



# CITY OF NEWARK

## Planning Commission

City Administration Building, City Council Chambers

37101 Newark Boulevard, Newark, CA 94560 | (510) 578-4330 | E-mail: [planning@newark.org](mailto:planning@newark.org)

## MINUTES

Tuesday, January 12, 2021

### A. ROLL CALL

Chairperson Aguilar called the meeting to order, via teleconference, at 7:31pm. Present were Vice Chairperson Bridges, Commissioners Becker, Fitts, Otterstetter (all via teleconference).

### B. MINUTES

**B.1 Approval of Minutes of the special Planning Commission meeting of Tuesday, December 15, 2020.**

#### MOTION APPROVED

Vice Chairperson Bridges moved, Commissioner Fitts seconded, to approve the Minutes of the special Planning Commission meeting on December 15, 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)**

Associate Planner Patel (AP Patel) introduced the project applicant and project site. After providing the project background and highlighting the land-use context, AP Patel discussed the project proposal in greater detail, including the proposed site plan, floor plans, elevations, and landscape plan. This was followed by an explanation of the required entitlements and AP Patel summarized the findings made in support of the proposed project. AP Patel also noted that the proposed project is categorically exempt from CEQA and that the project did not receive any public comments. AP Patel concluded the presentation with a recommendation that the Commission approve the proposed planned development overlay district and planned development plan in conjunction with the vesting tentative map.

Commissioner Becker asked where the vehicle access is for these units on the site plan and which of the lots are fronting Cherry St. AP Patel stated that all four lots would be accessible through the 25ft wide private easement off Cherry St. AP Patel confirmed that Lot 2, 3, and 4 would not front Cherry St. Only Lot 1 would front Cherry St. Commissioner Becker understands that the proposed two enclosed parking spots in the garage for each lot meets the parking requirement standards but expressed concern about the lack of guest parking. AP Patel confirmed that there is no change to parking on Cherry St and that the one proposed guest parking on the subdivision is more than what is required by the NMC.

Vice Chairperson Bridges commented that it appears there seems to be concessions to the minimum depth, width, and height requirements. AP Patel stated other larger Planned Developments such as Sanctuary, Compass Bay, Bayshores were similarly approved. Community Development Director (CDD) Turner stated that Planned Developments are not encouraged for the reasons Vice Chairperson Bridges indicated in that a great deal of thought was put into establishing the land-use and site development regulations that are in effect today. However, CDD Turner also acknowledged that it is difficult to meet housing needs and there is a shortage of large-scale developable lots. For future PDs, staff will take a hard look at the necessity of granting variances and exceptions in this way and try to create projects that are closer to the underlying zoning requirements.

Commissioner Otterstetter stated she noticed that Cherry St is already inundated with parked cars due to the existing properties. Commissioner Otterstetter asked if an agreement can be worked out with this subdivision and the owner of the parking area in the neighboring property as seen from one of the above aerials in the presentation to allow for overflow parking from this subdivision. Commissioner Becker stated that parking lot is for the City's homeless shelter. Deputy Community Development Director (DCDD) Interiano is unaware of whether that property would be interested in such an agreement, but staff can look into it. DCDD reminded the Commission that the subject property is zoned Residential Medium Density, which allows for multi-family units; however, the property owner has elected to develop the site with single-family units, which would not have the type of parking demand as a multi-family project.

Commissioner Otterstetter asked if the lot has always been vacant or if it's been a site for any type of manufacturing. Commissioner Becker stated he does not believe there's ever been anything on that lot besides illegal dumping.

Commissioner Otterstetter commented that she liked that there is no left-turn from this subdivision onto Cherry St going towards Thornton Ave. She asked if there is enough room in the private easement for a fire truck to drive down and turn around. AP Patel stated the Fire Department has reviewed and approved the plans with the condition that the curb of the private easement across from the three homes be painted for a fire lane and remain clear. AP Patel would confirm whether the Fire Department would serve these homes from the street or if a fire engine would respond an emergency by utilizing the private street. Based on the project plans, the Fire Department might be able to serve the homes while keeping the fire engine on Cherry St.

Commissioner Otterstetter stated that the entrance for Lot 1 faces Cherry St and asked if there is any concern for light bleeding onto Cherry St. AP Patel stated that based on the project materials, any lighting will be low emitting and sheltered so that light is directed towards the ground. Commissioner Otterstetter is concerned that the porch light from Lot 1 would be blinding to traffic turning left on Cherry St from Market Ave.

Commissioner Otterstetter asked where the garbage cans for the homes will be stored and also set out for service. AP Patel stated that is one of the items under the condition of approval for the applicant to work with Republic Services to identify a location.

Commissioner Otterstetter noticed the build hours are from 7 a.m. to 7 p.m. and asked if that can be changed to be 8 a.m. to 7 p.m. AP Patel stated it is currently consistent with our building code but if the Commission wants to propose that change and the applicant is accepting of that condition, staff can make that modification. Commissioner Otterstetter requested to propose that change.

Chairperson Aguilar commented that other subdivisions have guest parking requirements and asked why this particular subdivision does not. DCDD Interiano stated that single family subdivisions do not require guest parking. Staff has encouraged it but does not have any studies that support requiring additional guest parking for single-family subdivisions. There were changes to the City's code regarding parking standards for multi-family properties but not for single-family homes.

Chairperson Aguilar asked if there is anything in the conditions of approval that specifies that the HOA must put signage to designate the additional space between Lots 1 and 2 as a dedicated turn around area instead of guest parking. AP Patel confirmed that there is a requirement that the space be a dedicated turn around area and the site plan notes this requirement. The signage specifics would be handled by the engineering division. DCDD Interiano added that signage can be added as a condition of approval.

Vice Chairperson Bridges commented that most residents use their garages for storage rather than parking and asked if a requirement can be made that the garages for these homes be used only for cars and not for storage. AP Patel stated that with changes to ADU regulations that allow for garage conversions, he suspects that State law would trump the garage parking condition. DCDD Interiano commented that staff would be able to add the parking condition but if someone does apply for a garage conversion, then the condition would be void. CDD Turner agreed with AP Patel and DCDD Interiano.

Chairperson Aguilar asked if the applicant, John Barton, agrees to the conditions for this project. Mr. Barton responded that he agrees.

Chairperson Aguilar asked when construction would begin and the duration. Mr. Barton would hope to start construction in the summertime and estimates it would take 6-9 months.

Commissioner Fitts asked if there are examples of existing projects that are similar to this proposed project that they can view in person since this appears to be a unique project. Mr.

Barton stated there is a similar project down in Hollister and that location is denser and the lots are narrower.

In response to Vice Chairperson's questions regarding deviations from the height, width, and depth requirements, Mr. Barton explained that the parcel is so small and difficult to work with that after adding the private easement, there isn't enough room to meet the requirements. The rear yard lot depth minimum shows one section is 9ft but another sections show 15ft and this was done to get as much rear yard use as possible.

In response to Commissioner Otterstetter's question regarding garbage can storage, Mr. Barton stated the mechanical room can be split to house the garbage cans and doors would be added to allow access to roll the carts outside for service.

In response to Commissioner Otterstetter's concern regarding Lot 1's patio light effects on drivers on Market St, Mr. Barton stated that the project can be conditioned to provide dark-sky compliant light fixtures.

Mr. Barton agrees to the proposed 8 a.m. construction start time.

Commissioner Fitts commented that he is in favor of this project as it would improve the aesthetics of the area and that he likes that the homes are smaller than the larger homes that have been built recently.

Commissioner Otterstetter moved, Vice Chairperson Bridges seconded, to approve with the additional conditions of installing dark-sky compliant light fixtures, an 8 a.m. construction start time, and limiting the primary use of garages to parking of vehicles, not storage. The motion passed 5 AYES.

## **F. STAFF REPORTS**

None.

## **G. COMMISSION MATTERS**

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

CDD Turner stated Council is having their first council meeting this upcoming Thursday where Economic Development Manager Anne Stedler will provide council with an update regarding economic development in Newark with a focus on biotechnology industry. There will be two speakers from two biotechnology companies and their experience in working in Newark.

Commissioner Fitts asked if there are upcoming projects that the Commission should be aware of. DCDD Interiano stated there will most likely be a meeting on February 9 to address the Minor Use Permit for the assisted living facility. During that meeting, staff can provide a timeline of future projects.

CDD Turner stated staff will be seeking the Commission's availability for a joint meeting with City Council on Thursday, February 25 at 5pm to discuss Bayside Newark TOD area and updates and changes on approved projects with focus on the Integral FMC Willow project and train station.

## H. ADJOURNMENT

Chairperson Aguilar adjourned the regular Planning Commission meeting at 8:47 p.m.

Respectfully submitted,



STEVEN TURNER  
Secretary