

CITY OF NEWARK PLANNING COMMISSION

37101 Newark Boulevard, Newark, CA 94560-3796 • 510-578-4330 • FAX 510-578-4265

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

MINUTES

Tuesday, September 23, 2014

A. ROLL CALL

At 7:30 p.m., Chairperson Nillo called the meeting to order. All Planning Commissioners were present.

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, July 2, 2014.

Commissioner Bridges moved, seconded by Commissioner Fitts, to approve the Minutes of July 2, 2014. The motion passed 6 AYES and 1 ABSTENSION (Aguilar).

B.2 Approval of Minutes of the regular Planning Commission meeting of Tuesday, August 12, 2014.

Commissioner Draws moved, seconded by Commissioner Otterstetter, to approve the Minutes of August 12, 2014. The motion passed 7 AYES.

B.3 Approval of Minutes of the regular Planning Commission meeting of Tuesday, September 9, 2014.

Commissioner Fitts moved, seconded by Commissioner Bridges, to approve the Minutes of September 9, 2014. The motion passed 5 AYES and 2 ABSTENSIONS (Draws and Otterstetter).

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

Motion made by Commissioner Fitts, seconded by Commissioner Otterstetter to move Item F.1 forward from the Agenda. Motion passed 7 AYES.

F. STAFF REPORTS**F.1 MUP-14-37, a minor conditional use permit, to establish a large family day care home at 5557 Jonathan Drive.**

Assistant Planner Jimenez gave the staff report and stated that one objection letter was received by Walter Johnston who resides at 5505 Jonathan Place, Newark, CA 94560.

Answering Commissioner Drews, AP Jimenez confirmed that Applicant Sonia Landa had sent all neighbors within 100 feet of her residence, a copy of her letter written to the Parents of the children who attend the daycare.

Answering Commissioner Aguilar, Assistant City Manager Grindall explained the difference between a Minor Use Permit and a Conditional Use Permit.

Applicant Sonia Landa, 5557 Jonathan Drive, Newark, CA 94560, stated she has read and agrees with all conditions for the Minor Use Permit as stated in the August 15, 2015 Zoning Administrator letter.

Answering Vice-Chairperson Hannon, Ms. Landa stated her business hours as 7:00 am to 5:45 pm.

Vice-Chairperson Hannon suggested the Applicant periodically check with her neighbors to see if they had any new concerns with her business.

The Planning Commission chose not to review this Item.

E. PUBLIC HEARINGS**E.1 Hearing to consider: 1) adopting a resolution making certain findings and recommending City Council approval of an Initial Study and Mitigated Negative Declaration (E-14-14); 2) adopting a resolution recommending City Council approval of a General Plan Amendment (GP-14-15) to change the land use designation from CC (Community Commercial) to MR (Medium Density Residential); 3) adopting a resolution recommending City Council approval of a rezoning (RZ-14-38) for an approximately 10 acre portion of Vesting Tentative Map 8208 from CC (Community Commercial) to R-2500 (Medium Density Residential); 3) adopting a resolution approving P-14-16, a planned unit development, and U-14-17, a conditional use permit, for a 281 unit residential development at 5699 Mowry Avenue, with Exhibit A, pages 1 through 42; 5) by motion, recommending the City Council approve TM-14-187, Vesting Tentative Map 8208; and 6) by motion, recommending the City Council find the proposed benefits to the community are in excess of those required by the impacts of the project and waive the Housing Impact Fee.**

Commissioner Aguilar recused himself from the Council Chambers.

ACM Grindall and AP Jimenez gave the staff report. AP Jimenez brought to the Planning Commission's attention, the revised Conditions of Approval recommended by Assistant City Engineer Soren Fajeau in his September 23, 2014 memo.

Consultant Jerry Haag, 2029 University Avenue, Berkeley, CA 94704, discussed the Initial Study and Mitigated Negative Declaration.

Commissioner Fitts commented that he would like to see a high quality sound wall and landscaping for this project since it will be a Gateway for Newark.

Answering Commissioner Bridges, ACM Grindall stated this project will not have vehicle access on Alpinrose Court.

Addressing Commissioner Bridges concerns regarding noise, ACM Grindall stated the 8' sound wall meets City Standards and double-paned windows will be installed in the housing units.

Answering Commissioner Drews, ACM Grindall stated there will be street parking and guest parking available for this project.

Answering Commissioner Bridges, ACM Grindall stated the City Arborist will look into using a variety of drought-resistant plants.

Commissioner Bridges commented that she would like to see top-of-the-line high quality playground equipment in the proposed neighborhood tot lots.

Chairperson Nillo opened the Public Hearing.

Applicant Kelly Snider, Prima Residential, 2633 Camino Ramon #350, San Ramon, CA 94583, stated she has read and is in agreement with all Conditions listed in the Resolutions and has taken note of all the Planning Commissioner's comments from tonight's meeting.

Answering Commissioner Drews, Ms. Snider stated each private garage will have the availability to install customized charging stations for electric vehicles.

Answering Commissioner Fitts, Ms. Snider indicated she would work with staff to choose the most aesthetically pleasing sound wall for this project but indicated Caltrans was reluctant to install and maintain landscaping in the right-of-way.

Answering Commissioner Bridges, Ms. Snider stated the pedestrian gates will be locked.

Discussion ensued between Vice-Chairperson Hannon and Ms. Snider on having the Homeowner Association solicit feedback from the surrounding neighborhoods.

Answering Commissioner Drews, ACM Grindall stated the maintenance and painting of the wall facing Newark would be the responsibility of property owners but the other side of the wall would be Caltrans responsibility.

Commissioner Fitts suggested ivy be planted on the homeowners side of the wall and have the ivy grow and cover the Caltran's side of the wall.

ACM Grindall confirmed that pedestrian gates would be installed to allow resident access to Swiss Park and BJ's Restaurant.

Chairperson Nillo opened the Public Hearing.

Mr. Bill Bellhopper, Swiss Park, 5911 Mowry Avenue, Newark, CA 94560, stated he was concerned that he had to modify his business practice of holding evening events due to possible noise complaints. ACM Grindall stated there would be no change to the running of his business.

Ms. Margrith Reichmuth, 36348 Tunbridge Drive, Newark, CA 94560, representing Aelpler Gruppe Swiss Club, confirmed that Swiss Park does hold night time events and stated, under direction by the City when they decided to build their amphitheater, the speakers were directed towards the vacant area now being proposed for this residential project.

Answering Ms. Reichmuth, ACM Grindall stated an 8' masonry wall will be constructed between Swiss Park and the new development and the exact placement of the pedestrian gates and subsequent sidewalks have not yet been determined.

Ms. Reichmuth suggested a red light camera be installed as a traffic calming measure.

Mr. Chris Nguyen, General Manager for the NewPark Mall, 2086 NewPark Mall Road, Newark, CA 94560, gave his support for this project.

Ms. Reichmuth stated her concerns with waiving the Housing Impact Fee.

Mr. Arnold Ambrel, representing the Swiss Park Board of Directors, 5911 Mowry Avenue, Newark, CA 94560, asked staff to look at the surrounding properties when planning future development projects and stated his belief that after the grace period when the Developer leaves and the Homeowner Association takes over, is when complaints will be made.

Addressing Mr. Kurt Clausen's concerns, ACM Grindall stated a public walkway is envisioned between the existing neighborhood and the Alpinrose and Mowry Avenue intersection.

Mr. John Burky, who gave his address as Sycamore Bay Apartments, stated train noise from his second-floor apartment is an issue.

Ms. Margaret Lewis, 36102 Spruce Street, Newark, CA 94560, stated she believes with the revitalization of the NewPark Mall, this site would be better served by staying commercial.

Mr. Tim Jones, 4948 Norwich Place, Newark, CA 94560, stated during the economic boom period this site did not do well for retail establishments and other locations are better suited for commercial properties. Mr. Jones also stated the City needs affordable housing units and he is in favor of this project but would like to see the 8' wall be increased to 10 or 12 feet high.

Chairperson Nillo closed the Public Hearing.

Commissioner Fitts commented that he would prefer to see a high-quality residential project move forward on this site, than for the site to remain vacant waiting for a commercial project that may never materialize.

Commissioner Bridges commented that the City Council will decide on whether the Housing Impact fee is waived and reiterated that she want to see top-of-the-line tot lots and playground equipment for this project.

Answering Commissioner Bridges, ACM Grindall stated it was common for CC&Rs to prohibit some activities such as washing cars in driveways or repairing cars inside residential garages.

Commissioner Otterstetter stated she supports this project and she encouraged the Developer to build a taller sound wall and to use three-paned windows on the buildings closest to Swiss Park.

Vice-Chairperson Hannon suggested staff add a condition of approval to require all trucks to maintain at least two-feet of freeboard.

Chairperson Nillo closed the Public Hearing.

Commissioner Hannon moved, seconded by Commissioner Bridges, to approve Resolution 1886, making certain findings and recommending City Council approval of an Initial Study and Mitigated Negative Declaration for 281 dwelling units on an approximately 16.1 acre project site. The motion passed 6 AYES, 1 ABSENT (Aguilar).

Commissioner Fitts moved, seconded by Commissioner Bridges to approve: 1) Resolution 1887, recommending City Council approval of an amendment to the Land Use Element of the General Plan; 2) Resolution 1888, recommending the Amendment of Title 17 of the Newark Municipal Code being the City of Newark Zoning Ordinance by changing the Zoning of a specified area in the City of Newark; 3) Resolution 1889, approving P-14-16, a Planned Unit Development, and U-14-17, a Conditional Use Permit, for a 281-Unit residential development (Prima Residential) at 5699 Mowry Avenue; 4) by motion, recommend the City Council approve TM-14-18, Vesting Tentative Map 8208; and 5) by motion, recommend the City Council find the proposed benefits to the Community are in excess of those required by the impacts of the project and waive the Housing Impact Fee. Motion passed 6 AYES, 1 ABSENT (Aguilar).

Commissioner Aguilar rejoined his fellow Planning Commissioners.

E.2 Hearing to consider a recommendation for City Council approval of an Ordinance amending the Newark Municipal Code Chapter 17.18 (Affordable Housing Program) by exempting residential additions from the fee.

ACM Grindall gave the staff report.

Vice-Chairperson Hannon commented that he appreciates receiving the lined-out version of the Affordable Housing Program to easily see the proposed changes.

Chairperson Nillo opened the Public Hearing. Since no one from the public chose to speak on this item, Chairperson Nillo closed the Public Hearing.

Motion made by Vice-Chairperson Hannon, seconded by Commissioner Aguilar, to recommend City Council approval of an Ordinance amending the Newark Municipal Code Chapter 17.18 to exempt additions to existing residential dwellings from the Affordable Housing Impact Fee. The motion passed 7 AYES.

This item will be heard at the October 9, 2014 City Council Meeting.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

Commissioners' Comments

Commissioner Otterstetter announced Stage One's production of West Side Story will start on September 27, 2014 and run for three weekends.

Commissioner Fitts stated he is happy to see new developments coming into the City.

Vice-Chairperson Hannon agreed with Commissioner Fitts and thanked staff for bringing the projects before the Planning Commission.

Chairperson Nillo hoped everyone enjoyed Newark Days.

H. ADJOURNMENT

At 9:06 p.m., Chairperson Nillo adjourned the regular Planning Commission meeting of Tuesday, September 23, 2014.

Respectfully submitted,



TERRENCE GRINDALL
Secretary