process of completing a major seismic upgrade of the Dumbarton Bridge and regularly inspects overpasses and other facilities to ensure their safety. The ACWD increased its rates in 2013 to fund a major seismic upgrade of its water mains and to replace aging pipelines in the Tri-City area. As of 2022, the ACWD 2022 Main Cleaning Underway program (2022 program) is underway to upgrading their water mains. Due to drought conditions, the 2022 program has been modified to reduce water use by about 50 percent (ACWD 2022). The Hetch Hetchy Aqueduct has been upgraded to improve earthquake reliability. While these projects will not entirely eliminate the potential for damage or service disruption, they will reduce the duration and extent of outages, enhance post-disaster fire-fighting capacity, and improve public safety.

The City of Newark uses its radio system, **Radio 1610 AM**, as well as **AC Alert** software service to broadcast and deliver important and timely information, including emergency messages and alerts, at no cost to the community. The AC alert is a Mass Notification System used by City and County agencies throughout Alameda County to quickly send emergency alerts via voice, text, or email to people who live, work in, or visit the County. AC Alert also messages Nixle subscribers, posting to social media pages, and sending FEMA Wireless Alerts (WEA). AC Alert is a primary source of information to the public in the event of a major disaster, such as an earthquake, flood, or fire (Alameda County 2019). This service could be used as a warning system during an earthquake event. Seconds and minutes of advance warning can allow people and systems to take actions to protect life and property from destructive shaking.

The City recommends that everyone be prepared to provide for their care and safety before and after an earthquake event through proper planning and preparedness. The City encourages residents and businesses to be prepared for an earthquake or other natural or major disaster by providing links to the Great Shakeout webpage on the Southern California Earthquake Center (SCEC) website (https://www.shakeout.org/). The City instructs how to sign up for the AC Alert system (https://www.acgov.org/emergencysite/).

Plans, Policies, and Regulatory Environment

State and local laws have been adopted to reduce exposure to seismic hazards. The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to prevent the construction of buildings on top of active faults. Areas on either side of such faults are referred to as “Earthquake Fault Zones.” Since there are no known active faults in Newark, there are no designated Fault Zones in the city. In 1990, California adopted the Seismic Hazards Mapping Act to assess the potential for other types of earthquake hazards, including liquefaction. One of the purposes of the Act was to assist local governments with land use planning by mapping high hazard areas. Locally, the City requires site-specific soils reports and geotechnical evaluations as part of the approval process for major developments. The City further requires that recommendations from such reports be incorporated into project design. Newark has adopted additional regulations for grading to reduce the potential for erosion and to ensure the stability of filled areas.

Local Regulations

Alameda County Code Section 16.16.010

Along with the Seismic and Wind Structural design standards, the Alameda County Code includes requirements for design of planned development and retrofit facilities to be built in accordance with the applicable design standards in which the development or facility is located as well as the guidelines prepared by the county public works department.

Field Act

All school buildings in the City must meet the requirements of the Field Act, which was enacted on April 10, 1933, one month after the Long Beach Earthquake where many schools were destroyed or suffered major damage. Public school construction has been governed by the Field Act since 1933 and enforced by the Division of the State Architect (DSA). In any community, public schools constructed under the Field Act after 1978 are likely to be among the safest buildings in which to experience a major earthquake.

The Field Act requires school building plans to be prepared by qualified California licensed structural engineers and architects and for these designs and plans to be checked by the DSA. It also includes hiring qualified inspectors, architects and/or structural engineers independent of the contractors to continuously inspect construction and verify full compliance with plans, observe construction, make changes to plans, and prepare reports that are subject to approval by DSA.

State Regulations

2019 California Building Standards Code (CCR, Title 24)

The California Building Code (CBC) incorporates standards that reduce exposure to seismic risks. The CBC, which has been adopted as part of the Newark Municipal Code, provides specific requirements for seismic safety, excavation, foundations, retaining walls, grading, and demolition. The 2019 California Code of Regulations (CCR), or the CBC, is a compilation of building standards, including materials requirements, construction methods, and maintenance standards for earthquake protection and resiliency. The 2019 CBC standards are based on building standards that have been adopted by State agencies without change from a national model code; building standards based on a national model code that have been changed to address particular California conditions; and building standards authorized by the California legislature, not covered by the national model code. The California Building Standards Commission (CBSC) oversees the Building Standards Law and the processes utilized for the development, adoption, approval, publication, and implementation of the California Building Codes (CBSC 2019).

Seismic and Wind Structural Design Standards

The California Building Code requires that each structure be assigned a Seismic Design Category which will be used in the structural design of the structure. There are six Seismic Design Categories listed A through F with “A” having the lowest vulnerability to earthquakes and “F” having the highest vulnerability to earthquakes. Assigning a Seismic Design Category to a structure involves the anticipated force of an earthquake in the general area of the structure, the soil type which will support the structure and the type of occupancy (City of Newark 2022).

2.7 Hazardous Materials

Introduction

A **hazardous material** includes substances that may pose a threat to human health or the environment when they are improperly handled, stored, transported, or disposed (Title 22 of the California Code of Regulations (CCR)). Releases, leaks, or disposal of chemical compounds within the City can lead to contamination of surface water and underlying soil and groundwater. Disturbance of a previously contaminated area through grading or excavation operations could expose the public to health hazards from physical contact with contaminated materials or hazardous vapors.

This section defines and describes hazardous materials in Newark, their risk to the community and the City's capacity to minimize risk.



Image Courtesy of the City of Newark 2013 General Plan (City of Newark 2013b).

Understanding Hazardous Materials & Regulations

Petroleum hydrocarbons are a broad range of chemicals that comprise oil and products refined from oil, such as gasoline and diesel.

An **underground storage tank** is defined by the EPA as a tank and any underground piping connected to the tank that has at least 10 percent of its combined volume underground.

SOURCE: EPA (2021b)

Hazardous wastes are the byproducts of various processes. Hazardous materials are classified based on the form of hazard(s) they pose, namely flammable, combustible, poisonous, and/or radioactive. For purposes of this section, the term "hazardous materials" refers to both hazardous substances and hazardous wastes. They include toxic metals, chemicals, gases, flammable and/or explosive materials, corrosive materials, infectious substances, and radioactive materials. In addition, hazardous materials found in the City may include household hazardous waste, which includes byproducts of motor oil, gasoline, compressed gas tanks such as propane and oxygen, paints and solvents, household cleaners, drain openers, batteries, cleaners, and pesticides, all of which are potentially hazardous (EPA 2021b).

Since 1990, State law has required that hazardous waste be properly disposed of in approved hazardous waste treatment or disposal facilities. To accomplish this, treatment methods and facilities have been developed and approved to pre-treat hazardous waste before its final disposal.

Local Conditions

Hazardous Materials in Newark

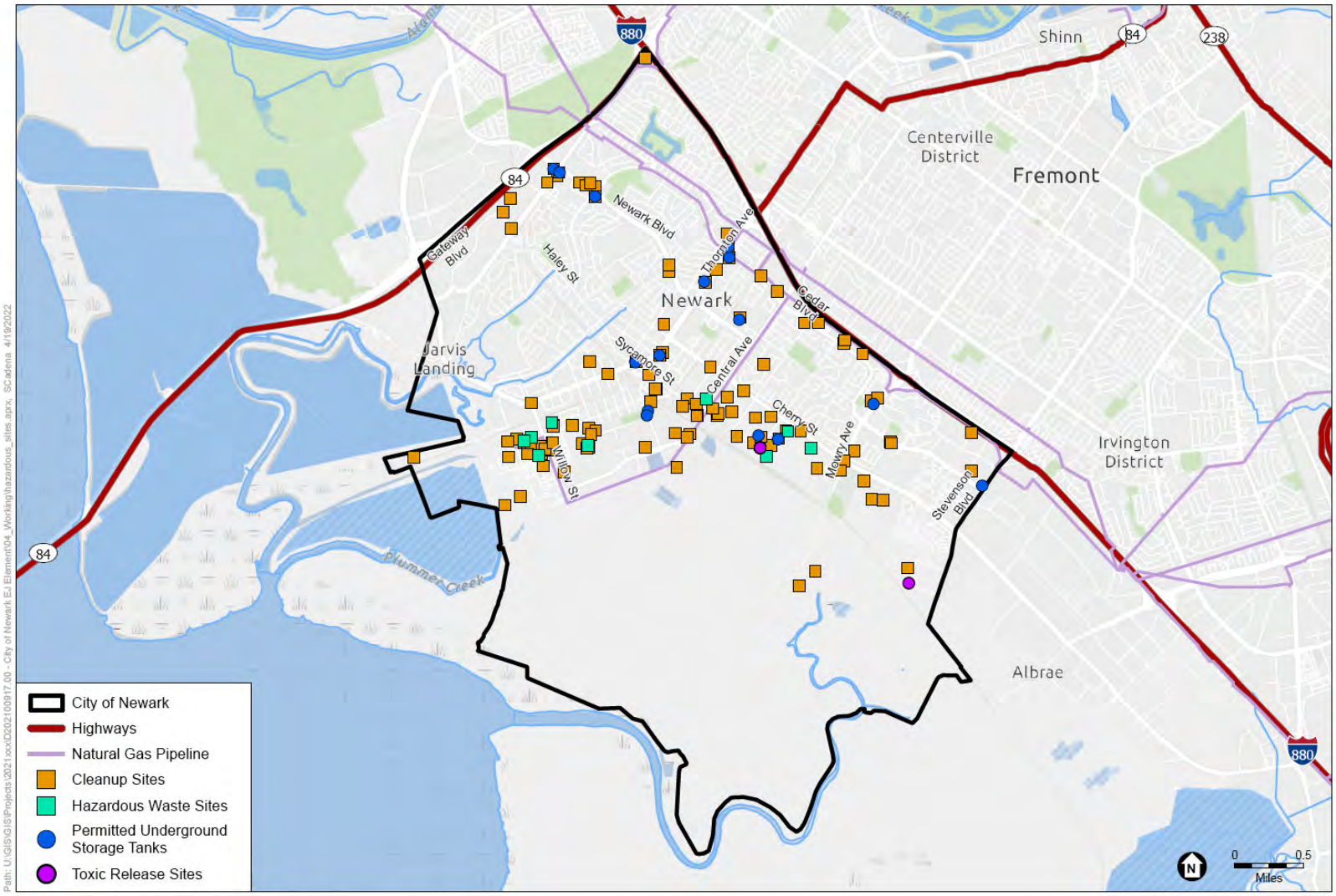
Newark has sizeable number of industries where hazardous materials are used, and a rail and freeway network on which hazardous materials are frequently transported. There are several independent agencies that monitor hazard sites and hazardous materials at the state and federal level, which include the California Department of Toxic Substances Control (DTSC), the California State Water Resources Control Board (SWRCB), or the U.S. EPA. As of February 2018, there were 146 listed facilities and sites in or near Newark (SWRCB 2018a; SWRCB 2018b; DTSC 2018a; DTSC 2018b; and EPA 2017). **Figure 2.7-1** identifies the approximate locations of all these hazardous sites from the collective agency databases, including toxic release sites, permitted underground storage tanks, hazardous waste facilities, and hazardous waste clean-up sites. The figure identifies the approximate locations of clean-up sites in the City, which include sites that are being monitored by DTSC and SWRCB. Most chemical clean-up locations are located in the industrial areas along Willow Street, Central Avenue, Sycamore Street, and Cherry Street. Cleanup sites include the Newark Police Pistol Range, which is affected by lead concentrations in shallow soils. The hazardous facilities and documented hazardous sites in the City are also identified below under their respective monitoring agency.

California Department of Toxic Substances Control

The DTSC maintains the **EnviroStor Data Management System**, which provides information on hazardous waste storage and disposal facilities (both permitted and in need of action) as well as any available site clean-up information. According to the DTSC, there are approximately 9 hazadous waste storage facilities in the City. Of those 9 facilities, 8 facilities have been closed and require no further remediation action and one site is operating under a permit (DTSC 2018a and DTSC 2018b).

California State Water Resources Control Board (SWRCB)

The State Water Resources Control Board (SWRCB) oversees the statewide **Underground Storage Tank** (UST) Program, which is aimed at protecting public health and safety and the environment from releases of petroleum and other hazardous substances from underground tanks. **GeoTracker** is the SWRCB's internet-accessible database system used by regional boards and local agencies to track and archive compliance data from authorized or unauthorized discharges of waste to land, or unauthorized releases of hazardous substances from USTs as well as any available site clean-up information. According to GeoTracker, there are 16 permitted UST facilities in the City (SWRCB 2018a). In addition, the SWRCB identified 96 clean-up sites (LUST clean-up and Cleanup program sites). Of the 96 clean-up sites, 11 sites are open and undergoing monitoring, 17 are undergoing site assessment, 9 are being remeditated, 49 are closed, 4 are eligible for closure, or are in the process of being closed down, 2 are inactive (closed down or cleaned up), and 4 are active (SWRCB 2018b).



SOURCE: DTSC; EPA; PHMSA; SWRCB; ESRI; ESA, 2022.

Newark Safety Element

FIGURE 2.7-1 **Hazardous Materials Sites**

U.S. Environmental Protection Agency

The EPA **Toxic Release Inventory** (TRI) is a database that tracks the management of certain toxic chemicals, including storage and disposal, that may pose a threat to human health and the environment. Nationwide, industrial facilities that handle hazardous materials must annually report on how much of each toxic chemical is recycled, combusted for energy recovery, treated for destruction, and disposed of or otherwise released on- and off- the industrial site. The EPA TRI lists two sites in Newark, including Safety Kleen, Inc. located at 6880 Smith Avenue and Smart Modular Technologies, located at 39870 Eureka Drive. Safety Kleen, Inc. is a facility that either stores and disposes petroleum and Smart Modular Technologies stores and disposes of computers and eletronic products (EPA 2017).

Past Hazardous Waste Spills

The Cal OES Spill Release Archive Files contain spreadsheet files that list all spills reported to the CalOES Warning Center for a specific year. In 2016, there were 13 reportable hazardous materials releases within Newark and Union City (Newark Community Development Department 2017a). In 2021, there were four reportable hazardous materials releases in Newark. As of 2022, there has been one spill reported by the Newark Police Department of petroleum spilled into waterways on March 5, 2022 (Cal OES 2022a).

Local Vulnerabilities

Population and Property

Hazardous materials pose a significant long-term risk and threat to public health and safety, property and the environment. Hazardous materials also pose a risk to emergency response personnel. Many of the City's industries produce, use, and store hazardous materials. As such, communities and neighborhoods near hazardous materials sites are the most vulnerable. In the City of Newark, industrial areas known to have potential hazardous material are found along Willow Street, Central Avenue, Sycamore Street, and Cherry Street and, in certain instances, are adjacent to residential neighborhoods (see Figure 2.7-1). Public safety issues involve not only the use of these materials in populated areas but also the transportation and disposal of chemicals and other hazardous substances through the City. Two major freeways, Interstate 880 (Nimitz Freeway) and State Route 84 (Dumbarton Freeway), and the urban arterials carry traffic transporting hazardous materials. The locations of these routes are to be periodically revisited, as a number of them pass through areas planned for future residential development (Newark Community Development Department 2017a).

Two rail lines owned by Union Pacific Railroad traverse the City of Newark and also carry hazardous materials. The Union Pacific Railroad routes 142 freight trains a week through the City and includes two subdivision lines off the main line: These transportation routes carry a variety of materials, such as methanol and/or petroleum, that could pose health risks to City residents in the event of an accident. The possibility of such an occurrence may be relatively higher in the Newark than other cities given the extent of freeway and railroad traffic that passes through and the concentration of manufacturing uses in the area.

Facilities and Infrastructure

All residential neighborhoods in the City of Newark that are located in or within the vicinity of industrial areas known to have potential hazardous material (including industrial areas along Willow Street, Central Avenue, Sycamore Street, and Cherry Street) are physically vulnerable to a hazard caused by release of hazardous materials due to their proximity to hazardous materials sites. Critical facilities and infrastructure that may be at risk are those that are essential to the health and welfare of the population, such as schools, senior centers, residences, hospitals and emergency operations centers. Critical infrastructure that could be at risk includes the roads and bridges that provide ingress and egress and allow emergency vehicles access to those in need, and the utilities that provide water, electricity and communication services to the community. Also included are facilities and railroads which hold or carry significant amounts of hazardous materials with a potential to impact public health and welfare in a hazard event.

Transmission Pipelines

Gas and hazardous liquid transmission pipelines could also be at risk. Approximately 300,000 miles of gas transmission pipelines and 170,000 miles of hazardous liquid pipelines move their products throughout the United States every day. Transmission pipelines connect urban areas, and only occasionally traverse highly populated areas. Nearly all distribution pipelines, however, are concentrated in highly populated areas. Distribution pipelines serve homes and businesses and thus are located where people work and live. In the City of Newark, there are 131 miles of under-road pipelines.

There are also two large (20- and 30-inch) PG&E-owned and -operated high-pressure gas lines running through Newark along Central Avenue and along the northern boundary of the city. Figure 2.7-1 shows the PG&E pipelines in or near the City. Because of a gas explosion in San Mateo County in 2010, PG&E is reviewing the safety of these lines and others. Moving forward, continued steps should be taken to ensure the long-term safety of the gas pipelines running through the city (Newark Community Development Department 2017a).

Environment

Hazardous materials releases can occur during emergency events such as flooding, dam failure, levee failure, and earthquake events. Hazardous materials spills can be a secondary hazard of flooding if storage tanks rupture and spill into streams, rivers, or storm sewers. Dam and levee failures can cause environmental incidents due to hazardous materials releases when floodwaters infiltrate storage facilities. Hazardous materials releases can occur during earthquakes from hazardous waste handling facilities or transportation-related incidents. Transportation corridors can be disrupted during an earthquake, leading to the release of materials to the surrounding environment. Facilities holding hazardous materials are of particular concern because of possible isolation of neighborhoods surrounding them. During an earthquake, structures storing these materials could rupture and leak into the surrounding area or an adjacent waterway, having a disastrous effect on the environment.

Additionally, the storage and use of hazardous materials by commercial and industrial occupancies increase the risk of fire and pose a threat to firefighters and the community. Certain materials have been designated by the National Fire Protection Academy as flammable and combustible, such as propane or petroleum; if a wildfire ignites a building or container with these materials, it increases the severity and damage associated with the fire.

City Capacity to Respond to Hazardous Materials

The clean-up of previously contaminated sites is a priority to the city, both to improve environmental quality and reduce the risk of future exposure. The threat of an accident or spill requires precautions and emergency response plans, which are in place in Newark through collaboration with the Alameda County Fire Department Hazardous Materials Unit and incorporation with the Alameda County emergency operations plan. All potential first responders and follow-on emergency personnel must be properly trained to the level of emergency response actions required of their individual position at the response scene.

This section identifies local, County and State programs that assist with the identification and disposal of hazardous materials and the clean-up of hazardous materials sites.

Local Programs

The City encourages residents to properly dispose of household hazardous waste. The City partners with StopWaste.Org, an organization whose mission is to help Alameda County's businesses, residents, and schools waste less, recycle properly, and use water, energy, and other resources efficiently (StopWaste 2022). In addition, the City educates residents about the safe use and storage of household hazardous waste and its rules and regulations for waste disposal. Residents are often unaware of the potential damage these substances cause when they are disposed in the trash, poured on the ground, or dumped down an indoor or outdoor drain. Household hazardous wastes must be safely disposed in designated facilities. The facility closest to Newark is located just outside the city in Fremont.

In addition, Newark has adopted two emergency response plans; the Emergency Operations Plan and the Chemical Emergency Preparedness Supporting Plan. The City has also designated an Emergency Operations Center so that citywide emergencies can be dealt with effectively from a central location as well as a Disaster Council comprised of the Mayor, City Manager, department heads, and representatives of schools and utilities, to discuss disaster preparedness. Disaster planning efforts are also coordinated with the cities of Fremont, Hayward, and Union City to maximize mutual aid response (City of Newark 2013b).

County Programs

The City coordinates with the Alameda County Department of Environment Health (ACDEH), who is the Certified Unified Program Agency (CUPA) for Newark. The ACDEH has developed a Hazardous Waste Management Plan. The ACDEH coordinates and enforces environmental protection and hazardous material management, handling, and storage programs from the local to the federal level.

These programs include the Hazardous Materials Business Plan (HMBP) Program; Hazardous Waste Generator Program; and California Accidental Release Program. Other County programs applicable to Newark include an underground storage tank program, an above ground storage tank program, a tiered permitting program, and a risk management program. In addition to the ACDEH, the City works with the Alameda County Fire Department (ACFD) in requiring hazardous materials users and generators to store and handle hazardous materials in accordance with best management practices (BMPs) to identify safety procedures for responding to accidental spills and emergencies. Fire codes, which are enforced by the ACFD, also address the handling of hazardous materials, and the Newark Municipal Code requires Hazardous Materials Storage Permits. With respect to the freeways and railroad, the City has less control

over such activities due to the interstate nature of this traffic. Communication with state and federal regulatory agencies is critical to reduce the risk of accidents and ensure that response to transportation-related hazardous materials incidents is immediate and effective. In the event of a hazmat incident in Newark, the ACFD has a Hazardous Materials Unit that would provide the initial response.

The Alameda County Water District addresses hazardous materials as they relate to the potential contamination of groundwater. The San Francisco Bay Regional Water Quality Control Board (RWQCB) monitors hazardous materials issues relating to urban runoff and stormwater. Construction plans that disturb 1 acre of soil or more require that a Stormwater Pollution Prevention Plan (SWPPP) be filed with the RWQCB. The SWPPP includes hazardous materials discharge regulations, sediment and erosion control measures, and detailed construction schedules. The RWQCB is also involved in clean-up oversight on some of these sites and serves as a lead agency on many cases involving chemical compound (City of Newark 2013b). The clean-up of contaminated sites will create new opportunities for development in the city.

State Programs and Agencies

At the State level, the State Water Resources Control Board (SWRCB) and the DTSC manage lists of hazardous wastes subject to regulation. Both agencies also track the location of sites requiring hazardous material clean up to ensure safe future development. The California Environmental Protection Agency (CalEPA) also monitors activities involving hazardous material within the State. CalEPA oversees implementation of the program and agencies involved in the program are known as the Certified Unified Program Agency, or CUPA. The Alameda County Department of Environment Health (ACDEH) is the CUPA for pollution prevention in all areas of Newark. The Department of Industrial Relations' Division of Occupational Safety and Health Administration, better known as Cal OSHA, was established under the California Code of Regulations, Title 8, to serve as an organization that oversees policies for workplace safety, including exposure to hazardous materials. The California Emergency Management Agency (CEMA) prepares hazardous materials release response plans and assists local government in disaster preparedness, response, and recovery.

Plans, Policies, and Regulatory Environment

The transport of hazardous materials is closely regulated in Newark. The City has jurisdiction over transportation on local streets, while the freeways and railroad are largely under the jurisdiction of state and federal agencies, including Caltrans. This section identifies the local, county, state, and federal agencies, plans, and programs that the City is either involved in or has local programs and plans for the regulation of hazardous materials storage, use, and disposal.

Local

Chemical Emergency Preparedness Supporting Plan

The Chemical Emergency Preparedness Supporting Plan establishes standard operating procedures for city staff when responding to a chemical spill or other hazardous materials incidents in the city.

Hazardous Materials Business Plan

The ACDEH monitors businesses that use hazardous materials. Those business using or producing hazardous materials and waste are required to prepare a Hazardous Materials Business Plan (HMBP) for how to store, transport, and properly dispose of these materials. The HMBP must include a complete inventory of all materials that are handled by type, quantity, storage conditions, and routes of transport. Each Plan assesses the potential hazards associated with the materials and the steps to be taken to minimize risks. The Plan identifies actions to be taken in the event of a spill, identifies a responsible person for the facility, and includes any other data determined necessary to ensure public health and safety. The HMBP also addresses the methods for storing hazardous materials, including the design of storage tanks, containment facilities, and handling practices.

City of Newark Municipal Code

The City's Municipal Code, under the Hazardous Materials Storage Permit Chapter, establishes standards for the prevention and control of hazardous materials discharge. These standards require all applicants for a Hazardous Materials Storage Permit to provide a hazardous materials management plan, or a Hazardous Materials Business Plan (HMBP). The plan must report any and all unauthorized hazardous materials discharges and regular inspections, identify emergency procedures at hazardous materials storage sites, and describe maintenance and safe upkeep of hazardous materials facilities, and identify hazardous material clean-up responsibility.

State

California Environmental Protection Agency

The California Environmental Protection Agency (CalEPA) and the State Water Resources Control Board (SWRCB) establish rules governing the use of hazardous materials and the management of hazardous waste.

CalEPA protects Californians from hazardous waste and hazardous materials by ensuring that local regulatory agencies consistently apply statewide standards when they issue permits, conduct inspections, and engage in enforcement activities. This program is known as the Unified Program, which is a consolidation of multiple environmental and emergency management programs. The CalEPA Unified Program was established by Senate Bill 1082 which requires a unified hazardous waste and hazardous materials management program. The Unified Program consolidates the requirements, permits, inspections, and enforcement activities of environmental and emergency response programs. State agencies responsible for these programs create the standards and the local government implements them.

California Department of Toxic Substance Control

Within CalEPA, the DTSC has primary regulatory responsibility of monitoring safe handling, clean-up, and disposing of hazardous materials, with delegation of enforcement to local jurisdictions that enter into agreements with the state. The DTSC manages hazardous materials and the generation, transport and disposal of hazardous waste. This authority comes from the Resource Conservation and Recovery Act (RCRA) and the California Health and Safety Code. The RCRA has a national program database (RCRA Info), where hazardous waste information is contained regarding management and inventory about

hazardous waste handlers. In general, entities that generate, transport, treat, store, and dispose of hazardous waste are required to provide information about their activities to state environmental agencies, such as regional and national EPA offices. This is governed by the RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984. According to the Union City/Newark Multi-Jurisdiction Hazard Mitigation Plan, there are 101 facilities in Newark identified in the RCRA Info database.

State Water Resources Control Board

The State Water Resources Control Board (SWRCB) and nine regional water quality control boards (RWQCBs) are responsible for making sure businesses comply with the federal Clean Water Act and the Porter-Cologne Act of 1969. The Porter-Cologne Act is California's law that protects water quality. Along with the SWRCB and RWQCBs, water quality protection is the responsibility of numerous water supply and wastewater management agencies, as well as city and county governments, and requires the coordinated efforts of these various entities. Individual RWQCBs are responsible for identifying, monitoring, and cleaning up leaking underground storage tanks (LUSTs). LUSTs are an important threat to groundwater and pose a potential threat to human health, safety, and the environment. The San Francisco RWQCB's UST clean-up unit provides technical and regulatory oversight for the investigation and clean-up of sites with leaks from USTs.

Regional Water Quality Control Board

The RWQCB develops and enforces water quality objectives and implementation plans that protect beneficial uses of the State's waters. The City of Newark is located within the jurisdiction of the San Francisco Bay Region RWQCB, the primary regulatory agency for stormwater discharges and for sites that impact or have the potential to impact the quality of surface or groundwater.

Aboveground Petroleum Act

The Aboveground Petroleum Act (APSA), regulates facilities that have a combined aboveground petroleum storage capacity of 1,320 gallons or more. These facilities typically include large petroleum tank facilities, aboveground fuel tank stations, and vehicle repair shops with aboveground petroleum storage tanks. The Act does not regulate non-petroleum products. Facilities with total petroleum storage quantities at or above 10,000 gallons are inspected at least once every 3 years by a CUPA.

Federal

The EPA sets national standards for hazardous materials management. The EPA also controls the generation, handling, transportation, treatment, storage, and disposal of hazardous waste. The Clean Water Act governs hazardous material discharges into bodies of water. Other federal agencies with jurisdiction over hazardous materials include the Occupational Safety and Health Administration (OSHA), which ensures safe working conditions, and the U.S. Department of Transportation (U.S. DOT), which regulates the transportation of hazardous materials.

The EPA is the agency primarily responsible for the enforcement and implementation of federal laws and regulations pertaining to hazardous materials. The EPA works closely with other federal agencies, State and local governments, and Indian tribes to develop and enforce regulations under existing environmental laws. The EPA is responsible for researching and setting national standards for a variety of environmental

programs and delegates to states and tribes responsibility for issuing permits, and monitoring and enforcing compliance. The EPA holds the TRI database as a resource for learning about toxic chemical releases and pollution prevention activities reported by industrial and federal facilities.

Prior to August 1992, the EPA was the principal agency at the federal level regulating the generation, transport, and disposal of hazardous waste, under the authority of the Resource Conservation and Recovery Act (RCRA). As of August 1, 1992, however, the EPA authorized transfer of authority to implement the State's hazardous waste management program to the DTSC. The EPA continues to regulate hazardous substances under CERCLA. Under CERCLA, the EPA has authority to seek the parties responsible for releases of hazardous substances and ensure their cooperation in site remediation. CERCLA also provides federal funding (the "Superfund") for remediation.

2.8 Wildfire Hazards

Introduction

A **wildfire** is any uncontrolled fire occurring on undeveloped land that requires firefighting efforts. Wildfires can be ignited by natural causes such as lightning and severe weather, increased fuels that are exacerbated by drought conditions, or by human-caused activity such as smoking, campfires, downed powerlines, equipment use, and arson. Wildfire can be further exacerbated by severe weather, such as wind, extreme heat, and drought conditions.

This section will illustrate existing environmental conditions that influence wildfire hazards in and around Newark, will characterize wildfire hazards in the City of Newark and surrounding Alameda County, and will provide maps and graphics showing the areas where the community is most vulnerable to wildfire hazards, including critical facilities and infrastructure that will increase capacity in the event of a fire hazard.

Wildfire Protection Responsibilities in California

Fire Hazard Severity Zones Defined

California law requires CAL FIRE to identify areas in the State based on the severity of fire hazard that is expected to occur there. These areas, or "severity zones," are based on factors such as fuel, slope and fire weather (CAL FIRE 2021).

There are three zones, based on increasing fire hazard: medium, high, and very high.

In California, local, state, tribal, and federal organizations all have legal and financial responsibility for wildfire protection. To address wildfire jurisdictional responsibilities, in 1981 the California State Legislature outlined various wildfire responsibility areas and their responsible jurisdictions, described in **Table 2.8-1**. In Newark and surrounding communities in Alameda County, the most prominent of these responsibilities include Federal Responsibility Areas (FRAs), State Responsibility Areas (SRAs), and Local Responsibility Area (LRAs)

TABLE 2.8-1 **Wildfire Responsibility Areas Defined**

Responsibility Area	Definition	Responsible Agencies
Federal Responsibility Areas (FRAs)	FRAs are fire-prone wildland areas that are owned or managed by a federal agency such as the U.S. Forest Service, National Park Service, Bureau of Land Management, U.S. Fish and Wildlife Service, or U.S. Department of Defense	Fire protection for developed private property is usually not the responsibility of the federal land management agency; structural protection responsibility is that of a local government agency.
State Responsibility Areas (SRAs)	SRAs are defined as lands that: • Are County unincorporated areas, • Are not federally owned, • Have wildland vegetation cover rather than agricultural or ornamental plants, • Have row crops or seasonal crops, such as, or • Have watershed, range, or forage values	SRAs are lands where the California Department of Forestry and Fire Protection (CAL FIRE) has legal and financial responsibility for wildfire protection
Local Responsibility Areas (LRAs)	LRAs include land in cities, cultivated agriculture lands, unincorporated urbanized areas, and lands that do not meet the criteria for SRA or Federal Responsibility Areas (FRAs)	LRA fire protection is typically provided by city or county fire departments, fire protection districts, or by CAL FIRE under contract to local governments

Local Conditions

The California Department of Forestry and Fire Protection (CAL FIRE) has mapped areas at risk of fires around the state and has determined that the majority of Newark is neither in a State High Fire Severity Area (SRA), nor a Local Very High Severity Area (LRA). This means that the City of Newark is subject to local development and wildfire protection regulations with respect to wildfire, such as defensible space and setback requirements, rather than CAL FIRE regulations. The areas located to the immediate south of Newark city limits, adjacent to the San Francisco Bay and the Dumbarton Bridge, are mapped as being within a Federal Responsibility Areas (FRA). As of 2022, these lands are used for salt harvesting, refining, and production activities and therefore have few buildings that are vulnerable to wildfires.

Past Wildfire Events

Although there are no areas within Newark city limits that are mapped within State wildfire hazard severity zones that are defined by the CAL FIRE, Alameda County and the greater San Francisco Bay Area have historically been susceptible to wildfire events. In Alameda County, there are four major factors that contribute to historic wildfire events (Diablo Fire Safe Council 2005). These factors include:

- Occurrence of **Diablo winds**
- Fire weather and fire behavior
- Vegetation density and diversity
- Development in the Wildland Urban Interface (WUI)

Diablo Winds

Diablo Winds are very dry, strong winds that originate east of the San Francisco Bay Area region and usually occur a few days per year (approx. 0 to 7), often in early fall. (Diablo FireSafe Council 2005).

According to the 2021 Alameda County Local Hazard Mitigation Plan, Alameda County has experienced 221 wildfires since record keeping began 70 years ago (Alameda County Draft Local Hazard Mitigation Plan 2021). Of these historical fires, two were declared by FEMA as major disaster events. These major wildfire events resulted in hundreds of acres burned, billions of dollars in damage to property, numerous injuries, and several deaths. These two events were approximately 30 miles from Newark and are listed below in **Table 2.8-2**.

TABLE 2.8-2 **FEMA Fire Emergencies in Alameda County**

FEMA Fire Name	Event Date	Location	Description
DR-295 (Buckingham/ Norfolk Fire)	September 29, 1970	Six Northern California Counties, including Alameda County	37 homes destroyed, 21 homes damaged, 204 acres burned
DR-919 (Oakland Hills Fire)	October 20–29, 1991	Alameda County – Oakland Hills	$1.7 billion in losses. Burned 1,520 acres, destroyed 3,354 homes and 456 apartments, injured 150 people and took the lives of 25 people

SOURCE: FEMA (2016); Union City – Newark Multi Jurisdiction Hazard Mitigation Plan (2017)

While there was no loss of life or property recorded as a result of these events, future wildfire events affect Newark residents through secondary hazard events, such as poor air quality as a result of wildfire smoke.

Local Vulnerabilities

Although the City of Newark is in a mostly urban setting and is not as susceptible to wildlife hazards as other surrounding communities, the City and the greater Alameda County are still vulnerable to wildfire impacts and secondary impacts from wildfires because they are located close to communities containing development within the Wildland Urban Interface and are mapped as being within State and Local Fire Hazard Severity Zones. Fires can result in property loss and damage and can displace large communities. Fires can result in wider community wide impacts such as evacuations, power outages, economic losses, road and school closures, losses of biodiversity and natural environment, and disruptions to recreational activities.

Fires within and near the City of Newark specifically are influenced by the following factors: ignition sources, weather, and topography. The risk of the ignition and spread of wildfire will likely increase in the future due to climate change as the result of warming temperatures, the increased severity of drought and resultant dry fuels, increased development, and the potential for severe wind events, such as the occurrence of Diablo Winds.

This section describes vulnerabilities to wildfire in terms of population, property, and infrastructure, such as roads, bridges, and utility lines, and provides a map showing these in relationship to the CalFire Wildfire Hazard Severity Zones.

Population

While there are no wildfire severity zones mapped within Newark city limits, the Union City – Newark MJHMP estimates that there are approximately 5,100 residents that reside in the WUI that is within the City's sphere of influence but outside of Newark City limits. This accounts for approximately 3.2 percent of the population of Newark and was estimated using demographic data from the California Department of Finance.

As shown in **Table 2.8-3**, 2,500 people reside in areas mapped as Moderate Wildfire Hazard Severity Zones, 2,578 people reside in High Wild Severity Zones and there are no people that reside in Very High Wildfire Hazard Severity Zones. There have been no recorded incidents of loss of life from wildfires in Newark.

TABLE 2.8-3 **Newark Wildfire Population Exposure**

Population Count by Wildfire Hazard Severity Zone	Population Exposed	
Very High	0	0.0%
High	2,578	3.5%
Moderate	2,500	3.4%

SOURCE: Newark Community Development Department 2017a; CAL FIRE 2021

Critical Facilities and Infrastructure

Per the State's Office of Planning and Research Guidelines, critical facilities are facilities that either: (1) provide emergency services; or (2) house or serve many people who would be injured or killed in case of disaster damage to the facility. Examples include hospitals, fire stations, police or emergency service facilities, utilities, or communications facilities. In the City of Newark, there are zero critical facilities within State or Local Fire Hazard Severity zones.

Further, linear infrastructure, such as roads and railroads, are normally not susceptible to fire damage. However, fires can create conditions that can prevent roads from being used, thereby isolating residents and preventing emergency service providers from responding. Similarly, communication towers also increase capacity in the event of a wildfire. Vulnerable development and critical facilities, as described, are shown in **Figure 2.8-1**.

City Capacity to Respond to Wildfires

The ACFD provides all-risk emergency and non-emergency services to the unincorporated areas of Alameda County, the cities of San Leandro, Dublin, Newark, and Union City, the Lawrence Berkeley National Laboratory, and the Lawrence Livermore National Laboratory.

This unit covers a large geographic region, providing emergency services to a population of 384,000 encompassing an area of roughly 506 square miles. Services are provided by a staff of 405 personnel working out of 28 fire stations.

There are three Alameda County Fire Stations within the Newark city limits and serve the City of Newark, including Alameda County Fire Department Stations 27, 28, and 29. In addition to fire suppression services, the Alameda County Fire Department provides residents resources for emergency preparedness.

Relevant Plans and Policies

Local Regulations

Alameda County Fire Department's Fire & Emergency Services Strategic Business Plan 2010–2017

The Alameda County Fire Department provides fire suppression services to the City of Newark and greater unincorporated Alameda County. The *Fire & Emergency Services Strategic Business Plan 2010–2017* (ACFD 2010) is a document that is intended to be regularly updated in order to provide clear internal direction, priorities, and outlines initiatives to ensure that the Department provides services with maximum efficiency and accountability. These initiatives include topics related to staffing, training, internal communications and management, marketing, finance, and sustainability. Regular evaluation and updates of this plan will help the Alameda County Fire Department provide efficient and timely service to residents across the Department's service area, including the City of Newark.

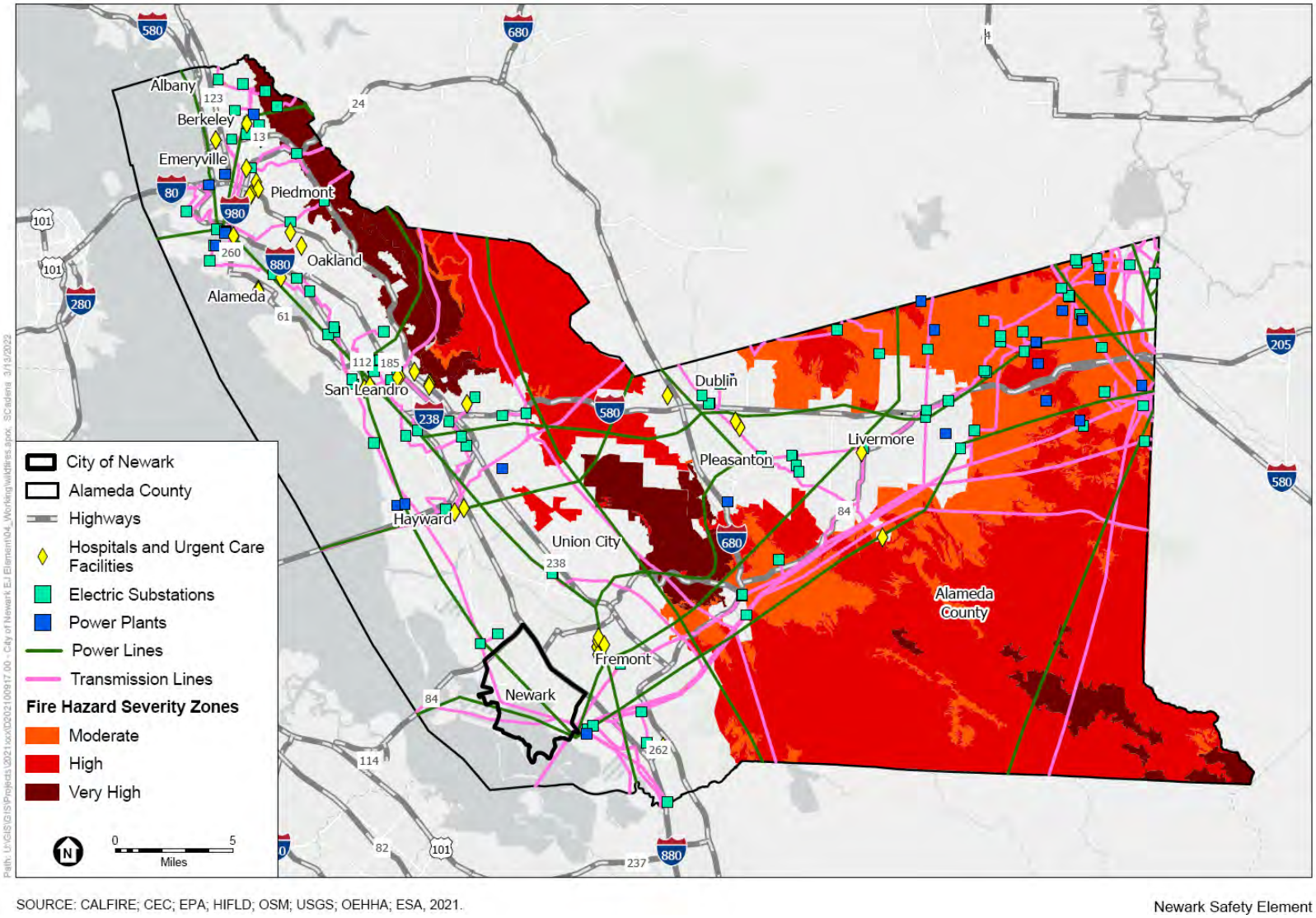


FIGURE 2.8-1 **Newark Fire Hazard Severity Zones and Vulnerable Facilities**

Law Enforcement and Crime Prevention Services

The Newark Police Department (NPD) provides police protection services to the City of Newark from its police headquarters, located at 37077 Newark Boulevard, as shown in Figure 2.9-1, below. The NPD runs two divisions and staff consists of 50 sworn officers (although 58 is full staffing), including one chief, two captains, three lieutenants, eight sergeants, and 36 officers. Additionally, NPD staff includes 28 professional staff employees. The Department's current ratio of officers to population is approximately 1.0 per thousand residents..

As previously mentioned, the NPD runs two Divisions: Field Operations and Support Services. Field Operations is the larger of the two divisions and includes patrol, detectives, southern alameda county major crimes task force detectives, school resource officer, honor guard, swat, crisis negotiations, emergency preparedness, k9, traffic, animal control, and vehicle abatement. The Support Services Division is responsible for professional standards and training, records, communications, property and evidence, internal affairs, and community engagement.

In addition, the NPD has internet resources for residents such as a “Police Crime Reports & Statistics” webpage listing website links to mapping systems, copies of filed police reports, and link to a uniform crime reporting (UCR) system. The mapping system allows users to search by date of crime or by location and lists missing persons, stolen vehicles, and public information regarding individuals arrested by the NPD. The system also gives users the option of submitting their contact information to receive email alerts containing information regarding crimes, wanted persons, missing persons and/or stolen vehicles. The mapping system is available from the NPD website (https://npd.crimegraphics.com/2013/default.aspx) (NPD n.d.). The UCR program is a nationwide cooperative effort that includes approximately 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies that voluntarily report data on crimes. The UCR is used to assess and monitor the nature and type of crimes in the nation. The goal of the UCR is to generate information for use in law enforcement administration (NPD 2022b).

The Department also offers a free Citizen Police Academy to teach residents about day-to-day law enforcement and crime prevention operations (City of Newark 2022b). The academy has a goal to increase awareness of effective policing and to create a community partnership that improves communication by developing a better understanding of the officer and citizen role in the community.

2.9 Emergency Preparedness and Resilience

Introduction



Alameda County Fire Department responding to massive fire burns at a recycling center in Newark on Friday, June 8, 2016. *Courtesy of abc7 Website media.*

Emergency preparation is key to the safety of a community in the event of a disaster. Emergency situations can arise from natural disasters such as earthquakes, floods, and fires, or human-caused events like terrorist attacks, hazardous materials spills, security incidents, or train accidents. This section defines the levels that hazards can occur in, and identifies and describes the systems, organizations, policies, and programs that the City of Newark has in place to respond to emergencies and ensure the safety and wellbeing of its residents. Emergency preparedness infrastructure (emergency response facilities, community gathering spaces, and emergency evacuation routes) as well as a strong communication and response network aid with the City's ability to address multiple hazards and build community resilience broadly.

Contrast Between Incidents, Emergencies, and Disasters

It is important to understand the difference between incidents, emergencies, and disasters as these terms are often used interchangeably by different organizations.

Incident

An incident is occurrence or event, either human-caused or caused by natural phenomena, that requires action by emergency response personnel to prevent or minimize loss of life or damage to property and/or natural resources. Examples of incidents include protests or demonstrations, sink holes, structural fires, or downed utility lines.

Emergency

An emergency is an incident that requires more than one City department or discipline and require substantial City resources to mitigate. Examples of emergencies include river flooding, earthquakes, or major fires.

Disaster

A disaster is a calamitous emergency event bringing great damage, loss, or destruction with long-term recovery activities. Disasters may occur with little or no advance warning (e.g., an earthquake or a flash flood), or they may develop from one or more incidents (e.g., a major brush fire). Long-term recovery issues are often associated with disasters.

City Capacity to Respond to Emergencies and Build Resilience

The City of Newark and the ACFD work collaboratively to reduce exposure to hazards, implement training programs for residents, and ensure effective response and quick recovery following an incident. Newark also has a designated Disaster Council comprised of the Mayor, City Manager, department heads, and representatives of schools and utilities, to discuss disaster preparedness. The City builds its resilience to crime through its participation in mutual aid agreements for disaster planning and through the urban planning design process of Crime Prevention Through Environmental Design (CPTED). Disaster planning efforts are coordinated with the cities of Fremont, Hayward, and Union City to maximize mutual aid response.

Alameda County Fire Department

The ACFD provides all emergency and non-emergency services to the unincorporated areas of Alameda County, the cities of Newark, San Leandro, Dublin, and Union City, the Lawrence Berkeley National Laboratory, and the Lawrence Livermore National Laboratory. In addition, the ACFD also includes three specialized response teams, which include the:

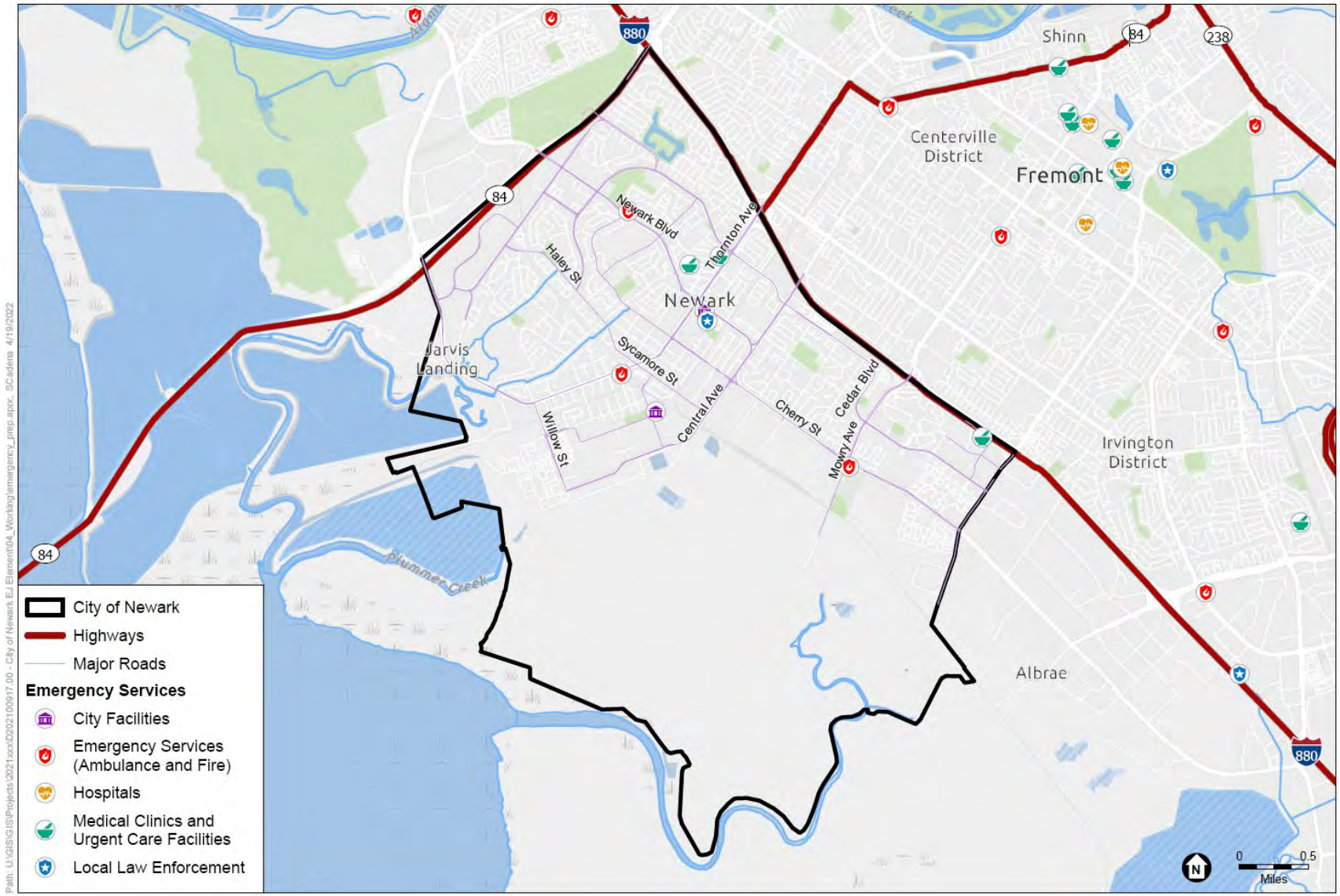
- Hazardous Materials Unit
- Urban Search and Rescue Unit
- Water Rescue Team Unit

This fire department covers a large geographic region, providing emergency services to a population of 384,000 over an area of roughly 506 square miles. Services are provided by a staff of 405 personnel working out of 28 fire stations.

The ACFD has allocated nine captains, nine engineers, nine firefighters, one deputy fire marshal, and one code compliance officer to the City of Newark. In addition, the city is responsible for filling positions that are shared with the ACFD, including fire chief, deputy fire chiefs, division chiefs, battalion chiefs and administrative staff. The daily minimum staffing is 3 captains, 3 engineers, and 3 firefighters. There are also at least 9 paramedics and 18 emergency medical technicians assigned to the City of Newark at any given time. This capacity is provided by the captains, engineers, and firefighters listed above.

There are three Alameda County Fire Stations that serve the City of Newark, which includes Alameda County Fire Department Stations 27, 28, and 29 (see **Figure 2.9-1**). In addition to fire suppression services, the Alameda County Fire Department provides residents resources for emergency preparedness.

- Fire Station 27 is located at 39039 Cherry Street. Station 27 was built in 1981 and is home to a crew of three firefighters that staff one fire engine.
- Fire Station 28 is located at 7550 Thornton Avenue. Station 28 is Newark's largest fire station that opened in 2005 and is approximately 13,500 square feet. This station is maintained by a crew of three firefighters and one Battalion Chief.
- Station 29 is located at 35775 Ruschin Drive. The Station was built in 1962 and is staffed by a crew of three firefighters and one fire engine (ACFD 2022).



SOURCE: Google Maps; HIFLD; OSM; ESA, 2022.

Newark Safety Element

FIGURE 2.9-1 **Emergency Preparedness and Resilience**

Crime Prevention Through Environmental Design (CPTED)

CPTED is an urban planning design process that integrates crime prevention with neighborhood design and community development. CPTED is based on the theory that the proper design and effective use of the built environment can reduce crime and the fear of crime and improve the quality of life. CPTED creates an environment where the physical characteristics, building layout, and site planning allow inhabitants to become key agents in ensuring their own security.

CPTED is based on four key strategies including natural surveillance territorial reinforcement, access control, and maintenance. These strategies are defined below:

- **Natural surveillance:** Make places highly visible and reduce hiding or sheltered areas for illicit activities.
- **Territorial reinforcement:** Clear boundaries for a sense of ownership and stewardship of common space.
- **Access control:** Direct movement safely (along lighted pathways, etc.).
- **Maintenance:** To convey the message that residents care about a space and are committed to its upkeep.

These strategies can be used in combination to create public spaces that discourage criminal activity such as graffiti and vandalism. The City of Newark uses the development review process to ensure that new development is designed to reflect security considerations, along with provisions for emergency vehicle access. Involvement of local police and fire personnel in development review is critical to ensure that new neighborhoods and infill development are designed with safety in mind (City of Newark 2013b).

Resilience Services and Infrastructure

Evacuation Routes

Pursuant to recent State legislation, Safety Elements must identify and analyze evacuation routes to use in the event of an emergency. Specifically, SB 99 requires the identification of certain residential developments in hazard areas that do not have at least two emergency evacuation routes, and AB 747 requires an evaluation of the capacity of the evacuation network under a variety of evacuation events. Emergency evacuations can occur due to any number of events and are unpredictable, as are individual behaviors related to an event. Nevertheless, it is important to plan for evacuation events and identify key areas of the City where additional focus and planning are needed due to limited access and/or capacity constraints on the transportation system.

Major arterials typically serve as evacuation routes. As shown on Figure 2.9-1, Newark Boulevard and Mowry Avenue are major arterials that connect to the two existing freeways that serve the city. Interstate 880 (I-880) is one of the busiest freeways in the Bay Area and has interchanges at Thornton and Mowry Avenues and Stevenson Boulevard (City of Newark 2013b). State Route (SR) 84 has interchanges at Thornton Avenue and Newark Boulevard and connects Newark to the Peninsula via the Dumbarton Bridge. According to the MJHMP, heavy traffic on routes through the City occur at peak commute times when Interstate 880 and the Dumbarton Bridge are congested. Heavy congestion on Interstate 880 could impact the City's ability to provide emergency services to its citizens by delaying response times or limiting routes for egress to critical healthcare facilities or ingress of equipment such as fire apparatus, police vehicles, and ambulances.

Hospitals

There are three medical facilities within the City of Newark: Alameda County Health System's Newark Wellness center, Washington Hospital Clinic, and Doctors Express Newark. Larger medical facilities are located about 4 miles away in Fremont. These facilities include Kaiser Permanente Medical Center-Fremont, and Washington Hospital, both of which are large, full-service hospitals with emergency and trauma care units. In Union City, roughly 10 miles away, there are additional medical facilities, including the Tiburcio Vasquez Health Center, which serves people at all income levels in Spanish and English (City of Newark 2013b).

City and County Collaboration

Alameda County acknowledges that caring for vulnerable populations such as those with access and functional needs often presents unique challenges. Often, these needs make individuals more vulnerable to harm. Protecting these populations is a high priority of Alameda County during and after an emergency or disaster. According to the County of Alameda Emergency Operations Plan, the following overarching operational priorities guide resource allocation and response strategy for Alameda County during an emergency or disaster (Alameda County 2012):

- **Save Lives:** The preservation of life is the top priority of emergency managers and first responders and takes precedence over all other considerations.
- **Protect Health and Safety:** Measures should be taken to mitigate the emergency's impact on public health and safety.
- **Protect Property:** All feasible efforts must be made to protect public and private property and resources, including critical infrastructure (hospitals and emergency shelters), from damage during and after an emergency.
- **Preserve the Environment:** All possible efforts must be made to preserve California's environment and protect it from damage during an emergency.

Additional City Safety Services

AC Alert/Zonhaven

AC Alert is the mass notification system used by the City of Newark and County agencies throughout Alameda County to rapidly distribute emergency alerts to people who live, work in, or visit Alameda County (Alameda County 2019). Public safety organizations in Newark, such as the ACFD and NPD, use the AC Alert service to deliver important and timely information at no cost to the community. AC



AC Alert. *Courtesy of the Alameda County Alert website.*

Alert is capable of sending alerts by voice, text and email, as well as posting to social media pages, and sending FEMA Wireless Alerts (WEA). Residents of the city are encouraged to opt-in to the AC Alert system through the County website or the Everbridge application (https://member.everbridge.net /453003085612570/login). When residents register with AC Alert, they can provide multiple methods of contact, including cell, home & work phones, and email addresses as well as designate multiple locations in the County where they want to receive emergency alerts (Alameda County 2022).

The Zonehaven Evacuation Management Platform (EMP) is a zone-based application that makes it easy for fire, law enforcement, and the Office of Emergency Services to collaborate, build, and maintain evacuation plans, conduct scenario training, and notify agencies and the community in the event of a live emergency. Community members are encouraged to search for their own address at Zonehaven AWARE | Find your Evacuation Zone now and sign up for notifications through AC Alert.

Emergency Operations Center

The City has designated an Emergency Operations Center so that citywide emergencies can be dealt with effectively from a central location (City of Newark 2013a).

Emergency Preparedness Resources for Newark Residents

The City also encourages its residents and businesses to be better prepared for disasters by providing education and awareness on the **Disaster Preparedness** webpage (https://www.newark.org/residents /disaster-preparedness-cert). The ACFD offers a local Community Emergency Response Training (CERT) program for community volunteers. The training provides basic skills in search and rescue, first aid, and emergency preparedness. Its main goal is to help residents become self-sufficient for the first 72 hours after a major disaster (City of Newark 2022).

The City recommends that everyone be prepared to provide for their care and safety before and after a hazard or emergency event through proper planning and preparedness. The City's Disaster Preparedness webpage includes information related to different types of emergency preparedness workshops, such as the CERT program and the Personal Emergency Preparedness (PEP) workshop hosted by the Alameda County Fire Department. The webpage also includes links and resources to other local, county, state, and federal agency emergency preparedness guides.

Disaster Council Accreditation: In order to be eligible for accreditation, a Disaster Council must provide the Cal OES with two certified members from the following documents:

- Disaster Council Model Emergency Ordinance
- Disaster Service Workers Volunteer Resolution
- Master Mutual Aid Agreement

The **Emergency Services Act** establishes statewide emergency standards in the event of natural, manmade, or state-of-war emergencies that put in peril the life, property, and resources of California citizens. The Act gives California's governor emergency authority.

(Cal OES 2022b)

Plans, Policies, and Regulatory Environment

State Regulations

State of California Emergency Plan

The State of California Emergency Plan provides a consistent, statewide framework to enable state, local, tribal, and federal government, and the private sector to work

together to mitigate, prepare for, respond to, and recover from the effects of emergencies regardless of cause, size, location, or complexity (Cal OES 2018).

As part of a comprehensive preparedness program, the Emergency Plan specifies that a community can take specific actions to enhance operational capacity to respond to and recover from an emergency. Similar to the strategies and actions that were identified in the NRF, the Emergency Plan directs the emergency management community at the regional and local levels to develop hazard-specific plans and procedures, maintain prevention programs, manage resources, establish mutual aid agreements, train personnel, and educate the public.

All local governments with a certified disaster council are required to develop Emergency Operation Plans (EOP) for their jurisdictions that meet state and federal requirements. The authority for the formation and accreditation of a disaster council was established by the California Emergency Services Act. The city incorporated a certified disaster council in 1876 that became accredited in 1948; came into a Mutual Aid Agreement in 1950; adopted a Disaster Service Workers Volunteer Resolution in 1957 that was amended in 1985; and adopted the Disaster Council Model Emergency Ordinance in 1972 (Cal OES 2012). The City of Newark has adopted the Alameda County Emergency Operations Plan as the EOP.

Local Regulations

Newark Emergency Response Plans

The City of Newark has adopted two emergency response plans, the Emergency Operations Plan (EOP) and the Chemical Emergency Preparedness Supporting Plan. The City of Newark has a mutual aid agreement with the County and has adopted the County Emergency Operations Plan. The EOP is the City's primary plan which provides operational procedures for responding to a variety of emergency conditions, including earthquakes, flooding, tsunamis, hazardous material incidents, and civil defense. The guidelines included in this plan address the needs of the entire community and identify key responsible agencies and personnel.

The City's second response plan is the "Chemical Emergency Preparedness Supporting Plan." This plan establishes standard operating procedures for responding to a chemical spill or hazardous materials incidents within the City.

Federal Regulations

National Response Framework

Established by FEMA, the National Response Framework (NRF) is a guide to how the nation responds to all types of disasters and emergencies. The NRF describes specific authorities and best practices for managing incidents that range from the serious but purely local, to those that are catastrophic and national in scope. The NRF states that in order to have an effective response to a disaster or emergency, the sectors and groups involved must have collaborative support and understand each other's response goals. These sectors and groups include individuals and communities, the private sector, nonprofit organizations, and all levels of government.

According to the NRF, some of the best practices and activities that each of these groups can engage in collectively and individually to increase response capability include, but are not limited to:

- Developing plans that ensure continuity of operations.
- Conducting risk assessments to prepare for incidents and coordinating damage assessments during an incident.
- Providing and directing resources and capabilities.
- Gathering lessons learned.

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Attachment B

Memorandum

Date: July 10, 2023

To: Luke Evans, ESA

From: Matthew Ridgway, Meredith Milam

Subject: Newark Emergency Evacuation Assessment

DC22-0095

Fehr & Peers has completed a general, programmatic assessment of emergency evacuation routes for the City of Newark. This assessment is consistent with Assembly Bill 747 (AB 747) and Senate Bill 99 (SB 99) requirements to disclose information in the Safety and Housing Elements related to evacuation routes. This is not a CEQA requirement, nor does this memorandum constitute a CEQA document.

This document is intended to provide an assessment of roadway capacity under the described scenarios and should not be considered an evacuation plan. Please note that emergency evacuation can occur due to any number of events. As such, this assessment is intended to provide the City with a broad "planning level" assessment of the capacity of the transportation system during an evacuation scenario; it does not provide guarantees as to the adequacy of the system nor can it guarantee that the findings are applicable to any or all situations.

Moreover, as emergency evacuation assessment is an emerging field, there is no established standard methodology. We have adopted existing methodologies in transportation planning that, in our knowledge and experience, we believe are the most appropriate. Nevertheless, such methodologies are necessarily also limited by scope constraints and state of knowledge. In no way can Fehr & Peers guarantee the efficacy of any of the information used for this assessment, as such would be beyond our professional duty and capability.

Background

The following are recent pieces of legislation related to emergency access that are addressed in this assessment.

- AB 747 requires that the safety element be reviewed and updated to identify evacuation routes and their capacity, safety, and viability under a range of emergency scenarios. This is a requirement for all safety elements or updates to a Local Hazard Mitigation Plan (LMHP) completed after January of 2022.
- SB 99 requires review and update of the safety element to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes.

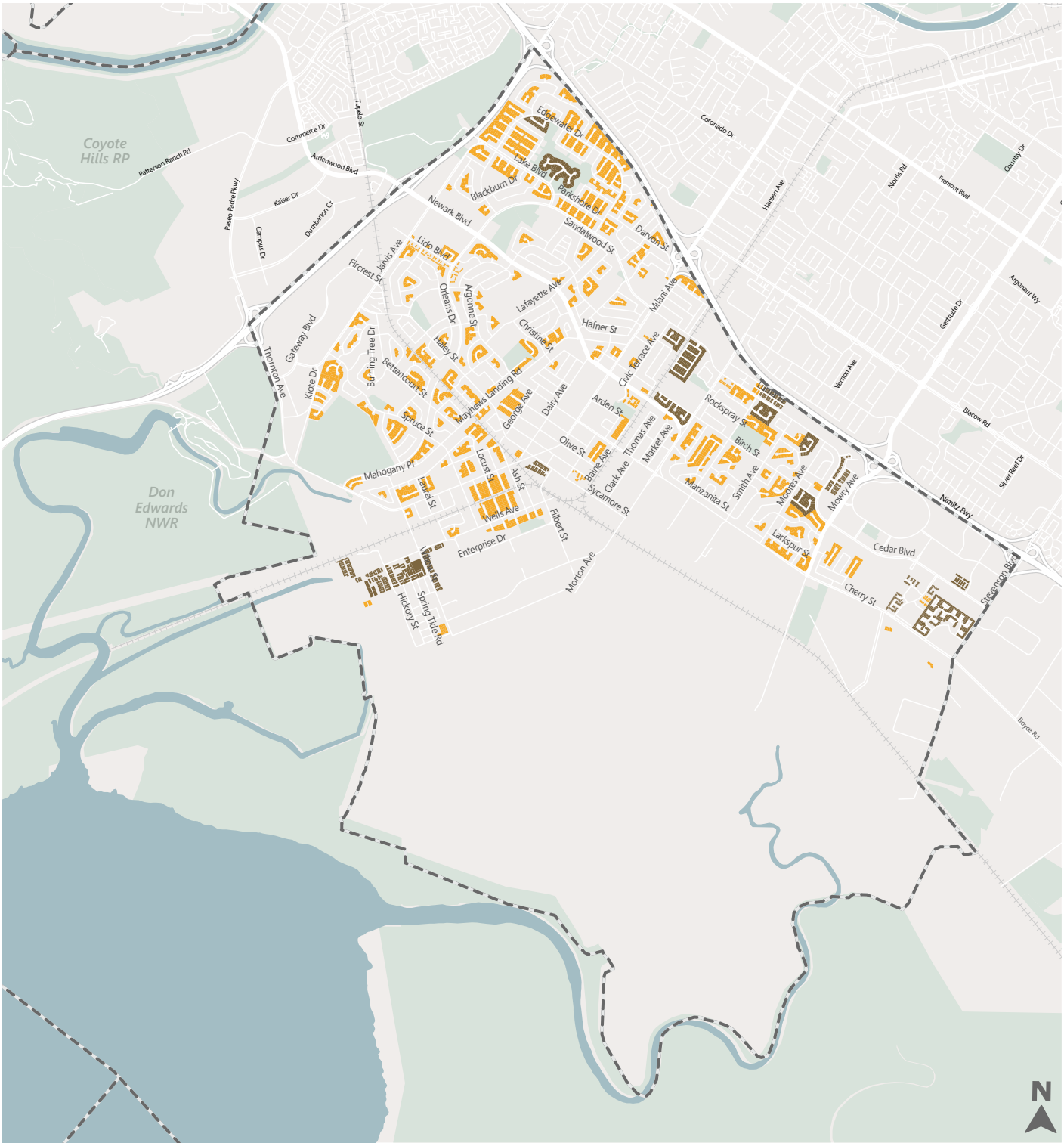
Approach

Consistent with requirements for SB 99, residential parcels with only one access route in or out are identified and mapped in **Figure 1**. The three scenarios differ based on the availability of access to arterial roadways and highway overpasses, shown in **Table 1**.

The City is bound by topography and other features which limit the direction and number of evacuation routes. These are described below:

- Topography (Salt harvesting, refining, and production facilities and the Don Edwards San Francisco Bay National Wildlife Refuge limits access to the west) limits access to the west and southwest such that emergency access is limited to the following facilities:
    - Thornton Ave. at Highway 84
    - Newark Blvd. at Highway 84
    - Thornton Ave. at I-880
    - Mowry Ave. at I-880
    - Balentine Dr. at Stevenson Blvd.
    - Cedar Blvd. at Stevenson Blvd.
    - Cherry St. at Stevenson Blvd.

Figure 2, Figure 3, and Figure 4 overlay the hazards identified in the safety element with residential parcels that do not have at least two evacuation routes, including earthquake fault zones, sea level rise, and dam inundation zones.



< 30 Parcels

>=30 Parcels

Cities

Figure 1

SB 99 - Residential Parcels With Only One Access Route

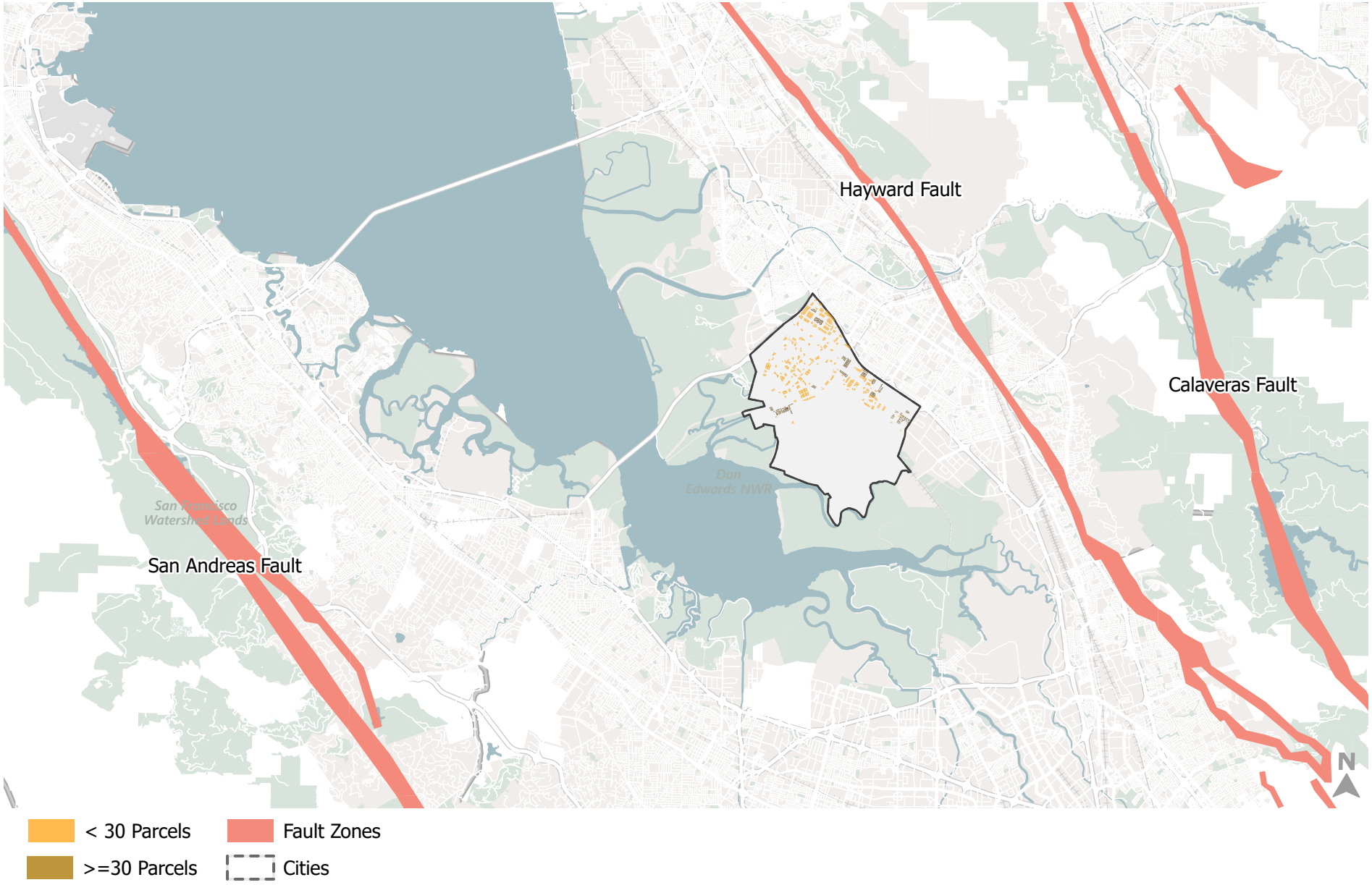
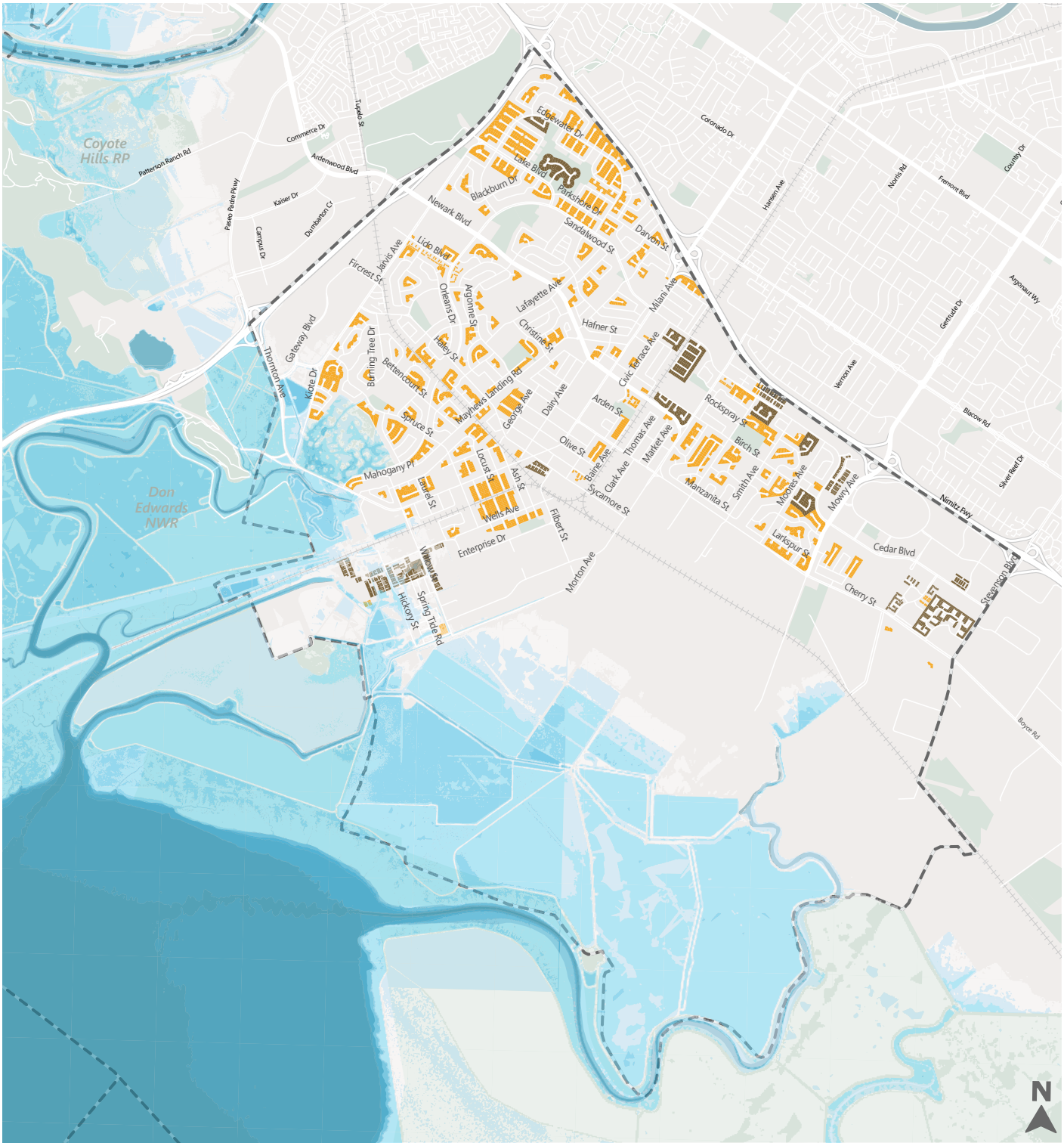


Figure 2

SB 99 - Residential Parcels With Only One Access Route
Earthquake Fault Zones

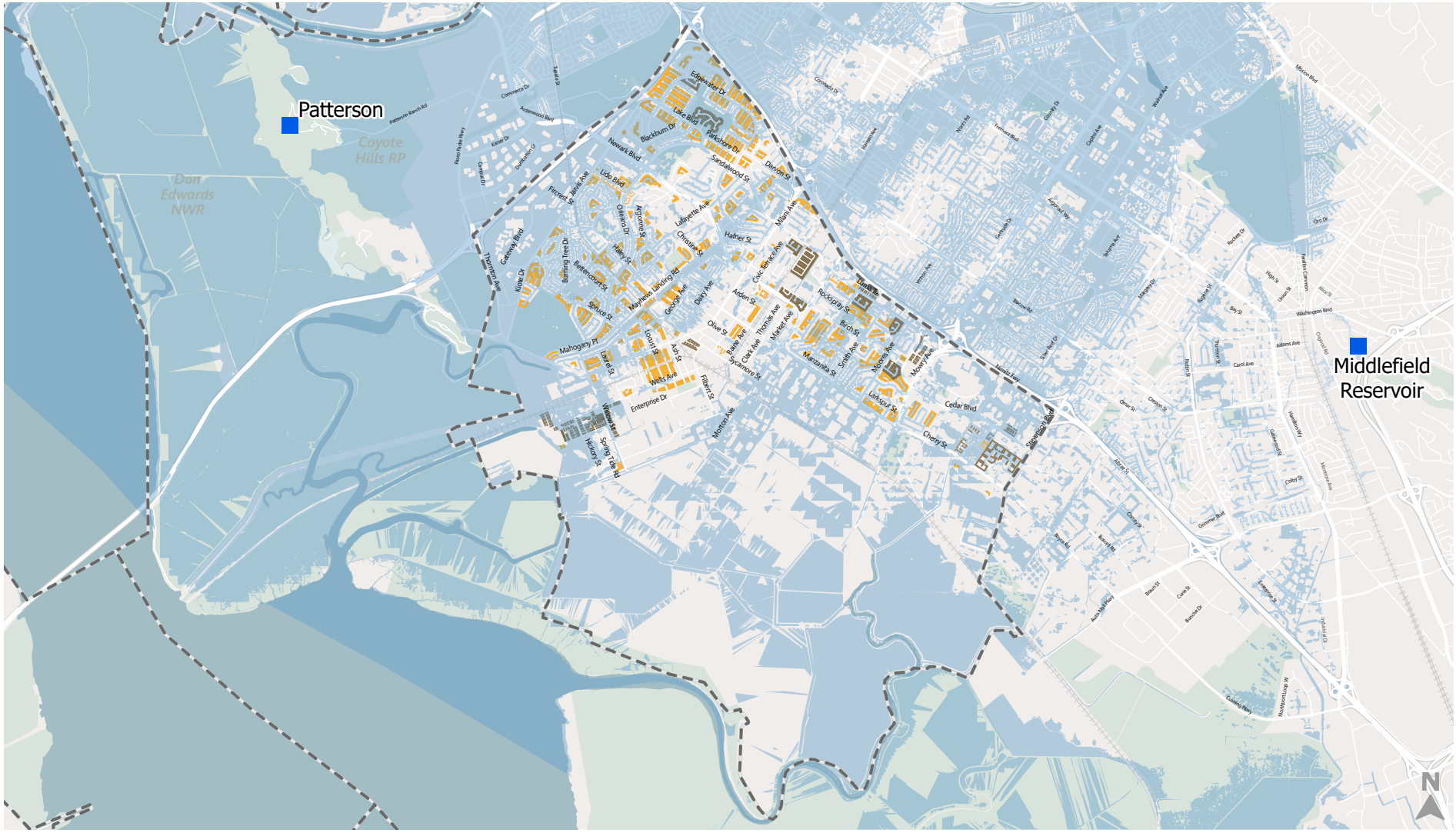


< 30 Parcels
>=30 Parcels
Cities

Depth
0 - 0.5m
0.5 - 1.0m
1.0 - 1.5m
1.5 - 2.0m
2.0 - 2.5m
2.5 - 3.0m
3.0 - 3.5m
3.5 - 4.0m
4.0m +

Figure 3

SB 99 - Residential Parcels With Only One Access Route
Sea Level Rise



Dam Inundation Zones
Hazard Clearance
- Extremely High
- High
- Low
- Significant

- < 30 Parcels
- >=30 Parcels
- Cities
- Dams

Figure 4

SB 99 - Residential Parcels With Only One Access Route
Dam Inundation Zones

AB 747: Evacuation Capacity Analysis

Consistent with the requirements of AB 747, this memo reviews the capacity of the transportation system during an evacuation event. This assessment assumes access to/from the west and south are not available due to blockages that are the product of the evacuation event (such as earthquake or flood). This assessment assumes that access to/from the Dumbarton Bridge is not available.

This assessment makes the following assumptions:

- The entire city is evacuated in all scenarios
- The need for evacuation is assumed to be a flood
- No "shelter in place" is assumed – all residents, employees, and visitors are assumed to evacuate from these zones.
- 100 percent occupancy of households is assumed. This assumption is discussed further in latter parts of this section and in **Table 2.**
- No capacity reduction of roadways is assumed, nor is contraflow assumed.
- Socioeconomic data from the Alameda CTC model was used for population, households, and employment.

This memo presents three evacuation scenarios separated into three sub-scenarios to represent the availability to use roadways during an evacuation. Evacuation is analyzed under two study conditions - existing conditions and existing conditions plus the housing element allocation. The scenarios are summarized in **Table 1** below.

Table 1: Evacuation Scenarios

Criteria	Scenario					
	1.1	1.2	1.3	2.1	2.2	2.3
Study Year	Baseline (2020)	Baseline (2020)	Baseline (2020)	Baseline + Housing Element	Baseline + Housing Element	Baseline + Housing Element
Conditions	All Access	Limited Access (no overpasses)	Only One Access (Cherry St)	All Access	Limited Access (no overpasses)	Only One Access (Cherry St)
Time of Day	8:00 AM	8:00 AM	8:00 AM	8:00 AM	8:00 AM	8:00 AM

Source: Fehr & Peers.

The evacuation routes for each of these scenarios are discussed further in the subsequent sections and evacuation gateways and destinations are shown in **Table 4.**

The number of residents, anticipated vehicle ownership per household, and employees in the area were referenced to estimate the number of vehicles that could need to evacuate. These are worst-case scenarios assuming that all households and non-residential uses would evacuate at once. **Table 2** summarizes land use information and vehicle ownership data for the evacuation zones for the two study conditions.

Table 2: Land Use and Evacuation Demand of Evacuation Zones (Baseline 2020)

Evacuation Zone ID	Evacuation Zone (TAZs)	Households	Population	Employment	Household Vehicle Ownership					Estimated Evacuation Demand*
					0	1	2	3	4+	
1	929, 930, 932, 1545, 1546, 1547	2,954	10,466	4,352	74	521	1,250	786	323	10,258
2	923 (half), 924, 925, 926, 927	4,052	12,942	3,370	133	375	1,825	878	840	12,148
3	918, 919, 920, 921, 922, 923 (half), 931	4,056	14,168	3,814	139	710	1,642	878	687	12,094
4	928, 933, 934, 935 (half), 936 (half), 937, 938	2,125	6,429	5,539	57	393	1,026	320	414	9,927
5	935 (east half)	85	257	1,013	0	0	0	0	0	985
6	936 (east half)	1,177	3,559	159	19	368	633	102	54	2,225
7	939, 940	385	1,164	1,609	6	121	207	33	18	2,241
	Total	14,833	48,985	19,856	428	2,488	6,584	2,997	2,336	49,879

Source: Alameda CTC 2020, American Community Survey 2020 5-year
Note: *Assumption of number of vehicles that will evacuate:

- zero-vehicle household: 1 vehicle
- one-vehicle household: 1 vehicle
- two-vehicle household: 2 vehicles
- three-vehicle household: 2.5 vehicles
- four-or-more-vehicle household: 3 vehicles
- employee: 0.97 vehicle (there are 3% zero-vehicle households in evacuation zones)

The number of households in the area that would potentially have mobility constraints due to the lack of a personal vehicle during an evacuation event is summarized in **Table 3.** As shown, approximately three percent of households across the seven zones do not have access to a vehicle. It should be noted that this information does not constitute a specific analysis of households with mobility challenges as it does not specifically account for people who have mobility impairments that preclude them from using a vehicle; it also does not specifically account for households that own one or more vehicles, but where not all members of the household may necessarily have access to them at all times (for example, a household with one vehicle which a household member drives to work, leaving other members of the household staying at home with no available vehicle).

Table 3: Zero-Vehicle Households

Evacuation Zone ID	Evacuation Zone (TAZs)	Households	Zero-Vehicle Households	Percent Zero-Vehicle Households
1	929, 930, 932, 1545, 1546, 1547	2,954	74	3%
2	923 (half), 924, 925, 926, 927	4,052	133	3%
3	918, 919, 920, 921, 922, 923 (half), 931	4,056	139	3%
4	928, 933, 934, 935 (half), 936 (half), 937, 938	2,125	57	3%
5	935 (east half)	85	0	0%
6	936 (east half)	1,177	19	2%
7	939, 940	385	6	2%
Total		14,833	428	3%

Source: Alameda CTC 2020, American Community Survey 2020 5-year

In the absence of detailed data for the evacuation zones, this assessment uses zero-vehicle households as a proxy to provide an estimate of persons with mobility constraints that may need evacuation assistance. The zero-vehicle households would require outside assistance, and although outside the scope of this assessment, the City may want to consider a program that ensures a more accurate accounting of households needing assistance, and that evacuation of these households is achievable via public transit, special shuttle vehicles sent during evacuations, or other neighborhood programs that promotes advanced coordination of ridesharing during evacuations between neighbors. This estimate also assumes that employment centers would provide evacuation assistance to employees without access to a vehicle. Additionally, it was assumed that some households with more than two vehicles would not be able to evacuate all of

their vehicles during an event (e.g. homes with three or four vehicles but with only two licensed drivers).

Evacuation Routes and Gateways

Roadways with Capacity Constraints

Due to potential closure of structures due to damage or need for inspection during/following an event, Fehr & Peers assumes that the following roadways could be inaccessible for general evacuation planning purposes:

- SR-84 west of Thornton Avenue
- Central Avenue
- Dumbarton Bridge

These roadways were not considered as potential gateway links or routes for general evacuation in the AB 747 analysis. Similarly, structures providing access over freeways or to freeway ramps are assumed to be inaccessible. Scenario three assumes residents must all evacuate to I-880 southbound via Cherry Street.

Evacuation Routes and Gateways

A critical factor in the success of an evacuation is how long it takes all evacuees to clear an area under threat. Conceptually, the time it takes to evacuate is fundamentally constrained by capacity constraints along the roadway system, otherwise known as "bottlenecks." Note that multiple bottlenecks may be present over the course of an evacuation route, and the high-level programmatic analysis in this assessment only considers a limited number of regional bottlenecks, which are selected as they are likely to represent the most significant constraints.

Routes to their respective evacuation destinations were identified for each of seven evacuation zones. For each zone, a roadway link from the Alameda County CTC Model that represents the bottleneck segment on its evacuation route was identified as its "evacuation gateway." For example, in Scenarios 1 and 2, Thornton Avenue to SR-84 is considered the evacuation gateway for Evacuation Zone 1, as the sole egress for all evacuees from Evacuation Zone 1 heading to I-880 Southbound just southeast of the I-880 and SR-84 interchange. The list of evacuation gateways and their capacities are shown in **Table 4**.

The roadway capacities presented in **Table 4** and used by this analysis are based on those found in the Alameda CTC Model 2020. This assessment conservatively assumes that roadway capacities during evacuation events will be as they are in normal conditions, and not be increased by measures such as the implementation of contraflow lanes or dedicated traffic control officers.

Table 4: Total Outbound Capacity of Evacuation Links

Roadway	Outbound Lanes	Total Outbound Capacity (vehicles per hour)
Thornton Ave. at Highway 84 (northeast on SR-84 towards SB I-880 ramps)	3	3,150
Newark Blvd. at Highway 84 (northeast on SR-84 towards SB I-880 ramps)	3	3,150
Thornton Ave. at I-880 (northeast on Thornton Ave. towards SB I-880 ramps)	2	2,100
Mowry Ave. at I-880 (northeast on Mowry Ave. towards SB I-880 ramps)	3	3,150
Balentine Dr. at Stevenson Blvd. (southeast on Balentine Dr. towards Stevenson Blvd. to SB I-880 ramps)	2	2,100
Cedar Blvd. at Stevenson Blvd. (southeast on Cedar Ave. towards Stevenson Blvd. to SB I-880 ramps)	2	2,100
Cherry St. at Stevenson Blvd. (southeast on Cherry St. towards Stevenson Blvd. to SB I-880 ramps)	2	2,100

Source: Alameda County CTC 2020

Table 5 presents the evacuation gateway links and the zones each gateway is associated with for each scenario – note that evacuation gateways can be associated with multiple zones that use it to evacuate; similarly, depending on the evacuation scenario, an evacuation zone can be associated with multiple evacuation gateways if the evacuation route from that zone passes through multiple gateways to reach its evacuation destination. The table also shows the combined number of households and vehicle demand for all zones associated with each evacuation gateway.

Each evacuation gateway has a fixed capacity (usually noted in vehicles per hour) which when dividing by the evacuation vehicle demand yields an estimate of the time it takes for all vehicles to pass through the gateway. Using the estimated vehicle demand at each gateway and dividing by the estimated hourly outbound capacity for that gateway, **Table 5** also presents an estimated time required to clear all vehicles at the gateway. Note that this time estimate is not an estimated average travel time for evacuees traveling from the evacuation zone to the evacuation destination, nor is it the estimated travel time through the roadway link segment that makes up the gateway. Instead, it reflects the comparison between the evacuation demand of the zones served by that gateway and provides a rough estimate for the time it would take for the specified number of vehicles to pass through the gateway given its roadway capacity. Moreover, this

assessment only takes account of the vehicle demand from the seven evacuation zones, and not other traffic that may be present.

As shown, the total vehicle demand at many of the evacuation gateways would require multiple hours to meet evacuation demand. **Table 5** also presents an alternative scenario, in which the vehicle demand is equivalent to an average of one vehicle per household, which produces much shorter and more manageable time estimates for clearing the gateways. In a major event, this seems a more likely means by which people would evacuate.

Table 5: Time Required Under Each Evacuation Scenarios

Evacuation Zone ID	Evacuation Zone (TAZs)	Evacuation Gateway Link	Evacuation Destination	Estimated Evacuation Demand	Number of Households	Total Outbound Capacity (vehicles per hour)	Time Required on the Gateway Link to Evacuate (hours)	
							Total Evacuation Demand	One Vehicle per Household
Scenario 1.1 - Existing Conditions City evacuates all access								
1	929, 930, 932, 1545, 1546, 1547	Thornton Ave. at Highway 84	I-880 Southbound (SE of SR-84)	10,258	2,954	3,150	3.26	0.94
2	923 (half), 924, 925, 926, 927	Newark Blvd. at Highway 84	I-880 Southbound (SE of SR-84)	12,148	4,052	3,150	3.86	1.29
3	918, 919, 920, 921, 922, 923 (half), 931	Thornton Ave. at I-880	I-880 Southbound (SE of Thornton Ave.)	12,094	4,056	2,100	5.76	1.93
4	928, 933, 934, 935 (half), 936 (half), 937, 938	Mowry Ave. at I-880	I-880 Southbound (SE of Mowry Ave.)	9,927	2,125	3,150	3.15	0.67
5	935 (east half)	Balentine Dr. at Stevenson Blvd.	I-880 Southbound (SE of Stevenson Blvd.)	985	85	2,100	0.47	0.04
6	936 (east half)	Cedar Blvd. at Stevenson Blvd.	I-880 Southbound (SE of Stevenson Blvd.)	2,225	1,177	2,100	1.06	0.56
7	939, 940	Cherry St. at Stevenson Blvd.	I-880 Southbound (SE of Stevenson Blvd.)	2,241	385	2,100	1.07	0.18

Scenario 1.2 - Existing Conditions City evacuates partial access (no overpasses)								
1	929, 930, 932, 1545, 1546, 1547	Thornton Ave. at Highway 84	I-880 Southbound (SE of SR-84)	10,258	2,954	3,150	3.26	0.94
2	923 (half), 924, 925, 926, 927	Newark Blvd. at Highway 84	I-880 Southbound (SE of SR-84)	12,148	4,052	3,150	3.86	1.29
3	918, 919, 920, 921, 922, 923 (half), 931	Thornton Ave. at I-880	I-880 Southbound (SE of Thornton Ave.)	12,094	4,056	2,100	5.76	1.93
4	928, 933, 934, 935 (half), 936 (half), 937, 938	Mowry Ave. at I-880	I-880 Southbound (SE of Mowry Ave.)	9,927	2,125	3,150	3.15	0.67
5	935 (east half)	Balentine Dr. at Stevenson Blvd.	I-880 Southbound (SE of Stevenson Blvd.)	985	85	2,100	0.47	0.04
6	936 (east half)	Cedar Blvd. at Stevenson Blvd.	I-880 Southbound (SE of Stevenson Blvd.)	2,225	1,177	2,100	1.06	0.56
7	939, 940	Cherry St. at Stevenson Blvd.	I-880 Southbound (SE of Stevenson Blvd.)	2,241	385	2,100	1.07	0.18
Scenario 1.3 - Existing Conditions City evacuates only one access (Cherry St)								
1-7	918-940, 1545-1547 (Entire City)	Cherry St. at Stevenson Blvd.	I-880 Southbound (SE of Stevenson Blvd.)	49,879	14,833	2,100	23.75	7.06

It is important to note that emergency scenarios are often unpredictable and driver behavior can be disorderly. Additionally, evacuation events are not linear in nature (e.g. even distribution during the evacuation time period) and it is anticipated that evacuees would vacate at a rate that more closely resembles a bell curve from the time that an evacuation order is issued. These are conditions which would affect the total evacuation time estimated in this assessment that are beyond the scope of this assessment. There is also general unpredictability in operational issues, such as power issues that could trigger traffic signals to operate in "red flash mode" in which traffic would need to proceed through intersections in an all-way stop configuration.

Buildout Scenarios

The Housing Inventory Site locations identified as part of the Housing Element process are shown in **Table 6**. Additional housing identified in this table is permitted within the current City General Plan Land Use and Zoning Code so does not represent additional development potential, but rather the results of a hypothetical buildout based on current land use regulations.

Table 6: Housing Inventory Sites

Evacuation Zone ID	Evacuation Zones (TAZs)	Number of Housing Units Proposed
1	929, 930, 932, 1545, 1546, 1547	1424
2	923 (half), 924, 925, 926, 927	6
3	918, 919, 920, 921, 922, 923 (half), 931	946
4	928, 933, 934, 935 (half), 936 (half), 937, 938	706
5	935 (east half)	1644
6	936 (east half)	0
7	939, 940	469

Source: Newark City staff

This analysis assumes that each proposed unit at the sites will generate one household in the corresponding evacuation area with similar characteristics as the existing households. **Table 6** summarizes the changes to the number of households and vehicles in the applicable zones with buildout of the General Plan, and **Table 7** shows the resulting changes in estimated evacuation times.

Table 7: Land Use and Evacuation Demand of Evacuation Zones (Buildout of General Plan)

Evacuation Zone ID	Evacuation Zone (TAZs)	Households	Population	Employment	Household Vehicle Ownership					Estimated Evacuation Demand*
					0	1	2	3	4+	
1	929, 930, 932, 1545, 1546, 1547	4,378	15,222	4,352	115	780	1,855	1,168	459	13,133
2	923 (half), 924, 925, 926, 927	4,058	12,962	3,370	133	376	1,828	879	841	12,161
3	918, 919, 920, 921, 922, 923 (half), 931	5,002	17,328	3,814	180	870	2,009	1,090	853	14,058
4	928, 933, 934, 935 (half), 936 (half), 937, 938	2,831	13,861	5,539	75	465	1,294	426	571	11,287
5	935 (east half)	1,729	675	1,044	28	541	930	150	79	4,057
6	936 (east half)	1,177	3,559	159	19	368	633	102	54	2,225
7	939, 940	854	2,730	1,609	14	267	460	74	39	3,066
Total		**20,028**	**66,336**	**19,887**	**564**	**3,669**	**9,010**	**3,890**	**2,895**	**59,988**

Source: Alameda CTC 2020, American Community Survey 2020 5-year
*A conversion factor for households to population is assumed to be 3.34 based on average household size in the *American Community Survey 2020 5-year*
**The housing element households are assumed to be added on top of the existing households

Table 8: Time Required Under Each Evacuation Scenarios

Evacuation Zone ID	Evacuation Zone (TAZs)	Evacuation Gateway Link	Evacuation Destination	Estimated Evacuation Demand	Number of Households	Total Outbound Capacity (vehicles per hour)	Time Required on the Gateway Link to Evacuate (hours)	
							Total Evacuation Demand	One Vehicle per Household
Scenario 2.1 - W/ Housing Element - City evacuates all access								
1	929, 930, 932, 1545, 1546, 1547	Thornton Ave. at Highway 84	I-880 Southbound (SE of SR-84)	13,133	4,378	3,150	4.17	1.39
2	923 (half), 924, 925, 926, 927	Newark Blvd. at Highway 84	I-880 Southbound (SE of SR-84)	12,161	4,058	3,150	3.86	1.29
3	918, 919, 920, 921, 922, 923 (half), 931	Thornton Ave. at I-880	I-880 Southbound (SE of Thornton Ave.)	14,058	5,002	2,100	6.69	2.38
4	928, 933, 934, 935 (half), 936 (half), 937, 938	Mowry Ave. at I-880	I-880 Southbound (SE of Mowry Ave.)	11,287	2,831	3,150	3.58	0.90
5	935 (east half)	Balentine Dr. at Stevenson Blvd.	I-880 Southbound (SE of Stevenson Blvd.)	4,057	1,729	2,100	1.93	0.82
6	936 (east half)	Cedar Blvd. at Stevenson Blvd.	I-880 Southbound (SE of Stevenson Blvd.)	2,225	1,177	2,100	1.06	0.56
7	939, 940	Cherry St. at Stevenson Blvd.	I-880 Southbound (SE of Stevenson Blvd.)	3,066	854	2,100	1.46	0.41
Scenario 2.2 - W/ Housing Element - City evacuates partial access (no overpasses)								

1	Thornton Ave. at Highway 84	I-880 Southbound (SE of SR-84)	I-880 Southbound (SE of SR-84)	13,133	4,378	3,150	4.17	1.39
2	Newark Blvd. at Highway 84	I-880 Southbound (SE of SR-84)	I-880 Southbound (SE of SR-84)	12,161	4,058	3,150	3.86	1.29
3	Thornton Ave. at I-880	I-880 Southbound (SE of Thornton Ave.)	I-880 Southbound (SE of Thornton Ave.)	14,058	5,002	2,100	6.69	2.38
4	Mowry Ave. at I-880	I-880 Southbound (SE of Mowry Ave.)	I-880 Southbound (SE of Mowry Ave.)	11,287	2,831	3,150	3.58	0.90
5	Balentine Dr. at Stevenson Blvd.	I-880 Southbound (SE of Stevenson Blvd.)	I-880 Southbound (SE of Stevenson Blvd.)	4,057	1,729	2,100	1.93	0.82
6	Cedar Blvd. at Stevenson Blvd.	I-880 Southbound (SE of Stevenson Blvd.)	I-880 Southbound (SE of Stevenson Blvd.)	2,225	1,177	2,100	1.06	0.56
7	Cherry St. at Stevenson Blvd.	I-880 Southbound (SE of Stevenson Blvd.)	I-880 Southbound (SE of Stevenson Blvd.)	3,066	854	2,100	1.46	0.41
Scenario 2.3 W/ Housing Element - City evacuates only one access (Cherry St)								
1-7	918-940, 1545-1547 (Entire City)	Cherry St. at Stevenson Blvd.	I-880 Southbound (SE of Stevenson Blvd)	59,988	20,028	2,100	28.57	9.54

Next Steps

As a target for further investigation and study, the following lists provide potential measures that can enhance the evacuation process through both the supply side (increasing evacuation capacity) and demand side (managing evacuation volumes).

Supply-side Strategies

- Increasing capacity through the use of contraflow lanes or shoulders
- Managed traffic control, including turn restrictions and route or ramp closures, to maximize outflows from evacuation areas
- Street parking management on high hazard days

Demand-side and Information-side Strategies

- Communication systems and strategies that improve disaster alerts
- Dynamic route guidance and monitoring
- A program that ensures a more accurate accounting of households needing assistance
- Coordination with public transit on special shuttle vehicles sent during evacuations
- A neighborhood program that promotes advanced coordination of ridesharing during evacuations between neighbors
- Phased evacuations
- Reducing vehicle volumes during evacuations, such as by requiring households to evacuate in as few vehicles as possible

Attachment 2: Affirmatively Furthering Fair Housing Analysis Summary

Targeted Community Outreach

The City must demonstrate "meaningful, frequent, and ongoing community participation, consultation and coordination" as part of the 6th Cycle Housing Element Update process. This is intended to ensure that input has been received from groups historically and presently most impacted by fair housing issues and that local knowledge is incorporated into Housing Elements. Accordingly, the City's targeted community outreach efforts included:

- Creating a housing element update website that is accessible in several languages
- Providing Spanish translations of selected portions of the housing element
- Working with community partners to bring information about the housing element update to community events and locations, including Newark Family Day, a food pantry, the public library and the senior center

Assessment of Fair Housing

The City must also describe and analyze the unique housing circumstances of the City. This analysis is referred to as an Assessment of Fair Housing (AFH) and analyzes circumstances within the City pertaining to Fair Housing issues including:

Fair Housing Outreach Capacity and Enforcement

Newark works with ECHO Housing for fair housing enforcement. ECHO provides fair housing counseling and education, tenant/landlord counseling and mediation, and other housing-related programs. To address the needs of Limited English Proficient speakers, ECHO provides services and classes in Spanish, has online information available in multiple languages, and has access to interpretation and translation services. ECHO programs include:

- Fair housing counseling, investigation, education, and enforcement
- Tenant/landlord counseling and mediation
- Rental Assistance Program
- Home Seeking Services
- Shared Housing Counseling & Placement
- Homebuyer Education Workshops

ECHO Housing has compiled fair housing complaints in Newark that align with those at the county level, with the majority regarding race and disability. In Newark, disability has the highest share of complaints filed from 2016 to 2021 at 27, with race at 16 complaints.

Figure 1: City of Newark Fair Housing Complaints (2016-2021)

Fiscal Year	Race	National Origin	Disability	Familial Status	Marital Status	Religion	Sex	Source of Income	Age	Other	TOTAL
2016-2017	10	0	5	0	0	0	0	0	0	0	15
2017-2018	1	0	1	0	0	0	0	0	0	0	2
2018-2019	4	0	1	0	0	0	0	0	0	0	5
2019-2020	1	0	10	0	0	0	0	0	0	0	11
2020-2021	0	4	10	0	0	0	0	2	0	0	14

Source: ECHO Housing

Segregation and Integration Patterns

The City's AFH also analyzes segregation and integration patterns within the jurisdiction as well as regionally. Segregation and integration patterns are analyzed by evaluating the concentration (or lack thereof) of protected groups within the community, relative to their distribution across a larger geography.

To understand how Newark is connected to the total segregation of the Bay Area, one can look at the difference in the racial composition of a jurisdiction compared to the racial composition of the region as a whole. The racial demographics in Newark for the years 2000, 2010, and 2020 can be found in Figure 4 below. The table also provides the racial composition of the nine-county Bay Area. As of 2020, Newark has a lower share of white residents than the Bay Area as a whole, a higher share of Latinx residents, a lower share of Black residents, and a significantly higher share of Asian/Pacific Islander residents.

Latinx residents are primarily in close proximity to major highways and arterial roads such as Thornton Avenue, with White and Asian populations predominantly living to the North and South of Newark. The highest non white populations at 80 to 100 percent are concentrated along Thornton Ave in Old Town.

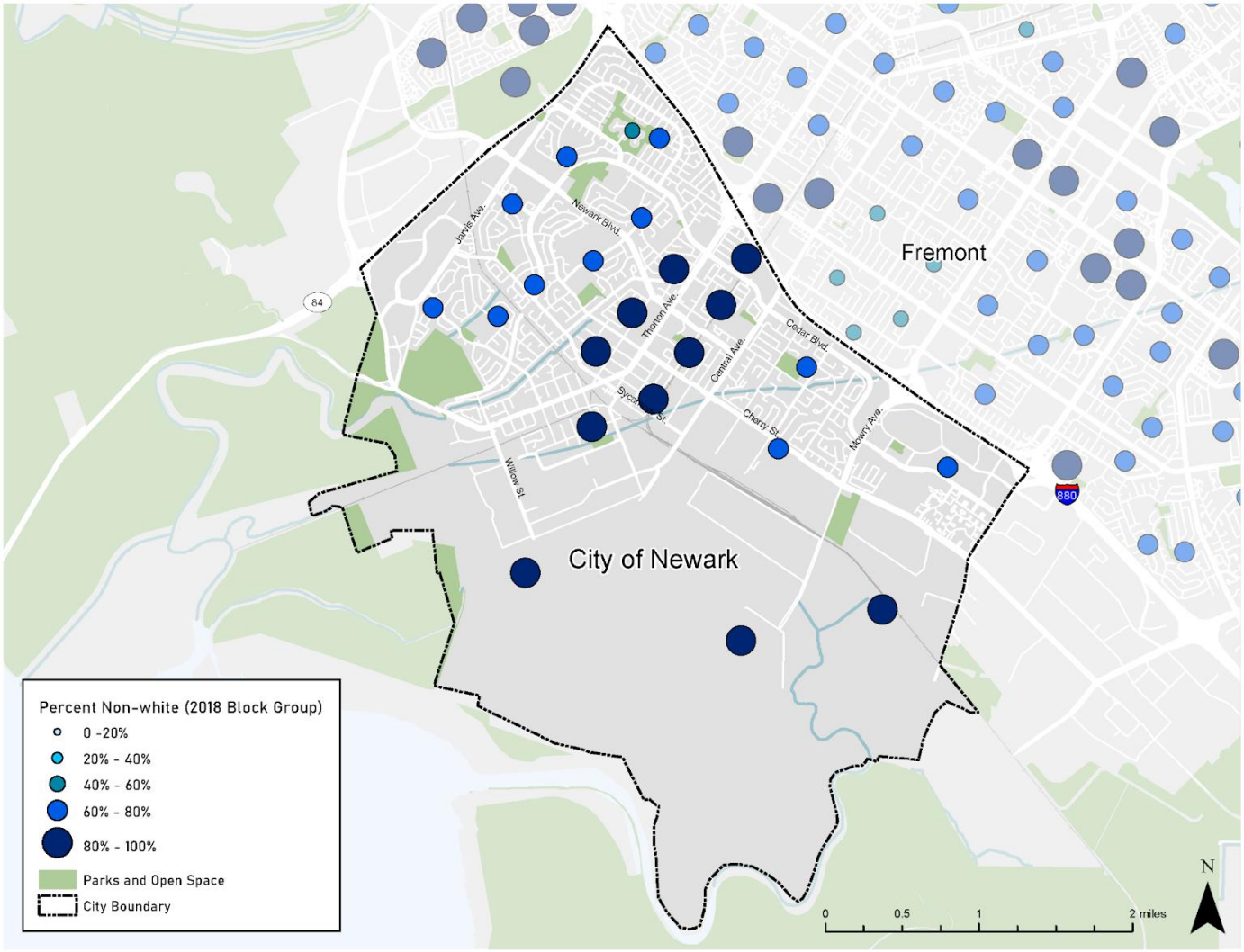
Figure 4: Population by Racial Group, Newark and the Region

Race	Newark			Bay Area
	2000	***2010***	***2020***	***2020***
Asian/Pacific Islander	21.1%	28.2%	42.6%	28.2%
Black/African American	3.9%	4.5%	3.1%	5.6%

Latinx	28.6%	35.2%	30.2%	24.4%
Other or Multiple Races	6.2%	4.6%	5.3%	5.9%
White	40.3%	27.5%	18.8%	35.8%

Source: Universe: Population. Source: IPUMS National Historical Geographic Information System (NHGIS). U.S. Census Bureau, 2020 Census State Redistricting Data (Public Law 94-171) Summary File, 2020 Census of Population and Housing, Table P002. Data from 2010 is from U.S. Census Bureau, Census 2010, Table P4. Data for 2000 is standardized to 2010 census tract geographies and is from U.S. Census Bureau, Census 2000, Table P004.

Figure 1: Racial Demographics of Newark



Source: HCD AFFH Data Resources and Mapping Tool.

Racially and/or Ethnically Concentrated Areas of Poverty (R/ECAPs) or Affluence (RCAAs)

The City's AFH includes an analysis of Racially and or Ethnically Concentrated Areas of Poverty (R/ECAPS) which are areas in the City defined by HUD as (1) having a non-White population of 50 percent or more, and (2) having extreme levels of poverty, meaning either: (a) at least 40 percent of the population lives at or below the federal poverty line, or (b) the poverty rate is three times the average census tract level poverty rate in the region, whichever is less. No R/ECAPs were identified in Newark.

The City's AFH also includes an analysis of Racially or Ethnically Concentrated Areas of Affluence (RCAAs), which are neighborhoods in which there are both high concentrations of non-Hispanic white households and high household income rates. There are no RCAAs within Newark based on this methodology.

Although Newark does not have areas that have been identified as Racially or Ethnically Concentrated Areas of Affluence through this methodology, there are areas of concentrated affluence in Newark, where residents are making more than $141,000, but do not have the levels of white population to identify as an area of Racially or Ethnically Concentrated Area of Influence.

Disparities In Access to Opportunity

The City's AFH also evaluates disparities in access to opportunity within the City which are areas within the City that have substantial differences in access to education, transportation, economic and environmental outcomes than other areas as identified by the California Tax Credit Allocation Committee (TCAC).

For this assessment, the opportunity indices prepared by HUD and HCD/TCAC are used to analyze access to opportunity in the City of Newark. Access to opportunity is measured by access to healthy neighborhoods, education, employment, and transportation. At the county level, Alameda County is close to equal in the percentage of the county that is high resourced (36%) and the percentage that is low resourced (39%). A large portion of the county is classified as low to moderate opportunity. Higher opportunity areas are found in Berkeley, Alameda, San Leandro, and Fremont. The majority of the city of Newark is identified as moderate and high resourced, with no low resource areas or areas of high segregation and poverty.

Asian residents comprise the majority of Newark residents in the high resource areas at 63.8 percent, followed by White residents (16%), and Hispanic/ Latinx (11.5%). Low resourced or high segregation and poverty areas are primarily populated by Hispanic/ Latinx (39.7%) and Asian (38.3%) residents. Moderate resource areas are representative of the population with 36.9 percent of Hispanic/ Latinx residents, Asian residents (29.7%) and African American (3.5%).

- **Economic Opportunity:** The TCAC/HCD Economic Opportunity map measures economic opportunity through poverty, levels of adult education, employment, proximity to employment, and median home values. The majority of Newark has an economic score of less than .25 and .25 to .50, indicating less than positive economic opportunity. The southern corner of the city has higher economic opportunity with a score of .50 - .75. The area has a predominant Asian population and a median income greater than 125,000. Economic opportunity was not cited

though community engagement as a concern. Newark has a relatively low unemployment rate of 3.5 percent, but it does have a larger percentage of residents leaving the city for work than remaining in the city.

- **Environmental Opportunity**: Newark has a mixed classification of environmental impacts, with portions of the city identified as having more positive environmental outcomes and others with less. As a whole, Newark has fine particulate matter rates of 7.2 micrometers, which are higher than the World Health Organization guideline of 5 micrometers, but lower than the US EPA standard of 12 micrometers. These levels can be attributed to industrial outputs, diesel exhaust from major arterials, and two freeways that border Newark. The city halso has a patchwork distribution of outcomes, with the lowest environmental outcomes in central Newark and a portion of the Old Town area that is also home to a majority of BIPOC and low income residents. The Old Town area has an overall pollution burden percentile of 61 and 76th percentile for asthma, while areas with higher environmental outcomes are in the Northwestern corner of the city.
- **Educational Opportunity:** Equitable access to culturally relevant and engaging educational opportunities is foundational in increasing opportunities for all residents. The racial and ethnic makeup of the district is highly diverse, with Hispanic/Latinx students comprising the majority of the population at 51.9 percent, followed by Asian at 16.8 percent, White at 10 percent and Filipino at 8.9 percent. Students in the Newark Unified School District have a comparable percentage of students qualifying for free or reduced lunch as Alameda County, at 40.5 percent and 40.7 percent respectively. Both are below the state average at 57.8 percent. Within the district there is a wide range of students that qualify for free and reduced lunch.
- **Transportation Access and Cost:** To better understand housing affordability, it is important to look at transportation costs associated with a location. Figure 3-19 shows the combined housing and transportation costs in Newark. Due to Newark being low density and auto oriented, with a lack of high frequency public transportation options, the majority of households spend more than 45% of their income on housing and transportation.

Disproportionate Housing Needs (For Low-Income Households and Protected Classes)

The City's AFH also evaluates disproportionate housing needs among low-income households and protected classes within the City. Disproportionate housing needs are evident when members of a protected group disproportionately experience a housing need in comparison to other groups or the total population. Disproportionate housing needs typically refer to the risk of displacement, over-crowding, or cost-burdened, among others.

- Newark has many family households with an average family size of 3.61 people (ACS 2016-2020). The city has 37 percent of households with a child under 18 years of age. This rate is higher than both Alameda County (32%) and the Bay Area (30.5%). Although discrimination based upon family status has not been reported in Newark, it has been reported at the county level. Households with children face additional challenges accessing housing that meets their needs for both size and cost. Survey results found that when asked what are the most urgent housing needs at this time, 50 percent responded that housing for families was the greatest need.

- **Female-headed households with children may face particular housing challenges,** with pervasive gender inequality resulting in lower wages for women. Moreover, the added need for childcare can make finding a home that is affordable even more challenging.
- In Newark, **22.8% of female-headed households with children fall below the Federal Poverty Line,** while 5.7% of female-headed households without children live in poverty
- Seniors in Newark are overwhelmingly home owners at all income levels, with seniors at the lowest income level having the highest percentage of renters at 37 percent. Housing needs change as we move through life, and due to seniors living on fixed incomes in smaller households, Newark needs housing types and programs to support seniors to age in place and remain in their community.
- **Seniors in Newark also have the highest rates of disability of all age groups at 52 percent**. Ambulatory difficulty and independent living were the highest for seniors at 23 and 22 percent, followed by hearing difficulty (13%). African Americans have significantly higher rates of disability compared to other racial and ethnic groups in the city at 22 percent, followed by White residents at 13 percent.
- In Newark, **44 percent of households spend 30%-50% of their income on housing**, while 14 percent of households are severely cost burdened and use the majority of their income for housing. While residents are cost burdened and severely cost burdened at all income levels, **residents making below 50 percent area median income experience the highest levels.**
- **Renters are more likely to be cost burdened**, with twice the number of renters (30%) spending more than 30 percent of their income on housing compared to 16 percent of homeowners, and 14 percent of renters are severely cost burdened. This places renters at a greater risk of living in overcrowded housing, displacement and homelessness.
- **Black (41%), Indigenous (46%), Multi Racial (46%), and Latinx (47%) residents are the highest cost burdened**, and most vulnerable to displacement, overcrowding and homelessness.
- **Renters experience overcrowding at 3 times the rate as homeowners** at 18 percent, and severe overcrowding at 9 percent.
- Homeowners in Newark are predominantly identified as White and Asian, with the **lowest rates of homeownership being found with Indigenous, Black and Hispanic or Latinx residents**. This corresponds with rates of acceptance for mortgages. White and Asian residents have the highest rate of loan approval with **Indigenous and Hispanic/ Latinx residents having the highest rates of loan applications denied.**
- While rates of substandard housing, including housing without kitchen or bathroom facilities, is less than one percent, these units could be underreported.
- The city of Newark has a documented reduction from 89 people experiencing homelessness in 2019, to 58 people in 2022.
- The number of farmworkers living in Newark has declined over the years, with the student population at 57 students for the 2019-2020 school year

Sites Inventory

State Law requires the City to evaluate whether Housing Sites identified as suitable for accommodation of the City's RHNA requirements are identified relative to the full scope of the assessment of fair housing (e.g., segregation and integration, racially and ethnically concentrated areas of poverty and

affluence, access to opportunity, etc.). A summary of how Housing Sites were identified consistent with AFFH requirements is included below.

Newark has several physical constraints that present challenges in developing the sites inventory and planning for future growth. These constraints include sensitive wetland habitat and flood plains along the western city boundary and limited vacant land. Because of these constraints, sites included in the 2023-2031 Housing Element inventory are largely located in specific plan areas that are redeveloping existing shopping malls and former industrial lands, with several additional sites located in the Old Town/ Central area.

Race and Ethnicity

Newark is a racially and ethnically diverse city, with higher levels of segregation than neighboring jurisdictions such as Union City. BIPOC residents are the majority of the population in all census tracts. Residents identifying as Hispanic/ Latinx compose the largest segments of the population in Bayside/ Old Town, and Old Town/ Central Newark. The sites inventory provides some opportunity to balance the distribution of the various racial/ethnic groups in the city as well as access to opportunity, as sites at all income levels are found in areas with high opportunity and lower predominance of Hispanic/ Latino populations. The sites in NewPark Place, Birchwood, Bayside /Old Town, and Old Town/Central Newark open up opportunities to diversify the area through income and race/ethnicity.

Although there are no sites included in the inventory in the Northern portion of the city, proposed programs will work to address the concentration in specific neighborhoods and open up single family neighborhoods to new missing middle housing types identified through community engagement as filling a crucial need for large and small households throughout the city.

Generally, the sites inventory will provide some opportunity to balance the distribution of the various racial/ethnic groups in the city. As described above, Hispanic/ Latinx residents are the most segregated group and Asian residents are the most isolated compared to other groups. The sites inventory will not exacerbate segregation by race and ethnicity in Newark due to the high numbers of housing sites in areas that are predominantly Hispanic/ Latinx and Asian, providing new opportunities for housing mobility in the city.

Income

Using the residential sites identified in the site inventory, we look to understand how new housing will impact segregation and integration of race, ethnicity and income level. The majority of identified sites are concentrated in the areas with a predominantly Latinx/Hispanic population. These areas correspond with the Old Town Specific Plan, which increases zoning to encourage investment in affordable housing and the transit oriented nature of Bayside Newark. In the Birchwood area, with the highest median incomes in the city, two housing projects, one the Timber Affordable senior housing project and the second, the E-Z 8 Motel site will provide 184 low and moderate income homes, and opportunities for those of other races with lower incomes in an area that has a slim white majority. The redevelopment of New Park Mall, within the NewPark Place area, will provide 174 low and moderate income units in a high resource neighborhood with a predominantly Asian population.

While the increase in above moderate income housing in areas that are predominantly low and moderate income will increase the diversity of incomes and increased investment in the area, it can also

lead to higher rents for the surrounding households, and displacement. In response to the concentration of housing opportunity sites located in the central and southern portions of the city, Newark will be implementing a number of programs to expand housing development and housing choice for multiple incomes throughout the city.

Newark has a population with a high median income, with 50% of residents making more than 100 percent of the median income. Despite this, there is still a large population of residents who are low income, with 10 percent of residents making less than 30 percent of the median income and 13 percent with moderate incomes. Through a variety of programs, the City is working to increase the development of housing for all income types, including housing for those with extremely low incomes, seniors, large families and those with moderate incomes.

Fifty percent of sites are located within the New ParkPlace and the Sanctuary West areas, which have a median income of $139,000. The New ParkPlace / Sanctuary West developments have 28 percent of the total low income units, the largest number of low income units in the city, along with the largest percentage of above moderate units at 58 percent.

Although the lower income sites are distributed amongst The Old Town/ Central, Bayside, Birch Grove and New ParkPlace areas, these census tracts have a range of median incomes and account for 91 percent of the lower-income capacity, 84 percent of the moderate-income capacity, and a majority of the above-moderate income capacity. The sites in the Bayside /Old Town area are zoned for a variety of housing options to be built, with the greatest capacity of low and moderate income sites which will in turn help to diversify income levels in the area. Twenty-three percent of the lower-income sites are in census tracts with incomes below $93,000. This is driven by the capacity on sites in the Old Town/ Central area along Thornton Boulevard and works to ensure that housing is affordable to existing residents in order to support them to stay in place as investments come to the area.

The sites inventory for all other income levels (i.e., lower-income sites, moderate income sites, mixed income sites, and pipeline projects) will not have a significant impact on patterns of segregation and integration by the remaining fair housing indicators including familial status and disability status due the even distribution of those populations in the City.

Goals, Policies, and Actions

The table with a **Summary of Contributing Factors and Actions Regarding Housing Issues in Newark** in Section 3.I of the Housing Element summarizes the policies and programs required by State Law to demonstrate the City's commitment to affirmatively further fair housing as part of the Housing Element Update process.

Attachment 3

CITY OF NEWARK HOUSING ELEMENT UPDATE

Addendum to the General Plan Tune Up Program EIR

Prepared for
City of Newark

October 2023

ESA

CITY OF NEWARK HOUSING ELEMENT UPDATE

Addendum to the General Plan Tune Up Program EIR

Prepared for
City of Newark

October 2023

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Introduction

The City of Newark is proposing to update its General Plan Housing Element in accordance with State law. Concurrently, the City will be updating its General Plan Safety Element and adopting . Other conforming amendments will be made to the General Plan as needed to ensure internal consistency within the General Plan. Collectively, these actions are hereafter referred to as the "proposed project" or the "HEU." This Addendum assesses whether the impacts generated by the HEU would create any new or substantially greater significant impacts than those that were assessed in the 2013 General Plan Tune Up Environmental Impact Report ("General Plan EIR").

The General Plan EIR analyzed whether implementation of the goals, policies, and programs of the General Plan would result in significant impacts to the environment and imposed mitigation measures to reduce significant impacts. This Addendum finds that the HEU would not result in any new or substantially greater significant impacts than those which were identified and assessed in the General Plan EIR. This Addendum also reaffirms that the General Plan EIR's mitigation measures, which reduce significant impacts, would continue to be implemented as part of the HEU. Consequently, in accordance with the California Environmental Quality Act ("CEQA") Guidelines Sections 15162 and 15164, a subsequent EIR is not required for the HEU and the City Council may adopt this Addendum in fulfillment of its obligations under CEQA.

CEQA Requirements for an EIR Addendum

As described in State CEQA Guidelines Section 15164, a lead agency shall prepare an addendum to a previously adopted EIR if some changes or additions are necessary but none of the conditions identified in State CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR have occurred. The following identifies the standards set forth in State CEQA Guidelines Section 15162, for which the preparation of a subsequent negative declaration or EIR would be required:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project but the project proponents decline to adopt the mitigation measure or alternative; or

d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Thus, if the HEU would not result in any of the circumstances listed in Section 15162 (i.e., no new or substantially greater significant impacts), an Addendum to the General Plan EIR would be appropriate. As demonstrated in the analysis herein, this assessment concludes that an Addendum to the General Plan EIR is appropriate.

Certified General Plan EIR

The City of Newark certified an EIR for the General Plan Update (State Clearinghouse No. 2013012052) in December 2013.[1] The General Plan EIR concluded that, at a program level, the impacts of future development and policies included in the General Plan would all be reduced to less-than-significant levels given the policies and programs of the General Plan, except for:

- Aesthetic impacts related to the visual character of Southwest Newark Residential and Recreational Focus Area.[2]
- Air quality impacts inconsistent with Clean Air Plan assumptions for population growth.
- Cultural resource impacts to archeological resources and Native American human remains are possible in the Southwest Newark Residential and Recreational Focus Area.
- Greenhouse gas (GHG) emissions impacts in excess of the long-term 2050 GHG emissions reduction targets.

[1] The General Plan EIR comprises the Draft General Plan EIR and the Final EIR. City of Newark, 2013a. General Plan Tune Up Program EIR. Available: https://www.newark.org/departments/community-development/newark-general-plan.

[2] The Southwest Newark Residential and Recreational Focus Area evaluated in the General Plan EIR is made up of two non-contiguous sectors in the southwest portion of the City, as shown in Figure 3-7 on page 3-19 of the General Plan Draft EIR. Together, these two sectors cover an area of 637 acres. The boundaries of the larger of the two sectors correspond to the boundaries of Area 4, as delineated in the Area 3 and 4 Specific Plan adopted by the City in 2010. See pages 3-20 to 3-21 of the General Plan Draft EIR for a detailed description of this Focus Area.

- Noise impacts due to a permanent increase in ambient noise levels.
- Traffic impacts due to several intersections operating at unacceptable levels of service.

No feasible mitigation measures were identified for these impacts that could reduce impacts to less-than-significant levels. Therefore, the City Council approved a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093 when certifying the General Plan EIR to explain why the General Plan was being approved, despite significant and unavoidable impacts.

Project Description

Introduction

Housing Element Update

State law requires every city and county in California to have an adopted comprehensive long-range general plan with specific contents in order to provide a vision for the jurisdiction's future. The general plan is an overarching policy document that informs local decisions about land use and development. The City of Newark General Plan is comprised of eleven chapters. Except for the Housing Element, which was updated to be consistent with other elements, the other Newark General Plan Elements were adopted by the Newark City Council on December 12, 2013.[3]

The City began the process to update their Housing Element in 2021. The City maintains an ongoing commitment to providing meaningful community engagement and has been using social media, posters and flyers, a website, in-person engagement, one-on-one interviews and listening sessions, surveys, and meetings to share information and gather insights for the update of the Housing Element. The Housing Element was last updated in 2015 and covers the "5th Cycle" Housing Element planning period from 2015 through 2023. Because this period is drawing to a close, State law [Government Code Section 65588] requires the City to update its Housing Element. Once adopted, and in accordance with State law, the planning period for the updated Housing Element will extend through January 31, 2031.

Upon adoption, the Housing Element will be incorporated into the 2013 General Plan, updating the existing 2015 Housing Element. The updated Housing Element was prepared to maintain internal consistency with other elements of the General Plan. The project location and setting, the purpose for the HEU, and a detailed description of the proposed project components are provided below.

Safety Element Update

State law requires that other General Plan elements be reviewed and/or modified upon adoption of the Housing Element. Senate Bill (SB) 1035 requires the safety element to be revised upon update of the Housing Element to include new information on fire hazards, flood hazards, and

[3] City of Newark, 2013b. Newark California General Plan. Adopted December 12, 2013. Available: https://www.newark.org/departments/community-development/newark-general-plan.

climate adaptation and resilience strategies. Accordingly, the City will be updating the Environmental Hazards Element (to be renamed the Safety Element) in conjunction with the 2023-2031 Housing Element update. The City will maintain consistency between the Housing Element and the other General Plan elements so that policies introduced in one element are consistent with other elements.

Adoption and implementation of the HEU component of the project could result in physical environmental impacts that can be identified and predicted. Most notably, the HEU would reaffirm the City's commitment to development of more housing in the City, the development of which could have direct physical effects on the environment. In the case of the HEU's impacts, some degree of specificity is possible in identifying environmental effects since the potential development on the housing opportunity sites and the environmental effects thereof are generally predictable and are well understood and the impacts of potential future development can therefore be known. For this reason, this Addendum has evaluated the environmental effects of the HEU's implementation that could exceed those already evaluated in the General Plan EIR.

Conversely, the updated Safety Element is primarily a policy document that does not identify or propose specific actions in particular locations that could impact the physical environment in those locations. This would make attempting to identify and evaluate potential impacts associated with those polices too general and highly speculative. Doing so would require overly broad speculation as to the type and locations of activities that could arise from those policies, which would run counter to the directives of CEQA and its overall purpose of identifying and analyzing the known environmental effects of a proposal while avoiding undue speculation.

Similarly, the proposed policies in the updated Safety Element have been developed to identify general areas of potential safety risk and to encourage effective City decisions around those risks. The updated Safety Element provides broad conceptual direction about the way the City should approach safety challenges and provides general direction to the City to consider aspects of safety in its decisions. No specific projects are identified in the Safety Element, nor are specific locations of possible future activities. In other words, none of the proposed policies make CEQA analysis possible in anything but a general and highly speculative manner.

The CEQA Guidelines provide clear direction on how lead agencies should approach analysis of environmental effects for general policy measures and speculative activities. CEQA Guidelines Section 15146 notes:

> *The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR…an EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.*

While the environmental effects of the new housing potentially facilitated by the HEU can be predicted with some accuracy, this is not the case with the updated Safety Element. The

environmental discussion of both elements can only be provided in the most general terms, and their potential environmental effects cannot be accurately known or assessed without resorting to speculation. CEQA Guidelines Section 15145 is specific in how a lead agency should treat these situations:

> *If, after thorough investigation, a lead agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact.*

Based upon this direction, the City has determined that evaluation of the potential environmental effects of the updated Safety Element is neither appropriate nor required. As stated in CEQA Guidelines Section 15187(d), a lead agency "*is not required to, nor should it, engage in speculation or conjecture*." Recent case law has further affirmed that "CEQA does not require an environmental document to discuss future developments which are unspecified or uncertain."[4] Attempting such evaluation would not be productive or provide results that would be useful or relevant in considering whether to approve the updated Safety Element. Further, if any future physical action associated with implementation of either element is required at some point in the future, such actions would be required to undergo their own environmental analysis per the requirements of CEQA.

Based upon these considerations, this Addendum does not include any evaluation of potential environmental effects of the updated Safety Element. The City's decision not to attempt such evaluation is based on the purpose and characteristics of each element, and is informed and supported by statute, regulation, and applicable case law indicating that it is not required by CEQA under these circumstances.

Project Location and Setting

The City of Newark is located in southern Alameda County, between Interstate 880 (I-880) and San Francisco Bay, south of State Route 84 (SR-84). The City of Newark is an enclave, surrounded on three sides by land within the limits of the City of Fremont. The Don Edwards San Francisco Bay National Wildlife Refuge is located along the western perimeter of Newark on the shore of San Francisco Bay. The City's sphere of influence (SOI), the planning boundary set by the Alameda County Local Agency Formation Commission to designate the City's future service area, is coterminous with the Newark City limit, which is also the geographic extent of the "Plan Area" referenced in the General Plan EIR and in this Addendum.

Project Purpose

Purpose of the General Plan Housing Element Update

The overall purpose of the update to the Housing Element is to address the housing needs of all types of households and income levels for current and future Newark residents. State law requires that the City's updated Housing Element contain specific contents, including an inventory or list of housing sites at sufficient densities to accommodate a specific number of units at various levels

[4] *Environmental Council of Sacramento v. County of Sacramento.* March 2, 2020. 45 Cal.App.5th 1020.

of affordability assigned to the City by the Association of Bay Area Governments (ABAG). ABAG assigns unit amounts to Bay Area jurisdictions based on a regional housing production target set by the California Department of Housing and Community Development (HCD). This assignment is referred to as the Regional Housing Needs Allocation (RHNA).

On December 16, 2021, ABAG adopted the *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031*, which distributed the regional housing need of 441,176 units across all local jurisdictions in the nine-county Bay Area. The 14 jurisdictions and unincorporated areas within Alameda County received a total of 88,997 units, or about 20.2 percent of the regional allocation, and Newark received an allocation of 1,874 units. This allocation is higher than the number addressed in the City's current Housing Element in part because the Bay Area region's overall allocation of 441,176 units from HCD is more than double the prior RHNA cycle allocation, which was approximately 189,000 units.

Within the update of the Housing Element, the City is required to plan for its allocation of housing units by income group. Income groups are defined based on area median household income, or AMI, updated annually by HCD. Alameda County's 2021 AMI is $83,450 for a single person, $95,350 for a household of two, and $119,200 for a family of four.

Income categories include very low income (0-50 percent of AMI), low income (51-80 percent of AMI), moderate income (81-120 percent of AMI), and above moderate income (greater than 120 percent of AMI). Providing housing to meet the needs of all income levels is critical to the social and economic health of Newark. The City must plan for its income-based housing allocation to address its share of the Bay Area region's housing needs.

Table 1 shows the RHNA distribution of required units in Newark across the four income categories with and without additional units as a buffer.

TABLE 1
REGIONAL HOUSING NEEDS ALLOCATION

	Very Low Income Units[a] (0-50% AMI)	Low Income Units (51-80% AMI)	Moderate Income Units (81-120% AMI)	Above Moderate Income Units (>120% AMI)	Total New Units
6th Cycle RHNA without buffer	464	268	318	824	1,874
6th Cycle RHNA with buffer[a]	523 (464+59)	295 (268+27)	374 (318+56)	1,662 (824+838)	2,854 (1,874+980)

NOTES:
a The California Department of Housing and Community Development (HCD) recommends a buffer of additional units above the RHNA. With a buffer included (980 units), Newark's RHNA is 2,854 total new units.

SOURCE: Association of Bay Area Governments (ABAG), *Final Regional Housing Needs Allocation (RHNA) Plan: San Francisco Bay Area, 2023-2031* adopted December 2021.

A buffer is necessary to ensure that if one or more of the identified housing sites are developed with non-housing uses or at lower housing unit densities than projected, or then there would be remaining capacity elsewhere in the City to provide an ongoing supply of sites for housing during

the eight-year planning period/cycle of the Housing Element. If there were no buffer and an identified housing site was developed with a non-housing project or developed at a density less than that anticipated in the Housing Element, then the City could be obliged to identify new housing opportunity sites and amend the Housing Element prior to the end of the planning period/cycle.

The need for a substantial buffer is increasingly important because of new rules in the Housing Accountability Act's "no net loss" provisions. California State Senate Bill 166 (2017) adopted Government Code section 65589.5 which requires that the land inventory and site identification programs in the Housing Element always include sufficient sites to accommodate unmet RHNA. This means that if a housing site is identified in the Housing Element as having the potential for housing development that could accommodate lower-income units but is actually developed with units at a higher income level, or with fewer units than expected, or with non-residential uses, then the locality must either: 1) identify and rezone, if necessary, an adequate substitute site; or 2) demonstrate that the land inventory already contains an adequate substitute site. An adequate buffer will be critical to ensure that the City remains compliant with these provisions without having to identify and rezone sites prior to the end of the planning period on January 31, 2031.

While State law requires the Housing Element to include an inventory of housing sites and requires the City to appropriately zone sites to meet its RHNA, the law does not require the City to develop/construct housing on these sites. Future development on identified sites will be at the discretion of individual property owners and will be largely dependent on market forces, and in the case of affordable housing, available funding through subsidies and/or other incentives. Nonetheless, this Addendum considers potential impacts of development that may result from adoption of the HEU.

Project Components

The project analyzed in this Addendum would include adoption of General Plan amendments that would add or modify goals, objectives, policies, and implementation programs related to housing. Amendments to the Housing Element would address, among other things, the maintenance, preservation, improvement, and development of housing in the City. In addition, the proposed project would include a housing sites inventory with sufficient existing housing sites at appropriate densities to meet the City's RHNA requirement plus an ample buffer.

Housing Goals, Policies, and Programs

The proposed Housing Element would include a Housing Plan with goals, objectives, and policies to further affordable housing production and housing mobility, increase opportunity, and protect residents from displacement. The Housing Plan was informed by extensive community engagement; a community profile evaluating Newark's demographic, household, and housing characteristics; and related housing needs. The Housing Plan was also crafted to address an analysis of governmental and non-governmental constraints on housing production and maintenance. For more information, including the definition of these terms, and the proposed

Housing Plan, please see the Public Review Draft Housing Element, which can be found on the City's Housing Element Update webpage.[5]

Housing Sites Inventory

Site Selection Process

Using guidance provided by HCD, an inventory of available sites was conducted by closely examining site characteristics and other HCD-established criteria. Primarily, sites were identified by using Geographic Information Systems (GIS) mapping software from multiple datasets to identify parcels that fit the HCD-specified criteria as adequate housing sites. Sites were further refined over a series of working sessions and through input from City staff, the City Council, and community and development sector stakeholders through the community engagement process.

To meet the City's RHNA requirement, three primary project types are identified in the sites inventory, as described below.

Pipeline Projects

Pipeline projects include projects that have been proposed and are undergoing entitlement review, have been approved, or have been approved and are currently under construction. At the time the Public Review Draft Housing Element was published in October 2023, there were 13 major residential projects in the "pipeline" that would provide approximately 1,257 new units. Per HCD guidance, these units, as well as smaller projects in the City, could potentially count towards Newark's RHNA requirement if the residential units were not completed and occupied prior to June 30, 2022. Pipeline projects are listed and described in Appendix C of the Public Draft Review Housing Element. For the purposes of this Addendum, pipeline projects are considered part of the baseline since they are already going through their own separate environmental review processes, independent of the HEU, and implementation of the HEU will have no bearing on and will not facilitate their development or make any changes to their current zoning or land use status. As discussed below under *Impact Analysis*, the primary focus of this Addendum are the housing opportunity sites listed below in Table 2.

Sites Zoned for Housing

Sites zoned for housing comprise the second main type of site to accommodate the City's RHNA, including both vacant and non-vacant sites with available infrastructure that meet a variety of criteria that make them candidates for residential development during the 6th cycle planning period. These sites are considered vacant or underutilized and are eligible for residential development as is currently allowed under the existing zoning in the General Plan or in one of the City's adopted specific plans.

Accessory Dwelling Unit,SB 9/SB10 Units, and Missing Middle Housing

Accessory Dwelling Units are considered opportunities for residential development and are based on projected development during the planning period as is currently allowed under the existing zoning or General Plan. The site inventory assumes that Newark will continue to approve on the

[5] The Public Draft Review Housing Element is available here: https:www.newarkhousingupdate.org

order of 20 accessory dwelling units per year. In addition, it is anticipated that homeowners in Newark will begin to take advantage of the opportunities to add additional housing units through the addition of new units on existing residential lots or through urban lot splits as provided in SB 9 and additional homes on parcels in transit-rich areas as provided in SB 10.The HEU includes programs to promote "missing middle" type housing (courtyard housing, duplexes, triplexes, and fourplexes) to create housing for middle-and moderate-income households.

Housing Opportunity Site Evaluation Considerations

As most of Newark is already built with limited vacant parcels remaining, opportunity sites in the inventory primarily include non-vacant parcels that already have access to infrastructure and meet a variety of HCD criteria that make them suitable candidates for housing redevelopment. While sites not included in the sites inventory can also be developed for housing to meet RHNA targets, those sites identified in the inventory are considered optimal and most likely to develop and contribute to housing production in the 6th cycle. The following considerations were evaluated:

- General Site Evaluation Considerations
    - Infrastructure Availability
    - Environmental Constraints
    - Site Status and Capacity
    - Site Size
    - Permitted Density
    - Evaluating Sites from Prior Housing Element(s)
    - Sites for Rezoning
- Realistic Capacity Evaluation
- Mixed-Use Areas and Sites
- Evaluation of Sites to Accommodate Varied Income Levels
- Suitability of Non-Vacant Sites for Development
- Lower Income RHNA vis-a-vis Non-Vacant Sites

The City also undertook an Assessment of Fair Housing analysis of sites. Government Code Section 65583(c)(10) requires the sites to be analyzed to ensure that affordable housing is dispersed equitably throughout the City rather than concentrated in areas of high segregation and poverty or low resource areas that have historically been underserved.

The total realistic development capacity of all opportunity sites in the land inventory is detailed in **Table 2** below, which lists all consolidated opportunity sites in the sites inventory and total residential capacity against the City's 6th cycle RHNA.

TABLE 2
POTENTIAL HOUSING OPPORTUNITY SITES

Site No.	Name	Income Level				Total Units
		Very Low	Low	Moderate	Above Moderate	
14	NewPark Mall (Phases B to D)	36	318	18	535	**607**
15	Grocery Outlet Shopping Center	27	26	0	0	**53**
16	Thornton Avenue Sites (within Old Town Specific Plan boundary)	41	41	40	40	**162**
17	Cedar Boulevard & Timber Street Industrial Sites	0	0	0	61	**61**
18	E-Z 8 Motel	39	38	0	0	**77**
19	Cherry Plaza	15	15	0	0	**30**
20	Thornton Avenue Sites (outside of Old Town Specific Plan boundary)	18	18	18	17	**71**
21	Sycamore St. Vacant Lot	25	25	24	0	**74**
22	Cedar Blvd. Public Storage Sites	0	0	0	41	**41**
23	Filbert Villas – 37243 & 37257 Filbert Street	0	0	0	16	**16**
24	Filbert Ave. Sits	0	0	0	7	**7**
25	Mayhews Place – 36589 Newark Blvd.	0	0	0	9	**9**
26	Locust & Railroad – 37093 Locust St.	0	0	0	6	**6**
27	Fahmy Homes 37503 & 37511 Cherry St.	0	0	0	6	**6**
28	Neighborhood Infill Lots	0	0	0	17	**17**
	Accessory Dwelling Units (ADUs)	48	48	48	16	**160**
	Middle Housing Units	0	0	200	0	**200**
	SB9 Units	0	0	80	0	**80**
	Total Opportunity Site Units	**249**	**229**	**348**	**771**	**1,597**

While these sites and their allowable residential densities may be refined by the City Council based on additional public input and analysis, the final housing sites inventory is expected to result in potential production of approximately 1,597 housing units over the eight-year planning period from January 31, 2023 to January 31, 2031, including ADUs, SB9/SB10 Units "missing middle" housing, and opportunity sites. When major pipeline projects are added in, the overall

inventory would provide for potential production of2,854 units. **Table 3** below shows the combined totals of all units in the overall inventory.

TABLE 3
CITY OF NEWARK COMBINED HOUSING INVENTORY

	Income Level				Total
	Very Low	Low	Moderate	Above Moderate	
Major Pipeline Projects	274	66	26	891	1,257
Opportunity Sites	249	229	348	771	1,597
Total Capacity	523	295	374	1,662	2,854
Newark RHNA	464	268	318	824	1,874
Surplus %	12%	10%	18%	102%	152%
Surplus Units	59	27	56	838	980

Combining pipeline projects with vacant and non-vacant opportunity sites that are zoned for housing provides the potential to accommodate 2,854 units, representing 152 percent of the City's RHNA. This number substantially exceeds the net target of 1,874 units the City is required to plan to accommodate for its RHNA, and supplements that allocation by providing a buffer of the required RHNA for all income levels. This includes a 12 percent buffer for very low-income units and 10 percent for low-income units.

It is important to note that changes to existing zoning and land use designations are not contemplated as part of the HEU's adoption. This is because the above-noted potential housing production in the City could already occur under the City's existing zoning, particularly with respect to the densities already provided for on the identified parcels. As such, no "upzoning" or increases in allowed densities will be required to meet the City's RHNA allocation and the substantial buffer provided for in the housing inventory. These existing zonings and land use designations were already evaluated in the General Plan EIR. Essentially, the development potential provided for under existing conditions would not change with implementation of the HEU. This also means that the HEU would not result in any intensification of development potential or associated environmental effects beyond those evaluated in the General Plan EIR.

Impact Analysis

As described above, the final housing sites inventory is expected to result in potential production of approximately 2,854 housing units over the eight-year planning period from January 31, 2023 to January 31, 2031. This includes 1,257 new units that would be provided by pipeline projects that have been proposed and are undergoing entitlement review, have been approved, or have

been approved and are currently under construction, and 1,597 new units accommodated by vacant and non-vacant opportunity sites that are already zoned for housing. As discussed above, for the purposes of this Addendum, pipeline projects are considered part of the environmental baseline since they are already going through their own separate environmental review processes, independent of the HEU, and implementation of the HEU will have no bearing on and will not facilitate their development or make any changes to their current zoning or land use status. Accordingly, this Addendum focuses on impacts associated with the potential development of up to 1,597 new housing units that would be accommodated by vacant and non-vacant opportunity sites already zoned for housing and further identified by the HEU. The update to the Housing Element would address, among other things, the maintenance, preservation, improvement, and development of housing in the City.

The analysis in this Addendum addresses whether changes introduced by the HEU and/or new circumstances relevant to the project would, as compared to the previously-certified 2013 General Plan EIR, result in a new significant impact or significant impacts that are substantially more severe than the significant impacts previously disclosed and/or if there is new information of substantial importance showing that the proposed project would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than significant effects shown in the General Plan EIR, necessitating preparation of a subsequent negative declaration or EIR.

This Addendum evaluates each topic addressed in the General Plan EIR. The General Plan EIR determined that impacts to agricultural, forestry, and mineral resources potentially resulting from buildout of the General Plan would be less than significant. In accordance with CEQA Guidelines Section 15128, the General Plan EIR included a brief discussion indicating the reasons why these topics were therefore not discussed in detail in the EIR (General Plan Draft EIR pp. 7-1 to 7-2). Accordingly, this Addendum does not include impact analysis sections for agricultural, forestry, and mineral resources since there would be no change that would necessitate preparation of these analyses. This Addendum includes three new impact analysis sections—energy, wildfire and tribal cultural resources—since these topics were added to CEQA Guidelines since certification of the General Plan EIR.

Aesthetics

The General Plan EIR determined that there are no officially designated scenic vistas or view corridors in Newark. However, views of the Coyote Hills to the northeast, of Mission Peak to the east, and of the East Bay Hills to the east and southeast are available from open spaces within the City. Additionally, views of low-lying wetland areas fronting San Francisco Bay are available from vantage points along the western perimeter of Newark. The General Plan EIR determined that future development under the General Plan could potentially affect these scenic vistas. However, the General Plan EIR determined that future development under the General Plan would be subject to City policies and regulations that serve to protect scenic vistas. For example, General Plan Policy LU-4.14 identifies actions that support the protection and enhancement of panoramic views and vistas of horizon features such as Coyote Hills, Mission Peak, the East Bay and Peninsula Hills, and San Francisco Bay. Policy LU-4.13 reinforces Newark's identity as a

bayfront city by orienting new development on the western and southern edges of the City toward the bay and shoreline areas. In addition, the City's Zoning Ordinance, contained in Title 17 of the Municipal Code, includes provisions to ensure that the architecture and urban design of new developments would protect the City's visual environment, including scenic vistas and scenic resources. Chapter 17.34, Design Review, of the Zoning Ordinance establishes the City's design review procedure that is implemented to ensure that new development supports the goals and objectives of the General Plan and other adopted plans and guidelines. To obtain design review approval, projects must, among other criteria specified in Section 17.34.060, Design Review Criteria, demonstrate that the overall design of the project including its scale, massing, site plan, exterior design, and landscaping will enhance the appearance and features of the project site and surrounding natural and built environment. The General Plan EIR determined that required adherence to applicable City policies, regulations, and development standards governing scenic quality would ensure that impacts to scenic vistas and scenic resources would be less than significant.

The General Plan EIR determined that there are no State-designated scenic highways in or adjacent to Newark. As discussed in the General Plan EIR, and as remains accurate as of the preparation of this Addendum, the closest State-designated scenic highway segment (SR-84) is located approximately 2.3 miles from the eastern edge of the Newark City limits and is entirely screened by intervening development in the City of Fremont.[6] The General Plan EIR determined that future development under the General Plan would have no impact on scenic resources within a State scenic highway.

The General Plan EIR determined that future development under the General Plan would have a significant environmental impact if it would considerably diminish the existing visual character of a neighborhood, district, or area within the City. However, the General Plan EIR determined that future development under the General Plan would be subject to City policies and regulations that serve to protect visual character and quality. For example, General Plan Policy LU-2.1 addresses the protection of single-family neighborhoods from substantial increases in density and new land uses which would adversely affect the character of the neighborhood. Policy LU-2.2 requires that new structures, additions, and major renovations are aesthetically compatible with existing structures and the surrounding context, and contribute positively to the visual quality of neighborhoods. In addition, as described above the City's Zoning Ordinance, contained in Title 17 of the Municipal Code, includes provisions to ensure that the architecture and urban design of new developments would protect the City's visual environment. Chapter 17.34, Design Review, of the Zoning Ordinance establishes the City's design review procedure that is implemented to ensure that new development supports the goals and objectives of the General Plan and other adopted plans and guidelines. To obtain design review approval, projects must, among other criteria specified in Section 17.34.060, Design Review Criteria, demonstrate that the overall design of the project including its scale, massing, site plan, exterior design, and landscaping will enhance the appearance and features of the project site and surrounding natural and built environment. The General Plan EIR determined that required adherence to applicable City

6 California Department of Transportation (Caltrans), 2023. California State Scenic Highways. Available: https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways. Accessed July 13, 2023.

policies, regulations, and development standards governing scenic quality would ensure that impacts on scenic visual character and quality would be less than significant.

With regard to light and glare, the General Plan EIR determined that future development under the General Plan would create new sources of light and glare; however, in the urbanized context of Newark this increase would not substantially and adversely affect daytime or nighttime views. In addition, the General Plan EIR determined that future development under the General Plan would be subject to City policies and regulations that serve to minimize impacts related to light and glare. For example, General Plan Policy LU-4.7 directs the management of exterior lighting to reduce potential light and glare impacts, improve public safety, and enhance the character of the streetscape. Action LU-4.B under Policy LU-4.14 directs the use of development regulations and design review procedures to reduce light and glare impacts from new development. Action LU-4.B specifies that design review procedures should encourage less intense lighting where security needs allow, restricting the height and direction of exterior fixtures to minimize light spill, shielding for exterior lights, and minimizing the use of highly reflective exterior materials. In addition, Section 17.17.060, Lighting and Illumination, of the City's Zoning Ordinance requires that outdoor lighting shall be designed to be an integral part of the built environment, reflecting a balance for the lighting needs with the contextual ambient light level and surrounding nighttime characteristics of the community. Finally, as previously described, the City's design review process ensures that the architecture and urban design of new developments would protect the City's visual environment, including ensuring that new development does not generate adverse light and glare. The General Plan EIR determined that required adherence to applicable City policies, regulations, and development standards would ensure that impacts related to light and glare would be less than significant.

The proposed project would include adoption of General Plan amendments that would add or modify goals, objectives, policies, and implementation programs related to housing. Amendments to the Housing Element would address, among other things, the maintenance, preservation, improvement, and development of housing in the City. In addition, the proposed project would include a housing sites inventory with sufficient existing housing sites at appropriate densities to meet the City's RHNA requirement plus an ample buffer. The housing sites inventory includes 2,689 new units that would be provided by pipeline projects that have been proposed and are undergoing entitlement review, have been approved, or have been approved and are currently under construction, and 2,552 new units accommodated by vacant and non-vacant opportunity sites that are already zoned for housing. As discussed in the *Project Description*, changes to existing zoning and land use designations are not contemplated as part of the HEU's adoption, as potential housing production in the City required to meet the City's RHNA allocation and the substantial buffer could already occur under the City's existing zoning, particularly with respect to the densities already provided for on the identified parcels that comprise the housing opportunity sites. The environmental effects of development under these existing zonings and land use designations were already evaluated in the General Plan EIR, and the HEU would not result in any intensification of development potential or associated visual or aesthetic change beyond what was previously evaluated in the General Plan EIR. Therefore, the proposed project would not result in a new significant impact or substantially more severe impacts related to aesthetics than previously disclosed in the General Plan EIR. In addition, there is no new

information of substantial importance showing that the proposed project would have one or more significant effects related to aesthetics not previously discussed in the General Plan EIR. For these reasons, impacts related to aesthetics from the proposed project would not require the preparation of a subsequent negative declaration or EIR.

Air Quality

The General Plan EIR determined that, although growth under the General Plan would come incrementally over a period of approximately 25 years and would be guided by a policy framework in the General Plan that is generally consistent with many of the principal goals and objectives established in regional planning initiatives for the Bay Area, growth under the General Plan would exceed regional projections for the Plan Area (i.e., the Newark City limits). The General Plan EIR determined that the projected growth in vehicle miles traveled (VMT) in the Plan Area could lead to a regional VMT increase beyond that anticipated in Bay Area Air Quality Management District (BAAQMD) clean air planning efforts. As a result, the General Plan EIR determined that buildout of the General Plan would contribute to ongoing air quality issues in the San Francisco Bay Area Air Basin (SFAAB), including non-attainment of ambient air quality standards. The General Plan EIR determined that, even with implementation of applicable measures and policies identified in the General Plan EIR, the impact would be significant and unavoidable.

The General Plan EIR determined that operational emissions associated with buildout of the General Plan would generate an increase in criteria air pollutants in the Plan Area, and that numerous General Plan policies would reduce criteria air pollutants from development projects.[7] The General Plan EIR determined that implementation of the identified policies would reduce operational emissions from development projects under the General Plan to the maximum extent practicable. In addition, the General Plan EIR identified that future development projects under the General Plan would be subject to subsequent environmental review pursuant to CEQA and would be required to assess potential impacts under BAAQMD's project-level thresholds. Therefore, the General Plan EIR determined that impacts associated with operational emissions of criteria air pollutants from future development under the General Plan would be less than significant.

With regard to construction emissions, the General Plan EIR identified that BAAQMD's plan-level guidelines do not require an evaluation of construction emissions for plan-level projects. Nevertheless, the General Plan EIR determined that construction emissions associated with individual development projects under the General Plan would generate an increase in criteria air pollutants. The General Plan EIR identified that subsequent environmental review of future development projects would be required to assess potential impacts under BAAQMD's project-level thresholds. The General Plan EIR determined that construction emissions from buildout of future projects within the City of Newark would primarily be exhaust emissions from off-road diesel-powered construction equipment; dust generated by demolition, grading, earthmoving, and other construction activities; exhaust emissions from on-road vehicles and off-gas emissions from

[7] See Impact AIR-2 on pages 4.2-35 to 4.2-39 of the General Plan Draft EIR for a discussion of this impact and the General Plan policies that were identified to reduce criteria air pollutants from development projects.

application of asphalt, paints, and coatings. The General Plan EIR determined that construction activities associated with development under the General Plan would also be required to include BAAQMD's "Basic Control Measures" for fugitive dust control pursuant to General Plan Action HW-1.G. In addition, the General Plan EIR determined that exhaust emissions generated during construction of projects under the General Plan would also result in construction emissions; however, General Plan Action HW-1.I would require that project applicants implement measures to reduce emissions to the maximum extent feasible. The General Plan EIR determined that compliance with BAAQMD Basic Control Measures and implementation of applicable General Plan policies and actions would reduce construction emissions from development under the General Plan to the maximum extent practicable. The General Plan EIR further determined that future development under the General Plan would be subject to separate environmental review pursuant to CEQA in order to identify and mitigate potential air quality impacts. Therefore, the General Plan EIR concluded that impacts from construction emissions from future development under the General Plan would be less than significant.

The General Plan EIR determined that future development under the General Plan would result in less-than-significant impacts with respect to the placement of sensitive receptors proximate to major sources of air pollution or odors or the siting of new sources of air pollution odors proximate to sensitive receptors in the City.

The proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. Consequently, the proposed project would not result in a new significant impact or substantially more severe impacts related to air quality than previously disclosed in the General Plan EIR. In addition, there is no new information of substantial importance showing that the proposed project would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than significant effects shown in the General Plan EIR. Nor is there new information of substantial importance showing that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the proposed project. For these reasons, impacts related to air quality from the proposed project would not require the preparation of a subsequent negative declaration or EIR.

Biological Resources

The General Plan EIR determined that future development under the General Plan would have a less-than-significant environmental impact to special-status plant and animal species, riparian habitat, and sensitive natural communities in the Plan Area. The General Plan EIR also determined that future development under the General Plan would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Lastly, the General Plan EIR determined that future development under the General Plan would not conflict with the City of Newark tree preservation ordinance or the Basin Plan and the Habitat Goals and would result in less-than-significant cumulative impacts related to biological resources.

The General Plan EIR references several mechanisms that would reduce potential impacts to special-status plant and animal species to less than significant:

- Compliance with federal, State, and local regulations such as the federal and California Endangered Species Acts, Migratory Bird Treaty Act, Fish and Game Code, and California Native Plant Protection Act.

- Mitigation measures (MMs) identified as part of previous environmental review conducted for the Dumbarton Transit Oriented Development (TOD) Specific Plan EIR, the Area 3 and 4 Specific Plan, and the 2009-2014 Housing Element.

Specifically, the Dumbarton TOD Specific Plan EIR, which overlaps with portions of the HEU's opportunity sites, includes the following MMs that are relevant to potential impacts to special-status species as a result of development that could occur with implementation of the proposed project.

- MM 4.3-2 In order to avoid impacts on nesting raptors, a nesting bird survey shall be conducted on individual project site parcels prior to commencing with earth-moving or construction work if this work would occur during the nesting bird season (February 15 – August 31).

  If nesting raptors are identified during the surveys, orange construction fence shall be installed to establish a 300-foot radius around the nest unless a qualified biologist determines that a lesser distance will adequately protect the nest (refer to discussion below for more detail).

  If the buffer is reduced, the qualified biologist shall remain onsite to monitor the raptors' behavior during heavy construction in order to ensure that the reduced buffer doesn't result in take of eggs or nestlings. No construction or earth-moving activity shall occur within the established buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 1. This date may be earlier or later, and would have to be determined by a qualified biologist. If a qualified biologist is not hired to monitor the nesting raptors, then the full 300-foot buffers shall be maintained in place from February 1 through the month of August. The buffer may be removed and work may proceed as otherwise planned within the buffer on September 1.

- MM 4.3-3. Western burrowing owl surveys shall be conducted by a qualified western burrowing owl biologist 90 days prior to construction of any project within the project site and again 30 days prior to construction of a project to ensure there are no impacts on burrowing owls in accordance with the methodologies prescribed by CDFG in their 1995 Staff Report on Burrowing Owl Mitigation, which are more likely to be accepted by CDFG. If burrowing owls are detected on the site during the breeding season (peak of the breeding season is April 15 through July 15), and appear to be engaged in nesting behavior, a fenced 250-foot buffer shall be required between the nest site(s) (i.e., the active burrow(s)) and any earth-moving activity or other disturbance in the project area.

This 250-foot buffer could be decreased to 160 feet once it is determined by a qualified burrowing owl biologist that the young have fledged (that is, left the nest). Typically, the young fledge by August 31. This date may be earlier than August 31, or later, and would have to be determined by a qualified burrowing owl biologist. If burrowing owls were found on the project site, a qualified biologist shall delineate the extent of burrowing owl habitat on the site and prepare a Mitigation Plan in consultation with CDFG for review and approval by the City that shall identify the mitigation site and any activities proposed to enhance the site.

Monitoring and management of any lands identified for mitigation purposes shall be the responsibility of the applicant for at least five years. An annual report shall be prepared for submittal to CDFG and the City by December 31 of each monitoring year. Contingency measures for any anticipated problems should be identified in the plan.

- MM 4.3-4 In order to avoid impacts on nesting passerines, a nesting survey shall be conducted on individual project site parcels and within 100 feet of the parcel being developed prior to commencing initial earthmoving or construction work on that parcel if this work would occur during the passerine nesting season, that is, between March 1 and September 1. The nesting surveys shall be completed approximately 15 days prior to commencing work. If special-status birds are identified nesting on or near the project site, a 100-foot radius around all identified active nests shall be demarcated with orange construction fencing to establish a non-disturbance buffer. If an active nest is found offsite, the intersecting portion of the buffer that is onsite shall be fenced. No construction or earth-moving activity shall occur within this 100-foot staked buffer until it is determined by a qualified biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones.

  If common (that is, not special-status) birds, for example, red-winged blackbird, are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet shall be established or as otherwise prescribed by a qualified ornithologist. The buffer shall be demarcated with orange construction fencing. Disturbance around an active nest shall be postponed until it is determined by the qualified wildlife biologist that the young have fledged and have attained sufficient flight skills to leave the area.

  Typically, most birds in the region of the project site are expected to complete nesting by August 1. However, in the region many species can complete nesting by the end of June or in early to mid-July. Regardless, nesting buffers shall be maintained until August 1 unless a qualified wildlife biologist determines that young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to August 1st, the biologist conducting the nesting surveys shall prepare a report that provides details about the nesting outcome and the removal of buffers. This report shall be submitted to the City project planner prior to the time that buffers are removed if the date is before August 1.

- MM 4.3-5. Prior to City approval of any specific development, special-status plant surveys shall be conducted in appropriate habitats during the appropriate period in which the species are most identifiable in compliance with all CDFG (2000), USFWS (1996), and CNPS (2001) published survey guidelines. Project construction shall not be initiated until all special-status plant surveys are completed and subsequent mitigation, if necessary, is implemented.

  If special-status plant species are found during surveys, those individuals or populations shall be avoided to the maximum degree possible. If avoidance is not possible while otherwise obtaining the project's objectives, then other suitable measures and mitigation shall be developed in consultation with the agencies that are responsible for protection of that plant species based on its protection status.

In addition, the Dumbarton TOD Specific Plan EIR includes the following MM that is relevant to potential impacts to wetlands and waters of the State or U.S. as a result of construction for the City of Newark HEU:

- 4.3.6. Wetland mitigation shall, to the extent not already completed, require a wetland delineation conducted according to the 1987 USACE Wetland Delineation Manual (U.S. Army Corps of Engineers 1987) and the Regional Supplement to the USACE Wetland Delineation Manual: Coast Region (Corps 2008) prior to City approval of any specific development proposal. This delineation shall be submitted to the USACE for verification. Once that map is "verified," the full extent of waters of the U.S./State would be known and the extent of impacts on regulated areas ascertained.

  Authorization from the Corps and the Regional Water Quality Control Board (RWQCB) (for example, a Nationwide Permit and a Certification of Water Quality) shall be obtained as necessary/required by these agencies prior to filling any waters of the U.S./State on the project site.

  As approved by the USACE and the RWQCB, the project sponsor may purchase mitigation credits from an approved mitigation bank or an approved in-lieu fee mitigation entity at a minimum 1:1 ratio or as required by the permitting regulatory agencies. As an alternative to the purchase of credits in a mitigation bank, wetlands may be created onsite and, if so, shall have an equal or higher functional value than those wetlands affected by the project (known as in-kind replacement).

  Impacts shall also be minimized by the use of Best Management Practices (BMPs) to protect preserved waters of the U.S./State and to ensure that water quality standards are not compromised in preserved wetlands and other waters within the watershed.

Lastly, the Dumbarton TOD Specific Plan EIR includes the following MM that is relevant to tree removal associated with construction for the City of Newark HEU:

- MM 4.3-8. A tree permit shall be obtained from the City prior to the removal of any tree protected by City ordinance on project site parcels. To offset impacts resulting from the

removal of these trees, replacement trees shall be planted in designated open space areas on the subject parcel. Tree replacement shall be at a 1:1 ratio (that is, for each tree removed, one tree shall be planted as a replacement). Replacement trees shall be native California species that are native to the Newark area.

A Tree Management Plan shall be prepared for any project on any project site parcel where tree removal occurs. Preparation of this plan and subsequent planting and monitoring shall be a condition of project approval and shall be tied to a security bond or cash deposit posted by the developer with the City to pay for any remedial work that might need to occur, if the prior effort fails.

The General Plan EIR documented that potentially suitable habitat for the federally endangered tadpole shrimp (*Lepidurus packardi*) is present in Areas 2 and 4 of the Dumbarton TOD Area Specific Plan. The General Plan EIR also states that the species has been documented on the Warm Springs Unit of San Francisco Bay National Wildlife Refuge and that it has been introduced into created vernal pools at Pacific Commons Preserve, a 440-acre mitigation project contiguous with the Warm Springs Unit east of the Stevenson Boulevard crossing of the Southern Pacific railroad tracks. Since the General Plan EIR was authored, tadpole shrimp were documented in 2016 in a parcel near the Warm Springs Unit and the Pacific Commons Preserve.[8] However, none of the HEU's opportunity sites contain suitable habitat for the species. As a rule, all the HEU's opportunity sites are infill in nature, and all are already developed with existing uses or are surrounded on all sides by existing urban development. None of the sites contain suitable habitat for sensitive plant or wildlife species.

The proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. With implementation of applicable MMs from the General Plan EIR, the proposed project would not result in a new significant impact or substantially more severe impacts related to biological resources than previously disclosed in the General Plan EIR. In addition, there is no new information of substantial importance showing that the proposed project would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than significant effects shown in the General Plan EIR. Nor is there new information of substantial importance showing that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the proposed project. For these reasons, impacts related to biological resources from the proposed project would not require the preparation of a subsequent negative declaration or EIR.

Cultural Resources

Historical Resources

The General Plan EIR determined that future development under the General Plan would have a significant environmental impact if it would cause a substantial adverse change in the significance of a historical resource, which the General Plan EIR identified as any building,

8 California Department of Fish and Wildlife, California Natural Diversity Database. https://wildlife.ca.gov/Data/BIOS. Accessed August 4, 2023.

structure, feature, object, or site of historic or cultural importance, as listed on the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), or designated as a historical resource by the City of Newark. The General Plan EIR noted that, while the act of adopting the General Plan would not directly result in impacts to historical resources, it would allow development and redevelopment that could potentially impact historical resources through direct alteration, damage, or demolition of listed or registered historic structures or historic sites.

The General Plan EIR identified that there are no buildings in the City of Newark listed on the NRHP or CRHR. However, the General Plan EIR identified that City of Newark's list of historic resources contains two buildings: St. Edward's Church (Rose of Sharon Chapel) and the James Graham residence in Old Town.[9] The General Plan EIR determined that, since the General Plan supports Citywide infill projects, and such infill projects could be located in Old Town, if any future projects under the General Plan include these buildings, such a project would have the potential to alter or destroy these listed historic buildings or modify their settings, which would be considered a potentially significant impact.

The General Plan EIR further identified that Old Town, as of 1989, contained 42 buildings referred to as of "historic merit" as defined in Chapter 17.20, Historical Resources, of the Newark Municipal Code,[10] and other structures with potential eligibility for government registers or lists (but that were not presently listed on such lists or registers) are located in the vicinity of the Dumbarton Bridge. These features included the Dumbarton Cutoff train bridge, industrial buildings in the southwestern portion of Newark, and the Union Pacific Railroad corridor between Wells and Thornton Avenue. The General Plan EIR identified that the General Plan allows development and redevelopment of the Dumbarton Bridge vicinity, where these features "of historic merit" may exist.

The General Plan EIR determined that several existing regulations would help to ensure that development and redevelopment activities allowed under the General Plan do not cause a substantial adverse change to a historical resource. The General Plan EIR identified that Title 24, Part 8 of the California Code of Regulations directs that historic buildings and structures are rehabilitated, preserved, restored, and relocated in an appropriate manner. The General Plan EIR further identified that Chapter 17.20, Historical Resources, of the Newark Municipal Code protects City-designated historic resources under its Historic Preservation Program by providing standards for and review of modification, alteration, demolition, or removal of historical resources.

The General Plan EIR noted that previous CEQA analysis identified potential impacts to historical resources and developed mitigation measures. For example, the Newark 2009-2014

[9] Old Town is the historic center of Newark. It includes a commercial district along Thornton Avenue and a residential area with a variety of housing types and densities. The Old Town Focus Area evaluated in the General Plan EIR is generally located along Thornton Avenue on both sides of the street, south from Cherry Street to the Union Pacific railroad tracks, as shown on Figure 3-7 on page 3-19 of the General Plan Draft EIR. See page 3-21 of the General Plan Draft EIR for a detailed description of this Focus Area.

[10] The Historic Resources chapter of the Newark Municipal Code was Chapter 17.39 at the time the General Plan EIR was prepared but has since been relocated to Chapter 17.20.

Housing Element EIR provided additional review and consideration for unlisted historic resources in Mitigation Measure 4.4-2 which requires that specific housing development proposals on housing sites in or adjacent to the Old Town portion of Newark that involve any structure older than 45 years shall be reviewed by the Newark Planning Division to ensure consistency with the City's Historic Resource Ordinance and applicable CEQA Guidelines provisions. The mitigation measure states that if a substantial change to a historic resource is proposed, modifications may be required in the design of such project to ensure consistency with the Historic Resource Ordinance. Future construction on a housing site adjacent to any identified historic structure shall be complementary to the historic structure in terms of providing appropriate setbacks, consistent design and use of colors, determined by the Newark Planning Division.

The General Plan EIR further identified that for the Dumbarton Transit-Oriented Development (TOD) Focus Area,[11] Dumbarton TOD EIR Mitigation Measure 4.4-1b requires that if construction is proposed within 100 meters of Union Pacific Railroad buildings or structures, that these structures shall be evaluated for inclusion on the National Register by a qualified professional. If the Union Pacific Railroad structures are found eligible for inclusion in the National Register, then the project sponsor shall submit a study prepared by a qualified historian or architectural historian to determine whether the proposed project would materially alter in an adverse manner those physical characteristics of the known historical resource that conveys its historical significance.

In addition, the General Plan EIR identified the following General Plan goals, policies, and actions that address potential impacts to historical resources:

- GOAL LU-5: Identify, preserve, and maintain historic structures and sites to enhance Newark's sense of place and create living reminders of the city's heritage.
- *Policy LU-5.1: Preserving Important Buildings.* Encourage the preservation of historically and architecturally important buildings that help enhance Newark's character and sense of identity. The demolition of historically important buildings is strongly discouraged.
- *Policy LU-5.2: Context-Sensitive Design.* Ensure that the repair, maintenance, and expansion of Newark's historically important structures uses building materials and architectural details which respect historic context.
- *Policy LU-5.3: Adaptive Reuse.* Where it is no longer feasible to continue to use an older building for its originally intended use, encourage adaptive reuse of the structure rather than demolition and replacement.

[11] The Dumbarton TOD Focus Area evaluated in the General Plan EIR covers approximately 200 acres of formerly industrial land in the western portion of Newark, as shown on Figure 3-7 on page 3-19 of the General Plan Draft EIR. See page 3-20 of the General Plan Draft EIR for a detailed description of this Focus Area.

- *Policy LU-5.4: Historic Landscapes.* Consider the historic value of landscape features, such as trees, gardens, and fences when evaluating the historical significance or importance of a property.

- *Action LU-5.A: Evaluating Historic Resource Impacts.* Evaluate applications for demolition, alteration, or relocation of structures more than 50 years old to determine if the structure has sufficient significance and integrity to merit its designation as a historic resource. In the event alterations to a historic resource are proposed, use the Secretary of the Interior Standards for the Treatment of Historic Properties to guide application review.

- *Action LU-5.B: Historic Building Code.* Allow the use of the State Historic Building Code to achieve the preservation of important historic structures.

- *Action LU-5.C: Incentives for Restoration.* Work with property owners seeking to use state and federal incentives for the restoration and maintenance of historic properties, including historic tax credits and tax relief programs such as Mills Act preservation contracts.

- *Action LU-5.D: Historic Inventory.* Maintain and periodically update a list of Newark's historic sites and structures. Action LU-5.E State and Federal Register Listings. Work with property owners seeking to place their properties on the National Register of Historic Places, the California Points of Historical Interest, California Historical Landmarks, or the California Register of Historical Resources.

- *Action LU-5.E: State and Federal Register Listings.* Work with property owners seeking to place their properties on the National Register of Historic Places, the California Points of Historical Interest, California Historical Landmarks, or the California Register of Historical Resources.

- *Action LU-5.F: Preservation on the Web.* Use the City's website to distribute information about Newark's history and historic resources.

- *Action LU-5.G: Preservation Advocacy.* Support the creation of local groups that advocate for greater recognition of Newark's history and the preservation of important historic buildings, places, and resources.

The General Plan EIR determined that these policies would further reduce any potential impacts to a historical resource to a less-than-significant level.

Archaeological Resources

The General Plan EIR determined that the developable area of Newark is largely built out and that buildout of the General Plan would largely consist of redevelopment of previously disturbed sites in the Plan Area (i.e., the Newark City limits). As such, the General Plan EIR determined that the potential for encountering as yet undiscovered archeological resources is low in much of the Plan Area. However, the General Plan EIR determined that the Dumbarton TOD Focus Area

includes undeveloped land, and that sector of the City is considered moderately sensitive for archaeological resources. In addition, the General Plan EIR determined that the Southwest Newark Residential and Recreational Focus Area[12] contains a large area of undeveloped land, some of which would be developed with buildout of the General Plan. The General Plan EIR determined that archaeological resources are known to be present in the Southwest Newark Residential and Recreational Focus Area, and development in this area under the General Plan could potentially result in accidental disturbance or damage to archaeological resources.

The General Plan EIR determined that implementation of General Plan Policy LU-5.5 would reduce the potential for damage to archaeological resources in Newark associated with implementation of the General Plan:

- *Policy LU-5.5: Native American Resources.* Coordinate with local tribal representatives and the Native American Heritage Commission to ensure the protection of Newark's Native American resources and to follow appropriate mitigation, preservation, and recovery procedures in the event that important resources are identified during development.

In addition, the General Plan EIR determined that previous environmental review conducted for the 2007-2014 General Plan Housing Element and the Area 3 and 4 Specific Plan identified mitigation measures to address potential impacts to archaeological resources that have been adopted by the City. Specifically, Mitigation Measure 4.4-1 from the 2009-2014 Housing Element EIR requires that in the event an archeological Native American artifact is identified during residential development, work will cease in the immediate vicinity of the artifact until a resource protection plan conforming to CEQA Guidelines is prepared by a qualified archaeologist and approved by the City of Newark. Previous environmental review concluded that implementation of this mitigation measure would reduce associated impacts to a less-than-significant level. The Area 3 and 4 Specific Plan EIR also contains mitigation measures that reduce impacts to archaeological resources. Mitigation Measure CUL-2.1 requires before construction activities begin that a hand excavation led by a professional archaeologist be used to determine the extent of archaeological resources in the area. Mitigation Measures CUL-2.2 and CUL-2.3 require that site development plans and grading then use this information to avoid known cultural resources. Mitigation Measure CUL-2.4 requires that where known archaeological resources are present and cannot be avoided, preservation in place methods or a program of data recovery will be implemented, following CEQA Guidelines. This would involve a combination of limited hand excavation to remove known human remains to prevent additional damage, as well as heavy equipment under the direction of a professional archaeologist. Mitigation Measure CUL-2.4 requires a certified professional archaeologist to observe during all construction that causes ground disturbance with specific authority to direct and halt earthmoving activities if cultural materials are encountered, in accordance with CEQA Guidelines. In addition, mitigation measure

[12] The Southwest Newark Residential and Recreational Focus Area evaluated in the General Plan EIR is made up of two non-contiguous sectors in the southwest portion of the City, as shown in Figure 3-7 on page 3-19 of the General Plan Draft EIR. Together, these two sectors cover an area of 637 acres. The boundaries of the larger of the two sectors correspond to the boundaries of Area 4, as delineated in the Area 3 and 4 Specific Plan adopted by the City in 2010. See pages 3-20 to 3-21 of the General Plan Draft EIR for a detailed description of this Focus Area.

CUL-2.4 requires construction to stop within a 100-foot radius if and when such resources are found, until the archaeologist evaluates the significance of the find and suggests the appropriate mitigation to protect the resources.

The General Plan EIR determined that implementation of these mitigation measures would further reduce the potential for impacts related to accidental damage to or disturbance of archaeological resources. Nevertheless, as described in the Area 3 and 4 Specific Plan EIR, given the known extent of unique archeological resources in the Southwest Newark Residential and Recreational Focus Area, it is unlikely that total avoidance of impacts is possible during future development associated with buildout of the General Plan. The General Plan EIR determined that, while the implementation of mitigation measures from the Area 3 and 4 Specific Plan EIR would partially reduce impacts to these cultural resources, development in the Southwest Newark Residential and Recreational Focus Area could still damage or disturb archaeological deposits through the placement of fill and soil compression. Consequently, the General Plan EIR determined that impacts to archaeological resources under buildout of the General Plan would be significant and unavoidable.

Human Remains

The General Plan EIR determined that, while the potential for encountering as yet undiscovered archeological resources is low in much of the Plan Area, the salt marshlands in the western portion of the City, including the vicinity of the Dumbarton TOD Focus Area, are considered moderately sensitive for Native American remains and other archaeological resources, and the Southwest Newark Residential and Recreational Focus Area is known to contain Native American remains. The General Plan EIR determined that development in these areas under the General Plan could potentially result in accidental disturbance or damage to human remains. The General Plan EIR determined that compliance with the provisions for Native American consultation pursuant to Senate Bill 18 (SB 18) as well as with the regulations pertaining to procedures in the event of discovery of human remains contained in California Health and Safety Code Section 7052 and 7050.5 and California Public Resources Code Section 5097 and 15064.5 would reduce potential impacts. The General Plan EIR further determined that implementation of Mitigation Measure 4.4-1 from the 2009-2014 Housing Element EIR, and Mitigation Measures CUL-2.1 through CUL-2.4 from the Area 3 and 4 Specific Plan EIR, described above, would also further reduce the potential for accidental damage or disturbance of human remains during construction activities associated with buildout of the General Plan.

The General Plan EIR determined that implementation of General Plan Policy LU-5.5 also would reduce the potential for damage or disturbance of human remains associated with implementation of the General Plan:

- *Policy LU-5.5: Native American Resources.* Coordinate with local tribal representatives and the Native American Heritage Commission to ensure the protection of Newark's Native American resources and to follow appropriate mitigation, preservation, and recovery procedures in the event that important resources are identified during development.

Nevertheless, the General Plan EIR determined that damage or disturbance of human remains through the placement of fill and soil compression could still result during construction activities associated with buildout of the General Plan. Consequently, the General Plan EIR determined that impacts to human remains under buildout of the General Plan would be significant and unavoidable.

Proposed HEU

The proposed project would include adoption of General Plan amendments that would add or modify goals, objectives, policies, and implementation programs related to housing. Amendments to the Housing Element would address, among other things, the maintenance, preservation, improvement, and development of housing in the City. In addition, the proposed project would include a housing sites inventory with sufficient existing housing sites at appropriate densities to meet the City's RHNA requirement plus a buffer. The housing sites inventory includes 1,257 new units that would be provided by pipeline projects that have been proposed and are undergoing entitlement review, have been approved, or have been approved and are currently under construction, and 1,597 new units accommodated by vacant and non-vacant opportunity sites that are already zoned for housing. As discussed in the *Project Description*, changes to existing zoning and land use designations are not contemplated as part of the HEU's adoption, as potential housing production in the City required to meet the City's RHNA allocation and the substantial buffer could already occur under the City's existing zoning, particularly with respect to the densities already provided for on the identified parcels that comprise the housing opportunity sites. The environmental effects of development under these existing zonings and land use designations were already evaluated in the General Plan EIR, and the HEU would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. Therefore, the proposed project would not result in a new significant impact or substantially more severe impacts related to cultural resources than previously disclosed in the General Plan EIR. In addition, there is no new information of substantial importance showing that the proposed project would have one or more significant effects related to cultural resources not previously discussed in the General Plan EIR. For these reasons, impacts related to cultural resources from the proposed project would not require the preparation of a subsequent negative declaration or EIR.

Energy

The General Plan EIR did not evaluate potential impacts to energy resources as an individual section since it was prepared and certified prior to the 2018 addition of energy as a new resource category in Appendix G, Environmental Checklist, of the State CEQA Guidelines. However, the General Plan EIR did include a discussion of energy in the context of energy resource efficiency in the General Plan's sustainability policies and analysis of greenhouse gas emissions and air quality. In addition, the Significant and Irreversible Changes section on page 7-4 of the General Plan EIR stated that "development allowed by the proposed Plan would irretrievably commit nonrenewable resources for the construction of buildings, infrastructure, and roadway improvements."

The proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. Further, future development under the HEU would be required to comply with the State Building Energy Efficiency Standards specified in Title 24, Part 6 of the California Code of Regulations (CCR). In addition to the State Building Energy Efficiency Standards, the California Green Building Standards Code (CALGreen) specified in Title 24, Part 11 of the CCR is mandatory for all residential and non-residential buildings constructed in the state and includes mandatory measures for energy efficiency, water conservation, material conservation, planning and design, and overall environmental quality. The current CALGreen standards (2022) are adopted by reference in the Newark Municipal Code. future development under the HEU would be required to comply with the applicable requirements of the Municipal Code and the Conservation and Sustainability policies of the General Plan, which include:

- *Policy CS-7.1: Reducing Energy Use*. Support measures to reduce energy consumption and increase energy efficiency in residential, commercial, industrial, and public buildings.

- *Policy CS-7.2: Renewable Energy Sources*. Support the expanded use of renewable energy sources such as wind and solar by Newark residents and businesses, the City of Newark, and other government agencies.

- *Policy CS-7. 3: Designing for Energy Efficiency*. Support building design, site planning, and subdivision design methods that reduce heating and cooling costs and achieve greater energy efficiency.

In addition, the City of Newark adopted a Climate Action Plan (CAP) in 2010 to identify and evaluate feasible and effective policies to reduce greenhouse gas (GHG) emissions in order to reduce energy use and costs, protect air quality, and improve the economy and the environment. The Newark CAP identifies the following GHG reduction targets for the City:

- Municipal: 5% Reduction from 2005 Municipal Emissions by July 2012

- Communitywide: 5% Reduction in City and Community Emissions by July 2015; 15% Decrease in Communitywide Emissions from 2005 Levels by 2020

The City has not yet updated these target dates. The General Plan EIR analyzes compliance with CAP policies regarding energy efficiency and reduction in energy use within the chapter on greenhouse gas emissions. It concludes that the General Plan is generally consistent with CAP policies and that it would further implement these policies through additional General Plan policies (Table 4.6-6 of the General Plan EIR).

The proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR and therefore would not result in a new significant impact or substantially more severe impacts related to energy resources than previously disclosed in the General Plan EIR.

Geology, Soils, and Seismicity

The General Plan EIR determined that future development under the General Plan would not result in significant impacts related to geology, soils, and seismicity. The General Plan EIR determined that implementation of General Plan policies and compliance with local and California Building Code (CBC) regulations would reduce exposure of people and structures to seismic hazards, soil erosion, and unstable or expansive soils.

The General Plan EIR determined that future development under the General Plan would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving surface rupture along a known active fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; and landslides. No Alquist-Priolo Earthquake Fault Zones have been established by the California Geological Survey (CGS) within the City of Newark, nor have any seismically induced landslide hazard zones been mapped by CGS in the City.[13] Further, the General Plan EIR determined that future development under the General Plan would be required to adhere to the requirements of detailed, site-specific geotechnical evaluations prior to implementation. It would also adhere to applicable building code and building permit requirements to help ensure that impacts associated with strong seismic ground shaking are minimized to the maximum extent possible. In addition, the General Plan EIR determined that General Plan policies would serve to minimize impacts related to geology, soils, and seismicity. For example, General Plan Policy EH-1.1 supports the establishment and enforcement of development regulations and building code requirements to protect residents and workers from flooding, liquefaction, earthquakes, fires, and other hazards. Policy EH-2.1 requires new development to meet structural integrity standards which minimize the potential for damage during earthquakes. Policy EH-2.2 encourages the retrofitting of existing structures to reduce the potential for damage during earthquakes. The General Plan EIR determined that required adherence to applicable City policies, regulations, and development standards would ensure that impacts related to geology, soils, and seismicity would be less than significant.

The General Plan EIR determined that future development under the General Plan would not result in substantial soil erosion or the loss of topsoil. Compliance with existing regulatory requirements, such as implementation of erosion control measures specified in Title 15, Chapter 15.50, Grading and Excavation, of the City of Newark Municipal Code, would reduce impacts from erosion and the loss of topsoil. In addition, the General Plan EIR determined that General Plan policies would serve to minimize impacts related to soil erosion or the loss of topsoil. For example, General Plan Policy CS-1.4 directs the identification and elimination of erosion problems on public and private lands and provides that the potential for erosion should be considered as a design and engineering factor in new development. The General Plan EIR determined that required adherence to applicable City policies, regulations, and development standards would ensure that impacts related to substantial soil erosion or the loss of topsoil would be less than significant.

[13] California Department of Conservation, 2023. Geologic Hazards Data & Maps. Available: https://maps.conservation.ca.gov/geologichazards/#dataviewer. Accessed July 18, 2023.

The General Plan EIR determined that future development under the General Plan would not result in a significant impact related to development on unstable geologic units and soils or result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. The General Plan EIR determined that required adherence to the City of Newark Municipal Code would ensure that construction, grading, and related activities meet CBC standards, implement erosion control methods, and provide, where required, a professionally prepared soils engineering report, engineering geology report, and liquefaction study. Further, the California Public Resources Code establishes that development located in a seismic hazard zone requires a geotechnical report identifying seismic hazards. The General Plan also contains applicable policies which would ensure that impacts from unstable geologic units are minimized. Policies EH-1.1 and EH-1.2 establish and enforce development regulations to protect residents from hazards as well as prohibit development in areas where there is risk from hazards.

The General Plan EIR determined that future development under the General Plan would not create substantial risks to life or property as a result of its location on expansive soil. As mentioned previously, geotechnical evaluations are required for development, and required adherence to the City of Newark Municipal Code would ensure that development meets CBC standards and undergo appropriate precautions. General Plan Policies EH-1.1 and EH-1.2, as described above, would also reduce any impacts related to expansive soil. The General Plan EIR also noted that future development under the General Plan would not require the use of septic tanks or alternative wastewater disposal systems, so there would be no related impacts. The General Plan EIR determined that required adherence to applicable policies, regulations, and development standards would ensure that impacts related to geology, soils, and seismicity would be less than significant.

The proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. Consequently, the proposed project would not result in a new significant impact or substantially more severe impacts related to geology and soils than previously disclosed in the General Plan EIR. In addition, there is no new information of substantial importance showing that the proposed project would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than significant effects shown in the General Plan EIR. Nor is there new information of substantial importance showing that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the proposed project. For these reasons, impacts related to geology and soils from the proposed project would not require the preparation of a subsequent negative declaration or EIR.

Greenhouse Gas Emissions

The General Plan EIR determined that future development under the General Plan would generate substantial GHG emissions in excess of the long-term 2050 GHG reduction target interpolated from Executive Order S-03-05, and therefore identified a significant and unavoidable impact with respect to the increase in GHG emissions.

The General Plan EIR determined that cumulative development would contribute to global climate change through GHG emissions from transportation, energy, water/wastewater, waste generation, and other off-road equipment. The General Plan EIR found that community-wide GHG emissions at 2035 buildout of the General Plan would exceed the quantified threshold of significance for that year. The General Plan EIR determined that the General Plan would be generally consistent with many of the principal goals and objectives in the State and local plans, including the City's Climate Action Plan (see Table 4.6-6 of the General Plan EIR).

The proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. Consequently, the proposed project would not result in a new significant impact or substantially more severe impacts related to GHG emissions than previously disclosed in the General Plan EIR. In addition, there is no new information of substantial importance showing that the proposed project would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than significant effects shown in the General Plan EIR. Nor is there new information of substantial importance showing that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the proposed project. For these reasons, impacts related to GHG emissions from the proposed project would not require the preparation of a subsequent negative declaration or EIR.

Hazards and Hazardous Materials

The General Plan EIR determined that compliance with applicable federal, State, and local laws would ensure that future development under the General Plan would not result in any significant impacts related to hazards and hazardous materials. The General Plan EIR determined that impacts of future development under the General Plan related to creation of a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; exposure to or handling of hazardous or acutely hazardous materials, substances, or waste within ¼- mile of an existing or proposed school; or development on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 would be reduced to less-than-significant levels with compliance with applicable federal, State, and local laws and policies identified in the General Plan EIR and discussed below.

As discussed in the General Plan and General Plan EIR, the U.S. Environmental Protection Agency (EPA) sets national standards for hazardous materials management. The EPA also controls the generation, handling, transportation, treatment, storage, and disposal of hazardous waste. The Clean Water Act governs hazardous material discharges into bodies of water. Other federal agencies with jurisdiction over hazardous materials include the Occupational Safety and Health Administration (OSHA), which ensures safe working conditions, and the US Department of Transportation (US DOT), which regulates the transportation of hazardous materials. At the State level, the State Water Resources Control Board (SWRCB) and the California Department of Toxic Substances Control (DTSC) manage lists of hazardous wastes subject to regulation. Both

agencies also track the location of sites requiring hazardous material clean-up to ensure safe future development. the California Environmental Protection Agency (Cal/EPA) also monitors activities involving hazardous material within the State. The Department of Industrial Relations Division of Occupational Safety and Health, better known as Cal- OSHA, was established under the California Code of Regulations, Title 8, to serve as an organization that oversees policies for workplace safety, including exposure to hazardous materials. The California Emergency Management Agency (CEMA) prepares hazardous materials release response plans and assists local government in disaster preparedness, response, and recovery. At the local level, the Alameda County Department of Environment Health (ACDEH) has developed a Hazardous Waste Management Plan. ACDEH has been designated as the Certified Unified Program Agency (CUPA) for Newark and as such, it coordinates and enforces environmental protection and hazardous material management, handling, and storage programs from the local to the federal level. These programs include the Hazardous Materials Business Plan (HMBP) Program; Hazardous Waste Generator Program; and California Accidental Release Program. Other County programs applicable to Newark include an underground storage tank program, an aboveground storage tank program, a tiered permitting program, and a risk management program. Fire codes, which are enforced by the Alameda County Fire Department (ACFD), also address the handling of hazardous materials, and the Newark Municipal Code requires Hazardous Materials Storage Permits. The Alameda County Water District addresses hazardous materials as they relate to the potential contamination of groundwater. The Regional Water Quality Control Board (RWQCB) monitors hazardous materials issues relating to urban runoff and stormwater. Construction plans that disturb one acre of soil or more require that a Stormwater Pollution Prevention Plan (SWPPP) be filed with the RWQCB. The SWPPP includes hazardous materials discharge regulations, sediment and erosion control measures, and detailed construction schedules.

In addition, the General Plan EIR determined that General Plan policies would serve to minimize impacts related to hazards and hazardous materials. For example, General Plan Policy EH-4.1 seeks to reduce the risk of hazardous materials accidents, spills, and vapor releases, and minimize the effects of such incidents if they occur. Policy EH-4.5 directs the provision of the means for Newark residents and businesses to obtain information about hazardous materials handling, storage, and regulations in the community. Policy EH-4.6 seeks to reduce the risk of accidents in the transportation of hazardous materials and requires compliance with all hazardous waste transport standards established by State and federal agencies.

As described in the General Plan EIR, there would be no impacts related to safety hazards resulting from development within an airport land use plan, proximity to a public airport or public use airport, or development in the vicinity of a private airstrip. The nearest airports are across the bay from Newark and are all greater than two miles away from proposed future development under the General Plan.

The General Plan EIR determined that future development under the General Plan would not interfere with any adopted emergency response plan or emergency evacuation plan. In addition, the General Plan EIR determined that there would be no significant impact resulting from risks associated with wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. The General Plan EIR determined that adherence

to applicable regulations and policies would ensure that risks of impaired evacuation or emergency response would be less than significant. For example, General Plan Policy EH-5.1 provides for a traffic circulation system that assures the City's capacity to deliver emergency services. Policy EH-5.3 seeks to avoid placing new development in areas where emergency response and evacuation cannot be provided within acceptable levels. Policy EH-5.4 directs the City to maintain and regularly update emergency plans for floods, earthquakes, fires, hazardous materials, and other disasters in cooperation with the fire service provider consistent with Standard Emergency Management System (SEMS) Plan protocol. The General Plan EIR determined that required adherence to applicable policies, regulations, and development standards would ensure that impacts related to hazards and hazardous materials would be less than significant.

The proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. Consequently, the proposed project would not result in a new significant impact or substantially more severe impacts related to hazards and hazardous materials than previously disclosed in the General Plan EIR. In addition, there is no new information of substantial importance showing that the proposed project would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than significant effects shown in the General Plan EIR. Nor is there new information of substantial importance showing that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the proposed project. For these reasons, impacts related to hazards and hazardous materials from the proposed project would not require the preparation of a subsequent negative declaration or EIR.

Hydrology and Water Quality

The General Plan EIR determined that future development under the General Plan would not result in any significant impacts with regard to hydrology and water quality. Specifically, future development under the General Plan would not violate any water quality standards or waste discharge requirements. Such development would be required to comply with State and local water quality regulations designed to control erosion and protect water quality during construction. This includes compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) General Permit, which requires preparation and implementation of a SWPPP. The SWPPP would include Best Management Practices (BMPs) that would prevent or minimize environmental impacts and ensure that discharges during the construction phase of future projects would not cause or contribute to the degradation of water quality in receiving waters, reducing construction-related water quality impacts to less than significant. In addition, the General Plan EIR determined that General Plan policies would serve to minimize impacts related to hydrology and water quality. For example, General Plan Policies CS-3.1, CS-3.4, CS-3.5, and Actions CS-3.G and CS-3.H, and others would protect water resources in the Plan Area (i.e., the Newark city limit).

The General Plan EIR determined that future development under the General Plan would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge,

substantially alter the existing drainage pattern of the site or area, create runoff water which would exceed the capacity of stormwater drainage systems, or otherwise substantially degrade water quality. The General Plan EIR determined that future development would comply with applicable regulations such as ACWD's Well Ordinance, the Low Impact Development (LID) guidelines, and the water use efficiency measures mandated by the Water Conservation Act of 2009. In addition, pursuant to the City of Newark Municipal Code, the City would require that plans submitted for grading permits include a detailed hydrology report to demonstrate that adequate stormwater conveyance and capacity is available to convey the stormwater flow from the site. Future development may also be required a fair share of improvements to the storm drain system necessary to accommodate increased flows from development. The General Plan EIR determined that adherence to General Plan goals, policies, and actions would further ensure that future development under the General Plan does not create runoff, erosion, flooding, or otherwise substantially degrade water quality in the Plan Area. Policies CS-5.5, CS-5.6, CS-5.7, CS-5.8, and Actions EH-3.D, EH-3.E, in addition to other relevant measures such as those listed above, would establish processes to ensure potential impacts to existing water systems would be less than significant.

The General Plan EIR determined that future development under the General Plan would not result in significant impacts related to flooding, with respect to the placement of structures within a 100-year flood hazard area, the failure of a levee or dam, or other adverse effects related to inundation by seiche, tsunami, or mudflow. Though future development could result in the placement of residential structures in existing FEMA-designated 100-year Special Flood Hazard Areas (SFHAs), construction within SFHAs is governed by the City's Municipal Code Chapter 15.40, Construction in Flood Hazard Areas, which sets forth standards for development that would minimize flood hazard risks. In addition, the General Plan EIR determined that General Plan policies would serve to minimize impacts related to impacts related to flooding. For example, General Plan Policy EH-1.1 supports the establishment and enforcement of development regulations and building code requirements to protect residents and workers from flooding, liquefaction, earthquakes, fires, and other hazards. Policy EH-1.2 prohibits development in any area where it is determined that the potential risk from natural hazards cannot be mitigated to acceptable levels. Policy EH-3.3 requires that new residential development, including streets and other surface improvements, be constructed above the 100-year flood elevation. The General Plan EIR determined that required adherence to applicable policies, regulations, and development standards would ensure that impacts related to hydrology and water quality would be less than significant.

The proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. Consequently, the proposed project would not result in a new significant impact or substantially more severe impacts related to hydrology and water quality than previously disclosed in the General Plan EIR. In addition, there is no new information of substantial importance showing that the proposed project would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than significant effects shown in the General Plan EIR. Nor is there new information of substantial importance showing that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would

substantially reduce one or more significant effects of the proposed project. For these reasons, impacts related to hydrology and water quality from the proposed project would not require the preparation of a subsequent negative declaration or EIR.

Land Use and Planning

The General Plan EIR determined that development under the General Plan would not result in any significant impacts with regard to land use and planning. The proposed project would include adoption of General Plan amendments that would add or modify goals, objectives, policies, and implementation programs related to housing. Amendments to the Housing Element would address, among other things, the maintenance, preservation, improvement, and development of housing in the City. In addition, the proposed project would include a housing sites inventory with sufficient existing housing sites at appropriate densities to meet the City's RHNA requirement plus an ample buffer. The housing sites inventory includes 1,257 new units that would be provided by pipeline projects that have been proposed and are undergoing entitlement review, have been approved, or have been approved and are currently under construction, and 1,597 new units accommodated by vacant and non-vacant opportunity sites that are already zoned for housing. As discussed in the *Project Description*, changes to existing zoning and land use designations are not contemplated as part of the HEU's adoption, as potential housing production in the City required to meet the City's RHNA allocation and the substantial buffer could already occur under the City's existing zoning, particularly with respect to the densities already provided for on the identified parcels that comprise the housing opportunity sites. The environmental effects of development under these existing zonings and land use designations were already evaluated in the General Plan EIR, and the HEU would not result in any intensification of development potential or associated visual or aesthetic change beyond what was previously evaluated in the General Plan EIR. Therefore, the proposed project would not result in a new significant impact or substantially more severe impacts related to land use and planning than previously disclosed in the General Plan EIR. In addition, there is no new information of substantial importance showing that the proposed project would have one or more significant effects related to land use and planning not previously discussed in the General Plan EIR. For these reasons, impacts related to land use and planning from the proposed project would not require the preparation of a subsequent negative declaration or EIR.

Noise and Vibration

The General Plan EIR determined that future development under the General Plan could result in significant noise impacts, including where development would be located near noise sources or when development would generate noise that could impact nearby sensitive receptors. The General Plan EIR also addressed impacts from future development under the General Plan related to exposure of people to or generation of excessive groundborne vibration or groundborne noise levels.

The General Plan EIR identified that standards for noise generation and exposure in the City of Newark are determined primarily through the Land Use Noise Compatibility Guidelines included in the General Plan, as well as by the exterior and interior noise standards set by Title 24 of the

California Building Code. The General Plan EIR also identified General Plan policies and actions that address noise and vibration impacts, including but not limited to the following:

- *Policy EH-7.4:Residential Noise Standard – Exterior.* Plan for and implement strategies to maintain exterior noise levels that are consistent with the noise compatibility guidelines in Table EH-2.[14] For residential areas, this limit is 60 dBA Ldn for outdoor living areas. Where this level is exceeded due to freeways, arterials, and/or railroads, the construction of berms, walls, buffer zones, and other noise-reduction measures to reduce noise to the greatest extent feasible will be required.

- *Policy EH-7.5: Residential Noise Standard – Interior.* Use site planning and architectural design to protect occupants of new buildings from excessive noise, per California State Noise Insulation Standards (California Code of Regulations, Title 24) and Chapter 35 of the Uniform Building Code (UBC). For example, site planning should place bedrooms and other noise-sensitive rooms away from exterior noise sources, and architectural design should use double-paned windows and other insulating measures to reduce interior noise.

- *Policy EH-7.7: Acoustical Study Requirement.* Require acoustical studies for new developments in areas where the noise levels exceed the 'normally acceptable' levels for the proposed land use; based on Table EH-2. For residential uses, the analysis should include mitigation measures to limit the noise exposure in interior living spaces to 45 dB Ldn, consistent with Title 24.

- *Action EH-6.A: Noise Ordinance – Limits on Noise Levels.* Draft and adopt a Noise Ordinance that establishes acceptable noise levels and standards, as well as provisions for enforcement and penalties in the event these levels are exceeded. The Ordinance should include a requirement that no person shall be allowed to cause any noise beyond his/her property line that exceeds prescribed noise levels limits. These limits should be consistent with and promote the implementation of the land use compatibility standards, as shown in Table EH-2.

- *Action EH-6.B: Noise Ordinance – Limits on Hours of Operation.* Draft the Noise Ordinance (described in Action EH-6.A above) to include limits on the intensity and hours of use for selected noise sources such as construction equipment, manufacturing equipment, motors, delivery trucks, and parking lot vacuum equipment. Limits on hours of operation should be consistent with and achieve the goals of the land use compatibility standards (as shown in Table EH-2).

- *Policy EH-6.1: Vehicle Roadway Noise.* Actively coordinate with Caltrans, neighboring jurisdictions, and other transportation providers during the planning and design phases of

[14] Table EH-2 on page EH-21of the adopted 2013 Newark General Plan provides interior and exterior noise compatibility guidelines for different land uses. The General Plan is available at https://www.newark.org/departments/community-development/newark-general-plan.

proposed roadway projects so that noise impacts are minimized and appropriate noise mitigation measures are provided.

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

- *Action EH-7.D: Vibration-Intensive Construction.* Implement a standard operating procedure that requires the evaluation of vibration impacts for individual projects which use vibration-intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers, near sensitive receptors. If construction-related vibration is determined to be perceptible (i.e., in excess of the Federal Transit Administration's vibration annoyance criterion) at vibration-sensitive uses, then additional requirements, such as the use of less-vibration-intensive equipment or construction techniques, shall be implemented during construction.

- *Action EH-7.E: New Development Near Railroads.* Implement a standard operating procedure that requires the evaluation of potential vibration impacts for new development that occurs within 200 feet of a railroad track, in accordance with the FTA's vibration screening distances. In such instances, the project property owner/developers shall retain an acoustical engineer to conduct an acoustic analysis and identify, where appropriate, site design features and/or required building construction improvements to ensure that vibration impacts would remain below acceptable levels for residential uses.

The General Plan EIR determined that compliance with the standards established in Title 24 and the General Plan together with implementation of relevant General Plan policies and actions would ensure that impacts related to excessive interior or exterior noise, construction noise, and vibration would be less than significant. The General Plan EIR also determined that future development under the General Plan would not result in exposure of people to excessive aircraft noise levels from a public airport or private airstrip, as all public airports or public use airports are located a distance of five miles or greater from the City, and there are no private airstrips within the City. However, the General Plan EIR concluded that future development under the General Plan would cause increases in traffic that would result in a significant noise impact at sensitive uses along several roadways in the City.[15] The General Plan EIR determined that implementation of General Plan actions such as Action EH-6.E, Street Resurfacing to Reduce Noise, and Action EH-6.H, Sound Wall Improvements, could, in certain cases, reduce or prevent significant increases in ambient noise at sensitive land uses under implementation of the General Plan, but the measures described in these actions would not be universally feasible, and some of the most effective noise-attenuation measures, including sound walls and berms, would be infeasible or inappropriate in a majority of locations where sensitive land uses already exist. Therefore, the

[15] See Impact NOISE-3 on pages 4.10-27 to 4.10-32 of the General Plan Draft EIR for a discussion of this impact and a list of roadway segments anticipated to experience increases in ambient noise levels

General Plan EIR determined that a significant noise impact to sensitive uses related to increased traffic would remain.

The proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. Consequently, the proposed project would not result in a new significant impact or substantially more severe impacts related to noise and vibration than previously disclosed in the General Plan EIR. In addition, there is no new information of substantial importance showing that the proposed project would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than significant effects shown in the General Plan EIR. Nor is there new information of substantial importance showing that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the proposed project. For these reasons, impacts related to noise and vibration from the proposed project would not require the preparation of a subsequent negative declaration or EIR.

Population and Housing

The General Plan EIR determined that future development under the General Plan would not result in any significant impacts with regard to population and housing. It would not induce substantial unexpected population growth, or growth for which inadequate planning has occurred, either directly or indirectly, and it would not displace substantial numbers of existing people or housing units, necessitating the construction of replacement housing elsewhere.

The General Plan EIR determined that the General Plan contains multiple policies for the accommodation of future growth that would occur under implementation of the General Plan. Policies LU-1.2 and LU-1.4 establish growth focus areas within the City as well as coordinate land use and development decisions within the capacity of the transportation system. Policies LU-1.8 and LU-1.10 ensure that adequate sites are provided for the private and non-profit sectors as well as encourage the development of the City's remaining vacant and underutilized sites for their highest and best use. In addition, the General Plan EIR determined that the implementation of Mitigation Measure 4.9-1 from the Newark 2009-2014 Housing Element EIR, requiring that the City report estimated population increases to ABAG, would also help ensure that future planning efforts are coordinated and that additional growth under the General Plan would be accommodated.

The proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. Consequently, the proposed project would not result in a new significant impact or substantially more severe impacts related to population and housing than previously disclosed in the General Plan EIR. In addition, there is no new information of substantial importance showing that the proposed project would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than significant effects shown in the General Plan EIR. Nor is there new information of substantial importance showing that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the proposed project. For these reasons, impacts related

to population and housing from the proposed project would not require the preparation of a subsequent negative declaration or EIR.

Public Services and Recreation

The General Plan EIR determined that future development under the General Plan would not result in any significant impacts with regard to public services. This determination includes impacts related to the provision of fire protection facilities, police facilities, school facilities, and parks and recreational facilities.

As described in the General Plan EIR, future development under the General Plan would create an increased demand for fire, rescue, and emergency medical services in the Alameda County Fire Department (ACFD) service area. However, the General Plan EIR determined that this increase would be incremental and would not be expected to require the construction or expansion of facilities. In addition, the General Plan EIR determined that General Plan policies would reduce risks associated with fire hazards and minimize calls for fire and emergency medical response services in Newark. For example, General Plan Policy CSF-4.2 ensures the provision of high-quality emergency medical response services, including paramedics and emergency medical technicians. Policy CSF-4.4 ensures the provision of fire prevention and response services which minimize fire risks and protect life and property. Policy CSF-4.8 reduces the risk of urban and grassland fires by enforcing the fire code, abating weed problems along railroads and on vacant lots, and controlling access into open space areas with high fire risk. The General Plan EIR determined that implementation of the applicable goals and compliance with the provisions of the California Building Code and California Fire Code would ensure that future development under the General Plan would result in a less-than-significant impact with respect to fire protection services.

With regard to police protection services, the General Plan EIR determined that the increase in service population that would result from buildout of the General Plan would further strain police resources, causing a need for additional officers and police facilities, resulting in a potentially significant impact. The General Plan EIR determined that General Plan policies and actions would address the need for new or expanded police facilities on an ongoing basis through 2035. For example, Policy CSF-4.1 supports the maintenance of professional, efficient, and effective police department activities which promote a high level of public safety. Action CSF-4.A directs the preparation and periodical update of a Police Department Strategic Plan, which lays out the Department's priorities, and identifies strategies for technology, communication, training, and performance management, and plans for resources adequate to meet the need for police protection services in Newark. Action CSF-4.D supports the engagement of the Police Department in the review of major new development plans to ensure that projects are designed to minimize the potential for criminal activity and maximize the potential for responsive police services. In addition, the General Plan EIR determined that continued implementation of Capital Facilities Fee Program requiring residential, commercial, and industrial developments to pay impact fees would provide funding for the construction or expansion police facilities. In addition, the General Plan EIR determined that future construction or expansion of Police Department facilities would be subject to separate CEQA review in order to identify potential environmental impacts and

mitigation measures as needed. Therefore, the General Plan EIR determined that impacts to police protection services related to future development under the General Plan would be less than significant.

The General Plan EIR determined that the General Plan includes a policy framework that would allow for the accommodation of increased Newark Unified School District enrollment as it occurs incrementally over a period of 20 years. These policies and actions include Policy CSF-2.1: Planning for School Facilities, Policy CSF-2.2: Mitigation of School Impacts, Action CSF-2.A: School District Review of Development Projects, and Action CSF-2.B: Coordinating Long-Range Planning. The General Plan EIR determined that adherence to the General Plan policies as well as compliance with the payment of school impact fees under Senate Bill 50 would result in a less-than-significant impact with respect to the provision of school facilities.

The General Plan EIR determined that future development under the General Plan would result in population increases and associated demand for park and recreation facilities. However, the General Plan EIR identified that the General Plan does not directly propose the construction of any parks or recreational facilities, and it includes numerous goals, policies, and actions that seek to promote and encourage the development of parks in the Plan Area (i.e., the Newark city limit). For example, Policy PR-2.1 supports the development of new neighborhood parks in locations where there is an existing or anticipated need. Policy PR-2.2 requires new parks to be provided within large-scale new development. Where the provision of an on-site park is infeasible, the policy requires payment of an in-lieu fee for parkland acquisition to serve that development. Action PR-2.A requires continued implementation of the provisions of the Quimby Act, which enables the City to collect in-lieu fees for park acquisition. In addition, the General Plan EIR identified that future development of park and recreation facilities would be subject to separate project-level CEQA review at the time they are proposed for construction in order to identify and mitigate associated impacts as needed. Therefore, the General Plan EIR determined that impacts related to parks and recreation associated with future development under the General Plan would be less than significant.

The proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. Consequently, the proposed project would not result in a new significant impact or substantially more severe impacts related to public services and recreation than previously disclosed in the General Plan EIR. In addition, there is no new information of substantial importance showing that the proposed project would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than significant effects shown in the General Plan EIR. Nor is there new information of substantial importance showing that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the proposed project. For these reasons, impacts related to public services and recreation from the proposed project would not require the preparation of a subsequent negative declaration or EIR.

Transportation

The General Plan EIR identified potentially significant transportation impacts due to intersections operating at unacceptable levels of service (LOS). The General Plan EIR determined that the seven study intersections identified below would operate at unacceptable LOS in 2035 with buildout of the General Plan.

1. Ardenwood Boulevard and SR-84 westbound ramps
2. Newark Boulevard and SR-84 eastbound ramps
3. Thornton Avenue and Gateway Boulevard
4. Cherry Street and Thornton Avenue
5. Cedar Boulevard and Smith Avenue
6. Cherry Street and Mowry Avenue
7. Cherry Street and Stevenson Boulevard

The General Plan EIR determined that all other study intersections would continue to operate at acceptable levels of service under General Plan buildout conditions in 2035.

The General Plan EIR determined that improvements identified in the General Plan would remedy deficiencies at the seven impacted intersections and ensure acceptable intersection LOS in 2035. In addition, the General Plan EIR determined that the General Plan Action T-5.J requires the City to implement necessary intersection improvements when LOS falls to unacceptable levels:

- *Action T-5.J: Improvements to Maintain LOS "D."* In the event that future traffic monitoring data indicates that the intersections of Cherry Street and Thornton Avenue, Cherry Street and Mowry Avenue, Thornton Avenue and Gateway Boulevard, or Cedar Boulevard and Smith Avenue are operating at LOS E or F, undertake the improvements listed in Table T-4 so that service levels can be restored to acceptable levels at the affected intersection(s). Funding would be provided through the City's Capital Improvements Fee.

The General Plan EIR determined that future development under the General Plan would be subject to the City's Capital Facilities Fee established in the Newark Municipal Code, and as such new commercial, industrial, and single- and multi-family residential developments in the City would make a fair share contribution to funding as development is approved by the City. The General Plan EIR determined that, with implementation of Action T-5.J, all seven impacted intersections would operate at acceptable LOS in 2035. However, the General Plan EIR determined that the Cherry Street/Boyce Road and Stevenson Boulevard intersection and the Ardenwood Boulevard and SR-84 eastbound ramps intersection are located in the City of Fremont and additionally the Ardenwood Boulevard and SR-84 westbound ramps and the Newark Boulevard and SR-84 eastbound ramps intersections are under the jurisdiction of Caltrans. Therefore, implementation of improvements at these three intersections is outside the

jurisdiction of the City of Newark. Consequently, the General Plan EIR determined that impacts at these three intersections in 2035 would be significant and unavoidable.

Since the certification of the General Plan EIR, requirements for transportation analysis have changed from evaluation of LOS to vehicle miles traveled (VMT). The Governor's Office of Planning and Research (OPR) provides guidance on VMT analysis requirements and states that agencies may use screening thresholds to quickly identify when a project should be expected to cause a less-than-significant impact without conducting a detailed study (see CEQA Guidelines Sections 15063(c)(3)(C), 15128, and Appendix G.).

OPR's guidance on VMT specifies a number of considerations that would apply to the proposed HEU. Infill projects, projects located within one-half-mile of transit, and projects located within identified low-VMT areas are generally exempt from detailed VMT analysis and are assumed to result in a less than significant impact. Further, projects that would generate or attract fewer than 110 trips per day, generally may be assumed to cause a less-than-significant transportation impact. This threshold is normally evaluated by calculating the trip generation for the project (i.e., a certain number of residential units or an increase in commercial space) to provide evidence the resulting trip generation increase is below the threshold. It can also be calculated for an increase in roadway capacity (i.e., when adding one or more through lanes to a roadway). Regardless, the proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. There would be no increase in potential residential units or non-residential uses (e.g., commercial, office) compared to what was previously evaluated in the General Plan and General Plan EIR. In addition, the HEU does not propose to increase roadway capacity. Therefore, no new VMT impacts are anticipated as a result of the proposed project.

Tribal Cultural Resources

The General Plan EIR did not include a separate evaluation of impacts to tribal cultural resources, as the legislation requiring lead agencies to analyze project impacts on tribal cultural resources had not been enacted at the time the Newark General Plan EIR was prepared and certified.

In September 2014, subsequent to the certification of the General Plan EIR in 2013, the California Legislature enacted Assembly Bill 52 (AB 52), which added provisions to the Public Resources Code (PRC) regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 requires lead agencies to analyze project impacts on tribal cultural resources (PRC Sections 21074 and 21083.09). The law defines tribal cultural resources in a new section, PRC Section 21074. AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC Sections 21080.3.1, 21080.3.2, and 21082.3).

PRC Section 21084.3 addresses mitigation for tribal cultural resources impacts as follows:

a) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.

b) If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.2, the following are examples of mitigation measures that, if feasible, may be considered to avoid or minimize the significant adverse impacts:

1. Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

2. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

   - Protecting the cultural character and integrity of the resource.
   - Protecting the traditional use of the resource.
   - Protecting the confidentiality of the resource.

3. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

4. Protecting the resource.

A tribal cultural resource is defined in PRC Section 21074 and includes the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1;

- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purpose of this paragraph, the lead agency shall consider the significance of the resources to a California American tribe;

- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape;

- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "non-unique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal resource if it conforms with the criteria of subdivision (a).

As discussed in the *Cultural Resources* section of this Addendum, the General Plan EIR determined that the developable area of Newark is largely built out and that buildout of the General Plan would largely consist of redevelopment of previously disturbed sites in the Plan Area (i.e., the Newark city limit). As such, the General Plan EIR determined that the potential for encountering as yet undiscovered archeological resources and human remains is low in much of the Plan Area. However, the General Plan EIR determined that the salt marshlands in the western

portion of the City, including the vicinity of the Dumbarton TOD Focus Area, are considered moderately sensitive for Native American remains and other archaeological resources, and the Southwest Newark Residential and Recreational Focus Area is known to contain Native American remains. The General Plan EIR determined that development in these areas under the General Plan could potentially result in accidental disturbance or damage to archaeological resources and human remains. The General Plan EIR determined that compliance with the provisions for Native American consultation pursuant to Senate Bill 18 (SB 18) as well as with the regulations pertaining to procedures in the event of discovery of human remains contained in California Health and Safety Code Section 7052 and 7050.5 and California Public Resources Code Section 5097 and 15064.5 would reduce potential impacts. The General Plan EIR further determined that implementation of Mitigation Measure 4.4-1 from the 2009-2014 Housing Element EIR, and Mitigation Measures CUL-2.1 through CUL-2.4 from the Area 3 and 4 Specific Plan EIR, described above, would also further reduce the potential for accidental damage or disturbance of archaeological resources and human remains during construction activities associated with buildout of the General Plan.

The General Plan EIR determined that implementation of General Plan Policy LU-5.5 also would reduce the potential for damage or disturbance of archaeological resources and human remains associated with implementation of the General Plan:

- *Policy LU-5.5: Native American Resources.* Coordinate with local tribal representatives and the Native American Heritage Commission to ensure the protection of Newark's Native American resources and to follow appropriate mitigation, preservation, and recovery procedures in the event that important resources are identified during development.

Nevertheless, the General Plan EIR determined that damage or disturbance of archaeological resources and human remains could still result during construction activities associated with buildout of the General Plan. Consequently, the General Plan EIR determined that impacts to archaeological resources and human remains under buildout of the General Plan would be significant and unavoidable.

In compliance with its responsibilities under AB 52 and SB 18, the City sent letters to tribal contacts identified by the Native American Heritage Commission. The letters provided an overview of the proposed project and invited tribal representatives to consult with the City regarding any issues of concern. Letters were sent onMay 4, 2023 to representatives from the Amah Mutsun Tribal Band of Mission San Juan Bautista, Costanoan Rumsen Carmel Tribe, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, North Valley Yokuts Tribe, Ohlone Indian Tribe, Wuksache Indian Tribe/Eshom Valley Band, Confederated Villages of Lisjan, and Tamien Nation. No responses were received during the consultation period.

As previously discussed, the HEU would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. Therefore, the proposed project would not result in a new significant impact or substantially more severe impacts related

to tribal cultural resources than previously disclosed in the General Plan EIR. In addition, there is no new information of substantial importance showing that the proposed project would have one or more significant effects related to tribal cultural resources not previously discussed in the General Plan EIR. For these reasons, impacts related to tribal cultural resources from the proposed project would not require the preparation of a subsequent negative declaration or EIR.

Utilities and Service Systems

The General Plan EIR determined that future development under the General Plan would not result in any significant impacts related to utilities and service systems, including those pertaining to water, wastewater, stormwater, and solid waste.

Water

The General Plan EIR described that future development under the General Plan would increase water demand; however, the General Plan EIR determined that sufficient water supplies are available to serve development from existing entitlements and resources, and future development under the General Plan would not require or result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. Nonetheless, the General Plan EIR acknowledged that the Alameda County Water District (ACWD) may experience water supply shortages during single and multiple dry years. The General Plan EIR determined that General Plan policies would serve to minimize impacts related to water supply. For example, General Plan Policy CS- 3.1 ensures that land use decisions consider the availability of water for domestic and non-domestic uses, potential impacts on groundwater quality and groundwater recharge capacity, and potential off-site impacts on water quality. Policy CS- 3.2 promotes water conservation through development standards, building requirements, irrigation requirements, landscape design guidelines, and other applicable City policies and programs. Policy CS- 3.3 supports ACWD incentives, which encourage Newark residents and businesses to conserve water. Action CS-3.B promotes the use of the development review process to ensure that water conservation measures are incorporated in new projects. Action CS-3.C directs the City to coordinate with ACWD on the review of proposed development, and the identification of necessary measures to mitigate potential impacts on groundwater and water supply. The General Plan EIR determined that required adherence to applicable policies, regulations, and development standards would ensure that impacts related to water supply would be less than significant.

Wastewater

The General Plan EIR determined that future development under the General Plan would not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board (RWQCB) and impacts related to that significance criterion would be less than significant. However, the General Plan EIR indicated that the Union Sanitary District's (USD) sewer collection system may not be sufficient to accommodate buildout of the General Plan, particularly in new development areas. The General Plan EIR determined that General Plan Policy CSF-5.2 would help to minimize this potential impact, as the policy directs the City to work with the USD to ensure that the sewer system is expanded to serve Newark's new development areas, ensure

that existing facilities are regularly maintained, ensure that sufficient wastewater capacity is provided to meet projected growth, and ensure that wastewater effluent is treated to meet all state and federal standards. Furthermore, General Plan EIR determined that all development applicants would be required to comply with the USD's Capacity Charge Ordinance and the City of Newark's Municipal Code Chapter 3.24, Development Impact Fees. In addition, the General Plan EIR determined that any impacts from collection system improvements or relating to the expansion of existing and construction of new facilities would be project-specific, and would require permitting and review in accordance with CEQA, which would ensure that any environmental impacts are disclosed and mitigated to the extent possible. Therefore, the General Plan EIR determined that impacts related to wastewater treatment service would be less than significant.

Stormwater

As described in the General Plan EIR, future development under the General Plan would not require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The General Plan EIR determined that project applicants would be required to comply with the requirements of the SWRCB Construction General Permit by preparing a SWPPP and implementing BMPs to prevent excessive stormwater runoff from construction activity. As a result, the General Plan EIR determined that future development under the General Plan would not substantially increase either the volume or the velocity of stormwater flowing into the existing storm drain system. In addition, the General Plan EIR determined that General Plan policies would serve to minimize impacts related to stormwater and drainage. For example, General Plan Policy CSF-5.4 supports coordination with the Alameda County Flood Control and Water Conservation District (ACFCWCD) and Alameda County Public Works to ensure that stormwater runoff is managed in a way that reduces flood hazards. Policy CSF-5.5 ensures that new development provides drainage and flood protection improvements which reduce on-site and downstream hazards such as ponding, flooding, and erosion. Policy CSF-5.5 also directs that new development areas should be designed to minimize impervious surfaces in order to reduce associated site runoff and maximize groundwater recharge. Therefore, the General Plan EIR determined that impacts related to stormwater and drainage would be less than significant.

Solid Waste

The General Plan EIR determined that future development under the General Plan would be served by a landfill with sufficient permitted capacity to accommodate its solid waste disposal needs. The General Plan EIR determined that the Altamont Landfill would have sufficient capacity to accommodate the General Plan's solid waste disposal needs through 2035, and in compliance with General Plan Policies CS-8.1 and CS-8.3, which promote recycling, and Action CS-8.A, which sets waste reduction targets. Therefore, the General Plan EIR determined that impacts related to solid waste would be less than significant.

With respect to each of the above issues, the proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. Consequently, the proposed project would not result in a new significant impact or

substantially more severe impacts related to utilities and service systems than previously disclosed in the General Plan EIR. In addition, there is no new information of substantial importance showing that the proposed project would have one or more significant effects not previously discussed or that any previously examined significant effects would be substantially more severe than significant effects shown in the General Plan EIR. Nor is there new information of substantial importance showing that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the proposed project. For these reasons, impacts related to utilities and service systems from the proposed project would not require the preparation of a subsequent negative declaration or EIR.

Wildfire

The General Plan EIR did not address the issue of wildfire separately from the discussion in the Hazards and Hazardous Materials chapter. The EIR's publication preceded the 2018 CEQA Guidelines update, which expanded CEQA by defining this issue area as a stand-alone resource category. The General Plan EIR described the City's Emergency Operations Plan, which provides operational procedures for responding to a variety of emergency conditions. The General Plan EIR concluded that through General Plan policy implementation and adherence to existing local and State regulations, the General Plan would not impair implementation or physically interfere with the Emergency Operations Plan.

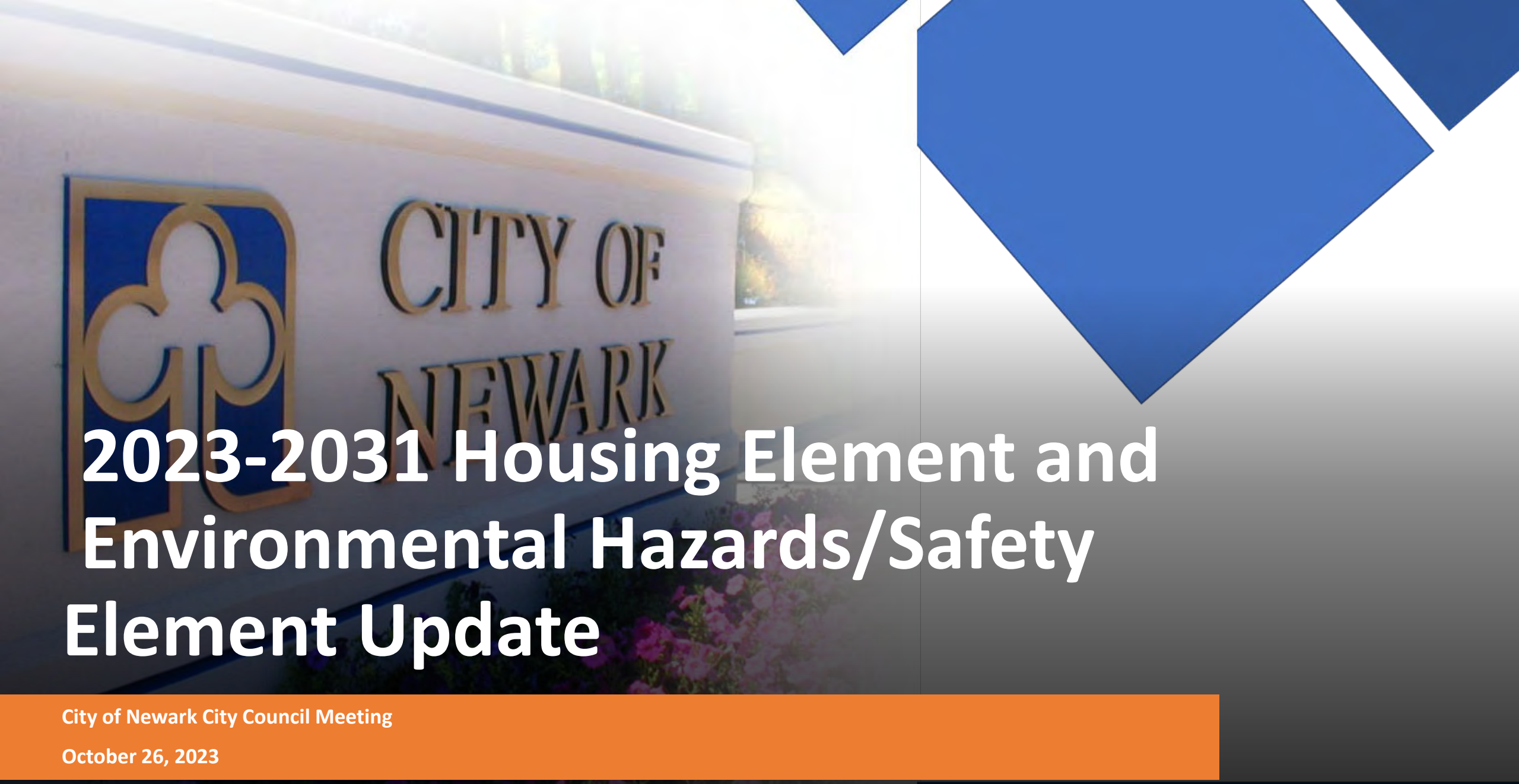
In accordance with California Public Resource Code Section 4201-4204 and Government Code Section 51175-51189, the California Department of Forestry and Fire Protection (CAL FIRE) has mapped areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. These zones, referred to as Fire Hazard Severity Zones (FHSZ), represent the risks associated with wildland fires. The City of Newark is not located in or near a State Responsibility Area (SRA) or lands classified as very high fire severity zones (VHFSZ).[16] Not unlike other urbanized areas, the City does face the risk of urban structure fires. Preventative measures in the City's Fire Code (Newark Municipal Code Chapter 15.17) and Building Code (Newark Municipal Code Chapter 15.08) reduce the risk of fire and ensure the ability to detect and respond to fires when they occur. The proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. Required adherence to existing local and State regulations would ensure that impacts related to wildfire would be less than significant.

Conclusion

The proposed project would not result in any intensification of development potential beyond what was previously evaluated in the General Plan EIR. Consequently, the proposed project would not result in a new significant impact or substantially more severe impacts than previously disclosed in the General Plan EIR. In addition, there is no new information of substantial importance showing that the proposed project would have one or more significant effects not

[16] California Department of Forestry and Fire Protection (CAL FIRE), 2023. FHSZ Viewer Map. Available: https://egis.fire.ca.gov/FHSZ/. Accessed June 14, 2023.

previously discussed or that any previously examined significant effects would be substantially more severe than significant effects shown in the General Plan EIR. Nor is there new information of substantial importance showing that mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the proposed project. For these reasons, the proposed project would not require the preparation of a subsequent negative declaration or EIR.



2023-2031 Housing Element and Environmental Hazards/Safety Element Update

City of Newark City Council Meeting

October 26, 2023

Agenda

1. General Plan Overview – Housing and Safety Elements
2. 2023-2031 Housing Element Overview
3. Safety Element Overview
4. Staff Recommendation

Presenters

- Steven Turner, Community Development Director, City of Newark
- Paul Peninger, Principal, Bay Area Economics
- Kristy Wang, Principal, Community Planning Collaborative
- Shannon Wages, Principal Planner, Environmental Science Associates

General Plan Refresher

- **Required/Mandatory Chapters of "Elements"**
  - Land Use
  - Transportation (Circulation)
  - Housing
  - Conservation and Sustainability (Conservation)
    - Environmental Hazards (Safety, Noise)
    - Parks, Recreation & Open Space (Open Space)
- **Optional Elements – in the Newark General Plan**
  - Economic Development- *business focus*
  - Community Services & Facilities - *administrative*
  - Health and Wellness – *healthy community*







Newark General Plan - 2013

- Describes long-term vision, goals, policies, and actions
- Framework for planning and development decisions
- Identifies priorities of the city
- Guide for the Capital Improvement Program



Newark's Housing Element

- A plan for the housing needed in a community
- Cities don't build housing but create the rules for where it should go and how much
- Includes housing policies and programs
- Required by state law and guided by target numbers (RHNA)
- Updated every 8 years
- The Housing Element is the only part of the General Plan that must be reviewed and approved by the State

Where does the RHNA number come from?

State of California → Region share (ABAG/MTC)

441,176 housing units

Based on population, factoring in:

- People in dorms, prisons, military, others who "do not require housing"
- Vacancy rates
- Overcrowding
- Demolition
- People overpaying for housing

Region (ABAG/MTC) → Jurisdiction share (Newark)

1,874 housing units

Based on expected number of households, factoring in:

- Access to high opportunity areas
- Access to jobs (both by car and by transit)

Newark's 2023-2031 RHNA

Income Group	Newark Units	Alameda County Units	Bay Area Units	Newark Percent	Alameda County Percent	Bay Area Percent
Very Low Income (<50% of AMI)	464	23606	114442	24.8%	26.5%	25.9%
Low Income (50%-80% of AMI)	268	13591	65892	14.3%	15.3%	14.9%
Moderate Income (80%-120% of AMI)	318	14438	72712	17.0%	16.2%	16.5%
Above Moderate Income (>120% of AMI)	824	37362	188130	44.0%	42.0%	42.6%
Total	1874	88997	441176	100.0%	100.0%	100.0%

Source: ABAG

Timeline

Housing Element Update Timeline



February 28 2023

Planning Commission Meeting

Overview of the Housing Element process and update

April 2023

90 Day Review by Housing and Community Development (HCD)

The draft document is sent to Housing and Community Development for review

WE ARE HERE

February 24th to March 27th 2023

Draft Housing Element is available for 30 day public review

The public review period for the community to make comments on the Housing Element

March 22nd 2023

Community Workshop

Virtual community meeting to learn more about the Housing Element update, and provide feedback on policies and programs

July 2023

Receive comments from HCD and make changes to the draft

October to December 2023

Housing Element Adoption Public Hearing

Adoption of Housing Element by City Council and Planning Commission



Newark Natural Hazards (Safety) Element

- One of the required general plan elements
- Goals, policies, and actions meant to protect the community from unreasonable environmental risks
- Adopted with the general plan in 2013 – unchanged since then
- State law requires that a jurisdiction updates the Safety Element with an update to the Housing Element.

2023-2031 Housing Element

Staff Recommendation

Staff recommends that the City Council adopt a Resolution for a General Plan Amendment to repeal the Fifth Cycle Housing Element for the period of 2015-2023 and adopt the Housing Element of the General Plan for the Period 2023-2031 and repeal the existing Natural Hazards Element and adopt the Safety Element of the General Plan, in compliance with State Housing Element Law.

Community Engagement

How we reached the community:

- Social media
- Posters and flyers
- Website
- In-person engagement (including Family Day, the public library, bingo at the senior center, Tri City mobile pantry)
- 1:1 interviews and listening sessions
- Community survey (342 responses)



What's included in a Housing Element?

- Community Engagement
- Housing Needs
- Affirmatively Further Fair Housing (AFFH)
- Constraints
- Resources
- Housing Plan
- Sites Inventory

What we heard

- Residents are very concerned about housing affordability
- Housing prices have risen, making housing unaffordable to many
- Not everyone feels that they live in a neighborhood of opportunity
- People are interested in a variety of housing types
- Newark needs to plan for climate change
- Residents want to stay in their communities, and right now it's challenging, with many facing displacement



What we heard

“We all deserve housing”

“Developing a shared housing program with others that need a room to rent, connect seniors with single people who need affordable housing. Helps seniors on limited incomes”

“Rents increase but our incomes do not. The median income is really very high for Newark, so you have a lot of people who need housing at the low and very low incomes.”

“It is very hard to move people who have been homeless into permanent housing, we need more options for those that are on SSI and extremely low incomes”

Housing Needs in Newark

2020 Population: 47,529, an increase of 11.6% from 2010.

Age: People aged 25-34 have increased by 14 percent since 2000. Residents are also living longer, with those 65 and over making up 13 percent of Newark's population.

Special Needs: In addition to seniors, many Newark residents have special housing needs, including large families, single parent households, and persons with disabilities.

Race and Ethnicity: The community's population has become more racially and ethnically diverse over time. The Asian and Hispanic/Latinx populations increased significantly over the past 20 years, and the Black population decreased slightly (by 0.2%).

Language: More than one-third of Newark residents are foreign-born, and over half speak a language other than English at home.

Housing Needs: Key Trends

2019 Households: 14,047 households. The population of Newark increased by 15.3% from 2000 to 2020, which is above the growth rate of the Bay Area.

2018 Jobs: 17,168 jobs. Since 2010, the number of jobs located in the jurisdiction has increased by 4,650 (29.9%). Additionally, the jobs-household ratio in Newark has increased from 1.33 in 2002 to 1.49 jobs per household in 2018.

2020 Housing Units: 15,371 housing units. The number of homes in Newark increased, 11.2% from 2010 to 2020, which is above the growth rate for Alameda County and above the growth rate of the region's housing stock during this time period.

Cost Burden: In Newark, 19.2% of households spend 30%-50% of their income on housing, while 12.4% of households are severely cost burdened and use the majority of their income for housing.

Affirmatively Furthering Fair Housing (AFFH)

Components of the AFFH Analysis:

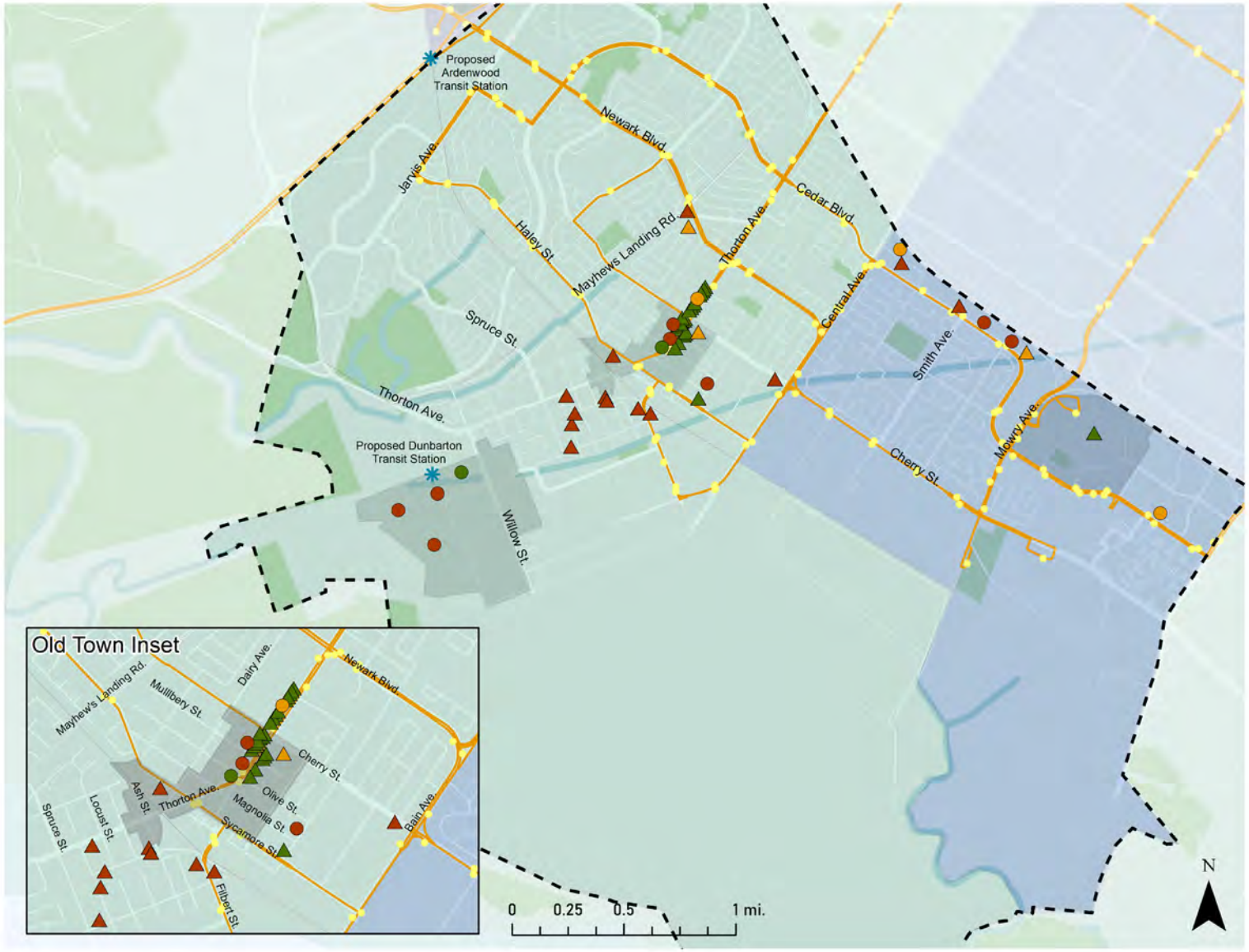
- Inclusive and Equitable Outreach
- Assessment of Fair Housing
- Analysis of Sites Inventory
- Identification of Contributing Factors
- Goals and Meaningful Actions to AFFH

AFFH + Sites Inventory

Planned and Proposed Projects
- Above Moderate
- Lower Income
- Mixed Income

Sites Zoned for Housing
- Above Moderate
- Lower Income
- Mixed Income

TCAC Opportunity Areas Composite Score (Tract, 2022)
- Highest Resource
- High Resource
- Moderate Resource (Rapidly Changing)
- Moderate Resource
- Low Resource
- High Segregation & Poverty
- Missing/Insufficient Data
- Proposed Transit Stations
- AC Transit Bus Stops
- AC Transit Bus Routes
- Newark Area Plans
- Parks
- Newark City Boundary



Constraints

- **Governmental Constraints**
  - Land Use and Zoning
  - Permit Processing Times
  - Permit Fees and Exactions
  - Available Infrastructure
  - Development Standards, Parking and Open Space Requirements
  - Building Codes and Enforcement
- **Non-Governmental Constraints**
  - Availability of Financing
  - Land Costs
  - Construction Costs
- **Environmental Constraints**
  - Geologic Hazards
  - Sea Level Rise, Flooding
  - Hazardous Materials
  - Sensitive Ecological Areas

Preserve and improve existing housing

- Support the maintenance, rehabilitation, and preservation of existing rental and ownership housing (Policy H1)

Goals and Policies

GOAL H1: *Preserve and improve existing housing*

GOAL H2: *Facilitate the development of more homes for more people*

GOAL H3: *Reduce and remove constraints to affordable housing development*

GOAL H4: *Help people stay in their homes and communities*

GOAL H5: *Increase access to affordable housing*

GOAL H6: *Enhance quality of life | Equity and environmental justice*

GOAL H7: *Further fair housing throughout the City*

Facilitate the development of more homes for more people

- Create opportunities for missing middle housing (Policy H2.1)
- Continue to support accessory dwelling units. (Policy H2.2)
- Promote and facilitate affordable housing partnerships with nonprofits, Newark Unified School District, and community colleges. (Policy H2.3)
- Revisit a community visioning plan for the Four Corners area (Policy H2.4)
- Support housing programs for vulnerable and special populations (Policy H2.5)
- Support regional homeless initiatives and develop a local plan (Policy 2.8)
- Evaluate housing production to ensure the city meets RHNA goals (Policy H2.10)

Reduce and remove constraints to affordable housing development

- Allow by-right approval of projects with 20 percent affordable units on “reused” sites (Policy H3.1)
- Increase certainty of entitlement procedures and accessibility to resource information for developers (Policy H3.2)
- Ensure there is a sufficient supply of multifamily and single-family zoned land to meet the housing needs identified in the Regional Housing Needs Allocation (RHNA) (Policy H3.3)

GOAL H4: Help people stay in their homes and communities

- Develop programs that support homeowners and tenants to remain in their homes and communities with a focus on low and moderate-income residents and BIPOC households (Policy H4.1)
- Work to identify opportunities for partnering with other local public sector agencies and private landowners to acquire sites for affordable housing, as well as to seek creative ways of partnering with developers to include affordable units in market-rate projects (Policy H4.3)

GOAL H5: Increase access to affordable housing

- Continue to generate funding for affordable housing and seek additional opportunities (Policy H5.1)
- Develop a BMR homeownership program and down payment assistance programs, with a focus on first time home buyers (Policy H5.2)
- Prioritize the use of City-owned property for affordable housing over other uses (Policy H5.3)
- Amend the existing Inclusionary Housing Ordinance to require on-site production of units (Policy H5.4)
- Develop an affordable notice of funding availability (NOFA) that will be released regularly (Policy H5.5)

GOAL H6: Enhance quality of life | Equity and environmental justice

Implement existing specific plans for NewPark Place and Old Town, creating urban and pedestrian-oriented mixed-use centers in Newark (Policy H6.2)

Make land use and transportation decisions that reduce emissions, including promotion of walking and bicycling (Policy H6.3)

Promote energy efficiency and wise water use to reduce energy costs, provide resilient housing, improve building comfort, and reduce emissions (Policy H6.4)

Limit development within low-lying areas at high risk from flooding (Policy H6.7)

GOAL H7: Further fair housing throughout the city

- Improve awareness, access, and use of education, training, complaint investigation, and mediation services, particularly in areas sensitive to displacement, low-income, racial/ethnic concentration, disability, or other fair housing considerations (Policy H7.1)
- Promote affirmative marketing in affordable housing programs to enable mobility among low-income residents and BIPOC residents in areas of poverty and segregated neighborhoods (Policy H7.2)
- Address barriers to renting and increase tenant support. Low-income households and people experiencing homelessness face obstacles that prevent them from accessing housing that is affordable to them (Policy H7.3)

Highlighted Programs: Preservation

Program H1.1: Facilitate place-based revitalization by focusing on lower-income households with housing rehabilitation and repair programs

Program H1.2: Develop citywide rental inspection program to maintain high quality housing throughout the city.

Highlighted Programs: Missing Middle Housing

Program H2.1: Develop new “missing middle” housing options in areas of the city close to services

Program H2.2: Develop tools to support uptake of accessory dwelling unit production

Program H2.8: Encourage and promote a mix of dwelling types and sizes, specifically missing middle-density housing types

Highlighted Programs: Special Needs Housing

Program H2.5: Develop a local response to support people experiencing homelessness

Program H2.10: Support the development of Single Room Occupancy Units

Program H4.7: Identify Housing Opportunities For those With Developmental Disabilities

Highlighted Programs: Addressing Government Constraints

Program H3.1: Streamline Ministerial Approval Permit Procedures

Program H3.2: Develop objective design standards for single-family and multi-family developments and infill housing

Program H3.3: Assess and update impact fees

Program H3.4: Adjust zoning to allow mixed uses (commercial and residential) in current Commercial zones

Program H3.5: Parking standards study and update

Highlighted Programs: Partnerships/Public Lands

Program H2.6: Develop a strategy in collaboration with the Newark Unified School District and the community on a long-term development plan and funding for the redevelopment of school district-owned sites.

Program H5.3: Develop and implement programs and policies to further increase the utilization of public land for affordable housing.

Highlighted Programs: Anti-Displacement and Tenant Support

Program H4.1: Develop Anti-Displacement Programs for the Old-Town Newark Specific Plan Area

Program H4.3: Develop a Just Cause Eviction Ordinance

Program H4.5: Connect Residents to Existing Shared Housing Programs

Program H4.6: Support Tenant Stability Though Minimum Lease Terms and Relocation Assistance

Highlighted Program: Affordable Housing Development

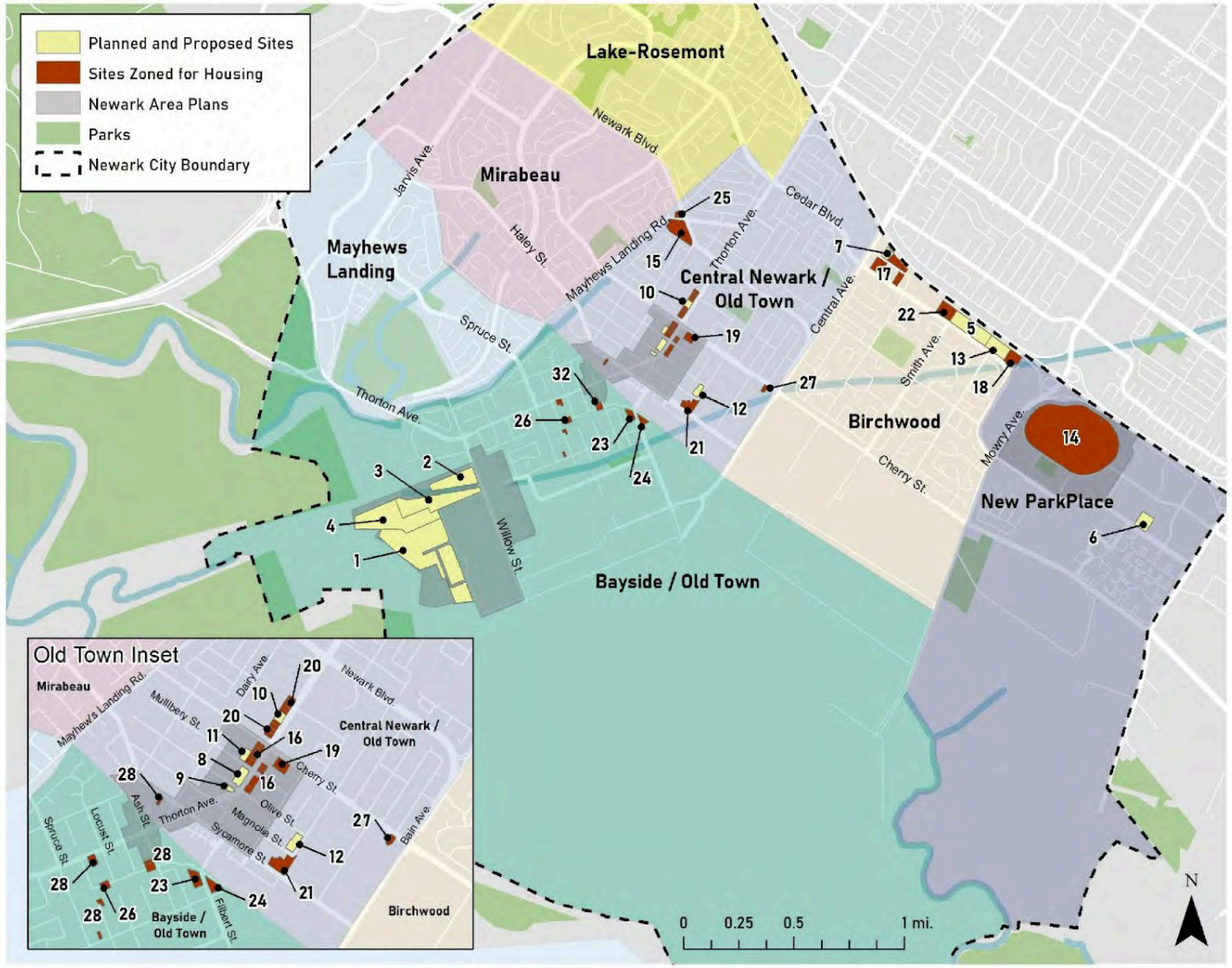
Program H5.2: Ensure an adequate amount of affordable housing through three programs:

1. Percentage of Affordable Units to mitigate the effects of new development
2. Density Bonus Law
3. Affordable Housing Fee Program

Highlighted Program: First Time Homebuyer Program

Program H5.1: Develop a BMR homeownership program, and down payment assistance programs, with a focus on first-time home buyers and BIPOC residents with low homeownership rates

Sites Inventory



Profiled Site: Site 18 (EZ-8 Motel)



- Zoning: Residential High Density
- General Plan Designation: High Density Residential
- APN: 92A-2585-32
- Size: 2.24 acres
- Max Allowable Density 60 units per acre.

Profiled Site: Site 21 (Sycamore Vacant Lot)



- Zoning: Residential High Density
- General Plan Designation: High Density Residential
- APN: 92-255-11
- Size: 1.81 acres
- Max Allowable Density: 60 units per acre.

Safety Element

Statutory Framework

CA state law requires a Safety Element that

- Protects the community from any unreasonable environmental risks
- Is updated with the Housing Element update.
- Includes goals, policies, and actions to address each hazard and increase the community's resilience to climate impacts.

New requirements

- Identification of residential developments with less than two evacuation routes- Senate Bill 99 (2019)
- Identification of evacuation routes and their capacity safety and viability under a range of emergency scenarios- Assembly Bill 747 (2019)

Safety Element Background

- The Safety Element is a chapter of the City's General Plan that identifies safety issues and needs anticipated to be of ongoing concern
- Ensures that the City takes action to reduce natural and man-made hazards and safety threats and responds quickly to any public safety incident
- 2013 Environmental Hazards Element; updated element renamed Safety Element



9

ENVIRONMENTAL HAZARDS

INTRODUCTION

The Environmental Hazards Element combines two of the seven mandatory elements of the General Plan–Safety and Noise. It addresses potential risks to life and property resulting from naturally occurring hazards such as earthquakes and floods and man-made hazards such as noise and soil contamination. The Element also addresses emergency preparedness and response. As in other elements of the General Plan, background information on these topics is presented in the first part of the chapter and goals, policies, and actions are presented at the end.

An important function of this Element is to identify locations in Newark that may be inappropriate for certain land uses due to potential risks and hazards. The Element also identifies areas where hazards are present, but can be mitigated through special design and site planning measures. For example, Newark is located in a seismically active area. While this does not preclude construction, it does require that buildings are designed to withstand ground shaking and other hazards associated with earthquakes. The hazards discussed in this Element have helped shape Newark's Land Use Map, and have influenced its land use, housing, open space, and transportation policies.

The specific topics covered by this chapter are listed below:

- Geologic Hazards
- Flood Hazards
- Fire Hazards
- Hazardous Materials
- Emergency Preparedness
- Noise and Vibration

A number of topics related to environmental hazards are covered in other parts of the General Plan. Water quality is addressed in the Conservation and Sustainability Element, and air quality is addressed in the Health and Wellness Element. Police and

EH-1

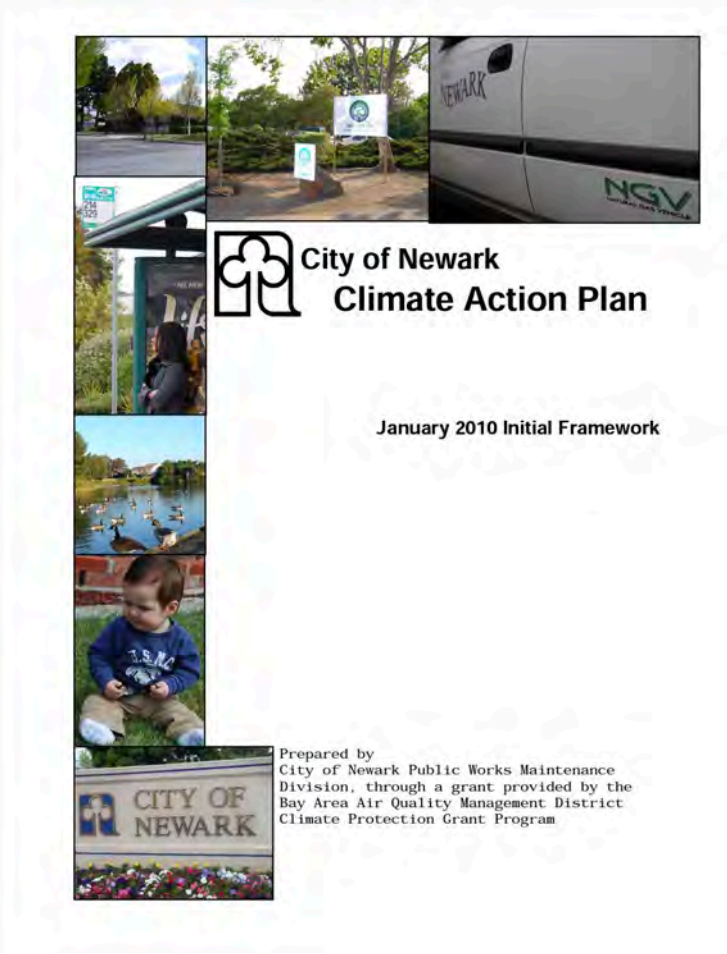
City of Newark General Plan Environmental Hazards Element (2013)

Safety Element Update Process



Review of Plans

- Environmental Hazards Element (2013)
- Union City/Newark Multi-Jurisdictional Local Hazard Mitigation Plan (2017)
- Alameda County Local Hazard Mitigation Plan (2021)
- Climate Action Plan Initial Framework (2010)
- Emergency Operation Plan



City of Newark Climate Action Plan Initial Framework (2010)

Existing Conditions Analysis

- Air Quality
- Drought and Water Quality
- Extreme Weather
- Dam Failure
- Geologic Hazards
- Hazardous Materials
- Flood Hazards
- Fire Hazards
- Emergency Preparedness
- Noise and Vibration

Community Survey

- Distribution of a community survey via the SurveyMonkey platform to solicit feedback on each Safety Element topic
- Findings were used to inform the development of goals, policies, and actions in Section 3 of the Safety Element

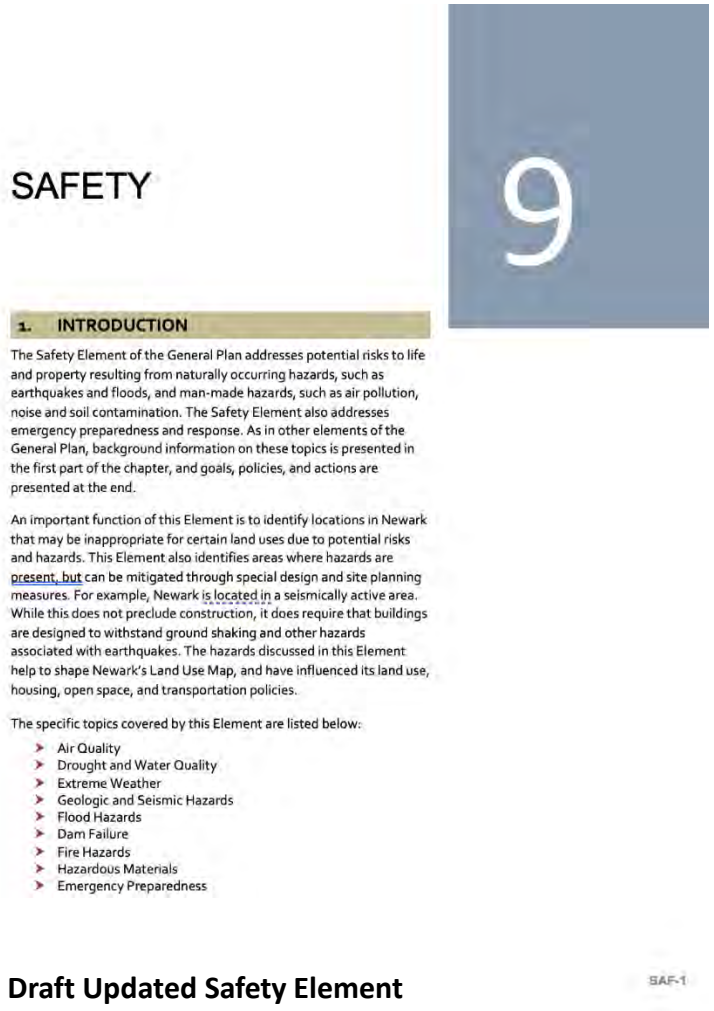
Q13. Which hazards, both natural and human, do you think are most important for Newark to address? (Please choose three)

Answer Choices	Response Count (multi-select)	Respondent % (out of 342)
None of the above	8	2%
Wildfires	53	15%
More frequent and intense heat waves	87	25%
Earthquakes	119	35%
Multi-year drought	179	52%
Sea-level rise and related flooding	150	44%
Hazardous materials spills	70	20%
Other (please specify)	32	9%
Number of Respondents	**264**	**77%**

Q.13 results from Community Survey

Safety Element Preparation

- Information from relevant plans, existing conditions analysis, and community survey results were compiled into the draft Safety Element.
- Combined findings were used to inform the development of goals, policies, and actions in Section 3.



SAFETY

9

1. INTRODUCTION

The Safety Element of the General Plan addresses potential risks to life and property resulting from naturally occurring hazards, such as earthquakes and floods, and man-made hazards, such as air pollution, noise and soil contamination. The Safety Element also addresses emergency preparedness and response. As in other elements of the General Plan, background information on these topics is presented in the first part of the chapter, and goals, policies, and actions are presented at the end.

An important function of this Element is to identify locations in Newark that may be inappropriate for certain land uses due to potential risks and hazards. This Element also identifies areas where hazards are present, but can be mitigated through special design and site planning measures. For example, Newark is located in a seismically active area. While this does not preclude construction, it does require that buildings are designed to withstand ground shaking and other hazards associated with earthquakes. The hazards discussed in this Element help to shape Newark's Land Use Map, and have influenced its land use, housing, open space, and transportation policies.

The specific topics covered by this Element are listed below:

- Air Quality
- Drought and Water Quality
- Extreme Weather
- Geologic and Seismic Hazards
- Flood Hazards
- Dam Failure
- Fire Hazards
- Hazardous Materials
- Emergency Preparedness

SAF-1

Draft Updated Safety Element

Summary of Updates

The following slides for each hazard are organized as follows:

- Status of topic in 2013 General Plan
- Key Findings
- Select Policy Topics

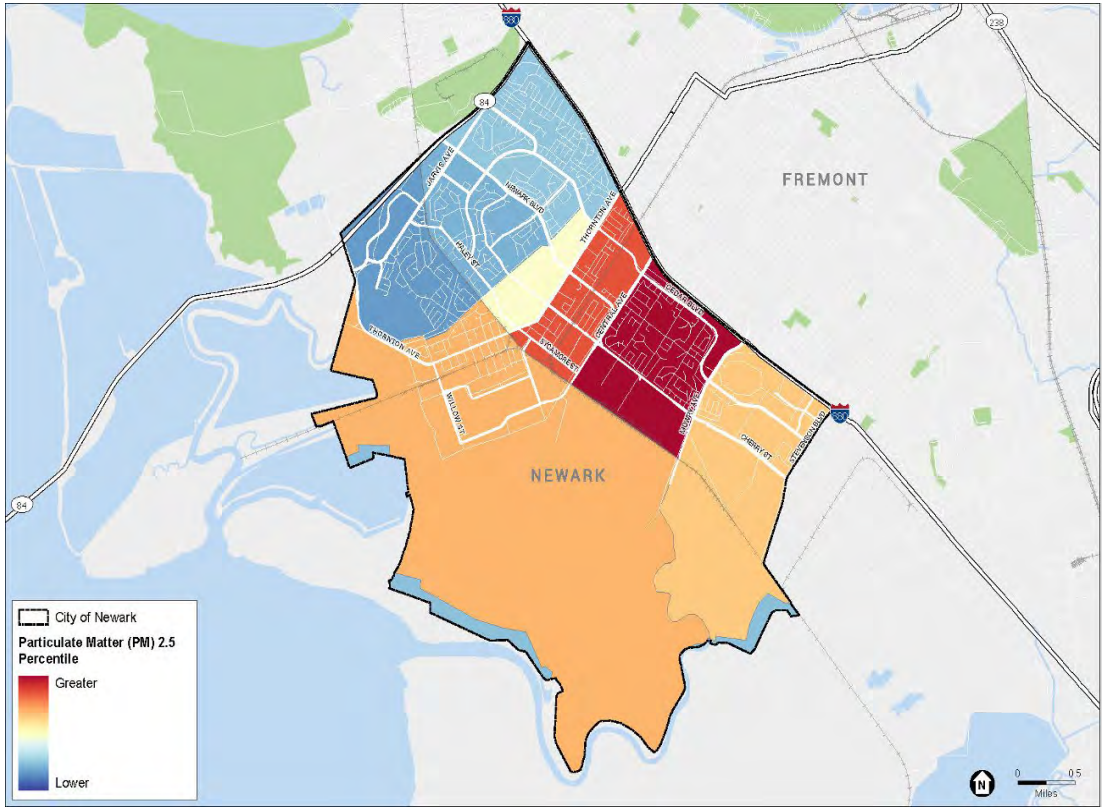
Air Quality

Findings:

- High asthma rates, especially near I-880 & SR 84
- Prevalence of diesel particulate matter & PM2.5

Select policies include:

- Guidelines for implementing the forthcoming Climate Action Plan
- Guidelines for land use planning to promote improved air quality



City of Newark Particulate Matter (PM2.5)
Pollution SOURCE: OSM; OEHHA, 2021; ESA, 2022.

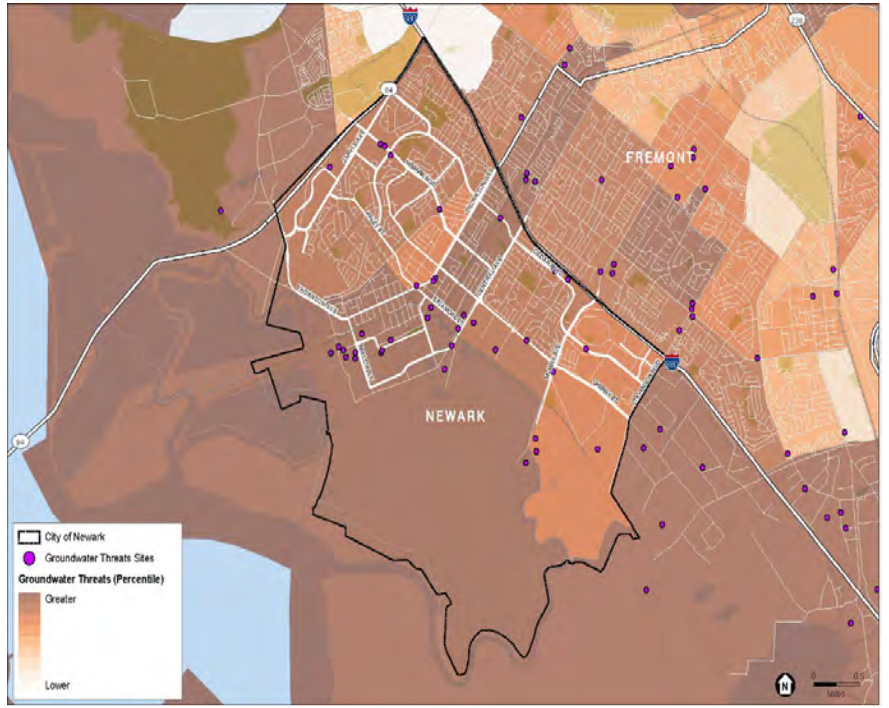
Drought and Water Quality

Findings:

- Urban runoff from hazardous sites impacts both surface water and groundwater
- Saltwater intrusion, and hazardous material leakage also contribute to water pollution.

Select policies include:

- Addressing and preventing water pollution
- Investing in water security



Groundwater Threats in Newark
SOURCE: OEHHA (2021)

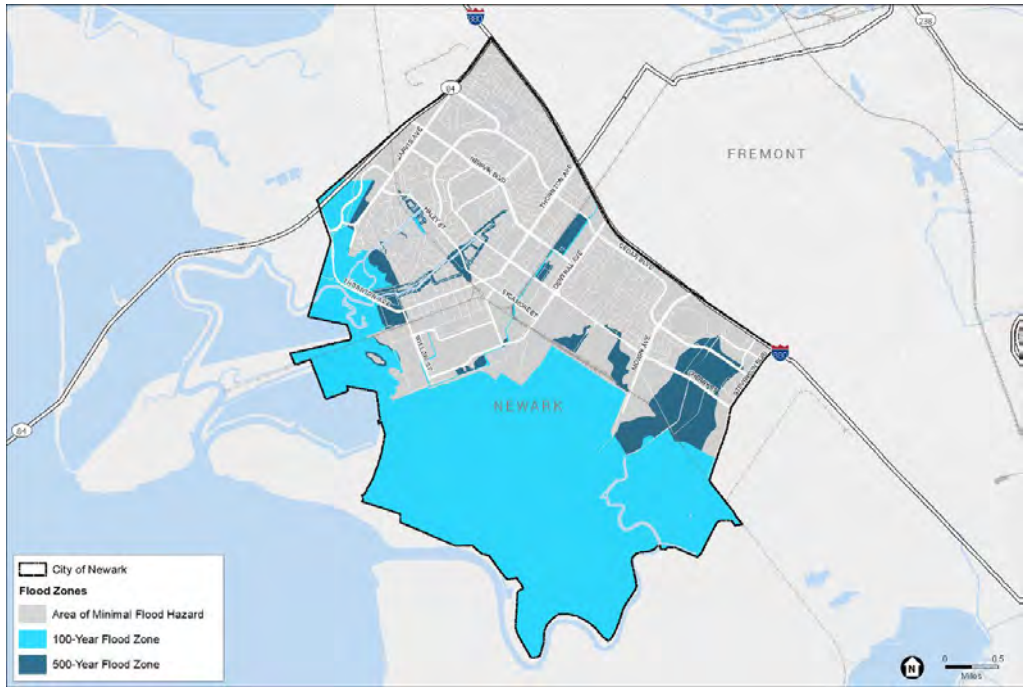
Flooding Hazards

Findings:

- Areas of the city are within the 100-year flood zone
- Smaller areas throughout the city, are within the 500-year flood zone

Select policies include:

- Guidance for mitigating the impacts of flood hazards
- Investments in infrastructure to withstand impacts of floods



FEMA Flood Zone Exposure Map
SOURCE: CEC; FEMA; Google Maps; HIFLD; OSM; UrbanFootprint; USGS; ESRI; ESA, 2021.

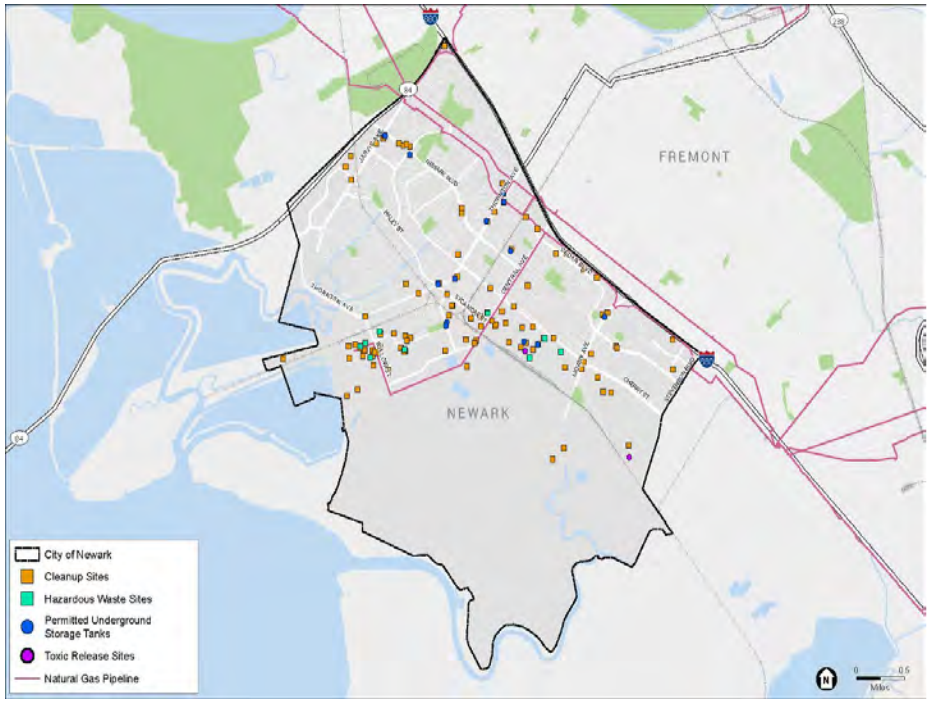
Hazardous Materials

Findings:

- Sizeable number of industries where hazardous materials are used
- Rail and freeway networks on which hazardous materials are frequently transported

Select policies include:

- Protection of both existing and new developments



Hazardous Materials Sites
SOURCE: DTSC; EPA; SWRCB; ESRI; ESA, 2022

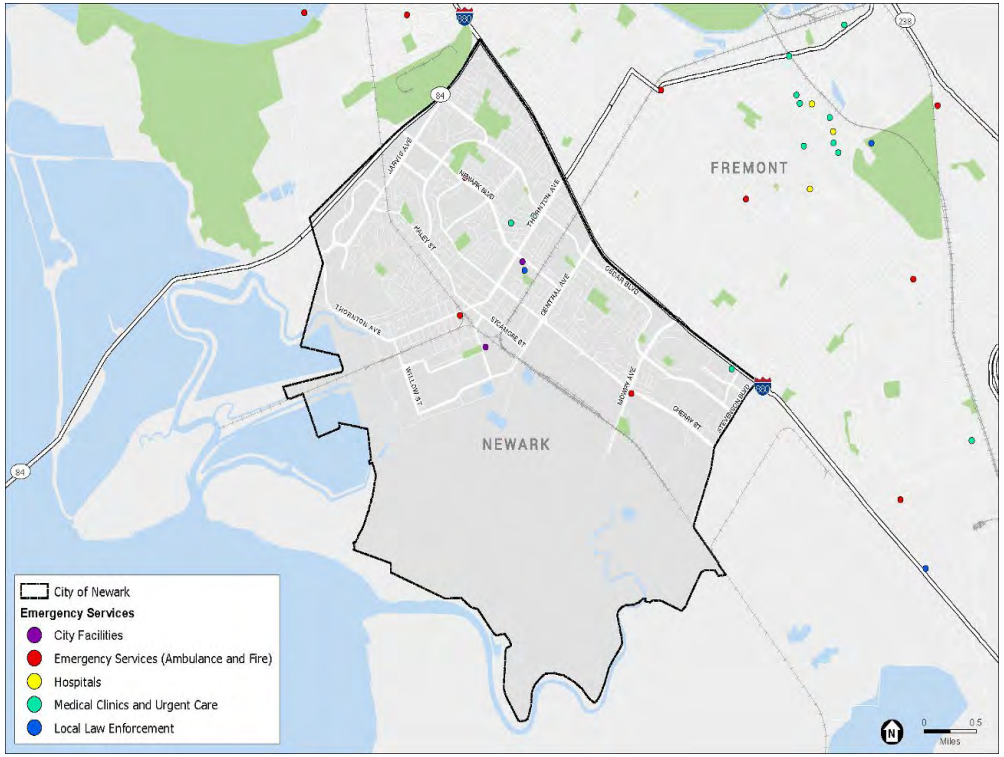
Emergency Preparedness

Findings:

- Hazards of earthquakes, floods, and hazardous materials make emergency preparedness essential

Select policies include:

- Informing community members of resources to prepare for emergencies
- Guidance on evacuation planning and notification



Emergency Preparedness and Resilience
SOURCE: Google Maps; HIFLD; OSM; ESA, 2022.

SB 99 and AB 747

Findings from SB 99 and AB 747 analysis:

- Due to cul de sacs many residential parcels in the city are constrained to only one evacuation route
- Topographical features like the San Francisco Bay limit the direction and number of evacuation routes available

Select policies include:

- Increase roadway capacity during hazards like storms, including high-risk day street parking management
- Encourage households to use one vehicle during evacuations

Complete evacuation analysis included in the Safety Element as Appendix B.

California Environmental Quality Act (CEQA)

- The City has prepared the necessary environmental review, consistent with the CEQA for the Draft 2023– 2031 Housing Element and the Safety Element.
- An Addendum to the Newark General Plan Tune Up Environmental Impact Report was prepared.
- No subsequent EIR is required to be prepared, as no substantial changes have been proposed or the conditions that require major revisions of the General Plan Tune-Up EIR.
- No new significant environmental impacts have been identified, and no substantial increases in the severity of previously identified impacts were discovered.
- The Housing Element and Safety Element remain subject to all previously adopted mitigation measures, as applicable, and no new mitigation measures or alternatives are required.

Planning Commission Recommendation

- October 24, 2023- Planning Commission public hearing to consider the staff recommendation.

- The Planning Commission's recommendation, transmitted through a resolution, will be provided at the October 26, 2023, City Council meeting.

Staff Recommendation

Staff recommends that the City Council adopt a Resolution for a General Plan Amendment to repeal the Fifth Cycle Housing Element for the period of 2015-2023 and adopt the Housing Element of the General Plan for the Period 2023-2031 and repeal the existing Natural Hazards Element and adopt the Safety Element of the General Plan, in compliance with State Housing Element Law

Conclusion

Thank You

&

Questions

STAFF REPORT
Item F. 1.

DATE	10/26/2023
TO	Honorable Mayor and City Council Members
FROM	Diana Cangco, Principal Civil Engineer
SUBJECT	Waive full reading and, by title only, introduce an ordinance to repeal and replace Title 16 “Subdivisions” of the Newark Municipal Code

SUMMARY AND RECOMMENDATION

Staff initiated an evaluation of potential revisions to Title 16, “Subdivisions”, of the Newark Municipal Code for the purpose of adding language to clarify decision-making processes, to streamline procedures, and to ensure consistency with the Subdivision Map Act. A multi-department process was completed to develop an update to the City's Subdivision Ordinance. While the proposed repeal and replacement of the Subdivision Ordinance generally follows the same sequence of Chapters found in the current ordinance, there are significant additions and modifications. A detailed summary of the substantive changes are provided in this report.

The recommended changes to the City's Subdivision Ordinance, while significant, are generally technical and only impact the processing of subdivision maps. The changes do not impact the Planning Commission's or City Council's authority to consider applications for entitlements for residential or commercial projects as the vast majority of those projects involving mapping are subject to concurrent land-use applications and processing under the City's current Zoning Ordinance. The proposed Subdivision Ordinance specifically stipulates, for example, that all tentative parcel maps and tentative tract maps with concurrent processing are subject to approval by the City Council.

Staff recommends that the City Council waive full reading and, by title only, introduce an ordinance to repeal and replace Title 16, “Subdivisions”, of the Newark Municipal Code.

BACKGROUND

Staff is recommending that the City Council adopt an ordinance to repeal and replace Title 16, “Subdivisions”, of the Newark Municipal Code, commonly referred to as the Subdivision Ordinance. The existing Subdivision Ordinance was adopted by the City Council on August 11, 1977. Staff conducted an examination of the existing Subdivision Ordinance for the following reasons: 1) to provide clear and concise

language for decision-making and review processes; 2) to incorporate streamlined language by simplifying processes and procedures; and 3) to ensure that the Ordinance reflects the City's current practices consistent with the latest version of the Subdivision Map Act.

While the additions and modifications to the proposed Subdivision Ordinance may be significant, the changes do not significantly impact the Planning Commission's or City Council's review of projects. Most subdivision applications require concurrent land-use applications, including, for example, applications for: Design Reviews, Rezonings, Text Amendments, Planned Development Plans, and Minor Use Permits. The proposed Subdivision Ordinance does not alter how other land-use applications are processed under the City's current Zoning Ordinance. However, the proposed Subdivision Ordinance does clarify the subdivision application process in these situations. As detailed in the Discussion/Analysis, the subdivision map associated with these applications would be subject to approval by the Planning Commission or City Council, thus allowing the project to be reviewed together and decisions made concurrently.

DISCUSSION/ANALYSIS

Staff from the City Attorney's Office, the City Manager's Office, the Community Development Department and the Engineering Division of the Public Works Department developed the revised Subdivision Ordinance through a coordinated iterative process. A summary of substantive changes in the proposed Subdivision Ordinance are listed below:

1. The Chapters of the proposed Subdivision Ordinance generally follow the same sequencing of the current ordinance. Additional chapters are incorporated to provide additional information about processes consistent with the Subdivision Map Act.

Current Title 16 Subdivision Chapters	**Proposed Title 16 Subdivision Chapters**
16.04 General Provisions	16.04 General Provisions
16.08 Tentative Map	16.06 Maps Required
16.12 Streets and Lots	16.08 Tentative Tract and Tentative Parcel Maps
16.16 Subdivision Improvements	16.12 Design
16.20 Surveys and Monuments	16.16 Improvements
16.24 Final Maps	16.20 Surveys and Monuments
16.28 Parcel Maps	16.24 Final Maps and Parcels Maps
16.30 RESERVED	16.32 Underground Utilities
16.32 Violation - Penalty	16.40 Vesting Tentative Map
	16.44 Map Amendments and Certificates of Correction
	16.48 Reversion to Acreage and Resubdivision

The words "Subdivision," "Tentative Map," "Parcel Map," and "Final Map" are a few words that are defined in the General Provisions of the proposed Subdivision Ordinance. These words are used throughout this staff report. For easy reference, their definitions are provided below:

"Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, as shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, and as further defined in Government Code Section 66424.

"Tentative map" means a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it. "Tentative map" includes a tentative parcel map and a tentative tract map.

"Parcel map" means a map showing a subdivision of four or fewer parcels, prepared in accordance with the provisions of this title and the Subdivision Map Act and designed to be recorded in the office of the Alameda County Recorder. A parcel map also means a map showing a subdivision of five (5) or more parcels under the final map exemption in Government Code Sections 66426 (a) through (e).

"Final map" means a map showing a subdivision prepared in accordance with the provisions of this title and the Subdivision Map Act and designed to be recorded in the office of the Alameda County Recorder.

2. Table 16-1, Subdivision Review Authority, shown below, is added to the proposed Subdivision Ordinance to clearly identify decision-making authority for all types of subdivision applications. Subdivision applications involving residential or commercial construction are required to have concurrent land-use applications under the current City Zoning Ordinance, and are therefore subject to approval by the City Council (see note 3 below).

Table 16-1 Subdivision Review Authority

		Role of Review Authority(1)			
Issue/Document	**Applicable Code Chapter**	**Community Development Director**	**City Engineer**	**Planning Commission**	**City Council**
Tentative parcel map	16.08	Decision(2)(3)		Appeal	
Tentative parcel map waiver	16.06	Decision(2)		Appeal	
Parcel map	16.24		Decision(2)		Appeal
Tentative tract map	16.08			Decision(2)(3)	Appeal
Final map	16.24		Decision(2)		Appeal

Certificate of compliance	16.56		Decision(2)		Appeal
Lot line adjustment	16.52	Decision(2)		Appeal	
Parcel map waiver	16.06		Decision(2)		Appeal
Reversion to acreage	16.48				Decision
Time extension	16.40			Decision(2)	Appeal

Notes:
(1) "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body in accordance with Government Code Section 66452.5.
(2) At its sole discretion, the review authority may transfer original hearing jurisdiction to a higher body.
(3) For tentative maps subject to concurrent processing, the Planning Commission makes a recommendation to the City Council.

3. Decision-making authorities are revised in the proposed Subdivision Ordinance to simplify processes and procedures. Details are provided below regarding the specific changes in approval authority. As part of the proposed Subdivision Ordinance, an "Advisory Agency" is re-defined as a designated official or an official body charged with the duty of reviewing the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority to approve, conditionally approve, or disapprove map. Under the current Subdivision Ordinance, the designated Advisory Agency has similar authority for tentative parcel maps, but is limited to making recommendations only for tentative tract maps. The changes affect various mapping processes as described below:

a. Tentative Tract Maps (Chapter 16.08) – The current Subdivision Ordinance identifies the Planning Commission as the Advisory Agency and the City Council with the authority to approve, conditionally approve, or disapprove tentative tract maps. With the proposed Subdivision Ordinance, the Planning Commission remains as the Advisory Agency, but would also approve, conditionally approve, or disapprove the tentative tract maps, with certain stipulations related to concurrent processing. The decision of the Planning Commission would be subject to appeal to the City Council.

b. Tentative Parcel Maps (Chapter 16.08) – The current Subdivision Ordinance identifies the Public Works Director as the Advisory Agency with the authority to approve, conditionally approve, or disapprove maps. In the proposed Subdivision Ordinance, the Community Development Director would be the Advisory Agency with the authority to approve, conditionally approve, or disapprove tentative parcel maps, with certain stipulations related to concurrent processing. The decision of the Community Development Director would be subject to appeal to the Planning Commission.

c. Final Maps (Chapter 16.24) – In the current Subdivision Ordinance, the City Council has the authority to approve final maps and associated Subdivision Improvement

Agreements. Per the Subdivision Map Act, the review and approval of final maps is limited to technical accuracy and conformance to the approved tentative map; no additional discretionary approvals are granted at the final map stage. Therefore, to streamline the approval process, the proposed Subdivision Ordinance delegates the authority to approve final maps and Subdivision Improvement Agreements to the City Engineer. Prior to the approval of any final map, consistent with the requirements of the Subdivision Map Act, the City Engineer would notify the City Council at regular meetings of the pending decision. The decision of the City Engineer is also subject to appeal to the City Council.

d. Concurrent Processing and Transfer of Authority for Tentative Tract Maps and Tentative Parcel Maps (Chapters 16.04 and 16.08) – With the proposed Subdivision Ordinance, tentative tract map and tentative parcel map approval may be transferred to a higher approval authority under certain qualifying circumstances. For example, for tentative tract maps the higher approving agency is the City Council, and for tentative parcel maps the higher approving agency is the Planning Commission. Additionally, when tentative tract maps are processed with other land use applications that require City Council approval, the authority for approval, conditional approval, or disapproval of the tentative maps is transferred to the City Council.

e. Effective Period of Approved Tentative Map and Discretionary Extensions (Chapter 16.08) – The effective period of an approved or conditionally approved tentative map is twenty-four (24) months from the date of its approval. The current Subdivision Ordinance allows an extension of time to be granted as allowed by the Subdivision Map Act, which allows up to six (6) additional years to be added to the effective period of a tentative map, subject to local ordinance. The proposed Subdivision Ordinance will limit the extension(s) of time that can be added to the effective period of an approved or conditionally approved tentative map to up to two (2) years. The two (2) year period under the proposed Subdivision Ordinance would supersede the six (6) year period of the Subdivision Map Act. The decision-making authority for consideration of an extension of time would be the original approving body (i.e. Community Development Director or Planning Commission). For tentative maps originally approved by the City Council, the decision-making authority for discretionary extensions would be the Planning Commission.

f. Release of Securities (Chapter 16.24) – Under the current Subdivision Ordinance, Subdivision improvement acceptance is recommended by the City Engineer and formally accepted by the City Council. Through this action, securities to insure construction of the improvements are released. In the proposed Subdivision Ordinance, the City Engineer would be designated as the official for acceptance, release, and partial release of securities, which currently requires City Council action.

g. Added Sections – The proposed Subdivision Ordinance contains added sections to clarify the processes for tentative parcel map waivers, map amendments, certificate of corrections, and lot line adjustments and to align with the City's current procedures and requirements.

FISCAL IMPACT

There is no fiscal impact associated with this action.

REVIEW AND APPROVAL

Prepared by - Diana Cangco, Principal Civil Engineer
Reviewed by - Jayson Imai, City Engineer
Reviewed by - Soren Fajeau, Public Works Director
Reviewed by - Krysten Lee, Finance Director
Reviewed by - Kristopher J. Kokotaylo, City Attorney
Approved by - David J. Benoun, City Manager

Attachments

Title 16 Subdivision Ordinance

Title 16 Subdivision Ordinance Exhibit A

Title 16 Subdivision Ordinance Presentation

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK REPEALING AND REPLACING TITLE 16 "SUBDIVISIONS" OF OF THE CITY OF NEWARK MUNICIPAL CODE IN ITS ENTIRETY

WHEREAS, the California Constitution, Article XI, Section 7, provides cities and counties with the authority to enact ordinances and regulations not in conflict with general laws; and

WHEREAS, the Subdivision Map Act, Sections 66411 *et. seq*. of the Government Code, allows cities with flexibility in enacting local subdivision ordinances; and

WHEREAS, Title 16 "Subdivisions" of the City of Newark Municipal Code ("NMC") regulates and control the division of land and each part thereof within the City, supplements the provisions of the Subdivision Map Act, and sets forth the procedure to be followed in securing the official approval of the planning director, city engineer, public works director, city manager, planning commission and city council regarding divisions of land; and

WHEREAS, Title 16 was last significantly updated in 1977 pursuant to Ordinance No. 143; and

WHEREAS, the City Council, on the recommendation of the City Manager and the City Attorney, desires to repeal and replace Title 16 to update and revise the local subdivision ordinance; and

WHEREAS, the amendments to the Municipal Code propose to repeal and replace Title 16 "Subdivisions" of the NMC in its entirety, as shown in Exhibit A, which is attached hereto and incorporated herein by reference.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWARK DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and made a part of this Ordinance.

SECTION 2. CEQA. The subdivision ordinance update is exempt from environmental review under the general exemption in California Environmental Quality Act (CEQA) Guidelines section 15061(b)(3) for projects where it can be seen with certainty that there is no potential for significant environmental effects. The subdivision ordinance update does not approve any development project or other physical activity; nor does it change any land use or density designations that would affect development potential. Instead it updates the policies, standards and procedures through which subdivision applications for development would be considered. Any future development application would be reviewed for compliance with CEQA.

SECTION 3. Municipal Code Amendment. The City Council hereby approves the amendments to the NMC, more particularly, repealing Title 16 "Subdivisions" of the NMC in its entirety, and replacing it with the text shown in attached Exhibit A, which is attached hereto and incorporated herein by reference and available for review in the City Clerk's office during normal business hours.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. Publication and effective date. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Newark, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

EXHIBIT A

Title 16 SUBDIVISIONS

Chapter 16.04 General Provisions

16.04.010 Title
16.04.020 Purpose and Authority
16.04.030 Intent
16.04.004 Consistency
16.04.050 Application of Chapter
16.04.060 Exclusions
16.04.070 Fees and Deposits
16.04.080 General Responsibilities
16.04.090 Definitions
16.04.100 Authority for Subdivision Decisions

Chapter 16.06 Maps Required

16.06.010 General
16.06.020 Division of Land – Five (5) or More Parcels
16.06.030 Division of Land – Four (4) or Fewer Parcels

Chapter 16.08 Tentative Tract and Tentative Parcel Maps

16.08.010 General.
16.08.020 Persons Authorized to Prepare
16.08.030 Tentative Map Number
16.08.040 Filing
16.08.050 Form and Contents
16.08.060 Accompanying Data and Reports
16.08.070 Noticed Public Hearing
16.08.080 Public Notice
16.08.090 Action -Tentative Tract Maps
16.08.100 Action -Tentative Parcel Maps
16.08.110 Appeals
16.08.120 Extension of Time for Action or Report
16.08.130 Effective Period of Approved Tentative Map

Chapter 16.12 Design

16.12.010 General Requirements
16.12.020 Street Alignment
16.12.030 Street and Alley Grades and Widths

16.12.040 Blocks
16.12.050 Parcels
16.12.060 Grading
16.12.070 Erosion and Siltation Control
16.12.080 Flood Hazards
16.12.090 Exceptions

Chapter 16.16 Improvements

16.16.010 Duty of Subdivider to Improve Streets
16.16.020 Required Improvements
16.16.030 Standards for Improvements
16.16.040 Improvement Plans
16.16.050 Inspection by City Engineer
16.16.060 Cost of Inspection
16.16.070 Completion of Improvements

Chapter 16.20 Surveys and Monuments

16.20.010 Field Survey
16.20.020 Discrepancy
16.20.030 Compiled Map
16.20.040 Accuracy Required
16.20.050 Remainder
16.20.060 Ties to Centerlines
16.20.070 Boundary Monuments
16.20.080 Street Monuments
16.20.090 Monuments - Interior Lots
16.20.100 Monuments -Time for Setting
16.20.110 Monuments -Inspection and Approval
16.20.120 California Coordinate System

Chapter 16.24 Final Maps and Parcel Maps

16.24.010 General
16.24.020 Phasing of Final Maps or Parcel Maps
16.24.030 Form
16.24.040 Contents
16.24.050 Procedure
16.24.060 Data and Material to Accompany Final Map or Parcel Map Submittal
16.24.070 Improvement Agreements
16.24.080 Action on Final Map
16.24.090 Action on Parcel Map
16.24.100 Appeal to City Council

16.24.110 Action on Final Map or Parcel Map Appeal by City Council

Chapter 16.28 Reserved

Chapter 16.32 Underground Utilities

16.32.010 Intent
16.32.020 Utility Distribution Facilities to be Placed Underground
16.32.030 Duty of Subdivider
16.32.040 Request for Exception

Chapter 16.40 Vesting Tentative Map

16.40.010 Authority and Purpose
16.40.020 Consistency
16.40.030 Application
16.40.040 Filing and Processing
16.40.050 Vesting of Development Rights
16.40.060 Development Inconsistent with Zoning – Conditional Approval
16.40.070 Applications inconsistent with Applicable Ordinances, Policies and Standards
16.40.080 Amendment to Vesting Tentative Map
16.40.090 Findings Required for Vesting Tentative Map Approval

Chapter 16.44 Map Amendments and Certificates of Correction

16.44.010 Map Amendments and Certificates of Correction

Chapter 16.48 Reversion to Acreage and Resubdivision

16.48.010 Reversion to Acreage
16.48.020 Resubdivision

Chapter 16.52 Lot Line Adjustments

16.52.010 Lot Line Adjustments

Chapter 16.56 Enforcement

16.56.010 Enforcement
16.56.020 Effect of Approval or Conditional Approval of Map

Chapter 16.04 General Provisions

16.04.010 Title

This title shall be known as the Subdivision Ordinance of the city of Newark.

16.04.020 Purpose and Authority

This title shall regulate and control the design and improvement of subdivisions of land within the city and supplement the provisions of the Subdivision Map Act of the State of California set forth at Government Code Sections 66410 *et seq*. concerning the design, improvement and survey data of subdivisions, the form and content of all maps provided for by the Subdivision Map Act, and the procedure to be followed in securing the official approval of the city regarding the maps.

16.04.030 Intent

The intent of this title is to promote the public health, safety and general welfare; to promote orderly growth and development within the city; to coordinate lot design, street patterns, rights-of-way, traffic circulation, utilities and public facilities with the general plan and any specific plans; to assure that areas dedicated for public purposes will be properly improved initially so as not to be a future burden upon the community; to preserve natural resources and prevent environmental damage; to maintain suitable standards to ensure adequate, safe building sites; and to prevent hazard to life and property.

16.04.040 Consistency

No land shall be subdivided for any purpose that is inconsistent with the city's general plan or any applicable specific plan of the city or that is not permitted by the zoning ordinance (Title 17) or other applicable provisions of this Code. It is the intent of this title to comply in every regard to the latest edition of the Subdivision Map Act. If any provision of this title is in conflict with the Subdivision Map Act, the provisions in the Subdivision Map Act shall prevail.

The type and intensity of land use as shown on the general plan and any applicable specific plan shall determine the type of streets, roads, highways, utilities and public services, and other public improvements that shall be provided by the subdivider.

16.04.050 Application of Title

The regulations set forth in this title shall apply to all or parts of subdivisions within the city and to the preparation of subdivision maps and to other maps provided for by the Subdivision Map Act and this title. All subdivisions and any part thereof lying within the city shall be made and all subdivision maps shall be prepared and presented for approval in accordance with this title.

16.04.060 Exclusions

This title shall not apply to actions exempted by Government Code Section 66412 and any others specifically exempted by the State Subdivision Map Act, except that the procedures for the application, review and approval of lot line adjustments shall be as outlined in Chapter 16.52.

16.04.070 Fees and Deposits

All applicants for the approval of maps or for other approvals as required by this title shall pay all fees and/or deposits as established by City Council resolution.

16.04.080 General Responsibilities

In addition to the specific responsibilities set forth elsewhere in this title, the following agencies and officers, or their duly authorized representatives, shall have the general responsibilities hereby designated.

A. City Attorney. The City Attorney is responsible for approving as to form all subdivision improvement agreements and security and governing documents for a common interest development.

B. City Clerk. The City Clerk is responsible for filing and maintaining all official documents.

C. City Council. The City Council responsibilities shall be as follows:

1. The City Council shall act as the appeal board for subdivision decisions or actions of the Planning Commission.

2. The City Council shall act as the appeal board for subdivision decisions or actions of the City Engineer on final maps, parcel maps, improvement agreements and/or dedications.

3. When tentative maps are processed concurrently with other land use applications requiring City Council action, the City Council shall have authority for approval, conditional approval, or disapproval of the tentative map application.

D. City Engineer. The City Engineer or their designated representative, as specified in the Subdivision Map Act, shall have the following responsibilities:

1. The City Engineer shall have final approval or disapproval authority for final maps, parcel maps, improvement agreements, and the acceptance or rejection by the city of lands, easements, and/or improvements as may be offered for dedication to the city under Government Code Sections 66458, 66463, 66477.1, 66477.2 and 66477.3. The City Engineer shall sign the City Engineer's certificate, and release the map to the county clerk or a title insurance company for transmittal to the county recorder for recordation.

2. The City Engineer is responsible for determining if proposed subdivisions comply with provisions of the Subdivision Map Act and this title.

3. The City Engineer is responsible for the approval or disapproval of requests for parcel map waivers under Section 16.06.030.

4. The City Engineer is responsible for determining whether the proposed improvements are consistent with the design and improvement standards specified or referred to in this title, and for the inspection and approval of all such improvements, and for making recommendations on granting exceptions requested under Section 16.12.090.

5. The City Engineer shall, on a regular basis, report to the City Council on consideration and action on final maps, parcel maps, improvement agreements, and the acceptance or rejection by the City Engineer of lands and/or improvements offered for dedication.

E. Community Development Director. The Community Development Director responsibilities shall be as follows:

1. The Community Development Director is responsible for the approval, conditional approval or disapproval of tentative parcel maps and lot line adjustments, except for tentative parcel maps subject to concurrent processing under subsection (C)(3) of this section.

2. Reviewing, distributing, and processing tentative tract, tentative parcel map and tentative parcel map waiver applications and making a recommendation on compliance with the California Environmental Quality Act (CEQA).

3. The Community Development Director shall have the power to direct the issuance of citations, cease and desist orders and other appropriate orders involving violations of provisions of this title.

4. At any point in the review process and at their sole discretion, the Community Development Director may transfer original hearing jurisdiction to the Planning Commission because of policy implications, unique or unusual circumstances, or the magnitude of the project.

F. Planning Commission. The Planning Commission responsibilities shall be as follows:

1. The Planning Commission is responsible for the approval, conditional approval, or disapproval of tentative tract maps and discretionary extensions.

2. At any point in the review process and at its sole discretion, the Planning Commission may transfer original hearing jurisdiction to the City Council because of policy implications, unique or unusual circumstances, or the magnitude of the project.

3. The Planning Commission shall act as the appeal board for decisions of the Community Development Director.

4. When tentative maps are processed concurrently with other land use applications requiring City Council action, the Planning Commission shall make a recommendation on the maps to the City Council.

16.04.090 Definitions

All words and terms used in this title shall have the same meaning as defined in the Subdivision Map Act, except as expressly defined in this section.

"Advisory agency" means a designated official or an official body charged with the duty of reviewing the design and improvement of proposed divisions of real property, the imposing of requirements or conditions thereon, or having the authority under this title to approve, conditionally approve or disapprove maps.

"Final map" means a map showing a subdivision prepared in accordance with the provisions of this title and the Subdivision Map Act and designed to be recorded in the office of the Alameda County Recorder.

"Parcel map" means a map showing a subdivision of four or fewer parcels, prepared in accordance with the provisions of this title and the Subdivision Map Act and designed to be recorded in the office of the Alameda County Recorder. A parcel map also means a map showing a subdivision of five (5) or more parcels under the final map exemption in Government Code Sections 66426(a) through (e).

"Subdivider" means a person, firm, corporation, partnership, or association, who proposes to divide, divides or causes to be divided real property into a subdivision for him or herself or for others except that employees and consultants of such persons or entities, acting in such capacity, are not "subdividers."

"Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, as shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, and as further defined in Government Code Section 66424.

"Tentative map" means a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it. "Tentative map" includes a tentative parcel map and a tentative tract map.

"Tentative parcel map" means a tentative map prepared in connection with a subdivision of four (4) or fewer parcels.

"Tentative tract map" means a tentative map prepared in connection with a subdivision of five (5) or more lots.

"Vesting tentative map" means a tentative map that meets the requirements set forth in Chapter 16.40.

16.04.100 Authority for Subdivision Decisions

Table 16-1 (Subdivision Review Authority) identifies the city official or authority responsible for reviewing and making decisions on each type of subdivision application or other decision required by this title.

Table 16-1 Subdivision Review Authority

Issue/Document	Applicable Code Chapter	Role of Review Authority[1]			
		Community Development Director	City Engineer	Planning Commission	City Council
Tentative parcel map	16.08	Decision[2][3]		Appeal	
Tentative parcel map waiver	16.06	Decision[2]		Appeal	
Parcel map	16.24		Decision[2]		Appeal
Tentative tract map	16.08			Decision[2][3]	Appeal
Final map	16.24		Decision[2]		Appeal
Certificate of compliance	16.56		Decision[2]		Appeal
Lot line adjustment	16.52	Decision[2]		Appeal	
Parcel map waiver	16.06		Decision[2]		Appeal
Reversion to acreage	16.48				Decision
Time extension	16.40			Decision[2]	Appeal

Notes:
(1) "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body in accordance with Government Code Section 66452.5.
(2) At its sole discretion, the review authority may transfer original hearing jurisdiction to a higher body.
(3) For tentative maps subject to concurrent processing, the Planning Commission makes a recommendation to the City Council.

Chapter 16.06 Maps Required

16.06.010 General

The necessity for tentative, final, and parcel maps shall be governed by the provisions of this chapter.

16.06.020 Division of Land – Five (5) or More Parcels

A tentative tract map and final map shall be required for all divisions of land creating five (5) or more parcels, five (5) or more condominiums as defined in Section 783 of the Civil Code, a community apartment project containing five (5) or more parcels, or for the conversion of a dwelling to a stock cooperative containing five (5) or more dwelling units, except where any one (1) of the following occurs:

A. The land before division contains less than five (5) acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the Planning Commission or City Council.

B. Each parcel created by the division has a gross area of twenty (20) acres or more and has an approved access to a maintained public street or highway.

C. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the Planning Commission or City Council as to street alignments and widths.

D. Each parcel created by the division has a gross area of not less than forty (40) acres or is not less than a quarter of a quarter section.

E. The land is being subdivided solely for the creation of an environmental subdivision pursuant to Government Code Section 66418.2.

F. A tentative parcel map shall be required for the subdivisions described in subsections A through E of this section, and a parcel map shall be required rather than a final map unless the parcel map is waived by the City Engineer in accordance with Section 16.06.030(C).

16.06.030 Division of Land – Four (4) or Fewer Parcels

A. General. A tentative parcel map and parcel map shall be required for all divisions of land into four (4) or fewer parcels, except as provided below.

B. No Parcel Map Required. No parcel map shall be required for the following:

1. Subdivisions of a portion of the operating right-of-way of a railroad corporation, defined by Public Utilities Code Section 230, that are created by short-term leases (terminable by either party on not more than thirty (30) days' notice in writing).

2. Land conveyed to or from a governmental agency, public entity or public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates a parcel map. For purposes of this section, land conveyed to or from a governmental agency shall include a fee interest, a leasehold interest, an easement, or a license.

C. Tentative Parcel Map Waiver. The Community Development Director may waive the requirement for filing a tentative parcel map, as provided below and in conformance with Government Code Section 66428.

1. A subdivider wishing to request a waiver of the tentative parcel map requirement shall submit a waiver request in writing to the Community Development Director.

2. The Community Developer Director may waive the requirements for a tentative parcel map when all required public improvements are existing; public improvements are not necessary; or public improvements may be deferred by agreement, so long as said deferred improvements are not immediately required for public health and safety or for the orderly growth and development of the surrounding area. The tentative parcel map waiver does not apply to airspace subdivision for the purpose of residential condominium conversion.

3. The tentative parcel map requirement may be waived upon a finding that the proposed subdivision complies with the requirements of this title as to lot area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, other requirements of the Subdivision Map Act, and this title.

4. The Community Development Director shall act upon the application for a tentative parcel map waiver within sixty (60) days after the waiver application is deemed complete.

5. A tentative parcel map waiver may be conditioned to provide for the payment of park land dedication and any other fees generally applied to subdivision projects.

D. Parcel Map Waiver. The City Engineer may waive the requirement for filing a parcel map, as provided below and in conformance with Government Code Section 66428.

1. A subdivider wishing to request a waiver of the parcel map requirement shall submit a waiver request in writing to the City Engineer.

2. The City Engineer may waive the requirements of the parcel map for subdivisions of a portion of the operating right-of-way of a railroad corporation, as defined by Section 230 of the Public Utilities Code, that are created by short-term leases; or for land conveyed to or from a governmental agency, public entity, public utility, or for land conveyed to a subsidiary of a public utility for conveyance to that public utility for rights-of-way, unless a showing is made in individual cases, upon substantial evidence, that public policy

necessitates a parcel map. "Land conveyed to or from a governmental agency" includes a fee interest, a leasehold interest, an easement or a license.

3. The parcel map requirement may be waived upon a finding that the proposed subdivision complies with the requirements of this title as to lot area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, other requirements of the Subdivision Map Act, and this title.

4. The City Engineer shall act upon the application for a parcel map waiver within sixty (60) days after the waiver application is deemed complete.

5. A parcel map waiver may be conditioned to provide for the payment of park land dedication and any other fees generally applied to subdivision projects.

Chapter 16.08 Tentative Tract and Tentative Parcel Maps

16.08.010 General.

The form and contents, submittal and approval of tentative tract maps for the subdivision of five (5) or more parcels and tentative parcel maps for the subdivision of four (4) or fewer parcels shall be governed by the provisions of this chapter.

16.08.020 Persons Authorized to Prepare

All tentative maps shall be prepared by a registered civil engineer or licensed land surveyor.

16.08.030 Tentative Map Number

The tentative map number shall be assigned by and obtained from the County Recorder.

16.08.040 Filing

All tentative map applications shall be filed with the Community Development Director and submitted in accordance with Chapter 17.31 (Common Procedures).

16.08.050 Form and Contents

The form and contents of the tentative map and the number of copies required for the application shall be prescribed by the Community Development Director and in accordance with the application submittal requirements for tentative maps. The Community Development Director may authorize deletion or reduction of map requirements on the determination that the map contains sufficient information to be evaluated adequately.

16.08.060 Accompanying Data and Reports

The tentative map shall be accompanied by the materials identified in the city application submittal requirements for tentative maps, including, but not limited to:

A. A preliminary grading plan prepared by a civil engineer registered by the state of California.

B. A preliminary soils report prepared by a civil engineer or geotechnical engineer registered by the state of California. For subdivisions within a seismic hazard zone, the report shall include supplemental data and analysis consistent with the requirements and specifications of the Alquist-Priolo Earthquake Fault Zoning Act and/or the Seismic Hazards Mapping Act. If the preliminary soils report indicates the presence of critically expansive soils, corrosive soils, or other soil problems that, if not corrected, could lead to structural defects, a soils investigation of each lot in the subdivision may be required. If the investigation and civil engineer's report recommends corrective action, building permits can be conditioned to incorporate the recommendations.

C. Additional reports and data may be required by the City Engineer when deemed necessary due to scale of the proposed subdivision or presence of potential hazardous or environmentally sensitive conditions.

D. A "will serve" letter from the waste management service provider to provide waste collection to the proposed subdivision indicating and committing that the service can be provided to the proposed subdivision.

16.08.070 Noticed Public Hearing

The advisory agency shall conduct a noticed public hearing on tentative tract maps. The Community Development Director shall conduct a noticed public hearing on tentative parcel maps. Notice and hearing procedures shall be as set forth in Chapter 17.31 (Common Procedures).

16.08.080 Public Notice

The city shall provide notice of the hearing on a tentative map in accordance with Chapter 17.31 (Common Procedures).

16.08.090 Action -Tentative Tract Maps

A. Advisory Agency, Timing. The Planning Commission is the advisory agency, and shall approve, conditionally approve, or disapprove tentative tract maps within fifty (50) days after certification of the environmental impact report, adoption of a negative declaration, or a final determination that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code.

B. Conditions. Conditions of approval may include, but are not limited to, dedication and improvement of streets, alleys, including access rights and abutters' rights, drainage, public

utility easements and other public easements; reservations; the design and improvement of subdivisions; requirements to implement CEQA mitigation measures; ensuring proper grading and erosion control, ensuring prevention of sedimentation or damage to off-site property; energy conservation; and ensuring compliance with adopted development standards. Conditions of approval related to indemnification shall be in conformance with Government Code Section 66474.9.

1. Dedications. Conditions of approval may require dedications or offers of dedication for any purpose specified in the Subdivision Map Act, including but not limited to Government Code Sections 66473.3, 66475 through 66478, and 66478.5.

2. Reservations. The subdivider, as a condition of approval of a tentative tract map, may be required to reserve areas of real property for fire stations, libraries, parks, or other public uses, in compliance with the requirements of Government Code Sections 66479 through 66482.

3. Water Supply. Any tentative tract map for a subdivision as defined in Government Code Section 66473.7 shall be conditioned to show that a sufficient water supply shall be available, as further provided in that section.

C. Findings for Approval. All of the following findings shall be made in order to approve a tentative tract map and shall be supported by substantial evidence in the public record:

1. The proposed subdivision map together with the provisions for its design and improvement is consistent with the general plan and any applicable specific plan. (Government Code Sections 66474(a), (b))

2. The subdivision site is physically suitable for the type and proposed density of development. (Government Code Sections 66474(c), (d))

3. The tentative tract map is consistent with the intent of applicable subdivision design or improvements of the tentative tract map are consistent with the city's general plan and any applicable specific plan.

4. The subdivision design and proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. (Government Code Section 66474(e))

5. The design of the subdivision or type of improvements will not cause serious public health concerns. (Government Code Section 66474(f))

6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision; or alternate easements are provided pursuant to Government Code Section 66474(g).

7. The design or improvements of the tentative map are consistent with the city's general plan and any applicable specific plan.

8. The subdivision is designed to provide for future passive or natural heating or cooling opportunities. (Government Code Section 66473.1)

9. The tentative tract map, including design and improvement, shall comply with all the applicable provisions and requirements of Title 17, the latest municipal stormwater permit issued to the city by the Regional Water Quality Control Board, this title, any other ordinance of the city, and the Subdivision Map Act.

D. Conformance to City Ordinance.

1. General. The approval, conditional approval or disapproval of the tentative tract map shall be based on the ordinances, policies, and standards in effect on the date the application was determined to be complete.

2. Requirements of Other Agencies. The applicant shall be responsible for complying with the tentative map requirements of other agencies, as appropriate.

E. Referral. At any point in the review process and at its sole discretion, the Planning Commission may transfer original hearing jurisdiction to the City Council because of policy implications, unique or unusual circumstances, or the magnitude of the project.

16.08.100 Action -Tentative Parcel Maps

A. Advisory Agency, Timing. The Community Development Director is the advisory agency and shall approve, conditionally approve, or disapprove tentative parcel maps within fifty (50) days after certification of the environmental impact report, adoption of a negative declaration, or a final determination that the project is exempt from the requirements of Division 13 (commencing with Section 21000) of the Public Resources Code unless another time period is required by the Subdivision Map Act.

B. Conditions. Conditions of approval shall be limited to the dedication of rights-of-way, easements, and construction of reasonable off-site and on-site improvements for the parcels being created. Conditions of approval related to indemnification shall be in conformance with Government Code Section 66474.9.

1. Dedications. Conditions of approval may require dedications or offers of dedication for any purpose specified in the Subdivision Map Act, including but not limited to Government Code Sections 66473.3, 66475 through 66478, and 66478.5.

2. Reservations. The subdivider, as a condition of approval of a tentative parcel map, may be required to reserve areas of real property for fire stations, libraries, parks, or other public

uses, in compliance with the requirements of Government Code Sections 66479 through 66482.

3. Timing. Fulfillment of any construction requirements shall not be required until the time a permit or other grant of approval for development of the parcel is issued, or as otherwise authorized under Government Code Section 66411.1(b).

C. Findings for Approval. All of the following findings shall be made in order to approve a tentative parcel map and shall be supported by substantial evidence in the public record:

1. The proposed subdivision map together with the provisions for its design and improvement is consistent with the general plan and any applicable specific plan. (Government Code Section 66474(a), (b))

2. The subdivision site is physically suitable for the type and proposed density of development. (Government Code Section 66474(c), (d))

3. The tentative parcel map is consistent with the intent of applicable subdivision design or improvements of the tentative parcel map are consistent with the city's general plan and any applicable specific plan.

4. The subdivision design and proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. (Government Code Section 66474(e))

5. The design of the subdivision or type of improvements will not cause serious public health concerns. (Government Code Section 66474(f))

6. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; or alternate easements are provided pursuant to Government Code Section 66474(g).

7. The design or improvements of the tentative map are consistent with the city's general plan and any applicable specific plan.

8. The subdivision is designed to provide for future passive or natural heating or cooling opportunities. (Government Code Section 66473.1)

9. The tentative parcel map, including design and improvement, shall comply with all the applicable provisions and requirements of the zoning ordinance, the latest municipal stormwater permit issued to the city by the Regional Water Quality Control Board, this title, any other ordinance of the city, and the Subdivision Map Act.

D. Conformance to City Ordinance.

1. General. The approval, conditional approval or disapproval of the tentative parcel map shall be based on the ordinances, policies, and standards in effect on the date the application was determined to be complete.

2. Requirements of Other Agencies. The applicant shall be responsible for complying with the tentative map requirements of other agencies, as appropriate.

E. Referral. At any point in the review process and at their sole discretion, the Community Development Director may transfer original hearing jurisdiction to the Planning Commission because of policy implications, unique or unusual circumstances, or the magnitude of the project.

16.08.110 Appeals

Appeals may be filed with, considered, and acted upon by the appeal body specified in Chapter 16.04 in accordance with Government Code Section 66452.5.

16.08.120 Extension of Time for Action or Report

Any of the time limits for action or report may be extended by mutual consent of the subdivider and the Community Development Director, Planning Commission or, if applicable, the City Council in accordance with the requirements of the Subdivision Map Act.

16.08.130 Effective Period of Approved Tentative Map

A. Effective Period. The approval or conditional approval of a tentative map shall be effective for twenty-four (24) months from the date of its approval by the Planning Commission, for tentative tract maps, or by the Community Development Director, for tentative parcel maps. Expiration of a tentative map shall terminate all proceedings.

B. Statutory Extensions and Stays. The effective period of an approved or conditionally approved tentative map, or a tentative tract map with multiple final maps, or a tentative map that is subject to a development moratorium, or as otherwise provided in the Subdivision Map Act, shall be extended or stayed in accordance with applicable provisions of the Subdivision Map Act, including but not limited to Government Code Section 66452.6.

C. Litigation Stay. The period of time specified above shall not include any period of time during which a lawsuit has been filed and is pending in a court of competent jurisdiction involving the approval or conditional approval of a tentative map only if a stay of the time period is approved by the City Council.

Within ten (10) days of the service of the initial petition or complaint upon the city, the subdivider shall, in writing, to the Community Development Director, request a stay in the time period of the tentative map. Within forty (40) days after receiving the request, the City Council

shall either stay the time period for up to five (5) years or deny the requested stay. The request for the stay shall be a hearing with notice to the subdivider and to the appellant/petitioner, and upon conclusion of the hearing, the City Council shall, within ten (10) days, declare its findings.

D. Discretionary Extensions. Upon application of the subdivider during the effective period, the original approving body of the tentative map, as identified in Section 16.04.100, may extend the expiration dates of approved or conditionally approved tentative subdivision maps for a period or periods of up to two (2) years, pursuant to the provisions of Government Code Section 66452.6(e). In the case of the tentative map originally approved by City Council, the Planning Commission may extend the expiration dates of approved or conditionally approved tentative subdivision maps.

E. Extensions Related to Development Agreement. A tentative map on property subject to a development agreement authorized by Government Code Section 65864 may be extended for a period of time provided in the development agreement, but not beyond the duration of the development agreement.

Chapter 16.12 Design

16.12.010 General Requirements

In addition to meeting the specific requirements of this title, the design of the subdivision shall, to the satisfaction of the advisory agency, conform to the land use, circulation and other policies of the city's general plan and its component elements and any other officially adopted specific plan or land development policy, and shall conform to the zoning ordinance (Title 17), officially adopted standards for streets and roads, grading, erosion and siltation control, seismic safety, and design standards adopted by utilities, fire protection, sanitary and flood control districts in which the land division is located. The size and alignment of streets and walks and the location and configuration of sites for lots, schools, parks, and similar facilities shall be coordinated with the anticipated requirements of the future population, and the physical characteristics of the land

16.12.020 Street Alignment

The centerlines of all streets and highways which are to be extended shall be the continuation of the centerlines of existing streets and highways on adjacent and contiguous property. In cases in which the straight continuations are not desirable, the centerlines may be continued by curves tangent at the intersection with the boundaries of the proposed subdivision to the centerlines of existing streets or highways. Streets shall have the following minimum requirements:

	Right-of-Way	Distance from Curb Face to Curb Face
Six-lane divided arterial or thoroughfares	128 feet	108 feet
Four-lane divided arterials or thoroughfares	104 feet	84 feet
Four-lane undivided arterials	98 feet	78 feet

Four-lane undivided collectors	88 feet	68 feet
Two-lane undivided collectors	64 feet	44 feet
Two-lane minor collectors	60 feet	40 feet
Minor streets	56 feet	36 feet

16.12.030 Street and Alley Grades and Widths

A. Grades of all streets and alleys shall be established so that the subdivision is properly drained and shall conform as nearly as possible to the natural topography of the property. Minimum street grade is three tenths of one percent (0.3%), except where otherwise approved by the City Engineer. Maximum street grade is ten percent (10%), except where otherwise approved by the City Engineer.

B. Where a subdivision adjoins unsubdivided land, provision may be made for reasonable future access to the acreage.

C. The widths of streets shall be based on the width of streets of which they are a continuation, unless otherwise approved under a Planned Development (-PD) Overlay District (Chapter 17.12).

D. Street width in excess of the minimum width may be required where traffic conditions or land use warrant.

16.12.040 Blocks

A. Blocks shall not exceed one thousand three hundred fifty (1,350) feet in length unless the previous adjacent layout or topographical conditions or the special design of the particular subdivision justifies a variation from the requirement. However, blocks in excess of one thousand three hundred fifty (1,350) feet are allowed along arterial streets in order to reduce the number of intersections.

B. All intersections are subject to the Visibility Ordinance. The radius of the curve shall be not be less than twenty (20) feet.

16.12.050 Parcels

A. Parcels shall be designed to meet or exceed the minimum standard for area, lot width, lot depth, and lot frontage specified for in Title 17 for the zoning district in which the subdivision is located.

B. Parcels, and the grading thereof, shall be of a size and shape to accommodate the uses that reasonably could be expected to occur under applicable zoning with consideration given to the limitations of topography and soil conditions, and the need for providing access, privacy and preserving natural features of significance.

C. Parcels shall be designed to provide, to the extent feasible, for future passive or natural heating or cooling opportunities within the subdivision.

16.12.060 Grading

Subdivision grading shall conform with the intent, general requirements and lot design requirements of this chapter, shall be consistent with recommendations contained in the soils and geologic investigation reports prepared for the proposed subdivision, and subject to review and approval by the City Engineer, and shall specifically conform with all design standards contained in the city's grading regulations set forth in Chapter 15.50.

16.12.070 Erosion and Siltation Control

Erosion and sediment control facilities and measures shall control and contain erosion-caused sediment deposits and provide for the safe discharge of sediment-free stormwater into existing storm drain facilities and natural watercourses.

A. Slopes. The faces of cut and fill slopes shall be prepared and maintained to control against erosion.

B. Debris Basins. Debris basins shall be installed whenever and wherever necessary to protect the subdivision and the properties downstream of the subdivision from erosion and sedimentation.

C. Temporary Debris Basins. Temporary debris basins shall be installed prior to commencing grading operation and shall be maintained until the permanent erosion and sediment control measures have been installed and are fully effective.

D. Erosion and Sediment Control Measures. These measures shall be consistent with the recommendations contained in the preliminary soils investigation report and the report evaluating the geological conditions present, to the extent reviewed and approved by the City Engineer.

16.12.080 Flood Hazards

Where a subdivision is proposed which lies partially or totally within an area designated on a map prepared by a governmental agency as having a special flood hazard, the subdivider shall remove the subdivision from the special flood hazard area. To minimize damage to improvements, the subdivider shall elevate top of curb grades to a minimum of ten-foot NGVD elevation contours. The subdivider shall provide adequate drainage to reduce exposure to such hazards and shall design water supply and sanitary sewage systems to minimize infiltration of floodwaters into the systems and prevent discharges of sewage and other contaminants into flood waters.

16.12.090 Exceptions

The advisory agency may, in the exercise of reasonable judgment, grant exceptions to the requirements of this chapter, for street alignment, grades, widths, lengths, block design, lot width and lot frontage, and to all subjects referred to in Sections 16.12.060, 16.12.070, and 16.12.08 as determined warranted by topographic limitations, soil or geological conditions, or other site-specific conditions that warrant special consideration as determined by the City Engineer.

Chapter 16.16 Improvements

16.16.010 Duty of Subdivider to Improve Streets

The subdivider may be required to improve all streets, highways, public ways and easements which are a part of the subdivision, as well as improvements that may not be part of the subdivision but are affected by the subdivision.

16.16.020 Required Improvements

The required improvements shall include:

A. Streets and Roads. Grading, curbs and gutters, sidewalk, landscaping including street trees, irrigation, and surfacing of streets, highways and public ways, and the drainage thereof.

B. Grading Lots. The grading of the lots and the drainage thereof as may be required by the design of the approved tentative map.

C. Stormwater Control and Treatment. Stormwater control measures in compliance with the municipal code, the latest Regional Water Quality Control Board clean water construction general permit, and the latest municipal regional stormwater NPDES permit. The control and treatment measures shall reduce erosion and sedimentation from entering the storm drain system from the subdivision site (point source).

D. Water Supply and Sanitary Sewer. Subdivisions shall be served with water and sanitary sewer connections in the manner approved by the Alameda County Water District and Union Sanitary District unless an alternative design is proposed and approved by the City Engineer.

E. Utilities. Subdivisions shall be served by public utilities (gas, electricity, Internet/cable/phone) unless an alternative design is proposed and approved by the City Engineer.

F. Public Safety. Construction of such structures as may be necessary for public safety, including but not limited to local neighborhood drainage, traffic safety signs and devices, street name signs, and street lighting.

G. Fire Hydrants. Fire hydrants shall be furnished and installed as approved by the local water district, Fire Marshal, and City Engineer.

H. Trails and Bikeways. Trails and bikeways as designated on the general plan or applicable specific plan, or the city's adopted bicycle and pedestrian master plan.

I. Improvements adjacent to the subdivision. Construction of the improvement across any storm drain channel, Hetch-Hetchy right-of-way or other public facility adjacent to the subdivision.

16.16.030 Standards for Improvements

Except as provided in Section 16.16.020, all improvements shall be constructed in accordance with standard engineering practice and in accordance with standard plans and specifications approved by the city.

16.16.040 Improvement Plans

Before beginning any construction or installation of improvements, a complete set of plans, profiles, cross sections, and other drawings for all improvements, together with a complete set of detailed specifications for the work, shall be submitted to the City Engineer for review and approval. All work shall be according to city standards and specifications. The City Engineer shall be furnished, without cost, one (1) or more complete sets of the signed plans in a form required by the City Engineer. No work shall commence without approved, signed plans.

16.16.050 Inspection by City Engineer

The City Engineer shall have the right to enter upon the site of the work for the purpose of inspecting the same and shall be furnished with samples of materials as he or she may require for the making of tests to determine the acceptability of the materials.

16.16.060 Cost of Inspection

The subdivider shall pay to the city the cost for the inspection of the work and checking materials in accordance with the city's fee schedule.

16.16.070 Completion of Improvements

Upon completion of improvements, the subdivider shall provide as-built drawings in the form required by the City Engineer prepared by a civil engineer registered by the state of California and electronic files compatible with the city's GIS system showing the subdivision as it has been completed. The subdivider shall also provide recorded conditions, covenants and restrictions documents, and other documents pertinent to the development as reasonably determined by the City Engineer.

Chapter 16.20 Surveys and Monuments

16.20.010 Field Survey

A. A final map or a parcel map, prepared by or under the direction of a licensed land surveyor (land surveyor) or a civil engineer licensed prior to 1982 (civil engineer), based upon a field survey shall be made in conformity with the Professional Land Surveyor's Act (Business and Professions Code Sections 8700 through 8805) and the Subdivision Map Act.

B. An accurate and complete boundary shall be made of the land to be included on the final map or parcel map. The map shall show the location of each parcel and its relationship to any and all surveys prepared in the area.

16.20.020 Discrepancy

A. Whenever the field survey indicates a discrepancy from previously recorded data, the record bearing or dimension shall be shown in parentheses with the referenced recorded map information and in the same basis of bearings as the survey along with the field dimension.

B. When the discrepancy is major and causes a conflict to title, the land surveyor, civil engineer and subdivider shall take appropriate action to clear said title prior to the filing of the map.

16.20.030 Compiled Map

A parcel map may be compiled from a recorded or filed map if all of the following conditions exist:

A. The compiled map is based on a final map, parcel map, or record of survey filed in the Office of the County Recorder, or on another final map, parcel map, or record of survey subject to prior approval of the City Engineer.

B. The parcel map complies with Government Code Section 66448.

C. No material discrepancy exists within the recorded or filed map information shown on the compiled map.

D. All of the exterior boundary lines are indicated by field bearings and distance on the compiled map.

E. Sufficient survey information exists on the compiled map to locate and retrace the exterior boundary lines.

F. At least one (1) of these boundary lines can be established from an existing monumented line which is shown on the compiled map.

16.20.040 Accuracy Required

An accurate and complete boundary closure shall be made of the land to be divided. A traverse of the exterior boundaries of the tract or parcel and of each block and lot or parcel when computed, must close within an acceptable limit of error (not less than one (1) part in twenty thousand (20,000)).

16.20.050 Remainder

A. If the remainder of the original parcel shown on the parcel map has a gross area of five (5) acres or more, the remainder may be a field survey or may be indicated by deed bearings and distance shown in brackets; the bearings shall be on the same basis of bearings as the survey and the distances shall be in feet and designated as being a "nonsurveyed remainder."

B. Designation of remainder parcels shall be as prescribed per Government Code Section 66424.6.

16.20.060 Ties to Centerlines

Whenever the City Engineer has established the centerline or monumented offset line of a street or alley, ties shall be made to that centerline or monument line and any monument or reference point thereon.

16.20.070 Boundary Monuments

A. At the time of making the survey for the final map or parcel map, the land surveyor or civil engineer shall set sufficient durable monuments to conform with the standards described in the California Business and Professions Code Section 8771 and California Government Code Section 66495, so that another land surveyor or civil engineer may readily retrace the survey. If the timing for setting these monuments is designated on the final map or parcel map, security as set forth in California Government Code Section 66496 will be made, by the subdivider, with the City Engineer prior to the recording of the final map or parcel map.

B. All monuments necessary to establish the exterior boundaries of the subdivision shall be set, or witness thereto, and shall be sufficient in number together with existing monuments of record for the perpetuation or facile reestablishment of any point or line of the exterior boundary.

C. Exterior boundary monuments set shall be durable in nature, such as an iron pipe or standard monument, and efficiently placed so as not to be readily disturbed, as required by the City Engineer.

16.20.080 Street Monuments

A. The engineer or surveyor shall set permanent monuments in the public and private street areas, located so as to define the street lines bounding each block. Due consideration shall be given to visibility of monuments, one from another, for the purposes intended.

B. Permanent monuments on public and private streets shall conform to the approved standards plans of the city for concrete monument for use on subdivision projects.

16.20.090 Monuments - Interior Lots

A. Interior parcel or lot line monuments shall be set or witness thereto as required in the Business and Professions Code and Government Code Sections 8700 through 8805.

B. Interior monuments or witness monuments as designated upon the final map or parcel map shall be as prescribed on the map and set as stated in the surveyor's statement on the final map or parcel map.

16.20.100 Monuments -Time for Setting

A. Exterior boundary, street monuments and interior lot monuments shall be set as prescribed in the surveyor's statement on the final map or parcel map.

B. At least one (1) exterior boundary line of the land being subdivided shall be adequately monumented or referenced before the map is recorded.

C. Monuments may be designated to be set after approval of the final map or parcel map; provided, that they are set not later than the time of acceptance of improvements and adequate monument security is filed with the city prior to City Engineer approval and certification of the map.

D. When exterior boundary monuments, street monuments and interior monuments are not set at the time of recording of the final map or parcel map, the land surveyor or civil engineer shall certify on the map the date the monuments will be established, and the subdivider shall deposit with the city a security in an amount sufficient to cover the cost of setting such monuments, as determined by the City Engineer.

16.20.110 Monuments -Inspection and Approval

A. All monuments shall be subject to inspection and approval by the City Engineer.

B. Within five (5) days after the setting of all monuments as shown on the final map or parcel map has been completed by the land surveyor or civil engineer, written notice shall be given to the subdivider and the City Engineer that the final monuments have been set. Written notice to the City Engineer shall certify that all monuments have been set under the direction of the land surveyor or civil engineer as shown on the recorded final map or parcel map and within the

tolerances specified in Section 16.20.040. Written notification regarding payment for the setting of the monuments shall be provided in accordance with Government Code Section 66497.

16.20.120 California Coordinate System

Whenever the City Engineer has an approved system of California coordinate monuments, the field survey shall be tied into the approved monuments.

Chapter 16.24 Final Maps and Parcel Maps

16.24.010 General

The form, contents, accompanying data and filing of the final map and parcel map shall conform to the provisions of this chapter. The final map or parcel map shall be prepared by a registered civil engineer or licensed land surveyor.

16.24.020 Phasing of Final Maps or Parcel Maps

A. Multiple final or parcel maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if the subdivider, at the time the tentative map is filed, informs the Community Development Director of the subdivider's intention to file multiple final or parcel maps on the tentative map. In providing the notice, the subdivider shall not be required to define the number or configuration of the proposed multiple maps. The proposed phasing shall be reviewed by the advisory agency as part of the tentative map review and approval.

B. The filing of a final or parcel map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of the tentative map. Each final or parcel map which constitutes a part, or unit, of the approved or conditionally approved tentative map shall have a separate subdivision number. For a phased final map, the subdivision improvement agreement executed by the subdivider shall provide for the construction of improvements as required by the City Engineer to constitute a logical and orderly development of the whole subdivision. For a phased parcel map, the advisory agency may impose reasonable conditions related to filing multiple parcel maps.

C. The filing of any phased final or parcel map shall not extend the expiration date of the approved or conditionally approved tentative map to which the final or parcel map relates, except as provided in the Subdivision Map Act, including Government Code Section 66452.6(a).

16.24.030 Form

The form of the final map or parcel map shall conform to the requirements of the Subdivision Map Act and as follows:

A. The final map or parcel map shall be legibly drawn, printed or reproduced by a process guaranteeing a permanent record in black on polyester-base film. Statements, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink. If ink is used on polyester-based film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

B. The size of each sheet shall be eighteen (18) by twenty-six (26) inches. The scale of the map shall be one (1) inch equals forty (40) feet or less, unless otherwise approved by the City Engineer.

C. All printing or lettering on the map shall be a minimum of one-eighth (1/8) inch in height, unless done in type, then lettering shall be a minimum of one-tenth (1/10) inch in height, and of such shape and weight as to be readily legible on print reproductions.

16.24.040 Contents

The contents of the final or parcel map shall conform to the requirements of the Subdivision Map Act and as follows:

A. Title Block. Each sheet of the map shall contain a title, consisting of the subdivision number, but no commercial name or title shall appear on the map as a designation. Below the number shall appear "City of Newark, Alameda County, California," the name of the surveyor or firm, county and state, the scale and date. If the subdivision is a condominium project, the statement "A Condominium Project" or "For Condominium Purposes" shall appear beneath the subdivision number.

B. Title Sheet. The title sheet shall show the title block; owner's certificate; acknowledgements; surveyors' certificate; City Engineer's certificate; County Recorder's certificate; language stating: "A subdivision of," being the name and legal designation of the subdivision in which the survey is located and any other statements or notes that are required.

C. Map Sheet. Every sheet comprising the map shall show the title block, north arrow, legend, basis of bearings, sheet number and number of sheets comprising the map.

D. Exterior Boundary. The exterior boundary of the land included within the subdivision shall be indicated by the following symbol: a long line (minimum one-half (1/2) inch in length) followed by three (3) short lines (maximum one-eighth (1/8) inch each in length).

E. Lot and Parcel Numbers. Lots or parcels shall be numbered in numerical order starting from numeral "1" and continue consecutively throughout the map, with no omissions or duplications. Circles, squares or other geometrical figures shall not be drawn around the letter or numbers. Each block shall be shown entirely on one (1) sheet; each lot or parcel shall be shown entirely on one (1) sheet, unless otherwise approved by the City Engineer.

F. Lands for Public Use or for Private Use—Designations. The map shall particularly define, delineate and designate all lots or parcels intended for sale or reserved for private purposes; all parcels offered for dedication for any purpose, public or private; and any private streets, with all dimensions, boundaries and courses clearly shown and defined in every case. Dimensions of lots or parcels shall be given as the net dimensions only to the boundaries of adjoining streets that will be accepted for dedication or where the street is held in fee by the city. No ditto marks shall be used. Parcels offered for dedication but not accepted, as well as common parcels offered for private use, shall be designated by letter, and private streets offered but not accepted for dedication shall be labeled "Private Street."

G. Lands for Public Use—Offer of Dedication. All parcels of land shown on any map and intended for any public use shall be offered for dedication for public use except those parcels, other than streets, which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, and tenants, and shall be covered by a recorded covenant that cannot be eliminated without the consent of the City.

H. Streets—Side Lines—Widths. The map shall show the monument lines and side lines of all streets, the total width of all streets, the width of the portion being dedicated and the width of existing street, and the widths each side of the monument line, also the width of railroad rights-of-way appearing on the map.

I. Easements—Descriptions. The map shall show the side lines of all easements to which the lots are subject. Easements shall be clearly labeled and identified, and if already of record, the record reference given. If any easement of record is not definitely located, a statement of the easement shall appear on the title sheet. The width, lengths and bearings of the lines showing the easements shall be sufficient to definitely locate the easement with respect to the subdivision. If the easement is being dedicated by the map, it shall be properly set out in the owner's certificate of dedication.

J. Dedications. Dedications or offers of dedication shall be made either by certification on the map or by separate instrument. If dedications or offers of dedication are made by separate instrument, the dedication or offers of dedication shall be shown on the map and shall be recorded concurrently with, or prior to, the map being filed for record.

K. Street Names. The names of all streets, alleys or highways within or adjoining the subdivision shall be shown. In order to avoid duplication, names to be used on new streets shall be subject to the approval of the Community Development Director. If any designation by number, they shall be spelled out completely, using hyphens in such forms as "Twenty-Third Street." The words "avenue," "boulevard," "place," etc., shall be spelled out in full.

L. Certificates, Statements, and Acknowledgements. All certificates, statements and acknowledgements shall be made as required by Government Code Section 66433 *et seq.* for final maps and by Government Code Section 66444 for parcel maps.

M. Scale, North Point, and Basics of Bearings. There shall appear on each map sheet the scale, the north point, and the basis of bearings based on Zone III of the California coordinates, and the equation of the bearing to true north. The basis of bearings shall be approved by the City Engineer.

N. Linear, Angular and Radial Data. Sufficient linear, angular and radial data shall be shown to determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision, the boundary lines on every lot and parcel which is a part of the subdivision, and ties to existing monuments used to establish the boundary. Arc length, radius and total central angle and radial bearings of all curves shall be shown. Ditto marks shall not be used in the dimensions and data shown on the map.

O. Adjoining Properties. The adjoining corners of all adjoining subdivisions shall be identified by subdivision number, or name when not identified by official number, and reference to the book and page of the filed map showing such subdivision, and if no such subdivision is adjacent, then by the name of the owner, and reference to the recorded deed by book page number for the last recorded owner of such adjacent property.

P. City Boundaries. City boundaries which cross or join the subdivision shall be clearly designated.

Q. Monuments. The final map or parcel map shall show the location and description of all stakes, monuments or other markers found on the ground or placed in making the survey of the subdivision and in determining the boundaries thereof, with references sufficient for relocation. Whenever the City Engineer has established the centerline of a street or alley adjacent to or in a proposed subdivision, the data shall be shown on the final or parcel map indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the courses and detail of relocation data shall be shown.

16.24.050 Procedure

Upon approval of the tentative tract map or tentative parcel map, prints of the final map or parcel map shall be submitted to the City Engineer for their examination for conformance to the approved tentative map, local ordinance, and the Subdivision Map Act.

16.24.060 Data and Material to Accompany Final Map or Parcel Map Submittal

The following data and material shall be provided with the final map or parcel map submittal to the City Engineer by the subdivider or their agent. This list can be modified at the City Engineer’s discretion.

A. A survey providing latitudes and departures and coordinates of the boundary, blocks, lots, or parcel and monument lines of the subdivision, unless a compiled parcel map is submitted in accordance with Section 16.20.030.

B. A set of prints of the map in a form required by the City Engineer.

C. A copy of the record owner deed and/or those deeds used in the survey, i.e., senior, adjoiners and easements.

D. Current title report, showing the legal owners at the time of submittal of the final or parcel map and showing any deeds of trust.

E. Plans, cross-sections, profiles and specifications of the street improvements, grading, drainage facilities, water, sanitary sewer improvements, stormwater management and erosion and sediment control measures or structures and related drawings and specifications as the City Engineer may require. The plans and drawings shall be drawn to a scale not to exceed one (1) inch equals forty (40) feet horizontal and one (1) inch equals four (4) feet vertical, unless prior approval is granted by the City Engineer. Plans and drawings shall be in the form specified by the City Engineer and shall be signed by a registered civil engineer.

F. The tracing of the map shall contain original signatures and shall be submitted for certification when notified by the City Engineer.

G. The submittal of a parcel map or final map for a common interest development within the meaning of Civil Code Sections 1350 *et seq.* shall include the proposed declaration of covenants, conditions and restrictions containing the provisions described in Civil Code Section 1353, and all other governing documents for the subdivision as are appropriate pursuant to Civil Code Section 1363. The submittal of a parcel map or final map for all subdivisions other than a common interest development shall include any proposed declaration of covenants, conditions and restrictions. All documents shall be subject to review and approval by the Community Development Director, City Engineer, and City Attorney.

H. Soils report prepared by a licensed geotechnical engineer or a registered civil engineer experienced in soils engineering.

I. Any additional data or material as required by the City Engineer.

16.24.070 Improvement Agreements

A. Agreement Required. Unless all required improvements have been completed and have been accepted by the city, prior to the approval of the final map by the City Engineer, the subdivider shall execute and file an agreement with the city to install all the required improvements, specifying the period within which subdivider shall complete improvements to the satisfaction of the city and providing that, if subdivider fails to complete the work within the specified period, the city may complete same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspections of improvements by the City Engineer . The agreement shall also provide the city with the right to modify plans and specifications at the subdivider’s expense.

B. Approval. The improvement agreement shall be reviewed and approved by the City Engineer provided all requirements and standards of this section are met. The City Engineer's action may be appealed to the City Council as provided in Government Code Section 66462(d). The City Council shall periodically review this delegation of authority to the City Engineer.

C. Security Required. The subdivider shall also file with the improvement agreement, to insure full and faithful performance thereof, a bond, instrument of credit or cash, or security in an amount and form deemed sufficient by the City Engineer to cover the cost of the improvements, engineering, inspections, and incidental expenses, consistent with the provisions of this section. Such bond shall be executed by a surety company authorized to transact a surety business in the state and must be approved by the City Attorney as to form. Any improvement agreement, contract or act required or authorized by the Subdivision Map Act or this title, for which security is required, shall be secured in accordance with Government Code Sections 66499 *et seq*. and as provided below. No final map shall be signed by the City Engineer or recorded until all improvement securities required by this section have been received and approved.

D. Form of Security. The form of security shall be one (1) or the combination of the following at the option of and subject to the approval of the city:

1. Bond or bonds by one (1) or more duly authorized corporate sureties. The form of the bond or bonds shall be in accordance with the Subdivision Map Act, specifically, Government Code Sections 66499.1, 66499.2, 66499.3 and 66499.4.

2. A deposit, either with the city or a responsible escrow agent or trust company, at the option of the city, of money or negotiable bonds of the kind approved for securing deposits of public moneys.

3. An instrument of credit or letter of credit from one (1) or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment.

4. Any other form of security as provided in Government Code Section 66499.

E. Amount of Security. A performance bond or other security in the amount of one hundred percent (100%) of the total estimated construction cost to guarantee the construction or installation of all improvements shall be required of all subdivisions. An additional amount of one hundred percent (100%) of the estimated construction cost shall be required to guarantee payment to subdivider's contractor, subcontractors and to persons furnishing labor, materials or equipment for the construction or installation of improvements. As a part of the obligation guaranteed by the security and in addition to the full amount of the security, there shall be included costs and reasonable expenses and fees, including attorneys' fees, incurred by the city in enforcing the obligations secured. The estimate of improvements costs shall be as approved by the City Engineer and shall provide for:

1. Construction costs contingencies in an amount equal to ten percent (10%) of the estimated construction costs.

2. Engineering and design costs in an amount equal to eight percent (8%) of the estimated construction costs.

3. All utility installation costs or a certification acceptable to the City Engineer from the utility company that adequate security has been deposited to ensure installation.

F. Warranty Security. Upon acceptance of the subdivision improvements by the City Engineer, the subdivider shall provide security in the amount of twenty percent (20%) of the total original estimated construction cost to guarantee the improvements against any defective work or labor done or defective materials used in the performance of the improvements throughout the warranty period which shall be the period of one (1) year following the completion and acceptance of the improvements.

G. The City Engineer may authorize in writing the release of the performance security, in whole or in part, in accordance with Government Code Section 66499.7. Release of improvement security shall be as follows:

1. The performance security shall be released only upon acceptance of the improvements by the City Engineer and when an approved warranty security has been filed with the City Engineer.

2. Security given to secure payment to the contractor, subcontractors and to persons furnishing labor, materials or equipment shall be reduced or released in accordance with Government Code Section 66499.7(h).

3. The warranty security shall be released upon satisfactory completion of the warranty period, provided: (a) all deficiencies appearing on the warranty deficiency list for the subdivision have been corrected; and (b) not less than twelve (12) months have elapsed since the acceptance of the improvements by the City Engineer. In the event the subdivider fails to complete all improvement work in accordance with this chapter, or, if the subdivider fails to reimburse the city for the cost of inspections, engineering, and incidental expenses, the city may call on the surety for reimbursement or shall appropriate from any cash deposit funds for reimbursement. In any such case, if the amount of surety bond, instrument of credit, or cash deposit exceeds all cost and expense incurred by the city, it shall release the remainder of such bond, instrument or credit, or cash deposit and, if the amount of the surety bond, instrument of credit or cash deposit is less than the cost and expense incurred by the city, the subdivider shall be liable to the city for such difference.

H. There shall be no extension of time, progress payments from cash deposit, or release of surety, instrument of credit or cash deposit except upon certification of the City Engineer that the work covered thereby has been satisfactorily completed.

I. Upon completion of the improvements and city acceptance of the improvements required by agreement, the subdivider shall provide improvement security for a period of one (1) year to guarantee the work against any defective work or labor done, or defective materials furnished. The City Engineer shall be the designated official for acceptance, release, and partial release of security pursuant to Government Code Sections 66499.7 and 66499.8. The City Council shall periodically review this delegation of authority to the City Engineer.

16.24.080 Action on Final Map

A. Upon receipt of the final map submittal, the City Engineer shall check the submittal for correctness of surveying data, the adequacy of certificates of dedication, compliance with conditions of approval of tentative map, and any other matters or features which require checking in order to ensure that the map complies with the provisions of this title and of the Subdivision Map Act.

B. The City Engineer shall notify the City Council at its next regular meeting after receipt of a final map submittal that the City Engineer is reviewing the map for final approval. The City Clerk shall provide notice of the City Engineer's pending decision on a final map by attaching and posting the notice with the City Council's regular agenda and mailing the notice to interested parties who request notice. The City Engineer shall approve or disapprove the final map within ten (10) days following the meeting of the City Council that was preceded by the Clerk's notice.

C. If the final map conforms to all the requirements of this title and the provisions of the Subdivision Map Act, is in substantial compliance with the tentative subdivision map approved or conditionally approved for the subdivision, and all conditions of the approved tentative subdivision map are met, the City Engineer shall endorse their certificate on the map in the form prescribed by the Subdivision Map Act and approve the map. The City Engineer, by written finding, may waive the requirements of this subsection when the failure to conform is the result of a technical or inadvertent error which in the determination of the City Engineer does not materially affect the validity of the map pursuant to the provisions of Government Code Section 66473.

D. The City Engineer shall accept, accept subject to improvement, or reject any offers of dedication of land for public use that are made by a statement on the final map, and the City Clerk shall thereupon transmit the final map to the County Clerk for submittal to the County Recorder; provided, that the City Engineer shall not endorse their certificate on or approve the map until the required improvements set forth in the approval of the tentative map have been installed or the subdivider has entered into an agreement to install such improvements as provided in Section 16.24.070.

E. If the final map does not conform with the requirements of this title or the provisions of the Subdivision Map Act, or is not in substantial compliance with the tentative subdivision map approved or conditionally approved for the subdivision, or all conditions of the approved tentative subdivision map are not met, the City Engineer shall disapprove the final map; provided, that a final map shall be disapproved only for failure to meet or perform requirements

or conditions which were applicable to the subdivision at the time of approval of the tentative subdivision map; and provided further, that such disapproval shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed.

F. The City Council shall periodically review the delegation of final map authority to the City Engineer.

16.24.090 Action on Parcel Map

A. The City Engineer shall take final action on parcel maps.

B. The City Engineer shall approve the parcel map if it conforms to all the requirements of this title and the provisions of the Subdivision Map Act, is in substantial compliance with the tentative parcel map approved or conditionally approved for the subdivision, and all conditions of the approved tentative parcel map are met.

C. The City Engineer shall accept, accept subject to improvement, or reject any offers of dedication of land for public use that are made by a statement on the parcel map, and the City Engineer shall thereupon transmit the parcel map to the County Clerk for submittal to the County Recorder.

D. If the parcel map does not conform with the requirements of this title or the provisions of the Subdivision Map Act, or is not in substantial compliance with the tentative parcel map approved or conditionally approved for the subdivision, or all conditions of the approved tentative parcel map are not met, the City Engineer shall disapprove the parcel map; provided, that a parcel map shall be disapproved only for failure to meet or perform requirements or conditions which were applicable to the subdivision at the time of approval of the tentative parcel map; and provided further, that such disapproval shall be accompanied by a finding identifying the requirements or conditions which have not been met or performed.

E. Notwithstanding the foregoing, the City Engineer may approve a parcel map that is not in compliance with this title, the Subdivision Map Act or the approved or conditionally approved tentative parcel map, where the City Engineer finds that the failure of the parcel map is the result of a technical and inadvertent error that does not materially affect the validity of the map.

16.24.100 Appeal to City Council

The City Engineer's decision to approve or disapprove the final map or parcel map may be appealed to the City Council in accordance with Government Code Section 66452.5.

16.24.110 Action on Final Map or Parcel Map Appeal by City Council

A. The City Council on appeal shall approve the final or parcel map if it complies in all respects with the tentative map as approved, if the subdivider has fulfilled all the conditions imposed in connection with the approval of the tentative map, and if the final or parcel map

complies with all the requirements of the Subdivision Map Act and this title applicable at the time of approval or conditional approval of the tentative map. The City Council, by resolution, may waive the requirements of this subsection when the failure to conform is the result of a technical or inadvertent error which in the determination of the City Council does not materially affect the validity of the map pursuant to the provisions of Government Code Section 66473.

B. If the final map or parcel map is approved on appeal, the City Council shall also accept, accept subject to improvement, or reject any offers of dedication of land for public use that are made by a statement on the final or parcel map.

C. The City Council may disapprove a final map or parcel map in accordance with Government Code Section 66473.

Chapter 16.28 Reserved

Chapter 16.32 Underground Utilities

16.32.010 Intent

The regulations of this chapter are intended to promote the safety and welfare for both the residents of subdivisions and the public in general, and to prolong the economic life of subdivisions, enhance views and scenic attributes, and enhance the general living environment.

16.32.020 Utility Distribution Facilities to be Placed Underground

All existing and proposed utility distribution facilities, including transformers, within the subdivision and along project streets, except those exempted by the regulations of the Public Utilities Commission, supplying electric, communication or similar or associated services, installed in and for the purpose of supplying such service to any subdivision requiring the filing of a parcel map or final map, shall be placed underground. Distribution facilities do not include metal poles used for street lighting, traffic signals, pedestals for police and fire system communications and alarms, pedestal-mounted meter cabinets, substations, and facilities used to carry voltages higher than thirty-five thousand (35,000) volts.

16.32.030 Duty of Subdivider

The subdivider is responsible for complying with all requirements of this chapter, and shall make the necessary arrangements with the utility or communication companies involved for the installation of the facilities required by Section 16.32.020.

16.32.040 Request for Exception

A. The subdivider may request an exception from the requirements of this chapter by submitting to the advisory agency a statement describing fully the nature and extent of the

exception at the time of the tentative tract map or tentative parcel map application, and the reasons for which it is requested.

B. The request for the exception shall be reviewed and considered by the City Engineer. The request shall present evidence that a balancing of the requirements of the public health, safety and general welfare with the feasibility of meeting such requirements does not warrant the strict application of the requirements of this chapter, by reason of economic feasibility, soil, topography, compatibility of surrounding area, and future potential number of building sites affected. If the City Engineer determines that an exception is warranted, a condition of approval shall be included for consideration by the advisory agency for the tentative tract map.

Chapter 16.40 Vesting Tentative Map

16.40.010 Authority and Purpose

The purpose of this chapter is to establish local procedures for the implementation of Government Code Sections 66452 and 66498.1 related to vesting tentative maps.

16.40.020 Consistency

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific plan or that is not permitted by the zoning ordinance (Title 17) or other applicable provisions of this code.

16.40.030 Application

Whenever a provision of the Subdivision Map Act or this title requires that a tentative map be filed, a vesting tentative map may instead be filed.

16.40.040 Filing and Processing

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports and shall be processed in the same manner as set forth in this title for a tentative map, except as hereafter provided:

A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words “Vesting Tentative Map.” All other submittal requirements identified in the application submittal requirements for a tentative map shall be submitted.

B. To ensure that any vested development rights are granted in compliance with the ordinances, resolutions, policies and standards for the design and improvement of the subdivision, at the time a vesting tentative map is filed, the subdivider shall also supply a statement that site development review approval has been granted, or, a complete application for site development review approval and plans have been filed, in accordance with Chapter 17.12, which will be concurrently processed with the vesting tentative map within the limitations of Government Code Section 66498.8(d).

16.40.050 Vesting of Development Rights

In accordance with Government Code Section 66498.1, approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect when the vesting tentative map application was deemed complete.

A. Expiration of Vested Rights. The rights conferred by this title and Government Code Section 66498.1 shall expire if a final map or parcel map is not approved prior to the expiration of the vesting tentative map as provided in Section 16.08.130. If the final map or parcel map is timely approved, these rights shall last for an initial period of two (2) years beyond the recording of the final or parcel map.

B. Time Extensions. The initial period for vested rights may be extended as follows:

1. At any time prior to the expiration of the initial time period, the subdivider may apply for a one (1) year extension. The application shall be reviewed by the Planning Commission, who may approve, approve with conditions or deny the request. If the extension is denied by the Planning Commission, the subdivider may appeal that denial to the City Council within fifteen (15) days. A subdivider may only apply for one-year extension twice, for a total of two one-year extensions.

2. The initial time period shall be automatically extended by processing time for a complete application for a grading permit or design or architectural review, in accordance with Government Code Section 66498.5(c).

3. If the subdivider submits a complete application for a building permit during the time extension periods above, the rights conferred by this section shall continue until the expiration of that permit, or any extension of that permit.

C. Subsequent Approvals. An approved or conditionally approved vesting tentative map shall not limit the city from imposing reasonable conditions on subsequent required approvals or permits necessary for the development and authorized by the ordinances, policies, or standards in effect when the vesting tentative map application was deemed complete.

16.40.060 Development Inconsistent with Zoning – Conditional Approval

A. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the subdivider, or their designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved, or conditionally approved, vesting tentative map shall, notwithstanding Government Code Section 66498.1(b), confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

B. The rights conferred by this section shall be for the time periods set forth in Section 16.40.050.

16.40.070 Applications Inconsistent with Applicable Ordinances, Policies and Standards

Notwithstanding any provision of this title, a property owner or their designee may seek approvals or permits for development which depart from the ordinances, policies and standards described in Sections 16.40.050 and 16.40.060, and the city may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

16.40.080 Amendment to Vesting Tentative Map

If the ordinances, policies or standards described in Section 16.40.060 are changed subsequent to the approval or conditional approval of a vesting tentative map, the subdivider, at any time prior to the expiration of the vesting tentative map pursuant to Section 16.08.130, may apply for an amendment to the vesting tentative map to secure a vested right to proceed with the changed ordinances, policies or standards. An application shall clearly specify the changed ordinances, policies or standard for which the amendment is sought. Any approval of the amended vesting tentative map under this section shall not extend the effective periods of the vesting tentative map approval established in Section 16.08.130.

16.40.090 Findings Required for Vesting Tentative Map Approval

The findings required to approve a vesting tentative map application shall be the same as those to approve a tentative map application with the addition of the finding that the vesting tentative map complies with the associated site development review application required by Section 16.40.040(B).

Chapter 16.44 Map Amendments and Certificates of Correction

16.44.010 Map Amendments and Certificates of Correction

A. Authority. A final or parcel map may be amended in conformance with the provisions of the Subdivision Map Act and this title by a certificate of correction or an amending map for any of the purposes set forth in Government Code Section 66469 and subject to approval and certification by the City Engineer.

B. Form. The amended map or certificate of correction shall be proposed consistent with Government Code Section 66470.

1. Amended maps shall be entitled “Amended [Final or Parcel] Map” and shall conform to the requirements of Government Code Section 66434 for a final map or Section 66445(a) through (d) and (f) through (i) for a parcel map.

2. All corrections or omissions shall be boxed or clouded and the errors removed from the final or parcel map with a certified statement by the surveyor providing, in general, a description of the correction or omission being made, a list of affected sheets, the recording information of the original map, and the name(s) of the fee owner(s) of the real property affected by the correction or omission on the date of the filing or recording of the original recorded map.

C. Certification. The City Engineer shall examine the amended map or certificate of correction and if the only changes made are those set forth in Government Code Section 66469 and the map or certificate complies with Government Code Section 66470, he or she shall certify to this fact on the amended map or certificate of correction in accordance with Government Code Section 66471. Certification by the City Engineer constitutes approval of the amended map or certificate of correction.

D. Recordation. The amending map or certificate of correction certified by the City Engineer shall be filed or recorded in the office of the Alameda County Recorder.

E. Dedications. The City Engineer may accept or reject dedications and offers of dedication that are made by statement on the amended final map or amended parcel map.

Chapter 16.48 Reversion to Acreage and Resubdivision

16.48.010 Reversion to Acreage

A. Authority. Subdivided real property may be reverted to acreage by motion of the City Council or by petition of landowners, pursuant to Government Code Section 66499.11 *et seq*.

B. Form. Petitions for reversions to acreage shall be entitled "Reversion to Acreage of _____," shall be in a form prescribed by the Community Development Director, and shall contain the information required in Government Code Section 66499.13.

C. Notice, Hearing, Approval. The City Council shall hold a public hearing on the proposed reversion to acreage, with notice per Government Code Sections 65090 and 65091. The City Council may approve the reversion to acreage upon making the findings in Government Code Section 66499.16 and with conditions pursuant to Section 66499.17.

D. Parcel Map for Reversion to Acreage. A parcel map may be filed and approved for a reversion to acreage pursuant to Government Code Section 66499.20.1. No tentative map shall be required. The City Engineer is the advisory agency for the purpose of this subsection.

16.48.020 Resubdivision

Subdivided lands may be merged and re-subdivided without reverting to acreage pursuant to Government Code Section 66499.20.2 by complying with all applicable provisions of the Subdivision Map Act and this title.

Chapter 16.52 Lot Line Adjustments

16.52.010 Lot Line Adjustments

A. Lot line adjustments shall comply with Section 66412(d) of the Subdivision Map Act.

B. Application. An application for a lot line adjustment shall be filed with the Community Development Director for their examination for conformance to the general plan, applicable specific plans, adopted zoning and building ordinances and the Subdivision Map Act.

C. Required Documents. The following data and material shall be provided with a completed lot line adjustment application:

1. Current title report for each lot involved in the lot line adjustment, showing the legal owners at the time of submittal of the lot line adjustment application and showing any deeds of trust.

2. Exhibit identifying the location of buildings, structures, utility service lines, parking lots and driveways; the location of existing and proposed lot lines; the location of adjacent streets; setback distance from buildings and structures to proposed lot lines.

3. Plat, legal description, and lot closure calculations, signed and stamped by a professional land surveyor or qualified registered civil engineer, for each new lot and the areas to be transferred.

4. Any additional information required by the Community Development Director or City Engineer.

D. Approval. If the Community Development Director finds that the proposed lot line adjustment is in conformance with the general plan, applicable specific plans, the zoning ordinance and building ordinances, the Community Development Director may approve the lot line adjustment and issue a certificate of compliance which shall be recorded by the County. The approved lot line adjustment shall be reflected in a deed, which shall be recorded. A copy of the recorded deed shall be filed with the Community Development Director. Failure to record the lot line adjustment shall be cause for the denial of any project dependent on the lot line adjustment.

Chapter 16.56 Enforcement

16.56.010 Enforcement

A. Prohibition. The prohibitions in Government Code Section 66499.30 shall apply to the sale, lease, financing, construction or occupancy of any parcel or parcels of real property in the city until and unless all applicable requirements of this title and the Subdivision Map Act have been complied with.

B. Penalty. Penalties for violation of this title or the Subdivision Map Act shall be as provided in Government Code Section 66499.31.

C. Remedies, Violations. Remedies and procedures for violations shall be as set forth in Government Code Sections 66499.32, 66499.33, 66499.34 and 66499.36.

D. Certificate of Compliance. Any person owning real property or a vendee of that person pursuant to a contract of sale of the real property may submit an application to determine whether the real property complies with the provisions of this title and the Subdivision Map Act. The Community Development Director and the City Engineer shall review the application. The City Engineer shall review and respond to the application in accordance with the provisions of Government Code Section 66499.35.

E. Judicial Action. Challenges to actions taken pursuant to this title shall be governed by Government Code Sections 66499.37 and 66499.38.

16.56.020 Effect of Approval or Conditional Approval of Map

Neither the approval nor conditional approval of any map shall constitute or waive compliance with any other applicable provision of the code, including the zoning ordinance, nor shall any such approval authorize or be deemed to authorize a violation or failure to comply with any other applicable provisions of the code.

5006042.4

Title 16 Subdivision Ordinance

City Council: October 26, 2023

Overview of Presentation

- Purpose of the Ordinance
- Background
- Summary of Substantive Changes
- Staff Recommendation

CITY OF NEWARK
California

Title 16 Subdivision Ordinance

Purpose of the Ordinance

Title 16 “Subdivisions” of the Newark Municipal Code is commonly referred to as the Subdivision Ordinance. The purpose of the Subdivision Ordinance is to regulate and control the design and improvement of subdivisions of land within the city and supplement the provisions of the Subdivision Map Act of the State of California.

Title 16 Subdivision Ordinance

Background

- Existing Subdivision Ordinance was adopted August 11, 1977 (Ordinance No. 143).
- Reasons for the city-initiated revisions:
  - To provide clear and concise language for decision-making and review processes.
  - To incorporate streamlined language by simplifying processes and procedures.
  - To ensure that the Ordinance reflects the current practices of the latest version of the State Subdivision Map Act.
  - To ensure that extension requests return to the decision-making body for consideration.

Title 16 Subdivision Ordinance

Summary of Substantive Changes

- The Planning Commission and City Council will maintain their existing review authority for any proposed entitlements for residential or commercial construction projects.

- Definitions
  - Subdivision
  - Tentative Map
  - Parcel Map
  - Final Map

Title 16 Subdivision Ordinance

Summary of Substantive Changes

- *"Subdivision" means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, as shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future, and as further defined in Government Code Section 66424.*

- *"Tentative map" means a map made for the purpose of showing the design and improvement of a proposed subdivision and the existing conditions in and around it. "Tentative map" includes a tentative parcel map and a tentative tract map.*

Title 16 Subdivision Ordinance

Summary of Substantive Changes

- *"Parcel map" means a map showing a subdivision of four or fewer parcels, prepared in accordance with the provisions of this title and the Subdivision Map Act and designed to be recorded in the office of the Alameda County Recorder. A parcel map also means a map showing a subdivision of five (5) or more parcels under the final map exemption in Government Code Sections 66426 (a) through (e).*

- *"Final map" means a map showing a subdivision prepared in accordance with the provisions of this title and the Subdivision Map Act and designed to be recorded in the office of the Alameda County Recorder.*

- Chapters of the Subdivision Ordinance

Title 16 Subdivision Ordinance

Current Title – Subdivision Chapters		Proposed Title – Subdivision Chapters	
16.04	General Provisions	16.04	General Provisions
16.08	Tentative Map	16.06	Maps Required
16.12	Streets and Lots	16.08	Tentative Tract and Tentative Parcel Maps
16.16	Subdivision Improvements	16.12	Design
16.20	Surveys and Monuments	16.16	Improvements
16.24	Final Maps	16.20	Survey and Monuments
16.28	Parcel Maps	16.24	Final Maps an Parcel Maps
16.30	RESERVED	16.32	Underground Utilities
16.32	Violation - Penalty	16.40	Vesting Tentative Map
		16.44	Map Amendments and Certificates of Correction
		16.48	Reversion to Acreage and Resubdivision
		16.52	Lot Line Adjustment
		16.56	Enforcement

Title 16 Subdivision Ordinance

Summary of Substantive Changes

- Table 16-1 Subdivision Review Authority

Title 16 Subdivision Ordinance

Table 16-1 Subdivision Review Authority					
Issue/Document	Applicable Code Chapter	Role of Review Authority[1]			
		Community Development Director	City Engineer	Planning Commission	City Council
Tentative parcel map	16.08	Decision[2][3]		Appeal	
Tentative parcel map waiver	16.06	Decision[2]		Appeal	
Parcel map	16.24		Decision[2]		Appeal
Tentative tract map	16.08			Decision[2][3]	Appeal
Final map	16.24		Decision[2]		Appeal
Certificate of compliance	16.56		Decision[2]		Appeal
Lot line adjustment	16.52	Decision[2]		Appeal	
Parcel map waiver	16.06		Decision[2]		Appeal
Reversion to acreage	16.48				Decision
Time extension	16.40			Decision[2]	Appeal

Notes:

(1) "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals of the decision of an earlier decision-making body in accordance with Government Code Section 66452.5.

(2) At its sole discretion, the review authority may transfer original hearing jurisdiction to a higher body.

(3) For tentative maps subject to concurrent processing, the Planning Commission makes a recommendation to the City Council.

Title 16 Subdivision Ordinance

Summary of Substantive Changes

- Effective Period of Approved Tentative Map and Discretionary Extensions
- Release of Securities
- Other added Sections

Title 16 Subdivision Ordinance

Staff Recommendation

Staff recommends that City Council waive full reading and, by title only, introduce an ordinance to repeal and replace Title 16 “Subdivisions,” of the Newark Municipal Code.