
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 25, 2017

A. ROLL CALL

At 7:31 p.m., Chairperson Nillo 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, April 11, 2017.

Commissioner Otterstetter moved, Commissioner Aguilar seconded, to approve the Minutes of April 11, 2017. The motion passed 5 AYES.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider an amendment to P-74-1, a planned unit development, and U-74-1, a conditional use permit to rebuild an existing McDonald's restaurant at 35192 Newark Boulevard (APN: 92A-720-10). (CONTINUED FROM APRIL 11, 2017)

Assistant City Manager Grindall and Associate Planner Mangalam gave the staff report.

ACM Grindall stated the traffic study determined there would be a reduction in traffic as a result of this project.

ACM Grindall stated detailed analysis responding to the issues raised in Miller Starr Regalia's correspondence of April 11, 2017 were included in the staff report but staff would like to verbally reiterate the findings for the CEQA exemption.

Chairperson Nillo opened the Public Hearing.

Mr. Tom Clark, Construction Manager for McDonald's Corporation, 2999 Oak Road, Walnut Creek, CA 94597, representing the Applicant, stated he feels they are bringing their best product design for the rebuild for this existing McDonald's restaurant.

Answering Chairperson Nillo, Mr. Clark clarified the location of the building's elevations in relation to Newark Boulevard and stated he has read and agrees with the Conditions listed in the Resolution.

Answering Commissioner Fitts, Mr. Clark confirmed there will be extensive landscaping by the building's stucco wall and the existing trees will remain.

Answering Chairperson Nillo, Mr. Clark demonstrated the traffic flow and stacking area for customer vehicles using each of the Newark Boulevard entrances into the Shopping Center.

Mr. Brian Winter, Land Use Attorney for Miller Starr Regalia, 1331 North California Boulevard, 5th Floor, Walnut Creek, CA 94596, representing the Ladrechs, owners of several properties in the Rosemont Shopping Center, stated their intent is not to stop this project, but to provide input to make the proposal better for the entire Shopping Center.

Mr. Winter stated the proposed building mass is double the size of the current building and would block visibility to his client's property.

Mr. Winter also discussed the Autoturn Analysis and stated his opinion that vehicles would spill into the main drive aisle entrance into the Shopping Center as they attempt to make the right turn to the drive-thru queue and also when more vehicles are present than what the stacked aisles can accommodate.

Mr. Winter provided a list of proposed conditions; pointed out an error on Table 1, page 6, of the Traffic Study; and suggested the City conduct a peer review of the Study.

Answering Vice-Chairperson Bridges, Mr. Clark acknowledged his client and the Applicant did meet to discuss their concerns.

Mr. Clark used the Exhibit Boards to demonstrate that the new design would allow more vehicles into the queue which would improve traffic flow in the Shopping Center and stated the existing trees are causing the visibility issues of the Ladrech's property.

Answering Commissioner Fitts, Mr. Clark stated McDonald's Corporation are open to discussions with the Ladrechs but feels their proposal is the best design and some of the issues brought up by the Ladrechs were not valid.

Commissioner Aguilar and ACM Grindall stated they are only now being presented with the list of added conditions proposed by the Ladrech's attorney.

Answering Chairperson Nillo, Mr. Clark stated the new design would allow vehicles to cycle through much faster than before.

Commissioner Fitts commented that more time should be given to allow the two parties adequate time to work out their issues.

ACM Grindall stated the Conditions in the Resolution covers the items in the list presented by Miller Starr Regalia, and feels the project meets all existing codes; is aesthetically pleasing; is more effective than what is currently in place; and recommends the Planning Commission moves forward with this item.

Addressing Commissioner Aguilar's concerns with Condition "cc" of the Resolution, ACM Grindall stated in the unlikely event of vehicles extending into Newark Boulevard, a number of options to alleviate the problem would be considered including signage redirecting vehicles to alternate entrances.

Answering Commissioner Aguilar, AP Mangalam stated the height limit in the Community Commercial zoning district is 100' and the existing building is 20' tall and the proposed building would be 23'4" tall.

Commissioner Otterstetter gave her opinion that when the new building is built the majority of customers would enter through the main entrance of the Shopping Center.

Commissioner Otterstetter stated she would approve the project as proposed but would like staff to keep watch on any issues with vehicles backing up and affecting Newark Boulevard.

Vice-Chairperson Bridges thanked staff for the detailed Analysis in the staff report.

Answering Chairperson Nillo, ACM Grindall stated staff did not receive any comment letters from any other Rosemont Shopping Center tenants, nor from the public.

Chairperson Nillo closed the Public Hearing.

Motion by Vice-Chairperson Bridges, originally seconded by Commissioner Otterstetter, by Resolution 1941, with Exhibit A, pages 1 through 26, approve an amendment to P-74-1, a planned unit development, and U-74-1, a conditional use permit to rebuild an existing McDonald's Restaurant at 35192 Newark Boulevard (APN: 92A-720-10).

Commissioner Fitts stated he would like to continue this Item to allow the two parties additional time to work on their issues.

Commissioner Otterstetter withdrew her second to the motion made by Vice-Chairperson Bridges. The motion failed due to lack of a second.

Motion by Commissioner Fitts, seconded by Commissioner Aguilar, to continue deliberations on this Item to the May 9, 2017 Planning Commission Meeting. Motion passed 4 AYES, 1 NO (Bridges).

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

ACM Grindall announced the soft opening on April 26 and grand opening on April 27 for Jack's Restaurant and Bar; the ribbon cutting event on April 26 for John's Incredible Pizza; the 24 Hour Fitness opening for early June; and the opening for Sprout's Grocery Store in June.

ACM Grindall also informed the Planning Commission that the second Community Meeting for the Old Town Revitalization will be held on Saturday, April 29, 2017 at noon, in the City's Council Chambers, to discuss revitalizing Old Town.

Commissioners' Comments

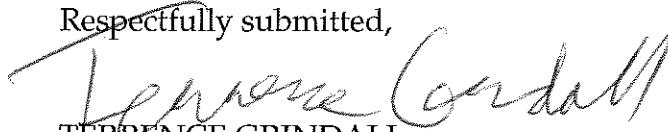
Commissioner Otterstetter thanked staff for all the updates and announced this weekend will be the last performance of Stage One's Bonnie and Clyde at Newark Memorial High School and encourage the public to attend.

Chairperson Nillo thanked Administrative Analyst Laurie Gebhard and all City staff that worked on the PowerPoint presentation for the Mayor's State of the City address.

H. ADJOURNMENT

At 8:24 p.m., Chairperson Nillo adjourned the regular Planning Commission meeting of Tuesday, April 25, 2017.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terrence Grindall". The signature is written in black ink and is positioned above the printed name.

TERRENCE GRINDALL

Secretary