



CITY OF NEWARK

Planning Commission

City Hall, City Council Chambers

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MINUTES

Tuesday, January 10, 2023

7:00 P.M.

A. ROLL CALL

Vice Chair Fitts called the meeting to order at 7:03 pm. Except for Chair Becker, all members of the Planning Commission were present: Commissioner Jeff Aguilar, Vice Chair Fitts, Commissioner Bogisich, and Commissioner Pitpitan.

B. MINUTES

B.1 Approval of Minutes of the regular Planning Commission meeting of November 8, 2022.

MOTION APPROVED

Vice Chair Fitts motioned to approve the Minutes of the regular Planning Commission meeting on November 8, 2022. Commissioner Bogisich moved, Vice Chair Fitts seconded, to approve the Minutes of the regular Planning Commission meeting on November 8, 2022. **The motion passed: 3AYES, 1 ABSENT (Chair Becker was absent), and 1 ABSTAIN (Commissioner Aguilar abstained from voting).**

C. WRITTEN COMMUNICATIONS

None

D. ORAL COMMUNICATIONS

Members of the public are invited to address the Planning Commission on any item not listed on the agenda. Public Comments are generally limited to 5 minutes per speaker. Please note that State law prohibits the Commission from acting on non-agenda items.

None

E. PUBLIC HEARINGS

- E.1 Public Hearing to consider a Resolution recommending approval of a Conditional Use Permit (U2022-005) for a Live Entertainment Use located at 39143 Cedar Boulevard (APN 901-188-7). The subject site is zoned Neighborhood Commercial (NC).**

MOTION APPROVED

Deputy Community Development Director (DCDD) Art Interiano began by introducing the business name of the Conditional Use Permit number U2022-005, Escape Newark, located in the Lyons Shopping Center at 39143 Cedar Boulevard, at the corner of Mowry and Cedar Boulevard. The property is zoned as Neighborhood Commercial. The applicant's name is Chentao Wang, and the property manager of the Lyons Shopping Center, Fallon Tran, was present during the meeting. Per DCDD Interiano, the applicant wishes to operate an escape room (a venue offering small group, interactive entertainment experiences), which is a use not specifically defined in the zoning code but can be interpreted as "live entertainment" a conditionally allowed use in the Neighborhood Commercial zone district. DCDD Interiano added that a Conditional Use Permit (CUP) is necessary for this type of use per the zoning code. The facility's hours of operation would be on the weekends from 11:00 am to 11:00 pm and on weekdays from 2:30 pm to 11:00 pm. The business would be open only by appointment or reservations. It is roughly 2,800 square feet and allows a maximum of 20 participants at a time. DCDD Interiano went on to say that this would not be a typical live entertainment because there would be no live performances or amplified music, and the escape room does not appear to have any negative impacts on the neighborhood. DCDD Interiano stated that this item would be exempt from CEQA because no improvements to the building's exterior would be made, and no environmental studies would be required. Due to the limited hours of operation, frequency of customers, and maximum number of attendees, parking availability would be less impactful than retail.

Staff Recommendation: Staff determined that the application meets the findings required by the CUP, and staff recommends that the application be approved, along with the approval conditions attached to the draft resolution.

DCDD Interiano concluded the staff report by introducing the property manager, who was present, and the applicant, who was available via Zoom.

Vice Chair Fitts asked whether there were any questions from the commission. There were no questions from the commissioners. He then proceeded to open the public hearing on the item

by asking if anyone wanted to speak on it, either in person or via Zoom. Vice Chair Fitts welcomed the applicant, Chentao Wang.

Mr. Chentao Wang introduced himself as the applicant for the escape room, stating that the presentation was very detailed and that he had gone over the requirements. He went on to ask if the commission had any questions or concerns about the business. Vice Chair Fitts thanked the applicant, asked if he had read the resolution, and agreed to all its terms. Mr. Chentao Wang responded positively. He went on to say that he owns another business in Hayward and has gone through the same process, so he agrees to all the regulations and agreements for this application.

Vice Chair Fitts asked the commissioners if any of them had any questions for the applicant.

Commissioner Aguilar asked the applicant if he could give any details about the escape room and how it works. Mr. Chentao Wang stated that an escape room venue has evolved over time. Escape rooms used to operate with guests who got “locked” inside a room and had to attempt to unlock the door to get out. People eventually realized that there were more exciting ways to do escape rooms. Today, escape rooms are similar to an immersive story, wherein the people have their characters or follow a story and solve puzzles inside the room to unlock doors or chests and get more clues to solve more puzzles, eventually getting out of the room. He went on to say that escape rooms are about having fun and being interactive, much like being in a movie with its characters. The applicant researched the Lyons Center and discovered that it is a popular place, and he would like to open an escape room there to bring more entertainment to the community.

Vice Chair Fitts stated that he checked the applicant's website for his Hayward location, and one thing that captivated his interest was a seven-day captivity event, with a murder mystery for six to eight players lasting four hours. He inquired whether food was served there. According to Mr. Chentao Wang, there is no food allowed in the room; the most people can take is water. He also stated that no drinks or food are permitted because they are difficult to control. Vice Chair Fitts added that in his many years on the Planning Commission, he had never seen any uses like this one. He stated that having new items arrive is exciting. He inquired whether the commission had any further questions for the applicant.

Commissioner Bogisich inquired as to how many people are permitted to enter at one time. Mr. Chentao Wang, the applicant, responded that at his Hayward location, a maximum of ten people and an average of four to five people are permitted at one time. It would be preferable for a group of four to six people to have a more enjoyable experience.

Vice Chair Fitts thanked the applicant and inquired whether the commission had any further questions, comments, or motions. DCDD Interiano stated that staff contacted the City of

Hayward and inquired about how their current business was doing and if there were any issues. The City of Hayward stated that the business has been following the conditions of approval and that they have no issues with them. Vice Chair Fitts inquired if they had been in Hayward for approximately two years. DCDD Interiano responded positively.

Vice Chair Fitts motioned to vote.

Before voting began, Commissioner Aguilar stated that the staff presentation was excellent and thanked staff for clarifying that the use was for live entertainment rather than live music. He also agreed that it is a one-of-a-kind use, and that live entertainment is the most comparable designation to it, which is also comparable within the shopping center because there are not too many participants who will impact parking space. He went on to say that the use requires a Conditional Use Permit. **Commissioner Aguilar moved to approve the motion.**

Commissioner Bogisich seconded Commissioner Aguilar's motion to approve. Motion passed. 4AYES. 1 ABSENT. Chair Becker was absent.

Vice Chair Fitts inquired of DCDD Interiano whether the members of the Planning Commission were the final decision-makers for this use. DCCD Interiano confirmed that the Planning Commission was the final vote on the CUP. Vice Chair Fitts closed the public hearing, thanked the applicant, and welcome him to Newark.

F. STAFF REPORTS

None

G. COMMISSION MATTERS

G.1 Vice Chair Fitts announced that the election of officers was on the agenda and asked DCDD Interiano if he wanted to discuss the matter. DCDD Interiano responded that the annual election of officers is part of the Planning Commission's bylaws and is usually held at the first meeting. He went on to say that the first meeting last year was on February 8th, and that is when John Becker took over as Chairperson. He suggested that because Chair Becker was not present, the election of officers be held at the next meeting so that Chair Becker could pass the gavel.

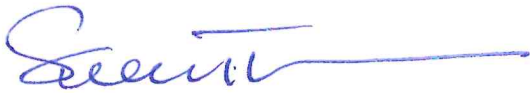
H. PLANNING COMMISSIONER COMMENTS

None

I. ADJOURNMENT

Vice Chair Fitts adjourned the regular Planning Commission Meeting at 7:22 pm.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Steven Turner", with a long horizontal flourish extending to the right.

Steven Turner
Secretary