



CITY OF NEWARK
PLANNING COMMISSION

37101 Newark Boulevard, Newark, California 94560-3796 □ 510/578-4330 □ FAX 510/578-4265

City Administration Building
7:30 p.m.
City Council Chambers

AGENDA Tuesday, December 12, 2017

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, November 28, 2017. (MOTION)

C. WRITTEN COMMUNICATIONS

- D. ORAL COMMUNICATIONS** (Anyone wishing to address the Commission on any planning item not on the Agenda may take the podium and state his/her name and address clearly for the recorder.)

E. PUBLIC HEARINGS

- E.1 Hearing to consider U-17-16, a Conditional Use Permit, to allow a fitness gym, GFY CrossFit, in an existing building located at 36601 Newark Boulevard, Suite #77. The property is zoned Community Mixed Use – from Deputy Community Development Director Interiano. (RESOLUTION)
- E.2 Hearing to consider Z-17-15, an ordinance to repeal and replace Title 17 (“Zoning”) and rezone properties by adopting the Official Zoning Map – from Deputy Community Development Director Interiano. (RESOLUTION)(MOTION)

F. STAFF REPORTS

- F.1 Appeal of Community Development Director’s decision to deny application number SFDR2017-017, a single-family design review, for change of exterior building material from siding to stucco at 8215 Thornton Avenue – from Associate Planner Mangalam. (RESOLUTION)

G. COMMISSION MATTERS

- G.1 Election of Officers.

G.2 Cancellation of the regularly scheduled Planning Commission Meeting of Tuesday, December 26, 2017.

G.3 Report on City Council actions.

H. ADJOURNMENT to a Regular Planning Commission meeting on Tuesday, January 9, 2018 at 7:30 p.m. in the Council Chambers.

Pursuant to Government Code 54957.5: Supplemental materials distributed less than 72 hours before this meeting, to a majority of the Planning Commission, will be made available for public inspection at this meeting and at the Planning Division Counter located at 37101 Newark Boulevard, 1st Floor, during normal business hours. Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection.

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, November 28, 2017

A. ROLL CALL

At 7:30 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, September 26, 2017.

Commissioner Otterstetter moved, Vice-Chairperson Bridges seconded, to approve the Minutes of September 26, 2017. The motion passed 5 AYES.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

None.

F. STAFF REPORTS

F.1 ASR-17-14, an Architectural and Site Plan Review, for 3 new advanced manufacturing buildings located at 7200, 7300, and 7400 Gateway Boulevard (APNs: 537-853-54, 537-853-55, 537-853-56).

Assistant Planner Bowab gave the staff report.

Answering Commissioner Fitts, Assistant City Manager Grindall cited examples of existing advanced manufacturing companies in Newark.

Answering Commissioner Fitts, ACM Grindall stated storage areas are clearly marked on submitted floor plans so staff can verify the percentage of floor area being used for warehouse/storage but staff is mainly checking to see that the majority of the site will be used for manufacturing.

Answering Commissioner Aguilar, ACM Grindall stated a Conditional Use Permit will need to be approved by the Planning Commission and City Council for any strictly distribution use.

Answering Commissioner Aguilar, ACM Grindall confirmed that the elevations facing Jarvis and Gateway will have enhanced elevations and window treatments and a sound wall would be required if a complaint was received and testing showed that the decibel levels were too high.

Answering Commissioner Otterstetter, ACM Grindall stated staff did not receive any comments from the public on this project.

ACM Grindall also stated that the hours for construction were based on the site being located in an industrial area but the Chief Building Official could adjust the hours if any complaints are received.

Applicant Tim Schaedler, Panattoni Development Company, 8775 Folsom Boulevard, Suite 200, Sacramento, CA 95826, thanked staff for their time and work on this project, and stated he has read and is in agreement with the Conditions listed in Resolutions 1949 and 1950.

Answering Commissioner Fitts, Mr. Schaedler stated they are in negotiations with prospective tenants.

Answering Commissioner Fitts, ACM Grindall stated this project would completely build-out the Pacific Research Center.

Motion made by Vice-Chairperson Bridges, seconded by Commissioner Fitts, to approve Resolution 1949, recommending the City Council find that the proposed project does not require additional environmental review as provided for in Section 21166 of the California Environmental Quality Act; and approve Resolution 1950, approving Exhibit A with pages 1 through 17, for ASR-17-14, an Architectural and Site Plan Review for 3 new advanced manufacturing buildings at 7200, 7300 and 7400 Gateway Boulevard (APNs: 537-853-54, 537-853-55, 537-853-56). Motion passed 5 AYES.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

ACM Grindall stated the City Council completed a Work Session on the Zoning Ordinance update project and suggested minor changes which will be incorporated into a new Zoning Ordinance which will be presented to the Planning Commission at the December 12, 2017 meeting.

ACM Grindall announced the Tree of Angels and tree lighting ceremony is scheduled for December 4, 2017 at 5:15 p.m. in front of City Hall; the Civic Center Workshop will be held on December 7, 2017 in the City Council Chambers; and a Community Meeting to discuss dog parks will be held at the Community Center on December 9, 2017.

Commissioners' Comments

Chairperson Nillo announced his reappointment to the Planning Commission and congratulated retiring Police Sergeants Ray Hoppe and Manuel DeSerpa.

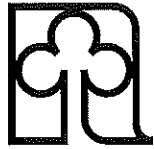
H. ADJOURNMENT

At 7:55 p.m., Chairperson Nillo adjourned the regular Planning Commission meeting of Tuesday, November 28, 2017.

Respectfully submitted,



TERRENCE GRINDALL
Secretary



- E. 1 Hearing to consider U-17-16, a Conditional Use Permit to allow a fitness gym, GFY CrossFit, in an existing building located at 36601 Newark Boulevard, Suite #77. The property is zoned Community Mixed Use– from Deputy Community Development Director Interiano. *A.O.*

(RESOLUTION)

Background/Discussion – GFY CrossFit gym has made an application to use a unit of the shopping center located at the corner of Newark Boulevard and Mayhews Landing Road. The request is to allow fitness gym which requires a conditional use permit in the Community Mixed Use district (CMU).

The shopping center is home to various retail and restaurant uses. The shopping center is bordered by office and commercial uses across Newark Boulevard and residential uses to the rear or west of the shopping center.

GFY CrossFit gym is a functional fitness gym that offers group training sessions. The programming promotes general physical preparedness using a mix of gymnastics, weightlifting, bodyweight movements, jump roping, indoor rowing, and indoor biking all performed at high intensity.

All training will be limited to the interior of the gym. Due to the fitness class schedule, the number of attendees at any given time will be limited and staff does not expect any parking issues that would require additional spaces than what the shopping center already provides. A copy of the interior proposed layout of unit #77 is attached. There is no signage proposed at this time. The general hours of operation will be 6 a.m.-8 p.m. Monday-Friday, 10 a.m.-11 a.m. Saturday, and closed on Sunday.

CrossFit gym also has another location in the City, located at 37330 Cedar Boulevard.

Staff recommends approval of CrossFit gym’s request subject to the conditions in the attached resolution.

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

Action – It is recommended that the Planning Commission, by resolution, recommend that the City Council approve U-17-16, to allow a fitness gym, CrossFit, to be located at 36601 Newark Boulevard, Suite #77.

Attachment

1. Resolution
2. Exhibit A, Pg.1-2

(U-17-16)

RESOLUTION NO.

RESOLUTION APPROVING U-17-16, A CONDITIONAL USE PERMIT, TO ALLOW FOR A FITNESS GYM INSIDE AN EXISTING BUILDING LOCATED AT 36601 NEWARK BOULEVARD (APN: 92A-900-1-2).

WHEREAS, Mr. Fred Camacho has filed with the Planning Commission of the City of Newark application for U-17-16, a conditional use permit, to allow for a fitness gym inside an existing building located at 36601 Newark Boulevard; and

PURSUANT to the Municipal Code Section 17.72.060, a public hearing notice was published in The Tri City Voice on November 28, 2017 and mailed as required, and the Planning Commission held a public hearing on said application at 7:30 p.m. on December 12, 2017 at the City Administration Building, 37101 Newark Boulevard, Newark, California; and

WHEREAS, the public hearing was scheduled for December 12, 2017; and

WHEREAS, pursuant to Chapter 17.72 (Use Permits), Section 17.72.070 (Action by Planning Commission), the Planning Commission hereby makes the following findings:

1. That the proposed location of the conditional use is in accord with the purposes of the zoning title and the purposes of the district in which the site is located;
2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;
3. That the proposed conditional use will comply with each of the applicable provisions of Chapter 17.72 (Use Permits).

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby approves this application as shown on Exhibit A, subject to compliance with the following conditions:

Planning Division

- a) No outside areas shall be used for fitness training.
- b) Prior to opening, the applicant shall submit written evidence of Republic Services, Inc.'s approval.
- c) The site and its improvements shall be maintained in a neat and presentable condition, to the satisfaction of the Community Development Director. This shall include, but not be

limited to, repainting surfaces damaged by graffiti and site clean-up. Graffiti removal/repainting and site clean-up shall occur on a continuing, as needed basis. Any vehicle or portable building brought on the site shall remain graffiti free.

- d) The staff shall direct patrons to park their vehicles nearest to the subject location in the parking lot and shall not park in the adjacent residential neighborhood.

Fire Department

- e) Fire inspection is required prior to occupancy.

Building Department

- f) A permit shall be required if any interior or site improvements are made.

General

- g) All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission and City Council review and, if so decided, said changes shall be submitted for the Commission's and Council's review and decision. The applicant shall pay the prevailing fee for each additional separate submittal of project exhibits requiring Planning Commission and/or City Council review and approval.
- h) If any condition of this conditional use permit be declared invalid or unenforceable by a court of competent jurisdiction, this conditional use permit shall terminate and be of no force and effect, at the election of the City Council on motion.
- i) The applicant hereby agrees to defend, indemnify, and save harmless the City of Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.
- j) In the event that any person should bring an action to attack, set aside, void or annul the City's approval of this project, the applicant shall defend, indemnify and hold harmless the City and/or its agents, officers and employees from any claim, action, or proceeding against the City and/or its agents, officers and employees with counsel selected by the applicant (which shall be the same counsel used by applicant) and reasonably approved by the City. Applicant's obligation to defend, indemnify and hold harmless the City and/or its agents, officers and employees shall be subject to the City's compliance with Government Code Section 66474.9.

k) The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The applicant is hereby further notified that the 90-day approval period in which the applicant may protest these fees, dedications, reservations and other exactions, pursuant to Government Code Section 66020(a), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

The Commission makes the findings prescribed in Newark Municipal Code Section 17.72.070, and directs a Notice of Decision be mailed to the applicant and filed with the City Clerk pursuant to Newark Municipal Code Section 17.72.080.

This Resolution was introduced at the Planning Commission’s December 12, 2017 meeting by , seconded by , and passed as follows:

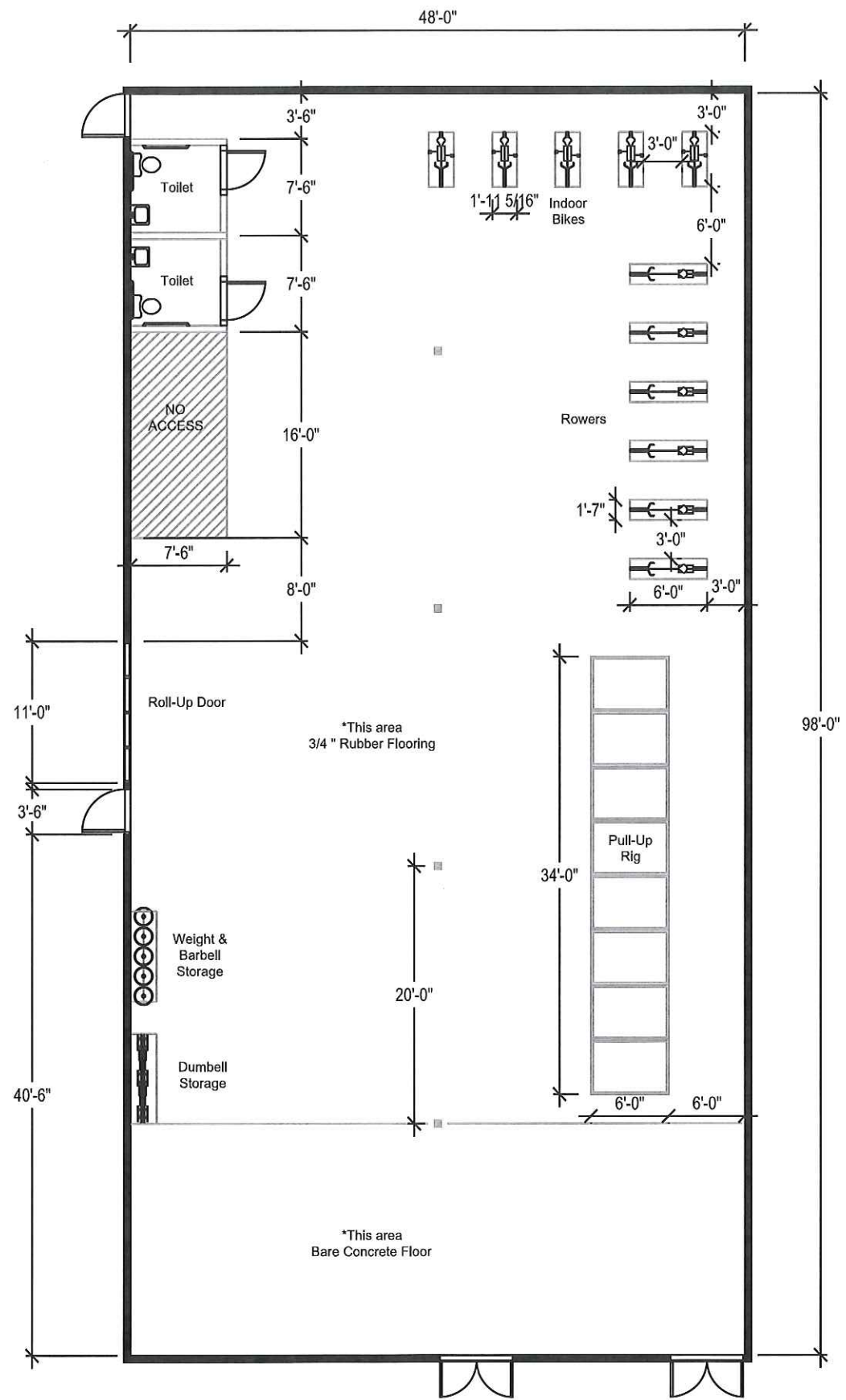
AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

BERNIE NILLO, Chairperson



Scale: 1/8" = 1'-0"

EXHIBIT Ap1

**ACCESSIBILITY UPGRADES
OLD TOWN CENTER
36601 NEWARK BOULEVARD
NEWARK, CA 94560**

1	Plan check revision	11/12/12
No.	Revision / Issue	Date

PAGE TITLE

SITE PLAN

Drawings, designs & specifications as Instruments of service are the property of ADA Compliance Consultants and may not be reproduced without written permission.

Job No.: NEWARKBL36601	Sheet No.:
Date: 03/28/2012	
Scale: NOT TO SCALE	A1
Designed By: C.T.T.	
Drawn By: J.R.S.	




KEY NOTES:

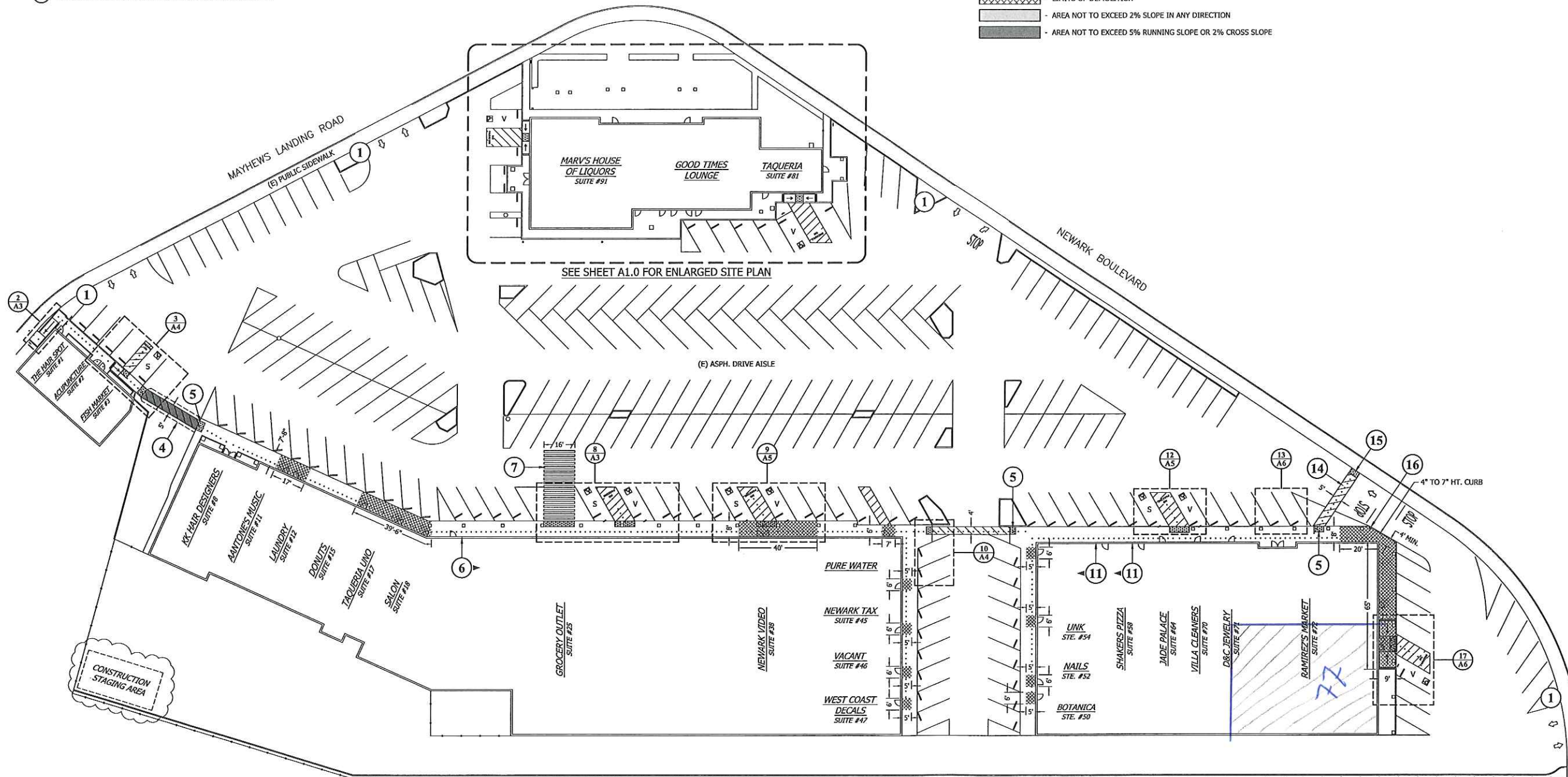
- 1 - INSTALL (N) POLE MOUNT SITE ENTRANCE SIGN TO BE CLEARLY VISIBLE UPON ENTERING SITE FROM PUBLIC STREET - PROVIDE PROPER RECLAIM NAME AND PHONE NUMBER ON (N) SIGN - SEE 7B/A2.
- 4 - INSTALL 8' x 23'-6", 0'-4" ASPH. OVERLAY (DASHED) TO CORRECT SLOPE ALONG ACC. ROUTE (SHADED) NOT TO EXCEED 5% RUNNING SLOPE OR 2% CROSS SLOPE - TRANSITION TO (E) ASPH. AT 10% SLOPE OR LESS.
- 5 - INSTALL (N) 3' x 5' SURFACE MOUNT TRUNCATED DOME - SEE 6A/A2.
- 6 - INSTALL (N) WALL MOUNT LEFT DIRECTIONAL PATH OF TRAVEL SIGN ON STRIKE SIDE OF DOOR - SEE 7C/A2.
- 7 - STRIPE (N) 16' x 35' PEDESTRIAN CROSSWALK (12" WIDE BOLD WHITE STRIPING SPACED 12" APART, TYP.).
- 11 - INSTALL (N) WALL MOUNT RIGHT DIRECTIONAL PATH OF TRAVEL SIGN ON STRIKE SIDE OF DOOR - SEE 7C/A2.
- 14 - STRIPE (N) PAINTED CROSSWALK AS SHOWN - SEE 11/A2.
- 15 - INSTALL (N) 3' x 5' FLUSH MOUNT TRUNCATED DOME (WET SET IN CONC.) - SEE 6A/A2.
- 16 - REINSTALL CORNER BOLLARDS (2 TOT.) TO MATCH (E) CONFIG.

CONSTRUCTION NOTES:

1. DEMO. (E) CONC. WALK WITHIN STATED LIMITS OF DEMOLITION (HATCHED) - INSTALL (N) CONC. WALK NOT TO EXCEED 5% RUNNING SLOPE OR 2% CROSS SLOPE - PROVIDE LVL. LANDINGS (SHADED) AS SHOWN - LVL. LANDINGS NOT TO EXCEED 2% SLOPE IN ANY DIRECTION - REF. LOC. DETAILS 9/A5 & 17/A6 FOR ADDITIONAL SCOPING.
2. ABRUPT CHANGES IN LVL. ALONG ALL WALKWAY SURFACES AND THRESHOLDS NOT TO EXCEED 1/4" VERTICAL HT. - LVL. CHANGES BETWEEN 1/4" - 1/2" ARE BEVELED WITH A MAX. GRADIENT OF 1:2.
3. CONTRACTOR TO RECONSTRUCT ALL TENANT DOOR LANDINGS ALONG (N) WALKWAY WITHIN STATED LIMITS OF DEMOLITION TO COMPLY W/ STD. DET. #13/A2.1.
4. REMOVE ALL (E) SITE ENTRANCE SIGNAGE FROM PROPERTY - COMPLIANT SITE ENTRANCE SIGNAGE TO BE REINSTALLED AS IDENTIFIED IN KEY NOTE #1/A1.
5. INSTALL (N) WHEEL STOP WITHIN ANY PARKING STALL THAT FACES AN EXISTING OR PROPOSED WALKWAY THAT IS LESS THAN 6' WIDE OR FLUSH W/ ADJOINING ASPH.
6. INSTALL (N) COMPLIANT "C" SHAPED TUBULAR DOOR PULL HANDLES AT EXT. ACC. ENTRY DOORS FOR TENANTS #1, 2, 3, 11, 15, 17, 18, 36 & 38 - TO BE MOUNTED AT 30" TO 44" O.C. ABOVE FINISHED GRADE.
7. INSTALL (N) KICK PLATES ON BOTTOM 10" OF EXT. ACC. ENTRY DOORS (PUSH SIDE ONLY) FOR TENANTS #11, 12, 15, 17, 18, 36 & 38.
8. INSTALL "ISA" DECAL (TYP.) AT STRIKE SIDE OF OR ADJACENT TO ALL EXT. ACC. TENANT ENTRY DOORS AS REQD. - TO BE MOUNTED AT 60" HT. O.C. ABOVE FINISHED GRADE.
9. REMOVE SCREEN DOORS AT EXT. ACC. ENTRY DOORS FOR TENANTS #1, 2 & 3.

CONSTRUCTION LEGEND:

-  - LIMITS OF DEMOLITION
-  - AREA NOT TO EXCEED 2% SLOPE IN ANY DIRECTION
-  - AREA NOT TO EXCEED 5% RUNNING SLOPE OR 2% CROSS SLOPE



NOTES:

1. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE REPAIR AND/OR REPLACEMENT OF ANY IMPROVEMENTS WITHIN THE PUBLIC RIGHT-OF-WAY THAT MAY BE DAMAGED AS A RESULT OF DEMOLITION WORK AND/OR THE INSTALLATION OF NEW CONCRETE CURB, TRUNCATED DOMES, ETC., ON THE PROJECT SITE. ANY WORK WITHIN THE PUBLIC RIGHT-OF-WAY WILL REQUIRE THE ISSUANCE OF A CITY OF NEWARK ENCROACHMENT PERMIT.
2. CONTRACTOR TO UTILIZE CONSTRUCTION STAGING AREA FOR ALL MATERIALS AND EQUIPMENT AS DESIGNATED AT NORTHWEST REAR CORNER OF SITE PLAN.
3. CONTRACTOR MUST ORGANIZE CONSTRUCTION OPERATIONS SUCH THAT VEHICULAR AND PEDESTRIAN ACCESS IS PROPERLY MAINTAINED.

EXHIBIT A p2



E. 2 Hearing to consider Z-17-15, an ordinance to repeal and replace Title 17 (“Zoning”) and rezone properties by adopting the Official Zoning Map– from Deputy Community Development Director Interiano. *R.D.* (RESOLUTION)(MOTION)

Background/Discussion – An ordinance is being proposed to repeal and replace the City’s Zoning code and adopt a new Official Zoning Map. As part of the City’s overhaul of the existing Zoning Code which has been in place since 1965, staff will provide a brief overview of the draft zoning code. The overhaul of Title 17 Zoning Districts began in 2016 with the objective to provide a zoning code which is clear, concise, and easy to navigate. The draft language provides a clear decision-making and review process in addition to incorporating new planning terms, concepts and best practices. The goal has also been to provide a zoning code which attracts quality investment and improves the quality of life of Newark’s residents.

The draft includes the following various sections as described below:

- Division I- General Provisions*
- Division II- Base and Overlay Districts*
- Division III- Citywide Regulations*
- Division IV- Administration and Permits*
- Division V- General Terms & Definitions*

The following sections were modified based on the City Council worksession held on November 7, 2017:

- o Industrial Districts (Division II, Section 17.09.030)-Increase rear setback for Business Technology Park district
- o All Districts (Division III, Section 17.17.120)-The City may require additional service if needed
- o Window Signs (Division III, Section 17.25.090)-Window sign coverage limited to 25% of windows
- o Parking Standards-Remove Park-N-Lieu Program and motorcycle reduction program. Also, all reduction in parking standards shall require a Minor Use Permit.
- o Public Notices-Increased the notice distance for Residential and Non-Residential districts.
- o Communication Towers-
- o Non-Conforming Uses (Division III, Section 17.22.120)-Clarifying language for Class I, non-conforming use and abandonment periods

In addition, the city’s Official Zoning Map will be updated to conform with the most updated City approved projects and made consistent with the current General Plan.

Planning Commission

The Planning Commission reviewed and recommended approval of moving forward with the draft Zoning Code at two meetings on June 27th and September 26th.

CEQA-The proposed text amendment is categorically exempt from the California Environmental Quality Act (CEQA) under section 5060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and Section 1506(b)(3) (General Rule that CEQA only applies to project which have the potential to cause a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

Action – It is recommended that the Planning Commission, by resolution, recommend that the City Council approve Z-17-15, a repeal and replacement of Title 17 with associated Zoning Map.

Attachment

1. Resolution
2. Draft Ordinance
3. Exhibit A-Official Zoning Map

RESOLUTION

RESOLUTION RECOMMENDING APPROVAL OF Z-17-15, A TEXT AMENDMENT TO TITLE 17 (ZONING) OF THE NEWARK MUNICIPAL CODE TO REPEAL AND REPLACE TITLE 17 (“ZONING”) IN ORDER TO UPDATE THE NEWARK ZONING CODE, REZONE DISTRICTS AND PROPERTIES, AND ADD A NEW ZONING MAP

WHEREAS, an amendment to Title 17 is made to replace the entire “Zoning” code and replace with an updated version including an update Official Zoning Map.

PURSUANT to Newark Municipal Code Section 17.72.060, a public hearing notice was published in the Tri-City Voice on November 28, 2017, and the Planning Commission held a public hearing on said application at 7:30 p.m. on December 12, 2017 at the City Administration Building, 37101 Newark Boulevard, Newark, California.

NOW, THEREFORE, the Planning Commission resolves as follows:

- a. That Title 17 be repeal and replaced with a new Title 17 as shown in Exhibit A;
- b. That the City Council amend Title 17 (Zoning) of the Newark Municipal Code as set forth in Exhibit A, attached hereto and made part hereof by reference.
- c. That a copy of the minutes be forwarded to the City Council as a summary of the hearing.
- d. That the text amendments herein shall be added to the appropriate sections of the Newark Municipal Code, after review and approval by the City Council, when it is next published, with the notation of the date when the amendments became effective.

This Resolution was introduced at the Planning Commission’s December 12, 2017 meeting by _____, seconded by _____, and passed as follows:

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

BERNIE NILLO, Chairperson

ORDINANCE NO.

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
NEWARK REPEALING AND REPLACING TITLE 17
("ZONING") IN ORDER TO UPDATE THE NEWARK ZONING
CODE, REZONE DISTRICTS AND PROPERTIES, AND ADD A
NEW ZONING MAP.

The City Council of the City of Newark does hereby ordain as follows:

Section 1: Pursuant to Section 17.80.070 of Title 17 (Zoning) of the City of Newark Municipal Code, the City Council of the City of Newark does hereby find that the zoning text amendments embodied in this ordinance as set forth in Exhibit A, attached hereto and made a part hereof by reference, is necessary and desirable to achieve the purposes of Title 17 (Zoning) of the Newark Municipal Code, which seek to update the zoning code with entirely new language which includes best planning practices, renames zoning districts, updates an outdated zoning map and rezones properties which were inconsistent with the General Plan.

Section 2: The City Council of the City of Newark does hereby find and declare that the zoning text amendment embodied in this ordinance as set forth in Exhibit A, attached hereto and made a part hereof by reference, is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which provides that where it can be seen with certainty that there is no possibility that the activity in question may have a significant impact on the environment, the activity is not subject to CEQA.

Section 3: Title 17 (Zoning) of the Newark Municipal Code is hereby amended as shown in Exhibit A.

Section 4: Effective Date. This ordinance shall take effect thirty (30) days from the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in The Tri-City Voice, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

The foregoing ordinance was introduced and read before the City Council of the City of Newark by _____ at the regular meeting of the City Council of the City of Newark held on January ____, 2018.

This ordinance was read at the regular meeting of the City Council held January ____, 2018. Council Member _____ moved that it be adopted and passed, which motion was duly seconded, and said ordinance was passed and adopted.

AYES:

NOES:

ABSENT:

SECONDED:

APPROVED:

ATTEST:

s/ALAN L. NAGY
Mayor

s/SHEILA HARRINGTON
City Clerk

APPROVED AS TO FORM:

s/David Benoun
City Attorney

City of Newark

NEW ZONING ORDINANCE

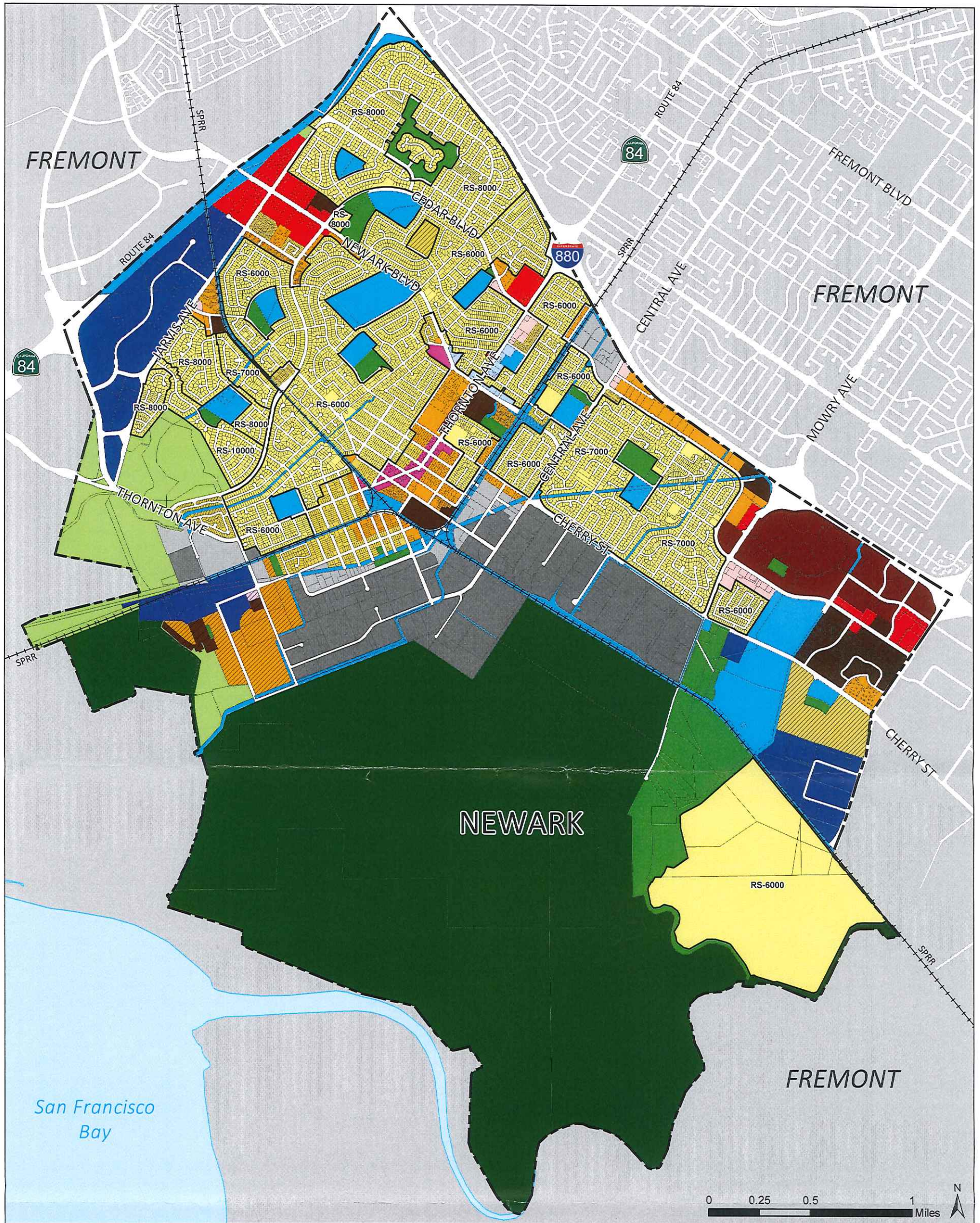
Public Hearing Draft

299 pages
see website
(www.newark.org)

DECEMBER 2017



CITY OF NEWARK PROPOSED ZONING MAP



ZONING DISTRICTS

- RS: Residential Single Family
- RL: Residential Low Density
- RM: Residential Medium Density
- RH: Residential High Density
- NC: Neighborhood Commercial
- CC: Community Commercial
- RC: Regional Commercial
- CMU: Commercial Mixed Use
- CR: Commercial Retail

- PO: Professional Office
- BTP: Business and Technology Park
- LI: Limited Industrial
- GI: General Industrial
- PF: Public Facilities
- TS: Transit Station
- OS: Open Space
- PK: Park
- RP: Resource Production

OVERLAY DISTRICTS

- FBC: Form Based Code

MAP FEATURES

- City Boundary

Sources: City of Newark
RRM Design Group
10.27.17

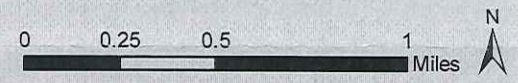


EXHIBIT A



F.1 Appeal of Community Development Director's decision to deny application number SFDR2017-017, a single-family design review, for change of exterior building material from siding to stucco at 8215 Thornton Avenue – from Associate Planner Mangalam. *SM* (RESOLUTION)

Background/Discussion – Keshni and Satish Kumar, property owners at 8215 Thornton Avenue, filed an application for a single-family design review (SFDR), for a change in the exterior building material from siding to stucco to their single-family home which is under construction.

The subject site is on the north side of Thornton Avenue between Spruce Street and Laurel Street and abuts August Schilling Elementary School. The property is zoned R-6000 (Low Density Residential) and has Low-Density Residential General Plan designation.

As per Section 17.16.206, single-family residential design review of Newark Municipal Code, all new single-family residences, second-story additions and exterior modifications to existing single-family residences shall be reviewed and acted upon by the Community Development Director.

In the context of Section 17.16.206 of Newark Municipal Code, the applicants initially filed for a single-family design review for a new home on November 11, 2015 and were approved for the same on December 17, 2015. On July 7, 2017, the property owners applied for another SFDR (SFDR2017-010) for an additional two-car garage to their house. After consideration, staff approved the application with the condition that the elevations are enhanced by adding architectural features and siding will be used as exterior building material on front and side elevations.

As per Section 17.16.206(A) of Newark Municipal Code, “the purpose of single-family residential design review is to promote orderly, attractive and harmonious development, the preservation of the visual character of Newark ...”. Staff acted on the guidelines of SFDR and approved the drawings in the previous submittals, SFDR2015-008 and SFDR2017-010 with siding as the exterior building material. Subsequent to this approval, the property owners requested to modify the elevations by changing exterior building material from siding to stucco and applied for a subsequent SFDR2017-017 on November 20, 2017.

Most of the houses in the surrounding neighborhood are single story with few exceptions. The subject house under construction is two stories and appears very bulky in its size and context. The siding material will help break down the bulkiness of this home and enhance the architectural elements of the house. Staff also studied various homes throughout the City including both stucco and siding as exterior building material for comparison.

Keeping in mind the guidelines of SFDR of Newark Municipal Code and other considerations, the Community Development Director denied the request to change the exterior building material to stucco.

As per Section 17.26.206(G) of Newark Municipal Code, notice of the Community Development Director's denial of SFDR2017-017 was sent to the applicants on November 29, 2017. Subsequent to this, the applicants appealed staff's decision.

Environmental Review – One single-family residence, is categorically exempt from the California Environmental Quality Act per Section 15303, class 3 (a).

Action – It is recommended that the Planning Commission, by resolution, upholds the decision of Community Development Director's denial of SFDR 2017-017, a single-family design review with Exhibit A, pages 1 through 13, for change of exterior building material from siding to stucco at 8215 Thornton Avenue.

Attachments

1. Appeal letter from Satish and Keshni Kumar, November 11, 2017 (Exhibit A, page 1)
2. Notice of the Community Development Director's denial of SFDR2017-017 (Exhibit A, page 2)
3. Location map (Exhibit A, page 3)
4. SFDR2017-017 drawings (Exhibit A, pages 4 and 5)
5. Previously approved SFDR2017-010 (Exhibit A, pages 6 through 9) and SFDR2015-008 drawings (Exhibit A, pages 10 through 13)

(SFDR2017-017)

RESOLUTION NO.

RESOLUTION UPHOLDING COMMUNITY DEVELOPMENT DIRECTOR'S DECISION TO DENY A SINGLE-FAMILY DESIGN REVIEW (SFDR2017-017) FOR CHANGE OF EXTERIOR BUILDING MATERIAL AT 8215 THORNTON AVENUE.

WHEREAS, Satish and Keshni Kumar, has filed an application with the planning division of the City of Newark for a single-family design review (SFDR2017-017) for a change in the exterior building material from siding to stucco to a single-family home under construction at 8215 Thornton Avenue; and

PURSUANT to Municipal Code Section 17.16.206(E), the Community Development Director acted upon the application and notice of denial of single-family design review was sent to the applicants. The applicants then filed for an appeal; and

PURSUANT to Municipal Code Section 17.48.120, the planning commission shall have jurisdiction to hear and decide appeals; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby upholds the decision of the Community Development Director to deny the single-family design review.

This Resolution was introduced at the Planning Commission's December 12, 2017 meeting by Commissioner , seconded by Commissioner , and passed as follows:

AYES:

NOES:

ABSENT:

TERRENCE GRINDALL, Secretary

BERNIE NILLO, Chairperson

11/30/17

To: **Appeals Team**

We are the property owners of the address 8215 Thornton Ave appealing the denial of the design review letter we received today for a new SFDR replacing siding with stucco.

We are appealing to the design review for stucco our home instead of siding with reasons below:

We were very pleased with Sofia, Mangalam and Art, Interiano, for proposing/suggesting/changes they made to our home, which we implemented in the 2nd new drawing and it got approved.

However, upon 2nd review the stucco suits with the suggested arch front windows which complement the entire house. We understand regarding aligning the vision for the city of Newark is important, I believe for new constructions, stucco has been predominantly the choice of the Newark community.

Reasons:

1. Modern kind of development, not violating any city codes or dimensions.
2. Ninety percent of houses in old Newark are Stucco, which were done at different times with may be different vision, this does not sound like a policy/guideline that cannot be changed.
3. New developments will bring a wave of new ideas among surrounding neighborhood to update their homes as well.
4. The maintenance/price/beauty and noise reduction (Busy Street and adjacent school) Stucco is far more favorable, as surrounded neighborhood.
5. The proposed plan is in accordance of city code planning requirement and set back.
6. 10 Neighbors within 100 feet have agreed/signed the no object agreement for stucco.

May we humbly request for city to please take a look at our stucco plan, allow us to build our dream home? Satish and I have worked extremely hard to build our dream home, spending huge amount of money, we beg you to please allow us stucco not siding.

We have lived in Newark for 27 years and hoping my kids and grandkids will dream bigger and help make Newark the most desirable city to live in.

Please contact us with any questions at- 510-290-5564

Email-skfloorcovering@hotmail.com

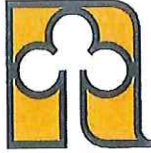
Sincerely

Satish/Keshni Kumar

Sincerely,



EXHIBIT Ap 1



CITY OF NEWARK, CALIFORNIA

37101 Newark Boulevard • Newark, California 94560-3796 • (510) 578-4000 • FAX (510) 578-4306

November 29, 2017

Keshni and Satish Kumar
8215 Thornton Avenue
Newark, CA 94560

**SUBJECT: PROPOSED CHANGE TO AN APPROVED SINGLE FAMILY DESIGN REVIEW AT 8215
THORNTON AVENUE— CITY FILE NO. SFDR2017-017**

Your Single-Family Design Review (SFDR) application is denied. Previously, Single Family Design Review with City File No. SFDR2017-010 for the property at 8215 Thornton Avenue was approved with siding on front and side elevations. The decision was based on maintaining and enhancing the visual character of Newark. However, the applicant applied for a new SFDR replacing siding with stucco.

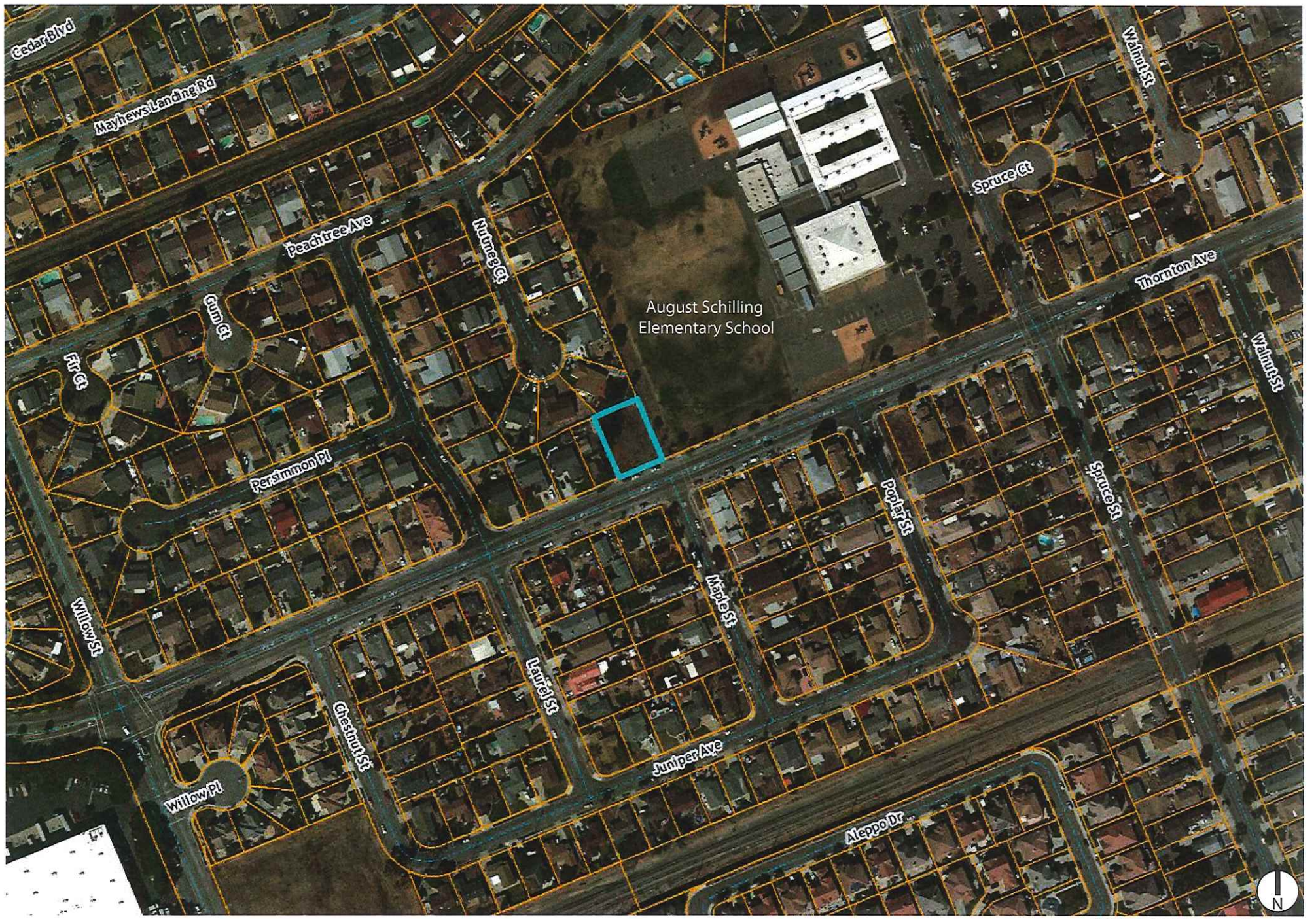
An appeal of the Community Development Director's decision requires payment of a \$100 fee and submittal of a letter specifying the reason(s) for the appeal. The appeal will be acted on by the Planning Commission. The appeal letter and fee should be sent to the City of Newark, 37101 Newark Boulevard, Newark, CA 94560, Attn.: Planning Division. The City must receive the letter and fee no later than 5:00 p.m., Saturday, December 9, 2017.

Please contact Ms. Sofia Mangalam, Associate Planner, if you have any questions. She can be reached at (510) 578-4242 or via email at sofia.mangalam@newark.org.

Sincerely,

Terrence Grindall
Community Development Director/Assistant City Manager

EXHIBIT Ap2



SFDR2017-017: Location Map

Legend


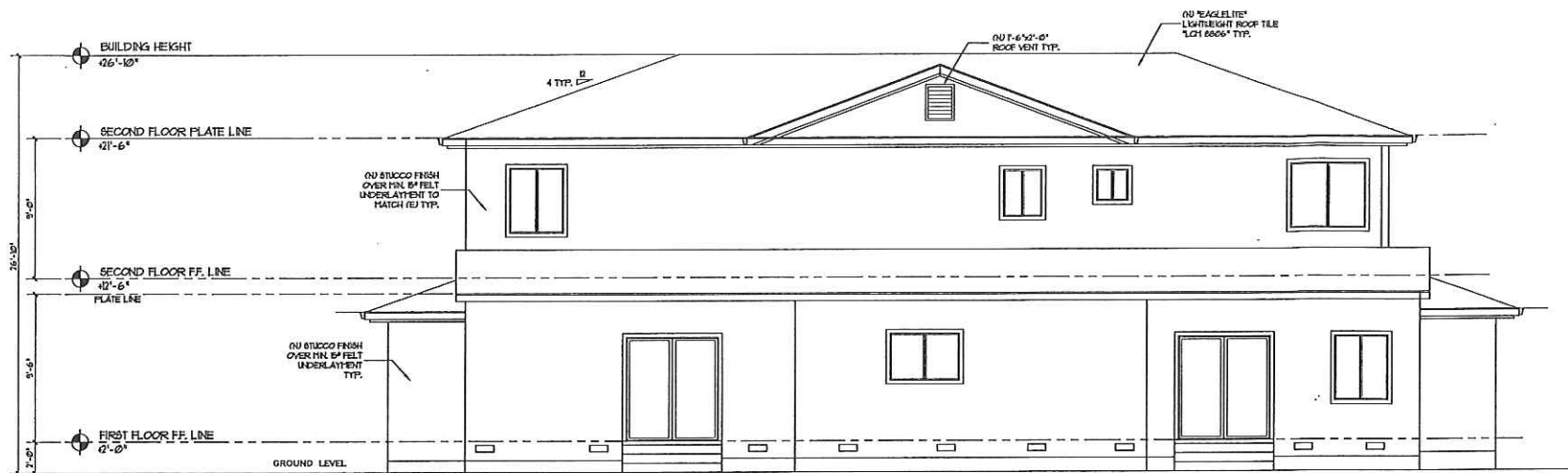
 Subject Site: 8215 Thornton Avenue

EXHIBIT Ap3



2 REAR ELEVATION PLAN
A2 SCALE: 3/16" = 1'-0"



1 FRONT ELEVATION PLAN
A2 SCALE: 3/16" = 1'-0"

ENGINEER:
XU ENGINEERING
JOSEPH XU
338 BARTON DRIVE
FREMONT, CA 94536
P. 510.676.2733
F. 510.784.2900
xuengineering@yahoo.com



Project Title:
RESIDENTIAL NEW HOUSE
8215 THORNTON AVENUE
NEWARK, CALIFORNIA

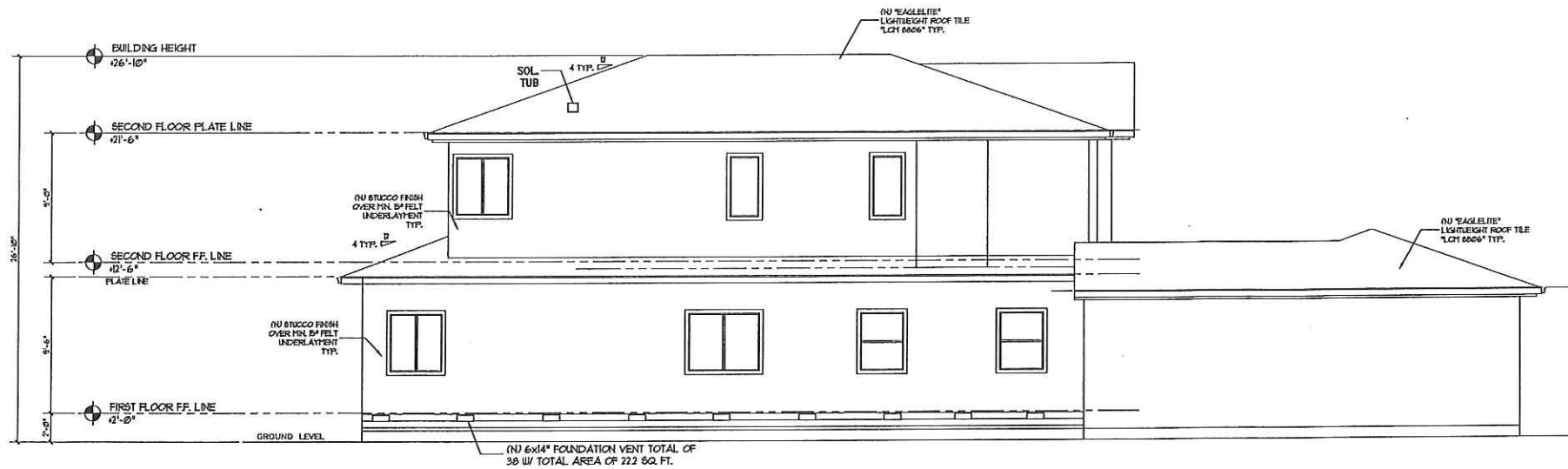
Sheet Title:
ELEVATIONS

Revision No.:	Date:
PERMIT	03/17/2016
PLAN CHECK REV 1	05/04/2016
PLAN CHECK REV 1	12/23/2016
REVISION	07/19/2017
GARAGE REV.	08/29/2017

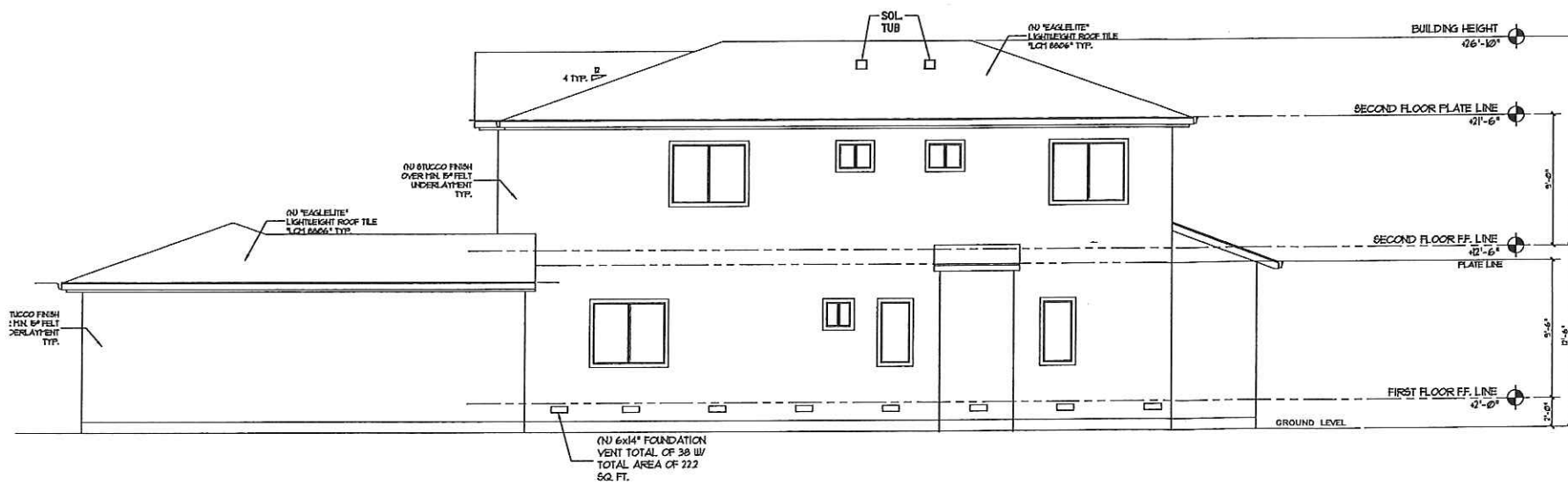
SFDR 2017-017

Date: 03/17/2016
Drawn by: JX
Checked by: JX
Sheet No: A2
Project No: 8215

EXHIBIT A04



2 SOUTH SIDE ELEVATION PLAN
A2.1 SCALE: 3/16" = 1'-0"



1 NORTH SIDE ELEVATION PLAN
A2.1 SCALE: 3/16" = 1'-0"

SFDR2017-017

EXHIBIT Ap5

ENGINEERING
XU ENGINEERING
JOSEPH XU
339 BARTON DRIVE
FREMONT, CA 94536
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F. 510.754.2930
xuengineering@yahoo.com



Project Title:
RESIDENTIAL NEW HOUSE
8215 THORNTON AVENUE
NEWARK, CALIFORNIA

Sheet Title:
ELEVATIONS

Revision No.:	Date:
PERMIT	03/17/2016
PLAN CHECK REV. 1	05/04/2016
PLAN CHECK REV. 2	12/13/2016
REVISION	07/10/2017
GARAGE REV.	02/29/2017
Date:	03/17/2016
Drawn by:	JX
Checked by:	JX
Sheet No.:	A2.1
Project No.:	8215

NEIGHBOR LOT

NEIGHBOR LOT

NEIGHBOR LOT

NEIGHBOR
8285 THORNTON AVE

NEIGHBOR
8263 THORNTON AVE

NEIGHBOR
8231
THORNTON
AVE

PLOT LINE = 70'-0"

PLOT LINE = 70'-0"

PLOT LINE = 50'-0"

PLOT LINE = 90'-0" S67° W21'06"

SIDEWALK

SIDEWALK

SIDEWALK

CURB

CURB

THORNTON AVE

SFDR2017-010

1 PROPOSED SITE PLAN
A0.1 SCALE: 3/32" = 1'-0"

EXHIBIT ApG



SHEET : SITE PLAN

A0.1

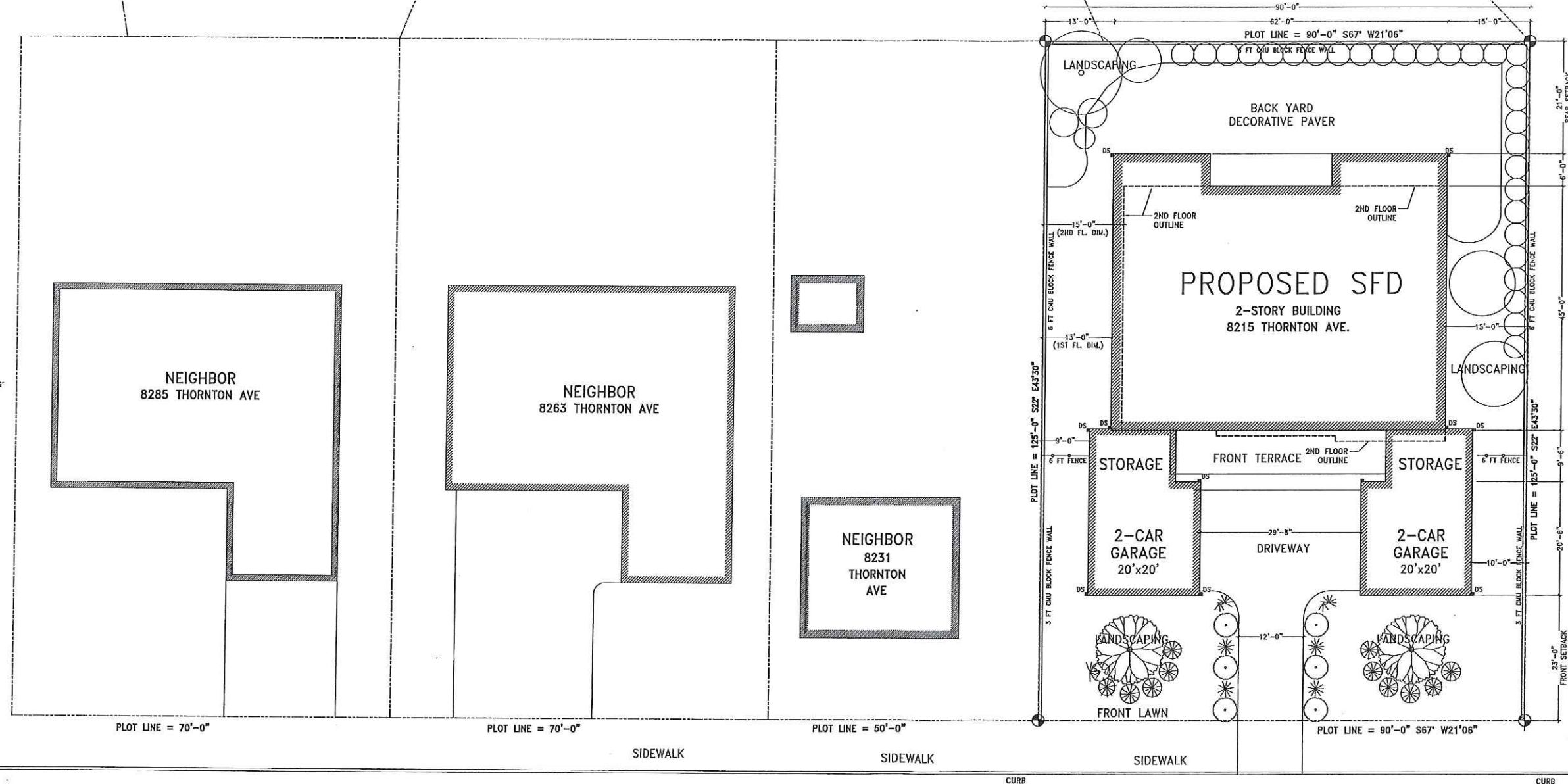
(Approved) Final submission
08-10-2017

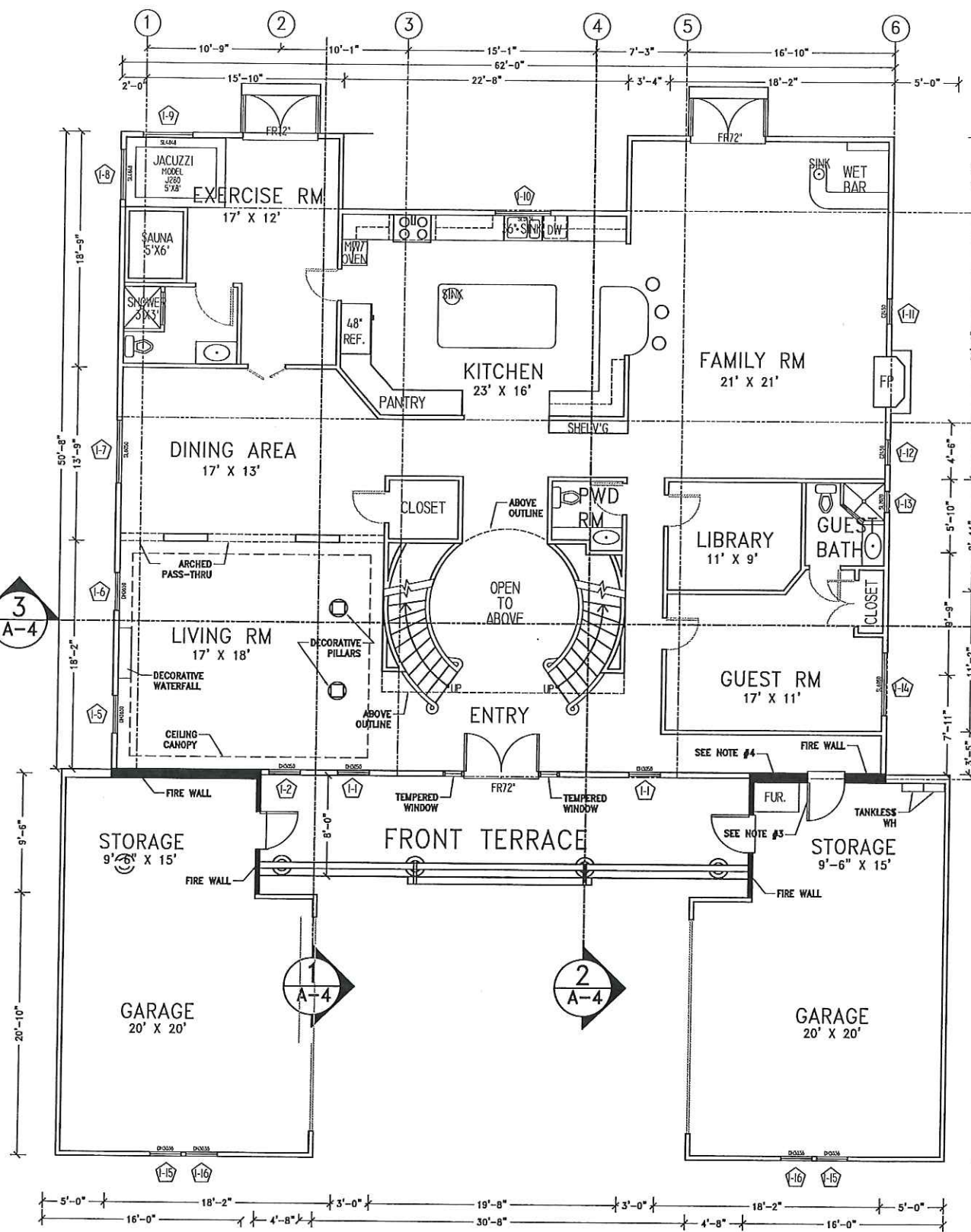
CONTRACTOR

INNOVATION CONSTRUCTION
462 HESTER STREET, SAN LEANDRO 94577
PH: 510.777.1877 FAX: 510.777.1088

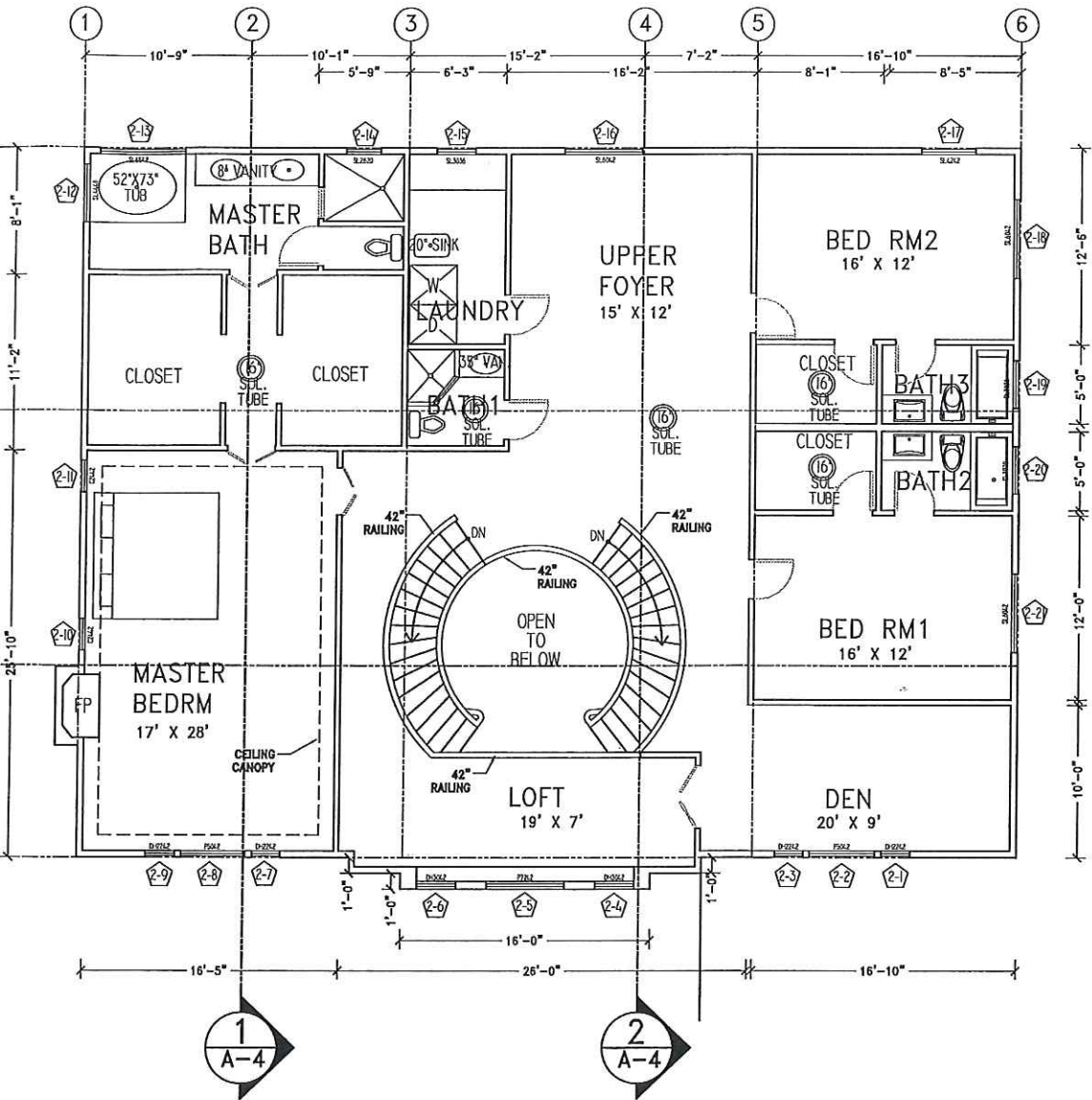
RESIDENTIAL NEW CONSTRUCTION
8215 THORNTON AVE, NEWARK

PROJECT





1 FIRST FLOOR PLAN
A1 SCALE: 3/16" = 1'-0"



2 SECOND FLOOR PLAN
A1 SCALE: 3/16" = 1'-0"

NOTE:
 1. FOR WINDOW DETAILS AND NOTES, SEE WINDOW SCHEDULE ON SHEET A3.
 2. GLAZING AT WINDOW NEXT TO ENTRY DOOR SHALL BE TEMPERED, CRC. R308.4.2.
 3. SOLID CORE, 1 3/8" THICK OR 20 MIN. FIRE RATED DOOR WITH SELF CLOSING DEVICE.
 4. DUCTS IN GARAGE AND DUCTS PENETRATING THE WALLS OR CEILINGS SEPARATING THE DWELLING FROM THE GARAGE SHALL BE CONSTRUCTED OF A MIN. NO.26 GAGE (0.48 MM) SHEET STEEL OR OTHER APPROVED MATERIAL AND SHALL HAVE NO OPENING INTO THE GARAGE.

EXHIBIT Ap7

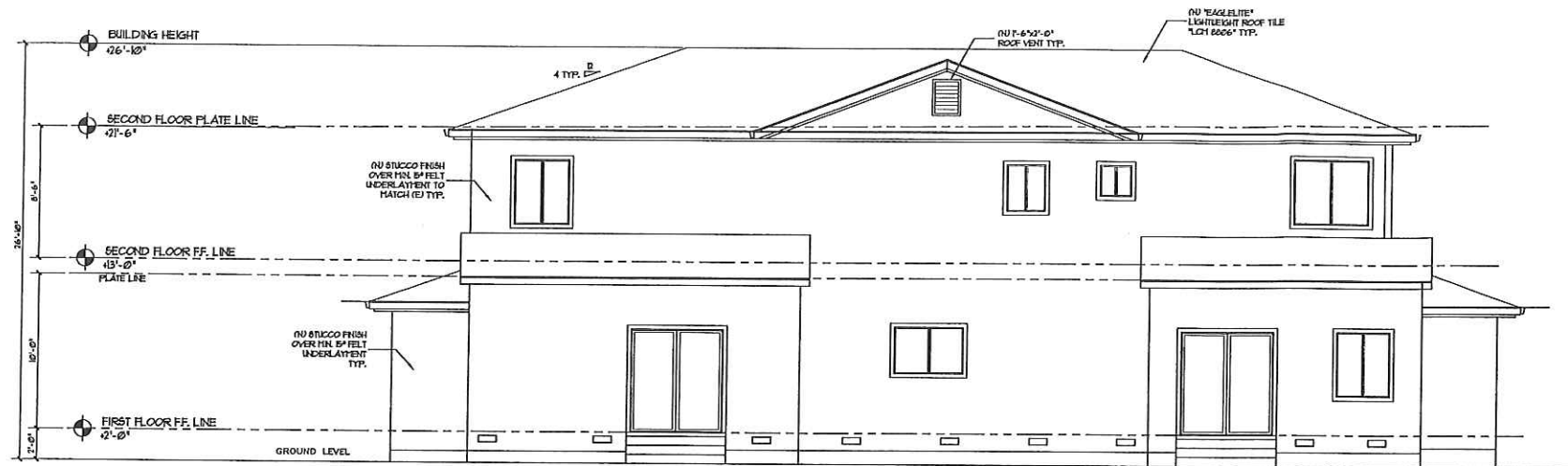
SFDR2017-010

CONTRACTOR
 INNOVATION CONSTRUCTION
 462 HESTER STREET, SAN LEANDRO 94577
 PH. 510.777.1877 FAX. 510.777.1888

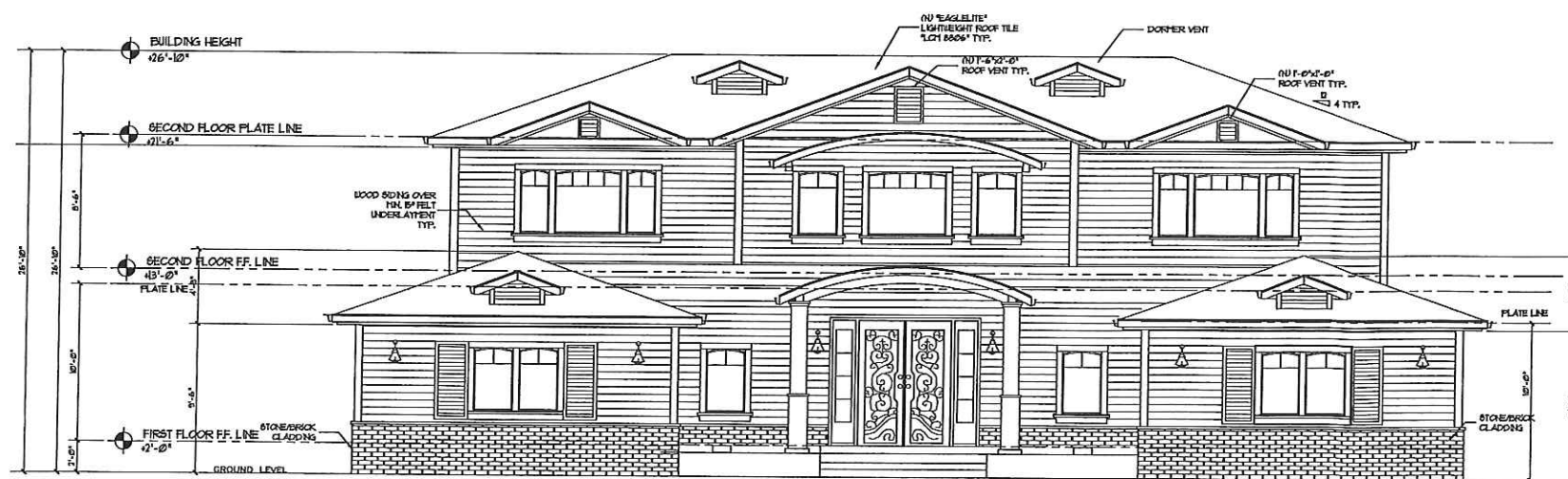
PROJECT
RESIDENTIAL NEW CONSTRUCTION
 8215 THORNTON AVE, NEWARK

SHEET : FLOOR PLANS

A1



2 REAR ELEVATION PLAN
A2 SCALE: 3/16" = 1'-0"



1 FRONT ELEVATION PLAN
A2 SCALE: 3/16" = 1'-0"

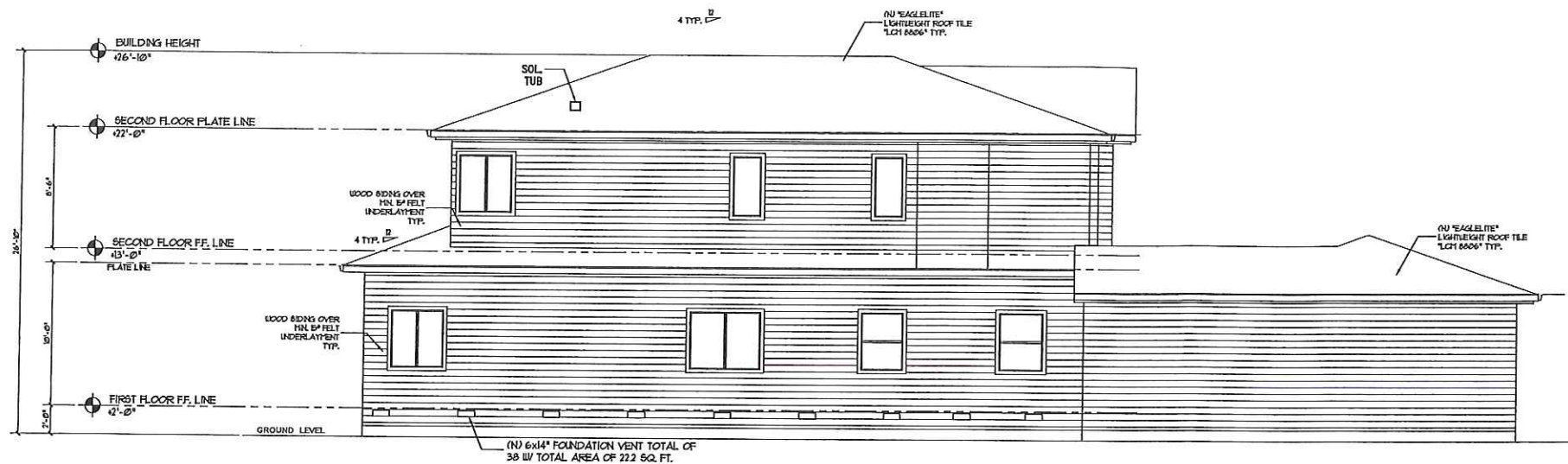
SFDR2017-010

EXHIBIT Ap8

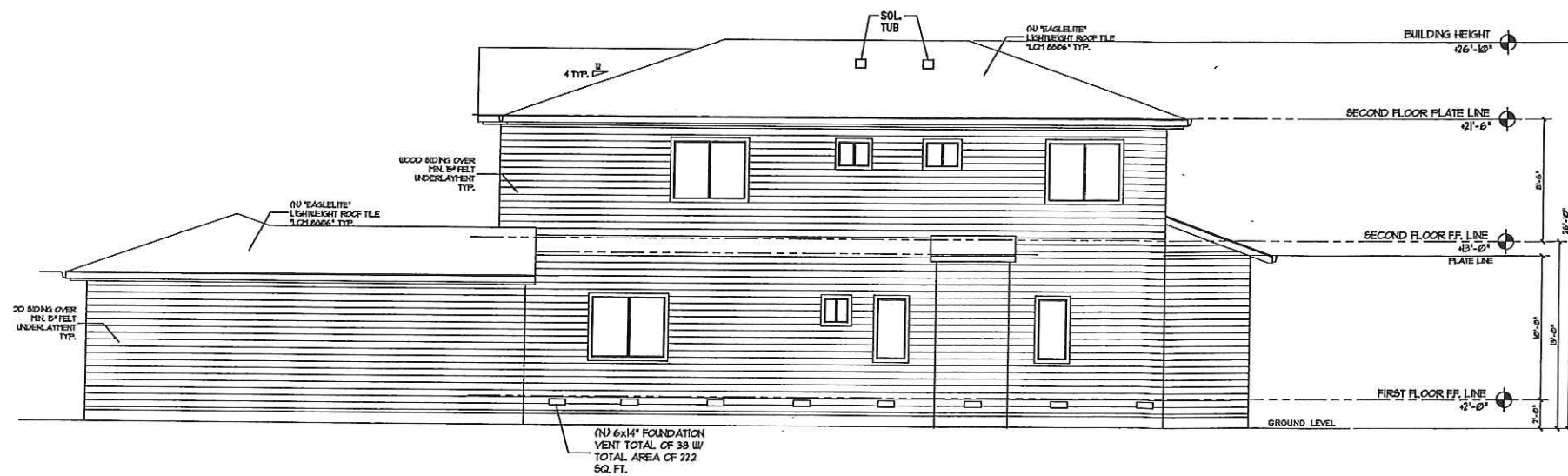
CONTRACTOR
INNOVATION CONSTRUCTION
462 HESTER STREET, SAN LEANDRO 94577
PH. 510.777.1877 FAX. 510.777.1888

PROJECT
RESIDENTIAL NEW CONSTRUCTION
8215 THORNTON AVE, NEWARK

SHEET : ELEVATIONS
A2



2 SOUTH SIDE ELEVATION PLAN
A2.1 SCALE: 3/16" = 1'-0"

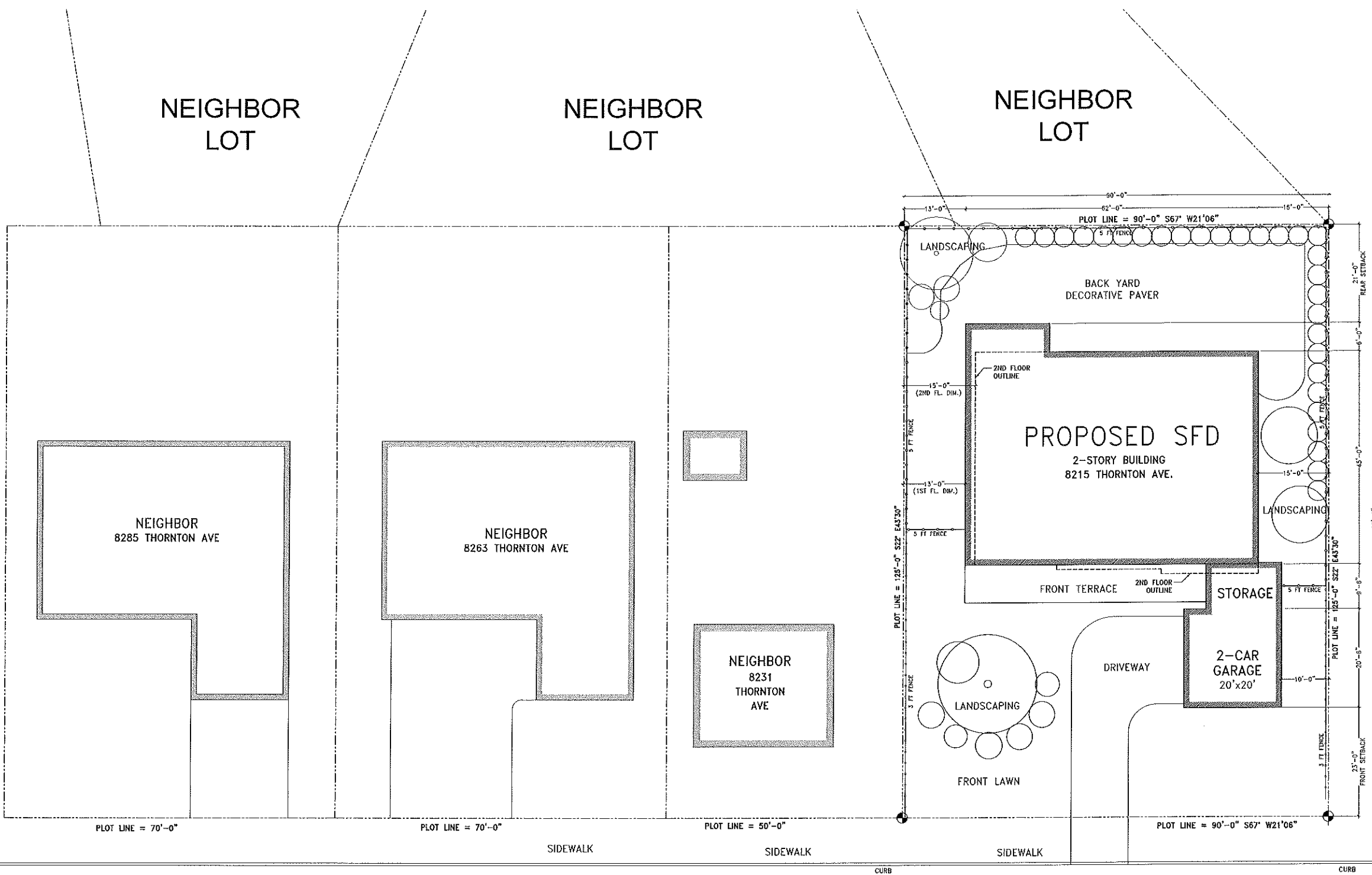


1 NORTH SIDE ELEVATION PLAN
A2.1 SCALE: 3/16" = 1'-0"

SFDR2017-010

EXHIBIT Ap9

CONTRACTOR	INNOVATION CONSTRUCTION 482 HESTER STREET, SAN LEANDRO 94577 PH: 510.777.1877, FAX: 510.777.1888
PROJECT	RESIDENTIAL NEW CONSTRUCTION 8215 THORNTON AVE, NEWARK
SHEET : ELEVATIONS	A2.1



THORNTON AVE

SFDR2015-0008

1
A0.1 PROPOSED SITE PLAN
SCALE: 3/32" = 1'-0"

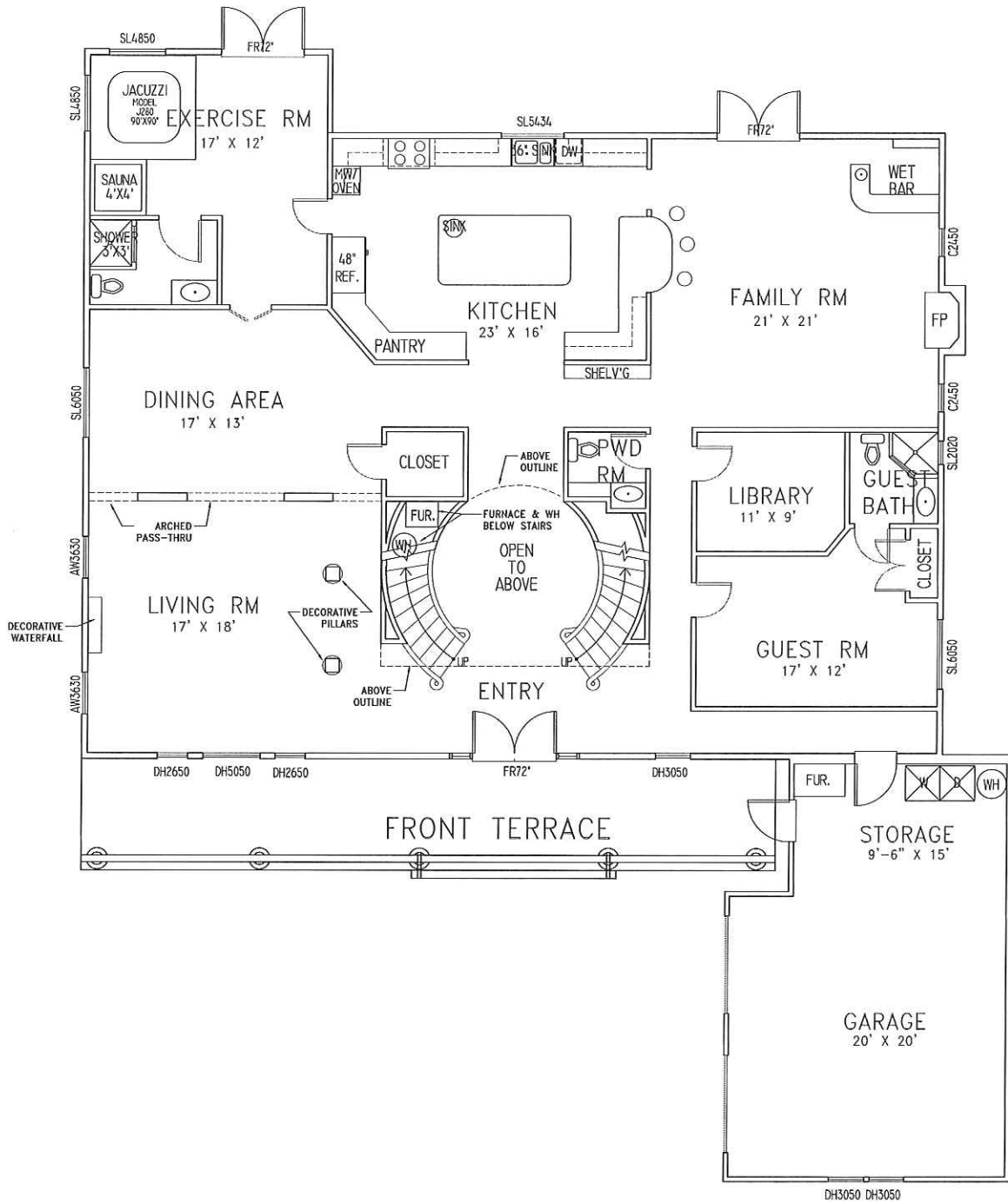


SHEET : SITE PLAN
A0.1

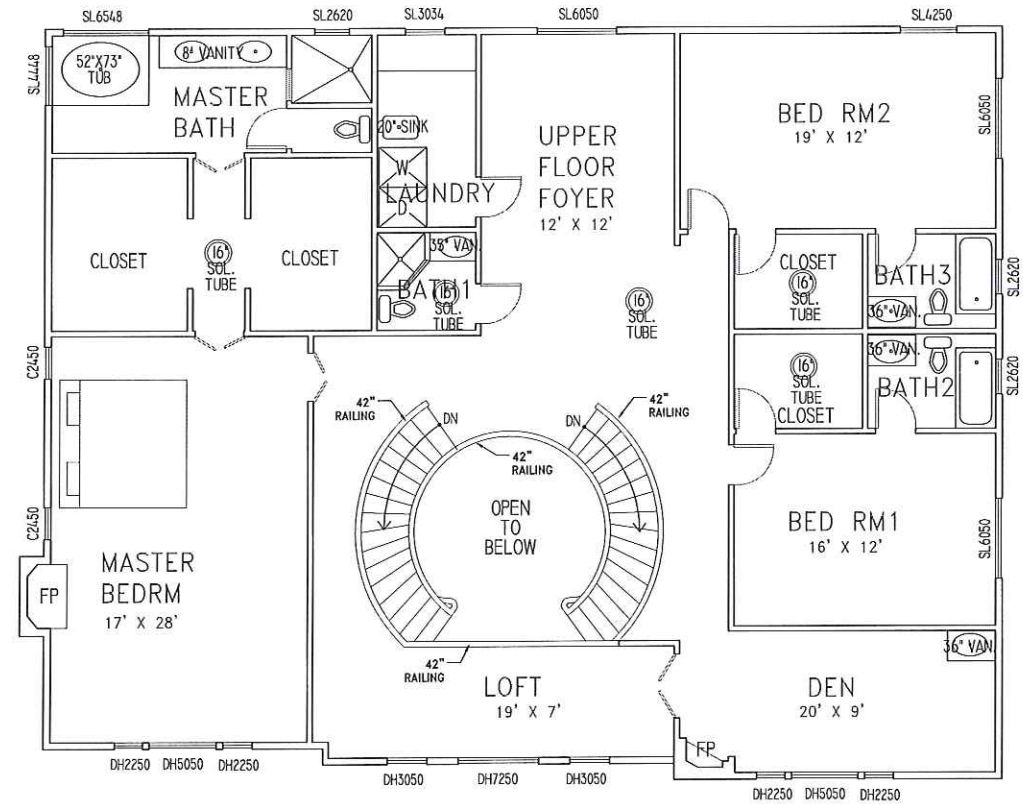
CONTRACTOR
INNOVATION CONSTRUCTION
402 HESTER STREET, SAN LEANDRO 94577
PH: 510.777.877 FAX: 510.777.1088

PROJECT
RESIDENTIAL NEW CONSTRUCTION
8215 THORNTON AVE, NEWARK

EXHIBIT Ap10



1 FIRST FLOOR PLAN
A1 SCALE: 3/16" = 1'-0"



2 SECOND FLOOR PLAN
A1 SCALE: 3/16" = 1'-0"



EXHIBIT A p11

SFDR2015-0008

PROJECT

RESIDENTIAL NEW CONSTRUCTION
8215 THORNTON AVE, NEWARK

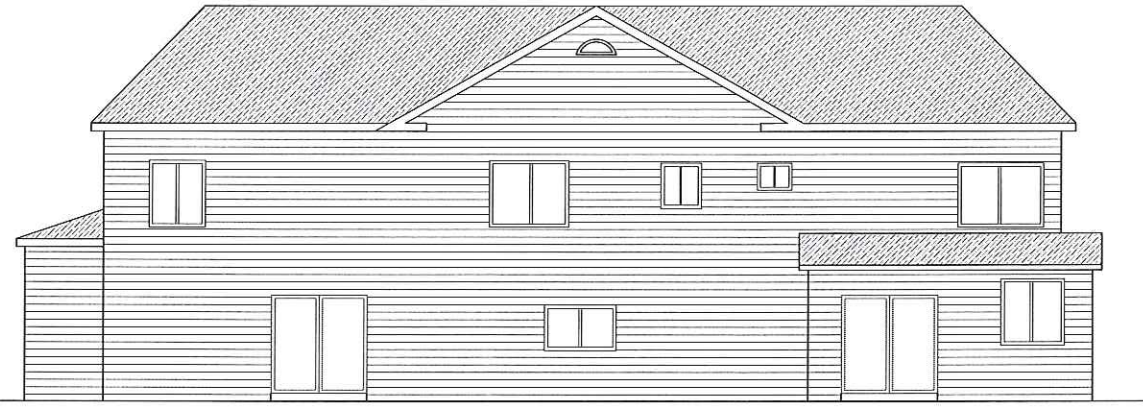
CONTRACTOR

INNOVATION CONSTRUCTION
462 HESTER STREET, SAN LEANDRO 94577
PH: 510.777.1677 FAX: 510.777.1088

SHEET : FLOOR PLANS

AI

BUILDING HEIGHT
 +24'-2"
 ROOF RAFTER
 +18'-7"
 SECOND FLOOR
 +10'-6"
 FIRST FLOOR
 +0'-6"
 GROUND LEVEL



2 REAR ELEVATION PLAN
 A2 SCALE: 3/16" = 1'-0"

BUILDING HEIGHT
 +24'-2"
 ROOF RAFTER
 +18'-7"
 SECOND FLOOR
 +10'-6"
 FIRST FLOOR
 +0'-6"
 GROUND LEVEL



1 FRONT ELEVATION PLAN
 A2 SCALE: 3/16" = 1'-0"

LEGEND:
 SHINGLE ROOF
 SIDING

SFDR2015-0008

EXHIBIT Ap12

CONTRACTOR
 INNOVATION CONSTRUCTION
 462 WESTER STREET, SAN LEANDRO CA 94577
 PH: 510.777.1677 FAX: 510.777.0886

PROJECT
 RESIDENTIAL NEW CONSTRUCTION
 8215 THORNTON AVE, NEWARK

SHEET : ELEVATIONS

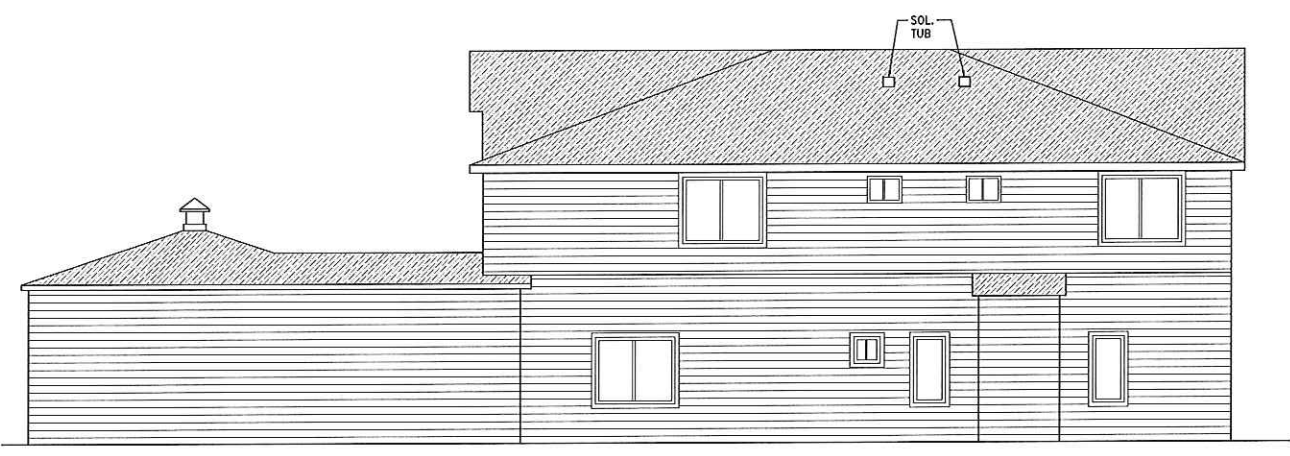
A2

BUILDING HEIGHT
 +24'-2"
 ROOF RAFTER
 +18'-7"
 SECOND FLOOR
 +10'-6"
 FIRST FLOOR
 +0'-6"
 GROUND LEVEL



2 SOUTH SIDE ELEVATION PLAN
 A2.1 SCALE: 3/16" = 1'-0"

BUILDING HEIGHT
 +24'-2"
 ROOF RAFTER
 +18'-7"
 SECOND FLOOR
 +10'-6"
 FIRST FLOOR
 +0'-6"
 GROUND LEVEL



LEGEND:
 SHINGLE ROOF
 SIDING

1 NORTH SIDE ELEVATION PLAN
 A2.1 SCALE: 3/16" = 1'-0"

SFDR205-0008
EXHIBIT Ap13

CONTRACTOR
 INNOVATION CONSTRUCTION
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 PH. 510.777.1877 FAX. 510.777.1088

PROJECT
RESIDENTIAL NEW CONSTRUCTION
 8215 THORNTON AVE, NEWARK

SHEET : ELEVATIONS
A2.1