



CITY OF NEWARK

Planning Commission

City Hall, City Council Chambers

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MINUTES

Tuesday, January 23, 2024
7:00 P.M.

A. ROLL CALL

Chair Fitts called the meeting to order at 7:03 pm. All members of the Planning Commission were present: Chair Fitts, Vice Chair Aguilar, Commissioner Becker, Commissioner Bogisich, and Commissioner Catancio.

B. MINUTES

B1. Approval of Minutes of the regular Planning Commission meeting of November 14, 2023.

MOTION APPROVED

Chair Fitts requested a motion. Commissioner Bogisich moved, and Commissioner Becker seconded, to approve the Minutes of the regular Planning Commission meeting on November 14, 2023. The motion passed – **4 AYES, 1 ABSTAIN** (Commissioner Catancio was absent).

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

Members of the public are invited to address the Planning Commission on any item not listed on the agenda. Public Comments are generally limited to 5 minutes per speaker. Please note that State law prohibits the Commission from acting on non-agenda items.

None.

E. PUBLIC HEARINGS

None.

F. STAFF REPORTS

F.1. 2023-2031 General Plan Housing Element- Overview of Non-Substantive Revisions After Adoption.

The Planning Commission meeting started with an informational report by Community Development Director (CDD) Steven Turner regarding Newark's Housing Element Update for the period 2023-2031. CDD Turner announced that the State had certified the Housing Element, indicating its alignment with State law—a significant accomplishment for the Newark community. He highlighted the extensive effort by Staff over several years in updating the General Plan Housing Element, which evolved from a 95-page document in 2018 to a comprehensive 350-page document for the current cycle.

Emphasizing equity and fair housing, CDD Turner explained that the Housing Element addresses Newark's unique conditions regarding fair housing issues while incorporating forward-thinking policies and programs to tackle housing needs. He detailed the process of review by Staff and adoption by the Planning Commission and City Council, culminating in the State's certification in December 2023.

CDD Turner provided a timeline of post-adoption activities, including submissions, revisions, and discussions with the State Department of Housing and Community Development (HCD), highlighting efforts to ensure compliance with State regulations. He outlined three categories of revisions made post-adoption:

1. Analysis of potential development constraints, focusing on site development regulations.
2. Detailed examination of housing sites and commitments to address perceived constraints.

3. Adjustment of implementation dates and commitments, along with the site regulation of a Minor Use Permit requirement for buildings exceeding 35 feet in residential districts.

CDD Turner emphasized the City's commitment to further revisions, particularly regarding the Minor Use Permit requirement and the establishment of objective design standards to facilitate residential development.

CDD Turner explained the By-Right Zoning District Overlay requirement for Housing Element sites that have been carried over from previous housing elements to the current one and highlighted the State's inquiry into compliance with housing policies. He stressed proactive measures to fulfill program commitments for sustained certification over the next eight years.

CDD Turner concluded his presentation with an acknowledgment of the State's Enforcement Division of Housing and Community Development's surveillance and the obligation for continued attentiveness in meeting housing goals.

Chair Fitts acknowledged that Staff has been diligently working on the Housing Element and inquired about the certification status.

CDD Turner explained that while the term "certification" is not explicitly mentioned in housing element law, it signifies substantial compliance with State regulations. The City received confirmation from the State paralleling substantial compliance to certification. Therefore, Newark's Housing Element is certified and remains so unless otherwise determined by the State due to unfulfilled programs.

Chair Fitts inquired about potential changes to the Builder's Remedy due to the absence of a certified housing element, expressing concerns about unauthorized housing developments in undesirable locations.

CDD Turner assured Chair Fitts that there would be no concerns in that regard, given that new Builder's Remedy projects would not be allowed. However, he said, the ongoing

Builder's Remedy project will proceed unless the applicant chooses to withdraw their application.

Vice Chair Aguilar congratulated CDD Turner on achieving certification for the Housing Element and asked about the frequency and nature of follow-ups by HCD or the State on municipalities, as well as any feedback provided regarding their level of engagement. CDD Turner stated that the State has not contacted Staff and expressed doubt about the State's proactive engagement. He explained that the City will need to submit reports on its housing production process and program commitments. For instance, the annual progress report, due each April, outlines the previous year's activities and progress toward fulfilling program requirements. The report for 2024, due in April 2025, will detail accomplishments, units built, and income levels targeted, and will be sent to the State with the expectation of compliance. CDD Turner emphasized Newark's proactive attitude on housing, citing the construction of thousands of houses and hundreds of affordable units. He highlighted ongoing residential development and suggested that even if the City does not fully comply, its strong commitment to housing will be beneficial. CDD Turner concluded by noting that strict enforcement will likely target jurisdictions lacking political will or community support for housing, which Newark demonstrates.

Vice Chair Aguilar asked if the April reporting mechanism was new.

CDD Turner clarified that it is not new; the City is required to submit it annually. Staff handles the report, and the City has consistently complied with state housing element law shortly after submission. He expressed a desire to present the report to the Planning Commission and City Council in the future to demonstrate Staff progress, address inquiries, and gather public feedback on the City's housing efforts.

Chair Fitts inquired about any additional questions for Staff.

Commissioner Becker asked if the State sent a letter certifying the Housing Element or stating substantial compliance.

CDD Turner confirmed receipt of a formal letter stating substantial compliance, adding anticipation for a follow-up letter upon completion of By-Right rezoning work, expected to confirm full compliance with State housing law.

Commissioner Becker expressed concerns regarding item H2.12 on the Housing Element, highlighting potential issues with 100-foot housing projects overlooking single-family residential neighborhoods, stressing the importance of mitigating such impacts.

CDD Turner acknowledged Commissioner Becker's concerns and emphasized the need for objective design standards to address impacts on adjacent residential communities while meeting state housing element laws. He stated that achieving zero impact on adjacent communities due to higher-density housing is challenging, but Staff will explore case studies and develop adapted requirements, policies, and programs for the City.

Commissioner Becker suggested residents' engagement with State representatives regarding housing decisions affecting cities.

CDD Turner agreed with Commissioner Becker's suggestion.

Commissioner Becker commended Staff for their exceptional work on the 350-page document, acknowledging the complexity of the process. He also expressed concern about the forthcoming housing element cycle, noting the lack of limitations on the number of bills being passed regarding housing development by the State.

CDD Turner acknowledged the challenges posed by the Housing Element, noting its obstruction to cities in implementing community-serving policies and programs. He expressed Staff's pride in overcoming these difficulties.

Chair Fitts asked the other Commissioners if they had any further questions for Staff.

Commissioner Bogisich thanked CDD Turner for the extensive effort invested in the Housing Element, acknowledged Staff's frustration, and affirmed Newark's commitment to both affordable and market-rate housing.

CDD Turner mentioned the availability of a designation for cities known as a "pro-housing city" and expressed interest in exploring it for Newark. He also noted the city's past actions in support of housing, including supportive housing initiatives and recent construction, suggesting Newark may be eligible for this distinction. Lastly, he highlighted the potential advantages of such a designation for Newark compared to communities resisting housing development.

Commissioner Catancio echoed previous comments and extended her congratulations to Staff, and all involved in ensuring the City's substantial compliance.

Chair Fitts described the report as an excellent one and was glad to hear the great news, emphasizing its significance as a step in the right direction.

(INFORMATIONAL)

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

CDD Turner mentioned that the Election of Officers will be scheduled for upcoming meetings and ensured informing the Planning Commission of the date.

Commissioner Fitts requested to prioritize the Election of Officers at the beginning of the Agenda for the next meeting. He also suggested opening the meeting, conducting the election, and passing the gavel to the new Chair to conclude the session.

H. PLANNING COMMISSIONER COMMENTS

Chair Fitts welcomed the new Planning Commissioner Julie Del Catancio, expressing honor in having her join the Commission. He also offered assistance to Commissioner Del Catancio in familiarizing herself with the Commission's work and emphasized the

importance and lasting impact of the Commission's work, citing the satisfaction in seeing projects, such as the Costco project, come to culmination after years of effort.

I. ADJOURNMENT

Chair Fitts adjourned the meeting at 7:48 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steven Turner", followed by a long horizontal flourish.

Steven Turner,
Secretary