



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, August 9, 2022

7:00 P.M.

**HYBRID IN-PERSON/VIRTUAL MEETING
REFER TO THE END OF THE AGENDA TO REVIEW
OPTIONS FOR PARTICIPATING IN THE MEETING REMOTELY OR IN-PERSON**

**IF YOU ATTEND THE MEETING IN PERSON, A FACE COVERING IS RECOMMENDED BUT NOT
REQUIRED.**

A. ROLL CALL

B. MINUTES

**B.1 Approval of Minutes of the regular Planning Commission meeting of July 12,
2022.**

(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 a Resolution recommending approval of a Conditional Use Permit (U2022-001), a temporary commercial entertainment use (i.e. Fear Overload Haunted House) located at 2086 NewPark Mall, Suite #1149 (APN 901-111-25)

(RESOLUTION)

F. STAFF REPORTS

G. COMMISSION MATTERS

G.1 Report on City Council actions.

H. PLANNING COMMISSIONER COMMENTS

I. ADJOURNMENT

HYBRID IN-PERSON/VIRTUAL MEETING NOTICE

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Assembly Bill 361(2021). Members of the public may attend the meeting in person, virtually via Zoom, or watch it via YouTube. If you attend the meeting in person, a face covering is recommended but not required.

Chair Becker, Vice Chair Fitts, and Commissioners Aguilar, Otterstetter, and Bogisich may be attending this meeting via teleconference. Teleconference locations are not open to the public. In the event that any members of the Planning Commission elect to attend this meeting via teleconference, all votes conducted during the teleconferencing session will be conducted by roll call vote.

How to view the meeting remotely:

Livestream online at YouTube: <https://www.youtube.com/channel/UC383NGSxaPwZP1IkJbo2T8A>
Copy/paste the YouTube URL into your browser if the link does not automatically open.

How to participate in the meeting remotely, via Zoom Webinar:

From a PC, Mac, iPad, iPhone or Android device: <https://us06web.zoom.us/j/84136763005>

From a telephone dial 1 669 900 6833, Webinar ID 844 9460 8889

Provide live, remote public comments when the Chairperson calls for comments. Use the raise your hand feature in Zoom to be called upon by the Secretary.

For frequently asked Zoom questions, please go to [Agendas and Minutes](#) and select the Frequently Asked Questions link.

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 use vulgar, profane, loud, or boisterous language that interrupts a 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, if time allows, at [Agendas and Minutes](#). 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, July 12, 2022

A. ROLL CALL

Chair Becker called the meeting to order at 7:00pm. Present were Vice-Chair Fitts, Commissioner Otterstetter and Commissioner Bogisich. Commissioner Aguilar was absent.

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of Tuesday, June 28, 2022

MOTION APPROVED

Vice-Chair Fitts moved, Commissioner Otterstetter seconded, to approve the Minutes of the regular Planning Commission meeting on June 28, 2022. The motion passed **4 AYES. 1 ABSENT.**

C. WRITTEN COMMUNICATIONS

None.

D. ORAL COMMUNICATIONS

None.

E. PUBLIC HEARINGS

E.1 Public hearing to consider a resolution recommending approval of conditional use permit U-2021-006 for the construction of a new monopole. The proposed monopole is

located at 35360 Fircrest Street (APN: 537-046-720). The subject site is zoned Business Technology Park (BTP) and has a General Plan Land-use designation of Special Industrial

MOTION APPROVED

Deputy Community Development Director (DCDD) Interiano provided an update on the project based on discussions from the last Planning Commission meeting. DCDD Interiano stated that from the last meeting this item was continued due to the project missing documentation to require the existing monopole to be taken down. DCDD Interiano stated that the current owner of the existing monopole is not part of the new CP application. He further explained that the current applicant, AT&T, provided documentation that Crown Castle, the owner of the existing monopole, is intending to decommission the existing monopole at the same time as the new monopole is being erected.

Chair Becker stated that the commission received the emails and letters in their agenda packet regarding this issue.

Chair Becker asked the Commission if anyone had any questions for staff.

None of the Commission members had any questions.

Chair Becker opened the public hearing.

No one from the public, present or via Zoom, requested to speak.

Chair Becker closed the public hearing.

Chair Becker asked if anyone had any comments or questions.

Vice Chair Fitts asked if the applicant had agreed to all the conditions of approval.

Chair Becker addressed the applicant and asked if he had read and agreed to the revised conditions of approval. The applicant responded that planning staff did revise the conditions of approval for the overlap of time on which both sides could be operational to prevent a gap in coverage. Applicant reiterated that they have read the conditions of approval and have agreed to them.

Chair Becker commented that there's no absolute guarantee that the pole is going to be removed. Chair Becker questioned what the City's options are should the owner of the existing monopole decides not to remove it, after the monopole has been removed and the new one has been installed.

DCDD Interiano explained that per the City's code, a monopole or telecommunications tower, as described on the City's zoning code, once it is decommissioned it is considered abandoned after 60 days. DCDD Interiano added that after 60 days that the equipment has been removed, then the City will follow up with the owner, Crown Castle, to remove the monopole, and work with them on its removal.

Chair Becker asked what would be the next step in case the monopole is not removed? DCDD Interiano responded that Code Enforcement gets involved.

Chair Becker requested a motion on the staff recommendation.

Staff Recommendation: Staff recommends that the Planning Commission approve, by resolution, Conditional Use Permit U-21-03, as requested by the project applicant, based on the findings provided in the staff report, Attachment 1- Draft Resolution.

Commissioner Otterstetter motioned to approve the staff recommendation.

Commissioner Bogisich seconded the motion.

Chair Becker requested Commissioners to vote.

Chair Becker announced the motion passed; 4 AYES- 1 ABSENT.

E.2 Hearing to Consider a Resolution recommending approval of an (1) a General Plan Amendment, (2) a Specific Plan Amendment, (3) a Design Review, (4) a Minor Use Permit, (5) a Density Bonus, (6) a Park Agreement Amendment, (7) a Dedication Agreement, (8) Alternative Means of Compliance to Payment of the Housing Impact Fee, (9) a Vesting Tentative Track Map, and (10) an Addendum to the Dumbarton Transit Orient Development Specific Plan Environmental Impact Report and also certifying that the previously approved EIR addresses all of the impacts of the proposed (11) FMC Willow and Grand Park Development to allow for face residential and commercial development at 8787 Enterprise Drive, with APNS 537-0852-001-08, 537-0852-002-02, and 092-01-00-005. Also, the City Council of the City of Newark is being asked to approve a resolution recommending adopting an ordinance amending the Official Zoning Map of the City of Newark for the property on 8787 Enterprise Drive.

MOTION APPROVED

CDDD Interiano stated that this project has been reviewed for quite some time and presented Mandy Kang from MP Group (Metropolitan Planning Group), who has been assisting as project manager for the project and would provide a presentation of the project details.

Mandy Kang, Project Manager, made a detailed presentation of the project proposal, history of the project, its location, design review and entitlements requested.

Chair Becker thanked Mandy Kang for the consolidated presentation and asked if there were any questions about the presentation.

Commissioners did not have any questions.

Chair Becker welcomed the applicant to provide a presentation.

The applicant made a presentation of the FMC Willow and Grand Park project.

Chair Becker thanked the applicant and asked if any of the Commissioners had any questions.

Commissioner Bogisich asked the applicant about a dog park for small and large dogs in the project. The applicant responded that there are two dog park areas: a separate large and a small dog park.

Vice Chair Fitts asked if the park will be fenced in or if there will be public access to the Hetch Hetchy easement. The applicant answered that the Hetch Hetchy will be off limits to the public and fenced in with a very sturdy retaining wall but see through on both sides.

Vice Chair Fitts mentioned the 8-foot masonry sound wall for the homes by the railroad track for sound deafening purposes.

Vice Chair Fitts expressed concern about the noise level in the amphitheater and asked if the City has any kind of noise mitigation level in that area, assuming that there will be musical events and other type of activities involving some kind of noise level.

Community Development Director (CDD) Steven Turner explained that once the City takes over the Park, there will be a variety of programs involving music and other recreational activities

programmed for that park, and the City's Parks and Community Services Department will monitor and control the noise level.

Chair Becker asked what the difference was, in the revised park agreement, between the "Grand Park delivery date, December 31, 2025," and the term "park delivery, July 3, 2028."

The applicant responded that due to a major underground work being done by USD, FMC could not have access to initiate the final park remediation until the USD work was completed, certified, and the easement was released. Since that work was completed this month, FMC is now working expeditiously finishing the remediation work, and the timing of the Grand Park will be about mid-2024, so the park should be done in 2025. The applicant further explained that the 2028 date was put in the agreement just in case they had some type of a delay.

Chair Becker asked staff if the 2028 date was the worst-case scenario. DCDD Interiano explained that the Park Delivery Date is the date the park parcel must be made available by FMC (property owner) for the developer (Lennar) to start construction of the park, and the Park Delivery is the delivery of the park with all constructions being completed before the City releases the bonds back to the applicant, which is the July 2028 date.

Chair Becker asked what the Mello-Roos of \$220 per year with an escalator is going to be used for which is written in the Community Finance Agreement. The applicant explained that the money will be used for landscaping and lighting maintenance of the site.

Chair Becker commented that his initial reaction of seeing the affordable housing built in one 6-story building gave him an uneasy feeling, but after looking at the design, and talking to staff he got more comfortable with it. The applicant reassured him that the construction of the affordable housing units will be indistinguishable from market rate materials from an affordable one.

Chair Becker inquired about the cost of the development of the 6-story building. The applicant replied that is about forty million dollars (\$40,000,000).

Chair Becker expressed his concerned about the reduction of the parking space because of the future transit station, that there will be units with three (3) bedrooms, two (2) bedrooms, families with kids, who all drive, and there will be ninety-one (91) units with ninety-one (91) parking spaces. Chair Becker stated that the reduction of parking space, and the transit station

not being active until a decade off, the units are inadequately parked and will impact the residential neighborhood areas and the streets. The applicant agreed with Chair Becker and explained to him that it is because of the size of the transit station.

Chair Becker asked about the 4-story buildings being built there. The applicant explained that those buildings are 3-story townhomes with a loft, and they will be built with more density to match the massing of the affordable housing building, and to give it a more urban feeling.

Chair Becker opened the public hearing.

Chair Becker asked the applicant if they have read all the conditions of approval and agreed to them. The applicant responded that they have read and agreed to all the conditions of approval. The applicant added that he still has a couple of things to discuss with DCDD Interiano on one condition regarding the P4 Cab and the Regional Board, but all the conditions are fine.

Chair Becker asked if anyone in the audience would like to speak on Item E.2. No one requested to speak on this item. Chair Becker asked if anyone was in Zoom. CDD Steven Turner announced that there was one speaker on Zoom: Edward Chu.

Edward Chu, resident, and homeowner in the Bayshore Community inside the development, had two questions. On his first question, he asked if there will be walking distance groceries stores built there, and his second question was if the City has considered putting buses along Willow Street or inside the development to provide closer transportation to residents before the transit station is built there.

Chair Becker acknowledged that the Commission received and reviewed the email Mr. Edward Chu sent them.

CDD Steven Turner explained that as part of the substantial change in land use from the Specific Plan, the City commissioned a study to see if would make sense to build commercial and retail spaces in the area. The results of the analysis came back that for amount of commercial space that was initially programmed into the vision of the Specific Plan will probably not be successful at that size, but for a lower size will likely be more successful. Based with that information and base on the information that the City took to counsel in Planning Commission at the join session, staff had the recommendation to move forward with the applicant's project. CDD Steven Turner commented that he is hopeful that the ground floor areas at the affordable housing

development will be successful and small enough to be neighboring serving. He also added that the City is looking for other opportunities within that area, and if there is a developer who believes that retail and additional commercial could be possible, the City is willing to support it and will work with them.

Chair Becker asked Mr. Edward Chu's second question.

CDD Steven Turner responded that the City needs to be patient since the Plan Bay Area 2050 will not be in this area for another 15 to 20 years. While this happens, the City wants to work with local shuttle providers, AC transit, to see if a park and ride or a similar high quality transit line can be placed in this area to allow for short term improvements.

Chair Becker mentioned that Mr. Edward Chu had a request if staff would be open to add some additional amenities such as a tennis court or a basketball court. Chair Becker commented that he had heard that there are fifty (50) amenities in the park. CDD Steven Turner replied that the Grand Park will be a visionary park for this area, and the City would like to accommodate as many users and facilities as possible, and make it flexible enough to meet the changing needs of the community. CDD Steven Turner added that the City departments will continue to work together to help program these spaces appropriately.

Chair Becker asked if anyone else in Zoom wished to speak. CDD Steven Turner responded there were no more participants.

Chair Becker closed the public hearing and brought it back to the Commission for any additional questions or comments.

Vice Chair Fitts asked if the park's design was unchangeable or if it was opened for comments to the public or residents on the final design. CDD Steven Turner responded that there could be some flexibility on the exact location and size of the amenities, but the expectations are that the amenities that are being proposed by the applicant are the ones that will be built. Vice Chair Fitts asked how the amenities were selected.

DCDD Interiano responded that the park design was verified back in 2018 with the FMC project, which is now called the Harbor Point Project. His understanding is that there was input by the City Council as to the location of the park and other comments. The amendments that are

proposed as part of this application have some additional improvements from the original plan, boundary changes and other minor amendments.

Chair Becker asked if there was recreation staff involved in those discussions. DCDD Interiano responded that the parks and community services director and parks managers provided feedback on the design and amenities.

Commissioner Otterstetter commented that the affordable housing being created in this project makes her very happy, but she is also worried about the parking. Commissioner Otterstetter noted that after the transit station is completed, she hopes to see a timed arrangement that will allow the residents to use the parking space. She also stated that she would prefer to see more two-bedroom arrangement given that the mix of one, two, and three bedrooms there is being targeted as a sort of an affordable housing. Lastly, Commissioner Otterstetter said that she had not seen the drawings or the drafts of the interior of the hub area created according to this proposal.

The applicant explained the hub space consists of a communal room that is utilized by the Willow residents and is funded and managed by the HOA. It is approximately 1,500 square feet in size, includes two bathrooms, a kitchen, a couch with a huge screen, and folding doors that open out to the Grand Park, making it a fantastic location for renting out, HOA meetings, and entertaining kids.

Commissioner Otterstetter asked clarification regarding the development of the high-rise parking space for the transit station and the source of money.

In response, CDD Steven Turner said that it seemed a little out of character for this site to create such a sizable parking structure. Given that the ridership is crucial, this station may be viewed as a local serving station rather than a regional station. Additionally, to make the transit line viable, there must be a balance between the requirements of the design and the local community. Commissioner Otterstetter commented that the parking garage would be a good location for any kind of overflow from people visiting that area as well.

Commissioner Fitts remarked that there is a large bus parking lot on Enterprise Drive that must have about 50 private commercial tech buses, so there is a lot of public transportation there that crosses the bay and should be able to be related to all the residents who live there by figuring out a special stop for that area, a source of outreach in that area.

Chair Becker proposed a simultaneous adoption of both resolutions. The resolutions, according to Chair Becker, are recommendations to the City Council and will therefore be submitted to the council for final approval.

Chair Becker requested a motion on the staff recommendation.

Staff Recommendation: Staff recommends that the Planning Commission recommends, by resolution, that the City Council, approve the following: (1) an Amendment to the General Plan, (2) an Amendment to the Bayside Newark Specific Plan, (3) a Zoning Map Amendment, (4) a Vesting Tentative Map, (5) a Design Review, (6) a Minor Use Permit, (7) a Density Bonus Incentive, (8) an Addendum to EIR (SC#2010042012), (9) a Transit Station Dedication Agreement, (10) an Alternate Means of Compliance to Payment of Housing Impact Fees, and (11) Grand Park Agreement Amendment for the FMC Willow and Grand Park project consisting of 279 residential units, 3,600 sf of retail, 91 affordable housing units and a 1,485 sf community building.

Vice Chair Fitts motioned to approve the staff recommendation.

Commissioner Bogisish seconded the motion.

Chair Becker requested Commissioners to vote.

The motion passed. 4 AYES and 1 ABSENT.

CDD Steven Turner thanked the participation and assistance of the City's planning team, the City staff, the contract Attorney John Goetz and Attorney Christine Crowl.

Chair Becker closed the public hearing.

F. STAFF REPORTS

None.

G. COMMISSION MATTERS

G.1 Report on City Council actions.

CDD Steven Turner stated there are no actions to report. However, CDD Steven Turner introduced Sofia Castillo as the newly hired Administrative Support Specialist, who is coming from the New Haven Unified School District, and will be replacing Lina Tran, who has been promoted to the Finance Department.

H. PLANNING COMMISSIONER COMMENTS

Commissioner Fitts questioned what the plan was for the Honeywell property located across the street from the transit station.

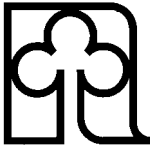
CDD Steven Turner answered that it has been a while since the City has received any official or preliminary applications for that location. He continued by saying that because the site is a part of the Bayside Newark TOD Specific Plan, it is subject to all the same rules and restrictions as other properties in the neighborhood. The effects of ponding water need to be assessed and taken into consideration before any form of development can be suggested or considered in that region because that area gathers water throughout the winter. CDD Steven Turner stated that it is a challenging site with regards to finding a reasonable project that is compatible and consistent with the analysis.

I. ADJOURNMENT

Chair Becker adjourned the regular Planning Commission meeting at 8:13 pm.

Respectfully submitted,

STEVEN TURNER
Secretary



- E. 1 Hearing to consider U2022-001, a Conditional Use Permit for a temporary commercial entertainment (i.e., Fear Overload Haunted House) at NewPark Mall located at 2086 Newpark Mall, Suite #1149 (APN 901-111-25). The subject site is zoned RC: Regional Commercial with a NewPark Place Specific Plan Overlay District and has a General Plan Land-Use designation of Regional Commercial – from Associate Planner Joseph Balatbat.**

(RESOLUTION)

Background/Discussion

The City has received an application for a Conditional Use Permit (CUP) to allow a temporary commercial entertainment (i.e., Fear Overload Haunted House) inside NewPark Mall located at 2086 Newpark Mall, Suite #1149. The proposed temporary use would be open on selected days for a total of 30-days from September 24, 2022, through November 5, 2022.

The project site is zoned RC: Regional Commercial with a NewPark Place Specific Plan Overlay District. The project site has a general plan designation of Regional Commercial and is bounded by Mowry Avenue, Cedar Boulevard, Balentine Drive, and Interstate 880 (Nimitz Freeway). Generally, the RC district is intended to support the large scale shopping facilities that includes a broad array of goods and services, including department stores, retail shops, restaurants, entertainment facilities, and similar uses which draw patrons from throughout Newark and the surrounding region.

Per [Newark Municipal Code \(NMC\) §17.08.020](#), a temporary use is subject to the standards set forth in [NMC §17.26.260](#). As stated in [NMC §17.26.260\(C\)](#), a temporary event that exceeds three consecutive days may be allowed with the approval of a CUP so long as they are not intended to extend longer than one month and they are determined to not impact neighboring uses or otherwise create significant impacts.

The project applicant, Nathan Polanco, Fear Overload LLC, is requesting Planning Commission approval of the CUP to allow for the temporary commercial entertainment use.

Project Context and Proposal

The proposed temporary use would occupy an existing 7,504 square foot tenant space (i.e., Suite #1149, which was formally occupied by Rasputin Records) inside NewPark Mall. The internal operation would consist of a walk-through attraction that would be filled with unique Halloween-related themes. The proposed temporary use would be operated by Fear Overload, LLC, and would be open on selected days for a total of 30-days from September 24, 2022, through November 5, 2022. The hours of operation would vary where certain days would open at 5:30 p.m., 6:00 p.m., and 7:00 p.m. and close at 9:00 p.m., 10:00 p.m., and 12:00 a.m.

The project applicants estimates that a total of 450 customers would attend on peak nights and a total of 200 customers would attend on non-peak nights. The number of employees would be

approximately 25 seasonal employees. On a given night, approximately 20 to 22 employees would be working. The estimated total number of people, both attendees and employees, to enter the building at one time would be 95 people. Per the Building Code and Fire Code standards, there are requirements on the maximum occupancy allowance within a building. As part of the Conditions of Approval (Attachment 3) from the Building Inspection Division and Alameda County Fire Department, the applicant is required to provide detailed occupancy load information for review to demonstrate compliance with the Fire Code and Building Code at the time of building permit and fire permit submittal.

The number of security guards, which consist of NewPark Mall security and the project applicant's security team, would vary with a minimum of 3 security guards on slow nights and 8 security guards on busy nights. The security guards and employees, who would be trained to act in response of an emergency, would make sure the haunted house attraction would operate in a safe and efficient manner.

NewPark Mall currently has a sufficient amount of parking spaces. Since the Sears building, which is about 144,000 square feet, is currently vacant, the parking area in front of the building is underutilized. Therefore, the mall would have a reasonable amount of parking available for the proposed temporary use. The attendees would be encouraged to park their vehicles along the southwestern side of the mall between 24 Hour Fitness and the former Sears building.

The project applicant is proposing interior improvements that include installing wood partition walls for the forming areas. No exterior improvements would be proposed. As part of the Conditions of Approval (Attachment 3), the applicant is required to address the conditions from the Building Inspection Division and Alameda County Fire Department, which includes submitting a building permit and fire permit for the proposed improvements. The project applicant has had an identical haunted house attraction at the San Leandro Bayfair Center. Since the San Leandro Bayfair Center is undergoing renovations, the project applicant is proposing to have the haunted house attraction at NewPark Mall.

Requested Entitlements

Pursuant to [NMC §17.26.260\(C\), Temporary Uses Requiring a Conditional Use Permit](#), a temporary event that exceed three consecutive days may be allowed with the approval of a CUP so long as they are not intended to extend longer than one month and they are determined to not impact neighboring uses or otherwise create significant impacts. 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 CUP 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 CUP findings for the proposed Project can be made in the affirmative and are provided in Attachment 3 of this report.

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.

Furthermore, the proposed Project is exempt from environmental review under State CEQA Guidelines [§15061\(b\)\(3\), Common Sense Exemption](#). CEQA Guidelines [§15061\(b\)\(3\)](#) states that a project is exempt from CEQA if: "The activity is covered by the common sense exemption that CEQA only applies to projects that 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."

Based on the Project plans and description, the proposed use is not expected to result in a physical change in the environment. The subject property is occupied by an existing commercial building which will be continued to be used as a commercial use. Approval of the requested CUP does not involve the expansion of the existing building, nor does it 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.

Action

Staff recommends that the Planning Commission approve, by resolution, Conditional Use Permit U2022-001, as requested by the project applicant, based on the findings provided in Attachment 3, Draft Resolution.

Attachment(s)

1. Exhibit A (Application with Project Description)
2. Exhibit B (Project Plans)
3. Draft Resolution
 - a. Exhibit A – Findings of Fact
 - b. Exhibit B – Conditions of Approval



City of Newark

APPLICATION FOR CONDITIONAL USE PERMIT

Please submit a completed application to the Planning Division.

INCOMPLETE APPLICATIONS SHALL NOT BE ACCEPTED.

1. Project Information	Project Name Fear Overload Haunted House	Property Address/Location Description 2086 Newpark Mall, Suite 1149 (inside Newpark Mall)
2. Applicant/ Owner	Name of Applicant/Contact Nathan Polanco	Name of Owner NewPark Mall, LP
	Street Address 3108 Chardonnay Dr	Street Address 2086 NewPark Mall
	City State Zip Pleasanton CA 94566	City State Zip Newark CA 94560
	Telephone # 925-470-0070 Fax #	Telephone # 510-931-5049 Fax #
	E-Mail Address nathancpolanco@gmail.com	E-Mail Address victoria.brodsky@bpretail.com
3. Applicant Status	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Tenant <input type="checkbox"/> Agent <input type="checkbox"/> Other	
4. Assessor Parcel #	901-111-25	
5. Site Size (Attach Legal Description)	Acres: not applicable Square Feet: 7503	
6. Current Land Uses	Identify the land uses located on-site and adjacent to the subject site (identify "all" uses that touch property on each boundary), such as grocery store, fruit farm, office, single family residential, etc.: SUBJECT SITE: Suite 1149 inside Newpark Mall NORTH: Remax Realty World SOUTH: Vacant EAST: Vacant WEST: 24 Hour Fitness	
7. Current Designation	General Plan Designation: Been vacant for over 5 years. Before it was a record store.	Zoning District:

8. Building Status	Existing Building(s) on the site? This is inside Newpark Mall	New Buildings Proposed? Haunted House
9. Proposed Use	An indoor haunted house that operates seasonally for approximately 33 days per year (30 days in Sept-Nov and 3 days in February). We plan to operate each year continuously until we are kicked out of our space (since we are on a month-to-month lease).	
10. Proposed Maximum Density (If applicable)	Less than 450 attendees per night.	
11. Proposed Maximum Intensity (If applicable)	(Square feet of existing and/or proposed buildings) Square footage of our suite is 7503 square feet.	
12. Proposed Maximum Height	(Measured from the ground up to the mid point of a sloped roof) The ceiling inside our space is 17 feet tall.	
13. Employees/Attendees (If applicable)	(For non-residential requests such as retail or churches) Expecting 25 seasonal employees and less than 450 attendees per night.	
14. Any previous approvals(PPR's?)	none	
15. Narrative	<p>Please provide a brief description of your request and the proposed project details: Fear Overload LLC is a haunted house attraction that will be inside a tenant space inside NewPark Mall. This for-profit attraction will be open for the local community to enjoy each October, as well as a few days each September, November, and February. Fear Overload LLC has put up this identical attraction in the San Leandro Bayfair Center. We will be moving to inside NewPark Mall because Bayfair Mall will be undergoing renovations.</p> <p>The attraction is generally open between the hours of 6pm and 10pm on most nights, and occasionally between the hours of 6pm and midnight on some peak Friday & Saturday nights.</p> <p>Security is very important to us as we will be secured by the NewPark Mall Security nightly as well as our own security team with a minimum 2 security guards nightly.</p> <p>Our General Admission pricing varies depending on the date of arrival. Our prices range from \$19.99 on our least expensive days, all the way to \$35.99 on our busiest days. We also sell Fast Pass Admission for an extra \$10, and Immediate Admission for an extra \$20. These admissions grant the customer less wait times.</p> <p>COVID PROTOCOLS: we follow the Alameda County Health Department COVID guidelines.</p> <p>NOISE: this haunted house is inside the interior of NewPark mall (the storefront is interior). Fear Overload will produce zero outdoor noise.</p>	

All applications shall require Planning Staff review prior to submittal.

- Incomplete applications and applications without appropriate backup information/justification will not be accepted and will not be considered to be officially submitted until the appropriate information is submitted.
- Petitions requiring review from other boards or commissions prior to being forwarded to the Planning Commission/City Council are not guaranteed placement on the schedule noted above.
- All meeting agendas will be posted on the City's web site and staff reports for the request can be obtained by contacting the Planning Division at (510) 578-4330.

OWNER AUTHORIZATIONS AND ACKNOWLEDGEMENT

1. I am the owner and/or legal representative of the owner of the property described, which is the subject of this application.
2. All answers to the questions in said application and all site plans and data attached to and made a part of this application are honest and true to the best of my knowledge and belief. By my signature below, I acknowledge that I have complied with all submittal requirements and that this request package is complete. I further understand that an incomplete application submittal may cause my application to be deferred.
3. Should this application be granted, I understand that any condition(s) imposed upon the granting of this request shall be binding to the owner, his heirs, and successors in title to possession of the subject property.
4. I understand that I must attend all applicable meetings and have been informed of the meeting date(s) and time(s). I understand that if I fail to appear at an applicable meeting, the appropriate Board or Commission may either table or deny the request.
5. I understand that my request if approved does not encumber provision of utility, road or other City infrastructure capacity. The analysis provided by staff of existing levels of service for public facilities and services in the vicinity of the parcel identified in this application is a non-binding analysis, and does not guarantee capacity will be available in the future or encumber/reserve capacity for any period of time.

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the City Council and Planning Commission on this topic to properly noticed public hearings or to written communication to the City Clerk's Office, 37101 Newark Blvd., CA 94560.

David Palomo, General Manager

 Applicant/Owner(Print)
David Palomo

 (Signature)

June 21, 2022

 (Date)
 June 21, 2022

 (Date)

FOR OFFICE USE ONLY	
DATE RECEIVED: _____	
ACCEPTED BY: _____	
PLANNING COMMISSION DATE & TIME: _____	CITY COUNCIL DATE & TIME: _____
TRAK-IT NUMBER: _____	

SUBMITTAL CHECKLIST

Please fill out the following and submit the documents to the Planning Department. Payment of fees does not ensure a favorable decision. Additional information may include documents initially waived at the pre-application meeting but subsequently determined necessary by staff.

1.	Complete Application and Fees	<input checked="" type="checkbox"/>
2.	Owner Authorization Form (If not the owner)	<input checked="" type="checkbox"/>
3.	Legal Description (From a certified survey) <small>Not Applicable</small>	<input type="checkbox"/>
4.	Certified Survey(If new construction) <small>Not Applicable</small>	<input type="checkbox"/>
5.	Conceptual Site Plan-8 Hard copies(24"X36"), 2 (11"X17"), 1 Electronic copy in PDF format.	<input checked="" type="checkbox"/>
6.	Names and addresses for all property owners within 300 feet of the subject property. <small>Will need help from Newark Planning getting these.</small>	<input type="checkbox"/>
7.	Pre-Application Meeting Held – Date: Staff in Attendance:	<input type="checkbox"/>

THE CONCEPTUAL SITE/SUBDIVISION PLAN SHALL INCLUDE THE FOLLOWING:

1.	Conceptual plans - layout of parking areas, driveway entrances, green areas, conservation areas, bike ways, parks, public facilities and such other amenities.	<input checked="" type="checkbox"/>
2.	Population densities, building intensities and/or building height(s). <small>Not Applicable</small>	<input type="checkbox"/>
3.	Any proposed reservation or dedication of land for public purposes. <small>Not Applicable</small>	<input type="checkbox"/>
4.	Listing of amount of parking spaces needed for the requested use and the amount currently on site, if applicable <small>Occupant load is 240 for our recreational/assembly use. There are thousands of parking spaces at Ne</small>	<input type="checkbox"/>
5.	100-year Flood Zone for all sites outside the X floodplain. <small>Not Applicable</small>	<input type="checkbox"/>
6.	Colored elevations of all dissimilar sides of models and/or buildings. <small>Not Applicable</small>	<input type="checkbox"/>
7.	A completed Form "H" (Environmental Information Form) as required by State and local environmental laws. <small>Not Applicable</small>	<input type="checkbox"/>
8.	Floor plans of different models and/or buildings showing windows & doors around perimeter and interior of buildings. <small>Not Applicable</small>	<input type="checkbox"/>
9.	Other:	<input type="checkbox"/>

Applicant/Owner Signature



Date

June 22nd, 2022

Fear Overload Haunted House Supplementary Information

Fear Overload Haunted House is a haunted house that is open for approximately 30 days every year (mostly in October, but with a few dates in September and November each year).

In 2022, the dates of operation will be:

Sep 24 th [7p-10p]	Oct 19 th [7p-10p]
Sep 30 th [7p-10p]	Oct 20 th [7p-10p]
Oct 1 st [7p-10p]	Oct 21 st [6p-12a]
Oct 2 nd [6p-9p]	Oct 22 nd [5:30p-12a]
Oct 6 th [7p-10p]	Oct 23 rd [6p-9p]
Oct 7 th [7p-10p]	Oct 24 th [7p-10p]
Oct 8 th [7p-10p]	Oct 25 th [7p-10p]
Oct 9 th [6p-9p]	Oct 26 th [7p-10p]
Oct 10 th [7p-10p]	Oct 27 th [7p-10p]
Oct 12 th [7p-10p]	Oct 28 th [5:30p-12a]
Oct 13 th [7p-10p]	Oct 29 th [5:30p-12a]
Oct 14 th [7p-12a]	Oct 30 th [6p-10p]
Oct 15 th [6p-12a]	Oct 31 st [5:30p-12a]
Oct 16 th [6p-9p]	Nov 4 th [7p-10p]
Oct 18 th [7p-10p]	Nov 5 th [7p-10p]

Fear Overload Haunted House estimates an attendance of up to 450 customers on peak nights.

Fear Overload Haunted House estimates an employee count of 25 seasonal employees who are employed during the Halloween season and during February. Fear Overload does not plan to have any full time employees while not in operation.

Tickets are purchased online only, and so when customers arrive, we simply scan their tickets at the entrance, and the customer then walks directly into the haunted house.

Security & Safety:

Overview:

We employ security guards with guard-cards who are stationed throughout the line and inside the haunted house. All of our management and guards are connected via walkie-talkies. On very slow nights, we will have a minimum of 3 security guards. On busy nights, we may have as many as 8 security guards.

Bag-Check:

Upon arrival to the haunted house, we perform a bag-check, where we look at the bags carried by customers to ensure that they are not carrying any disallowed items, which includes E-cigarettes, lighters, pocket knives, or weapons of any kind.

Rules/Warning Signage Throughout:

Patrons will come into contact with our rules & warning signs at least two times during their visit. One of which is on their ticket. And a second one is at the entrance to the haunted house. Our rules include no running, no smoking, no eating, no drinking, no touching actors or props, and more. Patrons are informed that if they violate our rules that they may be either issued a warning or escorted from the haunted house.

COVID Protocols:

We follow all local and state regulations set by Alameda County and California.

Staff Training:

All actors and staff are trained beforehand with the following:

- a.) How to operate a fire extinguisher and their locations.
- b.) Where all of the emergency exits are, and how to best escort guests if there is an emergency.
- b.) What to do in case of an emergency (fire, security, power outage, etc)
- c.) What to do if there were to be a belligerent customer (call security).
- d.) What to do if there were to be a medical emergency.



Address: 7812 Vassar Avenue
 Canoga Park, CA 91304
 Phone: (661) 803-7837, (661) 522-2282
 E-mail: contact@damasceng.com
 Website: www.damasceng.com

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DESIGNER'S SIGNATURE



No.	Description	Date

2086 NEWPARK MALL.
 NEWARK, CA 94560

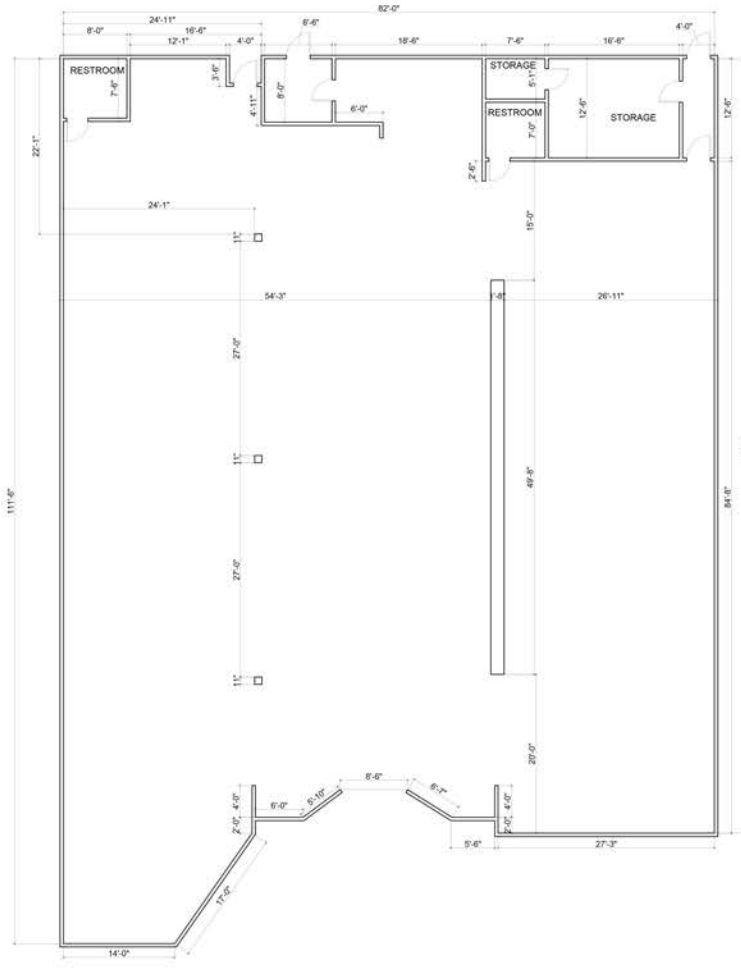
TENANT IMPROVEMENT
 FOR FEAR OVERLOAD LLC

EXISTING FLOOR
 PLAN AND SITE PLAN

Project Number: 2022-6
 Date: 20 JUNE, 2022
 Drawn By: -
 Checked By: -

A100

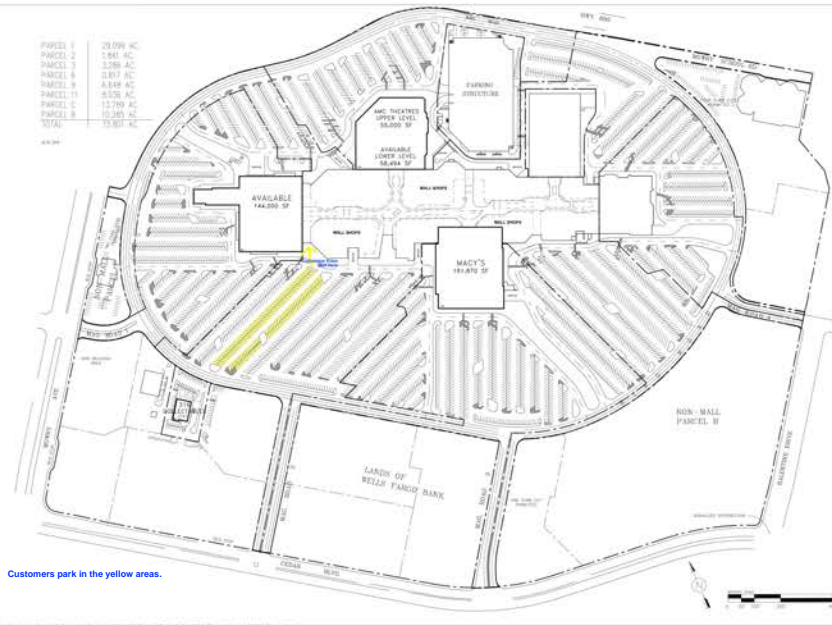
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EXISTING FLOOR PLAN
 SCALE 1/8" = 1'-0"

SCOPE OF WORK
 INSTALL WOOD WALLS FORMING AREAS
 IN SUITE 1149 FOR HAUNTED HOUSE.

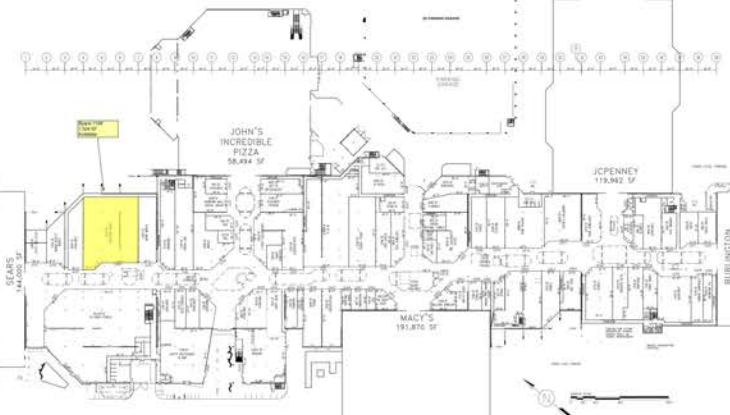
PARCEL 1	20,099 AC.
PARCEL 2	1,561 AC.
PARCEL 3	1,378 AC.
PARCEL 4	2,877 AC.
PARCEL 5	14,808 AC.
PARCEL 11	8,558 AC.
PARCEL 12	13,709 AC.
PARCEL 13	10,281 AC.
TOTAL	78,361 AC.



Customers park in the yellow areas.

EXISTING SITE PLAN - FOR REFERENCE ONLY
 SCALE: N.T.S.

Brookfield Properties
NEWPARK MALL
 2086 NEWPARK MALL
 NEWARK, CALIFORNIA 94560
 SHEET NO. **SP1**
 DATE: JUN 2022



EXISTING LEASE PLAN - FOR REFERENCE ONLY
 SCALE: N.T.S.

Brookfield Properties
NEWPARK
 2086 NEWPARK MALL
 NEWARK, CALIFORNIA 94560-2011
 SHEET NO. **LP1**
 DATE: JUN 2022

CBC 411 REQUIRES LOW LEVEL EXIT SIGNS AND EXIT PATH MARKING FOR MAZES. THE DIRECTIONAL SIGNS USED AS EXIT PATH MARKING SHALL HAVE EXTERNAL ILLUMINATION. WHEREVER THERE IS A LIT "HIGH LEVEL" EXIT SIGN THERE SHALL ALSO BE A LOW LEVEL EXIT SIGN. THE HIGH AND LOW LEVEL EXIT SIGNS CAN BE INTERNALLY OR EXTERNALLY ILLUMINATED. THE DIRECTIONAL PATH MARKING SIGNS SHALL BE MOUNTED NO HIGHER THAN 8 INCHES OFF THE FLOOR. THE LOW LEVEL EXIT SIGNS SHALL BE MOUNTED SO THE BOTTOM OF THE SIGN IS NOT LESS THAN 6 INCHES OR MORE THAN 8 INCHES ABOVE THE FLOOR.

SCOPE OF WORK
INSTALL WOOD WALLS FORMING AREAS
IN SUITE 1149 FOR HAUNTED HOUSE.

ILLUMINATION: ILLUMINATION DURING OPERATION TO BE MINIMUM OF 0.2 FOOT CANDLE, (2.15 LUX). WHEN FIRE ALARM IS ACTIVATED, THE ILLUMINATION LEVEL IS MINIMUM OF 1 FOOT-CANDLE, (11 LUX). CHANGE IS ILLUMINATION IS PROVIDED MANUALLY BY AN OPERATOR(S) STATIONED IN SWITCH ROOM THROUGHOUT OPERATION HOURS. ONE SWITCH THAT SHUTS-OFF OPERATION LIGHT & TURN ON COMPLETE EMERGENCY SYSTEM WILL BE INSTALLED.



Damascene Structural Engineering

Address: 7812 Vassar Avenue
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DESIGNER'S SIGNATURE



[Handwritten Signature]

No.	Description	Date

2086 NEWPARK MALL.
NEWARK, CA 94560

TENANT IMPROVEMENT
FOR FEAR OVERLOAD LLC

TENANT
IMPROVEMENT
PLAN

Project Number: 2022-6

Date: 20 JUNE, 2022

Drawn By: -

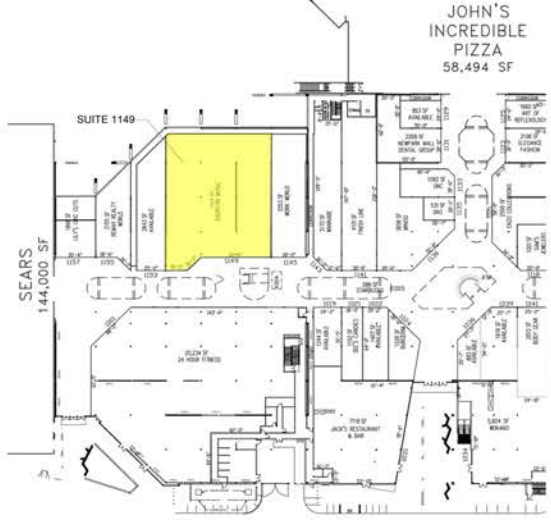
Checked By: -

A101

Scale: 1/4" = 1'-0"

GENERAL NOTES

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE 2019 EDITIONS OF THE "CALIFORNIA RESIDENTIAL CODE", "CALIFORNIA BUILDING CODE", "CALIFORNIA FIRE CODE", "CALIFORNIA PLUMBING CODE", "CALIFORNIA MECHANICAL CODE", "CALIFORNIA ELECTRICAL CODE", "TITLE 24 ENERGY COMPLIANCE", CALL GREEN AND THE LATEST EDITION OF LOCAL CODES AND ORDINANCES WHICH APPLY.
- PRIOR TO COMMENCING CONSTRUCTION, THE CONTRACTOR SHALL REVIEW ALL DRAWINGS SUPPLIED BY THE ARCHITECT, VERIFY ALL SITE CONDITIONS AND DIMENSIONS AND NOTIFY ARCHITECT OF ANY DISCREPANCY FOUND.
- ALL WORK SHALL BE PLUMB, LEVEL, AND SQUARE.
- TYPE OF CONSTRUCTION: II-B
- OCCUPANCY: A-3
- TOTAL OCCUPANT LOAD: 240
- AUTOMATIC FIRE SPRINKLERS EXIST.

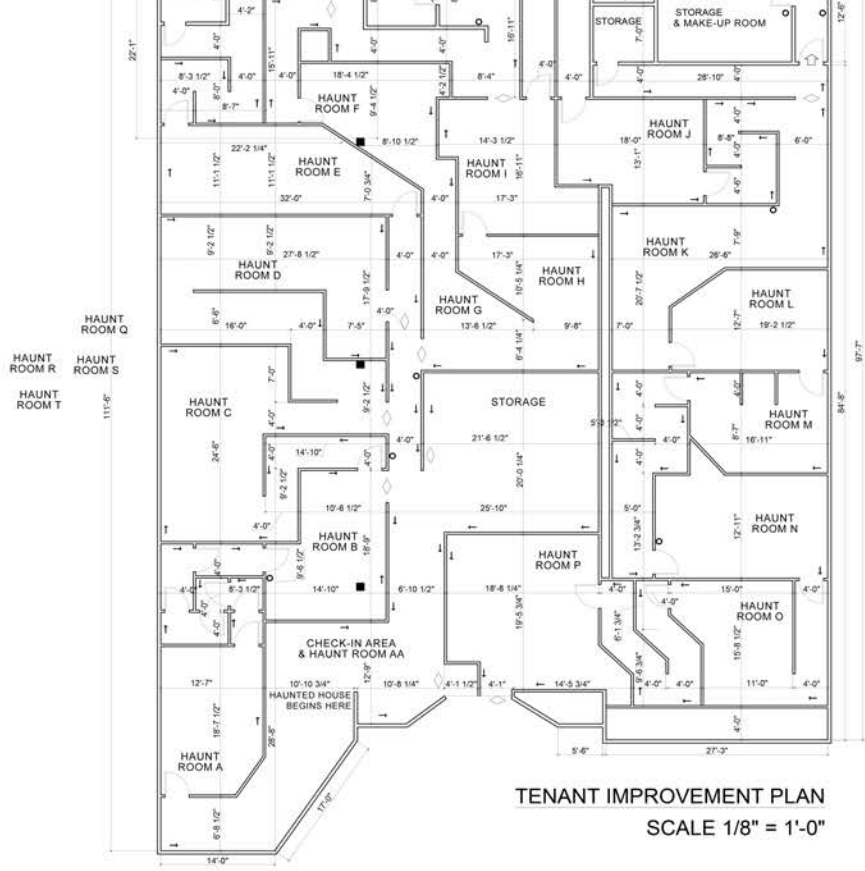


LOCATION IN NEWPARK MALL

THE SPACE HAS AN EXISTING FIRE ALARM SYSTEM THROUGHOUT WITH SMOKE DETECTORS AND SPEAKER/STROBE. THERE ARE NO CHANGES TO THE PLANS.

THE SPACE HAS EXISTING SPRINKLER SYSTEM.

EMERGENCY VOICE/ALARM COMMUNICATION SYSTEM IS REQUIRED IN ACCORDANCE WITH SECTION 907.2.12.3 OF THE 2019 CALIFORNIA FIRE CODE.



TENANT IMPROVEMENT PLAN
SCALE 1/8" = 1'-0"

NOTES

- 18" clear distance from strike side, TYP.
- Maze corridor width to be 48" TYP.
- At all turns in the maze, provide 48" clearance @ Turns TYP.


ABBREVIATION & LEGEND

- (E) EXISTING, (EP) EMERGENCY PASSAGE: UON UNLESS OTHERWISE NOTED
- ILLUMINATED EXIT SIGN WITH BATTERY BACK UP AND EMERGENCY LIGHT HIGH AND LOW. LOW LIGHTS ARE EXTERNALLY ILLUMINATED.
- EXTERNALLY ILLUMINATED DIRECTIONALLY EXIT SIGN WITH ARROW. LOCATE WHERE DRAWN ON PLAN @ 6" MIN. ABOVE FLOOR.
- PORTABLE FIRE EXTINGUISHER LOCATED EVERY 75 FEET MAXIMUM. EXTINGUISHER TYPE SHALL BE "2A10BC"
- EXISTING EXIT DOOR WITH PANIC HARDWARES AND ILLUMINATED SIGN. FIELD VERIFY IF SIGN IS LOCATED AT HIGH AND LOW POSITION. IF MISSING, INSTALL ONE THAT IS MISSING.
- DOOR IN MAZE TO BE MIN. WIDTH OF 3'-0" & MIN. HEIGHT OF 6'-8". THESE DOORS ARE NOT TO HAVE LOCKS & LATCHES. PLACE PULL HARDWARE MOUNTED AT 34" TO 48" ON NON SWING DIRECTION. PROVIDE EXTERNALLY ILLUMINATED OR PHOTO LUMINESCENT EXIT SIGN ABOVE DOOR & MOUNTED SUCH THAT BOTTOM OF SIGN IS WITHIN 6" OF DOOR.

ALL MECHANICAL AND ELECTRICAL EQUIPMENT SHALL HAVE A UL DESIGN LISTING NUMBER. ANY EQUIPMENT NOT LISTED WILL BE REQUIRED TO BE FIELD TESTED AND CERTIFIED BY AN APPROVED TESTING AGENCY. IT IS THE RESPONSIBILITY OF THE OWNED AND HIS DESIGN/CONSTRUCTION TEAM TO NOTIFY THE BUILDING DEPARTMENT IS FIELD TESTING IS REQUIRED FOR ANY EQUIPMENT WITHOUT A UL OR EQUIVALENT LISTED LABEL APPROVED BY THE NEWARK BUILDING DEPARTMENT. PROOF OF EQUIPMENT CERTIFICATION WILL NEED TO BE SUBMITTED AND APPROVED BEFORE A CERTIFICATE OF OCCUPANCY CAN BE ISSUED.

1) EXIT SIGN IN BRAILLE. SIGN SIZE TO BE A MINIMUM OF 3' X 11 1/2" TALL. CENTER LINE OF SIGN TO BE 5'-0" ABOVE FLOOR. LOCATE SIGNS WHERE SHOWN ON PLAN.

Certificate of Flame Resistance



**REGISTERED FABRIC
OR
CONCRETE NUMBER
GA-207**

ISSUED BY
COIT DRAPERY CLEANERS
387 HINDLEY ROAD
BURBANK, CALIFORNIA
342-8923 • 362-3518

Date tested or
modification
8/19/10

This is to certify that the materials described on this Certificate have been flame-retardant treated (or are inherently nonflammable).

FOR FEAR OVERLOAD ADDRESS 1555 E 14th St Ste 501
CITY SAN LEANDRO STATE CA 94577-4806

Certification is hereby made that (Check "a" or "b")


(a) The articles described on this Certificate have been treated with a flame-retardant chemical approved and registered by the State Fire Marshal and that the application of said chemical was done in conformance with the text of the State of California and the Rules and Regulations of the State Fire Marshal.

Name of chemical used FLAMORT CP/CLASS A Chem Reg No. C4.15/6-3
Method of application POWER SPRAYED

(b) The articles described on this Certificate are made from a flame-resistant fabric or material registered and approved by the State Fire Marshal for such use.
Trade name of flame-resistant fabric or material used _____

The Flame Retardant Process Used WILL Be Removed By Washing _____

CONTROL NO. <u>B-368583</u>	RAW WOOD 450 PIECES 8 4X8
CUSTOMER ORDER NO. <u>B-368583</u>	PLY WOOD 600 PIECES 8 2X3
CUSTOMER INVOICE NO. <u>B-368583</u>	971 MISCELLANEOUS ITEMS
YARDS OR QUANTITY <u>SEE ACROSS</u>	COTTON NETS, SHIRTS, PAINTS,
COLOR <u>MISCELLANEOUS</u>	SHEETS, SOPAS, CHAIRS, DOORS,
SOLUTION TYPE <u>SEE ACROSS</u>	PILLOWS, SOFAS, WOOD PLANKS,
DATE PROCESSED <u>8/20/10</u>	MATRESS, SHOES, HATS, DOLLS,
	WOOD COLUMNS, ETC.

By  _____
ED GLINDEN COMMERCIAL MANAGER

REQUIRED FIRE INSPECTIONS

PLEASE PROVIDE TWO WORKING DAYS NOTICE FOR INSPECTION REQUESTS. INSPECTIONS MAY BE SCHEDULED BY CALLING YOUR LOCAL FIRE PREVENTION OFFICE. THE FOLLOWING INSPECTIONS SHALL BE OBTAINED FROM THE FIRE PREVENTION BUREAU:
WELD (IF SPRINKLER MODIFICATIONS)
OVERHEAD INSPECTION OF FIRE SYSTEMS PRIOR TO COVERING (IF FIRE SPRINKLER MODIFICATIONS). FINAL INSPECTION PRIOR TO OCCUPANCY/PERMIT FINAL.

DEFERRED SUBMITTALS
FIRE SPRINKLER MODIFICATIONS
FIRE ALARM MODIFICATIONS
FIRE MONITORING SYSTEM MODIFICATIONS

EXISTING FIRE SPRINKLER SYSTEMS - MODIFICATIONS (SECTION 901 OF THE 2011 CALIFORNIA FIRE CODE, SECTION 22.1.1 OF NFPA 13-2019 EDITION.)
SPRINKLER SYSTEM SHALL BE MODIFIED AS NECESSARY TO PROVIDE PROTECTION FOR ALL TENANT IMPROVEMENTS.

- a. SPRINKLER PLANS (DEFERRED SUBMITTAL ITEM). SUBMIT DETAILED MECHANICAL DRAWINGS OF ALL SPRINKLER MODIFICATIONS, INCLUDING CUT SHEETS, LISTING SHEETS AND CALCULATIONS TO THE FIRE DEPARTMENT FOR APPROVAL AND PERMIT PRIOR TO INSTALLATION. ALL SPRINKLER SYSTEM COMPONENTS SHALL REMAIN IN COMPLIANCE WITH THE APPLICABLE N.F.P.A. 13 STANDARD, THE CA FIRE CODE AND THE CA BUILDING CODE.
- b. 5-YEAR CERTIFICATION. IF THE EXISTING FIRE SPRINKLER SYSTEM DOES NOT HAVE A CURRENT 5-YEAR CERTIFICATION, SUCH WILL NEED TO BE OBTAINED AND ALL DEFICIENCIES CORRECTED PRIOR TO PROJECT FINAL. IF IT HAS A CURRENT 5-YEAR CERTIFICATION, COPIES OF THE LAST 4 QUARTERLY REPORTS WILL NEED TO BE PROVIDED TO THE FIRE INSPECTOR PRIOR TO FINAL FOR REVIEW.

MONITORING REQUIREMENTS FOR EXISTING FIRE SPRINKLER SYSTEMS (SECTIONS 901, 903, 4 OF THE 2019 CALIFORNIA FIRE CODE LOCAL ORDINANCES)

- c. APPROVED SUPERVISING STATION. AUTOMATIC FIRE EXTINGUISHING SYSTEMS WITHIN BUILDING SHALL HAVE ALL CONTROL VALVES AND FLOW DEVICES ELECTRICALLY SUPERVISED AND MAINTAINED BY AN APPROVED SUPERVISING STATION. ZONING AND ANNUNCIATION OF SUPERVISING STATION ALARM SIGNALS SHALL BE SUBMITTED TO THE FIRE DEPARTMENT FOR APPROVAL.
- d. MONITORING SYSTEM PLANS (DEFERRED SUBMITTAL ITEM). IF IT IS NECESSARY TO INSTALL A FIRE ALARM MONITORING SYSTEM OR MODIFY AN EXISTING SYSTEM IN ORDER TO OBTAIN A CERTIFICATED OR PLACARDED ACCOUNT, PLANS AND SPECIFICATIONS SHALL BE SUBMITTED TO THE FIRE DEPARTMENT FOR REVIEW AND APPROVAL OF THE INSTALLATION OR MODIFICATIONS.

FIRE ALARM (DETECTION) SYSTEM MODIFICATIONS (SECTIONS 901, 907.1.1 AND 907.1.2 OF THE 2019 CALIFORNIA FIRE CODE, SECTION 10.1.1 OF NFPA 72-2013 EDITION, LOCAL ORDINANCES)

THE FIRE ALARM SYSTEM SHALL BE MODIFIED AS NECESSARY TO PROVIDE PROTECTION FOR ALL TENANT IMPROVEMENTS AS REQUIRED BY NFPA 72 FOR FULL PROPERTY PROTECTION COVERAGE, INCLUDING COMBUSTIBLE CONCEALED SPACES. IF THE SYSTEM ALSO SERVES AS AN EVACUATION SYSTEM, COMPLIANCE WITH THE HORN-STROBE REQUIREMENTS THROUGHOUT THE SPACE WILL BE NECESSARY.

- a. FIRE ALARM PLANS (DEFERRED SUBMITTAL ITEM). SUBMIT DETAILED DRAWINGS OF ALL FIRE ALARM MODIFICATIONS, INCLUDING CUT SHEETS, LISTING SHEETS, AND VOLTAGE & BATTERY CALCULATIONS TO THE FIRE DEPARTMENT FOR REVIEW AND PERMIT PRIOR TO INSTALLATION. ALL FIRE ALARM SYSTEM COMPONENTS SHALL REMAIN IN COMPLIANCE WITH NFPA 72, THE CA FIRE CODE AND THE CA BUILDING CODE.
- b. APPROVED SUPERVISING STATION. AUTOMATIC FIRE ALARM SYSTEMS SHALL BE MONITORED BY AN APPROVED SUPERVISING STATION. ZONING AND ANNUNCIATION OF SUPERVISING STATION ALARM SIGNALS SHALL BE SUBMITTED TO THE FIRE DEPARTMENT FOR APPROVAL. QUALIFIED PERSONNEL THE SYSTEM SHALL BE INSPECTED, TESTED, AND MAINTAINED IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 14 OF NFPA 72. ONLY QUALIFIED AND EXPERIENCED PERSONS SHALL PERFORM THIS WORK. EXAMPLES OF QUALIFIED INDIVIDUALS ARE THOSE WHO HAVE BEEN FACTORY TRAINED AND CERTIFIED OR ARE NICET FIRE ALARM CERTIFIED.
- c. INSPECTION & TESTING DOCUMENTATION. UPON FINAL INSPECTION, PROOF THAT THE ENTIRE SYSTEM HAS BEEN INSPECTED AND TESTED IN ACCORDANCE WITH NFPA 72 MUST BE PROVIDED ALONG WITH A COPY OF THE MAINTENANCE CONTRACT OR OTHER ACCEPTABLE DOCUMENTATION SHOWING THAT THE SYSTEM WILL CONTINUE TO BE MAINTAINED, TESTED AND INSPECTED IN ACCORDANCE WITH NFPA 72.



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DESIGNER'S SIGNATURE





No.	Description	Date

**2086 NEWPARK MALL.
NEWARK, CA 94560**

**TENANT IMPROVEMENT
FOR FEAR OVERLOAD LLC**

**FLAME
RESISTANCE**

Project Number: 2022-6

Date: 20 JUNE, 2022

Drawn By: -

Checked By: -

A102

Scale: 1/4" = 1'-0"

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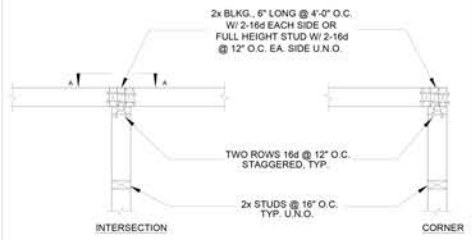
2086 NEWPARK MALL.
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TENANT IMPROVEMENT
FOR FEAR OVERLOAD LLC

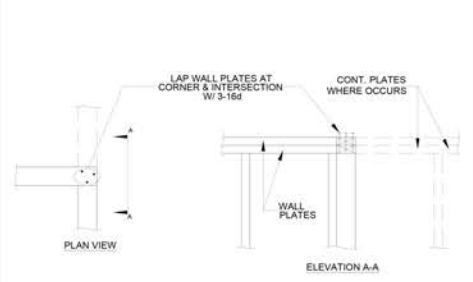
BRACING PLAN & DETAILS

Project Number: 2022-6
Date: 20 JUNE, 2022
Drawn By: -
Checked By: -

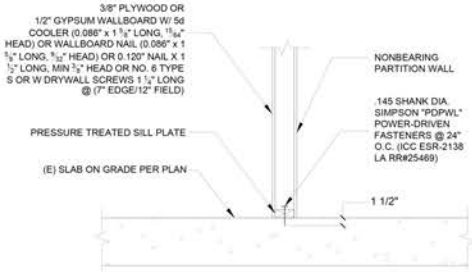
Scale: A103
1/4" = 1'-0"



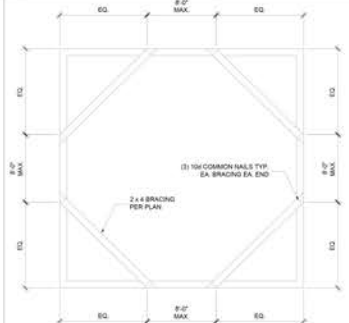
1. TYP. PLAN VIEW OF WOOD W/ CORNER AND INTERSECTION FRAMING
SCALE: 1" = 1'-0"



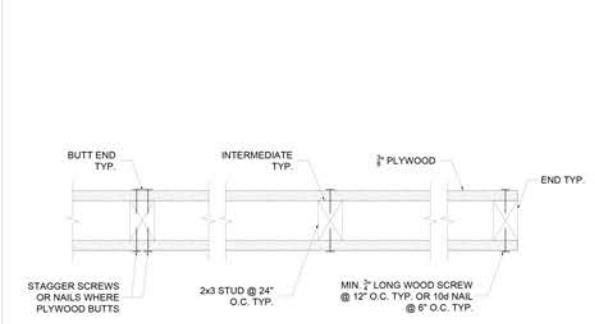
2. TYP. NON BEARING PARTITION
SCALE: 1" = 1'-0"



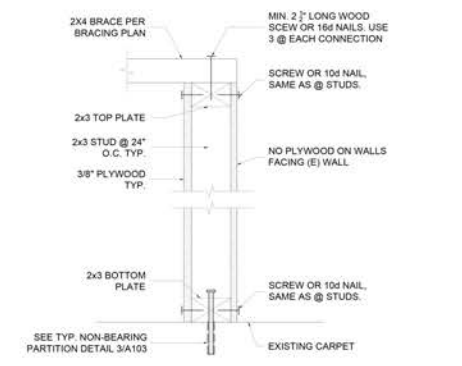
3. TYP. NON BEARING PARTITION
SCALE: 1" = 1'-0"



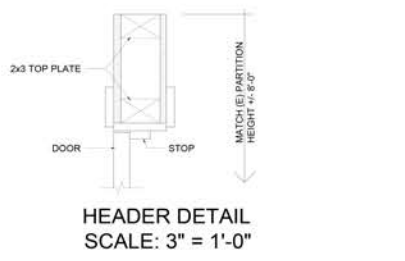
4. BRACING TYP. PLAN
SCALE: 1/2" = 1'-0"



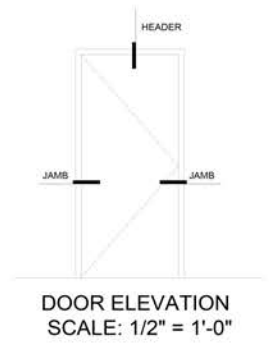
5. PLAN OF WALL PARTITION
SCALE: 3" = 1'-0"



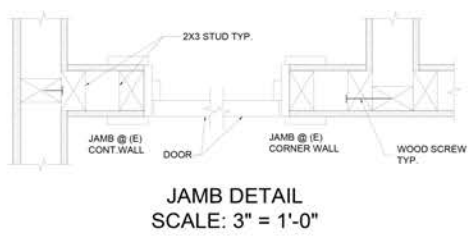
6. PARTITION SECTION
SCALE: 3" = 1'-0"



HEADER DETAIL
SCALE: 3" = 1'-0"



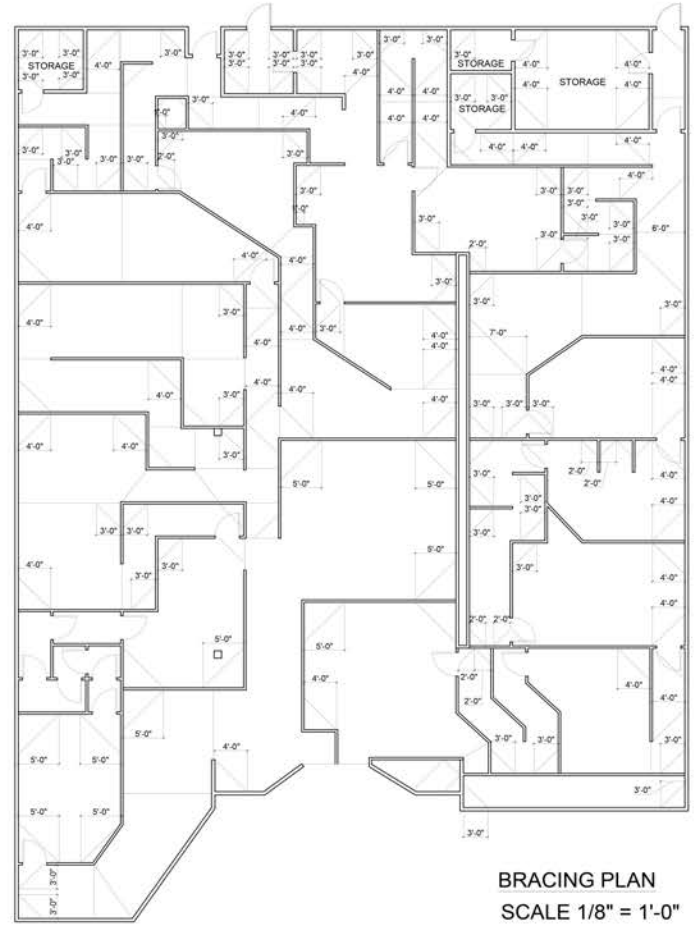
DOOR ELEVATION
SCALE: 1/2" = 1'-0"



JAMB DETAIL
SCALE: 3" = 1'-0"

7. TYPICAL DOOR FRAME DETAILS

ALL MATERIALS INCLUDING PARTITIONS (PLYWOOD & FRAMING MEMBERS) DECORATIVE MATERIALS & OTHER PERTINENT ITEM SHALL BE FIRE RETARDANT TREATED WITH APPROVED MATERIAL(S) & TREATED BY A CALIFORNIA SFM LICENSED APPLICATOR.



BRACING PLAN
SCALE 1/8" = 1'-0"

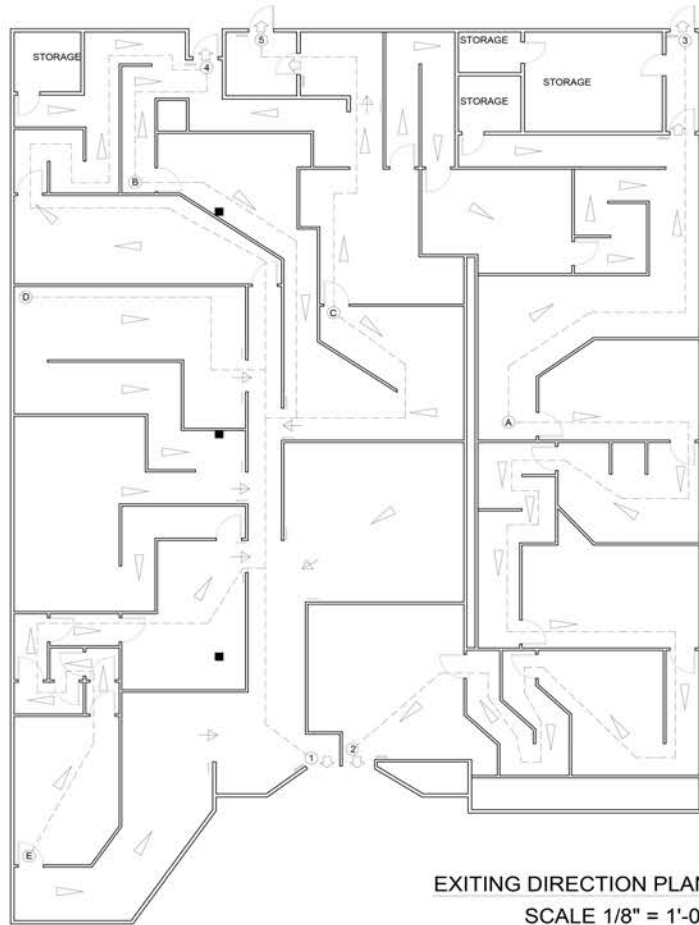
LEGEND

- ➔ FROM TENANT SPACE TO BUILDING CORRIDOR
- ➔ FROM MAZE AREA TO EXIT CORRIDOR
- ▽ WITHIN AREA DIRECTION
- PLACE TACTILE EXIT SIGN WITH WORDS "EXIT ROUTE"
- PLACE TACTILE EXIT SIGN WITH WORDS "TO EXIT" IF NONE EXISTING

DISTANCE TO EXIT FROM MOST REMOTE POINT

- | | | |
|---------------|---------------|---------------|
| A — 2 180'-3" | B — 1 91'-4" | C — 1 78'-1" |
| A — 3 62'-10" | B — 4 21'-5" | C — 5 46'-10" |
| D — 1 87'-9" | E — 1 100'-4" | |
| D — 4 131'-7" | | |

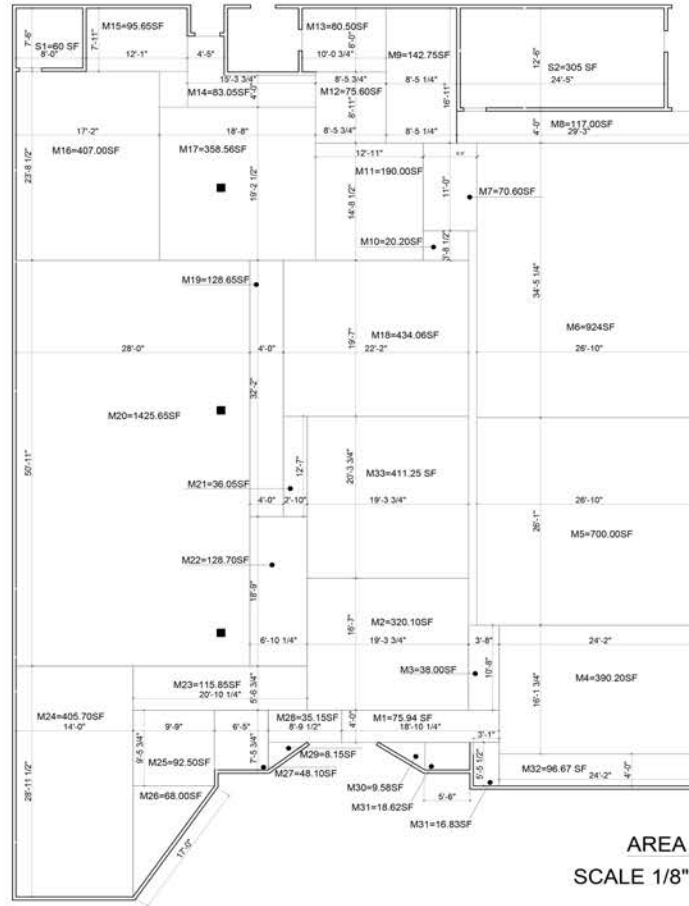
MAXIMUM EXIT ACCESS TRAVEL DISTANCE NOT TO EXCEED 250' PER CBC 1017.2



EXITING DIRECTION PLAN
SCALE 1/8" = 1'-0"

LEGEND

- M= MAZE
- S= STORAGE



AREA PLAN
SCALE 1/8" = 1'-0"

MAZE AREA

M1 75.94 SF
M2 320.10 SF
M3 38.00 SF
M4 390.20 SF
M5 700.00 SF
M6 524.00 SF
M7 70.60 SF
M8 117.00 SF
M9 142.75 SF
M10 20.20 SF
M11 190.00 SF
M12 75.60 SF
M13 80.50 SF
M14 83.05 SF
M15 95.65 SF
M16 407.00 SF

STORAGE AREA

S1 60 SF
S2 305 SF
TOTAL 365 SF

OCCUPANCY "A"
OCC. LOAD FACTOR = 30 OCC/SF
NUMBER OF OCCUPANTS = 7,138 / 30 = **238 OCCUPANTS**

OCCUPANCY "B"
OCC. LOAD FACTOR = 300 OCC/SF
NUMBER OF OCCUPANTS = 305 / 300 = **2 OCCUPANTS**

TOTAL NUMBER OF OCCUPANTS = 240
CORRIDOR WIDTH = 240 X 0.15" = 36" < 48"



Damascene Structural Engineering

Address: 7812 Vassar Avenue
Canoga Park, CA 91304

Phone: (661) 803-7837, (661) 522-2262
E-mail: contact@damasceng.com

Website: www.damasceng.com

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DESIGNER'S SIGNATURE



David S. Marlett

No.	Description	Date

2086 NEWPARK MALL.
NEWARK, CA 94560

TENANT IMPROVEMENT
FOR FEAR OVERLOAD LLC

EXITING DIRECTION & AREA PLAN

Project Number: 2022-6

Date: 20 JUNE, 2022

Drawn By: -

Checked By: -

A104

Scale: 1/4" = 1'-0"

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWARK APPROVING A CONDITIONAL USE PERMIT FOR A TEMPORARY COMMERCIAL ENTERTAINMENT (I.E., FEAR OVERLOAD HAUNTED HOUSE) AT 2086 NEWPARK MALL, SUITE #1149 (APN 901-111-25)

WHEREAS, Nathan Polanco, Fear Overload LLC (the “Applicant”), has filed with the City of Newark an application for a Conditional Use Permit for a temporary commercial entertainment (i.e., Fear Overload Haunted House) inside NewPark Mall located at 2086 Newpark Mall, Suite #1149 (APN 901-111-25) (the “Project”); and

WHEREAS, the property at 2086 Newpark Mall, Suite #1149 (the “Project Site”) has a General Plan Land-Use designation of Regional Commercial and is currently zoned RC: Regional Commercial with a NewPark Place Specific Plan Overlay District; and

WHEREAS, pursuant to [Newark Municipal Code \(NMC\) §17.08.020](#), a temporary use is subject to the standards set forth in [NMC §17.26.260](#) and pursuant to [NMC §17.26.260\(C\)](#), a temporary event that exceed three consecutive days may be allowed with the approval of a [Conditional Use Permit](#) so long as they are not intended to extend longer than one month and they are determined to not impact neighboring uses or otherwise create significant impacts; and

WHEREAS, the Project Site is comprised of a 7,504 square foot tenant space; and

WHEREAS, the Applicant proposes interior improvements that includes installing wood partition walls for the forming areas, which requires a building permit and fire permit. No exterior improvements are proposed to the existing building and site; 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 July 26, 2022 and mailed as required for a public hearing , and the Planning Commission held a meeting on said application at 7:00 p.m. on August 9, 2022; 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 reflects the City’s independent judgement and analysis of the Project; and

WHEREAS, the Planning Commission finds that the Project does satisfy the requisite findings of fact necessary for approval as further explained in the staff report and the findings of fact associated with this Resolution, as identified in “Exhibit A” attached to this Resolution; and

WHEREAS, the City’s General Plan, NewPark Place Specific Plan, and the Zoning Code are incorporated herein by reference and are available for review at City Hall during normal business hours and on the City’s website.

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 does hereby make the necessary findings and determinations required by [NMC §17.35.060](#) to approve the requested Conditional Use Permit for a temporary commercial entertainment (i.e., Fear Overload Haunted House) at 2086 Newpark Mall, Suite #1149, 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 does hereby approve Conditional Use Permit for U2022-001 allowing for a temporary commercial entertainment (i.e., Fear Overload Haunted House) at 2086 Newpark Mall, Suite #1149, 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 August 9, 2022 regular meeting by Commissioner _____, seconded by Commissioner _____, and passed as follows:

AYES:

NOES:

ABSENT:

STEVEN TURNER, Secretary

JOHN BECKER, Chairperson

Exhibit A

FINDINGS OF FACT

U2022-001

2086 Newpark Mall, Suite #1149

Alameda County Assessor's Parcel Number 901-111-25

Conditional Use Permit (Newark Municipal Code [NMC] Chapter 17.35)

- 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 RC: Regional Commercial with a NewPark Place Specific Plan Overlay District. Pursuant to [NMC §17.08.020](#), a temporary use is subject to the standards set forth in [NMC §17.26.260](#). As stated in [NMC §17.26.260\(C\)](#), a temporary event that exceed three consecutive days may be allowed with the approval of a conditional use permit so long as they are not intended to extend longer than one month and they are determined to not impact neighboring uses or otherwise create significant impacts.

The proposed project would be in compliance with the standards listed in [NMC §17.26.260](#). Additionally, the proposed project would occupy an existing tenant space inside NewPark Mall. Therefore, the proposed 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 Regional Commercial. This designation supports the largest and most complete shopping facilities in the city. The emphasis is on a broad array of goods and services, including department stores, retail shops, restaurants, entertainment facilities, and similar uses which draw patrons from throughout Newark and the surrounding region. This designation is applied to NewPark Mall and some of the commercial areas on the Mall's perimeter. Additionally, the project site is part of the NewPark Place Specific Plan.

The proposed project is consistent with the General Plan because the use is consistent with the Regional Commercial designation, and it would not alter the respective land-use designation. The proposed project is consistent with the vision and goals of the NewPark Place Specific Plan by reinvigorating the area, which includes providing entertainment.

The proposed project is consistent with many of Newark's General Plan goals, policies, and actions including but not limited to:

Goal LU-9 – Strengthen NewPark Mall and its environs as a community showcase and quality environment for shopping and other compatible uses.

Exhibit A: Findings of Fact

Policy LU-9.1 – Greater New Park Area Land Use Mix. *Diversify the mix of uses in the NewPark Mall vicinity to sustain and expand its role as the premiere shopping and entertainment destination in Southern Alameda County.*

Policy LU-4.4 – Greater NewPark Area. *Modernize the Greater NewPark Area to create a vibrant regional retail location which provides urban amenities and gathering places.*

Action LU-2.C – Conditional Use Permits. *Use conditional use permits to improve compatibility between uses and to establish limitations on activities which could create potential adverse effects.*

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 proposed project would occupy the existing 7,504 square foot tenant space inside NewPark Mall located at 2086 Newpark Mall, Suite #1149. The existing tenant space was formally occupied by Rasputin Records. The proposed use would be open on selective days for a total of 30-days from September 24, 2022, through November 5, 2022. The hours of operation would vary where certain days would open at 5:30 p.m., 6:00 p.m., and 7:00 p.m. and close at 9:00 p.m., 10:00 p.m., and 12:00 a.m. The proposed project involves minor tenant improvements that includes installing wood partition walls for the forming areas. No exterior improvements would be proposed. The proposed project would be limited to indoors and would include security guards and employees, who would be trained to act in response of an emergency, to make sure the haunted house attraction would operate in a safe and efficient manner. Therefore, the use 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 proposed project would not materially impact the City's tax revenue, nor would it additionally strain City services. 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 proposed temporary commercial entertainment is an allowed use with the approval of a conditional use permit so long as they are not intended to extend longer than the allowed timeframes and they are determined to not impact neighboring uses or otherwise create significant impacts. The proposed project is subject to the standards as outlined in [NMC §17.26.260](#). Such standards include but not limited to location of the event, number of events, existing parking, not extending longer than one month, and not impacting neighboring uses or

Exhibit A: Findings of Fact

otherwise create significant impacts.

*The proposed project would meet the standards as outlined in [NMC §17.26.260](#), including operating on selective days for a total of 30-days from September 24, 2022, through November 5, 2022 (also noted in **Exhibit B** of this NOA). Since the proposed project would occupy an existing tenant space inside NewPark Mall, 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 RC: Regional Commercial zoning district, which is intended to support the large scale shopping facilities that includes a broad array of goods and services, including department stores, retail shops, restaurants, entertainment facilities, and similar uses which draw patrons from throughout Newark and the surrounding region. The proposed use does not interfere with operations/businesses in the RC zoning district. Additionally, as an allowed use with the approval of a conditional use permit and with no development modifications except for minor tenant improvements, the proposed project does not deviate from intent of district's development standards. Therefore, the design, location, size, and operating characteristics of the proposed 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 proposed project does not involve an expansion of the existing building, nor does it propose a high-intensity use. The proposed project does consist of minor tenant improvements which includes installing wood partition walls for the forming areas. 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.

California Environmental Quality Act Categorical Exemption Findings

The Project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Article 19, Section 15301, as it is an Existing Facility that 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.

The Project is also categorically exempt from CEQA pursuant to CEQA Guidelines, Article 5, Section 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.

Exhibit B

CONDITIONS OF APPROVAL

U2022-001

2086 Newpark Mall, Suite #1149

Alameda County Assessor's Parcel Number 901-111-25

Planning Division

- a. This approval allows for a temporary commercial attraction to be held for a total of 30-days from September 24, 2022, through November 5, 2022, inside NewPark Mall located at 2086 Newpark Mall, Suite #1149. The hours of operation shall be followed where certain days will open at 5:30 p.m., 6:00 p.m., and 7:00 p.m. and close at 9:00 p.m., 10:00 p.m., and 12:00 a.m.
- b. Approval of this use permit shall supersede and revoke any previous approval at this location.
- c. All conditions of approval for this project, as approved by the Planning Commission, shall be posted at the site and distributed to construction personnel.
- d. All project conditions of approval shall be printed in on the building-permit plans, as applicable.
- e. 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.
- f. Prior to commencing business activity, the operator of the subject facility shall obtain a [Business License](#) with the City of Newark.
- g. Prior to commencing business activity, the operator of the subject facility shall obtain any and all necessary federal, state, or county approvals. Failure to obtain the necessary approvals shall make the subject use permit null and void.
- h. 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).
- i. Prior to the installation of any signage for the proposed facility, the property owner/applicant shall obtain a Sign Permit and any necessary building permits through the City of Newark.
- j. 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.

Exhibit B: Conditions of Approval

- k. 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 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.
- l. 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.

Building Inspection Division

- m. Building Permit(s) is required.
- n. Revise occupant load factor to meet California Building Code.
- o. Provide accessibility maneuvering clearances at doors.

Alameda County Fire Department

- p. Fire permit is required.
- q. During the Fire Permit review, a narrative will be required for the operations to include: time for each session; number of occupants (including staff) allowed per session; plans showed 240 but uncleared if this number was the maximum per session.
- r. During the Fire Permit review, the plans will need to show the location of new and existing fire extinguishers.
- s. An automatic smoke detection system is required for the haunted house (Special Amusement Occupancy). The existing mall emergency voice/alarm communication system shall be programmed to meet CFC 907.2.11.2 requirements:

The activation of two or more smoke detectors, a single smoke detector equipped with an alarm verification feature, the automatic sprinkler system or other approved fire detection device shall automatically do all of the following:

1. Cause illumination of the means of egress with light of not less than 1 footcandle (11 lux) at the walking surface level.
2. Stop any conflicting or confusing sounds and visual distractions.

Exhibit B: Conditions of Approval

3. Activate an approved directional exit marking that will become apparent in an emergency.
4. Activate a prerecorded message, audible throughout the special amusement building, instructing patrons to proceed to the nearest exit. Alarm signals used in conjunction with the prerecorded message shall produce a sound that is distinctive from other sounds used during normal operation.

Police Department

- t. The business operator must comply with all Federal, State, and local laws and regulations.
- u. Attendance not to exceed the occupancy ratings for structures.
- v. When expected occupancy is more than fifty (50) people, a licensed, bonded, and insured uniformed security officer shall be required. Two (2) security officers per one hundred fifty (150) persons shall be required. Proof of appropriate State of California Bureau of Security and Investigative Services licensing documentation shall be provided to the Newark Police Department at least seventy-two (72) hours prior to the start of the event.
- w. The business operator must comply with the attached floor plan and site plan of the premises, including the building interior and exterior grounds pertaining to, but not limited to, parking spaces, locations of sanitation facilities, eating arrangements, dance floor area, locations of sound equipment and lighting equipment, the location of the bar and food preparation and sales, fire exits and emergency medical services.
- x. Reservation and/or Rental Agreement and any related addenda to be provided to the Newark Police Department for review and consideration prior to issuance of Permit.
- y. Attendees shall not park in residential areas or on property not associated with the use. Parking areas to be included as areas of responsibility for noted security officers. Organizers must have staff to control traffic ingress and egress from site.
- z. Must provide access and designated parking area for emergency personnel and their vehicles so as not to delay or otherwise interfere with their duties. Organizers responsible for ensuring vehicles are utilizing parking stalls as indicated on the lot diagram.
- aa. You must abide by the City of Newark Noise Ordinance (17.24.100) at all times.
- bb. 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. If food or alcohol is proposed to be served at the event, proof of appropriate permit(s) shall be provided to the Newark Police Department at least seventy-two (72) hours prior to the start of the event.
- cc. In order to discourage the occurrence of repeated loud, unruly events and repeated crimes and offenses at particular locations, to reduce the detrimental effects of such events, and to

Exhibit B: Conditions of Approval

ensure continued availability of resources to abate these nuisances, the city seeks to deter such violations by setting forth a mechanism for recovery of such nuisance abatement costs and penalties, as set forth in this chapter. Applicant is hereby advised to review the provisions of [Chapter 7.10](#) of the Newark Municipal Code regarding Multiple Police Responses to Events.

- dd. The host or a duly authorized representative must be personally present at all times during the event.
- ee. Issuance of Permit is contingent on meeting all noted conditions listed below. Approval is revoked if Applicant does not meet said conditions.
- ff. This permit may be revoked and the event therein are subject to closing if any of the following occur: (1) any violation of the terms and conditions outlined in this permit; or (2) The permit is being used to conduct an activity that is different than that for which it was issued; or (3) if the conduct at the event is not in keeping with the public welfare for any reason; or (4) the event is conducted in an illegal, improper, or disorderly manner.