



# CITY OF NEWARK

## Planning Commission

City Hall, City Council Chambers

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### MINUTES

Tuesday, June 11, 2024

7:00 P.M.

#### A. ROLL CALL

Chair Aguilar called the meeting to order at 7:00 pm. All members of the Planning Commission were present: Chair Aguilar, Vice Chair Bogisich, Commissioner Becker, Commissioner Fitts, and Commissioner Catancio.

#### B. MINUTES

**B1. Approval of Minutes of the regular Planning Commission meeting of May 14, 2024.**

#### MOTION APPROVED

Chair Aguilar requested a motion. Vice Chair Bogisich moved, and Commissioner Fitts seconded, to approve the Minutes of the regular Planning Commission meeting on May 14, 2024. The motion passed unanimously – **5 AYES**.

#### C. WRITTEN COMMUNICATIONS

None.

#### D. ORAL COMMUNICATIONS

*Members of the public are invited to address the Planning Commission on any item not listed on the agenda. Public Comments are generally limited to 5 minutes per speaker. Please note that State law prohibits the Commission from acting on non-agenda items.*

None.

## **E. PUBLIC HEARINGS**

- E.1 Public Hearing to consider DR2023-004, V2023-001, and MUP2023-009, A Design Review, Variance, and Minor Use Permit to allow for a new four-story 97-bed assisted living facility building and associated on-site improvements at 6214 Thornton Avenue (APN: 92A-1036-29-2). The subject site is zoned RH: Residential High Density and has a General Plan designation of High Density Residential.**

### **(RESOLUTION)**

Associate Planner (AP) Joseph Balatbat presented the proposed project for a new assisted living facility building with associated onsite improvements at 6214 Thornton Avenue. The requested entitlements included a Design Review, a Variance, and a Minor Use permit. He then stated that MNM LLC was the applicant for this project, and Ashit and Monisah Jain were the property owners.

AP Balatbat provided a project summary as follows:

#### **Project Details:**

- **Site Information:**

- Zoned RH (Residential High-Density)
- General Plan Land Use: High-Density Residential
- Size: Approximately 37,026 square feet
- Previously contained a one-story commercial building, a shed structure, driveways, hardscaping, and landscaping
- Demolition permit issued; 35 trees removed

- **Proposed Facility:**

- Four-story, 97-bed assisted living facility
- Facilities include lounge area, dining and kitchen areas, suites with bathrooms, common areas, balconies, and outdoor recreation space
- Staffed 24/7 with 10-12 employees

- Prior approvals expired on February 9, 2023; new application submitted with modifications
- **Design and Architectural Features:**
  - Total area: 54,003 square feet
  - Main entrance facing the parking lot on the north side
  - Modern design with varied massing wall breaks, architectural colors, and materials
  - Features: Porte-cochere, projecting walls, balconies, patio areas, exterior lighting
  - Materials: Aluminum composite panels, aluminum storefront mullion, thin brick stucco, hybrid aluminum wood plastic composite cladding, perforated metal panels
- **Setbacks and Variance Requests:**
  - Front setback requirements modified due to new 2-foot right-of-way dedication
  - Proposed setbacks: 10 feet to the building wall, 8 feet to projecting walls, 4 feet to the balcony
  - Placement aligns with neighborhood patterns
- **Privacy and Screening Measures:**
  - Frosted windows on the east elevation to preserve privacy for the adjacent Police Department
  - 6-foot-tall privacy screen walls on the north and south elevations
  - Conditions of Approval: Maintenance of frosted windows and privacy screens (Conditions ZZZ and AAAA)
- **Landscaping and On-Site Improvements:**
  - New landscaping and hardscaping, walkways, parking, bio-retention areas, fencing, and concrete retaining walls



- Bamboo screening trees along the east and part of the south side for privacy (Conditions XXX and YYY)
- New primary driveway/fire access road on the north and secondary fire access road on the south
- New public utility, landscape easements, and a dedicated right-of-way along Thornton Avenue
- **Height and Parking:**
  - Building height: 69 feet, 6 inches (below the RH zoning district maximum of 100 feet)
  - Parking: 28 spaces (exceeds the required minimum of 26 with a 20% reduction for proximity to transit stops)
  - Minimal traffic impact according to Hexagon Transportation Consultants, Inc.
- **Conditions and Approvals:**
  - Condition BBBB: Coordination with the Police Department and Alameda County IT Department for antenna relocation to avoid signal interference
  - Condition CCCC: Future modifications to ensure no signal interference from the existing radio tower

AP Balatbat concluded his presentation to the Planning Commission by affirming that the project met all necessary criteria and requesting the adoption of the draft resolution, design review, variance, and minor use permit. He invited questions from the Planning Commission and indicated that he and the project team could respond to any questions.

**Staff Recommendation: Staff requests the Planning Commission to consider the following action:**

- **Adopt the Draft Resolution, approving the Design Review (DR2023-004), Variance (V2023-001), and Minor Use Permit (MUP2023-009) for a new four-story 97-bed assisted living facility building and associated on-site**



**improvements at 6214 Thornton Avenue based on the findings provided in Attachment 1, Draft Resolution.**

Chair Aguilar asked the Commission if there were any questions for Staff.

Commissioner Bogisich asked whether the windows facing the Police Department were just windows in a stairwell or the people's living units.

AP Balatbat answered that the windows are in the residents' living units, not in the stairwells.

Chair Aguilar asked the Commission if there were any additional questions.

Commissioner Becker questioned the adequacy of 26 parking spaces, noting that 32 are normally required, with a 20% reduction bringing it to 26. He highlighted that the facility would have 10-12 staff members, 97 beds, and regular visitors. He asked if Staff believed 26 spaces were sufficient.

AP Balatbat confirmed that the facility would provide slightly more than the minimum 26 parking spaces required, in compliance with zoning code standards. He suggested asking the applicant if all employees would work simultaneously or in shifts and mentioned a trip generation study indicating minimal impacts.

Commissioner Becker expressed concerns about parking adequacy, noting it's always an issue but acknowledging the code compliance. He also inquired about the proposed changes to the backside windows, specifically asking if the Police Department had any concerns about the six-foot screening and potential visibility from the roof.

AP Balatbat replied that during the review, the concern was to prevent residents of the care facility from viewing the Police Department property. To address this, six-foot screening walls were proposed on the sides to maintain privacy. The roof,

designated for mechanical equipment and potential future solar panels, does not seem to be an area residents would access.

Commissioner Becker questioned if there was a parapet around the roof.

AP Balatbat answered affirmatively.

Commissioner Becker inquired about the setback variance, asking if the previous project's setback was 15 feet.

AP Balatbat believed that for the previous project, the setback was the same as what is currently proposed.

Deputy Community Development Director (DCDD) Art Interiano confirmed that the front setback requirement was 15 feet, but the previous project illustrated a 10-foot setback, therefore highlighting the need for the variance request.

Commissioner Becker inquired whether the requirement for transmitters and receivers on the police building communication tower to properly communicate with Alameda County's Information Technology and Police Department would need modification or adjustment.

AP Balatbat explained that the tower would stay intact, with only the antennas being exchanged. Specifically, the top antenna will switch places with the bottom one to adjust their directions towards different areas of the Bay Area.

DCDD Interiano referenced AP Balatbat's report, that describes the efforts to communicate and collaborate with the county and outlined the changes to the equipment on the tower. He added that this matter was thoroughly discussed during the review process involving the Police Department and county officials to determine associated costs, ensuring clarity for the applicant as outlined in the conditions of approval.

Commissioner Becker's final question was whether the median improvements shown in the rendition on Thornton Avenue would be implemented.

AP Balatbat replied that work would occur in the right-of-way area, noting that the dedication of a two-foot right-of-way is connected to the overall street improvements outlined in the General Plan. He confirmed that street improvements will proceed as mandated by the project, including work on sidewalks and potentially the median.

Chair Aguilar asked the Commission if there were any additional questions. There were no additional questions.

Chair Aguilar opened the public hearing and requested the applicant to state his name and address clearly for the recorder. He also asked the applicant if he had read and agreed to the conditions of approval.

The applicant, Dr. Ashit Jain, a cardiologist who has been residing for 30 years in the area and has worked close to Washington Hospital, addressed the Commission. He expressed past involvement in trying to develop medical facilities in Newark. Dr. Jain noted challenges due to COVID-19, leading to delays in the assisted living project that previously held a Minor Use Permit (MUP) but lost it due to non-renewal. He emphasized the necessity of assisted living facilities in Newark, highlighting the absence of such services despite neighboring areas having them. Dr. Jain assured cooperation with the Community Development Department, Police Department, and adherence to all necessary conditions, including emergency provisions critical for patient care. Furthermore, Dr. Jain suggested future development possibilities for a senior center in Newark, underscoring the need for such facilities in the area. Despite not being a developer himself, he expressed enthusiasm for initiatives benefiting the community. Dr. Jain concluded by affirming his commitment to the project's success and its alignment with community needs.



Chair Aguilar asked the applicant about the typical shift schedule for staff members employed in the assisted living facility, specifically noting the inclusion of memory care and the expected staffing levels of 10 to 12 individuals at any given time as outlined in the staff report.

Dr. Jain explained that assisted living would primarily serve mobile and functional residents who require assistance with daily activities but are not severely impaired. Memory care services would be available for those needing specialized attention, though it was not designed as a secure unit. He anticipated a minimal staffing requirement, mentioning the presence of approximately five to six staff members at any given time, with additional support from rotating roles like cooks, cleaners, and salon managers. Dr. Jain noted that assisted living facilities typically experience low visitor traffic on weekdays, with more activity observed during weekends.

Chair Aguilar asked the Commission if there were any additional questions.

Commissioner Fitts praised the project and inquired about the selection process for assisted living residents, specifically asking if Newark residents would have preference and if there were any affordability measures in place. He also sought clarification on how residents would finance their stay at the facility.

Dr. Jain acknowledged that he had not yet calculated financial projections for his assisted living project, emphasizing it would be an out-of-pocket service costing between \$4,000 to \$6,000 monthly. While confident it would not operate at a loss, he was uncertain about profitability and details such as people selection. He added that he would be planning on engaging a management company post-launch for guidance, he remains optimistic about the demand and steady occupancy in the assisted living sector.

Chair Aguilar asked the Commission if there were any more questions.

Commissioner Becker asked whether he would have security present on-site.

Dr. Jain indicated that he plans to have security on-site, primarily due to the presence of many homeless individuals in the area, although he feels it may not be necessary.

Commissioner Becker agreed with the applicant, wanting to prevent random individuals from entering the building's lobby off the street.

Lastly, Chair Aguilar asked the applicant if he agreed to the conditions of approval.

Dr. Jain responded in the affirmative.

Chair Aguilar asked if anyone in the public would like to speak on item E.1. No one had any questions or comments. Chair Aguilar closed the public hearing and asked the Commission whether there were any further questions or comments.

Chair Aguilar noted parking concerns, particularly with planning for 97 beds. However, recognizing that assisted living facilities typically have lower traffic and parking demands than traditional commercial or residential developments, they acknowledged the conditions outlined in approval item M addressing potential parking issues. He added that it includes provisions for addressing complaints and potentially revoking approvals if parking concerns persist.

Chair Aguilar mentioned that he appreciated the staff's efforts and the applicant's willingness to agree to the conditions. He added that it was great that they could address any issues collaboratively. Chair Aguilar then requested a motion. Commissioner Fitts moved and Commissioner Becker seconded to approve the motion. **The motion passed unanimously – 5 AYES.**

## **F. STAFF REPORTS**

### **F.1. Presentation of the 2024-2026 Capital Improvement Plan and finding in conformance with the General Plan – from Public Works Director Fajeau**

Public Works Director (PWD) Soren Fajeau presented the 2024-2026 Capital Improvement Plan (CIP) to the Planning Commission, detailing the alignment of proposed projects with the City of Newark's General Plan. His presentation covered the CIP's purpose, project selection methodology, funding sources, and adoption schedule. Emphasizing collaboration and transparency, PWD Fajeau highlighted the importance of the Planning Commission's role in ensuring that all projects conform to the city's strategic objectives, fostering a sustainable and well-planned urban environment.

PWD Fajeau's presentation details were as follows:

### **1. Introduction and Purpose:**

- The meeting focused on reviewing the 2024-2026 CIP and ensuring its conformance with the City of Newark's General Plan.
- At the January 25th City Council meeting, staff provided an overview of the CIP and discussed funding sources and amounts.
- Specific project funding recommendations will be presented to the City Council on June 13th.
- The Planning Commission must confirm that all proposed projects conform to the General Plan as per Government Code Section 65401.

### **2. Segmentation of Projects:**

- Projects near properties owned by Planning Commission members were reviewed first by other members to avoid conflicts of interest.
- Once those segmented projects were reviewed, the full Commission reviewed the remaining projects.

### **3. CIP Review Process:**

- The CIP identifies and prioritizes projects for potential funding, including street, park, and building construction, maintenance, feasibility studies, master plans, and new equipment purchases.



- Projects costing \$10,000 or more are included, with some exceptions.

#### 4. CIP Schedule:

- The CIP process began in November last year with a call for projects.
- The June 11 meeting was step five: the Planning Commission's review for General Plan conformance.
- The City Council will review the draft CIP on June 13th and is expected to adopt it on June 27th.

#### 5. Project Selection Methodology:

- Projects are evaluated against the city's strategic plan's critical issues: public safety, education, quality of life, community development, and city government operations.
- Projects are assigned priority levels:
  - **Priority Level 1:** Mandatory projects (legal, safety, asset protection).
  - **Priority Level 2:** Necessary but not mandatory (service level increase, feasibility studies).
  - **Priority Level 3:** Desirable projects not meeting Level 1 or 2 criteria.

#### 6. Funding Sources:

- The CIP is funded through various sources, categorized into five general types:
  - **Gas Tax Revenue:** \$8.75 million anticipated for 2024-2026, and after the reconciliation of completed projects, Staff has identified about \$4.65 million available gas tax revenue, with a total balance of \$13.4 million available in the next two-year period.
  - **Capital Fund Balance:** \$5.25 million available.
  - **Community Development Maintenance Funds:** \$3.7 million available.
  - **Park Impact Fees:** \$5.8 million available.

- **Other Development Impact Fees:** \$15.3 million available.
- **Outside Funding:** \$35 million anticipated from federal, state, and regional sources.

## 7. Detailed Funding Breakdown:

- **Gas Taxes:** Includes Highway Users Tax Account (HUTA) and Road Maintenance Rehabilitation Account/Senate Bill 1 (RMRA/SB1) funds, with \$2.6 million per year expected from those sources.
- **Measure BB and Measure F:** Provide approximately \$1.54 million and \$220,000 annually, respectively.
- **Capital Funds:** Comprised of surpluses from CIP completed projects, with \$5.25 million available.
- **Community Development Maintenance Funds:** These funds are used for studies related to general plan maintenance, and they have a \$3.7 million available balance.
- **Park Impact Fees:** These fees are used for acquiring and improving parkland. The available balance is \$5.8 million.
- **Development Impact Fees:** These are used when a project-specific relationship is identified. The current balance is \$15.3 million.
- **Outside Funding:** Significant contributions from federal and state sources, including reserves and grants, such as the one by Congressman Ro Khanna and Senator Alex Padilla, total \$3 million, including \$8.9 million secured through the Federal Lands Access Program and an additional \$5.14 million from the One Bay Area Grant Program, alongside \$250,000 from ARPA funds.
- State Assembly Member Alex Lee has secured state earmarks amounting to \$5.8 million for diverse city projects. In addition, the city has received a state grant of \$173,000.
- Recently, the Metropolitan Transportation Commission's (MTC) Programming and Allocations Committee has been prepared to allocate

approximately \$15 million in funding to Newark, underscoring continued support for the city's development initiatives.

Commissioner Becker asked about the likelihood of securing the \$15 million from MTC.

Public Works Director Fajeau responded confidently, stating that the MTC staff has recommended the funding. He added that the extensive collaboration with jurisdictions such as Fremont and Union City, along with the support of Mayor Dutra-Vernaci of Union City, who is an active MTC board member, has strengthened the proposal. Fremont and Union City will receive their share of funding, but Newark is excited about the potential \$15 million allocation.

Regarding the Community Development Maintenance Fund, Commissioner Bogisich inquired whether there was a difference in maintaining or updating the General Plan and the Facilities Master Plan.

PWD Fajeau clarified that the Community Development Maintenance Funds are specifically for updating Master Plans or anything related to the General Plan or zoning ordinance. He emphasized that those funds are separate from Development Impact Fees, which are used for different purposes. The Citywide Parks Master Plan and the Facilities Master Plan are essential documents to guide staff and the City Council on how to allocate park impact fees and other development funds.

PWD Fajeau continued his presentation, stating:

- **CIP Overview:** The projects recommended for inclusion in the 2024 to 2026 CIP were discussed. Projects were categorized based on their nature and recommended funding sources, though alternative funding sources may also be utilized. The City Council retains the option to fund any project within the available funding sources.
- **Potential Conflicts of Interest:** Several projects within the Capital Improvement Plan may present potential conflicts of interest for individual Planning Commissioners due to the proximity of their real property interests. To address that, PWD Fajeau said the projects will be divided into four separate lists (A through D). Each list was considered separately for General



Plan conformance, allowing Commissioners to recuse themselves as necessary. The sequence of discussions was determined randomly in the presence of the City Attorney and additional witnesses.

- **First Projects for Consideration:** The first set of projects under consideration included five projects at Lake Shore Park:
  1. Lake Shore Park Completion
  2. Lake Shore Park Landscape Restoration
  3. Lake Shore Park Restrooms
  4. Lake Shore Park Tree Project
  5. Lake Shore Park Water Quality Analysis

PWD Fajeau paused to address any questions regarding the plan.

Commissioner Catancio recused herself from discussing and voting on the Lake Shore Park projects due to a real property interest in her nearby residence: Lake Shore Park Completion, Lake Shore Park Landscape Restoration, Lake Shore Park Restrooms, Lake Shore Park Tree Project, and Lake Shore Park Water Quality Analysis.

After Commissioner Catancio recused herself and exited the Council Chambers, PWD Fajeau continued his presentation on Lake Shore Park projects and provided details as follows:

- **Completion Project:** It is currently unfunded, which aligns with the citywide Parks Master Plan. Staff recommended postponing funding until the Master Plan update is completed.
- **Landscape Restoration Project:** This project is funded and under redesign to comply with the statewide water-efficient landscape ordinance. Staff is actively working on it.

- **Restroom Project:** Unfunded; proposes a single-user restroom near the Chelsea Drive parking lot. Staff suggested awaiting the Master Plan results and further community input before funding.
- **Tree Project:** This project is nearly completed. It involved removing old eucalyptus trees and planting approximately 150 new trees.
- **Water Quality Analysis:** Funded and re-scoped from a potential dredging study to a comprehensive water quality assessment.

PWD Fajeanu reminded the Commissioners that \$5.8 million in Park Impact Fees are available, but no new projects will be recommended to the Council until the Master Plan is completed. He noted that only unfunded projects with potential conflicts of interest were discussed.

PWD Fajeanu asked whether there were any questions about the projects.

Chair Aguilar Chair Aguilar sought clarification, ensuring the Commission was not approving funding for unfunded items.

PWD Fajeanu confirmed it, explaining that numerous unfunded projects were included in the CIP draft. After the presentation, he clarified that staff would recommend approving all listed projects collectively without exploring each one.

Commissioner Becker clarified that their task was to ensure these projects conform to the General Plan, not to approve any specific projects or funding.

**Staff Recommendation:** Staff recommends, by motion, that the Planning Commission find the following projects in Project List “A” in conformance with the General Plan. Project List “A” includes:

- **Lakeshore Park Completion**
- **Lakeshore Park Landscape Restoration**
- **Lakeshore Park Restroom**
- **Lakeshore Park Tree Project**
- **Lakeshore Park Water Quality Analysis**

Before proceeding to take action, Attorney Erica Gonzalez from the City Attorney's Office clarified that for each segment, they would need to either open it up to public comment or confirm that there were no public comments.

Chair Aguilar opened for public comment. Because there were no public comments, Chair Aguilar closed the public comments and requested a motion.

**Motion:** Commissioner Becker moved, and Vice Chair Bogisich seconded to approve the motion. **The motion passed 4 AYES, 1 RECUSAL.**

PWD Fajeau continued his presentation by mentioning Project List B, which included the Mirabeau Park Completion project and the Quiet Zones Implementation project.

Vice Chair Bogisich recused herself from the meeting by saying she has a real property interest in the Capital Improvement Plan Project List B, Mirabeau Park Completion, and Quiet Zones Implementation.

Director Fajeau explained that the Mirabeau Park completion project remains unfunded, pending the update to the citywide Parks Master Plan, though there are currently \$5.8 million in Park Impact Fees available. He noted that quiet zones are crucial for the community. Those zones can be established at railroad crossings with safety improvements, allowing train operators to avoid sounding their horns once approved by the Federal Railroad Administration and the California Public Utilities Commission. He stated that the City has about \$4 million reserved for those improvements, half from state funding and the other half expected from regional funds.

Commissioner Fitts asked about a timetable for the quiet zones, mentioning public complaints about train noise at night.

PWD Fajeau responded that while it is difficult to give an exact timeline due to regulatory processes, they aim to complete the designs this year and begin construction within the next two to three years, possibly starting with the most beneficial crossings.



Commissioner Fitts inquired about how the City Council intends to prioritize projects.

PWD Fajeau responded by explaining that they have engaged a consultant to assist with identifying priorities among all the at-grade crossings. He noted a complication: some crossings are located within a quarter mile of each other, which is the minimum required distance for establishing a valid quiet zone. That means two crossings must be addressed simultaneously to achieve the quiet zone designation. Therefore, he stated, crossings will need to be grouped together strategically to ensure progress aligns with prioritization considerations.

Commissioner Becker inquired about the total cost of implementing all quiet zones.

PWD Fajeau replied that the estimate was \$8 million. He mentioned efforts to reduce costs through value engineering and noted existing improvements at some locations.

Commissioner Becker asked whether the City Council would have to decide how to spend the \$8 million.

PWD Fajeau explained that the city has \$4 million committed, and if the quiet zones become a priority, additional gas tax funds could be used, potentially reducing the total cost to \$6.5 million.

**Staff Recommendation: Staff recommends, by motion, that the Planning Commission find the following projects in Project List “B” are in conformance with the General Plan. Project List “B” includes Mirabeau Park Completion and Quiet Zone Implementation.**

Chair Aguilar opened for public comment. Because there were no public comments, Chair Aguilar closed the public comments and requested a motion.

**Motion:** Commissioner Fitts moved, and Commissioner Catancio seconded to approve the motion. **The motion passed 4 AYES, 1 RECUSAL.**

PWD Fajeau continued his presentation by introducing Project List C, which included the Four Corners Area Plan.

Commissioner Becker recused himself, stating that he had a real property interest in his residence near the proposed Four Corners Area Plan.

PWD Fajeau explained that the original Four Corners Area Plan was adopted in 1990. The updated plan, as part of the 2023-2031 Housing Element Program H2.3, aims to create a community-driven land use plan for housing and retail improvements. The project will involve significant community engagement to develop decisions around housing, commercial space, and public infrastructure. The plan will incorporate Transit Oriented Communities (TOC) policies, as part of the area is within a transit priority zone. He further stated that the project is estimated to cost \$350,000, funded by Community Development Maintenance funds.

Chair Aguilar inquired if the plan was an HCD requirement from the recent Housing Element adoption.

Community Development Director (CDD) Steven Turner confirmed that Program H2.3 is part of the certified 2023-2031 Housing Element. The state urged the city to focus on the northern areas, including the Four Corners, due to potential TOC policies around the proposed Ardenwood Park and Ride Station under the South Bay Connect project.

Chair Aguilar asked if the community engagement would be like the Old Town Specific Plan.

CDD Turner clarified that while the Four Corners Area Plan is not a specific plan under state law, it will involve extensive community outreach and align with regional TOC policies.

Commissioner Fitts questioned the status and location of the Ardenwood train station.

CDD Turner explained that the Ardenwood station is part of the South Bay Connect project by the Capitol Corridor Joint Powers Authority. He added the station proposed for the Ardenwood Park and Ride will adhere to TOC policies within a half-mile radius, covering much of the Four Corners area.

Commissioner Fitts noted that the Ardenwood station could become a popular transit hub if constructed.

**Staff Recommendation: Staff recommends, by motion, that the Planning Commission find the projects in Project List “C” are in conformance with the General Plan, namely the Four Corners Area Plan.**

Chair Aguilar opened for public comment. There were no public comments; Chair Aguilar closed the public comments and requested a motion.

**Motion:** Vice Chair Bogisich moved, and Commissioner Fitts seconded to approve the motion. **The motion passed 4 AYES, 1 RECUSAL.**

PWD Fajeau continued to present Project List D, which included the Cedar Boulevard Linear Park Areas One, Three, and Four, as well as Area Two.

Commissioner Fitts recused himself by stating that he has a real property interest in his residence near Cedar Boulevard Linear Park Area Two and Cedar Boulevard Linear Park Areas One, Three, and Four.

PWD Fajeau explained that the Cedar Boulevard Linear Park Areas One, Three, and Four are currently unfunded priority level 3 projects with an estimated cost of \$3.2 million. He stated that Staff will recommend to the City Council that those projects remain unfunded pending the completion of the Citywide Parks Master Plan Update. He said that Area Two of the Cedar Boulevard Linear Park, funded at \$850,000, such cost may increase due to additional design and community outreach needs. Lastly, he said that Staff recommends such a project remain in the CIP, with updates considered later this year, and that a Park Impact Fee balance of \$5.8 million is also available for future projects.

Chair Aguilar asked if there were any questions. There were no further questions.

**Staff Recommendation: Staff recommends, by motion, that the Planning Commission, by motion, find the projects in Project List “D” are in conformance with the General Plan:**

**Project List “D”**



- Cedar Boulevard Linear Park Area 2
- Cedar Boulevard Linear Park Areas 1, 3, and 4

Chair Aguilar opened for public comment. Because there were no public comments, Chair Aguilar closed the public comments and requested a motion.

**Motion:** Commissioner Becker moved, and Vice Chair Bogisich seconded to approve the motion. **The motion passed 4 AYES, 1 RECUSAL.**

PWD Fajeau continued reviewing the remaining projects proposed for funding with the 2024-2026 Capital Improvement Plan (CIP). He explained that the CIP projects had been separated into different categories based on their nature and the type of funding that would be utilized. He then detailed the projects funded by Gas Tax revenues, which amount to \$8.75 million over two years. He stated that Newark has \$13.4 million available for gas tax projects. Eight projects, including six annual street maintenance projects and two standalone street improvement projects, are recommended for funding with an estimated cost of \$11 million. He added that the focus is improving the city's overall Pavement Condition Index (PCI).

PWD Fajeau went on to say that the annual street maintenance projects totaling \$9.8 million include the asphalt concrete overlay program, curb, gutter, and sidewalk replacement, street tree maintenance, traffic calming measures, accessible pedestrian ramp updates, and street striping. Newark's current PCI is 72; maintaining or improving it would require significant investment.

Chair Aguilar inquired about standard PCI thresholds.

PWD Fajeau noted that a PCI above 70 is desirable, clarifying that newer jurisdictions often score in the 80s, and Newark is above average in Alameda County and the Bay Area.

Vice Chair Bogisich asked if there were any plans to assist the Sycamore section that connects to Central or if it is being postponed until the Central Overpass project is done.

PWD Fajeau explained that the city had addressed some of the most deteriorated areas on Sycamore Street by having its contractor perform patch paving work.

While an overall pavement overlay for Sycamore Street is scheduled for three to four years, the city recognized the immediate need for those interim repairs. Additionally, he noted that the Central Avenue Railroad Overpass Project would cover a portion of Sycamore Street near the far south end, extending almost to Clark Avenue.

PWD Fajean mentioned that in addition to the Annual Street Maintenance project, Staff recommends \$1.2 million to fund standalone street improvement projects, previously funded through the initial design phase only. Those projects include the Cherry Street and Mowry Avenue median modifications and pedestrian hybrid beacon installations on Newark Boulevard at Brittany Avenue and Ruschin Drive, and Cedar Boulevard at Milani Avenue. He explained that pedestrian hybrid beacons, acting like traffic signals, provide clear pedestrian safety measures on multi-lane roads.

Commissioner Becker asked about the nature of a hybrid beacon.

PWD Fajean responded that, unlike the yellow lights of rectangular rapid flashing beacons, hybrid beacons act like traffic signals, providing a red light for a clearer direction. He explained that they are ideal for multi-lane roads, such as Newark Boulevard and Cedar Boulevard at Milani, where a marked crosswalk lies near the Cedar Boulevard intersection. He added that coordinating those beacons with existing traffic signals enhances traffic control. PWD Fajean noted plans to install hybrid beacons at additional single-lane roadway locations in the city.

Vice Chair Bogisich inquired about the location, asking if it was on Brittany and Cedar.

PWD Fajean clarified that it is on Newark Boulevard, with Brittany on one side and Ruschin Drive on the other, right by the fire station, there is a marked crosswalk there. He emphasized that it has always been a challenge and never met the criteria for a full traffic signal, and it would be the next best option to address the safety concern there.

PWD Fajean outlined 26 Capital Fund projects recommended for funding, including eight maintenance projects, six new vehicle purchases, eight operations projects,



and four previously unfunded projects. Those projects, totaling \$4.4 million, range from repainting the Senior Center and various upgrades at the Silliman Activity and Family Aquatic Center to purchasing new vehicles for multiple departments.

Commissioner Becker asked if the new street sweeper would be an addition or replacement.

PWD Fajeau confirmed it would be an addition to improve street sweeping services.

Commissioner Becker asked if an additional street sweeper staff member was being added.

PWD Fajeau confirmed the increase, noting that they had recently expanded the street maintenance team by one person. He noted that the addition would enhance the street sweeping capabilities and allow for a higher level of service. PWD Fajeau explained that the department was exploring options to improve citywide street sweeping, including new signage and no-parking enforcement on sweeping days. Additionally, he stated that while this initiative benefits the stormwater program, it is primarily driven by the community's desire for cleaner streets.

PWD Fajeau went on to detail operations projects, including new emergency breaching tools and training for the Police Department, security fencing for Fire Stations 27 and 29, storage for maintenance equipment at Mel Nunez Sportsfield, the relocation of the Senior Center driveway, a shelter for the new vacuum truck, and a virtual reality police tactics training system. He stated that those projects total \$931,000.

Vice Chair Bogisich observed that the priorities for the Capital Funds differed from those for the Gas Tax, with many of the capital projects marked as lower priority. She questioned whether the lower-priority items, such as new vehicles, equipment, and operations, might not be funded or if there was enough to cover them.

PWD Fajeau declared that the Capital Fund had sufficient funding to cover all recommended projects, even those marked as priority level three. He stated that despite their lower priority, the Police Department still desires those projects.

Vice Chair Bogisich emphasized the importance of fencing for fire stations.



PWD Fajeau acknowledged ongoing issues at both locations and noted that the fencing project is recommended for funding. However, he explained, there might be delays due to the potential need for new fire stations as part of the City's Facilities Master Plan. He added that if the plan indicates the need for new stations at those locations, the fencing project might be postponed, avoiding complications with future construction.

Vice Chair Bogisich questioned the location of Fire Stations 27 and 29.

PWD Fajeau responded that Fire Station 29 is located on Ruschin Drive and Newark Boulevard, and Fire Station 27 is on Cherry Street and Mowry Avenue.

PWD Fajeau noted that four projects previously listed as unfunded but now proposed for funding total just over \$1 million. He said that those projects include a new water tank spray truck for Public Works, repairs at the Second Chance shelter on Central Avenue, a retrofit of the pool sanitation system at the Silliman Center, and a new storage facility at the Newark Service Center.

Commissioner Becker inquired if the pool sanitation retrofit would involve switching to a salt filtration system.

PWD Fajeau clarified that the retrofit would focus on integrating ultraviolet light technology, complementing recent modifications to the system.

Vice Chair Bogisich asked if the upgrade would reduce chlorine levels.

PWD Fajeau replied that he was uncertain but believed the new system might help. He agreed to follow up with more information.

PWD Fajeau summarized the Capital Fund projects, which total approximately \$4.4 million, utilizing most of the projected Capital Fund balance of \$5.25 million and leaving about \$850,000 remaining.

He then addressed the Community Development Maintenance Funds, which currently have a balance of \$3.7 million. Seven proposed projects are on this year's list, totaling \$2.2 million. Those projects include:

- An update to the ADA transition plan

- Implementation of the adopted Housing Element
- Enhancements and expansion of the Park Place Specific Plan
- Assessment of the rental housing inspection program
- An assessment and update of Title 17 (the zoning ordinance) related to housing
- Development of an urban forest master plan

PWD Fajeau invited questions on the proposed projects.

Commissioner Becker inquired about the NewPark Place project, asking if it pertained to the mall or the Specific Plan for the surrounding area.

CDD Turner clarified that although the Specific Plan was updated two years ago with new developments like Costco and residential plans, the mall owner has not pursued those entitlements, which have expired. He stated that the city plans to revisit the Specific Plan to align it with current development realities and explore possibilities for nearby areas, including potential new uses for properties across the ring road and along Balentine.

Vice Chair Bogisich asked about the Urban Forest Master Plan.

PWD Fajeau explained that the plan will review and update the city's tree inventory and policies, aiming to expand the urban tree canopy and enhance maintenance and management practices. He said the goal is to create a comprehensive plan for public and private tree management.

Regarding Park Impact Fees, PWD Fajeau mentioned a balance of \$5.8 million available. However, no new park projects are being proposed for General Plan conformance currently. He clarified that the city is waiting to complete the Citywide Parks Master Plan, expected this fall, before moving forward with new park projects.

PWD Fajeau concluded the presentation by outlining the next steps in the CIP approval process. He noted that the Planning Commission was reviewing the draft CIP for General Plan conformance that evening. The City Council will review the draft and recommended projects on Thursday, with the final adoption of the

Capital Improvement Plan expected alongside the biennial budget on June 27. PWD Fajeau invited any additional questions.

**Staff Recommendation:** Staff recommends, by motion, find all remaining projects, both existing and proposed in the 2024-2026 Capital Improvement Plan draft document, and not previously on Project Lists “A” through “D,” in Conformance with the General Plan.

Chair Aguilar said that if there were no further questions, he would like to request a motion.

**Motion:** Vice Chair Bogisich moved, and Commissioner Fitts seconded to approve the motion. **The motion passed unanimously - 5 AYES.**

Chair Aguilar commended the presentation as thorough and informative, noting the significant activity and expressing satisfaction with the detailed overview.

Commissioner Becker pointed out that it was PWD Fajeau’s last presentation in front of the Planning Commission since he would be retiring after 28 remarkable years with the City of Newark at the end of the month. He said that, as a city manager, he witnessed PWD Fajeau’s outstanding presentations and thorough explanations each time. He added that his exceptional work deserved much recognition although he is modest and often shies away from taking credit. He said that PWD Fajeau would be greatly missed and wanted to ensure his contributions were acknowledged before the night concluded.

Chair Aguilar and all the Commissioners congratulated PWD Fajeau on his retirement, and Commissioner Fitts expressed appreciation for PWD Fajeau’s years of dedicated service. He commended PWD Fajeau for going the extra mile, including his efforts at community information fairs during Newark days, where he manned a pop-up booth and remained highly accessible. Commissioner Fitts emphasized that PWD Fajeau's presence will be missed.

## **G. COMMISSION MATTERS**

### *G.1 Report on City Council actions.*

None.



CDD Turner informed the Planning Commissioners about several general announcements. He highlighted the release of the draft Environmental Impact Report (EIR) for the South Bay Connect project, which was posted on the city's Facebook page. The project involves moving the Capitol Corridor line from the Niles subdivision to the Coast subdivision, intended for increased efficiency and impacting rail traffic in multiple communities, including Newark. He stated that the draft EIR is available for a 45-day public review period, during which the city will submit a formal comment letter. CDD Turner also noted that the public can review and provide comments. Two virtual meetings were scheduled: one the day after that evening's meeting and another on Thursday, June 20th. Additional information is available on the city's Facebook page, and CDD Turner invited anyone with specific questions about impacts on Newark to contact him directly.

DCDD Interiano announced to the Planning Commission that the Lepakshi Homes project, an 88-unit condo development, is currently under review and will come before the Planning Commission in the next couple of months. He mentioned that the final community meeting for this project would be held on June 20th at 6 p.m. in the library meeting room, inviting anyone interested to attend.

Chair Aguilar inquired whether the community meeting would be posted on the city's Facebook page.

DCDD Interiano responded that flyers had been sent to surrounding property owners, but they would also post the information on the city's Facebook page.

## **H. PLANNING COMMISSIONER COMMENTS**

Commissioner Catancio congratulated PWD Fajeau on his retirement, wishing him well on his next journey and thanking him and the staff for their hard work and diligence.

Vice Chair Bogisich praised PWD Fajeau for maintaining Newark's streets and parks, noting the visible difference from other cities. He congratulated PWD Fajeau and said that he would be missed.

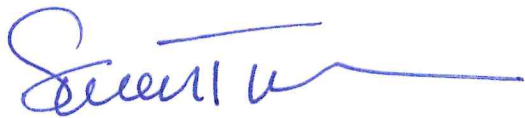
Chair Aguilar echoed the sentiments of his fellow commissioners, commending PWD Fajeau and the staff for their excellent work.

Commissioner Fitts announced that "Music at the Grove," part of Newark's summer series, would be held Friday night, the 14th, at Shirley Sisk Grove by the mall.

## **I. ADJOURNMENT**

Chair Aguilar adjourned the meeting at 8:52 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steven Turner", with a long horizontal flourish extending to the right.

Steven Turner  
Secretary