



E.1 U-88-42, an amendment to a conditional use permit, for a remodel to the Salvation Army building at 36700 Newark Boulevard – from Assistant Planner Jimenez. (RESOLUTION)

Background/Discussion – Mr. Michael Buschow, on behalf of the Salvation Army, has submitted an application for a remodel of the Salvation Army building located 36700 Newark Boulevard. Attached is Exhibit A, pages 1(site plan), 2 (floor plan), 3 (elevations), and 4 (landscape plan).

The subject site is zoned CN (Neighborhood Commercial) and has an OC (Office Commercial) General Plan land use designation. It is located on the east side of Newark Boulevard between Mayhews Lading Road and Fair Avenue. The Salvation Army obtained conditional use permit approval on July 14, 1988 to operate a church, classrooms, offices and provide community services to Newark residents and the Tri-Cities area. The applicant proposes to demolish the existing building and construct a new 11,513 square foot building. The renovation project would be within the same general footprint of the existing structure and the building would remain single-story. The new facility would include a chapel, multipurpose room, commercial kitchen, classrooms, computer lab, teenage game room, social services offices, administrative offices, covered outdoor space, basketball courts and public restrooms. Proposed new services include a senior lunch program, emergency disaster services, nutrition, computer, and English as-a-second language classes.

The new building would have a contemporary design with a building mass that is broken up with wall articulation, varying rooflines, colored columns, and a decorative tower with a cross. Exterior materials include glass, concrete plaster, and metal and fiberglass panels. The facility is proposed to be LEED silver-certified with natural lighting, water efficiency, recycled materials, and thermal comfort incorporated within the building design. The existing wireless telecommunications facility pole at the front of the property will be removed and a monopine (cellular tower resembling a tree) would replace it at the rearmost corner of the parking lot. Access to the site would continue along Newark Boulevard and the parking lot would be reconfigured in coordination with the new building design.

On October 28, 2014, the applicant held a community meeting to discuss the project. Notices were sent to approximately 95 property owners within 300 feet of the project site. The four neighbors who attended the meeting raised questions regarding lighting, construction hours, maintenance and security of the property. Specific issues raised by the neighbors were: (a) if parking lot lighting would create glare onto the backyards of residences; (b) the time and duration construction would take place; (c) ensuring food remains from the food distribution program wouldn't be left on property grounds; (d) ensuring overgrown trees wouldn't encroach onto adjacent properties; and (e) continuing to provide pedestrian access from the end of Birch Street onto the site. The applicant clarified that shielded lights, which project downward, would be used for building and parking lot

lighting and thus, would not be a direct light source onto neighboring properties. Neighbors were informed that construction would take place Monday through Friday from 8:00 a.m. to 6:00 p.m, as required by the City, for approximately ten months. To address the security concern over access to the site, the applicant informed neighbors that a security gate would be provided at the driveway on the north end of the property. The applicant informed neighbors that Salvation Army staff would take measures to ensure that food remains are not left on-site after food distribution. A condition of approval has been incorporated into the resolution to ensure the site remains in a presentable condition.

Environmental Review

The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Class 1, alteration of existing facilities.

Attachment

Action – It is recommended that the Planning Commission, by resolution, approve U-88-42, an amendment to a conditional use permit, with Exhibit A, pages 1 through 4, for a remodel to the Salvation Army building at 36700 Newark Boulevard.

RESOLUTION NO.

RESOLUTION APPROVING AN AMENDMENT TO A
CONDITIONAL USE PERMIT (U-88-42) FOR A REMODEL TO THE
SALVATION ARMY BUILDING AT 36700 NEWARK BOULEVARD

WHEREAS, Mr. Michael Buschow, on behalf of the Salvation Army, has filed with the Planning Commission of the City of Newark application for an amendment to a conditional use permit (U-88-42) for a remodel to the Salvation Army building at 36700 Newark Boulevard; and

PURSUANT to Municipal Code Section 17.72.060, a public hearing notice was published in The Argus on January 31, 2015 and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on February 10, 2015 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council grant this application as shown on Exhibit A, pages 1 through 4, subject to compliance with the following conditions:

Planning Division

- a. This project is subject to all conditions of Planning Commission Resolution No's. 1107, 1537, and 1639 unless otherwise amended herein.
- b. Prior to the issuance of a building permit, the existing wireless telecommunication facility located at the front of the property shall be removed.
- c. All deliveries, including food, clothing, and materials to the site shall be limited to the hours of 9:00 a.m. to 6:00 p.m., Monday through Saturday. No delivery of donated materials shall occur outside of the building; during religious services; and/or before or after the delivery hours.
- d. If any complaint regarding noise is received from nearby residential properties, a noise analysis shall be prepared at the discretion of the Community Development Director and at the cost of the applicant. The applicant shall mitigate any problems identified by the noise study.
- e. If any complaint regarding traffic and/or parking is received, a traffic/parking analysis shall be prepared at the direction of the Community Development Director and at the cost of the applicant. The applicant shall mitigate any problems identified by the traffic/parking study.
- f. The drive aisles shall not be used by delivery trucks between the hours of 11:00 p.m. and 7:00 a.m. Parking lot cleaning with sweeping or vacuum equipment shall not be

permitted 11:00 p.m. and 7:00 a.m. No delivery truck or van shall be left overnight on any portion of the site.

- g. All lighting shall be directed on-site so as not to create glare off-site.
- h. There shall be no outdoor vending machines other than the sale of newspapers.
- i. Construction site trailers and buildings located on-site shall be used for office and storage purposes and shall not be used for living or sleeping quarters. Any vehicle or portable building brought on the site during construction shall remain graffiti free.
- j. The site and its improvements shall be maintained in a neat and presentable condition, to the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site clean up. Graffiti removal/repainting and site clean up shall occur on a continuing, as needed basis. Any vehicle or portable building brought on the site during construction shall remain graffiti free.
- k. Prior to issuance of a demolition permit, the developer shall submit a recycling plan for the review and approval of the Community Development Director. The plan shall include provisions for dust control during the demolition and recycling phases.
- l. Prior to issuance of a grading permit, measures shall be put in place to respond to and track complaints pertaining to construction noise and shall include, at a minimum: (1) a procedure and phone numbers for notifying the City of Newark Building Inspection Division and Newark Police Department (during regular construction hours and off-hours); and (2) a sign posted on-site pertaining to the permitted construction days and hours and complaint procedures and who to notify in the event of a problem. The sign, to be approved by the City prior to installation, shall also include a list of both the City and construction contractor's telephone numbers (during regular construction hours and off-hours).
- m. All exterior utility pipes and meters shall be painted to match and/or complement the color of the adjoining building surface, as approved by the Community Development Director.
- n. Prior to the issuance of a building permit, the elevations as submitted by the developer as part of this application, shall be reviewed and approved by the Planning Commission and City Council. The building elevations shall reflect all roof eaves, bay windows, greenhouse windows, chimneys, porches, and similar architectural features. A site plan showing the building locations with respect to property lines shall also show the projections. Said elevations shall specify exterior materials. Final colors shall be submitted for the review and approval of the Community Development Director.
- o. Prior to the issuance of a building permit, the floor plans as submitted by the developer as part of this application, shall be reviewed and approved by the Planning Commission and City Council.

- p. Prior to issuance of a building permit, a screening design shall be submitted to and approved by the Community Development Director. Roof equipment shall not be visible from the public streets. Roof equipment shall be fully screened within the context of each building's architecture. Said screening design shall be maintained to the satisfaction of the Community Development Director.
- q. Prior to the issuance of a building permit, the location and screening design for any centralized garbage, refuse and recycling collection areas for the project shall be submitted for the review and approval of Republic Services of Alameda County and the Community Development Director, in that order. The enclosure shall be sited such that the enclosure's doors, when open, do not extend into drive aisles/back-up areas. No refuse, garbage or recycling shall be stored outdoors except within approved trash and recycling enclosures.

The enclosure shall utilize integral color, split-face block or a suitable durable material, and be provided with a roof for storm water quality purposes. A stucco band shall be placed around the top of the enclosure with a mortar cap on top to prevent the infiltration of water and leaching of materials from the block. The enclosure shall be treated with a waterproof finish approved by the Building Official. The doors of the enclosure shall be made of metal and painted to match the color of the enclosure's walls. The enclosure's materials, colors and roof design shall be subject to the review and approval of the Community Development Director.

- r. Prior to the issuance of a building permit, the applicant shall submit plans for the repair of the perimeter fencing and walls for the review and approval of the Community Development Director.
- s. Prior to the issuance of a Certificate of Occupancy, the parking areas, aisles and access drives shall be installed and striped as shown on the approved site plan.
- t. Prior to final inspection and utility release, the applicant shall provide all structures with roof gutters and downspouts along all horizontal eaves of each structure. Thru-curb drains shall not be installed in the public right-of-way.
- u. To reduce daytime noise impacts due to construction, the applicant shall implement the following measures:
 - 1. Construction equipment, including compressors, generators and mobile equipment shall be fitted with heavy-duty mufflers designed to reduce noise impacts.
 - 2. Residents within 300 feet of the boundaries of the construction phase shall be notified by the project applicant at least 30 days in advance of the start of construction.
 - 3. A preconstruction meeting shall be held with the job inspectors and the general contractor/on-site project manager to confirm that noise mitigation and practices (including construction hours, neighborhood notification, posted signs, etc.) are completed.

- v. Prior to the issuance of a sign permit, all signs, other than those referring to construction, sale, or future use of this site, shall be submitted to the Community Development Director for review and approval.
- w. If the project is developed in phases, the timing of improvements shown on the approved exhibits and required per the conditions of approval herein shall be subject to the review and approval of the Community Development Director.
- x. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission's and Council's review and decision. The applicant shall pay the prevailing fee for each additional separate submittal of development exhibits requiring Planning Commission and/or City Council review and approval. All time extensions for this amendment of a conditional use permit shall be approved by the Planning Commission and City Council.
- y. If any condition of this amendment of a conditional use permit be declared invalid or unenforceable by a court of competent jurisdiction, this conditional use permit amendment shall terminate and be of no force and effect, at the election of the City Council on motion.
- z. Prior to the submittal for building permit review, all conditional use permit amendment development conditions of approval for this project, as approved by the City Council, shall be printed on the plans.
- aa. The developer hereby agrees to defend, indemnify, and save harmless the City of Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.
- bb. The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The developer is hereby further notified that the 90-day approval period in which the developer may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the developer fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the developer will be legally barred from later challenging such exactions.

Engineering Division

- cc. Prior to the issuance of a building permit, the developer shall dedicate to the City of Newark an additional 2-foot wide (52 feet from centerline) easement for street purposes along the Newark Boule vard frontage with the limits of the development.
- dd. This site is subject to the State of California National Pollutant Discharge Elimination System (NPDES) Program General Permit for Storm Water Discharges Associated with Construction Activity. Prior to issuance of a grading permit or a building permit, the developer needs to provide evidence that the proposed site development work is covered by said General Permit for Construction Activity. This will require confirmation that a Notice of Intent (NOI) and the applicable fee were received by the State Water Resources Control Board and the submittal of the required Storm Water Pollution Prevention Plan (SWPPP) for review and approval by the City Engineer. In addition the grading plans need to state: "All grading work shall be done in accordance with the Storm Water Pollution Prevention Plan prepared by the developer pursuant to the Notice of Intent on file with the State Water Resources Control Board."
- ee. The project must be designed to minimize the pollution or contamination of stormwater runoff from the site. Examples of control measures include, but are not limited to: no uncovered trash enclosures or storage of products and materials; minimization of impervious surfaces; separation of all car wash activities from the storm drain system; routing of pavement and roof runoff through vegetated swales or landscaped areas in-lieu of direct connections to the storm drain system; treatment controls for runoff from paved areas used for vehicle parking, repair and/or storage such as storm drain inlet filters, interceptors, separators or other acceptable treatment devices; installation of vegetated or turfed areas around storm water inlets, and other Best Management Practices to address the requirements of the NPDES permit issued to the City of Newark by the Regional Water Quality Control Board. The use of structural treatment controls for runoff quality requires the submittal of a maintenance agreement prior to the issuance of a Certificate of Occupancy.
- ff. Prior to the issuance of a building permit for this project, the developer shall submit a written Storm Water Pollution Prevention Plan for the review and approval of the City Engineer. The plan shall include sufficient details to show how storm water quality will be protected during both: (1) the construction phase of the project and (2) the post-construction, operational phase of the project. The construction phase plan shall include Best Management Practices from the California Storm. Water Quality Best Management Practices Handbook for Construction Activities. The specific storm water pollution prevention measures to be maintained by the contractor shall be printed on the plans. The operational phase plan shall include Best Management Practices appropriate to the uses conducted on the site to effectively prohibit the entry of pollutants into storm water runoff from this site including, but not limited to, trash and litter control, pavement sweeping, periodic storm water inlet cleaning, landscape controls for fertilizer and pesticide applications, labeling of storm water inlets with the wording "No Dumping -

Drains to Bay," and other applicable practices.

- gg. The project must be designed to include appropriate source control, site design, and stormwater treatment measures to prevent stormwater runoff pollutant discharges and increases in runoff flows from the site in accordance with Provision C.3 of the Municipal Regional Stormwater NPDES Permit (MRP), Order R2-2009-0074, revised November 28, 2011, issued to the City of Newark by the Regional Water Quality Control Board, San Francisco Bay Region. Examples of source control and site design requirements include, but are not limited to: properly designed trash storage areas, sanitary sewer connections for all non-stormwater discharges such as fountains, trash enclosures and trash compactors, minimization of impervious surfaces, and treatment of all runoff with Low Impact Development (LID) treatment measures. A properly engineered and maintained biotreatment system will only be allowed if it is infeasible to implement other LID measures such as harvesting and re-use, infiltration, or evapotranspiration. The stormwater treatment design shall be completed by a licensed civil engineer with sufficient experience in stormwater quality analysis and design. The design is subject to review by the Regional Water Quality Control Board. The developer shall modify the site design to satisfy all elements of Provision C.3 of the MRP. The use of treatment controls for runoff requires the submittal of a Stormwater Treatment Measures Maintenance Agreement prior to the issuance of any Certificates of Occupancy.
- hh. All stormwater treatment measures are subject to review and approval by the Alameda County Mosquito Abatement District. The developer shall modify the grading and drainage and stormwater treatment design as necessary to satisfy any imposed requirements from the District.
- ii. The developer shall submit a grading and drainage plan for review and approval by the City Engineer and the Alameda County Flood Control and Water Conservation District. This plan must be based upon a City benchmark and needs to include pad and finish floor elevations of each proposed structure, proposed on-site property grades, proposed elevations at property line, and sufficient elevations on all adjacent properties to show existing drainage patterns. All on-site pavement shall drain at a minimum of one percent. The developer shall ensure that all upstream drainage is not blocked and that no ponding is created by this development. Any construction necessary to ensure this shall be the developer's responsibility.

Hydrology and hydraulic calculations shall be submitted for review and approval by the City Engineer prior to issuance of a building permit in accordance with Alameda County criteria. The calculations shall show that City freeboard requirements will be satisfied (0.75 feet to grate or 1.25 feet to the top of curb under a 10-year storm duration).

- jj. Where a grade differential of more than one (1) foot is created along the boundary parcel lines between the proposed development and adjacent property, the developer shall install a masonry retaining wall unless a slope easement is approved by the City Engineer. Said

retaining wall shall be subject to review and approval of the City Engineer. A grading permit is required by the Building Inspection Division prior to starting site grading work.

- kk. Prior to issuance of a building permit, the developer shall submit a pavement maintenance program for the drive aisles and parking areas on the project site. The maintenance program shall be signed by the property owner and the property owner shall follow the maintenance program at the City Engineer's direction.
- ll. The property owner shall modify the existing 25-foot wide emergency access easement, if necessary, along the southern property line to ensure a clear unobstructed path for emergency vehicles as required by the Alameda County Fire Department. The easement documents, if necessary, must be reviewed and approved by the City Engineer prior to the issuance of a building permit.
- mm. Any new utilities including, but not limited to, electric, telephone and cable television services shall be provided underground.
- nn. Any proposed utility connections and/or underground work within structurally sound street pavement must be bored or jacked. Open street cuts will not be permitted across Newark Boulevard or Birch Street.
- oo. The developer shall repair and/or replace any public and private improvements damaged as a result of construction activity to the satisfaction of the City Engineer and adjoining property owners.
- pp. The developer shall ensure that a water vehicle for dust control operations is kept readily available at all times during construction at the City Engineer's direction.

Landscape-Parks Division

- qq. Prior to the issuance of a building permit, the property owner shall dedicate to the City of Newark a minimum 10-foot wide landscape easement along the Newark Boulevard frontage. This easement shall incorporate all landscape areas beyond the minimum dimension to the nearest physical constraints.
- rr. Prior to the issuance of any building or grading permits, the property owners shall enter into a Landscape Maintenance Agreement with the City of Newark. Areas Agreement shall include all continuous landscaped areas contiguous to the site's public street frontage and all visible on-site landscaping. All landscape maintenance on-site and along the project frontage shall be the responsibility of the property owner. Landscape maintenance of these areas by the City under the terms of the Agreement would occur only in the event that City Council deems the owner's maintenance to be inadequate. Any project perimeter walls and adjoining landscape areas shall be included in a dedicated landscape easement to guarantee adequate maintenance of the walls. Any work other than routine maintenance, including but not necessarily limited to, tree removal,

tree pruning, or changes to the approved planting palette shall be approved in advance by the City Engineer. All tree pruning shall be performed by or under the direction of a certified arborist.

- ss. The developer shall retain a licensed landscape architect to prepare working drawings for landscape plans in accordance with City of Newark requirements, the approved Conceptual Landscape Plan, and the State of California Model Water Efficient Landscape Ordinance. The landscape plans shall be included with the building/site work permit application. The plans shall include detailed irrigation plans, details, water usage calculations, irrigation schedules, etc., for an automatic irrigation system. The associated Landscape Documentation Package must be approved by the City Engineer prior to the issuance of a building permit.
- tt. The developer shall implement Bay Friendly Landscaping Practices in accordance with Newark Municipal Code, Chapter 15.44.080. Prior to the issuance of a building permit, the developer shall provide sufficient information to detail the environmentally-conscious landscape practices to be used on the project. A minimum three (3) inch thick layer of bark mulch shall be provided in all areas landscaped areas.
- uu. The plant species identified for any proposed biotreatment measures are subject to final approval of the City Engineer.
- vv. Prior to installation by the developer, plant species, location, container size, quality, and quantity of all landscaping plants and materials shall be reviewed and approved by the City Engineer. All plant replacements shall be to an equal or better standard than originally approved subject to approval by the City Engineer.
- ww. Prior to the release of utilities or issuance of any Certificate of Occupancy, all landscaping and irrigation systems shall be completed or guaranteed by a cash deposit deposited with the City in an amount to cover the remainder of the work.
- xx. Prior to issuance of Certificate of Occupancy or release of utilities, the developer shall guarantee all trees for a period of 6 months and all other plantings and landscape for 60 days after completion thereof. The developer shall insure that the landscape shall be installed properly and maintained to follow standard horticultural practices. All plant replacements shall be to an equal or better standard than originally approved subject to approval of the City Engineer.

Building Inspection Division

- yy. Construction for this project, including site work and all structures, can occur only between the hours of 7:00 AM and 6:00 PM, Monday through Friday. The applicant may make a written request to the Building Official for extended working hours and/or days. In granting or denying any request, the Building Official will take into consideration the nature of the construction activity which would occur during extended hours/days, the

time duration of the request, the proximity to residential neighborhoods and input by affected neighbors. All approvals will be done so in writing.

The Commission makes the findings prescribed in Newark Municipal Code Sections 17.40.050 and 17.72.070, and directs a Notice of Decision be mailed to the applicant and filed with the City Clerk who shall present said Notice to the City Council pursuant to Newark Municipal Code Section 17.72.080.

This Resolution was introduced at the Planning Commission's February 10, 2015 meeting by Commissioner _____, seconded by Commissioner _____, and passed as follows:

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

BILL FITTS, Chairperson