



# CITY OF NEWARK

## Planning Commission

City Hall, City Council Chambers

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### MINUTES

Tuesday, March 14, 2023  
7:00 P.M.

#### A. ROLL CALL

Chair Becker called the meeting to order at 7:01 pm. Except for Commissioner Bogisich, all members of the Planning Commission were present: Commissioner Jeff Aguilar, Vice Chair Fitts, and Commissioner Pitpitan.

#### B. MINUTES

**B1. Approval of Minutes of the regular Planning Commission meeting of February 28, 2023.**

#### MOTION APPROVED

Vice Chair Fitts moved, Commissioner Aguilar seconded, to approve the Minutes of the regular Planning Commission meeting on February 28, 2023. The motion failed – **2 AYES - 2 ABSTENTION – 1 ABSENT** (Commissioner Bogisich was absent). Community Development Director Steven Turner stated that the minutes would be rescheduled for a future meeting of the entire Planning Commission.

#### C. WRITTEN COMMUNICATIONS

None.

#### 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.*

None.

## E. PUBLIC HEARINGS

**E.1 Public Hearing to consider a Resolution to recommend City Council approval of P2021-002, an Ordinance Establishing a Planned Development Overlay District, Design Review, a Minor Use Permit, and a Vesting Tentative Map and adoption of a Mitigated Negative Declaration supported by an Initial Study in accordance with the California Environmental Quality Act for a 118-unit residential development located at 38288-38594 Cedar Boulevard (APNs 92A-2375-002-06, 92A-2375-022-01).**

**(RESOLUTION)**

Carmelisa Lopez, Senior Planner (SP), gave a presentation on the Robson Homes Project. She stated that the project is located at 38288-38594 Cedar Boulevard, is 7.76 acres in size, and is made up of four unique lots that are bound by a personal storage facility, Highway I-880, an Alameda County Flood channel (ACFCD), and Cedar Boulevard. It is flanked by businesses and residences. Auto repair and parts supply companies currently occupy the project site, which also includes commercial buildings and a large metal storage shed. She added that the areas for parking and storage will be demolished as part of the project. SP Carmelisa Lopez explained that the applicant's project is proposing a 118-unit residential development consisting of 90 single-family homes and 28 two-unit townhouses, also known as duets. She added that the applicant was required to conduct a community meeting, which was held on December 8, 2021, and during that meeting, the applicant was able to answer questions regarding the project. At the end of this meeting, there were no written comments received. SP Carmelisa Lopez showed a slide of the site development plan and indicated that different colors were used to distinguish the single-family home, duets, private open spaces, common open spaces, and increased elevations. She went on to state that the proposed townhomes would have a maximum height of 33 feet, private open spaces for each residence consisting of decks and open porches, and parking spaces would be located on the ground-level garage. She added that there will be five-floor plans and seventeen distinct elevations available, with the duet differing in that it is connected by a single wall. She added that the applicant has given special attention to detail in the proposed landscaping by offering landscaping around the site's perimeter, walkways, open space

areas, and the Cedar streetscape. According to SP Carmelisa Lopez, the proposed open space area is 44,990 square feet, which exceeds the City of Newark's zoning code requirements. She emphasized that each property would have private open space, as well as amenities such as play structures, dog play areas, and walking paths in the open space regions. SP Carmelisa Lopez showed a slide of the townhomes along Cedar Boulevard, emphasizing that they will be oriented toward Cedar Boulevard. She stated that the streetscape will contain big landscape areas, a low wall to keep the public and private realms apart, and a curving path that will connect to other sidewalks throughout the Cedar Boulevard corridor. She explained that parking will be accessible via two driveways off Cedar Boulevard, that private streets and courts will lead to a two-car garage for each residence, and that the City requires 236 parking spaces, but the applicant is proposing 294 parking spaces, with 236 garage spaces for each unit and 57 street parking spaces for visitors. SP Carmelisa Lopez stated that the applicant is providing several offsite improvements as part of the project, which are listed on the staff report, including a new traffic signal at Cedar Boulevard and Smith Avenue and a new bus shelter located on the public right-of-way rather than on private property. She continued by stating that the project complies with the density requirement, the Zoning Code, and the General Plan. The applicant is requesting some zoning development standards deviations, as well as the following entitlements: an ordinance establishing a planned development overlay district, which would allow the zoning deviations, such as smaller lots to accommodate the proposed townhome development, as well as parallel parking dimensions, a Design Review, which is required for any new construction, wherein the applicant is proposing an early contemporary California architecture, with wall breaks, colors, and materials in each of the buildings with characteristics that will be compatible with each other, a Minor Use Permit to allow a greater sound wall with a height up to 18 feet to lessen the outdoor noise levels, and a Vesting Tentative Map, that would include 118 residential lots and six common lots, as well as a five-foot wide right-of-way dedication for Cedar Boulevard. According to SP Carmelisa Lopez, the project underwent an environmental review, and M- Group, the Staff consultant, prepared an initial study in which all potential significant effects of the project can and will be avoided to a less than significant level; thus, Staff prepared a Mitigated Negative Declaration. She further stated that the project underwent a public assessment process, which concluded on January 20, 2023. SP Carmelisa Lopez added that the initial study, comments from Caltrans reminding staff about encroachment permit requirements, and

other items are all in the staff reports. There is also a mitigation monitoring and reporting program that includes all the mitigation measures to ensure that all potential significant effects can and will be avoided.

**Staff Recommendation: Staff recommends that the Planning Commission approve, by resolution, a recommendation to the City Council for the following:**

- 1. Approval of P2021-002, an Ordinance Establishing a Planned Development Overlay District, Design Review, a Minor Use Permit, and a Vesting Tentative Map for a 118-unit residential development located at 38288-38594 Cedar Boulevard (APNs 92A-2375-002-06, 92A-2375-002-01), based on the findings provided in Attachment 1, Draft Resolution; and**
- 2. Adoption of a Mitigated Negative Declaration supported by an Initial Study in accordance with the California Environmental Quality Act for a 118-unit residential development located at 38288-38594 Cedar Boulevard (APNs 92A-2375-002-06, 92A-2375-002-01), based on the findings provided in Attachment 1, Draft Resolution.**

SP Carmelisa Lopez ended her presentation by announcing she was open to questions and passed them along to Dominic Boitano, a member of the applicant's team.

Robson Homes Project Manager (PM) Dominic Boitano greeted the Commissioners and congratulated the staff for their hard work in getting the project to this point. Robson Homes, according to PM Boitano, is a 30-year-plus family-owned Bay Area business. He went on to note that his company concentrates on high-quality items as well as design and craftsmanship, both of which are used in this project. He emphasized the property's eight-acre size, an underdeveloped site designated residential now for long-term industrial use, and the existence of Birch Elementary School, which is approximately one-third of a mile along Smith Avenue. He added that his company's objective is to develop an appealing residential area where people can enjoy living in and nearby. He claimed that to build an appealing residential community, they focused on the Cedar Boulevard experience, the pedestrian and vehicular experiences, and the 880 experience. He went on to note that their primary focus is on Cedar Boulevard, where they have incorporated high-quality materials and genuine touches that add richness and character. He went on to say that they are suggesting that the front doors of the residences face Cedar Boulevard since it is a very

important street, that the procession of the front doors is also extremely important, and that they were inspired by a local project called Sawyer Terrace. He continued with the focus on Cedar Boulevard and explained that the project proposes the landscape median, a new bus stop, and a new traffic signal. PM Boitano next discussed the internal vehicular experience, pointing out that the proposal provides significant landscaping areas in the main entry to provide clarity and establish a feeling of place. He also mentioned that this project offers alley-loaded garages and they had upgraded the garage doors to create more granularity and character. Regarding the pedestrian experience, PM Boitano remarked that people walk a lot in these types of neighborhoods, thus it is necessary to do it correctly. A network of curved paseos connects all the project's main venues, including parking, common areas, Cedar Boulevard, parks, and the bus stop. He emphasized that there are two parks, one for tiny tots and another for larger youngsters, totaling about half an acre. Moving on to the 880 experience, PM Boitano saw it as both an opportunity and a challenge. A challenge because of the noise, which is why the 18-foot wall is proposed, and an opportunity since many people will be able to view it and they want to make it look exceptional. To accomplish this, trees behind the sound wall will be taller than the wall, as will changes in the elevations and orientation of the residences, so all these combinations will be a beautiful treatment for the 880 experience. He added that the project proposes 118 homes, and in general, the project follows a Spanish Village concept. To conclude his presentation, he stated that the project will provide community benefits such as the construction of a sidewalk in front of the Public Storage, the installation of a traffic signal, the addition of a bus stop, frontage improvements on the opposite side of the project's frontage, and the extension of a 175-foot left turn lane at the Cedar and Mowry intersection to address peak hour traffic congestion at that location. location. He concluded by expressing that he would be happy to answer any questions.

Chair Becker asked if the Commissioners had any questions for Staff or the applicant.

Vice Chair Fitts stated that he was lucky to attend the applicant's presentation at the Silliman Center in December 2021. He was quite impressed with the turnout and the applicant's openness when presenting this concept. When these types of initiatives are approved, he asked Staff if current businesses may receive relocation assistance.

Art Interiano, Deputy Community Development Director (DCDD), answered that there is no program to incentivize businesses to transfer, but staff can provide advice if they are

interested in other properties within the City. He went on to say that Staff had received phone inquiries about where to go, available properties, and zoning.

Vice Chair Fitts commented that it is wonderful to see a bus shelter there and asked if the Homeowners Association will pay for any graffiti cleanup on the bus station, which is an issue at bus stops on occasion. DCDD Interiano said that the bus station will be a public station with a private gazebo which will be maintained by the HOA. Vice Chair Fitts went on to say that the proposed elevations on Cedar Boulevard are quite nice, with lots of architectural relief, a variety of materials, and no boring blank walls with no color on them.

Chair Becker asked if the Commissioners had any further questions.

Commissioner Aguilar remarked that parking is a hot topic when it comes to new medium-density buildings, and when he studied the plans, he discovered that all the units have side-by-side garage parking. So, he questioned if this was the case with this project. SP Carmelisa Lopez responded that under this project, all homes would contain a two-car side-by-side garage parking, with visitors parking on the street. Commissioner Aguilar went on to clarify that it was his understanding that when it was a single-family detached or duet, they fulfilled the rules since parking was supplied in a garage. According to SP Carmelisa Lopez, this project exceeds parking standards by offering approximately 47 guest parking places scattered out around the project site, as well as a primary parking lot along the back of the property line. Commissioner Aguilar acknowledged and was pleased to see appropriate visitor parking included in this proposal.

Chair Becker inquired if the Commissioners had any more questions or comments.

Other Commissioners had no comments, except for Chair Becker, who made a few. Chair Becker inquired about the scope of the medium landscaping. PM Boitano responded that it will be completely landscaped. He noted that the plans for the trees and plants have not yet been finalized, but there will be a storm drain underneath, limiting what can be done with the larger trees, but it would be fully landscaped. Chair Becker added that having the medium there tends to slow down traffic, which is something he prefers. Chair Becker also inquired whether the no-parking zone on the eastern side of Cedar Boulevard will be maintained; there will be no parking along that street. SP Carmelisa Lopez replied affirmatively.

Chair Becker followed up on Commissioner Fitts's question regarding business closures. He questioned what kind of notice those businesses will be getting. He asked if it had to do with lease expirations, or if the applicant was buying those businesses out. PM Boitano responded that they are not the property owners, but that they have been involved in the contact between the property owners and those tenants, and that everyone is on a month-to-month lease, per his understanding. He added that those businesses had been aware of the project's progress for several years. He further stated that Jim Martin, a real estate broker engaged in this transaction, is assisting certain tenants in relocating. He stated that some of the renters had already secured new spaces and relocated. He concluded by stating that there have been numerous notices and help provided.

Chair Becker observed that the project's internal transportation network appears to be slightly overcrowded, and he wondered whether the Fire Department is satisfied with the backloaded garages and their capacity to maneuver their equipment within in case of a fire. SP Carmelisa Lopez replied that all the City's departments have reviewed the entitlement application in the plans, and there will be a further review once it gets to the building permit stage, but they all have granted the entitlement.

Chair Becker questioned the applicant about the project's timeline, assuming the Planning Commission accepts it, and it goes to the City Council for approval. PM Boitano responded that they would be able to start demolishing this summer, but they would have to wait for construction due to Rule 20, the underground lines that PG&E would need to install, which would take some time, but they would then be able to move into the site work and do the construction. Chair Becker then inquired about the price range of the units. PM Boitano stated that the smaller units would cost between \$1 million and \$1.3 million, while the larger ones would cost between \$1.5 million, \$1.6 million, and \$1.9 million.

Chair Becker's final question was about affordable housing. He asked if the applicant is paying a fee or if there was no discussion about on-site affordability. SP Carmelisa Lopez answered that this project would be paying the housing impact fee. Staff would collect that fee for every building permit before issuance.

Chair Becker inquired if the Commissioners had any additional questions.

Commissioner Aguilar inquired, for the benefit of the community listening in, what the affordable housing fee from the applicant looks like, and how are those fees used when the

City collects them. Community Development Director (CDD) Steven Turner explained that the City has a requirement that all the development within the City pay impact fees, and in Newark, one of those is the housing impact fee. He further explained that in some other cities when it comes to affordable housing, there's a requirement to provide units on-site and pay a fee as an option. In Newark is reversed, applicants are required to pay the fee, but they can request to provide units on-site instead. He went on to note that for numerous years through Newark's development, developers have opted to pay the fee, and those funds go into the City's affordable housing impact fee fund CDD Steven Turner went on to say that the City Council enacted an affordable housing work plan two years ago, directing Staff to invest the funds in the creation of affordable homes. So, for the past three or four years, Staff has invested in affordable housing alongside affordable housing developers; examples of these affordable housing developments include the Timber Senior Apartments on Timber Street, in which the City contributed \$2.7 million from the impact fees, the most recent Cedar Community Apartments project which would serve as housing for the homeless or households at risk of becoming homeless, and the City invested \$4.5 million in there, and the most recent project the City is considering is a proposal from Satellite Affordable Housing to develop affordable housing on Thornton Avenue, where the City Council set aside \$12 million of the affordable housing impact fee fund, a project that is in progress. CDD Steven Turner continued by adding that those are examples of the types of investments that the City has made and expects to carry out in the future.

Chair Becker inquired if the Commissioners had any additional questions.

Commissioner Pitpitan inquired about the air quality, asking whether it was only during construction or if it was expected later. SP Carmelisa Lopez replied that the City's environmental consultant was on Zoom, but she could answer her query. She went on to say that there are mitigation measures required for the project that will reduce construction activity or air quality and greenhouse gas emissions associated with construction activities, but there was an initial analysis that found no permanent impacts. So, it would be for the time of the construction and thereafter entirely mitigated.

Chair Becker went on to say that they have a few temporary measures in place for dust mitigation. SP Carmelisa Lopez agreed and added that during the building permit, demolition, and grading permit processes, they do have erosion and sediment control plans that will have to be reviewed by Staff.



Chair Becker noted that since there were no more inquiries from the Commissioners, he opened the public hearing to allow anyone in the audience who wanted to speak on the item. No one spoke.

Chair Becker closed the public hearing and motioned to approve by resolution recommending to the City Council the approval of an Ordinance establishing a planned Development Overlay District, a Design Review, a Minor Use Permit, and a Vested Tentative Track Map for 118 Unit residential development that is located at 38288-38594 Cedar Boulevard, also the adoption of a Mitigated Negative Declaration supported by the initial study in accordance with CEQA requirements for the same residential development.

Commissioner Aguilar stated that the City's density range was 14 to 30 units per acre, and after reviewing the project's plan, he was pleased to see ample room between units, adequate parking spaces, the center median, and sidewalk improvements, and other items that he believes will benefit the community; he congratulated the applicant and Staff on a job well done on those items and the design review. He added that for all those reasons he was making a motion to approve it. Commissioner Pitpitan seconded the motion.

Chair Becker requested to vote. Chair Becker announced the motion passed; **4 AYES – 1 ABSENT (Commissioner Bogisich was absent)**

Chair Becker asked when the project was expected to go to Council. SP Carmelisa Lopez answered that it will go on April 27.

## **F. STAFF REPORTS**

**None.**

## **G. COMMISSION MATTERS**

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

Chair Becker noted that the item was for the election of the Commission's chair and vice chair for the coming year. He went on to say that he wished to thank Commissioner Fitts

for his excellent work as Vice Chair this year, and especially for filling in for him in his absence. He then motioned to appoint Commissioner Fitts as the Commission's Chair for this coming year. The motion was seconded by Commissioner Pitpitan.

Chair Becker requested to vote. Chair Becker announced that the motion passed – **4 AYES – 1 ABSENT (Commissioner Bogisich was absent)**.

Chair Becker asked for a motion or recommendation for a vice chair for the next year. Commissioner Fitts motioned Commissioner Aguilar to be next year's vice chair. Chair Becker seconded the motion and requested to vote. Chair Becker announced that the motion passed – **4 AYES – 1 ABSENT (Commissioner Bogisich was absent)**.

Chair Becker asked if there was any report on City Council actions. CDD Steven Turner replied that there was none, except to remind the Planning Commission that the SAHA Affordable Housing proposal will be going to Council not for entitlements, but for funding, which will be for the \$12 million investment, the loan, and all the legal and regulatory documents that go along with it. Council. CDD Steven Turned also reminded the Planning Commission that the Draft Housing Element is up for public review through March 27th, that a virtual community meeting would be held on March 22nd, and that information on how to participate will be sent out. Staff and consultants will lead this meeting, which will be like the one held for the Planning Commission. This meeting will provide an opportunity for comments and questions on the draft housing element and all of that will help Staff refine the housing element before it is sent out to the State for their review in April.

## **H. PLANNING COMMISSIONER COMMENTS**

Chair Becker inquired if there were additional comments.

Commissioner Fitts commended Chair Becker for his outstanding performance over the last year and noted that as a former City Manager, he offers a wealth of knowledge to the Planning Commission. He went on to say that he had learned a lot from sitting at his side for the past year. Commissioner Fitts also used the occasion to honor and thank

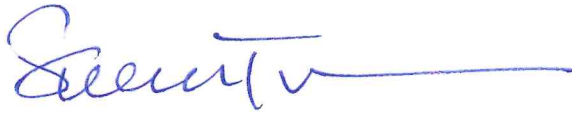
Public Works for keeping the City clean, as well as for cleaning up the trees and storm drains. He acknowledged that it is difficult labor.

Commissioner Aguilar also appreciated and thanked Chair Becker for a job well done.

## I. ADJOURNMENT

Chair Becker adjourned the regular Planning Commission meeting at 7:48 pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steven Turner", with a long horizontal flourish extending to the right.

STEVEN TURNER  
Secretary