
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, June 13, 2017

THERE WAS NO RECORDING MADE FOR THIS MEETING.

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, May 9, 2017.

Vice-Chairperson Bridges moved, Commissioner Fitts seconded, to approve the Minutes of May 9, 2017. The motion passed 5 AYES.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider Z-17-9, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to revise Chapter 17.20 (Commercial Districts) and Chapter 17.24 (Industrial Districts) by amending Section 17.20.030, 17.020.040, 17.24.030 and 17.24.040 to require distribution and warehouse uses to go through the Conditional Use Permit process to allow City Council to Determine if there are any negative impacts to the surrounding area. (CONTINUED FROM MAY 9, 2017).

Deputy Community Development Director Interiano gave the staff report.

Assistant City Manager Grindall stated written communication received by Cox Castle Nicholson is being provided to the Planning Commission.

Answering Commissioner Aguilar, DCDD Interiano confirmed the 6 month abandonment rule will be extended to 7 years, and a building could be 100% destroyed without triggering the Conditional Use Permit (CUP) process.

Answering Chairperson Nillo, ACM Grindall stated no discretionary review by the Planning Department would be needed for a rebuild.

Chairperson Nillo opened the Public Hearing.

Mr. Clark Morrison, Cox Castle Nicholson, 50 California Street, Suite 3200, San Francisco, CA 94111, representing DCT Industrial Trust, asked the following questions: 1) Why is a CUP process necessary; 2) Why are warehouses being targeted; 3) Why retroactively rezoning; and 4) Why move current businesses to a legal non-conforming use.

Answering Commissioner Aguilar, ACM Grindall stated an upsurge in warehouse uses prompted the zoning code change and the process does not allow anything other than proactive changes.

Answering Commissioner Fitts, ACM Grindall replied neighboring Cities varies in listing warehouse use as permitted or conditional.

Mr. Clark Morrison stated his belief that businesses will be impacted by potential tenants going to a City that does not require a CUP and request this Item be continued.

Answering Chairperson Nillo, ACM Grindall stated staff believes a continuance is not necessary and any property owner could apply and obtain a CUP prior to any tenants approaching them.

Motion made by Vice-Chairperson Bridges, seconded by Commissioner Otterstetter, to approve Resolution 1942, recommending the City Council approve Z-17-9, a text amendment to Title 17 (Zoning) of the Newark Municipal Code, to revise Chapter 17.20 (Commercial Districts) and Chapter 17.24 (Industrial Districts) by amending Section 17.20.030, 17.020.040, 17.24.030 and 17.24.040 to require distribution and warehouse uses to acquire a Conditional Use Permit. Motion passed 5 AYES.

- E.2 Hearing to consider P-17-11, a planned unit development, and U-17-12, a conditional use permit, for a two-day night market special event to be held on July 7 and 8, 2017, in the NewPark Mall parking lot (APN: 901-0111-025). 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).**

Assistant Planner Bowab gave the staff report.

Chairperson Nillo, opened the Public Hearing.

Ms. Ria Abellera, Sweet Imaginations, 2088 West Lagoon Road, Pleasanton, CA 94566, stated she has read and is in agreement with the Conditions listed in Resolution 1943.

Answering Commissioner Otterstetter, Ms. Abellera stated approximately 4000 people were in attendance at their event last year which was held at the Newark Pavilion.

Answering Commissioner Otterstetter, Ms. Abellera stated there will be 4 portable restrooms and 1 ADA compliant portable restroom.

Motion made by Commissioner Fitts, seconded by Commissioner Aguilar, to approve Resolution 1943, with Exhibit A, approving P-17-11, a planned unit development, and U-17-12, a conditional use permit to allow for a two-day night market special event to be held on July 7 and 8, 2017, in the NewPark Mall parking lot (APN: 901-0111-025). Motion passed 5 AYES.

F. STAFF REPORTS

F.1 Appeal of Community Development Director's approval of SFDR2017-006, a single-family design review, for an addition to the rear of the first and second floor of a property located at 36831 Papaya Street.

Commissioner Fitts recused himself due to a personal conflict.

Associate Planner Mangalam gave the staff report.

Owner Michael Huff, 36831 Papaya Street, Newark, CA 94560, stated remodeling his home was the best option for his growing family to remain in the Newark Community. Mr. Huff read from several letters of support from neighbors who could not attend tonight's meeting.

Answering Vice-Chairperson Bridges, Mr. Huff confirmed the approval letter from the Pacific Landing HOA was provided.

Answering Commissioner Otterstetter, Mr. Huff identified a tree that will remain and a tree that will be removed.

The following people spoke in favor of the appeal:

Ms. Raji Bhatia, 36913 Papaya Street

Mr. Arun Bhathnagar, 36927 Papaya Street
Mr. Gurmeet Kalra, 36924 Papaya Street
Mr. Kapil Bajaj, 36913 Papaya Street
Mr. Minh Phan, 36852 Papaya Street

The following people spoke in favor of the project:

Ms. Kathy Troll, 36804 Papaya Street
Ms. Vivian Soriano, 36834 Papaya Street

Chairperson Nillo closed the Public Hearing.

ACM Grindall reiterated approval by the Architectural Control Committee and the Homeowners Association are not within the City's purview.

ACM Grindall stated the City's standards are met with this proposal which is the basis for the approval.

Motion made by Commissioner Otterstetter, seconded by Vice-Chairperson Bridges, to uphold the decision of the Community Development Director's approval of SFDR2017-006, a Single-Family Design Review with Exhibit A, pages 1 through 11, for additions to the ground and second floor to the single family house at 36831 Papaya Street. The motion passed 4 AYES, 1 RECUSED (Fitts).

Commissioner Fitts rejoined his fellow Commissioners.

F.2 Review and consideration of recommending City Council approval of the Citywide Parks Master Plan.

ACM Grindall and RHAA Consultants Barbara Lundburg and Lauren Ivey, gave the staff report.

Answering Commissioner Otterstetter, Ms. Lundburg stated lights will be installed at SportsField Park.

Answering Commissioner Fitts, ACM Grindall stated Cities typically post signs which make citizens aware that skating is at their own risk then the City's liability is manageable.

Answering Chairperson Nillo, Ms. Lundburg stated Community Park would require more parking.

Six members from the public spoke on this item.

Recreation and Community Services Director Zehnder stated the City will be flexible to implementing the Master Plan.

Addressing Commissioner Aguilar concerns, ACM Grindall stated staff would look into improving the fields at SportField Park and Birch Grove.

Commissioner Fitts stated his opinion that he preferred more money be allocated to baseball fields instead of skate parks.

Commissioner Otterstetter stated both skate parks and dog parks had huge Community support.

Vice-Chairperson Bridges agreed with Commissioner Aguilar's statement that there is a need for baseball fields and asked staff to reconsider the Community's comments regarding this.

Motion made by Commissioner Aguilar, seconded by Vice-Chairperson Bridges, to approve the Citywide Parks Master Plan and recommend that the City Council approve the Citywide Parks Master Plan. The motion passed 5 AYES.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

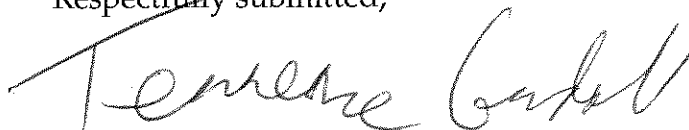
Commissioners' Comments

Chairperson Nillo congratulated the Golden State Warriors.

H. ADJOURNMENT

At 9:50 p.m., Chairperson Nillo adjourned the regular Planning Commission meeting of Tuesday, June 13, 2017.

Respectfully submitted,



TERRENCE GRINDALL
Secretary