

This approval is granted to allow a bar and drinking place with live entertainment in an existing commercial building (Francesca's Sports Bar) located on Assessor Parcel No. 147-12-040. Development shall be substantially as shown on the project materials listed below, except as may be modified by conditions contained herein:

- a. Project drawings prepared by Francesca's Sports Bar stamped as received by the Community Development Department on January 10, 2013, and consisting of three sheets.
- b. Noise report prepared by Delicate Productions, Inc. for Francesca's Sports Bar.

THIS REQUEST IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

Community Development Department—(650) 903-6306

1. **PREVIOUS APPROVALS:** This permit supersedes all previous approvals and nullifies all previous conditions of approval for the property. All property and operational conditions for the bar and drinking place with live entertainment on the property are contained in this Findings Report.
2. **APPROVED USE(S):** Approval is granted to operate an approximately 3,100 square foot bar and drinking place seven (7) days a week, from 10:00 a.m. to 2:00 a.m., with additional approval to have live entertainment on Thursday, Friday, and Saturday, between 5:00 p.m. and 1:30 a.m. Event (equipment) take down may extend until 2:00 a.m., as needed, but shall not include continuation of the live entertainment activities. The live entertainment and music part of the operation is limited to patrons who are 21 years of age and older. Ancillary food service as part of the bar shall be allowed on a limited basis and shall not be construed as a restaurant use. Use of the premises as a restaurant is not permitted.
3. **APPLICABILITY OF THIS PERMIT:** This permit shall apply to any business entity whose use and operational characteristics match those of the approved use. Intensification of the approved use shall require an amendment to this Permit. A change to a different permitted use shall require a new Permit.
4. **OPERATIONAL CRITERIA:** In the event that problems with the operational criteria of the business arise, including, but not limited to, parking shortages, delivery truck issues, hours of operation or noise, the Zoning Administrator may hold a public hearing to review the situation and impose new or modified conditions of approval in response to the information received. The public hearing shall be conducted and noticed in accordance with Section A36.60 of the City Code.
5. **DANCING:** No dancing is allowed as part of this approval. The addition of dancing will require modification to the Conditional Use Permit, Live Entertainment Permit with the Police Department, and approval of a Building Permit for compliance with building codes for occupant load and exiting for such use.
6. **ADULT ENTERTAINMENT:** This approval does not allow any part of the premises to be used for a "taxi dance hall," as described in Section 26.25 of the Municipal Code; or any type of adult entertainment establishment, as described in Chapter 26, Article V, of the Municipal Code.
7. **POLICE DEPARTMENT APPROVALS:** The applicant is required to obtain an annual Live Entertainment Permit from the Police Department. This permit approval is subject to compliance with all conditions and requirements imposed on the Live Entertainment Permit issued by the Police Department as may be amended from time to time. Live Entertainment Permit conditions are hereby incorporated by reference. Violation or noncompliance with said conditions can be enforced as a violation of this permit and administrative penalties may apply.
8. **OUTDOOR PATIO:** Permitted use of the rear patio area shall be limited to seven (7) days a week from 10:00 a.m. until 12:00 midnight. The outdoor patio shall only be used for patrons of the bar, and music and live entertainment shall be prohibited on the outdoor patio.

9. **CUSTOMER ACCESS:** The primary customer entrance and exit shall be from the front door along Old Middlefield Way.
10. **SMOKING:** The approved uses shall be operated in compliance with the City's Smoking Ordinance. No smoking shall be allowed in the rear parking lot area adjacent to the rear property line of 788 North Rengstorff Avenue.
11. **NOISE:** Noise from the bar business shall not exceed a maximum noise level of 65 decibels at any property line. The noise emitted by any mechanical equipment (including music emitted by speakers or other amplification equipment) shall not exceed a level of 55 dB(A) during the day or 50 dB(A) during the night, 10:00 p.m. to 7:00 a.m., when measured at any location on the adjoining residentially used properties. The heating, ventilation, and air conditioning system shall be maintained to ensure that all windows and doors can remain closed when the bar is in operation. An acoustical study verified that the current noise standards can be met for the proposed use if the doors remain closed during operation. If verified noise complaints are received in the future, the Zoning Administrator may hold a public hearing to review the operation in compliance with Condition of Approval No. 4.
12. **EXTERIOR DOORS AND WINDOWS:** All windows and doors shall remain closed when the bar is in operation to reduce noise transmission from within the building.
13. **OUTDOOR STORAGE:** There is to be no outdoor storage without specific Development Review approval.
14. **SITE AND PARKING LOT MAINTENANCE:** The site and parking lot shall be kept clean of trash and debris and regular parking lot trash pickups shall be performed. No trucks, equipment, or abandoned vehicles shall be stored in the parking lot area that is designated for the bar use.
15. **PARKING SPACE DESIGN:** All parking spaces (except parallel spaces) must be double-striped. Double stripes shall be eighteen inches (18") apart, from outside edge to outside edge of the stripe. The eight and one-half foot (8-1/2') parking space width is measured from the center of one double stripe to the other, such that the space between stripes is seven feet (7').
16. **BIKE RACKS:** The applicant shall provide at least one bike rack which provides for a minimum of five bikes. The racks shall be an "inverted U," or equivalent as approved by the Zoning Administrator, and must secure the frame and both wheels. Racks should be located near the building entrance (i.e., within constant visual range) unless it is demonstrated that they create a public hazard or locating them there is otherwise infeasible. If space is unavailable near building entrances, the racks must be designed so that the lock is protected from physical assault.

Building Inspection Division—(650) 903-6313

17. **CODES:** Construction plans will need to meet the current codes adopted by the Building Division upon submittal. Current codes are the 2010 California Codes: Building, Fire, Electrical, Mechanical, Plumbing, CALGreen, and Mountain View Green Building Code. This review by the Building Division is preliminary and only attempting to identify critical or significant code concerns. Building plan check review will be part of a separate permit application process that can be applied for once the Planning approvals have been obtained and the 10-day appeal period has passed; submit complete sets of construction drawings at the Building Counter. Please refer to the Building Division's current "Submittal Requirements" for document requirements. No construction work can be commenced without an appropriate building permit and no new occupancy shall commence without a certificate of occupancy.

Fire Department—(650) 903-6343

FIRE PROTECTION SYSTEMS AND EQUIPMENT

18. **SPECIAL EFFECTS:** Events with pyrotechnics/special effects are prohibited without prior Mountain View Fire Department (MVPD) permit approval. Plans and paperwork from a State-licensed professional for the proposed

pyrotechnics/special effects shall be provided at least two weeks prior to each event and a prevent facility inspection is required prior to MVFD approval.

19. **ONGOING MAINTENANCE:** All fire and life-safety features of the building (including, but not limited to, fire extinguishers, exit signs, exit illumination, exit doors and hardware, draperies, and furnishings) shall be maintained in operational condition.
20. **FIRE SPRINKLER SYSTEM TENANT IMPROVEMENT:** The automatic fire sprinkler system shall be altered as necessary to accommodate interior improvements. Three (3) sets of shop-quality drawings shall be submitted for review and approval prior to installation. All new and/or existing water flow indicators and system control valves shall be monitored by a central station monitoring alarm company. All work shall conform to NFPA 13 (2010 Edition), NFPA 72 (2010 Edition) and Mountain View Fire Department specifications. Call the Building Inspection Division at (650) 903-6313 for a copy of specifications and submittal requirements.
21. **FIRE EXTINGUISHERS:** Install one 2-A:10-B:C fire extinguisher for every 50'/75' of travel or every 3,000 square feet. Fire extinguisher locations shall be indicated on the architectural floor plans. (California Code of Regulations, Title 19, Chapter 3 and California Fire Code, Section 906.)
22. **FIRE EXTINGUISHERS:** Install Class K fire extinguishers in the commercial cooking equipment areas. (California Code of Regulations, Title 19, Chapter 3 and California Fire Code, Section 904.11.5.)
23. **FIRE EXTINGUISHING SYSTEMS:** Submit three (3) sets of shop-quality drawings for the cooking appliance fire extinguishing system(s). Call the Building Inspection Division at (650) 903-6313 for a copy of specifications and submittal requirements. (California Fire Code, Section 904.2.1.)

EGRESS AND FIRE SAFETY

24. **EXIT ILLUMINATION:** Exit paths shall be illuminated anytime the building is occupied with a light having an intensity of not less than one footcandle at floor level. Power shall normally be by the premises wiring with battery backup. Exit illumination shall be indicated on the Electrical Plans. (California Building Code, Section 1006.)
25. **EXIT SIGNS:** Exit signs shall be internally or externally illuminated and provided with battery backup per Uniform Building Code Chapter 10. Exit signs shall be posted above each required exit doorway and wherever otherwise required to clearly indicate the direction of egress. (California Building Code, Section 1011.)
26. **EXIT DOORS IN GROUPS A, E, H, AND I OCCUPANCIES:** Exit doors shall be provided with approved panic hardware. (California Building Code, Section 1008.1.10.)
27. **POSTING OF ROOM CAPACITY:** Any room used for assembly purposes shall have the capacity of the room posted in a conspicuous place near the main exit from the room. (California Building Code, Section 1004.3.)

EXTERIOR IMPROVEMENTS

28. **PREMISES IDENTIFICATION:** Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Address signs shall be a minimum of six (6) inches in height. (Mountain View City Code, Section 14.10.34.)

Police Department—(650) 903-6350

29. **POLICE DEPARTMENT APPROVALS:** The applicant is required to obtain an annual Live Entertainment Permit from the Police Department. This permit approval is subject to compliance with all conditions and requirements imposed on the Live Entertainment Permit issued by the Police Department as may be amended from time to time.

Live Entertainment Permit conditions are hereby incorporated by reference. Violation or noncompliance with said conditions can be enforced as a violation of this permit and administrative penalties may apply.

30. **SECURITY PLAN:** The applicant shall maintain a detailed security plan which can be amended from time to time, that is approved by the Police Chief.
31. **SECURITY CAMERA SYSTEM(S):** The applicant/operator shall maintain an operational security camera system, at a minimum, focusing on the front entrance doors and rear patio door. The camera system shall record 24 hours a day and security tapes shall be kept for a period of at least 30 days.
32. **OLD MIDDLEFIELD WAY SECURITY:** For every live entertainment event, there shall be, at a minimum, one clearly identifiable security guard posted on Old Middlefield Way who is responsible for prevention of problems and to maintain a smooth pedestrian flow if the customer line extends to the public right-of-way (sidewalk/street).
33. **REAR PARKING LOT SECURITY:** For every live entertainment event, there shall be, at a minimum, one clearly identifiable security guard assigned to the parking lot from the start of the event until one hour after the end of the event.
34. **REAR PATIO SECURITY:** For every live entertainment event, there shall be, at a minimum, one clearly identifiable security guard posted at the rear patio door who is responsible for the rear door remaining closed and the patio security.
35. **SIDEWALK CLEARANCE:** The sidewalk shall be kept clear for pedestrian traffic and clean of all debris during all hours of operation. There shall be no stacking of patrons outside the bar.
36. **ADDITIONAL SECURITY:** At the recommendation of the Police Chief, the applicant shall be required to employ additional trained security personnel as may be specified when deemed necessary by the Police Chief. The cost of additional security shall be incurred by the applicant.
37. **CALLS FOR SERVICE:** The cost of Police and Fire Department personnel for calls for service to the facility shall be incurred by the applicant. The City will invoice the applicant for these costs and the applicant shall pay the invoice in full within thirty (30) days. Failure to pay any invoice within thirty (30) days shall suspend the portion of this permit applicable to the music (DJ included) until paid. The applicant may appeal the amount of the invoice to the City Manager, whose decision shall be final.

Additionally, the applicant will reimburse the actual costs to include overtime costs for Police Department personnel if the Police Department determines that increased staffing is required due to activity associated with the applicant's music/dance club operations. The cost of personnel shall be incurred by the applicant. The City will invoice the applicant for these costs and the applicant shall pay the invoice in full within thirty (30) days. Failure to pay any invoice within thirty (30) days shall suspend the portion of this permit applicable to the music (DJ included) until paid. The applicant may appeal the amount of the invoice to the City Manager, whose decision shall be final. An example of this would be a planned live entertainment event that draws a significant crowd above the club occupancy, has a potential and/or history of Police-related issues and/or incidents of crime, or Police intelligence suggests that additional Police staffing is required to safely monitor the event.

38. **EMPLOYEE TRAINING:** The applicant/operator shall provide alcohol-awareness and crowd-control training for employees prior to their starting work at the facility.
39. **DRESS CODE:** During the live entertainment, a dress code shall be enforced, subject to approval by the Police Department.
40. **24-HOUR CONTACT PERSON:** The business management shall provide 24-hour contact information of individuals who are capable of making decisions that affect the day-to-day business operations.

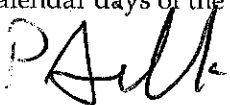
41. **CITY COORDINATION:** The applicant shall be required to comply with the following meeting and notification requirements to ensure adequate coordination with the Mountain View Police Department for live entertainment uses/events:

- There shall be monthly meetings between Police Department staff and business management.
- Business management shall inform Police Department staff of promotional events and/or appearances by anyone other than a typical "DJ" no later than ten (10) business days prior to the event.
- Business management shall provide the Police Department with a monthly calendar of planned live entertainment, music, and dancing events.

42. **PROMOTIONAL LIMITATIONS:** The applicant/operator shall not promote live entertainment or events through an "outside" promoter without direct on-site management overview and Police Department approval.

NOTE: Pursuant to §15301 of the State CEQA Guidelines, this project is Categorical Exempt from the California Environmental Quality Act.

NOTE: Decisions of the Zoning Administrator may be appealed to the City Council through the City Clerk within 10 calendar days of the date of findings. No permits may be issued or occupancy authorized during this appeal period.



PETER GILLI, ZONING ADMINISTRATOR

PG/SW/7/FDG
008-13-UPA