
Previous approvals for Teen Night
Information Packet



SUBJECT: PCUP-85

APPLICANT: Sh-Boom Night Club

PROPERTY OWNER: FFHS Associates Gateway

PURPOSE: Application for a conditional use permit to allow teen dances from 7:00 p.m. to 12:00 midnight on Sunday and Tuesday nights during the summer months beginning in June and ending in September, and on Sunday nights on three-day weekends during the school year.

GENERAL PLAN: Business Park (Industrial/Commercial and Office)

ZONING: PUD (Planned Unit Development) – I/C-O (Industrial/Commercial-Office) District

LOCATION: 4825 Hopyard Road in the Gateway Square shopping center.

ATTACHMENTS:

1. Location Map.
2. Exhibit "A" dated, "Received May 2, 2003" with the applicant's narrative.
3. Exhibit "B", Draft Conditions of Approval, dated June 25, 2003.
4. Staff report, resolution, and public hearing minutes of the Pleasanton Youth Commission, dated June 11, 2003, pertaining to the Sh-Boom teen dance.
5. Chapter 6.44 – Teen-Age Dances – of Title 6 – Specific Business Regulations – of the Pleasanton Municipal Code.
6. Overall site plan of the Gateway Square shopping center.
7. Sh-Boom floor plan.
8. Letter from James Paxson, General Manager of the Hacienda Owners Association to Jerry Iserson, dated May 8, 2003, supporting the Sh-Boom teen dance nights.

BACKGROUND

The Sh-Boom Night Club requests the Planning Commission's approval of a conditional use permit to allow teen dances on Sunday and Tuesday nights during the summer months and holiday weekends. The proposed teen dances would be conducted in addition to Sh-Boom's regular business: night club and restaurant. On April 23, 2003 the Planning Commission approved PCUP-78, the conditional use permit permitting teen dances at Masses Sports Café and Night Club near the Stoneridge Mall.

On October 10, 1990 the Planning Commission approved Case UP-90-43, the conditional use permit (CUP) permitting Sh-Boom's operations at this location. On June 28, 1996 the Zoning Administrator approved Sh-Boom's request to hold teen dances. On June 24, 2002 the Zoning Administrator re-instated the previous teen dance approval, for a limited time during the year 2002, finding that its operation was in substantial conformance to Sh-Boom's approved CUP.

However, the dances became problematic with respect to the behavior of some of the dance attendees. The Sh-Boom management then ceased operating the teen dances on its own initiative. Sh-Boom attributes the problems of the previous teen dances to a previous operator that had advertised the dances outside of the Tri-Valley area, resulting in long lines at the door and potential dance patrons roaming the nearby areas. Sh-Boom has now retained a new operator, would advertise its teen dances primarily to the high school students of Pleasanton, Dublin, and Livermore areas, and would increase its door personnel to more quickly process dance patrons through this security checkpoint.

The Sh-Boom Night Club occupies a 10,830 square foot tenant space in the Gateway Square shopping center. Gateway Square was approved by the City Council on October, 1986 under Case PUD-81-35D. Sh-Boom is surrounded on all sides by the commercial/office uses of the Gateway Square center and the Hacienda Park. The closest residential uses are the single-family homes of the Val Vista neighborhood, located on the southwest quadrant of Stoneridge Drive and Hopyard Road approximately 600 feet from Sh-Booms. Figure One is a photograph of the south side of the Sh-Boom Nightclub and entrance facing Stoneridge Drive.



Figure 1: Main entrance to the Sh-Boom Nightclub facing Stoneridge Drive.

PROJECT DESCRIPTION

Sh-Boom has submitted a narrative describing its proposed operation. This document, along with a site plan and a floor plan of Sh-Boom, is attached. Based upon the narrative, supplemented with discussion between staff and the applicant, Sh-Boom would operate the proposed teen dances as follows:

- The dance patrons would be limited to high school students age 14 through 18 holding a valid student identification card. Parents and the legal guardians of the dance patrons would also be permitted to attend the dance. All dance patrons will be "carded" at the door, verifying student identification before being allowed to attend the dance. There will be a cover charge: \$5.00 with a discount flyer from 7:00 p.m. to 8:00 p.m. and \$15.00 after 8:00 p.m.
- The teen dances would only take place on Sunday and Tuesday evenings from 7:00 p.m. to 12:00 midnight during the summer months or during the rest of the year, on the Sunday evening of a three-day holiday when regular school classes are not being held. Sh-Boom is normally closed Sunday through Tuesday. As stated to staff by the owners/operators of Sh-Booms, no other event of any type would be held on the day of the teen dance, thereby separating Sh-Boom's adult oriented activities from the operation of the teen dances.
- Even though adults may be present during the dance, no alcoholic beverages would be sold, consumed, or permitted. Admission to the dance would be denied to any person showing evidence of having consumed any alcoholic beverage, under the influence of a controlled substance or in the possession of an alcoholic beverage, controlled substance, pornographic materials, etc.
- Soft drinks and snack foods would be provided during the entire event.
- No dance patron would be permitted to leave and thereafter reenter Sh-Booms during the course of the dance.
- The dance would be advertised primarily to the high school students of Pleasanton, Livermore, and Dublin via bulletin boards, posters, handbills, etc. There would be no radio advertising.
- Sh-Boom would be required to provide security personnel during the operation of the teen dance covering the interior and outdoor areas of Sh-Boom including the restroom and parking areas. As stated to staff by Sh-Boom, anyone found to be loitering, soliciting illegal activity, etc., in Sh-Booms or in the parking areas will be asked to leave immediately. The number and duty-time of the on-site security would be reviewed by the Police Chief before the issuance of a dance permit. At least two security personnel are required

to be certified/licensed by the State of California, uniformed, and supervising the parking areas.

Each of these items is reflected as a requirement in the draft conditions of approval.

PLEASANTON YOUTH COMMISSION

On June 11, 2003, the Pleasanton Youth Commission reviewed the Sh-Boom proposal. Copies of the staff report id attached. Copies of the meeting minutes will be distributed to the Planning Commission at the public hearing. According to Andy Jorgensen, Community Services Manager of the City's Department of Parks and Community Services, the Youth Commission supported the Sh-Boom proposal. Copies of the Planning Commission report have been provided to the members of the Youth Commission.

ANALYSIS

Conditional uses are those uses, which by their nature, require special consideration so that they may be located properly with respect to the objectives of the Pleasanton Municipal Code and with respect to their effects on surrounding uses and properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits.

Staff notes that the City's past experience with the Marquis, formerly located in the Crossroads Center, has heightened the City's sensitivity and care regarding these types of uses especially where teens and young adults are involved, and especially for this location nearby the homes that were previously impacted by the Marquis. However, this sensitivity is balanced by the City's desire to create appropriate, safe venues for a variety of teen activities, especially activities during the summer months when regular school events are not held. Additionally, Sh-Boom is an established operator having a good reputation and standing in the community and a good working rapport with the City. As explained further, staff believes that the Sunday and Tuesday night teen dances at Sh-Booms, as proposed and conditioned, would be compatible with the surrounding area and would be operated in a safe, controlled manner.

Land Use

The Sh-Boom Night Club occupies a tenant space in the Gateway Square shopping center and is surrounded on all sides by office and commercial developments which are mostly closed on the evenings when the teen dances would be held. The exceptions would be the Bamboo Island, Round Table Pizza, Chile's, and Hasegaewa's restaurants. As previously stated, the closest residential uses are located approximately 600 feet to the southwest of Sh-Booms, on the southwest quadrant of Stoneridge Drive and Hopyard Road, and are separated from Sh-Booms by a combination of the commercial buildings on the Gateway Square shopping center site, major public streets including Hopyard Road and Stoneridge Drive, and the sound walls facing Hopyard Road and Stoneridge Drive. Hence, staff believes that the residences to the southwest

would not be significantly impacted from the teen dance due to these factors and, therefore, that the proposed teen dances on Sunday and Tuesday nights would be compatible with the nearby uses. Figures Two through Three on the following page are photographs of the Val Vista neighborhood taken from the Gateway Square shopping center, and the Gateway Square building located between Sh-Booms and the Hopyard Road/Stone-ridge Drive intersection taken from the Val Vista neighborhood.

Pleasanton Municipal Code

Chapter 6.44 (Teen-Age Dances) of the Pleasanton Municipal Code permits teen dances in conformance to specified criteria. Copies of this chapter are attached. A discussion of the relevant sections of Chapter 6.44 as they pertain to Sh-Boom' proposal follows:

Section 6.44.020 – Permit required.

As conditioned, Sh-Boom is required to obtain a permit from the Police Chief for the entire dance season. This permit is in addition to the conditional use permit now before the Planning Commission. As conditioned, if a particular dance were to become unruly, as determined on-site by the Police Chief or his/her designee, the dance can be closed immediately with a written report of the closure forwarded to the Planning Director. A single closure would not affect the other teen dances held during the season nor would it affect the other weekly activities being conducted at Sh-Boom. As conditioned, however, the Police Chief can revoke the dance permit for the entire season. If this were to occur, it would then be within the capacity of the Planning Commission to revoke the conditional use permit for the teen dance at a public hearing.



Figure 2: The rear property line sound walls of the Val Vista neighborhood from the corner of Hopyard Road/Stoneridge Drive.

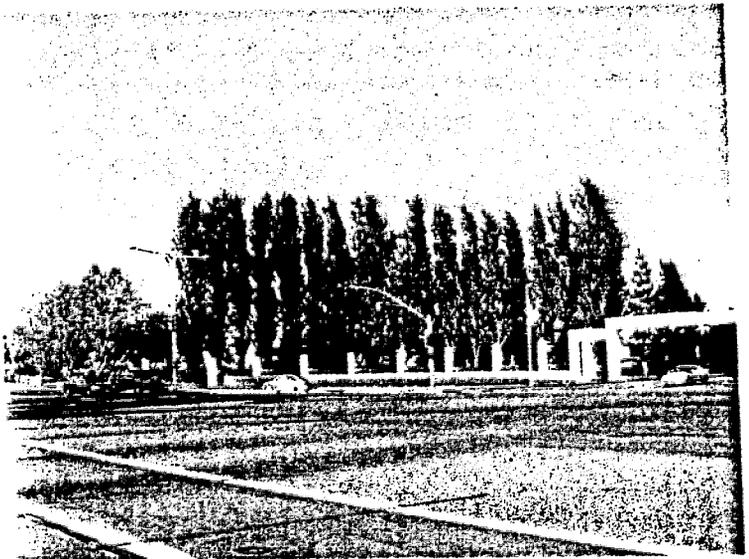


Figure 3: Gateway Square building facing the northeast corner of Hopyard Road and Stoneridge Drive taken from the Val Vista neighborhood.

Section 6.44.040 – Attendance.

As proposed and conditioned, the dance attendees may not leave and, thereafter, reenter Sh-Booms during the dance. Additionally, Sh-Boom would be required to monitor the number of attendees so that total attendance does not exceed the 500 person maximum capacity of the Sh-Boom Night Club. The previous teen dance approval required the at-the-door security personnel to consistently monitor the number of attendees.

Section 6.44.050 – Alcoholic beverages prohibited.

As conditioned, no alcoholic beverages may be sold, consumed, or be available on or in Sh-Booms during the dance. Admission to the dance shall be denied to any person showing evidence of having consumed any alcoholic beverage, under the influence of a controlled substance, or in the possession of an alcoholic or controlled substance.

Section 6.44.060 – Time limit.

The Municipal Code would allow a teen dance to operate to 1:00 a.m. with special permission; otherwise, the dances would have to end at 12:00 midnight. However, as proposed and conditioned, the teen dances would end at 12:00 midnight.

Section 6.44.070 – Participation of adults.

The Municipal Code sets a maximum 20 year age for dance attendees. As proposed and conditioned, the maximum age for dance attendees would be 18 years, and the attendees would be required to have a current student identification card. As worded, this condition would allow the presence of parents. To prevent the possible participation of adults who are not the parents of the dance attendees, no other activity would be allowed on the Sundays and Tuesdays when the teen dances would be held. Sh-Boom would also be required to post the teen dance schedule on its premises.

Section 6.44.080 – Loitering prohibited.

Loitering would also be prohibited by a condition of approval. Staff notes that there are “No Loitering” signs posted predominantly under the covered walkways surrounding the Sh-Boom Night Club.

Section 6.44.090 – Permit revocation.

The Pleasanton Municipal Code gives to the Police Chief the ability to revoke a dance permit. As previously stated, the Police Chief has the authority to close a specific dance at any time and, as conditioned, can revoke the dance permit for the entire season. The Planning Commission can revoke the use permit approval for the teen dances at a public hearing by making the appropriate findings.

Section 6.44.100 – Supervision by police.

The Pleasanton Municipal Code allows the Police Chief to require dance supervisors, e.g., security personnel, during the dance. As conditioned, Sh-Boom is required to provide security personnel during the operation of the teen dance covering the interior and outdoor areas. At least two security personnel are required to be certified/licensed by the State of California, uniformed, and supervising the parking areas. The remaining security personnel could include members of Sh-Boom's staff. The total number and locations of the security personnel would be determined by the Police Chief in conjunction with the issuance of a teen dance permit.

Timing of the Conditional Use Permit

Staff has proposed a condition of approval for a one year time limit for the conditional use permit for the teen dances, at which time staff will review the experience with the Sh-Boom' teen dances. Absent any problems, staff will allow the teen dances to continue. If problems have occurred, staff will evaluate the problems and, if necessary, bring the use permit back to the Planning Commission for its review and action.

Parking

Gateway Square was approved with 473 parking spaces distributed throughout the shopping center. The majority of this parking is centrally located on the shopping center site. There is some perimeter parking located on the south and east sides of the Sh-Boom Night Club. Of this total, the Sh-Boom Night Club would require 72 parking spaces based upon the Hacienda Park restaurant standard of one parking space per 150 square feet of floor area. However, Sh-Boom's hours occur after 6:00 p.m. when the majority of the retail/office tenants is Gateway Square are closed. The Bamboo Island, Chile's, and Hasegawa's restaurants are the only major restaurants open



Figure 4: The main parking area of the Gateway Square shopping center.

during this time and would require a total of 110 parking spaces based upon the Hacienda Park standard. Other restaurants, e.g., Ameilia's Deli and Round Table pizza, would be closed at this time or doing a predominantly take-out business. Figure Four is a photograph of the main parking area of the Gateway Square shopping center.

The maximum occupancy for Sh-Boom is limited to 500 people. Staff believes that the number of parking spaces in the Gateway Square shopping center would be sufficient for the operation

of the teen dances on Sunday and Tuesday nights: nearby commercial/office tenants, as previously stated, are closed on the evenings when the dances are being held; a portion of the dance patrons – those younger than 16 years of age – would, in all likelihood, be driven by their parents to the dance; and a portion would drive to the dances with their friends.

Staff had discussed with the applicants the feasibility of limiting the teen dance attendees to the parking area on the east side of Sh-Boom facing Chabot Drive. Figure Five is a photograph of this parking area. Staff felt that restricting the



Figure 5: Photograph of the parking area on the east side of Sh-Boom facing Chabot Drive.

teen dance parking to this area would serve to further protect the Val Vista neighborhood from parking lot noise. The applicants, however, believe that implementing this requirement would be infeasible. As previously stated, the parking areas serving Sh-Booms are well-separated and buffered from the Val Vista neighborhood. Although staff does not foresee potential parking problems resulting from the teen dance night, a proposed condition of approval would give to the City the appropriate controls to rectify parking problems if they should arise.

Noise

In order to minimize any noise impacts to the apartment residents, staff has incorporated a condition requiring that Sh-Boom's entrance/exit doors remain closed but not locked during the operation of the teen dance. The noise inside Sh-Boom generated by the teen dance night would consist primarily of pre-recorded music. Reflecting the Planning Commission's approvals of similar uses including martial arts studios, dance studios, etc., Sh-Boom is required to keep its entrance/exit doors closed at all times during the operation of the teen dances.

The noise generated outside the building would most likely consist of conversation in the parking lot, opening and closing of car doors, starting vehicles, and, perhaps, car stereos. Given the separation between Sh-Booms and the Val Vista neighborhood to the southwest and the building and soundwalls located between Sh-Booms and Val Vista, staff considers it unlikely that the residents would be impacted by the noise generated by this use. As previously stated, Sh-Boom would provide private security in the parking areas to prevent loitering, rowdy behavior, etc.

Hacienda Park Owners Association

Representatives of the Hacienda Park Owners Association have reviewed and endorsed Sh-Boom's proposed teen dance. The approval letter is attached. James Paxson, General Manager

of the owners association clarified that the approval also included the dances on Sunday nights on three-day weekends during the school year. Mr. Paxson may be present at the public hearing.

Pleasanton Police Department

Sh-Boom's proposal has been reviewed and supported by representatives of the Pleasanton Police Department.

Public Notice

Notice of the proposed use was sent to the surrounding property owners and tenants located within 1,000 feet of the Sh-Boom Night Club, and to the Val Vista owners living in an area defined by Denker Drive, Stoneridge Drive, Hopyard Road, and Inglewood Drive. Because of the problems created by the Marquis to the Val Vista neighborhood, staff had also sent a preliminary notice to the Val Vista owners previously defined.

Staff was contacted by Yoichi Kubota (6104 Allbrook Circle) by telephone regarding his concerns pertaining to possible parking lot noise problems resulting from the teen dance. After reviewing the draft conditions with Mr. Kubota, he appeared to be satisfied that the teen dance would not be a problem. Mr. Kubota may be present at the public hearing. As of the writing of this report, staff has not received any additional concerns or comments from the adjacent owners/tenants.

CONDITIONAL USE PERMIT FINDINGS

The Planning Commission needs to make the following findings prior to the granting of a use permit:

- 1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.**

The site of the proposed use is zoned PUD – I/C-O, which conditionally permits Night Clubs. Sh-Boom would provide a controlled, supervised venue for teen dances that would be available to Pleasanton residents and to residents of the Tri-Valley area, and that would further the City's objectives of providing for safe, secure teen activities. The Sh-Boom facility is located within the Gateway Square shopping center which is well-separated and buffered from residential uses. The conditions of approval proposed for this project and the regulations of the Pleasanton Municipal Code pertaining to teen dances would give to the City the appropriate controls to ensure that this proposal would not have a negative impact on the nearby apartments and businesses. Therefore, staff believes that the first finding can be made.

2. **That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties of improvements in the vicinity.**

The operation of the teen dance night on Sunday and Tuesday evenings would not generate any unusual demands on the existing parking facilities available to Sh-Booms and to the Gateway Square shopping center. The proposed use would be operated entirely indoors and, for this reason, the activities would not interfere with nearby office/commercial uses. There would be an adequate number of parking spaces available for the teen dance patrons as well as for the other patrons of businesses in the shopping center. A condition has been included that would require the applicant to provide parking lot security, thereby controlling activities in the parking lot and to mitigate any future nuisances that may arise from the proposed use. As conditioned, staff feels that the proposed use will not be detrimental to the public health, safety, and welfare, nor will it pose a threat to surrounding properties or improvements. Therefore, staff believes that the second finding can be made.

3. **That the proposed conditional use will comply with each of the applicable provisions of this chapter.**

The site's PUD zoning designation conditionally permits night club type activities, which is interpreted to include the proposed teen dance nights. The proposed use also complies with all relevant sections of the Pleasanton Municipal Code including Chapter 6.44 (Teen-Age Dances). It has been reviewed and endorsed by representatives of the Pleasanton Police Department and by representatives of the Hacienda Park Owners Association. Therefore, staff believes that the third finding can be made.

ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA). Therefore, no further environmental assessment is required.

CONCLUSION

As proposed and conditioned, the operation of the teen dances at Sh-Booms would be, in staff's opinion, safe, secure, and compatible with the existing uses in the area. The proposal has been endorsed by representatives of the Pleasanton Police Department, the Pleasanton Youth Commission, and by representatives of the Hacienda Park Owners Association. Therefore, staff believes that Sh-Boom's request merits a favorable action by the Planning Commission.

STAFF RECOMMENDATION

Staff recommends the Planning Commission approve Case PCUP-85 by taking the following actions:

1. Make the Conditional Use Permit findings as listed in the staff report; and,
2. Approve Case PCUP-85 subject to the draft conditions of approval listed in Exhibit "B".

Staff Planner: Marion Pavan (925) 931-5610

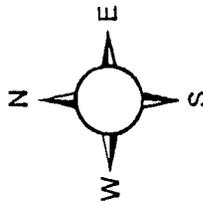
PCUP-85

City of Pleasanton

GIS

Department

Sh-Boom



Printed 6/20/2003



CITY OF PLEASANTON
PLANNING AND CONTINUITY DEVELOPMENT
APPLICATION FOR DEVELOPMENT REVIEW
MAY 1, 2003

II. GENERAL DATA REQUIRED:

I. DESCRIPTION OF PROPOSAL:

Inner Circle Entertainment III, LLC d/b/a Sh Boom located at 4825 Hopyard Road Pleasanton, CA 94566 respectively requests approval and permission to schedule and to operate teen events night throughout the summer months typically when the teens are off from school at the foregoing premises.

The anticipated scheduling of the teen event night will be on every Sunday and Tuesday evening from 7:00 pm up to 12:00 am beginning in the month of June or immediately after recess from school until the week prior to opening of school in late August or early September. Further, throughout the school year, we will schedule Sunday at the same times when three (3) day weekends occur and Monday is the holiday.

Regarding security, in the past we had approximately eight (8) to seventeen (17) security personnel station inside and outside the event center to maintain order and quiet enjoyment. Notwithstanding, we shall plan to position approximately similar amounts of security persons both inside and outside the premises. This includes the parking lot area throughout the Gateway Shopping Center in order to enhance order and to prevent any incidences from occurring through proactive detection relative to illegal alcohol, drug use or possession, and other illegal substances including potential altercations. Further, at the entrance of the facility, we shall improve upon the review, detection, search, and other techniques that will bar under and over aged patrons, hidden drugs, alcohol, and/or illegal substances, pornographic materials, and/or any other items deemed to be undesirable or illegal, and prevent suspected or potential criminal intent of certain patrons.

The male security personnel at the front entrance will require all male teenagers to empty their pockets and carefully patted down. The female security personnel will search female purses and lightly patted down if necessary. Backpacks or any other similar items will be barred from the premises.

Regarding attire, it is our intent to ban sports jerseys, bandanas, headwear, pants that hang off the waist, coordinates that are predominantly red or blue, any known gang colors or identifications, and any and all obscene dress ware.

PCUP-85
RECEIVED

MAY 02 2003

CITY OF PLEASANTON
PLANNING DEPT.

Exhibit A

Advertising and promotion will be emphasized mainly at the local high schools and in the general Pleasanton, Dublin, and Livermore areas. This will be accomplished with posters and flyers. If possible and within the scope of the teen commission, we shall coordinate with them our scheduled events. There will be no radio advertising as in the past in order to keep the teen event available for the local teens and to avoid long lines that would allow the local teens to enter at a reasonable time. This would eliminate last year's problem when a number of teens who were unable to get in at a reasonable time or decided to leave due to the long wait. The additional security at the front entrance will create the ability to accelerate entrance for the teens.

Regarding the loss of the discount upon entering after 8:00 while detained in the entrance line that was a previous problem, this would be modified by identifying them in the line just prior to 8:00 in order for them to receive the discount from the cashier. All patrons who arrive before 8:00 pm with a flyer or other discount collateral will pay \$5.00 and after 8:00 pm the cover charge will be \$15.00.

All merchandise that is sold to patrons over the age of 21 will be masked and any other advertising or related materials will be either masked or removed from the premises. We shall temporarily re-characterized the club to give it the perception that it is a teen center. We shall set up stations to provide non-alcoholic beverages for the teen to purchase.

At the conclusion of the evening, we shall make our best effort to stratify the departure of the teens at different times by illuminating the club to its highest level that would be straddled throughout the premises and/or literally shutting down specific areas of the premises at staggered times. This will minimize the egress of the teens in substantially smaller numbers. Concurrently, the security personnel will concentrate their efforts on peaceful departure including close supervision in the parking lot in order to minimize noise, altercations, improve safety with traffic control if necessary.

Any additional information or clarification of the foregoing can be supplied by David Brattmiller, General Manager, at 925-416-0777 or 408-205-876.

The Management

PCUP-85
Exhibit "B", Draft Conditions of Approval

June 25, 2003

1. The operation of the teen dance night at the Sh-Boom Night Club shall substantially conform to Exhibit "A", dated "Received February 14, 2003" on file with the Planning Department, except as modified by the following:
 - a. The dance patrons shall be limited to high school students from the ages of 14 years through 18 years. This requirement does not prohibit the attendance by the legal parents and/or guardians of the dance patrons. Dance patrons shall not be admitted unless they have a valid, current school identification in their possession.
 - b. The dances shall only take place on Sunday and Tuesday evenings from the hours of 7:00 p.m. to 12:00 midnight during the summer months or during holidays when regular school classes are not being held. No dance shall take place on a school night.
 - c. The applicants shall not be allowed to hold another event on the day of the teen dance.
 - d. No dance patron admitted to the dance shall be permitted to leave and thereafter reenter the Sh-Boom Night Club during the course of the dance. The owner/operator shall implement measures, e.g., an indelible hand stamp, to ensure that there is no reentry during the operation of the teen dance. These measures shall be detailed at the time of the issuance of the dance permit.
 - e. No alcoholic beverages may be sold, consumed, or be available on or in the Sh-Boom Night Club during the operation of the teen dance. Admission to the dance shall be denied to any person showing evidence of having consumed any alcoholic beverage, under the influence of a controlled substance, or in the possession of an alcoholic beverage or controlled substance.
 - f. The applicants shall provide security personnel during the operation of the teen dance supervising both the interior and outdoor areas of the Sh-Boom Night Club including the surrounding parking areas. At least two of the security personnel shall be certified/licensed by the State of California, shall be uniformed, and shall supervise the surrounding parking areas. The other security personnel shall wear matching shirts. The Chief of Police shall determine the number of security personnel prior to issuance of the dance permit.
 - g. The teen dance shall not be advertised on radio or television programs.

2. The use permit shall be effective for one year from the date approval by the Planning Commission, at which time staff will review the operations of the teen dances. Absent issues including, but not limited to, conflicts pertaining to parking, noise, consumption and/or possession of alcoholic beverages or controlled substances, loitering, vandalism, unruly behavior, vehicle code violations on nearby public streets, etc., the Planning Director may determine that the teen dances may continue without a public hearing before the Planning Commission. Otherwise, the Planning Director may refer the use permit back to the Planning Commission for further review including new conditions of approval and, if necessary, revocation of the use permit approval.
3. Before commencement of the dance season, the applicants shall provide to the Planning Director and to the Police Chief the entire season's dance schedule and a description of operations for review and approval. The season's schedule shall be prominently displayed inside the Sh-Boom Night Club at all times along with a notice that no adult events will be held on the days of the teen dances.
4. At no time shall balloons, banners, pennants, searchlights, or other attention-getting devices be utilized on the site before and/or during the operation of the teen dance.
5. Before the first dance, the applicants shall secure a permit from the Chief of Police for the dance season. The permit shall incorporate the requirements of this conditional use permit approval and any additional requirements determined to be necessary by the Police Chief. The applicants shall adhere to the conditions and requirements of said permit at all times.
6. In the event that nuisances are created through the operation of the teen dances, either by the dance patrons themselves within the Sh-Boom Night Club or by the patrons in the vicinity of the Sh-Boom Night Club, including, but not limited to, conflicts pertaining to parking, noise, unruly behavior, vandalism, vehicle code violations on nearby public streets, etc., the Planning Director may refer the conditional use permit to the Planning Commission for review at a public hearing. If necessary, the Planning Commission may add additional conditions of approval or may revoke the conditional use permit.
7. All entry/exit doors to the Sh-Boom Night Club shall be required to be kept closed but not locked during the operation of the teen dances.
8. The applicants shall maintain the area surrounding Sh-Booms, including the nearby parking areas, in a clean and orderly manner at all times.
9. At no time shall the dance patrons be allowed to congregate or to loiter in the parking areas of the Gateway Square shopping center.
10. The applicants shall meet all requirements of the Pleasanton Fire Code (Pleasanton Municipal Code, Chapter 20.24) for the operation of this use. Prior to the first teen dance,

the applicants shall meet with representatives of the Livermore-Pleasanton Fire Department to verify that these requirements are being met.

11. The applicants shall keep the premises free of fire hazards at all times.
12. The maximum building occupancy shall be 500 people. Occupancy shall be prominently displayed inside the Sh-Boom Night Club and shall be strictly adhered to.
13. All portions of the building covered by this approval shall have installed and operating, fire extinguishers with a minimum 2-A:10-B:C rating. The fire extinguishers shall be located within a 75-foot radius of each other.
14. If, in the opinion of the Chief of Police or his/her designee, any dance becomes unruly or unsafe, the dance shall be stopped and the venue shall be closed immediately. A police report shall be written on the closure and shall be forwarded to the Planning Director for review. At the discretion of the Planning Director, the report can be forwarded to the Planning Commission. The Police Chief has the discretion to suspend the operation of a single dance or all dances for the season.
15. Any changes to the Sh-Boom facility, including signage, shall be subject to City review and approval including issuance of all required permits before construction and/or installation.
16. Members of the Pleasanton Youth Commission are encouraged to attend the teen dances and to then provide feedback to the Planning Commission at the end of the summer dance season.

< End >



SUBJECT: Review and Discussion of Proposed Youth Oriented Activities at Sh-Boom

BACKGROUND

Sh-Boom is interested in offering teen-oriented activities at its facility, located at 4825 Hopyard Road, Pleasanton. Facilities for dancing, visiting, games etc., would be available to youth ages 14-18 on Sunday evenings during holiday periods when there would be no school the following day. The club is seeking approval from the City's Planning and Police departments to amend its Conditional Use Permit (CUP) for such activities, and desires general support from the Youth Commission.

Sh-Boom's General Manager David Brattmiller will be in attendance at tonight's meeting to provide an overview of the proposed program to the Commission.

STAFF RECOMMENDATION

That the Commission review and discuss Sh-Boom's proposal for teen activities at its Pleasanton facility, and take appropriate action regarding conceptual support of the concept.

Respectfully submitted,

Hiram Berhel
Recreation Supervisor, Youth Services

Chapter 6.44

TEEN-AGE DANCES

Sections:

- 6.44.010** Definitions.
- 6.44.020** Permit – Required.
- 6.44.030** Action by Police Chief.
- 6.44.040** Attendance restrictions.
- 6.44.050** Alcoholic beverages prohibited.
- 6.44.060** Time limit.
- 6.44.070** Participation of adults.
- 6.44.080** Loitering prohibited.
- 6.44.090** Permit – Revocation.
- 6.44.100** Supervision of police.

6.44.010. Definitions.

As used in this Chapter:

A. "Adult sponsor" means any individual or organization which assumes full and complete responsibility for the direction of a teen-age dance.

B. "Teen-age dance" means a dance held or conducted exclusively for teenagers and to which no persons twenty (20) years of age or older are admitted as participants.

C. "Teen-ager" means any person over the age of thirteen (13) and under the age of twenty (20) years. Prior Code § 4-1.38)

6.44.020 Permit – Required.

A. No person shall conduct or sponsor any teen-age dance without a written permit from the Chief of Police.

B. No person may secure a permit to conduct or sponsor any teen-age dance except an adult sponsoring group or adult individual which has been approved by the Chief of Police and which has assumed full and complete responsibility for the event, its direction and supervision.

C. The authority to issue or deny permits under this provision is delegated to the Chief of Police. In his consideration of each application therefor he shall consider the following:

1. Compliance with all other applicable provisions of City ordinances;
2. The character, reputation and moral fitness of the applicant;
3. Effect upon the public health, peace, morals, safety and welfare of the community;
4. Attitude and general disposition of the applicant relative to authority of the law;
5. The findings of the Building Inspector and Fire Chief after reference of said application to each of such as the Chief of Police shall determine;
6. Adequate arrangements for adult supervision. (Prior Code § 4-1.39)

6.44.030 Action by Police Chief.

The Chief of Police shall either grant or deny a permit for each applicant within ten (10) days after receipt thereof, and in the event that a permit is denied, the applicant may request that the matter be reviewed by the City Council. (Prior Code § 4-1.40)

6.44.040

6.44.040 Attendance.

No minor admitted to a teen-age dance shall be permitted to leave and thereafter re-enter the dancing premises during the course of the event, and no pass-out checks shall be issued unless required by the physical arrangement of the premises. (Prior Code § 4-1.41)

6.44.050 Alcoholic beverages prohibited.

No alcoholic beverages shall be sold, consumed or be available on the premises in or about which any teen-age dance is held. Admission to a teen-age dance shall be denied to any person showing evidence of drinking any alcoholic beverage or who has any alcoholic beverage on his person. (Prior code § 4-1.42)

6.44.060 Time limit.

No dancing at any teen-age dance shall be permitted after the hour of 12:00 midnight. On special occasions permission may be requested to extend the time of a dance for an additional hour. (Prior code § 4-1.43)

6.44.070 Participation of adults.

A person twenty years of age or over shall not attend any teen-age dance as a participant. This does not prohibit the attendance of chaperones or sponsors. (Prior code § 4-1.44)

6.44.080 Loitering prohibited.

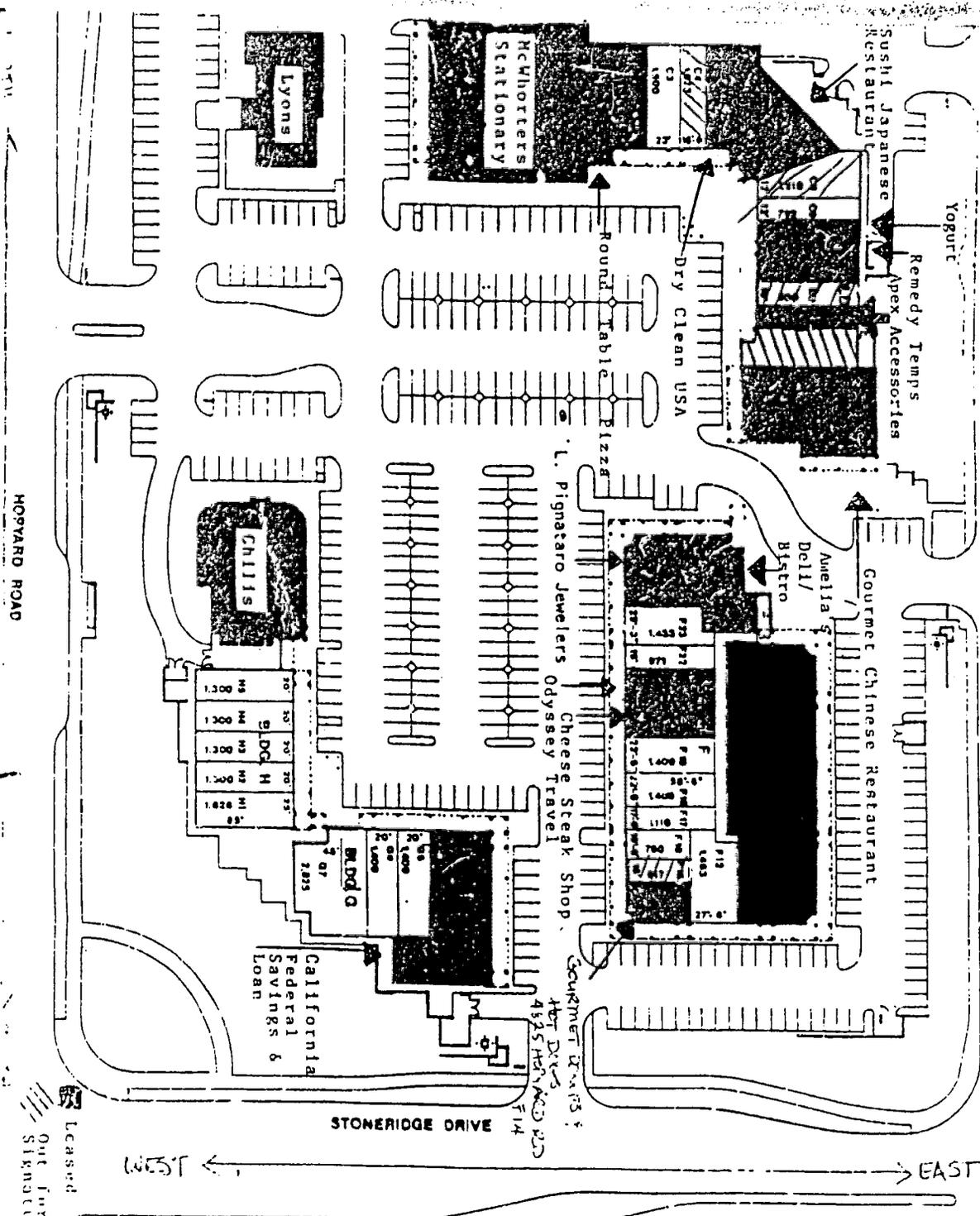
Any person who loiters around or about the premises at which a teen-age dance is being conducted is guilty of a misdemeanor. (Prior code § 4-1.45)

6.44.090 Permit—Revocation.

The chief of police shall have the right to forthwith revoke any permit granted under the terms of this chapter and close the premises wherein dancing is conducted in the event that any of the provisions of this chapter are violated during the conduct of a dance held under a permit granted therefor. (Prior code § 4-1.46)

6.44.100 Supervision by police.

If, in the discretion of the chief of police the circumstances connected with the granting of the permit warrant, the sponsor may be required to provide a dance supervisor or supervisors, as he shall determine, who shall be a person or persons assigned by the police department and paid by the sponsor of the dance. (Prior code § 4-1.47)



BUILDING INSPECTOR
 CITY OF PLAZA
 APPROVAL

Leased
 Out for
 Signature

482
 5
 600

PCUP-85, Sh-Boom

Application for a conditional use permit to allow dances for teens from 7:00 p.m. to 12:00 midnight on Sunday and Tuesday nights during the summer months beginning in June and ending in September, and on three-day weekends during the school year. The dances would be held at Sh-Boom located at 4825 Hopyard Road in the Gateway Square shopping center. The subject property is zoned PUD (Planned Unit Development) - I/C - O (Industrial/Commercial and Office) District.

Mr. Iserson summarized the staff report. He described the previous history of this use, and noted that following discussion with staff, Sh-Boom would operate the proposed teen dances as follows:

1. Patrons would be limited to high school students age 14 through 18, holding a valid student identification card. Parents and the legal guardians of the patrons would be permitted to attend the dance;
2. Dances would take place on Sunday and Tuesday evenings from 7:00 p.m. to 12:00 midnight, when the adult portion of the nightclub is normally closed;
3. No alcoholic beverages would be sold, consumed, or permitted. Any person under the influence of alcohol would be permitted to enter;
4. Soft drinks and snacks would be provided during the entire event;
5. No one would be permitted to leave and re-enter the dance;
6. The dance would be advertised primarily to high school students in the Tri-Valley area, and there would be no radio advertising;
7. Sh-Boom would provide uniformed security personnel during the dance, both inside and outside the facility. The security plan would be reviewed by the Pleasanton Police Department.

Mr. Iserson noted that this application was reviewed and supported by the Pleasanton Youth Commission on June 11, 2003. Staff believed that from a land use point of view, the use would fit in well with the surrounding area. The dances would be held when most of the other businesses in the shopping center are closed, and there is adequate separation between Sh-Boom and the residential area of Hopyard and Stoneridge Drive. Staff would review this use after one year, and it would be brought back to the Commission if there were any problems. If no problems were experienced, staff would extend the conditional use permit administratively.

Mr. Iserson discussed parking and noise; staff believed these would not be an issue. The Police Department has supported this application subject to the conditions of approval. Notice of the proposed use was sent to surrounding property owners and tenants located within 1,000 of Sh-Boom, and to the Val Vista owners. He noted that one communication was received by a neighbor, who, after speaking with staff, was satisfied that the dances would not be a problem.

Staff believed the teen dances would be safe and secure, compatible with the area, and that the impacts would be mitigated. In addition, the dances would provide an important activity for teens, especially during the summer months.

Commissioner Kameny complimented staff on an excellent and thorough staff report.

In response to an inquiry by Chairperson Arkin, Mr. Iserson confirmed that the 1996 approvals were made on a staff level. Because of the previous problems, the applicants and staff decided that a fresh review should be made to specifically determine whether a teen dance would be viable and to add the necessary conditions. He noted that because of the sensitivity caused by the Marque, the neighbors were already concerned and wanted to be sure that the same impacts did not occur.

In response to an inquiry by Commissioner Roberts, Mr. Iserson confirmed that the previous teen dances had been advertised on the radio, and teens from outside the area attended the dances.

THE PUBLIC HEARING WAS OPENED.

Mr. David Bratmiller, General Manager, Sh-Boom, noted that he would be available to answer questions.

THE PUBLIC HEARING WAS CLOSED.

A discussion of various forms of identification for the teens ensued.

Commissioner Maas suggested requiring a valid proof of age ID to gain admission to the dance.

Chairperson Arkin noted that the requirements for Masses and Sh-Boom should be the same.

**Commissioner Kameny moved to approve PCUP-85, with the modification in Condition 1.a., which would be clarified to ensure that the patrons will have a valid current ID or proof of age ID in their possession.
Commissioner Maas seconded the motion.**

ROLL CALL VOTE

AYES: Commissioners Arkin, Kameny, Maas, and Roberts
NOES: None
ABSTAIN: None
ABSENT: Commissioner Sullivan

Resolution No. PC-2003-25 was entered and adopted as motioned.

PLANNING COMMISSION CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. PC-2003-25

RESOLUTION APPROVING THE APPLICATION OF SH-BOOM NIGHT CLUB FOR CONDITIONAL USE PERMIT APPROVAL, AS FILED UNDER CASE PCUP-85

WHEREAS, Sh-Boom Night Club has applied for a conditional use permit to allow teen dances from 7:00 p.m. to 12:00 midnight on Sunday and Tuesday nights during the summer months and on Sunday nights on three-day weekends during the school year at 4825 Hopyard Road in the Gateway Square Shopping Center; and

WHEREAS, zoning for the property is PUD (Planned Unit Development) – I/C-O (Industrial/Commercial-Office) District; and

WHEREAS, at its duly noticed public hearing of June 25, 2003, the Planning Commission considered all public testimony, relevant exhibits, and recommendations of the City staff concerning this application; and

WHEREAS, projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission made the following findings:

1. The proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.

The site of the proposed use is zoned PUD – I/C-O, which conditionally permits nightclubs. Sh-Boom would provide a controlled, supervised venue for teen dances. The Sh-Boom facility is located within the Gateway Square shopping Center which is well-separated and buffered from residential uses. The conditions of approval proposed for this project and the regulations of the Municipal Code pertaining to teen dances would give to the City the appropriate controls to ensure that this proposal would not have a negative impact on the nearby apartments and businesses.

2. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

The operation of the teen dance night on Sunday and Tuesday evenings would not generate any unusual demands on the existing parking facilities available to Sh-Booms and to the Gateway Square shopping center. The proposed use would be operated entirely indoors and, for this reason, the activities would not interfere with nearby office/commercial uses. A condition has been included that would require the applicant to provide parking lot security, thereby controlling activities in the parking lot, and to mitigate any future nuisances that may arise from the proposed use.

3. The proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance.

The site's PUD zoning designation conditionally permits nightclub type activities, which is interpreted to include the proposed teen dance nights. The proposed use also complies with all relevant sections of the Pleasanton Municipal Code including Chapter 6.44 (Teen-Age Dances).

WHEREAS, the Planning Commission determined that the proposed conditional use would be compatible with the existing uses in the area.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RESOLVES THE FOLLOWING:

Section 1. Approves Case PCUP-78, the application of Sh-Boom Night Club for a conditional use permit to allow teen dances from 7:00 p.m. to 12:00 midnight on Sunday and Tuesday nights during the summer months and on Sunday nights on three-day weekends during the school year at 4825 Hopyard Road in the Gateway Square Shopping Center, subject to the conditions shown in Exhibit "B," attached hereto and made part of this case by reference.

Section 2. This resolution shall become effective 15 days after its passage and adoption unless appealed prior to that time.

THIS RESOLUTION ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PLEASANTON ON THE 25TH DAY OF JUNE 2003 BY THE FOLLOWING VOTE:

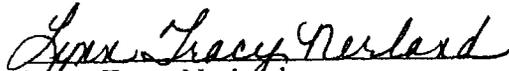
AYES: Commissioners Arkin, Kameny, Maas, and Roberts
NOES: None
ABSENT: Commissioner Sullivan
ABSTAIN: None

ATTEST:


Peggy Ezidre
City Clerk


Brian Arkin
Chairperson

APPROVED AS TO FORM:


Lynn Tracy Nerland
Assistant City Attorney

PCUP-85
Exhibit "B", Final Conditions of Approval
per Planning Commission

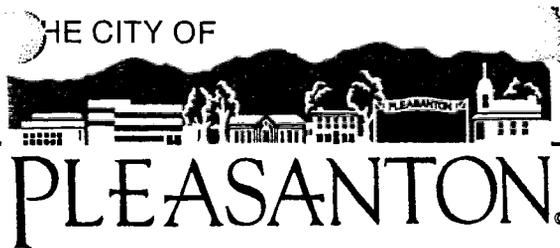
June 25, 2003

1. The operation of the teen dance night at the Sh-Boom Night Club shall substantially conform to Exhibit "A", dated "Received February 14, 2003" on file with the Planning Department, except as modified by the following:
 - a. The dance patrons shall be limited to high school students from the ages of 14 years through 18 years. This requirement does not prohibit the attendance by the legal parents and/or guardians of the dance patrons. Dance patrons shall not be admitted unless they have a valid current identification or proof of age identification in their possession.
 - b. The dances shall only take place on Sunday and Tuesday evenings from the hours of 7:00 p.m. to 12:00 midnight during the summer months or during holidays when regular school classes are not being held. No dance shall take place on a school night.
 - c. The applicants shall not be allowed to hold another event on the day of the teen dance.
 - d. No dance patron admitted to the dance shall be permitted to leave and thereafter reenter the Sh-Boom Night Club during the course of the dance. The owner/operator shall implement measures, e.g., an indelible hand stamp, to ensure that there is no reentry during the operation of the teen dance. These measures shall be detailed at the time of the issuance of the dance permit.
 - e. No alcoholic beverages may be sold, consumed, or be available on or in the Sh-Boom Night Club during the operation of the teen dance. Admission to the dance shall be denied to any person showing evidence of having consumed any alcoholic beverage, under the influence of a controlled substance, or in the possession of an alcoholic beverage or controlled substance.
 - f. The applicants shall provide security personnel during the operation of the teen dance supervising both the interior and outdoor areas of the Sh-Boom Night Club including the surrounding parking areas. At least two of the security personnel shall be certified/licensed by the State of California, shall be uniformed, and shall supervise the surrounding parking areas. The other security personnel shall wear matching shirts. The Chief of Police shall determine the number of security personnel prior to issuance of the dance permit.

- g. The teen dance shall not be advertised on radio or television programs.
2. The use permit shall be effective for one year from the date approval by the Planning Commission, at which time staff will review the operations of the teen dances. Absent issues including, but not limited to, conflicts pertaining to parking, noise, consumption and/or possession of alcoholic beverages or controlled substances, loitering, vandalism, unruly behavior, vehicle code violations on nearby public streets, etc., the Planning Director may determine that the teen dances may continue without a public hearing before the Planning Commission. Otherwise, the Planning Director may refer the use permit back to the Planning Commission for further review including new conditions of approval and, if necessary, revocation of the use permit approval.
 3. Before commencement of the dance season, the applicants shall provide to the Planning Director and to the Police Chief the entire season's dance schedule and a description of operations for review and approval. The season's schedule shall be prominently displayed inside the Sh-Boom Night Club at all times along with a notice that no adult events will be held on the days of the teen dances.
 4. At no time shall balloons, banners, pennants, searchlights, or other attention-getting devices be utilized on the site before and/or during the operation of the teen dance.
 5. Before the first dance, the applicants shall secure a permit from the Chief of Police for the dance season. The permit shall incorporate the requirements of this conditional use permit approval and any additional requirements determined to be necessary by the Police Chief. The applicants shall adhere to the conditions and requirements of said permit at all times.
 6. In the event that nuisances are created through the operation of the teen dances, either by the dance patrons themselves within the Sh-Boom Night Club or by the patrons in the vicinity of the Sh-Boom Night Club, including, but not limited to, conflicts pertaining to parking, noise, unruly behavior, vandalism, vehicle code violations on nearby public streets, etc., the Planning Director may refer the conditional use permit to the Planning Commission for review at a public hearing. If necessary, the Planning Commission may add additional conditions of approval or may revoke the conditional use permit.
 7. All entry/exit doors to the Sh-Boom Night Club shall be required to be kept closed but not locked during the operation of the teen dances.
 8. The applicants shall maintain the area surrounding Sh-Booms, including the nearby parking areas, in a clean and orderly manner at all times.
 9. At no time shall the dance patrons be allowed to congregate or to loiter in the parking areas of the Gateway Square shopping center.

10. The applicants shall meet all requirements of the Pleasanton Fire Code (Pleasanton Municipal Code, Chapter 20.24) for the operation of this use. Prior to the first teen dance, the applicants shall meet with representatives of the Livermore-Pleasanton Fire Department to verify that these requirements are being met.
11. The applicants shall keep the premises free of fire hazards at all times.
12. The maximum building occupancy shall be 500 people. Occupancy shall be prominently displayed inside the Sh-Boom Night Club and shall be strictly adhered to.
13. All portions of the building covered by this approval shall have installed and operating, fire extinguishers with a minimum 2-A:10-B:C rating. The fire extinguishers shall be located within a 75-foot radius of each other.
14. If, in the opinion of the Chief of Police or his/her designee, any dance becomes unruly or unsafe, the dance shall be stopped and the venue shall be closed immediately. A police report shall be written on the closure and shall be forwarded to the Planning Director for review. At the discretion of the Planning Director, the report can be forwarded to the Planning Commission. The Police Chief has the discretion to suspend the operation of a single dance or all dances for the season.
15. Any changes to the Sh-Boom facility, including signage, shall be subject to City review and approval including issuance of all required permits before construction and/or installation.
16. Members of the Pleasanton Youth Commission are encouraged to attend the teen dances and to then provide feedback to the Planning Commission at the end of the summer dance season.

< End >



June 24, 2002

David Brattmiller, General Manager
Inner Circle Entertainment III, LLC
DBA ShBoom
4825 Hopyard Road, #F-4
Pleasanton, CA 94588

RE: Re-Instating Teen Nights

Dear Mr. Brattmiller,

The City of Pleasanton Planning Department has received your request to hold summer "teen night" at ShBoom on Sunday during the summer months of 2002. It is staff's understanding from your letter that you will operate this teen night in accordance with the City's approval letter dated June 28, 1996. The Planning Director finds that this activity is in conformance with the use permit approval. Therefore, your request for re-instating the teen night is approved subject to the following conditions.

1. The teen nights shall be held on Sundays during the summer months between the hours of 7:30 p.m. to 12:00 midnight. The Planning Department and the Police Department shall be notified in writing at least two weeks in advance prior to any proposed changes in the day or hours of operation.
2. Any teen nights held in non-summer months will require separate City's approval.
3. Ages of teens attending the teen night shall be 14 – 18, with proper identification (high school ID) required before entering.
4. A dress code shall be enforced (no sports jerseys, bandanas or headwear, or gang attire allowed), and all purses, knapsacks, etc., will be inspected for contraband.
5. A total of seven (7) security personnel, in addition to other employees of the club, shall be on-site at all times. Two of the security personnel shall be uniformed, trained security personnel who shall patrol the parking lot surrounding the site at all times throughout the teen night to dissuade any potentially illegal or nuisance-causing activities. Any disturbances or illegal activities shall be reported immediately to the Police Department. The other security personnel shall wear matching shirts.
6. No adults, other than employees and security staff or management shall be allowed.

P. O. Box 520, Pleasanton, CA 94566-0802

200 Old Bernal Avenue

Planning & Community Development
(925) 931-5600
Fax: 931-5483

Building Inspection
(925) 931-5300
Fax: 931-5478

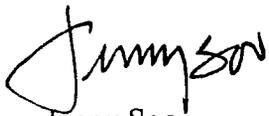
Utility Billing
(925) 931-5425
Fax: 931-5481

Business License
(925) 931-5440
Fax: 931-5481

7. No persons showing signs of intoxication shall be allowed.
8. No loitering shall be allowed around the exterior of the facility. To this end, ShBoom shall post in a conspicuous place that loitering on or about the premises is a violation of Pleasanton Municipal Code Section 6.44.080.
9. All alcohol bottles, posters, and point of sale items shall be covered or removed for the event.
10. The management shall ensure that the building walls, parking areas, signs, etc, around the exterior of the facility are kept in a clean and orderly manner. After closing of the teen night, the management shall inspect the building walls and area around the facility to ensure that the facility is cleaned and free from graffiti. Any graffiti found after a teen night shall be removed within 24 hours.
11. The maximum capacity shall not exceed 500 people. The two security personnel at the door shall keep an accurate count of the occupancy level at all times.
12. If any elements of the proposed use result in conflicts pertaining to parking, noise, traffic, loitering, or other impacts, at the discretion of the Planning Director, this approval may be submitted to the Planning Commission for subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions to mitigate such impacts, or may void the said use permit.

If you have any questions regarding this matter, please call me at (925) 931-5615. If you have any questions for the Pleasanton Police Department, please call (925) 931-5100.

Sincerely,



Jenny Soo
Assistant Planner

cc: Chief Tim Neal, Pleasanton Police Department
Darrin Davis, Senior Code Enforcement Officer

Sh-Booms - Under New Ownership



CITY OF PLEASANTON
Planning and Community Development
(925) 931-5600

200 Old Bernal Avenue * P.O. Box 520 * Pleasanton, CA 94566-0802

APPLICATION FOR DEVELOPMENT REVIEW

Applic. No(s): PREV-271

Date Filed: 6-12-02

I. CHECK TYPE OF APPLICATION(S)

- Design Review (\$50)
- Admin. Design Review (\$25)
- Sign Design Review (\$15)
- Outdoor Display (\$25)
- Outdoor Dining (\$25)
- Non-Residential Satellite Dish (\$50)
- PUD Development Plan (\$2000)
- PUD Major Modification (\$2000)
- PUD Minor Modification (\$100)
- Appeal (of Case _____) (25% of orig. fee; max. \$25)
- Preliminary Review
- Variance (\$50)
- FDP (Flood) Variance (\$50)
- Conditional Use Permit (\$150)
- Temporary Use Permit (\$25)
- Animal Use Permit (\$15)
- Home Boutique Use Permit (\$25)
- Specific Plan
- Growth Management (\$200)
- Tentative Map (\$2000 + \$10/lot)
- Minor Subdivision (\$50)
- Lot Line Adjustment (\$50)
- Condominium Conversion (\$50)
- Initial Environmental Assessment (\$25)
- Rezoning (\$250)
- General Plan Amendment (\$250)
- Non-Exempt Home Occupation (\$15)
- Large Family Daycare (\$15)
- Other: Renewal of inactivated permit

II. GENERAL DATA REQUIRED

- A. Name of Applicant: Inner Circle Entertainment III LLC DBA ShBoom
- B. Address or Location of Property: 4825 Hopyard Road #F4
- C. Assessor's Parcel Number(s): 941-2759-28
- D. Site Area (acres/sq ft): 10,300.00
- E. Current Zoning: Commercial F. Proposed Zoning: Commercial
- G. Existing Use of Property: night club
- H. Description of Surrounding Uses: Tikl Co., Flower Shop, Deli
- I. Description of Proposal: Reinstate Teen Night - A previously approved modification to UP-90-43.
Open 7:30pm Close 12:00 AM

(continue on separate sheet if necessary)

J. (Refer to appropriate "Informational Guide" for required site plans, elevations, written narrative, color/material samples, photographs, or other submittals which must accompany your application.)

(continued on reverse)

III. AUTHORIZATION OF PROPERTY OWNER

PROPERTY OWNER: In signing this application, I, as property owner, have full legal capacity to, and hereby do, authorize the filing of this application. I understand that conditions of approval are binding and agree to be bound by those conditions, subject only to the right to object at the hearings or during the appeal period. I certify that the information and exhibits submitted are true and correct.

Name: George Karpaty Daytime Telephone: (408) 781-0222
Address: 4825 Hopyard Rd Other Telephone: (408) 241-0777
Pleasanton, CA 94588
Signature: George Karpaty Date: 6-12-02

B. APPLICANT OTHER THAN PROPERTY OWNER: In signing this application, I, as applicant, represent to have obtained authorization from the property owner to file this application. I agree to be bound by conditions of approval, subject only to the right to object at the hearings on the application or during the appeal period. If this application has not been signed by the property owner, I have attached separate documentation of full legal capacity to file the application. I certify that the information and exhibits submitted are true and correct.

Name: David Brattmiller Daytime Telephone: (408) 205-8076
Address: 4825 Hopyard Rd Other Telephone: (925) 416-0777
Pleasanton CA 94588
Signature: David Brattmiller Date: 6-13-02

NOTE ANY OTHER PARTY (IES) WHO SHOULD RECEIVE STAFF REPORTS AND NOTICE OF APPLICATION:

Name: _____ Name: _____
Address: _____ Address: _____
Telephone: _____ Telephone: _____

IV. (FOR CITY USE ONLY)

Application No(s): PREV-271 Amount Received: N/A

CEQA: **TOTAL:** _____
 Exempt (Class: _____)
 Non-Exempt (include applicable fee; attach initial environmental assessment)
Received By: E.K.
Date: 6/12/02
Receipt No(s): N/A



CITY OF PLEASANTON

P.O. BOX 520 PLEASANTON, CALIFORNIA 94566-0802

June 6, 1997

CITY OFFICES
123 MAIN STREET

CITY COUNCIL
484-8001

CITY MANAGER
484-8008

CITY ATTORNEY
484-8003

CITY CLERK
484-8235

FINANCE
484-8033

PERSONNEL
484-8012

CITY OFFICES
200 OLD BERNAL AVE.

PLANNING
484-8023

ENGINEERING
484-8041

PLANNING INSPECTION
484-8015

COMMUNITY SERVICES
484-8160

WATER - BILLING
484-8038

FIELD SERVICES
3333 BUSCH RD.

SUPPORT SERVICES
484-8067

PARKS
484-8056

SANITARY SEWER
484-8066

STREET
484-8066

WATER
484-8071

FIRE
4444 RAILROAD AVE.
484-8114

POLICE
4833 BERNAL AVE.
P.O. BOX 909
94527

ShBoom
ATTN: Mr. Porter A. Hurt
975 Saratoga-Sunnyvale Road
San Jose, CA 95129

RE: Re-Instating Teen Night

The City of Pleasanton has reviewed your request to hold summer "teen night" at ShBoom beginning on Sunday, June 15, 1997. It is staff's understanding from your letter that you will operate this teen night according to the original "teen night" request letter dated June 11, 1996 and according to the City's approval letter dated June 28, 1996 and the modifications to the conditions of approval dated November 5, 1996.

Your statement of operations indicates the following:

- a. Sunday nights, beginning June 15, 1997, from 8:30 pm - 12:30 am;
- b. Ages of teens attending shall be 13-18, with proper identification (high school ID) required before entering;
- c. The number of teens shall not exceed **500**;
A dress code shall be enforced (no T-shirts, tank tops, hats, or gang attire allowed);
- e. All purses, knapsacks, etc. shall be inspected for contraband;
- f. No smoking shall be allowed in the facility;
- g. There shall be no in-and-out privileges; and
- h. Management personnel shall assist in crowd control within the facility.

The conditions of approval are as follows:

1. The teen nights shall be held on Sundays beginning June 15, 1997 between the hours of 8:30 pm - 12:30 am. The Planning Department and Police Department shall be notified in writing at least one week in advance prior to any proposed changes in the day or hours of operation. In

addition, the above departments shall be contacted if the teen night is not held.

2. A total of seven security personnel, in addition to the other employees, shall be on-site at all times. Two of the security personnel shall be uniformed, trained security personnel who shall patrol the parking lot surrounding the site at all times throughout the hours of teen night to dissuade any potentially illegal or nuisance-causing activities. Any disturbances or illegal activities shall be reported immediately to the Police Department. The other security staff shall wear matching shirts.
3. No adults other than employees, security staff, or management shall be allowed.
4. No persons showing signs of intoxication shall be allowed.
5. No loitering shall be allowed around the exterior of the facility. To this end, ShBoom shall post in a conspicuous place that loitering on or about the premises is a violation of Pleasanton Municipal Code Section 6.44.080.
6. Any and all cigarette vending machines shall be moved off-premises during Teen Nights.
7. The management shall ensure that the building walls, parking areas, signs, etc. around the exterior of the facility are kept in a clean and orderly manner. After closing of the facility after teen night or a teen event, the management shall inspect the building walls and area around the facility to ensure that the area is cleaned and free from graffiti. Any graffiti found after a teen night shall be removed within 24 hours.
8. The two security staff at the door shall keep an accurate account of the occupancy level at all times.

If you have any questions, please feel free to give me a call at (510) 484 - 8027. If you have any questions of the Pleasanton Police Department, please contact Paul Helm at (510) 484 - 8366.

Sincerely,



Kathryn Watt
Associate Planner

CC: Chief Eastman, Pleasanton Police Department
Paul Helm, Pleasanton Police Department
Joe DeTata, Senior Code Enforcement Officer

RECEIVED

MAY 23 1997

CITY OF PLEASANTON
PLANNING DEPT.



Dining and Dancing to the Fabulous 50's and 60's

May 19, 1997

Pleasanton City Planning
200 Old Bernal Avenue
Pleasanton, CA. 94566
Attn: Kerri Watt

Dear Kerri:

Please let this letter serve as our request to reinstate teen night at Sh Boom, beginning Sunday, June 15, 1997.

We will be following the same format as in previous years:

- * Ages 13-18 years with high school ID required.
- * Hours of operation are 8:30 p.m. - 12:30 p.m.
- * Six security personnel on duty during hours of operation.
- * Dress code will be strictly enforced; no t-shirts, tank tops, hats, or gang attire allowed.
- * Sodas will be available at a nominal charge.
- * Cover charge will apply.

Thank you in advance for your consideration. We look forward to your response.

Sincerely,

Porter A. Hurt, in his absence

Porter A. Hurt

PAH:rlc



Dining and Dancing to the Fabulous 50's and 60's

March 24, 1997

RECEIVED

MAR 25 1997

CITY OF PLEASANTON
PLANNING DEPT.

City of Pleasanton, Planning Dept.
200 Old Bernal Avenue
Pleasanton, CA. 94566
Attn: Kerri Watt

Dear Ms. Watt:

Please let this letter serve as our notification of intent to cancel the scheduled teen night on Monday, March 31, 1997.

Due to unforeseen circumstances, we have been unable to promote the event in a manner that would guarantee its success.

I truly appreciate all your efforts in granting us the modification to hold the teen night, and hopefully we will be able to reinstate the weekly dances this summer as we have previously done so that our teens will have somewhere safe to go to have fun.

I look forward to speaking with you again soon.

Sincerely,

Porter A. Hurt
In his absence

PAH:rlc

cc: Angie Claija
Pleasanton Police Dept., Crime Prevention



CITY OF PLEASANTON
P.O. BOX 520 PLEASANTON, CALIFORNIA 94566-0802

March 21, 1997

CITY OFFICES
123 MAIN STREET

CITY COUNCIL
484-8001

CITY MANAGER
484-8008

CITY ATTORNEY
484-8003

CITY CLERK
484-8235

FINANCE
484-8033

PERSONNEL
484-8012

CITY OFFICES
200 OLD BERNAL AVE.

PLANNING
484-8023

ENGINEERING
484-8041

BUILDING INSPECTION
484-8015

COMMUNITY SERVICES
484-8160

WATER - BILLING
484-8038

FIELD SERVICES
3333 BUSCH RD.

SUPPORT SERVICES
484-8067

PARKS
484-8056

SANITARY SEWER
484-8066

STREET
484-8066

WATER
484-8071

FIRE
4444 RAILROAD AVE.
484-8114

POLICE
4833 BERNAL AVE.
P.O. BOX 909
484-8127

ShBoom
ATTN: Mr. Porter A. Hurt
975 Saratoga- Sunnyvale Road
San Jose, CA 95129

REVISED COPY

RE: Request For Teen Night on March 31, 1997

The City of Pleasanton has reviewed your request to hold a "teen night" at ShBoom on Sunday, March 31, 1997. It is staff's understanding from your letter that you will operate this teen night according to the original "teen night" request letter dated June 11, 1996 and according to the City's approval letter dated June 28, 1996 and the modifications to the conditions of approval dated November 5, 1996.

Your statement of operations indicates the following:

- a. Sunday night, March 31, 1997 from 8:30 pm - 12:30 am;
- b. Ages of teens attending shall be 13-18, with proper identification required before entering;
- c. The number of teens shall not exceed ~~400~~ 500;
A dress code shall be enforced (~~no T-shirts~~, tank tops, hats, or gang attire allowed);
- e. All purses, knapsacks, etc. shall be inspected for contraband;
- f. No smoking shall be allowed in the facility;
- g. There shall be no in-and-out privileges; and
- h. Management personnel shall assist in crowd control within the facility.

The conditions of approval are as follows:

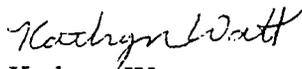
1. The teen night shall be held on Sunday, March 31, 1997 between the hours of 8:30 pm - 12:30 am. The Planning Department and Police Department shall be notified in writing at least one week in advance prior to any proposed changes in the day or hours of operation. In addition, the above departments shall be contacted if the teen night is not held.
2. A total of seven security personnel, in addition to the other employees, shall be on-site at all times. Two of the security personnel shall be

uniformed, trained security personnel who shall patrol the parking lot surrounding the site at all times throughout the hours of teen night to dissuade any potentially illegal or nuisance-causing activities. Any disturbances or illegal activities shall be reported immediately to the Police Department. The other security staff shall wear matching shirts.

3. No adults other than employees, security staff, or management shall be allowed.
4. No persons showing signs of intoxication shall be allowed.
5. No loitering shall be allowed around the exterior of the facility. To this end, ShBoom shall post in a conspicuous place that loitering on or about the premises is a violation of Pleasanton Municipal Code Section 6.44.080.
6. Any and all cigarette vending machines shall be moved off-premises during Teen Nights.
7. The management shall ensure that the building walls, parking areas, signs, etc. around the exterior of the facility are kept in a clean and orderly manner. After closing of the facility after teen night or a teen event, the management shall inspect the building walls and area around the facility to ensure that no the are is cleaned and free from graffiti. Any graffiti found after a teen night shall be removed within 24 hours.
8. The two security staff at the door shall keep an accurate account of the occupancy level at all times.

If you have any questions, please feel free to give me a call at (510) 484 - 8027. If you have any questions of the Pleasanton Police Department, please contact Paul Helm at (510) 484 - 8366.

Sincerely,


Kathryn Watt
Associate Planner

CC: Chief Eastman, Pleasanton Police Department
Paul Helm, Pleasanton Police Department
Joe DeTata, Senior Code Enforcement Officer



CITY OF PLEASANTON

P.O. BOX 520 PLEASANTON, CALIFORNIA 94566-0802

November 5, 1996

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123 MAIN STREET

CITY COUNCIL
484-8001

CITY MANAGER
484-8008

CITY ATTORNEY
484-8003

CITY CLERK
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484-8012

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4444 RAILROAD AVE.
484-8114

POLICE
4833 BERNAL AVE.
P.O. BOX 909
94527

Porter A. Hurt
ShBoom
975 Saratoga-Sunnyvale Road
San Jose, California 95129

RE: Modification to Teen Night Use

Dear Mr. Hurt:

This letter will serve as a follow-up to our recent meeting regarding teen night activities at the ShBoom night club at 4825 Hopyard Road. During this meeting, the continuation of teen night events and what measures would be implemented to address unforeseen impacts were discussed.

As was discussed, staff believes that the teen night events can be allowed to continue provided that the following conditions are met:

- 1.) All conditions contained within Planning Staff's approval of June 28, 1996, as modified herein shall be strictly followed:
- 2.) With the exception of the regularly occurring summer-time teen nights, all teen nights shall receive separate Planning Department approval. You may wish to apply for several teen nights at one time.
- 3.) A total of seven security personnel, in addition to the other employees, shall be on-site at all times. Two of the security personnel shall be uniformed, trained security personnel who shall patrol the parking lot surrounding the site at all times. The other security staff shall wear matching shirts.
- 4.) Staff has discussed the possibility of increasing the occupancy limit to 500 during teen nights with Building and Fire Department personnel. This increase does appear possible. However, prior to final approval, the Building Department needs to review a dimensioned floor plan showing how the teen night activities function within the tenant space. Should you have any questions regarding this requirement, please contact Gary Smith, Chief Building Official, at (510) 484-8015.

Porter A. Hurt
November 5, 1996
Page 2 of 2

- 5.) The two security staff at the door shall keep an accurate count of the occupancy level at all times.

Pursuant to our recent meeting, staff believes that the above conditions will ensure that the teen night activities do not create a negative impact on the community. However, if past problems continue to occur, staff may be required to rescind all staff level approvals and request that a formal use permit application be submitted to the Planning Commission for consideration.

Once your have reviewed the aforementioned information, please do not hesitate to contact me at (510) 484-8311 at your convenience should you have any questions.

Sincerely,



Greg Plucker
Associate Planner

cc: Paul Helm, Pleasanton Police Department
Kerri Watt, Associate Planner
Joe DeTata, Senior Code Enforcement Officer

(amipro\docs\ltr\shboom2.sam:gap)

Rosalind Rondash

From: Michael Magnano
Sent: Thursday, February 02, 2012 4:56 PM
To: Rosalind Rondash
Subject: PCUP-273/UP-90-43 - Diamond Pleasanton Enterprises

Hi Rosalind,

I am in receipt of your Notice regarding Club Neo.

It appears the Planning Commission is going to review the Use Permit or revoke it ?

Im not sure if that is correct, but here is my opinion in Club Neo:

Our family has lived in Pleasanton for almost 20 years, I work at Thoratec, across the street from Club Neo.

I do not feel this club fits in with Pleasanton's family atmosphere, the club has constantly brought in people from other cities who bring trouble with them. (note last weeks incident). The patrons of the club leave empty alcohol containers, cigarette butts and food containers all over that parking lot and other businesses have to deal with it or clean it up themselves.

The club brings in a lot of car traffic and hundreds of people, one night I was at Chili's and there was not one space to park in that entire complex because there was some sort of a party at Club Neo with people milling around the parking lot.

That's my opinion, Thank you

Michael Magnano

Click [here](#) to report this email as spam.

PCUP-273

City of Pleasanton

GIS

Department

4825 Hopyard Road

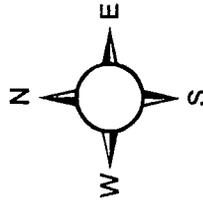
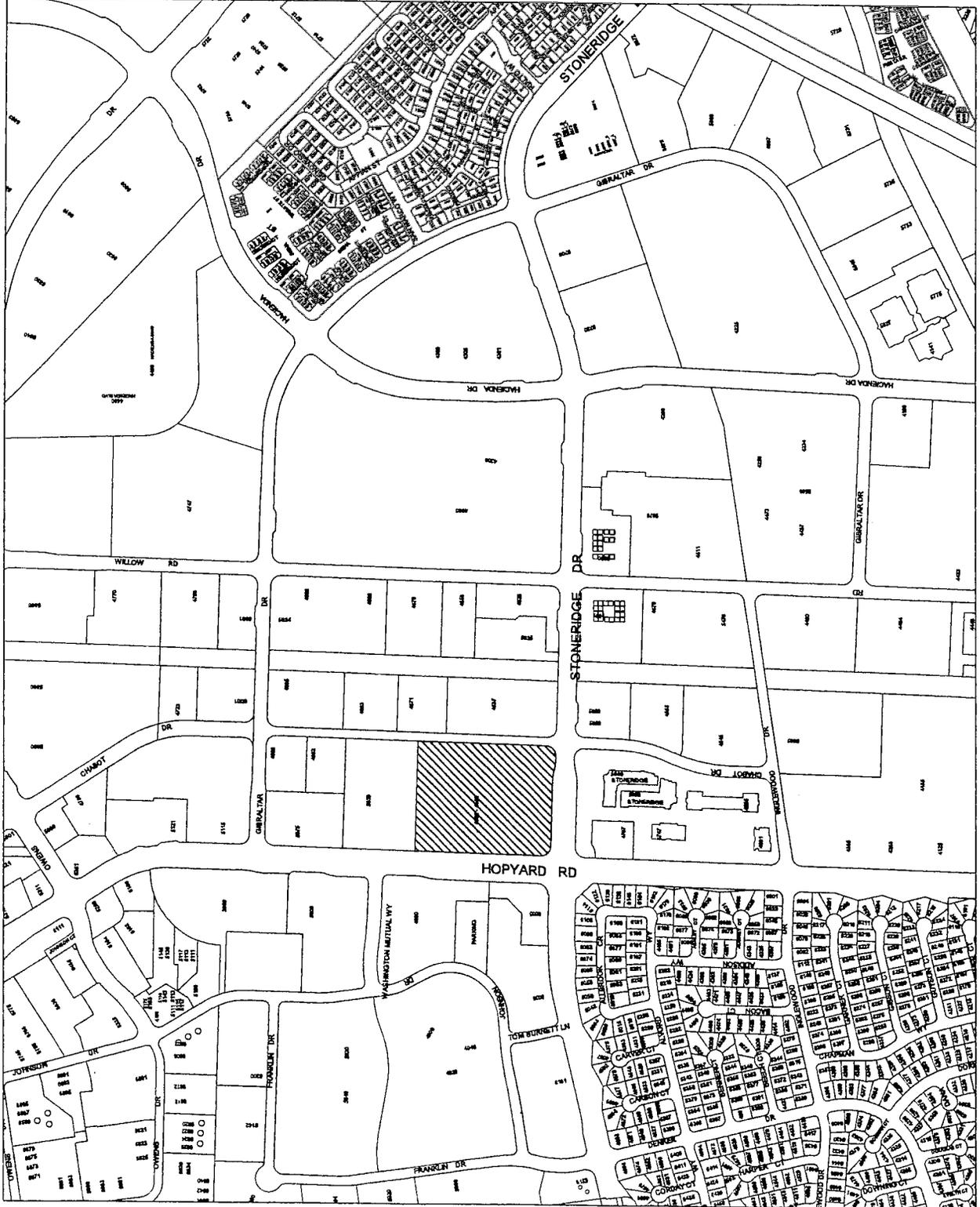


EXHIBIT E-3.5.L



Printed 1/25/2012



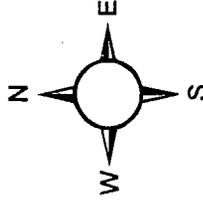
PCUP-273

City of Pleasanton

GIS

Department

4825 Hopyard Road



Printed 1/25/2012

