

RESOLUTION NO.

RESOLUTION RECOMMENDING THAT THE CITY COUNCIL OF CITY OF NEWARK APPROVE P-18-34, ESTABLISHING A PLANNED DEVELOPMENT OVERLAY DISTRICT AND A PLANNED DEVELOPMENT PLAN TO ALLOW FOR A 10-LOT SUBDIVISION FOR THE CONSTRUCTION OF TEN SINGLE-FAMILY HOMES LOCATED AT 37256 MAGNOLIA STREET, 37280 MAGNOLIA STREET AND 6849 BAINE AVENUE (APNs 92-61-12-1, 92-61-12-2 and 92-61-11)

WHEREAS, GoldSilverIsland Homes LLC has filed with the City of Newark an application for a Planned Development Plan to allow a 10-lot subdivision for the construction on ten single-family homes at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue; and

PURSUANT to the Newark Zoning Ordinance Section 17.31.060, a public hearing notice was published in The Tri City Voice on November 27, 2018 and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on December 11, 2018 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

WHEREAS, pursuant to Chapter 17.12 (Planned Development Overlay District), Section 17.12.060 (Required Findings) of Newark Zoning Ordinance, the Planning Commission hereby makes the following findings:

- A. The proposed development is consistent with the General Plan and any applicable specific plan, including the density and intensity limitations that apply;
- B. Adequate transportation facilities and public services exist or will be provided in accord with the conditions of development plan approval, to serve the proposed development; and the approval of the proposed development will not result in a reduction of traffic levels of service or public services so as to be a detriment to public health, safety, or welfare;
- C. The proposed development will not have a substantial adverse effect on surrounding land uses and will be compatible with the existing and planned land use character of the surrounding area;
- D. The development generally complies with applicable adopted design guidelines;
- E. The proposed development is demonstratively superior to the development that could occur under the standards applicable to the underlying base district, and will achieve superior community design, environmental preservation and/or substantial public benefit.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommends the City Council approve this application as shown on Exhibit A, pages 1 through 21, subject to compliance with the following conditions:

- a. All applicable conditions listed in Planning Commission Resolution No. _____, dated December 11, 2018, recommending approval of TTM-18-35, a Vesting Tentative Tract Map 8494 to allow a 10-lot subdivision for the construction on ten single-family homes at 37256 Magnolia Street, 37280 Magnolia Street and 6849 Baine Avenue.
- b. If any condition of this Planned Development Plan 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.

This Resolution was introduced at the Planning Commission’s December 11, 2018 meeting by Commissioner _____, seconded by Commissioner _____, and passed as follows:

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

WILLIAM FITTS, Chairperson