



# CITY OF NEWARK

## Planning Commission

City Hall, City Council Chambers

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## MINUTES

Tuesday, June 13, 2023

7:00 P.M.

### A. ROLL CALL

Chair Fitts called the meeting to order at 7:02 pm. Present were Commissioner Becker, Commissioner Bogisich, and Commissioner Pitpitan. Vice Chair Aguilar was absent.

### B. MINUTES

**B1. Approval of Minutes of the regular Planning Commission meeting of May 9, 2023.**

### MOTION APPROVED

Chair Fitts motioned to vote. Commissioner Becker moved, Commissioner Pitpitan seconded, to approve the Minutes of the regular Planning Commission meeting on May 9, 2023. **The motion passed – 4 AYES, and 1 ABSENT** (Vice Chair Aguilar was absent).

### 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 U2023-001, 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.**

### MOTION APPROVED

Associate Planner (AP) Joseph Balatbat provided a presentation on the project, “Fear Overload Haunted House” temporary event at 2086 NewPark Mall, Suite #1149. He added that the applicant, Nathan Polanco, had a Conditional Use Permit approved by the Planning Commission for a similar event on August 9, 2022. He noted that such an event went extremely well and that he spoke with the Police Department, who said there were no problems because there was appropriate security on site. Following that, AP Balatbat provided a project summary, which included the project location, site plan, floor plan, and CEQA Exemption recommendations. Finally, AP Balatbat stated that the event would comply with the relevant sections of the Zoning Code and the Newark NewPark Place Specific Plan, that it would be similar to the features of the surrounding neighborhood, that it would not have an impact on the nearby properties, their owners and occupants, or the surrounding neighborhood, and that it would not have an impact on the adjacent businesses within the mall. Additionally, the City has not received any written correspondence regarding the project.

Following the conclusion of his presentation, AP Balatbat stated that he and the applicant were open to questions and that the project's applicant was present.

**Staff Recommendation: Staff recommends that the Planning Commission approve, by resolution, Conditional Use Permit U2023-001, to approve 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.**

Chair Fitts complimented AP Balatbat for his outstanding presentation and mentioned that one of the things he appreciated best was that they had done this project before with no complications. He then asked if there were any questions for the staff before opening the public hearing.

Commissioner Pitpitan asked the applicant if the event last year lasted until midnight on certain days, and if there were any problems with intoxicated behavior. The applicant stated that he had none of these issues and that this would be his 15th year organizing the event.

Chair Fitts opened the public hearing by inviting the project applicant to address the Planning Commission and state his name and address. The applicant said his name is Nathan Polanco. Chair Fitts asked the applicant if he had read the resolution and agreed to all its terms. The applicant responded affirmatively.

Chair Fitts then asked the commissioners whether they had any questions for the applicant. There were no further questions.

Chair Fitts asked if anyone in the audience wanted to comment on the item. There were no comments from the audience.

Chair Fitts called the public hearing to a conclusion and inquired if there was any discussion or motions.

Commissioner Bogisich thanked the applicant for selecting Newark for the project.

Chair Fitts asked if there were any questions for the applicant. There were no further questions.

Chair Fitts requested a motion. Commissioner Bogisich moved staff recommendation. Commissioner Pitpitan seconded the motion. **The motion passed 4 AYES – 1 ABSENT** (Vice Chair Aguilar was absent).

Chair Fitts asked Community Development Director (CDD) Steven Turner whether the matter would be addressed by the City Council. CDD Turner responded that it would not be presented to the City Council for approval, in that the Planning Commission is the decision-making body for this application.

Chair Fitts wished the applicant good luck, thanked him, and welcomed him back to Newark.



## **F. STAFF REPORTS**

None.

## **G. COMMISSION MATTERS**

### *G.1 Report on City Council actions.*

CDD Steven Turner reported that the City Council will be considering the Mulberry residential at the regular meeting on June 22, 2023, a project that was presented and approved by the Planning Commission last month.

## **H. PLANNING COMMISSIONER COMMENTS**

Chair Fitts asked if there were any comments.

Commissioner Becker pointed out that the item presented that night is a relatively routine matter in which applicants are required to go through unnecessary tasks, and asked if Staff could simplify the approval process so that they do not have to return to a public hearing and simplify the Conditional Use Permit.

CDD Steven Turner said that these types of temporary events are handled in this manner because Staff is following the requirements contained in the Municipal Code. He stated that another option would be to approve a permanent Conditional Use Permit to the mall property owner. If a future operator follows the terms of approval and operates in a safe manner, no additional City approval would be required. He also stated that Staff will look at this possibility next year if the applicant and operator wish to return to Newark and operate at the mall.

Commissioner Becker noted that Staff would review a request for a CUP and add any necessary restrictions or conditions before requesting approval from the Planning Commission. CDD Steven Turner stated that if the conditions are not met and they are not complying with the CUP, Staff would bring the CUP to the Planning Commission for reconsideration or revocation.

Chair Fitts asked if there were any comments. No additional remarks were given, except for Chair Fitts, who commented that several years ago the Planning Commission had a

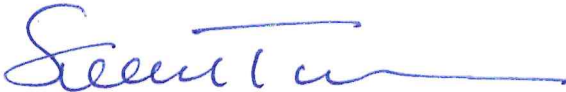
similar item, the public hearing notice for the haunted house at the mall was sent out, and the high schoolers were having a haunted house at their high school at the same time. A couple of student leaders inquired about adjusting the hours of the mall's haunted house, but there was no issue. In the end, the applicant for the haunted house was able to offer some of their props to the high school to assist with their event. Chair Fitts closed his remarks by adding that public hearings can be successful at times, but whatever works best is best.

CDD Steven Turner stated that if there is any interest, Staff would be pleased to facilitate a discussion or a relationship between the high school and the mall operator.

**I. ADJOURNMENT**

Chair Fitts adjourned the regular Planning Commission at 7:16 pm.

Respectfully submitted,



Steven Turner  
Secretary