

Report

MEETING OF THE PLANNING COMMISSION

MEETING DATE: March 5, 2012

SUBJECT: Club Tropics
CUP 88-19 (11R)

Recommendation

Conditionally approve a renewal to allow the continued operation of Club Tropics, an adult nightclub (21 and over) as well as live entertainment and dancing through a Major Conditional Use Permit.

Background

There have been five Conditional Use Permit renewals and modifications for Club Tropics granted. During the Conditional Use Permit processing in 2005, there had been complaints, incidents and arrests associated with a hip-hop music style. Since 2005, a new owner has initiated a music style change from hip-hop to Latin. Under the Latin only music style, the nightclub has experienced fewer incidents requiring Sheriff's Department or City response (Fire, Code Enforcement, etc.). The nightclub is open Wednesday-Sunday from 8:30p.m.-2:00a.m. and operates with a type 48 liquor license (On-sale General Public Premises) issued by the California Department of Beverage Control.

Introduction

Club Tropics is operated within 7,518 square feet of a 49,469 square foot building in the Plaza San Marcos Commercial Center. The site has 211 parking spaces on 3.67 acres. Club Tropics is located in the northeast corner of the center with a floor plan consisting of a dance floor, chairs and tables to serve patrons. There are no kitchen/restaurant services provided as part of the nightclub.

Discussion

The current General Plan land use designation of the property is Commercial-Specific Plan ("C-SP") and Zoning is Commercial (C). The project site is also located in the Richland Neighborhood. The project site is bounded on the west by the Nordahl Marketplace, the north by Nordahl Medical Office Building, and the south by the Indian Rock Commercial Center. Single-family residential homes are located to the east.

A Major Conditional Use Permit ("CUP") is required pursuant to Municipal Code Section 20.56.020 for the operation of a nightclub. In years past, the operator has been required to obtain an Entertainment Establishment Permit/Dance Permit in accordance with Municipal Code Sections 5.10.040 and 5.12.095 to allow music and dancing in the nightclub. Entertainment Establishment Permit/Dance Permit conditions will now be included in this Conditional Use Permit. Therefore the operator will not be required to obtain a separate Entertainment Establishment Permit/Dance Permit from the City Clerk during the term of this

CUP. Live entertainment will consist of the playing of Latin music by either a live band or disc jockey. Persons under the age of 21 are prohibited on site.

The maximum occupancy of the nightclub during the last Conditional Use Permit renewal was based upon a 2004 floor plan. As this floor plan is dated, the maximum occupancy of the nightclub is now calculated based upon square footage resulting in a maximum occupancy of 330. As a condition of the CUP an updated floor plan shall be submitted to the City and shall be used for verification of maximum occupancy.

As outlined for implementation in the Security and Safety Plan, operational conditions for the nightclub require a minimum of three security guard personnel Wednesday through Thursday and five security guard personnel Friday through Sunday. In addition to providing security inside the nightclub and at the club entrance, two additional security personnel are required to patrol the parking lot, immediate peripheral areas of the shopping center, and behind the building during the weekends, and if necessary, on weekdays during seasonally high periods (summer).

As part of prior permit approvals for the nightclub, a Monitoring Program was established and maintained for the club activities. The applicant will be required to continue to provide the required documentation, including maintaining and updating the Security and Safety Plan, that includes, but is not limited to, insurance documentation listing the City as additional insured, and verification that all security personnel and alcohol serving personnel have completed the required training for their job position.

To provide assurance that the operator will continue to maintain qualified personnel in order to minimize incidents at the site requiring City staff and/or Sheriff's Department response, the project has been conditioned to deposit \$5,000 into an enforcement account to pay for any potential impacts to City services resulting from enforcement action related to the operation of an adult nightclub. The applicant shall ensure that the enforcement account balance is maintained at the required deposit level of \$5,000 during the entire term of CUP 88-19 (11R). Should the balance of the enforcement account ever fall below 50% of the required deposit level (i.e. \$2,500), and the applicant fails to restore the required deposit level within thirty (30) days of notice, all rights afforded to the applicant by CUP 88-19 (11R) shall cease until which time the \$5,000 balance in the enforcement account can be restored.

Attachment(s)

Adopting Resolution

- A – Site & Project Characteristics
- B – Requested Entitlement
- C – Aerial Location Map
- D – Site Plan
- E – Floor Plan

Submitted by:



Jerry Backoff
Planning Division Director

Reviewed by:



Charlie Schaffer
Development Services Director

ATTACHMENT A
Site & Project Characteristics

<u>Property</u>	<u>Existing Land use</u>	<u>Zoning</u>	<u>General Plan Designation</u>
Subject	Plaza San Marcos	C	Commercial (SP)
North	Medical Office Building	C (SP)	Commercial (SP)
South	Commercial Center	C (SP)	Commercial (SP)
East	Single-Family Residential	R-1-10	2-4 du/acre
West	Nordahl Marketplace	C	Commercial (SP)

*Subject site located within the Norman/Hutchinson & Looney Specific Plan

Flood Hazard Zone	<u>yes</u>	<u>x</u> <u>no</u>
Resource Conserv. Area	<u>yes</u>	<u>x</u> <u>no</u>
Redevelop. Proj. Area (1)	<u>x</u> <u>yes</u>	<u>no</u>
Sewers	<u>x</u> <u>yes</u>	<u>no</u>
Septic	<u>x</u> <u>yes</u>	<u>no</u>
Water	<u>x</u> <u>yes</u>	<u>no</u>
Gen. Plan Conformance ¹	<u>x</u> <u>yes</u>	<u>no</u>
Land Use Compatibility ¹	<u>x</u> <u>yes</u>	<u>no</u>

¹With approval of CUP.

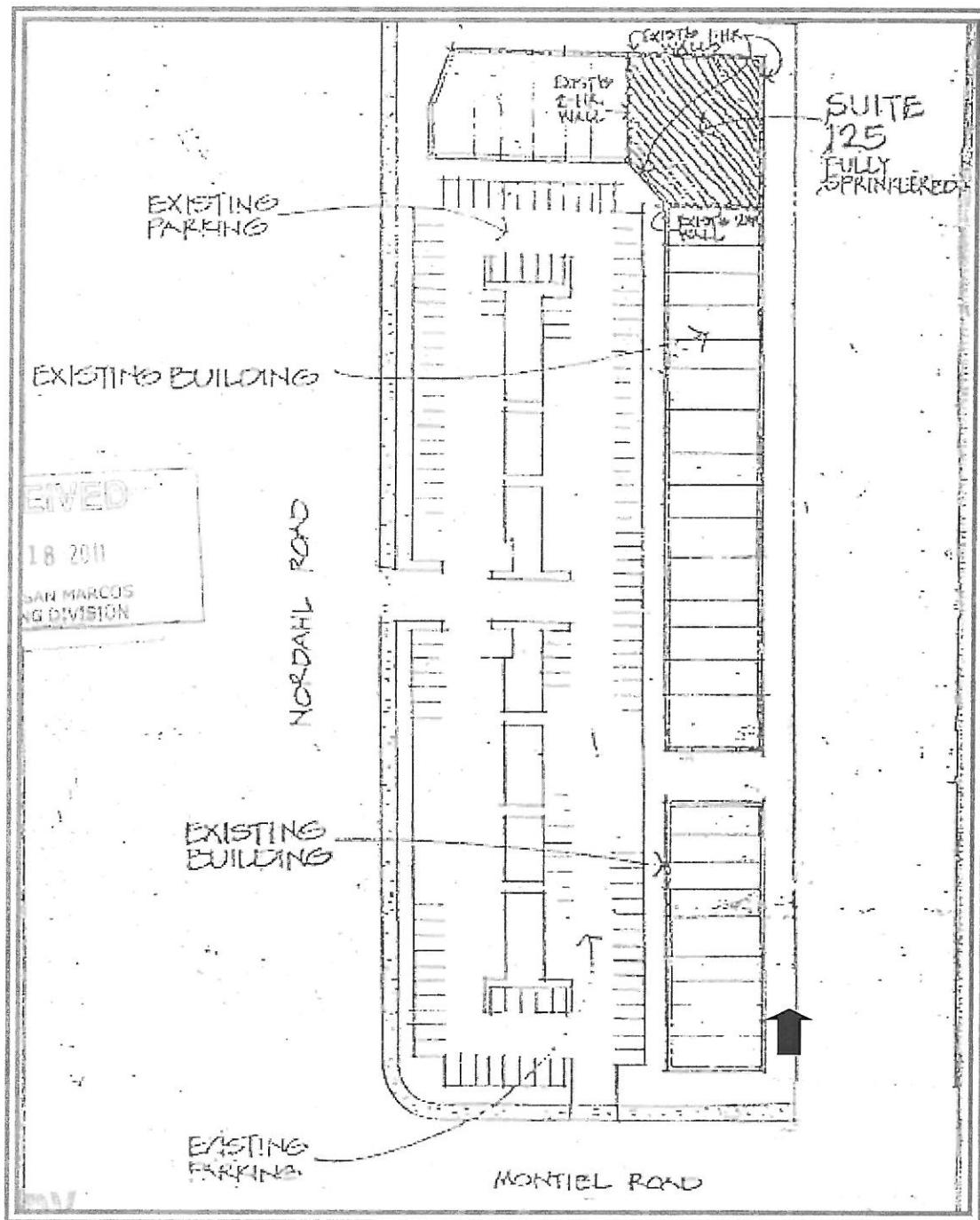
ATTACHMENT B
Requested Entitlement

- A Conditional Use Permit renewal to allow the continued operation of an adult nightclub (21 and over) as well as live entertainment and dancing.

ATTACHMENT C
Aerial Location Map



ATTACHMENT D
Site Plan



ATTACHMENT E
Floor Plan

