
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, May 12, 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 28, 2015.

Commissioner Nillo moved, Commissioner Otterstetter 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 P-15-14, a planned unit development, and U-15-15, a conditional use permit, to hold SummerFest (consisting of activities such as arts, crafts, food and commercial vendors, live music, micro-breweries, car show, and a kids' zone) in the NewPark Mall parking lot on July 11 and 12, 2015, and dates to be determined in 2016 and 2017. NewPark Mall is bounded, generally, to the north by Mowry Avenue, to the west by Cedar Boulevard, to the south by Balentine Drive, and to the east by Interstate 880 (Nimitz Freeway). The Assessor's Parcel Number is 901-0111-025-00.

Assistant City Manager Grindall gave the staff report.

Answering Chairperson Fitts, ACM Grindall stated any approved Conditional Use Permits can return to the Planning Commission at any time if any concerns or changes are needed.

Answering Vice-Chairperson Aguilar, ACM Grindall stated long-running projects that have no adverse issues can be approved for longer terms in order to save the Applicant on their administrative costs.

Answering Commissioner Otterstetter and Commissioner Nillo, ACM Grindall explained the Applicant must obtain the NewPark Mall Owner's permission to hold their event and it is by the Mall's Authority to accommodate the Applicant's project or, if needed, move the location if construction is occurring in the subsequent years.

Chairperson Fitts opened the Public Hearing.

Applicant Valerie Boyle, Chamber of Commerce, 37101 Newark Boulevard, Newark, CA 94560, stated she is impressed with the NewPark Mall's commitment to Community Events such as SummerFest and stated she has read and agrees to all conditions listed in Resolution 1909.

Chairperson Fitts closed the Public Hearing.

Motion by Commissioner Nillo, seconded by Vice-Chairperson Aguilar, to approve Resolution 1909, approving P-15-14, a Planned Unit Development, and U-15-15, a Conditional Use Permit, to hold SummerFest in the NewPark Mall Parking Lot on July 11 and 12, 2015 and dates to be determined in 2016 and 2017, with Exhibit A, pages 1 and 2. Motion passed 4 AYES.

E.2 Hearing to consider: (1) Adopting a resolution recommending City Council approval of a General Plan Amendment (CPA-15-20) to change the land use designation from P-I (Public Institutional) to S-I (Special Industrial); and (2) by resolution, revoking P-14-23, a planned unit development, and U-14-24, a conditional use permit, for a private school at 39201 Cherry Street (APNs: 901-110-68 & 69).

ACM Grindall gave the staff report.

Answering Chairperson Fitts, ACM Grindall stated the Applicant who is also the owner of the property intends to resume using the property for warehousing.

Answering Vice-Chairperson Aguilar, ACM Grindall explained the difference between the Special Industrial and General Industrial general plan designations and added staff would be supportive to changing the general plan designation for this site back to Public Institutional if warranted, but feels the property owner should be able to use their property now which requires a Special Industrial designation.

Chairperson Fitts opened the Public Hearing.

Applicant Sanjay Birla, 39201 Cherry Street, Newark, CA 94560, stated he has read and agrees to the Conditions in Resolutions 1910 and 1911.

Answering Chairperson Fitts, Mr. Birla stated he wanted to resume his Nuts and Spice business as soon as possible.

Motion made by Vice-Chairperson Aguilar, seconded by Commissioner Nillo, to: 1) Approve Resolution 1910, recommending City Council approval of an amendment to the Land Use Element of the General Plan; and 2) Approve Resolution 1911, revoking a Planned Unit Development (P-14-23) and a Conditional Use Permit (U-14-24) for a private school located at 39201 Cherry Street (APNs: 901-111-68 & 69). Motion passed 4 AYES.

E.3 Hearing to consider adopting a resolution recommending: (1) City Council approval of GPA-15-23, Housing Element Update 2015 and: (2) that the General Plan Tune Up Program Environmental Impact Report addressed the Environmental Impacts of the Housing Element Update 2015 (E-15-22) – from Assistant City Manager Grindall.

ACM Grindall gave the staff report.

Answering Vice-Chairperson Aguilar, ACM Grindall stated the same EIR could be used for future projects as long as it still accurately reflects current conditions.

Chairperson Fitts opened the Public Hearing. No one from the public chose to speak on this item.

Chairperson Fitts closed the Public Hearing.

Commissioner Nillo thanked staff for all their hard work on this Item.

Motion made by Commissioner Nillo, seconded by Chairperson Fitts, to approve Resolution 1912, recommending City Council approval of GPA-15-23, Housing Element Update 2015 and that the General Plan Tune Up Program Environmental Impact Report addressed the Environmental Impacts of the Housing Element Update (E-15-22). Motion passed 4 AYES.

This Item will go before the City Council on May 28, 2015.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

Commissioners' Comments

Chairperson Fitts mentioned his concern with private bus transportation businesses appearing in Newark.

ACM Grindall gave examples of where this type of business is acceptable and where it would not be acceptable.

Commissioner Nillo wished the Warrior's Basketball Team well.

H. ADJOURNMENT

At 8:03 p.m., Chairperson Fitts adjourned the regular Planning Commission meeting of Tuesday, May 12, 2015.

Respectfully submitted,



TERRENCE GRINDALL

Secretary