

CITY OF NEWARK PLANNING COMMISSION

37101 Newark Boulevard, Newark, California 94560-3796 □ 510/578-4330 □ FAX 510/578-4265

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

AGENDA Tuesday, July 22, 2014

A. ROLL CALL

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, July 8, 2014. (MOTION)

C. WRITTEN COMMUNICATIONS

D. ORAL COMMUNICATIONS (Anyone wishing to address the Commission on any planning item not on the Agenda may take the podium and state his/her name and address clearly for the recorder.)

E. PUBLIC HEARINGS

E.1 Hearing to consider Z-14-32, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to remove the reference to the Dumbarton Transit-Oriented Development Specific Plan Area in Chapter 17.37 (Form Based Codes), Section 17.37.010 (Applicability) – from Assistant City Manager Grindall. (RESOLUTION)

F. STAFF REPORTS

G. COMMISSION MATTERS

G.1 Report on City Council actions.

H. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the Planning Commission, will be made available for public inspection at this meeting and at the Planning Division Counter located at 37101 Newark Boulevard, 1st Floor, during normal business hours. 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.

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

MINUTES

Tuesday, July 8, 2014

A. ROLL CALL

At 7:33 p.m., Chairperson Nillo called the meeting to order. All Planning Commissioners were present except Commissioner Aguilar (personal) and Commissioner Bridges (personal).

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, June 24, 2014.

Commissioner Drews moved, seconded by Commissioner Otterstetter, to approve the Minutes of June 24, 2014. The motion passed 5 AYES, 2 ABSENT.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

None.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 MUP-14-29, a minor conditional use permit, to establish a large family day care home at 6447 Benecia Avenue.

Assistant Planner Jimenez informed the Planning Commission that this is a Review Optional item and gave a brief staff report.

Answering Commission Fitts, AP Jimenez stated property owners within 100 feet of the subject site were notified and staff received no objection comments or letters for this project.

The Planning Commission chose not to review this item.

G.2 Report on City Council actions.

Commissioners' Comments

Commissioner Otterstetter announced Stage One's performance of Fiddler on the Roof will be held at the Newark Memorial High School beginning on July 12, 2014.

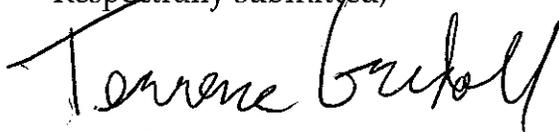
Commissioner Drews wished good luck to the Oakland A's.

Chairperson Nillo announced the Big Bang Beat will be performing at Music at the Grove on July 11, 2014 and SummerFest will be taking place on July 12th and July 13th at the NewPark Mall.

H. ADJOURNMENT

At 7:40 p.m., Chairperson Nillo adjourned the regular Planning Commission meeting of Tuesday, July 8, 2014.

Respectfully submitted,



TERRENCE GRINDALL
Secretary



E.1 Hearing to consider Z-14-32, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to remove the reference to the Dumbarton Transit-Oriented Development Specific Plan Area in Chapter 17.37 (Form Based Codes), Section 17.37.010 (Applicability) – from Assistant City Manager Grindall. (RESOLUTION)

Background/Discussion – As currently written, the Newark Municipal Code (NMC) states that “The regulations for form based codes are set forth in this chapter, and are applicable to the Dumbarton Transit-Oriented Development (TOD) Specific Plan Area.” The purpose of the form based codes is to address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. This is in contrast to conventional zoning’s focus on the management and segregation of land uses. Form-based codes have become a tool to address the concerns of development patterns, pedestrian access, and transit, to name just a few.

Newark’s Form Based Code has been applied to all of the recent subdivisions approved in the TOD Specific Plan Area. This has resulted in providing a plan that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types. The neighborhoods have a pedestrian-scale design that is friendly to pedestrians, cyclists, and transit. Staff has seen a growing interest in applying these standards from developers with potential to expand to areas where conventional methods of zoning, oriented around regulating land use, may not result in the “sense of place” that the community is trying to achieve. As such, staff is recommending that the applicability of the Form Base Codes be expanded to other areas of Newark beyond the TOD Specific Plan Area. This can be accomplished by simply removing the words “Dumbarton Transit-Oriented Development Specific Plan Area” from Section 17.37.010 (Applicability).

Environmental Review

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 5060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 15061(b)(3) (General Rule that CEQA only applies to projects which have the potential to cause a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

Attachment

Action – It is recommended that the Planning Commission, by resolution, recommend that the City Council approve Z-14-32, with Exhibit A, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to remove the reference to the Dumbarton Transit-Oriented Development Specific Plan Area in Chapter 17.37 (Form Based Codes), Section 17.37.010 (Applicability).

RESOLUTION NO.

RESOLUTION RECOMMENDING APPROVAL OF Z-14-32, A TEXT AMENDMENT TO TITLE 17 (ZONING) OF THE NEWARK MUNICIPAL CODE TO REMOVE THE REFERENCE TO THE DUMBARTON TRANSIT-ORIENTED DEVELOPMENT SPECIFIC PLAN AREA IN CHAPTER 17.37 (FORM BASED CODES), SECTION 17.37.010 (APPLICABILITY)

WHEREAS, an amendment to Chapter 17.37 (Form Based Codes) has been initiated to remove the reference to the Dumbarton Transit-Oriented Development Specific Plan Area in Section 17.37.010 (Applicability);

PURSUANT to Municipal Code Section 17.72.060, a public hearing notice was published in the Argus on July 11, 2014 and the Planning Commission held a public hearing on said application at 7:30 p.m. on July 22, 2014 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

NOW, THEREFORE, the Planning Commission resolves as follows:

- a. That Section 17.37.010 (Applicability) shall be amended to remove “and are applicable to the Dumbarton Transit Oriented Development (TOD) Specific Plan Area”.
- b. That the City Council amend Title 17 (Zoning) of the Newark Municipal Code as set forth in Exhibit A, attached hereto and made part hereof by reference.
- c. That a copy of the minutes be forwarded to the City Council as a summary of the hearing.
- d. That the text amendments herein shall be added to the appropriate sections of the Newark Municipal Code, after review and approval by the City Council, when it is next published, with the notation of the date when the amendments became effective.

This Resolution was introduced at the Planning Commission’s July 22, 2014 meeting by Commissioner , seconded by Commissioner , and passed as follows:

AYES: .

NOES: .

ABSENT: .

TERRENCE GRINDALL, Secretary

BERNIE NILLO, Chairperson

EXHIBIT A

Chapter 17.37 (Form Based Codes), Section 17.37.010 (Applicability) of Title 17 (Zoning) of the Newark Municipal Code is hereby amended to read as follows (strikeout denotes deletions, underline denotes additions):

17.37.010 Applicability

“The regulations for form based codes are set forth in this chapter, ~~and are~~ applicable to the ~~Dumbarton Transit-Oriented Development (TOD) Specific Plan Area~~. Form based code guidelines can be used for clarification and explanation of this code section.”