



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 24, 2014**

A. ROLL CALL

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, June 10, 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 U-12-21, a conditional use permit, and P-12-22, a planned unit development, for modifications to a previously approved veterinary surgery center (Ohlone Veterinary Emergency) at 5600 John Muir Drive – from Assistant City Manager Grindall. (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.
City Council Chambers

MINUTES

Tuesday, June 10, 2014

A. ROLL CALL

At 7:32 p.m., Chairperson Nillo called the meeting to order. All Planning Commissioners were present except Commissioner Bridges (personal).

B. MINUTES

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

Commissioner Otterstetter moved, seconded by Commissioner Aguilar, to approve the Minutes of May 27, 2014. The motion passed 5 AYES, 2 ABSTENTIONS (Drews and Hannon) and 1 ABSENT (Bridges).

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider 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.

Assistant Planner Jimenez gave the staff report.

Chairperson Nillo opened the Public Hearing.

Applicant Angel Ramos Perez, 5720 Mowry School Road, Newark, CA 94560, stated she has read and agrees with the conditions listed in Resolution 1880.

Vice-Chairperson Hannon welcomed the Applicant to Newark.

Ms. Perez stated her restaurant in Newark opened in October 2013 and her restaurant in another city opened approximately 4 years ago.

Chairperson Nillo closed the Public Hearing.

Motion made by Commissioner Fitts, seconded by Commissioner Drews, to approve Resolution 1880, with Exhibit A, Pages 1 through 3, approving 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. Motion passed 6 AYES.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

Assistant City Manager Grindall announced that a special Planning Commission Meeting will be held on July 2, 2014 to discuss possible revocation of the EZ 8 Use Permit.

Commissioners' Comments

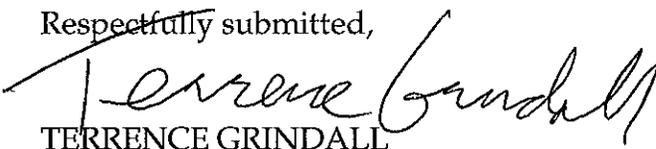
Commissioner Fitts requested tonight's meeting be adjourned in honor of the memory of Clark Redeker.

The Planning Commissioners offered their condolences to Mr. Redeker's family.

H. ADJOURNMENT

At 7:40 p.m., Chairperson Nillo adjourned the regular Planning Commission meeting of Tuesday, June 10, 2014 in honor of the memory of Clark Redeker.

Respectfully submitted,


TERRENCE GRINDALL
Secretary



F.1 Review of U-12-21, a conditional use permit, and P-12-22, a planned unit development, for modifications to a previously approved veterinary surgery center (Ohlone Veterinary Emergency) at 5600 John Muir Drive – from Assistant City Manager Grindall *TR* (RESOLUTION)

Background/Discussion – Ms. Deborah Rue, D.V.M., as manager of Fideux, LLC., the property owner, has submitted an application proposing modifications to a veterinary surgery center previously approved by the Planning Commission and City Council in December 2012. Attached is Exhibit B, pages 1 (site plan), 2 (floor plan), 3 (floor plan), and 4 (elevations).

The original center was designed to be approximately 11,490 square feet, occupying a portion of the one-story office building also occupied by Silver Creek Fitness and Physical Therapy. The center is designed to be a consortium of veterinary specialists to provide specialized treatment such as emergency trauma clinic, surgery, oncology, and ophthalmology on a referral-based system from other veterinarians.

Subsequent to the original 2012 approval, additional specialists approached Dr. Rue to join her practice at this new facility. In order to accommodate these new specialists, an additional 4,000 square feet is needed and will provide space for, among other services, MRI's, a CT Scanner, and Radiology. In addition, an enclosed exercise yard is also proposed along with both dog and cat wards.

Although some parking will be removed as part of the expansion, the remaining parking on-site exceeds that required for an office building. The addition matches the architecture, materials, and colors of the existing building and will blend seamlessly.

Environmental Review

The proposed project is categorically exempt from the California Environmental Quality Act per Section 15301, Class 1, (Existing Facilities) expansion of existing facility involving negligible or no expansion of an existing use.

Attachment

Action – It is recommended that the Planning Commission, by resolution, with Exhibit B, pages 1 through 4, approve the review of U-12-21, a conditional use permit, and P-12-22, a planned unit development, for modifications to a previously approved veterinary surgery center (Ohlone Veterinary Emergency) at 5600 John Muir Drive.

RESOLUTION NO.

RESOLUTION APPROVING A REVIEW OF U-12-21, A
CONDITIONAL USE PERMIT, AND P-12-22, A PLANNED
UNIT DEVELOPMENT, FOR MODIFICATIONS TO A
PREVIOUSLY APPROVED VETERINARY SURGERY
CENTER (OHLONE VETERINARY EMERGENCY) AT 5600
JOHN MUIR DRIVE

WHEREAS, Ohlone Veterinary Emergency has filed with the Planning Commission of the City of Newark application for a review of U-12-21, a conditional use permit, and P-12-22, a planned unit development, for modifications to a previously approved veterinary surgery center at 5600 John Muir Drive; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby approves this application as shown on Exhibit B, pages 1 through 4, subject to compliance with the following conditions:

Planning Division

- a. This project shall be subject to the conditions of Planning Commission Resolution No. 1839 unless otherwise amended herein.

Engineering Division

- b. The property owner shall submit a detailed grading and drainage plan for review and approval by the City Engineer to clearly show the drainage pattern of the project area in the immediate vicinity and surrounding the new building additions. The plan must be prepared by a licensed civil engineer or land surveyor and be based upon a City benchmark. The drainage plan must include pad and finish floor elevations of the proposed building additions and proposed on-site grades in the immediate vicinity and surrounding areas within the parking lot. All on-site pavement shall drain at a minimum of one percent. The developer shall ensure that all upstream drainage is not blocked and that no ponding is created by the tenant improvements. Any construction necessary to ensure this shall be the property owner's responsibility.
- c. The property owner shall implement all required site design measures as stated in Section C.3.i of the Municipal Regional Stormwater National Pollutant Elimination System (NPDES) Permit (MRP) issued to the City of Newark by the Regional Water Quality Control Board.
- d. All applicable Best Management Practices from the California Stormwater Quality Best

Management Practices Handbook for Construction Activities shall be implemented, as necessary, to minimize stormwater pollution to the satisfaction of the City Engineer. A note regarding this requirement shall be placed on the site plan prior to the issuance of a building permit.

Landscape-Parks Division

- e. The applicant shall comply with all Landscape-Parks Division conditions under Planning Commission Resolution No. 1839.

General

- f. 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.
- g. If any condition of this review of a conditional use permit and planned unit development be declared invalid or unenforceable by a court of competent jurisdiction, this review of a conditional use permit and planned unit development shall terminate and be of no force and effect, at the election of the City Council on motion.
- h. 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.
- i. 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.
- j. The Conditions of Project Approval set forth herein may 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.

The Commission makes the findings prescribed in Newark Municipal Code Sections 17.40.050 and 17.72.070, and directs a Notice of Decision be mailed to the applicant and filed with the City Clerk who shall present said Notice to the City Council pursuant to Newark Municipal Code Section 17.72.080.

This Resolution was introduced at the Planning Commission's June 24, 2014 meeting by Commissioner , seconded by Commissioner , and passed as follows:

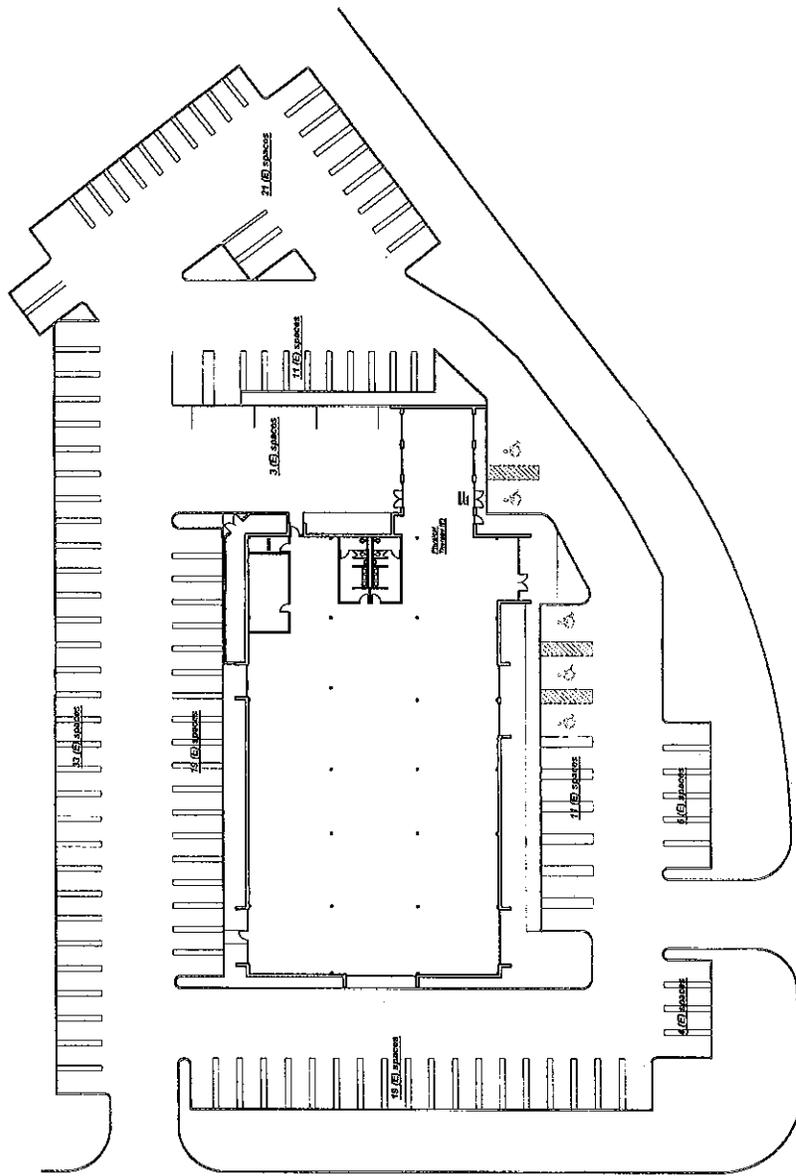
AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

BERNIE NILLO, Chairperson

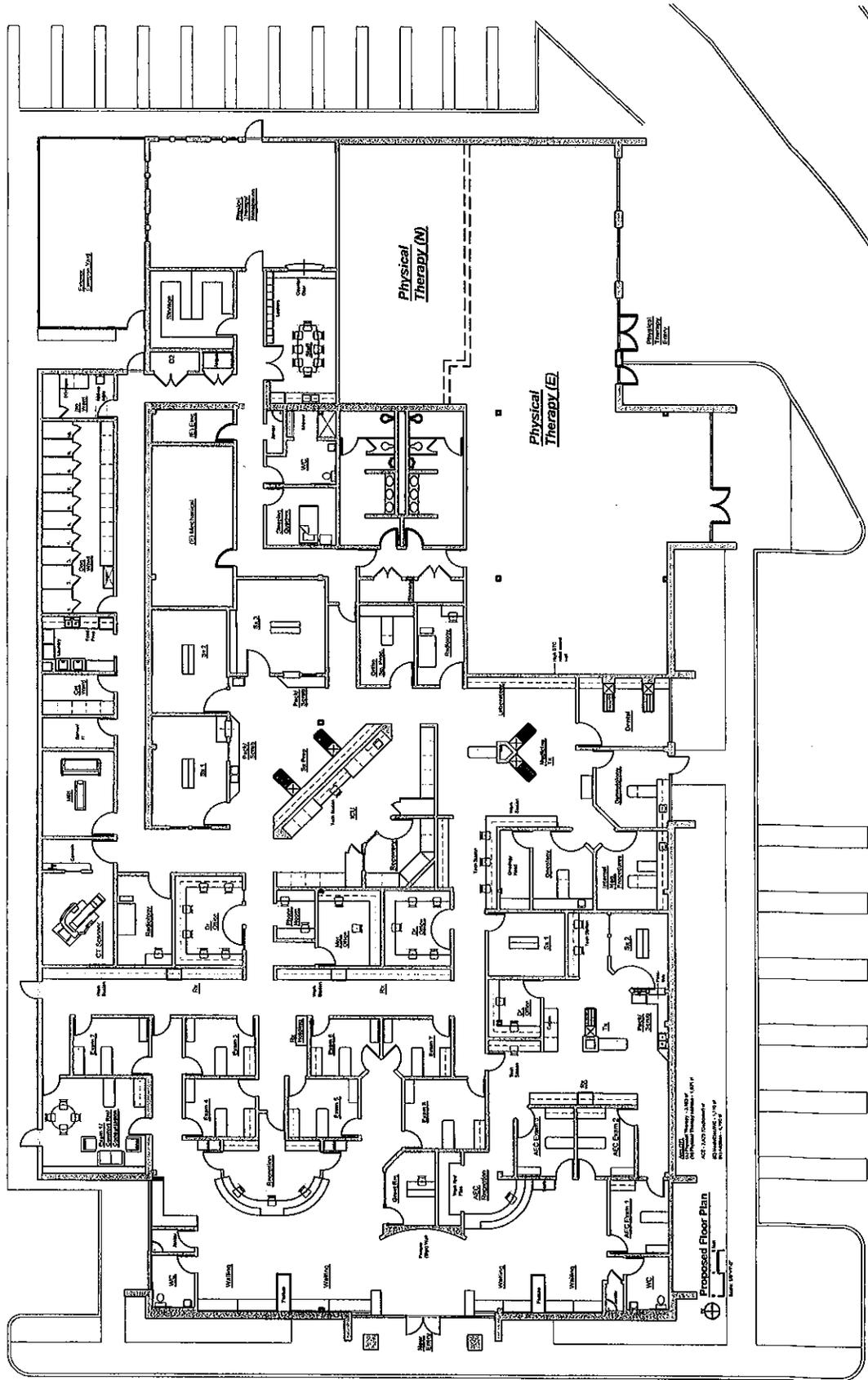


Existing Site Plan 177 TOTAL (8) Parking spaces

All design, documents and data prepared by TWC are the property of TWC and shall remain confidential. TWC shall not be responsible for any errors or omissions in this document. TWC shall not be responsible for any construction or other work not shown on this plan.

TWC
TENNESSEE
CONSTRUCTION
CORPORATION
MEMPHIS, TN

EXHIBIT *Bpl*



Schematic Design
 Newark, California
 March 24, 2014

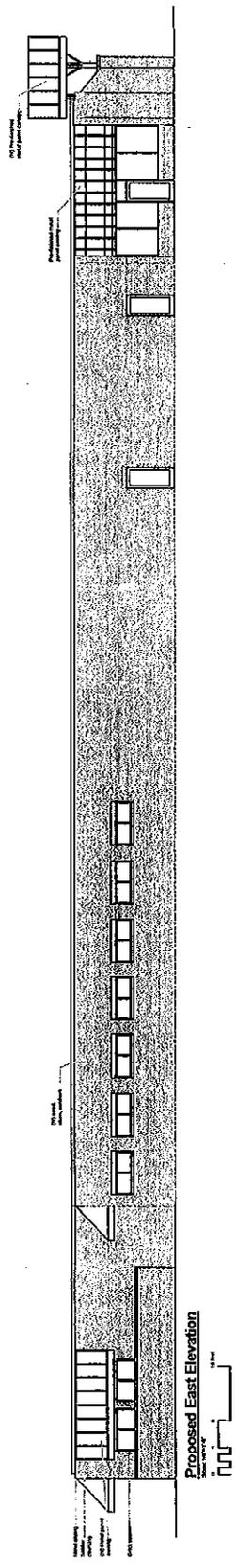
Ohlone Veterinary Emergency & Advanced Specialty Care

Proposed Floor Plan
 100' x 100' (approx.)
 100' x 100' (approx.)
 100' x 100' (approx.)

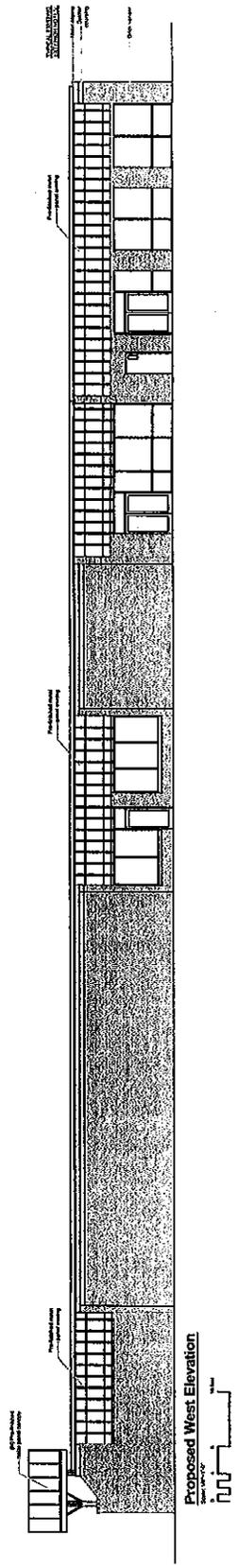
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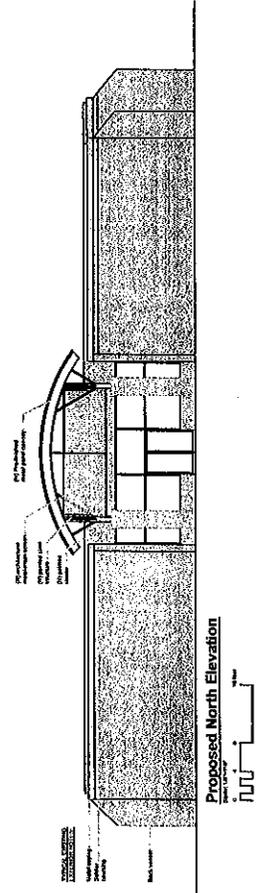
EXHIBIT B.p3



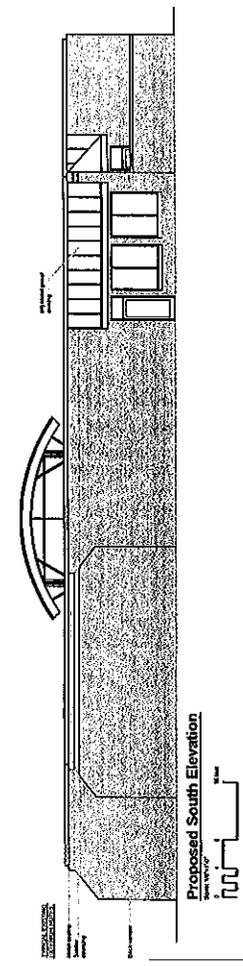
Proposed East Elevation
Scale: 1/8" = 1'-0"



Proposed West Elevation
Scale: 1/8" = 1'-0"



Proposed North Elevation
Scale: 1/8" = 1'-0"



Proposed South Elevation
Scale: 1/8" = 1'-0"

EXHIBIT B.p.4

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