

Planning Commission Staff Report

February 27, 2013
Item 6.b.

SUBJECT: P12-1821

APPLICANT: Eric DeBlasi

PROPERTY OWNER: FFHA Associates

PURPOSE: Application for a Conditional Use Permit to operate a restaurant and bar/night club within an approximately 10,746 sq. ft. tenant space (in the Gateway Square Shopping Center).

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

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

LOCATION: 4825 Hopyard Road, Suites 4-10

ATTACHMENTS: Exhibit A, Draft Conditions of Approval
Exhibit B, Site Plan, Floor Plans, Security and Training Plan, Sample Food Menu, and Narrative
Exhibit C, Hacienda Business Park Letter of Approval
Exhibit D, Police Incident Report
Exhibit E, Prior Approvals Informational Packet (provided under separate cover)
Exhibit F, Location and Noticing Map

BACKGROUND

The 88,589-square-foot Gateway Square Shopping Center was approved by City Council in 1986 (case PUD-81-30-35D). In 1990, the Planning Commission approved a Conditional Use Permit for Sh Boom (case UP-90-43), a 1950's themed dance club with alcohol service, to be operated in a 10,746-square-foot tenant space. The approved hours of operation were from 5:00 p.m. to 2:00 a.m., seven days a week with limited food service and with a maximum occupancy of 643 people. Between the mid 1990's and 2003, teen night dance activities were approved, operated, and discontinued. A

request to operate the teen night again (in 2003) was approved. The operator discontinued the teen night activities at some point after the 2003 reinstatement. The approval of the teen night activities was subject to the information and floor plans provided with the 2003 application, however, the changes to the floor plan in 2004 rendered the teen night approval invalid. Because of the high volume of material, staff has provided an informational packet for the Planning Commission's reference under separate cover. It contains the staff reports and related documentation for previous approvals, including the previously approved teen nights (Exhibit E).

In 2004, the business underwent cosmetic changes and the name was changed to Aura. While cosmetic changes were made to the facility, it continued to operate as a dance club/bar under the existing Conditional Use Permit.

In 2010, Diamond Pleasanton Enterprise received approval from the Planning Commission for modifications to the existing Use Permit to increase the occupancy and to allow outdoor dining (PCUP-273). Diamond Pleasanton Enterprise renamed the club Status and later renamed it again as NEO. In 2010, the applicant received approval to make modifications to the interior to increase the maximum occupancy from 643 to 812 (patrons and employees combined) and added an outdoor patio area with a barrier within the sidewalk area on the south side of the building.

In 2011, Diamond Pleasanton Enterprise filed an application to further modify the existing CUP to allow activities for patrons under the age of 21 years old (Case P11-0647). However, the processing of that application was postponed at the request of the applicant and then later withdrawn. Additionally, in 2011, several incidents occurred at the night club that led staff to bring the CUP to the Planning Commission to consider possible modifications to the existing conditions of approval and/or a revocation of the Use Permit (Exhibit E).

On February 8, 2012, the Planning Commission considered the possible modification of the existing Conditions of Approval or revocation of the Conditional Use Permit for Club NEO. Based on incidents that occurred at the club in December 2011 and January 2012, involving large crowds of persons fighting, a shooting incident, and other criminal activities, the Planning Commission approved a reduction in the night club's occupancy to allow a maximum of 300 patrons plus club staff (a reduction from the approved limit of 812 persons-patrons and club employees combined). The Planning Commission also modified other conditions of approval related to security, hours for serving alcohol, etc.

Club Neo appealed the Commission's decision. At the April 5th, 2012 hearing, the City Council denied the appeal, thereby upholding the Planning Commission's decision. Staff has prepared a packet of information on all prior approvals (Exhibit E), including a summary prepared by the Pleasanton Police Department of activity at the Club between October 1, 2011 and January 26, 2012, prior staff reports, and meeting minutes associated with the prior operations at this location.

Club Neo has not been operating at full capacity since February 2012 and the club has opened for business only a few times in the last year.

The current applicant, Eric DeBlasi, has been meeting with the City since October 2012 to discuss his proposed business concept, Coconuts Beach Bar and Seafood Grill. A formal Conditional Use Permit application was submitted to the City on December 21, 2012. Through the month of January, Planning staff and the Police Department worked closely with the applicant to prepare the submittal package that is before the Planning Commission for review.

SITE DESCRIPTION

The subject property is a 9.7-acre parcel, known as Gateway Square, located at the northeast corner of Hopyard Road and Stoneridge Drive in Hacienda Business Park (HBP). The proposed use would be located in a one-story structure, one of five on the site with a large parking lot (432 spaces) that serves the existing buildings. The subject building is a multi-tenant building with approximately 10,746 square feet of area designated for the existing establishment.

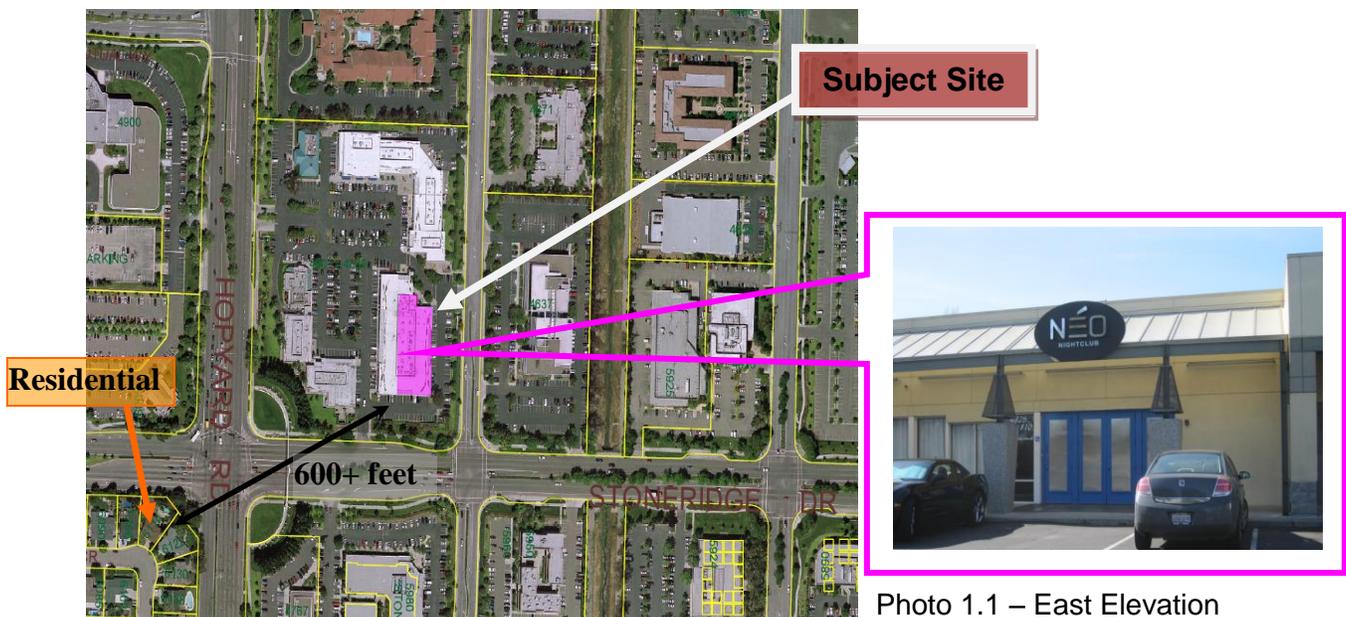


Figure 1.1 – Vicinity Map

Photo 1.1 – East Elevation and Entry Doors

The subject site contains tenants such as: AppleOne, Callahan Tile & Stone, Chili's, City Dry Clean, Eddie Papa's, Fast Frame, Gateway Beauty Salon, Gateway Dental Care, Golden Apple Learning Store, Hacienda Park Optometry, Hertz, Huntington Learning Center, Kelly-Moore Paints, Kinder's, La Petite Fleur, Mills, NCAL Computer Source, Professional Nails, Randstad, Round Table Pizza, Tanning Island, The Cheese Steak Shop, The UPS Store, and Ume Sushi. The other uses in the general area are office and hotels. The nearest residential properties are located to the southwest, across Hopyard Road, approximately 600 feet away (Figure 1.1).

Access to the site is provided by four driveway entrances (one off of Hopyard Road, one off of Stoneridge Drive, and two off of Chabot Drive). The existing establishment has direct parking lot access. The front entry of the existing establishment faces Chabot Drive (Photo 1.1) and the secondary entrance faces Stoneridge Drive.



Photo 1.2 – South Elevation (secondary entry)

The main entrance will be the only entrance used during the restaurant use. The secondary doors will only be used to provide a separate entrance point for patrons over 21 years of age during activities that have mixed age groups.

The tenant space contains two bar areas and is divided into two rooms; the “Back Room” is located in the southern portion of the building and contains the smaller bar and seating area, the “Front Room” is located in the northern portion of the tenant space and contains the larger bar and direct access from the main entry doors. The patron restrooms are located within the area designated as the Front Room.

PROJECT DESCRIPTION

The applicant proposes to operate a restaurant and night club that offers events for various age groups. The proposed activities include:

- 21 years old and up Lounge
- 18 years old and up Activities:
- Teen Night
- Business Events
- Special Events
- Happy Hour (drink specials and activities)

The applicant proposes to modify the interior floor plan to accommodate a full service restaurant establishment with seating for 181 patrons during the restaurant use. Table seating would be provided for patrons during the restaurant use (until 10:00pm), but the majority of the tables would be removed in the late evening (after 10:00pm) to accommodate the following activities:

21 & up Lounge: (21 & up) Patrons that are 21 years of age and older would utilize the facility. Live bands and DJ music performed on a portable stage would be played and alcohol would be served throughout the entire facility.

18 & Up Nights: The operator proposes to play Country music or Salsa music on 18 & Up Nights. (Note that the City does not regulate music so the operator may change the music selections). Patrons that are 18 years or older but less than 21 years of age would use the main entrance and would be allowed to use the “front room” (larger

room) of the establishment. The “front room” would sell only non-alcoholic beverages served in manufacturer’s cans or bottles. The “front room” would be separated from the “back room” (smaller room) by a security check point and patrons that are under age 21 may not enter the “back room”. Patrons that are 21 years of age and older would use a separate entrance, the secondary entrance, to enter the facility and would be stamped with a black light to show that they are 21 or older. Alcohol service would only be provided in the “back room” and would be served in plastic cups for easy monitoring. Patrons that are over 21 years of age may access the entire facility, including the “front room” but they would not be able to take alcoholic beverages past the security checkpoints to the “front room” or into the restrooms. Restrooms will be shared by the patrons and a condition of approval requires the operator to have a restroom attendant in each restroom during 18 & up Nights.

Teen Night: (18 & below) Music would be played for patrons ranging in age from 14 to 18 years old. All alcohol would be removed from the bar areas and pad locked in coolers or the back storage area. No one over the age of 18 would be allowed in the facility, except for facility staff and guardians of a patron. Teen Nights would only occur on Sunday nights during the summer months and on holiday evenings throughout the year when there is no school the next day.

Business Events: (All ages) Businesses may rent the facility to conduct industry mixers, trainings, corporate events, or meetings. The proposed hours for this activity would begin as early as 6:00 am to accommodate the business community.

Special Events: (All ages) Individuals hosting wedding receptions, special occasion celebrations, and various trainings/conferences would be able to rent the facility to hold their event. Security, alcohol service, food service, and music would be provided by the facility, but paid for by the event host. The event host and facility operator would agree to what services are desired/needed and what those services cost.

Happy Hour (drink specials and activities):

Full Happy Hour (drink specials)

While the facility is operating as a restaurant, the facility would offer discounted drink specials along with Happy Hour activities listed below.

Happy Hour Activities

The facility will offer Happy Hour activities beyond the Full Happy Hour discounted drink specials time. Happy Hour activities include live entertainment, such as comedy shows, live music performances, and dance performances. All entertainment would be conducted on a portable stage.

Please refer to Exhibit B (Activity Matrix) for more information regarding the proposed frequency and schedule of the proposed activities.

The operator, as conditioned, would provide a calendar for Special Events, Business Events, and teen nights to the Police Department 30 days prior to the first day of each

month and any amendments to the activities calendar is required to be submitted to the Pleasanton Police Department at least one week before the event takes place. The calendar of activities will enable the City's Police Department to review security plans for each event and staff police patrols accordingly.

The facility would provide a full service menu for the hours of 11:30am to 10:00pm; food for the Special Events and Business Events would be provided on a contract basis; and during the evening activities, when the facility operates as a night club for the various ages, a taco bar would be offered.

Restroom access would be provided at all times for all age groups. There would be a security check at each of the passageways (one along the east side and one along the west side of the back room) between the Back Room (small bar area) and the Front Room (the large bar area), where the restrooms are located. The security check would ensure that no alcoholic beverages pass beyond where 21 years of age and older patrons are served alcohol. The security check point would allow for older patrons to use the restroom facilities during the underage activities without creating issues regarding sharing drinks with underage patrons. The recommended conditions of approval require a bathroom attendant, in addition to the required security staff, to be stationed in each restroom to monitor the activities during events/activities that have patrons under the age of 21.

The facility also contains separate restroom facilities for the employees. The employee restrooms are located by the kitchen and office area off of a corridor with an access-restricted door.

Please refer to the applicant's written narrative, activity matrix, and floor plans for a detailed description of the facility and its layout (Exhibit B).

ANALYSIS

Conditional uses are uses that, by their nature, require individual review to ensure that impacts associated with their use will be minimal. Conditional Use Permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated. Additionally, the conditions of approval for this application have been composed to address possible conflicts with surrounding land uses. These conditions aim to balance the request of the applicant with the public health, safety, and welfare of the neighboring area.

The discussion below provides an analysis of the proposed Conditional Use permit.

Land Use

The existing use is located in a PUD (Planned Unit Development) that allows this type of use subject to a Conditional Use Permit. With this Conditional Use Permit application, the Planning Division and Police Department are recommending conditions to ensure that peace and order are achieved at this location with the new operation.

Therefore, staff has recommended conditions of approval that address employee alcohol training, security, beverage pricing, etc.

One of the primary questions in reviewing a Conditional Use Permit application is what effect the proposed application will have on the surrounding uses. The surrounding uses include office, retail, and restaurant uses. There are unlikely to be any conflicts with the surrounding retail uses because the hours of operation of the night club do not overlap with those uses. Additionally, the existing night club and restaurants have operated as complimentary uses with some patrons opting to enjoy their dinner at the neighboring restaurants before entering the night club for the evening. Therefore, staff believes that the proposed establishment will not create any adverse impacts on the surrounding uses. Furthermore, the subject site does not immediately abut residential property, reducing potential noise impacts on the residences. Therefore, from a land use perspective, staff finds the proposed establishment to be acceptable, as conditioned.

Occupancy

The UP-90-43 staff report noted that the “facility would accommodate a maximum total of 643 people” and the prior night club operations were approved up to 812 total persons (employees and patrons) before the City Council and Planning Commission reduced it to 300 patrons (not including employees). The proposed night club floor plan accommodates approximately 799 people, based on the occupant load capacity calculated by the project Architect. However, the Chief of Police has indicated that the public safety personnel staffing levels can only support an occupancy of 500 (patrons and employees combined) at this establishment. Additionally, the activity matrix and project narrative indicates that the establishment will have a maximum occupancy of 500 persons. .

The operator is required to precisely monitor the occupancy of the establishment. Patrons would be counted by a manually operated “clicker” so that the occupancy of the facility can be obtained within a matter of a few minutes.

Staff believes that, as conditioned, the proposed occupancy will not produce any conflicts with the surrounding uses.

Noise

The proposed application must be in accord with the objectives of the Zoning Ordinance. One of those objectives is to “promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions.” As proposed and conditioned, staff believes that noise from the dance club would be minimal and would not negatively impact uses located adjacent to the subject site.

The entry doors will be the only access points to the building during business hours. The existing doors already operate with self-closing mechanisms. The other doors will remain closed during business hours and are for emergency exit use only, further limiting potential noise impacts to surrounding tenants and properties. The use will be required to comply with the City's noise regulations that are designed to protect the peace, health, safety, and welfare of the citizens. Additionally, staff has recommended conditions of approval that will require the operator to ensure that patrons are orderly when arriving/departing the building and parking areas. Therefore, staff does not expect the proposed use would be disruptive to adjacent properties.

Parking

There are a total of 432 on-site parking spaces in Gateway Square Shopping Center. The overall parking ratio for the center is 1 parking space for every 205 square feet of floor area. Applying this parking ratio to the operator's 10,746-square-foot tenant space, 53 parking spaces would theoretically be allocated to the tenant space. However, there are no assigned parking spaces in this development.

The Municipal Code parking standards for restaurants and bars requires one parking space per 200 square feet of gross floor area or one space for every three seats, whichever is greater. Based on this standard, 54 parking spaces would be required using the size of the tenant space, but 60 parking spaces would be required for the restaurant use based on the number of seats and only 36 parking spaces would be required based on the number of seats for the night club use (181 seats for the restaurant use and 109 seats for the night club use). According to the Municipal Code standards the greatest parking demand would be 60 parking spaces. In addition, the Hacienda Design Guidelines require one parking space per 200 square feet of gross floor area for commercial/retail uses, which is what was used to determine the parking requirements when this shopping center was built.

Staff believes that the restaurant parking demand shortfall of 7 parking spaces will be accommodated on-site without impact to the existing tenants as the parking lot contains sufficient parking (432 parking spaces) to serve all tenants during the restaurant hours. With regard to the night club operations, the proposed maximum occupancy of 500 occupants (patrons and employees) leads staff to believe that the parking demand for the use would be much higher than the Municipal Code and Hacienda parking requirements as calculated above. However, staff believes that the parking demand for the night club operations would be alleviated by patrons carpooling to the establishment.

While it is difficult to determine the exact parking demand created by the proposed establishment, the operator has indicated that the facility will be operated by 50 employees at the busiest time, and staff believes the maximum parking demand would be around 250 spaces for the night club patrons, depending on the number of people carpooling to the site (approximately 167 parking spaces would be used if there were three persons per vehicle and approximately 250 spaces would be used if there were

two persons per vehicle). Staff notes that these are maximum parking demand estimates and that the maximum number of employees and patrons is unlikely to be present on a consistent basis and would most likely be limited to Friday and Saturday nights. Staff has also considered other factors in its parking analysis, such as the parking demands of the other uses, the hours of operation, and multiple destination vehicle trips.

The night club would experience peak parking demands at 10:00pm. Since the majority of the other uses in the complex are closed by 6:00pm, staff does not believe that there will be any parking conflicts with the adjacent tenants. The parking lot provides ample parking to serve the night club and the existing restaurants that are open until 10:00pm. It is also conceivable that a single vehicle could be used to transport patrons to the restaurant (or another restaurant on the same site) for dinner and then those same patrons could then go to the night club for their evening entertainment (i.e. one parking space would be serving two uses).

Additionally, staff has talked to James Paxson, General Manager of Hacienda Owners Association, regarding the parking situation for the current night club and he has indicated that even when the facility had an occupancy of 812 there were no parking conflicts with the existing establishment. Therefore, he does not foresee any conflicts with the proposed business. Staff is recommending a condition of approval requiring the applicant to encourage its staff to utilize the areas of the parking lot that are less used by the patrons. This would allow patrons to park as close to the establishment as possible, thereby reducing the potential for parking conflicts with patrons of the other restaurants and businesses.

Based on the parking demands of the other uses, the hours of operation for the night club operations, and the parking history at the site with similar uses, staff believes that the parking availability is sufficient to accommodate the proposed use and the surrounding uses in the complex. However, should parking-related problems occur, staff has included a condition of approval which allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

PUBLIC NOTICE

Notices regarding the proposed application and related public hearing were mailed to property owners and tenants within 1,000 feet of the subject property. As of the publication of this staff report, staff has not received comments pertaining to this application. Staff has provided the noticing map as Exhibit F for the Commission's reference.

HACIENDA OWNERS ASSOCIATION

James Paxson, General Manager of Hacienda Owners Association, has reviewed the application for the proposed use and found that it is in substantial compliance with Hacienda's guidelines set forth in the CC&Rs (Exhibit C). James Paxson has stated to

staff that based on the space allocation and business practice, the Association believes that the use, parking, and traffic are compatible with the current approved uses within the subject area and, thereby, approved the proposed use.

FINDINGS

The Planning Commission must make the following findings prior to granting the use permit:

A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinances and the purpose of the district in which the site is located.

The zoning ordinance endeavors to foster a harmonious, convenient, and workable relationship among land uses, while protecting land uses from inharmonious influences and harmful intrusions; and insuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. As conditioned, staff believes the proposed establishment would be consistent with these objectives.

The site of the subject use is located within the Hacienda Business Park's CPD (Retail/Commercial/Financial Planning District), which permits the uses of the City's C-C (Central Commercial) and C-F (Freeway Commercial) districts. Restaurants are permitted uses and bars, including entertainment and dancing, are conditionally permitted uses in the C-C and C-F districts and are in accordance with the purposes of the zoning district to provide locations to offer commodities and services to the residents of Pleasanton and surrounding areas. The proposed conditions of approval for the project give the City appropriate controls to ensure that the use does not have any negative impacts on surrounding businesses and properties. The proposed use permit is, therefore, in accordance with the objectives of the zoning district in which the site is located, and staff believes this finding can be made.

B. 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 or improvements in the vicinity.

As conditioned, staff finds that the proposal will not have a detrimental impact to the public health, safety, or welfare, or be materially injurious to the properties or improvements in the vicinity. In particular, conditions require adherence to hours of operation and parking to mitigate for possible impacts to adjacent uses. Staff also believes the operator will control noise, loitering, or other nuisances that would otherwise occur within the parking lot. Further, if a conflict arises with the operation of the business, a condition of approval allows the Director of Community Development to determine if the proposal needs to return to the Planning Commission for further consideration or additional mitigation measures. Therefore, staff believes that this finding can be made.

C. That the proposed conditional use will comply with each of the applicable provisions of the Municipal Code which apply to Conditional Uses.

The Pleasanton Municipal Code states that because of the unusual or uncharacteristic nature of some proposed land uses, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties. The proposed use has conditions of approval to ensure that the applicable provisions of the Pleasanton Municipal Code are met and that adjacent businesses and residences will not be adversely impacted. Therefore, staff believes that this finding can be made.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1 which allows the operation of a uses, permitted or conditionally permitted, within an existing building. Therefore, no environmental document accompanies this report.

CONCLUSION

Staff believes that the required findings for the proposal can be met. Additionally, staff believes that the proposed use, as conditioned, will be compatible with the surrounding uses. The recommended conditions of approval have been carefully considered and constructed to address potential conflicts with adjacent land uses and to maintain the safety and general welfare of the surrounding area.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve P12-1821 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and
2. Approve P12-1821 subject to the conditions listed in Exhibit A.

Staff Planner: Rosalind Rondash, Associate Planner, (925) 931-5613, rondash@ci.pleasanton.ca.us

Exhibit A
DRAFT Conditions of Approval
P12-1821, 4825 Hopyard Road
Coconuts Beach Bar and Seafood Grill
February 27, 2013

Project Specific Conditions:

Planning Division

1. The proposed business operation and activities shall conform substantially as described in the plans, narrative, and other materials (Exhibit B), dated "Received February 13, 2013," on file with the Planning Division, except as modified by the following conditions. Minor changes to the approved activities and/or operation may be approved by the Director of Community Development if found to be in substantial conformance with the approved exhibits.
2. If additional hours and activities beyond what was stated in the applicant's written narrative, dated "Received February 13, 2013," on file in the Planning Division, are desired, prior City review and approval is required. Such modifications may be approved by the Director of Community Development if found to be in substantial conformance with the approval. The Director of Community Development may also refer the matter to the Planning Commission if the proposed changes would be significant.
3. When Coconuts Beach Bar and Seafood Grill opens for business, this Conditional Use Permit approval shall supersede all prior Conditional Use Permit approvals for the tenant space, including but not limited to bar, night club, and teen night activities.
4. The establishment shall be limited to a maximum of 500 persons (patrons and employees combined).
5. The operator shall maintain a system to count the number of patrons who are in the club establishment at any given time. The operator shall provide the number of occupants upon request by Pleasanton Police Department or Fire Department personnel.
6. The City does not require that the establishment have a dress code, however, if the operator chooses to have a dress code, then the following shall be required: Prior to operation, the operator shall post the dress code on the establishment's website and via signage on the subject property so that patrons will be able to view the dress code prior to or upon arrival and prior to waiting in line to enter the establishment. The design and location of

said signage shall be submitted for review and approval by the Director of Community Development prior to installation.

7. During the hours of operation for the night club's activities that serve patrons 18 years old and up, the operator shall utilize a "Scanshell 800" ID scanner or similar device capable of copying and recording the identification of each guest as he/she enters the establishment. The data collected by the scanner shall be made available to Pleasanton Police Department personnel immediately upon request. This condition does not apply to Teen Nights since those patrons will be using school identification cards.
8. The operator shall stop serving alcohol at 1:40 a.m., and shall collect all alcoholic beverages by 1:50 a.m. The operator shall require patrons to leave the establishment by 2:00 a.m. and the parking lot areas by 2:30 a.m.
9. Beginning at 1:40 a.m., the operator shall start to gradually increase lighting within the establishment, and all of the interior lights shall be turned on by 1:50 a.m.
10. The operator shall designate an outdoor smoking area that is located at least 20 feet away from any door or opening. Said area shall be roped off, provided with two (2) portable ashtrays, and shall be monitored and kept clean.
11. The operator shall comply with Chapter 9.24 of the Pleasanton Municipal Code (Smoking in Public and Work Places). The operator shall install "No Smoking" signs in conformance with Chapter 9.24 of the Pleasanton Municipal Code.
12. The operator shall encourage staff to park in the areas of the parking lot that are less used by the patrons of Gateway Square Shopping Center.
13. If the operation of this use results in conflicts pertaining to parking, interior or exterior noise, traffic/circulation, public disturbances, or violations of these conditions, at the discretion of the Director of Community Development, this Conditional Use Permit may be submitted to the Planning Commission to consider modifications to the conditions or revocation.
14. The exterior doors of the business shall remain closed when not being used for ingress/egress purposes. The applicant shall maintain self-closing mechanisms on all exterior doors. A sign stating that the outside doors of the club shall remain closed during all hours of operation shall be placed on or next to all exterior doors.
15. No signage is approved with this application. If signage is desired, the applicant shall submit a sign proposal to the City for review and approval

prior to sign installation. All signage shall receive approval from the Hacienda Owners Association prior to submitting to the City.

16. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Pleasanton Municipal Code for grand openings.
17. The business owner/operator shall adhere to a “good neighbor” policy, meaning that the operator and employees must respect the rights of neighboring properties and tenants and, to the best of their ability, shall ensure their patrons’ compliance with the City’s noise and smoking regulations and all conditions of approval related to parking location, noise, loitering, etc.
18. Prior to operation, the operator shall provide the Chief of Police with a final security plan along with the name of the Security Manager who will be responsible for ongoing collaboration with Police staff regarding that plan. This plan shall be subject to the review and approval of the Chief of Police and shall minimally include:
 - a. Number of security personnel the operator intends to have on-site in relation to the number of patrons. During the hours that the establishment is operating as a night club for 18 years old and up and/or for 21 years old and up patrons, the operator is required to provide a minimum of one security guard to every 50 patrons, plus a minimum of two security guards to monitor the parking lot and surrounding areas.
 - b. Specifically articulated job assignments for each security post, i.e., what duties are assigned and where persons are assigned, e.g., parking lot, door post, patio, etc.
 - c. All security staff shall wear a distinctive uniform identifying them as security officers.
 - d. All security personnel shall register and maintain valid registration status with the California Department of Consumer Affairs (Bureau of Security and Investigative Services). Such registration shall occur no later than 120 days from the date the security personnel apply for employment with the operator and all security personnel must submit the proper application to the State of California Bureau of Security and Investigative Services within three days of employment with the operator. At no time shall any security personnel register with the State at any level that is less than that of a proprietary private security officer. The operator shall provide proof of registration (or proof of pending registration) upon request by Pleasanton Police Department personnel.
 - e. During the hours that the establishment is operated as a night club, all patrons shall be searched by gender-appropriate personnel or through the use of a metal detector.
 - f. A plan for staging of patrons in line for admission.

- g. Once the night club is filled to capacity, the operator shall advise all persons standing in line that the night club is at capacity and the operator shall direct the persons that they must leave the property immediately.
 - h. A patron-removal plan shall include the use of rear exit doors for removal of unruly patrons. Patrons who have engaged in unruly behavior shall be separated by security staff and shall be taken out of the establishment at separate times. Patrons shall be taken to their vehicle and required to leave the premises. However, if the patron is intoxicated, the operator shall not escort the patron to their car but shall make other arrangements for the patron to leave the premises. If the patron is severely intoxicated or has been engaged in fighting or some other criminal act, the operator shall immediately notify the Pleasanton Police Department.
 - i. The operator shall maintain a fully functional security video recording system capable of capturing all areas of the club. This will specifically include the point of entry and exit (including the line for persons waiting to enter the club), the main dance floor, other dance floors, private party rooms, all rear hallways, rear exits, etc. Restrooms will not be recorded. The system shall be tested monthly to ensure that it is working properly, and the videos shall be maintained for a 30-day retention period. Videos shall be made available to Pleasanton Police Department personnel immediately upon request.
 - j. The operator shall provide routine and ongoing patrol of the exterior areas and parking lots. The club's security staff shall not allow loitering, littering, noise, other disturbances, or criminal activity in the parking lots or near the businesses within the commercial center and on neighboring properties within the Hacienda Business Park.
 - k. All security staff shall be provided with, be trained in the use of, and utilize state-of-the-art communication devices, such as hand-held radios or headsets.
 - l. The operator's security plan shall include language whereby the operator commits to maintaining a direct line of communication with the Pleasanton Police Department regarding all security-related issues.
19. If patrons cause problems to occur in the vicinity of the establishment with regard to traffic control, the Chief of Police may direct the operator to erect signs at all entrances to Gateway Square Plaza and at the entrances to all parking lots which have access to the plaza. Said signs shall state the enforcement of Section 1107.8 of the California Vehicle Code (CVC) on the subject premises, and shall be designed and located as described in the CVC.
20. This Conditional Use Permit approval will lapse in accordance with Pleasanton Municipal Code section 18.124.100.

21. The operator shall provide at least limited food service (such as appetizers) during all operating hours of the business. Prior to issuance of a tenant improvement permit or operation of the business, the operator shall submit a food menu with food service hours for the review and approval of the Director of Community Development.
22. Alcoholic beverages shall not be heavily discounted in price. Prior to issuance of a tenant improvement permit or operation of the business, the operator shall submit an alcoholic beverage menu with pricing (including “happy hour” or other reduced-price alcohol promotions) for the review and approval of the Chief of Police.
23. Within 45 days of the original hire date, employees who serve alcohol and security personnel shall obtain certification in TIPS or LEADS training related to the service of alcoholic beverages. Said certification shall be maintained in good standing for the duration of their employment with the establishment, and re-training shall occur every six (6) months from the original training date. The operator shall maintain copies of these certifications and shall make them available for inspection by Pleasanton Police Department personnel upon request.
24. All activities shall comply with Chapter 9.04 of the Pleasanton Municipal Code (Noise Regulation). The operator shall ensure that all disc jockeys (DJs) and musicians are aware of the City’s noise regulations.
25. The operator shall obtain all necessary approvals from the Department of Alcoholic Beverage Control prior to serving alcohol.
26. The operator shall maintain the area surrounding the establishment in a clean and orderly manner at all times. By 6:00 a.m. the morning after the establishment operates as a nightclub, the operator shall have inspected the parking lots and surrounding businesses within the Gateway Square Shopping Center and removed and/or cleaned up any litter, vomit, etc., that were likely to have been left by Coconuts Beach Bar and Seafood Grill’s patrons (restaurant or night club use).

21 years old and Up Lounge Nights

27. In addition to the conditions listed in this exhibit, the 21 years old and up lounge nights shall be subject to the following conditions:
 - a. The operator shall restrict in and out privileges to the use of the smoking area. A security guard shall be posted at the smoking area to monitor the patrons. No other in and out privileges are permitted. Patrons shall be screened before being allowed to re-enter the establishment.

18 years old and Up Nights

28. In addition to the conditions listed in this exhibit, the 18 years old and up activities shall be subject to the following conditions:
- a. Patrons that are 18 years or older but less than 21 years of age shall use the main entrance and shall be allowed to use the “front room” (larger room) of the establishment only. The “front room” shall sell only non-alcoholic beverages served in manufacturer’s cans or bottles. The “front room” shall be separated from the “back room” (smaller room) by a security check point and patrons that are under age 21 may not enter the “back room”.
 - b. Patrons that are 21 years of age and older shall use a separate entrance, the secondary entrance, to enter the facility and shall be stamped with a black light to show that they are 21 or older. Alcohol service shall be provided in the “back room” only and shall be served in plastic cups for easy monitoring. Patrons that are over 21 years of age may access the entire facility, including the “front room” but will be prohibited from taking alcoholic beverages past the security checkpoints, to the “front room”, or into the restrooms.
 - c. The operator shall provide separate entries for patrons that are under age 21 and for patrons that are 21 years old and older. The entry shall be clearly indicated with on-site signage. Signage placement and design shall be submitted for the review and approval of the Director of Community Development prior to operation of the first 18 and up event.
 - d. The operator shall provide security guards in both hallways to the restrooms to perform security checks and not allow alcoholic beverages to pass the security point and not allow persons under 21 to enter the “back room”.
 - e. In addition to the required security staff, the operator shall provide a bathroom attendant in each restroom who shall monitor the restrooms.
 - f. The operator shall restrict in and out privileges to the use of the smoking area. A security guard shall be posted at the smoking area to monitor the patrons. No other in and out privileges are permitted. Patrons shall be screened before being allowed to re-enter the establishment.

Teen Nights

29. In addition to the conditions listed in this exhibit, the teen night activities (hereafter “Teen Nights”) shall be subject to the following conditions:
- a. Patrons shall be limited to high school students between the ages of 14 and 18 years old. This requirement does not prohibit the attendance by the legal parents and/or guardians of the patrons. Patrons shall not be admitted unless they have a valid, current school identification card in their possession.
 - b. Teen nights shall only take place on Sundays during the summer months and on holidays when regular school classes are not being held on the

- following day. No teen nights shall take place on a school night. Teen nights shall be limited to the hours of 6:00 pm to 9:00 pm.
- c. The business operator shall not hold another activity/operation/event during the same time a Teen Night is occurring.
 - d. No patron admitted into the establishment shall be permitted to leave and thereafter reenter.
 - e. No alcoholic beverages may be sold, consumed, or made available.
 - f. The operator shall provide a bathroom attendant, in addition to the required security staff, to be stationed in each restroom to monitor the activities.
 - g. Admission to teen nights shall be denied to any person showing evidence of having consumed any alcoholic beverage, or to any person showing evidence of being under the influence of a controlled substance, or to any person in possession of an alcoholic beverage or controlled substance.
 - h. Prior to the commencement of teen nights, the operator shall provide to the Director of Community Development and to the Police Chief the entire season's teen night schedule and a description of operations, including number of security staff to be provided at each event, for review and approval.
 - i. Prior to the first teen night, the operator shall secure a permit from the Chief of Police for the 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 operator shall adhere to the conditions and requirements of the permit at all times.

Standard Conditions:

Planning Division

30. Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
31. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify, and hold harmless the City, its City Council, its officers, boards, commissions, employees, and agents from and against any claim (including claims for attorneys' fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

Building Division

32. Prior to issuance of a business license, the applicant shall contact the Building and Safety Division and the Fire Marshal to ensure that the proposed use of the tenant space meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City Permits.

Code Requirements:

Applicants are responsible for complying with all applicable Federal, State, and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.

Building Division

33. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval prior to operation. The applicant shall obtain a building permit prior to commencement of any work. The applicant shall pay any and all fees to which the proposed application may be subject prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
34. Any tenant improvements shall be designed and constructed to meet all applicable Title 24 state energy requirements.

{end}



February 11, 2013

Ms. Janice Stern
Planning Manager
City of Pleasanton
200 Bernal Avenue
Pleasanton, CA 94566

Re: Conditional Use Permit
Coconuts Beach Bar & Seafood Grill
Site 1D, Gateway Square

Dear Janice:

This letter is being provided in accordance with the Declaration of Covenants, Conditions and Restrictions for Hacienda, Article III, Section 3.2, Paragraph 3.2.3, Plan Changes and Plans for Changes to Improvements. The Design Review Committee for the Hacienda Owners Association has reviewed the application for a conditional use permit. This application was submitted by Coconuts Beach Bar & Seafood Grill, on behalf of FFHS Gateway L.P., Site 1D, dated February 6, 2013. This modification is in substantial compliance with the guidelines set forth in the Design Guidelines and Covenants, Conditions and Restrictions.

The proposed conditional use permit will allow Coconuts Beach Bar & Seafood Grill to operate a restaurant with a night club for various age groups at 4825 Hopyard Road. The restaurant will be open daily from 11:30 am to 9:00 pm. At 9:00 pm the restaurant closes and the business will transition into a night club open from 10:00 pm to 2:00 am for different age groups on various nights including teen nights over summer and holiday school breaks. The proposed application contemplates a maximum occupancy of 500 patrons and employees at any given time. In consideration of the conditional use permit, the applicant has reviewed site parameters of concern including: parking, traffic and noise. Based on a comprehensive review of space allocation and business practice, the applicant has demonstrated that their use is compatible with currently approved uses. The description of the use proposal for this modification is attached.

This application is hereby approved by the Hacienda Owners Association and may be processed for necessary approvals by the City of Pleasanton. Please feel free to contact me at the Association's office if I can be of any assistance in this matter.

Sincerely,

James Paxson
General Manager, HBPOA

cc: Gene Havrilenko
Eric DeBlasi

cc: 01D_mod039_approval_fm
dc: D:\V\DES\A19\MOD

Neo Nightclub Overview

On Saturday **October 1st, 2011**, Neo nightclub re-opened its doors for business. On that evening, Lt. Jim Knox and Sergeant Tamm went to the club and spoke with the club owner, Jenny Wolfes. Knox introduced himself as the swing shift watch commander Wednesday through Saturday evenings and also as the District 2 commander. Knox told Wolfes at this time that we as a police department would like to work with her to provide resources such as training and assist her in resolving any issues that may arise during their operation. Wolfes was thankful and asked to have a drug and drug influence awareness class provided to their staff. This was arranged and provide to their staff on November 4th.

On the evening of Saturday, **November 26th**, a large crowd was in attendance at Neo and required the allocation of 9 officers to assist their security personnel at closing time. After this incident, Lt. Knox met with Wolfes at Club Neo on December 2nd. Knox explained the issues which had occurred on the previous Saturday and explained that the police department could not sustain that allocation of that type of resource as a result of her club operations. Knox explained to Wolfes that they must have security personnel monitoring the parking to prevent problems as a result of drug, alcohol and violence issues. Wolfes told Lt. Knox that she would have her security consultant present the following evening to come up with a game plan to eliminate problems. Lt. Knox further reiterated that the police department would work with her and her staff to help find a solution.

Club Neo was at capacity this evening. They had a live performer, "R.O.D. Live" advertised for this evening. The crowd was largely from out of the area. Early swing shift was held due to the potential for problems. At about 0030 hrs, about 100 unhappy people were turned away. At closing time a very large crowd swarmed the west lot and a "sideshow" type environment appeared to be forming. The 9 officers on scene with the help of 16 Neo security personnel were able to clear the lot with no incidents.

DEA called to advise they had 12 units doing surveillance for a gang investigation in the area of NEO. They had no specific information of projected violence at or around the club.

On Friday, **December 2nd**, Lt Knox met with Jenny Wolfes outside Club Neo at approximately 2120 hours. Knox explained to her that the club needed to have security monitoring the parking lots. He explained the prior Saturday Evening and the resources which were allocated because of the attendance at the club. Knox Explained to Wolfes that the department could not sustain that type of service and things would have to change. She told Knox that her security consultant would be at the club the following evening to assess the attendance and make suggestions on how to alleviate the problems. Knox told Wolfes that PPD was willing to work with her and the club and we would like to deal with problems before they happen. She assured Knox they would

take care of it. Wolfes stated she believed max capacity to be in the 850 range but state they try to maintain around 650 people inside.

Saturday, December 3rd, 2011

Club Neo was filled to capacity. The two incidents below occurred as the club was closing.

11-53456 242 PC: A 26 year old male resident of Hayward was found walking in the Club Neo lot with head wounds. The male said he was "Jacked" in the lot. He was unwilling to provide officers with suspect or additional info. He was taken to Eden Hospital with minor scalp lacerations.

11-53458 647f PC: Officer Stocking saw an intoxicated male urinating in the p-lot near Club Neo. A 46 year old male resident of Oakland was arrested and booked into SRJ.

On the evening of Thursday **December 8th**, Lt. Knox spoke with Wolfes by telephone at 1950 hours. She told Lt. Knox that she was working with her security consultant and would have 22 security staff present on Saturday evening. She said they would have 4 security officers in the parking lot with spot lights and bullhorns. She also mentioned that she was considering having golf carts brought in to provide mobility to the security personnel in the large lot. Wolfes also stated the guest list would be cut off early (10:00 pm) and the cover charge would be raised, all in attempts to "fade" people. This evening turned out to be relatively uneventful.

Saturday, December 10rd, 2011

The Neo Nightclub was again filled to capacity with a large number of patrons waiting to get inside. Besides a couple of public intoxication arrests, the event was orderly.

On the evening of Friday **December 16th**, Lt. Knox spoke with Wolfes at 2050 hours as a follow-up to the previous weekend. Wolfes told Knox that she would have similar staffing and procedures to the previous weekend for that coming Saturday and she had brought in police type barricades to help prevent free flow of patrons in and out of the club. She indicated they would stop letting people into the club at midnight.

On the evening of Saturday **December 17th**, the club attendees created similar issues to those on November 26th only crimes were committed and due to the volume, they could not be controlled by the 10 PPD officers and 3 Dublin units present. This crowd was estimated to be about 600-700 people and there was an estimated 25-30 crimes committed in the parking lot. Pushing and shoving matches were witnessed, fights occurred, people were threatening each other making shooting type gestures with their hands or tapping their waistbands signaling they had weapons, bottles were being thrown from moving vehicles, people were being bumped with cars and knocked down, they were riding on cars and there were cars spinning their tires and driving

recklessly in the lot. After the patrons left the Neo lot, an estimated 100 people drove to the nearby Shell station and looted the store and took over the parking lot. Officers arrived and were able to disperse this crowd. (PPD Report 11-55619)

On **December 20th**, the police department staff met with the city attorney and staff from code enforcement and planning. The conditional use permit for Neo was reviewed and several violations were identified. Lt. Knox called Wolfes and asked for an immediate meeting that afternoon with all the stake holders present. Wolfes agreed and a meeting took place with Wolfes, her security consultant Peter Aguilar and the above mentioned city personnel. Wolfes was told of the previous weekend events and provided a copy of the documentation created as a result. She was told of all the identified conditional use permit violations and told to come into compliance asap. She was further told to provide an amended security plan to the department by the end of business on December 22nd. In addition, a flyer was shared with Ms. Wolfes for an event planned on that Friday evening. It was expressed to Wolfes that there were over 600 people confirmed as “attending and over 500 as “maybes”. We expressed to Wolfes that the Pleasanton Police Department did not have the resources available to police an event of that size. Wolfes spontaneously stated that she would simply not open her club on the 23rd as she was not advertising the event and did not want problems. The club was in fact closed on the 23rd.

Several days passed and Wolfes did not submit the amended security plan as requested. Lt. Laurence contacted Aguilar on **December 27th** and only after this contact was he emailed an amended security plan.

On Saturday **December 31st**, the department put together an operational order with ancillary staffing to deal with any potential issues related to Club Neo. The department had several officers monitoring the parking lot, who located intoxicated individuals who could not care for themselves. These incidents were documented in reports, as well as some other observations of issues.

11-57395, warrant arrest: *We stopped a male resident of Oakland in the parking lot of Club Neo and cited him out on a warrant.*

12-00009, 647(f) PC: *We located a male resident of Fremont passed out in a vehicle in the Club Neo parking lot. He had vomited on himself, and security officers said they were aware of him and had placed him in the vehicle for his own safety. He was booked at SRJ.*

12-00013, 647(f) PC: *We located a female resident of Oakland arguing with security at the front of Club Neo. She repeatedly refused security's requests to leave the premises. She was arrested and booked at SRJ.*

Lt. Elerick contacted Wolfes on Tuesday **January 3rd** and told her he would meet with Lt. Knox upon his return from vacation and review the amended plan with him and get back to her afterward.

On Friday **January 6th 2012**, Lt. Elerick and Sergeant Tamm were given a flyer for a planned event on 01/07/12 (Birthday Bash). They contacted Wolfes and notified her that they were concerned by the content of the flyer and felt that the event was going to create issues for the club again. They were seeking information from Wolfes so that they could plan appropriate staffing for the event. Wolfes said she did not have the event scheduled and she did not advertise it.

On Friday **January 6th**, about 1820 hours, Lt. Knox spoke with Wolfes to follow-up with her on the event. She informed Knox that she located the individual who was advertising the Birthday Bash and spoke with him, she told him he must relocate the event for the following evening, which he did. I agreed to meet with Wolfes the following night at the club. There were no documented problems related to the club this night.

On Saturday **January 7th**, Lt. Knox met with Wolfes and noted the implementation of some of her procedural changes. He also noted another C.U.P violation, as her smoking area was in violation of PMC. Knox had a lengthy conversation with Wolfes regarding procedures for handling incidents such as fights, intoxicated persons and how security staff should interact with patrons. He encouraged her and her staff to call for police assistance at the earliest signs of a problem.

***12-00943 DUI:** Officer Kroutil stopped a female (24) from Desoto Texas, after she left Club Neo and traveled S/B on Hopyard Rd. in the N/B lanes. She failed FST's and elected to have a blood draw. Booked at SRJ.*

***12-00945 DUI:** Officer Pittl stopped a female (24) out of Stockton after she left Club Neo and made an unsafe turning movement. She failed FST's, registered a .14 BAC and was booked at SRJ*

On Friday **January 13th**, at 1910 hours, Lt. Knox spoke with Wolfes by phone to discuss suggestions for security plan changes or amendments and to see where she was with compliance to the previously identified C.U.P. violations. This conversation lasted approximately 30 minutes and included numerous suggestions, including upgrading their ID checker system. Lt. Knox had Officer Tujague go to the Sunshine Saloon to identify what type of ID capture system they utilized and upon receiving the information, called Wolfes back and provided her the Manufacturer information and model number which is used by them. Knox provided Wolfes the website information and looked at the different models while on the phone with Wolfes. Wolfes told Knox she would work on the amended security plan with the suggestions provided to her and resubmit to Knox before or upon his return on Wednesday January 18th.

On Saturday **January 14th**, a large scale fight broke out inside the club which insighted additional fights including as many as 100-200 patrons. The patrons fled outside the club and the fights continued. During the course of one fight in the north parking lot a 23 year old male was shot in the leg. Outside assistance was summoned and ultimately 39 officers responded to

Neo or to assist with policing the city while officers dealt with the shooting at Neo. Responding agencies included Livermore Police, Dublin Police, Alameda Sheriff's office and California Highway patrol. In addition, fire department personnel from LPFD and paramedics from Paramedics plus also responded to this scene. **PPD case 12-1965**

On Wednesday **January 18th**, at 1726 hours, Knox received an amended security plan via email from Wolfes' attorney, George Mull. An acknowledgement email was sent in reply. No other communication has come from Wolfes to Knox.

On Friday **January 20th**, the Director of Community Development issued an automatic suspension letter for NEO's conditional use permit. The letter was given to NEO's attorney George Mull. Mull and the city attorney's appeared in Federal Court and argued their points regarding a TRO blocking the automatic suspension of the C.U.P. The judge ruled in NEO's favor and NEO may remain open for business this weekend.

Officer Yee conveyed that one of the security guards for Neo told him that during the fight and shooting, he removed his security shirt and ran off to get away from the situation. I was also informed by Sgt. White of DPS that per an individual he knows that was present, said security started the fight when they struck a female patron in the face.

On Saturday **January 21st**, PPD completed an extensive operational order as a contingency plan if similar activities were to occur as previous Saturday weekends. The club was kept to low numbers, 158 per security staff count and NEO was also turning away potential patrons based upon their residence city (e.g., City of Richmond etc.) There were numerous security officers present, 29 stated by Neo management. Attorney George Mull was present at the club along with Wolfes and Aguilar. There were no noted problems and follow-up inspection of the property in the morning showed it was left clean.

On Thursday **January 26th**, Lt. Bretzing and Lt. Knox met with Wolfes at 1400 hours at PPD to discuss the security plan and proposed changes moving forward. Wolfes indicated she was going to bring in some new DJ's\performers and she intends to change the club format beginning February 17th. She indicated that the format on Friday nights would be salsa\salsa rock and they would be serving tacos during these events. She further indicated she would still be opening just Friday and Saturday nights. She is working on a Saturday format but did not want to comment on it yet as it was unconfirmed. Wolfes indicated she would provide a new business plan Monday or no later than mid-week the following week. She further indicated that her former manager (Sinbad) has been let go and that Pete Aguilar (security consultant) has been hired as the manager and will be present each night the club is open. She indicated that she is going to contract with established promoters to promote the club's new format. She conveyed that she received information that Karma (club in Dublin) may be responsible for the former promotions which she was unaware of and did not authorize. When asked about a commitment to occupancy reduction she stated that she could not commit to that, as that would be up to Randall Weil (the

plastic surgeon who Mull advises us is now the majority owner of the club). When asked if they would be committing to the recommendations sent to Julie Harryman via email by George Mull, she stated that those were intended as temporary fix until we met on January 30th. She said she does not welcome party buses but does not believe she can control their drop-offs but feels they will be an issue moving forward with the new format. She stated that she would purchase the new ID checking system which Lt. Knox recommended to her but had not done so as of yet. She stated her count system was based upon ticket sales and a clicker at the exit. She was asked to have two counters at the door (1 entry and 1 exit) so a count could be readily established when requested and she agreed to do so in support of tickets sales. Wolfes provided the name and phone number for her security provider and reiterated that they have been unable to get the video from the night of the shooting.

On Friday **January 27th** at 2000 hours, Jenny Wolfes called Lt. Knox and informed him that the club had more tables reserved than the typical Friday night and they would be a little busier than there typical 50-75 patrons. She indicated there would be some 49ers present, a local birthday group (2tables) and 2 tables from San Jose. At about 2330 hours Officer Sarasua met with Aguilar and requested the count. Aguilar estimated the total to be 125-150 patrons in the club. There were no noted problems this night.

On Saturday **January 28th** at 2330 hours, the crowd was reported to be 120. There was adequate security present who were visible both in the parking lot and inside the club. There was a party bus located parked in the south parking lot of the club. Sgt Fragomeli indicated that the parking lot was not adequately cleaned up and that a box containing empty "Blue Moon" beer bottles had been located in the lot the following morning and it was still present in the lot the following evening (January 29th)

On Monday **January 30th** at 1530 hours, City staff, including the City Manager and staff from PPD, Planning, and the City Attorney's Office met with Wolfes, her attorneys and Pete Aguilar and discussed proposed amendments to the operational plan and security plan. Both parties agreed to the majority of items but left several items open for further discussion. These items included occupancy number, hour for the discontinuation of alcoholic beverage service and lighting conditions.

On Friday **February 3rd**, officers reported about 15 cars in the parking lot this evening. Neo staff stated there were approximately 60 patrons in the club during the night. There were no documented problems this evening.

On Saturday **February 4th**, Lt. Knox and Sgt. Fragomeli conducted a walk-through of the club. Security consultant Aguilar stated there were 238 patrons in attendance during this evening. There were no documented problems this evening.

On Friday **February 10th**, Officer Niceley reported Neo staff stated there were 73 patrons in the club that evening at 0030 hours. There were no documented problems this evening.

On Saturday **February 11th**, officers reported that at 2320 hours Neo staff reported 133 patrons in the club. There were no problems related to the club documented this evening.

On Friday **February 17th**, Lieutenant Knox went to the club at 2345 hours and met with Pete Aguilar. This was the first night of the "new format" as proposed by Wolfes. The club advertised as "Glamour, Pleasanton's Premier Latin Night Club". Aguilar stated the patron count was 210.

Friday, February 17, 2012

12-6699 647(f) PC: A female (Hussein) was contacted outside Club Neo after she was detained by security for stealing another customers jacket. The jacket was recovered and the victim didn't desire prosecution. Hussein was arrested for public intoxication and booked at SRJ.

On Saturday **February 18th**, Officers reported at 0030 hrs. Neo reported 243 patrons had entered, 49 left and they were at 194 at that time. At closing, one patron was arrested for public intoxication after he was seen challenging 16-20 security guards to fight in the parking lot. (12-06882)

At 0530 hours, Officer Niceley located multiple plastic cups, beer bottles, trash and pile of vomit in the parking lot. Pictures were taken and downloaded into DIMS. 12-06893

Saturday, February 18, 2012

12-06882 647(f) PC: Jabari White was arrested for 647(f) PC after he was seen attempting to challenge approximately 16-20 security guards in the parking lot of Neo. White was also found to have a no-bail 11352(a) H&S warrant for his arrest. Booked at SRJ.

On Friday **February 24th** Officers reported 10 cars in the parking lot and only about 50 people in the club. No formal count was requested and there were no issues related to the club this night.

On Saturday **February 25th** Sgt. Fragomeli reported 120 patrons for the night and at 0015 hours there were 90 patrons in the club. There were no reported issues related to the club this night.

On Friday **March 2nd** Sgt. Leonardo reported Neo was closed for business. All lights were off and no club staff were present.

On Saturday **March 3rd** Sgt. Fragomeli reported that the count at Neo this evening around 1230 hours was 268 patrons. There were no incidents at the club, however, 1 DUI arrest was made of a patron who had been at the club.

Saturday, March 3, 2012

12-08842 DUI: At 0116 hours, Officer Yee conducted a traffic stop on a 23 year old female (insert name?). The driver was later arrested for 12500(a) VC and 23152(a) VC (.137 BAC). She stated she was drinking at Club Neo prior to the traffic stop.

On Friday **March 9th** Neo was closed for business. All lights were off and no club staff was present.

On Saturday **March 10th** Sgt. Fragomeli reported Neo was open for business. As of 0045 hours 63 patrons had entered the club and 52 departed. There were no reported problems related to the club this evening.

On Friday **March 16th** Neo was open for business. There were approximately 12 cars in the parking lot and not many patrons inside the club. No count was obtained this night and there were no problems associated with the club.

On Saturday **March 17th** Neo was open for business, at about 2315 hours the number of patrons in the business was 121. There were no reported problems related to the club this evening.

On Friday **March 30th** Neo was closed for business. All lights were off and no staff was present.

On Saturday **March 31st** Neo was open for business. At 2345 hours the number of patrons in the business was 43. There were no problems related to the business.

On Friday **April 6th** Neo was closed for business. All lights were off and no staff was present.

On Saturday **April 7th** Neo was open for business. At 0130 hours the number of patrons counted into the business for the night was 59. There were no reported problems related to the club this evening.

On Friday **April 13th** Neo was closed for business. All lights were off and no staff was present.

On Saturday **April 14th** Neo was open for business. At 0030 hours, the number of patrons counted into the business for the night was 83.

At 2300 hours, Lt. Knox located four females in a car to the rear of the post office on Chabot drive and north of the Marriott Hotel. One of the females was out of the car urinating in the raised planter next to the post office dumpster enclosure. Officer Lewellyn issued one female a citation for PMC – urinating in public and cited another passenger out on an outstanding warrant. The driver of the car said they were looking for Club Neo but the one girl had to pee. (12-14422, citation PL237446)

On Friday **April 20th** Neo was closed for business. All lights were off and no staff was present.

On Saturday **April 21st** Neo was open for business. At 2230 hours, there were approximately 20 cars parked in front of the business and the number of patrons was estimated to be less than 100. No count was obtained due to calls for service.

On Friday **April 27th** Neo was closed for business. All lights were off and no staff was present.

On Saturday **April 28th** Neo was closed for business. All lights were off and no staff was present.

On Friday **May 4th** Neo was closed for business. All lights were off and no staff was present.

On Saturday **May 5th** Neo was closed for business. All lights were off and no staff was present.

On Friday **May 11th** Neo was closed for business. All lights were off and no staff was present.

On Saturday **May 12th** Neo was closed for business. All lights were off and no staff was present.

On Friday **May 18th** Neo was closed for business. All lights were off and no staff was present.

On Saturday **May 19th** Neo was closed for business. All lights were off and no staff was present.

On Friday **May 25th** Neo was closed for business. All lights were off and no staff was present.

On Saturday **May 26th** Neo was closed for business. All lights were off and no staff was present.

On Friday **June 1st** Neo was closed for business. All lights were off and no staff was present.

On Saturday **June 2nd** Neo was closed for business. All lights were off and no staff was present.

On Friday **June 8th** Neo was closed for business. All lights were off and no staff was present.

On Saturday **June 9th** Neo was closed for business. All lights were off and no staff was present.

On Friday **June 15th** Neo was closed for business. All lights were off and no staff was present.

On Saturday **June 16th** Neo was closed for business. All lights were off and no staff was present.

****No activity monitored from June 16, 2012 to February 1, 2013****

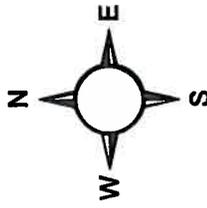
P12-1821, Coconuts Beach

City of Pleasanton

GIS

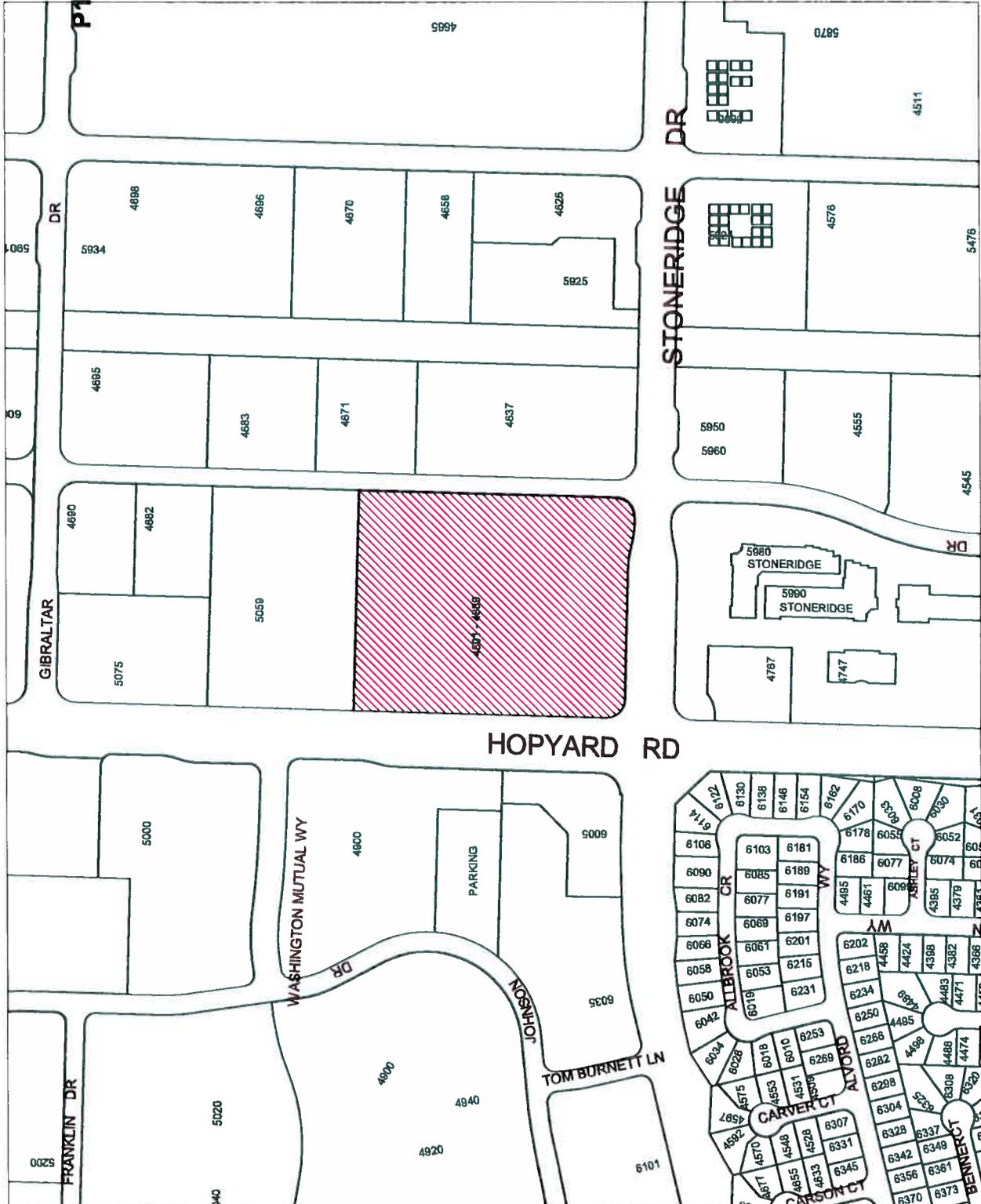
Department

4825 Hopyard Rd. #4-10



Printed 2/2/2013

EXHIBIT F



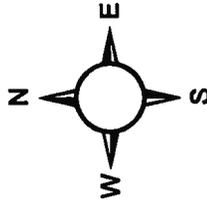
P12-1821, Coconuts Beach

City of Pleasanton

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Department

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