



**CITY OF SUNNYVALE
REPORT
Planning Commission**

August 25, 2008

SUBJECT: **2008-0341:** Application for a property located at **927 E Duane Avenue** (in Fair Oaks Plaza Shopping Center) in a C-1/PD (Neighborhood business/Planned Development) Zoning District. (APN: 205-12-001)

Motion Appeal of a decision by the Administrative Hearing Officer denying a Special Development Permit to allow an existing nightclub to expand into a 534 square foot tenant space for a total of 3,534 square feet.

REPORT IN BRIEF

Existing Site Conditions Existing business and adjacent vacant space within a shopping center (Fair Oaks Plaza)

Surrounding Land Uses

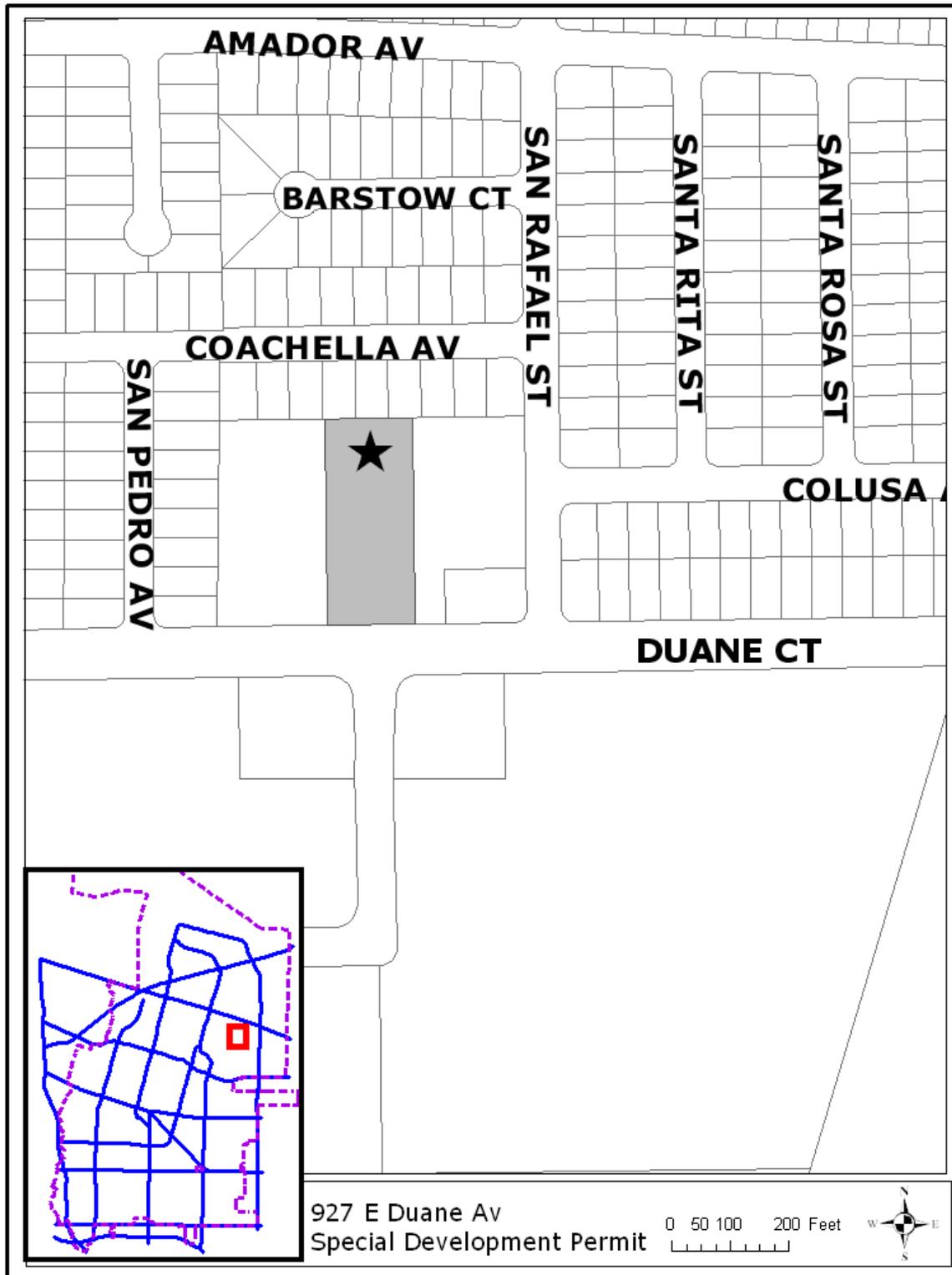
- North Single-family residential
- South Multi-family residential (townhomes currently under construction across Duane Ave.) and Office/Industrial
- East Single-family residential (across San Rafael St.)
- West Single-family residential

Issues Public safety, noise, neighborhood compatibility

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Administrative Hearing Action Denied the Special Development Permit.

Staff Recommendation Deny the appeal and uphold the decision of the Administrative Hearing Officer to deny the Special Development Permit.



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Commercial Neighborhood Shopping	Same	Commercial Neighborhood Shopping
Zoning District	C-1/PD	Same	C-1/PD
Lot Size (s.f.)	173,192	Same	N/A
Gross Floor Area (s.f.)	46,400	Same	60,617
Gross Floor Area of Tenant	3,000	3,534	N/A
No. of Buildings On- Site	4	Same	N/A
Parking			
Total Spaces	262	Same	232 (Using 1 space/200 s.f.)
Accessible Spaces	4	6	Per California Building Code Requirements

ANALYSIS

Description of Proposed Project

The applicant is proposing to expand an existing business (La Ronda Nite Club) which occupies a 3,000-square foot tenant space to include an adjacent 534-square foot vacant tenant space for a total of 3,534 square feet. A Special Development Permit is required for the expansion. The project includes the creation of a second bar, additional seating areas and upgrades to interior décor. Some exterior painting would also be done. The subject business operates as a nightclub with full liquor service and live entertainment (no restaurant component), and is located within the Fair Oaks Plaza shopping center. The current hours of operation are 2:30 p.m. – 1:30 a.m., Sunday through Thursday, and noon – 1:30 a.m., Friday and Saturday.

Background

This application is a result of a complaint filed with the Neighborhood Preservation Division on November 16, 2007 for unpermitted construction expanding the subject business into the adjacent vacant space. After the complaint was filed, Neighborhood Preservation staff met with residents of the San Miguel neighborhood who expressed additional concerns about the loud

music that can be heard in the parking lot and from the residential neighborhood behind the shopping center, and the public disturbances that have been caused by patrons of La Ronda Nite Club. Neighborhood Preservation staff worked with the Department of Public Safety (DPS) to notify the business owners of all of the necessary permits for the expansion and to address other ongoing public safety and noncompliance issues.

Previous Actions on the Site: The Fair Oaks Plaza shopping center was built in the 1950s. The following table summarizes previous planning applications related to the subject tenant space.

File Number	Brief Description	Hearing/Decision	Date
2008-0194	SDP to utilize an existing tenant space for a banquet hall, including live entertainment, with no alcohol service	Staff / Approved	03/31/08
2002-0128	SDP to allow live entertainment (karaoke/DJ/band) at a restaurant located at 927 E. Duane Ave. (currently La Ronda Nite Club)	Staff/Approved	03/13/2002
1974-0161 Old File #2974	SDP to allow live entertainment for 917 E Duane Ave. (The Pizza Depot)	Planning Commission/ Approved	12/09/1974

The original Special Development Permit (2002-0128) was to allow live entertainment at a restaurant with full liquor service. Although there were no limits to the type of live entertainment allowed in the conditions of approval, the live entertainment proposed and discussed in the staff report was described to include karaoke, disc-jockeys and live bands. Hours of operation were limited to 11:30 a.m. – 2 a.m. Tuesday through Saturday, and 11:30 a.m. – midnight Sunday and Monday with live entertainment allowed to occur any day beginning at 5 p.m.

This project was previously reviewed at the May 28, 2008 Administrative Public Hearing. The Administrative Hearing Officer denied the Special Development Permit request due to the inability to make the required findings because of ongoing public safety and noise issues that occur at the subject business site and the possible intensification of these issues if the business were to expand. The Administrative Hearing minutes can be found in Attachment G. This

decision was appealed by the applicant on June 12, 2008. The applicant's appeal letter is located in Attachment H. No modifications to the proposed project have been made since the time of the Administrative Hearing.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include permitting, licensing or minor alterations or additions to existing facilities.

Special Development Permit

Site Layout: The Fair Oaks Plaza shopping center is comprised of three separate lots with shared parking and four contiguous buildings situated along the north and west perimeter. The shopping center is bound by Duane Ave. on the south side, by San Rafael St. on the east side, and by single-family residences on the north and west sides. There are three access points from Duane Ave. and two from San Rafael St. The main parking lot is located between the buildings and the public streets. There is a smaller parking lot located at the northwest corner of the property, but is gated off from public use.

The subject business is located at the north end of the site, next to what is currently Arteaga's Supermarket (see Attachment C). The building is about 65 feet from the adjoining residential properties. No modifications to the site are proposed with this application.

The shopping center currently has two other businesses with live entertainment with similar hours of operation. One is a restaurant with karaoke/live bands and alcohol service, and the other is a banquet hall with ballroom dancing and karaoke but with no alcohol service.

Floor Plan: The existing floor plan consists of a stage and dance floor at the front of the space, seating areas along the sides and rear, a bar along the eastern side and restrooms, storage rooms and office at the rear. The proposed expansion would create more seating and include a second bar.

Parking/Circulation: The site contains two parking lots. The main parking lot that is open for public use contains 221 spaces. The smaller parking lot at the rear of the property contains an additional 41 spaces, but has been closed off from public use by security gates. Special Development Permit 2008-0194 was approved with the condition that the rear parking lot be open for use by shopping center employees.

Parking requirements for shopping centers are based on a flat rate for all uses in the center, and not by describing each use in the center individually, unless the shopping center has a high concentration of uses with similar peak hours of operation. Currently, the shopping center is approximately 30% restaurant. Because of this high concentration, parking requirements could be calculated using the restaurant ratios for the restaurant uses and then the standard shopping center rate for all other uses. However, La Ronda Nite Club has peak hours in the evening and late night when most businesses are closed, and not during lunch hours when the shopping center is at its busiest. Also, Sunnyvale Municipal Code (SMC) §19.46.020 (b) states that any one use occupying 10% or less of the total floor area shall be treated as though it were part of the major uses of the property. The subject space represents about 7.6% of the total floor area, so the standard shopping center rate can be used to calculate parking requirements.

The following table shows the required number of spaces at the shopping center:

Type of use	Size (sq. ft.)	Required Parking per SMC 19.46.050 (space/sq. ft.)	Required Number of Spaces
Shopping Center	46,400	1/200	232
Total Required Spaces			232
Spaces Provided			262

The total spaces provided on the site exceed the amount of spaces required, and the subject business operates during non-peak hours of the other uses.

The applicant is also proposing to stripe additional accessible parking spaces. If the project is approved, staff has recommended a condition to re-stripe the parking lot to be brought into conformance with accessible parking space requirements of the California Building Code.

Public Safety and Noise: Staff has referred this application to DPS for review and comments. DPS provided data related to La Ronda Nite Club regarding calls for service and noise generated by the business (Attachment E). From December 21, 2007 to April 21, 2008, 44 calls for service were made related to La Ronda Nite Club. DPS also took noise level measurements of the music in late February and early March at the front and back of the building and at the fence line adjacent to the abutting residential properties. The noise levels that DPS measured at midnight at the fence line ranged up to 58 dBA, which has the subjective impression to be moderately loud, i.e. 100 feet away from an air conditioning unit and as loud as 10 feet away from a vacuum cleaner. In addition to the noise produced by the music, neighboring residents have also complained of noise caused by patrons.

After the appeal was filed, staff consulted with DPS once again for any updates on the conditions at the subject site. From April 21, 2008 to August 7, 2008, officers have had to visit the subject site on 62 different occasions due to calls regarding public nuisances on the site. These updated comments are located in Attachment I.

DPS continues to have strong concerns about the expansion of the use as problems currently exist and have not been resolved. If the project is approved, staff is recommending several conditions of approval to address these problems which include installing additional soundproofing materials, limiting noise levels during night time hours as measured from the rear property line and working with DPS to reduce crime and public nuisances at the site.

Compliance with Development Standards/Guidelines: The proposed project complies with all current development standards. No further improvements are required at this time.

Expected Impact on the Surroundings: Staff believes that the proposed expansion would have a negative impact to the site and the surrounding residential neighborhood. The subject business has had a history of noise disturbances and public safety problems. The shopping center currently contains a number of restaurants and other permitted venues with live entertainment. Expansion of this use, coupled with possible noise and other disturbances from other permitted businesses with live entertainment, approval of this project may result in increased problems for the shopping center and the surrounding residential neighborhood.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Staff received a phone call from one of the residents whose property is directly behind the subject business. The resident stated concerns about the proposed expansion as the business currently produces high noise levels at late hours and has not had control of unruly patrons. The resident submitted these concerns in writing on the day of the Administrative Public Hearing (Attachment F).

Staff has also been in contact with the San Miguel Neighborhood Association by phone and email who stated that the business has had a history of public nuisance including music and bass reverberating to the residential areas, and

intoxicated patrons creating unreasonable noise and other disturbances. No written statements have been submitted at the time of this staff report.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 110 notices mailed to property owners and residents adjacent to the project site 	<ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library 	<ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website

Administrative Hearing: The application was heard before the Administrative Hearing Officer on May 28, 2008. In addition to the applicant representing the business owner and the business owner, three other members of the public, including the President of the San Miguel Neighborhood Association, were present at the public hearing. The members of the public stated that the applicant has been cooperative in working with the neighbors. Although the noise has decreased, the reverberating bass and unruly patrons continue to be a problem. The Administrative Hearing Officer denied the Special Development. Approving the expansion would allow an unpermitted use that is incompatible with the surrounding neighborhood because the use has become a night club as opposed to the permitted restaurant with live entertainment. The minutes from this hearing are located in Attachment G.

Appeal

The applicant representing the business owner filed an appeal of the decision of the Administrative Hearing Officer on June 12, 2008. The applicant's letter is located in Attachment H. The applicant and business owner have been working with the neighborhood and are willing to continue to work with the neighborhood and DPS to mitigate the current problems that exist. The applicant has stated that the sound is being monitored, additional soundproofing material has been installed, a new sound system has also been installed to lessen the need for higher sound volumes and security guards have been trained and continue to strictly monitor the premises for unruly behavior of patrons in an effort to respond to the issues discussed above. However, based on DPS records, it seems that problems continue to exist and staff believes that these problems are inherently associated with a nightclub use and are incompatible with the adjacent single-family neighborhood.

Conclusion

Findings and General Plan Goals: Staff is recommending denial for this appeal and the project because the Findings (Attachment A) were not made. Although staff recognizes the need for a thriving business to expand, the current use has had a history of incompatibility with the abutting residential neighborhood. The original SDP for live entertainment was approved based on the findings that the proposed use would provide a conveniently located place of live entertainment and dining services for neighboring industrial and residential areas. The business occupying the space did not have a record of noise nuisances. The industrial area has since converted to multi-family residential, and the existing use operates as a nightclub with full liquor service and no restaurant component, which is not what was approved by the previous SDP. Staff believes that the expansion may result in increased noise and problems concerning public safety at the shopping center and for the neighboring residential properties. However, if the Planning Commission is able to make the required findings, staff is recommending the Conditions of Approval in Attachment B.

Conditions of Approval: Recommended Conditions of Approval are located in Attachment B.

Alternatives

1. Deny the appeal and uphold the decision of the Administrative Hearing officer to deny the Special Development Permit.
2. Grant the appeal and approve the Special Development Permit with the attached recommended conditions of approval.
3. Grant the appeal and approve the Special Development Permit with modified conditions of approval.

Recommendation

Alternative 1

Prepared by:

Rosemarie Zulueta
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter and Project Description from the Applicant
- E. DPS Initial Comments
- F. Letter from Neighbor
- G. Administrative Hearing Minutes of May 28, 2008
- H. Applicant's Appeal Letter
- I. DPS Update

Recommended Findings - Special Development Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

Policy N1.1 – Protect the integrity of the City’s neighborhoods; whether residential, industrial or commercial.

Action Statement N1.1.1 – Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.

Policy C4.3 – Consider the needs of business as well as residents when making land use and transportation decisions.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. *(Finding not met.)*

Although nightclubs and bars are conditionally permitted in a C-1 zoned property, staff finds that the nightclub and bar use may be inappropriately located at such close proximity to residential properties due to a history of negative noise impacts and public nuisances. Staff believes that the proposed expansion may result in an intensification of existing problems and continue to negatively impact the adjoining residential properties.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. *(Finding not met.)*

The project does not propose any significant modifications to the exterior of the building or to the site, so no visual impact to the surrounding area is anticipated. However, staff is concerned that the proposed expansion of the use may increase noise and other problems that currently exist, which would continue to negatively impact the adjoining residential properties.

Recommended Conditions of Approval - Special Development Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Execute a Special Development Permit document prior to issuance of the building permit.
- B. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development. Major changes may be approved at a public hearing.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. The existing and proposed areas (3,534 square feet) and uses must comply with all requirements of previously approved Special Development Permit 2002-0128, including re-establishment of a restaurant use, unless modified herein.
- G. The noise level generated by the facility shall not create a nuisance to occupants or customers of adjacent commercial establishments. The noise or sound level shall not exceed 45 dBA measured at the property line shared by the adjoining residential properties.
- H. Install sound proofing materials to mitigate noise and vibration impacts on neighboring properties and adjoining tenant spaces.
- I. The hours of operation shall be limited to the following:
 - Sunday – Thursday: 2:30 p.m. to midnight
 - Friday – Saturday: 12 p.m. to 1:30 a.m.
- J. All exterior doors, especially the rear door, shall have a self-closing mechanism and shall be kept closed when not in use.
- K. Install sound proofing materials in tenant space walls to mitigate noise and vibration impacts on neighboring properties and adjoining tenant spaces.

- L. Employees shall park in the rear parking lot located at the northwest corner of the property.
- M. Patrons shall be restricted from the rear area adjacent to neighboring properties at all times.
- N. Tenant is responsible for ensuring customers comply with smoking regulations, per California State law.
- O. Obtain approval from the Crime Prevention Division of the Department of Public Safety for crime and public nuisance prevention measures appropriate to the proposed development prior to issuance of a Building Permit.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Comply with all ABC regulations and license requirements. Failure to comply with all ABC regulations is grounds for revoking this permit.

3. PARKING

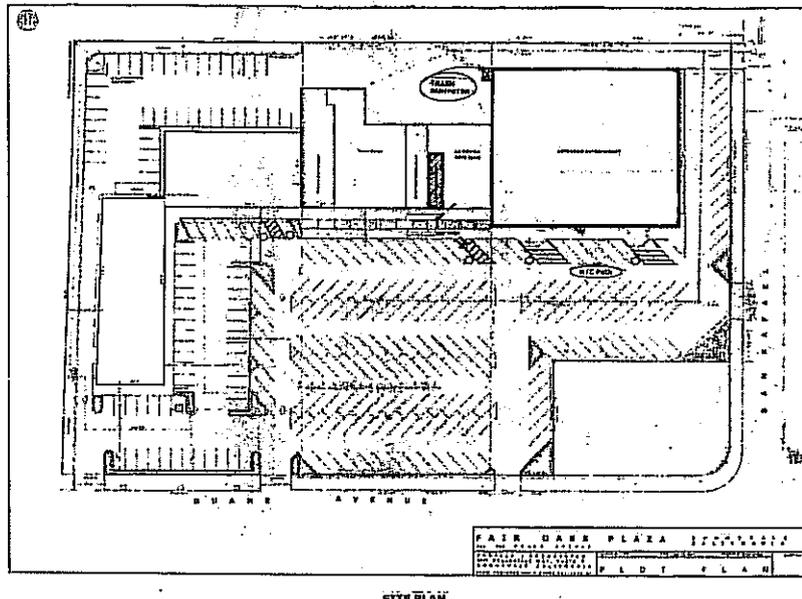
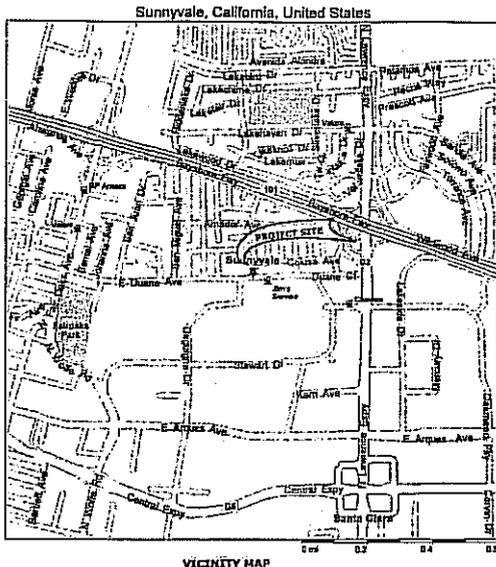
- A. The parking lot shall be re-striped and brought into conformance with handicap accessible space requirements of the California Building Code.
- B. Submit a revised parking plan to the Director of Community Development for review and approval prior to issuance of a Building Permit.

4. RECYCLING AND SOLID WASTE

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures at all times. Containers shall not be placed in parking spaces or landscaped areas at any time.
- B. Submit plans for a new trash enclosure to the Director of Community Development for review and approval prior to issuance of a Building Permit. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.
- C. The property shall remain clean and free of debris and garbage.

5. SIGNS

- A. All existing/new signs shall be in conformance with the Master Sign Program established for the shopping center and the Sunnyvale Municipal Code.
- B. Obtain building permits for any new signs.



PROJECT SCOPE
Proposed project involves addition of an adjacent 534 sf vacant tenant space to an existing 3,000 sf La Ronda Nite Club. Subject space is fully conditioned as a retail space and was formally used as a Beauty Salon.

Project entails the demo of existing non-weight bearing walls, and relocation of an existing electrical distribution panel. Conditioning the new additional space will be minimal. Work to be done includes cleanup, painting, new carpeting and associates floor finishes, and minor work associated with the relocation of the electrical panel.

New Addition -
The new space measures 44'-6" x 12'-0" for a total of 534 sf of new usable space. This area will be used as follows:

Bar Counters 2'-0" X 9'-3" =	18.50 sf
Public Seating & Access - balance	<u>515.50 sf</u>
Total New Addition	<u>534.00 sf</u>

Structural changes -
No structural changes are planned or required for this project.

SCOPE OF MECHANICAL WORK
No plumbing or mechanical work is planned or required for this project.

APPLICABLE CODES
All work shall be compliant with City of Sunnyvale Municipal Codes, and the 2001 Editions of CBC, CMC, CFC and 1999 NEC Codes.

In compliance with ADA the existing rear bar has a 34" high service counter, and recently added a new H/C Parking space in front of site, and a curb-cut access ramp.

Occupancy Load

Area	Occupancy Group	Occupant Load Factor	Square Footage	Occupant Load
Front Bar	A-3	-	280.25	2
Rear Bar	A-3	-	171.00	2
Walk-In Cooler/Ice Mach	-	-	117.00	-
Store Room	-	-	106.00	-
Office	B	100	51.00	1
Men's Room	B	100	87.50	2
Women's Room	B	100	71.50	2
Dance Floor	A-3	7	408.00	58
Public Seating/Access	A-3	15	2,209.75	147
TOTAL			<u>3,534.00</u>	<u>214</u>

PROJECT DATA: LA RONDA NITE CLUB
927 E. Duane Avenue
Sunnyvale, CA 94086

OWNER: Rogelio Arreola
927 E. Duane Avenue
Sunnyvale, CA 94086

ASSESSOR'S PARCEL: 205 - 12 - 003
ZONING: C - 1
BUILDING TYPE: Type V-N
SPRINKLERED: No
NUMBER OF STORIES: One
OCCUPANCY GROUP: A - 3
EXISTING BLDG. USE: Retail - Nite Club
TENANT SQUARE FEET: 3,000 s.f.
ALTERATION AREA: 534 s.f.
GROSS TENANT AREA: 3,534 s.f.
PROPOSED USE: Retail - Nite Club

FIRE PROTECTION PLANS
A licensed Fire Protection Contractor shall submit 3 sets of shop drawings/ calculations to the Sunnyvale One-Stop Permit Center for review/ permit.

Victory Concrete

I N D E X

COVER & DATA SHEET	A - 1
FLOOR PLAN DETAIL	A - 2
DETAIL SITE PLAN	B - 3

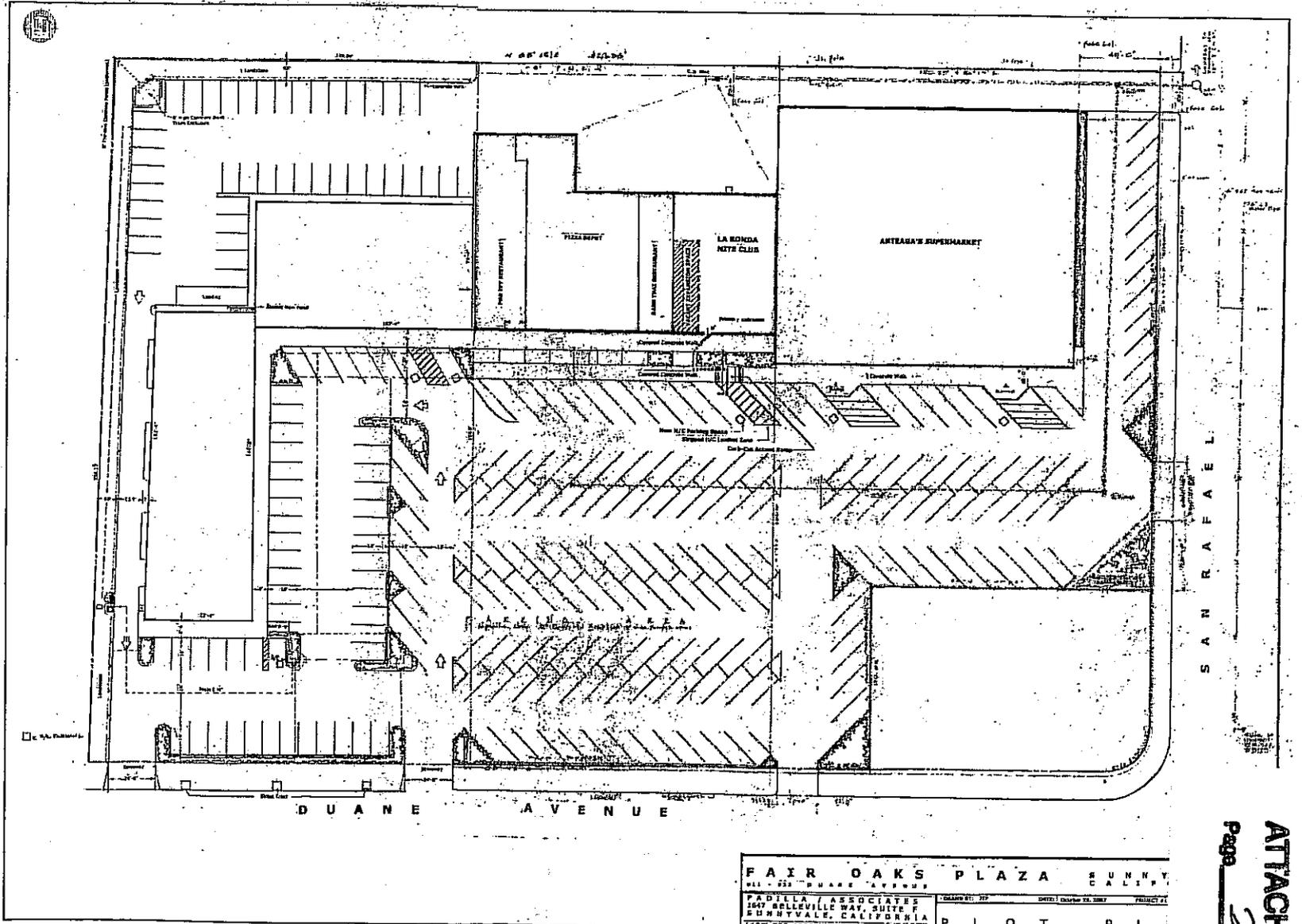
REVISIONS	BY

LA RONDA NITE CLUB
927 E. Duane Avenue
Sunnyvale, California 94086

**TI - Addition of Space
COVER & DATA SHEET**

DRAWN

ATTACHMENT
Page 1 of 3



FAIR OAKS PLAZA SUNNYVALE, CALIF.
 411 - 555 DUANE AVENUE
 PADILLA ASSOCIATES
 2607 BOLLINGVILLE WAY, SUITE F
 SUNNYVALE, CALIFORNIA
 (408) 238-0800 FAX (408) 231-0888 CA
 DRAWN BY: JEP DATE: 12/08/07 PROJECT NO:
P L O T P L

ATTACHMENT C
 Page 2 of 3

PADILLA/ASSOCIATES
Design & Management Consultants
1647 Belleville Way, Suite F
Sunnyvale, CA 94087
408/ 738-4002 Office o 408/561-0656 Cell
padillassoc@AOL.com

March 20, 2008

City of Sunnyvale
Department of Community Development
456 W. Olive Avenue
Sunnyvale, CA 94088

SUBJECT: LA RONDA NITE CLUB - 927 E. Duane Ave, Sunnyvale 94085
Re: USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

Gentlemen:

The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project complies with these goals and is a permitted use under current C-1 zoning of this Shopping Center.

Proposed project makes excellent use of the recently vacated 534 s.f. space to expand and improve the adjacent 3,000 s.f. LA RONDA NITE CLUB. An improvement which serves to improve and revitalize this neighborhood shopping center.

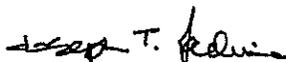
The subject vacant tenant space is currently classified as Type B, Retail. Whereas, the LA RONDA NITE CLUB is Classified as Type A-3, Public Assembly. So a change of use from a Type B to Type A-3 classification is required for this project.

As shown on the attached Project Plans, proposed addition would serve to balance the Club's layout by providing patron seating on three sides around the dance floor. Currently, patron seating is limited to two sides with the band stand on one end. New arrangement provides improved ease and convenience allowing dancers to seat closer to the dance floor. Improved accessibility is extremely important as Club caters to mature couples and promotes dancing to live music.

Additionally, as part of the proposed expansion program, the Club's interior decor is being upgraded including a new blue paint scheme and matching carpeting. Overall the planned improvements will provide better accessibility and improved architectural appeal, esthetics, and ambiance. These welcome changes should also improve Club's economic viability.

The proposed use ensures that the general appearance of proposed structure, and the uses of this site, will not impair either orderly development of, or the existing uses being made of, adjacent properties. As Planners know, this is the old RAVENS BAR site that catered to rough bar and motorcycle gang type patrons. Site has been cleaned and revitalized by the Club's owner using his own private capital. These planned interior decor improvements plus exterior clean up and painting will further improve the property's appearance and use.

Sincerely,


Joseph T. Padilla
Director

PADILLA/ASSOCIATES

Design & Management Consultants
1647 Belleville Way, Suite F
Sunnyvale, California 94087

[408] 738-4002 [Office/FAX] o [408] 561-0656 [CELL] o padillassoc@AOL.com

April 21, 2008

City of Sunnyvale
Dept. Of Community Development
456 West Olive Avenue
Sunnyvale, CA 94088

ATTN: Rosemarie Zuleta - Project Planner
SUBJECT: EXPANSION OF EXISTING NIGHT CLUB [LA RONDA] INTO VACANT TENANT SPACE
Re: Response to PRC Meeting of 04/07/06 - Planning Comments

PROPOSED USE OF VACANT TENANT SPACE [CLUB ADDITION]

1. As indicated on PLANS - SHEET A-1, submitted with the application, the vacant 534 s.f. tenant space will be used as an addition to an existing 3,000 s.f. La Ronda Night Club. Reference PROJECT SCOPE on subject SHEET A-1. The subject vacant tenant space is a fully conditioned retail space that was formerly used as a beauty salon. This requires a change from a Type B to an A-3 use.

USE OF SPACE -

- Bar Counter 2.0' x 9'-3"	= 18.50 s.f.	5 seats/bar stools
- Public Seating & Access aisles - balance of space	= <u>515.50 s.f.</u>	<u>72 seats/chairs</u>

TOTAL New Addition Space	<u>534.00 s.f.</u>	<u>80 seating</u>
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Reference PLANS - SHEET A-2, which provides details on bar and seating into this new area. The Bar and Seating Plan Layout has been inspected by Sunnyvale Public Safety Officers/ Arson/Fire Cause Investigators Wally McVey [now retired], Robert Rullan and his Supervisor and found to be compliant with current local codes.

HOURS OF OPERATION:

The La Ronda Night Club operates seven days a week. Hours of operation are:
- Sunday thru Thursday 2:30 pm to 1:30 am
- Friday, Saturday 12:00 pm to 1:30 am

ENTERTAINMENT:

La Ronda Night Club is an entertainment venue catering to a more mature hispanic clientele. The club offers live Latin American music and dancing from 9:00+ pm to 1:00 am. Club's live music features known bands specializing in all current latin-beat music. Different bands are booked and rotated as available to meet customers demand.

The La Ronda Night Club is known for its clean operations, great ambiance, excellent music and emphasis on the safety of its patrons. Club has on-going contract with M&M Private Security Association, a professional armed & unarmed guards company, to provide 4-5 unarmed uniform guards to check IDs and potential problems before persons are admitted in the Club. Guards also monitor restrooms, customer control inside premises and outside parking lot. Checking at door avoids entry by under-aged, intoxicated, or other potential problem patrons.

This basically covers the PLANNING Comments. However, please call me if you have other comments or concerns.

Sincerely,



Joseph T. Padilla
Director

PADILLA/ASSOCIATES

Design & Management Consultants

1647 Belleville Way, Suite F

Sunnyvale, California 94087

[408] 738-4002 [Office/FAX] o [408] 561-0656 [CELL] o padillassoc@AOL.com

April 22, 2008

City of Sunnyvale
Dept. Of Community Development
456 West Olive Avenue
Sunnyvale, CA 94088

ATTN: Rosemarie Zuleta - Project Planner

SUBJECT: EXPANSION OF EXISTING NIGHT CLUB [LA RONDA] INTO VACANT TENANT SPACE

Re: SUPPLEMENTAL DATA - FLOOR LAYOUT/SEATING/EXITS, ETC.

The attached PLAN : SHEET A -2, shows the LA RONDA CLUB's current floor layout and seating arrangement for the entire club - including the new 534 s.f. addition. Note that the new addition definitely serves to improve the sites serviceability by centralizing seating around the dance floor. SHEET A-2 is to scale and shows:

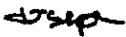
1. **New Addition** - 2.0'x 9'-3" service bar counter & 5 bar stools
16 tables & 1 round counter with seating for 72
and access aisles
2. Existing Club Area Layout
All areas are labeled
Seating Arrangement is shown
Service bars, band stand, dance floor, restrooms, office, storage shown
Entry/Exits are shown
Emergency EXIT lites at all doorways is shown
Exit/egress paths are indicated

Basically PLAN : SHEET A - 2, serves to address many of the commets posed by several parties in the PRC. A more detail response can be drafted later. PLAN : SHEET A -1, provided with original application showed the square footage by area.

Regarding FIRE PREVENTION issues please be advised that ROBERT RULLAN, Public Safety Officer, Arson/Fire Cause Investigator and Fire Prevention Inspector has inspected the facilities and found the site to be compliant with current Sunnyvale Fire Department regulations. Last and final inspection was made Wednesday - 4/2/08.

I shall continue my research and will provide other data later.

Sincerely,



Joseph T. Padilla
Director



USE PERMIT/SPECIAL DEVELOPMENT PERMIT JUSTIFICATIONS

One of the two following findings must be made in order to approve a Use Permit or Special Development Permit application.

The Sunnyvale Municipal code states that at least one of the following two justifications must be met before granting the Use Permit or Special Development Permit. Please provide us information on how your project meets at least one of the following criteria.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project complies with these goals and is a permitted use under current C-1 zoning of this Shopping Center.

Proposed project makes excellent use of the recently vacated 534 s.f. space to expand and improve the adjacent 3,000 s.f. LA RONDA NITE CLUB. An improvement which serves to improve and revitalize this neighborhood shopping center.

The subject vacant tenant space is currently classified as Type B, Retail. Whereas, the LA RONDA NITE CLUB is Classified as Type A-3, Public Assembly. So a change of use from a Type B to Type A-3 classification is required for this project.

As shown on the attached Project Plans, proposed addition would serve to balance the Club's layout by providing patron seating on three sides around the dance floor. Currently, patron seating is limited to two sides with the band stand on one end. New arrangement provides improved ease and convenience allowing dancers to seat closer to the dance floor. Improved accessibility is extremely important as Club caters to mature couples and promotes dancing to live music.

2. The proposed use ensures that the general appearance of proposed structure, and the uses of this site, will not impair either orderly development of, or the existing uses being made of, adjacent properties. As Planners know, this is the old RAVENS BAR site that catered to rough bar and motorcycle gang type patrons. Site has been cleaned and revitalized by the Club's owner using his own private capital. These planned interior decor improvements plus exterior clean up and painting will further improve the property's appearance and use.

Additionally, as part of the proposed expansion program, the Club's interior decor is being upgraded including a new blue paint scheme and matching carpeting. Overall the planned improvements will provide better accessibility and improved architectural appeal, esthetics, and ambiance. These welcome changes should also improve Club's economic viability.

NOTE: Joseph T. Padilla, Design & Management Consultant is working with both La Ronda and Arteaga's Market to help revitalize this area using private capital.

PROJECT JUSTIFICATION STATEMENT

Proposed use of space attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project complies with these goals and is a permitted use under Shopping Center's current C-1 zoning.

The proposed project makes good use of a recently vacated 534 s.f. space to expand and improve the adjacent 3,000 s.f. La Ronda Night Club. An improvement which serves to continue to revitalize this 1950's era neighborhood shopping center.

The proposed project requires a change of use. Available vacant tenant space is currently classified as Type B:Retail. Whereas, use as part of the La Ronda Nite Club requires change in classification to Type A-3: Public Assembly.

As indicated on the attached Project Plans, the proposed addition would serve to balance the Club's floor layout by providing patron seating around the dance floor. Currently, the patron seating is limited to two sides, with the band stand on one end. New addition would provide seating on three sides, band stand on the 4th side. with the dance floor in the middle. Layout provides patrons improved ease and convenience by allowing dancers to seat closer around the dance floor. Improved accessibility is extremely important inasmuch as the Club caters to mature couples who enjoy dancing.

In addition to improved accessibility, the new addition serves to improve Clubs architectural layout. As part of the current expansion program the Club's interior decor was upgraded. This included a new blue paint scheme and carpeting. This improves Club's esthetics and ambiance, and should serve to improve the Club's economic viability. Which will allow the operators to continue to make further improvements ... soundproofing, better sound system et cetera to minimize sound emissions.

As Planners know, this is the site of the old RAVEN's BAR that catered to a rough motorcycle gang type crowd, pool room environment, and lingerie luncheons. Site has been cleaned and revitalized by the Club's owners ... a husband and wife ...using their own funds. This site is now a beautiful and safe quality entertainment venue. This is an excellent example of redevelopment using private capital.

The proposed use ensures that the general appearance of proposed structure, and the uses of this site, will not impair either orderly development of, or the existing uses being made of, adjacent properties.

NOTE: Joseph T. Padilla, Design & Management Consultant is working with both La Ronda and the adjacent Arteaga's Market to help revitalize this area using private capital.

Rosemarie Zulueta - LaRonda

From: James Davis
To: Zulueta, Rosemarie
Date: 4/21/2008 4:39 PM
Subject: LaRonda

April 21, 2008

Dear Rosemarie,

I went to dispatch and had them pull all the calls for service related to Club LaRonda. They were able to give me statistics back to 12-21-08. This is what the calls for service look like.

Calls for Service	44
Arrests Made	4
Field Interviews	5
Disturbance Calls	15
Security Checks	11
Suspicious Activity	5
Pedestrian Stops	3
Fights	2
No Other Classification	2
Drunk Driver	1
Warrant Arrest	1
Accident	1
Traffic Stop	1
Flagged Down	1

This represents a significant number of calls related to one address in just 6 months.

I was involved in the gathering of the information regarding the decibel readings at Club Ronda. The results were as follows:

Readings at LaRonda on Saturday February 16, 2008. The readings directly in front of the buildings measured at 0011 Hrs. was 60 to 70 DCB's with the door closed. At the front of the business with the door open the readings were 70 to 76 DCB's.

Directly to the rear of the business the readings at the fence line were 50 to 56 DCB's. Directly at the back door of the business the DCB's were 60 to 70.

Thursday February 21, 2008 - From in front of 922 Coachella could hear the bass. Readings of 40 to 42 dbs. At the fence line to the rear the readings were 54-58 Dbs. At the rear door the readings were 60 to 64 Dbs. Standing on the sidewalk in front of the business the Dbs. were 54 to 58 Dbs. When the door was opened the range went to 70 to 74 Dbs.

Tuesday February 26, 2008 - To the front. Ranged from 50-55 dbs. To the rear on Coachella just under 50 dbs.

Saturday March 1, 2008 - Reading from in front of 40 dbs. Could hear the bass. Parking lot to the rear 49.5 to 55.6 dbs. Directly at the back door the level was 58.0 to 79.1 dbs. On the sidewalk in front of the club the level was 60.0 - 88.8 dbs.

The decibel readings indicate that LaRonda has problems taking care of the noise that they are currently responsible for let alone any new noise generated by an expansion.

Until Club LaRonda can show that it can handle the current problems surrounding their business I do not believe they should be allowed to expand and create new problems.

Jim Davis
Neighborhood Resource Officer
Sunnyvale Dept. of Public Safety
(408) 730-7145

ATTACHMENT FPage 1 of 1**Rosemarie Zulueta - [BULK] Reg La Ronda Club**

From: "Mayank Patel" <~~mpatel@ci.sunnyvale.ca.us~~>
To: <rzulueta@ci.sunnyvale.ca.us>
Date: 5/28/2008 7:17 AM
Subject: [BULK] Reg La Ronda Club

Mayank Patel
654 San Pedro Ave
Sunnyvale, CA 94085
May 28, 2008

Rosemarie Zulueta
Assistant Planner
Dept. of Community Development
456 West Olive Avenue
Sunnyvale, CA 94088-3707

Dear Rosemarie Zulueta:

I am a long-time resident of our city, and I am writing to express my concern about recent discussion and the pending decision to expand the La Ronda Night Club. I understand that the decision is being considered to expand the size of the club that will accommodate increasingly heavier traffic and more Noise.

However, I believe that the expanding the club size will bring more people and more trouble to the Community. I have suffered a loss of my car due to this club last year as my car was stolen by the people who came to visit the club. Every day I see peoples all over the parking lot making indicant exposure to public and making noise till 4:00 am...in public parking lot. It will benefit to the club owner and he may make more money but the people who live around the club will have to face the night long noise trouble and the vagabond act of drunks. I wish that Sunnyvale County will not let them expand the club...as it is a big problem already. Our kids who also see them drunk walking on street brings bad impression already...

Are these tradeoffs that we really want to make? I am looking forward to your response.

Sincerely,

Mayan Patel



**CITY OF SUNNYVALE
ADMINISTRATIVE HEARING**

ATTACHMENT G
Page 1 of 3

MINUTES

Wednesday, May 28, 2008

2008-0341 - La Ronda Nite Club [Applicant] **Maple Leaf Invs Ii LLC** [Owner]: Application for a Special Development Permit to allow an existing nightclub to expand into a 534 square foot tenant space for a total of 3,534 square feet. The property is located at **927 E. Duane Avenue** (in Fair Oaks Plaza Shopping Center) in a C-1/PD (Neighborhood Business/Planned Development) Zoning District. (APN: 205-12-001) RZ

In attendance: Joseph Padilla, Applicant; Rogelio Arreola, Applicant; Tara Martin-Milius, Neighborhood Association; John Withington, Neighbor;

Mr. Andrew Miner, Administrative Hearing Officer, on behalf of the Director of Community Development, explained the format that would be observed during the public hearing.

Ms. Caruso announced the subject application.

Rosemarie Zulueta, Project Planner, The applicant is proposing to expand an existing business (La Ronda Nite Club) which occupies a 3,000-square foot tenant space to include an adjacent 534-square foot vacant tenant space for a total of 3,534 square feet. The project includes the creation of a second bar, additional seating areas and upgrades to interior décor. Some exterior painting would also be done. The subject business operates as a nightclub with full liquor service and live entertainment (no restaurant component), and is located within the Fair Oaks Plaza shopping center. The current hours of operation are 2:30 p.m. – 1:30 a.m., Sunday through Thursday, and noon – 1:30 a.m., Friday and Saturday.

This application is a result of a complaint made with the Neighborhood Preservation Division last November for unpermitted construction expanding the subject business into the adjacent vacant space. Since the complaint, Neighborhood Preservation staff has been working with Public Safety and the business owners to obtain the necessary permits for the expansion and to address other ongoing public safety issues. Staff discovered that there has been a history of noise complaints and other public disturbances on the site which have not been resolved. There were 44 calls for service made to DPS about the subject business from December of last year to April of this year. Staff has also been contacted by a resident whose home is directly adjacent to the shopping center and by the San Miguel Neighborhood Association who have similar concerns about noise and public safety. The resident has provided his concerns in writing, which have been provided to the Administrative Hearing Officer. Staff and DPS are concerned that the current problems may intensify with the expansion. Also, it was discovered that the original SDP was approved to have live entertainment at a restaurant with full liquor service. The current use is a nightclub and bar with no restaurant component. Although the proposed project meets all development standards including parking, staff was unable to make the required findings to recommend approval of the project due to the fact that the subject business has had a history of incompatibility with the adjacent neighborhood.

Mr. Miner opened the public hearing.

Joseph Padilla, Applicant, stated he had received and reviewed a copy of the staff report. He explained to the hearing officer the concerns and asked for approval of the project. Mr. Padilla stated that they are trying to resolve the noise concerns and mentioned that a lot of the noise comes from the west end of the shopping center from the cultural dance center. He also stated that this club specializes towards a specific group of people and they are not trying to bring in a younger crowd. Mr. Padilla also noted that the resident located directly behind the club never complains about the club.

Mr. Miner wanted to know if they also received a permit for entertainment only without a restaurant and Mr. Padilla stated that they have not. Mr. Miner wanted to know how he would respond to the fact that Public Safety gets a lot of calls regarding this location. Mr. Padilla stated that they have private security patrol the parking lot, in back of the building and at the door.

Rogelio Arreola, Applicant, stated that some people will call the police if they are not granted admittance into the club.

Mr. Padilla stated that on March 25 someone was refused entry into the club and was trying to fight with one of the security guards. The police were called to handle the situation.

Tara Martin-Milius, Neighborhood Association, stated that Mr. Padilla has been cooperative and in November a lot of calls came in regarding the sound and since then the noise has decreased but noise is still a main concern. Ms. Martin stated that there is a lot of loitering that takes place at that location and mentioned that some of the residents have vocalized how unsafe they feel going to the shopping center after dark.

John Withington, neighbor, stated that noise is a main concern for him and that he has been keeping record of when the noise was unbearable. In March there were 15 days that the noise was excessive. Mr. Withington had some comments from different neighbors that he read out loud. Stated that when he walks around the area the bass noise from La Ronda is distinctive.

Mr. Padilla stated that he questions the thought that La Ronda's bass noise is heard from a few streets away. He also stated that patrons that were not allowed entry into the club are asked not to loiter and he is working with his security to make sure loitering does not occur. He also stated that he cannot do anything about people smoking outside since it's illegal to smoke inside the structure.

Mr. Miner stated that there is an existing permit 2002-0128 that was for the existing space to allow entertainment within a restaurant use. With this being converted into a night club the question arises if the location adjacent to residences is appropriate for a

night club. Mr. Miner mentioned that since this expansion is continuing a use that is not permitted and in fact exasperating the condition he is in agreement with staff.

Mr. Miner closed the public hearing.

Mr. Miner denied the application due to the inability to make the findings.

Mr. Miner stated that the decision is final unless appealed to the Planning Commission with payment of the appeal fee within the 15-day appeal period.

The meeting was adjourned at 2:57 p.m.

Minutes approved by:



Andrew Miner, Principal Planner

LA RONDA NIGHT CLUB

927 East Duane Avenue
Sunnyvale, California 94086

June 10, 2008

Department of Community Development
City of Sunnyvale
456 W. Olive Avenue
Sunnyvale, CA 94088

**SUBJECT: La Ronda Nite Club
Special Development Permit Denial**

Re: Appeal of Administrative Staff Denial - May 28, 2008

We hereby appeal the Administrative Staff Denial of our application for a Special Development Permit to allow our existing nightclub to expand into a 534 square foot tenant space for a total of 3,534 square feet.

1. As indicated in our application the proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project complies with these goals and is a permitted use under the current C-1 zoning of the Fair Oaks Shopping Center.
2. The proposed project makes excellent use of the recently vacated 534 s.f. space to expand and improve the adjacent 3,000 s.f. La Ronda Nite Club. An improvement which should serve to improve and revitalize this neighborhood shopping center.
3. The proposed use ensures that the general appearance of proposed structure, and the uses of this site, will not impair either orderly development of, or the existing uses being made of adjacent properties.
4. The La Ronda Night Club serves recognized entertainment requirements of an ethnic segment of the City of Sunnyvale's hispanic community. It provides a clean, safe wholesome and convenient entertainment venue for middle to older hispanic members of our society not otherwise available. The more mature audience needs this type of entertainment venue tailored to meet the cultural heritage needs where they can meet, listen to their type of music, and dance their typical dance styles.

Like many other entertainment venues we recognize the inherent problems associated with this type of business in these types of locations. Fortunately, management is and shall remain completely responsive, and sensitive for the need to mitigate negative impacts on the surrounding neighbors.

1. Noise complaints. A survey of immediate neighbors and working with the San Miguel Neighborhood Association [SMNA] we are cognizant of this problems and have taken immediate steps to mitigate this problem.
 - a. Sound systems & controls were upgraded, and work continues in this training staff on the important of sound control to minimize negative impacts on our neighbors quality of life. In a current survey neighbors indicate a noted improvement in sound levels.

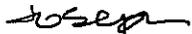
- b. Speakers. New speakers are being installed throughout the club to lessen the need for higher sound volumes. When this phase is completed club guests will also benefit inasmuch as the new systems will allow them to communicate and thereby better enjoy themselves
- c. Sound Monitoring. Sound meters were purchased and are being used to monitor the sound levels emitted in front and to the rear of the premises periodically when live music is playing. This check is by management.
- d. Sound Proofing. HVAC vents, rear doors, front walls and more recently all ceilings in the club were sound-proofed. Sound-proofing was installed that allows a " 2" air-cushion" between the permanent hardcap ceiling and the new soundproof sheathing to buffer the sound emissions thru the roof.
- e. Public Safety and Noise. We recognize and apologize for the excessive calls [44 calls] reported by DPS. Immediate steps have been undertaken that include better monitoring of the premises, and the parking lot areas by our outside Uniform Security Guards. These steps should ensure a major reduction of people hanging around and/or drinking outside, or the loud playing of stereos in the parked vehicles.

We also plan to meet with DPS to develop and implement improved patron controls during and after closing of the club.

The Senior Uniform Security Guard is also to assign a member of his staff to periodically monitor the sound levels outside the club, both at the rear fence line, and in the front of premises. This 3rd party objective check will serve as a check-and-balance system to control sound emissions.

In summary, we believe immediate responsive action by La Ronda Nite Club, and ongoing steps taken, or to be taken will warrant the reconsideration of our application.

Respectfully submitted,



Joseph T. Padilla
Design & Management Consultant

ATTACHMENT 1 Page 1 of 1 **Rosemarie Zulueta - 927 E Duane**

From: James Davis
To: Zulueta, Rosemarie
Date: 8/18/2008 4:30 PM
Subject: 927 E Duane
CC: Bouziane, James; Moretto, Douglas

August 18, 2008

Dear Ms. Zulueta,

After receiving your E-Mail requesting an update on the conditions at the LaRhonda night club I had the Dispatch center provided me with all of the calls for service at the address. I was not surprised to see the results. From April 21 to August 17, 2008 officers have had occasion to visit the address on 62 different occasions. On most of those occasions officers were doing security checks on the property to make sure that things did not get out of hand (26 Security Checks). Fights and or disturbances continue to occur on the property. Officers responded on 10 calls for service due to Disturbing the Peace calls. This includes calls related to loud music as well as fights in the parking lot and the bar. The records also show that there were 3 fights on the premises. There were 3 people arrested for being Drunk in Public. Additionally there were 3 narcotic investigations that were conducted because of the activity at the business. There is also documentation that shows that a driver was arrested for drunk driving after coming out of the Club LaRhonda.

This is a significant amount of time that Public Safety is dedicating to problems and actions that are related to the address. We would continue to voice our concerns about allowing the business to expand when they are showing this type of significant negative activity associated with the business.

If there is further information that I might be able to provide don't hesitate to contact me.

Yours truly

Jim Davis
Neighborhood Resource Officer
Sunnyvale Dept. of Public Safety
(408) 730-7145