



CITY OF NEWARK

Planning Commission

City Hall, City Council Chambers

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MINUTES

Tuesday, July 25, 2023

7:00 P.M.

A. ROLL CALL

Chair Fitts called the meeting to order at 7:02 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 June 13, 2023.

MOTION APPROVED

Chair Fitts requested a motion. Commissioner Bogisich moved, and Commissioner Pitpitan seconded, to approve the Minutes of the regular Planning Commission meeting on June 13, 2023. The motion passed – **4 AYES, 1 ABSTAIN** (Commissioner Aguilar).

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.

Chair Fitts noticed a comment card from Rebecca Strouse, who was sitting in the audience that evening, and asked if she wanted to comment on the new townhomes'

development. Ms. Strouse replied in the affirmative. Chair Fitts informed her that she would be allowed to comment during the public hearing under item E1 because that topic was on the agenda. Ms. Strouse understood.

Chair Fitts asked if anyone wanted to comment on something that was not on the agenda. No one commented. Chair Fitts closed the oral communications portion of the meeting.

E. PUBLIC HEARINGS

E1. Public Hearing to consider Public Hearing to consider a Resolution to recommend City Council approval of DR2022-011 and MUP2022-026, a Design Review, Minor Use Permit, and Vesting Tentative Map for a 76-unit residential development located at 38600 Cedar Boulevard (APNs 92A-2585-12-1, 92A-2585-31). The project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Sections 15168 and 15183 and California Public Resources Code Section 21083.3.

Chair Fitts opened the Public Hearing and invited Staff to do the presentation.

Carmelisa Lopez, Senior Planner (SP) of the Community Development Department, welcomed the Planning Commission and presented the Waymark Townhomes project, which is located at 3600 Cedar Boulevard and consists of two parcels, an Alameda County flood channel I-880, a motel, and a single-family residential neighborhood. SP Lopez noted that this project is situated adjacent to the Robson Homes Project, which was approved by the City Council in May 2023. Following that, she provided a project summary of the site, which included the site's condition, background information on it, the applicant and owner's project proposal, the site plan, floor plans, open space areas, and landscaping, parking spaces required, access and vehicular circulation on the site, and several offsite improvements that would be happening with this project. SP Lopez further stated that a community meeting was held for this project on April 17, 2023, at the former Pape Machinery, and that site notices were mailed to property owners and interested parties within a 500-foot radius. She added that three community members attended and were generally supportive of the project. She also stated that neither Staff nor the

applicant received any written feedback. SP Lopez also talked about the entitlement process, entitlement requirements, and how the project complies with them. Finally, she stated that M-Group, a City consultant, assisted with the preparation of a CEQA analysis, which evaluated the project's environmental impacts and demonstrated that the project is consistent with the General Plan and is exempt from further environmental review pursuant to CEQA Guidelines Sections 15183 and 15168, as well as the California Public Resources Code Section 21083.3. Finally, SP Lopez noted that Staff has studied the project and the entitlement requests in general and that based on Staff's analysis, the project complies with all applicable regulations to recommend approval of the entitlement requests.

Staff Recommendation: Staff recommends that the Planning Commission approves, by resolution, a recommendation to the City Council for the approval of DR2022-011 and MUP2022-026, a Design Review, Minor Use Permit, and Vesting Tentative Map for a 76-unit residential development located at 38600 Cedar Boulevard (APNs 92A-2585-12-1, 92A-2585-31).

SP Lopez noted that she was open to any questions following the conclusion of her presentation, and if there were none at the time, she passed over to the applicant for his presentation.

Chair Fitts thanked and complimented SP Lopez for her comprehensive report and before opening the Public Hearing, he asked the Commission if there were any questions for Staff.

Commissioner Becker stated that there are several existing businesses on the site and that when projects like this one arise, meetings with not only the property owners but also the business owners take place, so he questioned whether those meetings took place, and what is being done to accommodate those businesses and the employees who may be displaced.

Steven Turner, Community Development Director (CDD), responded by forwarding the response to the applicant's team, who would comment on the tenants on site and how they are being accommodated.

Chair Fitts asked the applicant to state his name and address for the recorder.

The applicant identified himself as Jason Kliewer, Principal of Waymark Development. Mr. Kliewer said that Pape Machinery was the only tenant, which, as SP Lopez stated, has now relocated. Chair Fitts reported that Pape Machinery is by Auto Mall Parkway next to I-680.

Chair Fitts asked the Commission if there were any other questions of Staff.

Vice Chair Aguilar inquired if there were any additional feedback after the April meeting or community meeting with the applicant. SP Lopez stated that the community meeting took place, but no written comments were received. She further stated that from the entitlement process up to that day, Staff had not received any written comments from the public.

Chair Fitts asked if there were any further questions for Staff. There were no other inquiries. He then called the Public Hearing to order and invited the applicant to come up to the platform and give his name and address clearly for the recorder.

The applicant greeted the Commission and introduced himself as Brian Steele, representative of the owner and applicant. He went on to praise SP Lopez for a very extensive and thoughtful presentation and indicated that he would do his best not to duplicate all the information and data that SP Lopez had previously delivered. Mr. Steele went on to say that he is a co-principal of Waymark Development and that he and his partner are both property owners and applicants. He also stated that they are partners with Resmark, a multi-million dollar real estate investment corporation based in San Diego, and that his team has offices in San Ramon and Newport Beach. He added that they had done many deals with the Resmark company over the years and that he and his partner have completed projects in Newark of approximately 500 homes in the last ten years. He added that all that experience, relationships, and passion for product design have concluded in the Waymark Project. Mr. Steele confirmed that Pape Machinery relocated to Auto Mall Parkway in June to a much larger, more modern building. As a result, the location is vacant, and they were the only ones present. He went on to say that this proposed use is included in the City's General Plan from 2013, which indicated that this property, as well as many others along Cedar Boulevard, would transition into their intended use of medium-density residential. He went on to explain how the streetscape has changed over time, noting residential projects built in the last 10 years such as Timber Homes from Trumark, D. R. Horton's Prima Project, and, most recently, Robson Homes. He also compared the Waymark Project to the nearby Robson Homes Project to demonstrate how they interrelate their light industrial uses to their ultimate residential

designation. Mr. Steele underlined the enhancements to Cedar Boulevard as well as the deliberate building massing. He emphasized that in this project, all front doors communicate effectively with the public domain from the pedestrian standpoint. He noted that the project has porches, patios, Juliet doors, and a low wall that conceals the alleyways, all of which were designed to add to and enhance the massing along Cedar Boulevard. Beyond the streetscape and along Cedar, off Moores Avenue, where the project features a well-designed pedestrian experience, Mr. Steele highlighted some important aspects, such as the distribution of open space components, such as the Green Space, Zen Gardens, decks over the bioretention areas that bring in the design and feel of the unique environments. He went on to say that all pedestrian circulation is safe on the sidewalks, and it all culminates in a variety of experiences. He also noted that in the activity corridor, there are children's play structures of a more natural character, picnic benches, gaming places, and a shared dog area. According to Mr. Steele, all these elements featured throughout the community set the tone and vision of their design. Finally, Mr. Steele mentioned some of the off-site improvements along Cedar Boulevard, on the eight-foot Public Utilities Easement (PUE), such as upgraded landscaping, widening of the bicycle travel lane, and winding sidewalks, all of which were designed with an intentional separation between the public and private domains, all meant to improve public mobility in front of the project. Mr. Steele concluded his presentation by expressing gratitude, and excitement for the Planning Commission's consideration of the project and welcome any comments or questions. He noted that they could not accomplish it without Staff's hard work and the resources of their consultants, some of whom were present in the audience and others through Zoom in case any specific concerns arose.

Chair Fitts thanked the applicant for his presentation. He then asked the applicant if he had read the attached resolution and agreed with all the conditions. The applicant responded in the affirmative.

Chair Fitts asked whether the Commission had any questions for the applicant. None of the Commissioners had any questions.

Chair Fitts mentioned another person in the audience who had filled out a Request to Speak card, Rebecca Strouse, whom he welcomed to the platform and asked her to state her name and address for the recorder. Ms. Strouse approached the platform and said her name is Rebecca Strouse, and her address is on Delphinium Court, in Newark.

Ms. Strouse began by apologizing for not conducting all of her research, acknowledging that the project had been in the works for some years. Ms. Strouse indicated that she has

been in Newark since 1964, that the city is slightly more than 13 square miles in size, and that the only required development should be 10% for new homes annually. She also admitted that she could be mistaken and expressed that she had a concern. She went on to state that the City had an eight-year housing element program from 2015 to 2023. Ms. Strouse then inquired as to whether this project was part of that program.

Chair Fitts asked Staff for comments on Ms. Strouse's question.

According to CDD Steven Turner, the area was designated as an opportunity housing site within the fifth cycle housing element, which ended in 2022. Chair Fitts noted that this site has been in the works for a few years. Ms. Strouse acknowledged that the site was added at some point. She also inquired about the other two developments she observed and whether they were going to start soon. Chair Fitts stated that one project is near some single-family houses along the same route, right next to the public storage and the Waymark Project, and the Waymark Project is directly next to the E-Z 8 Motel, making the entire corridor residential. She inquired if they were different developers along the way. Chair Fitts responded affirmatively. Ms. Strouse then asked how long the developer has owned the property.

Chair Fitts directed Staff to respond to Ms. Strouse's inquiry. CDD Turner stated to Chair Fitts that if the Planning Commissioners had questions that they would like Staff to address, Staff can do so, but a dialogue with public speakers is discouraged. He went on to say that Staff would like to hear public feedback and that if any questions emerge because of those comments, staff from the City or the applicant would be happy to help answer them. With that said, CDD Turner requested to Chair Fitts that if the public speakers have comments and questions, the Chair would determine which questions to ask of Staff or the applicant, and staff would be pleased to answer them.

Ms. Strouse was requested to state her inquiry by Chair Fitts. Ms. Strouse questioned the developer's ownership of the land and whether it was a recent transaction. Chair Fitts said that he did not know the answer to her question, but that the entire process and the land use issue concerning the entire corridor had been reviewed over the last five years or so, as well as the many versions or updates to the City's General Plan and Housing components. He noted that they have always had the objective of cleaning up the entire corridor and that they had a state requirement to develop more homes, because there is not enough housing in the Bay Area, so that was also a factor. Ms. Strouse was aware of this, but because Newark is so small, as she stated, she wondered how it could continue in this fashion. Ms. Strouse went on to inquire how the traffic congestion will be dealt

with. She was aware that the traffic signal would be addressed, but she was concerned about its impact on the areas nearby. Chair Fitts repeated her question regarding how traffic would be handled. Ms. Strouse replied in the affirmative. Ms. Strouse said that she might find her answer somewhere in the plans, but she would like to have an answer regarding that specific question. She then inquired whether Caltrans had been contacted or whether the state would be responsible for upkeep from the opposite side of the wall to the freeway area. Chair Fitts stated that Caltrans is generally responsible for the upkeep of those sound walls. He also stated that the Commission will discuss this with Staff. Ms. Strouse stated that developers normally manage their own, but she acknowledged that she could be mistaken. Ms. Strouse ended her inquiries by stating that she will continue following up on Newark's future. She further stated that she does not want to see more development due to the local high school, being surrounded by Amazon, and the City becoming an expressway. She went on to say that there are more accidents, that children must walk to school, and that she has concerns. Chair Fitts thanked Ms. Strouse.

Chair Fitts asked if anyone else had any thoughts on the townhouse project. No other members of the public requested to speak. He then closed the Public Hearing and returned the item for discussion to the Commission.

Vice Chair Aguilar thanked Ms. Strouse and stated that her questions had been taken into account. Vice Chair Aguilar mentioned that there was a comment about the City being able to approve new residential units no more than 10% above existing housing units and suggested that the Commission discuss, and the City inform the community about regional housing needs allocation and how municipalities are impacted by State mandated housing goals on a yearly basis.

CDD Turner expressed thanks to Commissioner Aguilar for his question and for replying to the community member. He went on to explain that the City, through the Adopted Housing Element, is required to set goals, policies, and programs, as well as have the proper zoning and general plan policies to allow residential development and that the City has been assigned a housing goal to meet over eight years in the Housing Element and the Regional Housing Needs Assessment (RHNA). He went on to say that the City is not required to build the homes but rather to have the regulation, programs, and land use in place to allow it to happen. CDD Turner stated that there are requirements for development standards with density levels in the City's Ordinance and General Plan that property owners can follow and present proposals to the City for residential development. He also stated that the City does not have a specific cap, so he was unsure where the 10% figure came from, but if developer's projects are consistent with the

zoning, Municipal Code, and General Plan, as well as environmental regulations and other standards, they will be reviewed by Staff and presented for recommendation to decision-making bodies.

Commissioner Bogisich questioned CDD Turner's statement that "each city is mandated by the State" and the State decides that each city must build out 10% and that when the State decides that there is no regard for how the city is built out or what the population is; she asked if that is coming from the State. CDD Turner responded that he was not aware of a specific percentage or a cap for jurisdictions to build a certain to, but he referred the question to the City's consulting attorney, who was present that evening.

The City's consulting attorney, Alex Mog, of Meyers Nave, responded that there is no cap and that the way it works is that the State comes up with an overall number for the entire state and assigns it to each region, so they assign a certain number to the Bay Area, and then the Association of Bay Area Governments (ABAG) divides that number between the regions and has a public process that determines the methodology. He went on to say that this is mandated by state legislation and that it is required to create housing near public transportation, jobs, and other comparable things. Finally, Mr. Mog confirmed that there is no state legislation cap or goal of 10%.

Commissioner Aguilar inquired about the applicant's ownership of the land. One of the co-owners, Mr. Jason Kliewer, went up to the platform and stated that they have been in pursuit of this property for about three years. He said that they received a contract for it less than two years ago, closed it around a year and a half ago, and immediately started trying for project entitlements.

Commissioner Aguilar next asked the consultants for their feedback about Ms. Strouse's other two questions, regarding traffic congestion, how the City would cope with it, and Caltrans involvement. About the traffic and transportation topic, SP Carmelisa Lopez stated that is regulated by a recent State Bill which is based on the vehicle miles traveled and the location of the housing. She also mentioned that a City Engineering staff member was present for further clarification and that based on the CEQA analysis, it was determined that it was in compliance with the VMT (Vehicle Miles Traveled) requirements. SP Lopez reported that a traffic impact study and a traffic signal warrant assessment had been prepared for the project's transportation and traffic impact. Finally, she requested that Diana Cangco, the City's Principal Civil Engineer, who oversaw the project's transportation study provide further clarification.

Diana Cangco, the City's Principal Civil Engineer, introduced herself and stated that a traffic analysis was prepared and reviewed by Staff regarding the project's traffic impacts, and it was concluded that a warrant was met for the traffic signal at Smith and Cedar. As a result, she added, there is a condition of approval for the new traffic signal, which originated from the 2013 General Plan update, and it states that when the time comes when this unsignalized intersection is appropriate, it will be implemented. As a result, she explained, this development generated the warrant, and the traffic signal is being conditioned as part of the project.

Commissioner Becker mentioned Caltrans's concern about who would maintain the wall adjacent to the freeway. SP Carmelisa Lopez responded that the applicant is aware of coordinating with Caltrans about the sound wall and that there may be some requirements that they must follow, like the Robson Homes project, but the sound wall would be compatible with all the sound walls abutting I-880, and the property owner would be responsible for maintaining the wall on both sides.

Chair Fitts asked Ms. Strouse, the community member who expressed her concerns earlier if all her questions had been answered. Ms. Strouse answered positively.

Chair Fitts called the Public Hearing to a close, returned it to the Commission, and asked if there were any other comments.

Commissioner Aguilar stated that after reading the staff report, he realized that the properties have been rezoned, the land use designation updated in 2010, and seeing development and applications along Cedar Boulevard, all of which are compliant with zoning, the General Plan and housing are being built to provide for the State. Aside from that, as a community member, he continued that one of the things he favors, as in the Robson Project, Trumark Project, and Waymark Project, is seeing off-site improvements along Cedar Boulevard that would benefit the community, such as having a center median, crosswalks, traffic signals, and the forward-facing nature of the homes fronting Cedar Boulevard; thus, he would support the project for all those reasons.

Chair Fitts inquired if anyone else had any comments or questions. No one else made comments.

Chair Fitts requested a motion. Commissioner Aguilar moved the staff recommendation. Commissioner Becker seconded the motion. **The motion passed 5 AYES.**

Chair Fitts indicated that this proposal would also be considered by the City Council and that the Planning Commission's decision was not final. He went on to say that the City Council would hold a public hearing to hear their recommendations and request public opinions and that the City Council will make the ultimate decision at some point.

Chair Fitts inquired as to when the project would be heard by the City Council. SP Carmelisa Lopez responded that it will be heard on September 14, 2023.

MOTION APPROVED

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

CDD Turner reported that the Mulberry Residential Project was approved by the City Council on June 22, 2023, which was an item heard by the Planning Commission earlier in June.

H. PLANNING COMMISSIONER COMMENTS

None.

I. ADJOURNMENT

Chair Fitts adjourned the regular Planning Commission meeting at 7:47 pm.

Respectfully submitted,



Steven Turner
Secretary