



CITY OF NEWARK

Planning Commission

City Hall, City Council Chambers

Various Locations, Newark, CA 94560 | (510) 578-4330 | E-mail: planning@newark.org

AGENDA

Tuesday, April 13, 2021

7:30 P.M.

Due to technical difficulties related to the move to the new City Hall, this meeting will not be broadcast on Comcast Channel 26.

There will be a live web stream on YouTube and the Zoom Webinar access remains the same.

THIS IS A MEETING BY TELECONFERENCE ONLY. THE CITY COUNCIL CHAMBERS WILL NOT BE OPEN. REFER TO THE END OF THE AGENDA TO REVIEW OPTIONS FOR PARTICIPATING IN THE MEETING REMOTELY OR TO SUBMIT PUBLIC COMMENTS VIA EMAIL.

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular Planning Commission meeting of February 9, 2021.**

(MOTION)

C. WRITTEN COMMUNICATIONS

D. ORAL COMMUNICATIONS

Members of the public are invited to address the Planning Commission on any item not listed on the agenda. Public Comments are generally limited to 5 minutes per speaker. Please note that State law prohibits the Commission from acting on non-agenda items.

E. PUBLIC HEARINGS

F. STAFF REPORTS

- F.1 Overview and Update of Community Development Projects Previously Approved, Under Review and/or Construction – from Community Development Director Turner and Deputy Community Development Director Interiano.
(PRESENTATION ONLY)**

G. COMMISSION MATTERS

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

H. ADJOURNMENT

IMPORTANT NOTICE REGARDING PLANNING COMMISSION MEETING

Due to the COVID-19 pandemic, the City of Newark made several changes related to Planning Commission meetings to protect the public's health and prevent the disease from spreading locally. As a result of the COVID-19 public health emergency, including the Alameda County Health Officer and Governor's directives for everyone to shelter in place, **the City Council Chambers will be closed to the public.** Members of the public should attempt to observe and address the Planning Commission using the below technological processes.

This meeting is being conducted utilizing teleconferencing and electronic means consistent with State of California Executive Order N-29-20 dated March 17, 2020, regarding the COVID-19 pandemic. In accordance with Executive Order N-29-20, the public may only view the meeting on television and/or online.

Chairperson Aguilar, Vice Chairperson Bridges, and Commissioners Becker, Fitts, Otterstetter will be attending this meeting via teleconference. Teleconference locations are not open to the public. All votes conducted during the teleconferencing session will be conducted by roll call vote.

How to view the meeting remotely:

Livestream online at YouTube – [Streaming Meetings](#)

How to participate in the meeting remotely, via Zoom Webinar:

From a PC, Mac, iPad, iPhone or Android device: <https://zoom.us/j/97403030565>

From a telephone dial 1 669 900 9128, Webinar ID 974 0303 0565

Provide live, remote public comments when the Chairperson calls for comments. Use the raise your hand feature in Zoom to be called upon by the Administrative Support Specialist.

Submission of Public Comments: Public comments received by 4:00 p.m. on the Planning Commission meeting date will be provided to the Planning Commission and considered before Planning Commission action. Comments may be submitted by email to planning@newark.org. Comments may also be submitted via e-mail to planning@newark.org at any time prior to closure of the public comment portion of the item(s) under consideration.

Reading of Public Comments: The Administrative Support Specialist will read aloud email comments received during the meeting that include the subject line "FOR THE RECORD" as well as the item number for comment, provided that the reading shall not exceed five (5) minutes, or such other time as the Planning Commission may provide, consistent with the time limit for speakers at a Planning Commission meeting and consistent with all applicable laws. Matters brought before the Planning Commission that require Council action may be either referred to staff or placed on a future Planning Commission agenda.

Commission Meeting Access/Materials:

The agenda packet is available for review at [Agenda and Minutes](#). The packet is typically posted to the City website the Friday before the meeting, but no later than 72 hours before the meeting.

Pursuant to Government Code 54957.5, supplemental materials distributed less than 72 hours before this meeting, to a majority of the Planning Commission, will be made available for public inspection at this meeting and will be posted, if time allows, at [Agendas and Minutes](#). Materials prepared by City staff and distributed during the meeting are available for public inspection at the meeting or after the meeting if prepared by some other person. Documents related to closed session items or are exempt from disclosure will not be made available for public inspection. For those persons who require special accommodations, please contact the Administrative Support Specialist at least two days prior to the meeting at planning@newark.org or 510-578-4330.



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

MINUTES

Tuesday, February 9, 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 regular Planning Commission meeting of Tuesday, January 12, 2021.

MOTION APPROVED

Vice Chairperson Bridges moved, Commissioner Fitts seconded, to approve the Minutes of the regular Planning Commission meeting on January 12, 2021. The motion passed 5 AYES.

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Hearing to consider U-21-1, a Minor Use Permit to allow a 4-story 100 bed Residential Care Facility located at 6214 Thornton Avenue (APN: 092-1036-029-02). The property is zoned Residential High Density – from Deputy Community Development Director Interiano. (RESOLUTION)

Deputy Community Development Director Interiano (DCDD) stated there was a written communication but since it was submitted prior to the meeting, it was already forwarded to the Planning Commission.

DCDD Interiano provided the project overview. Introducing the 100 bed assisted living facility, a description of the design elements of the 4-story building, including details of the site plan and amenities of the project. Staff found the project was in conformance with the requirements of the zoning district and the findings of the Minor Use Permit.

Commissioner Otterstetter stated the project is facing Thornton and close to Old Town and has a more modern look. She asked that as development gets closer to the Old Town area that the architectural design not be as modern as this project. This is not an objection to the current proposed project but merely a request for future projects.

Commissioner Otterstetter asked how high the new City Hall is. DCDD Interiano answered that the administrative buildings are two-story at 37 ft. The police station is 24 ft. and a communication tower at 75 ft. The applicant will also give a presentation on the design of the project.

Commissioner Otterstetter asked if there are conditions regarding trucks idling on Thornton Ave since that street is a major thoroughfare. DCDD Interiano stated that he'll have to double check but will get back to the Commission.

Vice Chairperson Bridges expressed concern that the building does seem ultra-modern in comparison to the neighboring buildings in the area. She asked if there were trees as part of the landscape or if it were all shrubs. DCDD Interiano stated there are trees and shrubs.

Vice Chairperson Bridges expressed concern for the height of the proposed project. She doesn't believe the project will impede on the residents across from the project.

Community Development Director Turner (CDD) answered Commissioner Otterstetter that there are a number of conditions of approval that relates to engineering including

the need for encroachment permits. Commissioner Otterstetter asked if there are specific conditions regarding traffic on Thornton Ave and it would be helpful to include that in the conditions of approval.

Commissioner Fitts stated the staff report indicated the proposed project is 65ft high. He asked how tall the existing City Hall is. DCDD Interiano stated the existing City Hall is 80ft. Commissioner Fitts stated the project will be about 20ft taller than the new City Hall which gives perspective on how high this project will be.

The applicant, Dr. Ash Jain, provided background information for his medical practice and his vision and goals for expansion into Newark.

Architect Evan Sockalosky discussed the project proposal in greater detail, including the proposed site plan, floor plans, elevations, and landscape plan.

Chairperson Aguilar asked if Dr. Jain agrees to the conditions of approval. Dr. Jain replied that he does agree and any future changes to the conditions of approval.

Commissioner Bridges stated that Newark needs a facility such as this and asked if this is Dr. Jain's first residential care facility, if there were any Social Services complaints, and will there be opportunities for Medi-Cal or low-income patients. Dr. Jain clarified that he does have a 28-bed skilled nursing facility in Hayward, but this will be his first assisted living facility and the Hayward facility has not had any complaints. Dr. Jain stated he hasn't thought about opportunities for Medi-Cal or low-income patients.

Commissioner Fitts asked if the parking is for employees and visitors. Dr. Jain confirmed that it would be for the employees and visitors as the facility is not an independent living facility and the patients will not be driving.

Commissioner Becker asked for the name of the Hayward facility, how many independent rooms there will be for the 100-bed facility, and who will run the actual facility. Dr. Jain replied that the Hayward facility is named We Care Skilled Nursing Facility and that a staff of professional managers will be hired to run the facility but Dr.

Jain will oversee the staff. Mr. Sockalosky explained that there are about 40 double-bed rooms and 20 single-bed rooms but those are not the final numbers. Mr. Sockalosky confirmed that there will only be a maximum of two beds per room.

Commissioner Becker commented that he does like the design and believes it will tie in nicely with the new City Hall. He stated he visited the site to get a better understanding of the petition that was filed against the proposed project. When he stood in front of some of the homes on the petition, there were several tall trees that are currently blocking the front of the homes. When he looked towards the subject site, there's another grove of trees. He couldn't see the receiving tower which is currently on the City Hall site. He doesn't believe that the homes on the petition will be able to see the building on the proposed project site.

Vice Chairperson Bridges asked if dementia patients will be housed in a separate section of the facility. Dr. Jain replied that he is not sure at the moment if there will be dementia patients but will ensure that if he will take the proper steps to ensure the safety of all the patients.

Attendee, Wendell C. Arnold, stated he is the owner of the building at 6222 Thornton Ave, between the proposed project site and Washington Hospital. Mr. Arnold is not opposed to the project but stated the building will disrupt his sightlines because all of his windows face the proposed project site. Mr. Arnold expressed concern over the amount of construction he will continue to endure. He's currently experiencing numerous nuisances including multiple trucks, tractors, and people passing through his property to access the City Hall project and construction noises all day long. He isn't looking forward to another year and a half of construction right next to his building. Mr. Arnold asked how often emergency services will be called to the facility and whether the proposed number of parking spots will be adequate for this building. Dr. Jain responded that he understands Mr. Arnold's concerns and will do his best to minimize the nuisances. Dr. Jain further stated that emergency services at his skilled nursing facility in Hayward gets called maybe once a month and those patients are sicker than the expected patients at the proposed site. He does not expect emergency services to be called more than once or twice a month.

Chairperson Aguilar, in response to Mr. Arnold's question regarding parking, asked staff if this assisted living facility qualifies for a reduction in parking spaces because there is a bus stop in front of the proposed site. DCDD Interiano stated that the code was established to encourage transit for proposed sites and does allow a reduction because of the proximity of the project to a transit stop. DCDD Interiano stated he does not know whether the people who will visit the facility will use the bus but that the option is available. CDD Turner stated the parking lot will also be used by the facility's employees and that City staff supports applying the parking reduction in that way.

Mr. Arnold asked how many staff the facility expects to have. DCDD Interiano stated there will be 10-12 employees. Dr. Jain stated this is an assisted living facility and that two nurses per floor are adequate.

Commissioner Becker clarified that his previous comment regarding sightlines were only in response to the petition from the homes on Civic Terrace Ave and not for Mr. Arnold's building. Commissioner Becker asked if the reduction in parking is also dictated by State law. DCDD Interiano stated the 20% reduction is part of the City's zoning code and not the State law. DCDD Interiano stated the original requirement was to have 34 parking spaces but with the 20% reduction, it was brought down to 28.

Chairperson Aguilar asked Dr. Jain how full the parking lots are at his other facilities. Dr. Jain stated that he's witnessed more than half of the parking spaces are vacant at the other facilities. In his experience, there's generally much parking usage at these facilities. He also stated that unfortunately, most of the patients do not have much family and they generally don't receive visits.

Chairperson Aguilar commented that although there is a 20% reduction in parking spaces, he did notice an additional five parking spaces on Thornton Ave in front of the proposed site that essentially would make up for the spaces lost to the reduction.

Chairperson Aguilar commented that it would be helpful to have a solar study conducted for projects that are four stories or 65ft in height to see how it could impact

nearby buildings. The study can then address any complaints regarding possible sunlight obstruction.

Attendee, Anwar Mirza of 6212 Civic Terrace Ave, stated he is one of the residents that signed the petition and he is a licensed engineer. The residents are not against the project but they are just concerned with the height of the building. He agreed that there are trees in front of their building which already causes a limited view of the sky for those in unit A. The residents requested that the height of the proposed project be lowered by half.

Chairperson Aguilar closed public comment.

Chairperson Aguilar asked who is responsible for the upkeep and maintenance of the frontage improvement work. DCDD Interiano answered that once the project is completed, the City is responsible for the upkeep and maintenance except for the upkeep of the trees.

Vice Chairperson Bridges commented that Newark has needed this kind of facility and is excited for it. She would like to see that this facility is top of the line without any complaints.

Chairperson Aguilar commented that the complaints are well received and he sympathizes with the residents. The project does conform to the general plan and to the zoning code.

Commissioner Fitts commented that he is impressed with the design of the project. This architectural element can perhaps kickstart a trend to improve Thornton Ave and all along this corridor.

Vice Chairperson Bridges moved, Commissioner Becker seconded, to approve with the revised conditions, the Minor Use Permit to allow a 4-story 100 bed Residential Care Facility located at 6214 Thornton Ave. The motion passed 5 AYES.

F. STAFF REPORTS

CDD Turner stated there is no formal staff report but wanted to thank the Commissioners for participating in the Affordable Housing Workplan interviews. Commissioners provided helpful comments and staff appreciated the discussions. Staff will combine all the comments from the Planning Commission and City Council in preparation to draft an Affordable Housing Workplan.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

CDD Turner reported that the upcoming actions in the next City Council meeting will be the revisions to the ADU ordinance and the Fahmy Subdivision on Cherry St.

CDD Turner reminded the Planning Commission that there is a joint meeting with the Planning Commission and City Council on February 25, 2021 at 5pm to review land use changes in the Bayside TOD area in conjunction with development proposal by Integral.

H. ADJOURNMENT

Chairperson Aguilar adjourned the regular Planning Commission meeting at 8:59 pm.

Respectfully submitted,

STEVEN TURNER
Secretary