



- E.4 **Hearing to consider recommending City Council approval of a General Plan Amendment to incorporate by reference the Union City/Newark Local Hazard Mitigation Plan: Volume 1 and Newark's portion of Volume 2 into the General Plan Safety Element (GP-17-13) – from Assistant City Manager Grindall. (MOTION)**

Ta

Background/Discussion

In 2016 the Cities of Union City and Newark and special districts within their operational areas embarked on a planning process to prepare for and lessen the impacts of specified natural hazards by creating the Union City/Newark Multijurisdictional Hazard Mitigation Plan (LHMP). Responding to federal mandates in the Disaster Mitigation Act of 2000, the partnership was formed to create a uniform hazard mitigation strategy that can be consistently applied and used to ensure eligibility for specified grant funding success..

The LHMP addresses the hazards that can affect an area, setting clear goals, identifying appropriate actions and following through with an effective mitigation strategy. Mitigation encourages long-term reduction of hazard vulnerability and can reduce the enormous cost of disasters to property owners and all levels of government. Mitigation can also protect critical community facilities, reduce exposure to liability, and minimize post-disaster community disruption.

The LHMP presents the accumulated information in a unified framework to ensure a comprehensive and coordinated plan covering the entire Union City/Newark Operational Area. Each jurisdiction has been responsible for the review and approval of their individual sections of the Plan. On July 27, 2017 the City Council Approved the Union City/Newark Local Hazard Mitigation Plan: Volume 1 and Newark's portion of Volume 2.

General Plan Amendment

It is proposed to include the Local Hazard Mitigation Plan into the General Plan Safety Element by reference.

When federal officials declare a disaster area, the federal government pays 75% of the disaster costs. The rest of the costs are shared by the state and the affected local government. However Assembly Bill 2140 includes a provision that if a local jurisdiction's Local Hazard Mitigation Plan is incorporated into its General Plan by reference, no local match would be required. Thus if the approved plan is adopted into the General Plan Safety Element, Newark would not be responsible to provide a local match for declared disaster response costs.

It is recommended to incorporate the LHMP to the General Plan Safety Element and add the following language to the General Plan Safety Element:

“ The Local Hazard Mitigation Plan, as it may be amended from time to time, is included by reference into the Safety Element.”

Attachments

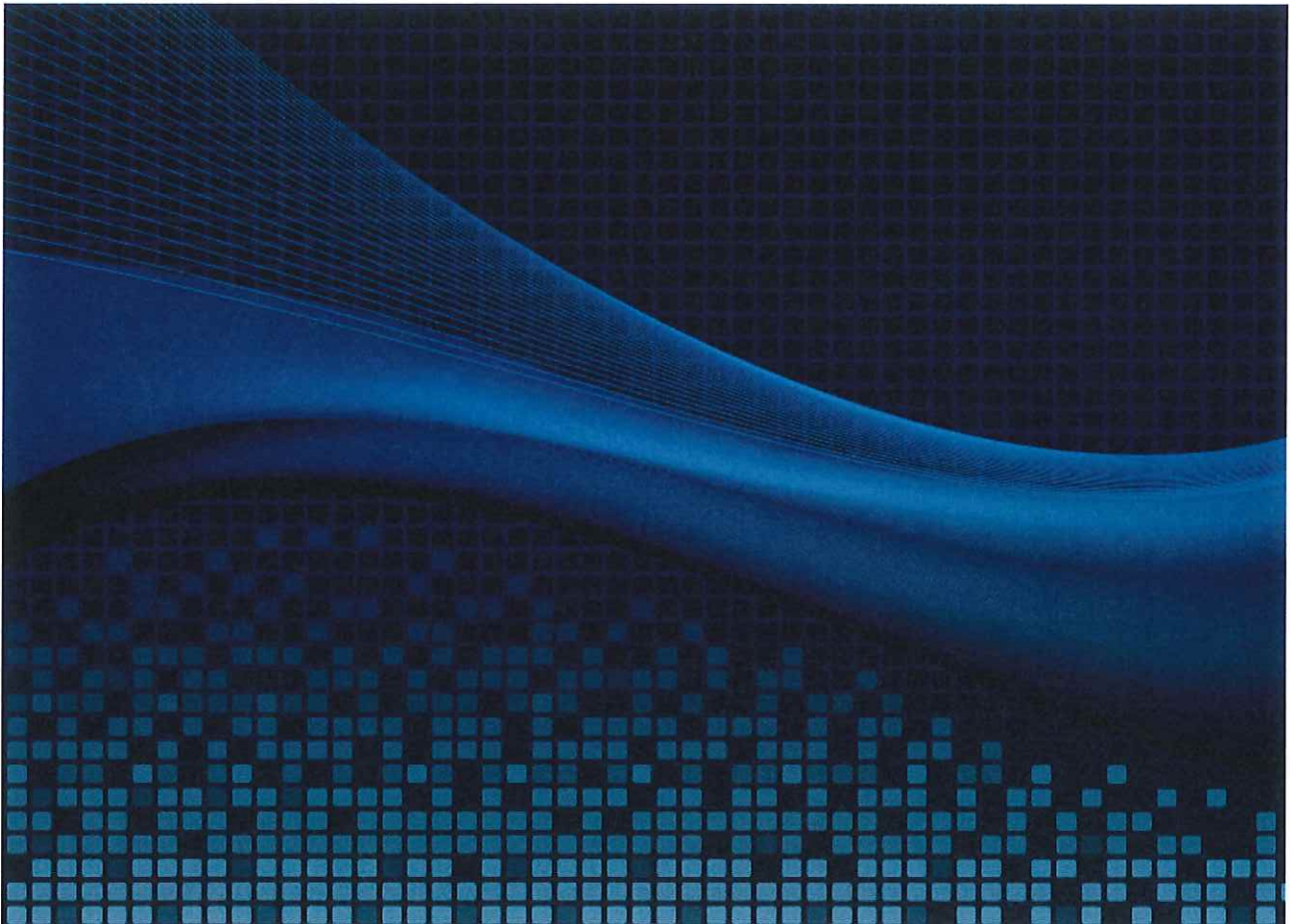
Action- Staff recommends that the Planning Commission, by motion, recommend that the City Council approve (GP-17-13) including the Union City/Newark Local Hazard Mitigation Plan: Volume 1 and Newark’s portion of Volume 2 into the General Plan by reference.

411 pages .
Document on
city's website



Union City/Newark Multi-Jurisdiction Hazard Mitigation Plan

Volume 1—Planning-Area-Wide Elements



April 2017

147 pages
Document on
City's website

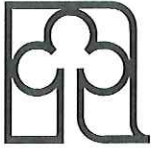


Union City/Newark Multi-Jurisdiction Hazard Mitigation Plan

Volume 2—Planning Partner Annexes



December 2016



- F.1 **MUP-17-001, a minor conditional use permit, to establish a large family day care home at 6271 Brittany Avenue– from Deputy Community Development Director Interiano.** *AI* **(REVIEW OPTIONAL)**

Background

Ms. Hassani has submitted an application for a minor conditional use permit to operate a large family day care home (a facility for up to 14 children) at 6271 Brittany Avenue.

The subject site is zoned R-6000 (Low Density Residential District). Ms. Hassani has been operating a small family day care at this location since January 2016, which allows up to 8 children and now seeks approval to grow her day care to allow up to 14 children. Per the Newark Municipal Code, the Zoning Administrator is the approval authority of large family day care homes. City staff sent a notice of the application to all property owners within 100 feet and received no objections to date.

Staff visited the site and did not find any concerns with the property, therefore does not believe the increase in children allowed will be a nuisance to the surrounding neighbors.

Environmental Review

The request to establish a large family day care home is statutorily exempt from the California Environmental Quality Act(CEQA) per Section 1527(a).

Action – Planning Commission review of this item is optional.

Attachments

1. Conditional Letter of Approval
2. Site Plan
3. Floor Plan



COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF NEWARK, CALIFORNIA

37101 Newark Boulevard • Newark, California 94560-3796 • (510) 578-4330 • FAX (510) 578-4265

August 4, 2017

Ms. Yalda Hassani
6271 Brittany Avenue
Newark, CA 94560

Dear Ms. Hassani,

Subject: ZONING ADMINISTRATOR APPROVAL TO ESTABLISH A LARGE
FAMILY DAY CARE HOME AT 6271 BRITTANY AVENUE-CITY
FILE NO. MUP-2017-001

The Zoning Administrator has **conditionally** approved your application to establish a large day care home (up to 14 children at any one time) at 6271 Brittany Avenue. The conditions of approval are:

1. The large family day care home shall comply with the requirements of Section 17.16.040.A.5.c through e of the Newark Municipal Code, with "c.ii." amended to reflect that the garage shall be utilized for the parking of vehicles for the facility operator and/or attendant:
 - c. Each facility shall maintain the required amount of off-street parking spaces on-site as specified in Chapter 17.60 of the zoning ordinance. The parking spaces shall be located in a manner to be readily and safely utilized by the customers of the facility. Parking spaces designated under this section shall serve only one facility at a time. Acceptable parking areas include guest parking spaces reserved for the use of the dwelling unit or a private driveway exclusively serving a single dwelling unit. When a dwelling unit has a private driveway and/or garage, the following limitations shall apply:
 - i. If the driveway is specified as the parking area for the facility, the driveway shall remain clear and available for customers during the hours of operation of the facility.

- ii. The garage shall be utilized for the parking of vehicles for the owners of the residence (or, when applicable, the facility operator and/or attendant).
 - d. The use and location of any outdoor recreation areas for the proposed facility shall not significantly impact abutting properties by generating noise that causes excessive discomfort for adjacent residents or property owners. To limit noise, use of outdoor recreation areas shall be limited to the hours between 9:00 a.m. to 6:00 p.m., and all outdoor recreational activities shall be supervised by the facility operator or attendant.
 - e. Outdoor recreation areas shall be located and recreational activities shall be conducted so as to be visually screened from the street and adjacent properties at grade by property line fences, landscaping or structures. Playground apparatus shall only be placed in the rear yard or interior side yard; in no case shall it be visible from a public street.
- 2. Operation of the large family day care home shall be limited to Monday through Friday.
- 3. It is the responsibility of the facility operator or attendant to keep the noise generated by the children to a minimum.
- 4. The facility operator or attendant shall, as often as necessary, inform and advise the parents of the children to: (a) minimize noise such as honking of car horns and slamming of car doors during drop-off and pick-up of children; and (b) obey all traffic laws, including speed limits and appropriate parking at all times.
- 5. The facility operator or attendant shall coordinate with the parents of the children to stagger the drop-off and pick-up times as much as possible to minimize traffic congestion, and to use the subject site's driveway and curb area for the drop-off and pick-up of children.
- 6. The large family day care home shall comply with all applicable requirements of the most recent edition of the Building Code and Fire Code adopted by the City of Newark, and the Newark Municipal Code, including the provision of smoke alarms.
- 7. Prior to the issuance of the State permit, a Fire Department inspection of the residence will be required to verify it complies with minimum safety standards.

If the decision of the Zoning Administrator is appealed to the Planning Commission, the Commissions may do one of the following:

1. Refer the matter back to the Zoning Administrator for further consideration, in which case the Zoning Administrator shall conduct a further investigation as he shall deem advisable; and report his conclusion back to the Planning Commission.
2. If the fact stated in or ascertainable from the record transmitted by the Zoning Administrator do not, in the opinion of the Planning Commission, warrant future hearing, the Planning Commission may affirm the decision of the Zoning Administrator and dismiss the appeal.
3. If, in the opinion of the Planning Commission, the facts warrant future hearing, the Planning Commission shall set the matter for hearing. The Planning Commission may reverse or affirm, wholly or partly, or modify any decision, determination or requirement of the Zoning Administrator, and may make decisions or determinations or may impose such conditions as the facts warrant.

Please also be advised that, in the event that two or more complaints are received by the City from neighbors, a hearing shall be scheduled before the Zoning Administrator to consider the complaints and add conditions to the minor conditional use permit as appropriate. Further, the minor conditional use permit can be revoked if it is determined that the conditions of approval are not being complied with.

Thank you very much. Please contact me if you have any questions. If you have any questions regarding this letter, please contact me at (510)578-4331 or email address at art.interiano@newark.org.

Sincerely,



Art Interiano
Zoning Administrator

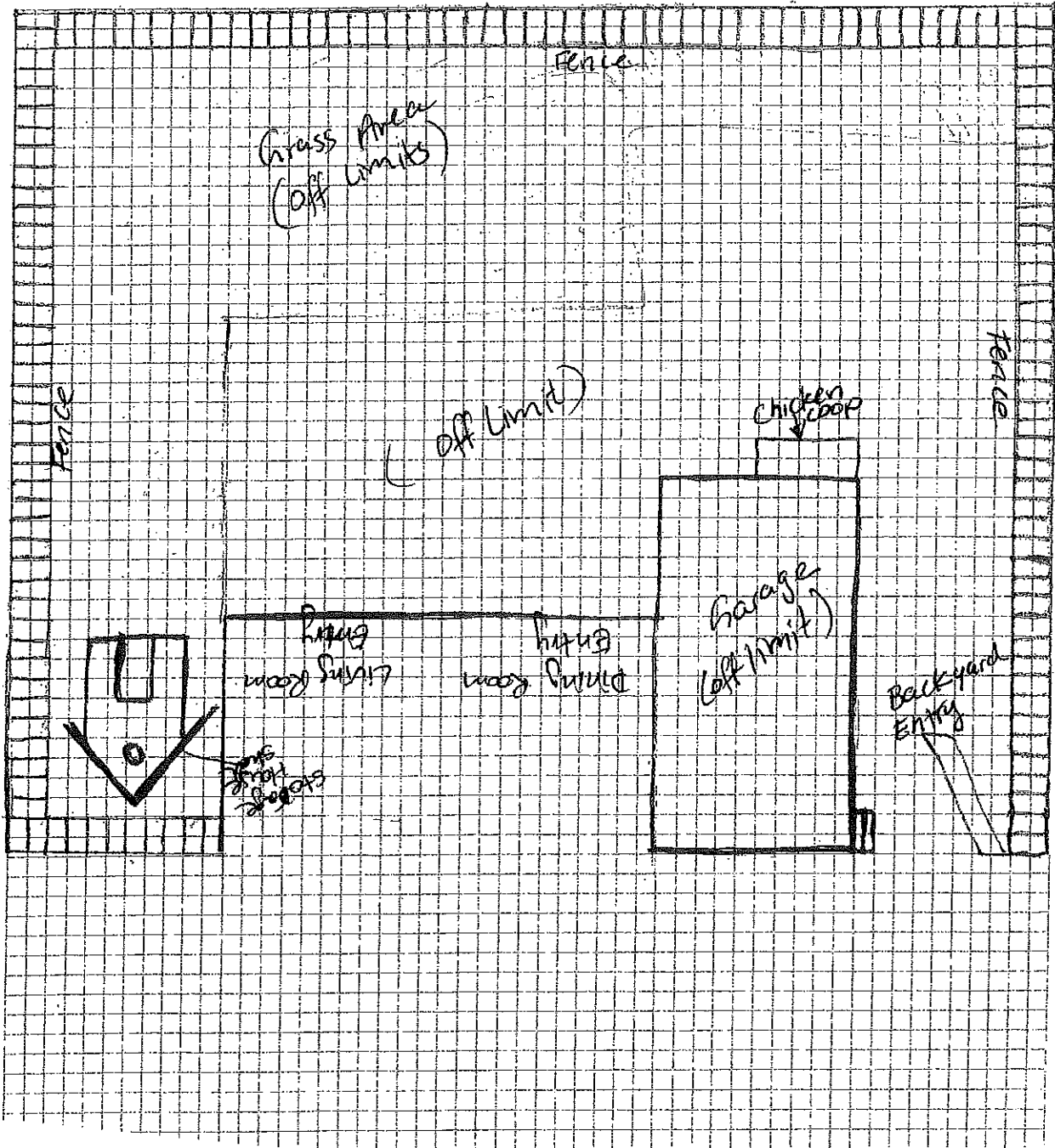
FACILITY SKETCH (Yard) - Family Child Care Home

The yard sketch should show all buildings in the yard including the home (with no detail), garage and storage building. Include walks, driveways, play area, fences, gates. Please identify areas which will be "off limits" to children. Show any potential hazardous areas such as pools, garbage storage, animal pens, etc. Show the overall yard size. Try to keep the sizes close to scale. Use the space below.

FACILITY NAME:

ADDRESS:

6271 Brittany Ave Newark, CA 94560



FACILITY SKETCH (Yard) - Family Child Care Home

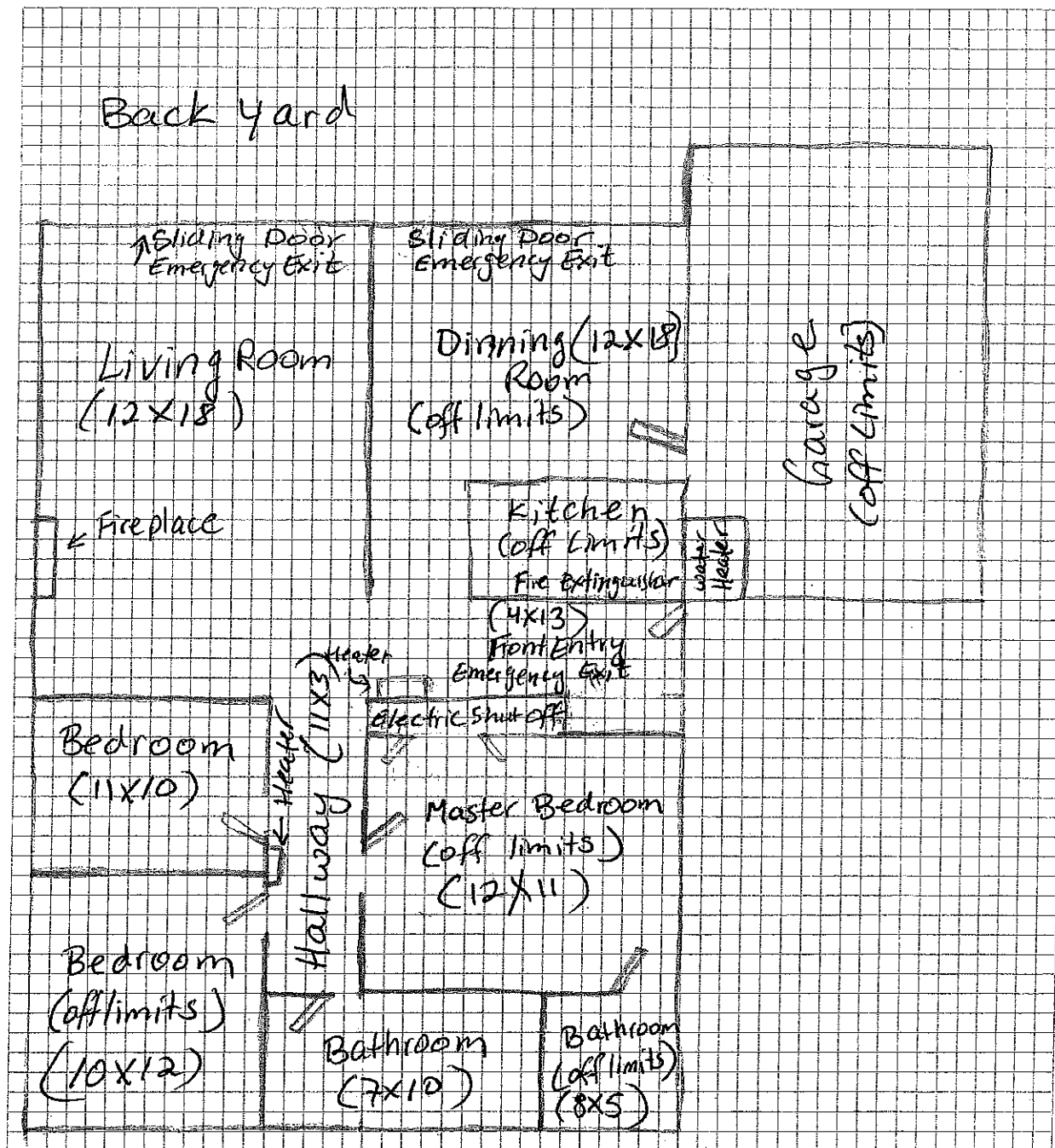
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FACILITY NAME:

Yalda Hassani

ADDRESS:

6271 Brittany Ave Newark, CA 94560





F.2 ASC-16-20, an Administrative Special Civic Review, for an accessory structure addition to a single-family residence at 38244 Aralia Drive – from Assistant Planner Bowab. *B* (INFORMATIONAL)

Background

Jose and Maria Gonzalez, property owners, have submitted an Administrative Special Civic Review application for an accessory structure addition to their residence located at 38244 Aralia Drive.

The subject site is zoned R-7000-SC (Low Density Residential – 7,000 District – Special Civic) and located northeast end of Aralia Drive, west of Cedar Boulevard, and East of Birch Grove Community Park. Special Civic Districts were established to assure an orderly development in the vicinity of civic centers, public parks and public buildings. Whenever an application is submitted for a building permit for the erection or alteration of a building or structure in an SC District, design review approval is required.

The project consists of a new 1,000 square foot workshop/storage accessory structure located in the rear of the property. The new exterior building materials, architectural treatments, and colors will match the existing home. The applicant has obtained letters from all the property owners within 50 feet of the subject site stating that they do not object to the project.

The Zoning Administrator has approved the project subject to the following condition: “The owner and/or contractor shall implement all applicable Storm Water Quality Best Management Practices for the duration of all work activity. Additional best management practices may be required by the City Engineer to minimize the pollution of storm water runoff from the project area. A note to this effect shall appear on the building permit plans.”

Environmental Review

This project is categorically exempt from the California Environmental Quality Act (CEQA) per section 15301, Class 1, additions to existing facilities.

Action – This is an informational item only.

Attachments

A- Plan Set, June 06, 2017 rev. July 13, 2017

