



CUP U-21-4

PLANNING COMMISSION MEETING: ITEM E.1

Shaveta Sharma, Contract Planner



AGENDA

1. PROJECT LOCATION
2. ZONING MAP
3. APPLICANT REQUEST
4. SITE PLAN
5. CUP FINDINGS
6. CEQA
7. STAFF RECOMMENDATION



Project Location

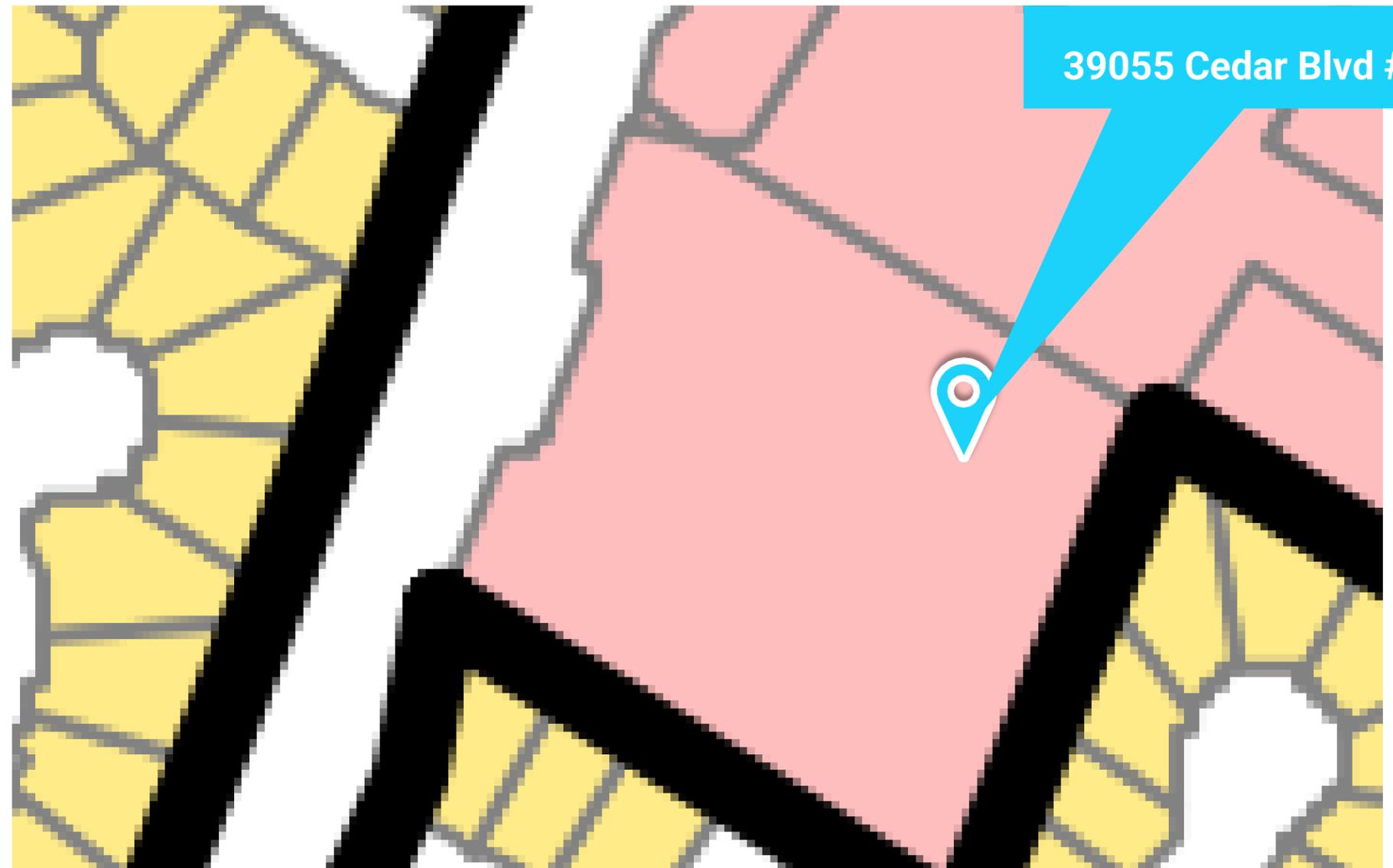


39055 Cedar Blvd. #198





Site Context Zoning Map





Project Applicant & Request

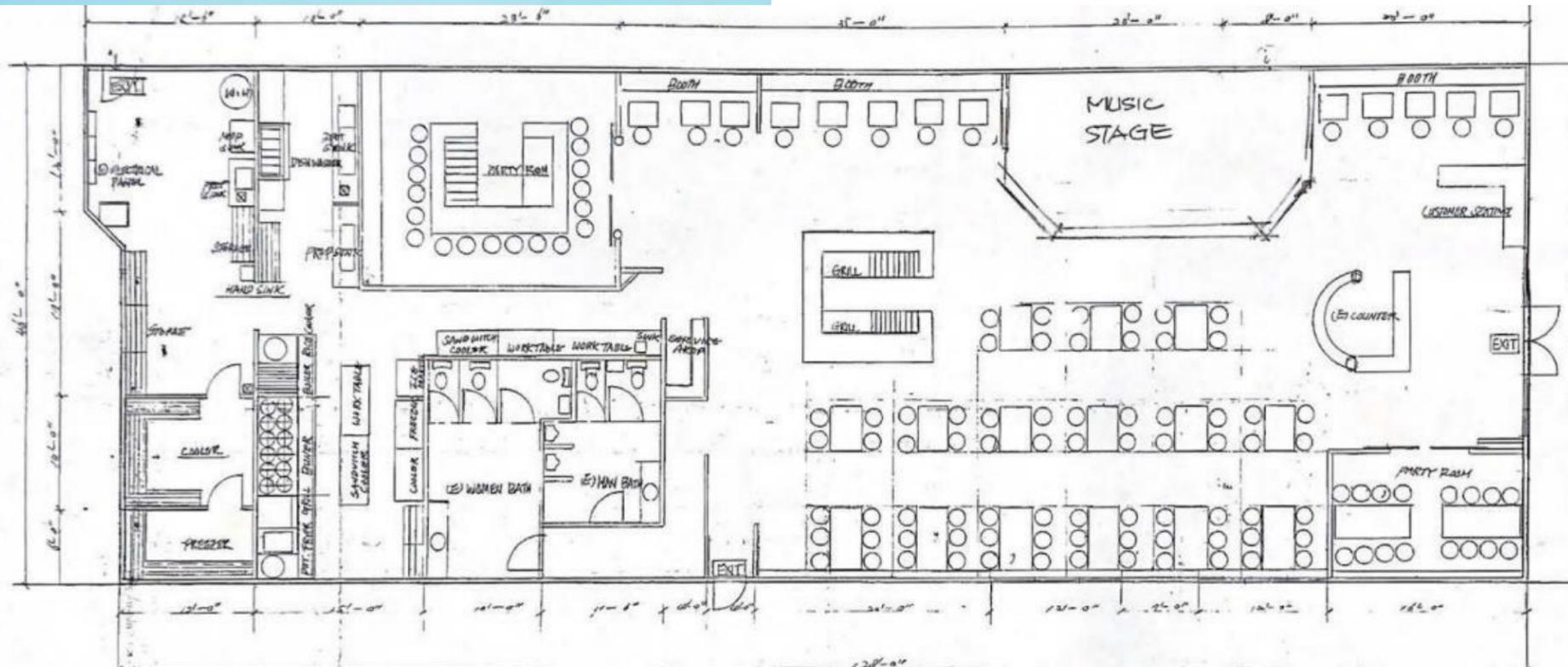
APPLICANT: NIGHTCO, EDDIE LU
REQUEST: RESTAURANT WITH LIVE ENTERTAINMENT
ZONING: NEIGHBORHOOD COMMERCIAL
CURRENT USE: EXISTING SHOPPING CENTER

*NMC 17.09.020 ZONING REQUIRES A CUP FOR LIVE ENTERTAINMENT

- ❖ Entertainment is defined as provision of participant or spectator entertainment to the General public.
- ❖ NightCo intends to feature individual singers on a rotating basis



CONCEPTUAL PROPERTY USE





Required Findings

NMC §17.35.060. CUP Findings

- 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.



CEQA

California Environmental Quality Act (CEQA)

A Class 1, Existing Facilities, Categorical Exemption relieves this project from the California Environmental Quality Act (CEQA) provisions. Per CEQA §15301(e)(2), environmental review is not required because:

- a. The proposed project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan; and
- b. The area in which the project is located is not environmentally sensitive.



Public Comments

NOISE CONCERNS

- To date staff has received six comments from the general public expressing concern with noise concerns
- The applicant has already committed to and is required as part of the CUP approval to incorporate soundproofing and insulation in the suite prior to opening the business
- In addition, the applicant will be held to the City's residential noise standards which limits noise level at any point outside of the property plane that exceeds 70 dBA between the hours of 7:00 a.m. and 9:00 p.m. or 60 dBA between the hours of 9:00 p.m. and 7:00 a.m.



RECOMMENDATION

Approve, by resolution, Conditional Use Permit based on the findings and MODIFIED conditions of approval provided in the Draft Resolution.

- 1. The remodel shall comply with Chapter 15.06, Security Code, of the Newark Municipal Code and Section 510, Emergency Responder Radio Coverage, of the California Fire Code.
- 2. The applicant shall take preventative measures so that proposed use abides by and always remains compliant with the City of Newark Noise Ordinance (NMC 17.24.100).
- 3. We would highly recommend installation of community safety cameras in common areas where customers and employees would be most susceptible to criminal activity. This would include the main dining area, parking areas, exterior pathways and exterior doors. The community safety cameras shall be operated, controlled and maintained in operating order by the individual owner, the Building Management or the Owners' Association.
- 4. The proposed front exterior wall leading to the main entrance shall provide an unobstructed and clear view into the establishment via the noted front window. This would assist in emergency lifesaving responses and efforts to provide security patrols of the premises by police personnel. Applicant is to maintain the window in question in a transparent manner and not affix any material that would obstruct view into the premises.



RECOMMENDATION

Approve, by resolution, Conditional Use Permit based on the findings and MODIFIED conditions of approval provided in the Draft Resolution.

- 5. No alcoholic beverages, of any kind, are allowed in public, on the grounds or the parking lot. Must follow all Local, State and Federal laws as well as any and all conditions placed by State of California Department of Alcoholic Beverage Control. Applicant shall notify the California Department of Alcoholic Beverage Control of any proposed changes to the premises to include boundaries, entrances and planned operation and secure written approval of the Department of Alcoholic Beverage Control.
- 6. The front and back door(s) shall be kept closed at all times during the operation of the premises except in cases of emergency and to permit deliveries. Said door(s) not to consist solely of a screen or ventilated security door. The rear doors of the premises shall be equipped on the inside with an automatic locking device and shall be closed at all times and shall not be used as a means of access by patrons to and from the licensed premises except in cases of emergency. Temporary use of these doors for delivery of supplies does not constitute a violation. Final condition to be inspected and approved by Alameda County Fire Marshall personnel.
- 7. When expected occupancy is to be in excess of 100 people, an unarmed, licensed uniformed security officer will be required. Two (2) security officers per 180 persons. Appropriate State of California Bureau of Security and Investigative Services licensing documentation shall be provided to the Newark Police Department.



QUESTIONS