
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, April 28, 2015

A. ROLL CALL

At 7:31 p.m., Chairperson Fitts 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, April 14, 2015.

Commissioner Nillo moved, Vice-Chairperson Aguilar seconded, to approve the Minutes of April 14, 2015. The motion passed 4 AYES.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider the request by LOV (League of Volunteers), for P-15-11, a planned unit development, and U-15-12, a conditional use permit, to have a circus at the NewPark Mall parking lot (APNs: 901-111-20 & 21) with performances from September 3 through September 7, 2015.

Assistant City Manager Grindall gave the staff report.

Answering Vice-Chairperson Aguilar, ACM Grindall stated all parking for this event will be located in the NewPark Mall's parking lot and directional signage as well as security personnel will be onsite.

Chairperson Fitts opened the Public Hearing.

Applicant Shirley Sisk, LOV, 8440 Central Avenue, Newark, CA 94560, stated she has read and agrees to all conditions listed in Resolution 1908.

Answering Commissioner Otterstetter, Ms. Sisk stated the Circus Operator provides the security which is part of their staff.

Chairperson Fitts closed the Public Hearing.

Motion by Commissioner Nillo, seconded by Vice-Chairperson Aguilar, to approve Resolution 1908, with Exhibit A, pages 1 through 3, approving the request by LOV (League of Volunteers), for P-15-11, a planned unit development, and U-15-12, a conditional use permit, to have a circus at the NewPark Mall parking lot (APNS: 901-111-20 & 21) with performances from September 3 through September 7, 2015.

Vice-Chairperson Aguilar recused himself due to his business's involvement with the adjacent property for Item E.2.

E.2 Continued 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 Motel is not complying with the conditions of the permit and is violating applicable provisions of Title 17 of the City of Newark Municipal Code.

ACM Grindall gave the staff report and recommended that this Item be opened, public testimony be received, then the Item be continued to a specific date approximately 3 months later to allow time for a full assessment of the agreed upon security measures.

ACM Grindall mentioned correspondence dated April 27, 2015 from E-Z 8 Newark, LLC, which was received both electronically and via mail delivery, were given to the Planning Commissioners.

Discussion ensued between Chairperson Fitts and ACM Grindall clarifying the objective for the 3 month continuance.

Chairperson Fitts reopened the Public Hearing.

Mr. Jerry Cannon, representing E-Z 8 Newark, LLC, 10399 Roof Fin Stairs, San Diego, CA 92108 and Mr. John Wynne from Duckor, Spradling, Metzger, Wynne, 32043 4th Avenue, San Diego, CA 92103 stepped up to the podium.

Mr. Cannon stated he believed E-Z 8 had fully complied with the Agreement as documented in his April 27, 2015 correspondence.

Mr. Cannon described his interactions with the Newark Police Department as favorable and felt rapport with the Police Department had been restored and hopes the same would happen with all City Staff.

Mr. Cannon stated the 3 month continuance would be beneficial; he reserves all legal claims; and he described the permitting process for the security gates.

Answering Commissioner Otterstetter, Mr. Cannon stated one other property that he oversees has a similar gate in place which took 3-4 months to install.

Commissioner Otterstetter described her personal observations at E-Z 8 where the gates were not yet installed, were installed but not working, and no security personnel were on site.

Answering Commissioner Nillo, Mr. Alonzo Battle, 5555 Cedar Court, Newark, CA 94560, described the process for registering hotel guests and the visitors of hotel guests.

Answering Commissioner Nillo, Mr. Cannon stated he thought the Newark Police was his point of contact and he did not know what information was relayed to other City Staff.

Commissioner Nillo suggested Mr. Cannon work with both the Police Department and the Community Development Department staff.

Mr. Wynne emphasized his letter dated April 27, 2015 details their position on this matter and thanked staff for making his letter as well as the letter from Mr. Cannon and Mr. Crouch part of the Administrative record.

ACM Grindall stated the intent behind staff's letter from December 23, 2014 was to implore E-Z 8 to abide by the Agreement and stated staff was not contacted by E-Z 8 to attend the meeting between E-Z 8 and their Security Advisor.

Mr. Richard Dominquez, 5647 Moores Avenue, Newark, CA 94560, gave his opinion that the security measures would give the hotel the appearance of a prison. Mr. Donimquez thanked City staff for trying to move the City forward.

Ms. Cindy Parks, 36283 Birkshire Place, Newark, CA 94560, stated she was disappointed by the lack of compliance with the Agreement and had hoped the Conditional Use Permit had been revoked back in July 2014 but understands why the City want to grant additional time to E-Z 8 to determine if the security measures is effective or not.

Ms. Parks stated her belief that 24 hours was not a sufficient length of time for the Security Advisor to make an accurate assessment of the E-Z 8 operation.

Mr. Richard Main, 6007 Peppertree Court, Newark, CA 94560, stated his opinion that City staff and the Police Department exhibits an abuse of power towards the E-Z 8 in order to curtail criminal activity.

Mr. Main asked Chairperson Fitts for an extension of the 5-minute time limit that is given to all speakers, which was denied.

Mr. Main stated his belief that the City would be liable to E-Z 8 for expenses incurred and liable if E-Z 8 goes out of business.

Ms. Lucille Schulzman, 5644 Arbutus Court, Newark, CA 94560, stated businesses should be responsible for the customers that their business attracts and should make sure the business is not detrimental to the City or to the residents surrounding their business.

Mr. Lirenso, 5806 Wintergreen Drive, Newark, CA 94560, stated he and his neighbors had signed a petition to raise their fence height to keep people from the E-Z 8 Motel from jumping over their fences as they are fleeing from the Police.

Mr. Lirenso stated it is important to hear first-hand experiences from people living in close proximity to the Motel.

Chairperson Fitts stated Mr. Main was out of order for making comments about the time keeper from his seat in the audience.

Motion made by Commissioner Nillo, seconded by Commissioner Otterstetter to continue this Item to the July 28, 2015 Planning Commission Meeting. Motion passed 3 AYES.

Vice-Chairperson Aguilar returned to the Council Chambers and rejoined his fellow Planning Commissioners.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

ACM Grindall informed the Planning Commissioners that both the Enterprise and Jones Hamilton projects were approved at the April 23, 2015 City Council Meeting.

Commissioners' Comments

Commissioner Nillo wished the public a Happy Cinco De Mayo and a Happy Mother's Day.

H. ADJOURNMENT

At 8:52 p.m., Chairperson Fitts adjourned the regular Planning Commission meeting of Tuesday, April 28, 2015.

Respectfully submitted,



TERRENCE GRINDALL
Secretary