



CITY OF NEWARK PLANNING COMMISSION

37101 Newark Boulevard, Newark, California 94560-3796 □ 510/578-4330 □ FAX 510/578-4265

City Administration Building
7:30 p.m.
City Council Chambers

AGENDA Tuesday, June 10, 2014

A. ROLL CALL

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, May 27, 2014. (MOTION)

C. WRITTEN COMMUNICATIONS

D. ORAL COMMUNICATIONS (Anyone wishing to address the Commission on any planning item not on the Agenda may take the podium and state his/her name and address clearly for the recorder.)

E. PUBLIC HEARINGS

F. STAFF REPORTS

F.1 Review of a conditional use permit (U-82-48) and a planned unit development (P-82-49) for a trellis feature to be added to an existing building (Isla Restaurant) at 5720 Mowry School Road – from Assistant Planner Jimenez. (RESOLUTION)

G. COMMISSION MATTERS

G.1 Report on City Council actions.

H. ADJOURNMENT

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 at the Planning Division Counter located at 37101 Newark Boulevard, 1st Floor, during normal business hours. 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.

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City Administration Building
7:30 p.m.
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MINUTES

Tuesday, May 27, 2014

A. ROLL CALL

At 7:31 p.m., Chairperson Nillo called the meeting to order. All Planning Commissioners were present except Commissioner Drews (personal) and Vice-Chairperson Hannon (personal).

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, May 13, 2014.

Commissioner Fitts moved, Commissioner Bridges seconded, to approve the Minutes of May 13, 2014. The motion passed 5 AYES.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider: (1) Adopting a resolution making certain findings and recommending City Council approval of E-14-6, an Initial Study/Mitigated Negative Declaration; (2) adopting a resolution making findings supporting the use of an alternative means of compliance with the Inclusionary Housing Ordinance and recommend the City Council approve the attached Affordable Housing Implementation Agreement; (3) adopting a resolution recommending City Council approval of GP-14-7, a General Plan Amendment to change the land use designation from CC (Community Commercial) to HR (High Density Residential); (4) adopting a resolution recommending the City Council approve RZ-14-8, a rezoning from CC (Community Commercial) to R-1,500 (High Density Residential – 1,500); (5) recommending the City Council approve TTM-14-11, Tentative Tract Map 8166; and (6) recommending that the City Council approve ASR-14-9, an Architectural and Site Plan Review with Exhibit A pages

1 to 33, to construct a 85-unit residential townhome development (Integral Communities) on an approximately 4.28 acre site (APN: 901-0195-039) on the northeast corner of Cedar Boulevard and Mowry School Road.

Assistant City Manager Grindall gave the staff report.

Answering Commissioner Otterstetter, ACM Grindall stated the proposed Tot Lot will be for private use by the homeowners and maintained by the Home Owners Association.

Answering Commissioner Bridges, ACM Grindall gave his opinion that the addition of residents in the neighborhood would benefit the commercial businesses in that area.

Answering Commissioner Bridges, ACM Grindall stated the proposed Tot Lot is larger than what is typically built in a development of this size.

Answering Commissioner Aguilar, ACM Grindall stated issues discussed at the Neighborhood Meeting included parking, views and whether or not it would be a gated community.

Assistant Planner Jimenez stated the pricing of the homes was also discussed and overall the public was supportive of the project.

Discussion ensued between Commissioner Aguilar and ACM Grindall on High Density Land Use per the General Plan.

Answering Commissioner Aguilar, ACM Grindall stated the \$20,000 per unit fee the Developer agreed to pay would go towards community enhancements and economic vitality as deemed appropriate by the City Council.

Answering Commissioner Fitts, ACM Gringall gave staff's vision for the neighboring commercial site.

Commissioner Bridges and ACM Grindall discussed parking issues.

Chairperson Nillo opened the Public Hearing.

Applicant Kevin Fryer, Integral Communities, discussed their goal of addressing the neighbor's parking concerns by not relying on parking on Cedar Boulevard; discussed the TOT fee; and stated they are continuing to meet with adjacent property owners on the possibility of sharing the fountain amenity.

Mr. Fryer gave his business address of 500 La Gonda Way, Danville, CA, and stated he has read and agrees with all conditions for this project.

Answering Commissioner Fitts, Mr. Fryer gave estimated timeframes in moving this project forward.

Answering Commissioner Aguilar, Mr. Fryer stated the fourth floor would be used as both a living space and a deck area.

Chairperson Nillo closed the Public Hearing.

Motion made by Commissioner Bridges, seconded by Commissioner Fitts, to approve Resolution 1876, making certain findings and recommending City Council approval of E-14-6, an Initial Study/Mitigated Negative Declaration. Motion passed 5 AYES.

Motion made by Commissioner Bridges, seconded by Commissioner Otterstetter to approve staff's recommendation on Action Items 2 through 6. Motion passed 5 AYES.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

Commissioners' Comments

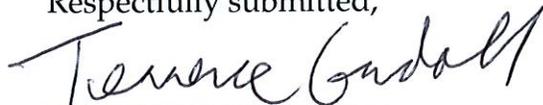
Commissioner Fitts gave kudos to staff and the NewPark Mall Owners for the unveiling and presentation of the mall's proposed renovations.

Chairperson Nillo congratulated all the Newark Class of 2014 graduates.

H. ADJOURNMENT

At 8:00 p.m., Chairperson Nillo adjourned the regular Planning Commission meeting of Tuesday, May 27, 2014.

Respectfully submitted,



TERRENCE GRINDALL

Secretary



F.1 Review of a conditional use permit (U-82-48) and a planned unit development (P-82-49) for a trellis feature to be added to an existing building (Isla Restaurant) at 5720 Mowry School Road– from Assistant Planner Jimenez. (RESOLUTION)

Background/Discussion – Mr. Richard Lyttle, on behalf of Isla Restaurant, has submitted an application to construct a trellis feature at 5720 Mowry School Road. Attached is Exhibit A, pages 1 (front trellis elevation), 2 (roof plan), and 3 (building elevation). Isla Restaurant is Filipino restaurant located within the Balentine Plaza Shopping Center which is zoned CC (Community Commercial).

The owners of the restaurant feel that the addition of the trellis “accentuates the atmosphere and culture” of the Philippines and that it will make for a more authentic dining experience. The trellis is purely decorative and is not an area intended for outdoor dining.

The wood trellis will be constructed along the south side of the restaurant. The support columns will be relocated an additional two feet from the curb from what is shown on the exhibits in order to accommodate the required two-foot vehicle overhang.

The proposed project is categorically exempt from the California Environmental Quality Act per Section 15311, Class 11(a), construction of minor structures accessory to existing commercial facilities.

Attachment

Action – It is recommended that the Planning Commission, by resolution, with Exhibit A, pages 1 through 3, approve the review of a conditional use permit (U-82-48) and a planned unit development (P-82-49) for a trellis feature to be added to an existing building (Isla Restaurant) at 5720 Mowry School Road.

RESOLUTION NO.

RESOLUTION REDCOMMENDING APPROVAL OF A REVIEW OF A CONDITIONAL USE PERMIT (U-82-48) AND A PLANNED UNIT DEVELOPMENT (P-82-49) FOR A TRELLIS FEATURE TO BE ADDED TO AN EXISTING BUILDING (ISLA RESTAURANT) AT 5720 MOWRY SCHOOL ROAD

WHEREAS, Richard Lyttle has filed with the Planning Commission of the City of Newark application for a review of a conditional use permit (U-82-48) and a planned unit development (P-82-49) for a trellis feature to be added to an existing building (Isla Restaurant) at 5720 Mowry School Road; and

WHEREAS, the Planning Commission considered said application at 7:30 p.m. on June 10, 2014 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommend the City Council approve this application as shown on Exhibit A, pages 1 through 3, subject to compliance with the following conditions:

Planning Division

- a. This project is subject to the conditions of Planning Commission Resolution No. 1079, unless otherwise amended herein.
- b. The site and its improvements shall be maintained in a neat and presentable condition, to the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site clean-up. Graffiti removal/repainting and site clean-up shall occur on a continuing, as needed basis. Any vehicle or portable building brought on the site during construction shall remain graffiti free.
- c. Prior to the issuance of a building permit, the applicant must revise and submit the rendered photo (parking lot view of the existing building) and applicable cross-sectional details to show the proposed trellis/handrail posts set at least two (2) feet back from the face of curb to accommodate existing allowable overhang of the adjacent parking spaces. The plans must also identify the remaining clear space width between the building and posts on the cross-section.
- d. Outdoor seating/dining shall not be allowed.

- e. The property owner shall be responsible for removing the trellis and restoring the elevation occupied by the trellis to a neat and presentable condition, to the satisfaction of the Community Development Director, when the applicant leaves the site. This shall include, but not be limited to, repainting surfaces damaged by the trellis.

Engineering Division

- f. The contractor shall implement all applicable Best Management Practices (BMPs) from the California Stormwater Quality Association's Best Management Practice Handbook for Construction for the duration of all work activity. Additional BMPs may be required by the City Engineer as necessary to minimize the pollution of storm water runoff from the project area. A note to this effect shall appear on the project plans.
- g. The contractor shall repair any damage to the existing through-curb drain system.

Building Inspection Division

- h. Construction for this project can occur only between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. The developer may make a written request to the Building Official for extended working hours and/or days. In granting or denying any request, the Building Official will take into consideration the nature of the construction activity which would occur during extended hours/days, the time and duration of the request, the proximity to residential neighborhoods, and input by affected neighbors. All approvals will be done so in writing.

General

- i. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission's and Council's review and decision. The developer shall pay the prevailing fee for each additional separate submittal of development exhibits requiring Planning Commission and/or City Council review and approval.
- j. If any condition of this review of a conditional use permit and a planned unit development be declared invalid or unenforceable by a court of competent jurisdiction, this review of a conditional use permit and a planned unit development shall terminate and be of no force and effect, at the election of the City Council on motion.
- k. This review of a conditional use permit and a planned unit development shall be referred to the City Council for the Council's review and approval.
- l. Prior to the submittal for building permit review, all conditions of approval for this project, as approved by the City Council, shall be printed on the plans.
- m. The developer hereby agrees to defend, indemnify, and save harmless the City of

Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.

- n. The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The developer is hereby further notified that the 90-day approval period in which the developer may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the developer fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the developer will be legally barred from later challenging such exactions.

This Resolution was introduced at the Planning Commission's June 10, 2014 meeting by Commissioner , seconded by Commissioner , and passed as follows:

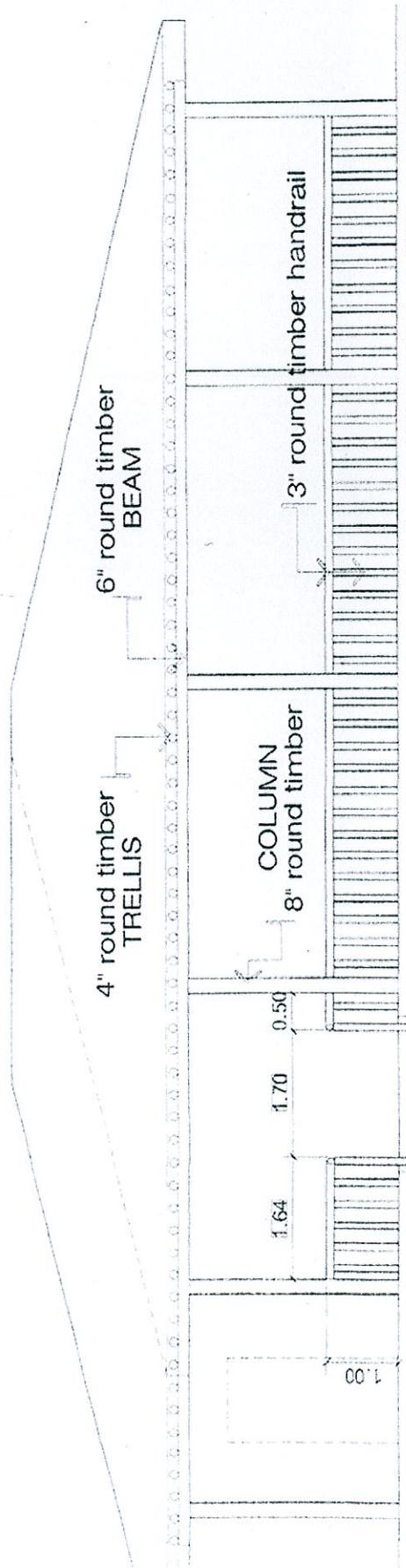
AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

BERNIE NILLO, Chairperson

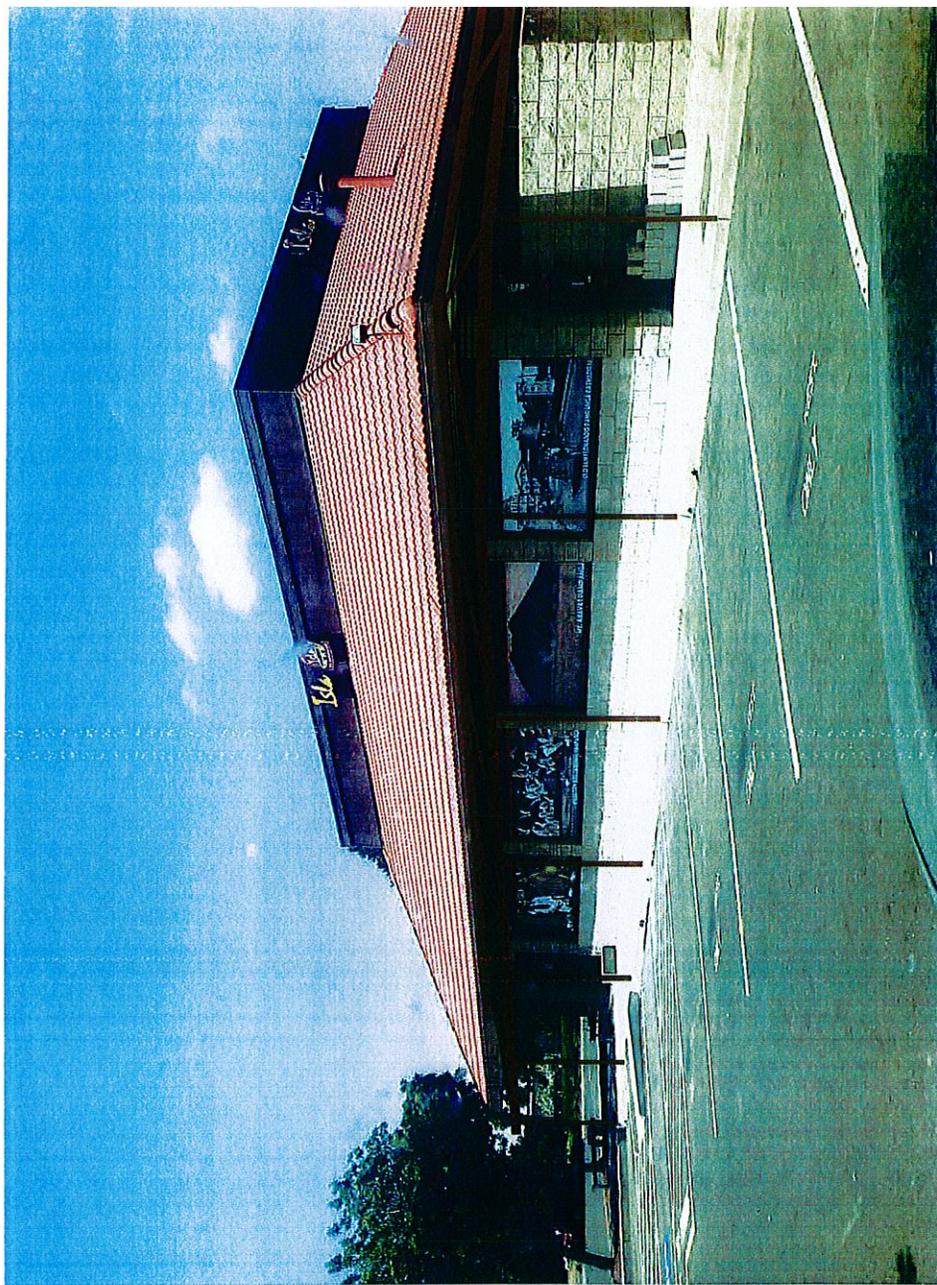


FRONT ELEVATION MTS.

1:100

SCALE:

EXHIBIT *Ap.1*



ISLA NEWMARK TRELLIS
 7 LARGE VERTICAL POSTS
 9 MEDIUM HORIZONTAL POSTS
 54 SMALL HORIZONTAL POSTS

EXHIBIT AP3