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.

(GP-14-21)

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL APPROVING AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN TO CHANGE LAND USE REGULATION FROM S-I (SPECIAL INDUSTRIAL) TO P-I (PUBLIC AND INSTITUTIONAL)

WHEREAS, in response to the application filed by Stratford School for a private elementary school at 39201 Cherry Street (APNs: 901-110-68 & 69), the City of Newark has prepared the proposed amendment to the Newark General Plan (GP-14-21) to change the land use designation of the subject property within the boundaries of Tentative Tract Map 7967 from S-I (Special Industrial) to P-I (Public and Institutional); and

WHEREAS, the proposed amendment would implement Goal CSF-2 of Chapter 11, Community Services and Facilities, of the Newark General Plan adopted December 12, 2013 by seeking to provide excellent schools that deliver high-quality educational services to Newark students while serving as neighborhood centers and fostering civic pride; and

WHEREAS, the proposed amendment is consistent with existing goals, policies and objectives contained in the Newark General Plan with respect to the promotion of balanced land use; and

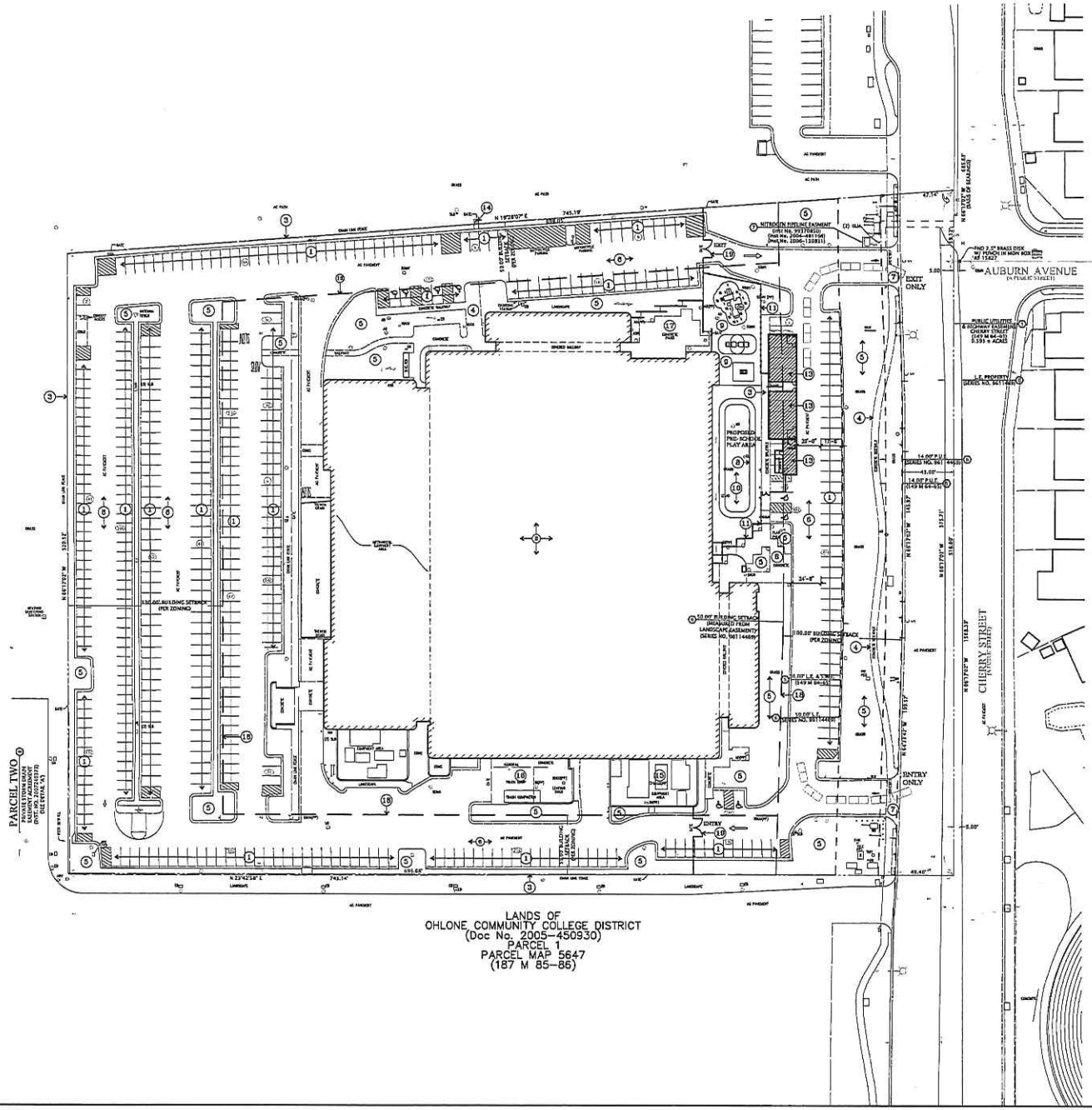
WHEREAS, the City Council has read, reviewed, and considered the information contained in the staff report and conducted a public hearing on the proposed amendment to the Newark General Plan for the subject property as shown on Exhibit A, and discussed, evaluated, analyzed, reviewed, and considered the information presented in said hearing; and

WHEREAS, the City Council did review and use their independent judgment to consider the information at the public hearing; and

WHEREAS, the City Council finds that the project is categorically exempt from the California Environmental Quality Act per Section 15301, Class 1, operation of existing facilities involving negligible or no expansion of an existing use; and

WHEREAS, pursuant to California Government Code Sections 6061 and Section 65353, a public hearing was published in The Argus on October 13, 2014, and the City Council held a public hearing on said application at 7:30 p.m. on October 23, 2014 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

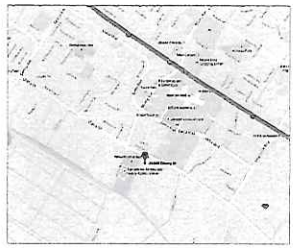
NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Newark hereby approves the General Plan Amendment, GP-14-21, with Exhibit A, based on the staff report, staff presentation, and public comments received, with the finding that the proposed amendment is consistent with all other goals and policies of the Newark General Plan.



SITE PLAN

LEGEND

1. EXISTING PARKING
2. EXISTING BUILDING
3. PROPERTY LINE
4. (E) CONCRETE SIDEWALK
5. EXISTING LANDSCAPING
6. EX. A.C. PAVE DRIVEWAY/STACKING
7. (E) DRIVEWAY & CURB CUT
8. TREE PATH
9. (N) PLAYSTRUCTURE
10. (N) LANDSCAPING
11. NEW CHAINLINK FENCE, 6'-0"
12. (N) FENCE GATE, 6'-0" HIGH
13. TEMPORARY MODULAR STRUCTURES
14. NEW FENCE GATE, 6'-0" HIGH
15. EXISTING OUTDOOR YARD
16. EXISTING LOADING DOCK
17. EXISTING OUTDOOR PATIO
18. SETBACK LINE
19. 6'-0" HIGH FENCE & GATE FOR CONSTRUCTION AREA. SEE STAGING PLAN SUBMITTED BY HILLHOUSE CONSTRUCTION



VICINITY MAP

ARCHevon
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RELEASE STATUS: DATE:
- ○ CLIENT REVIEW
- ◉ CUP APPROVAL 5/15/14
- ○ PLANNING APPROVAL
- ○ PLAN CHECK
- ○ BIDDING
- ○

REVISIONS:
- 1 FIELD/CLIENT REV. 09/08/14
- 2
- 3
- 4
- 5

STRATFORD SCHOOLS
39201 CHERRY STREET
NEWARK, CA

LICENSED ARCHITECT
VIVIAN C. ETAGE
RENEWAL 08/31/2015
STATE OF CALIFORNIA

PARTIAL BUILD OUT PHASE SITE PLAN

SCALE: 1" = 40'-0"

PROJECT # 20141D

A2.1

EXHIBIT A

RESOLUTION NO. 1884

RESOLUTION APPROVING P-14-23, A PLANNED UNIT DEVELOPMENT, AND U-14-24, A CONDITIONAL USE PERMIT, FOR A PRIVATE ELEMENTARY AND MIDDLE SCHOOL AT 39201 CHERRY STREET

WHEREAS, Stratford Schools has filed with the Planning Commission of the City of Newark application for a Planned Unit Development and a Conditional Use Permit for a private elementary and middle school to locate at 39201 Cherry Street; and

PURSUANT to Municipal Code Section 17.72.060, a public hearing notice was published in The Argus on August 15, 2014 and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on August 26, 2014 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

WHEREAS, pursuant to Chapter 17.40 (Planned Unit Developments), Section 17.40.050 (Permit Procedure) and Chapter 17.72 (Use Permits), Section 17.72.070 (Action by Planning Commission), the Planning Commission makes the following findings:

1. That the proposed location of the planned unit development is in accord with the objectives of the zoning title and the purposes of the district in which the site is located;

2. That the proposed location of the planned unit development and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

3. That the standards of population density, site areas and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space, off-street parking and off-street loading facilities and landscaped areas will produce an environment of stable and desirable character consistent with the objectives of the zoning title;

4. That the standards of population density, site area and dimensions, site coverage, yard spaces, heights of structures, distances between structures, usable open space, and off-street parking and off-street loading facilities will be such that the development will not generate more traffic than the streets in the vicinity can carry without congestion and will not overload utilities;

5. That the combination of different dwelling types and/or the variety of land uses in the development will complement each other and will harmonize with existing and proposed land uses in the vicinity.

6. That the proposed location of the conditional use is in accord with the purposes of the zoning title and the purposes of the district in which the site is located.

7. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

8. That the proposed conditional use will comply with each of the applicable provisions of Chapter 17.72 (Use Permits).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve this application as shown on Exhibit A, pages 1 through 5, subject to compliance with the following conditions and recommends that the City Council find that the project is categorically exempt from the California Environmental Quality Act per Section 15301, Class 1, operation of existing facilities involving negligible or no expansion of an existing use:

Planning Division

a. This project is subject to the improvements identified in the Traffic Impact Analysis prepared for this project.

b. The modular classrooms shall be removed and the site restored to its original condition no later than June 30, 2015.

c. California State Law (AB341) requires that all business with four (4) or more cubic yards of waste per week must make arrangements for adequate recycling. Prior to issuance of a building permit, the location and screening design for centralized garbage, refuse, and recycling collection areas (including compactors) for the project shall be submitted for the review and approval of Republic Services, Inc. and the Community Development Director, in that order. Trash enclosures shall provide signage that states that the enclosure doors shall be closed immediately after use. Enclosures must be located so that the doors, when open, do not encroach into required drive-aisles or parking spaces. No refuse, garbage or recycling shall be stored outdoors except within the approved trash and recycling enclosures.

d. The site and its improvements shall be maintained in a neat and presentable condition, to the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site clean-up. Graffiti removal/repainting and site clean-up shall occur on a continuing, as needed basis, as required by the Community Development Director. Any vehicle or portable building brought on the site during construction shall remain graffiti free.

e. All exterior utility pipes and meters shall be painted to match and/or complement the colors of the adjoining building surface, as approved by the Community Development Director.

f. All lighting shall be directed on-site so as not to create glare off-site.

g. Prior to installation, the fencing material for the pre-school play area at the front of the building shall be submitted for the review and approval of the Community Development Director. Chain-link fencing shall not be used.

h. Prior to the issuance of a building permit, the color elevations of all dissimilar sides of the buildings as submitted as part of this application, shall be submitted for the review and approval of the Planning Commission and City Council. The building elevations shall reflect all architectural features and projections and shall specify exterior materials. A site plan showing the building locations with respect to property lines shall also show the projections.

i. Prior to the issuance of a building permit, a screening design for roof equipment shall be submitted to and approved by the Community Development Director. Roof equipment shall not be visible from public streets. All equipment shall be fully screened within the context of each building's architecture, to the satisfaction of the Community Development Director. Said screening design shall be maintained to the satisfaction of the Community Development Director. The building owner shall paint any visible portion(s) of the roof equipment and the inside of its screening wall within the context of the building's color scheme and maintain the painted areas to the Community Development Director's satisfaction. Screening panels shall not exceed six feet in height unless the screens are part of the integral design elements of the building, as determined by the Community Development Director.

j Prior to issuance of a sign permit, all signs, other than those referring to construction, sale or future use of this site, shall be submitted to the Community Development Director for review and approval. Signs shall not be located within the public right-of-way or dedicated landscape easements.

k. Construction site trailers and buildings located on-site shall be used for office and storage purposes only, and shall not be used for living or sleeping quarters.

l. Parking lot cleaning with sweeping or vacuum equipment shall not be permitted between 7:00 p.m. and 8:00 a.m.

m. Prior to the issuance of a building permit, the developer shall pay the Community Development Maintenance Fee which is 0.5% of the construction valuation.

n. Measures to respond to and track complaints regarding construction noise shall include: (1) a procedure and phone numbers for notifying the City of Newark Building Inspection Division and Newark Police Department (during regular construction hours and off-hours); and (2) a sign posted on-site pertaining to the permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign shall also include a listing of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours).

o. During project construction, if historic, archeological or Native American materials or artifacts are identified, work within a 50-foot radius of such find shall cease and the City

shall retain the services of a qualified archeologist and/or paleontologist to assess the significance of the find. If such find is determined to be significant by the archeologist and/or paleontologist, a resource protection plan conforming to CEQA Section 15064.5 shall be prepared by the archeologist and/or paleontologist and approved by the Community Development Director. The plan may include, but would not be limited to, removal of resources or similar actions. Project work may be resumed in compliance with such plan. If human remains are encountered, the County Coroner shall be contacted immediately and the provisions of State law carried out.

Engineering Division

p. Prior to the issuance of a building permit, the developer shall revise the traffic impact analysis draft report to the satisfaction of the City Engineer. Revisions shall include, but are not necessarily limited to, establishment of specific mitigation measures to reduce the off-site impacts at local intersections, additional analysis of Travel Demand Management (TDM) program implementation, recommendations for post-development traffic monitoring, and other modifications required by the City Engineer.

q. Prior to the issuance of a Certificate of Occupancy for the permanent K-8 school building, the developer shall complete all of the off-site maintenance measures described in the traffic impact analysis final report, to the satisfaction of the City Engineer. This includes but is not limited to any and all physical improvements to local streets and traffic signal timing optimization. The developer is solely responsible for all improvement plans and construction associated with these mitigation measures. Improvement plans shall be developed by a qualified engineer(s) licensed by the State of California for the review and approval of the City Engineer.

r. The school operator shall implement and enforce policies under a project-specific Travel Demand Management (TDM) program to maximize traffic safety and efficiency during school hours and to ensure that there are no traffic impacts on Cherry Street, on-site circulation problems, or parking spillover issues on adjoining properties. Staggered bell schedules, carpooling programs, and bus program alternative should all be considered as part of the program. Prior to the issuance of a building permit, the require TDM program shall be submitted in written form for review by the City Engineer. The TDM Program will be subject to periodic review by the City Engineer for the duration of school operations at this location. Revision of the TDM Program document and continuous enforcement of the policies therein shall be the responsibility of the school operator.

s. Any proposed work within the public street right-of-way and adjacent landscape, sidewalk, and public utility easements on Cherry Street or other off-site locations will require issuance of a City of Newark Encroachment Permit. Issuance of this permit will require submittal of a separate plan set for review and approval by the City Engineer. On-site plans shall include a detailed signing and striping plan designed to accommodate peak-hour traffic through the site.

t. Prior to the issuance of a grading or any building permits for this project, the developer shall submit a Stormwater Pollution Prevention Plan (SWPPP) for the review and approval of the City Engineer. The site specific plan shall include sufficient details to show how storm water quality will be protected during both: (1) the construction phase of the project and (2) the post-construction, operational phase of the project. The SWPPP shall be prepared by a Qualified SWPPP Developer (QSD) in the State of California. The construction phase plan shall include Best Management Practices from the California Storm Water Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be maintained by the contractor shall be printed on the plans. The operational phase plan shall include Best Management Practices appropriate to the uses conducted on the site to effectively prohibit the entry of pollutants into stormwater runoff from the project site including, but not limited to, low impact development stormwater treatment measures, trash and litter control, pavement sweeping, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with a permanent thermoplastic stencil with the wording "No Dumping - Drains to Bay," and other applicable practices.

u. The project must be designed to include appropriate source control, site design, and stormwater treatment measures to prevent stormwater runoff pollutant discharges and increases in runoff flows from the site in accordance with Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP), Order R2-2009-0074, revised November 28, 2011, issued to the City of Newark by the Regional Water Quality Control Board, San Francisco Bay Region. Examples of source control and site design requirements include, but are not limited to: properly designed trash storage areas, sanitary sewer connections for all non-stormwater discharges, minimization of impervious surfaces, and treatment of all runoff with Low Impact Development (LID) treatment measures. The developer shall modify the site design to satisfy all elements of Provision C.3 of the MRP. The use of treatment controls for runoff requires the submittal of a Stormwater Treatment Measures Maintenance Agreement prior to the issuance of any Certificates of Occupancy.

v. All stormwater treatment measures are subject to review and approval by the Alameda County Mosquito Abatement District. The developer shall modify the grading and drainage and stormwater treatment design as necessary to satisfy any imposed requirements from the District.

w. The entire site shall be equipped with full trash capture devices approved by the Regional Water Quality Control Board – San Francisco Bay Region, for 100% trash capture at all on-site and adjoining off-site storm drain inlets. All on-site trash capture devices shall be permanently maintained by the property owner under the required Storm Water Treatment Measures Maintenance Agreement.

x. The developer shall submit a grading and drainage plan for review and approval by the City Engineer. This plan must be based upon a City benchmark and needs to include pad and finish floor elevations of each proposed structure, proposed on-site property grades, proposed elevations at property line, and sufficient elevations on all adjacent properties to show existing drainage patterns. All on-site pavement shall drain at a minimum of one

percent. The developer shall ensure that all upstream drainage is not blocked and that no ponding is created by this development. Any construction necessary to ensure this shall be the developer's responsibility.

y. Where a grade differential of more than a 1-foot is created along the boundary parcel lines between the proposed development and adjacent property, the developer shall install a masonry retaining wall unless a slope easement is approved by the City Engineer. Said retaining wall shall be subject to review and approval of the City Engineer. A grading permit is required by the Building Inspection Division prior to starting site grading work.

z. Prior to issuance of a building permit, the developer shall submit a pavement maintenance program for the drive aisles and parking areas on the project site. The maintenance program shall be signed by the property owner and the property owner shall follow the maintenance program at the City Engineer's direction.

aa. The developer shall upgrade the four existing wheelchair accessible ramps along the Cherry Street frontage in accordance with the latest Curb Ramp Detail No. A88A from the Caltrans Standard Plans.

bb. Any new utilities including, but not limited to, electric, telephone and cable television services shall be provided underground.

cc. Any proposed utility connections and/or underground work within structurally sound street pavement must be bored or jacked. Open street cuts will not be permitted across Cherry Street.

dd. The developer shall repair and/or replace any public and private improvements damaged as a result of construction activity to the satisfaction of the City Engineer and adjoining property owners.

ee. The developer shall ensure that a water vehicle for dust control operations is kept readily available at all times during construction at the City Engineer's direction.

ff. Prior to use of any facilities at the George M. Silliman Recreational Complex, the applicant shall enter into a formal agreement with the City of Newark, subject to the review and approval of the Public Works Director.

Landscape-Parks Division

gg. The developer shall retain a licensed landscape architect to prepare working drawings for landscape plans in accordance with City of Newark requirements. All landscape plans are subject to the review and approval of the City Engineer.

hh. Landscape construction plans shall be developed in accordance with Newark Municipal Code Section 15.44.080 related to Bay Friendly Landscaping Practices and City of Newark standard details.

ii. This project is subject to all applicable requirements of the State of California's Model Water Efficient Landscape Ordinance. The landscape design plan package, including the design plans, shall include all applicable requirements specified in this ordinance.

jj. Prior to the issuance of any building permits, the developer shall enter into a Landscape Maintenance Agreement for the maintenance and/or construction of the landscaping. Areas covered under the terms of the Agreement shall include all continuous landscaped areas contiguous to the site's public street frontage and all visible on-site landscaping. Any project perimeter walls and adjoining landscaped areas shall be included in a dedicated landscape easement to guarantee adequate maintenance of the walls. Any work other than routine maintenance, including but not necessarily limited to tree removal, tree pruning, or changes to the approved planting palette shall be approved in advance by the City Engineer. All tree pruning shall be performed by or under the direction of a certified arborist. Landscape maintenance by the City under the provisions of the Agreement will only occur in the event the City Council deems the developer's maintenance to be inadequate.

kk. Prior to installation, plant species, location, container size, quality, and quantity of all landscaping plants and materials shall be reviewed and approved by the City Engineer. All plant replacements shall be to an equal or better standard than originally approved subject to approval by the City Engineer.

ll. Prior to the release of utilities or issuance of any Certificate of Occupancy, all landscaping and irrigation systems shall be completed or guaranteed by a cash deposit deposited with the City in an amount to cover the remainder of the work.

mm. Prior to issuance of Certificate of Occupancy or release of utilities, the developer shall guarantee all trees for a period of 6 months and all other plantings and landscape for 60 days after completion thereof. The developer shall insure that the landscape shall be installed properly and maintained to follow standard horticultural practices. All plant replacements shall be to an equal or better standard than originally approved subject to approval of the City Engineer.

nn. Any above ground utility structures, including backflow prevention devices, and appurtenances, shall be installed within the developer's property line and a minimum of 10 feet behind street face of curbs. The backflow prevention devices shall have a green painted security cage to protect it from vandalism. These locations shall be screened with landscaping to the satisfaction of the City Engineer. The landscape screen shall not interfere with the utility companies' or City Fire Department's access.

Building Inspection Division

oo. Construction for this project, including site work and all structures, can occur only between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday. The applicant may make a written request to the Building Official for extended working hours and/or days. In granting or denying any request, the Building Official will take into consideration the nature of the construction activity which would occur during the

extended hours/days, the time duration of the request, the proximity to residential neighborhoods, and input by affected neighbors. All approvals shall be done so in writing.

General

pp. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission's and Council's review and decision. The applicant shall pay the prevailing fee for each additional separate submittal of development exhibits requiring Planning Commission and/or City Council review and approval.

qq. If any condition of this Planned Unit Development and Conditional Use Permit be declared invalid or unenforceable by a court of competent jurisdiction, this Planned Unit Development and Conditional Use Permit shall terminate and be of no force and effect, at the election of the City Council on motion.

rr. This Planned Unit Development and Conditional Use Permit shall be given a public hearing before the City Council for the Council's review and approval.

ss. Prior to the submittal for building permit review, all conditions of approval of this project, as approved by the City Council, shall be printed on the plans.

tt. The developer hereby agrees to defend, indemnify, and save harmless the City of Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto or, alternatively, the City will rescind the approval.

uu. The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The developer is hereby further notified that the 90-day approval period in which the developer may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the developer fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the developer will be legally barred from later challenging such exactions.

This Resolution was introduced at the Planning Commission's August 26, 2014 meeting by Commissioner Drews, seconded by Vice-Chairperson Hannon, and passed as follows:

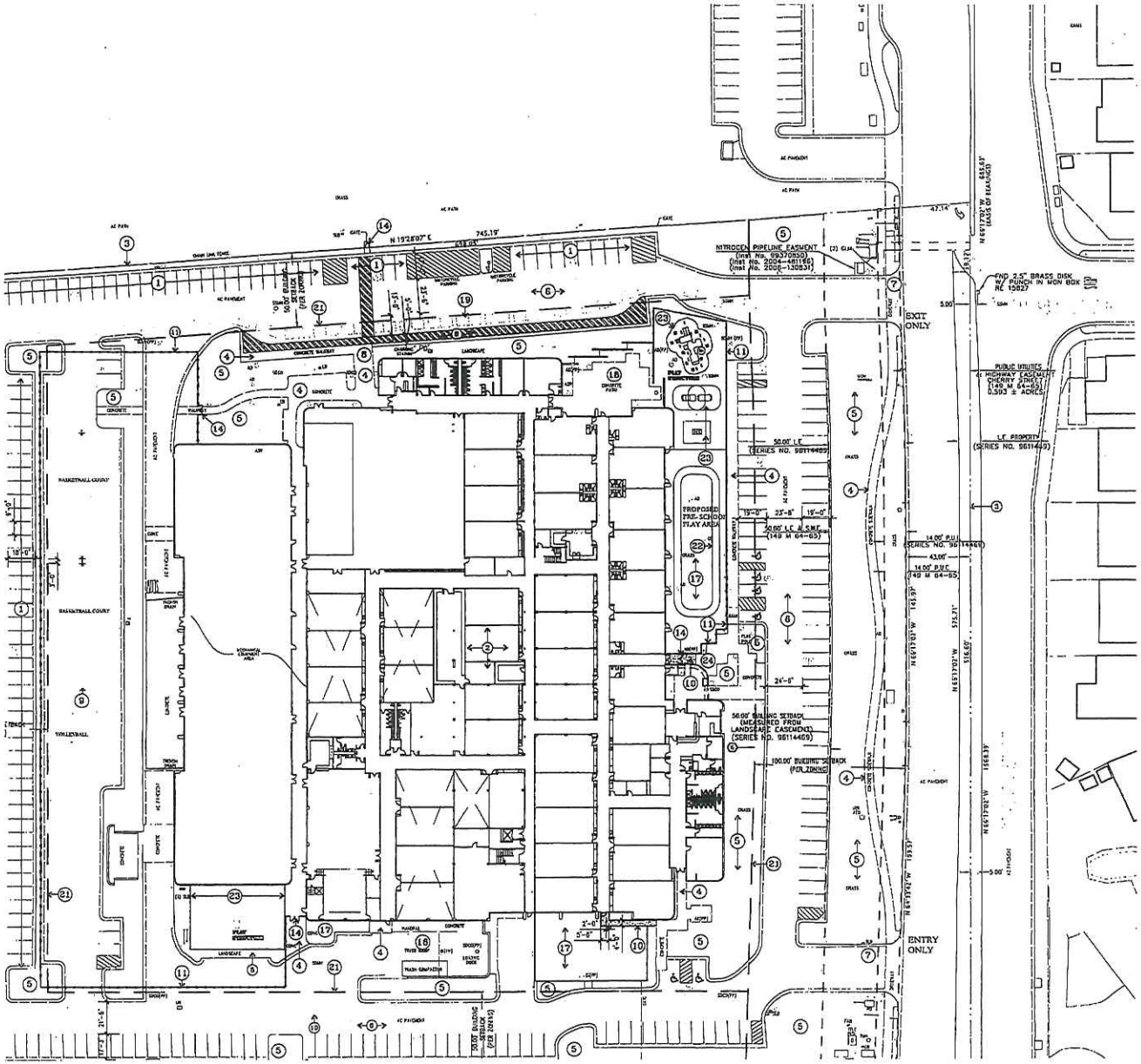
AYES: Bridges, Drews, Fitts, Hannon, Nillo and Otterstetter.

NOES: None.

ABSENT: Aguilar.

TERRENCE GRINDALL, Secretary

BERNIE NILLO, Chairperson



L E G E N D

1. EXISTING PARKING
2. PROPOSED TENANT IMPROVEMENT
3. PROPERTY LINE
4. (E) CONCRETE SIDEWALK
5. EXISTING LANDSCAPING
6. EX. A.C. PAVE DRIVEWAY
7. (E) DRIVEWAY & CURB CUT
8. MIDDLE SCHOOL/ ELEMENTORY PICK-UP/DROP-OFF
9. NEW PLAY AREA o/(E) AC PAVED AREA
10. NEW CONC. SIDEWALK
11. NEW CHAINLINK FENCE, 6'-0"
12. EXISTING TREES
13. NEW CROSSWALK FROM PUBLIC SIDEWALK
14. NEW FENCE GATE, 6'-0" HIGH
15. EXISTING OUTDOOR YARD
16. EXISTING LOADING DOCK
17. NEW LANDSCAPING
18. EXISTING OUTDOOR PATIO
19. CAR - STACKING
20. EXISTING WALL
21. SETBACK LINE
22. TRIKE PATH
23. (N) SYNTHETIC TURF
24. PRE-SCHOOL ENTRY

PROJECT SUMMARY :

TOTAL SITE AREA	8.75 ACRES

PROPOSED AREA BUILDING SPACES :

(E) BUILDING (FIRST FLOOR AND MEZZANINE) 100,930 SF.

REQUIRED PARKING SPACES

PRE-SCHOOL - (1/1 EMPLOYEES)	10 / 1.5	15
ELEMENTARY - (1/1 EMPLOYEE)	14 X 1	14
MIDDLE SCHOOL		22
ADMN. EMPLOYEES		13
FUTURE EMPLOYEES		17
PARKING SPACES FOR PARENTS		64
TOTAL PARKING STALLS		144
B/C VAN STALL		1
B/C STALLS		6
TOTAL EXISTING PARKING SPACES		446
B/C VAN STALLS		2
B/C STALLS		9
STANDARD STALLS		219
COMPACT STALLS		216
TOTAL		446

EXISTING PARKING SPACES TO REMAIN

B/C VAN STALLS	2
B/C STALLS	4
STANDARD STALLS	180
COMPACT STALLS	176
TOTAL	362

ALL PARKING AND DRIVE AISLES ARE EXISTING.

STUDENT POPULATION FOR THE SCHOOL

PRE-SCHOOL	240
K-8TH GRADE	980
TOTAL STUDENT POPULATION	1200

SCHOOL HOURS : 8:00 A.M. TO 3:00 P.M.

ARCHevon
Architecture Planning Interiors
991 Montague Expressway #20
Milpitas, California 95035
Tel : 408 . 946 . 9300
Fax : 408 . 946 . 9309

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RELEASE STATUS:	DATE:
CLIENT REVIEW	
CUP APPROVAL	5/19/
PLANNING APPROVAL	
PLAN CHECK	
BIDDING	

REVISIONS:

1 FIELD/CLIENT REV.	08/08/14
2	
3	
4	

STRATFORD SCHOOLS
39201 CHERRY STREET
NEWARK, CA

LICENSED ARCHITECT
KARTIK R. PATEL
C 27460

EXHIBIT A, p 1

EXHIBIT A, p2

ARCHevon
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Planning
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RELEASE STATUS: DATE

- CLIENT REVIEW
- CUP APPROVAL 5/16/14
- PLANNING APPROVAL
- PLAN CHECK
- BIDDING

REVISIONS:

- FIELD/CLIENT REV 08/08/14

STRATFORD SCHOOLS
39201 CHERRY STREET
NEWARK, CA

LICENSED ARCHITECT
KARIK R. EVON
No. C 27600

C

C5

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D5

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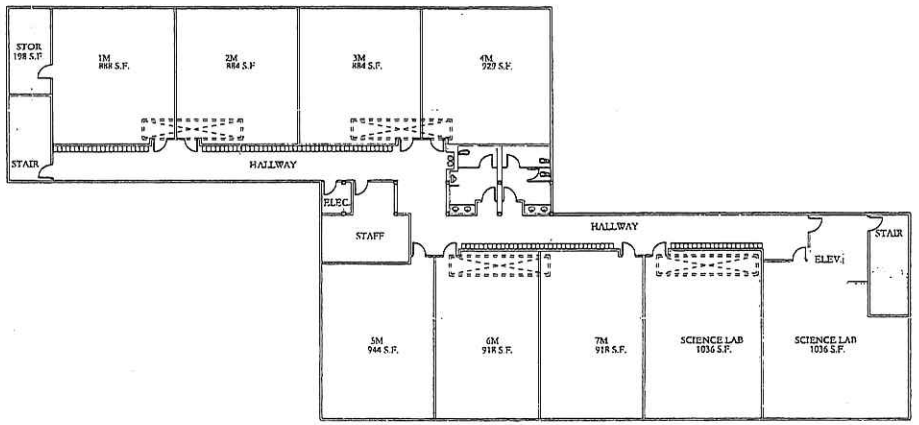
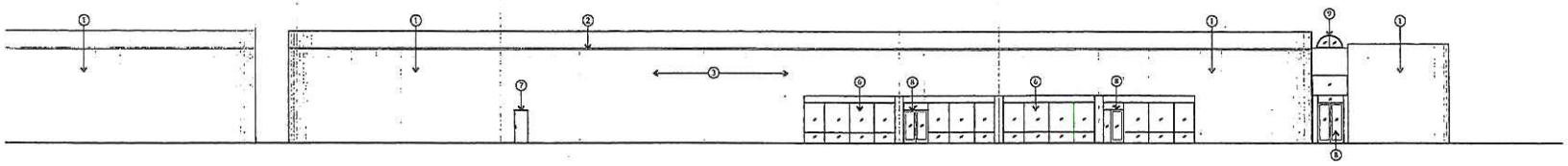
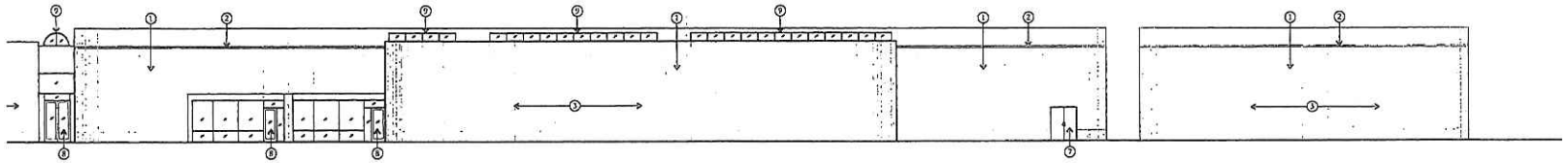


EXHIBIT A, p. 3

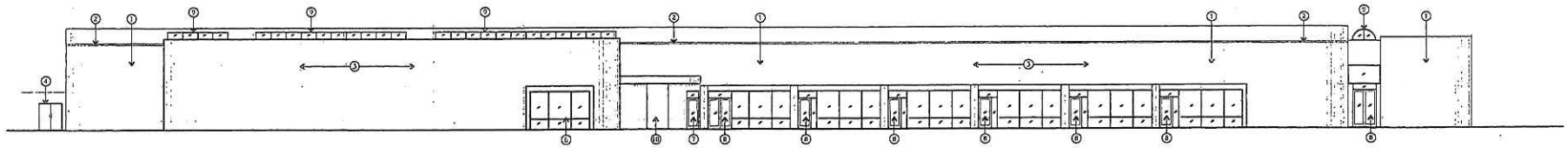
MEZZ



EAST ELEVATION



WEST ELEVATION



NORTH ELEVATION

SHEET NOTES

1. (E) CONCRETE PANELS (PAINT)
2. (E) ACCENT STRIP COLOR
3. (E) SCORE LINES 1-1/2"X3/4" DEEP (TYP.)
4. (E) HOLLOW METAL DOOR
5. (E) 8'-0"X10'-0" O.H. DOOR
6. (N) ALUM. STOREFRONT WINDOW WALL
7. (N) DOOR / WINDOW SYSTEM
8. (N) ALUM. STOREFRONT W/ (N) DOOR
9. (E) SKYLIGHT DOME
10. (E) COLUMN

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RELEASE STATUS: DATE

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- CUP APPROVAL 5/16
- PLANNING APPROVAL
- PLAN CHECK
- BIDDING

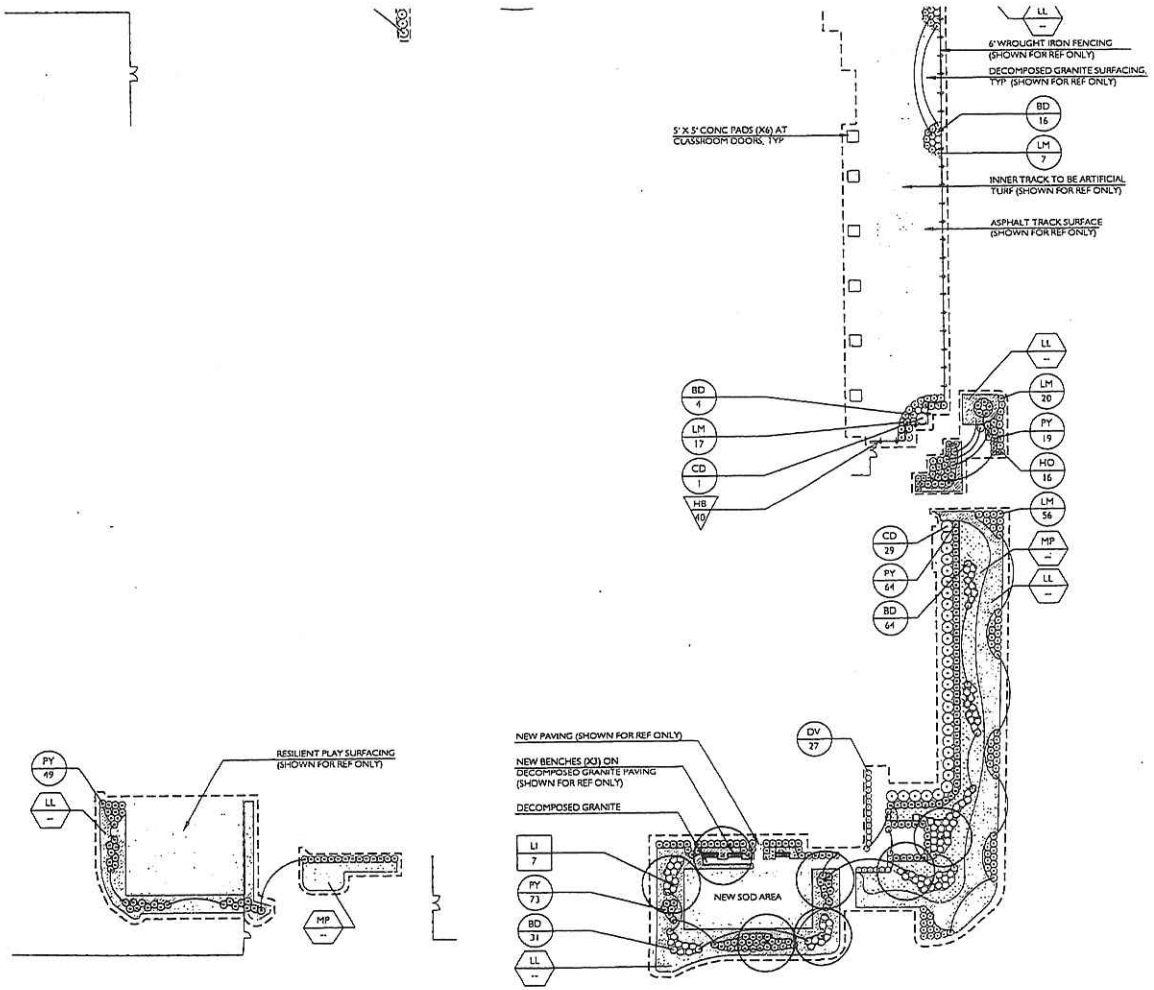
REVISIONS:

1. FIELD/CLIENT REV 05/08/14
2.
3.
4.

STRATFORD SCHOOLS
30201 CHERRY STREET
NEWARK, CA

LICENSED ARCHITECT
KARTIK R. PATEL
C 27403

EXHIBIT A, p.4



EF	Escallonia fradessii 'Terri'	Escallonia	1 Gallon	3'-
HO	Hemerocallis hybrids-Evergreen Orange	Evergreen Orange Daylily	1 Gallon	2'-
LM	Lantana montevidensis	Trailing Purple Lantana	1 Gallon	3'-
MC	Mytrus communis 'Compacta'	Myrtle	5 Gallon	4'-
PY	Phormium 'Tricolor'	New Zealand Flax	1 Gallon	3'-

GROUNDCOVER

LL	Lomandra longifolia 'Breeze'	Dwarf Mat Rush	1 Gal	1
MP	Myoporum parvifolium	Myoporum	1 Gal	1

VINES

HB	Hardenbergia violacea	Lilac Vine	5 G	A

SOD MIX

LAWN FROM SOD TO MATCH EXISTING

ALL SOD AVAILABLE FROM:
DELTA BLUEGRASS CO. 209-469-7979 OR APPROVED EQUAL

PLANTING NOTES

1. ALL WORK SHALL BE PERFORMED BY PERSONS FAMILIAR WITH PLANTING WORK AND UNDER THE SUPERVISION OF A C

2 PLANT MATERIAL LOCATIONS SHOWN ARE DIAGRAMMATIC AND MAY BE SUBJECT TO CHANGE IN THE FIELD BY THE L

3. ALL TREES ARE TO BE STAKED AS SHOWN ON THE TREE STAKING/GUYING DETAIL.

4. PLANT COUNT IS FOR THE CONVENIENCE OF THE CONTRACTOR. IN CASE OF DISCREPANCIES, THE PLAN SHALL GO\

5. PLANT LOCATIONS ARE TO BE ADJUSTED IN THE FIELD AS NECESSARY TO SCREEN UTILITIES BUT NOT TO BLOCK WIN

6. THE LANDSCAPE ARCHITECT RESERVES THE RIGHT TO MAKE SUBSTITUTIONS, ADDITIONS, AND DELETIONS IN THE PI NECESSARY WHILE WORK IS IN PROGRESS. SUCH CHANGES ARE TO BE ACCOMPANIED BY EQUITABLE ADJUSTMENTS IN NECESSARY.

7 BRANCHING HEIGHT OF TREES SHALL BE A 6'-0" MINIMUM ABOVE FINISH GRADE.

8. ALL TREES IN A FORMAL GROUP PLANTING SHALL BE MATCHING IN SIZE AND SHAPE.

9. LANDSCAPE CONTRACTOR SHALL HIRE AN ACCREDITED SOILS ANALYSIS FIRM TO TEST SOIL AND ABIDE BY RECOMME FOR PROPER PLANT GROWTH.

10. ON GRADE PLANTING BACKFILL MIX SHALL CONSIST OF 50% IMPORTED TOPSOIL, 50 % NATIVE SOIL (WITH NO ROCI

11. ALL ON-GRADE PLANTING AREAS ARE TO RECEIVE IRON AND NITROGEN STABILIZED REDWOOD SOIL CONDITIONER YARDS/1000 SQUARE FEET, EVENLY TILLED 6" DEEP INTO THE SOIL TO FINISH GRADE.

12. ALL PLANTING AREAS SHALL BE TOP-DRESSED WITH 3" LAYER OF SALT WATER FREE FIR BARK MULCH HAVING A MAXII

13. ALL STREET TREES TO BE INSTALLED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATION[illegible]E CITY.

14. ALL TREES WITHIN 5' OF PAVING AREAS SHALL HAVE DEEP ROOT BARRIERS INSTALLED. DEEP ROO[illegible] MODEL N

15. ALL SLOPES GREATER THAN 2.5:1 SHALL BE COVERED WITH JUTE NETTING PER THE MANUFACTURER[illegible] SPECIFICATIO MINIMUM OF 2" AND SECURE AS REQUIRED WITH METAL STAPLES.

16. THE LANDSCAPE CONTRACTOR SHALL AS A PART OF THIS BID PROVIDE FOR A PLANTING ALLOWANCE FOR THE AM THOUSAND FIVE HUNDRED DOLLARS), TO BE USED FOR SUPPLYING AND INSTALLING ADDITIONAL PLANT MATERIAL AS ARCHITECT AND APPROVED BY THE OWNER IN WRITING. THE UNUSED PORTION OF THE ALLOWANCE SHALL BE RETU BEGINNING OF THE MAINTENANCE PERIOD.

17 CONTRACTOR SHALL EXCAVATE ALL LIME-TREATED SOILS FROM ALL PLANTING AREAS.

18. ADJACENT TO CURBS OR PAVING, CONTRACTOR TO HOLD CENTER OF PLANTINGS 1/2 THE DISTANCE OF THE ON-

19 THE LANDSCAPE CONTRACTOR IS TO PROVIDE AN AGRICULTURAL SUITABILITIES ANALYSIS AND PERCOLATION TE RATE FOR ON-SITE AND IMPORTED TOPSOIL. RECOMMENDATIONS FOR AMENDMENTS AND DRAINAGE SOLUTIONS CO BE CARRIED OUT BEFORE PLANTING OCCURS IF DRAINAGE IS FOUND TO NOT AT A PROPER RATE.

20. TREES WITHIN THE PROPERTY LINE SHALL BE MAINTAIN A HEIGHT OF 8 FEET CLEARANCE ABOVE GROUND IN (5) YE

21. TREES SHALL NOT BE INSTALLED WITHIN 10 FEET OF SANITARY SEWER MAINS AND LATERALS. S.C.D. FOR SANITARY S LOCATIONS.

22. TREES WITHIN THE PROPERTY LINE SHALL BE MAINTAIN A DISTANCE OF 5' FROM SIDE OF STRUCTURE AND PERIMETI SMALLER BRANCHES NOT CONDUCIVE TO CLIMBING ARE ONLY ALLOWED WITHIN 5' DISTANCE FROM SIDE OF STRUCT

23. TREES NEXT TO RESIDENCES SHALL NOT BE PLANTED IN POSITIONS THAT WILL BLOCK WINDOWS.

24. ALL SHRUBS AROUND THE BUILDING STRUCTURE SHALL MAINTAIN A HEIGHT OF 3 FOOT AND TRIMMED UP FROM G SHALL BE KEPT BELOW WINDOWS ON GROUND.

LANDSCAPE PLAN

EXHIBIT A.p5

0 15 30 60
SCALE: 1" = 30'-0"

NORTH

RESOLUTION NO. 1883

RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF AN AMENDMENT TO THE LAND USE ELEMENT OF THE GENERAL PLAN

WHEREAS, in response to the application filed by Stratford School for a private elementary school at 39201 Cherry Street (APNs: 901-110-68 & 69), the City of Newark has prepared the proposed amendment to the Newark General Plan (GP-14-21) to change the land use designation of the subject property within the boundaries of Tentative Tract Map 7967 from S-I (Special Industrial) to P-I (Public and Institutional); and

WHEREAS, the proposed amendment would implement Goal CSF-2 of Chapter 11, Community Services and Facilities, of the Newark General Plan adopted December 12, 2013 by seeking to provide excellent schools that deliver high-quality educational services to Newark students while serving as neighborhood centers and fostering civic pride; and

WHEREAS, the proposed amendment is consistent with existing goals, policies and objectives contained in the Newark General Plan with respect to the promotion of balanced land use; and

WHEREAS, the Planning Commission has read, reviewed, and considered the information contained in the staff report and conducted a public hearing on the proposed amendment to the Newark General Plan for the subject property as shown on Exhibit A, and discussed, evaluated, analyzed, reviewed, and considered the information presented in said hearing; and

WHEREAS, the Planning Commission did review and use their independent judgment to consider the information at the public hearing; and

WHEREAS, the Planning Commission recommends that the City Council find that the project is categorically exempt from the California Environmental Quality Act per Section 15301, Class 1, operation of existing facilities involving negligible or no expansion of an existing use; and

WHEREAS, pursuant to California Government Code Sections 6061 and Section 65353, a public hearing was published in The Argus on August 15, 2014, and the Planning Commission held a public hearing on said application at 7:30 p.m. on August 26, 2014 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Newark hereby recommends the City Council approve General Plan Amendment, GP-14-21, with Exhibit A, based on the staff report, staff presentation, and public comments received, with

the finding that the proposed amendment is consistent with all other goals and policies of the Newark General Plan.

This resolution was introduced at the Planning Commission's August 26, 2014, meeting by Commissioner Bridges, seconded by Commissioner Fitts, and passed as follows:

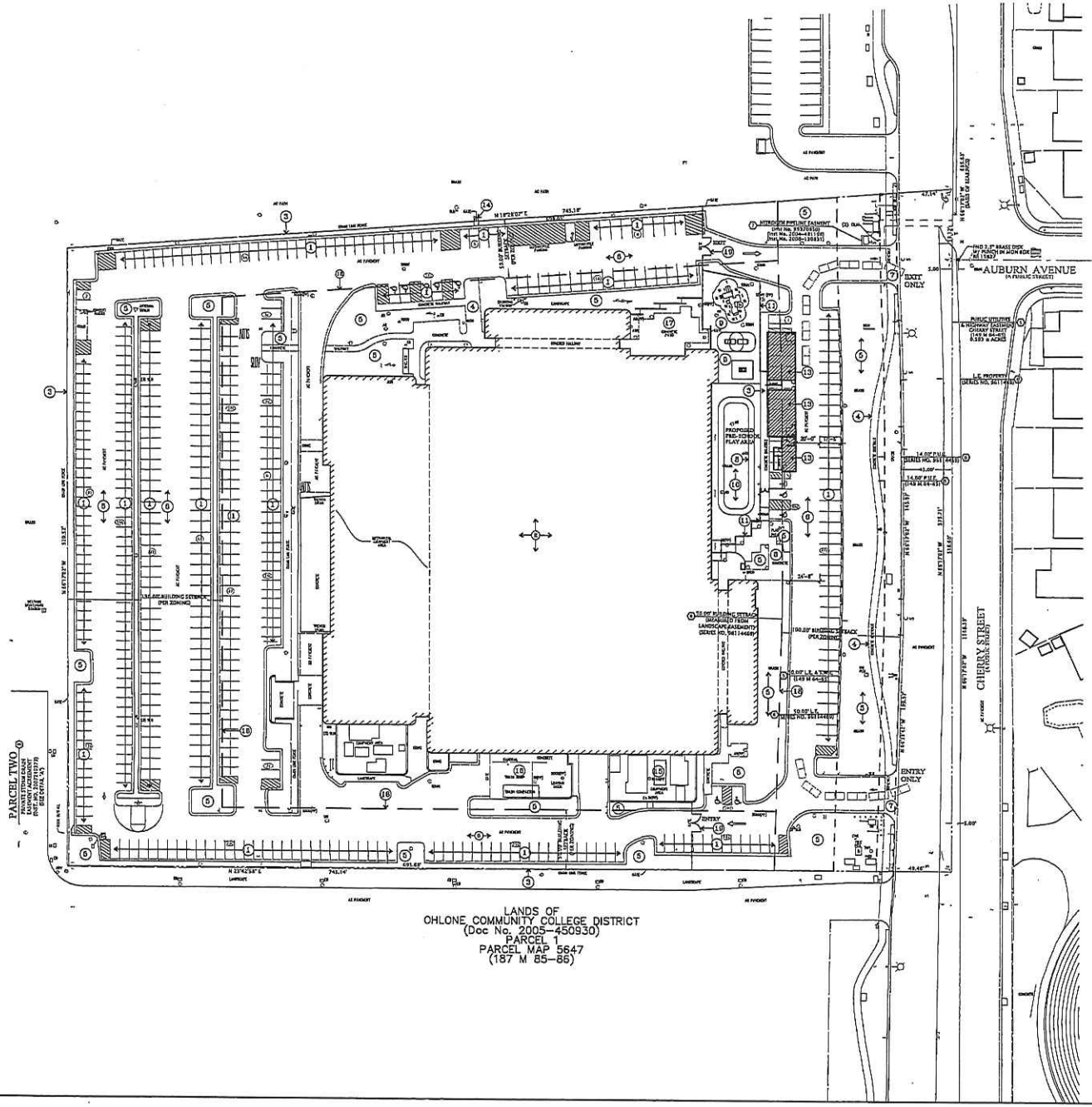
AYES: Bridges, Drews, Fitts, Hannon, Nillo and Otterstetter.

NOES: None.

ABSENT: Aguilar.

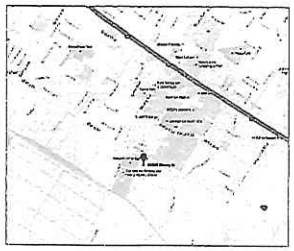
TERRENCE GRINDALL, Secretary

BERNIE NILLO, Chairperson



L E G E N D

1. EXISTING PARKING
2. EXISTING BUILDING
3. PROPERTY LINE
4. (E) CONCRETE SIDEWALK
5. EXISTING LANDSCAPING
6. EX. A.C. PAVE DRIVEWAY/STACKING
7. (E) DRIVEWAY & CURB CUT
8. TRIKE PATH
9. (N) PLAYSTRUCTURE
10. (N) LANDSCAPING
11. NEW CHAINLINK FENCE, 6'-0"
12. (N) FENCE GATE, 3'-0" HIGH
13. TEMPORARY MODULAR STRUCTURES
14. NEW FENCE GATE, 6'-0" HIGH
15. EXISTING OUTDOOR YARD
16. EXISTING LOADING DOCK
17. EXISTING OUTDOOR PATIO
18. SETBACK LINE
19. 6'-0" HIGH FENCE & GATE FOR CONSTRUCTION AREA. SEE STAGING PLAN SUBMITTED BY HILLHOUSE CONSTRUCTION



VICINITY MAP

SITE PLAN

ARCHitevon
Architecture □ Interiors □
Planning □
991 Montague Expressway #206
Milpitas, California 95035
Tel : 408.946.9300
Fax : 408.946.9309

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RELEASE STATUS: DATE:
- ○ CLIENT REVIEW
- ● CUP APPROVAL 5/15/14
- ○ PLANNING APPROVAL
- ○ PLAN CHECK
- ○ BIDDING
- ○

REVISIONS:
- △ FIELD/CLIENT REV. 08/08/14
- △
- △
- △

STRATFORD SCHOOLS
39201 CHERRY STREET
NEWARK, CA

LICENSED ARCHITECT
JAMES R. ARCHITEVON
No. C-21486
REN. 8/2015
STATE OF CALIFORNIA

PARTIAL BUILD OUT PHASE SITE PLAN

SCALE: 1" = 40'-0"

PROJECT # 201410

A2.1

EXHIBIT A

CITY OF NEWARK
PLANNING COMMISSION

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4330 • FAX 510-578-4265

MINUTES Tuesday, August 26, 2014

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

A. ROLL CALL

At 7:32 p.m., Chairperson Nillo called the meeting to order. All Planning Commissioners were present except Commissioner Aguilar (personal).

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, August 12, 2014.

Commissioner Fitts moved, seconded by Commissioner Bridges, to approve the Minutes of August 12, 2014. The motion passed 6 AYES and 1 ABSENT (Aguilar).

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider: (1) Adopting a resolution 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) adopting a resolution approving 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.

Assistant City Manager Grindall gave the staff report.

Answering Commissioner Fitts, ACM Grindall replied children will not be in attendance until January 2015.

Answering Commissioner Fitts, ACM Grindall stated they do not anticipate any traffic impacts prior to the grand opening.

Addressing Commissioner Drews concerns, ACM Grindall replied the Public Works Engineering Division is working with the Applicant to provide queuing areas.

Answering Commissioner Drews, ACM Grindall stated the City is looking into providing a 4-lane arterial or possibly adding flashing lights to reduce the speed of vehicles.

Vice-Chairperson Hannon thanked the Applicant and the City for possibly reusing the existing structure for a new use.

Vice-Chairperson Hannon stated his concerns with the Traffic Study.

Answering Vice-Chairperson Hannon, ACM Grindall stated surrounding property owners were notified but no Community Meeting was held.

Commissioner Otterstetter stated her concerns with traffic issues.

Answering Commissioner Fitts, ACM Grindall stated the City Engineer will work with the Applicant to resolve any anticipated traffic issues but any additional issues would result in this item going back to the Planning Commission.

Chairperson Nillo opened the Public Hearing.

Clay Stringham, representative for Stratford School, 12930 Saratoga Avenue, Suite A-2, Saratoga, CA 95070, stated he has read and agrees with the Conditions in Resolutions 1883 and 1884 and thanked the Planning Commission for the opportunity to open their school in Newark.

Mr. Stringham described the project and the capacity of the three modular classrooms.

Answering Commissioner Bridges, Mr. Stringham stated this would be their 19th school.

Discussion ensued on after-school clubs, school hours, and playground/sports field usage.

Commissioner Drews commented on Mr. Stringham's work experience.

Mr. Stringham invited the Planning Commission to the open house and tour of other schools that his Company opened.

Chairperson Nillo closed the Public Hearing.

Commissioner Bridges moved, seconded by Commissioner Fitts, to approve Resolution 1883, recommending City Council approval of an amendment to the land use element of the General Plan. The motion passed 6 AYES, 1 ABSENT (Aguilar).

Commissioner Drews moved, seconded by Vice-Chairperson Hannon to approve Resolution 1884, approving P-14-23, a Planned Unit Development, and U-14-24, a Conditional Use permit, for a private elementary and middle school at 39201 Cherry Street, subject to the condition that the Applicant must address any issues brought up by the City Engineer, if an agreement is not reached, then this item will return to the Planning Commission. Motion passed 6 AYES, 1 ABSENT (Aguilar).

F. STAFF REPORTS

F.1 ASR-14-35, an Architectural and Site Plan Review for a 75 unit senior housing project (Gateway at Newark) located on Willow Street (within the Dumbarton Transit Oriented Development).

Assistant City Manager Grindall gave the staff report.

Vice-Chairperson Hannon gave his opinion that the proposed Community Center would be too small.

Discussion ensued on construction hours and obtaining neighborhood resident's input.

Answering Commissioner Fitts, ACM Grindall stated a condition could be added to the Resolution to address marketing the senior housing units to Newark residents.

Chairperson Nillo opened the public hearing.

Applicant Milo Terzich, USA Properties Fund Inc. 3200 Douglas Boulevard, Suite 200, Roseville, CA 95661, stated he has read and agrees with the Condition of Approval.

Answering Vice-Chairperson Hannon, Mr. Terzich stated the minimum age to rent a unit is 55 but the typical age is 72. Mr. Terzich said that a 1-bedroom unit is about 600 square feet and a 2-bedroom unit is about 750 square feet. He added that the rent would range from $862/per month to $1,242/per month.

Commissioner Bridges stated that she was very interested in a program that would specifically enable Newark residents to utilize the residential units.