

**RESOLUTION NO. 5924**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING THE LIVE ENTERTAINMENT PERMIT FOR 370 EAST WHITTIER BOULEVARD FOR A ONE-YEAR PERIOD, SUBJECT TO CONDITIONS**

The City Council of the City of La Habra does hereby resolve as follows:

Section 1. The City Council does hereby find and determine that:

- a. Catherine Gage filed an application requesting a Live Entertainment Permit in conjunction with the Bowling Alley at 370 East Whittier Boulevard.
- b. The City Council held a duly noticed public hearing on December 2, 2019 to consider the Applicant's request. The City Council after considering all the written and oral evidence offered, including the staff report and all attachments, approves the request.

Section 2. The City Council further finds and determines that:

- a. The Live Entertainment Permit approved on December 3, 2018 under Resolution 5877 is hereby superseded by this Resolution.
- b. The Applicant has succeeded in meeting their burden of providing evidence to support the granting of the Live Entertainment Permit application.
- c. The City Council acting as the licensing administrator approves with conditions, the application for a Live Entertainment Permit according to the criteria (findings) set forth in Section 5.32.050 as follows:

1. Compliance with all provisions of this chapter by the Applicant;

The proposed request complies with all of the applicable sections of Chapter 5.32.

2. Any conviction, forfeiture of bond, or plea of nolo contendere upon any criminal conviction or city ordinance violation (except minor traffic violations), within a five-year period, and, if so, the place and court in which such conviction, plea or forfeiture was heard, the specific charge and the sentence imposed as a result thereof;

The Police Department has no record of any criminal convictions associated with the Applicant.

3. The number and types of police reported/documentated violations of law occurring at the facility at which the entertainment activity is to occur, including, but not limited to, disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, excessive loud noises, especially in the late night or early morning hours, traffic violations, lewd conduct, or police detention and arrests, and/or if caused by the operation of the facility, the number and types of violation of enumerated laws occurring adjacent to the proposed location for the permit for the past three years;

The subject property had an illegal live band concert that resulted in several fights, a full call-out of the La Habra Police force, and two seriously injured individuals being transported to the hospital on January 7, 2015. However, review of Police Department records for criminal activity and calls for service showed that there were no serious events since the fight in 2015 and no criminal activity tied to any of the karaoke events. Therefore, it is recommended that the condition that prohibits live band performances continue to be in effect and that karaoke continue to be permitted subject to conditions.

4. Substantial impact of the issuance of the permit to any residential zone, single-family or multiple-family dwelling within five hundred feet of the proposed location of the permit. The kinds of impacts which are to be considered are parking availability, noise levels, criminal activity, traffic, hours of operation and other similar secondary impacts;

The subject site provides parking for the proposed use. In addition, the use will be required to comply with the City's Noise Ordinance at all times. Conditions have been placed on this approval that limit the hours of operation and require security guards and a video surveillance system to ensure that the parking areas are monitored at all times.

5. Substantial impact of the issuance of the permit to all properties adjacent to the proposed location of the permit, in particular, parking availability, noise levels, hours of operation, traffic and other similar secondary effects;

See "4" above.

6. In determining the weight to be given, in the granting or denying of an application for an entertainment permit, to any criminal convictions, city ordinance violations, and illegal activity at the business facility, at which the entertainment activity is to be offered, consideration shall be given to evidence of rehabilitation, efforts to correct violations, the nature of the conviction(s), the nature of the violation or alleged violation of law(s),

enforcement of existing penal laws and matters such as remoteness in time, continuing course of conduct. The degree of detrimental impact required to deny a permit for a proposed facility must be substantial;

The Police Chief has conducted a review of calls for service and determined that no significant violations have occurred on the property for the past year. Therefore, the activity proposed by the Live Entertainment Permit is recommended to be continued subject to conditions listed in this resolution.

7. Compliance with all local, state and federal laws including all fire and health code requirements;

The building design continues to comply with all of the appropriate building and fire codes for assembly uses and meets the occupancy load and exiting requirements for the seating of 192 persons.

Section 3. This action is subject to the following conditions:

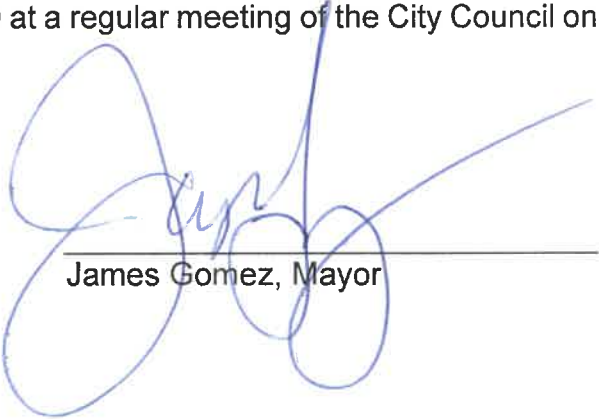
1. The property owner shall be permitted to conduct karaoke activities Tuesdays through Sundays from 6:00 p.m. to 12:00 a.m. only. The Bowling Alley is permitted to operate from 6:00 a.m. to 2:00 a.m. each day of the week. No live band performances of any kind are to be conducted on the property.
2. The property owner/business operator shall ensure that a responsible person, at least twenty-one years of age, be on the premises to act as manager at all times the business is open. The individual designated as the on-site manager shall be registered with the City by the owner within twenty-four hours of employment. Registration of designated manager(s) shall be made directly to the Police Department by the owner of said business.
3. The property owner/business operator shall provide all on-site designated managers with a copy of all rules, regulations, and conditions of the Live Entertainment Permit. Such designated managers shall receive all complaints and be responsible for all violations taking place on the premises and/or parking lot area(s) of the business.
4. The property owner/business operator and or manager shall be responsible for immediately reporting any known illegal activity occurring on the premises of the business establishment to the La Habra Police Department. The owner shall be responsible if no report is made pursuant to this condition.
5. The property owner/business operator shall provide a security system that visually records and monitors all parking lot areas. Video security systems shall be maintained in good working order at all times and is subject to periodic inspection by the Police Department upon request. Video tapes or recordings of daily business operations shall be kept a minimum of 30 days prior to reuse or destruction.

6. The property owner/business operator shall provide a minimum of one uniformed security guard from an approved professional security company during live entertainment events. All security guards shall comply with the provisions of California Business and Professions Code Section 7582, et seq.
7. The property owner/business operator shall ensure that the occupancy of the building shall not exceed 192 as shown on the approved plan.
8. The property owner/business operator shall ensure that the drive aisles in the parking lot be kept clear for access and circulation at all times.
9. The property owner/business operator shall comply with all appropriate City of La Habra Municipal Codes and Ordinances.
10. The property owner/business operator shall comply with the City of La Habra noise ordinance at all times.
11. The property owner/business operator shall comply with the La Habra Security Ordinance per the requirements of the Chief of Police.
12. The property owner/business operator shall maintain the area in a clean and orderly condition at all times, and graffiti shall be removed from the site within forty-eight (48) hours of its discovery in matching colors to the existing improvements.
13. The property owner/business operator shall not utilize any outdoor vending machines or display any merchandise outside of the building at any time unless approved by the Director of Community and Economic Development through a Special Event Permit.
14. The Director of Community and Economic Development or his/her designee may approve minor modifications to these conditions so long as the intent of the City Council is maintained.
15. This approval is for those plans approved by the building official on November 7, 2013 and which are those plans reviewed and approved by the City of La Habra City Council at its meeting of December 2, 2019. A copy of said plans shall be maintained in the files of the City of La Habra Planning Division. The business shall be maintained in substantial conformance with said plans, except as otherwise specified in these conditions of approval.

16. The property owner/business operator shall ensure that all employees and associates be cooperative and receptive to any on-site inspections by the Police, Community Preservation, Planning, or Building and Safety employee during business hours.
17. The property owner/business operator shall terminate all events one (1) hour prior to closing as per the posted business hours.
18. The property owner/business operator shall not charge a cover or admittance charge at any time.
19. The property owner/business operator shall not permit any DJs unless first approved by a Special Event Permit through the Community Development Department.
20. The failure to comply with any of these conditions of approval by the property owner/business operator shall be grounds for revocation of this Live Entertainment Permit.
21. In the event that the property owner/business operator violates or fails to comply with any of the conditions of approval of this permit, the City may take measures to cure such violations, including but not limited to, reimburse the City fully for its costs and expenses, including but not limited to, attorney's fees, in undertaking such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing further permits, licenses or other approvals until such violations have been fully remedied.
22. This permit is valid from the original date of approval on January 1, 2020 to December 31, 2020 and must be renewed annually by submitting the appropriate applications to the Community Development Department at least 60 days prior to expiration.

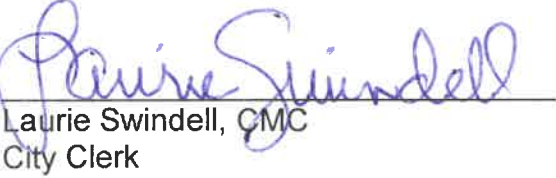
Section 4. Based upon the foregoing, the City Council of the City of La Habra approves the live entertainment permit. The City Clerk shall certify to the adoption of this resolution and transmit a copy to the Applicant.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the City Council on the 2nd day of December, 2019.



James Gomez, Mayor

ATTEST:

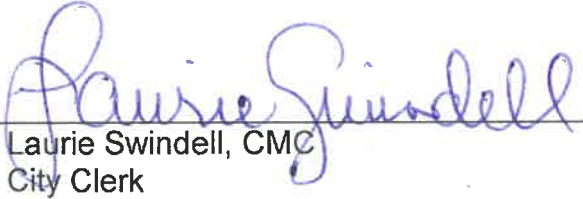
  
Laurie Swindell, CMC  
City Clerk

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS.  
CITY OF LA HABRA )

I, Laurie Swindell, City Clerk for the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. 5924 introduced and adopted at a regular meeting of the City Council of the City of La Habra held on the 2nd day of December, 2019.

AYES: COUNCILMEMBERS: GOMEZ, BEAMISH, ESPINOZA, MEDRANO, SHAW  
NOES: COUNCILMEMBERS: NONE  
ABSTAIN: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: NONE

Witness my hand and the official seal of the City of La Habra this 2nd day of December, 2019.

  
Laurie Swindell, CMC  
City Clerk