

# 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, February 11, 2020

### A. ROLL CALL

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

### B. MINUTES

#### B.1 Approval of Minutes of the Planning Commission meeting of January 28, 2020.

**MOTION APPROVED**

Commissioner Fitts moved, Chairperson Aguilar seconded, to approve the Minutes of the regular Planning Commission meeting on January 28, 2020. The motion passed 2 AYES, 1 ABSTENTION, 2 ABSENT.

### C. WRITTEN COMMUNICATIONS

None.

### D. ORAL COMMUNICATIONS

None.

### E. PUBLIC HEARINGS

#### E.1 Hearing to consider U-20-1, a Conditional Use Permit to allow Fitness 19, a physical fitness center located at 6203 Jarvis Avenue (APN: 537-521-37)– from Deputy Community Development Director Interiano .

Deputy Community Development Director (DCDD) Interiano gave an overview of the staff report and the exhibits of the agenda packet. DCDD Interiano presented new information that was provided after the agenda was posted. DCDD Interiano stated staff recommends approval of the Conditional Use Permit.

Chairperson Aguilar opened the public hearing.

Mitchell Gardner, 150 Linda Vista Ave, Pasadena CA, owner/contractor/architect of G2 Design Build Incorporated, presented responses to each finding pursuant to Chapter 17.35, Section 17.35.060 requesting that the Conditional Use Permit be approved.

Bob Rodger, owner of Fitness 19, 960 Ellington Lane, Pasadena CA, gave a brief history of the company. Mr. Rodger stated that fitness centers are now sought after to occupy commercial retail space.

Stephen Abrams of Abrams Associates, 1875 Olympic Boulevard, Suite 210, Walnut Creek CA 94596, presented data from the supplemental parking review explaining the new data corroborates the findings from the initial study that there would be ample parking to accommodate the needs of Fitness 19.

Chairperson Aguilar asked for clarification in Figure 3 of the parking survey. Mr. Abrams explained that at the highest occupancy recorded in front of Sprouts, there was still over 100 empty parking spaces in the parking lot.

Matt Morales, 6826 Cabernet Ave, Newark CA 94560, owner of Anytime Fitness, is requesting the Conditional Use Permit be denied. Mr. Morales gave an overview on their parking usage data. Mr. Morales stated that the approval of the Conditional Use Permit would put him out of business. In response to Commissioner Fitts' question on the percentage of usage during off hours, Mr. Morales stated about 15-20 people come in during off hours. Mr. Morales stated that 6am-10am, lunch time, 5pm-7pm are the usual peak times for his gym.

Long Nguyen, 1256 South Abel St & 1001 Bird Ave, San Jose CA, managing member/partner of VN Investment Group, LLC, stated that almost all his tenants oppose of the addition of Fitness 19 citing parking concerns. Mr. Nguyen stated the parking analysis from Abrams Associates shows that a lot of the vacant parking spaces are not located in areas that are convenient for the restaurants in the shopping center. Mr. Nguyen stated the parking analysis does not provide information regarding parking duration. Mr. Nguyen stated the addition of Fitness 19 is in violation of the CC&Rs between the two property owners.

David Trotter, attorney with Bowles & Verna LLP, 119 Ellen Ct, Moraga CA, wanted to remind the Planning Commission that any issues with the CC&R is a private matter between the two property owners and that the Planning Commission should not use that information when making their decision. Mr. Trotter stated the detailed parking analysis reflects there are plenty of extra parking spaces. Mr. Trotter stated that Fitness 19 will be a great addition to the center as it will bring more shoppers.

Mr. Abrams, in response to the parking duration concern, stated duration studies are only conducted when determining parking restrictions. A parking duration study would not apply to this parking analysis study.

Chairperson Aguilar closed the public hearing.

Commissioner Otterstetter thanked Anytime Fitness and Fitness 19 for the additional information that they provided. Commissioner Otterstetter asked staff if an additional peer review of the supplemental parking analysis is necessary.

DCDD Interiano stated it is not necessary and that staff is satisfied with the parking analysis that was provided.

Commissioner Fitts stated his initial concern was that Fitness 19 does not meet the retail standard in that type of shopping center but the property owner proved they did their due diligence to try and find a retailer for that space and was unsuccessful. Commissioner Fitts stated the parking analysis addressed his initial parking concerns. Commissioner Fitts stated concern for Anytime Fitness fearing that approval of the Conditional Use Permit would be detrimental to their business. Based on all the information provided, Commissioner Fitts would be in support of approving the Conditional Use Permit.

Chairperson Aguilar asked staff if Anytime Fitness was required to complete a Conditional Use Permit.

DCDD Interiano stated that a Conditional Use Permit was approved for Anytime Fitness in 2012. In addition, Curves that was next door to Anytime Fitness, also had their Conditional Use Permit approved in 2003.

Chairperson Aguilar asked staff how the employee parking for Fitness 19 will be enforced.

DCDD Interiano stated they would ask that Fitness 19 to identify the parking either by signage or striping.

Chairperson Aguilar stated he is in agreement with staff's finding that Fitness 19 meets the required findings of a Conditional Use Permit. Chairperson Aguilar stated he agrees with the findings of the parking analysis from Abrams Associates that there is adequate parking in the shopping center. Chairperson Aguilar believes the addition of Fitness 19 will create vibrancy and benefit the retail center. Chairperson Aguilar stated that for those reasons, he is in support of staff's recommendation to approve the Conditional Use Permit.

Commissioner Fitts moved, Commissioner Otterstetter seconded, to approve U-20-1, a Conditional Use Permit to allow Fitness 19, a physical fitness center located at 6203 Jarvis Avenue (APN; 537-521-37). The motion passed 3 AYES, 0 NOES, 2 ABSENT.

## **F. STAFF REPORTS**

None.

**G. COMMISSION MATTERS**

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

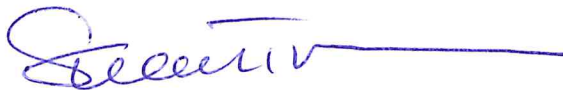
Community Development Director (CDD) Turner stated that prior to the upcoming City Council meeting on February 13, 2020, there will be a study session with the Finance Department and the City Manager's office to preview the upcoming two year budget cycle. At the same meeting, Community Development will be seeking approval for a new position for code enforcement, Community Preservation Programs Manager. This will be a supervisory position that would oversee the two community preservation officers. Community Development has enough budget to cover the cost of the new position.

DCDD Interiano reminded the Planning Commission of the upcoming Planning Commissioners Academy.

**H. ADJOURNMENT**

Chairperson Aguilar adjourned the regular Planning Commission meeting at 8:35 p.m.

Respectfully submitted,



STEVEN TURNER  
Secretary