



# CITY OF NEWARK

## Planning Commission

City Administration Building, City Council Chambers

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## MINUTES

Tuesday, December 15, 2020

### A. ROLL CALL

Chairperson Aguilar called the meeting to order, via teleconference, at 7:30pm. Present were Vice Chairperson Bridges, Commissioners Becker, Fitts, Otterstetter (all via teleconference).

### B. MINUTES

**B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, June 23, 2020.**

#### MOTION APPROVED

Commissioner Becker moved, Commissioner Fitts seconded, to approve the Minutes of the regular Planning Commission meeting on June 23, 2020. The motion passed 5 AYES.

### C. WRITTEN COMMUNICATIONS

None.

### D. ORAL COMMUNICATIONS

None.

### E. PUBLIC HEARINGS

**E.1 Hearing to consider permitting four new single-family residences on a 0.38-acre project site. The Planning Commission will consider recommending approval of: (1) P-20-02, establishing a Planned Development Overlay District and a Planned Development Plan; and (2) TTM-20-03, Vesting Tentative Map 8531 to allow a five-**

**parcel, four-lot residential subdivision for the construction of four single-family residences at 37503 and 37511 Cherry Street (APNs 092-0075-004-02; 092-0075-005-02) – from Associate Planner Mayank Patel. (RESOLUTIONS – 2)**

Deputy Community Development Director (DCDD) Interiano spoke on behalf of Associate Planner Patel. DCDD Interiano asked that the item be continued to a date certain of January 12, 2021.

Chairperson Aguilar asked if the Commissioners had questions on the item and there were none.

No one from the public requested to speak.

Vice Chairperson Bridges moved, Commissioner Becker seconded, to move the item to a date certain of Tuesday, January 12, 2021. The motion passed 5 AYES.

**E.2 Hearing to consider Z-20-4, a text amendment to Title 17 (Zoning) of the Newark Municipal Code to amend Section 17.26.040, Accessory Dwelling Units, generally affecting development standards for the construction of Accessory Dwelling Units– from Deputy Community Development Director Interiano.**

**(Resolution & Ordinance)**

DCDD Interiano stated there was a memo sent out with the revised ordinance and resolution for this item. The revised memo and resolution provided changes to the supporting language to the documents but did not make any changes to the proposed regulations.

DCDD Interiano presented an overview of the changes to the State ADU regulations which occurred over the last few years. DCDD Interiano also presented an overview of the City's existing regulations on ADU's and the recommended changes to be in conformance with State law. In summary, the proposed changes to ADU's included reduced setbacks, reduced/eliminated impact fees, objective design standards, reduced parking standards, garage conversions and revisions to size limitations.

Commissioner Fitts asked if the City can require ADUs to include additional parking. DCDD Interiano stated the City cannot require additional parking spaces for ADUs per State regulations. The City can only recommend that additional parking be included.

Vice Chairperson Bridges asked for clarification of the requirements of a garage conversion. DCDD Interiano stated the State laws do not require any changes to the garage exterior. The State laws do allow the City to have objective design standards. Staff recommends that applicants remove the garage door and replace it with a wall to match the design of the home.

Vice Chairperson Bridges asked if the garage conversion wall can be glass as seen in some neighborhoods. DCDD Interiano stated staff can take that into consideration but will need to review the actual plans for each ADU that is requested.

Commissioner Becker commented that the State mandate is a “one size fits all” approach and it is frustrating that the City cannot mandate additional parking for garage conversions, which will only exacerbate the parking issue. Commissioner Becker requested confirmation that there is also now a five-year moratorium for enforcement of unpermitted structures. DCDD Interiano confirmed that is correct. The City can allow five years of non-enforcement on an ADU if the homeowner submits and gets approval for the ADU that meets State laws. Commission Becker wanted to express his opinion of the deficiency of these State mandates.

Chairperson Aguilar agreed with Commissioner Becker in the sense that some of the State mandates are infringing. Chairperson Aguilar asked how other cities have objected to these State mandates. DCDD Interiano stated some other City’s planning directors are uncomfortable with what is being proposed, but it is a mandate. He is unaware of any other city that is trying to fight the regulations. If and when the ADU ordinance is passed by the Planning Commission and City Council, the City is required to send the ordinance to the State for review and final approval. The State has the ability to request changes should the State deem the City’s ordinance inconsistent with the intent of State laws. Community Development Director (CDD) Turner stated he has heard other comments that share the same sentiments as Commissioner Becker and Chairperson Aguilar. Most cities have adopted these rules but there are serious questions on how this could affect the character of a neighborhood. However, ADUs are a simple way to obtain a type of affordable housing in the community. ADUs can be counted towards the production requirements for low incoming housing.

Chairperson Aguilar understands that we are in Cycle 6 of the RHNA allocation and that it is usually planning based and not production based. He asked if single family lots that can accommodate ADUs be counted towards that tally. CDD Turner stated that this is what the City is advocating for as a good way for a City to meets its RHNA allocation number.

Chairperson Aguilar asked if the City could enforce design standards for projects such as garage conversions. CDD Turner stated there is no discretionary process for ADUs. The standards that are applied to ADU design must be entirely objective.

Chairperson Aguilar opened the item for public comment and there were none.

Commissioner Fitts moved, Vice Chairperson Bridges seconded, to approve the revised ADU resolution and ordinance. The motion passed 5 AYES.

## **F. STAFF REPORTS**

CDD Turner asked to present under item G.2. Chairperson Aguilar approved.

## **G. COMMISSION MATTERS**

### **G.1 Election of Officers.**

Vice Chairperson Bridges commented that Chairperson Aguilar was deprived of the duties this year.

Vice Chairperson Bridges motioned, Commissioner Fitts seconded, to reappoint Chairperson Aguilar as Chairperson for 2021. The motion passed 5 AYES.

Chairperson Aguilar moved, Commissioner Otterstetter seconded, to reappoint Vice Chairperson Bridges and Vice Chairperson for 2021. The motion passed 5 AYES.

### **G.2 Report on City Council actions.**

CDD Turner stated City Council reappointed Vice Chairperson Bridges to another term on the Planning Commission.

CDD Turner thanked the Community Development staff for their hard work during this tough year.

CDD Turner reported that City Council has been busy with actions to respond to the pandemic such as establishing a moratorium on residential and commercial evictions, granting the Community Development Director the ability to waive zoning ordinance requirements to promote outdoor business operations, adopting the Newark CARES Grant Program to assist residential renters and small businesses with expenses, and limiting third party delivery fees to 15%.

Economic Development Manager, Anne Stedler, spearheaded a new program called GiftNewark.com which is an online gift card marketplace for Newark businesses. It is an online platform to purchase gift cards and the revenue goes directly to the businesses and a great way to market our small businesses across the community.

City of Newark and Chamber of Commerce produced webinars in multiple languages to help small businesses adapt to the pandemic.

CDD Turner stated there has not been a slowdown in development projects and that 2021 will be a busy year for the Planning Commission. Projects such as Fahmy subdivision, Eden Housing, NewPark Mall, Hyatt House Hotel, FMC Willow, and Old Town Study are expected to be presented at future Planning Commission meetings. There are policies and programs such as affordable housing that will be proposed as well. An affordable housing consultant was hired to assist the City on a number of different efforts such as RHNA allocation, a workplan to reach the target number in this next cycle, and a new housing element due to the State in 2023. Zoning ordinance revisions and a report on short term rentals are expected to be addressed in future Planning Commission meetings.

Commissioner Fitts asked if the new City Hall is on track to open in April 2021. CDD Turner stated we might be ahead of schedule and may be in the new building by March 2021.

Commissioner Fitts asked if the City had final figures for Census 2020. CDD Turner stated we do not have the final numbers yet and that we won't have the numbers until spring of 2021. Newark was number two in Alameda county in terms of overall participation at a self-response rate of 82.5%.

Commissioner Fitts wished everyone a happy holidays, merry Christmas and happy new year.

Vice Chairperson Bridges stated there were inquiries about the project at Thornton Ave, Oliveria, and Arnold for what appears to be a residential home. DCDD Interiano stated it might be the project for a 100-bed care facility next to the new police station. The project is still in review and expected to be a four-story building.

Commissioner Becker thanked CDD Turner for the outstanding overview and is glad to hear that despite the pandemic that development is still moving ahead.

Commissioner Becker also welcomed Associate Planner Patel on board.

Chairperson Aguilar stated it was great to see everyone again and is looking forward to the days that we can get together in person. Chairperson Aguilar thanked staff for the excellent work and a happy holiday to all.

## H. ADJOURNMENT

Chairperson Aguilar adjourned the special Planning Commission meeting at 8:41 p.m.

Respectfully submitted,



STEVEN TURNER  
Secretary