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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, May 29, 2018

### A. ROLL CALL

At 7:30 p.m., Chairperson Fitts 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, May 8, 2018.

Vice-Chairperson Aguilar moved, Commissioner Nillo seconded, to approve the revised Minutes of May 8, 2018. The motion passed 5 AYES.

### C. WRITTEN COMMUNICATIONS

None.

### D. ORAL COMMUNICATIONS

None.

### E. PUBLIC HEARINGS

#### E.1 Hearing to consider P-18-6, a planned development, and TTM-18-07, vesting tentative tract map 8409, for a 6-unit multi-family residential townhome subdivision located at 36589 Newark Boulevard (APN: 92A-623-43) – from Assistant Planner Bowab. (RESOLUTION)

Assistant Planner Bowab gave the staff report.

Chairperson Fitts opened the Public Hearing.

Applicant David Langon, 3189 Danville Boulevard, Suite 245, Alamo, CA 94507, stated he has read and is in agreement with the Conditions listed in Resolution 1959.

Answering Vice-Chairperson Aguilar, Mr. Langon stated the site was deemed environmentally cleared for residential development in 2016, but as a precautionary measure, the City required soil testing to continue until construction begins. Assistant City Manager Grindall further clarified that documentation of environmental clearance from the Regional

Water Quality Control Board is required prior to any residential construction is approved and additional testing is to assure no contamination is found in the right-of-ways.

Chairperson Fitts closed the Public Hearing.

Addressing Chairperson Fitts concerns, ACM Grindall stated the Home Owners Association will include and enforce the parking of vehicles inside garages as part of their CC&Rs. If the City receive complaints the City does have the ability to enforce compliance of condition “e” of Resolution 1959.

Answering Commissioner Bridges, ACM Grindall stated the Public Works Department has landscaping experts on staff, and City Planners also review the submitted landscape plans.

Motion by Vice-Chairperson Aguilar, seconded by Commissioner Nillo, to approve Resolution 1959 with modified conditions “y”, “jjj” and “kkk”, approving P-18-6, a planned development, for a six unit multi-family residential townhome subdivision located at 36589 Newark Boulevard (APN: 92A-623-43), with Exhibits A and B; and approving Resolution 1960, approving TTM-18-7, vesting tentative tract map 8409 with Exhibit A. Motion passed 5 AYES.

**E.2 Hearing to consider P-18-5, a planned development to allow construction of a 6-unit apartment project located at 37093 Locust Street (APN: 92-125-10). The subject site is a landlocked site adjacent to railroad tracks between Locust Street and Walnut Street – from Associate Planner Mangalam.**

**(RESOLUTION)**

Associate Planner Mangalam gave the staff report.

Answering Commissioner Otterstetter, AP Mangalam stated a fence, not a sound wall, is proposed to be built along the railroad tracks.

ACM Grindall stated trains utilize the railroad tracks less than one time per week.

Addressing Commissioner Bridges concerns, AP Mangalam stated the Applicant agreed to additional building improvements which mitigate train noise, at the time of construction, per Condition “w” of Resolution 1961.

Answering Chairperson Fitts, ACM Grindall stated, if deemed necessary, the City would be able to contact the Developer to build the sound wall.

Chairperson Fitts opened the Public Hearing.

Applicant Stanley Cherry, 321 Woodrow Avenue, Vallejo, CA 94591, stated he has read and is in agreement with the conditions listed in Resolution 1961.

Answering Chairperson Fitts, Mr. Cherry stated he will install the sound wall per condition “x” of Resolution 1961.

Answering Commissioner Nillo, Mr. Cherry hopes to begin construction in April 2019.

Newark resident Ola Verjon stated the area by the railroad tracks has problems with illegal dumping and asked the City to address this issue.

ACM Grindall stated the City did not have too much leverage in getting the Railroad Company to clean up their property but will take in the complaints.

Deputy Community Development Director Interiano stated the public should report any illegal dumping to the Code Enforcement Division.

Mr. Percy Sanchez, 37085 Locust Street, Newark, CA 94560, stated his concerns that the proposed entrance would eliminate two existing carport spaces which would increase the number of cars parking on the public street which is already an issue, and the car exiting the property by the live railroad tracks would create an unsafe condition.

Unidentified speaker #1, 37046 Locust Street, Newark, CA 94560, stated he was concerned with increased traffic and the lack of street parking and the perceived inconvenience during construction.

Unidentified speaker #2, emphasized parking on the street is already an issue and the new entrance and exits would create more traffic.

Mr. Sanchez, 37078 Locust Street, Newark, CA 94560, agreed with his neighbors that traffic and parking is already an issue.

Newark resident David Balthazar stated parking is an issue and he was concern that people driving too fast while turning into the new entrance might hit the side of his house.

Chairperson Fitts closed the Public Hearing.

Answering Chairperson Fitts, ACM Grindall stated the proposed easement and the proposed number of vehicle trips met City standards, and staff does not feel any unsafe conditions would result from this project.

Addressing Chairperson Fitts' and Commissioner Bridges' concerns, AP Mangalam stated condition "e" states garages can only be used for automobile parking.

Answering Vice-Chairperson Aguilar, ACM Grindall stated staff worked extensively with the Applicant in designing the proposed egress and was fortunate he own the adjacent parcel so this egress could work for this project.

ACM Grindall stated any inoperable or unregistered vehicles parked on the public street could be cited and towed through the Police Department.

Public Works Director Fajeau described the criteria for traffic calming measures.

Commissioner Bridges commented that traffic calming measures is listed in the proposed Capital Improvement Plan.

Motion by Commissioner Bridges, seconded by Commissioner Otterstetter, to approve Resolution 1959, approving P-18-5, a planned development, to allow construction of a six-unit apartment project at 37093 Locust Street (APN: 92-125-10) with the amendment to condition “hhh” changing all 7:00 AM construction start times to 8:00 AM. Motion passed 5 AYES.

## **F. STAFF REPORTS**

### **F.1 Presentation of the 2016-2018 Capital Improvement Plan and finding in conformance with the General Plan – from Public Works Director Fajeau. (MOTION)**

PWD Fajeau gave the staff report via a PowerPoint presentation.

Answering Chairperson Fitts, PWD Fajeau stated the Thornton Avenue widening project is classified as Level 3 due mainly because a funding source has not yet been identified.

Answering Chairperson Fitts, PWD Fajeau stated if the Gas Tax Measure is repealed, Newark, as well as all California jurisdictions, would be impacted.

Answering Commissioner Nillo, PWD Fajeau stated streets identified in the “Curb, gutter and sidewalk” replacement project are prioritized by their severity.

Answering Commissioner Nillo, PWD Fajeau stated he reviews all outreach materials prior to the Contractors notifying the Community on the work that will be commencing.

Answering Commisisoner Otterstetter, PWD Fajeau stated street sign replacement is an ongoing project and are prioritized with the least visible street signs being replaced first.

Chairperson Fitts stated his opinion that the Newark Community Park restrooms is an “eyesore” and asked if it could be taken care of quickly. PWD Fajeau answered the complete replacement of that restroom facility was identified in the Citywide Parks Master Plan and will be taken care of this fiscal year in conjunction with the Dog Park project.

Answering Commissioner Otterstetter, PWD Fajeau confirmed many Cities are now using the all-weather artificial turf in their sportsfields.

Answering Vice-Chairperson Aguilar, PWD Fajeau stated large amounts of CIP funding comes from Developers through impact fees, as well as from ballot measures and the gas tax.

Motion finding the 2018-2020 Capital Improvement Plan is in conformance with the General Plan was made by Commissioner Bridges, seconded by Chairperson Fitts. Motion passed 5 AYES.

**G. COMMISSION MATTERS**

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

None.

Commissioners' Comments

Chairperson Fitts and Vice-Chairperson Aguilar thanked staff on their presentations.

Answering Vice-Chairperson Aguilar, ACM Grindall stated the CIP Project will be heard at a Special City Council Meeting scheduled for May 31, 2018, and the public hearing items will be heard at the June 28, 2018 City Council Meeting.

**H. ADJOURNMENT**

At 9:03 p.m., Chairperson Fitts adjourned the regular Planning Commission meeting of Tuesday, May 29, 2018.

Respectfully submitted,

  
TERRENCE GRINDALL  
Secretary