

CITY OF NEWARK CITY COUNCIL

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4266 • E-mail: city.clerk@Newark.org

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

AGENDA

Thursday, October 23, 2014

CITY COUNCIL:

Alan L. Nagy, Mayor
Ana M. Apodaca, Vice Mayor
Luis L. Freitas
Sucy Collazo
Robert Marshall

CITY STAFF:

John Becker
City Manager

Terrence Grindall
Assistant City Manager

Susie Woodstock
Administrative Services Director

Sandy Abe
Human Resources Director

Peggy A. Claassen
Public Works Director

Jim Leal
Police Chief

David Zehnder
Recreation and Community
Services Director

David J. Benoun
City Attorney

Sheila Harrington
City Clerk

Welcome to the Newark City Council meeting. The following information will help you understand the City Council Agenda and what occurs during a City Council meeting. Your participation in your City government is encouraged, and we hope this information will enable you to become more involved. The Order of Business for Council meetings is as follows:

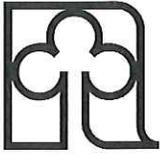
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|-------------------------------------|------------------------|
| A. ROLL CALL | I. COUNCIL MATTERS |
| B. MINUTES | J. SUCCESSOR AGENCY |
| C. PRESENTATIONS AND PROCLAMATIONS | K. ORAL COMMUNICATIONS |
| D. WRITTEN COMMUNICATIONS | L. APPROPRIATIONS |
| E. PUBLIC HEARINGS | M. CLOSED SESSION |
| F. CITY MANAGER REPORTS | N. ADJOURNMENT |
| G. CITY ATTORNEY REPORTS | |
| H. ECONOMIC DEVELOPMENT CORPORATION | |

Items listed on the agenda may be approved, disapproved, or continued to a future meeting. Many items require an action by motion or the adoption of a resolution or an ordinance. When this is required, the words **MOTION**, **RESOLUTION**, or **ORDINANCE** appear in parenthesis at the end of the item. If one of these words does not appear, the item is an informational item.

The attached *Agenda* gives the **Background/Discussion** of agenda items. Following this section is the word **Attachment**. Unless "none" follows **Attachment**, there is more documentation which is available for public review at the Newark Library, the City Clerk's office or at www.newark.org. Those items on the Agenda which are coming from the Planning Commission will also include a section entitled **Update**, which will state what the Planning Commission's action was on that particular item. **Action** indicates what staff's recommendation is and what action(s) the Council may take.

Addressing the City Council: You may speak once and submit written materials on any listed item at the appropriate time. You may speak once and submit written materials on any item **not** on the agenda during **Oral Communications**. To address the Council, please seek the recognition of the Mayor by raising your hand. Once recognized, come forward to the lectern and you may, but you are not required to, state your name and address for the record. Public comments are limited to five (5) minutes per speaker, subject to adjustment by the Mayor. Matters brought before the Council which require an action may be either referred to staff or placed on a future Council agenda.

No question shall be asked of a council member, city staff, or an audience member except through the presiding officer. No person shall use vulgar, profane, loud or boisterous language that interrupts a meeting. Any person who refuses to carry out instructions given by the presiding officer for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.



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Thursday, October 23, 2014

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular City Council meeting of Thursday, October 9, 2014. (MOTION)

C. PRESENTATIONS AND PROCLAMATIONS

- C.1 Commending Newark Days Committee members. (COMMENDATION)

Background/Discussion – Newark Days was held September 18-21, 2014, and celebrated the City's 59th birthday. Members of the Newark Days Committee (Committee) volunteer their time and effort to ensure a successful event. Members of the Committee will accept a commendation at the City Council meeting.

D. WRITTEN COMMUNICATIONS

E. PUBLIC HEARINGS

- E.1 Hearing for the Prima Project, a 281 unit residential development at 5699 Mowry Avenue. The City Council will consider: (1) an Initial Study and Mitigated Negative Declaration; (2) a General Plan amendment to change the land use designation from CC (Community Commercial) to MR (Medium Density Residential); (3) introduction of an Ordinance to amend Title 17 (Zoning) of the Newark Municipal Code to change the zoning for an approximately 10 acre portion of Vesting Tentative Map 8208 from CC (Community Commercial) to R-2500 (Medium Density Residential – 2,500); (4) approving a planned unit development, and, a conditional use permit, (5) a Vesting Tentative Map 8208 for a 281 unit residential development at 5699 Mowry Avenue, with Exhibit A, pages 1 through 42;

and (6) making a finding that the Prima Project provides a benefit to the community in excess of those required by the impacts of the project and payment of the Housing Impact Fee and granting a waiver of the Housing Impact Fee – from Assistant City Manager Grindall.

(RESOLUTIONS-5)(ORDINANCE)(MOTION)

Background/Discussion – Prima Residential and Mowry Capella, LLC have made an application to construct up to 281 residential units at 5699 Mowry Avenue. This property is currently zoned Community Commercial and is occupied by B.J.'s Restaurant and Brewhouse, a vacant former Mervyn's building and vacant unconstructed retail pads. The property that is occupied by the Motel 6 building is also a part of this application.

This area is beset by numerous problems. The motel is a haven for criminal activity and is a permitted use on the zoning in place on the site. The existing (Mervyn's) retail space and potential retail pads have sat un-utilized for more than five years. Despite extensive marketing efforts no suitable tenants have been found. The adjacency of Motel 6 complicates the retail marketing efforts.

This project simultaneously addresses these two land use challenges by replacing these uses with a quality residential community.

The project proposes no significant changes to the BJ's Restaurant and Brewhouse or its parking lot. A separate parcel will be created for the restaurant and it will retain its Community Commercial zoning. This project does not involve any changes to the Swiss Park facility, 76 Gas Station nor the Firestone Auto shop.

This project will provide substantial benefits to the community:

- 1) It would address two tough land use problems: a crime ridden motel and a vacant retail space that is out of step with market forces.
- 2) It includes a condition that a decorative wall be built on the opposite side of Cedar Boulevard -from the southern project boundary to Moores Avenue.
- 3) It provides high quality modern housing matching the area's workforce.
- 4) It will improve the property values in the surrounding area.
- 5) It will result in substantial impact fee revenue for the City including more than \$2 million dollars in park fees alone.

The Motel 6, despite being a blight on the neighborhood and incompatible with the surrounding residential area, was a very profitable business and the purchase price reflected the businesses profitability. This project would not be financially feasible if it was subject to the affordable housing impact fee of approximately \$30,000 per unit. In order to assure the substantial community benefits indicated above, staff is recommending that, as allowed in the fee ordinance, the project be exempted from the affordable housing fee. If this fee waiver is not granted the project would not be financially feasible and thus the motel use and the existing outmoded vacant retail space would continue.

Project Design

The development, which will be known as “Prima”, is proposed to contain approximately 42 detached homes, 146 attached townhomes, and 93 attached row condominiums. The developer is requesting approval of up to 281 homes for the project, including the triangular piece of property at the corner of Cedar Boulevard and Cedar Court which is now under contract and part of the Prima project.

The community’s main entrance will be via a new private lane off of Cedar Boulevard with a secondary auto entrance proposed at Cedar Court. There are sidewalks adjacent to both of the entrances, as well as two additional pedestrian gates located at the southwest and southeast ends of the residential site. A community park located along the main drive will include an open turf area, picnic and sitting areas, and a youth play structure. Other open spaces include a toddler’s play area as well as numerous landscaped open spaces throughout the community.

All three products (detached, townhomes, and condominiums) offer multiple floor plans. The plans offer a nice variation in design and many of the homes have private enclosed patios or balconies. The varying heights of the buildings, along with the strong architectural features and contrasting paint schemes add to the high quality of this development.

Housing Impact Fee

Section 17.18.050 (Discretionary Exemption by City Council) of the Newark Municipal Code allows the City Council to waive the payment of the Housing Impact Fee if a developer of a residential or non-residential project includes a provision of community benefits in excess of those required by the impacts of the project, and if the City Council finds that the proposed benefits to the community exceed those that would be provided by the payment of the housing impact fee. Such community benefits may include the elimination of nuisances. The amount that would be waived would typically be about \$30,000 per dwelling unit. If the City Council elects to waive the housing impact fees pursuant to this provision, the community benefits shall be guaranteed by a binding document in a form that is acceptable to the City Attorney.

Motel 6 has been the site of a significant amount of police activity over the past years. Crimes reported on the property include rape, battery and assault with a deadly weapon, robbery, burglary, grand theft, domestic violence, drugs, prostitution and kidnapping. The elimination of this nuisance site will reduce the calls to the area significantly and allow the Police Department to allocate resources elsewhere.

There are three factors that go into assessing the issues related to Motel 6 and the blight/crime related issues it causes to surrounding areas. The three factors to look at as it relates to public safety costs related to this property are:

1. Actual arrests, incidents and calls for service at the property.
2. Ancillary arrests, incidents and calls for service related to guests of that property.
3. Proactive enforcement efforts including security checks, surveillance, drive through, probation and parole searches, and warrant services.

When you factor these three things together, our Police staff estimates that that the Police Department dedicates approximately 10% of our police resources to the Motel 6 location either proactively or reactively (calls, arrests, incidents). This represents about \$1.5 million dollars a year based on a \$15 million dollar police budget. This is only our best estimate that takes into account all three factors and all the costs related to policing this property such as equipment, training, supervision, cars, fuel, overtime, report writing, court and other costs.

Using the most recent data for a one year period ending in September 2014 there were 504 incidents that required police activity at Motel 6. 108 incidents required a police report and 54 incidents required an arrest. We also estimate that 80% of the arrests result in prosecution and require a court appearance. In order to be conservative, the above statistics only count incidents, arrests and calls for service directly on the grounds of the property. However, historically we know of hundreds of incidents and arrests not located on the property, such as a traffic stop or pedestrian stop of a person leaving the motel, going to the motel or staying at the motel and getting arrested at another location or committing a crime such as shoplift or auto theft at the Mall or at BJ's.

It should be also noted that none of these figures or formulas take into account the costs to our community for losing that officer time for other policing efforts or the impacts of reduced crime to surrounding areas and properties due to their potential closure, i.e. reduced auto thefts, and burglaries, which are certain to occur but are very hard to directly quantify.

As a result of the high crime at Motel 6 and the surrounding area affected by the guests of that property we spend an inordinate amount of undirected patrol time focusing on preventative crime reducing efforts in order to attempt to keep it from spiraling out of control. If our officers did not have to spend that amount of time at that location they could focus their efforts on other public safety issues to reduce crime in other areas of town, extra patrols, better response times to calls, more public interactions, traffic enforcement.

Environmental Determination

The Initial Study/Mitigated Negative Declaration was prepared for this project by Mr. Jerry Haag, Urban Planner. The key issues analyzed were aesthetics, agricultural and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation/traffic, and utilities and service systems.

Of these 17 issues, the only new significant impacts resulting from this project would include air quality, hazards and hazardous materials, noise, and traffic/circulation. These represent project-specific impacts that are specific to the location of the project site and the development proposed by the project.

As described in Section 3, *Air Quality*, of the attachment to the Initial Study, the project will reduce construction-related air quality emissions to a less-than-significant level (these measures are consistent with Bay Area Air Quality Management District [BAAQMD] recommendations. As such, the developer will be required to use water as needed to control dust and eliminate visible dust plumes. In addition, covering of all trucks hauling building debris, soil, sand, and other loose materials will be required. Another option could be to require all trucks to maintain at least two feet of freeboard.

Some of the future residences closest to Interstate 880 (I-880) could be exposed to pollutants from vehicle traffic that exceed the BAAQMD threshold for operational impacts, therefore the applicant will install air filtration and ventilation systems in residential buildings in the affected areas that would include sensitive receptors.

Section 8, *Hazards and Hazardous Materials*, recognizes that existing buildings on the site will be demolished. Prior to their demolition, a licensed contractor will determine the presence or absence of lead based paints or asbestos on the site. If found in quantities at or above objectionable levels as determined by the Alameda County Fire Department and Newark Building Division, these materials shall be safely removed consistent with OSHA and other applicable standards and disposed of in an appropriate location.

Section 12, *Noise*, notes that single-family residences proposed along Cedar Boulevard would be exposed to future noise levels of approximately 67dBA Ldn and would be considered “conditionally acceptable” according to the Environmental Hazards Element of the Newark General Plan. As shown in the Perimeter Wall Plan as part of the proposed project, an 8-foot masonry noise barrier would shield private outdoor use areas, resulting in exterior noise levels of 60 dBA Ldn or less when accounting for the acoustical attenuation provided by the proposed noise barrier. Exterior noise levels at private use areas of single-family residences along Cedar Boulevard would be considered “normally acceptable” according to the Environmental Hazards Element of the Newark General Plan. However, since the final designs of buildings and final topographic grades on the site are not established, the final height and location of the perimeter wall shall be reviewed by a qualified acoustical professional to ensure that the ultimate height, location, and design of the perimeter wall will ensure City of Newark standards for exterior noise exposure are met.

As currently proposed, noise levels expected from outdoor concerts at the adjacent Swiss Park would be in compliance with the City of Newark exterior and interior noise standards at the nearest residential land uses at the project site. However, to ensure that residents are fully aware of potential noise resulting from outdoor concerts at Swiss Park, residents of dwellings on the west side of the project site within 200 feet of the western property line, including owners and renters, shall receive written notice that outdoor music concerts, some with amplified sound, and other outdoor activities will occur at Swiss Park. Wording of this disclosure shall be approved by the Community Development Director.

Traffic noise levels at the exterior facades of condominium buildings proposed nearest to I-880 were calculated to range from 74 to 77 dBA Ldn and would be considered “normally acceptable” to “clearly unacceptable” according to the Environmental Hazards Element of

the Newark General Plan. The facades of condominium buildings adjacent to I-880 would require sound rated building elements to control traffic noise intrusion. As such, building facades for the proposed condominium dwellings near the I-880 freeway shall achieve an outdoor to indoor composite noise reduction of 35 dBA to reduce traffic noise to below 45 dBA Ldn with an adequate margin of safety. A similar treatment will be applied to condominiums nearest to Mowry Avenue to achieve an outdoor and indoor composite noise reduction of 30 dBA.

As with most projects, construction noise could be audible at the adjacent residential dwellings and, if on-site construction takes place over multiple phases, occupants of earlier phases of construction could be subject to excessive noise from later phases of on-site construction. To reduce noise impacts, equipment and trucks used for project demolition and construction will utilize the best available noise control techniques (e.g., improve mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds, wherever feasible). Impact tools shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporation insulation barriers or other measures to the extent feasible.

Section 16, *Transportation/Traffic*, notes that there would be no significant impacts at any intersections due to the addition of project trips. Although there are three intersections of concern because of traffic levels from existing or planned development the Prima project traffic would neither cause the level of service to degrade to an unacceptable level nor cause the average delay at any of the intersections to increase by four or more seconds. All of the other study intersections would operate at acceptable levels of service.

The traffic analysis recommends that the final site incorporate on-site pedestrian and bicycle facilities, including but not limited to pedestrian paths and/or sidewalks bicycle lanes, bicycle racks and/or guarded bicycle parking and marked crosswalks to facilitate pedestrian and bicycle circulation. In addition, the on-site circulation system shall ensure that adequate travel lanes and turning radii will allow access by trucks, solid waste collection vehicles and fire equipment.

The review period for the Initial Study/Mitigated Negative Declaration ended on September 18, 2014. The City received letters from the Alameda County Water District, Swiss Park, and a property owner. These letters have been addressed in the Mitigated Negative Declaration.

General Plan Amendment/Rezoning

The current General Plan designation for the majority of the property is Community Commercial. The former Motel 6 property has a General Plan and zoning designation of High Density Residential and therefore needs no change. The change from Community Commercial to Medium Density Residential for the balance of the site is consistent with the project's density.

As the General Plan designation and zoning need to be consistent, approximately 10 acres of the site is proposed to be rezoned from Community Commercial to R-2500, which is a medium density zoning designation. The remainder of the site where BJ's Restaurant and Brewhouse is located will remain Community Commercial.

A community meeting to discuss this proposal was held on July 28, 2014. Approximately 13 people attended the meeting, including representatives of the neighboring Swiss Park facility. Questions and concerns from the public included proposed landscaping, site pedestrian access, traffic safety, the demolition of Motel 6, construction duration, and noise generating from events held at Swiss Park. The applicant discussed the issues that were raised and took note of the public's concerns.

The Planning Commission recommended that the City Council find the proposed benefits to the community are in excess of those required by the impacts of the project and a waiver of the Housing Impact fee was in order.

In order to provide an opportunity to demonstrate good corporate citizenship, staff is recommending that condition "cccc" requiring a contribution or at least \$100,000 to area non-profit organizations be added.

Attachments

Update – At its meeting of September 23, 2014, the Planning Commission: approved Resolution 1886 making certain findings and recommending City Council approval of E-14-14, an Initial Study/Mitigated Negative Declaration; (2) approved Resolution 1887 recommending City Council approval of GP-14-15, a General Plan Amendment to change the land use designation from CC (Community Commercial) to MR (Medium Density Residential); (3) approved Resolution 1888 recommending City Council approval of RZ-14-38, a rezoning from CC (Community Commercial) to R-2,500 (Medium Density Residential – 2,500); (4) approved Resolution No. 1889 with Exhibit A, pages 1 through 42, approving P-14-16, a planned unit development, and U-14-17, a conditional use permit; (5) by motion, recommended City Council approval of TM-14-18, Vesting Tentative Map 8208; and (6) by motion, recommended the City Council find the proposed benefits to the community are in excess of those required by the impacts of the project and waive the Housing Impact Fee.

Action – It is recommended that the City Council: (1) By resolution, make certain findings and adopt an Initial Study and Mitigated Negative Declaration for 281 dwelling units at 5699 Mowry Avenue The Prima Project; (2) By resolution approve an amendment to the Land Use Element of the General Plan from CC (Community Commercial) to MR (Medium Density Residential); (3) introduce an ordinance to amend Title 17 (Zoning), Section 17.44.010 of the Newark Municipal Code to change the zoning for an approximately 10 acre portion of Vesting Tentative Map 8208 from CC (Community Commercial) to R-2500 (Medium Density Residential – 2,500); (4) by resolution, approve P-14-16, a planned unit development, and U-14-17, a conditional use permit, for a 281-unit residential development (Prima Residential) at 5699 Mowry Avenue (5) By resolution, approve Vesting Tentative Map 8208 and

Subdivision and Zoning Variances thereto (6) By resolution, make a finding that the Prima Project provides a benefit to the community in excess of those required by the impacts of the project and payment of the Housing Impact Fee and granting a waiver of the Housing Impact Fee.

E.2 Introduction of an Ordinance amending Chapter 17.18 (Affordable Housing Program) of the Newark Municipal Code by exempting residential additions from the Housing Impact Fee – from Assistant City Manager Grindall. (ORDINANCE)

Background/Discussion – On April 10, 2014 the City Council approved an Affordable Housing Impact Fee which replaced the former inclusionary housing program. The fee was set at \$20 per square foot of building area for the first 1000 square feet and \$8 per square foot above 1000 square feet. The Ordinance has recently become effective. As approved, the ordinance applied a fee to all residential development, including additions to existing residential dwellings. In the process of implementation staff has concluded that the application of this fee to residential additions could create a disincentive to investment in existing neighborhoods and logistical problems in implementation. Therefore, staff is recommending that the Affordable Housing Program (Municipal Code Section 17.18) be amended to exempt additions to existing residential dwellings from payment of the fee.

Attachment

Action –Staff recommends that the City Council introduce an ordinance amending the Chapter 17.18 (Affordable Housing Program) of the Newark Municipal Code Section 17.18.030(B) (Housing Fee) and Section 17.18.040(D) (Damaged Property) exempting residential additions from the Housing Impact Fee.

E.3 Hearing to consider: (1) Adopting a resolution approving a General Plan Amendment (GP-14-21) to change the land use designation from S-I (Special Industrial) to P-I (Public and Institutional); and (2) by motion, approving Planning Commission Resolution No. 1884, for P-14-23, a planned unit development and U-14-24, a conditional use permit, for a private school (Stratford School) to be located at 39201 Cherry Street (APNs: 901-110-68 & 69). This project also includes temporary modular school rooms and offices for the 2014/15 school year – from Assistant City Manager Grindall. (RESOLUTION)(MOTION)

Background/Discussion – This item was brought before the City Council at their September 11, 2014 meeting, however, due to the need to analyze additional traffic information, the public hearing for this item was cancelled. The information has since been analyzed and the item re-noticed for tonight's meeting.

Stratford Schools has made an application for a private elementary and middle school to locate at 39201 Cherry Street. This building was formerly known as the Agilent building

and, until recently, home to Nuts and Spice, a food distribution operation. As schools and colleges are not permitted in the MT (Industrial Technology Park) District, a planned unit development and conditional use permit are necessary.

The Stratford School website states that, “Stratford School is an independent private school founded on the belief that education is a significant influence in the life of a child. Our mission is to create a school community that inspires children to realize their full potential, while providing a safe and nurturing school environment. To support our mission, we bring together principals, teachers, and parents who are passionate about education. Together, we provide the best possible learning environment for our students.”

The proposal for the Newark Campus involves the reuse of the existing building to provide area for both an elementary and a middle school. The floor plan will be divided to accommodate classrooms, offices, a gymnasium, a computer lab, music room, library, and other support uses. Although the school year will begin in August 2015, Stratford School will begin accommodating pre-school students enrolled for the 2015/16 school year in temporary (November 2014 – June 2015) modular buildings beginning January 2015. Construction can then take place on the interior of the building without disrupting the day-to-day operation of the school. The students will then transition from the modular facilities into the main building.

Environmental Issues

The reuse of this building is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Class 1, operation of existing facilities involving negligible or no expansion of an existing use. The building will not be expanded beyond its existing foot print nor used to any capacity greater than it was when it was Avantek and Agilent Technologies.

Although the project is exempt from CEQA, a traffic impact analysis was prepared to address the traffic issues in the immediate area. The analysis determined that there should be some improvements put in place in order to avoid a major increase in congestion. Those improvements, which are required to be met by the applicant, are identified in the analysis and within Appendix D. Some of the improvements will include traffic signal timing modifications, future improvements to the intersection of Mowry Avenue and Cherry Street to include a second left turn lane for the westbound approach to southbound Cherry Street, future improvements for a dedicated left turn opening from northbound Cherry Street to the southerly driveway at the project site, including the installation of a traffic signal and interconnect to the nearest traffic signals on Cherry Street at such time as enrollment at the school exceeds or is projected to exceed 600 students, and a contribution to the cost of evaluating potential improvements between Central Avenue and Stevenson Boulevard that may result in improved overall traffic conditions.

General Plan Amendment

The existing General Plan designation for the project site is S-I (Special Industrial). This designation was designed to accommodate high-tech, Research & Development uses envisioned for the area. The adjacent New Technology Park (more commonly referred to now as Area 3) and the nearby Stevenson Point Tech Park made this site ideal for a high tech use such as Agilent. However, this area has developed into a more public and private institutional/residential area as is evident by the adjacent Silliman Recreation Center, Ohlone College, and the planned residential for Area 3. The Public and Institutional (P-I) designation is intended to identify existing and proposed public and private facilities, such as fire stations, City offices, libraries, corporation yards, and public/private schools and colleges. The actual intensity of development on any given site is dictated by a number of factors, including height limits, parking and landscaping requirements, site size and dimensions, and the nature of the public or institutional activity on the property. Given how the area has developed, it is appropriate for the area to be designated as “Public and Institutional”.

Attachment

Update – At its August 26, 2014 meeting, the Planning Commission (1) Adopted a Resolution No. 1883, recommending City Council approval of a General Plan Amendment (GP-14-21) to change the land use designation from S-I (Special Industrial) to P-I (Public and Institutional); and (2) adopted Resolution No. 1884, approving P-14-23, a planned unit development and U-14-24, a conditional use permit, with Exhibit A, pages 1 through 5, for a private school (Stratford School) to located at 39201 Cherry Street (APNs: 901-110-68 & 69), including temporary modular school rooms and offices for the 2015/16 school year.

Action – It is recommended that the City Council: (1) by resolution, approve a General Plan Amendment (GP-14-21) to change the land use designation from S-I (Special Industrial) to P-I (Public and Institutional); and (2) by motion, approve Planning Commission Resolution No. 1884, approving P-14-23, a planned unit development and U-14-24, a conditional use permit, with Exhibit A, pages 1 through 5, for a private school (Stratford School) to located at 39201 Cherry Street (APNs: 901-110-68 & 69), including temporary modular school rooms and offices for the 2015/16 school year.

F. CITY MANAGER REPORTS

(It is recommended that Items F.1 through F.2 be acted on simultaneously unless separate discussion and/or action is requested by a Council Member or a member of the audience.)

CONSENT

F.1 Acceptance of work with Stevens Creek Quarry, Inc., for Lakeshore Park Seawall Replacement, Project 755 – from Assistant City Engineer Fajeau. (RESOLUTION)

Background/Discussion – On June 13, 2013, the City Council authorized award of a contract to Stevens Creek Quarry, Inc. for Lakeshore Park Seawall Replacement, Project 755. The scope of work included replacement of the wooden seawall around the outside perimeter of the lake at Lakeshore Park with a concrete block retaining wall system. All work on this project was completed within the original approved budget.

Attachment

Action - It is recommended that the City Council, by resolution, accept the work with Stevens Creek Quarry, Inc., for Lakeshore Park Seawall Replacement, Project 755.

F.2 Cancellation of the November 27, 2014, City Council meeting – from City Clerk Harrington. (MOTION)

Background/Discussion – Newark Municipal Code Section 2.08.010 provides that when a regular meeting of the City Council falls on a day designated by law as a legal or national holiday, there shall be no meeting. The November 27, 2014, regular meeting falls on the Thanksgiving holiday. Formally canceling the meeting will allow the City Clerk to notify the public in a timely manner.

Attachment

Action - It is recommended that the City Council, by motion, cancel the November 27, 2014, City Council meeting.

G. CITY ATTORNEY REPORTS

G.1 Claim of Veronica Walter – from City Clerk Harrington. (MOTION)

Background/Discussion – On September 24, 2014, the City received a claim from Veronica Walter in the amount of \$3,035 alleging damages due to a police action.

The claim and all relevant information were forwarded to ABAG Plan, the City's insurance administrator, who recommends that it be denied.

Attachment – None

Action - It is recommended that the City Council, by motion, deny the claim and authorize staff to inform the claimant of such denial.

H. ECONOMIC DEVELOPMENT CORPORATION

I. CITY COUNCIL MATTERS

I.1 Reappointment of Janet Drews and Jeff Aguilar to the Planning Commission– from Mayor Nagy. (RESOLUTION)

Background/Discussion – Janet Drews and Jeff Aguilar each have a term on the Newark Planning Commission that will expire on December 31, 2014. Both Commissioners have requested a four year reappointment to December 31, 2018.

Attachment

Action - It is recommended that the City Council, by resolution, approve the reappointment of Janet Drews and Jeff Aguilar to the Newark Planning Commission, for a term to expire on December 31, 2018.

J. CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY

K. ORAL COMMUNICATIONS

L. APPROPRIATIONS

M. CLOSED SESSION

N. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the City Council, will be made available for public inspection at this meeting and at the City Clerk’s Office located at 37101 Newark Boulevard, 5th 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.

For those persons requiring hearing assistance, please make your request to the City Clerk two days prior to the meeting.