



CITY OF NEWARK

Planning Commission

City Hall, City Council Chambers

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

AGENDA

Tuesday, October 10, 2023
7:00 P.M.

A. ROLL CALL

B. MINUTES

- B.1 Approval of Minutes of the regular Planning Commission meeting of August 22, 2023.**

(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

- E.1. Public Hearing to consider U2023-002, a Resolution approving a Conditional Use Permit for Seedling Childcare, a daycare center use at 5880 Thornton Avenue (APN 92A-1007-13-2). The subject site is zoned PO: Professional Office and has a General Plan Land-Use designation of Office Commercial**

(RESOLUTION)

F. STAFF REPORTS

G. COMMISSION MATTERS

G.1 Report on City Council actions.

H. PLANNING COMMISSIONER COMMENTS

I. ADJOURNMENT

MEETING INFORMATION

Members of the public may attend the meeting in person or watch it via YouTube or Cable Channel 26.

The ability to observe YouTube or Cable Channel 26 is predicated on those technologies being available and functioning without technical difficulties. Should those platforms not be available, or become non-functioning, or should the City Council otherwise encounter technical difficulties that make those platforms unavailable, the City Council will proceed with business in person unless otherwise prohibited by law.

How to view the meeting remotely:

YouTube Livestream: <https://www.youtube.com/@cityofnewark3077/streams>

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Cable Channel 26

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.

No question shall be asked of a Planning Commissioner, city staff, or an audience member except through the Chairperson. No person shall interrupt the meeting. Any person who refuses to carry out instructions given by the Chairperson for the purpose of maintaining order may be guilty of an infraction and may result in removal from the meeting.

Commission Meeting Access/Materials:

The agenda packet is available for review at [Agendas 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 at <https://www.newark.org/departments/city-manager-s-office/agendas-minutes> and will concurrently be made available for public inspection during regular business hours at City Hall, 37101 Newark Boulevard, Newark CA. 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.



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MINUTES

Tuesday, August 22, 2023
7:00 P.M.

A. ROLL CALL

Chair Fitts called the meeting to order at 7:02 p.m. 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 July 25, 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 July 25, 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.

Chair Fitts indicated that members of the public were invited to address the Planning Commission on subjects not on the agenda, and he asked the audience whether anyone

wanted to speak on anything other than the environmental impact study that was being discussed that evening.

Jana Sokale, a Newark resident who lives on Hazelnut, expressed an interest in discussing climate change that evening. She went on to argue that climate change has affected us all and that major climate researchers have stated that the effects they expected as carbon emissions increased were correct. She added that the effects are significantly higher, that fires are more intense and last longer, that the heat dome remains over the continents and does not move, and that the ice sheets in Greenland and the Arctic are melting faster than projected. Three years ago, she stated, Newark was covered in wildfire smoke from three complex fires burning in the Santa Cruz mountains, the Mount Hamilton range, and further north. Last year, she said, about 20 atmospheric rivers impacted Newark, bringing lots of water but also flooding her street over the sidewalk and into the front yards, and groundwater was noticeable coming out of the cracks in the sidewalks for several weeks afterward. Jana Sokale went on to say that she attended the Tri-city Local Hazard Mitigation Plan last week, which the City and four other jurisdictions are cooperating on, and that there is about \$18 billion in assessed value of property in the Tri-cities area that is at risk from multiple hazards, and that the work being done is insufficient. She challenged the Planning Commission to prioritize the environment in every interaction and decision they make in their personal and professional life and to consider what they can do as a city and as individuals to begin minimizing this danger. She concluded by expressing that the risk is occurring faster than anyone anticipated, and she thanked the Planning Commission for their time.

Chair Fitts thanked Ms. Sokale for sharing her opinions and asked if anyone else had any comments on the Mowry Village environmental impact report. No one else had any more comments. Chair Fitts then called the Public Hearing to order.

E. PUBLIC HEARINGS

E1. Public Hearing to receive public comments for the Notice of Availability of a Draft Environmental Impact Report for the Mowry Village Subdivision project

located southwest of the Mowry Avenue intersection, including three parcels (APN 537-0850-001-11, 537-0850-001-13, and 537-0850-002-00).

Chair Fitts emphasized that the meeting's primary objective was to get public feedback on the environmental impact report. He next directed his attention to the Staff to obtain the Staff reports.

Art Interiano, Deputy Community Development Director (DCDD), provided a PowerPoint presentation to the audience and indicated that the meeting's objective was to provide information on the environmental impact report and its process, as well as gather public feedback. He went on to explain the project, its location, the proposed project overview, the history of the site, the project site plan, the planned project elevations, the CEQA procedure, and the environmental report's effects. He next directed attention to Stantec, the environmental consultant, and its representatives, Anna Radonich, and Jennifer Webster, who were present that evening.

Anna Radonich, one of Stantec's representatives, approached the podium to explain the California Environmental Quality Act (CEQA) and the project's Environmental Impact Report (EIR). According to her, the EIR's goal is to inform the public and decision-makers about the project's possible environmental consequences, and it is a problem-solving document that identifies solutions to avoid or decrease impacts through mitigation measures or alternatives. She added that environmental impacts are one of the factors considered when deciding whether to approve or deny a project. She noted that this project is subject to CEQA, that a Notice of Preparation (NOP) was created and published on November 30, 2021, and that the Planning Commission convened a Scoping Meeting on December 14, 2021. She went on to say that the EIR for this project was created to assess in depth the possibly major environmental impacts and that a Draft EIR was made available to the public for 45 days from August 2, 2023, to September 18, 2023. She reaffirmed that the purpose of the EIR is to inform the public and decision-makers about the proposed project's potential physical environmental effects, to get the public involved in the environmental review process, to disclose the potential impacts of the proposed project on the physical environment, and to avoid and/or reduce possible impacts of the proposed project through mitigation actions and/or alternatives. Stantec's representative, Anna Radonich, continued outlining the EIR process procedures. The first

phase, she stated, was the Notice of Preparation (NOP), which was completed via a Public Scoping Hearing in December 2021. The Draft EIR will be finalized after the comments received during that night's meeting and the 45-day comment period and will become the Final EIR (FEIR). Following that, the FEIR will conduct a certification hearing for project approval. She noted that the public will be able to provide input at every phase of the EIR process. She went on to say that in this document, all 20 CEQA environmental resources were considered and analyzed. Finally, she added that the Draft EIR found that there is one major and unavoidable impact on Vehicle Miles Travel (VMT) which is 44% and 47% above the threshold under the transportation section. She also highlighted that other effects have been identified that could be reduced using mitigating methods. According to Anna Radonich, CEQA requires alternatives to a proposed project that can eliminate or substantially minimize one or more major project effects. She said that three alternatives were considered but rejected: the Location Alternative, which means another site that the City could provide to accommodate the number of units proposed in the project closer to a transit hub to reduce VMT, the Restoration Alternative, which would remediate the site while keeping it as a public open space or recreation, and the Small Project Alternative, which would create a project that would lessen the VMT threshold, by placing seven single-family units or 15 or 16 multi-family units. She added that there were four alternatives considered throughout the EIR process: No Project Alternative, which means no development would occur, the Multi-family Residential Alternative, by building 405 multi-family residential units, the Reduced Density Alternative, and the 100% Affordable Housing Alternative. She went on to say that after evaluating all the alternatives, none of them would eliminate the significant and unavoidable impact on VMT, but the Reduced Density Alternative is the environmentally superior alternative because it meets all the project goals and would not have a greater impact than the proposed project. She stated that the Draft EIR is available for review at the City Office as well as on the City website under the Planning Division, Projects Under Environmental Inspection. She closed her presentation by advocating effective commenting on the Draft EIR, and she requested both the public and the Planning Commissioners to offer comments focusing on anything they believed had been overlooked or omitted. People have opinions about whether they favor or dislike a project, but under CEQA, those comments will not be addressed in the final EIR. Finally, she clarified that the purpose of

that evening's Public Hearing was to gather public feedback on the Draft EIR created for the Mowry Village Project and that no action would be taken.

Chair Fitts thanked Stantec's representative, Anna Radonich, for her presentation and asked the Commissioners if they had any questions for Staff. The Commissioners did not ask any questions.

Chair Fitts welcomed public comments on the Draft EIR and announced that no final action would be taken on the matter under consideration. Chair Fitts noted that three participants filled out speaker cards, with two of them requesting to address the Commission jointly. Chair Fitts called Margaret Lewis and Olenka Villareal to the podium and asked them to state their name.

Instead, the podium was approached by Tracy Craig, who stated that she was there to comment on behalf of Evan Knapp, who is one of the partners of Integral Communities. Tracy Craig commented that Integral Communities has a lengthy and successful history of building 14,500 homes in California and 2,200 homes in Newark. She expressed that they are thrilled about the Mowry Village project, which provides housing for the middle class, and are willing to offer a 15% on-site affordable section, which will be aimed at low and very low-income people. She went on to mention certain environmental and safety concerns, claiming that the site had no wetlands or endangered species, which the Army Corps of Engineers confirmed. According to her, the project site cleans up the polluted ground of the former Pick and Pull scrap yard to repurpose it. Tracy Craig stated that Newark's General Plan authorizes low-density residential up to 8.7 units per acre where the project site is located, and their project proposes 7 units per acre, with the pad elevation being two feet higher than the BCDC Guidelines to account for anticipated sea level rise. She went on to say that the project will be entirely electric and will enlarge both lanes of Mowry Avenue, establishing a turning lane into Mowry Village as well as adding sidewalks, cycling lanes, and a pedestrian crosswalk to Silliman Center. The Emergency Vehicle Access (EVA) will be provided via the second separate lane built to Mowry, as well as additional access via the Sobrato property. In response to community outreach, she stated that the project adds approximately \$1 million to the City annually through net benefits, property, and sales taxes, and offered to use the 6.2 million in park fees plus an additional million to build two city parks in collaboration with the Magical Bridge Foundation and BMX Rider Nick Valencia. The Magical Bridge would be built at Birch

Grove Park and would be the 880 corridor's first magical bridge park all-abilities park. She went on to say that Magical Bridge is a wonderful organization that creates parks that are strategically built to satisfy the physical and social requirements of people of all ages and abilities, as well as providing customized play equipment for children, adults, and seniors. She went on to say that these parks are magical places that may provide Newark with a sense of inclusion, connection, and community. Tracy Craig added that they are planning on building a BMX park to serve ages three and up, which would offer great physical and mental benefits. Finally, she emphasized that they had engaged the community by holding meetings with environmental groups, briefing different organizations and neighborhoods, soliciting door-to-door, and holding an open house at the Silliman Center, where 80 people attended, the majority of whom supported the project and expressed interest in getting on the list to buy homes, as well as in the two parks. Tracy Craig concluded her remarks by stating that she had packets containing information on the open house, their boards and fact sheet, Magical Park information, and additional material for the Commission to review. With that, she thanked the Commission for giving her time to comment and for serving the City of Newark, and she asked anyone with further questions to contact her.

Chair Fitts thanked Tracy Craig for her comments and invited Olenka Villareal to the podium.

Olenka Villareal approached the podium and presented herself as the founder of the Magical Bridge Foundation. She began by saying how pleased she was to be there, especially when she drove along Newark Boulevard and was greeted with beautiful flags with a message printed on them stating that Newark is an inclusive community. She went on to remark that her organization believes that everyone should have access to a community park or playground and that Magical Bridge provided just that. She expressed her excitement about perhaps becoming a part of the Newark community with the approval of the Mowry Village project, which would be the first in the East Bay. She noted that within 48 hours of announcing the possibility of landing in the Newark community, they had received over 10,500 Newark community members reaching out and expressing excitement, for which she is grateful. She concluded her remarks by offering her services and a guided tour of any of the Bay Area playgrounds to any of the Commissioners. She believes that Magical Bridge would offer a magical touch to the Newark Community.

Chair Fitts thanked Olenka Villareal for her input and welcomed Margaret Lewis to speak.

Margaret Lewis addressed the Commission and noted that she was there to discuss two draft EIR items: transportation and hydrology. She expressed her concern that the proposed project conflicts with the CEQA Guidelines, Section 15064.3, Subdivision B, by increasing Vehicle Miles Traveled (VMT) by 44% to 47% above the citywide average, a significant effect that would exceed the existing citywide vehicle miles traveled per capita. She pointed out that, while the Draft EIR detailed a mitigation strategy, it did not address the project's VMT. She claimed that she looked at the options and noticed that they considered a nearby mass transit or people sharing rides, but it does not appear to be working with the project. She believes Newark should preserve housing within its urban center rather than spreading it out to places with no public amenities; there are no schools, shopping, or jobs in that area, so everything would have to be driven. She remarked that there are other parts of the city where housing may be built more suitably, such as the area near NewPark Mall. She stated that rather than doing it by random projects, traffic implications should be considered for the entire City and what the VMT would be. Furthermore, she stated that the railroad crossing at Mowry would experience an increase in freight and passenger train traffic and that the Mowry crossing on the main line between Oakland and San Jose might be expected to be blocked when trains are switching in the Newark yards. The proposed project's only access and exit is through the present crossing, which is unsafe. Concerning the hydrological issue, Margaret Lewis stated that raising the project's construction pads does nothing to prevent flooding of Mowry Avenue west of the train tracks. Flooding caused by sea level rise or high-water storm events cannot be prevented by road drainage plans. She stated that Mowry Village would be set on an island. The Mowry levy does not satisfy FEMA criteria, and it is unclear who will be responsible for its upkeep. Margaret Lewis concluded her comments by requesting that the comment period be extended by 30 days due to the complexity and unresolved concerns surrounding the proposed development so that the public and other agencies may thoroughly evaluate the document.

Chair Fitts asked if anyone else would like to comment on the Mowry Village EIR.

Jana Sokale went up to the podium and presented the Commission with her points of view. She continued by stating that the Pick and Pull site occupies 19 of the 29 acres at the end of Mowry Avenue, with 10 of those acres being undeveloped transitional upland habitat. People began dumping their cars there in the 1950s and 1960s, and when Pick and Pull was formalized in 1965, residents were unaware of the Baylands. She stated that the wetlands in Newark west of the Union Pacific Railroad are all in the 100-year FEMA flood plain, and the 29 acres for the proposed project are surrounded by channels on three sides, Line B goes down along Mowry and wraps around the back and dumps into Mowry Slough, which flows to San Francisco Bay, and Line D goes down along the south side of the property and also joins Mowry Slough and flows to the Bay. Line D inundated the fields directly adjacent to the 29-acre location, she added. As a result of increasing sea levels and rising groundwater, all that land would be susceptible to the beginning effects of climate change. Jana Sokale pointed out that groundwater is already rising in her neighborhood, and how vulnerable the entire Area 4 region is, so the proposed mitigation method for this project is to elevate the site; however, there is no remedy to mitigate Mowry Avenue; thus, the site would be an island, with only one street as available access, and the railroad tracks, and the Newark switching yard, where trains are frequently stopped. Additionally, she said, there are three planning documents considering improvements in that area that are not addressed in the DEIR, which are the Capital Corridor South Bay Connect Study, which looks to realign Capitol Corridor from San Jose to Oakland through that particular route, the Alviso Wetland Railroad Adaptation Study, that looks at the line from Santa Clara to Newark, which recognizes that the train tracks, especially in the South Bay will be flooded and will need to be raised all the way through Newark, and the 2040 California Rail Plan. She went on to state that if those plans are implemented, there will be two to three tracks in addition to the existing one, a switching yard, and the expectation of passengers moving every 30 minutes as well as freight traffic. She emphasized that Newark residents understand what it's like to be stranded behind a train, but her concern is what would happen to a family member in an emergency, and not having medical personnel able to attend to them due to only having one access in and out of the site, one access that will be the first thing to flood at a lower elevation than the homes, which in turn does not provide a safe area. Jana Sokale mentioned that the roads in Cathedral City, Palm Springs, were flooded and citizens were unable to leave the area. She noted that if Newark wanted to be proactive, it should join

the 30 x 30 plan, which has been adopted by Governor Newsom and President Biden on the federal level, to repair and conserve 30% of the land by 2030 for carbon sequestration. To conclude her remarks, she advised against approving the Mowry Village project, pointing out that similar projects can be built elsewhere in the City, and offering her assistance to the City in writing grants, constructing a magical Bridgeway Park at Birch Park, and finding a home for BMX riders at Sportsfield Park.

Chair Fitts thanked Jana Sokale for her comments and inquired whether anyone else had additional comments.

Community Development Director (CDD) Steven Turner announced that another person wanted to comment via Zoom; however, there were some problems with the Zoom communication, and if that person could not be heard that night, Staff would contact that person to ensure his/her comments were included in the public records. CDD Steven Turner then asked the Zoom participant to unmute and speak.

Because of the Zoom difficulties with communication, Luis Morante presented himself via YouTube and indicated that he is the Vice-President of Public Policy for the Bay Council, which represents around 330 of the Bay Area's major businesses. He went on to clarify that he supports the EIR and the project in general because it provides the type of housing that the Bay Area needs due to the housing and homelessness crisis, which is caused by a lack of housing supply, particularly a lack of homeownership alternatives. He went on to say that it would be ideal for him and his generation to be able to buy a home in the Bay Area and that developments like Mowry Village are what are required to make that happen. In terms of the project alternative of moving the project to another location, he stated that it passes CEQA regulations, but those who work in the Bay Area must commute more than two hours one way since they cannot afford to buy or rent a house in the Bay Area. As a result, a project like Mowry Village would address these environmental issues while also making the region competitive with cities like Austin, where young people can buy homes. Luis Morante concluded his comments by stating that he supports this project and that he would be happy to answer any questions regarding his remarks.

Chair Fitts thanked Luis Morante's comments and asked if there was anyone else in Zoom.

(CDD) Steven Turner announced that there was another participant on Zoom and asked the person to unmute himself to speak.

Victor Flores presented himself as Alliance's East Bay Resilience Manager. He went on to say that they are a 65-year-old advocacy non-profit group that advocates for climate resilient infrastructure and infill housing. Victor Flores expressed his and his organization's opposition to the project because it is zoned for park space, is not near transit, is a single-family home with lots of private parking, and his organization has identified this portion of Newark as a resilience hotspot; consequently, losing that portion of Newark, which could be used for park space and resilience measures, is an opportunity that they cannot afford to decline. He concluded by saying that it might have an immediate and long-term impact on Newark and the area.

(CDD) Steven Turner indicated that there was another person on Zoom and invited her to unmute herself for her to begin commenting.

The Zoom participant identified herself as Liz Ames, one of Newark's Art Directors, a member, and Vice-Chair of the Tri-city Ecology Center and indicated that she was opposed to the project because a climate resilience strategy for Southern Alameda County was required. She went on to say that she had noticed an encroachment of homes and buildings closer to the shoreline and that when they had predictions of 7 to 10 feet of sea level rise in 2100, about 75 years from now, there needed to be space for the water to move inland to create a new shoreline and habitat; thus, she stated, 10 feet of sea level rise on 10 to 12 feet of building pad will not be enough space for the new ecosystem to thrive. She concluded by expressing her hope that the Planning Commission and City Council thoroughly analyze the project proposal and that Newark decides to keep the area open space and develop homes somewhere, such as the NewPark Mall site or Downtown Newark Oldtown, rather than in that area.

(CDD) Steven Turner indicated that there were two more participants on Zoom and invited one of them to unmute herself and begin her comments.

The Zoom speaker introduced herself as Danny Zaky and indicated that she works for the Sierra Club's San Francisco Bay Area Chapter. She stated that she and her organization are opposed to the Mowry Village proposal. She went on to say that while they acknowledge the significant need for housing in our communities, green and open spaces are high

priorities for her organization and communities, and they want the area to remain open space.

(CDD) Steven Turner introduced Ali Lee as the next speaker on Zoom and invited her to begin her comments. Ali Lee was unable to participate due to Zoom communication issues; therefore, (CDD) Steven Turner announced that he would get back to her and invited the next participant on Zoom.

The next speaker, Nick Valencia, identified himself as a long-time Newark resident who expressed his support for the Mowry Village initiative. He emphasized that he understands all the pleas for conservation and that Newark is fortunate to have a lot of wetlands, but he believes in the great housing demand in Newark because it is a unique City with lots of biotech, and manufacturing companies, and it is equally important to balance the needs of the community and allow people in his demographic and age range to get some housing opportunity. He also mentioned that one of the major issues right now is a lack of housing inventory, which he anticipates will not diminish anytime soon. He stated that he looked over the development and liked a lot of the different features, such as the infrastructural upgrades, and park space they plan to install. He closed his remarks by stating his continued support for the project.

(CDD) Steven Turner attempted to allow Ali Lee to speak but was unable to do so due to Zoom communication issues. (CDD) Steven Turner stated that they would collect Ms. Lee's comments from her text messages via Zoom and add them to the meeting records of that night. There were no more Zoom participants.

Deputy Community Development Director (DCDD) Art Interiano addressed Chair Fitts, explaining that Staff, through Stantec's consultant Anna Radonich, would like to clarify a comment made about Mowry Road.

Stantec's consultant, Anna Radonich, addressed the Commission and stated that she would like to clarify four of the remarks made that evening. She began by stating that one of the commenters mentioned the alternative Location Alternative, which was considered but rejected; she apologized for her miscommunication and stated that the alternative location would have to be within the City of Newark rather than another city in the Bay Area or the valley. She then referred to another comment about the cumulative impact, emphasizing that all cumulative impacts for all 20 environmental resources are explained

in Chapter 4 of the EIR, specifically for transportation, which is where VMT (Vehicle Miles Traveled) falls under, in Section 4.5.17 of the Transportation. Finally, based on public comments, Anna Radonich confirmed that the project site is not located in a wetland under the jurisdiction of the Army Corps, Water Quality Board, or CDFW. She went on to say that the explanation is in the EIR's Biology section.

Before closing the Public Hearing, a member of the audience wanted to give his comments. Chair Fitts invited him to the podium and asked him to introduce himself.

The speaker approached the podium and introduced himself as Armaan Singh Randhawa. He stated that he is a San Jose resident who works for the Valley Transportation Authority (VTA) and that he supports the project because there is no available housing in Newark, and that the project would help alleviate traffic, long-distance commuters, and would open the door for new and previous home buyers to buy a house in Newark and make their commuting easier, as well as help them build their future in Newark.

Chair Fitts inquired whether there were additional comments on the agenda item.

Commissioner Becker expressed his concerns over access to the project's site. He went on to say that the only way to get in and out of the area by car is over the train tracks, that there is a lot of train traffic there, and that while there will be improvements, he is concerned that when a train crosses, there is no way for an emergency vehicle or people to get there. He also acknowledged that the property would have an emergency vehicle access plan, but that does not help the people who live there, he said. According to Commissioner Becker, the issue was not properly addressed in the EIR. Commissioner Becker also stated that before that night's meeting, he had not heard about the BMX park, the magical bridge playground, or anything about the affordable housing component and because the City is currently working on a Parks Master Plan Revision, the project's location is the most suitable location to include those components. Finally, he expressed concern that such community benefits would be included in the project at the very last moment.

Chair Fitts asked if there were additional comments.

In response to Commissioner Becker's remark, as well as the consultant's discussion of community benefits not included in the EIR, Vice-Chair Aguilar questioned what would be

the next steps now that the project has shifted due to the inclusion of those community benefits.

(DCDD) Art Interiano responded that the community benefits highlighted by the applicant's team that evening had not been formally presented to the City as a revision to their proposal. He said that if they decide to do so, it would be properly evaluated and it will be decided what adjustments to the CEQA process, if any, are required. For the time being, he stated, it is not part of the meeting's deliberation; the remarks are intended solely for the EIR report.

Chair Fitts asked whether anyone else had any further comments. No one made additional comments. Chair Fitts closed the Public Hearing.

Chair Fitts inquired as to when the final EIR document would be finished and what steps would be taken next.

Art Interiano (DCDD) indicated that the final EIR document will be evaluated. After that, another 10-day public review will take place before being certified at a public hearing. He also stated that any amendments to the application would need to be considered internally with the applicant, and the Planning Commission would be informed how that would proceed in the future.

INFORMATIONAL

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

None.

H. PLANNING COMMISSIONER COMMENTS

None.

I. ADJOURNMENT

Chair Fitts adjourned the Planning Commission meeting at 7:58 p.m.

DRAFT



- E.1 Hearing to consider U2023-002, a Resolution approving a Conditional Use Permit for Seedling Child Care, a daycare center use at 5880 Thornton Avenue (APN 92A-1007-13-2). The subject site is zoned PO: Professional Office and has a General Plan Land-Use designation of Office Commercial – from Associate Planner Joseph Balatbat.**

(RESOLUTION)

Background

The Applicant, Ahmed Belgaumi, has submitted an application for Seedling Child Care, a daycare center use at 5880 Thornton Avenue. The property owner is Mosharof Hossain.

The project site is approximately 34,500 square feet and consists of an existing building, landscape areas, and parking areas. The existing tenants that currently occupy the building are Al Medina Education Center and Church of Christ, both of which are considered community assembly uses.

Pursuant to [Newark Municipal Code \(NMC\) §17.09.020](#), the requested use requires an entitlement for a Conditional Use Permit and is subject to the standards set forth in [NMC §17.26.090](#). Such standards include but not limited to outdoor space, hours of operation, and being located at least 300 feet from any other residential care facility, daycare center, or large family daycare home serving seven or more persons.

The Applicant is requesting Planning Commission approval of the Conditional Use Permit to allow for the daycare center use.

Project Context and Proposal

As stated in the Project Description in **Exhibit C**, the goal for Seedling Child Care is to “build, strengthen, and maintain an equitable, safe, comprehensive, quality, and affordable daycare center for our children and community.”

The project site is zoned PO: Professional Office and has a General Plan Land-Use designation of Office Commercial. The project site is located between Thornton Avenue, Birch Street, Civic Terrace Avenue, and Saint Edwards Street. Additionally, the project site is surrounded by commercial office businesses, single-family residential dwelling units, and St. Edward School.

The proposed daycare center would share the existing building with the tenants (i.e., Al Medina Education Center and Church of Christ). The Applicant is proposing to occupy approximately 969 square feet of the existing building. In terms of operations, the business will consist of 4 staff members (i.e., 2 teachers and 2 aides). Due to the State of California Department of Social Services licensing criteria and the proposed building square footage for the daycare center, the maximum capacity of children would be a total of 28 children ranging from toddlers to preschool age (i.e., children of 2 years to 5 years of age). The hours of operation would be from 8:00 a.m. – 6:00 p.m., Monday through Friday. The daily schedule would include caring, learning, eating, napping, and

playtime indoors and outdoors.

The Applicant is proposing interior improvements, which includes demolishing the existing walls for the creation of 2 classrooms, upgrading the flooring and mechanical systems, and adding new bathrooms and doors. On-site exterior improvements would also be proposed, which include adding a new playground area and vinyl fencing. The new vinyl fencing would be located around the new playground area and would be 6 feet tall. A new 3-foot-tall vinyl fencing would also be installed along the walkways in front of the classroom entry doors to create a barrier from the drive aisle and parking areas. The proposed improvements can be found on the Project Plans in **Exhibit D**.

Analysis/Discussion

The Office Commercial General Plan designation supports local-serving offices accommodating such uses as finance, insurance, and real estate businesses, legal and other professional services, banks, personal services, business-support activities, and dental and medical services. Retail uses are discouraged in Office Commercial areas. Additionally, a daycare center use may be allowed in the PO zoning district with the approval of a Conditional Use Permit pursuant to [NMC §17.09.020](#) of NMC Title 17 (Zoning). The proposed project was reviewed under NMC Title 17 (Zoning) and would comply with the applicable provisions of the Zoning Code, including [NMC §17.26.090 - Day Care](#). Also, the proposed project would be consistent with the General Plan because the use would be compatible with the Office Commercial designation, would not provide retail services, and would not alter the respective land-use designation.

Such standards that the proposed project had to demonstrate compliance with include, but not limited to the hours of operation, parking, and loading/unloading of the children. The proposed daycare center would operate Monday through Friday from 8:00 a.m. – 6:00 p.m. As for parking, it is important to first understand the history of the parking conditions for the property. The property used to be owned and occupied only by the Church of Christ. In 1971, Church of Christ applied for a Variance to allow for a reduction to the minimum required number of on-site parking spaces. The Planning Commission approved the Variance request with the condition that the property provides 54 on-site parking spaces and 21 additional off-street, off-site parking spaces on the adjacent property (i.e., 37049 Carleen Court, Newark Professional Center). To maintain the 21 additional off-street, off-site parking spaces on the adjacent property, the property owners completed a joint parking agreement at that time.

In 2022, the property has transferred ownership to Mosharof Hossain. Al Medina Education Center obtained approval of a business license with the condition that it would continue to operate as a community assembly use and that the parking conditions shall continue to be met. Church of Christ still operates its services on the property, but only occupies a small portion of the building with limited services. Al Medina Education Center occupies a large portion of the building and continues to operate as a community assembly use. To ensure the 21 additional off-street, off-site parking spaces on the adjacent property would continue to be maintained, an updated joint parking agreement has been established between the current property owners.

For the proposed daycare center, the minimum required number of on-site parking spaces is based on the following formula as outlined in [NMC §17.23.040](#): *1 per each employee plus an area for loading and unloading children*. Since the proposed use would consist of 4 staff members, a minimum of 4 on-site parking spaces would be required. Table 1 below outlines the minimum

number of on-site parking requirements and the number of parking spaces provided for each of the existing and proposed tenants.

Table 1. On-site Parking Requirement for Each Tenant		
Tenants	Required	Provided
Church of Christ	<u>On-site:</u> 54 parking spaces <u>Off-site:</u> 21 parking spaces	<u>On-site:</u> 56 parking spaces <u>Off-site:</u> 21 parking spaces
Al Medina Education Center	Shared Parking Requirement with Church of Christ	<u>On-site:</u> 56 parking spaces <u>Off-site:</u> 21 parking spaces
Daycare Center	4 on-site parking spaces	4 on-site parking spaces

With the proposed on-site improvements, the property would have a total of 56 on-site parking spaces. As outlined in the Traffic Analysis in **Exhibit C**, the hours of operation of the proposed daycare center would not interfere with the schedule of the other existing tenants. Al Medina Education Center would have reserved services throughout the day and Church of Christ would only operate on Sundays. Therefore, the property would have adequate parking for the proposed use and existing tenants, especially with the additional 21 off-street, off-site parking spaces on the adjacent property.

As for the loading and unloading of children for the proposed daycare center use, the parking spaces closest to the entrance would be utilized. The Applicant has indicated that they would create designated time slots for the drop-off and pick-up schedule. As part of the conditions of approval (**Exhibit B**), the operator of the daycare center shall submit a Pick-up and Drop-off Plan for review and approval by the Community Development Director.

Overall, the project would comply with the applicable provisions of the Zoning Code in that the project would be compatible with the characteristics of the surrounding neighborhood and would not unreasonably affect adjacent properties, their owners and occupants, or the surrounding neighborhood. Additionally, the project would not impact the other existing tenants.

The project has been reviewed and approved by all City departments. To accommodate the proposed improvements needed and to avoid any potential impacts to the surrounding area, certain conditions of approval have been requested. The conditions of approval are listed in **Exhibit B**.

Requested Entitlements

Pursuant to [NMC §17.09.020](#), a daycare center use may be allowed with the approval of a Conditional Use Permit. The use permit review and approval process is intended to apply to uses that are generally consistent with the purposes of the zoning district where they are proposed but require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. Therefore, per [NMC §17.35.030](#), the Planning Commission shall approve or conditionally approve the Conditional Use Permit request based on the findings required by [NMC §17.35.060](#):

- A. *The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title [NMC Title 17] and all other titles of the Municipal*

Code;

- B. *The proposed use is consistent with the general plan and any applicable specific plan;*
- C. *The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements;*
- D. *Tax revenue generated by the development will exceed the city's cost of the service demand as a result of the development or a compelling community benefit will be provided;*
- E. *The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this title [NMC Title 17];*
- F. *The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity; and*
- G. *The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.*

The inability to make one or more of the findings is grounds for denial of an application. Based on staff's analysis, the Conditional Use Permit findings for the project can be made in the affirmative and are provided in **Exhibit A** of this report.

California Environmental Quality Act

Pursuant to [CEQA Guidelines, Article 19, §15301 \(Existing Facilities\)](#), the project qualifies for the Class 1 Categorical Exemption. Class 1 consists of, but not limited to, the operation or minor alteration of an existing public or private structure(s) and facilities involving negligible or no expansion of existing or former use. The project qualifies for the Class 1 Categorical Exemption in that the project involves minor alterations and negligible expansion of use, is in an area where all public services and facilities are available to allow for maximum development, and is not located in an environmentally sensitive area.

Furthermore, the project is exempt from environmental review pursuant to [CEQA Guidelines, Article 5, §15061\(b\)\(3\)](#). [CEQA Guidelines, Article 5, §15061\(b\)\(3\)](#) states that a project is exempt from CEQA if “the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The project is not expected to result in a significant physical change in the environment. The subject property is occupied by an existing public/semi-public use building which will be continued as a public/semi-public use. Approval of the requested Conditional Use Permit does not involve the expansion of the existing building, nor does it permanently disturb the physical environment. Any future development of the site would be subject to review under NMC Title 17 (Zoning) and CEQA. Therefore, no further environmental review is required.

Required Noticing

Pursuant to NMC [§17.31.060](#) and [§17.35.050](#), on September 26, 2023, a public hearing notice was published in The Tri-City Voice and mailed to all property owners (i.e., 118 property owners) within a minimum 500-foot radius of the project site, all neighborhood and community organizations that have filed a written request for notice of projects in the area where the site is located, and all persons and groups who have filed a written request for notice regarding the specific application. The City has not received any written correspondence on this project as of the

writing of this report. Any communications received prior to the public hearing will be forwarded to the Planning Commission as desk items and made available to the Applicant and public.

Action

Staff recommends that the Planning Commission approve, by resolution, Conditional Use Permit U2023-002, as requested by the Applicant, based on the findings provided in **Attachment 1**, Draft Resolution.

Attachment(s)

1. Draft Resolution
 - Exhibit A – Findings of Fact
 - Exhibit B – Conditions of Approval
 - Exhibit C – Project Description
 - Exhibit D – Project Plans

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWARK APPROVING A CONDITIONAL USE PERMIT FOR SEEDLING CHILD CARE, A DAYCARE CENTER USE AT 5880 THORNTON AVENUE (APN 92A-1007-13-2)

WHEREAS, Ahmed Belgaumi (the “Applicant”) has filed with the City of Newark an application for a Conditional Use Permit for Seedling Child Care, a daycare center use at 5880 Thornton Avenue (APN 92A-1007-13-2) (the “Project”); and

WHEREAS, the property at 5880 Thornton Avenue (the “Project Site”) has a General Plan Land-Use designation of Office Commercial and is currently zoned PO: Professional Office; and

WHEREAS, pursuant to [Newark Municipal Code \(“NMC”\) §17.09.020](#), a daycare center use may be allowed with the approval of a Conditional Use Permit and is subject to the standards set forth in [NMC §17.26.090](#); and

WHEREAS, the Project would occupy approximately 969 square feet of the existing building on the Project Site; and

WHEREAS, the Applicant proposes interior improvements that include demolishing the existing walls for the creation of 2 classrooms, upgrading the flooring and mechanical systems, and adding new bathrooms and doors. On-site exterior improvements would include adding a new playground area and vinyl fencing; and

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to [CEQA Guidelines, Article 19, §15301](#) for Existing Facilities that involves minor alterations and negligible expansion of use; and

WHEREAS, the Project is also categorically exempt from CEQA pursuant to [CEQA Guidelines, Article 5, §15061\(b\)\(3\)](#), as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

WHEREAS, pursuant to NMC [§17.31.060](#) and [§17.35.050](#), a public hearing notice was published in The Tri City Voice on September 26, 2023 and mailed as required for a public hearing, and the Planning Commission held a meeting on said application at 7:00 p.m. on October 10, 2023; and

WHEREAS, the Planning Commission fully considered the Project application and entitlements, the Applicant’s statements, staff report, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing; and

WHEREAS, the Planning Commission finds that the staff report, Categorical Exemptions from CEQA, and standards for approval reflect the City’s independent judgement and analysis of the Project; and

WHEREAS, the Planning Commission finds that the Project conforms with the City’s General Plan and Zoning Code for which are incorporated herein by reference and are available for review at City Hall during normal business hours and on the City’s website; and

WHEREAS, the Planning Commission finds that the Project satisfies the requisite findings of fact necessary for approval as further explained in the staff report and the findings of fact associated, as identified in **Exhibit A** attached to this Resolution and incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newark as follows:

Section 1. That the forgoing recitals are true and correct and made part of this Resolution.

Section 2. That the Planning Commission hereby makes the necessary findings and determinations required by [NMC §17.35.060](#) to approve the requested Conditional Use Permit for a daycare center use at 5880 Thornton Avenue, as further explained in the staff report and findings of fact for approval as set forth in **Exhibit A** attached hereto and incorporated herein by this reference.

Section 3. Based on the findings and determinations, the Planning Commission hereby approves Conditional Use Permit U2023-002 allowing for a daycare center use at 5880 Thornton Avenue, subject to the Conditions of Approval, as further set forth in **Exhibit B** attached hereto and incorporated herein by this reference.

This Resolution was introduced at the City of Newark Planning Commission’s October 10, 2023 regular meeting by Commissioner _____, seconded by Commissioner _____, and passed as follows:

AYES:

NOES:

ABSENT:

STEVEN TURNER, Secretary

WILLIAM FITTS, Chairperson

Attachments

Exhibit A – Findings of Fact

Exhibit B – Conditions of Approval

Exhibit C – Project Description

Exhibit D – Project Plans

Exhibit A

FINDINGS OF FACT

U2023-002

5880 Thornton Avenue

Alameda County Assessor's Parcel Number 92A-1007-13-2

Conditional Use Permit ([NMC §17.35.060](#))

- A. *The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of this title [NMC Title 17] and all other titles of the Municipal Code.*

The Project site is zoned PO: Professional Office. Pursuant to [NMC §17.09.020](#), a daycare center use may be allowed with the approval of a Conditional Use Permit. A daycare center use is subject to the standards set forth in [NMC §17.26.090](#).

The Project would be in compliance with the standards listed in [NMC §17.26.090](#). Additionally, the Project would occupy approximately 969 square feet of the existing building. Minor interior improvements would be proposed, which includes demolishing the existing walls for the creation of 2 classrooms, upgrading the flooring and mechanical systems, and adding new bathrooms and doors. Minor on-site exterior improvements would include adding a new playground area and vinyl fencing. The Project would conform to all requirements in the Newark Zoning Ordinance. Therefore, the Project would not impact neighboring uses and would not create significant impacts. This finding can be made in the affirmative.

- B. *The proposed use is consistent with the general plan and any applicable specific plan.*

The Project site has a General Plan designation of Office Commercial. This designation supports local-serving offices accommodating such uses as finance, insurance, and real estate businesses, legal and other professional services, banks, personal services, business-support activities, and dental and medical services. Retail uses are discouraged in Office Commercial areas.

The Project is consistent with the General Plan because the use is consistent with the Office Commercial designation, does not provide retail services, and would not alter the respective land-use designation. This finding can be made in the affirmative.

- C. *The proposed use will not be adverse to the public health, safety, or general welfare of the community, nor detrimental to surrounding properties or improvements.*

The Project would occupy approximately 969 square feet of the existing building located at 5880 Thornton Avenue. The proposed use would operate Monday through Friday from 8:00 a.m. – 6:00 p.m. As noted by the Applicant and in **Exhibit B** of this NOA, the proposed use would consist of the maximum capacity of 28 children, which is based on the State of California Department of Social Services licensing criteria and the proposed building square

Exhibit A: Findings of Fact

footage for the daycare center. If additional number of children is requested, the Conditional Use Permit shall be revised and reviewed at the discretion of the Community Development Director.

The Project involves minor interior improvements to the building such as demolishing the existing walls for the creation of 2 classrooms, upgrading the flooring and mechanical systems, and adding new bathrooms and doors. Additionally, the Project consists of minor on-site exterior improvements which includes a new playground area and vinyl fencing. The Project would not be adverse to the public health, safety, or general welfare of the community nor detrimental to surrounding properties or improvements. This finding can be made in the affirmative.

- D. Tax revenue generated by the development will exceed the City's cost of the service demand as a result of the development or a compelling community benefit will be provided.*

The Project would not materially impact the City's tax revenue, nor would it additionally strain City services. The Project would result in a compelling community benefit or that the service demand would be negligible and there would be some tax revenue generated from this use or ancillary to this use allowing staff to make this finding. This finding can be made in the affirmative.

- E. The proposed use complies with any design or development standards applicable to the zoning district or the use in question unless waived or modified pursuant to the provisions of this title [NMC Title 17].*

The Project is an allowed use with the approval of a Conditional Use Permit under the PO zoning district. The proposed use is subject to the standards for daycare centers as outlined in [NMC §17.26.090](#). Such standards include but not limited to outdoor space, hours of operation, and being located at least 300 feet from any other residential care facility, daycare center, or large family daycare home serving seven or more persons.

The Project would meet the standards as outlined in [NMC §17.26.090](#), including operating Monday through Friday from 8:00 a.m. – 6:00 p.m. (also noted in **Exhibit B** of this NOA) and being located more than 300 feet from any other residential care facility, daycare center, or large family daycare home serving seven or more persons. The new playground area would be located outside the required front setback area and would be screened by a new 6-foot-tall vinyl fence. Since the Project would occupy a portion of the existing building, it would not cause impacts to neighboring uses or create significant impacts. This finding can be made in the affirmative.

- F. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and reasonably foreseeable future land uses in the vicinity.*

The Project Site is in the PO: Professional Office zoning district, which reserves area for local-serving professional and administrative office uses such as finance, insurance, and real estate businesses, legal and other professional services, banks, personal services, business support

Exhibit A: Findings of Fact

activities, and dental and medical services. The use does not interfere with operations/businesses in the PO zoning district. Additionally, as an allowed use with the approval of a Conditional Use Permit and with no development modifications except for minor interior and on-site exterior improvements, the Project does not deviate from intent of district's development standards. Therefore, the design, location, size, and operating characteristics of the project are compatible with the existing and foreseeable future land uses in the vicinity. This finding can be made in the affirmative.

G. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints.

The Project does not involve an expansion of the existing building, nor does it propose a high-intensity use. The project does consist of minor interior improvements which includes demolishing the existing walls for the creation of 2 classrooms, upgrading the flooring and mechanical systems, and adding new bathrooms and doors. Additionally, the Project consists of minor on-site exterior improvements which includes a new playground area and vinyl fencing. The City's parking requirements would be satisfied, and the site is physically suitable for the proposed use type. This finding can be made in the affirmative.

Exhibit B

CONDITIONS OF APPROVAL

U2023-002

5880 Thornton Avenue

Alameda County Assessor's Parcel Number 92A-1007-13-2

Planning Division

- a. This approval allows for Seedling Child Care, a daycare center use located at 5880 Thornton Avenue. The hours of operation shall be Monday through Friday from 8:00 a.m. – 6:00 p.m.
- b. Based on the State of California Department of Social Services licensing criteria and the building square footage for the daycare center, this approval allows for a maximum capacity of 28 children. If additional number of children is requested, then the Conditional Use Permit shall be revised and reviewed at the discretion of the Community Development Director. The operator shall also obtain any necessary approvals by the State of California Department of Social Services.
- c. Approval of this use permit shall be revoked if the Applicant does not meet the conditions of approval.
- d. All conditions of approval for this Project, as approved by the Planning Commission, shall be posted at the site and distributed to construction personnel.
- e. All project conditions of approval shall be printed on the building-permit plans, as applicable.
- f. The Applicant shall submit the short-term bicycle rack details as part of the building permit submittal to demonstrate compliance with the design, spacing, size, and clearance requirement as outlined in [NMC Section 17.23.070\(A\)](#).
- g. Prior to the issuance of a building permit, any changes to the approved floor plans shall be submitted for review and approval by the Community Development Director.
- h. The parking stalls on the site shall be restriped and maintained in a neat and presentable condition, to the satisfaction of the Community Development Director.
- i. The existing chain link fence by the new playground area shall incorporate the mesh protective covering to prevent children from climbing.
- j. Prior to commencing business activity, the operator of the subject facility shall obtain a [Business License](#) with the City of Newark.
- k. Prior to commencing business activity, the operator of the subject facility shall obtain any and all necessary federal, state, or county approvals. This shall include securing and

Exhibit B: Conditions of Approval

maintaining a license from the State of California Department of Social Services. Failure to obtain the necessary approvals shall make the subject use permit null and void.

- l. The daycare center shall comply with all childcare licensing requirements by the California Department of Social Services Community Care Licensing Division.
- m. Prior to commencing business activity, the operator of the subject daycare center shall submit a Pick-up and Drop-off Plan for review and approval by the Community Development Director. The plan shall demonstrate that adequate parking and loading are provided to minimize congestion and conflict points on travel aisles and public streets. The plan shall include an agreement for each parent or client to sign that includes, at a minimum:
 1. A scheduled time for pick-up and drop-off with allowances for emergencies; and
 2. Prohibitions of double-parking, blocking driveways of neighboring properties, or using driveways of neighboring properties to turn around.

Any revisions to the approved Pick-up and Drop-off Plan shall be reviewed and approved by the Community Development Director.

- n. Outdoor activities shall not occur before 9:00 a.m. or after 6:00 p.m. per [NMC §17.26.090\(D\)\(4\)](#).
- o. If any complaint regarding parking and/or traffic is received, a parking/traffic analysis shall be prepared at the discretion of the Community Development Director and at the cost of the Applicant. The Applicant shall mitigate any problems identified by the study(ies).
- p. Prior to the installation of any signage for the proposed facility, the property owner and/or Applicant shall obtain a Sign Permit and any necessary building permits through the City of Newark.
- q. The site and its improvements shall be maintained in a neat and presentable condition, to the satisfaction of the Community Development Director. This shall include, but not be limited to, repainting surfaces damaged by graffiti and site clean-up.
- r. The proposed project shall conform to all requirements in the Newark Zoning Ordinance.
- s. All proposed changes from approved exhibits shall be submitted to the Community Development Director who shall decide if they warrant Planning Commission review and, if so decided, said changes shall be submitted for the Commission's review and decision. The developer shall pay the prevailing fee for each additional separate submittal of development exhibits requiring Planning Commission review and approval.
- t. The Applicant and/or developer hereby agrees to defend, indemnify, and save harmless the City of Newark, its Council, boards, commissions, officers, employees and agents, from and against any and all claims, suits, actions, liability, loss, damage, expense, cost (including, without limitation, attorneys' fees, costs and fees of litigation) of every nature, kind or description, which may be brought by a third party against, or suffered or sustained

Exhibit B: Conditions of Approval

by, the City of Newark, its Council, boards, commissions, officers, employees or agents to challenge or void the permit granted herein or any California Environmental Quality Act determinations related thereto.

- u. The Conditions of Project Approval set forth herein may include certain fees, dedication requirements, reservation requirements and other exactions. Pursuant to [Government Code §66020\(d\)\(1\)](#), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. The developer is hereby further notified that the 90-day approval period in which the developer may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code §66020(a), has begun. If the developer fails to file a protest within this 90-day period complying with all of the requirements of §66020, the developer will be legally barred from later challenging such exactions.
- v. Per [NMC §17.31.130](#), any permit granted under NMC Title 17 - Zoning, shall automatically expire if it is not exercised or extended within two years of its approval, unless a different time period is specified.

Engineering Division

- w. Any changes to the existing pervious and impervious areas shall comply with the most current C.3 Stormwater Treatment Measures and Requirements. A Stormwater Requirements Checklist shall be completed and submitted with the building permit plans for review and approval.

Building Inspection Division

- x. Apply for building permits for the conversion.

Alameda County Fire Department

- y. Subject to Field Inspection. Approvals are subject to field inspection and verification that the project is in compliance with applicable codes, regulations, and standards. Not all aspects of plans are reviewed in detail and it is not possible to determine the adequacy of all items noted on a plan.

PROPOSED USE OF FACILITY (Partial) AS DAY CARE
(5880 Thornton Avenue, Newark)

INTRODUCTION:

Seedling Childcare (SCC) in partnership with Al- Medina Education Center (MEC) is seeking a CUP to operate a Day Care facility at 5880 Thornton Avenue, Newark. Along with the existing Congregation Prayer / Community Hall by MEC, and Church of Christ (tenant).

SCC has been in childcare business since 2019, operating a large home-based Day Care in Newark; and is part of the MEC community members. The goals of our shared vision is to provide a caring & stimulating environment in which professional staff helps children and families achieve their unique intellectual, social, emotional, and physical potential; while preserving and nurturing the spirit that is in all children; and help the needs of our growing local community.

As noted in MEC's original proposal, we will provide community members with the resources that will help them make a positive impact in our community at-large and contribute to the society through civic involvement, public service, and help them achieve professional success while preserving their identity and values.

DESCRIPTION:

Our goal is to build, strengthen, and maintain an equitable, safe, comprehensive, quality, and affordable Day Care Center for our children and community.

- SCC will secure and maintain a License to operate a Day Care Center from the CA Department of Social Services (CDSS).
- Based on the State Licensing criteria and the square footage of the dedicated space; we will seek maximum capacity of **28 children**.
- Operational Hours, will be from **8:00am to 6:00pm**. (Mon - Fri)
- Will have **4 total Staff** (2 Teachers & 2 Aides).
- SCC will be operating a Day Care Center from Toddler to Pre-School age children (2yrs to 5yrs); daily schedule includes Caring, Learning, Eating, Napping, & Playtime (Indoor & Outdoor). (See 'Daily Schedule' attached).
- Sharing the Property; currently MEC is operating a Prayer Hall (Mosque) for daily 5 times prayers, with typically 12-20 attendees (details in the MEC's CUP application). Also, Church of Christ is leasing a room for Sunday congregation only, typical participation is 8 – 10 attendees. (See 'Traffic Analysis' attached for use & scheduling information).

28 Wz.

FLOOR PLAN:

A detailed Floor / Site Plan is being provided per the guidelines to reflect the layout of the Day Care, location of the Day Care and other existing users, existing parking areas.

DROP-OFF and PICK-UP PLAN:

As per the NMC Section 17.26.090 – Day Care standards and advices of the City Planners office; SCC will have a staggered and scheduled Drop-off (AM) and Pick-up (PM) plan.

Based on the availability of adequate & abundant parking / lot space during SCC's typical operational hours, with no impact or effect on any congestion in parking lot or streets, and considering the unique schedules/needs of our clients/families with allowances for emergencies... all clients / families will sign an agreement reflecting a scheduled drop-off & pick-up time slot. (See 'Traffic Analysis' attached for use & traffic information)

PARKING:

Currently there are existing 56 parking spaces with the building, and 21 parking spaces in agreement for overflow with neighbors; with potential to add more spaces with re-marking of the spaces (if needed). These are shared parking spaces for all uses at the location, fulfilling the NMC Table 17.23.040 requirement for Day Care Center parking.

BUILDING IMPROVEMENTS:

- Upgrade existing Heating and Cooling, by installing new 'energy efficient' 'environment friendly' wall mounted split systems.
- Upgrade all interior floor covering.
- Add 6'H vinyl fencing as periphery wall for screening the playground area and 3'H vinyl picket fencing for children safety in parking lot, as marked in Floor / Site Plan provided, (per NMC Section 17.26.090 – Day Care standards) (product details provided).
- Add 4 each of children's urinal (toilet) and sink for handwashing, as marked on the Floor / Site Plan provided, in accordance with the CDSS requirements (product detail provided).
- Improve existing open areas marked for Playground with 'Permeable Surfaces' based on best management practices (BMP), and maintaining storm drains in existing pattern. Available surfaces from artificial turf, synthetic pavers, rubber tiles, grass, etc...

• ADD DOOR'S IN CLASSROOM TO PLAYGROUNDS.

DAILY SCHEDULE: FULL DAY PROGRAM

8:00 AM – 6:00 PM

- 8:00 – 9:00 ARRIVAL TIME / TRANSITION / CENTER TIME
- 9:00 – 9:45 BREAKFAST TIME / CLEAN-UP, DIAPER CHANGE, BATHROOM
- 9:30 – 10:00 CENTER TIME / CIRCLE TIME
- 10:00 – 10:15 GROUP TIME
- 10:15 – 10:45 WRITING & READING
- 10:45 – 11:15 ARTS & CRAFTS ACTIVITIES
- 11:15 – 12:15 OUTSIDE PLAY / YARD TIME
- 12:15 – 1:00 LUNCH TIME / CLEAN-UP, DIAPER CHANGE, SETUP MATS, BATHROOM
- 1:00 – 3:00 NAP TIME / DOWN TIME
- 3:00 – 3:30 DIAPER CHANGE, BATHROOM / TRANSITION
- 3:30 – 4:00 SNACK TIME
- 4:15 – 5:00 OUTSIDE PLAY / YARD TIME
- 5:00 – 6:00 TABLE ACTIVITIES / PICK-UP TRANSITION / **TIME TO SEE MOM/DAD ☺**

KEYS:

Center Time develops independence, speech and vocabulary, team work, sharing, feeling for others and problem solving.

Clean-up Time promotes discipline and good manners.

Circle Time attracts child attention while developing participation, communication skills, patience and wait for turn, building confidence speaking to teacher and learn in more playful/effective manner.

Table activities support learning and development in both language and reading readiness skills, to enhance fine motor, social, emotional and cognitive skills.

Yard Time develops gross motor skills, strengthen muscles, building peer relationship.

5880 THORNTON AVENUE - TRAFFIC ANALYSIS:

Al-Medina Education Ctr				
MEC:	Prayer Time	Use Time (15 min)	#People	#Cars
1	Fajr (daily)	5:00 - 6:00am	5 - 15	4 - 12
2	Zuhr (daily)	1:15 - 1:45pm	5 - 10	4 - 8
3	Asr (daily)	4:00 - 4:30pm	5 - 10	4 - 8
4	Maghrib (daily)	6:00 - 6:30pm (SUNSET)	10 - 15	10 - 12
5	Isha (daily)	7:30 - 8:30pm	15 - 20	10 - 15
6	Jumma (Friday only)	1:15 - 2:15pm	75 - 100	50 - 60

SCC Schedule
Closed
Nap Time
Play Time
Closing
Closed
Nap Time

Seedling Child Care				
SCC:	(AM Peak Hours) staggered at Full Enrollment (upto 20)			
1	Drop-off	8:00 - 8:30am	15	15
2	Drop-off	8:30 - 9:00am	15	15
3	Drop-off	9:00 - 9:30am	10	10
4	Drop-off	9:30 - 10:00am	10	10

SCC:	(PM Peak Hours) staggered at Full Enrollment (upto 20)			
1	Pick-up	3:30 - 4:00pm	5	5
2	Pick-up	4:00 - 4:30pm	5	5
3	Pick-up	4:30 - 5:00pm	15	15
4	Pick-up	5:00 - 5:30pm	15	15
5	Pick-up	5:30 - 6:00pm	10	10

Church of Christ				
CC	Congregation	Time	#People	#Cars
1	Sunday	8:00 - 2:00pm	8 - 10	8 - 10

SCC Schedule
Closed

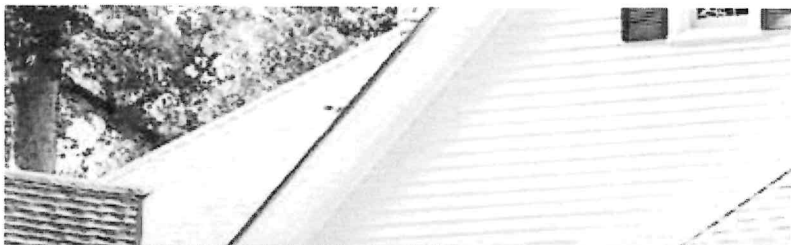
DETAILS ON DROP-OFF & PICK-UP PROCESS for SCC:

Following is the proposed standard / typical Day Care Drop-off & Pick-up process, that has been discussed & will be implemented.

Families during the Enrollment process will be informed of our staggered & scheduled Drop-off & Pick-up policy. With due consideration to the unique schedules/needs of our families/clients and with allowances for emergencies... all families / clients will sign an agreement reflecting their specific scheduled drop-off & pick-up time slots.

Typically, a family within their agreed upon time slot will park, walk with or carry their child/children along with belongings to drop-off entrance, hand over the child & belongings to a teacher, sign-in for attendance, and depart; this process typically takes from 3 – 4 minutes. Likewise, the process is repeated at pick-up, and typically takes up to 5 minutes as the child is called from their respective class or play area, while family signs-out.

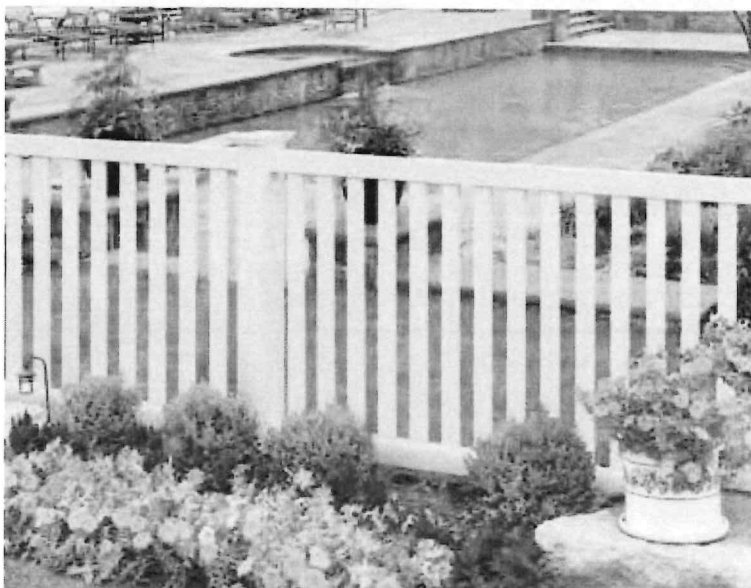
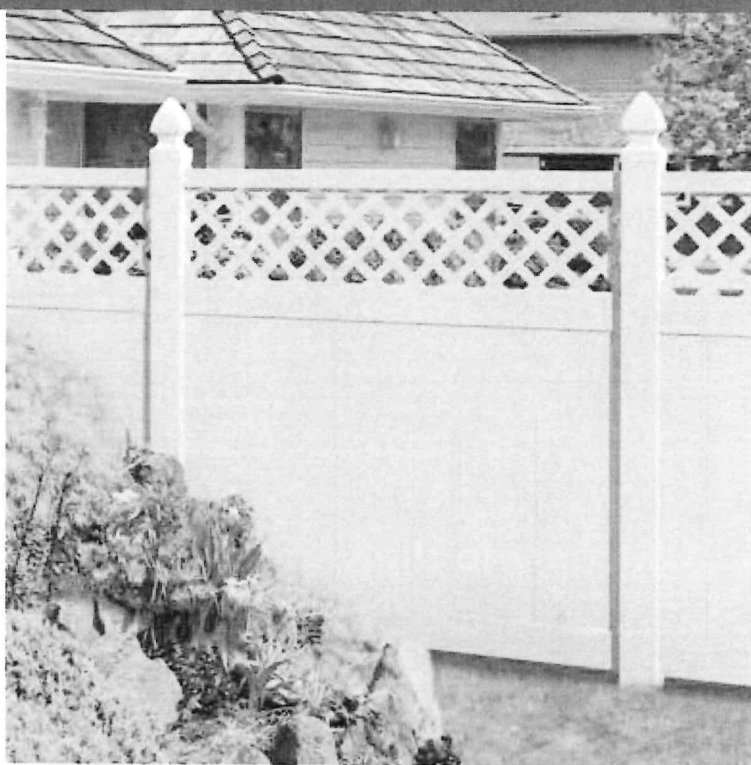
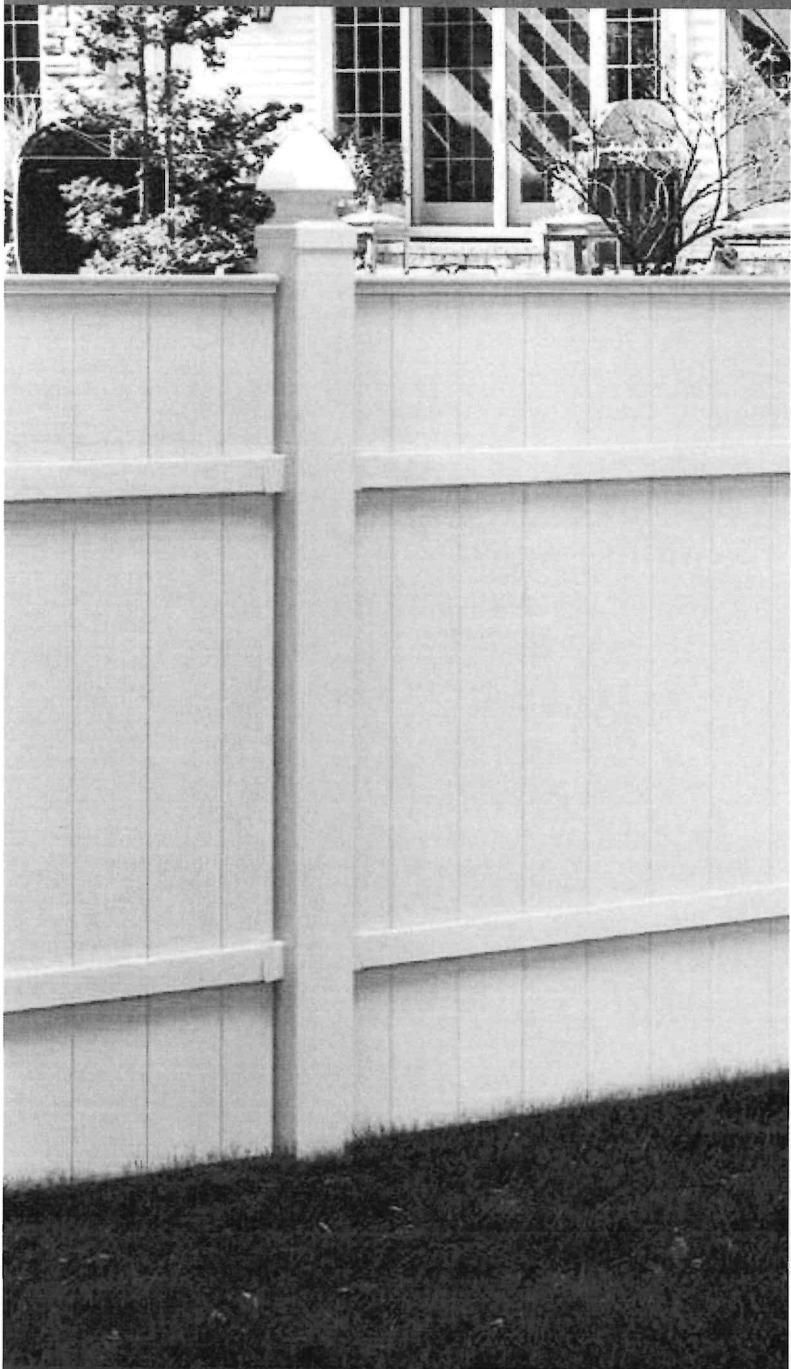
As a practice all desired updates, feedback, concerns... are addressed via phone calls or texts, other than preset in-person appointments only (during times other than drop-off or pick-up); to avoid any overlap or delay in the process.



Veranda Products. Built by Barrette.

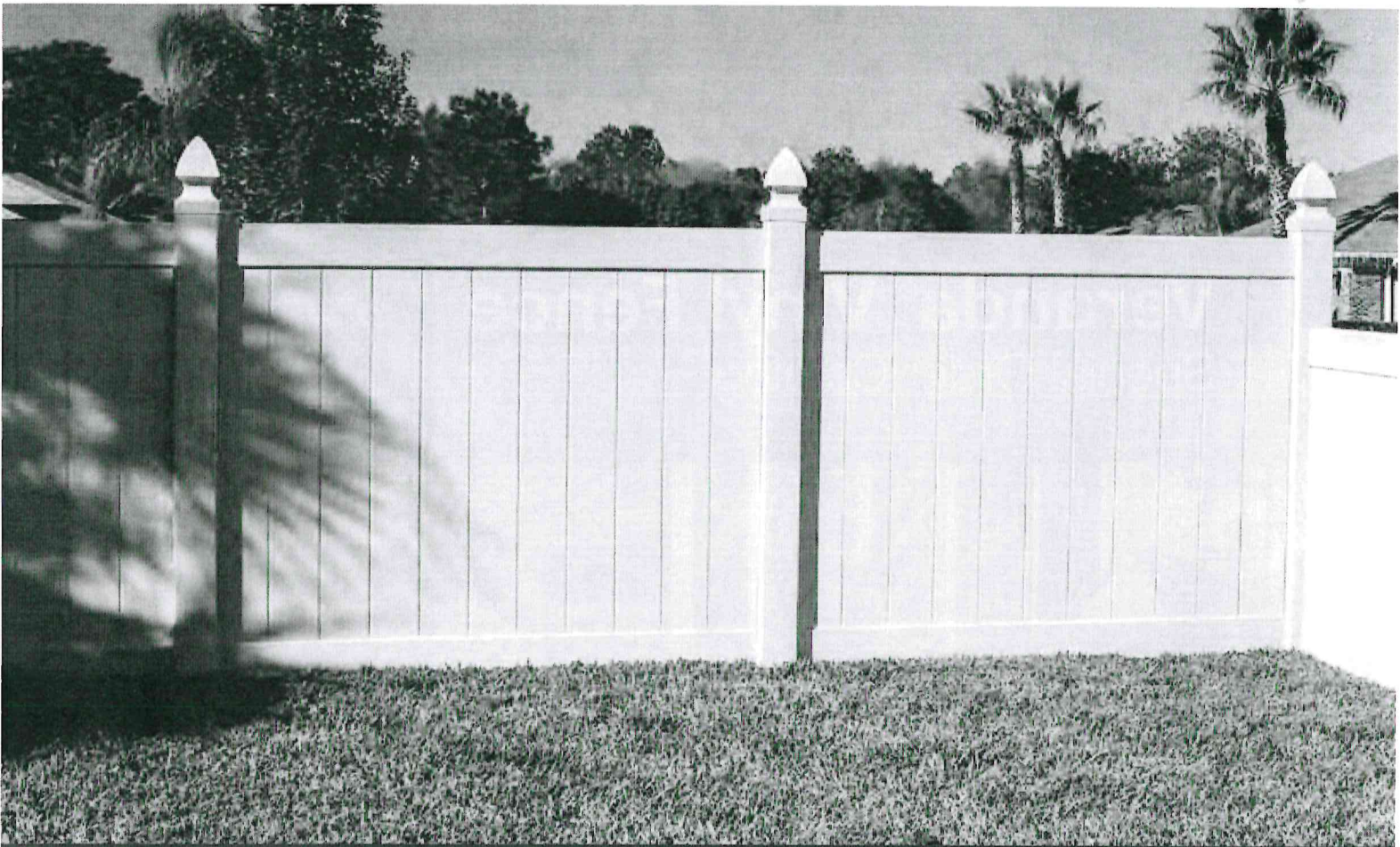
Veranda® Vinyl Fence

Special Order Catalog



Browse **HomeDepot.com** and shop anywhere, anytime

51010287 SAP V1 3/15
210431SOM



Welcome to the Veranda® Vinyl Fence Guide.

The enclosed contents will assist in the shopping experience from choosing the right style and color for a project to selecting the accessories to complement. After determining your selections review the easy and quick installation overview to ensure you have everything you need for this project.

All our products are backed by our Transferable Limited Lifetime Warranty.

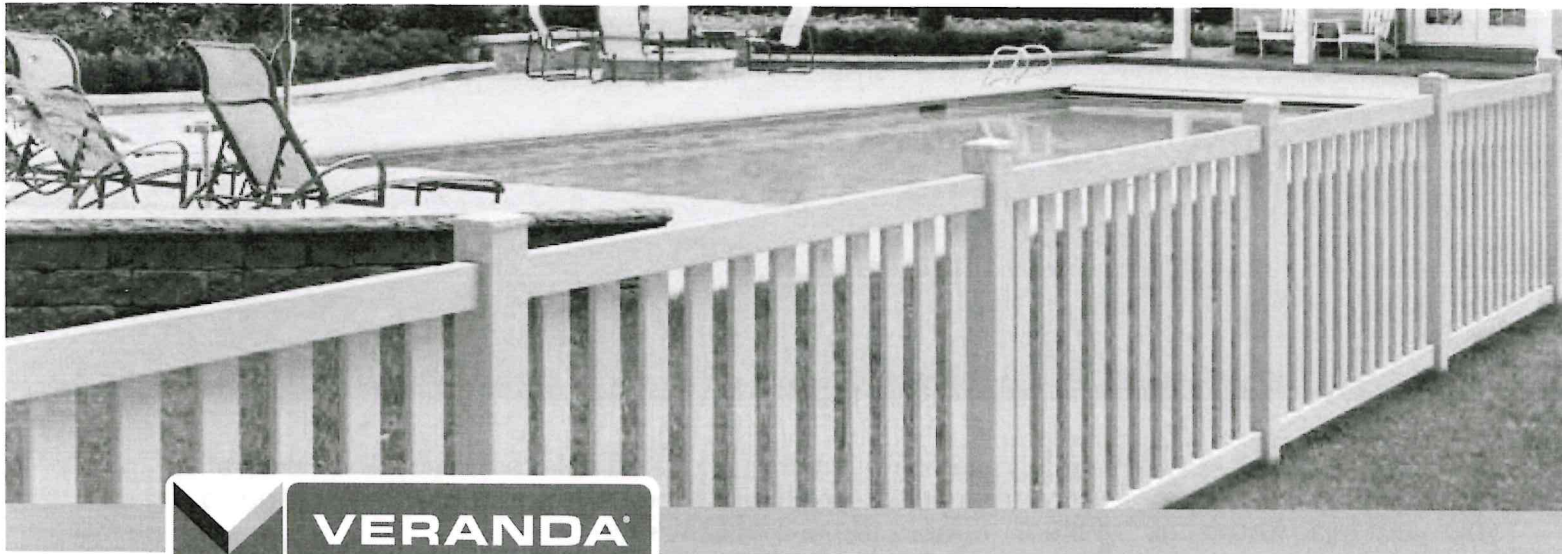


Veranda Products. Built by Barrette.



**Questions or need further help? Contact us at 1-877-279-4496
or visit us online at www.veranda.barretteoutdoorliving.com**





Veranda Vinyl Fencing is low maintenance, never needing sanding or painting. Great for pool areas and yards, providing a neighbor-friendly look to your property.

All Veranda® Panels:



Wind Code Approved

Vinyl fence panels meet Miami Dade wind code with additional products and assembly.

Select Veranda® Panels:



Privacy

Vinyl fencing adds privacy and security to any home.



Decorative

Vinyl fencing adds decorative curb appeal to any home.



Pool

Pool code approved panels meet ICC requirements.



ProLock®

Our patented technology locks panels from the inside.



ProSeal™

Our patented technology delivers strength and durability.



More choices, more how-to at HomeDepot.com



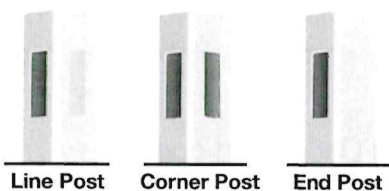
Understanding Vinyl Fencing

Veranda Vinyl Fencing is available in two different installation methods: pre-built panels and ready-to-assemble kits. Here is an overview of each for comparison.

READY-TO-ASSEMBLE KITS:

Pro Series panels are heavy-duty, ready-to-assemble kits. Available in Privacy and Decorative Picket styles, these panels use routed posts which allow the panels to follow the contour of your yard (also known as "racked") without the use of brackets.

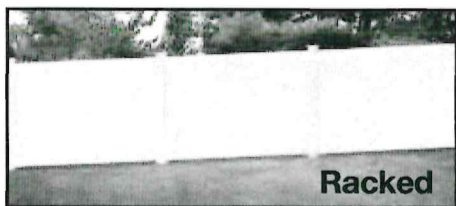
Panel to Routed Post Connection Details:



- Line, corner, end post & post tops sold separately

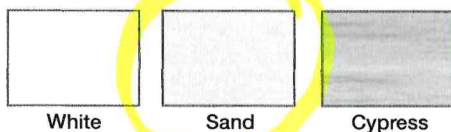


- Vinyl Fence Panel Kits (assembly required)



- Panels follow the terrain, 1 inch per foot

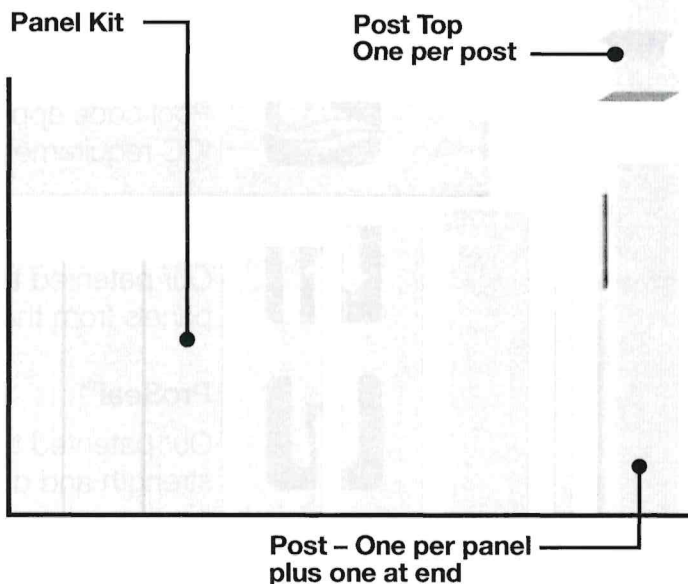
Available Colors



Ready-To-Assemble Fence Panel Kit



To complete a fence section you will need:



For 5880 Thornton Ave – SCC (Day Care): Fence Screen & Bicycle Stand

Metal Wire Fence Protection & Privacy Screen:

Cisvio 6ft x50ft Privacy Screen Fence
90% Blockage Heavy Duty Protective
Covering Mesh Fencing for Outdoor...

★★★★★ 720

To buy, select a size:

Size (10):

Select a size



Color (5):

Dark Green

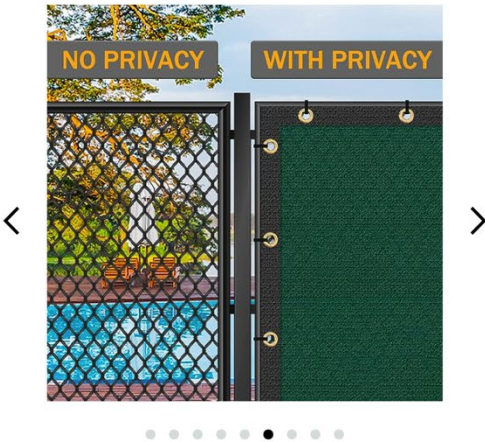


\$52⁹⁹ (\$0.18/Sq Ft) \$58.99 (10% off)

✓prime

Get it by Sunday, August 6.

- **Protect Your Privacy:** The privacy fence screen can provide 90% visibility blockage and block harmful UV rays but allows maximum air to go through, giving your family and children Comprehensive privacy security protection.
- **100% 150 GSM HDPE+ Brass Grommet:** Cisvio Privacy fence screen adopts 100% 150 GSM non-recycled high-density polyethylene (HDPE). 2.5" Black binding with double reinforced fabric and durable Anti-rust Grommets on all edges for a maximum lifetime.
- **Suitable place:** Cisvio privacy fence can be used in your yard, pools, patios, apartment balconies to protect your privacy and can also keep your dog from barking. Fence cover can also be used on farm edges to protect your crops from damage, and installed around construction sites to reduce noise and dust.
- **Easy to Install & Storage:** Using zip ties to fasten the grommets to the fence on each side. (zip ties included).Folding your fence and storing it in a dry and clean place when not in use.
- **Warranty+After-sales service:** 3 years limited warranty under normal usage and weather. If you have any problems in the process of use, please feel free to contact us, we are very happy to provide you with satisfactory service.



https://www.amazon.com/Cisvio-95-Blockage-Protective-Covering-dp-B0B61J6D9L/dp/B0B61J6D9L/ref=dp_ob_title_hi?th=1

https://www.amazon.com/stores/page/660BBEFC-520B-4FC7-BE5F-C1B100683FDB?ingress=0&visitId=47c13b21-8a1c-4b34-89b2-d9b6e7b00b63&ref=ast_bln

Bicycle Stand:

As discussed before and per NMC 17.23.070 for Bicycle parking; we will provide a conveniently located, easily accessible, securely ground anchored, minimum four spaces, and other than 'wave rack' style bicycle rack (location marked on Site Plan as "B.S.").

<https://www.theparkcatalog.com/best-selling-bike-racks>

<https://www.theparkcatalog.com/5-bike-single-sided-grid-bike-rack>

<https://www.amazon.com/commercial-bike-rack/s?k=commercial+bike+rack>





Nursery Toilet Cubicles

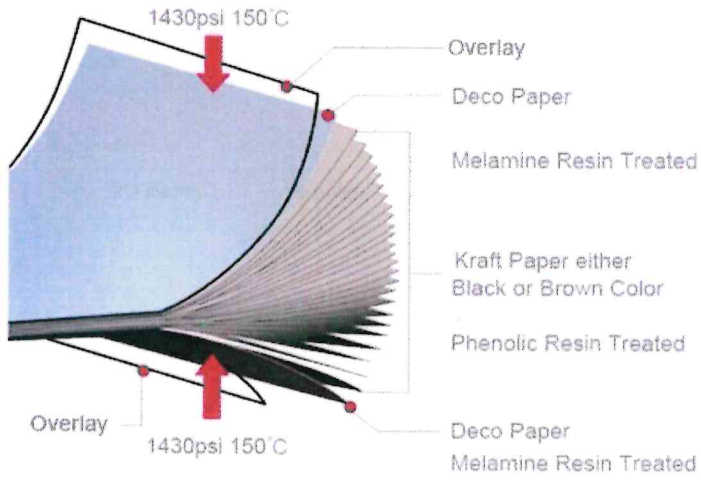
Current position: [Home](#) > [Toilet Cubicles](#) > [Nursery Toilet Cubicles](#)

Kids Toilet Cubicles

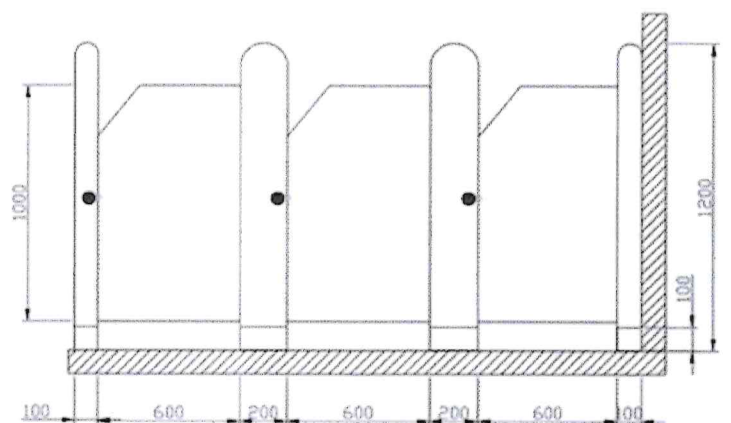
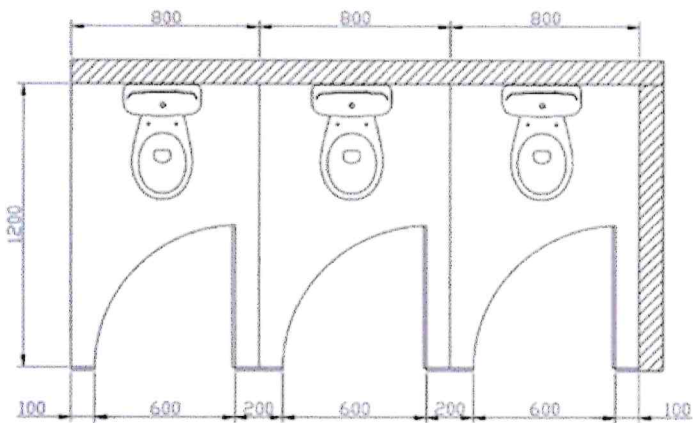
Our kids toilet cubicles are made of high quality material and are designed to be fun and colorful. They are available in a variety of colors and designs to match your school or nursery theme. The cubicles are made of durable material and are easy to clean. They are also designed to be safe for children. The cubicles are available in a variety of sizes to fit your space. They are also available in a variety of colors and designs to match your school or nursery theme. The cubicles are made of durable material and are easy to clean. They are also designed to be safe for children. The cubicles are available in a variety of sizes to fit your space.

Description

The kids toilet cubicles comes in a diversity of vivid colours to make the restroom more funny and relaxing, and these colours can be also designed to match up with whole style of the washroom and create a consistent and colourful environment. The range of our kids toilet cubicles greatly fit in the different age range of the schools and nurseries.



Specification





These accessories are made by 304 stainless steel. They will have a long service life of the toilet cubicle.

The colorful kids toilet cubicles and nursery toilet cubicles are widely used in kindergartens and primary schools. They are very popular with children and their parents love them.



Need more information about kids toilet cubicles, please [contact us](#).

Application

Not only kids toilet cubicles, JIALIFU can provide any other types toilet cubicles for commercial center, school and office. Our best projects list is available on our website. If you need more information, please refer to our website or contact us. You can also refer to our website for more projects.

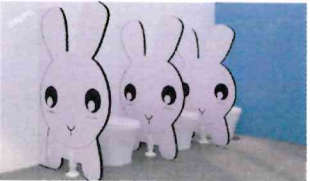
[Our Projects](#)

Contact Us

tel: +86 20 3925 2897
 Fax: +86 20 3429 5783
 Email: sales@toiletcubicle.com

HPL Honeycomb board urinal partitions

Nursery Changing Cubicle



School Privacy Dividers



Middle School Toilet Cubicles Wholesale Online



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- [Toilet Cubicles](#)
- [Toilet Partition Hardware](#)
- [Contact Us](#)
- [Sitemap](#)

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Industry Park, Shibe Industrial Road, Panyu
District

Send A Message

Send

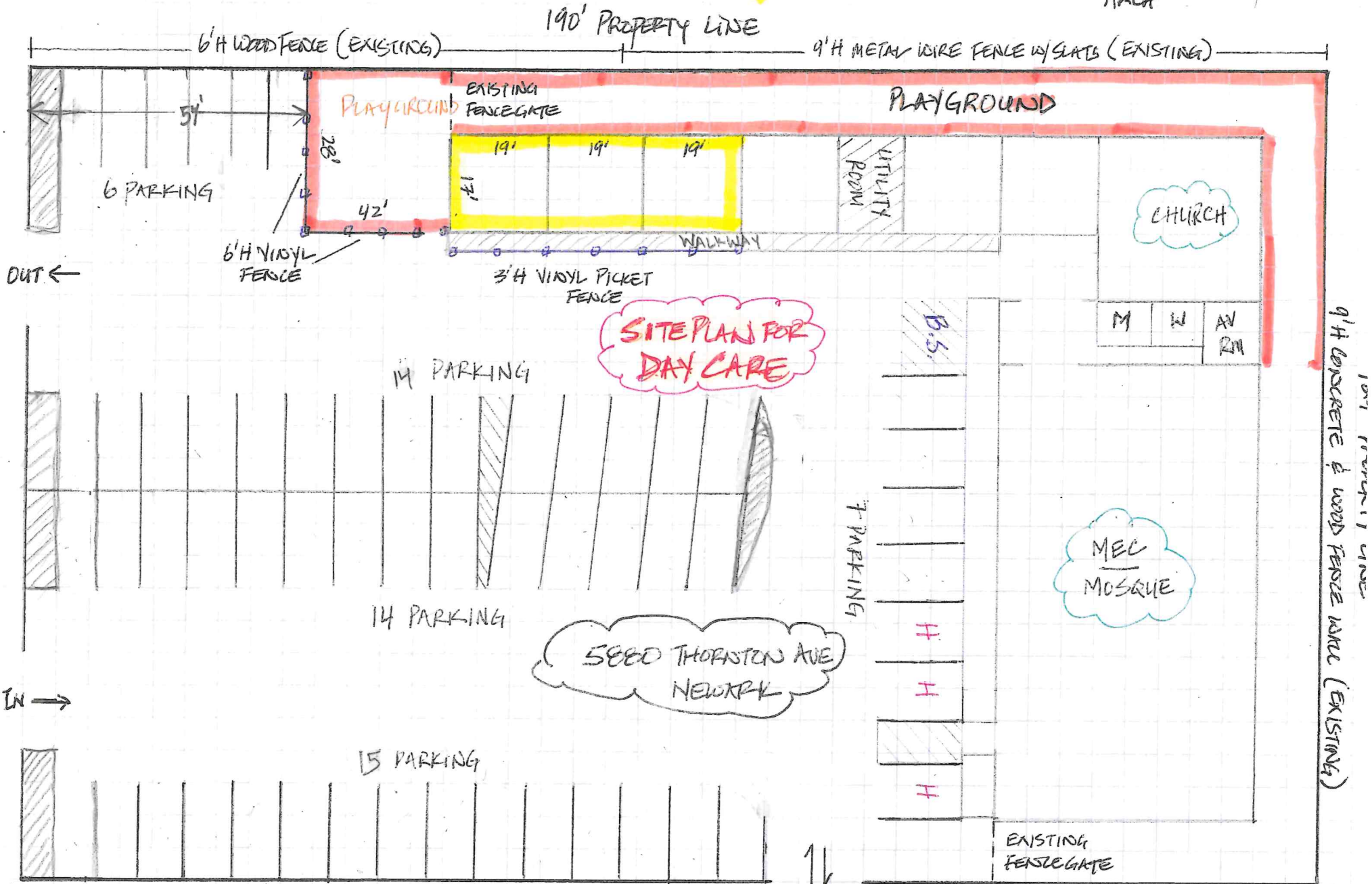
Share to: [!\[\]\(51514032c8ca341817228f39f1307b05_img.jpg\)](#) [!\[\]\(aba7c07a80262aa874bfebb3cd21d047_img.jpg\)](#) [!\[\]\(b2a7c5366eacbb378e6377d12f1df454_img.jpg\)](#) [!\[\]\(a855e31241700f83bc6269687bc50aca_img.jpg\)](#)

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* B.S. - BICYCLE STAND

- DAYCARE

- PLAYGROUND AREA



* NO CHANGE TO EXISTING PARKING LAYOUT, EXCEPT FOR 3 SPACES FOR PLAYGROUND

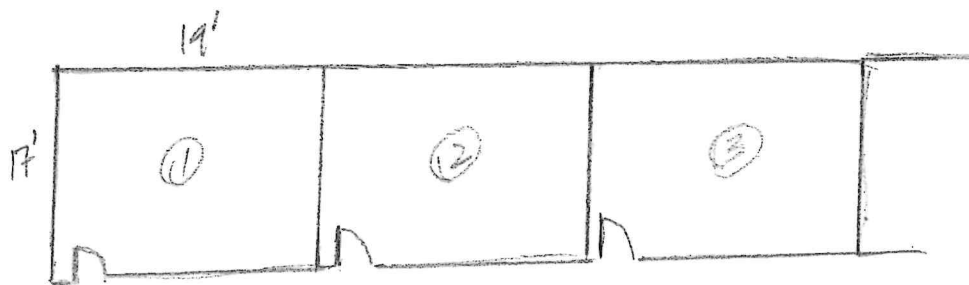
* NOT TO SCALE *

* 56 parking spaces

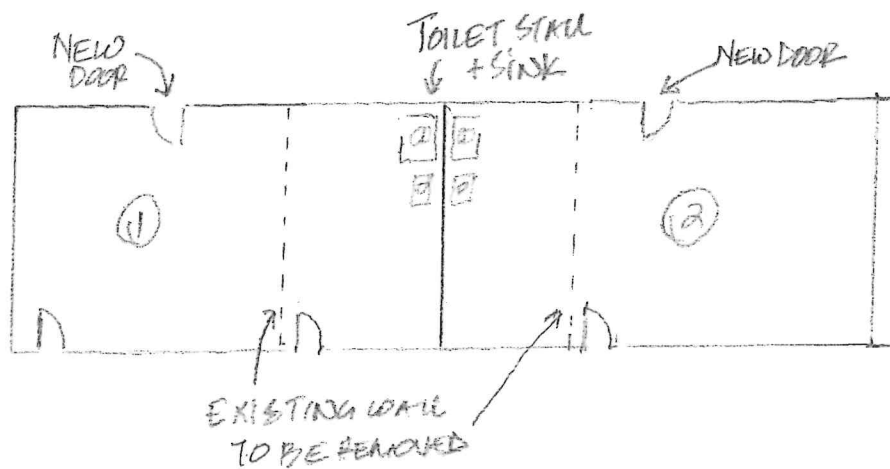
Floor Plan

EXISTING

≈ 969 sq ft
3 ROOMS



≈ 969 sq ft
2 ROOMS



PROPOSED

