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# CITY OF NEWARK PLANNING COMMISSION

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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 28, 2018

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### A. ROLL CALL

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

### B. MINUTES

#### B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, June 12, 2018.

Vice-Chairperson Aguilar moved, Chairperson Fitts seconded, to approve the Minutes of June 12, 2018. There were 2 AYES, 2 ABSTENSION (Bridges and Otterstetter), and 1 ABSENT (Nillo).

### C. WRITTEN COMMUNICATIONS

Two correspondence were received: 1) Email from Jonathan Mendoza, San Francisco Public Utilities Commission, dated August 23, 2018; and 2) Letter from Collin McCarthy, Adams Broadwell Joseph & Cardozo dated August 28, 2018.

### D. ORAL COMMUNICATIONS

None.

### E. PUBLIC HEARINGS

- E.1 The Planning Commission will consider recommending approval of: (1) RZ-18-9, a rezoning of an approximately 17.4-acre portion of Vesting Tentative Tract Map 8453 from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay District (PD) (to portions of APNs: 537-0852-001-02, 537-0852-002-02 and 537-0852-002-07) and rezoning of an approximately 5-acre site from Business and Technology Park (BTP) to Park (PK) (to portions of 537-0852-001-02 and 537-0852-002-07); (2) TTM-18-16, Vesting Tentative Tract Map 8453; (3) P-18-8, a Planned Development Plan for a 193-unit residential project on a site located west of the intersection of Hickory Street and Enterprise Drive; and (4) E-18-10, approving and recommending that the City Council approve an

**addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR (State Clearinghouse number 2010042012) addresses all the impacts of the proposed development.**

Associate Planner Mangalam gave the staff report via a Power Point presentation.

AP Mangalam informed the Planning Commission that in response to the August 23, 2018 email from Mr. Mendoza, none of the project sites are located on SFPUC property. In response to the concerns in Mr. McCarthy letter, staff found no merit due to the PEIR mitigation measures still being in effect.

Answering Chairperson Fitts, Assistant City Manager Grindall stated there are still parcels inside the Dumbarton Transit Oriented Development Area that do not have entitlements.

Answering Chairperson Fitts, ACM Grindall stated there are plans in place to construct an overcrossing to allow direct pedestrian access to the Don Edwards Wildlife Refuge and sidewalks will be installed at the Bayshores and Glass Bay development projects after the underground water lines are installed.

Answering Commissioner Bridges, ACM Grindall stated phosphorus contamination was not found within this project site and stressed the City would not allow residential housing to be built on a site that was not fully clean.

Answering Commissioner Bridges, ACM Grindall stated the proposed turf areas are not intended to be rented out to Sports Clubs and the parks are anticipated to be completed in 2022.

Answering Commissioner Bridges, ACM Grindall stated the condition for no short-term rental is a standard condition to remind developments and homeowners that the units cannot be rented out as an Air Bed and Breakfast.

Answering Vice-Chairperson Aguilar, ACM Grindall stated City staff works closely with the Regional Air Quality Board and other Agencies and would not allow any development or Certificates of Occupancies to be issued until they receive the okay from each Agency.

Answering Vice-Chairperson Aguilar, ACM Grindall stated Facebook and Samtrans are looking into establishing a transit corridor but no timeframe has been established.

Chairperson Fitts opened the Public Hearing.

Applicant Mark Butler, Integral Communities, 500 La Gonda Way, #102, Danville, CA 94526, stated he has read and is in agreement with the Conditions listed in Resolutions 1962, 1963, 1964 and 1965.

Mr. Butler stated his Company also received the letter from Adams Broadwell Joseph and Cardozo and found their claims had no merit.

Answering Vice-Chairperson Aguilar, Mr. Butler estimates the first half of 2020 would be when remediation would be completed on the 5-acre site.

Answering Commissioner Bridges, ACM Grindall stated a trail is not designated as a “Bay Trail” unless an application is submitted and approved by the Bay Trail Organization.

Answering Vice-Chairperson Bridges, ACM Grindall stated the City would still be responsible for maintaining the trail even if it is designated as a “Bay Trail”.

Answering Chairperson Fitts, Mr. Butler stated grading will begin next summer with 2022 being the completion date of all communities and pricing per unit in the \$1 Million to \$1.2 Million range.

Answering Commissioner Otterstetter, Mr. Justin DeKnoblough, Civil Engineer, Carlson, Barbee & Gibson, Inc., 2633 Camino Ramon, Suite 350, San Ramon, CA 94583, stated the fire access land for Parcel B was designed to meet Fire Code regulations for a firetruck to complete a 3-point turn on a Hammerhead street.

Chairperson Fitts closed the Public Hearing.

Motion by Vice Commissioner Aguilar, seconded by Commissioner Bridges, to approve Resolution 1962 recommending the City Council approve RZ-18-9, a rezoning of an approximately 17.4-acre portion of Vesting Tentative Tract Map 8453 from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay District (-PD)(to portions of APNs: 537-0852-001-02, 537-0852-002-02 and 537-0852-002-07) and rezoning of an approximately 5-acre site from Business and Technology Park (BTP) to Park (PK)(to portions of 537-0852-001-02 and 537-0852-002-07); Resolution 1963 recommending the City Council approve TTM-18-16, Vesting Tentative Tract Map 8453; Resolution 1964 recommending the City Council approve P-18-8, a Planned Development Plan for a 193-unit residential project on a site located west of the intersection of Hickory Street and Enterprise Drive; and Resolution 1965 recommending City Council approve E-18-10, an addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR (State Clearinghouse number 2010042012) addresses all the impacts of the proposed development. Motion passed 4 AYES.

- E.2 Hearing to consider ‘Compass Bay’, a 138-unit residential project on an approximately 9.97-acre site located at 8610 Enterprise Drive. The Planning Commission will consider recommending approval of: (1) RZ-18-17, a rezoning of an approximately 9.97-acre portion of Vesting Tentative Tract Map 8459 from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay Districts (-PD) (APN 092-0115-005-02); (2) TTM-18-19, a Vesting Tentative Tract Map 8459; (3) P-18-20, a Planned Development Plan for a 138-unit residential project located southeast of the intersection of Hickory Street and Enterprise Drive; and (4) E-18-18, approving and recommending that the City Council approve an**

**addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR (state clearinghouse number 2010042012) addresses all the impacts of the proposed development.**

Associate Planner Mangalam gave the staff report via a Power Point presentation.

Answering Commissioner Bridges, ACM Grindall stated Resolution 1966, Condition “cc” is a standard condition added to all development projects to ensure interior noise standards are met. ACM Grindall also stated the proposed homes are approximately 1000 feet from any railroad tracks.

Answering Commissioner Bridges, ACM Grindall explained Resolution 1966, Condition “z” was added to ensure the Developer for this project meets their obligations on one of their previously approved project.

Answering Commissioner Otterstetter, ACM Grindall clarified Affordable Housing Fees are included with the Impact Fees.

Addressing Commissioner Otterstetter’s concerns, staff will revised the construction hours in Resolution 1966, Condition “ffff” to “8am to 7pm Monday through Friday”.

Chairperson Fitts opened the Public Hearing.

Applicant Garrett Hinds, Trumark Homes, 3001 Bishop Drive, Suite 100, San Ramon, CA 94583, stated he has read and is in agreement with the Conditions listed in Resolutions 1966, 1967, 1968 and 1969.

Answering Vice-Chairperson Aguilar, Mr. Hinds stated the majority of their homebuyers are young first-time buyers from the Peninsula.

Chairperson Fitts closed the Public Hearing.

Motion by Commissioner Bridges, seconded by Commissioner Otterstetter, to approve Resolution 1966 recommending the City Council approve RZ-18-17, a rezoning of an approximately 9.97-acre portion of Vesting Tentative Tract Map 8459 from Business and Technology Park (BTP) to Residential Medium Density with Form Based Code (RM-FBC) and Planned Development Overlay Districts (PD)(APN 092-0115-005-02) with the revision in construction hours; Resolution 1967 recommending the City Council approve TTM-18-19, a Vesting Tentative Tract Map 8459; Resolution 1968 recommending the City Council approve P-18-20, a Planned Development Plan for a 138-unit residential project located southeast of the intersection o Hickory Street and Enterprise Drive; and Resolution 1969 recommending the City Council approve E-18-18, adopting an addendum to the Dumbarton Transit Oriented Development Specific Plan Environmental Impact Report and certifying that the previously approved EIR (State Clearinghouse numbe4 2010042012) addresses all the impacts of the proposed development. Motion passed 4 AYES.

**F. STAFF REPORTS**

None.

**G. COMMISSION MATTERS**

**G.1 Report on City Council actions.**

None.

Commissioners' Comments

Chairperson Fitts commented and ACM Grindall confirmed that the incumbent City Councilmembers have been granted another term of office.

Answering Chairperson Fitts, ACM Grindall stated the Capital Improvement Plan to widen Thornton Avenue is not currently funded.

Commissioner Bridges commented that she would like to see green painted bicycle lanes in Newark.

Answering Chairperson Fitts, ACM Grindall stated the Developer for Sanctuary would not be changing the name of their housing project.

Answering Vice-Chairperson Aguilar, ACM Grindall stated no application had been submitted yet for the proposed housing project at the NewPark Mall.

Chairperson Fitts wished everyone a safe and sane Labor Day weekend.

**H. ADJOURNMENT**

At 8:40 p.m., Chairperson Fitts adjourned the regular Planning Commission meeting of Tuesday, August 28, 2018.

Respectfully submitted,



TERRENCE GRINDALL  
Secretary