



# 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, January 26, 2016

- A. ROLL CALL
- B. MINUTES
  - B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, December 8, 2015. (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
- F. STAFF REPORTS
- G. COMMISSION MATTERS
  - G.1 MUP-15-34, a minor conditional use permit, to establish a large family daycare home at 36353 Shorehaven Place – from Assistant Planner Jimenez. (REVIEW OPTIONAL)
  - G.2 MUP2015-001, a minor conditional use permit, to establish a large family daycare home at 36632 Port Anchorwood Place – from Assistant Planner Jimenez. (REVIEW OPTIONAL)
  - G.3 MUP-14-53, a minor conditional use permit, to establish a large family daycare home at 36475 Christine Street – from Assistant Planner Jimenez. (REVIEW OPTIONAL)
  - G.4 Report on City Council actions.

**H. ADJOURNMENT to a Regular Planning Commission meeting on Tuesday, February 2, 2016 at 7:30 p.m. in the City 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.

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# CITY OF NEWARK

## PLANNING COMMISSION

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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, December 8, 2015

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#### A. ROLL CALL

At 7:32 p.m., Chairperson Fitts called the meeting to order. All Planning Commissioners were present except Vice-Chairperson Aguilar (personal).

#### B. MINUTES

##### B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, November 10, 2015.

Commissioner Bridges moved, Commissioner Nillo seconded, to approve the Minutes of November 10, 2015. The motion passed 3 AYES, 1 ABSTENTION (Otterstetter).

#### C. WRITTEN COMMUNICATIONS

None.

#### D. ORAL COMMUNICATIONS

None.

#### E. PUBLIC HEARINGS

##### E.1 Hearing to consider: (1) Approving a resolution making certain findings and recommending City Council adoption of a Supplemental Environmental Impact Report (E-14-46) to the Environmental Impact Report (State Clearinghouse No. 2010042012) for the Dumbarton Transit Oriented Development; (2) Approving a resolution recommending rezoning (RZ-14-48) an approximately 41-acre area (APNs 537-852-9, 537-852-10, and 537-852-11) from MT-1 (High Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes) and HDR-FBC (High Density Residential – Form Based Codes); (3) Approving a resolution for P-14-49, a planned unit development and U-14-50, a conditional use permit, for a 589-unit residential project (Gateway Station West) located within the Dumbarton Transit Oriented Development Specific Plan area at the western edge of the City of Newark; (4) By motion, recommending that the City Council approve TM-14-47, Vesting Tentative Map 8099, to construct approximately 589 residential

**units; (5) By motion, approving ASR-14-51, an Architectural and Site Plan Review.**

Assistant City Manager Grindall gave the staff report.

ACM Grindall and Mr. Mark Butler (Integral Communities) gave a joint Power Point presentation.

Architect Michael Schrock, Urban Arena, 11772 Sorrenta Valley Road, Suite 212, San Diego, CA 92121, discussed the Site Plan and various Exhibits.

Answering Chairperson Fitts and Commissioner Bridges, Mr. Schrock indicated the majority of the units were three stories but the units were built for flexibility in living space needs where the third story could become a bonus room, in-law unit or home office.

Answering Commissioner Bridges, Mr. Butler stated pricing would range from the high \$600,000 to the mid \$900,000.

Answering Commissioner Nillo, Mr. Butler and ACM Grindall, explained that the fencing for the project would be made with a see-through high quality material that would provide both security and unobstructed views of the bay.

Answering Commissioner Otterstetter, Mr. Schrock stated galvanized metals will be used.

Answering Chairperson Fitts, Mr. Buttler estimated the grading and construction of the model homes would begin in the middle or in late 2017.

ACM Grindall continued with the staff report and stated “apartment-type” units would not be permitted to be rented out.

ACM Grindall discussed Development Impact Fees and School Fees.

Environmental Consultant and Biologist Dr. Steve Neudecker discussed the Open-Space Management Plan which would be funded in perpetuity through an endowment.

Chairperson Fitts opened the Public Hearing. Since no one from the public chose to speak, Chairperson Fitts closed the Public Hearing.

Motion made by Commissioner Nillo, seconded by Commissioner Bridges to: (1) approve Resolution 1918, making certain findings and recommending City Council adoption of a Supplemental Environmental Impact Report (E-14-46) to the Environmental Impact Report (State Clearinghouse No, 2010042012) for the Dumbarton Transit Oriented Development; (2) approve Resolution 1919, recommending rezoning (RZ-14-48) an approximately 41-acre area (APNs 537-

0852-009; 537-0852-10; and 537-0852-11) from MT-1 (High Technology Park District) to MDR-FBC (Medium Density Residential – Form Based Codes) and HDR-FBC (High Density Residential – Form Based Codes); (3) approve Resolution 1920 for P-14-49, a planned unit development and U-14-50, a conditional use permit, for a 589-unit residential project (Gateway Station West) located within the Dumbarton Transit Oriented Development Specific Plan area at the western edge of the City of Newark; (4) by Motion recommend that the City Council approve TM-14-47, Vesting Tentative Map 8099, to construct approximately 589 residential units; (5) by Motion approve ASR-14-51, an Architectural and Site Plan Review, with Exhibit A, pages 1 through 45. Motion passed 4 AYES.

This item will be heard at the January 14, 2016 City Council Meeting.

**E.2 Hearing to consider U-15-30, a Conditional Use Permit for a preschool (Little Scholar’s Preschool) to locate at 5472A Central Avenue (Palms on Central Shopping Center). APN: 92A-2125-9-2.**

Assistant Planner Jimenez gave the staff report.

Chairperson Fitts opened the Public Hearing.

Ms. Cherryl Figone, 5472A Central Avenue, Newark, CA 94560, stated she has read and agrees to the Conditions in Resolution 1921.

Answering Commissioner Nillo, Ms. Figone stated she expects to open her preschool next summer.

Chairperson Fitts closed the Public Hearing,

Motion made by Commissioner Nillo, seconded by Commissioner Otterstetter, to approve Resolution 1921, with Exhibit A, pages 1 through 4, approving U-15-30, a Conditional Use Permit, for a preschool (Little Scholar’s Preschool) to located at 5472A Central Avenue (Palms on Central Shopping Center). Motion passed 4 AYES.

Motion made by Commissioner Nillo, seconded by Commissioner Otterstetter, to reorder the Agenda and hear Item E.4 prior to Item E.3. Motion passed 4 AYES.

**E.4 Hearing to consider whether the Planning Commission should revoke Conditional Use Permit (CUP) No. U-84-14, issued to E-Z 8 Motel, on the grounds that E-Z 8 Motel is not complying with the conditions of the permit and is violating applicable provisions of Title 17 of the City of Newark Municipal Code; consider a Resolution to: (1) Dismiss an Order to Show Cause; (2) Find that E-Z 8 Motel is presently in compliance with Conditional Use Permit (U-84-18); and (3) Amend City Council Resolution No. 4565 by adding condition “rr”.**

ACM Grindall gave the staff report.

Answering Chairperson Fitts, ACM Grindall stated if approved, this Item would only be brought back to the Planning Commission if any issues comes up that require Planning Commission action, or if the Planning Commission requests an update.

Answering Commissioner Otterstetter, ACM Grindall read Section 2(B)2 “Notice of Breach and Opportunity to Cure”.

Answering Commissioner Nillo, ACM Grindall stated no additional comments or complaints were received by anyone living in the surrounding neighborhoods.

Answering Chairperson Fitts, Newark Police Commander Carroll distributed a chart of crime statistics for the E-Z 8 Motel site and indicated that crime at that location had decreased.

Chairperson Fitts opened the Public Hearing.

Mr. Jerry Cannon, representing E-Z 8 Motel, 10399 Roof Fin Stairs, San Diego, CA 92108, thanked the Planning Commission for moving this Item up from the Agenda order, and stated he was in agreement with the Conditions in the Settlement Agreement.

Commissioner Bridges commented that she would like E-Z 8 to better serve their clients with upgrades to their accommodations.

Chairperson Fitts closed the Public Hearing.

Motion made by Commissioner Bridges, seconded by Commissioner Nillo, to approve Resolution 1922 to: (1) Dismiss the Order to Show Cause; (2) Find that E-Z 8 Motel is presently in compliance with Conditional Use Permit (U-84-18); and (3) Amend Use Permit U-84-18 (approved by City Council Resolution No. 4565) by adding condition “rr” as follows: “Developer agrees to operate its motel in a manner that complies with the Settlement Agreement with the City dated December 8, 2015, a copy of which is attached hereto.”

Motion passed 4 AYES.

ACM Grindall informed the Planning Commission that this Item would go to the January 14, 2016 City Council Meeting under “Written Communications”.

**E.3 Hearing to consider Z-15-33, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to add Section 17.04.050 “Permissive Code” to Chapter 17.04 “General Provisions”.**

ACM Grindall gave the staff report.

Answering Commissioner Nillo, ACM Grindall gave an example of when a member of the public would get confused interpreting a Permitted Use.

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

Motion made by Commissioner Otterstetter, seconded by Commissioner Nillo, to approve Resolution 1923, recommending that the City Council approve Z-15-33, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to add Section 17.04.050 "Permissive Code" to Chapter 17.04 "General Provisions". Motion passed 4 AYES.

This item will be heard at the January 14, 2016 City Council Meeting.

## **F. STAFF REPORTS**

### **F.1 Proposed changes to the City of Newark Street Names Theme Map to allow for a "Bay Features" theme for the Dumbarton Transit Oriented Development area and a "Bay Animals" theme for the areas known as Sanctuary and Area 4 in the General Plan.**

ACM Grindall gave the staff report and stated the Developer would suggest possible street names but the City Council would have ultimate approval of which street names are chosen.

Motion made by Commissioner Nillo, seconded by Commissioner Bridges, to approve Resolution 1924, with attachment, approving a change to the Street Names Theme Map to allow for a "Bay Features" theme for the Dumbarton Transit Oriented Development area and a "Bay Animals" theme for the areas known as Sanctuary and Area 4 in the General Plan. Motion passed 4 AYES.

## **G. COMMISSION MATTERS**

### **G.1 Election of Officers.**

Chairperson Fitts nominated Vice-Chairperson Aguilar for Planning Commission Chairperson for 2016; and Commissioner Otterstetter nominated Commissioner Nillo for Planning Commission Vice-Chairperson for 2016. Seconded by Commissioner Bridges, motion passed 4 AYES.

All Planning Commissioners thanked and commended Chairperson Fitts on his job of chairing the Planning Commission during the year.

**G.2 Cancellation of the regularly scheduled Planning Commission Meeting of Tuesday, December 22, 2015.**

Motion by Chairperson Fitts, seconded by Commissioner Nillo, to cancel the regularly scheduled Planning Commission Meeting of Tuesday, December 22, 2015. Motion passed 4 AYES.

**G.3 Report on City Council actions.**

None.

Commissioners' Comments

Commissioner Otterstetter wished the public "Happy Holidays".

All Planning Commissioners thanked staff for their hard work and support.

Commissioner Nillo asked that the Planning Commission be adjourned in the memory of Gene Stuhr, who served the Newark Police Department as a member of RAVEN.

**H. ADJOURNMENT**

At 8:58 p.m., Chairperson Fitts adjourned the regular Planning Commission meeting of Tuesday, December 8, 2015, in the memory of Gene Stuhr, to Tuesday, January 12, 2016 at 7:30 p.m. in the City Council Chambers.

Respectfully submitted,



TERRENCE GRINDALL  
Secretary





**G.1 MUP-15-34, a minor conditional use permit, to establish a large family day care home at 36353 Shorehaven Place – from Assistant Planner Jimenez. (REVIEW OPTIONAL)**

**Background/Discussion** – Ms. Stacy Kelly has submitted an application for a minor conditional use permit to establish a large family day care home (a facility for up to 14 children) at 36353 Shorehaven Place. Attached is Exhibit A, pages 1 (site plan), and pages 2 (floor plan).

The subject site is located on a cul-de-sac and is zoned R-8,000 (Low-Density Residential – 8,000 District). Ms. Kelly has been operating a small family day care home (a facility for up to eight children) at the site since 2003 and she now wishes to expand the daycare operation to allow for more children to be cared for. 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 the 17 property owners within a 100-foot radius of the subject site. Staff did not receive any comments on the proposal. The application was approved by the Zoning Administrator with the attached conditions of approval.

The Zoning Administrator (ZA) has approved MUP-15-34, a minor conditional use permit, with Exhibit A, pages 1 through 2, to establish a large family day care home at 36353 Shorehaven Place, subject to the conditions in the attached ZA letter.

Environmental Review

This request to establish a large family day care home is statutorily exempt from the California Environmental Quality Act (CEQA) per Section 15274(a).

**Attachment**

**Action** – Planning Commission review of this item is optional.

### FACILITY SKETCH (Yard) - Family Child Care Home

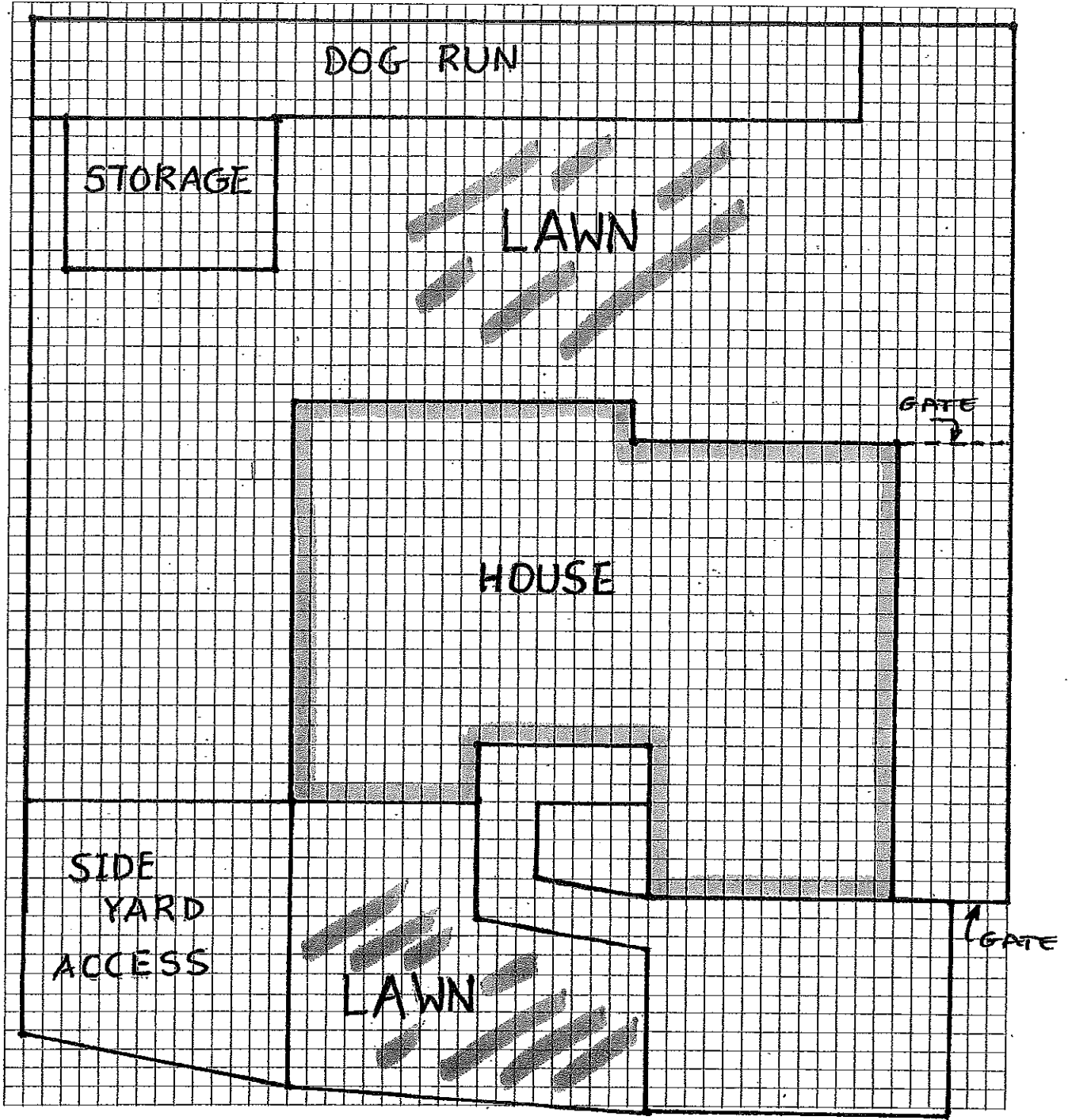
The yard sketch should show all buildings in the yard including the home (with no detail), garage and storage building. Include walks, driveways, play area, fences, gates. Please identify areas which will be "off limits" to children. Show any potential hazardous areas such as pools, garbage storage,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

FACILITY NAME:

STACY KELLY

ADDRESS:

36353 SHOREHAVEN PL. NEWARK CA.  
94560



**EXHIBIT** Ap.1 (Site Plan)

# FACILITY SKETCH (Floor Plan) - Family Child Care Home

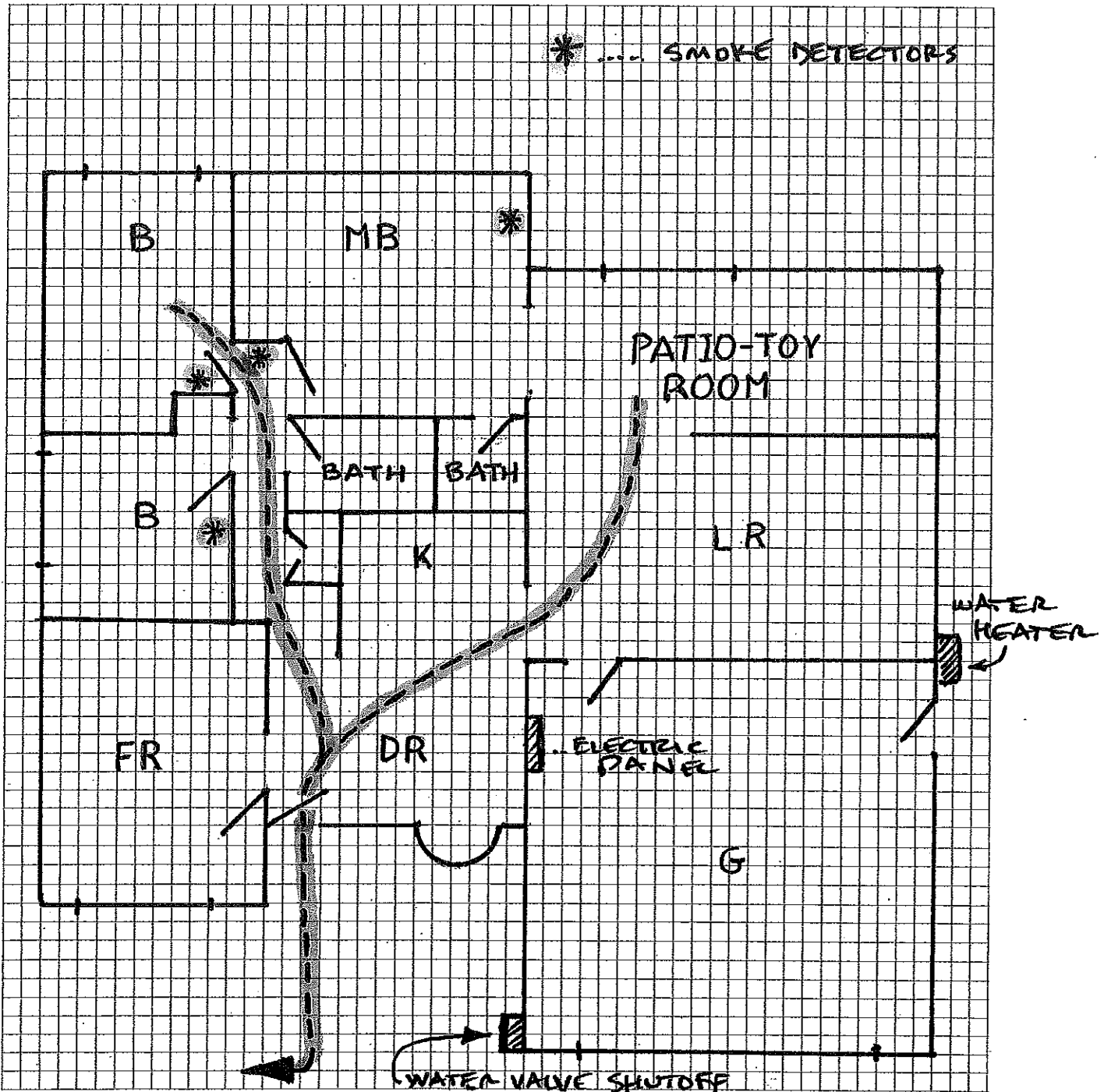
Applicants are required to provide a sketch of the floor plan of the home or facility and outside yard. The floor sketch must label rooms such as the kitchen, bath, living room, etc. Please identify areas which will be "off limits" to children. Door and window exits from the rooms must be shown in case of an emergency (see Emergency Disaster Plan). Show room sizes (e.g. 8.5 x 12). Keep close to scale. Use the space below. See back for yard sketch.

FACILITY NAME:

STACY KELLY

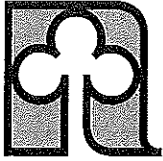
ADDRESS:

36353 SHOREHAVEN PL., NEWARK, CA.  
94560



MEETING PLACE:  
36399 SHOREHAVEN PL.

**EXHIBIT** Apr 2 (Floor Plan)



**CITY OF NEWARK, CALIFORNIA**

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

January 22, 2016

Ms. Stacy Kelly  
36353 Shorehaven Place  
Newark, CA 94560

Dear Ms. Kelly

**SUBJECT: ZONING ADMINISTRATOR APPROVAL TO ESTABLISH A LARGE  
FAMILY DAY CARE HOME AT 36353 SHOREHAVEN PLACE – CITY  
FILE NO. MUP-15-34**

The Zoning Administrator has conditionally approved your application to establish a large family day care home (up to 14 children at any one time) at 36353 Shorehaven Place. 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 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.

The Zoning Administrator's decision will be presented to the Planning Commission on Tuesday, January 26, 2016 and to the City Council on Thursday, February 11, 2016, unless an appeal is received.

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. My phone number is (510) 578-4208, and email address is [terrence.grindall@newark.org](mailto:terrence.grindall@newark.org).

Sincerely,

A handwritten signature in cursive script that reads "Terrence Grindall". The signature is written in black ink and is positioned above the printed name and title.

Terrence Grindall  
Zoning Administrator



**G.2 MUP2015-001, a minor conditional use permit, to establish a large family day care home at 36632 Port Anchorwood Place – from Assistant Planner Jimenez. *YJ*  
(REVIEW OPTIONAL)**

**Background/Discussion** – Ms. Sonia Landa has submitted an application for a minor conditional use permit to establish a large family day care home (a facility for up to 14 children) at 36632 Port Anchorwood Place. Attached is Exhibit A, pages 1 (site plan), and pages 2 (floor plan).

The subject site is located on a cul-de-sac and is zoned R-6,000 (Low-Density Residential – 6,000 District). Ms. Landa currently operates a small family day care home (a facility for up to eight children) at this home in which she owns. City staff sent a notice of this application to the 15 property owners within a 100-foot radius of the subject site. Staff received one objection letter from a neighboring resident who expressed concern over potential noise, traffic, and parking impacts. Immediately after this letter was received, staff sent a letter back to the neighboring resident informing him that if he wished to provide additional input before the decision on the application was made, he could either request a hearing before the Zoning Administrator or he could contact him for an informal meeting. Staff did not receive any further communication from the neighbor and after careful review, approved the application with the attached conditions of approval.

The Zoning Administrator (ZA) has approved MUP2015-001, a minor conditional use permit, with Exhibit A, pages 1 through 2, to establish a large family day care home at 36632 Port Anchorwood Place, subject to the conditions in the attached ZA letter.

Environmental Review

This request to establish a large family day care home is statutorily exempt from the California Environmental Quality Act (CEQA) per Section 15274(a).

**Attachment**

**Action** – Planning Commission review of this item is optional.

### FACILITY SKETCH (Yard)

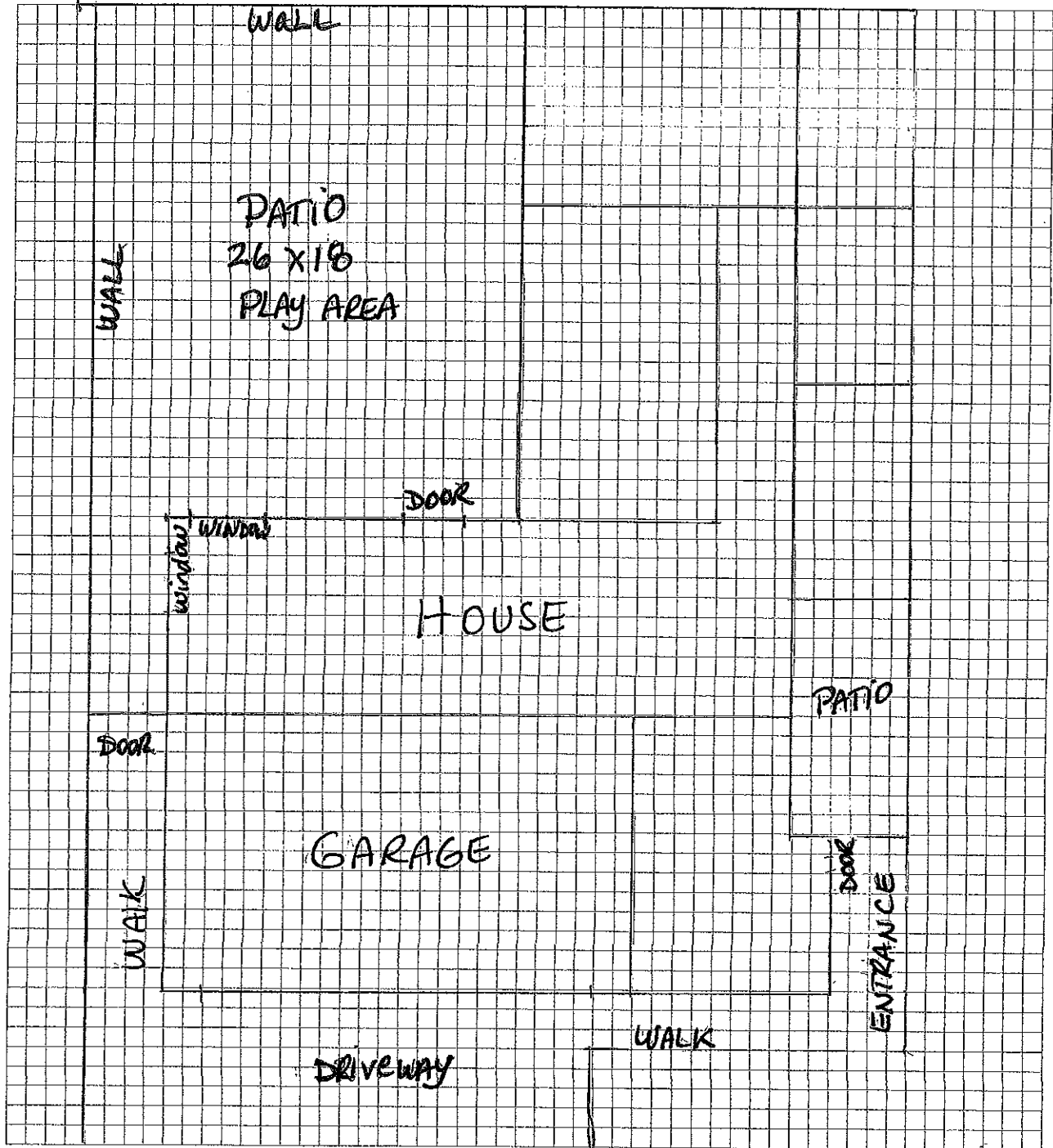
The yard sketch should show all buildings in the yard including the home (with no detail), garage and storage building. Include walks, driveways, play area, fences, gates. Show any potential hazardous area, such as pools, garbage storage, animal pens, etc. Show the overall yard size. Try to keep the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

FACILITY NAME:

Sonia Landa

ADDRESS:

36632 Port Anchorwood PL. Newark.  
94560





# FACILITY SKETCH (Floor Plan)

Applicants are required to provide a sketch of the floor plan of the home or facility and outside yard. The floor sketch must label rooms such as the kitchen, bath, living room, etc. Circle the names of the rooms that will be used by staff/residents/clients/children. Door and window exits from the rooms must be shown in case of an emergency (see Emergency Disaster Plan). Show room sizes (e.g. 8.5 x 12). Keep close to scale. Use the space below. See back for yard sketch.

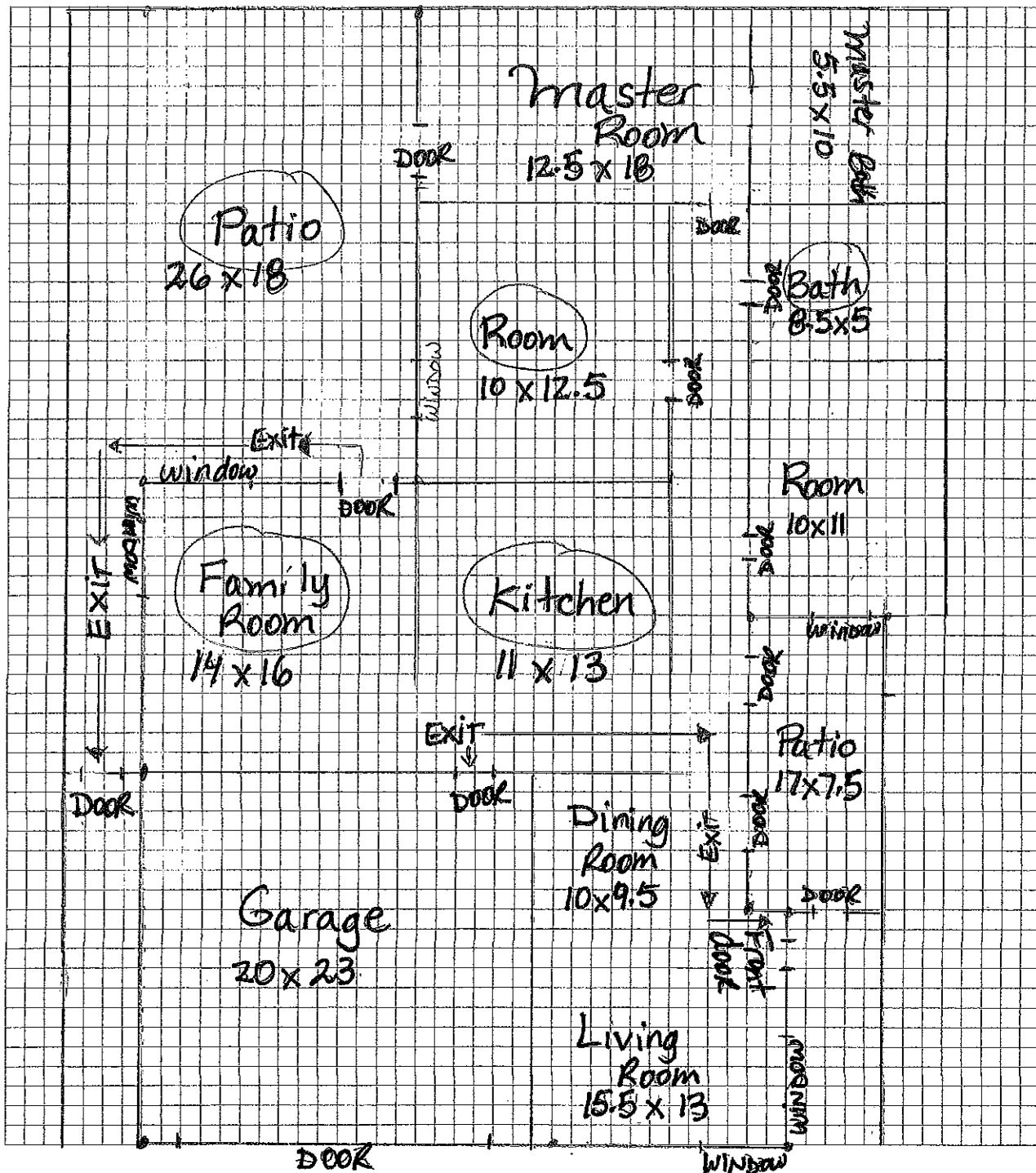
FACILITY NAME:

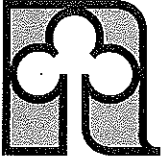
Sonia Landa

ADDRESS:

36632 Port Anchorwood PL. Newark, CA.

94560





CITY OF NEWARK, CALIFORNIA

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

January 22, 2016

Ms. Sonia Landa  
36632 Port Anchorwood Place  
Newark, CA 94560

Dear Ms. Landa,

**SUBJECT: ZONING ADMINISTRATOR APPROVAL TO ESTABLISH A LARGE FAMILY DAY CARE HOME AT 36632 PORT ANCHORWOOD PLACE -- CITY FILE NO. MUP2015-001**

The Zoning Administrator has **conditionally** approved your application to establish a large family day care home (up to 14 children at any one time) at 36632 Port Anchorwood Place. 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 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.

The Zoning Administrator's decision will be presented to the Planning Commission on Tuesday, January 26, 2016 and to the City Council on Thursday, February 11, 2016, unless an appeal is received.

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.

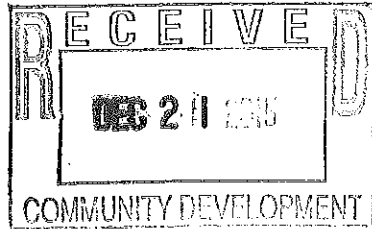
Please also be advised that, in the event that two or more complaints are received by the City from neighbors, a hearing shall be scheduled before the Zoning Administrator to consider the complaints and add conditions to the minor conditional use permit as appropriate. Further, the minor conditional 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. My phone number is (510) 578-4208, and email address is [terrence.grindall@newark.org](mailto:terrence.grindall@newark.org).

Sincerely,

A handwritten signature in cursive script that reads "Terrence Grindall". The signature is written in black ink and is positioned above the printed name and title.

Terrence Grindall  
Zoning Administrator



Michael Revell  
36582 Port Anchorwood Pl  
Newark, CA 94560

City of Newark  
37101 Newark Blvd  
Newark, CA 94560  
ATTN: Planning Division, City of Newark

RE: Proposed Large Family Day Care Home at 36632 Port Anchorwood Place (MUP2015-001)

Greetings,

I received notice of a proposed "Large Family Day Care Home" at 36632 Port Anchorwood Place, three doors down from my home at 36582 Port Anchorwood Place, and, as noted, within 100 ft of the applicant. I am uncomfortable with a number of aspects of this proposed use, specific among them the potential traffic, parking and noise impacts that might affect me and my household, my fellow neighbors and the peace and character of our quiet cul-de-sac. I do not believe this use permit as detailed in the notice would be compatible with this particular location, and I would urge it's rejection.

Therefore I request a hearing on the matter and a chance to voice these concerns.

My property is at the bottom of our cul-de-sac, while the subject parcel would be in the bottle-neck. Per your notice, this *business* could become "up to 14 children", potentially transported by up to 14 vehicles, potentially every day of the week, every one of which would circle past my driveway each trip, dropping off in the morning, picking up in the afternoon or evening, perhaps parking while waiting to pick up, taking up already scarce street parking while also narrowing access uncomfortably for me and the other residents.

That's potentially an additional twenty-five to thirty vehicle trips per day. So even before considering the possible noise and other impacts that "up to 14 children", and perhaps additional employees, could create, this proposed use is problematic.

I look forward to the opportunity to review these concerns among others I have, and will await contact or notice regarding a hearing before the Zoning Administrator in the near future.

Regards,

-Michael Revell



**G.3 MUP-14-53, a minor conditional use permit, to establish a large family day care home at 36475 Christine Street – from Assistant Planner Jimenez. (REVIEW OPTIONAL)**

**Background/Discussion** – Ms. Alicia Reed has submitted an application for a minor conditional use permit to establish a large family day care home (a facility for up to 14 children) at 36475 Christine Street. Attached is Exhibit A, pages 1 (site plan), and 2 (floor plan).

The subject site is located near the intersection of Christine Street and Mayhews Landing Road and is zoned R-6,000 (Low-Density Residential – 6,000 District). Ms. Reed has been operating a small family day care home (a facility for up to eight children) at this home since January 2015, after obtaining State licensing for the small daycare in December 2014. City staff sent a notice of this application to the 12 property owners within a 100-foot radius of the subject site. A neighboring resident contacted staff and expressed concern over the safety of children and potential traffic congestion. After meeting with both the applicant and the concerned neighbor, the Zoning Administrator approved the application with some project-specific conditions of approval. In addition to leaving the driveway available to parents for the drop-off and pick-up of children, a condition was added to prohibit the applicant or any of her employees from parking at the curb in front of the home, in order to provide an additional parking space for parents' vehicles. Other conditions of approval for the project include having the applicant stagger the drop-off and pick-up of children and to advise parents to obey all traffic laws, including speed limits.

The Zoning Administrator (ZA) has approved MUP-14-53, a minor conditional use permit, with Exhibit A, pages 1 through 2, to establish a large family day care home at 36475 Christine Street, subject to the conditions in the attached ZA letter.

Environmental Review

This request to establish a large family day care home is statutorily exempt from the California Environmental Quality Act (CEQA) per Section 15274(a).

**Attachment**

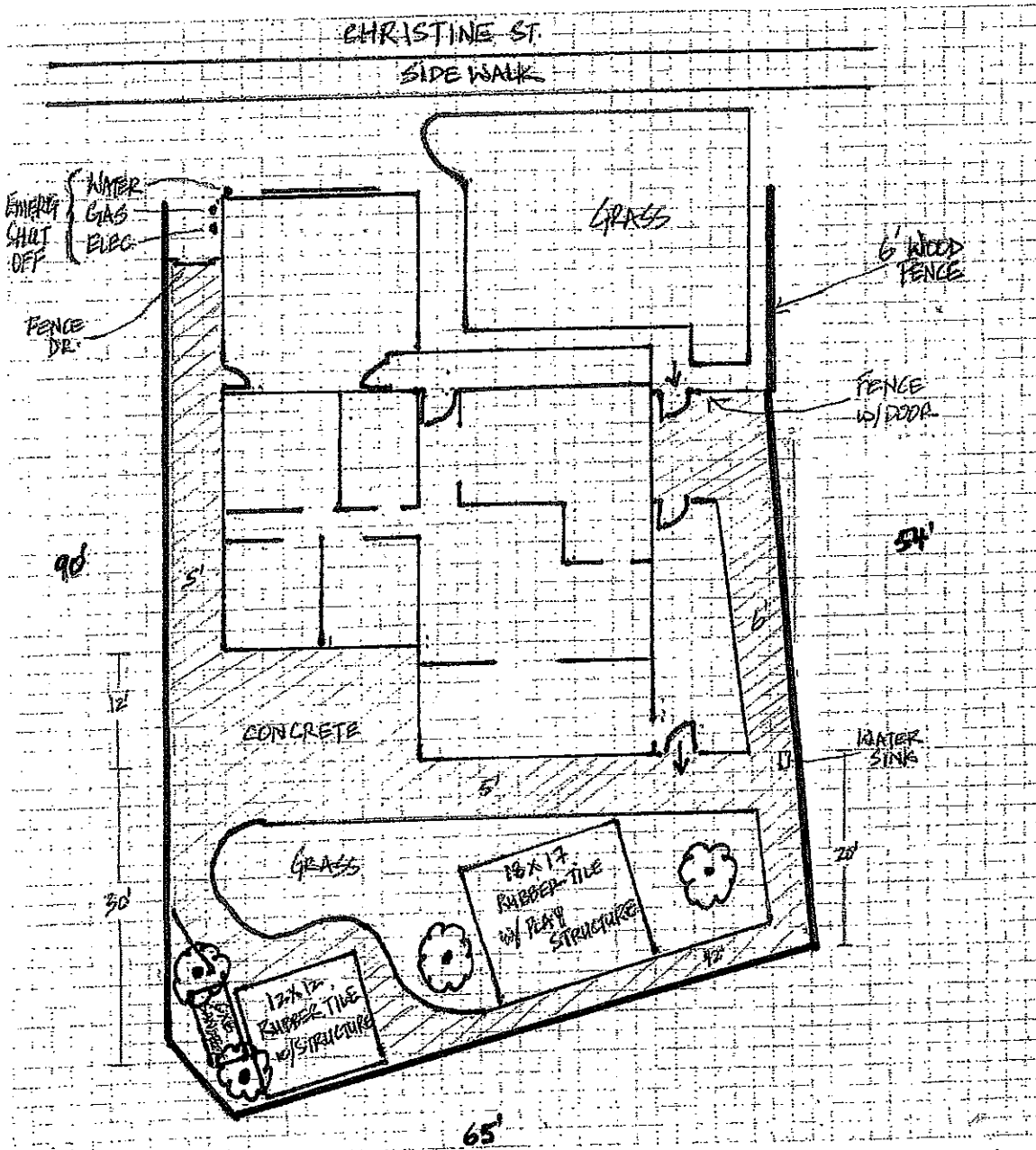
**Action** – Planning Commission review of this item is optional.

### 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:  
ALICIA REED

ADDRESS:  
36475 CHRISTINE STREET, NEWARK, CA 94560



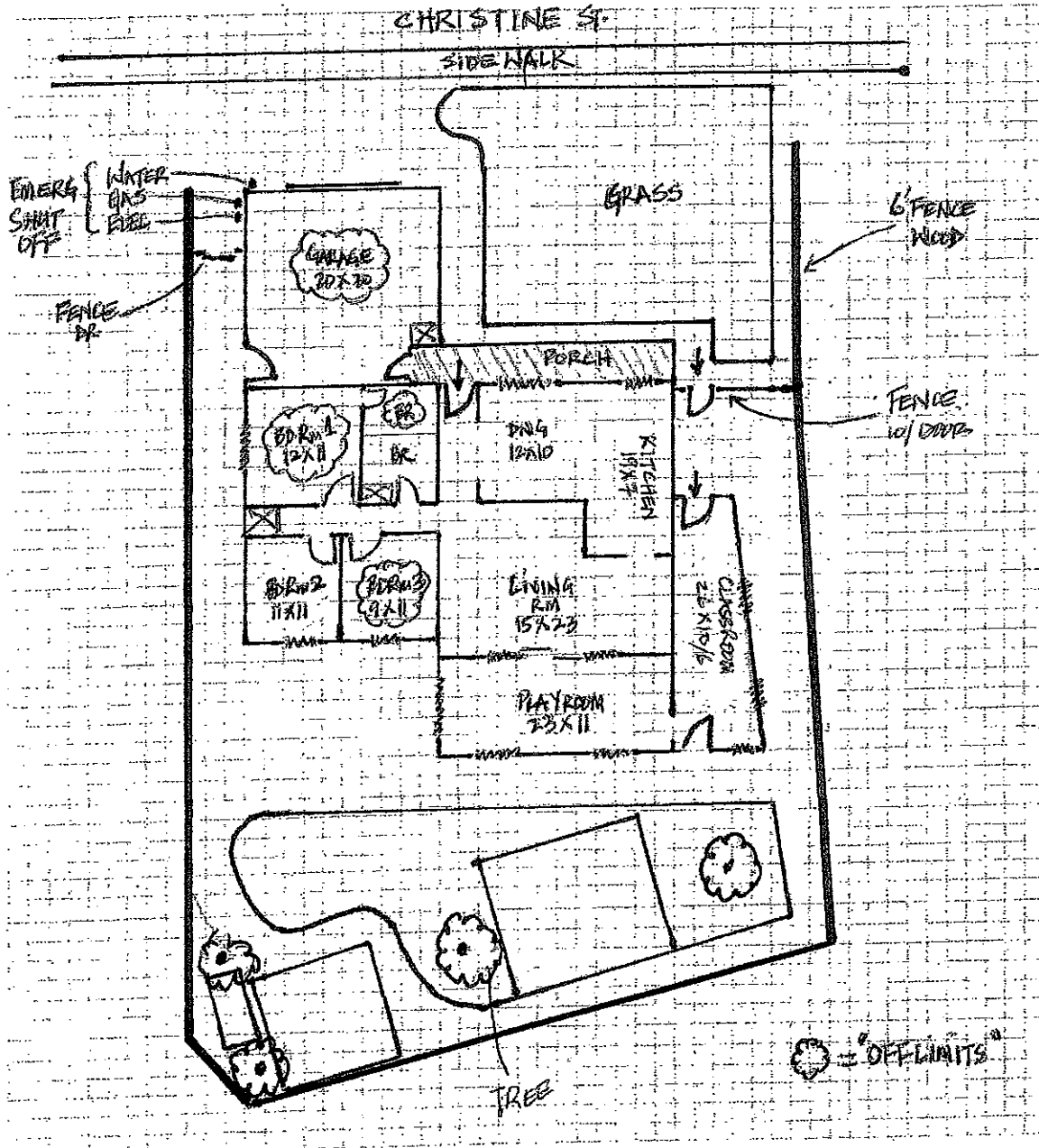
**EXHIBIT** A.p.1 (Site Plan)

### FACILITY SKETCH (Floor Plan) - Family Child Care Home

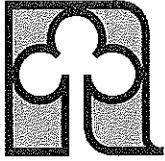
Applicants are required to provide a sketch of the floor plan of the home or facility and outside yard. The floor sketch must label rooms such as the kitchen, bath, living room, etc. Please identify areas which will be "off limits" to children. Door and window exits from the rooms must be shown in case of an emergency (see Emergency Disaster Plan). Show room sizes (e.g. 8.5 x 12). Keep close to-scale. Use the space below. See back for yard sketch.

FACILITY NAME:  
ALICIA REED

ADDRESS:  
36475 CHRISTINE STREET, NEWARK, CA 94560







CITY OF NEWARK, CALIFORNIA

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

January 21, 2016

Mrs. Alicia Reed  
36475 Christine Street  
Newark, CA 94560

Dear Mrs. Reed,

**SUBJECT: ZONING ADMINISTRATOR APPROVAL TO ESTABLISH A LARGE FAMILY DAY CARE HOME AT 36475 CHRISTINE STREET – CITY FILE NO. MUP-14-53**

The Zoning Administrator has **conditionally** approved your application to establish a large family day care home (up to 14 children at any one time) at 36475 Christine Street. 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 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.
8. No daycare owner or employee shall park at the curb in front of the home.
9. Signage on the premises shall comply with the Newark Municipal Code.
10. The applicant must reside at the home in which the daycare is operated.

The Zoning Administrator's decision will be presented to the Planning Commission on Tuesday, January 26, 2016 and to the City Council on Thursday, February 11, 2016, unless an appeal is received.

If the decision of the Zoning Administrator is appealed to the Planning Commission, the Commission 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. My phone number is (510) 578-4208, and email address is [terrence.grindall@newark.org](mailto:terrence.grindall@newark.org).

Sincerely,



Terrence Grindall  
Zoning Administrator