
CITY OF NEWARK

PLANNING COMMISSION

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4330 • FAX 510-578-4265

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

MINUTES

Tuesday, April 22, 2014

A. ROLL CALL

At 7:34 p.m., Chairperson Nillo called the meeting to order. All Planning Commissioners were present except Commissioner Fitts (personal) and Commissioner Drews (personal).

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, April 8, 2014.

Commissioner Bridges moved, Commissioner Otterstetter seconded, to approve the Minutes of April 8, 2014. The motion passed 5 AYES, 2 ABSENT.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

Motion made by Vice-Chairperson Hannon, seconded by Commissioner Bridges, to reorder tonight's Public Hearings starting with Item E.3, followed by E.4, E.1 and E.2. Motion passed 5 AYES, 2 ABSENT.

E. PUBLIC HEARINGS

E.3 Hearing to consider P-14-2, a planned unit development, U-14-3, a conditional use permit, and E-14-4, an environmental determination, for a one-day carnival to be held on August 9, 2014 at NewPark Mall (APN 901-0111-025) in conjunction with the Halal Food & Eid Festival.

Assistant City Manager Grindall gave the staff report.

Answering Vice-Chairperson Hannon, ACM Grindall explained why a PUD is necessary and stated no building permit is required for a tent.

Answering Commissioner Otterstetter, ACM Grindall confirmed the Applicant is responsible, in coordination with the City's Police Department, to provide adequate security and traffic control; and stated the NewPark Mall owners must provide a clean site per their Lease Agreement with the Farmer's Market.

Answering Commissioner Aguilar, ACM Grindall stated it is not a City requirement that the Applicant provide medical staff on-site during their event.

Chairperson Nillo opened the Public Hearing.

Applicant Irfan Rydhan, 1931 Junewood Avenue, San Jose, CA 95132, stated he has read and agrees with the conditions listed in Resolution 1866.

Answering Commissioner Bridges, Mr. Rydhan stated he had used the same Carnival Ride Vendor with no adverse incidence occurring.

Answering Commissioner Otterstetter, Mr. Rydhan estimated 10,000 customers would be attending.

Answering Commissioner Bridges, Mr. Rydhan stated he would agree to provide six portable restrooms.

Chairperson Nillo closed the Public Hearing.

Motion made by Commissioner Bridges, seconded by Vice-Chairperson Hannon, to approve Resolution 1866, with the addition of condition t "The Applicant shall provide six portable restrooms on-site during this event", approving P-14-2, a planned unit development, U-14-3, a conditional use permit, and E-14-4, an environmental determination, for a one-day carnival to be held on August 9, 2014 at NewPark Mall (APN 901-011-025) in conjunction with the Halal Festival, with Exhibit A. Motion passed 5 AYES, 2 ABSENT. This item will be heard at the May 8, 2014 City Council Meeting.

- E.4 Hearing to consider (1) Adopting a resolution making certain findings and recommending City Council approval of E-14-6, an Initial Study/Mitigated Negative Declaration; (2) adopting a resolution recommending City Council approval of GP-14-7, a General Plan Amendment to change the land use designation from CC (Community Commercial) to HR (High Density Residential); (3) adopting a resolution recommending the City Council approve RZ-1408, a rezoning from CC (Community Commercial) to R-1500 (High Density Residential – 15000_); (4) recommending the City Council approve TTM-14-11, Tentative Tract Map 8166; and (5) recommending that the City Council approve ASR-14-9, an Architectural and Site Plan Review, to construct a 85-unit residential townhome development (Integral Communities) on an approximately 4.3 acre site (APN: 901-0195-039) on the northeast corner of Cedar Boulevard and Mowy School Road).**

Assistant City Manager Grindall informed the Planning Commission that staff and the Applicant are requesting continuing this item to a future Planning Commission Meeting.

Addressing Vice-Chairperson Hannon, ACM Grindall agreed to include language discussing Commercial and Industrial conversions to Residential in the future staff report.

Chairperson Nillo opened the Public Hearing. As no one from the public spoke on this item, Chairperson Nillo closed the Public Hearing.

Motion made by Vice-Chairperson Hannon, seconded by Commissioner Aguilar, to continue this hearing to a future Planning Commission Meeting. Motion passed 5 AYES, 2 ABSENT.

At ACM Grindall's recommendation, Chairperson Nillo opened Items E.1 and E.2 simultaneously with both items being heard concurrently.

- E.1 Hearing to consider: 1) Adopting a resolution making certain findings and recommending City Council adoption of a Supplemental Environmental Impact Report (E-12-30) to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development; (2) adopting a resolution recommending rezoning (RZ-12-27) a 2.14-acre area (APN 092-0140-006) from ML (Limited Industrial) to MDR-FBC (Medium Density Residential – Form Based Codes); (3) adopting a resolution making findings supporting the use of an alternative means of compliance with the Inclusionary Housing Ordinance and recommending the City Council approve the attached Affordable Housing Implementation Agreement; (4) By motion, recommending that the City Council approve TM-12-28, Vesting Tentative Map 8110 to construct approximately 27 residential units; (5) By motion, recommending that the City Council approve ASR-12-29, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 29; and (6) By motion, approving Exhibit B, Schedule of Impact Fees.**
- E.2 Hearing to consider: 1) Adopting a resolution making certain findings and recommending City Council adoption of a Supplemental Environmental Impact Report (E-12-30) to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development; (2) adopting a resolution recommending rezoning (RZ-12-31) a 21.4-acre area (APN's 092-0116-058, 092-0116-059, 092-0116-060) from ML (Limited Industrial) to MDR-FBC (Medium Density Residential – Form Based Codes); (3) adopting a resolution making findings supporting the use of an alternative means of compliance with the Inclusionary Housing Ordinance and recommending the City Council approve the attached Affordable Housing Implementation Agreement; (4) By motion, recommending the Mayor sign a Park Agreement with Newark Enterprise Joint Venture, LLC; (5) By motion, recommending that the City Council approve TM-12-32, Vesting Tentative Map 8098 to construct approximately 217 residential units; (6) By motion, recommending that the City Council approve ASR-12-31, an**

Architectural and Site Plan Review, with Exhibit A, pages 1 through 69; and (7) By motion, approving Exhibit B, Schedule of Impact Fees.

Assistant City Manager Grindall gave the staff report and presented background information via Powerpoint.

Answering Vice-Chairperson Hannon, ACM Grindall stated staff supports the toxic cleanup and development of these sites and a multitude of Agencies are involved with this process.

Answering Commissioner Bridges, ACM Grindall stated that the SEIR addresses all environmental impacts associated with these two proposed projects.

Discussion ensued between Vice-Chairperson Hannon and ACM Grindall on the inspection and monitoring of potential toxic substances and odors.

Answering Commissioner Bridges, ACM Grindall spoke briefly on the pond and groundwater contamination which is described in more detail in the Environmental Impact Report in the Specific Plan.

ACM Grindall continued with the staff reports.

Answering Commissioner Aguilar, ACM Grindall stated the Planning Commission will be determining the mix of Affordable Housing and Market Rate Housing at a future Meeting.

Answering Vice-Chairperson Hannon, ACM Grindall stated Gallade received notification that the SEIR was available and the SEIR was on the City's website.

Discussion ensued between Vice-Chairperson Hannon and ACM Grindall on the possible use of Eminent Domain.

Vice-Chairperson Hannon stated his opinion that the April 22, 2014 letter submitted by Timothy Taylor on behalf of Gallade did not have any bearing on the issue that is currently before the Planning Commission.

Chairperson Nillo opened the Public Hearing.

Applicant Veronica Vargas, Trumark Homes, 4185 Blackhawk Plaza Circle, Suite 200, Danville, CA 94506, thanked ACM Grindall on his assistance with these projects and thanked the Planning Commissioners for their time.

Ms. Vargas, stated she has read and agrees with all conditions pertaining to Items E.1 and E.2.

Ms. Juliette Cho, Stoel Rives, 3 Embarcadero, Suite 120, San Francisco, CA, on behalf of Gallade Chemical Inc., apologized for the late submission of their comment letter and requested continuance of Items E.1 and E.2.

Discussion ensued between Vice-Chairperson Hannon and Ms. Cho, on the topic of the submitted letter being a non-environmental issue.

Mr. Michael Rhodes, David J. Powers and Associates, 1871 The Alameda, San Jose, CA, stated the SEIR was circulated from December 24, 2013 through February 7, 2014 for public review and comments.

Answering Vice-Chairperson Hannon, ACM Grindall stated Gallade did not submit any correspondence to the City during the comment period.

Chairperson Nillo closed the Public Hearing.

ACM Grindall stated his opinion that the April 22, 2014 letter by Stoel Rives does not raise any issues that would change staff's recommendation for approval of Items E.1 and E.2.

Motion made by Vice-Chairperson Hannon, seconded by Commissioner Bridges to adopt Resolution 1867, making certain findings and recommending City Council adoption of a SEIR (E-12-30) to the EIR (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development Specific Plan. Motion passed 5 AYES, 2 ABSENT. Resolution 1867 repeals Resolution 1857.

Motion made by Vice-Chairperson Hannon, seconded by Commissioner Bridges to approve actions (2) through (6). Motion passed 5 AYES, 2 ABSENT. Resolution 1868 repeals Resolution 1858. Resolution 1869 repeals Resolution 1859.

Motion made by Commissioner Otterstetter, seconded by Commissioner Bridges to adopt Resolution 1870, making certain findings and recommending City Council adoption of a SEIR (E-12-30) to the EIR (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development Specific Plan. Motion passed 5 AYES, 2 ABSENT. Resolution 1870 repeals Resolution 1860.

Motion made by Vice-Chairperson Hannon, seconded by Commissioner Bridges to approve actions (2) through (7). Motion passed 5 AYES, 2 ABSENT. Resolution 1871 repeals Resolution 1861. Resolution 1872 repeals Resolution 1862.

Items E.1 and E.2 will be heard at the May 8, 2014 City Council Meeting.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

Commissioners' Comments

Commissioner Bridges stated she is pleased with the work being completed on the pathways in the Lake Area.

Chairperson Nillo sent "Best Wishes" to Councilperson Ana Apadoca and her family.

H. ADJOURNMENT

At 8:55 p.m., Chairperson Nillo adjourned the regular Planning Commission meeting of Tuesday, April 22, 2014.

Respectfully submitted,



TERRENCE GRINDALL
Secretary