

E.2 Hearing to consider the development of approximately 27 residential units (Trumark Homes) on an approximately 2.14-acre project site (Enterprise Property) generally located on the north side of Enterprise Drive east of Willow Street: (1) Adoption of a resolution making certain findings and adopting a Supplemental Environmental Impact Report (E-12-30) to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development Specific Plan; (2) Introduction of an ordinance amending Title 17 (Zoning) of the Newark Municipal Code and Section 17.44.010 “Zoning Map” by rezoning all that real property shown on vesting tentative map 8110 from MI (limited industrial) to Mdr-Fbc (medium density residential – form based codes); (3) adoption of a resolution making findings supporting the use of an alternative means of compliance with the Inclusionary Housing Ordinance and approving the Affordable Housing Implementation Agreement for the Enterprise Drive Project; 4) adoption of a resolution approving TM-12-28, Vesting Tentative Map 8110; 5) adopt a resolution authorizing the Mayor to sign a Community Financing Agreement with Enterprise Drive, LLC; 6) By motion, approving ASR-12-29, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 29; and 7) By motion, approving Exhibit B, Schedule of Impact Fees – from Assistant City Manager Grindall.

(RESOLUTIONS- 4)(INTRODUCTION OF ORDINANCE) (MOTIONS-2)

Background/Discussion – In collaboration with the landowners, the City of Newark began a planning effort in the Fall of 2007 to explore potential development around the planned Newark Dumbarton Rail Station. The Project Area includes approximately 205 acres of land that has previously contained various industrial, manufacturing, and chemical processing land uses since the early twentieth century. Most of the land is currently vacant.

In early 2013, the City Council approved a Vesting Tentative Tract Map on what is known as the “Torian Property”. This 42+ acre site was the first parcel in the Dumbarton Transit Oriented Development (TOD) area and was approved for approximately 547 residential units.

Enterprise Drive, LLC has now submitted a proposed Vesting Tentative Map and building plans for 27 units to be located on approximately 2.14 acres along Enterprise Drive. The Vesting Tentative Map includes numerous conditions and includes a requirement for the Gallade Chemical property to be acquired and developed as a park. It is proposed to rezone a portion of the Dumbarton TOD to be consistent with the Specific Plan. RZ-12-27 is a rezoning of an approximately 2.14-acre area (Assessor’s Parcel Number 092-0140-006); an area generally located on the north side of Enterprise Drive east of Willow Street. The rezoning would be from ML (Limited Industrial) to MDR-FBC (Medium Density Residential – Form Based Code which is consistent with the Specific Plan.

The Architectural and Site Plan Review

Three building designs are proposed, each with three different floor plans. All three designs will accommodate three stories that provide two covered parking spaces, a mid-level living area with

dining room, family room, and kitchen, and a third story living area with three bedrooms. The ground floor will provide either a media/living room and/or an option for an additional bedroom.

Although these homes are somewhat narrow (22-feet wide), they provide a nice variation in design and offer balconies, dormers, several window treatments, recessed features, and wall treatments. The average lot size in this development is 2,177 square feet.

Park

A conceptual park plan has been submitted showing extensive planting, large turf areas, and children's play area with equipment. The final design of this park will be subject to the review and approval of the Community Development Director. The acquisition of this parcel is required prior to the issuance of a Certificate of Occupancy for any of the proposed homes.

Affordable Housing

Chapter 17.18 of the Newark Municipal Code generally requires developers to set-aside a minimum of 15% of the total number of dwelling units in a project as inclusionary units for very low, low, and moderate income households. The Code also authorizes alternative means of compliance with the City's Affordable Housing Program, including land dedication, payment of in-lieu fees, or approval of an alternative housing program consisting of any combination of alternative means of compliance. Enterprise Drive LLC intends to comply with the City's Affordable Housing Program and to satisfy the agreed affordable housing obligations for the Project and Properties by entering into an "Affordable Housing Implementation Agreement". As such, the Developer will pay to the City, an in-lieu fee in the amount of \$25,000 for each unit within the Project.

The alternative means of compliance fulfills the purposes of the Inclusionary Housing Ordinance, and will further affordable housing opportunities in the City to an equal or greater extent than compliance with the requirements of the Ordinance. The alternative means of compliance would better address the City's needs than other means of compliance because the funding available would allow for the acquisition of property or contribution to programs to maintain the safety and quality of housing occupied by lower income households. This flexibility will allow for a much greater and more effective approach to addressing the most pressing affordable housing needs in the community. The alternative means of compliance will not unduly concentrate below market rate housing in one geographic area, because no particular project is now envisioned and the Planning Commission and City Council can monitor this concern when particular affordable housing developments are proposed.

The Supplemental Environmental Impact Report (SEIR)

The SEIR prepared for this project and the adjacent Jones-Hamilton property project was completed by David J. Powers & Associates, Inc. The key issues analyzed by the SEIR were air quality, biological resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, and noise.

Of these six issues, the only new significant impacts resulting from this project would include biological impacts and hazardous material impact. These represent project-specific impacts that

are specific to the location of the project sites and the development proposed by the project.

As described in Section 4.2 of the SEIR, *Biological Resources*, the project would result in impacts to seasonal wetlands and Cogdon's tarplant. These impacts would be mitigated to less than significant levels through mitigation measures identified in the SEIR, specifically the purchase of off-site mitigation credits for habitat impacts (or alternatively, on-site propagation of Cogdon's tarplant on the Jones-Hamilton project site).

As described in Section 4.5 of the SEIR, *Hazards and Hazardous Materials*, the project could be affected by airborne hazardous substances in the event of an accidental release from facilities located approximately one mile from the project. Given the extensive area potentially impacted by a hazardous substance release, and the lack of feasible protective measures for single-family homes in the affected area, there is no feasible mitigation measure to protect future residents of the project from the hazard. This potential impact is therefore considered significant and unavoidable. It's important to note that chemicals in the quantities evaluated for the project are routinely transported by rail and truck on public roadways, including Interstate 880 and State Route 84. The potential risk to the site from the accidental release of hazardous materials is, therefore, similar to that of other areas in Newark near industrial or transportation facilities.

The review period for the SEIR ended on February 7, 2014. The City received letters from both the Alameda County Water District and the Department of Toxic Substances Control (DTSC). These letters have been addressed in the Final SEIR.

Update – At its meeting of March 11, 2014, the Planning Commission : 1) Adopted Planning Commission Resolution No. 1857 making certain findings and recommending City Council adoption of a Supplemental Environmental Impact Report to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development; (2) adopted Planning Commission Resolution No. 1858 recommending rezoning (RZ-12-27) a 2.14-acre area (APN 92-140-6) from ML (Limited Industrial) to MDR-FBC (Medium Density Residential – Form Based Codes); 3) adopted Planning Commission Resolution No. 1859 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; 4) By motion recommended that the City Council, with minor amendments, approve TM-12-28, Vesting Tentative Map 8110; 5) By motion, recommended 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 approved Exhibit B, Schedule of Impact Fees.

Action – It is recommended that the City Council: (1) Adopt a resolution making certain findings and adopting a Supplemental Environmental Impact Report (E-12-30) to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development Specific Plan; (2) Introduce an ordinance amending Title 17 (Zoning) of the Newark Municipal Code and Section 17.44.010 "Zoning Map" by rezoning all that real property shown on Vesting Tentative Map 8110 from ML (limited industrial) to MDR-FBC (medium density residential – form based codes); (3) Adopt a resolution making findings supporting the use of an alternative means of compliance with the Inclusionary Housing

Ordinance and approving the Affordable Housing Implementation Agreement for the Enterprise Drive Project; 4) Adopt a resolution approving TM-12-28, Vesting Tentative Map 8110; 5) Adopt a resolution authorizing the Mayor to sign a Community Financing Agreement with Enterprise Drive, LLC; 6) By motion, approve ASR-12-29, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 29; and 7) By motion approve Exhibit B, Schedule of Impact Fees.

Planning Commission

RESOLUTION NO. 1857

RESOLUTION OF THE CITY OF THE NEWARK PLANNING COMMISSION MAKING CERTAIN FINDINGS AND RECOMMENDING CITY COUNCIL ADOPTION OF A SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT (E-12-30) TO THE ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NUMBER 2010042012) FOR THE DUMBARTON TRANSIT ORIENTED DEVELOPMENT SPECIFIC PLAN

WHEREAS, the City of Newark caused an Environmental Impact Report (State Clearinghouse Number 2010042012) to be prepared to assess the potential environmental impacts of the proposed Dumbarton Transit Oriented Development Specific Plan; and

WHEREAS, the Environmental Impact Report consists of a Draft Environmental Impact Report document as well as the Final Environmental Impact Report document, which in turn consists of all comments received by the City of Newark regarding the Draft Environmental Impact Report during the mandatory public review period and responses to those comments; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 23, 2011, and recommended that the City Council certify the Environmental Impact Report (State Clearinghouse Number 2010042012) for the Dumbarton Transit Oriented Development Specific Plan; and

WHEREAS, the City Council held a duly noticed public hearing on September 8, 2011, and certified the Environmental Impact Report (State Clearinghouse Number 2010042012) for the Dumbarton Transit Oriented Development Specific Plan after finding it complete and adequate pursuant to the California Environmental Quality Act; and

WHEREAS, the Planning Commission held a duly notice public hearing on March 11, 2014, and recommended that the City Council approve a Supplemental Environmental Impact Report (E-12-30) to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report (State Clearinghouse Number 2010042012) after finding it complete and adequate pursuant to the California Environmental Quality Act, and;

WHEREAS, the proposed rezoning (RZ-12-27) and Vesting Tentative Map (TM-12-28) concern the development of the property within the Dumbarton Transit Oriented Development Specific Plan project area, and the proposed development is within the residential density limits analyzed by the Environmental Impact Report (State Clearinghouse Number 2010042012) and the Supplemental Environmental Impact Report (E-12-30) for the Dumbarton Transit Oriented Development Specific Plan; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 11, 2014, took testimony from the public, and upon fully considering all documents in the record, the Planning Commission determined that the Environmental Impact Report (State Clearinghouse Number 2010042012) and the Supplemental Environmental Impact Report (E-12-30) for the Dumbarton Transit Oriented Development Specific Plan specifically considered and fully analyzed all environmental impacts of the proposed amendment to TM-12-28, Vesting Tentative Map 8110, pursuant to Public Resources Code section 21000 *et seq.*

NOW, THEREFORE, the Planning Commission finds and resolves as follows:

1. That the Environmental Impact Report and the Supplemental Environmental Impact Report (E-12-30) for the Dumbarton Transit Orientated Development Specific Plan analyzed the impacts of the proposed development pursuant to the Specific Plan; and
2. That, as concluded by the Environmental Impact Report and the Supplemental Environmental Impact Report (E-12-30) for the Dumbarton Transit Oriented Development Specific Plan, the proposed rezoning and Vesting Tentative Map will not have a significant impact on the environment once the proposed mitigation measures in the Environmental Impact Report and the Supplemental Environmental Impact Report have been applied except for impacts related to traffic and hazards; and
3. That the Environmental Impact Report and the Supplemental Environmental Impact Report for the Dumbarton Transit Orientated Development Specific Plan fully analyze and cover all environmental impacts of the proposed rezoning and adoption of the Vesting Tentative Map; and
4. That a copy of the minutes be forwarded to the City Council as a summary of the hearing.

NOW, THEREFORE, The Planning Commission recommends that:

- a. The City Council adopt findings of fact and a Statement of Overriding Considerations pursuant to CEQA Guidelines Sections 15091 and 15126.6, as set forth in Exhibit A to this Resolution and incorporated herein by reference;
- b. The City Council adopt a Mitigation Monitoring and Reporting Program, as set forth in Exhibit B to this Resolution and incorporated herein by reference;
- c. The City Council, based on the evidence and oral and written testimony presented at public hearings, and based on all the information contained in the Community Development Department's files on the project, including, but not limited to, the SEIR, the Planning Commission's and City Council's staff reports, certify in accordance with CEQA Guidelines section 15090 that:
 1. The SEIR was prepared in compliance with CEQA and the CEQA Guidelines;
 2. The City Council has reviewed and considered the information contained in the SEIR prior to approving the project;

3. The SEIR adequately describes the project, its environmental impacts, reasonable alternatives and appropriate mitigation measures;
 4. The SEIR reflects the independent judgment and analysis of the City Council.
- d. This item shall be given a public hearing before the City Council for the Council's review and approval.

The resolution was introduced at the Planning Commission's March 11, 2014 meeting by Vice-Chairperson Hannon, seconded by Commissioner Bridges, and passed as follows:

AYES: Aguilar, Bridges, Fitts, Hannon, Nillo and Otterstetter.

NOES: None.

ABSENT: Drews.

s/Terrence Grindall
TERRENCE GRINDALL, Secretary

s/Bernie Nillo
BERNIE NILLO, Chairperson

RESOLUTION NO. 1858

RESOLUTION RECOMMENDING THE AMENDMENT OF
TITLE 17 OF THE NEWARK MUNICIPAL CODE BEING THE
CITY OF NEWARK ZONING ORDINANCE BY CHANGING
THE ZONING OF A SPECIFIED AREA IN THE CITY OF
NEWARK

WHEREAS, Enterprise Drive, LLC has made application to the Planning Commission of the City of Newark to consider the amendment (RZ-12-27) to Title 17 (Zoning) of the Newark Municipal Code and the Official Zoning Map, by rezoning property described as follows;

All that real property shown on Vesting Tentative Map 8110 in the City of Newark, County of Alameda, State of California as shown on Exhibit A, pages 1 through 5, attached hereto and incorporated herein by reference.

PURSUANT to Municipal Code Section 17.80.050, a public hearing notice was published in the Argus on February 15, 2014, and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on February 25, 2014 and March 11, 2014, at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

NOW, THEREFORE, the Planning Commission does resolve:

- a. That the Planning Commission recommends that the Newark City Council amend Title 17 (Zoning) of the Newark Municipal code and Section 17.44.010 "Zoning Map" thereof, being the City of Newark Zoning Ordinance and Official Zoning Map, by rezoning all that real property shown on Vesting Tentative Map 8110 from ML (Limited Industrial) to MDR-FBC (Medium Density Residential – Form Based Codes); and
- b. That the Planning Commission has reviewed said zoning and finds it consistent and compatible with the objective, policies, general land uses, and the programs of Newark's General Plan, necessary and desirable to achieve the purposes of the ordinance and proper, fair, and for the best interest of the health, safety, and general welfare of the City of Newark; and
- d. That a copy of the minutes be forwarded to the City Council as a summary of the hearing.

The resolution was introduced at the Planning Commission's March 11, 2014 meeting by Commissioner Bridges, seconded by Commissioner Fitts, and passed as follows:

AYES: Aguilar, Bridges, Fitts, Hannon, Nillo and Otterstetter

NOES: None.

ABSENT: Drews.

s/Terrence Grindall
TERRENCE GRINDALL, Secretary

s/Bernie Nillo
BERNIE NILLO, Chairperson

RESOLUTION NO. 1859

RESOLUTION OF THE NEWARK PLANNING COMMISSION
RECOMMENDING THAT THE CITY COUNCIL APPROVE
AN ALTERNATIVE MEANS OF COMPLIANCE WITH THE
INCLUSIONARY HOUSING ORDINANCE FOR THE
ENTERPRISE DRIVE PROJECT AND MAKING FINDINGS
RELATED TO THE USE OF AN ALTERNATIVE MEANS OF
COMPLIANCE

WHEREAS, the Enterprise Street Project includes a condition that the project comply with the City's Inclusionary Housing Ordinance (Municipal Code Section 17.18); and

WHEREAS, the Inclusionary Housing Ordinance includes provisions for the application of an alternative means of compliance; and

WHEREAS, the payment of a \$25,000 Affordable Housing Fee per housing unit completed in the Enterprise Drive project would provide funds to develop or preserve affordable housing in Newark and would be an alternative means of compliance with the Inclusionary Housing Ordinance; and

WHEREAS, the flexibility provided by the payment of the Affordable Housing Fee will allow the City to leverage funds with State and Federal programs to better address the needs of the Newark Community for affordable housing; and

WHEREAS, the funds from the Affordable Housing Fee will allow the City to target investment so that the achievement of affordable housing objectives can be coupled with the achievement of other Community objectives; and

WHEREAS, the issue of concentration of future development of affordable housing is addressed because projects developed using the funds from the Affordable Housing Fee will be consistent with the General Plan and will require Planning Commission review and City Council approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission:

- a. Recommends that the City Council approve an Affordable Housing Agreement for the Enterprise Drive project, said agreement being on file with the Secretary of the Planning Commission; and
- b. That the Planning Commission does find that:

- i) The proposed alternative means of compliance fulfills the purposes of this, the Inclusionary Housing Ordinance, as set forth in Section 17.18.010; and
- ii) The proposed alternative means of compliance will further affordable housing opportunities in the City to an equal or greater extent than compliance with the requirements of Section 17.18.030; and
- iii) The proposed alternative means of compliance would better address the City's needs than compliance with the requirements of Section 17.18.030; and
- iv) The proposed alternative means of compliance will not unduly concentrate below market rate housing in one geographic area.

This Resolution was introduced at the Planning Commission's March 11, 2014 meeting by Commissioner Fitts, seconded by Vice-Chairperson Hannon, and passed as follows:

AYES: Aguilar, Bridges, Fitts, Hannon, Nillo and Otterstetter.

NOES: None.

ABSENT: Drews.

s/Terrence Grindall
TERRENCE GRINDALL, Secretary

s/Bernie Nillo
BERNIE NILLO, Chairperson

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, March 11, 2014

A. ROLL CALL

At 7:30 p.m., Chairperson Nillo called the meeting to order. Mayor Nagy swore in Planning Commissioner Jeff Aguilar. All Planning Commissioners were present except Commissioner Drews (personal).

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, February 25, 2014.

Commissioner Fitts moved, Commissioner Bridges seconded, to approve the Minutes of February 25, 2014. The motion passed 5 AYES, 1 ABSTENTION (Aguilar), 1 ABSENT (Drews).

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

- E.1 **Hearing to consider: E-12-30, a Supplemental Environmental Impact Report (SEIR) for the Dumbarton Transit-Oriented Development Specific Plan; RZ-12-27, a rezoning, TM-12-28, Vesting Tentative Map 8110 to construct approximately 27 residential units (Trumark Homes) on an approximately 2.14-acre project site (Enterprise Property) generally located on the north side of Enterprise Drive east of Willow Street; and ASR-12-29, an Architectural and Site Plan Review for building elevations. The rezoning would be from ML (Limited Industrial) to MDR-FBC (Medium Density Residential – Form Based Codes). The property is within the Dumbarton Transit Oriented Development area. The Vesting Tentative Map includes off-site improvements consistent with the Specific Plan.**

Assistant City Manager Grindall gave the staff report.

Answering Vice-Chairperson Hannon, ACM Grindall confirmed all environmental issues will be mitigated prior to any development taking place and listed the Governmental Agencies that oversees the environmental process.

Addressing Commissioner Bridges' concerns, ACM Grindall stated a Noise Study was required due to the proximity of the railroad tracks.

Answering Commissioner Fitts, ACM Grindall stated street parking will be included in the count of required guest parking spaces.

Answering Commissioner Aguilar, ACM Grindall stated it is unknown how long the environmental clean-up would take.

ACM Grindall informed the Planning Commission that amended conditions were provided and must be considered when the Planning Commission takes action on Items E.1 and E.2.

Chairperson Nillo opened the Public Hearing.

Applicant Veronica Vargas, Trumark Homes, 4185 Blackhawk Plaza Circle, Suite 200, Danville, CA 94506, stated she has read and is in agreement to all conditions listed for this project.

Vice-Chairperson Hannon discussed the Mitigation Measure for dust control stated in Exhibit B, page 1 "All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day".

Answering Vice-Chairperson Hannon, ACM Grindall stated vapor barriers are typically placed by the foundation and are overseen by the Regional Water Control Board.

Addressing Vice-Chairperson Hannon's concerns, Ms. Vargas stated an on-site Superintendent would be available to handle any noise complaints and his phone number would be posted.

ACM Grindall confirmed that when Willow Street is reconfigured, the posted speed limit would be 25 mph.

Answering Vice-Chairperson Hannon, ACM Grindall discussed the Inclusionary Housing Ordinance.

Answering Commissioner Fitts, ACM Grindall stated the roundabouts on Willow Street must be completed before any homes are occupied.

Answering Vice-Chairperson Hannon, ACM Grindall stated any changes to the standard construction hours must be approved by the Chief Building Official.

Answering Commissioner Bridges, Ms. Vargas estimated the cleanup of the site would take a year and housing units based on today's market would be priced around \$500,000.

Answering Commissioner Otterstetter, Ms. Vargas stated the construction hours would be posted onsite.

Chairperson Nillo closed the public hearing.

Motion made by Vice-Chairperson Hannon, seconded by Commissioner Bridges, approving Resolution No. 1857, making certain findings and recommending City Council adoption of a Supplemental Environmental Impact Report to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development. Motion passed 6 AYES.

Motion made by Commissioner Bridges, seconded by Commissioner Fitts, approving Resolution No. 1858, recommending rezoning (RZ-12-27) a 2.14-acre area (APN 92-140-6) from ML (Limited Industrial) to MDR-FBC (Medium Density Residential – Form Based Codes). Motion passed 6 AYES.

Motion made by Commissioner Fitts, seconded by Vice-Chairperson Hannon, approving Resolution No. 1859, 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. Motion passed 6 AYES.

Motion made by Commissioner Bridges, seconded by Commissioner Otterstetter, to recommend that the City Council approve ASR-12-29, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 29; and approve Exhibit B, Schedule of Impact Fees. Motion passed 6 AYES.

- E.2 Hearing to consider: E-12-30, a Supplemental Environmental Impact Report (SEIR) for the Dumbarton Transit-Oriented Development Specific Plan; RZ-12-31, a rezoning, TM-12-32, Vesting Tentative Map 8098 to construct approximately 217 residential units (Trumark Homes) on an approximately 21.4-acre project site (Jones Hamilton Property) generally located on the south side of Enterprise Drive east of Willow Street; and ASR-12-33, an Architectural and Site Plan Review for building elevations. The rezoning would be from ML (Limited Industrial) to MDR-FBC (Medium Density Residential – Form Based Codes). The property is within the Dumbarton Transit Oriented Development area. The Vesting Tentative Map includes off-site improvements consistent with the Specific Plan.**

ACM Grindall gave the staff report.

Answering Commissioner Bridges, ACM Grindall stated there is an Emergency Vehicle Access Easement with FMC on the previously approved project.

Chairperson Nillo opened the Public Hearing.

Applicant Veronica Vargas brought to the Planning Commission attention that the motion concerning TM-12-28 was overlooked from Item E.1.

Ms. Vargas, Trumark Homes, 4185 Blackhawk Plaza Circle, Suite 200, Danville, CA 94506, stated she has read and is in agreement to all conditions listed for this project.

Vice-Chairperson Hannon commented that he was impressed with the Architectural Design and the floor plans.

Answering Vice-Chairperson Hannon, ACM Grindall confirmed construction can begin during the clean-up process but no homes can be occupied until the clean-up is completed.

Answering Vice-Chairperson Hannon, ACM Grindall stated Exhibit B is the same as what was previously submitted to the Planning Commission during the EIR process and the City was merely fulfilling a CEQA requirement by presenting it in a Table format.

Chairperson Nillo closed the Public Hearing.

Motion made by Commissioner Fitts, seconded by Vice-Chairperson Hannon to approve Resolution No. 1860 making certain findings and recommending City Council adoption of a Supplemental Environmental Impact Report to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development. Motion passed 6 AYES.

Motion made by Commissioner Bridges, seconded by Commissioner Fitts, approving Resolution No. 1861, 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). Motion passed 6 AYES.

Motion made by Commissioner Otterstetter, seconded by Commissioner Bridges, to recommend that the City Council approve TM-12-32, Vesting Tentative Map 8098; recommend that the City Council approve ASR-12-31, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 69; and approve Exhibit B, Schedule of Impact Fees. Motion passed 6 AYES.

On recommendation by ACM Grindall, Chairperson Nillo reopened Item E.1.

Motion made by Commissioner Bridges, seconded by Commissioner Fitts, to recommend that the City Council approve TM-12-28, Vesting Tentative Map 8110. Motion passed 6 AYES.

Chairperson Nillo closed Item E.1.

Motion made by Vice-Chairperson Hannon, seconded by Commissioner Fitts to approve Resolution No. 1862, 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. Motion passed 6 AYES.

Answering Commissioner Bridges, ACM Grindall cited examples where the alternative means for compliance to the Inclusionary Housing Ordinance was approved.

Answering Vice-Chairperson Hannon, ACM Grindall stated the Park Land Fees are included in the Schedule of Fees for this project.

E.3 Hearing to consider E-13-25, an Initial Study/Mitigated Negative Declaration for the Dumbarton Transit-Oriented Development (Dumbarton TOD) Specific Plan; RZ-13-24, a rezoning, TM-13-22, Vesting Tentative Map 8157 to construct approximately 88 townhome/condominium residential units, approximately 75 senior housing units, and a 15,000 square foot retail building, on an approximately 8.09-acre project site generally located at the northwest corner of Enterprise Drive and Willow Street, and ASR-13-23, an Architectural and Site Plan Review for the building.

ACM Grindall recommended this Public Hearing item be opened then continued to the March 25, 2014 Planning Commissioner Meeting.

Chairperson Nillo opened the Public Hearing. No one from the public chose to speak.

Motion by Commissioner Bridges, seconded by Commissioner Otterstetter to continue this item to the March 25, 2014 Planning Commission Meeting. Motion passed 6 AYES.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

Commissioners' Comments