

CITY OF NEWARK PLANNING COMMISSION

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City Administration Building
6:00 p.m.
City Council Chambers

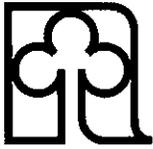
AGENDA

Wednesday, July 2, 2014

SPECIAL MEETING

- A. ROLL CALL
- B. MINUTES
- 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
 - E.1 Hearing to consider whether the Planning Commission should revoke Conditional Use Permit (CUP) No. U-84-14, issued to E-Z 8 Motel, on the grounds that E-Z 8 is not complying with the conditions of the permit and is violating applicable provisions of Title 17 of the City of Newark Municipal Code – from Assistant City Manager Grindall. (RESCHEDULED FROM MAY 28, 2014) (RESOLUTION)
- F. STAFF REPORTS
- G. COMMISSION MATTERS
- 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.



- E.1 Hearing to consider whether the Planning Commission should revoke Conditional Use Permit (CUP) No. U-84-14, issued to E-Z 8 Motel, on the grounds that E-Z 8 is not complying with the conditions of the permit and is violating applicable provisions of Title 17 of the City of Newark Municipal Code – from Assistant City Manager Grindall. (RESCHEDULED FROM MAY 28, 2014) *TC* (RESOLUTION)**

Background/Discussion – On July 26, 1984, the Newark City Council passed Resolution No. 4565, granting the application for Conditional Use Permit U-84-18 (CUP) in an ML Limited Industrial District, at 5555 Cedar Court, to E-Z Newark, LLC. The City Council made several findings in granting the permit, including “[t]hat the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.” (City of Newark Municipal Code Section 17.72.070.)

The City, including the Newark Police Department (“NPD” or “Police Department”) believes that the level of criminal activity at E-Z 8, in addition to draining City and Police Department resources, and particularly when compared to the levels of criminal activity at other hotels and motels operating in the City, constitutes a violation of the conditions on which the CUP was granted, and warrants revocation of the CUP.

Accordingly, on April 28, 2014, the City, pursuant to City of Newark Municipal Code Section 17.72.130, issued an Order to Show Cause Why Conditional Use Permit No. U-84-18, Issued to E-Z 8 Motel, Should Not Be Revoked (OSC). The OSC and supporting documents have been available to the Planning Commission and the General Public on the City’s website since April 29, 2014.

Recommendation- City staff, legal counsel for the City, and representatives of EZ-8, have been engaged in extensive discussions in an attempt to arrive at a solution that does not warrant revocation of the Use Permit. Staff is hopeful that these discussions will be fruitful and that, at the July 2 hearing, the City staff and EZ-8 will present a negotiated agreement, wherein EZ-8 will maintain and implement certain security measures, and staff will recommend the hearing regarding revocation be continued for six months. Alternatively, if the parties are unable to reach agreement, staff would recommend that the Commission proceed with the action at the July 2 hearing and, for the reasons stated in the OSC, revoke CUP U-84-18.

Action- After holding a Public Hearing on this matter the Commission should either:

A) Continue this matter to a future meeting in approximately 6 months;

or

B) Approve a resolution revoking Conditional Use Permit U-84-18 (EZ-8 Motel) and containing findings supporting the revocation.