



MILPITAS PLANNING COMMISSION AGENDA REPORT

Meeting Date: August 10, 2011

NEW BUSINESS

APPLICATION: Permit Review No. PR11-0004, KTV Musicland

APPLICATION
SUMMARY:

A six-month permit review of a 2,400 square foot karaoke establishment.

LOCATION:
APPLICANT:
OWNER:

788 Barber Lane (APN: 86-01-035)
Joe Zheng, 2656 Sommersville Road, Antioch, CA 94509
Ulferts Center (USA) Inc., 668 Barber Lane, Milpitas, CA 95035, Attn:
Karen Kam

RECOMMENDATION: Staff recommends that the Planning Commission direct staff to
1) note receipt and file; and
2) direct staff to conduct a three month review

PROJECT DATA:

General Plan/Zoning:

General Commercial (GNC)/General Commercial (C2)

Overlay District:

Site and Architectural Overlay

Project Site Area:

acres

Tenant Space:

2,400 square feet

CEQA Determination:

Categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities)

PLANNER:

Cindy Hom, Assistant Planner

PJ:

ATTACHMENTS:

A. December 8, 2010 Planning Commission Staff Report
B. December 8, 2010 Planning Commission Meeting Minutes
C. Assessment of Compliance with Conditions of Approval

LOCATION MAP



No scale

BACKGROUND

Pursuant to condition of approval 30, of Resolution 08-056, in February 2011, the Planning Commission received a report on permit review on the operations of an existing 2,400 square foot karaoke establishment located within the Ulfert's Center located at 788 Barber Lane. As a result of that review, the Commission required a subsequent six month review. A copy of the February 23, 2011 Planning Commission Staff report and meeting minutes are provided in Attachment A and B.

This report summarizes the six month review of the operations of KTV Musicland since February. The purpose of the review is to evaluate the operations and monitor compliance with conditions of approval. For this review, staff conducted site visits and consulted with the Police Department for calls for service during the last six months which is discussed further in the staff report.

Site Description and Conditional Use Permit Approval

The karaoke establishment is located within the Ulfert's Shopping Center located at 788 Barber Lane. The site is zoned General Commercial with a Site and Architectural overlay (C2-S) and is surrounded by Cisco Systems corporate campus to the west, commercial and potential residential uses to the north, and a large day care facility to the south. A vicinity map of the subject site location is included on the previous page.

Currently, the conditional use permit allows for a 2,400 square foot karaoke establishment that operates seven days a week between the hours of 4:00pm and 2:00am without food and alcohol service. The approved floor plan includes a front reception area and nine karaoke rooms.

PERMIT REVIEW

Staff conducted recent inspections to verify compliance with conditions of approval and to also observe the operations of the facility. However, during a recent patrol of the facility by the Milpitas Police Department in July, the operations of the facility were found in noncompliance with the below conditions:

1. The hours of operations for the facility shall be limited to 4 P.M. to 2 A.M., Monday through Sunday. All patrons must be off the premises within 30 minutes after the facility's closure. (P)
2. No alcoholic beverages may be consumed within or outside of the karaoke facility. (P) No alcoholic beverages may be consumed within or outside of the karaoke facility. (P)

This is the second occurrence for operating beyond the permitted hours of operation and the fourth occurrence with on-site consumption of alcohol. While the house rules (complying with the condition of approval) are clearly stated that no alcoholic beverages are permitted onsite, staff will continue to work with the operator and encourage that the operator institute bag checks to ensure that customers do not bring alcohol into the facility. Given these continuing violations, staff recommends another three month review.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission note receipt and file report and direct staff to schedule a three month review with a public hearing.

ATTACHMENTS:

- A. February 23, 2011 Planning Commission Staff Report
- B. February 23, 2011 Planning Commission Meeting Minutes
- C. Assessment of Compliance with Conditions of Approval



MILPITAS PLANNING COMMISSION AGENDA REPORT

Meeting Date: February 23, 2011

NEW BUSINESS

APPLICATION: Permit Review No. PR10-0002, KTV Musicland

**APPLICATION
SUMMARY:**

A three-month permit review of a 2,400 square foot karaoke establishment.

LOCATION:
APPLICANT:
OWNER:

788 Barber Lane (APN: 86-01-035)
Joe Zheng, 2656 Sommersville Road, Antioch, CA 94509
Ulferts Center (USA) Inc., 668 Barber Lane, Milpitas, CA 95035, Attn:
Karen Kam

RECOMMENDATION: Staff recommends that the Planning Commission direct staff to
1) note receipt and file; and
2) direct staff to conduct a six month review

PROJECT DATA:
General Plan/Zoning:

General Commercial (GNC)/General Commercial (C2)

Overlay District:
Project Site Area:

Site and Architectural Overlay

Tenant Space:

acres
2,400 square feet

CEQA Determination:

Categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities)

PLANNER:

Cindy Hom, Assistant Planner

PJ:

ATTACHMENTS:

A. December 8, 2010 Planning Commission Staff Report
B. December 8, 2010 Planning Commission Meeting Minutes
C. Assessment of Compliance with Conditions of Approval

LOCATION MAP



No scale

BACKGROUND

On December 8, 2010, the Planning Commission received a report on permit violations for KTV Musicland, an existing 2,400 square foot karaoke establishment located within the Ulfert's Center located at 788 Barber Lane. The violations consisted of alcohol consumption within the private rooms at KTV Musicland and operating beyond the restricted hours of operation of 2:00AM. The purpose of that report was to inform the Planning Commission of these violations and to initiate a 3-month permit review with a public hearing. A copy of the December 8, 2010 Planning Commission Staff report and meeting minutes are provided in Attachment A and B.

This report is a three month review of the operations of KTV Musicland. The purpose of the review is to evaluate the existing operations for compliance with conditions of approval. For this review, staff conducted two inspections and consulted with the Police Department for calls for service during the last three months which is discussed further in the staff report.

Site Description and Conditional Use Permit Approval

The karaoke establishment is located within the Ulfert's Shopping Center located at 788 Barber Lane. The site is zoned General Commercial with a Site and Architectural overlay (C2-S) and is surrounded by Cisco Systems corporate campus to the west, commercial and potential residential uses to the north, and a large day care facility to the south. A vicinity map of the subject site location is included on the previous page.

Currently, the conditional use permit allows for a 2,400 square foot karaoke establishment that operates seven days a week between the hours of 4:00pm and 2:00am without food and alcohol service. The approved floor plan includes a front reception area and nine karaoke rooms.

PERMIT REVIEW

Since the last permit review, the applicant has implemented the following to improve the operations of the facility:

1. The applicant has installed a door alarm on the backdoor to discourage patrons from sneaking in alcohol from the back entrance.
2. The business owner is present during the peak time operations (Fridays and Saturdays) to ensure that regulations are fully enforce.
3. The previous "No Loitering and No Alcohol" signs have been replaced with new signs with larger fonts.
4. A new sign display has been added and is mounted on the front lobby wall to inform customers of the regulations.

Staff conducted recent inspections for compliance with conditions of approval and to also observe the operations of the facility. Based on staff's site visits, the project is found to be in substantial conformance with conditions of approval and the approved floor plan.

The only change noticed by staff was the installation of refrigerated cooler, such as those found in convenience stores or grocery store end-caps that provide non-alcoholic beverages such as juice and carbonated drinks. The products of which can be switched out readily and easily (see Attachment B for photograph). Compliance with all other conditions is summarized in Attachment A.

Staff also consulted with the Milpitas Police Department on calls for service. There were no other reported incidents beyond the three incidents that occurred in October 2010. The Police Department

conducted their standard foot patrol of the area. Based on recent patrols in January, the facility was found to be in compliance with the operating hours and no alcohol was found during random inspections of the individual karaoke rooms.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission note receipt and file report and direct staff to schedule a six month review with a public hearing.

ATTACHMENTS:

- A. December 8, 2010 Planning Commission Staff Report
- B. December 8, 2010 Planning Commission Meeting Minutes
- C. Assessment of Compliance with Conditions of Approval

APPROVED**PLANNING COMMISSION MINUTES****February 23, 2011**

- I. PLEDGE OF ALLEGIANCE** Chair Tiernan called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/SEATING OF ALTERNATE**
- Present: Larry Ciardella, John Luk, Sudhir Mandal, Zeya Mohsin, Gurdev Sandhu, Noella Tabladillo, Steve Tao, and Mark Tiernan
- Absent: None
- Staff: Ah Sing, Andrade, Bravo, Hom, Lindsay, and Otake
- III. PUBLIC FORUM** Chair Tiernan invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendaize the matter for a future meeting.
- There were no speakers from the audience.
- IV. APPROVAL OF MINUTES**
February 9, 2011
- Chair Tiernan called for approval of the minutes of the Planning Commission meeting of February 9, 2011.
- There were no changes to the minutes.
- Motion** to approve the minutes of February 9, 2011 as submitted.
- M/S: Mandal, Tabladillo
- AYES: 5
- NOES: 0
- ABSENT: 0
- ABSTAIN: 2 (Larry Ciardella and Steve Tao)
- V. ANNOUNCEMENTS** James Lindsay, Planning Director, announced the Planners Institute scheduled for March 9, 2011.
- VI. CONFLICT OF INTEREST** Assistant City Attorney, Bryan Otake, asked if any member of the Commission has any personal or financial conflict of interest related to any of the items on tonight's agenda. There were no Commissioners who identified a conflict of interest.
- VII. APPROVAL OF AGENDA** Chair Tiernan asked whether staff or the Commission have any changes to the agenda.
- There were no changes to the agenda.
- Motion** to approve the agenda as submitted.
- M/S: Ciardella, Mandal
- AYES: 7
- NOES: 0
- ABSENT: 0

ABSTAIN: 0

VIII. CONSENT CALENDAR

Chair Tiernan asked whether staff, the Commission, or anyone in the audience wish to remove or add any items to the consent calendar.

There were no changes to the Consent Calendar.

Motion to approve the Consent Calendar as submitted.

M/S: Mandal, Tabladillo

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

1. **CONDITIONAL USE PERMIT NO. UP11-0001:** A request to operate a 1,172 square foot massage establishment at the Seasons Marketplace Shopping Center located at 1535 Landess Avenue, Suite 100 (APN: 088-35-017) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Rene Ganzon and Marilou Dore. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2695. (*Recommendation: Adopt Resolution No. 11-006 subject to conditions of approval.*)
2. **CONDITIONAL USE PERMIT NO. UP10-0013:** A request to locate 12 new antennas and equipment cabinets located at 666 South Milpitas Blvd. (APN: 086-38-002) zoned Heavy Industrial with Site and Architectural Overlay District (M2-S). Applicant: Jacqueline Smart. Staff Contact: Tiffany Brown (408) 586-3283. PJ # 2658. (*Recommendation: Adopt Resolution No. 11-011, subject to conditions of approval.*)
3. **CONDITIONAL USE PERMIT NO. UP10-0026:** A request to operate a 1,102 square foot massage establishment at the Milpitas Square Shopping Center located at 448 Barber Lane (APN: 086-01-043) zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Wen Jing Bai. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2692. (*Recommendation: Adopt Resolution No. 11-010 subject to the conditions of approval.*)

IX. PUBLIC HEARING

1. SITE DEVELOPMENT PERMIT NO. SD10-0009, TENTATIVE MAP NO. MT10-0001 and CONDITIONAL USE PERMIT NO. UP10-0021

Sheldon Ah Sing, Senior Planner, presented a request to construct a new residential subdivision with 83 single family detached homes, private streets and associated common area improvements on 4.98 acres located at 905 and 980 Los Coches Street. Mr. Ah Sing recommended adopting Resolution No. 11-009 recommending approval of the project to the City Council subject to conditions of approval.

Commissioner Tao asked what the density of range is for the zoning district. Mr. Ah Sing stated between 1 and 40.

Commissioner Ciardella asked if there is any guest parking. Mr. Ah Sing stated there are 50 spaces, with 22 of those spaces along Los Coches Street.

Vice-Chair Mandal asked if the Los Coches parking on the street or on private property. Mr. Ah Sing stated parking is on the street. Vice-Chair Mandal is concerned about the parking on the street. Fernando Bravo, Land Development, stated speed feedback signs will be posted alerting drivers of their speed. Vice-Chair Mandal asked if a traffic analysis done. Mr. Bravo stated the City Traffic Engineer did do a traffic

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analysis and found it satisfactory. Mr. Lindsay stated there will be more and more housing with street parking, traffic will slow down. Vice-Chair Mandal asked would speed bumps help with the slow of traffic. Mr. Bravo stated they have not looked at speed bumps and that staff feels the speed feedback signs would maintain a safe condition.

Commissioner Tabladillo asked about the wall height along the Kaiser property. Mr. Ah Sing stated the height of walls is six feet. Commissioner Tabladillo asked about landscaping. Mr. Ah Sing stated there will be landscaping near the Kaiser wall. Commissioner Tabladillo asked what the tallest unit is. Mr. Ah Sing said the tallest unit is three stories.

Chair Tiernan asked if this project exempt per CEQA. Mr. Ah Sing stated yes.

Commissioner Tao stated on February 15, 2011 the applicant presented the project to him. Commissioner Tao asked if there are any hazardous materials near by from Kaiser. Mr. Ah Sing stated there are no hazardous materials near by from Kaiser.

Commissioner Mohsin asked about the overflow parking at the Sinclair Horizons. Mr. Ah Sing stated there is none.

Commissioner Ciardella asked the length of the sound wall. Mr. Ah Sing stated the sound wall will be parallel with the on ramp and extend 75 feet south of the subject property along Sinclair Frontage Road.

Commissioner Tabladillo asked if there are any issues with Sinclair parking. Mr. Ah Sing said no.

Mark Robson, Robson Homes, 2185 The Alameda, Suite 150, San Jose, stated they are new to Milpitas and excited about this project. Homes continue to sell even in these economic hard times.

Jake Lavin, Project Manager, Robson Homes, 2185 The Alameda, Suite 150, San Jose, gave a presentation on the project. The site is very livable. The high speed traffic is far from the site. Mr. Lavin stated they met with Kaiser and they approve this project. They also met with other tenants in the complex and they also support this project.

Vice-Chair Mandal asked if these are energy efficient homes. Mr. Lavin stated they will be building according to the Green Building code. Vice-Chair Mandal asked will these homes have recycled water. Mr. Lindsay stated Milpitas does not have the recycle water system.

Commissioner Tabladillo asked where other locations are. Mr. Lavin stated Fremont is one area where they have a development. Commissioner Tabladillo asked if the homes will have anti-graffiti paint. Mr. Lavin stated that would be the HOA responsibility. Commissioner Tabladillo asked if the landscape at Kaiser will remain or be removed. Mr. Lavin stated Kaiser will make the determination of which trees stay or removed.

Commissioner Ciardella asked if the homes have front and back yards. Mr. Lavin stated they will have side yards.

Commissioner Sandhu asked if they are going to hire people of Milpitas for this project. Mr. Lavin stated they would look at all contractors and subcontractors.

Commissioner Mohsin asked how they would designate the guest parking. Mr. Lavin said they will have parking permits. Commissioner Mohsin asked if this project would have a courtyard. Mr. Lavin said there will be pedestrian paths and landscaping.

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Commissioner Mohsin asked the height of the trees around the main street. Mr. Lavin stated the trees will be 24 inch-box size or larger.

Chair Tiernan stated he spoke to the applicant on February 16, 2011 regarding this project. He congratulated staff on this excellent presentation.

Chair Tiernan stated he received emails from the Chamber of Commerce in support of this project. He also received email from a customer of Cal Skate who is opposed of this project. Mr. Robson stated the owners of Cal Skate are willing sellers. Chair Tiernan asked about open space. Mr. Robson stated the landscaping will be more organic and larger than most developments. Chair Tiernan spoke about recycling and waste management. He suggested the applicant work closely with Allied Waste.

Vice-Chair Mandal asked if there is any other skating rink in Milpitas. Mr. Lindsay stated the only other skating rink is on Blossom Hill in San Jose.

Chair Tiernan opened the public hearing.

Dave Walter, 4929 Augusta Way, San Jose, has been at Cal Skate for many years. He is sorry to see the rink close but he understands the change.

Mike Phillips, 2539 Gimelli Court, San Jose, stated the St. Germaine's have been good to the community. He feels the sound wall is not adequate enough to keep the noise out.

Chris St. Germaine, Cal Skate Owner, is proud of what they have provided for the community. She believes Robson is a very good company. She said this was not an easy decision for her family. She is in support of this project. She feels this is the right decision for her family.

Raj Selvanesan, 1158 Fox Hollow Court, Milpitas, said he is sad to see Cal Skate leave.

Motion to close the public hearing.

M/S: Sandhu, Mandal

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Vice-Chair Mandal stated he is concerned with traffic. He is suggesting speed bumps be put in place.

Commissioner Tabladillo suggested more shade in the play area. She feels the City should be able to incorporate part of Cal Skate into the pavement design.

Bryan Otake, Assistant City Attorney, read the additional conditions of approval: 1) applicant to work with staff to provide shade opportunities in the private open space area, 2) applicant shall work with staff to incorporate organic/native landscaping practices, 3) applicant shall work with staff to maintain adequate roadway design along Los Coches Street, and 4) incorporate the history of Cal Skate into the design of the private park on-site.

Motion to adopt Resolution No. 11-009 recommending approval to the City Council with the amended conditions of approval.

M/S: Tabladillo, Mandal

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AYES: 7
NOES: 0
ABSENT: 0
ABSTAIN: 0

X. NEW BUSINESS

**1. PERMIT REVIEW NO.
PR10-0002**

Cindy Hom, Assistant Planner, presented a three month review of the operation of Conditional Use Permit No. UA08-0004 which allows for a 2,400 square foot karaoke establishment located at 788 Barber Lane. Ms. Hom recommended the Commission note receipt and file and direct staff to conduct a six month review.

Ms. Hom stated the applicant has complied with the operating hours. There have been no other reported incidents beyond the three incidents that occurred last year.

Chair Tiernan opened the public hearing.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Ciardella, Mandal

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

Motion to note receipt and file and direct staff to conduct a six month review.

M/S: Mandal, Ciardella

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

**XI.
ADJOURNMENT**

The meeting was adjourned at 9:15 p.m. to the next meeting of March 9, 2011.

Respectfully Submitted,

James Lindsay`
Planning & Neighborhood
Services Director

Yvonne Andrade
Recording Secretary

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**COMPLIANCE WITH CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT AMENDMENT NO. UA08-0004**

1. The owner or designee shall develop the approved project in conformance with the approved plans approved by the Planning Commission on October 22, 2008, in accordance with these Conditions of Approval.

Comment: Perpetual

2. Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance.

Comment: Complies. Based on staff's site inspection the facility is in substantial conformance with the approved floor plan.

3. Conditional Use Permit Amendment No. UA08-0004 shall become null and void if the project is not commenced within 18 months from the date of approval. Pursuant to Section 64.04-2 of the Zoning Ordinance of the City of Milpitas, since the project requires the issuance of a building permit, the project shall not be deemed to have commenced until the date of the building permit is issued and a foundation is completed.

Comment: The project is already vested and constructed.

4. Pursuant to Section 64.04-1, the owner or designee shall have the right to request an extension of Conditional Use Permit Amendment No. UA08-0004 if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein.

Comment: The project is already vested and constructed.

5. Planning approval is for 2,400 square foot tenant space denoted on the site and floor plan. The uses approved include 9 karaoke stations with no food or alcohol beverage service. The floor plan proposed for building permits shall substantially conform to the approved plans dated October 22, 2008 except as modified herein. (P)

Comment: The project is already vested and constructed.

6. Any changes to the use, business operations or modifications to the approved plans shall require a use permit amendment and Planning Commission review and approval. (P)

Comment: Perpetual.

7. The use at the facility shall not engage and/or render any services as defined in Section 13.04, Adult Businesses, of the Milpitas Zoning Ordinance. (P)

Comment: Perpetual

8. Proposed use shall comply with all Federal, State and local code requirements. (P)

Comment: Perpetual

9. Prior to business license issuance, the business owner must submit their background check to the Planning Division and Milpitas Police Department. (PC Sub)

Comment: Complies. Demonstrated at nine- month review. No change in owner or operator.

10. No alcoholic beverages may be consumed within or outside of the karaoke facility. (P)

Comment: Noncompliance. On July 23, 2001, during a standard foot patrol, the Police Department found evidence of consumption of alcohol. See Attached Police Incident Report.

11. The applicant shall maintain signs stating “No loitering or consumption of alcoholic beverages” on the exterior of the building and within the establishment. (P)

Comment: Complies. See photos below.



Signs posted on the storefront window located on the northeast side of the tenant space.



Sign posted in the front lobby area near front desk station.

12. The hours of operations for the facility shall be limited to 4 P.M. to 2 A.M., Monday through Sunday. All patrons must be off the premises within 30 minutes after the facility's closure. (P)

Comment: Perpetual. See below photo of posted hours of operation.

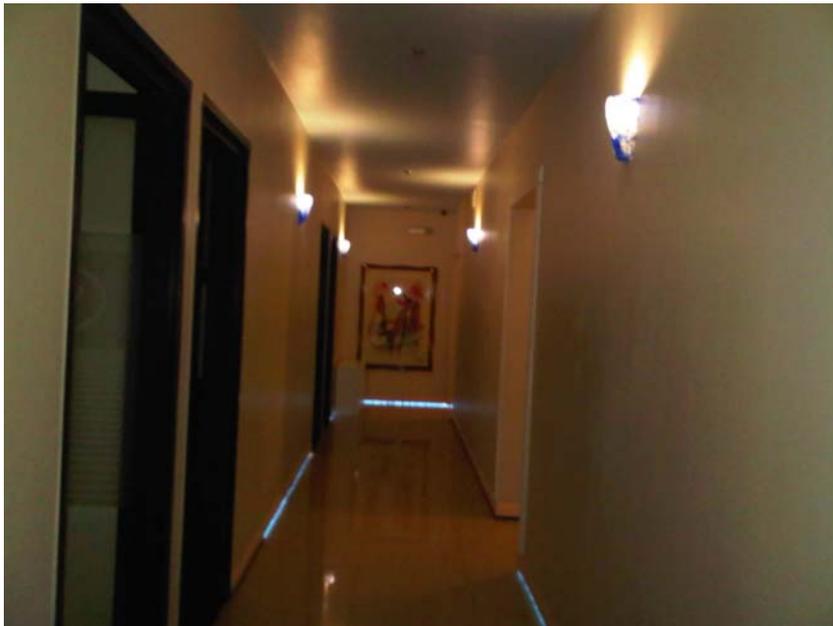


13. All patrons within and employees of the facility must be the age of 18 years or older. (P)

Comment: Perpetual

14. Lighting within the facility, especially within the hallways and all stations, shall be established and kept at a level not less than forty (40) watts per hundred (100) square feet of floor area to provide visibility and to ensure the safety of patrons, employees, security and emergency personnel. The established lighting within the facility will be subject to the review, modification and approval of the City's Police Department. (P)

Comment: Complies. Demonstrated on building permit plans approved on 11/17/06. See photo below for illuminated hallway.



15. Prior to building permit final, the applicant shall install tempered glass doors for all (9) karaoke rooms. Doors shall not include any locking devices. (PC)

Comment: Complies. Demonstrated on building permit plans approved on 11/17/06. See photo of glass, tempered door.



16. Prior to building permit final, the applicant shall install closed circuit video surveillance cameras in all (9) karaoke rooms and shall be maintained for no less than one-month or 30 days. Surveillance tapes shall be made available at any time to the Police Department upon request. (PC)

Comment: Complies. Operator demonstrated video surveillance system and showed recording dating back to June 23, 2011 during staff site visit on July, 25, 2011.

17. Surveillance equipment shall be operable and maintained at all times. Surveillance equipment shall not be down for more than two days. The Planning Director may require the applicant to cease operation until compliance with this condition of approval is met. (PC)

Comment: Perpetual.

18. Posters and signs shall be displayed in a manner that does not obstruct the view of the interior area from outside of the facility or directly into the individual karaoke rooms. (P)

Comment: Perpetual

19. The lobby is reserved for patrons waiting for service only. No exterior loitering shall be allowed. All patrons waiting for service must wait in the designated lobby. No waiting list may be maintained beyond the seating capacity provided in the lobby. (P)

Comment: Perpetual

20. The walls separating the establishment from adjacent commercial tenants shall employ effective noise attenuating devices to achieve a minimum standard transmission coefficient (STC) sound rating of 45-50. Such wall shall be soundproofed where no amplified music shall be audible on the exterior of the premises or adjoining tenant

spaces. Should the improvements installed not provide acceptable noise levels, or should the noise emanating from the establishment cause noticeable discomfort to adjacent tenants; the establishment may be required to install additional noise attenuating devices. In doing so, the applicant may be required to request the services of a professional consultant specializing in noise attenuating devices to mitigate such impacts. (P)

Comment: Complies. Demonstrated on building permit plans approved on 11/17/06. No audible sound detected outside of the premise during site visit on 7/22/11 at 11:30PM.

21. Should additional security measures be needed in order to address any public safety concerns arising from the business, the applicant shall provide those additional security measures as requested by the City's Police Department. (P)

Comment: Perpetual

22. The applicant shall work, as necessary, with the Police Department to review and upgrade (if necessary) surveillance equipment installed on site. Surveillance shall be provided for the front lobby and all hallway areas. Surveillance monitors will be located at the front lobby and will be monitored by the business operator at the site. The Police Department shall approve the proposed surveillance equipment prior to the issuance of a business license. The recorded surveillance tapes shall be kept for a period of no less than one month or 30 working days and made available to the Police Department upon request. (P)

Comment: Complies. Surveillance cameras are provided in each karaoke room, hallways, lobby area, as well as the front and back door entrances. Operator demonstrated video surveillance system and showed recording dating back to June 23, 2011 during staff site visit.



Camera located near the front entrance.



Camera located in the lobby area.



Photo of Surveillance monitor located behind front desk area.

23. All karaoke stations shall be limited to the approved appurtenances; no Internet service or online electronic gaming shall be allowed within these stations. (P)

Comment: Perpetual

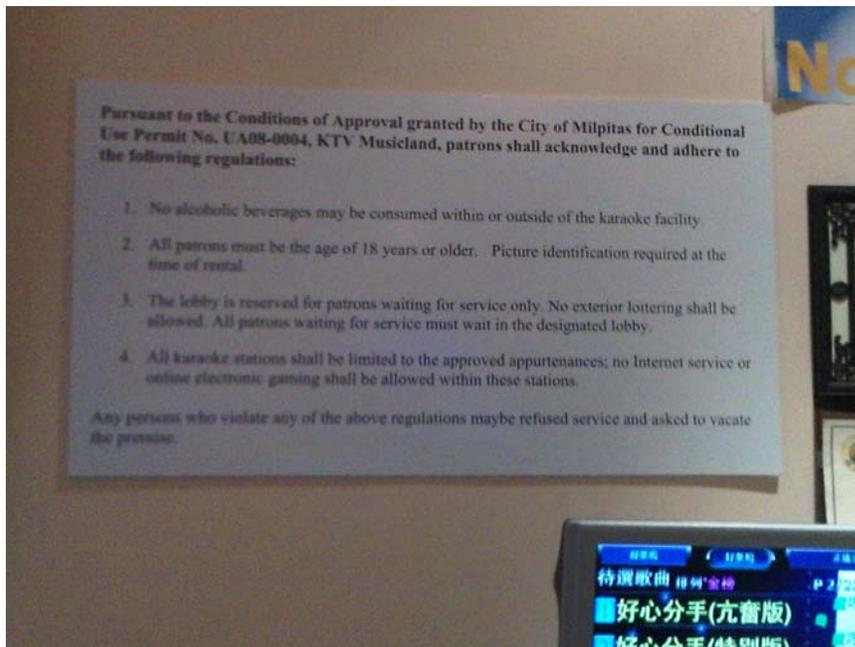
24. All patrons entering the facility must provide picture identification before engaging in the karaoke service rendered at the facility to ensure that those patrons are adhering to the

facility's regulations and conditions. A log must be kept at the facility. Such log shall be maintained for at least 120 days and surrendered to any city official upon request. The log shall include the patron's name, a state license/identification number, date and time service rendered, and specific station within the facility retained for the service. (P)

Comment: Perpetual

25. All conditions applicable to patrons, particularly the stated prohibitions included in these "Conditions of Approval", of the facility incorporated herein shall be conspicuously posted in the front lobby area in a sign at the entrance with lettering of at least two (2) inches in size. (P)

Comment: Complies. See photo below.



26. This report and its conditions shall be kept on the premises and made available to any officer/employee of the City upon request. (P)

Comment: Complies. A copy of the conditions of approval was provided to staff upon request.

27. Should the City receive any complaints arising from the facility's use and/or an indication that the facility's use has resulted in an increased need for service calls from emergency personnel (i.e., the Police Department), the Planning Director shall be authorized to refer this use permit to the Planning Commission. The Planning Commission may require modifications to the facility's "Conditions of Approval", or revoke the permit entirely, if it has been found that the use has caused a substantial adverse impact on the community. (P)

Comment: Perpetual.

28. Applicant shall provide Police Department with an Emergency Contact database that consist of after hours contact information for responsible parties of the business in the event of an emergency or when the employee cannot reach a manager or business owner. The applicant shall submit any changes within two weeks utilizing the Police Department procedures. (PD)

Comment: Complies. Demonstrated at 9 month review. No change in owner or operator.

29. The Operator shall lock the front doors at closing to prevent people from enter the business after hours. People can be let out under the control of employees. (PD)

Comment: Perpetual

30. The project shall be subject to six months review until the Planning Commission deems them unnecessary. The applicant shall submit all the necessary public hearing materials and fees to the Planning Division. (P)

Comment: Perpetual.

31. The operator or designee shall develop a training manual that ensures that staff is properly trained on how to effectively handle emergency situations. A copy of this procedure manual shall be submitted to the Planning Division. Adequacy of the manual shall be determined by Planning staff. Any revisions to the manual shall be submitted to the Planning Division. (P, PC)

Comment: Complies. See Exhibit 1.

32. The applicant shall install an adequately sized window to allow for visual inspection of the VIP room. The window shall be installed within 30-days from the Planning Commission approval of the amendment to allow for storefront window blinds.

Comment: Perpetual