



E.1 Hearing to consider “Sanctuary West”, a 469-unit residential project on an approximately 430-acre site within Area 4 of the “Areas 3 and 4 Specific Plan” located at the south western edge of the City of Newark. The Planning Commission will consider recommending to the City Council of the City of Newark: (1) based on E-19-4, the Compliance Checklist prepared pursuant to Sections 15164 and 15168 of the California Environmental Quality Act (CEQA) Guidelines, finding that the environmental effects of the proposed Sanctuary West Residential Project (Project) in Area 4 were sufficiently analyzed under and are within the scope of the previously-approved 2015 Recirculated Environmental Impact Report (REIR) for the Areas 3 and 4 Specific Plan (State Clearinghouse No. 2007052065), that the REIR adequately describes the Project in Area 4, and that there are no new substantial changes to the Project or to the circumstances surrounding the Project, nor new information of substantial environmental significance, nor other events since that REIR was certified in 2015 that require supplemental or subsequent CEQA review and also exempt from CEQA pursuant to California Government Code Section 65457; (2) approving TTM-19-5, Vesting Tentative Tract Map 8495; and (3) approving U-19-6, a Conditional Use Permit and P-19-7, a Planned Unit Development to allow for construction of a 469-unit residential project located at the south western edge of the City of Newark – from Senior Planner Mangalam.

Sm (Resolutions-2)

Background/Discussion – The Sobrato Organization has submitted an application for a 469-lot single-family dwelling subdivision on a 430-acre site located at the south western edge of the City of Newark.

Location

The 430-acre Project site is located in south western Newark, within the boundaries of the Areas 3 and 4 Specific Plan, specifically within Area 4. Area 4 consists of approximately 560 acres, including 316 acres of potential development area. The surrounding land uses include Mowry Avenue to the north, Union Pacific Railroad (UPRR) to the east, City of Fremont to the south and salt flats and Mowry Slough to the west (see Exhibit A, Location map).

History

In 1992, the City Council adopted the General Plan Update. The General Plan designated areas of development focus, including Areas 3 and 4. The General Plan allowed future development of Area 4 consisting of high-quality low-density housing, an 18-hole golf course, and open space. In 1999, the community rejected a ballot measure to change the General Plan land use designation

for Area 4 to conservation, open space, and agricultural uses and confirmed the vision for Area 4. Further, on June 22, 2006, the City agreed in a Memorandum of Understanding (MOU) with New Technology Park Associates to prepare a Specific Plan for Areas 3 and 4 to address future land uses and to provide a framework for future development. The City's Specific Plan process commenced in late 2006, and consisted of two phases. Phase One involved preparation of a conceptual plan and a feasibility analysis which evaluated development constraints. Phase Two used the results of this constraints analysis as the basis for developing the Specific Plan and an Environmental Impact Report (EIR). The constraints analysis was completed in Fall 2007. The City distributed a Notice of Preparation for the EIR in May 2007. On February 26, 2008, the City of Newark Planning Commission reviewed two alternative Concept Plans, selected a preferred alternative, and recommended that the City Council approve the preferred alternative as the basis upon which a Specific Plan would be developed. On March 13, 2008, the City Council accepted and approved the Planning Commission recommendation on the preferred land use concept. In 2010, the Planning Commission and the City Council certified a Final EIR on the Specific Plan, approved the Specific Plan, a map amendment to the General Plan and Development Agreement (DA) for the Specific Plan. The 2013 General Plan Update also maintained this vision and designated the development area as the Southwest Newark Residential and Recreational Project.

Subsequently, the Citizen's Committee to Complete the Refuge, a non-profit public benefit corporation, filed legal action for judicial review of the EIR's compliance with CEQA, and the court found the EIR to be deficient in three respects: (1) the EIR was not clear about which portions of the project were being reviewed at a program level; (2) improper deferral of mitigation for impacts to trees to be preserved; and (3) improper deferral of mitigation for impacts to sensitive habitats and special status species from the potential spread of non-native invasive plant species. The court found the EIR to be adequate and in compliance with CEQA in all other respects. Although the court denied the majority of the Citizen's claims, the Judgment and Writ directed the City to, within 90 days, void the resolutions and ordinances approving the General Plan amendment, Specific Plan, Zoning map amendment, including the ones that approved the DA and certified the EIR.

To address the court's ruling, the City Council repealed and rescinded the certification of Final EIR and resolutions and ordinances approving General Plan amendment, Zoning map amendment and DA in February 2015. In addition, the City revised the Areas 3 and 4 Specific Plan EIR to address issues specified in the Court's ruling and recirculated the revised EIR for public review. In March 2015, the City of Newark certified the Newark Areas 3 and 4 Specific Plan Recirculated Environmental Impact Report (REIR) and re-adopted the Newark Areas 3 and 4 Specific Plan (Specific Plan) and related approvals. The approved Specific Plan allows for development of up to 1,260 housing units of various densities, an elementary school of up to 600 students, a golf course, parks and open space areas, as well as retention of existing light industrial and institutional uses. At the same time, the City also readopted the DA with minor changes. The developer granted the City certain public benefits such as: (1) dedicating to the City a 66-acre parcel along Mowry Avenue in Area 4 for recreational purposes; (2) dedicating a six-acre parcel in Area 3 for the construction of an elementary school; and (3) dedicating a three-acre parcel in Area 3 for a park to be shared by the neighborhood and the school. The City agreed to keep in place the City's land use rules, regulations, and policies in effect at the time of the re-adopted DA for any subsequent

approvals of project under the Areas 3 and 4 Specific Plan.

Area 3 is mostly developed. It includes the City’s George M. Silliman Recreation Complex, City of Newark Fire Station No. 3, Ohlone College Campus, and light industrial/commercial buildings. In 2016, the City approved a tentative map for a 386-unit residential project, including a 6-acre parcel for the school site and 3-acre parcel for the park site (known collectively as “Sanctuary”). Residences are currently being constructed under the ownership of three separate developers, namely: DR Horton, KB Homes and Landsea.

Proposed Development

The applicant is proposing further implementation of the approved Specific Plan through the approval of a vesting tentative map, a Conditional Use Permit (CUP) and Planning Unit Development (PUD) for Area 4 that would allow residential development of 469 single-family homes consistent with Area 4 of the Specific Plan. The Project site consists of approximately 430 acres of land. The site is predominantly undeveloped, and professionally managed. The Project would include 469 single-family homes, three park parcels, and four boardwalk overlooks.

The residential development is comprised of four “villages”, each village characterized by the minimum size of the residential lots (see table 1). Three different style of homes are being proposed in each village to provide diversity of styles and configurations including variations in architectural elements, color and materials (See Exhibit D, page 28 and 29).

Table 1: Proposed Residential Development

	Min. lot size (feet)	No. of units	Plan 1	Plan 2	Plan 3
Village I	47 X 77	133	2,326 sq. ft.	2,639 sq. ft.	2,874 sq. ft.
Village II	52 X 72	118	2,340 sq. ft.	2,560 sq. ft.	2,800 sq. ft.
Village III	60 X 65	133	2,870 sq. ft.	3,000 sq. ft.	3,225 sq. ft.
Village IV	50 X 100	85	3,103 sq. ft.	3,312 sq. ft.	3,653 sq. ft.

Circulation

As contemplated in the adopted Specific Plan, Stevenson Boulevard would be extended as a public street from its existing westerly terminus across the UPRR tracks via a new overpass. Where the Stevenson Boulevard overpass ends on the Project site, a private street network would provide vehicular, pedestrian, and bicycle access throughout the site to the individual home lots.

To the north of the Area 4 development area (outside the subject site), a private roadway easement for emergency purposes is proposed immediately west of the UPRR alignment, across the City of Newark-owned land from the flood control channel to Mowry Avenue. The easement would serve as a combined Emergency Vehicle Access (EVA) roadway and multi-use trail. The access roadway would be locked and gated at Mowry Avenue to allow only emergency vehicles; however, the gate would allow passage of pedestrians and bicycles. The EVA roadway/multi-use trail would be approximately 20-foot wide (within an approximately 40-foot wide EVA easement). An approximately 12-foot-wide paved public multi-use trail is proposed to begin at the Stevenson Boulevard terminus and extends around most of the outer perimeter of the Area 4 residential

development.

Parking

The Project will provide a total of 2,739 parking spaces including 938 covered off-street parking spaces, 938 uncovered off-street parking spaces, and 863 on-street guest parking spaces.

Landscape Design

The proposed Project includes various landscape design elements:

- Parks and open space: three parks and four boardwalk overlooks are planned throughout the site with a combined park area of approximately 4.70 acres. Parks would include play areas, seating, and lawn areas. An approximately 12-foot-wide paved public multi-use trail is proposed to begin at the Stevenson Boulevard terminus and will extend around most of the outer perimeter of the Area 4 residential development.
- Entry feature: an entry feature comprising of an 8-foot-tall lighthouse at the culmination of the extension of Stevenson Boulevard is proposed to create a strong identity for this new residential development as envisioned in the Specific Plan.
- Multi-use trail: An approximately 12-foot-wide paved public multi-use trail is proposed at the beginning of the Stevenson Boulevard terminus and extends around most of the outer perimeter of the Area 4 residential development. The trail would then connect to the combined trail and EVA at the northeast corner of Area 4. The trail has the potential for Bay Trail designation.

Noise attenuation

Due to the location of UPRR tracks to the east of the Project, projected noise levels would exceed the City's acceptability criteria of 60 decibels Ldn (average equivalent sound level over a 24-hour period) at the nearest residential uses. To ensure compatibility with the City's General Plan noise compatibility guidelines, a sound wall is proposed along the length of UPRR tracks adjacent to residential development.

Planned Unit Development (PUD) and Conditional Use Permit (CUP)

As discussed previously, the DA provided assurance to the developer that it has vested rights to proceed with the Project in accordance with the City's land use rules, regulations and policies applicable to the Project in effect at the time of approval of the DA. Thus, the Project will require the approval of a PUD and CUP as described in the Newark Municipal Code that was in-effect as of 2015. The Project is consistent with the findings pursuant to Chapter 17.72 (Use Permits), Chapter 17.40 (Planned Unit Developments), Section 17.40.050 (Permit Procedure) and Section 17.72.070 (Action by Planning Commission) of the 2015 Municipal Code and is supported by application materials on file with the City of Newark and the recommended Planning Commission resolution attached with this staff report. The findings with regard to the proposed location of the planned unit development is in accord with the objectives of the zoning ordinance and the purposes of the district in which the site is located. Consistency with the Zoning Ordinance is supported by the fact that the Project site is located in a Residential Single Family (RS) district and the Project would develop the Project site with single-family residences, parks, and open spaces. Accordingly, the Project conforms with the objective of the RS district to preserve as many of the desirable

characteristics of single-family residential districts as possible. The Project also clusters the proposed residences on the least biologically sensitive portions of the Project site, leaving 346 acres for open space.

The Project would not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity of the Project. The Project leaves the majority of the Project site as open space (346 acres) to protect the Project site’s most biologically sensitive areas. The Project would result in a new residential, single-family neighborhood, which would enhance and complement the surrounding properties, including the residential neighborhood under development in Area 3. The Project implements the Specific Plan, which has long planned for residential development of the Project site. The Project also would result in new parks and passive recreation areas for the City’s residents.

The Project would develop fewer homes than the maximum number otherwise permitted by the Specific Plan (see Table 2) and will not overload utilities.

Table 2: Specific Plan & REIR Consistency Summary

	Specific Plan	Recirculated EIR	Area 3 (under construction)	Area 4 (under consideration)	Total units – Area 3 and 4	Consistent with Specific Plan and within environmental impact envelope of REIR?
Number of Single family units	1,260	1,260	386	469	855	Yes

Tentative Tract Map

The applicant has submitted a Vesting Tentative Tract Map 8495 encompassing approximately 430 acres of land to construct approximately 469 single-family homes. The Project will comprise the following land uses: single family lots (46.60 acres), private streets (30.25 acres), parks (4.70 acres), water quality (1.94 acres), and open space (346.65 acres), thus totaling to approximately 430 acres. The Project will provide a total of 2,739 parking spaces including 938 covered off-street parking, 938 uncovered off-street parking and 863 on-street guest parking spaces.

Environmental

The Project is a residential development project that implements the Newark Areas 3 and 4 Specific Plan. As discussed above, the City of Newark certified the REIR and adopted a Mitigation Monitoring Reporting Program for the Newark Areas 3 and 4 Specific Plan in 2015. The REIR analyzed the development in Areas 3 and 4 at a programmatic level.

The CEQA Compliance Checklist was prepared pursuant to the provisions of CEQA and the CEQA Guidelines (Title 14, California Code of Regulations Section 15000 et seq.), Government Code Section 65457, and the regulations and policies of the City of Newark. The purpose of preparing this checklist/addendum was to evaluate and determine whether the proposed Project is consistent with the REIR and approved Specific Plan, whether the Project is within the scope of the REIR and to determine whether any of the events specified in Public Resources Code Section 21166, as further addressed by CEQA Guidelines Section 15162, have occurred since the City's certification of the REIR. Specifically, this checklist is prepared in accord with the requirements of CEQA Guidelines Section 15164 and 15168(c)(4), describing and limiting the review of a project which has already been reviewed under CEQA in a previous EIR, and with Government Code Section 65457, describing and limiting the review that may be applicable to a project that is consistent with a previously approved Specific Plan.

The information and analysis set out in the attached checklist/addendum, prepared pursuant to CEQA Guidelines Sections 15164 and 15168(c)(4) and Government Code Section 65457, demonstrates: (a) that the proposed construction of up to 469 residential units in Area 4 is consistent with the Areas 3 and 4 Specific Plan; (b) that none of the events listed in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 have occurred; and (c) that the proposed Project would not result in any new or substantially more significant environmental impacts from changes to the Project or changes in circumstances beyond those previously evaluated and disclosed in the REIR. The checklist also demonstrates that there is no new information of substantial importance that could not have been known at the time the REIR was prepared that shows the Project would have new or substantially more severe environmental impacts than analyzed in the REIR.

The accompanying checklist provides substantial evidence supporting the conclusions that: (a) the proposed Project is within the scope of the REIR; (b) the proposed Project implements and is consistent with the Specific Plan; and (c) that none of the major changes, new information, or other environmentally-significant events specified in Public Resources Code Section 21166 and CEQA Guidelines Section 15162 have occurred since 2015.

Accordingly, a supplemental or subsequent EIR to the REIR is not required or warranted, and the Project is exempt from further CEQA review under Government Code Section 65457. For these reasons, no further CEQA review of the Project is required.

The Specific Plan EIR was approved with a Mitigation Monitoring Reporting Program (MMRP) and the Project is required to implement all applicable mitigation measures identified in the MMRP (Exhibit C).

Public Review: Although not required by CEQA or the CEQA Guidelines, the Checklist was posted on City's website for 20-day voluntary public review period from September 11 – October 1. The City received comments on the Checklist, which have been responded to by the City's consultant. The comments and responses are attached hereto (Exhibit E).

Attachments

Resolutions (2)

Exhibit A: Location Map

Exhibit B: California Environmental Quality Act (CEQA) Compliance Checklist document

Exhibit C: Mitigation Monitoring Reporting Program

Exhibit D: Plan Set for proposed residential development

Exhibit E: Comments on Draft Compliance Checklist and responses to same

Action – Staff recommends that the Planning Commission recommend to the City Council the following:

(1) Based on E-19-4, the Compliance Checklist/Addendum prepared pursuant to Sections 15164 and 15168 of the California Environmental Quality Act (CEQA) Guidelines, finding that the environmental effects of the proposed Sanctuary West Residential Project (Project) in Area 4 were sufficiently analyzed under and are within the scope of the previously-approved 2015 Recirculated Environmental Impact Report (REIR) for the Areas 3 and 4 Specific Plan (State Clearinghouse No. 2007052065), that the REIR adequately describes the Project in Area 4, and that there are no new substantial changes to the Project or to the circumstances surrounding the Project, nor new information of substantial environmental significance, nor other events since that REIR was certified in 2015 that require supplemental or subsequent CEQA review and also exempt from CEQA pursuant to California Government Code Section 65457;

(2) approving TTM-19-5, Vesting Tentative Tract Map 8495; and

(3) approving U-19-6, a Conditional Use Permit and P-19-7, a Planned Unit Development to allow for construction of a 469-unit residential project located at the south western edge of the City of Newark.