
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, January 13, 2015

A. ROLL CALL

At 7:33 p.m., Chairperson Fitts called the meeting to order. All Planning Commissioners were present except Commissioner Drews (personal). There is one vacancy.

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, December 9, 2014.

Commissioner Nillo moved, Vice-Chairperson Aguilar seconded, to approve the Minutes of December 9, 2014. The motion passed 4 AYES, 1 ABSTENTION (Bridges).

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 and Mitigated Negative Declaration (E-14-39); (2) adopting a resolution recommending City Council approval of a rezoning (RZ-14-40) for an approximately 10.1 acre portion of Vesting Tentative Map 8212 from R6000 (Single Family Residential) to LDR-FBC (Low Density Residential-Form Based Code); (3) adopting a resolution approving P-14-41, a planned unit development, and U-14-42, a conditional use permit, for a 77 lot single-family residential subdivision at 36120 Ruschin Drive, with Exhibit A, pages 1 through 34; and (4) by motion, recommending the City Council approve TM-14-43, Vesting Tentative Map 8212.

Assistant City Manager Grindall presented the staff report via PowerPoint.

Consultant Gary Black, President of Hexagon Transportation Consultants, Inc., gave a presentation on the Traffic Analysis.

Answering Commissioner Bridges, ACM Grindall stated the proposed 2,100 sq.ft. single-story homes would not be the largest in Newark.

Answering Vice-Chairperson Aguilar, ACM Grindall stated the density of 7.62 units per acre is in conformance with the General Plan.

ACM Grindall informed the Planning Commission that 30 members of the public wish to speak on this item and 86 members of the public indicated they were in support of the project but did not wish to speak tonight.

Chairperson Fitts opened the Public Hearing.

Mr. Dave Marken, Superintendent of Schools for the Newark Unified School District (NUSD) stated there were 150 people in attendance in support of this project of which 20 will be speaking tonight.

Superintendent Marken gave his opinion that this project would be beneficial for the NUSD, the City and the Community.

Jim Pollart, representing the Applicant Classic Communities, gave background information on his Company and stated the payment to NUSD is approximately \$20 Million.

Mr. Pollart asked to add Condition "v" to Resolution 1895 to address the removal of all pests and rodents from the existing structures; and stated his construction timeline to be 2 ½ years after obtaining necessary approvals.

Mr. Pollart stated he has read and is in agreement with all conditions for this project.

Answering Chairperson Fitts, Mr. Pollart estimated home prices to be between the mid \$700,000 to the high \$800,000.

Ms. Villa Pulliam, stated she and her sister Briana Pulliam, supports the Ruschin School Site plans as submitted, and feels it will give current and future teachers the tools necessary to bring Newark students into the 21st Century and keep them in the NUSD.

Mr. Mike Sehrt, 35157 Blackburn Drive, Newark, CA 94560, stated his support for this project is based on the needs of the 6,000 students currently enrolled in the NUSD and for the future students.

Ms. Ann Terrasas, 35908 Vinewood Street, Newark, CA 94560, commented due to the poor sound system she estimates 2/3 of the 50 people who were downstairs went home and she requested that a more accommodating venue be used whenever a large turnout is expected.

Ms. Terrasas gave her opinion that people living in the immediate area should have more weight in their vote and doesn't feel it is right to state if you do not support this project you do not support students; she also believes there will be an increase in traffic and that numbers are being manipulated.

Ms. Lucir Schlickmann believes the addition of new homes and new Newark residents will attract businesses to Newark; that the Newark teachers are working without enough funds and the NUSD needs better technology to compete with Fremont.

Mr. Jose Perenga, 36327 Sandalwood Street, Newark, CA 94560, stated he is not opposed to the NUSD receiving funding, but he does oppose additional traffic and wants the Planning Commission to get the Developer to agree to adding parks, street lights and stop signs and would also like the Developer to provide better practice fields. Mr. Perenga also mentioned the poor sound system and the need to hold Public Hearing Meetings in a larger facility.

Ms. Michelle Pimentel stated all the schools in the NUSD would benefit in the areas of technology, science and music.

Mr. Stephen Tyley, 5319 Surrey Court, Newark, CA 94560, stated both sides have valid arguments but he believes the current Ruschin School site is not serving anyone's needs, and he believes the proposal has good traffic flow and safety measures.

Ms. Deborah Borsa, 36075 Sandalwood Street, Newark, CA 94560, stated she is not looking forward to losing her view of open space and feels two-story homes are not consistent with the neighborhood. Ms. Borsa stated she felt bullied and intimidated by the comments Superintendent Dave Marken made during the Community meeting and said she would be receptive to having all single-story homes built on this site.

Ms. Michelle Padiilla believes this project is a good deal.

Mr. Elias Pereda thanked Mr. Jack Burgess for informing him about tonight's meeting and stated he and his wife oppose this project. Mr. Pereda also commented on not being able to hear the meeting downstairs and not being able to see the words from the Power Point presentation on the monitor.

Ms. Marguerite Durand, stated she is proud with the progress in development that is currently taking place in Newark and although she is concerned about traffic issues she gives her support to this project.

Ms. Jennifer McMenantly believes the benefits to the Community, the City and the NUSD will outweigh the inconvenience of the nearby residents and states she also drives through this neighborhood daily. She believes it is important to bring in new tax-paying families into Newark.

Mr. Vince Licon, 7618 Redwood Court, Newark, CA 94560, stated he sees good things going on at this daughter's school and approves this project for the future of children.

Mr. Jack Burgess, 36129 Sandalwood Street, Newark, CA 94560, stated his opinion that 77 units are still too much for this site and he is worried about additional traffic. Mr. Burgess stated he does not oppose development and acknowledges the NUSD has the right to sell their property but he does not believe this project fits in with the existing neighborhood.

Mr. Burgess described the Community Meetings and Environmental Review process and stated he was displeased that only questions by the public were accepted. Mr. Burgess stated his belief that the number of housing units were reduced only to allow fire truck access and the lot square footage does not meet general plan requirements.

Ms. Julia Martinez, 36862 Cherry Street, Newark, CA 94560, supports this project and stated her belief that the Newark students will benefit with improved schools, better fields, more musical instruments and money to make needed repairs.

Ms. Jacque Burgess, 36129 Sandalwood Street, Newark, CA 94560, stated she believes too many housing units are being proposed in the center of the project and they are too close to each other; and that the project is not consistent with her neighborhood which consists of single-story homes and 5 houses with additions that are built in the back of their homes.

Ms. Burgess described her experience with Mr. Pollart during the Community Meeting and agreed with Mr. Burgess that the project should be decided on its own merits instead on focusing on the monetary benefits to the NUSD.

Ms. Burgess would like the Public Hearing be continued to a larger facility and estimated 75 to 100 people who were unable to get into the Council Chambers had left.

Mr. Ricardo Corte listed standards in the General Plan which he feels were not being met by this project: Policy LU2.1; the preservation of a portion of the Ruschin School playfield for a neighborhood park; the density requirement for low density residential areas for lots larger than 5,000 sq. ft.

Mr. Corte believes the Developer changed their plans to allow fire truck access, and expressed disappointment during the Community Meeting process, and felt the NUSD Superintendent used fear tactics.

Mr. Tom McThorn, 36111 Sandalwood Street, Newark, CA 94560, stated he is not opposed to development of the site but he opposes the plan for two-story houses and feels traffic will become a problem.

Ms. Alice McThorn, 36111 Sandalwood Street, Newark, CA 94560, stated she does not oppose new housing on the site and does not oppose the NUSD receiving money for the sale of the site, but feels the neighbors were not given the opportunity to have their concerns addressed during the Community Meeting.

Ms. McThorn believes the new home buyers will not have a backyard and would not be able to park vehicles in front of their homes.

Mr. Ronald Katsanes, 5421 Fernwood Drive, Newark, CA 94560, asked the Planning Commission to not approve the proposed number of housing units and listed the main objections from the neighborhood meetings as: crowding too many homes into the neighborhood; an increase in auto traffic congestion; neighborhood loss of privacy; and the loss of open space.

Mr. Katsanes stated his belief that reducing the number of housing units would not drastically affect the money given to the NUSD.

Ms. Angela Akridge, 36236 Sandalwood Street, Newark, CA 94560, stated she supports Newark kids, but opposes this development project. Ms. Akridge stated she could accept the increase of safe traffic increases in the neighborhood but only if significant benefits are provided to local residents such as employment opportunities and open space preservation via a school gardening project or a recreational park. Ms. Akridge did not believe an \$800,000 home would be affordable to a majority of the population.

Third Grader Nathaniel Huffmaster and Ms. Elizabeth Huffmaster, stated their decision to stay with the NUSD was based on Nathaniel's love for his public school teachers and she feels all NUSD students would benefit from the sale of the site and feels Newark could become an "Education Destination".

Ms. Estella Montenegro, stated she supports this project and believes everyone was given the opportunity to speak during the Community Meetings.

Unidentified Newark Memorial High School Senior, stated future Newark students would benefit from better technology, be better prepared for life challenges, and would become equal to other school districts.

Ms. Sue Johnson stated her support for this project and stressed the need for new equipment and renovations at existing Newark Schools and the need for additional revenue for Newark parks.

Ms. Johnson stated her belief that the new homes will be affordable and will provide options for people who are looking to downsize and be able to stay in Newark.

An unidentified speaker stated this project is typical of in-fill projects being built today and stressed the public had ample time to review the plans and wishes this project to move forward.

Another unidentified speaker stated her belief that Newark schools do not measure up to Fremont in terms of technology.

Ms. Kim Cross, 6507 Wilma Avenue, Newark, CA 94560, stated she supports this project and believes the design of the project is consistent with what she has seen throughout the State and believes the NUSD is in desperate need of funds.

Ms. Donna Hennefin believes this project is necessary for Newark to grow; property values would increase; and attracting new families would prevent Newark from turning into a Ghost Town.

Ms. Janet Suttler, 38378 Birch Street, Newark, CA 94560, stated her appreciation to the Planning Commission and the challenges they face.

Ms. Suttler described her personal experiences with new development in her neighborhood and believes this project is fair and is needed in Newark and asked the Planning Commission to set the emotional aspects of the Public Hearing aside and approve this project.

Mr. Tristan Thoronsen stated he believes Newark Memorial High School would benefit by receiving new technology, computers and textbooks and that teacher's salaries would increase so they can teach more classes.

Ms. Debra Romero, 6376 Escallonia Drive, Newark, CA 94560, stated she was excited with the new businesses and housing being built by her neighborhood and feels development at the Ruschin School Site would keep the momentum going for attracting new families and businesses to Newark.

Ms. Romero stated her preference to seeing new homes on the school site instead of dilapidated buildings.

A brief recess was held.

An unidentified Newark Memorial High School student described the poor conditions of her textbooks and stated the funds received would provide her school with new textbooks, better technology, have access to computer laptops and provide a better education for her and her sister.

Ms. Isabelle McCoy stated her Junior High School class must share their textbooks with other classes.

Mr. Mark McCoy, 5793 Smith Avenue, Newark, CA 94560, described his family's involvement with the NUSD and stated they need funding to bring 21st Century technology to the schools.

Ms. Hillary White, teacher in the NUSD, stated she must fundraise for items such as paper, pencils, scissors, crayons and glue. Ms. White stated she must shop in Fremont because the Newark business that she buys her school supplies from had relocated.

An unidentified speaker stated the project is too dense and asked the Planning Commission to continue this item until new plans are submitted.

Ms. Cindy Parks, 36283 Birkshire Place, Newark, CA 94560, stated she is concerned by the comment that the proposed plans do not adhere to the General Plan. Ms. Parks also stated that home appraisals are based on similar sized home sales and not new construction in a neighborhood.

ACM Grindall informed the Planning Commission that 90 comment cards in support of the project was received, 8 comment cards opposing the project was received from people who chose not to speak, and 5 people who turned in cards to speak did not speak at tonight's meeting.

Chairperson Fitts closed the Public Hearing.

Answering Chairperson Fitts, ACM Grindall stated this project does meet the density requirement of the General Plan and is in conformance with the General Plan Land Use, Policies and Procedures.

Answering Commissioner Bridges, ACM Grindall stated the General Plan designation for this site was changed in December 2013 to residential and no rezoning of the property was done at that time.

Answering Commissioner Otterstetter, ACM Grindall stated construction hours would be from 8 to 5 but the Building Official has the discretion to change those hours if necessary as long as no complaints are received.

Answering Vice-Chairperson Aguilar, ACM Grindall stated neighbors could register a complaint via a contact number provided on signage at the site or they can contact City staff.

Answering Vice-Chairperson Aguilar, ACM Grindall explained the deed restriction would be in place to ensure that the single-story homes located at the perimeter of the project would remain as single-story homes.

Discussion ensued on addressing the webcast audio issues.

Answering Commissioner Nillo, Mr. Black stated the time periods that were studied for the traffic analysis were from 7 to 9 in the morning and between 4 and 6 in the afternoon.

Answering Commissioner Nillo, Mr. Black stated this project did not meet the 3 warrant criteria for installing a signal light.

Chairperson Fitts gave his opinion that he liked seeing new projects that include a large number of single-story homes and he did not believe additional homes would create significantly more traffic than an operational school would generate.

Commissioner Bridges stated she agrees with Mr. Burgess that the project should be decided upon based on its own merits and not based on the benefits to the School District.

Commissioner Bridges stated her opinion that the Developer had been responsive to the Community by reducing the number of units from their original plan and feels the neighborhood is in need of some renovations.

Vice-Chairperson Aguilar thanked the public for attending and stated his belief that the project is in conformance with the General Plan and stated the benefits associated with this project is significant.

Commissioner Nillo thanked the public and stated it concerns him to hear the public felt dissatisfied during the Community Meeting process but is glad their voices were heard at tonight's meeting.

Motion made by Commissioner Bridges, seconded by Commissioner Nillo, to: 1) adopt Resolution 1894, making certain findings and recommending City Council approval of an Initial Study and Mitigated Negative Declaration (E-14-9); 2) adopt Resolution 1895, recommending City Council approval of a rezoning (RZ-14-40) for an approximately 10.1 acre portion of Vesting Tentative Map 8212 from R6000 (Single-Family Residential) to LDR-FBC (Low Density Residential-Form Based Code); 3) adopt Resolution 1896, approving P-14-41, a planned unit development, and U-14-42, a conditional use permit, for a 77 lot single-family residential subdivision at 36120 Ruschin Drive, with Exhibit A, pages 1 through 34; and 4) recommend that the City Council approve TM-14-43, Vesting Tentative Map 8212. Motion passed 5 AYES.

This item will be heard at the February 12, 2015 City Council Meeting to be held at the Newark Pavilion, 6430 Thornton Avenue, Newark, CA, 94560.

F. STAFF REPORTS

F.1 Recommendation that the City Council approve the Draft Housing Element Update and transmit the Draft Housing Element Update to the State Department of Housing and Community Development for their review and approval.

Assistant City Manager Grindall gave the staff report.

Answering Commissioner Bridges, ACM Grindall stated Site J does not pertain to a specific project being planned but is a projection of the number of housing units that could be built based upon the acreage of the site.

Commissioner Otterstetter gave her opinion that Developers for new housing should be responsive to the needs of an aging population.

Answering Commissioner Otterstetter, ACM Grindall stated high technological jobs are included in the service job category. ACM Grindall agreed to specifically mention high technology jobs in the Draft Housing Element Update document.

Answering Commission Otterstetter, ACM Grindall stated he would make the corrections to page 18.

Discussion ensued on the use of the Affordable Housing In-Lieu fees that the City collects from developers.

No one from the public chose to speak on this item.

Motion made by Commissioner Nillo, seconded by Commissioner Otterstetter, recommending the City Council approve the Draft Housing Element Update and transmit the Draft Housing Element Update to the State Department of Housing and Community Development for their review and approval. Motion passed 5 AYES.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

Commissioners' Comments

Commissioner Otterstetter welcomed Commissioner Bridges back.

Commissioner Nillo asked that tonight's meeting be adjourned in memory of Newark Resident and former member of the Newark Chamber of Commerce Frank Carroll.

H. ADJOURNMENT

At 10:37 p.m., Chairperson Fitts adjourned the regular Planning Commission meeting of Tuesday, January 13, 2015.

Respectfully submitted,


TERRENCE GRINDALL
Secretary