

CITY OF NEWARK PLANNING COMMISSION

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

MINUTES

Tuesday, April 8, 2014

A. ROLL CALL

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

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, March 25, 2014.

Commissioner Fitts moved, Commissioner Bridges seconded, to approve the Minutes of March 25, 2014. The motion passed 7 AYES.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider: 1) Adopting a resolution making certain findings and recommending City Council approval of an Initial Study/Mitigated Negative Declaration for 88 townhomes, approximately 72 affordable housing units, and 15,000 square foot commercial building within the Dumbarton Transit Oriented Development Specific Plan; 2) adopting a resolution recommending the City Council approve rezoning (RZ-13-24) a 8.09-acre area (APN 092-0115-11, 12 & 13) from MT-1 (High Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes), HDR-FBC (High Density Residential – Form Based Code), and R-FBC (Commercial Retail – Form Based Code); 3) adopting a resolution making findings supporting the use of an alternative means of compliance with the Inclusionary Housing Ordinance and recommend the City Council approve the attached Affordable Housing Implementation Agreement; 4) recommending that the City Council approve TM-13-22, Vesting Tentative Map 8157; and 5) recommending that the City Council approve ASR-13-23,

an Architectural and Site Plan Review, with Exhibit A, pages 1 through 31. (CONTINUED FROM MARCH 11 & 25, 2014).

Assistant City Manager Grindall gave the staff report and recommended amending the proposed City Council Resolution Items “ee” and “ff” to include “This condition will be deemed to be met if the improvement has been assured by another Development”.

Answering Vice-Chairperson Hannon, ACM Grindall stated the location of the Torian Project site in relation to this project and explained what a Vesting Tentative Map entails.

ACM Grindall stated staff will recommend to the City Council that the City Manager will determine how to secure the condition regarding providing a grocery store.

Answering Commissioner Drews, ACM Grindall confirmed parking standards for a grocery store are being met.

Answering Commissioner Drews, ACM Grindall stated the Newark Unified School District will decide which schools prospective students would attend after the project is built and they had the chance to review the boundaries. ACM Grindall also stated there is adequate capacity for the additional students at the three nearest schools.

Answering Commissioner Drews, ACM Grindall stated the Developer must comply with the City’s Street Ordinance in regards to naming the new streets.

Answering Commissioner Bridges, ACM Grindall stated American Disability Act compliance would be adhered to by the Developer.

Answering Commissioner Fitts, ACM Grindall stated street parking will be allowed on Willow Street and Enterprise Drive.

ACM Grindall summarized safeguards to toxic substances.

Answering Commissioner Bridges, ACM Grindall explained the difference between condition “ss” and the Initial Study and Mitigated Negative Declaration references to soil.

Answering Commissioner Drews, ACM Grindall stated the City does not monitor the Home Owner Association.

ACM Grindall stated staff and the Developer had agreed on an Affordable Housing Agreement that would allow affordable housing opportunities to more people than the Inclusionary Housing Ordinance.

Discussion ensued between Commissioner Hannon and ACM Grindall on the Affordable Housing Agreement and the approval process.

Chairperson Nillo opened the Public Hearing.

Applicant Mark Butler, Integral Communities, 500 La Gonda Way, Suite 102, Danville, CA, stated he had read and is in agreement with all conditions listed in Resolutions 1863, 1864 and 1965.

Addressing Commissioner Bridges' concerns, Mr. Butler stated the Senior Housing units include ground floor living quarters and the builders could custom-design units to include chair lifts.

Answering Commissioner Bridges, Mr. Butler listed locations of similar projects that his Company had already built.

Chairperson Nillo closed the Public Hearing.

Discussion ensued between Vice-Chairperson Hannon and ACM Grindall on the Storm Water Prevention Plan (SWPP); the responsibility of property owners in providing copies of CC&Rs to renters (condition "yy"); Gap funding; underground utilities; street lights; and the storage of garbage and recycling containers.

Motion made by Vice-Chairperson Hannon, seconded by Commissioner Bridges, to Adopt Resolution 1857 making certain findings and recommending City Council approval of an Initial Study/Mitigated Negative Declaration for 88 townhomes, approximately 72 affordable housing units, and 15,000 square foot commercial building within the Dumbarton Transit Oriented Development Specific Plan. Motion passed 7 AYES.

Motion made by Commissioner Fitts, seconded by Commissioner Otterstetter, to: Adopt Resolution 1858 recommending the City Council approve rezoning (RZ-13-24) a 8.09-acre area (APN 092-0115-11, 12 & 13) from MT-1 (High Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes), HDR-FBC (High Density Residential – Form Based Code) and R-FBC (Commercial Retail – Form Based Code); Adopt Resolution 1859 making findings supporting the use of an alternative means of compliance with the Inclusionary Housing Ordinance and recommend the City Council approve the attached Affordable Housing Implementation Agreement; Recommend that the City Council approve TM-13-22, Vesting Tentative Map 8157; and Recommend that the City Council approve ASR-13-23, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 31. Motion passed 7 AYES.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

ACM Grindall announced a Community Meeting will be held on April 9, 2014 at 7 p.m. in the City's Council Chambers to provide an update to the Dumbarton Transit-Oriented Development project.

Commissioners' Comments

Commissioner Otterstetter thanked staff and the Developer for their work on Item E.1.

Vice-Chairperson Hannon thanked the City of Newark for allowing the Planning Commissioners to attend the 2014 Planning Commission Academy.

Vice-Chairperson Hannon also thanked staff and the Developer for their work on Item E.1.

Chairperson Nillo wished Commissioner Aguilar a "Happy Belated Birthday".

H. ADJOURNMENT

At 8:15 p.m., Chairperson Nillo adjourned the regular Planning Commission meeting of Tuesday, April 8, 2014.

Respectfully submitted,



TERRENCE GRINDALL

Secretary