



staff report

TO: Honorable Mayor and Members of the City Council

ATTENTION: Jeffrey L. Stewart, City Manager

FROM: Art Bashmakian, Director of Planning and Building Services
Jason P. Clarke, Senior Planner

SUBJECT: Consideration and possible action to conduct a public hearing regarding an application from Ernest McIntyre and adopt Resolution No. 16-XX - A Resolution approving a modification to Dance and Entertainment Permit Case No. EP 16-01 to allow entertainment hours from 11:00 a.m. to 2:00 a.m., seven days a week and allow a disc jockey, dancing, live bands, comedy shows, and karaoke at an existing restaurant & bar on property within Area 1 of the Town Center (TC) District located at 16728 Bellflower Boulevard; Applicant: Ernest McIntyre (DBA: French Quarter Creole Bar and Grill).

DATE: December 12, 2016

EXECUTIVE SUMMARY

A request from Ernest McIntyre of French Quarter Bar & Grill to modify Dance and Entertainment Permit Case No. EP 16-01 to extend the entertainment hours to 2 a.m., seven days a week and include a disc jockey, dancing, live bands, comedy shows, and karaoke. On May 23, 2016, City Council approved EP 16-01 allowing a disc jockey, dancing, live bands, comedy shows and karaoke within the subject location. Condition No. 3 approved the entertainment hours from 11:00 a.m. to 1:00 a.m., seven days a week for six months with the option to apply for extended hours after the first six months of operations.

RECOMMENDATION TO CITY COUNCIL

- 1) Open the public hearing; take documentary and testimonial evidence; and after considering the evidence, adopt Resolution No. 16-XX; or
- 2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

None

PUBLIC NOTICE

On December 1, 2016, notices were mailed to the Applicant and to all property owners within 300 feet of the subject site and two notices were posted at the subject property.

CEQA STATUS

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000, *et seq.*) and CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000, *et seq.*), the City conducted an environmental assessment. Based on the environmental assessment, the project was determined to be categorically exempt from additional environmental review pursuant to CEQA Guidelines Section 15301.

BACKGROUND

- ***May 23, 2016, City Council Meeting***

At the May 23, 2016, City Council meeting, the Applicant requested entertainment hours from 11:00 a.m. to 2:00 a.m. to be consistent with the operating hours of the existing CUP. As a trial basis only, it was recommended by staff that the entertainment hours be restricted from 11:00 a.m. to 12:00 a.m. for one year, starting from the date of approval, and that the Applicant may apply for a modification of these operational hours after the first year of operation. City Council amended the recommendation and approved entertainment from 11:00 a.m. to 1:00 a.m., seven days a week for six months and allowed the Applicant to apply for a modification of the hours after the first six months of operation.

- ***Request - Extend Entertainment Hours and Include Entertainment***

After six months of being approved for entertainment, the Applicant is requesting to extend the entertainment hours by one hour as follows: 11 a.m. to 2:00 a.m., seven days a week, and continue to include the following entertainment activities: disc jockey, dancing, live bands, comedy shows, and karaoke.

DISCUSSION

- ***Dance and Entertainment Code Requirements***

Bellflower Municipal Code (BMC) Chapter 5.36 regulates dance and entertainment permits. If there is no basis for denial, the BMC requires the City Council make ten findings to approve a permit (BMC § 5.36.090). Such permits may be appropriately conditioned.

ANALYSIS

- ***Modify Entertainment Hours***

Since May 23, 2016, the Applicant has addressed all the conditions of approval from Resolution 16-32. The Applicant opened for operation on January 14, 2016, after permits were approved for addressing all outstanding building improvements items.

The proposed request was reviewed by the Public Safety Department and a “Calls for Service” was reviewed for the last six months between May 1, 2016, to November 10, 2016 by the Los Angeles County Sheriff’s Department. There were six incidents in the last six months. Out of the six, there was only one incident that indicated

**Staff Report – Modify Entertainment Permit Case No. EP 16-01
(16728 Bellflower Boulevard)
December 12, 2016
Page 3 of 4**

the music was too loud; the Applicant turned down the music and closed the back door. This incident violated condition of approval No. 22 which states:

22. Entertainment cannot be audible from the exterior of the premises. All doors must be kept closed during the hours when live entertainment is offered, except for ingress and egress. The rear door(s) must be kept closed at all times during the operation of the premises except in cases of emergency and to permit deliveries.

Also, according to the Public Safety Department, an approved and accurate security plan is on file with the Department; the Applicant's manager has made regular contact with the Department to provide updates on weekly entertainment events; and the Department has any complaints regarding the establishment.

Based on the above information of the last six months and over the last year, the Public Safety Department does not have any issue with extending the entertainment hours to 2:00 a.m., seven days a week. Based on this evidence, a condition of approval has been added to address the new entertainment hours to 2:00 a.m., seven days a week, and include the following entertainment activities during this time: disc jockey, dancing, live bands, comedy shows and karaoke. (**Resolution No. 16-XX, Exhibit A - Condition No. 1**) and (**Attachment A**). Furthermore, the Applicant must continue to comply with Resolution No. 16-32 and PC 01-72.

- **Community Concerns**

On December 5, 2016, Staff received one complaint/request from the Home Owners Association (HOA) from the Belmont Court development, stating that if the hours are extended, that any type of traffic, including pedestrian walking, not be allowed to access the alleyway and the breezeway between Belmont Street and Flower Street due to prior vandalism to the building, fights, loud noise, liquor bottles left on the ground, smoking, and safety issues in the breezeway that is mainly used by Belmont court residents. However, one resident, who is located near the alley and the breezeway, said that they still hear loud laughing/talking, noise, and music from cars. The noise can only be heard if the windows to the units are open. The noise happens when patrons are going to and from the location. These issues take place on the weekend and during special events. Patrons use the alleyway and breezeway to access the north public parking lot and possibly Belmont Street for parking. On a more positive note, most of the other residents have said that the noise is far less than before. See **Attachment C** for an aerial view of the alleyway and breezeway. This request may be addressed by requiring the Applicant to have security staff stop traffic from accessing the alley and breezeway before entering and after exiting the location; however, this may place a burden on the Applicant to hire full time security and may force the issues onto Bellflower Boulevard. The other suggestion is closing the breezeway access to the public; the property owners of the site would need to submit this request for staff's review and approval.

CONCLUSION

The proposed Dance and Entertainment Permit modification as conditioned is in substantial conformance with Bellflower Municipal Code Chapter 5.36 Amusements,

Dances, and Entertainment Regulations and shall comply with the required findings listed in Resolution No. 16-XX.

ATTACHMENTS

A. Resolution No. 16-XX	5
B. EP 16-01 - Staff Report, Resolution, and Minutes	11
C. Aerial Photos (one without and one with breeze way and alleyway location)	32
D. Plans.....	34

CITY OF BELLFLOWER
RESOLUTION NO. 16-XX

A RESOLUTION APPROVING A MODIFICATION TO DANCE AND ENTERTAINMENT PERMIT CASE NO. EP 16-01 TO ALLOW ENTERTAINMENT HOURS FROM 11:00 A.M. TO 2:00 A.M., SEVEN DAYS A WEEK AND ALLOW A DISC JOCKEY, DANCING, LIVE BANDS, COMEDY SHOWS, AND KARAOKE AT AN EXISTING RESTAURANT & BAR ON PROPERTY WITHIN AREA 1 OF THE TOWN CENTER (TC) DISTRICT LOCATED AT 16728 BELLFLOWER BOULEVARD; APPLICANT: ERNEST MCINTYRE (DBA: FRENCH QUARTER CREOLE BAR AND GRILL)

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. The City Council finds and declares as follows:

A. On May 23, 2016, City Council approved Dance and Entertainment Permit Case No. EP 16-01 filed by Ernest McIntyre (the "Applicant") allowing a disc jockey, dancing, live bands, comedy shows, and karaoke, from 11:00 a.m. to 1:00 a.m., seven days a week for six months with the option to apply for extended hours after the first six months of operations at an existing restaurant and bar named French Quarter Creole Bar & Grill;

B. On December 6, 2016, Ernest McIntyre (the "Applicant"), filed an application seeking to modify Dance and Entertainment Permit Case No. EP 16-01 to extend the entertainment hours to 2:00 a.m., seven days a week and allow a disc jockey, dancing, live bands, comedy shows, and karaoke at an existing restaurant and bar named French Quarter Creole Bar & Grill;

C. Applicant's application was reviewed by the City for, in part, consistency with the General Plan and conformity with the Bellflower Municipal Code ("BMC");

D. In addition, the City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA Guidelines");

E. The City completed its review and scheduled a public hearing regarding the application before the City Council on December 12, 2016;

F. On December 12, 2016, the City Council opened the public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Council by Applicant; and

G. The City Council considered the information provided by City staff, public testimony, and Applicant. This Resolution, and its findings, are made based upon the evidence presented to the City Council at its December 12, 2016, hearing including, without limitation, the staff report.

SECTION 2. The City Council finds as follows:

A. The conduct of the establishment or the granting of the application would not be contrary to the public health, safety, morals, or welfare because the subject site is an existing restaurant and bar within Area 1 of the Town Center (TC) District that is consistent and compatible with the existing surrounding commercial uses.

B. The establishment has not been or is not being operated in an illegal, unlawful, or disorderly manner. The Applicant indicated on his application he has never been convicted before the date of the application in any court of competent jurisdiction of any offense involving the presentation, exhibition, or performance of any lewd, indecent, or obscene show of any kind, any felony, or any crime involving moral turpitude or any offense involving the possession of lewd or obscene matter which would require the Permit not to be issued.

C. Granting the permit will not create a public nuisance because the entertainment will only take place within the subject premises.

D. The normal operation of the premises will not interfere with the peace and quiet of any surrounding residential neighborhood because the subject property is within a commercial building adjacent to a secondary arterial and an alley, and conditions of approval have been incorporated to mitigate noise.

E. There is adequate parking available for the premises for which the Permit is applied for as the site is located in Area 1 of the Town Center (TC) District where public parking is provided in the area and near the establishment.

F. Increased policing is not required by the entertainment for which the Permit is requested pursuant to an investigation by the Los Angeles County Sheriff's Department and a private security company is provided for the establishment.

G. The quiet and peaceful enjoyment of the neighborhood will not be substantially interfered with by the creation of noise or traffic hazards. As conditioned, the proposed use of the premises is in compliance with the provisions of the BMC, specifically the Noise Element of the General Plan and BMC Chapter 8.32 regarding noise. In addition, the Applicant is required to patrol the surrounding area and address all noise complaints immediately. The proposed premises are in compliance with the provisions of all applicable laws.

SECTION 3. Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the proposed project is exempt from additional environmental review because it is categorically exempt under the CEQA Guideline Section 15301.

SECTION 4. Notice of Exemption. The City Manager, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 21152, 21167(f) CEQA Guidelines § 15094; and any other applicable law.

SECTION 5. Approval. Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the City Council approves the extended hours with entertainment.

SECTION 6. This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 7. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 8. To the extent that any other resolution pertaining to Dance and Entertainment Permit Case No. EP 16-01 is incorporated into this Resolution, it is superseded in its entirety. Except as amended by this Resolution, Resolution No. 16-32 adopted on May 23, 2016, continues in full force and effect.

SECTION 9. This Resolution will remain effective until superseded by a subsequent resolution.

**City of Bellflower
Resolution No. 16-XX
Page 4 of 4**

SECTION 10. The City Clerk is directed to mail a copy of this Resolution to the Applicant and to any other person requesting a copy.

SECTION 11. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Bellflower, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

SECTION 12. This Resolution is the City Council's final decision and will become effective immediately upon adoption. Any challenge brought to this resolution must be filed within 90 days pursuant to Code of Civil Procedure § 1094.6.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER THIS _____ DAY OF _____ 2016.

Dan Koops, Mayor

ATTEST:

Mayra Ochiqui, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

Exhibit A
CONDITIONS OF APPROVAL - EP 16-01

In addition to all applicable provisions of the Bellflower Municipal Code ("BMC"), Ernest McIntyre ("Applicant") agrees to comply with the following provisions as conditions for the City of Bellflower's approval of Permit No. EP 16-01 ("Conditions").

1. Hours for entertainment are restricted from 11:00 a.m. to 2:00 a.m., seven days a week. Entertainment includes a disc jockey, dancing, live bands, comedy shows and karaoke.
2. The entertainment for the restaurant and bar must comply with Resolution No. 16-32.
3. The Applicant's security is responsible for regularly patrolling premises and the parking lots utilized by the patrons during the entire period the entertainment is occurring to ensure there is no loitering or drinking of alcoholic beverages in the parking lots. Loitering is prohibited on or around the premises. The Applicant must post "No Loitering" signs on the front windows and rear patio door.
4. The project must substantially conform to submitted plans date-stamped April 5, 2016, and December 6, 2016, except as modified by these Conditions. Live entertainment is restricted to the designated entertainment areas on the interior of the restaurant per those plans.
5. The subject business must be operated so as to not constitute a noise problem to neighboring properties. Noise levels must be maintained pursuant to the Noise Element of the General Plan and BMC Chapter 8.32. The applicant must immediately address all noise complaints requested from neighboring properties.
6. The Applicant must sign and have notarized an affidavit of acknowledging acceptance of the conditions of approval and return it to the Director within 30 days of the effective date of this approval.
7. A copy of the Conditions of Approval for Permit No. EP 16-01 must be kept on the premises of the establishment and presented to any authorized City official upon request.
8. Applicant must comply with all applicable laws pertaining to entertainment; building and safety; and fire safety not otherwise addressed in this Permit.
9. If complaints are received regarding excessive noise, lighting, building access, or other disturbances associated with alcohol service at the restaurant, the City may, in its discretion, take action to review the Entertainment Permit and Conditional Use Permit, including without limitation, adding conditions or revoking the permit.

City of Bellflower
Resolution No. 16-XX — Exhibit A
Page 2 of 2

10. This permit may be suspended or revoked if any person owning or managing the business is convicted, or found to have been convicted within seven years before this permit was approved, of any criminal offense involving the presentation, exhibition or performance of any lewd, indecent, or obscene show of any kind, or of a felony or of any crime involving moral turpitude, or of any offense involving the possession of lewd or obscene matter, when such conviction or convictions are of the kind or nature reasonably related to the operation of the proposed entertainment under the proposed permit and such conviction or convictions reasonably show a clear and present danger that the proposed use of the permit by the Applicant will result in violations of the law.
11. Three or more violations of applicable law including, without limitation, these conditions within a one-year period (as calculated starting on the Entertainment Permit approval date and every anniversary date thereafter) may result in the City commencing revocation of this Permit.
12. The Applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of this permit. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of this Permit, the Applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Bellflower's elected officials, appointed officials, officers, and employees.

By signing this document, Applicant certifies that it has read, understood, and agrees to the Project Conditions listed in this document.

Ernest McIntyre
Applicant



staff report

TO: Honorable Mayor and Members of the City Council

ATTENTION: Jeffrey L. Stewart, City Manager

FROM: Art Bashmakian, Director of Planning and Building Services
Jason P. Clarke, Senior Planner

SUBJECT: Consideration and possible action to conduct a public hearing to adopt Resolution No. 16-XX - A Resolution approving Dance and Entertainment Permit Case No. EP 16-01 to allow a disc jockey, dancing, live bands, comedy shows, and karaoke at an existing restaurant & bar on property located at 16728 Bellflower Boulevard within Area 1 of the Town Center (TC) District; Applicant: Ernest McIntyre (French Quarter Creole Bar & Grill).

DATE: May 23, 2016

EXECUTIVE SUMMARY

A Dance and Entertainment Permit is requested by Ernest McIntyre of French Quarter Creole Bar & Grill to allow a disc jockey, dancing, live bands, comedy shows, and karaoke within an existing restaurant and bar on property located at 16728 Bellflower Boulevard, located within Area 1 of the Town Center (TC) District. On August 10, 2015, the City Council revoked the previous permit (No. EP 08-02) issued to Spikes Bar & Grill (the previous operator). The requested Permit, with recommended conditions, must comply with Bellflower Municipal Code (BMC) Chapter 5.36 (Amusements, Dances and Entertainment Regulations).

RECOMMENDATION TO THE CITY COUNCIL

- 1) Open the public hearing; take testimonial and documentary evidence; and after considering the evidence, adopt Resolution No. 16-XX, approving Dance and Entertainment Permit Case No. EP 16-01, as conditioned; or
- 2) Alternatively, discuss and take other action related to this item.

FISCAL IMPACT

Annual fee is \$100 for a Dance and Entertainment Permit.

PUBLIC NOTICE

On May 11, 2016, a Public Hearing Notice was published in the *Herald American* newspaper; on May 12, 2016, notice of the hearing was provided to the Applicant and to all property owners within 300 feet of the subject site; on May 12, 2016, a Public Hearing Notice was posted at City Hall, Brakensiek Library, Bellflower Substation, Thompson Park, and Simms Park. A public hearing notice was posted on the street frontage of the subject property on May 14, 2016.

CEQA STATUS

Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000, *et seq.*) and CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000, *et seq.*), the City conducted an environmental assessment. Based on the environmental assessment, the project was determined to be categorically exempt from additional environmental review pursuant to CEQA Guidelines Section 15301, Class 1. Further, the adoption of this resolution is also exempt from review under CEQA pursuant to CEQA Guidelines § 15301, Class 1 because the resolution is for the establishment of a permit for live entertainment at an existing restaurant and bar. The permit establishes conditions that may affect the interior and exterior of the building only. The resolution will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

PROJECT DATA

Applicant/Business Owner: Ernest McIntyre (French Quarter Creole Bar & Grill)
16905 Ardmore Avenue
Bellflower, CA 90706

Property Owner: 16728 Bellflower Blvd LLC
16728 Bellflower Boulevard
Bellflower, CA 90706

Assessor's Parcel Number: 7109-013-013

Property Size: 6,187 square feet

General Plan Designation: C (Commercial)

Zoning Designation: Town Center (TC) District

Surrounding Zones/Land Uses:

North: TC District – Commercial Business
South: TC District – Commercial Business and Chamber of Commerce Office
West: TC District – Commercial Businesses
East: Town Center (TC) District – Parking Lot

BACKGROUND

• **Past Approvals and Actions**

Planning Commission Resolution No. PC 01-72, adopted December 3, 2001, for CUP Case No. 01-31, allowed a restaurant named *National Sports Page* to utilize a Type 47 Alcohol License for on-sale alcohol use at this location; on-sale alcohol is permitted until 2:00 a.m. On the same date, the Planning Commission adopted Resolution No. PC 01-74 which issued a dance/entertainment permit for that address. *Attachment D* lists the required conditions for the CUP. However, the previously issued Dance and Entertainment permit is no longer active because it is not transferrable from operators to

Staff Report –16728 Bellflower Boulevard (Dance and Entertainment Permit Case No. EP 16-01)

May 23, 2016

Page 3 of 8

operators. Subsequent dance/entertainment permits were approved by the City Council on January 24, 2005 (Resolution No. 05-05) and November 10, 2008 (EP 08-02).

On June 22, 2015, the City Council conducted a Public Hearing to consider suspension, modification or revocation of EP 08-02 due to violation of the conditions of approval. *Attachment C* contains the Staff Report discussing this matter. This item was then continued to On August 10, 2015, the City Council adopted Resolution No. 15-49 which revoked a dance/entertainment permit held by Spikes Sports Bar and Grill. *Attachment C* contains the Staff Report discussing this matter.

- ***Proposed Dance and Entertainment Uses***

The City received the subject application for a dance/entertainment permit on August 31, 2015, along with a DRB application. As stated in the application, the new business (The French Quarter Creole Bar & Grill) seeks a permit for a disc jockey (DJ), dancing, live bands, comedy shows, and karaoke seven (7) days a week from 11 a.m. to 2 a.m. A proposed schedule from the applicant includes blues night with live music; taco nights with DJ or comedy show; Cajun nights & oldies tribute; karaoke & dinner to live zydeco (New Orleans type entertainment); and music & jazz bands each week. On October 15, 2015, the DRB recommended continuance of this item to provide the applicant time to address comments. On January 11, 2016, the DRB recommended approval of the request, subject to conditions of approval. After various reviews, the application was deemed complete on April 5, 2016.

- ***Existing Site Conditions***

The property is located on the east side of Bellflower Boulevard bounded by Flower Street to the south and Belmont Street to the north. It is developed with a 5,610-square foot, one-story building with a mezzanine. A patio area is located on the first floor, at the rear of the building. There are no onsite parking spaces. The existing Town Center parking lots and adjacent public parking is utilized by the establishment.

- ***Existing Business & Operations***

Proposed permittee is called "The French Quarter Creole Bar & Grill." This business is owned, managed, and operated by Ernest McIntyre; Marcus Jenkins is also a General Manager. The French Quarters has 11 employees, including cooks, waitresses, bar tenders, etc. According to the Applicant's business description, the current hours of operation is six (6) days a week as follows:

Mondays - Closed

Tuesday – Thursday from 4 p.m. to 9 p.m.

Friday – Saturday from 4 p.m. to 2 a.m.

Sunday from 11 a.m. to 8 p.m.

Since purchasing the establishment, the Applicant has tried to rebrand the location as a bona fide restaurant with a New Orleans theme, serving creole-style cuisine serving lunch and dinner. *Attachment E* includes the menu for the restaurant.

- ***Floor Plan Layout***

The subject building is accessible via the westerly front (along Bellflower Boulevard) and easterly rear doors (along the alley), the main door being the one along Bellflower Boulevard. Per the attached plans (*Attachment J*), the first floor of the subject building includes a bar area, a sound room with music equipment, an electrical room, a dance floor, a portable stage, restrooms, a kitchen area, storage area, and a patio area in the rear (east side). The mezzanine area is used for storage and mechanical equipment. The floor plan layout includes several TV's on the walls. The total maximum occupancy for the entire establishment with entertainment, as determined by the Building Official is one hundred thirty-five (135). The Applicant has also made the following improvements to the layout to comply with Building Codes or to address concerns with the layout:

- Added 8 new fire extinguishers inside the building;
- Removed unpermitted walls on the second floor mezzanine. A gate has been installed at the top of the stairs so no one goes up without approval. The space is permitted as storage only;
- Legalized the steps leading to the stage;
- Addressed loose wiring on the first floor;
- Removed the 2 pool tables from an area 20' by 26' and added tables, chairs and couches;
- Carpeted the area where the pools tables were located.

- ***Alcohol License Status***

Per California Department of Alcoholic Beverage Control (ABC), the establishment is currently operating with a type 47-alcohol license (on-sale general eating place) and utilizing the previous Alcohol license for Spikes Bar & Grill. Per ABC, the alcohol license for French Quarters is pending. According to Mr. Jenkins, the alcohol license for Spikes Bar & Grill will close when escrow closes on the property, which is contingent upon the approval of the Dance & Entertainment Permit. Per ABC, the primary owner of the pending alcohol license is "The French Quarter Bar & Grill LLC", doing business as "The French Quarter Bar & Grill". The Applicant is identified as the officer and member of the LLC.

DISCUSSION

- ***Dance and Entertainment Code Requirements***

BMC Chapter 5.36 regulates dance and entertainment permits (see *Attachment F*). If there is no basis for denial, the BMC requires the City Council to approve a permit (BMC § 5.36.090). Such permits may be appropriately conditioned.

ANALYSIS

- ***Proposed Dance and Entertainment Request***

The application includes a preference that the business choose the type, days, and hours of the entertainment for each day of the week. The Applicant is requesting entertainment 7-days/week, where entertainment on any one day could include one

Staff Report –16728 Bellflower Boulevard (Dance and Entertainment Permit Case No. EP 16-01)

May 23, 2016

Page 5 of 8

type of entertainment or all five types of entertainment (i.e. DJ, Dancing, Live Bands, Comedy) (*See attachment E*). The Public Safety Director would be provided with a planned weekly entertainment schedule at least one week before each event (**Condition No. 6 of Resolution No. 16-XX**). Note that the location of the entertainment areas is similar to what was approved in 2008, the comedy shows is a new component; all entertainment will be on the first floor only. Per the attached plans, the DJ area is in front of the sound room, dancing, karaoke is on the dance floor, and live bands, karaoke and comedy shows are located on the stage. The existing portable stage is 80-square feet. The dance floor is a 344-square foot, wood tiled area next to the stage. According to the applicant, the business will operate as a restaurant and not as a night club. To address the City's previous concerns related to entertainment operations, the application provides that 1) all DJ's will be booked by the business owner or business manager; and 2) outside promoters are not allowed to book events.

Entertainment Involving DJ: The DJ is proposed to play recorded music for patrons of the establishment from the designated area, as shown on the floor plan (*Attachment J*). The DJ will provide speakers, microphone, and laptop. The DJ's utilized are "resident" DJ's, personally trained by the applicant, and understand the concept of the business model.

Entertainment Involving Karaoke: Per the Applicant, patrons will be able to sing along to all genres of music. A hired karaoke jockey (KJ) will set up the equipment in the designated area and will host evening karaoke events. Equipment will include speakers, microphone, and monitor. All karaoke events will be booked by the Applicant/business owner or business manager.

Entertainment Involving Live Bands: Live bands will include one to several members and include zydeco bands, blues music, jazz bands, and oldies tribute.

Per the application submittal, there will either be no cover for events or a \$5 to \$20 cover charge for entertainment uses (**Condition No. 15 of Resolution No. 16-XX**). The Applicant is proposing to market entertainment to ages 30 years and up.

- ***Proposed Hours of Dance and Entertainment Permit by the Applicant***

Pursuant to BMC § 5.36.130, no entertainment shall be conducted between the hours of 2:00 a.m. and 6:00 a.m. of any day. The Applicant is proposing entertainment daily from 11:00 a.m. to 2:00 a.m. to be consistent with the operating hours of the existing CUP. The Applicant informed the City that it proposes entertainment activities earlier than the former business because entertainment could take place at lunch time or brunch on Sundays. On May 17, 2016, Staff spoke with the Applicant and he indicated that he would like to meet in the middle with Staff and is okay with ending the entertainment at 1:00 a.m. Should the Entertainment Permit get approved with either entertainment permitted with option 1: 11:00 a.m. to 1:00 a.m. or option 2: 11:00 a.m. to 2:00 a.m., then the Applicant plans on changing the restaurant business operation hours to match with the entertainment hours.

As a trial basis only, it is recommended that the entertainment hours be restricted from 11:00 a.m. to 12:00 a.m. for one year. The reason for restricting the hours is for the following: 1) the site has a history operating as a night club (former Spikes Bar & Grill); and 2) the Applicant has stated that it plans on operating the establishment similar to a restaurant called "Spaghetini" in Seal Beach. According to Spaghetini's website and staff, its operating hours are as follows:

Monday and Tuesday: 11 a.m. to 2 p.m., 5:30 p.m. to 9 p.m.

Wednesday to Fridays: 11 a.m. to 2 p.m., 5:30 p.m. to 10 p.m.

Saturdays: 5:30 p.m. to 10 p.m.

Sundays: 5:30 p.m. to 9 p.m.

In addition, Spaghettini's entertainment typically runs until 10:30 p.m. only. A condition of approval is included restricting the entertainment hours for French Quarters Creole Bar & Grill from 11 a.m. to 12:00 a.m. daily (**Condition No. 3 of Resolution No. 16-XX**).

The City Council could elect to support Staff's recommendation to restrict entertainment hours from 11:00 a.m. to 12:00 a.m. for one year with the option to increase the time after the year is up as long as the applicant has not violated any of the conditions of approval of the D & E permit. However, City Council could grant one of the Applicant's requests and restrict entertainment hours to either 11:00 a.m. to 1:00 a.m. or 11:00 a.m. to 2:00 a.m. on a permanent bases. To extend the time after the trial period, the applicant would need to submit a request to extend the time.

- ***Other Recommended Conditions of Approval***

The DRB recommended approval of the D & E permit request with the understanding the Applicant would comply with all the conditions outlined in the attached resolution (*Attachment A*). In an effort to ensure compliance with the City's requirements, the Applicant has made several changes to the attached floor plan to make the space compliant with City regulations and address outstanding issues from the previous business.

- ***Security Personnel and Security Plan***

The Applicant contracted with a private security company for security guards who are trained, licensed, and bonded. A copy of the most recent Security Plan is included as *Attachment E*. Several conditions are included to address security at the site and the security plan (**Condition Nos. 7, 25-28 of Resolution No. 16-XX**). The following are the proposed hours of operation with security: Sunday through Thursday, two (2) unarmed security guards will be available for 20-60 people, and on Fridays and Saturdays, seven (7) unarmed security guards will be available for 100 people.

In addition to increased security guards on Fridays and Saturdays, there are also several surveillance cameras installed inside the establishment. The DRB recommended a minimum of eight (8) security personnel to be provided for all entertainment events (2 in the front, 2 in the rear, and 4 inside). Per the attached description, the Applicant is requesting one (1) to seven (7) security guards depending on the day; however, the attached layout plan shows 8 security guards. To ensure that patrons are cleared out of the subject property, the parking lot area, adjacent properties, and adjacent right-of-ways, a condition is recommended requiring that security personnel be provided at all times when live entertainment is proposed, one hour prior and one hour after the entertainment hours. Additional security guards may be required per the Public Safety Director, or designee (**Condition Nos. 27 of Resolution No. 16-XX**).

- **Public Safety Comments**

Calls for service - According to the Public Safety Department, three calls for service were received since the Applicant opened the business on August 31, 2015. The calls include:

- 8/31/15: Complaint regarding a physical assault in front of the establishment formerly known as Spikes Bar & Grill. The incident occurred on a day the business was closed (a Monday).
- 9/1/15: Complaint regarding construction noise. Construction work was located at Flower Street and Bellflower Boulevard.

- **2015 City Council Meeting**

Following are the Applicant's responses to issues that were raised during previous City Council Meetings:

Neighborhood Concerns - In the past, surrounding neighbors complained to the City Council about noise and patrons being a nuisance from the former Spikes Bar & Grill when leaving the location when events were over. The Applicant and business manager are aware of this issue since one was a business trainee and the other an employee of Spikes Bar & Grill. The business manager and the Applicant understand the complaints and are prepared to address the noise issues by being present in the establishment at all times. They intend to coordinate and cooperate with the Public Safety Department and Los Angeles County Sheriff's Department to address the concerns immediately. In addition, the hired security guards will assist with addressing complaints.

Since the Applicant started operation, the Applicant and/or business manager frequently visited the surrounding businesses in order to have constant communication in case there are any concerns. No confirmed complaints have been received thus far. In addition, from 6/15 to 3/16, 12 Temporary Use Permit events have been issued to the new operators that included DJ and Dancing, ending at 2:00 a.m. No complaints have been received from the residents. As recommended by Staff, restricting the entertainment hours to end by 12:00 a.m. would further alleviate noise concerns. The Applicant agreed to stay in constant communication with the Director of Public Safety to discuss neighborhood concerns and weekly entertainment events.

Previous Floor Plan Change – The dance floor and stage areas in the building were corrected and now comply with what was previously approved. The portable stage area measures 80 square feet (10 feet in length by 8 feet in width) and the dance floor area measures 344 square feet (approximately 20 feet in length by 17 feet in width). The two pool tables were removed from the floor, the area carpeted, and additional eating area and couches have been added to address the concern about the dance floor area being expanded.

Previous Night Club Concerns – Another issue with the former establishment was the operation of the business as a night club. At the DRB meeting, the Applicant considered limiting the age limit to 21 and over, after 9 p.m. The DRB recommended that there be no age limit for the entertainment component as restricting it to 21 and over (after 9

Staff Report –16728 Bellflower Boulevard (Dance and Entertainment Permit Case No. EP 16-01)

May 23, 2016

Page 8 of 8

p.m.) will make the business look and operate more like a night club. The Applicant is open for suggestions to address this concern. After further review of the CUP conditions of approval staff discovered the age restriction is already in place, Condition No. 6 of Resolution No. PC 01-72 indicates that *no customer under 21 should be allowed in the establishment after 9:00 a.m. any day of the week.*

Another issue that was previously discussed was having different promoters hosting events at the venue. The Applicant will address this by booking their own events and hiring a marketing company to assist with marketing. Furthermore, to ensure the establishment is in compliance with ABC and is operating as a bona fide restaurant, not a night club, a condition of approval is recommended requiring food to be served all day. A condition of approval is recommended requiring the full menu be provided during all business hours (**Condition No. 15 of Resolution No. 16-XX**).

ATTACHMENTS

A. Resolution No. 16-XX.....	9
B. DRB Case No. 8-15-6340 Action Letter.....	18
C. Revocation of Entertainment Permit EP 08-02 (Staff Report, Resolution, and Minutes).....	39
D. CU 01-31 - Planning Commission Staff Report, Resolution, and Minutes.....	115
E. D&E Application, Business, Entertainment, Food Menu Security Plan and Security Contract.....	142
F. Bellflower Municipal Code Section 5.36.....	180
G. Los Angeles County Sheriff's Department Approvals.....	185
H. Aerial Photo	187
I. Existing Photos.....	188
J. Plans	203

CITY OF BELLFLOWER

RESOLUTION NO. 16-32

A RESOLUTION APPROVING DANCE AND ENTERTAINMENT PERMIT CASE NO. EP 16-01 TO ALLOW A DISC JOCKEY, DANCING, LIVE BANDS, COMEDY SHOWS, AND KARAOKE AT AN EXISTING RESTAURANT & BAR ON PROPERTY LOCATED AT 16728 BELLFLOWER BOULEVARD WITHIN AREA 1 OF THE TOWN CENTER (TC) DISTRICT; APPLICANT: ERNEST MCINTYRE (FRENCH QUARTER CREOLE BAR AND GRILL)

THE CITY COUNCIL RESOLVES AS FOLLOWS:

SECTION 1. The City Council finds and declares as follows:

- A. On August 31, 2015, Ernest McIntyre (the "Applicant"), filed an application seeking a Dance and Entertainment Permit to allow a disc jockey, dancing, live bands, comedy shows, and karaoke at an existing restaurant and bar named French Quarter Creole Bar & Grill;
- B. On January 16, 2016, the Development Review Board (DRB) conducted an advisory review of the pre-application regarding a Dance and Entertainment Permit and recommended approval of DRB Case No. DRB 8-15-6340 with conditions.
- C. Applicant's application was reviewed by the City for, in part, consistency with the General Plan and conformity with the Bellflower Municipal Code ("BMC");
- D. In addition, the City reviewed the project's environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA Guidelines");
- E. The City completed its review and scheduled a public hearing regarding the application before the City Council on May 23, 2016;
- F. On May 23, 2016, the City Council opened the public hearing to receive public testimony and other evidence regarding the application including, without limitation, information provided to the Council by Applicant; and
- G. The City Council considered the information provided by City staff, public testimony, and Applicant. This Resolution, and its findings, are made based upon the evidence presented to the City Council at its May 23, 2016, hearing including, without limitation, the staff report.

SECTION 2. The City Council finds as follows:

- A. As conditioned, the conduct of the establishment or the granting of the application would not be contrary to the public health, safety, morals, or welfare because the subject site is an existing restaurant and bar within Area 1 of the Town Center (TC) District that is consistent and compatible with the existing surrounding commercial uses.
- B. The establishment has not been or is not being operated in an illegal, unlawful, or disorderly manner. The Applicant indicated on his application he has never been convicted before the date of the application in any court of competent jurisdiction of any offense involving the presentation, exhibition, or performance of any lewd, indecent, or obscene show of any kind, any felony, or any crime involving moral turpitude or any offense involving the possession of lewd or obscene matter which would require the Permit not to be issued.
- C. Granting the permit, as conditioned, will not create a public nuisance because the entertainment will only take place within the subject premises.
- D. The normal operation of the premises will not interfere with the peace and quiet of any surrounding residential neighborhood because the subject property is within a commercial building adjacent to a secondary arterial and an alley, and conditions of approval have been incorporated to mitigate noise.
- E. There is adequate parking available for the premises for which the Permit is applied for as the site is located in Area 1 of the Town Center (TC) District where public parking is provided in the area and near the establishment.
- F. Increased policing is not required by the entertainment for which the Permit is requested pursuant to an investigation by the Los Angeles County Sheriff's Department and a private security company will be provided for the establishment.
- G. The quiet and peaceful enjoyment of the neighborhood will not be substantially interfered with by the creation of noise or traffic hazards. The proposed use of the premises is in compliance with the provisions of the BMC. The proposed premises are in compliance with the provisions of all applicable law.

SECTION 3. Environmental Assessment. Because of the facts identified in Section 2 of this Resolution, the proposed project is exempt from additional environmental review because it is categorically exempt under the CEQA Guidelines Section 15301.

SECTION 4. *Notice of Determination.* The City Manager, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 21152, 21167(f); CEQA Guidelines § 15094; and any other applicable law.

SECTION 5. *Approval.* Subject to the conditions listed on the attached Exhibit "A," which are incorporated into this Resolution by reference, the City Council approves the Dance and Entertainment Permit.

SECTION 6. This Resolution does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Resolution's effective date. Any such amended part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Resolution.

SECTION 7. If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Resolution are severable.

SECTION 8. To the extent that any other resolution pertaining to Dance and Entertainment Permit Case No. EP 16-01 is incorporated into this Resolution, it is superseded in its entirety.

SECTION 9. This Resolution will remain effective until superseded by a subsequent resolution.

SECTION 10. The City Clerk is directed to mail a copy of this Resolution to the Applicant and to any other person requesting a copy.

SECTION 11. The Mayor, or presiding officer, is hereby authorized to affix his signature to this Resolution signifying its adoption by the City Council of the City of Bellflower, and the City Clerk, or her duly appointed deputy, is directed to attest thereto.

SECTION 12. This Resolution is the City Council's final decision and will become effective immediately upon adoption. Any challenge brought to this resolution must be filed within 90 days pursuant to Code of Civil Procedure § 1094.6.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF BELLFLOWER THIS 23rd DAY OF MAY 2016.



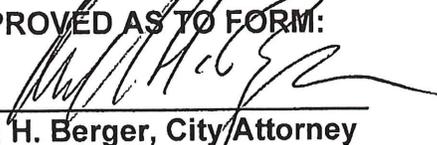
Dan Koops, Mayor

ATTEST:



Mayra Ochigui, City Clerk

APPROVED AS TO FORM:



Karl H. Berger, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)SS
CITY OF BELLFLOWER)

I, **Mayra Ochiqui**, City Clerk of the City of Bellflower, California, do hereby certify under penalty of perjury that the foregoing Resolution No. 16-32 was duly passed, approved, and adopted by the City Council of the City of Bellflower at its Regular Meeting of May 23, 2016, by the following vote to wit:

AYES: Council Members – Schnablegger, Dunton, Larsen, Santa Ines,
and Mayor Koops

Dated: May 31, 2016



Mayra Ochiqui, City Clerk
City of Bellflower, California

(SEAL)

Exhibit A

CONDITIONS OF APPROVAL

EP 16-01

In addition to all applicable provisions of the Bellflower Municipal Code ("BMC"), Ernest McIntyre ("Applicant") agrees to comply with the following provisions as conditions for the City of Bellflower's approval of Permit No. EP 16-01 ("Conditions").

1. The Applicant must obtain and maintain all licenses required by the Alcohol Beverage Control Act (Business & Professions Code §§ 23300, *et seq.*). The Applicant must obtain and maintain a Type 47 license as provided in a separately approved conditional use permit issued in accordance with the BMC.
2. The maximum occupancy of building is limited to 150 persons for the restaurant only. With entertainment activities, the maximum occupancy load is 135 persons for the entire facility. The building may be utilized for dining with live entertainment and dancing with amplified sound in accordance with these Conditions.
3. Hours for entertainment are restricted from 11:00 a.m. to 1:00 a.m., seven days a week for six months, starting from the date of approval. The Applicant may apply for a modification of these operational hours after the first six months of operations.
4. The business hours of operation for the restaurant and bar must comply with Resolution No. PC 01-72.
5. The business must comply with all conditions listed on DRB Case No. 8-15-6340 (excluding Condition No. 49 pertaining to "bottle service" and "drink specials"), unless otherwise modified herein.
6. Only the applicant can book and coordinate all events and entertainment for the business. Entertainment cannot be booked by, or subleased to, "outside promoters." "Outside Promoters" do not include an advertising agency that designs or places advertising for the business. The Applicant must ensure the Public Safety Director, or designee, is provided with a weekly entertainment plan, one week before the start of each event.
7. The Applicant may seek a Temporary Use Permit in accordance with the BMC for four events in a calendar year outside the scope of the restrictions in these Conditions (e.g., New Year's Eve Party). Under such circumstances, the Applicant must (in addition to any other requirement in the BMC) submit an event plan including, without limitation, security, time, and types of entertainment, to the Public Safety Director for written approval. The plan must be submitted at least 15 days before the planned temporary event. A security plan must be approved by the Public Safety Director as recommended by the Los Angeles County Sheriff's Department (see below for minimum requirements). The security plan may be altered by the Sheriffs License Unit as needed without approval by the License and Permit Hearing Board. Events involving "go-go dancers" (professional or amateur), wet t-shirt contests, or any other similar activities are prohibited.

8. The project must substantially conform to submitted plans date-stamped April 5, 2016, except as modified by these Conditions. Live entertainment is restricted to the designated entertainment areas on the interior of the restaurant per those plans. Future modifications that are not in substantial conformance, as determined by the Planning Director or designee (the "Director"), require modification of this approval subject to the provisions of the BMC. Among other things, the Applicant must provide a lower counter at the bar for handicap and show at least four handicap symbols. Additionally, the rear patio side door must be clear to open not less than six feet.
9. The "LIGHTING AND SOUND BOOTH" room cannot be occupied by a DJ or by any performers and may only be used to store and operate the lighting and sound equipment.
10. The second floor mezzanine and interior stairs leading to the storage area and mechanical space on the second floor mezzanine of the subject building cannot be open for public use.
11. A security gate must be maintained at the top of the mezzanine stairway to prohibit public access. The mezzanine is only permitted for open storage space (no walls or rooms allowed).
12. A minimum of eight 5-lb. type ABC fire extinguishers must be provided, maintained and located in the following areas at all times:
 - (a) 2 by front main entrance;
 - (b) 2 by main rear entrance;
 - (c) 2 behind bar area;
 - (d) 1 mounted by stage platform; and
 - (e) 1 located at bottom of mezzanine stair.
13. The Applicant must obtain the Director's approval, in accordance with the BMC, for all permanent and temporary signage plans. This includes, but not limited to any exterior window signage, wall signs, A-Frame signs, and banners.
14. The use of blinking lights, flashing lights, strobe lights, cannon lights, or any signs that advertise alcohol sales (e.g., promotional signage for brands of alcoholic beverages) which are visible from the exterior of the building is prohibited.
15. The Director must provide written approval of any changes or alterations in the proposed entertainment format content set forth in the Applicant's Entertainment Plan and Business Plan date-stamped April 5, 2016. In sum, the business may utilize live entertainment consisting of disc jockey ("DJ"), dancing, live bands, comedy shows, and karaoke. A full food menu must be provided during all business and entertainment hours. This menu must include regular dinner/lunch and late night menu lists. The menu must include the days and times of service. Unless otherwise provided, entertainment cover charges cannot be more than \$20.

City of Bellflower
Resolution No. 16-32 – Exhibit A
Page 3 of 6

16. The Applicant must sign and have notarized an affidavit of acknowledging acceptance of the conditions of approval and return it to the Director within 30 days of the effective date of this approval.
17. A copy of the Conditions of Approval for Permit No. EP 16-01 must be kept on the premises of the establishment and presented to any authorized City official upon request.
18. The exterior lighting of the parking area must be kept at an intensity of between one and two foot-candles so as to provide adequate lighting for patrons while not disturbing surrounding residential or commercial areas. Passageways and recesses related to and within all sides of the building must be illuminated with a maintained minimum of .25-.50 foot candles during hours of darkness. Lighting devices must be enclosed and protected by weather and vandal resistant covers.
19. Street and unit addressing must be a minimum of four to six inches high, of contrasting color to the background and illuminated during hours of darkness.
20. Applicant must comply with all applicable laws pertaining to entertainment; building and safety; and fire safety not otherwise addressed in this Permit.
21. This permit may be suspended or revoked if any person owning or managing the business is convicted, or found to have been convicted within seven years before this permit was approved, of any criminal offense involving the presentation, exhibition or performance of any lewd, indecent, or obscene show of any kind, or of a felony or of any crime involving moral turpitude, or of any offense involving the possession of lewd or obscene matter, when such conviction or convictions are of the kind or nature reasonably related to the operation of the proposed entertainment under the proposed permit and such conviction or convictions reasonably show a clear and present danger that the proposed use of the permit by the applicant will result in violations of the law.
22. Entertainment cannot be audible from the exterior of the premises. All doors must be kept closed during the hours when live entertainment is offered, except for ingress and egress. The rear door(s) must be kept closed at all times during the operation of the premises except in cases of emergency and to permit deliveries. Said door(s) cannot consist solely of a screen or ventilated security door.
23. The establishment must be maintained neat and clean at all times. The Applicant is responsible for maintaining the business and immediately adjacent properties free of litter and graffiti. The Applicant must remove any debris or graffiti within twenty -four hours upon notification by the City.
24. All violations of applicable law including, without limitation, these Permit conditions, must be reported to the Los Angeles County Sheriff's Department, Lakewood Station. Neither the Applicant, nor any of Applicant's employees or representatives, may perform "self-help" or other law enforcement activities.

City of Bellflower
Resolution No. 16-32 – Exhibit A
Page 4 of 6

25. The Applicant, its employees and representatives including, without limitation, private security retained by the Applicant, must fully cooperate with lawful directions of public officials including law enforcement. Applicant must grant free access to the business to public officials exercising their lawful duties.
26. Security personnel approved as part of the Applicant's security plan are responsible for monitoring safety and security of the interior and exterior of the building as well as the parking lot and surrounding area.
27. A minimum of two security personnel are required for all entertainment events. Security personnel must be provided at all times when live entertainment is proposed, one hour prior and one hour after the entertainment hours to ensure that patrons are cleared out of the subject property, parking lot area, adjacent properties, and adjacent right-of-ways. Additional security guards may be required per the approved security plan, at the direction of the Public Safety Director, or designee.
28. The Applicant must provide the Public Safety Director, or designee, and Los Angeles County Sheriff's Department a copy of its contract with a licensed private security company.
29. The waiting line for patrons must be located at the front door along Bellflower Boulevard and not off the alley. The rear entrance can only be used for loading and emergency purposes.
30. The business must have security video cameras operating during all hours that the business is open. All cameras must record onto a media device, such as a videotape, digital storage CPU, DVR or similar recording device. The recordings of the security video cameras must be maintained for a minimum period of 30 days, and the recordings must be made immediately available for any law enforcement officer who is making the request as a result of official law enforcement business. The video cameras must be located to cover the main areas that are accessible to the public, all areas of the cash register/cashier and all areas where cash is stored. If the Public Safety Director, or designee, determines that there is a necessity to have additional security cameras installed, the manager/owner of the business must comply with the request within 7 days. The Public Safety Director, or designee, can also require the position of the video cameras to be changed if it is determined that the position of the camera does not meet security needs. The manager/owner of the business must comply with the request within 7 days. The picture quality of the video cameras and recording devices installed on the complex must meet the approval of the Public Safety Director, or designee.
31. The security and video-taping plans are subject to review and revision by the Los Angeles County Sheriff's Department at any time. Video recordings must be stored for a minimum of a 10-day period.

32. The Applicant or occupant of the premises must maintain with the City a current register of the names and addresses of any and all persons having management and /or control of the business as approved by the Public Safety Director, or designee, and Los Angeles County Sheriff's Department.
33. The entire premises are subject to inspection by the Los Angeles County Sheriff's Department at any time. Any locked or otherwise secured rooms must be opened upon demand by authorized public officials including, without limitation, uniformed Sheriff's Deputies.
34. During business hours, all persons employed by the Applicant must possess a valid government identification such as a California driver's license. Employees must present such identification upon demand of any regulatory official.
35. A manager must be present on the premises during business hours. That person must be familiar with all applicable law regulating the business including, without limitation, this Permit. Such person must meet the following minimum qualifications:
 - (a) Be at least twenty-one (21) years of age;
 - (b) Be able to communicate effectively; and
 - (c) Have the ability to immediately contact the owner.
36. If complaints are received regarding excessive noise, lighting, building access, or other disturbances associated with alcohol service at the restaurant, the City may, in its discretion, take action to review the Conditional Use Permit, including without limitation, adding conditions or revoking the permit.
37. Three or more violations of applicable law including, without limitation, these conditions within a one-year period (as calculated starting on the Entertainment Permit approval date and every anniversary date thereafter) may result in the City commencing revocation of this Permit.
38. The business must be equipped with an alarm system that covers break-ins and robberies. The alarm must be monitored by an alarm monitoring company who will notify the Los Angeles County Sheriff's Department of any break-ins or robberies. Employees must have access to a hidden button that will trigger a silent alarm, notifying the alarm monitoring company that a robbery is taking place.
39. The Director will monitor this Permit and report to the City Council every 6 months as to the Applicant's performance. The City Council may, upon minute order, extend this reporting period at its sole discretion.

40. The applicant agrees to indemnify and hold the City harmless from and against any claim, action, damages, costs (including, without limitation, attorney's fees), injuries, or liability, arising from the City's approval of this permit. Should the City be named in any suit, or should any claim be brought against it by suit or otherwise, whether the same be groundless or not, arising out of the City approval of this Permit, the applicant agrees to defend the City (at the City's request and with counsel satisfactory to the City) and will indemnify the City for any judgment rendered against it or any sums paid out in settlement or otherwise. For purposes of this section "the City" includes the City of Bellflower's elected officials, appointed officials, officers, and employees.

By signing this document, Applicant certifies that it has read, understood, and agrees to the Project Conditions listed in this document.

**Ernest McIntyre
Applicant**

11-A Consideration and possible action to conduct a public hearing to adopt Ordinance No. 1312 - Continued

City Attorney Berger 1) stated that Item 14-E on the Consent Calendar (Ordinance No. 1314 – An Ordinance amending Bellflower Municipal Code [“BMC”] §§ 10.12.020 [Regulating Towing Within City Parking Lots] and 10.12.090 [Regulating Roads Servicing Commercial Establishments]) is a companion item to Item 11-A, as Ordinance No. 1314 makes changes to Ordinance No. 1312 introduced on May 9, 2016; and 2) indicated that, if adopted, both ordinances would become effective on the same date.

There was no one in the audience wishing to present public testimony.

It was moved by Council Member Larsen, seconded by Council Member Dunton, and carried without objection, to close the public hearing.

It was moved Council Member Dunton, seconded by Mayor Pro Tem Schnablegger, and unanimously carried by the following roll call vote, to read by title only, waive further reading, and adopt Ordinance No. 1312:

AYES: Council Members - Schnablegger, Dunton, Larsen, Santa Ines, and Mayor Koops

11-B Consideration and possible action to conduct a public hearing to adopt Resolution No. 16-32 - A Resolution approving Dance and Entertainment Permit Case No. EP 16-01 to allow a disc jockey, dancing, live bands, comedy shows, and karaoke at an existing restaurant & bar on property located at 16728 Bellflower Boulevard within Area 1 of the Town Center (TC) District; Applicant: Ernest McIntyre (French Quarter Creole Bar & Grill). [CITY]

CEQA: Pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000, et seq.) and CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000, et seq.), the City conducted an environmental assessment. Based on the environmental assessment, the project was determined to be categorically exempt from additional environmental review pursuant to CEQA Guidelines Section 15301, Class 1. Further, the adoption of this resolution is also exempt from review under CEQA pursuant to CEQA Guidelines § 15301, Class 1 because the resolution is for the establishment of a permit for live entertainment at an existing restaurant and bar. The permit establishes conditions that may affect the interior and exterior of the building only. The resolution will not adversely impact the environment and is therefore exempt from the provisions of CEQA.

Planning Manager Genilo-Concepcion 1) provided a PowerPoint presentation of the Staff Report; and 2) for the record, stated that the Applicant submitted additional materials to the City Council, including the new menu, photos from the restaurant's website, and advertising flyers. Planning Manager Genilo-Concepcion and City Manager Stewart responded to Council Members' questions.

11-B Consideration and possible action to conduct a public hearing to adopt Resolution No. 16-32 - Continued

Following discussion, it was moved by Council Member Santa Ines, seconded by Council Member Dunton, and carried without objection, to open the public hearing.

Marcus Jenkins, Applicant / General Manager, Ernest McIntyre, Applicant / Owner, and Steve Melnick, Consultant, French Quarter Creole Bar & Grill,

1) provided an overview of the restaurant, including details relative to a) twelve (12) temporary use permits (TUPs) that have been obtained since 2015 for separate events without incident; b) monthly meetings established with Belmont Court business managers and residents to address concerns; c) weekly regulation compliance reports being provided to Director of Public Safety Hockman; and d) the current and proposed security plan; and 2) responded to Council Members' questions.

The following individuals spoke in favor of adopting Resolution No. 16-32:

- John Paul Drayer, Bellflower resident
- Amos Young, restaurant patron, Pomona resident
- Neal Holmes, restaurant patron, Bellflower resident (Belmont Court)
- Mark Kutler, restaurant patron, Buena Park resident
- Ron Green, restaurant patron, Compton resident
- Peter Hirezi, restaurant patron, Bellflower resident
- Kerry McIntyre, restaurant patron, Rossmoor resident

There being no one else in the audience wishing to present public testimony, it was moved by Council Member Larsen, seconded by Mayor Pro Tem Schnablegger, and carried without objection, to close the public hearing.

Discussion ensued amongst the Council Members, City Manager Stewart, Public Safety Director Hockman, and the Applicants regarding Item No. 3 and Item No. 27 of the Conditions of Approval. It was the consensus of the City Council to amend Items No. 3 and 27 of the Conditions of Approval as follows:

3. "Hours for entertainment are restricted from 11:00 a.m. to **1:00 a.m.**, seven days a week for six months, starting from the date of approval. The Applicant may apply for a modification of these operational hours after the first six months of operations."
27. "A **minimum of two** security personnel are required for all entertainment events. Security personnel must be provided at all times when live entertainment is proposed, one hour prior and one hour after the entertainment hours to ensure that patrons are cleared out of the subject property, parking lot area, adjacent properties, and adjacent right-of-ways. Additional security guards may be required per the approved security plan, at the direction of the Public Safety Director, or designee."

11-B Consideration and possible action to conduct a public hearing to adopt Resolution No. 16-32 - Continued

Mayor Koops requested and received clarification from City Attorney Berger regarding alcoholic beverages controlled and regulated by the ABC (Alcohol Beverage Control) relative to the exclusion of "drink specials" in the Conditions of Approval.

Following discussion, it was moved Council Member Larsen, seconded by Council Member Dunton, and unanimously carried by the following roll call vote, to 1) amend Conditions of Approval Nos. 3 and 27 as noted above; and 2) adopt Resolution No. 16-32, as amended:

AYES: Council Members - Schnablegger, Dunton, Larsen, Santa Ines, and Mayor Koops

12 ORDINANCES AND RESOLUTIONS FOR CONSIDERATION

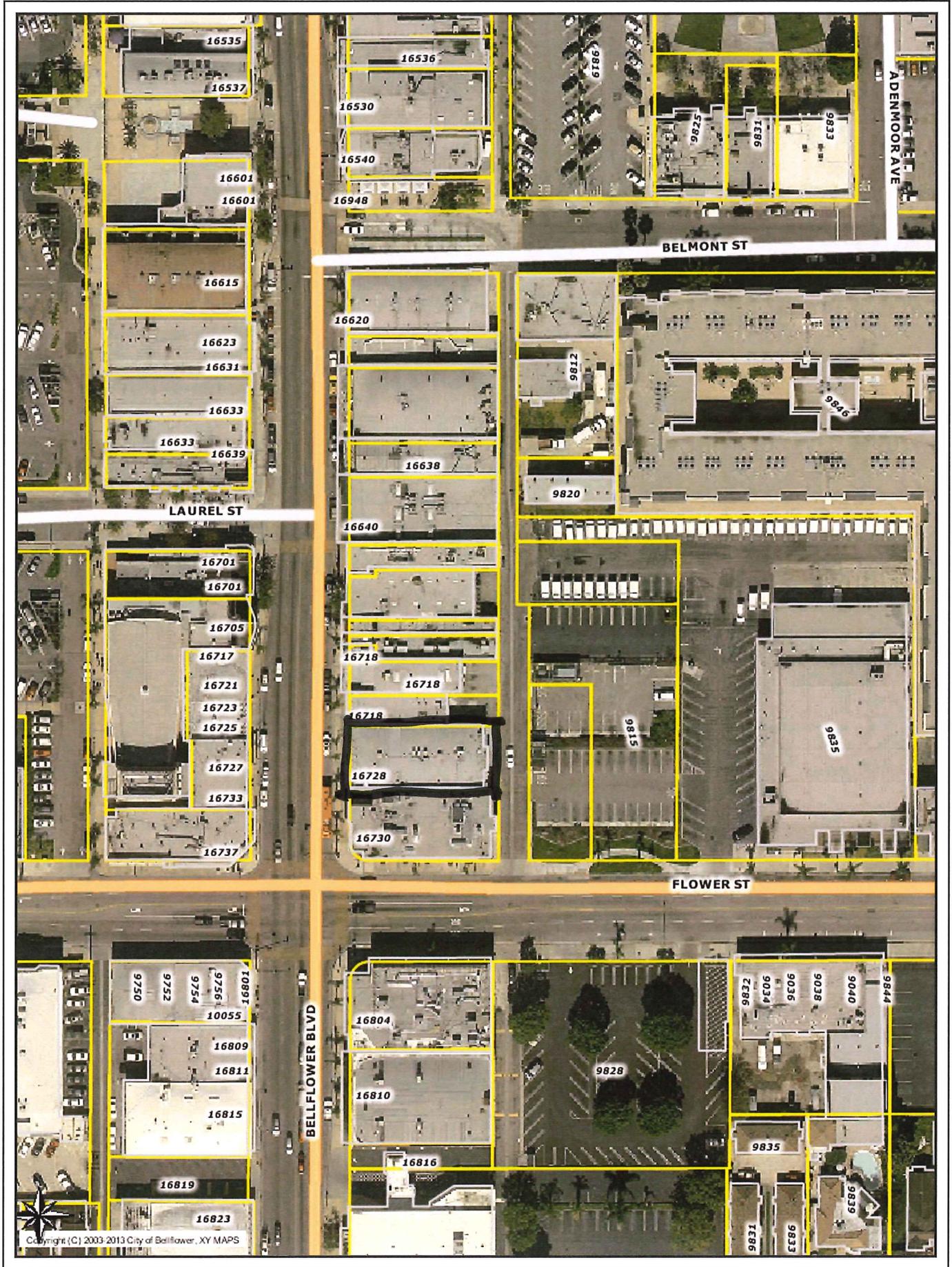
None

13-A Consideration and possible action to adopt Resolution No. 16-33 - A, Resolution adopting the Bellflower-Paramount Bike and Trail Master Plan. [CITY]

CEQA: Adopting this Resolution would not result in a potential for resulting in a direct or reasonably indirect physical change in the environment and, accordingly, does not qualify as a "project" under the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000, et seq.; "CEQA") or CEQA regulations (Cal. Code Regs. tit. 14, §§ 15000, et seq.; see Cal. Code Regs. tit. 14, §§ 15061(b)(3), 15378). Even if the Resolution were to qualify as a project, it would be categorically exempt as a Class 1 or Class 5 project since, at best, it would constitute a minor alteration of existing public structures involving no expansion of use; or a minor alteration in land use limitations (see Cal. Code Regs. tit. 14, §§ 15301, 15305). If the City Council approves the Master Plan and, at some future date, decides to implement its recommendations, the City will conduct additional environmental review.

Assistant Planner Friedman provided a brief overview of the Staff Report. Consultant Seinen provided a PowerPoint presentation relative to the Bellflower-Paramount Bike and Trail Master Plan. Assistant Planner Friedman, Consultant Seinen, City Manager Stewart, Director of Planning Bashmakian, and Director of Parks and Recreation Mellana responded to Council Members' questions.

Following discussion regarding limited implementation options due to lack of funding, it was the consensus of the City Council to table the matter and bring it back for further discussion on a future date to be determined.



ADENMOOR AVE

BELMONT ST

LAUREL ST

FLOWER ST

BELFLOWER BLVD

16535
16537

16601
16601

16615

16623

16631

16633

16633
16639

16701
16701

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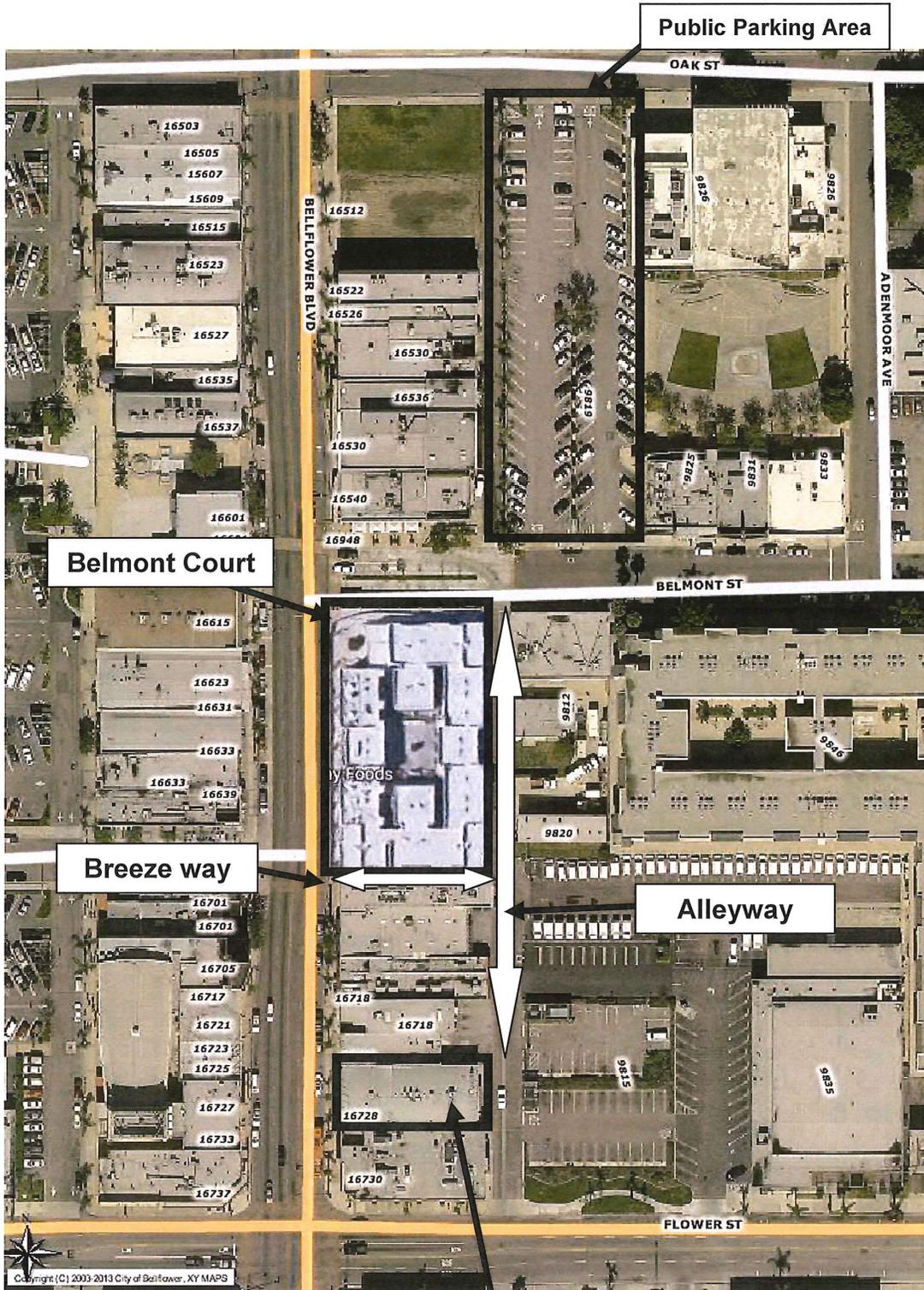
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Public Parking Area

Belmont Court

Breeze way

Alleyway

French Quarters
16728 Bellflower Blvd.

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DATE	DESCRIPTION	BY

THE FRENCH QUARTER

16728 BELFLOWER BLVD.
BELFLOWER CA. 90706

THE ASSOCIATES
ARCHITECTS INC.
Engineering Consulting Services
16728 Bellowers Blvd.
Bellaire, CA 90706
Tel: (415) 552-2100
www.theassociates.com

OWNER: MR. & MRS. J. BELFLOWER
16728 BELFLOWER BLVD.
BELFLOWER CA 90706



PROJECT TITLE
THE FRENCH QUARTER

SHEET TITLE
EXISTING & PROPOSED FLOOR PLAN

JOB NO.	15-0915
DATE	02/20/16
SHEET NO.	A-2.3B

OCCUPANCY ANALYSIS

OCCUPANCY = 166 for restaurant, 135 for restaurant with entertainment.
 DOORS REQUIRED = 2; DOORS PROVIDED = 2
 OCCUPANCY OVER 50, LESS THAN 500.
 DOOR CLEARANCE: 48" - 2" MIN. REQUIREMENT.
 PAIR OF 30" DOORS PROVIDED AT EACH EXIT.
 TOTAL OF 14" PROVIDED. MEETS REQUIREMENT.
 AIS E WIDTH = 44" MIN. REQUIRED. OBS. 158.6
 ADA 8.4.4.1 - 44" PROVIDED
 DOOR SEPARATION - REQUIRED = 5F.
 11F PROVIDED. COMPLIES
 DIAGONAL DISTANCE = 11F
 12 x 11F = 5F. NO SPRINKLERS

LEGAL NOTES

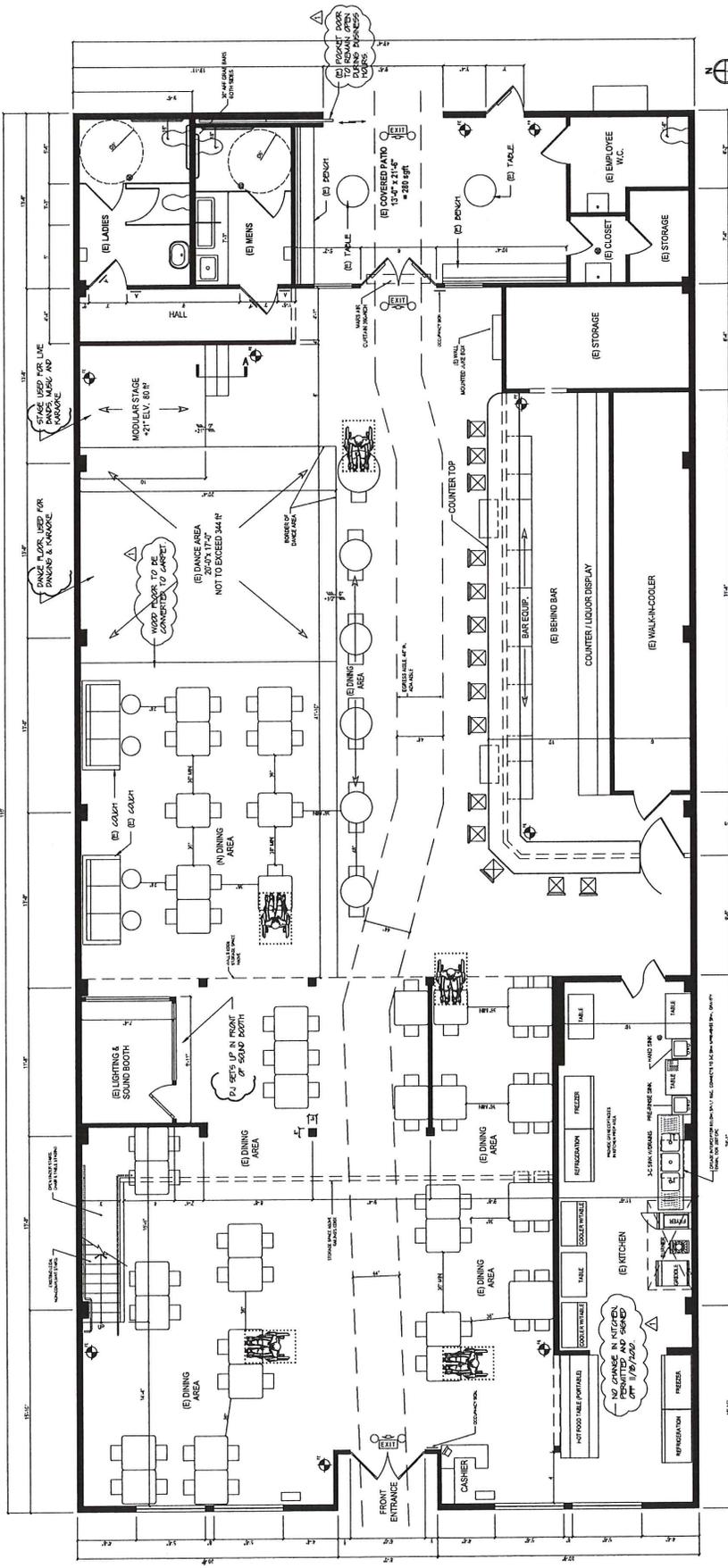
BUILDING AUTHORITY: California Building Authority
 Building Code 2014, Los Angeles County Fire Code 2013.
BUILDING CODE: N 148 E of S of Lot 11 & 12
LEGAL DESCRIPTION: N 148 E of S of Lot 11 & 12 Blk 25
ASSASSOR ID NUMBER: 71092013-013
LOT AREA: 6,171 sq ft
TRACT: Tract No. 3557
LOT SHAPE: Rectangular
ZONING: Town Center (TC) District, Area 1
SPRINKLERS: None
BUILDING AREA: 5,788 sq ft

PROJECT NOTES

EXISTING RESTAURANT BAR, NO CHANGE OF USE.
 FOOTPRINT OR SQUARE FOOTAGE, APPLYING TO REVISIONS AND ENTER WHEN PERMITTED TO DISPOSE OF THE BAR UNDER THE CURRENT REQUIREMENT. SEE SHEET A-1.6

SEATING
123 SEATS PROVIDED INCLUDING 6 ADA SEATS.

KEY SYMBOLS
FIRE EXTINGUISHERS



EXISTING & PROPOSED FLOOR PLAN
1/4" = 1'-0"

SEE SHEET A-2.2 FOR UPSTAIRS/MEZZANINE AREA

