



CITY OF SUNNYVALE ADMINISTRATIVE HEARING

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 exacerbating 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