

E.1 Hearing to consider the development of 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: (1) Adoption of a resolution making certain findings and adopting the 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 8098 from ML (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 Jones Hamilton Project; (4) adoption of a resolution authorizing the Mayor to sign a Community Financing Agreement with Newark Enterprise Joint Venture, LLC; (5) adoption of a resolution authorizing the Mayor to sign a Park Agreement with Newark Enterprise Joint Venture LLC; (6) adoption of a resolution approving TM-12-32, Vesting Tentative Map 8098; (7) By motion, approving ASR-12-33, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 69; and 8) By motion, approving Exhibit B, Schedule of Impact Fees – from Assistant City Manager Grindall.

(RESOLUTIONS- 5)(INTRODUCTION OF ORDINANCE)(MOTIONS-2)

Background/Discussion – Trumark Homes has submitted an application for the development of 217 single-family residential homes. The project site is an approximately 21.4-acre parcel located within the City’s Dumbarton Transit-Oriented Development Specific Plan Area. The currently vacant site formerly contained various industrial and chemical land uses and as a result, will be remediated in order to accommodate the proposed residences. Specifically, the applicant proposes to rezone the site and obtain approval for a tentative map and an Architectural and Site Plan Review. The proposal also involves the approval of the Supplemental Environmental Impact Report (SEIR) for the Dumbarton Transit-Oriented Development Specific Plan and associated agreements necessary to execute the project.

Plan Conformance

The proposed project is consistent with the objectives, policies, and vision of the Dumbarton Transit-Oriented Development Specific Plan. Approved in 2007, the Plan has comprehensive guidelines aimed to foster the development of a sustainable, economically-viable community with a strong sense of place. At approximately 21.4-acres, the project site represents about one-tenth of the approximately 205-acres of land that comprises the Plan area. The complete project area, located on the south side of Enterprise Drive east of Willow Street, is at a half-mile distance and ten minute walk from the proposed Dumbarton Rail train station.

In 2013, the City Council approved a Vesting Tentative Tract Map for 547 residential units on the west side of Willow Street at the terminus of Central Avenue, located southwest of the

subject site. Staff has received concurrent applications for residential and commercial development near the project site and anticipates that more proposals will follow and thus, facilitate the growth of the planned community.

It is proposed to rezone the site area from ML (Limited Industrial) to MDR-FBC (Medium Density Residential – Form Based Code) to be consistent with the Specific Plan.

The Architectural and Site Plan Review

Two and three-story single-family detached homes are proposed, consisting of three different products, nine floor plans and multiple designs. The number and layout of the three home types will be divided almost equally throughout the project site. The homes will include three and four bedrooms and range from 1509 square feet to 2312 square feet in size. Larger homes will provide additional living area and will include a den, loft, or a bonus room. All homes will provide two-car covered parking; the three-story homes will provide rear loaded two-car garages. On-street guest parking will also be scattered throughout the site.

Outdoor amenities for the project include picnic tables, barbeque grills, benches, a shaded sitting area and a children's play structure. In addition, a large recreational turf area will be sited alongside the children's play structure. All of the amenities will be centrally located within the site.

Affordable Housing

Chapter 17.18 of the Newark Municipal Code requires developers to make a portion of their units affordable in order to make them available to low-income families. Specifically, the inclusionary housing ordinance mandates that 15% of the total number of dwelling units in a project be reserved for qualifying families. The ordinance also allows for an alternative means of compliance with the City's Affordable Housing Program (AHP), including land dedication, payment of in-lieu fees, or approval of an alternative housing program consisting of any combination of alternative means of compliance. 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.

Community Financing and Park Agreements

The Dumbarton TOD Specific Plan contains critical elements necessary to implement the plan. To ensure that the city's fiscal health is sustained, developers are required to contribute to the provision of public improvements and city services in the Plan area. As such, the applicant has agreed to enter into the attached Community Financing Agreement. In addition, in order to realize the Plan's goal of reducing automobile trips and the creation of pedestrian-friendly environments, another required Plan element is the construction of neighborhood parks. The applicant has agreed to develop the Gallade property, north of the subject site and adjacent to Tract 8110, as a park. The public park will provide essential outdoor recreational space for both residents and visitors of the neighborhood and enhance the overall character of the Plan area. The attached Park Agreement will guarantee the provision of the park.

The Supplemental Environmental Impact Report (SEIR)

An Environmental Impact Report (EIR) was prepared in 2011 to evaluate the impacts from the adoption of the Dumbarton TOD Specific Plan. The Newark City Council certified the environmental document on September 8, 2011. Because the EIR did not evaluate project-level impacts at the proposed site, a Supplemental Environmental Impact Report (SEIR) has been prepared to determine if the proposed residential development would result in new significant impacts not addressed in the EIR.

The SEIR analyzed potential environmental impacts with respect to air quality, biological resources, cultural resources, greenhouse gases, hazards and hazardous materials, and noise. The document concluded that the only new significant impacts involve biological resources and hazardous material impact. As described in Section 4.2 of the SEIR, *Biological Resources*, the project would impact both seasonal wetlands and Cogdon's tarplant at the site. The tarplant impact would be mitigated to a less than significant extent by planting at an off-site mitigation site and/or planting on-site after remediation. Mitigation measures for wetland impacts include the purchase of off-site mitigation credits, with lost wetlands being replaced at a minimum one acre to one acre ratio. Section 4.5, *Hazards and Hazardous Materials*, of the SEIR explains that future residents of the project would be affected by an accidental release from industrial facilities located approximately one mile from the project. 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. 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; (2)

adopted Planning Commission 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); 3) adopted Planning Commission 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; 4) By motion recommended that the City Council, with minor amendments, approve TM-12-32, Vesting Tentative Map 8098; 5) By motion, recommended that the City Council approve ASR-12-33, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 69; and 6) By motion approved Exhibit B, Schedule of Impact Fees.

Attachments

Action – It is recommended that the City Council: 1) Adopt a resolution making certain findings and adopting the 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 8098 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 Jones Hamilton Project; 4) Adopt a resolution authorizing the Mayor to sign a Community Financing Agreement with Newark Enterprise Joint Venture, LLC; 5) Adopt a resolution authorizing the Mayor to sign a Park Agreement with Newark Enterprise Joint Venture LLC; 6) Adopt a resolution approving TM-12-32, Vesting Tentative Map 8098; 7) By motion, approving ASR-12-33, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 69; and 8) By motion, approving Exhibit B, Schedule of Impact Fees.

Planning Commission

RESOLUTION NO. 1860

RESOLUTION OF THE CITY OF 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 notice public hearing on August 23, 2011, and recommended that the City Council certify the Environmental Impact Report (State Clearinghouse Number 2010043012) 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-12-31) and Vesting Tentative Map (TM-12-32) 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-12-32, Vesting Tentative Map 8098, 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 Oriented 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 Oriented 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 the 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, certifies 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 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

RESOLUTION NO. 1861

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, Trumark Homes has made application to the Planning Commission of the City of Newark to consider the amendment (RZ-12-31) 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 8098 in the City of Newark, County of Alameda, State of California as shown on Exhibit A, pages 1 through 69, 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 March 11, 2014 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

NOW, THEREFORE, the Planning Commission, 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 staff report, 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 8098 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
- c. 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. 1862

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

WHEREAS, the Jones Hamilton 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 Jones Hamilton 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 flexibly 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 Jones Hamilton 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.

The resolution was introduced at the Planning Commission's March 11, 2014 meeting by Vice-Chairperson Hannon, 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

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