
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, May 13, 2014

A. ROLL CALL

At 7:31 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, April 22, 2014.

Vice-Chairperson Hannon moved, Commissioner Otterstetter seconded, to approve the Minutes of April 22, 2014. The motion passed 5 AYES, 2 ABSTENTIONS (Drews and Fitts).

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider the request by LOV (League of Volunteers), for P-14-12, a planned unit development, and U-14-13, a conditional use permit, to have a circus at the NewPark Mall parking lot (APNS: 901-111-20 & 21) with performances from August 7 through August 11, 2014.

Assistant City Manager Grindall gave the staff report.

Answering Vice-Chairperson Hannon, ACM Grindall confirmed that the Applicant, not the Vendor, is required to abide by Condition "s" in Resolution 1873.

Answering Vice-Chairperson Hannon, ACM Grindall explained why a tent does not require a building permit and stated there is free parking for this event.

Chairperson Nillo opened the Public Hearing.

Applicant Shirley Sisk, LOV, 8440 Central Avenue, Newark, CA 94560, stated she has read and agrees with the conditions listed in Resolution 1873.

Chairperson Nillo closed the Public Hearing.

Motion made by Commissioner Fitts, seconded by Commissioner Drews, to approve Resolution 1873, with Exhibit A, Pages 1 through 3, approving P-14-12, a planned unit development, and U-14-13, a conditional use permit, to have a circus at the NewPark Mall parking lot (APNS: 901-111-20 & 21) with performances from August 7 through August 11, 2014. Motion passed 7 AYES.

- E.2 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 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; (3) 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); (4) adopting a resolution recommending the City Council approve RZ-14-8, a rezoning from CC (Community Commercial) to R-1,500 (High Density Residential – 1,500); (5) recommending the City Council approve TTM-14-11, Tentative Tract Map 8166; and (6) recommending that the City Council approve ASR-14-9, an Architectural and Site Plan Review, with Exhibit A pages 1 to 33, 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 Mowry School Road.**

ACM Grindall informed the Planning Commission that staff and the Applicant are requesting continuing this item to the May 27, 2014 Planning Commission Meeting.

Chairperson Nillo opened the Public Hearing. No one from the public spoke on this item at this time.

Motion made by Commissioner Bridges, seconded by Commissioner Otterstetter, to continue this hearing to the May 27, 2014 Planning Commission Meeting. Motion passed 7 AYES.

- E.3 Hearing to consider: (1) Adopting a resolution making certain findings and recommending City Council approval of E-13-30, an Initial Study/Mitigated Negative Declaration; (2) 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; (3) By motion, approving P-13-29, a planned unit development, and U-13-28, a conditional use permit with Exhibit**

A, pages 1-24; (4) By motion recommending the City Council approve TTM-13-27, Tentative Tract Map 8165 to create 15 single family lots with the construction of a detached dwelling on each lot (Mission Peak Homes) on an approximately 1.82 acre site (APN: 092A-2356-037) at 38517 Birch Street, on the west side of Birch Street north of Moores Avenue.

Assistant Planner Jimenez gave the staff report.

Answering Commissioner Aguilar, ACM Grindall stated the major concerns brought up at the first neighborhood meeting included privacy, traffic and construction noise issues. ACM Grindall stated those concerns were addressed by the Developer at the second neighborhood meeting.

Answering Vice-Chairperson Hannon, staff explained why a CUP is required.

Discussion ensued on funding of Capital Improvements and the amount negotiated as the alternative means of compliance with the Affordable Housing Implementation Agreement which was based on the completed Nexus Study.

Answering Commissioner Fitts, ACM Grindall confirmed the proposed private streets conform to Fire Department standards.

Chairperson Nillo opened the Public Hearing.

Pastor Jeremy Stalnecker, 37971 Ballard Drive, Fremont, CA, stated the Bay Area Baptist Church had decided to relocate due to changes in the neighborhood and feels the location would be ideal for new housing and stated the Church supports this project.

Pastor Stalnecker stated he has read and agrees with all conditions in Resolutions 1874 and 1875.

Mr. Tom Quaglia, Mission Peak Homes, 47289 Mission Falls Court, Fremont, CA 94539, gave background information on the two neighborhood meetings and described in detail the proposed plans.

Mr. Quaglia stated he also agrees with all conditions in Resolutions 1874 and 1875.

Chairperson Nillo closed the Public Hearing.

Motion made by Commissioner Bridges, seconded by Commissioner Fitts, to adopt Resolution 1874, making certain findings and recommending City Council approval of E-13-30, an Initial Study/Mitigated Negative Declaration. Motion passed 7 AYES.

Motion made by Commissioner Bridges, seconded by Commissioner Otterstetter, to adopt Resolution 1875, making findings supporting the use of an alternative means of compliance with the Inclusionary Housing Ordinance and

recommending the City Council approve the Affordable Housing Implementation Agreement; approving P-13-29, a planned unit development, and U-13-28, a conditional use permit with Exhibit A, pages 1-24; recommending the City Council approve TTM-13-27, Tentative Tract Map 8165 to create 15 single family lots with the construction of a detached dwelling on each lot (Mission Peak Homes) on an approximately 1.82 acre site (APN: 092A-2356-037) at 38517 Birch Street, on the west side of Birch Street north of Moores Avenue. Motion passed 7 AYES.

F. STAFF REPORTS

F.1 Presentation of the 2014-2015 and 2015-2016 Capital Improvement Plan and finding in conformance with the General Plan.

Senior Civil Engineer Fajeau gave the staff report.

Commissioner Bridges highlighted items on the Unfunded Projects List that she would like be given consideration for funding in the near future.

Answering Commissioner Drews, SCE Fajeau stated there are no formal procedures in place to receive public suggestions for CIPs but most requests are made via telephone calls to the City.

Answering Vice-Chairperson Hannon, SCE Fajeau confirmed that there were no operating budget surpluses to transfer to the Capital Improvement Fund since 2004.

Discussion ensued on various CIP Projects highlighted by Vice-Chairperson Hannon.

Commissioner Drews commented that she likes the new and improved street name signs.

Motion made by Commissioner Bridges, seconded by Commissioner Fitts, finding the 2014-2015 and 2015-2016 Capital Improvement Plan is in conformance with the General Plan. Motion passed 7 AYES.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

Commissioners' Comments

Commissioner Fitts stated he likes the idea of Home Owner Associations being responsible for the upkeep of private landscaped areas.

Commissioner Drews requested tonight's meeting be adjourned in honor of the memory of Vice-Mayor Ana Apadoca's father.

Chairperson Nillo sent his condolences to Vice-Mayor Apadoca and her family.

H. ADJOURNMENT

At 8:49 p.m., Chairperson Nillo adjourned the regular Planning Commission meeting of Tuesday, May 13, 2014 in honor of the memory of Daniel Apodaca.

Respectfully submitted,



TERRENCE GRINDALL
Secretary