



CITY OF NEWARK

Planning Commission

City Hall, City Council Chambers

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MINUTES

Tuesday, July 12, 2022

A. ROLL CALL

Chair Becker called the meeting to order at 7:00pm. Present were Vice-Chair Fitts, Commissioner Otterstetter and Commissioner Bogisich. Commissioner Aguilar was absent.

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, June 28, 2022

MOTION APPROVED

Vice-Chair Fitts moved, Commissioner Otterstetter seconded, to approve the Minutes of the regular Planning Commission meeting on June 28, 2022. The motion passed **4 AYES. 1 ABSENT.**

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Public hearing to consider a resolution recommending approval of conditional use permit U-2021-006 for the construction of a new monopole. The proposed monopole is

located at 35360 Fircrest Street (APN: 537-046-720). The subject site is zoned Business Technology Park (BTP) and has a General Plan Land-use designation of Special Industrial

MOTION APPROVED

Deputy Community Development Director (DCDD) Interiano provided an update on the project based on discussions from the last Planning Commission meeting. DCDD Interiano stated that from the last meeting this item was continued due to the project missing documentation to require the existing monopole to be taken down. DCDD Interiano stated that the current owner of the existing monopole is not part of the new CP application. He further explained that the current applicant, AT&T, provided documentation that Crown Castle, the owner of the existing monopole, is intending to decommission the existing monopole at the same time as the new monopole is being erected.

Chair Becker stated that the commission received the emails and letters in their agenda packet regarding this issue.

Chair Becker asked the Commission if anyone had any questions for staff.

None of the Commission members had any questions.

Chair Becker opened the public hearing.

No one from the public, present or via Zoom, requested to speak.

Chair Becker closed the public hearing.

Chair Becker asked if anyone had any comments or questions.

Vice Chair Fitts asked if the applicant had agreed to all the conditions of approval.

Chair Becker addressed the applicant and asked if he had read and agreed to the revised conditions of approval. The applicant responded that planning staff did revise the conditions of approval for the overlap of time on which both sides could be operational to prevent a gap in coverage. Applicant reiterated that they have read the conditions of approval and have agreed to them.

Chair Becker commented that there's no absolute guarantee that the pole is going to be removed. Chair Becker questioned what the City's options are should the owner of the existing monopole decides not to remove it, after the monopole has been removed and the new one has been installed.

DCDD Interiano explained that per the City's code, a monopole or telecommunications tower, as described on the City's zoning code, once it is decommissioned it is considered abandoned after 60 days. DCDD Interiano added that after 60 days that the equipment has been removed, then the City will follow up with the owner, Crown Castle, to remove the monopole, and work with them on its removal.

Chair Becker asked what would be the next step in case the monopole is not removed? DCDD Interiano responded that Code Enforcement gets involved.

Chair Becker requested a motion on the staff recommendation.

Staff Recommendation: Staff recommends that the Planning Commission approve, by resolution, Conditional Use Permit U-21-03, as requested by the project applicant, based on the findings provided in the staff report, Attachment 1- Draft Resolution.

Commissioner Otterstetter motioned to approve the staff recommendation.

Commissioner Bogisich seconded the motion.

Chair Becker requested Commissioners to vote.

Chair Becker announced the motion passed; 4 AYES- 1 ABSENT.

E.2 Hearing to Consider a Resolution recommending approval of an (1) a General Plan Amendment, (2) a Specific Plan Amendment, (3) a Design Review, (4) a Minor Use Permit, (5) a Density Bonus, (6) a Park Agreement Amendment, (7) a Dedication Agreement, (8) Alternative Means of Compliance to Payment of the Housing Impact Fee, (9) a Vesting Tentative Track Map, and (10) an Addendum to the Dumbarton Transit Orient Development Specific Plan Environmental Impact Report and also certifying that the previously approved EIR addresses all of the impacts of the proposed (11) FMC Willow and Grand Park Development to allow for face residential and commercial development at 8787 Enterprise Drive, with APNS 537-0852-001-08, 537-0852-002-02, and 092-01-00-005. Also, the City Council of the City of Newark is being asked to approve a resolution recommending adopting an ordinance amending the Official Zoning Map of the City of Newark for the property on 8787 Enterprise Drive.

MOTION APPROVED

CDDD Interiano stated that this project has been reviewed for quite some time and presented Mandy Kang from MP Group (Metropolitan Planning Group), who has been assisting as project manager for the project and would provide a presentation of the project details.

Mandy Kang, Project Manager, made a detailed presentation of the project proposal, history of the project, its location, design review and entitlements requested.

Chair Becker thanked Mandy Kang for the consolidated presentation and asked if there were any questions about the presentation.

Commissioners did not have any questions.

Chair Becker welcomed the applicant to provide a presentation.

The applicant made a presentation of the FMC Willow and Grand Park project.

Chair Becker thanked the applicant and asked if any of the Commissioners had any questions.

Commissioner Bogisich asked the applicant about a dog park for small and large dogs in the project. The applicant responded that there are two dog park areas: a separate large and a small dog park.

Vice Chair Fitts asked if the park will be fenced in or if there will be public access to the Hetch Hetchy easement. The applicant answered that the Hetch Hetchy will be off limits to the public and fenced in with a very sturdy retaining wall but see through on both sides.

Vice Chair Fitts mentioned the 8-foot masonry sound wall for the homes by the railroad track for sound deafening purposes.

Vice Chair Fitts expressed concern about the noise level in the amphitheater and asked if the City has any kind of noise mitigation level in that area, assuming that there will be musical events and other type of activities involving some kind of noise level.

Community Development Director (CDD) Steven Turner explained that once the City takes over the Park, there will be a variety of programs involving music and other recreational activities

programmed for that park, and the City's Parks and Community Services Department will monitor and control the noise level.

Chair Becker asked what the difference was, in the revised park agreement, between the "Grand Park delivery date, December 31, 2025," and the term "park delivery, July 3, 2028."

The applicant responded that due to a major underground work being done by USD, FMC could not have access to initiate the final park remediation until the USD work was completed, certified, and the easement was released. Since that work was completed this month, FMC is now working expeditiously finishing the remediation work, and the timing of the Grand Park will be about mid-2024, so the park should be done in 2025. The applicant further explained that the 2028 date was put in the agreement just in case they had some type of a delay.

Chair Becker asked staff if the 2028 date was the worst-case scenario. DCDD Interiano explained that the Park Delivery Date is the date the park parcel must be made available by FMC (property owner) for the developer (Lennar) to start construction of the park, and the Park Delivery is the delivery of the park with all constructions being completed before the City releases the bonds back to the applicant, which is the July 2028 date.

Chair Becker asked what the Mello-Roos of \$220 per year with an escalator is going to be used for which is written in the Community Finance Agreement. The applicant explained that the money will be used for landscaping and lighting maintenance of the site.

Chair Becker commented that his initial reaction of seeing the affordable housing built in one 6-story building gave him an uneasy feeling, but after looking at the design, and talking to staff he got more comfortable with it. The applicant reassured him that the construction of the affordable housing units will be indistinguishable from market rate materials from an affordable one.

Chair Becker inquired about the cost of the development of the 6-story building. The applicant replied that is about forty million dollars (\$40,000,000).

Chair Becker expressed his concerned about the reduction of the parking space because of the future transit station, that there will be units with three (3) bedrooms, two (2) bedrooms, families with kids, who all drive, and there will be ninety-one (91) units with ninety-one (91) parking spaces. Chair Becker stated that the reduction of parking space, and the transit station

not being active until a decade off, the units are inadequately parked and will impact the residential neighborhood areas and the streets. The applicant agreed with Chair Becker and explained to him that it is because of the size of the transit station.

Chair Becker asked about the 4-story buildings being built there. The applicant explained that those buildings are 3-story townhomes with a loft, and they will be built with more density to match the massing of the affordable housing building, and to give it a more urban feeling.

Chair Becker opened the public hearing.

Chair Becker asked the applicant if they have read all the conditions of approval and agreed to them. The applicant responded that they have read and agreed to all the conditions of approval. The applicant added that he still has a couple of things to discuss with DCDD Interiano on one condition regarding the P4 Cab and the Regional Board, but all the conditions are fine.

Chair Becker asked if anyone in the audience would like to speak on Item E.2. No one requested to speak on this item. Chair Becker asked if anyone was in Zoom. CDD Steven Turner announced that there was one speaker on Zoom: Edward Chu.

Edward Chu, resident, and homeowner in the Bayshore Community inside the development, had two questions. On his first question, he asked if there will be walking distance groceries stores built there, and his second question was if the City has considered putting buses along Willow Street or inside the development to provide closer transportation to residents before the transit station is built there.

Chair Becker acknowledged that the Commission received and reviewed the email Mr. Edward Chu sent them.

CDD Steven Turner explained that as part of the substantial change in land use from the Specific Plan, the City commissioned a study to see if would make sense to build commercial and retail spaces in the area. The results of the analysis came back that for amount of commercial space that was initially programmed into the vision of the Specific Plan will probably not be successful at that size, but for a lower size will likely be more successful. Based with that information and base on the information that the City took to counsel in Planning Commission at the join session, staff had the recommendation to move forward with the applicant's project. CDD Steven Turner commented that he is hopeful that the ground floor areas at the affordable housing

development will be successful and small enough to be neighboring serving. He also added that the City is looking for other opportunities within that area, and if there is a developer who believes that retail and additional commercial could be possible, the City is willing to support it and will work with them.

Chair Becker asked Mr. Edward Chu's second question.

CDD Steven Turner responded that the City needs to be patient since the Plan Bay Area 2050 will not be in this area for another 15 to 20 years. While this happens, the City wants to work with local shuttle providers, AC transit, to see if a park and ride or a similar high quality transit line can be placed in this area to allow for short term improvements.

Chair Becker mentioned that Mr. Edward Chu had a request if staff would be open to add some additional amenities such as a tennis court or a basketball court. Chair Becker commented that he had heard that there are fifty (50) amenities in the park. CDD Steven Turner replied that the Grand Park will be a visionary park for this area, and the City would like to accommodate as many users and facilities as possible and make it flexible enough to meet the changing needs of the community. CDD Steven Turner added that the City departments will continue to work together to help program these spaces appropriately.

Chair Becker asked if anyone else in Zoom wished to speak. CDD Steven Turner responded there were no more participants.

Chair Becker closed the public hearing and brought it back to the Commission for any additional questions or comments.

Vice Chair Fitts asked if the park's design was unchangeable or if it was opened for comments to the public or residents on the final design. CDD Steven Turner responded that there could be some flexibility on the exact location and size of the amenities, but the expectations are that the amenities that are being proposed by the applicant are the ones that will be built. Vice Chair Fitts asked how the amenities were selected.

DCDD Interiano responded that the park design was verified back in 2018 with the FMC project, which is now called the Harbor Point Project. His understanding is that there was input by the City Council as to the location of the park and other comments. The amendments that are

proposed as part of this application have some additional improvements from the original plan, boundary changes and other minor amendments.

Chair Becker asked if there was recreation staff involved in those discussions. DCDD Interiano responded that the parks and community services director and parks managers provided feedback on the design and amenities.

Commissioner Otterstetter commented that the affordable housing being created in this project makes her very happy, but she is also worried about the parking. Commissioner Otterstetter noted that after the transit station is completed, she hopes to see a timed arrangement that will allow the residents to use the parking space. She also stated that she would prefer to see more two-bedroom arrangement given that the mix of one, two, and three bedrooms there is being targeted as a sort of an affordable housing. Lastly, Commissioner Otterstetter said that she had not seen the drawings or the drafts of the interior of the hub area created according to this proposal.

The applicant explained the hub space consists of a communal room that is utilized by the Willow residents and is funded and managed by the HOA. It is approximately 1,500 square feet in size, includes two bathrooms, a kitchen, a couch with a huge screen, and folding doors that open out to the Grand Park, making it a fantastic location for renting out, HOA meetings, and entertaining kids.

Commissioner Otterstetter asked clarification regarding the development of the high-rise parking space for the transit station and the source of money.

In response, CDD Steven Turner said that it seemed a little out of character for this site to create such a sizable parking structure. Given that the ridership is crucial, this station may be viewed as a local serving station rather than a regional station. Additionally, to make the transit line viable, there must be a balance between the requirements of the design and the local community. Commissioner Otterstetter commented that the parking garage would be a good location for any kind of overflow from people visiting that area as well.

Commissioner Fitts remarked that there is a large bus parking lot on Enterprise Drive that must have about 50 private commercial tech buses, so there is a lot of public transportation there that crosses the bay and should be able to be related to all the residents who live there by figuring out a special stop for that area, a source of outreach in that area.

Chair Becker proposed a simultaneous adoption of both resolutions. The resolutions, according to Chair Becker, are recommendations to the City Council and will therefore be submitted to the council for final approval.

Chair Becker requested a motion on the staff recommendation.

Staff Recommendation: Staff recommends that the Planning Commission recommends, by resolution, that the City Council, approve the following: (1) an Amendment to the General Plan, (2) an Amendment to the Bayside Newark Specific Plan, (3) a Zoning Map Amendment, (4) a Vesting Tentative Map, (5) a Design Review, (6) a Minor Use Permit, (7) a Density Bonus Incentive, (8) an Addendum to EIR (SC#2010042012), (9) a Transit Station Dedication Agreement, (10) an Alternate Means of Compliance to Payment of Housing Impact Fees, and (11) Grand Park Agreement Amendment for the FMC Willow and Grand Park project consisting of 279 residential units, 3,600 sf of retail, 91 affordable housing units and a 1,485 sf community building.

Vice Chair Fitts motioned to approve the staff recommendation.

Commissioner Bogisish seconded the motion.

Chair Becker requested Commissioners to vote.

The motion passed. 4 AYES and 1 ABSENT.

CDD Steven Turner thanked the participation and assistance of the City's planning team, the City staff, the contract Attorney John Goetz and Attorney Christine Crowl.

Chair Becker closed the public hearing.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

CDD Steven Turner stated there are no actions to report. However, CDD Steven Turner introduced Sofia Castillo as the newly hired Administrative Support Specialist, who is coming from the New Haven Unified School District, and will be replacing Lina Tran, who has been promoted to the Finance Department.

H. PLANNING COMMISSIONER COMMENTS

Commissioner Fitts questioned what the plan was for the Honeywell property located across the street from the transit station.

CDD Steven Turner answered that it has been a while since the City has received any official or preliminary applications for that location. He continued by saying that because the site is a part of the Bayside Newark TOD Specific Plan, it is subject to all the same rules and restrictions as other properties in the neighborhood. The effects of ponding water need to be assessed and taken into consideration before any form of development can be suggested or considered in that region because that area gathers water throughout the winter. CDD Steven Turner stated that it is a challenging site with regards to finding a reasonable project that is compatible and consistent with the analysis.

I. ADJOURNMENT

Chair Becker adjourned the regular Planning Commission meeting at 8:13 pm.

Respectfully submitted,



STEVEN TURNER

Secretary