



CITY OF NEWARK
PLANNING COMMISSION

37101 Newark Boulevard, Newark, California 94560-3796 □ 510/578-4330 □ FAX 510/578-4265

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

AGENDA **Tuesday, November 8, 2016**

A. ROLL CALL

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, August 23, 2016. (MOTION)

C. WRITTEN COMMUNICATIONS

D. ORAL COMMUNICATIONS (Anyone wishing to address the Commission on any planning item not on the Agenda may take the podium and state his/her name and address clearly for the recorder.)

E. PUBLIC HEARINGS

E.1 Hearing to consider a Conditional Use Permit (U-16-16) to allow for a college, DeVry University, to operate in an existing building located at 8000 Jarvis Avenue (APN: 537-853-38) – from Assistant Planner Bowab. (RESOLUTION)

F. STAFF REPORTS

G. COMMISSION MATTERS

G.1 Report on City Council actions.

H. ADJOURNMENT

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the Planning Commission, will be made available for public inspection at this meeting and at the Planning Division Counter located at 37101 Newark Boulevard, 1st Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

CITY OF NEWARK PLANNING COMMISSION

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

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

MINUTES Tuesday, August 23, 2016

A. ROLL CALL

At 7:30 p.m., Chairperson Aguilar called the meeting to order. All Planning Commissioners were present, except Vice-Chairperson Nillo (personal).

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, August 9, 2016.

Commissioner Bridges moved, Commissioner Fitts seconded, to approve the Minutes of August 9, 2016. The motion passed 4 AYES, 1 ABSENT (Nillo).

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

None.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 ASC-16-15, an Administrative Special Civic Review, for an addition and façade change to a single-family residence at 35669 Lundy Drive.

Assistant Planner Bowab gave the staff report and informed the Planning Commission that this was a review optional item.

Chairperson Aguilar commented that the changes are minor but will be an improvement to the home, and congratulated the Applicants on their project.

The Planning Commission chose not to review this item.

G.2 Report on City Council actions.

None.

Commissioners' Comments

Answering Chairperson Aguilar, Assistant City Manager Grindall stated no firm meeting dates are scheduled yet for the Bicycle and Pedestrian Advisory Committee, the Citywide Parks Master Plan, or the Zoning Update project.

Answering Chairperson Aguilar, ACM Grindall stated the staff initiated Zoning Update project did not have a set timetable for completion, but the goal was to have it completed in 2017.

H. ADJOURNMENT

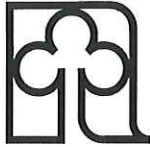
At 7:36 p.m., Chairperson Aguilar adjourned the regular Planning Commission meeting of Tuesday, August 23, 2016.

Respectfully submitted,



TERRENCE GRINDALL

Secretary



E.1 Hearing to consider a Conditional Use Permit (U-16-16) to allow for a college, DeVry University, to operate in an existing building located at 8000 Jarvis Avenue (APN: 537-853-38) – from Assistant Planner Bowab. (RESOLUTION)

Background/Discussion – DeVry University has made an application for a college to locate at 8000 Jarvis Avenue. The applicant is proposing to operate on the 2nd floor of an existing building. Attached is Exhibit A, pages 1 (Title Sheet), 2 (Site Plan), 3 (Site Photos), 4 (Floor Plan), and 5 (Proposed Signage).

The subject site is located on the southwest corner of Jarvis Avenue and Kiote Drive. The college is proposing to use a portion of the 2nd floor (10,217 square feet) of an existing 48,236 square foot research and development building. This building is located in the Newark Technology Center which has a reciprocal easement recorded for parking between the two buildings.

The 3.12 acre site is zoned MT-1 (High Technology Park District) and has a SI (Special Industrial) General Plan Land Use designation. Schools and colleges are conditionally allowed in the MT-1 zone. A conditional use permit approval is required. The center was approved under an Architectural and Site Plan Review (ASR-00-8) in July, 2000.

DeVry University plans to operate from 9:00 a.m. to 10:30 p.m., Monday through Friday, and 8:00 a.m. to 1:00 p.m. Saturday. Class times are spread throughout the day with a majority of the courses offered in the evenings and Saturday. The courses include general education, computer programming, electronics engineering, business, and network systems. There will be approximately 20-50 students per session with about 23 staff/faculty members. Interior improvements are proposed for the floor plan that include: classrooms, computer labs, common/study areas, offices, and a reception area. The only change proposed to the building exterior is a wall sign and a sign on the existing monument sign that would be submitted for staff review for compliance with our sign ordinance.

The staggered class schedule, with a majority of the courses offered in the evenings and Saturday, means parking or on-site circulation issues are not anticipated. 187 parking spaces are provided for this building. As a precaution, a recommended condition of approval stipulates that if a complaint regarding parking, on-site circulation and/or traffic is received; a parking, on-site circulation and/or traffic analysis shall be prepared at the discretion of the Community Development Director and at the cost of the property owner. The property owner would be required to mitigate any problems identified by the parking, on-site circulation and/or traffic study.

Staff recommends approval of DeVry University's request subject to the conditions in the attached resolution.

Environmental Review

This project is categorically exempt from the California Environmental Quality Act (CEQA) per section 15301, Class 1, existing facilities.

Attachment

Action – It is recommended that the Planning Commission, by resolution, with Exhibit A, pages 1 through 5, approve a conditional use permit (U-16-16) to allow for a college (DeVry University) at 8000 Jarvis Avenue (APN: 537-853-38).

RESOLUTION NO.

RESOLUTION APPROVING A CONDITIONAL USE PERMIT (U-16-16) TO ALLOW FOR A COLLEGE (DEVRY UNIVERSITY) TO OPERATE IN AN EXISTING BUILDING LOCATED AT 8000 JARVIS AVENUE (APN: 537-853-38)

WHEREAS, DeVry University has filed with the Planning Commission of the City of Newark application for a conditional use permit for a college at 8000 Jarvis Avenue; and

PURSUANT to the Municipal Code Section 17.72.060, a public hearing notice was published in The Tri City Voice on October 25, 2016 and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on November 8, 2016 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

WHEREAS, pursuant to 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 conditional use is in accord with the purposes of the zoning title and the purposes of the district in which the site is located;
2. 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;
3. 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 approves this application and recommends the City Council 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, operations of existing facilities:

Planning Division

- a. This project shall be subject to the conditions of Planning Commission Resolution No. 1498, unless otherwise amended herein.
- b. If any complaint regarding parking, on-site circulation and/or traffic is received, a parking, on-site circulation and/or traffic analysis shall be prepared at the discretion of the Community Development Director and at the cost of the property owner. The

property owner shall mitigate any problems identified by the parking, on-site circulation and/or traffic study. If the property owner does not mitigate these problems, the use permit revocation procedures, as defined in Section 17.72.130 of the Newark Municipal Code, shall be initiated and all operations shall cease within 60 days of formal notification.

- c. All operations associated with this proposal, shall be conducted within an entirely enclosed structure. If any complaint regarding noise is received, a noise analysis shall be prepared at the discretion of the Community Development Director and at the cost of the applicant. The applicant shall mitigate any problems identified by the noise study. If the applicant does not mitigate these problems, the use permit revocation procedures, as defined in Section 17.72.130 of the Newark Municipal Code, shall be initiated and all operations shall cease within 60 days of formal notification.
- d. No refuse, garbage or recycling shall be stored outdoors except within an approved trash and recycling enclosure.
- e. Construction site trailers and buildings located on-site shall be used for office and storage purposes and shall not be used for living or sleeping quarters. Any vehicle or portable building brought on the site during construction shall remain graffiti free.
- f. 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. Any vehicle or portable building brought on the site during construction shall remain graffiti free.
- g. Roof equipment shall not be visible from public streets. All equipment shall be fully screened within the context of the building's architecture, subject to the review and approval 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.
- h. Prior to the issuance of a sign permit, all signs, other than those referring to construction, sale, or future use of this site, shall be submitted for the review and approval of the Community Development Director.

Engineering Division

- i. The property owner shall install trash capture measures such as inlet filters or hydrodynamic separator units to address the requirements of Provision C.10 of the Regional Water Quality Control Board (RWQCB) Municipal Regional Permit (MRP) to the satisfaction of the City Engineer. The trash capture devices shall meet the full trash

capture requirements of the SF Bay Regional Water Quality Control Board AND shall comply with maintenance and performance requirements of the Mosquito Abatement District.

- j. Developer shall enter into an Agreement with the City of Newark that guarantees the property owner's perpetual maintenance obligation for all trash capture devices installed as part of the project. Said Agreement is required pursuant to Provisions C.3 and C.10 of the Municipal Regional Stormwater NPDES Permit. Said permit requires the City to provide verification and assurance that all trash capture devices will be properly operated and maintained. The Agreement shall be recorded against the property and shall run with the land.

Fire Department

- k. The project must comply with all building and fire codes in effect at time of building permit submittal.

Police Department

- l. The development shall comply with Chapter 15.06, *Security Code*, of the Newark Municipal Code.

General

- m. 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 project exhibits requiring Planning Commission and/or City Council review and approval.
- n. If any condition of this conditional use permit be declared invalid or unenforceable by a court of competent jurisdiction, this conditional use permit shall terminate and be of no force and effect, at the election of the City Council on motion.
- o. This conditional use permit shall be given a hearing before the City Council for the Council's review and approval.
- p. Prior to the submittal for building permit review, all conditional use permit conditions of approval for this project, as approved by the City Council, shall be printed on the plans.
- q. The applicant 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.

- r. In the event that any person should bring an action to attack, set aside, void or annul the City's approval of this project, the developer shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with counsel selected by the developer (which shall be the same counsel used by developer) and reasonably approved by the City. Developer's obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City's compliance with Government Code Section 66474.9.
- s. The Conditions of Project Approval set forth herein may 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 applicant is hereby further notified that the 90-day approval period in which the applicant may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The Commission makes the findings prescribed in Newark Municipal Code Section 17.24.040.A. regarding colleges and Section 17.72.070, and directs a Notice of Decision be mailed to the applicant and filed with the City Clerk who shall present said Notice to the City Council pursuant to Newark Municipal Code Section 17.72.080.

This Resolution was introduced at the Planning Commission's November 8, 2016 meeting by , seconded by , and passed as follows:

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

JEFF AGUILAR, Chairperson

CONDITIONAL USE PERMIT

FOR

DEVRY UNIVERSITY NEWARK

HMH
 Land Use Entitlements
 Land Planning
 Landscape Architecture
 Civil Engineering
 Utility Design
 Land Surveying
 Stormwater Compliance
 1570 Oakland Road (408) 487-2200
 San Jose, CA 95131 HMHca.com

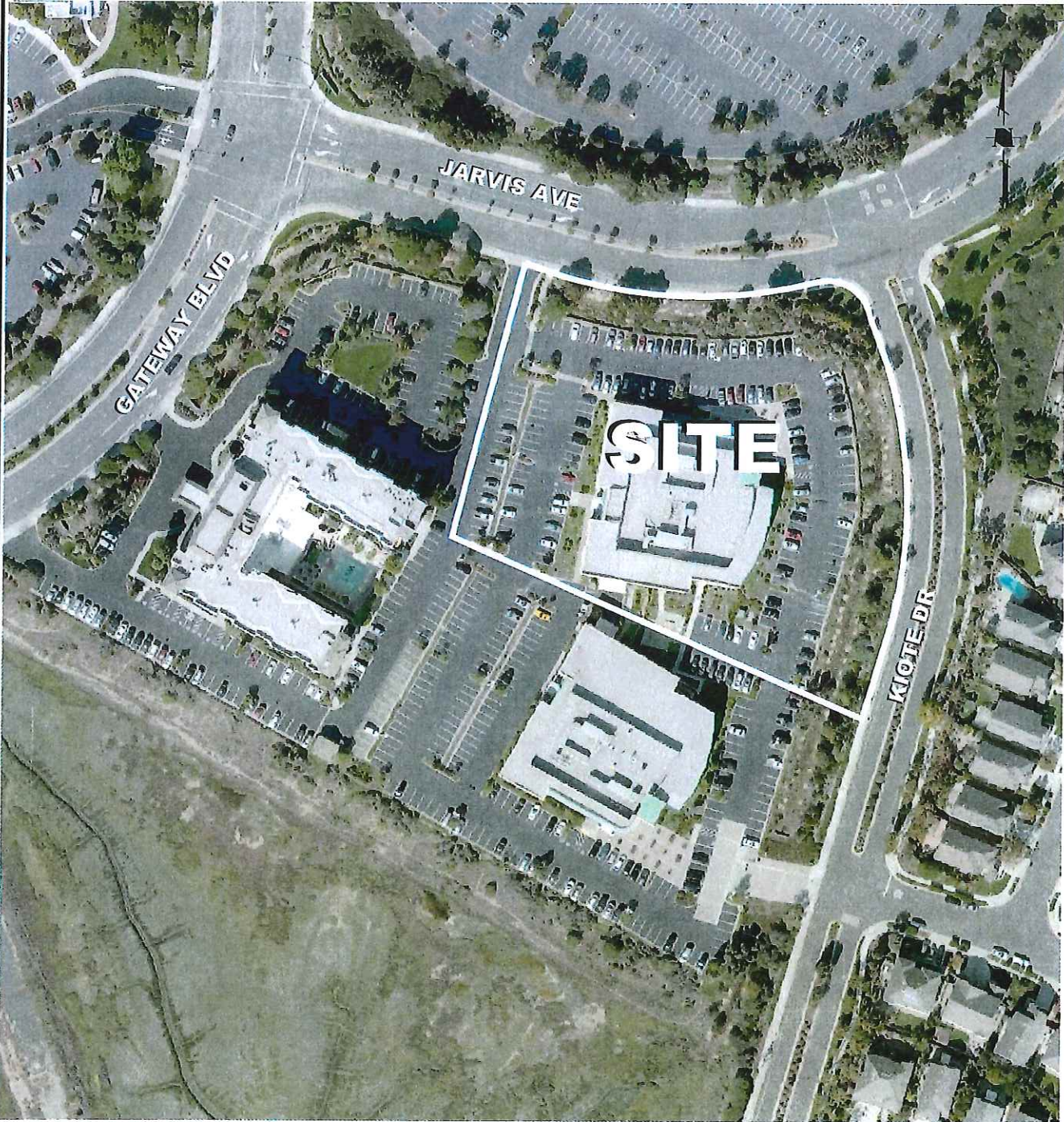
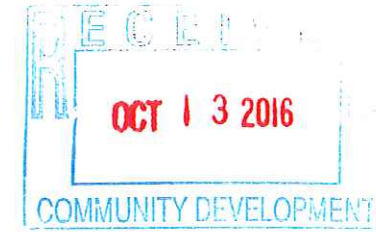


TABLE OF CONTENTS

| | |
|-----|----------------------|
| 1.0 | TITLE SHEET |
| 2.0 | SITE PLAN |
| 3.0 | EXISTING SITE PHOTOS |
| 4.0 | FLOOR PLAN |
| 5.0 | PROPOSED SIGNAGE |



PROJECT INFORMATION

| | |
|------------------------------------|---|
| ASSESSOR'S PARCEL NUMBER: | 537-853-38 |
| PROJECT ADDRESS/LOCATION: | 8000 JARVIS AVENUE |
| EXISTING GENERAL PLAN DESIGNATION: | SPECIAL INDUSTRIAL |
| EXISTING ZONING DESIGNATION: | MT-1 (HIGH TECHNOLOGY PARK) |
| PROPOSED USE: | 10,217 SF OF 2ND FLOOR OF THE EXISTING BUILDING TO BE USED AS A SCHOOL SITE FOR DEVRY UNIVERSITY. |
| GROSS SITE AREA: | ±3.12 AC |
| RIGHT-OF-WAY DEDICATION: | ±0.0 AC |
| NET SITE AREA: | ±3.12 AC |
| SITE COVERAGE (NO CHANGE): | |
| BUILDINGS: | ±48,236 SF (35%) |
| PRIVATE CIRCULATION: | ±45,670 SF (34%) |
| LANDSCAPE/HARDSCAPE: | ±42,000 SF (31%) |
| | ±135,907 SF (100%) |
| PARKING PROVIDED: | 187 SPACES |

CONDITIONAL USE PERMIT
8000 JARVIS DRIVE
DEVRY UNIVERSITY

| NO | DATE | DESCRIPTION |
|----|------|-------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

PROJECT NO: 4894.00
 CAD DWG FILE: 489400015.DWG
 DESIGNED BY: DM
 DRAWN BY: DM
 CHECKED BY: RTH
 DATE: OCTOBER 11, 2016
 SCALE: NOT TO SCALE
 © HMH


TITLE SHEET

EXHIBIT *Ap1*

S:\PROJECTS\4894\001\PRELIMINARY REVIEW\489400015.DWG

PLOTTED: 10/12/2016 2:58 PM

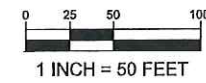
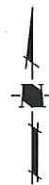
LEGEND

- LOT LINE (EXISTING) 
 BUILDING (EXISTING) 

NOTES

- SCHOOL WILL UTILIZE 2ND FLOOR OF THE EXISTING BUILDING
- ALL EXISTING LOT LINES, STRUCTURES, PARKING AND LANDSCAPING TO REMAIN
- EXISTING PARKING: 187 SPACES

| | OPERATIONS | | | |
|--------------|-------------------------------------|---------------------------------------|-------------------------------------|-----------------------------|
| | MORNING SESSION (9:00am-12:00pm) | AFTERNOON SESSION (12:00pm-5:00pm) | EVENING SESSION (6:00pm-10:30pm) | SATURDAY (8:00am-1:00pm) |
| STUDENTS | 20 | 30 | 50 | 50 |
| STAFF | 15 | 20 | 5 | 4 |
| FACULTY | 3 | 3 | 5 | 3 |
| TOTAL | 38 | 53 | 60 | 57 |



CONDITIONAL USE PERMIT
8000 JARVIS DRIVE
DeVRY UNIVERSITY

| NO | DATE | DESCRIPTION |
|---------------|------------------------|-------------|
| | | |
| PROJECT NO: | 4894.00 | |
| CAD DWG FILE: | 20160830 SITE PLAN.DWG | |
| DESIGNED BY: | DM | |
| DRAWN BY: | | |
| CHECKED BY: | RTH | |
| DATE: | OCTOBER 11, 2016 | |
| SCALE: | | |
| © HMMH | | |

SITE PLAN

EXHIBIT *Ap2*

S:\PROJECTS\489400P\PRELIMINARY REVIEW\20160830 SITE PLAN.DWG

PLOTTED: 10/22/2016 3:08 PM



Land Use Entitlements
 Land Planning
 Landscape Architecture
 Civil Engineering
 Utility Design
 Land Surveying
 Stormwater Compliance

1570 Oakland Road (408) 487-2200
 San Jose, CA 95131 HMHca.com



EXISTING BUILDING



EXISTING BUILDING



EXISTING BUILDING



EXISTING BUILDING

CONDITIONAL USE PERMIT
8000 JARVIS DRIVE
DEVRY UNIVERSITY

| | |
|--|--|
| | |
| | |
| | |
| | |
| | |

| NO | DATE | DESCRIPTION |
|----|------|-------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

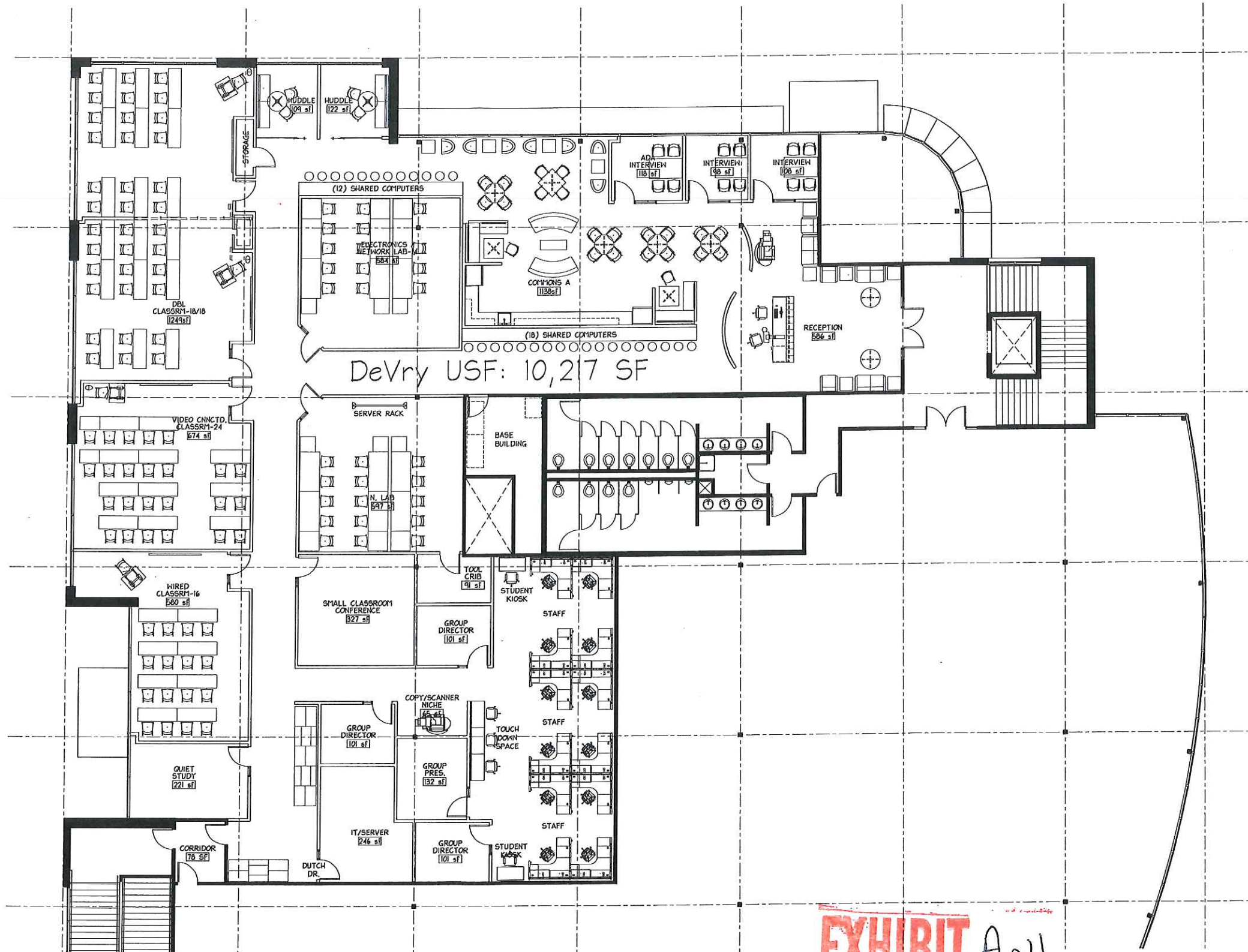
EXISTING SITE PHOTOS

3.0
OF 5

EXHIBIT A13

S:\PROJECTS\8486\8486\PRELIMINARY REVIEW\20100803 PHOTO EXH.DWG

PLOTTED: 10/12/2016 3:54 PM



8000 JARVIS AVE., DVU FREMONT, CA

SECOND FLOOR: 10,217 USF

EXHIBIT Ap4

PRELIMINARY TEST-FIT

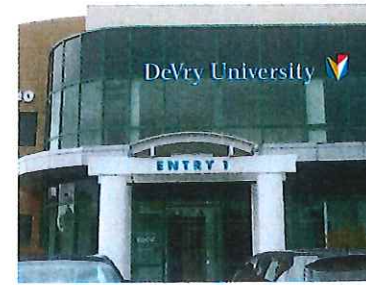
11 AUGUST 2016

SCALE: 1/8" = 1'-0"

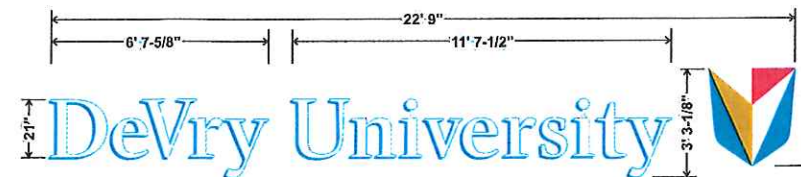
4.0



Street Elevation (Before)
Existing Signage: No Existing Signs



Street Elevation (After)
**Excessive tree coverage severely limits sign visibility



Overall Size - 74.17 SQ FT

Illuminated Facelit Letterset - Remote Wired, Blue Letters

Standard facelit illuminated letterset will consist of fabricated aluminum channels, returns and backs, with plastic faces and face retainers. Paint interior of letter and logo returns Spray/it Star-White EF. Paint exterior of letters/logo to match Matthew Paint MPO3547 Blue, satin finish. Face retainers painted to match returns. 7328 white plastic faces, shield to be decorated first surface with assorted colors as noted. Illumination will be provided by LED's.

Letterset mounted to horizontal window mullion with bumper stand-offs
*Exact mounting dependent on landlord approval, engineering, and access for electrical wiring

DeVry University
8000 Jarvis Ave
Newark, CA

Sign Type: Location Drawing
Job Number #: 7019117
Drawing Name: 7019117_DVU_Newark CA.cdr

NOTES:

Sign 1 - Main ID

DATE/REVISIONS 09.07.16 RM
10.05.16 RM

Sign Recommendation

South Water Signs
151 N. Church St., Newark, NJ 07102

© COPYRIGHT 2016 BY SOUTH WATER SIGNS, LLC. ALL RIGHTS RESERVED. THIS DOCUMENT IS THE SOLE PROPERTY OF SOUTH WATER SIGNS, LLC. AND MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT WRITTEN PERMISSION FROM SOUTH WATER SIGNS, LLC.



Entry Monument Sign (Before)
Existing Signage: Non-Illuminated monument signs



Entry Monument Sign (After)



Non-Illuminated Monument Graphics

3" = 1'

First surface applied vinyl graphics - Color TBD
Applied on "8000" monument, aligned left with existing graphics, line spacing similar to other tenants

Typeset in Futura BK BT

Qty 2 - DF Monument

Font, size, vinyl color required prior to fabrication

DeVry University
8000 Jarvis Ave
Newark, CA

Sign Type: Location Drawing
Job Number #: 7019117
Drawing Name: 7019117_DVU_Newark CA.cdr

NOTES:

Sign 2 - Monument Sign

DATE/REVISIONS 09.07.16 RM
10.05.16 RM

Sign Recommendation

South Water Signs
151 N. Church St., Newark, NJ 07102

© COPYRIGHT 2016 BY SOUTH WATER SIGNS, LLC. ALL RIGHTS RESERVED. THIS DOCUMENT IS THE SOLE PROPERTY OF SOUTH WATER SIGNS, LLC. AND MAY NOT BE REPRODUCED IN PART OR WHOLE WITHOUT WRITTEN PERMISSION FROM SOUTH WATER SIGNS, LLC.

HMH
Land Use Entitlements
Land Planning
Landscape Architecture
Civil Engineering
Utility Design
Land Surveying
Stormwater Compliance

1570 Oakland Road (408) 487-2200
San Jose, CA 95131 HMHca.com

CONDITIONAL USE PERMIT
8000 JARVIS DRIVE
DEVRY UNIVERSITY

| NO | DATE | DESCRIPTION |
|----|------|-------------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

PROJECT NO: 4894.00
CAD DWG FILE: 20160830 PHOTO EXH.DWG
DESIGNED BY: DM
DRAWN BY:
CHECKED BY: RTH
DATE: OCTOBER 11, 2016
SCALE:
© HMH

PROPOSED SIGNAGE

EXHIBIT Ap5