

---

---

# 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, March 26, 2019

---

### A. ROLL CALL

At 7:30 p.m., Chairperson Fitts called the meeting to order. Five Planning Commissioners were present.

Commissioner Nillo moved, Commissioner Bridges seconded, to approve the Minutes of January 22, 2019. Motion passed 4 AYES, 1 ABSTENTION.

### C. WRITTEN COMMUNICATIONS

None.

### D. ORAL COMMUNICATIONS

None.

### E. PUBLIC HEARINGS

#### E.1 **Hearing to consider MUP-19-1, a Minor Use Permit to allow an Art Studio with Instructional Services at 6180 Jarvis Avenue Suite H, J, & K. The property is zoned Community Commercial.**

Art Interiano, Deputy Community Development Director, gave the staff report.

Assistant City Manager (ACM) Terrence Grindall introduced Anne Stedler, Economic Development Manager, to provide a report on the functions and vitality of retail centers.

Economic Development Manager Stedler gave the report.

ACM Grindall stated the current zoning code was approved in April 2018 and a minor use permit became required because of Staff's concern for the reduction in the amount of retail uses in the City.

Chairperson Fitts opened the Public Hearing.

Mr. Wu, CalColor representative, addressed the Commission. He described the CalColor presence in the Bay Area.

Robert Anderson, attorney for the Sun family, property owners of the proposed CalColor location, stated that CalColor would generate sales tax unlike the current Sunnyside Dental tenant.

Chairperson Fitts asked Mr. Anderson what percentage of the CalColor business would be considered retail sales. Anderson directed the question to Mr. Wu.

Mr. Wu addressed the Commission and stated he estimates the retail portion of the CalColor business to be approximately 20 to 30 percent.

Vice Chairperson Aguilar asked Mr. Wu if he had a list of potential interested students. Mr. Wu stated he estimates 100 of the 500 CalColor Fremont students would attend the proposed Newark campus.

Vice Chairperson Aguilar asked Mr. Wu the age range of the students at the existing CalColor locations. Mr. Wu responded the age range is age four to adult.

Vice Chairperson Aguilar confirmed with Mr. Wu the campus hours for other locations and asked what a typical day is like.

Commissioner Nillo asked Mr. Wu what kind of training and courses CalColor provides. Mr. Wu stated the training includes drawing, painting, ceramics and digital classes.

Commissioner Bridges asked Mr. Wu if he has considered any other properties for his art school. Mr. Wu answered yes.

Commissioner Bridges questioned if Mr. Wu has discussed the proposed usage with the Community Development. Mr. Wu responded that he spoke with Deputy Community Development Director (DCDD) Art Interiano.

Jane V Sun, property manager and co-trustee for the property, addressed the Commission. Ms. Sun stated she believes the retail percentage calculation of the shopping center provided by Community Development staff should be approximately 55 percent. Ms. Sun also stated that it has been difficult to attract traditional retail use businesses to the shopping center.

DCDD Interiano asked Ms. Sun what the square footage is for the Del Taco restaurant in the center. Ms. Sun stated it is 2,762 sq. ft.

Chairperson Fitts asked Ms. Sun if Del Taco is a thriving business. Ms. Sun stated that it is not.

Huijin Yan, 38126 Luma Terrace, addressed the Commission and expressed her support of the proposed art studio.

Chairperson Fitts closed the Public Hearing.

ACM Grindall stated that the proposed art studio would be a valuable part of the Newark community in a properly zoned location.

Commissioner Nillo asked Staff if the applicant could reduce the size of the proposed business to satisfy regulations adopted in 2018. ACM Grindall noted there is no set percentage in the 2018 regulations.

Chairperson Fitts asked what the retail percentage standard is for neighboring cities. ACM Grindall stated Fremont has banned non-retail uses in some centers all together.

Commissioner Bridges asked ACM Grindall if another non-retail use has been applied for at this site and rejected without consideration from the Commission. ACM Grindall responded that there has not been a previous application that was rejected for a similar situation.

Commissioner Otterstetter asked what the retail ratio is for other centers and if there is a list of the number of businesses that have come into City of Newark in the last 12 months. ACM Grindall commented that the ratio is higher at other centers in the City and estimated 30-50 new businesses.

Vice Chairperson Aguilar commented that he agrees with Staff's process of assessing each application on a case-by-case basis.

Chairperson Fitts commented that he agrees with the points that Commissioner Aguilar stated about how thoughtful the Commission needs to be on this issue.

ACM Grindall stated that Staff would prepare information for the Commission on retail percentage breakdowns for the next meeting.

Commissioner Bridges asked for a definition of "retail" in relation to the proposed business. She asked Mr. Wu to discuss what will be sold.

Chairperson Fitts allowed the Mr. Wu to address Commissioner Bridges questions. He commented that art supplies and art will be sold.

Ms. Sun stated that the dental tenant currently leasing the proposed art studio location has purchased a location within the same retail center, which will not be considered retail.

Vice Chairperson Aguilar asked Mr. Wu about ACM Grindall's concerns of parents dropping off their children at the art studio. Mr. Wu stated that parents would walk their children into the art studio to drop them off and would pick them up after class is finished.

Commissioner Bridges commented that other types of classes such as dancing do not typically require parents to stay for the duration of the class.

ACM Grindall clarified that any business caring for a child under 13 years of age requires a state license for daycare and is not the City's responsibility to enforce this regulation. Mr. Wu addressed Mr. Grindall and stated he disagrees that an art studio usage would require a daycare permit as his proposed business would be for enrichment classes.

Chairperson Fitts asked Mr. Wu about the typical duration of classes. Mr. Wu responded they last one hour.

ACM Grindall advised Mr. Wu to check with his legal counsel to ensure that his business would follow state regulations.

ACM Grindall, Chairperson Fitts and Commissioner Aguilar discussed specifics on processes to reopen and continue the public hearing at the April 9 Planning Commission meeting.

Commissioner Nillo moved and Vice Chairperson Aguilar seconded the motion to approve re-opening and continuing the public hearing for this item on April 9.

#### **F. STAFF REPORTS**

None.

#### **G. COMMISSION MATTERS**

Commissioner Nillo, Vice Chairperson Aguilar and Commissioner Bridges thanked ACM Grindall for his efforts and service to the City of Newark.

#### **H. ADJOURNMENT**

At 8:38 p.m., Chairperson Fitts adjourned the regular Planning Commission meeting of Tuesday, March 26, 2019.

Respectfully submitted,



ARTURO INTERIANO  
Secretary