
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, August 22, 2017

A. ROLL CALL

At 7:30 p.m., Chairperson Nillo called the meeting to order. All Planning Commissioners were present except Commissioner Aguilar (personal).

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, June 27, 2017.

Commissioner Fitts moved, Vice-Chairperson Bridges seconded, to approve the Minutes of June 27, 2017. The motion passed 3 AYES, 1 ABSTENSION (Otterstetter) and 1 ABSENT (Aguilar).

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

Motion was made by Vice-Chairperson Bridges, seconded by Commissioner Fitts, to move Items F.1 and F.2 forward from the Agenda order. Motion passed 4 AYES.

F. STAFF REPORTS

F.1 MUP-17-001, a minor conditional use permit, to establish a large family day care home at 6271 Brittany Avenue.

Deputy Community Development Director Interiano gave the staff report.

No one from the public chose to speak on this item and the Planning Commission chose not to review it.

F.2 ASC-16-20, an Administrative Special Civic Review, for an accessory structure to a single-family residence at 38244 Aralia Drive.

Assistant Planner Bowab gave the staff report.

No one from the public chose to speak on this item.

E. PUBLIC HEARINGS

E.1 Hearing to consider U2017-004, a conditional use permit, for a haunted house attraction to be held from September 28 through November 1, 2017, inside an existing building located at 5530 Newpark Plaza (APN: 901-0111-005).

DCDD Interiano gave the staff report.

Chairperson Nillo opened the Public Hearing.

Applicants Tabitha Barron and Joshua Overture, 3562 Del Monte Way, San Leandro, CA 94578, stated they have read and are in agreement with the conditions listed in Resolution 1944.

Answering Commissioner Fitts, Ms. Barron stated they recommend children attending their event be at least 10 years old but have had children under the age of 5 attend without any problems.

Answering Commissioner Otterstetter, Ms. Barron stated strobe lights will be used but they do not use fog machines, and she confirmed that they will be hiring local actors.

Answering Commissioner Otterstetter, Ms. Barron stated the admission price per person would be \$24 but they will have coupons available discounting between \$2 and \$5 off the admission price.

Ms. Fatima Cervantes, 6184 Civic Terrace Avenue, Unit B, Newark, CA 94560, stated the Newark Memorial High School is also planning to operate a Haunted House attraction for a fundraiser and requests that the Applicant not operate their business on October 27, 28 and 29 from 6pm to 9pm to avoid conflicting schedules.

Answering Vice-Chairperson Bridges, Ms. Cervantes stated the High School Event has operated for several years and they charge \$5 admission.

Mr. Overture stated they would be willing to assist the High School in promoting their event and can donate props, but feels both events could run concurrently as they have different price structures and would cater to different clientele.

Chairperson Nillo closed the Public Hearing.

Answering Commissioner Fitts, Assistant City Manager Grindall stated the Planning Commission is the approving authority for this conditional use permit and a Review Optional staff report will be presented to the City Council.

Discussion ensued on whether or not to continue this item.

Motion made by Vice-Chairperson Bridges, seconded by Commissioner Otterstetter, to approve Resolution 1944, with Exhibit A, pages 1 through 4, to approve conditional use permit U2017-004, to operate a seasonal actor driven walk-through haunted attraction in an existing building at 5530 Newpark Plaza (APN: 901-0111-005). Motion passed 4 AYES.

E.2 Hearing to consider P-17-05, a planned unit development, E-17-06, environmental determination, TTM-17-07, vesting tentative tract map 8387, and U-17-08, a conditional use permit, for a proposed eight-lot, sixteen-unit, multi-family residential townhome-style subdivision at 37243 and 37257 Filbert Street (APN(s) 092-0131-001-09, 092-0131-002-04 AND 092-0131-003).

Assistant Planner Bowab gave the staff report.

Answering Vice-Chairperson Bridges, AP Bowab and ACM Grindall confirmed the Noise standards are in the General Plan and have been the same standards for the past decade.

Answering Vice-Chairperson Bridges, AP Bowab described the proposed landscaping.

Answering Commissioner Otterstetter, AP Bowab stated this location was the site of the first City Hotel and the first City Post Office.

Chairperson Nillo opened the Public Hearing.

Mr. James Dimmock, P. O. Box 1307, Newark, CA 94560, stated he is not in favor of this development project as he feels stacked housing does not fit in with the character of the neighborhood.

Mr. Dimmock also objects to the 8' wall that backs to his properties on Oak Street, and feels the proposed balconies would create privacy issues.

Applicant Courtney Fogal, BKBC Architects Inc., 180 Thistle Way, Martinez, CA 94553, stated she has read and is in agreement with the conditions listed in Resolutions 1945 and 1946, and stated the 8' wall would be removed and replaced with a brand new wall.

Answering Commissioner Fitts, Mr. Sanjiv Bhandari, BKBC Architects, estimates construction to begin in April 2018 but they need to see what the housing market is like next fall before they can determine prices for the units.

Chairperson Nillo closed the Public Hearing.

Motion made by Commissioner Otterstetter, seconded by Vice-Chairman Bridges, to approve amended Resolution 1945, approving P-17-05, a planned unit development, E-17-06, an environmental determination, and U-17-08, a conditional use permit, for a proposed eight-lot, sixteen-unit, multi-family residential townhome-style subdivision at 37243 and 37257 Filbert Street (APN(s) 092-0131-001-09, 092-0131-002-04 AND 092-0131-003) with Exhibits A, B and C, with the added condition that “The applicant shall remove the existing block wall on the rear of the site and replace it with a new block wall. The new block wall shall match the same height of the existing block wall”; and Resolution 1946 approving TTM-17-07, vesting tentative tract map 8387, Exhibit A; and by motion, recommending that the City Council waive the Art in Public Places and Private Development Impact fee. Motion passed 4 AYES.

ACM Grindall stated this Item will be heard at the September 14, 2017 City Council Meeting.

- E.3 Hearing to consider P-17-01, a planned unit development, U-17-02, a conditional use permit, and E-17-03, an addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (SCH No. 2010042012) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (SCH No. 2014012056) for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street (APN: 092-0115-011-03).**

Assistant Planner Bowab gave the staff report.

Answering Commissioner Otterstetter, ACM Grindall stated parking standards are in the Newark Municipal Code, but the reduced number of parking spaces being proposed was based on the Transportation Engineer’s Analysis Study which includes trip reduction measures.

Chairperson Nillo opened the Public Hearing.

Applicant Henry Cord, 401 Fieldcrest Drive, San Jose, CA 95123, stated he has read and is in agreement with the Conditions listed in Resolutions 1947 and 1948.

Answering Commissioner Fitts, Mr. Cord stated there are three separate hotel chains that they are negotiating with and do not wish to disclose any of the brand names at this time.

Answering Vice-Chairperson Bridges, Mr. Cord stated it is too soon to begin negotiations with retail tenants.

Chairperson Nillo closed the Public Hearing.

Motion made by Commissioner Fitts, seconded by Commissioner Otterstetter, to approve Resolution 1947, approving P-17-01, a planned unit development, and U-17-02, a conditional use permit, for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street (APN: 092-0115-03) with Exhibits A, C and D; and Resolution 1948 approving E-17-03, an addendum to the Dumbarton Transit Oriented Development (TOD) Specific Plan Program Environmental Impact Report (PEIR) (SCH No. 2010042012) and the subsequent Initial Study/Mitigated Negative Declaration (IS/MND) for the SHH/FMC project (SCH No. 2014012056), for a proposed five-story mixed-use hotel and retail space at 37445 Willow Street (APN: 092-0115-011-03) with Exhibit B. Motion passed 4 AYES.

ACM Grindall stated this Item will be heard at the September 14, 2017 City Council Meeting.

E.4 Hearing to consider a General Plan Amendment to incorporate by reference the Union City/Newark Local Hazard Mitigation Plan: Volume I and Newark's portion of Volume 2 into the General Plan Safety.

ACM Grindall gave the staff report.

Answering Commissioner Otterstetter, ACM Grindall stated the Local Hazard Mitigation Plan will be reviewed yearly with a major review planned to take place in 2 ½ years.

Answering Commissioner Otterstetter, ACM Grindall stated the names of Newark Schools will be updated.

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

Motion made by Vice-Chairperson Bridges, seconded by Commissioner Otterstetter, recommending the City Council approve a General Plan Amendment (GP-17-13) including the Union City/Newark Local Hazard Mitigation Plan: Volume 1 and Newark's portion of Volume 2 into the General Plan by reference. Motion passed 4 AYES.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

ACM Grindall informed the public that a ground-breaking ceremony is scheduled for the Newark Senior Affordable Housing project at 11a.m. on August 23, 2017.

Commissioners' Comments

Chairperson Nillo reminded the public to watch for children returning to school.

H. ADJOURNMENT

At 8:53 p.m., Chairperson Nillo adjourned the regular Planning Commission meeting of Tuesday, August 22, 2017.

Respectfully submitted,



TERRENCE GRINDALL
Secretary