



CITY OF NEWARK

Planning Commission

City Hall, City Council Chambers

Various Locations, Newark, CA 94560 | (510) 578-4330 | E-mail: planning@newark.org

AGENDA

Tuesday, September 28, 2021

7:30 P.M.

Due to technical difficulties related to the move to the new City Hall, this meeting will not be broadcast on Comcast Channel 26.

There will be a live web stream on YouTube and the Zoom Webinar access remains the same.

THIS IS A MEETING BY TELECONFERENCE ONLY. THE CITY COUNCIL CHAMBERS WILL NOT BE OPEN. REFER TO THE END OF THE AGENDA TO REVIEW OPTIONS FOR PARTICIPATING IN THE MEETING REMOTELY OR TO SUBMIT PUBLIC COMMENTS VIA EMAIL.

A. ROLL CALL

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of August 24, 2021.

(MOTION)

C. WRITTEN COMMUNICATIONS

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.

E. PUBLIC HEARINGS

- E.1 TIMBER STREET SENIOR HOUSING – 37660 TIMBER STREET (APN 92A-2125-10-2): GP-21-06, RZ-21-07, U-21-08, DR-21-09, E-21-10. A PUBLIC HEARING TO CONSIDER A RESOLUTION TO RECOMMEND CITY COUNCIL ADOPTION OF A MITIGATED NEGATIVE DECLARATION SUPPORTED BY AN INITIAL STUDY IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND ADOPTION OF: A GENERAL PLAN AMENDMENT, AN ORDINANCE AMENDING THE ZONING MAP FROM RM: RESIDENTIAL MEDIUM DENSITY TO RH: RESIDENTIAL HIGH DENSITY; A CONDITIONAL USE PERMIT, AND DESIGN REVIEW TO ALLOW A 79-UNIT RESIDENTIAL DEVELOPMENT. THE SUBJECT SITE IS ZONED RM: RESIDENTIAL MEDIUM DENSITY AND HAS A GENERAL PLAN LAND-USE DESIGNATION OF MEDIUM DENSITY RESIDENTIAL – FROM ASSOCIATE PLANNER MAYANK PATEL.**

(RESOLUTION)

F. STAFF REPORTS

G. COMMISSION MATTERS

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

H. ADJOURNMENT

IMPORTANT NOTICE REGARDING PLANNING COMMISSION MEETING

Due to the COVID-19 pandemic, the City of Newark made several changes related to Planning Commission meetings to protect the public's health and prevent the disease from spreading locally. As a result of the COVID-19 public health emergency, including the Alameda County Health Officer and Governor's directives for everyone to shelter in place, **the City Council Chambers will be closed to the public.** Members of the public should attempt to observe and address the Planning Commission using the below technological processes.

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online.

Chairperson Aguilar, Vice Chairperson Bridges, and Commissioners Becker, Fitts, Otterstetter will be attending this meeting via teleconference. Teleconference locations are not open to the public. All votes conducted during the teleconferencing session will be conducted by roll call vote.

How to view the meeting remotely:

Livestream online at YouTube – [Streaming Meetings](#)

How to participate in the meeting remotely, via Zoom Webinar:

From a PC, Mac, iPad, iPhone or Android device: <https://us06web.zoom.us/j/83685048905>

From a telephone dial 1 669 900 6833, Webinar ID 836 8504 8905

Provide live, remote public comments when the Chairperson calls for comments. Use the raise your hand feature in Zoom to be called upon by the Administrative Support Specialist.

Submission of Public Comments: Public comments received by 4:00 p.m. on the Planning Commission meeting date will be provided to the Planning Commission and considered before Planning Commission action. Comments may be submitted by email to planning@newark.org. Comments may also be submitted via e-mail to planning@newark.org at any time prior to closure of the public comment portion of the item(s) under consideration.

Reading of Public Comments: The Administrative Support Specialist will read aloud email comments received during the meeting that include the subject line “FOR THE RECORD” as well as the item number for comment, provided that the reading shall not exceed five (5) minutes, or such other time as the Planning Commission may provide, consistent with the time limit for speakers at a Planning Commission meeting and consistent with all applicable laws. Matters brought before the Planning Commission that require Council action may be either referred to staff or placed on a future Planning Commission agenda.

Commission Meeting Access/Materials:

The agenda packet is available for review at [Agenda and Minutes](#). The packet is typically posted to the City website the Friday before the meeting, but no later than 72 hours before the meeting.

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 will be posted, if time allows, at [Agendas and Minutes](#). 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. For those persons who require special accommodations, please contact the Administrative Support Specialist at least two days prior to the meeting at planning@newark.org or 510-578-4330.



CITY OF NEWARK

Planning Commission

City Hall, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4330 | E-mail: planning@newark.org

MINUTES

Tuesday, August 24, 2021

A. ROLL CALL

Chairperson Aguilar called the meeting to order at 7:31pm. Present via teleconference were Commissioners Fitts, Otterstetter.

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, July 13, 2021.

MOTION APPROVED

Commissioner Fitts moved, Commissioner Otterstetter seconded, to approve the Minutes of the regular Planning Commission meeting on July 13, 2021. The motion passed 3 AYES.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider U-21-05, a Conditional Use Permit to allow a community assembly use at 36665 Cedar Boulevard (APN 92A-985-15). The subject site is zoned NC: Neighborhood Commercial and has a General Plan Land-Use

designation of Neighborhood Commercial – from Associate Planner Mayank Patel.

(RESOLUTION)

Associate Planner (AP) Patel provided an overview of the project proposal including proposed site plans, CUP Findings, community meeting results, and staff's recommendation.

Commissioner Fitts asked if the assembly use were to cease, could another restaurant occupy the space or would this be a permanent change to the space. AP Patel stated that it depends on what is being proposed. If the next use is another community assembly, that would not require a new CUP if it's substantially similar to the use that would be approved tonight. Any permitted use will be allowed by right and any use that requires a use permit will be brought back to the Planning Commissioner.

Chairperson Aguilar asked what the process would be to obtain a Minor Use Permit to allow a special event for more than 150 people at the subject site and whether the surrounding neighborhood is notified. AP Patel responded that minor use permit requests for a special or temporary event be made 45 days prior to the event date and staff would have the discretion regarding the noticing to the surrounding neighbors.

Chairperson Aguilar asked if each special event would require a Minor Use Permit or will one MUP cover all special events. AP Patel stated that each event would require its own Minor Use Permit.

The applicant, Bhargav Raval, provided a presentation to include background information of SMVS, site information, proposed use and improvements, and positive community feedback for the project.

The applicant, Mehul Patel, confirmed that they reviewed and agree to the conditions of approval.

Chairperson Aguilar stated the expected traffic pattern slide of the presentation was helpful and asked if the 76 parking spots would be adequate for their peak member times since they expect 50 members. Mr. Raval confirmed that 76 parking spots are more than adequate as the most he's ever seen his members use would be about 30 parking spots.

Chairperson Aguilar opened the public hearing.

Edwin Lugo, resident of Bishop St, asked what noise impact should be expected during community assemblies. Mr. Patel replied that they do not anticipate any noise pollution as all activity will be contained inside of the building and no activities will take place in the parking lot.

Jitendra, 36478 Reina Pl, expressed his support for this project and believes it will benefit the neighborhood.

Hardika Pandya, resident of Cedar Blvd, stated the subject site has been vacant for quite some time and it's become a hot spot for illegal dealings and expressed her support for this project as it will be properly managed to keep illegal activity off the property.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

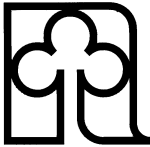
G.1 Report on City Council actions.

H. ADJOURNMENT

Chairperson Aguilar adjourned the regular Planning Commission meeting at 8:40 pm.

Respectfully submitted,

STEVEN TURNER
Secretary



- E. 1 Timber Street Senior Housing – 37660 Timber Street (APN 92A-2125-10-2): GP-21-06, RZ-21-07, U-21-08, DR-21-09, E-21-10. A public hearing to consider a resolution to recommend City Council adoption of a Mitigated Negative Declaration supported by an Initial Study in accordance with the California Environmental Quality Act (CEQA) and adoption of: a General Plan Amendment, an Ordinance amending the zoning map from RM: Residential Medium Density to RH: Residential High Density; a Conditional Use Permit, and Design Review to allow a 79-unit residential development. The subject site is zoned RM: Residential Medium Density and has a General Plan Land-Use designation of Medium Density Residential – from Associate Planner Mayank Patel.**

(RESOLUTION)

Executive Summary

Staff recommends that the Planning Commission conduct a public hearing to consider and recommend City Council approval of a 79-unit, affordable housing project for senior residents (the “Project”). Timber Street Investors L.P., (a.k.a. Eden Housing) the property owner and project applicant (“project applicant”), has acquired the site at 37660 Timber Street (the “Property”), which is located behind the shopping center fronting Central Avenue. The Property is in an area that is being revitalized by new residential construction because of rezoning from Limited Industrial District to Residential Medium Density that was approved by the City Council in 2010. The intent of the rezoning was to promote the transition of industrial areas near residential neighborhoods to more compatible uses such as multi-family residential. To make the Project financially viable, the project applicant has requested a General Plan amendment to the site’s land-use designation from Medium Density Residential to High Density Residential, and consequently, a zoning amendment for consistency with the General Plan amendment. The proposed development does not fully comply with the development standards for the proposed RH: Residential High Density zoning district; however, the Project relies on the state and local density bonus codes and incentives from these codes rather than the baselines specified in the Newark Municipal Code (“NMC”).

The Project would redevelop an approximately one-acre site, and in doing so, the Project would help fulfill the General Plan vision of transforming the area from industrial to residential uses. As described in the City of Newark’s Five Year Forecast 2018-2023, the Project would also be consistent with the Community Development Department’s Strategic Action Plan to partner with nonprofit affordable housing developers to identify sites that would be appropriate for low-income families and senior housing¹.

The Project’s location and design would enhance the proposed residential use. As an infill development, the Project would be located within walking and biking distance of public transportation, restaurants, a grocery store, and community amenities. The Project would increase

¹ Pg. 45 (Action Plan #4); <https://www.newark.org/home/showdocument?id=1871>.

in height from four to five stories with residential units surrounding an open courtyard that sits at the second level, on top of the podium parking structure. The courtyard would be connected to a community room with a kitchen, include raised garden beds, and allow for organized activities. The Project would also include a computer learning center, an exercise room, short- and long-term bicycle storage, and offices for on-site services staff. Apart from one on-site manager's unit, which would comprise of two bedrooms, all other units would be one-bedroom.

To date, the City has committed over \$8 million towards the Project via the assignment of approximately \$2.7 million of its Affordable Housing Fund and \$5.4 million from the Alameda County Measure A1 Housing General Obligation Bond. The project applicant is responsible for assembling all the necessary financing from local, state, federal, and private funding sources, completing the building design, and obtaining all required permits, including building permits. Construction is projected to start as early as 2022 and is expected to last between 18- to 24-months.

Background

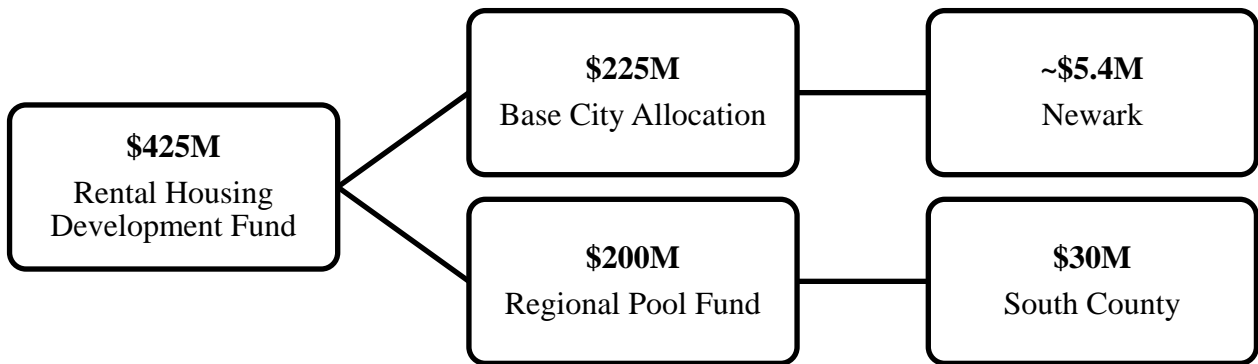
Affordable Housing Program

Affordable housing in Newark is guided by existing policies and actions contained in the 2015-2023 Housing Element and the requirements within the [NMC Title 17, Zoning](#), specifically [Chapter 17.18, Affordable Housing Program](#). State housing law provides additional requirements and regulations for the development and maintenance of affordable housing. Together, these policies and regulations provide the affordable housing framework upon which affordable housing decisions are made within Newark. The City's Community Development Department (CDD) is responsible for implementing affordable housing policy and laws.

Project Funding

At the November 8, 2016, General Election, Alameda County voters approved the sale of general obligation bonds to provide affordable local housing and prevent displacement of vulnerable populations including low- and moderate-income families, seniors, veterans, people with disabilities, homeless, and others most in need. This bond is known as the Alameda County Measure A1 Housing General Obligation Bond ("Measure A1"). Measure A1 includes a Rental Housing Development Fund (\$425 million) to create and preserve affordable rental housing countywide to be regulated for a period of 55-years.

Revenue from Measure A1 is being allocated through 1) a \$225 million Base City Allocation; and, 2) a \$200 million Regional Pool fund. The Base City Allocation makes available a certain amount of funds to each city. The City of Newark's allocation is \$5,426,348. The Regional Pool funds are allocated through a competitive process for each region within the County. The South County Regional Pool, which is shared between Fremont, Union City, and Newark, was allocated \$30 million.



As of September 2021, the City has accumulated approximately \$18.5 million in its Housing Impact Fee Fund. On October 10, 2019, the City Council approved Resolution 10,993 authorizing assignment of \$2,765,000 from Fund 403 (currently Fund 623) to the Project. On November 12, 2020, the City Council approved Resolution 11,141 authorizing assignment of \$5,426,348—the full amount—of the Base City Allocation to the Project. In response to the City’s request, on May 18, 2021, the Alameda County Board of Supervisors adopted Resolution No. 2021-245, authorizing a permanent loan in an amount not to exceed \$5,426,348 to the project applicant.

To date, the City has committed approximately \$8.2 million (or \$103,800 per unit) towards the Project. The project applicant would be responsible for securing the funding gap remaining for the Project. If the Project is approved, the City would still have over \$15 million in its Housing Impact Fee Fund and multiple funding sources are available to the City to be used for future affordable housing projects.

Project Team

Timber Street Investors L.P. (a.k.a. Eden Housing) is the property owner and project applicant. [Eden Housing, Inc.](#) (“EHI”), a mission-driven affordable housing nonprofit, leads the development team and is the primary entity responsible for coordinating with the City and managing the entire development process from design and approvals, through financing, and construction. EHI would also remain as the long-term owner of the property. Under the EHI umbrella, Eden Housing Management, Inc. (“EHMI”) would provide onsite management and maintenance for the Property during operations and Eden Housing Resident Services, Inc. (“EHRSI”) would provide supportive services to residents. The project architect is Van Meter Williams Pollack LLP (“VMWP”). VMWP has experience designing both market-rate and affordable apartment buildings. EHI and VMWP have partnered on multiple projects in the Bay Area, including the nearby Cottonwood Place in Fremont.

Project Context and Proposal

The Property is comprised of a single parcel that is nearly one acre large. Currently, the project site contains a single-story industrial building that was built in 1960. The City has received applications for a General Plan Amendment, an Ordinance amending the zoning map and zoning code to rezone the Property from RM to RH, a Conditional Use Permit (CUP), and Design Review to develop the Project. The Project would replace the existing building with a five-story apartment building. The Property is bordered by a one-story retail center to the west, Interstate 880 (I-880) to the north, and existing single-story industrial uses to the east and south.

The Property has a General Plan Land-Use designation of Medium Density Residential and is

zoned RM: Residential Medium Density. Additionally, the Property is identified as “Site G” in the City’s 2015 Housing Element Update and is a part of the Cedar Boulevard industrial to residential conversion area. Under the existing RM zoning, the project site would yield a maximum of 22 units, or 39 units if the State Density Bonus were invoked in accordance with [California Government Code §65915-65918](#) and [Newark Municipal Code \(NMC\) Chapter 17.19](#).

To ensure the project viability, the project applicant is seeking to rezone the Property from RM to RH: Residential High Density. The RH district is intended for residential densities from 25- to 60-units per net acre. The RH district provides for apartment and condominium complexes that are generally three stories or more, and on larger parcels, common open space and other shared amenities are typically provided. As shown in Exhibit A of Attachment 1, the proposed development does not fully comply with the City’s RH development standards (e.g., density, lot coverage, setbacks, minimum landscape area, minimum open space, parking). However, the Project relies on the state and local (i.e., [NMC Chapter 17.19](#)) density bonus codes and incentives from these codes rather than the baselines in the NMC. Details about the density bonus and incentives are discussed later in this staff report.

Project Design

As reported by the project applicant, the overarching design objective is to ensure that the architecture is appropriate to the site and construct a building that is a high-quality asset for many years to come. As such, EHI’s priority is to design an affordable housing product that is indistinguishable from—or better than—a market-rate development.

The Project would vary from four- to five-levels and comprise of Type I construction at the ground level and Type V construction for the four levels of residential units above. The ground level would comprise of a parking garage, management offices, and amenity spaces. One of the key amenities would include a central courtyard with seating areas and lush planting. The courtyard would be oriented to the southeast to take advantage of morning sunlight and provide significant space for resident garden beds. Additionally, interior amenities would include a community room, computer learning center, on-site property management office, and a laundry room.

The building would be designed in a “C” shape configuration above the podium deck with the goal of orienting the units to the street or courtyard. The building exterior is expressed with high-quality materials such as fiber cement panels and metal awnings. The proposed building height is reduced by one story on Timber Street to minimize the perceived bulk of the structure from the public right-of-way. The massing of the Timber Street frontage is articulated to seamlessly respond to the typical townhouse rhythm expressed in recent developments elsewhere in the Cedar Boulevard-Timber Street area. Furthermore, the front elevation would provide direct lobby access to activate the street frontage and to contribute to the gradual evolution of Timber Street from auto-oriented industrial use to pedestrian-friendly residential use.

To minimize the impacts of exterior adjacencies on residents, the design would place a single-loaded corridor along I-880 with apartments fronting onto the courtyard. That is, the floor plan includes hallways that face I-880 to act as a buffer to the units that face the courtyard. This configuration would shelter residents from pollution and freeway noise, while allowing for a larger, shared open space at the courtyard. Meanwhile, the highway-facing façade would include dynamic articulation that evokes movement to provide an interesting view from I-880. The site design would also integrate a sound wall into the building on the I-880 frontage, which gradually

tapers down to an 8-foot commercial wall separating the Project from the neighboring light industrial use to the south. To improve view angles and minimize conflicts between pedestrians and vehicles exiting the site, the sound wall would continue to transition to a human-scaled fence as it approaches Timber Street.

The streetscape design would enhance the pedestrian experience along Timber Street with regularly spaced street trees. The setback area would contain a bioretention area for sustainable stormwater management as well as a ring of native flowering shrubs. Bicycle racks and compatible street light fixtures would provide a convenient amenity. Additional trees and plantings would soften the building frontage along Timber Street and extend back along the driveway for the length of the site. These streetscape improvements would adhere to the City’s streetscape standards. Moreover, the Project’s landscaping palette would consist of low-maintenance, drought-resistant plants and would provide attractive year-round interest.

Project Data, Development Standards, and Density Bonus

The following table summarizes the Project’s design in relation to the development standards and where the proposal invokes the state [Density Bonus Law](#) and the provisions of [NMC Chapter 17.19](#).

Table 1. Project Design and Zoning Summary

<i>Development Standards (allowed/required)</i>	<i>RM District</i>	<i>RH District</i>	<i>Actual/Proposed</i>	<i>Density Bonus Law</i>
Density (du/ac acre)	14-22 ²	25-60	80	34% Density Bonus
Minimum Lot Size (sf)	6,000	6,000	43,104	
Minimum Lot Width (ft)	60	60	144+	
Minimum Lot Depth (ft)	100	100	217	
Minimum Frontage on Public Street (ft)	40	40	144	
Maximum Height (ft)	75 ³	100 ⁴	60	
Minimum Setback: Front (ft)	15	15	10	Incentive/Concession
Minimum Setback: Interior Side (ft)	5	5	3	Incentive/Concession
Minimum Setback: Street Facing Side (ft)	8	8	N/A ⁵	

² Minimum density required is 14 dwelling units per net acre. Maximum density allowed is 22 dwelling units per net acre; however, up to 30 dwelling units per net acre are allowed in the RM district for properties that have their primary access on an arterial or collector street and which are found to be compatible with the character and intensity of residential development in the immediate area. This additional density allowance is subject to the approval of a Conditional Use Permit.

³ Maximum height is limited to 35 when the project site is within 20 feet of a RS: Residential Single Family or a RL: Residential Low Density Zoning District. Building heights greater than 35 feet are subject to the approval of Minor Use Permit.

⁴ Maximum height is limited to 35 when the project site is within 20 feet of a RS: Residential Single Family or a RL: Residential Low Density Zoning District. Building heights greater than 35 feet are subject to the approval of Minor Use Permit.

⁵ The subject property is not a corner lot.

<i>Development Standards (allowed/required)</i>	<i>RM District</i>	<i>RH District</i>	<i>Actual/Proposed</i>	<i>Density Bonus Law</i>
Minimum Setback: Rear (ft)	10	10	2.5	Incentive/Concession
Distance Between Main Structures (ft)	10	10	N/A	
Maximum Lot Coverage (percentage of lot size)	55	55	72	Waiver
Minimum Landscape Area (percentage of lot size)	25	25	25 ⁶	Waiver
Minimum Open Space Per Unit ⁷ (sf)	300	200	145	Waiver
Minimum Parking (space per unit)	Resident	1	1	Incentive/Concession
	Guest	0.25	0.25	
Bicycle Parking (space per unit)	Long-Term ⁸	16	16	48
	Short-Term ⁹	5	5	

Density Bonus Affordable Housing

[NMC Chapter 17.19](#) serves as the City’s ordinance for implementation of the state-mandated density bonus set forth in [California Government Code \(CGC\) §65915 – §65918 \(Density Bonus Law\)](#). Per the NMC, “density bonus” means a density increase over the otherwise maximum allowable residential density under the applicable zoning and general plan land-use designation as of the date of application by the applicant to the City. As a 100-percent affordable housing development under the [CGC §65915 et seq.](#), the Project is eligible for a density bonus of up to 80-percent.¹⁰ Under the RH zoning district, the project site would allow a maximum density of 59 units. The Project proposes 79 units, which equates to a density bonus of approximately 34-percent. Please refer to the following table for the Project’s density bonus calculation.

Table 2. Timer Street Senior Housing – Density Bonus Calculation

<i>Density Bonus Calculation</i>	
Site Area:	0.99 acres (43,104 sf)
Baseline Density:	60 du/ac
Baseline Units:	59 (0.99 acres x 60 du/ac)

⁶ This includes the landscaped podium surface on the second level.

⁷ A minimum 50-percent of the required open space shall be provided as common open space. The rest of the required open space shall be provided as private open space. The project would provide over 84-percent of common open space [(9,217 sf courtyard + 526 sf at northeast corner)/11,525 sf useable open space proposed].

⁸ Per [NMC §17.23.070\(B\)\(1\)\(a\)](#), 1 space for every 5 units.

⁹ Per [NMC §17.23.070\(A\)\(1\)](#), at least 5-percent of the number of required automobile parking spaces, with a minimum of 4 spaces provided per establishment.

¹⁰ Per [NMC §17.19.020](#), “The total density bonus for a project shall not exceed 35-percent.”

Density Bonus Calculation

Total Number of Low-Income Units ¹¹ :	78
Maximum Density Bonus ¹² :	80%
Proposed Units:	79
Additional Units:	20 (79-59)
Density Bonus Requested:	33.9% (20/59)

Incentives, Concessions, and Waivers

The Density Bonus Law¹³ grants four incentives or concessions for 100-percent affordable projects. An incentive/concession is defined as a reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; or approval of mixed-use zoning; or, other regulatory incentives or concessions which actually result in identifiable and actual cost reductions.¹⁴ In addition, the Density Bonus Law¹⁵ grants the waiver or reduction of an *unlimited* number of development standards that would have the effect of physically precluding the construction of the development with the density bonus and incentives/concessions requested.

The following sections list the incentives/concessions and waivers requested for the Project and provide a brief explanation. Please note, staff has “reclassified” the requested incentives, concessions, and waivers to better align with the description specified in [NMC §17.19.030](#) and [NMC §17.19.040](#). Though this reclassification does not match Exhibit A of Attachment 1, it is an administrative correction that has no material impact to the Project and requested items under the Density Bonus Law.

Development Standard	Incentive/Concession	Waiver
Maximum Lot Coverage		✓
Minimum Landscape Area		✓
Minimum Open Space		✓
Minimum Parking Requirement	✓	
Minimum Setbacks: Front, Side and Rear Yard	✓	

Incentive/Concession #1: Minimum Parking Requirement

Per [NMC Chapter 17.23, Parking and Loading](#), a multi-unit building, such as the one proposed, that is located outside a radius of 100 feet of RS: Residential Single Family and RL: Residential Low-Density zoning districts, requires 1 parking space per unit plus 0.25 of guest parking space per unit. As such, the Project requires a total of 99 parking spaces. As noted in Exhibit A of Attachment 1, the Project exercises the Density Bonus Law ([California Government Code §65915](#)

¹¹ Exclusive of the manager’s unit.

¹² Per [Government Code §65915\(f\)\(3\)\(D\)\(i\)](#).

¹³ [Government Code §65915\(d\)\(2\)\(D\)](#)

¹⁴ https://www.meyersnave.com/wp-content/uploads/California-Density-Bonus-Law_2021.pdf

¹⁵ [Government Code §65915\(e\)\(1\)](#)

[et seq.](#)) and requests 0.7 parking space per unit and 0.09 of guest parking space per unit. The proposed parking reduction would also be permitted under [NMC §17.19.030, Incentives and Concessions](#). The requested incentive/concession would result in a total of 65 parking spaces.

The applicant reports that the proposal maximizes the number of parking spaces that can be accommodated within the parking podium and adding additional parking would add a considerable amount of cost to the Project. Potential cost increase would come from adding mechanical parking stackers or another level of parking. Mechanical parking stackers would be the most cost-effective option and cost approximately \$20,000 per space. To comply with the City's parking requirements, the Project would need to add 34 spaces (99-65). To achieve the required parking, approximately 70 parking spaces would need to be in parking stackers, which could add \$1,400,000 in additional costs to the Project.

Incentive/Concession #2: Minimum Setbacks

As noted in Exhibit A of Attachment 1 and in the Project Design and Zoning Summary table above, the Project would not meet the minimum setbacks at the front yard (south elevation), side yard (west elevation), and rear-yard (north elevation).

- The Project proposes a 10-foot, instead of the required 15-foot, front-yard setback at the south elevation in response to Alameda County Fire Department's comment to satisfy the requirements for an aerial fire apparatus access road.
- The Project proposes a 3-foot, instead of the required 5-foot, side-yard setback at the west elevation.
- The Project proposes a 2.5-foot, instead of the required 10-foot, rear-yard setback at the north elevation.

The applicant is requesting an incentive/concession for the setback requirements stated for the parking podium located on the ground floor. The upper floors for the Project would adhere to the underlying setbacks established for the zoning district. As reported by the applicant, adhering to the standard setbacks could physically preclude the construction of Project because the requirements would reduce the number of parking spaces in the podium. Fewer parking spaces may also force a reduction in the number units to meet the required parking ratio. The reduced setbacks would not have a significant impact on the adjacent properties. For example, the retail center neighbor to the west would have a window-less back, separated by a wall, to the Project. The neighbor to the north is I-880, a six- to eight-lane wide freeway that sees over 200,000 vehicles pass by the area every day ([Caltrans 2017 Traffic Volumes: Route 505-980](#)). Lastly, reduced setback at the front yard would create a more intimate experience between the building and pedestrian, and thereby foster a lively and inviting streetscape.

Waiver #1: Maximum Lot Coverage

Per [NMC §17.07.030](#), the RH zoning district allows a maximum lot coverage of 55-percent. The Project would result in a maximum lot coverage of 67-percent. Therefore, the project applicant is requesting an incentive/concession to increase the maximum lot coverage by roughly 22-percent. The project applicant contends that the incentive/concession is necessary to accommodate the 65 parking spaces in the parking podium and the landscaped open space on top of the podium, which is discussed in the section below. The project applicant reports that adhering to the maximum lot coverage requirement of 55-percent would force the development to reduce the size of the parking podium and add considerable cost to the project by requiring parking to be below-grade or in

mechanical parking stackers. To comply with the existing requirement, the development would have to reduce the size of the ground floor by approximately 4,858 square feet. The impact of the increased lot coverage would be mitigated by the 9,217 square-foot courtyard on top of the parking podium. The courtyard would account for over 21-percent of the lot.

Waiver #2: Minimum Landscape Area

Per [NMC §17.07.030](#), the RH zoning district requires a minimum landscape area of 25-percent of the lot. The applicant is requesting an incentive/concession to allow the 9,217 square feet (~50% of the gross area at the second floor) of open space on top of the parking podium to count towards the minimum landscape area requirement. The proposed courtyard would be improved with planters containing a variety of trees and shrubs, community garden beds, outdoor furniture, and patio pavers. The applicant reports that without this concession, the development would have to reduce the area of the podium and replace it with landscape area (i.e., softscape), which would physically preclude the development by reducing the amount of parking and/or housing units that can be developed. For example, roughly 19 parking spaces at ground level would need to be replaced with softscape to satisfy the minimum landscape area requirement. Replacing those 19 parking spaces would also require adding about 40 mechanical parking stackers at a cost of approximately \$800,000.

Waiver #3: Minimum Open Space

Per [NMC §17.07.030](#), the RH zoning district requires a minimum open space area of 200 square feet per unit. The applicant is requesting an incentive/concession to reduce the minimum usable open space standard from 200 square feet per unit to 145 square feet per unit. The proposed development would provide 11,525 square feet of usable open space, or 145.89 square feet per unit. As reported by the applicant, the 200 square feet per unit standard would physically preclude the development because the Project would need to remove 18 housing units to comply with the respective standard.

Income and Rent Restrictions

The Density Bonus Law¹⁶ establishes the income limits applicable to 100-percent affordable developments: “One hundred percent of the total units, exclusive of a manager’s unit or units, are for lower income households, as defined by [Section 50079.5 of the Health and Safety Code](#), except that up to 20 percent of the total units in the development may be for moderate-income households, as defined in [Section 50053 of the Health and Safety Code](#).” The [Health and Safety Code §50079.5](#) defines “lower income households” as households earning up to 80 percent of area median income (“AMI”). The project applicant proposes to restrict 100-percent of units as lower-income at 80 percent of the AMI.

The Density Bonus Law¹⁷ further identifies the rent that must be charged to the low-income rental units. Said section applies to the Project because the applicant will receive an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee. The [Health and Safety Code §50053](#) defines the “affordable rent” for lower income households as the product of 30 percent times 60 percent of the AMI adjusted for family size appropriate for the unit. As noted in the following table, the project applicant would restrict 20-percent of the units (16 units) at the affordable rent. The applicant proposes to restrict the remaining low-income units at 30 percent times 80 percent of the AMI, which is the maximum rent level allowable for a housing

¹⁶ [Government Code §65915\(b\)\(1\)\(G\)](#)

¹⁷ [Government Code §65915\(c\)\(1\)\(B\)\(ii\)](#)

development that receives low-income housing tax credits.

As reported by the project applicant, the intention is to provide the affordable units at much lower income levels in practice. However, a proposal to use the maximum allowable income and rent limits would allow the project applicant to maintain flexibility in the event affordability levels need to be adjusted to ensure competitiveness in future funding applications. The following table summarizes the income and rent restrictions that would apply to the Project for it to receive the state density bonus.

Table 3. Income and Rent Restrictions

<i>Restricted Unit Type</i>	<i>Number of Units</i>	<i>Maximum Tenant Household Income</i>	<i>Maximum Annual Rent</i>
1 Bedroom	62	80% of AMI	30% of 80% of AMI
1 Bedroom	16	80% of AMI	30% of 60% of AMI
<i>Restricted Unit(s)</i>	78		
<i>Non-Restricted Unit(s)¹⁸</i>	1		
Total Project Units	79		

Requested Entitlements

The applicant is requesting the following entitlements and regulatory approval from the City of Newark for the proposed Project:

- 1) General Plan Amendment from Medium Density Residential to High Density Residential designation to allow for the development of the site with 79 residential units.
- 2) Rezoning from Residential Medium Density (RM) to Residential High Density (RH) to establish consistency with the General Plan Amendment.
- 3) Conditional Use Permit to allow a building height of more than 35 feet. The proposed building would have a maximum height of 56 feet, not including the parapet.
- 4) Design Review, which is required for all projects that require a permit for new construction, reconstruction, rehabilitation, alteration, or other improvements to the exterior of a structure, site, or a parking area.

Based on staff's analysis, findings in support for the Project can be made in the affirmative and are provided in Attachment 1, Draft Resolution, of this report. The following sections cite the NMC and the required findings for reference.

General Plan Amendment

Pursuant to [NMC §17.38.050](#), the following must be considered to approve the requested amendments to the general plan map.

- A. *Reasons for recommendation of the general plan map and text amendment.*
- B. *The relationship of the general plan map and text amendment to other adopted plans by the City.*

¹⁸ Manager's unit.

C. *Environmental review and determination of the general plan map and text amendment.*

Rezoning

Pursuant to [NMC §17.39.080](#), the following findings must be made to approve the requested amendments to the zoning map.

- A. *The amendment is consistent with the general plan.*
- B. *Any change in district boundaries is necessary to achieve the balance of land uses desired by the city, consistent with the general plan, and to increase the inventory of land within a given zoning district.*
- C. *The amendment will promote the growth of the city in an orderly manner and to promote and protect the public health, safety, peace, comfort and general welfare.*

Conditional Use Permit (CUP)

Pursuant to [NMC§17.35.060](#), the following findings must be made to grant the requested CUP.

- A. *The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title [NMC Title 17] and all other titles of the Municipal Code.*
- B. *The proposed use is consistent with the general plan and any applicable specific plan.*
- C. *The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements.*
- D. *Tax revenue generated by the development will exceed the city's cost of the service demand as a result of the development or a compelling community benefit will be provided.*
- E. *The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this title [NMC Title 17].*
- F. *The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity.*
- G. *The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.*

Design Review

Pursuant to [NMC §17.34.060](#), the following criteria must be satisfied, to the extent applicable, as part of design review.

- A. *The overall design of the project including its scale, massing, site plan, exterior design, and landscaping will enhance the appearance and features of the project site and surrounding natural and built environment.*
- B. *The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community.*
- C. *Project details, materials, signage and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.*
- D. *The design of streetscapes, including street trees, lighting, and pedestrian furniture, is consistent with the intended character of the area.*
- E. *Parking areas are designed and developed to buffer surrounding land uses; compliment pedestrian-oriented development; enhance the environmental quality of the site, including*

minimizing stormwater run-off and the heat-island effect; and achieve a safe, efficient, and harmonious development.

- F. Lighting and lighting fixtures are designed to complement buildings, be of appropriate scale, provide adequate light over walkways and parking areas to create a sense of pedestrian safety, and avoid creating glare.*
- G. Landscaping is designed to be compatible with and enhance the architectural character and features of the buildings on site, and help relate the building to the surrounding landscape.*

California Environmental Quality Act (CEQA)

On behalf of the City, the City's environmental consultant, M-Group, conducted an Initial Study (IS) for the Project in accordance with the California Environmental Quality Act ("CEQA"). The IS examined the nature and extent of potentially adverse effects on the environment that could occur if the Project is approved and implemented. The City of Newark staff have reviewed the IS for the Project, and based upon substantial evidence in the record, find that the all potentially significant effects of the Project, as identified in the IS, can and will be avoided or mitigated to a less than significant level by project revisions or other requirements imposed on the Project. Based on the review and pursuant to Public Resources Code Section 21080(c)(2) and [CEQA Guidelines Section 15070](#), the City has prepared a Mitigated Negative Declaration ("MND") for the Project. An MND is a statement by the City that the project will not have a significant effect on the environment if the project incorporates revisions (mitigation measures) identified during the environmental review.

CEQA requires a minimum review period of 20 days to circulate an MND for public review. The IS/MND was available for public review from September 1, 2021 through September 21, 2021 on the City's [website](#)¹⁹ and City Hall. Additionally, on August 31, 2021, the City provided a Notice of Intent (NOI) to adopt a mitigated negative declaration to the public and the Alameda County Clerk. Furthermore, staff also mailed the NOI to property owners within a 500-foot radius of the project site. As of the drafting of this report, the City has not received any comments on the environmental document for the Project.

The IS/MND and Appendices as well the CEQA Findings of Fact and Mitigation Measures and Reporting Program (MMRP) are attached as exhibits to the Attachment 1, Draft Resolution, to this staff report.

Public Notice and Comments

Staff provided public notice of the application in accordance with the state and local (i.e., [NMC §17.31.060](#)) public noticing requirements. A notice was published in the Tri-City Voice on September 14, 2021. In addition, notice for the public hearing was sent to property owners within a 500-foot radius of the project site. A public notice was also posted at the project site, on the City's website, and at City Hall. As of the time of writing this report, no public comments were received for the subject item. Therefore, staff is not aware of any public controversy with the proposed Project.

Action

Staff recommends that the Planning Commission recommend, by resolution, that the City Council approve the General Plan Amendment, Rezoning, Conditional Use Permit, and Design Review applications as well as adoption of a MND (GP-21-06, RZ-21-07, U-21-08, DR-21-09, E-21-10),

¹⁹ <https://www.newark.org/departments/community-development/planning-division/projects-under-environmental-review>

as requested by the project applicant, based on the findings provided in Attachment 1, Draft Resolution.

Attachment(s)

1. Draft Resolution

- Exhibit A. Project Plans
- Exhibit B. IS/MND & Appendices
- Exhibit C. Statement of CEQA Findings & Facts and MMRP
- Exhibit D. Project Findings of Fact
- Exhibit E. Conditions of Approval
- Exhibit F. Draft Ordinance

ATTACHMENT 1

GP-21-06; RZ-21-07; U-21-08; DR-21-09; E-21-10

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWARK RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND APPROVE A GENERAL PLAN AMENDMENT, AN ORDINANCE AMENDING THE ZONING MAP FROM RM: RESIDENTIAL MEDIUM DENSITY TO RH: RESIDENTIAL HIGH DENSITY, A CONDITIONAL USE PERMIT, AND DESIGN REVIEW TO ALLOW A 79-UNIT AFFORDABLE HOUSING DEVELOPMENT (“TIMBER STREET SENIOR HOUSING”) AT 37660 TIMBER STREET (APN 92A-2125-10-2)

WHEREAS, Timber Street Investors L.P. [a.k.a. Eden Housing] (the “Applicant”), filed with the City of Newark applications for a General Plan Amendment, an amendment to the Zoning Map, a Conditional Use Permit, and Design Review to construct a 79-unit affordable housing development for seniors at 37660 Timber Street (APN 92A-2125-10-2) (the “Property”) (the “Project” as illustrated in “*Exhibit A*”); and

WHEREAS, the Property was initially developed in 1960 with a corrugated metal-sided, approximate 13,500 square foot building. The building is supported by metal beams and is secured by a concrete slab-on-grade. The building is a single-story structure with mezzanines and divided into three tenant spaces including: a textile shop, an upholstery shop, and an automobile restoration company. Much of the Property is surfaced with either concrete or asphalt paving and has not been redeveloped since 1960; and

WHEREAS, the Property is an approximately one-acre parcel with a General Plan Land-Use designation of Medium Density Residential and is currently zoned RM: Medium Density Residential; and

WHEREAS, the Applicant seeks to amend the General Plan land-use map from Medium Density Residential to High Density Residential to allow for higher density multi-unit development; and

WHEREAS, the Applicant also seeks to amend the Zoning Map from RM: Residential Medium Density to RH: Residential High Density to conform with the requested General Plan amendment; and

WHEREAS, the Applicant seeks a Conditional Use Permit (“CUP”) to allow for a building height of more than 35 feet in accordance with Newark Municipal Code ([“NMC”](#)) [§17.07.030](#); and

WHEREAS, the Applicant seeks Design Review approval, which per [NMC §17.34.020](#) is required for all projects that require a permit for new construction, reconstruction, rehabilitation,

alteration, or other improvements to the exterior of a structure, site, or a parking area; and

WHEREAS, the Applicant invokes [California Government Code \(“CGC”\) §65915 – §65918 \(“Density Bonus Law”\)](#) and the provisions of [NMC Chapter 17.19](#). As a 100-percent affordable housing development under [CGC §65915, et seq.](#), the Project is eligible for a density bonus of up to 80-percent. Under the RH zoning district, the Property allows a maximum density of 59 units. The Project proposes 79 units, which equates to a density bonus of approximately 34-percent; and

WHEREAS, [GC §65915\(d\)\(2\)\(D\)](#) grants four incentives or concessions for 100-percent affordable projects. In addition, [GC §65915\(e\)\(1\)](#) grants the waiver or reduction of an *unlimited* number of development standards that would have the effect of physically precluding the construction of the development with the density bonus and incentives/concessions requested; and

WHEREAS, the Applicant requests Incentives/Concessions for the minimum parking and setback requirements in the RH zoning district; and

WHEREAS, the Applicant requests a Waiver of the maximum lot coverage, minimum landscape area, and minimum open space requirements in the RH zoning district; and

WHEREAS, pursuant to and in accordance with the provisions of the California Environmental Quality Act ([Public Resources Code §21000 et seq.](#); herein referred to as “CEQA”), the State of California Guidelines for the Implementation of the California Environmental Quality Act (commencing with §15000 of [Title 14 of the California Code of Regulations](#); herein referred to as the “[CEQA Guidelines](#)”), the City is the “lead agency” for the preparation and consideration of environmental documents for the Project; and

WHEREAS, pursuant to CEQA Section 21080(c)(2), CEQA Guidelines Section 15070 and [NMC §17.31.050](#), an Initial Study/Mitigated Negative Declaration (“IS/MND” and included as “*Exhibit B*”) was prepared for the Project. The IS/MND analyzed the requested entitlements, regulatory approvals, and operation of the Project itself, to determine if these actions would result in significant impacts to the environment; and

WHEREAS, the IS/MND did not identify any significant environmental impacts arising from the requested entitlements, regulatory approvals, and operation of the Project itself that could not be mitigated to a less than significant level; and the City reviewed the IS/MND, and based upon substantial evidence in the record, determined that all potentially significant effects of the project can and will be avoided or mitigated to a less than significant level by project revisions or other requirements imposed on the Project; and

WHEREAS, public notices announcing a 20-day public review period for the IS/MND, beginning on September 1, 2021 and ending on September 21, 2021 and the Planning Commission’s hearing of September 28, 2021 were sent to all property owners within a 500-foot radius of the Project Site and filed with the Alameda County Clerk’s Office, and all persons requesting notice pursuant to [NMC §17.31.060](#), [NMC §17.35.050](#), [NMC §17.38.050](#), and [NMC §17.39.050](#), and posted on the City’s website (<https://www.newark.org/departments/community-development/planning-division/projects-under-environmental-review>); and

WHEREAS, pursuant to [NMC §17.31.060](#) and pursuant to State law, the City published a public hearing notice in the Tri City Voice on September 14, 2021 and mailed the public hearing notice as required for a public hearing before the Planning Commission at, or after, 7:30 p.m. on September 28, 2021; and

WHEREAS, the Planning Commission held a public hearing on September 28, 2021, and fully considered the Project, IS/MND, entitlements, staff report, findings of fact, conditions of approval, oral and written public comments, and all other testimony and evidence presented; and

WHEREAS, the Planning Commission finds that the staff report and standards for approval reflect the City's independent judgement and analysis for the Project; and

WHEREAS, based upon a thorough review of the Project and the IS/MND dated August 2021, and the record as a whole, the Planning Commission does find and determine that the IS/MND has been prepared in compliance with the requirements of CEQA, and the CEQA Guidelines; and serves as the appropriate environmental documentation for the Project, based on the Statement of CEQA Findings of Fact and accompanying Mitigation Monitoring Reporting and Program ("MMRP") provided in "*Exhibit C*;" and

WHEREAS, the Planning Commission finds that the Project does satisfy the requisite findings of fact necessary for approval as further explained in the staff report and the findings of fact associated with this Resolution, as identified in "*Exhibit D*" attached to this Resolution; and

WHEREAS, the City's General Plan and the Zoning Code are incorporated herein by reference and are available for review at City Hall during normal business hours and on the City's website.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newark as follows:

SECTION 1. RECORD

The Record of Proceedings ("Record") upon which the Planning Commission bases its recommendation includes, but is not limited to: 1) the staff reports, City files and records and other documents, prepared for and/or submitted to the City relating to the IS/MND, the Project, the Project's associated development entitlement requests; 2) all designs, plans, studies, data and correspondence submitted by the City in connection with the IS/MND, the Project, and the Project's associated development entitlement requests ("*Exhibit A*"), 3) the IS/MND and the appendices and technical reports cited in and/or relied upon in preparing the IS/MND ("*Exhibit B*"); 4) the evidence, facts, findings and other determinations set forth in this resolution; 5) the City of Newark General Plan and its related EIR, and the NMC; 6) all documentary and oral evidence received at public workshops, meetings, and hearings, the Project, and the Project's associated development entitlement requests; 7) all other matters of common knowledge to the City decision maker including, but not limited to, City, state, and federal laws, policies, rules, regulations, reports, records and projections related to development within the City of Newark and its surrounding areas.

The location and custodian of the records is the City of Newark Community Development
Resolution No. _____ 3 of 5 (Pres2006)

Department, 37101 Newark Boulevard, Newark, California, 94560.

SECTION 2. CEQA FINDINGS

The Planning Commission hereby adopts and recommends to the City Council the adoption of the IS/MND dated August 2021, complete with the included Statement of CEQA Findings and Facts set forth as “*Exhibit C*” attached hereto and incorporated herein by reference, and based thereon and on the Record as a whole, the Planning Commission hereby finds and recommends that the City Council find that all significant environmental effects of the Project and its associated development entitlement actions have been reduced to a less-than-significant level in that all significant environmental effects have been avoided or mitigated as set forth in the IS/MND. Based upon the foregoing, the Planning Commission finds, determines, and recommends that the City Council find and determine, on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the Project and its associated actions will not have a significant effect upon the environment and that the IS/MND reflects the lead agency’s independent judgment and analysis.

SECTION 3. MITIGATION, MONITORING, AND REPORTING PROGRAM

The Planning Commission hereby recommends the City Council adopt the mitigation measures set forth in the IS/MND and its accompanying MMRP, set forth in “*Exhibit C*,” pursuant to [Public Resources Code §21081.6](#), which is a program designed to ensure compliance with the mitigation measures imposed to avoid or substantially lessen the significant effects identified in the IS/MND and said mitigation measures are described in the MMRP included therein and incorporated herein by reference.

SECTION 4. PROJECT FINDINGS

That the Planning Commission does hereby make the necessary findings and determinations required by [NMC §17.38.050](#), [NMC §17.39.080](#), [§17.35.060](#), and [NMC §17.34.060](#) to recommend approval of the requested General Plan Amendment, Zoning Map Amendment, Conditional Use Permit, and Design Review, respectively, for the Project at 37660 Timber Street, as further explained in the staff report and findings of fact for approval as set forth in “*Exhibit D*” attached hereto and incorporated herein by this reference.

SECTION 5. CONDITIONS OF APPROVAL

Based on the findings and determinations, the Planning Commission does hereby recommend approval of the General Plan Amendment, Zoning Map Amendment, Conditional Use Permit, and Design Review, for GP-21-06; RZ-21-07; U-21-08; DR-21-09; allowing for a 79-unit affordable housing development for seniors at 37660 Timber Street, subject to the Conditions of Approval, as further set forth in “*Exhibit E*” attached hereto and incorporated herein by this reference.

SECTION 6. ORDINANCE

The Planning Commission recommends City Council approval of the Zoning Ordinance as identified in “*Exhibit F*,” finding that it is consistent with the General Plan, necessary to achieve the balance of land uses desired by the City, increases the inventory of land within a given zoning district, and promotes the growth of the City in an orderly manner and promotes and protects the public health, safety, peace, comfort, and general welfare of the residents of the City of Newark.

This Resolution was introduced at the City of Newark Planning Commission's September 28, 2021 regular meeting by Commissioner _____, seconded by Commissioner _____, and passed as follows:

AYES:

NOES:

ABSENT:

STEVEN TURNER, Secretary

JEFF AGUILAR, Chairperson

Attachment(s)

- Exhibit A. Project Plans
- Exhibit B. IS/MND & Appendices
- Exhibit C. Statement of CEQA Findings & Facts and MMRP
- Exhibit D. Project Findings of Fact
- Exhibit E. Conditions of Approval
- Exhibit F. Draft Ordinance