



CITY OF NEWARK, CALIFORNIA

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December 13, 2005

Department of Housing and Community Development
Environmental Review Office
1800 3rd Street
Sacramento, CA 95814

RECEIVED
DEC 15 2005
DIV. OF HOUSING
POLICY DEVELOPMENT/HCD

Dear Environmental Review Officer:

Please find enclosed, a copy of the Annual Report on the Newark General Plan for Calendar Year 2004. This report was presented to the Newark City Council at its meeting of December 8, 2005.

If you have any questions, please contact Richard Fujikawa at 510-790-7215.

Sincerely,

Roxanne Müller

Roxanne Müller
Admin. Support Spec. II

F.7 Acceptance of the Annual Progress Report on the General Plan for Calendar Year 2004 and forwarding of this report to the Governor's Office of Planning and Research and the Department of Housing and Community Development – from Planner Fujikawa. (MOTION)

Background/Discussion – State law requires cities to provide the Governor's Office of Planning and Research and the Department of Housing and Community Development with an annual report on the progress of implementing their General Plans. This report is presented to the City Council for its review.

Attachment

Action - It is recommended that the City Council, by motion, accept the Annual Progress Report on the General Plan for Calendar Year 2004 and forward this report to the Governor's Office of Planning and Research and the Department of Housing and Community Development.

**ANNUAL PROGRESS REPORT TO
THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH
AND THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
ON THE NEWARK GENERAL PLAN
FOR CALENDAR YEAR 2004**

Introduction

Government Code Section 65400(b)(1) requires that cities prepare an annual report on the progress of their General Plan implementation, and to send a copy of that report to the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD). This report has been prepared to satisfy that requirement.

This report provides information on the Finding of Conformance with the General Plan, and significant zoning text amendments and development projects for calendar year 2004; the City did not approve any General Plan Amendments in 2004. The specific Goals, Policies and Programs accomplished by the text amendments and projects are listed.

Finding of Conformance with the General Plan

One Finding of Conformance with the General Plan was made by the Planning Commission in the 2004 calendar year: On May 11, 2004, the Planning Commission found that the City's proposed Capital Improvement Plan (CIP) projects – per the 2004-2005/2005-2006 CIP – are in conformance with the General Plan. This finding of conformance with the General Plan is required by State law prior to City Council adoption of the CIP.

Significant Zoning Text Amendments

During the 2004 calendar year, the City Council approved two significant zoning text amendments. A brief description of each text amendment, along with a listing of the Goals, Policies and Programs of the General Plan that were accomplished, follows.

1. **Affordable Housing Ordinance** – On June 10, 2004, the City Council adopted an ordinance to establish an inclusionary housing requirement for residential development projects, instituting a housing impact fee for nonresidential developments, and creating a housing trust fund; setting a fee schedule for the nonresidential development impact fee and the inclusionary housing in-lieu fee; and establishing provisions to ensure the continued affordability of required inclusionary units.

This text amendment, thus, accomplished the following Program of the General Plan:

Housing Element

- Program 2. All housing projects above a specified size should include at least 10-20 percent affordable housing.

2. **Moratorium on Public Assembly Uses in the M (Industrial) Zoning District** – On June 24, 2004, the City Council adopted an interim urgency zoning ordinance to prohibit public assembly uses in the M (Industrial) zoning districts so that staff can study where and how these uses can best be accommodated. The interim ordinance took effect immediately and lasted for 45 days. On July 22, 2004, the City Council extended the interim urgency zoning ordinance to continue the moratorium for an additional 22 months and 15 days to allow staff additional time to analyze this situation.

This text amendment, thus, accomplished the following Goals, Policy and Programs of the General Plan:

Land Use Element

Goal 1. Maintain a desirable quality of life in the community through preservation of the small town neighborhood atmosphere and the promotion of balanced land use that takes into account the need for economic diversity and future financial well being of the city.

Policy a. Maintain a reasonable balance of land uses within the city so that residents can live close to where they work; and can satisfy their shopping needs close to home.

Program 1. Promote the City as a good location for “environmentally clean, high tech” industry and similar job producing activities to balance the housing that has been provided and to increase the opportunity for residents to work close to home.

Program 8. Encourage the development of the remaining vacant land for its highest and best use in line with the designations shown on the General Plan Diagram.

Goal 3. Maintain the quality of life by assuring the compatibility of land uses.

Significant Development Projects

During the 2004 calendar year, the City Council approved three significant development projects. A brief description of each project, along with a listing of the Goals, Policies and Programs of the General Plan that were accomplished, follows.

1. **Newark History Museum** – On October 28, 2004, the City Council approved a conditional use permit to establish the Newark History Museum at 37013 Ash Street (southwest corner of Ash Street and Thornton Avenue). The purpose of the museum is to provide a history of

the City of Newark through exhibitions, programs, publications, and other activities. The museum will also provide a space for community meetings, public forums, and presentations.

The project involves remodeling and restoring the existing Watkins Hall building at the northeast corner of the site; adding a new, L-shaped support wing to the west end of the building; and, possibly in the future, relocating the Mowry School building currently stored at Ardenwood Park in Fremont to the subject site. Although Watkins Hall was removed from consideration as an historic resource at the request of a previous property owner, the Newark History Museum project has been designed in accordance with the U.S. Secretary of the Interior Guidelines for Historic Preservation. These guidelines call for new structures to complement older buildings but not mimic them or confuse their authenticity.

This project, thus, accomplished the following Goals, Policies and Program of the General Plan:

Land Use Element

Goal 1. Maintain a desirable quality of life in the community through preservation of a small town, neighborhood atmosphere and the promotion of balanced land use.

Goal 2. Promote high quality development that establishes the city's character as distinctive from that of other cities in the Bay Area.

Policy b. Encourage architectural styles for new development that are compatible with, and complement adjacent developments, and that will enhance the overall quality of the development and the area.

Goal 3. Maintain the quality of life by assuring the compatibility of land uses.

Program 3. Assure that all new structures and additions are aesthetically compatible with adjacent development.

Community Services and Facilities Element

Goal 1. Maintain a variety of community services and facilities in Newark that are readily available and respond to the needs of all Newark residents.

Policy c. Maintain and expand, where necessary, physical facilities needed to provide for the needs of the community.

2. **Aspenwood Marketplace** – On September 9, 2004, the City Council approved a review of a conditional use permit and a planned unit development for an approximately 14,300 square

foot commercial project at 34893 and 34901 Newark Boulevard (west side of Newark Boulevard, approximately 480 feet north of Jarvis Avenue). The project consists of two buildings on a vacant, 1.5+/- acre site. This is an in-fill project surrounded by commercial uses.

3. **Cedar Springs Retail Center** – On December 9, 2004, the City Council approved a review of a conditional use permit and a planned unit development for an approximately 35,300 square foot commercial project at 39620, 39650, 39700 and 39770 Cedar Boulevard (east side of Cedar Boulevard, approximately 220 feet south of Balentine Drive). The project involves construction of four buildings on a vacant, 2.73+/- acre site. This is an in-fill project surrounded by commercial and residential uses.

These projects, thus, accomplished the following Goals, Policy and Programs of the General Plan:

Land Use Element

- Goal 1. Maintain a desirable quality of life in the community through preservation of a small town, neighborhood atmosphere and the promotion of balanced land use.
- Policy a. Maintain a reasonable balance of land uses within the city so that residents can live close to where they work; and can satisfy their shopping needs close to home.
 - Program 1. Promote the City as a good location for job producing activities to balance the housing that has been provided and to increase the opportunity for residents to work close to home.
 - Program 5. Use established environmental review processes and programs to minimize the potential impacts (e.g., air quality, water quality, traffic, etc.) of any new development within the City to levels that are determined acceptable.
- Goal 2. Promote high quality development that establishes the City's character as distinctive from that of the other cities in the Bay Area.