



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, July 28, 2015

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, June 23, 2015. (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

- E.1 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 – from Assistant City Manager Grindall. (CONTINUED FROM JULY 2, 2014 AND APRIL 28, 2015) (MOTION)**

F. STAFF REPORTS

- F.1 Review and recommend approval of the Greater NewPark Master Plan – from Assistant City Manager Grindall. (MOTION)**

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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PLANNING COMMISSION

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

MINUTES

Tuesday, June 23, 2015

A. ROLL CALL

At 7:30 p.m., Chairperson Fitts 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, June 9, 2015.

Vice-Chairperson Aguilar moved, Commissioner Nillo seconded, to approve the Minutes of June 9, 2015. The motion passed 5 AYES.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider P-15-24, a Planned Unit Development, and U-15-25, a Conditional Use Permit, for a temporary Salvation Army facility to be located at 36601 Newark Boulevard (APN: 92A-900-1-2).

Assistant City Manager Grindall gave the staff report.

Answering Vice-Chairperson Aguilar, Assistant City Manager Grindall stated staff would support an extension over the 18 months if needed.

ACM Grindall explained a Planned Unit Development is required whenever a use is not currently in the Zoning Ordinance and a Conditional Use Permit must be obtained to allow the use at a specific location.

Answering Commissioner Nillo, ACM Grindall stated the Planning Commission would be the approving body for the extension.

Chairperson Fitts opened the Public Hearing.

Captain Dan Williams, 130 Doolittle Drive, Suite 12, San Leandro, CA 94577, representing the Applicant, stated he has read and agrees with the Conditions in Resolution 1915.

Answering Commissioner Nillo, Captain Williams stated they plan on opening up for business on July 10, 2015.

Answering Commissioner Otterstetter, Captain Williams stated the neighboring tenants were supportive of his business.

Chairperson Fitts closed the Public Hearing.

Motion made by Commissioner Nillo, seconded by Commissioner Bridges, to approve Resolution 1915, with Exhibit A, pages 1 through 8, approving P-15-24, a Planned Unit Development, and U-15-25, a Conditional Use Permit, for a temporary Salvation Army facility to be located at 36601 Newark Boulevard (APN: 92A-900-1-2). Motion passed 5 AYES.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

Commissioners' Comments

Chairperson Fitts wished everyone a safe and sane Fourth of July and encouraged patronizing the local non-profit vendors.

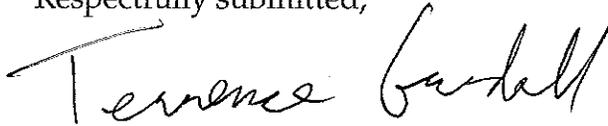
All Planning Commissioners congratulated the graduating Class of 2015, wished a Happy Belated Father's Day, a Happy Fourth of July, and congratulated the Warriors.

Vice-Chairperson Aguilar congratulated Commissioner Nillo on his 30th Wedding Anniversary.

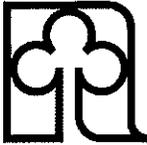
H. ADJOURNMENT

At 7:43 p.m., Chairperson Fitts adjourned the regular Planning Commission meeting of Tuesday, June 23, 2015.

Respectfully submitted,

A handwritten signature in cursive script that reads "Terrence Grindall". The signature is written in black ink and is positioned above the printed name.

TERRENCE GRINDALL
Secretary



**E.1 Hearing to consider whether the Planning Commission should revoke Conditional Use Permit (CUP) No. U-84-18, 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. (CONTINUED FROM JULY 2, 2014 AND APRIL 28, 2015)
(MOTION TO CONTINUE)**

Background/Discussion – On July 26, 1984, the Newark City Council adopted 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 8 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.)

On April 28, 2015, the City, pursuant to City of Newark Municipal Code Section 17.72.130, issued an Order to Show Cause (“OSC”) Why Conditional Use Permit No. U-84-18, Issued to E-Z 8 Motel, Should Not Be Revoked. The OSC and supporting documents contend that the level of criminal activity at E-Z 8 Motel constitutes a violation of the conditions on which the CUP was granted and, therefore, warrants revocation of the CUP. Those documents have been available to the public on the City’s website since April 29, 2014.

On July 2, 2014, the Planning Commission held a Public Hearing to consider revocation of the CUP. There was extensive public comment at the Hearing, focused primarily on three issues: 1) the negative impact that the Motel use has on the surrounding neighborhood; 2) the extraordinary Police resources that are required due to the Motel’s operation; and 3) the role the EZ-8 Motel played in providing housing for people facing homelessness. In an Agreement with City Staff, EZ-8 committed to implement certain additional security measures to reduce the criminal activity at the Motel.

The Planning Commission continued the Public Hearing to a future date so that the impact of the agreed upon security measures could be fully analyzed. On April 28, 2015, the Planning Commission reopened the Public Hearing. At that hearing the slower than expected implementation of the agreed upon measures was discussed and the Public Hearing was continued to July 28, 2015, to allow enough time to assess the effectiveness of the agreed upon measures.

The measures, as outlined in the Agreement, include, in summary:

1. Having an on-site Resident Manager living on the Motel property.
2. Requiring the Resident Manager and all Motel employees to cooperate with the Police Department by providing access to E-Z 8's guest register upon request.
3. Storing motel revenues in a time-locked safe to minimize opportunities for robbery.
4. Locking the motel lobby and transact all business through the night window at or around dusk.
5. Requiring all registered guests to be at least 18 years of age.
6. Restricting anyone from access to a registered guest's room other than a guest and/or visitor who has provided government-issued photo ID to the front desk at check-in. The ID shall be photocopied by the motel and stored for at least 72 hours.
7. Providing for "quiet hours" on the motel premises between 10:00 p.m. and 7:00 a.m.
8. Maintain and enforce a policy of guests staying a maximum of 21 days.
9. Maintain and enforce a policy that the minimum time period room rental is 24 hours.
10. Install and maintenance of a permanent electronically controlled gate at the entrance to the guest parking area. The gate shall only admit persons possessing a valid and active room key or a visitor/ vendor temporary pass issued by a motel employee.
11. The motel shall have a licensed, bonded and insured security guard patrolling the premises between the hours of 6:00 p.m. and 2:00 a.m.
12. The motel shall maintain a security camera system which provides night time acuity and complete coverage of the motel premises.
13. Maintain and enforce the policy that there shall be no more than 2 adult guests and 2 children under 13 years of age per single room and no more than 4 adults and 4 children under 13 per double room.
14. Install and maintain on the front lobby counter and on the front of the building signs that indicate cooperation with the Newark Police Department.
15. Maintain and enforce the policy that there shall be no cooking in any of the guest rooms.
16. Maintain and enforce an active "no rent" list which flags guests who have acted inappropriately in a prior stay. The motel shall place any persons requested by the Police Department on the "no rent" list.
17. The on-site Manager or other E-Z 8 employees will notify the Police Department of any known violation of the law on the E-Z 8 premises.

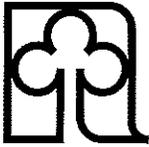
Each of these security measures was to be implemented within a specific date. Most, but not all, were implemented in a timely manner. The installation of the security gate was supposed to be completed by October 4, 2014, but, unfortunately, was not completed until April 28, 2015 – the date of the last public hearing.

Newark Police have been in contact with E-Z 8 and their Security Consultant and have reviewed the crime statistics associated with the operation of the Motel. A summary of those statistics is also attached to this staff report. Based on the data, there appears to be some indication that substantial compliance with the Agreement has led to a decrease in the negative consequence of the motel operations on the neighborhood and Police resources. However, Staff is concerned that these criminal issues can resurface if this matter is not appropriately addressed. Throughout the thirty year history of the operation of this Motel, it has been Staff's experience that the level of criminal activity occurring at the Motel is cyclical in nature. In other words, as the crime rates and nuisance activities increase, Staff intervenes to address

public safety concerns, the crime activity reduces in response to that intervention, but then, after a period of time, the criminal activity resurfaces. Staff prefers that the cyclical nature of crime activity stop and the increase in nuisance activities stop reoccurring.

Recommendation- Because the increased security measures as outlined in the Agreement appear to have led to a decrease in the criminal activity at the Motel, Staff recommends that Conditional Use Permit No. U-84-18 allowing operations of a motel at 5555 Cedar Court be amended to include or reference security measures such as those listed in the Agreement. Staff will need additional time to prepare an amended use permit and discuss the amended permit with the Motel operators.

Action- After re-opening the Public Hearing and receiving testimony from the public on this matter, the Planning Commission should consider a motion to direct Staff to negotiate with E-Z 8 regarding security measures and move to continue the Public Hearing to the August 25, 2015 Planning Commission meeting.



F.1 Review and recommend approval of the Greater NewPark Master Plan—from Assistant City Manager Grindall. *AG* (MOTION)

Background/Discussion – A planning process for the NewPark Mall area was begun in 2012. At that time, the mall and the mall area was in decline and there was little attention to the problem by the mall owner-Rouse Properties. Soon after the Greater Newpark Master Plan process began, the Mall’s owners began negotiations in earnest with the City on a major renovation of the mall. While those negotiations were underway, the Greater NewPark Master Plan work was suspended. Ultimately, a landmark agreement was reached between the City and Rouse Properties on a partnership for a massive renovation project-including a new theater, new restaurants, and new retailers. The renovation project is now under construction and its first phase is expected to be completed late this year. After the renovation began, the Greater New Park Master Plan effort was refocused to reflect the improved outlook for the Mall and to direct attention to the parcels that surround the mall as well as on a longer term vision for the area. The result of this refocused effort has now been completed.

The purpose of the Greater NewPark Masterplan is to put in place a Community-supported vision for an economically feasible transformation of the mall area that will support the ongoing mall renovation, catalyze and guide new investment, and serve as the framework for future implementing measures.

The key elements of the Vision embodied in the Master Plan are:

- The revitalization of the properties that surround the mall with Hotels, regional serving retail, and modern mixed use development.
- Improvements in infrastructure, particularly pedestrian and bicycle access and mall entrances.
- The potential creation of a “New Park Commons” a place for public events such as farmers markets, craft fairs, and concerts.
- The long-term transformation of the Mall Loop Road into “NewPark Boulevard” a vibrant corridor marked by dynamic retail, jobs, and housing.

It is important to note that this document is intended as a long-term vision - the buildings and roadways that are shown are illustrative and highly conceptual. They have not been proposed by the property owners nor received City approval. Before any such buildings are built, there would be further study, community input, as well as Planning Commission and City Council review. The Master Plan document would be used as a guide to evaluate future proposals to assure the orderly development of the Greater NewPark Mall and to guide its transformation into the premier shopping and entertainment district in the Tri-City area.

Recommendation - It is recommended that the Planning Commission review the Greater NewPark Master Plan, hear from the Public and consider recommending that the City Council approve the Greater New Park Master Plan.

Action - By motion, recommend that the City Council approve the Greater New Park Master Plan.