



CITY OF NEWARK PLANNING COMMISSION

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

MINUTES

Tuesday, January 14, 2020

A. ROLL CALL

Community Development Director (CDD) Turner, introduced the new Administrative Support Specialist, Lina Tran, to the Planning Commission.

Chairperson Fitts called the meeting to order at 7:30pm. Present were Vice Chairperson Aguilar, Commissioner Otterstetter and Becker. Commissioner Bridges was absent.

B. MINUTES

B.1 Approval of Minutes of the Planning Commission meeting of November 12, 2019.

MOTION APPROVED

Commissioner Becker moved, Vice Chairperson Aguilar seconded, to approve the Minutes of the regular Planning Commission meeting on November 12, 2019. The motion passed 3 AYES, 1 ABSTENTION, 1 ABSENT.

G. COMMISSION MATTERS

G.1 Election of Officers

Chairperson Fitts moved item G.1 Election of Officers up on the agenda. Chairperson Fitts moved to nominate Vice Chairperson Aguilar to Chairperson, Commissioner Otterstetter seconded, 4 AYES, 1 ABSENT.

Commissioner Becker moved to nominate Commissioner Bridges to Vice Chairperson, Chairperson Fitts seconded, 4 AYES, 1 ABSENT.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS**E.1 Hearing to consider U-19-9, a Conditional Use Permit to allow Fitness 19, a physical fitness center located at 6203 Jarvis Avenue (APN: 537-521-37).**

Commissioner Becker recused himself due to his involvement in discussion, evaluation, and preparing recommendations with the applicant associated with this project in his previous role as City Manager.

Deputy Community Development Director (DCDD) Interiano presented staff's report on the Conditional Use Permit (CUP), U-19-9. DCDD Interiano stated the neighboring property owner, VN Investment Group LLC, submitted late today a letter in opposition to the application. Staff recommends approval of the CUP.

Commissioner Otterstetter asked staff what percentage of retail Fitness 19 will have. DCDD Interiano advised that the applicant would be better suited to respond.

Chairperson Aguilar raised concerns regarding the CEQA exemption, parking analysis, and CC&R addressed in the letter submitted by VN Investment Group LLC.

CCD Turner confirmed the CEQA exemption is correct. CDD Turner agreed with the parking analysis that there is adequate parking in the center to accommodate the parking needs of Fitness 19. CDD Turner stated the CC&R is not an item that the City will address as it is a private matter between property owners.

Mitch Gardner, President/Owner of G2 Design Building, representing Fitness 19 asked that the Planning Commission approve the CUP.

Chairperson Aguilar asked how Fitness 19's customer base differs from that of Anytime Fitness and if Fitness 19 offers anything different.

Mr. Gardner explained Fitness 19 offer group classes, personal training, larger area with a larger variety of equipment, and senior discount which he doesn't believe Anytime Fitness offers. Fitness 19 offers membership at a base price with options for add on services.

John Cumbelich described the extensive research conducted in an attempt to find another tenant for the vacant space. In response to Chairperson Aguilar's question regarding the response of a Fitness 19 in another similar shopping center, Mr. Cumbelich stated that a Fitness 19 opened up in a Dublin shopping center similar to the Newark location. John stated the City officials in Dublin and the property owner were delighted with the positive impact that Fitness 19 has had on their shopping center.

Richard Bowles stated in response to the petition by Anytime Fitness, there is another petition that was signed by 28 of the tenants to support the CUP

application. In response to Commission's concern regarding the CC&R, Mr. Bowles confirmed that it is a private matter between the property owners.

Chairperson Aguilar asked staff if Sprouts representatives were made aware of the application and whether Sprouts had provided comments. DCDD Interiano stated staff has not heard from Sprouts representatives.

Property owner, Steven Mavromihalis, stated Sprouts has been made aware of the application. Mitch Gardner stated Sprouts provided a letter that they have no objections to the use of the space for a fitness center.

Matt Morales, owner of Anytime Fitness, shared that he opened the gym back in 2013 that offers classes and personal training. His family lives a mile from the gym and participant in the community. Mr. Morales asked the Commission to deny the CUP as a larger fitness center will most likely put them out of business.

Commissioner Fitts asked if there was another location that could accommodate their business. Mr. Morales stated he has not found another location that would fit their budget.

Long Nguyen, owner of the adjacent property under VN Investment Group LLC, gave a statement on behalf of his attorney. VN Investment Group LLC believes the CUP application is not CEQA exempt and the parking analysis does not accurately take into account the length of time a vehicle occupies a parking space. Mr. Nguyen stated the CC&R requires VN Investment Group LLC to provide written consent to allow Fitness 19 in the center which they have not provided.

Chairperson Aguilar closed the public hearing.

Chairperson Aguilar motioned to continue the hearing to the Planning Commission meeting of January 28, 2020 to consider U-19-9, a Conditional Use Permit to allow Fitness 19, a physical fitness center located at 6203 Jarvis Ave (APN: 537-521-37), seconded by Commissioner Fitts, 3 AYES, 1 ABSENT, 1 ABSTENTION.

F. STAFF REPORTS

CDD Turner stated there is an upcoming League of California Cities planning commissioner training. Staff encourages Planning Commissioners attend the event. The event is from March 4-5.

G. COMMISSION MATTERS

G.2 Report on City Council actions.

CDD Turner reported that City Council voted to uphold the Planning Commission's denial of the Conditional Use Permit for Electric Guard Dog Fence.

H. ADJOURNMENT

Commissioner Fitts adjourned the regular Planning Commission meeting at 8:46 p.m. in memory of retired Recreation Director Mel Nunes.

Respectfully submitted,



STEVEN TURNER
Secretary