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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, June 12, 2018

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### A. ROLL CALL

At 7:34 p.m., Chairperson Fitts called the meeting to order. All Planning Commissioners were present except Commissioner Bridges (personal) and Commissioner Otterstetter (personal).

### B. MINUTES

#### B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, May 29, 2018.

Commissioner Nillo moved, Vice-Chairperson Aguilar seconded, to approve the Minutes of May 29, 2018. The motion passed 3 AYES, 2 ABSENT (Bridges and Otterstetter).

### C. WRITTEN COMMUNICATIONS

None.

### D. ORAL COMMUNICATIONS

None.

### E. PUBLIC HEARINGS

#### E.1 Hearing to consider a conditional use permit, U-18-11, to allow a modification to an existing monopole communication tower located at 37900 Timber Street (APN: 92A-2125-12-4).

Assistant City Manager Grindall recommended this Public Hearing item be opened then continued to allow staff and the Applicant time to resolve issues with the Conditions in the proposed Resolution.

ACM Grindall gave the staff report.

Answering Chairperson Fitts, ACM Grindall state the site is currently zoned high density residential.

Answering Vice-Chairperson Aguilar, ACM Grindall confirmed cell towers are allowed in residential neighborhoods with a conditional use permit but they must be stealth in accordance with the Zoning Ordinance.

Chairperson Fitts opened the Public Hearing.

Applicant Tim Page, Crown Castle, 4301 Hacienda Drive, Suite 410, Pleasanton, CA 94588, stated the existing cell tower is not concealed and referenced a photo of the cell tower.

Applicant Page stated Federal Law CFR47, also known as Section 6409 of the Middle Class Job Creation and Tax Relief Act, supersedes the Newark Municipal Code, and their request must be approved within 60 days of submission.

Answering Vice-Chairperson Aguilar, both Applicant Page and ACM Grindall stated their interpretation to Criteria #4 to determine if this application qualifies as an “eligible facilities request”.

Chairperson Fitts along with Commissioner Nillo and Vice-Chairperson Aguilar, were in agreement that if the City Attorney deemed this project does not qualify as an “eligible facilities request” they would be in favor of having the cell tower be stealth due in part to being located in a residential zoning district.

Motion by Commissioner Nillo, seconded by Chairperson Fitts, to continue this item to the June 26, 2018 Planning Commission Meeting. Motion passed 3 AYES.

## **F. STAFF REPORTS**

None.

## **G. COMMISSION MATTERS**

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

None.

#### Commissioners' Comments

Vice-Chairperson Aguilar stated he would like to see written in the June 26 staff report information on CFR47 and the six criteria for determining what is an “eligible facilities request”.

Commissioner Nillo congratulated the graduating Class of 2018 and the NBA Champions Golden State Warriors.

Commissioner Nillo wished his fellow Commissioners a Happy Father's Day.

**H. ADJOURNMENT**

At 8:10 p.m., Chairperson Fitts adjourned the regular Planning Commission meeting of Tuesday, June 12, 2018.

Respectfully submitted,

TERRENCE GRINDALL  
Secretary