
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, December 8, 2015

A. ROLL CALL

At 7:32 p.m., Chairperson Fitts called the meeting to order. All Planning Commissioners were present except Vice-Chairperson Aguilar (personal).

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, November 10, 2015.

Commissioner Bridges moved, Commissioner Nillo seconded, to approve the Minutes of November 10, 2015. The motion passed 3 AYES, 1 ABSTENTION (Otterstetter).

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider: (1) Approving a resolution making certain findings and recommending City Council adoption of a Supplemental Environmental Impact Report (E-14-46) to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development; (2) Approving a resolution recommending rezoning (RZ-14-48) an approximately 41-acre area (APNs 537-852-9, 537-852-10, and 537-852-11) from MT-1 (High Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes) and HDR-FBC (High Density Residential – Form Based Codes); (3) Approving a resolution for P-14-49, a planned unit development and U-14-50, a conditional use permit, for a 589-unit residential project (Gateway Station West) located within the Dumbarton Transit Oriented Development Specific Plan area at the western edge of the City of Newark; (4) By motion, recommending that the City Council approve TM-14-47, Vesting Tentative Map 8099, to construct approximately 589 residential

units; (5) By motion, approving ASR-14-51, an Architectural and Site Plan Review.

Assistant City Manager Grindall gave the staff report.

ACM Grindall and Mr. Mark Butler (Integral Communities) gave a joint Power Point presentation.

Architect Michael Schrock, Urban Arena, 11772 Sorrenta Valley Road, Suite 212, San Diego, CA 92121, discussed the Site Plan and various Exhibits.

Answering Chairperson Fitts and Commissioner Bridges, Mr. Schrock indicated the majority of the units were three stories but the units were built for flexibility in living space needs where the third story could become a bonus room, in-law unit or home office.

Answering Commissioner Bridges, Mr. Butler stated pricing would range from the high \$600,000 to the mid \$900,000.

Answering Commissioner Nillo, Mr. Butler and ACM Grindall, explained that the fencing for the project would be made with a see-through high quality material that would provide both security and unobstructed views of the bay.

Answering Commissioner Otterstetter, Mr. Schrock stated galvanized metals will be used.

Answering Chairperson Fitts, Mr. Buttler estimated the grading and construction of the model homes would begin in the middle or in late 2017.

ACM Grindall continued with the staff report and stated "apartment-type" units would not be permitted to be rented out.

ACM Grindall discussed Development Impact Fees and School Fees.

Environmental Consultant and Biologist Dr. Steve Neudecker discussed the Open-Space Management Plan which would be funded in perpetuity through an endowment.

Chairperson Fitts opened the Public Hearing. Since no one from the public chose to speak, Chairperson Fitts closed the Public Hearing.

Motion made by Commissioner Nillo, seconded by Commissioner Bridges to: (1) approve Resolution 1918, making certain findings and recommending City Council adoption of a Supplemental Environmental Impact Report (E-14-46) to the Environmental Impact Report (State Clearinghouse No, 2010042012) for the Dumbarton Transit Oriented Development; (2) approve Resolution 1919, recommending rezoning (RZ-14-48) an approximately 41-acre area (APNs 537-

0852-009; 537-0852-10; and 537-0852-11) from MT-1 (High Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes) and HDR-FBC (High Density Residential – Form Based Codes); (3) approve Resolution 1920 for P-14-49, a planned unit development and U-14-50, a conditional use permit, for a 589-unit residential project (Gateway Station West) located within the Dumbarton Transit Oriented Development Specific Plan area at the western edge of the City of Newark; (4) by Motion recommend that the City Council approve TM-14-47, Vesting Tentative Map 8099, to construct approximately 589 residential units; (5) by Motion approve ASR-14-51, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 45. Motion passed 4 AYES.

This item will be heard at the January 14, 2016 City Council Meeting.

E.2 Hearing to consider U-15-30, a Conditional Use Permit for a preschool (Little Scholar's Preschool) to locate at 5472A Central Avenue (Palms on Central Shopping Center). APN: 92A-2125-9-2.

Assistant Planner Jimenez gave the staff report.

Chairperson Fitts opened the Public Hearing.

Ms. Cheryl Figone, 5472A Central Avenue, Newark, CA 94560, stated she has read and agrees to the Conditions in Resolution 1921.

Answering Commissioner Nillo, Ms. Figone stated she expects to open her preschool next summer.

Chairperson Fitts closed the Public Hearing,

Motion made by Commissioner Nillo, seconded by Commissioner Otterstetter, to approve Resolution 1921, with Exhibit A, pages 1 through 4, approving U-15-30, a Conditional Use Permit, for a preschool (Little Scholar's Preschool) to located at 5472A Central Avenue (Palms on Central Shopping Center). Motion passed 4 AYES.

Motion made by Commissioner Nillo, seconded by Commissioner Otterstetter, to reorder the Agenda and hear Item E.4 prior to Item E.3. Motion passed 4 AYES.

E.4 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; consider a Resolution to: (1) Dismiss an Order to Show Cause; (2) Find that E-Z 8 Motel is presently in compliance with Conditional Use Permit (U-84-18); and (3) Amend City Council Resolution No. 4565 by adding condition "rr".

ACM Grindall gave the staff report.

Answering Chairperson Fitts, ACM Grindall stated if approved, this Item would only be brought back to the Planning Commission if any issues comes up that require Planning Commission action, or if the Planning Commission requests an update.

Answering Commissioner Otterstetter, ACM Grindall read Section 2(B)2 “Notice of Breach and Opportunity to Cure”.

Answering Commissioner Nillo, ACM Grindall stated no additional comments or complaints were received by anyone living in the surrounding neighborhoods.

Answering Chairperson Fitts, Newark Police Commander Carroll distributed a chart of crime statistics for the E-Z 8 Motel site and indicated that crime at that location had decreased.

Chairperson Fitts opened the Public Hearing.

Mr. Jerry Cannon, representing E-Z 8 Motel, 10399 Roof Fin Stairs, San Diego, CA 92108, thanked the Planning Commission for moving this Item up from the Agenda order, and stated he was in agreement with the Conditions in the Settlement Agreement.

Commissioner Bridges commented that she would like E-Z 8 to better serve their clients with upgrades to their accommodations.

Chairperson Fitts closed the Public Hearing.

Motion made by Commissioner Bridges, seconded by Commissioner Nillo, to approve Resolution 1922 to: (1) Dismiss the Order to Show Cause; (2) Find that E-Z 8 Motel is presently in compliance with Conditional Use Permit (U-84-18); and (3) Amend Use Permit U-84-18 (approved by City Council Resolution No. 4565) by adding condition “rr” as follows: “Developer agrees to operate its motel in a manner that complies with the Settlement Agreement with the City dated December 8, 2015, a copy of which is attached hereto.”

Motion passed 4 AYES.

ACM Grindall informed the Planning Commission that this Item would go to the January 14, 2016 City Council Meeting under “Written Communications”.

E.3 Hearing to consider Z-15-33, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to add Section 17.04.050 “Permissive Code” to Chapter 17.04 “General Provisions”.

ACM Grindall gave the staff report.

Answering Commissioner Nillo, ACM Grindall gave an example of when a member of the public would get confused interpreting a Permitted Use.

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

Motion made by Commissioner Otterstetter, seconded by Commissioner Nillo, to approve Resolution 1923, recommending that the City Council approve Z-15-33, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to add Section 17.04.050 "Permissive Code" to Chapter 17.04 "General Provisions". Motion passed 4 AYES.

This item will be heard at the January 14, 2016 City Council Meeting.

F. STAFF REPORTS

F.1 Proposed changes to the City of Newark Street Names Theme Map to allow for a "Bay Features" theme for the Dumbarton Transit Oriented Development area and a "Bay Animals" theme for the areas known as Sanctuary and Area 4 in the General Plan.

ACM Grindall gave the staff report and stated the Developer would suggest possible street names but the City Council would have ultimate approval of which street names are chosen.

Motion made by Commissioner Nillo, seconded by Commissioner Bridges, to approve Resolution 1924, with attachment, approving a change to the Street Names Theme Map to allow for a "Bay Features" theme for the Dumbarton Transit Oriented Development area and a "Bay Animals" theme for the areas known as Sanctuary and Area 4 in the General Plan. Motion passed 4 AYES.

G. COMMISSION MATTERS

G.1 Election of Officers.

Chairperson Fitts nominated Vice-Chairperson Aguilar for Planning Commission Chairperson for 2016; and Commissioner Otterstetter nominated Commissioner Nillo for Planning Commission Vice-Chairperson for 2016. Seconded by Commissioner Bridges, motion passed 4 AYES.

All Planning Commissioners thanked and commended Chairperson Fitts on his job of chairing the Planning Commission during the year.

G.2 Cancellation of the regularly scheduled Planning Commission Meeting of Tuesday, December 22, 2015.

Motion by Chairperson Fitts, seconded by Commissioner Nillo, to cancel the regularly scheduled Planning Commission Meeting of Tuesday, December 22, 2015. Motion passed 4 AYES.

G.3 Report on City Council actions.

None.

Commissioners' Comments

Commissioner Otterstetter wished the public "Happy Holidays".

All Planning Commissioners thanked staff for their hard work and support.

Commissioner Nillo asked that the Planning Commission be adjourned in the memory of Gene Stuhr, who served the Newark Police Department as a member of RAVEN.

H. ADJOURNMENT

At 8:58 p.m., Chairperson Fitts adjourned the regular Planning Commission meeting of Tuesday, December 8, 2015, in the memory of Gene Stuhr, to Tuesday, January 12, 2016 at 7:30 p.m. in the City Council Chambers.

Respectfully submitted,



TERRENCE GRINDALL
Secretary