



CITY OF NEWARK

Planning Commission

City Hall, City Council Chambers

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MINUTES

Tuesday, May 9, 2023
7:00 P.M.

A. ROLL CALL

Chair Fitts called the meeting to order at 7:08 pm. All members of the Planning Commission were present: Chair Fitts, Vice Chair Aguilar, Commissioner Becker, Commissioner Bogisich, and Commissioner Pitpitan.

B. MINUTES

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

MOTION APPROVED

Chair Fitts requested a motion. Commissioner Bogisich moved, and Commissioner Becker seconded, to approve the Minutes of the regular Planning Commission meeting on February 28, 2023. **The motion passed – 4 AYES, 1 ABSTAIN** (Commissioner Becker was absent at the February 28 meeting).

B2. Approval of Minutes of the regular Planning Commission meeting of March 14, 2023.

MOTION APPROVED

Chair Fitts requested a motion. Commissioner Becker moved, and Commissioner Bogisich seconded, to approve the Minutes of the regular Planning Commission meeting on March 14, 2023. **The motion passed – 5 AYES.**

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 recommending City Council approval of DR2021-006, a Design Review, and Vesting Tentative Map for an 8-unit for-sale condominium residential development comprised of (4) two-unit dwellings located at 36952 Mulberry Street (APNs 92-29-21 and 92-29-22). The subject site is zoned RM: Residential Medium Density with the Old Town Overlay District.

(RESOLUTION)

Associate Planner (AP) Joseph Balatbat provided a project summary, site information, the site plan, plan types, elevations, open space, landscaping, decorative elements, the California Environmental Quality Act (CEQA) Exemption, and the recommendation for approval.

According to AP Balatbat, the proposed site is classified RM, Residential Medium Density, with the Old Town Overlay District and a Medium Density Residential General Plan classification. He noted that the project site consists of two rectangular lots where one lot contains an existing single-story residence with a detached garage, and the other lot is vacant. The project site is bounded by Mulberry Street to the south, Thornton Avenue to the east, Cherry Street to the north, and Dairy Avenue to the west, and it is surrounded by single-family and multi-family homes, commercial-office businesses, and a tutoring center.

He added that the existing house with a detached garage, and on-site improvements would be demolished to build the project.

According to AP Balatbat, the project would consist of four two-unit dwellings with three different plan types. Units, one, two, three, and four would be equivalent to units 5, 6, 7, and 8. The design and placement of each residential unit would be separated at least 20 feet from each other and would minimize privacy issues and visual intrusion for each unit. He went on to say that the major entry to the residential units along the public right-of-way would be Mulberry Street. To gain access to the site, a new private driveway would be built through the property's midsection.

The residential buildings would be developed using the Spanish style, which is inspired by the homes designed by George Washington Smith in the 1920s and 1930s. He mentioned that the Old Town Newark Specific Plan strongly encourages this design type. The two-story residential structures would have a range of massing wall breaks architectural features, design elements, and external colors and materials that are compatible in scale and height with the surrounding community and would be of pedestrian scale. He mentioned the exterior colors and materials that would be utilized for the residential buildings, as well as the various elevations, and stated that the height of each unit would range from 29 to 30 feet.

AP Balatbat indicated that the project would provide landscape areas for a total of 5,853 square feet, and common space areas for a total of 2,019 square feet. He also noted that the private open space areas would be a total of 1,564 square feet, consisting of private fenced yards for the Plan Type A and the Plan Type A-Alt units.

As for the units with a Plan B Type, the private open space areas would include private balconies on the second floor. AP Balatbat stated that the proposed common open space and landscaped areas would feature a diverse palette of trees, shrubs, perennials, and ground cover, and will consist of walkways steppingstones boulder/rock outcrops, and exterior landscape light fixtures. Also, some proposed common open and landscaped areas would include stormwater retention areas. AP Balatbat mentioned that the streetscape along Mulberry Street would include new landscape areas, entry walkways, and masonry low pedestals with accent pottery to enhance the front view of the development that will be facing the public right-of-way. The private yard open space sections would have new

wood fencing and gates with a height of 6 feet. Decorative features would be proposed in the common open space and landscape areas that would include a masonry pedestal with accent pottery, a masonry seat wall, and a masonry entry feature with a group mailbox.

AP Balatbat also provided sample images of all these features. He continued his presentation by stating that this project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, §15332 (In-fill Development Projects), as the project will be consistent with the General Plan in the Zoning Code, be developed in an urban area on an approximately 20,000 square foot lot surrounded by urban uses, and not be located within any special habitat area, not resulting in any significant harm related to traffic, noise, air quality, or water quality, and will be properly served by all required utilities and public services.

AP Balatbat ensured that notice to all property owners within a 500' radius of the project site had been completed, and that, aside from one person who wanted information on the project, no other comments had been received from the public.

To conclude his presentation, AP Balatbat stated that based on the Staff analysis, the required findings can be made in favor of the Design Review and Vesting Tentative Map. Following his presentation, AP Balatbat stated that the applicant and property owners were present via Zoom in the meeting and that the architect attended in person. He also mentioned that they were all available to answer any inquiries.

Staff Recommendation: Staff recommends that the Planning Commission approve, by resolution, a recommendation to the City Council for the approval of DR2021-006, a Design Review, and Vesting Tentative Map for an 8-unit for-sale condominium residential development comprised of (4) two-unit dwellings located at 36952 Mulberry Street (APNs 92-29-21 and 92-29-22). The subject site is zoned RM: Residential Medium Density with the Old Town Overlay District.

Commissioner Bogisich inquired whether the private fenced yard spaces will also be available for Plan A-Alt type units. AP Balatbat replied that they would.

Chair Fitts inquired about what may be done to solve any future on-street parking concerns, given that the street is made up of multiple residences and apartments, and whether

parking permits would be an option. AP Balatbat responded that if there are defined locations on the roadway where people can park their cars, then they have the right to do so. He also stated that if it becomes an issue in the future, Staff will work with the Engineering Department to explore any possibilities for mitigating the parking issues.

Commissioner Becker inquired if the requirements would be different if the residential units were for rent instead of for sale. Deputy Community Development Director (DCDD) Art Interiano said that it would be no different.

Vice Chair Aguilar complimented the applicant's project.

Chair Fitts motioned to vote. Commissioner Pitpitan moved to approve the motion, and Vice Chair Aguilar seconded the motion. **The motion passed 5 AYES, 0 ABSENT, 0 ABSTANTION.**

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

None.

Community Development Director (CDD) Steven Turner mentioned that the Cedar/Robson Homes project would be presented to the City Council for approval on May 25, 2023. He also invited the Planning Commission to the inauguration of Lisa Marquez, the new Alameda County District 2 Supervisor. The event was going to take place at Newark City Hall, on May 20, at 11:00 am. Finally, he indicated that the Housing Element was submitted to the State on April 13, 2023, for review, and that a formal response from the State was expected in July 2023.

H. PLANNING COMMISSIONER COMMENTS

None.

I. ADJOURNMENT

Chair Fitts adjourned the regular Planning Commission meeting at 7:33 pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steven", followed by a long horizontal line extending to the right.

Steven Turner
Secretary