

RESOLUTION NO. 2009-07**A RESOLUTION OF THE CITY OF CLAREMONT APPROVING AN ENTERTAINMENT PERMIT (FILE #08-E02) FOR WALTER'S RESTAURANT LOCATED AT 310 YALE AVENUE. APPLICANT - NANGYALAI GHAFARSHAD**

WHEREAS, on July 31, 2008, Nangyalai Ghafarshad, owner of Walter's Restaurant at 310 Yale Avenue, submitted an application for an Entertainment Permit; and

WHEREAS, the above mentioned property is zoned Claremont Village (CV) with a General Plan designation of Claremont Village; and

WHEREAS, the City Council held a hearing on January 13, 2009, to consider the proposal; and

WHEREAS, the approval of this Entertainment Permit exempts Walter's Restaurant from the noise standards set forth in Chapter 16.154 pursuant to Section 16.154.020(F)(2) of Claremont's Municipal Code; and

WHEREAS, Claremont Municipal Code Section 5.45.010(B) and Section 5.45.060(A) gives the Community Development Director or his authorizes representatives authority to act on Entertainment Permits.

WHEREAS, the Community Development Director authorizes City Council to act as a representative to take action on this Entertainment Permit.

NOW, THEREFORE, the City Council of the City of Claremont, County of Los Angeles, State of California, does hereby resolve:

Section 1. The City has determined that this proposal is exempt from the California Environmental Quality Act (CEQA) in accordance with Section 3.03(b)(17) of Claremont's Local Guidelines for Implementing CEQA and is categorically exempt pursuant to CEQA guidelines Section 15301(e)(1) (Class 1) (additions to existing structures not resulting in an increase of more than 50 percent of the floor area); therefore, no further environmental review is necessary.

Section 2. In accordance with Section 5.45 of the Claremont Municipal Code, the City Council makes the following findings in regard to the Entertainment Permit for the above-described project:

1. Walter's Restaurant maintains a working relationship with the City in regard to local ordinances and codes, and is in compliance with all applicable state and federal laws, ordinances, and codes. In addition, the applicant did not make false statements in the application for the subject Entertainment Permit.
2. The City supports the economic viability of all businesses. The City's willingness to work with businesses to ensure their continued success, yet meet the local rules and regulations of the City, effectively increases their chance for survival. This is further identified as General Plan Policy 3-1.2, which states:

"Support existing businesses in the City, and work to retain the small, independent business character of the City".

3. The specific occasions proposed include, but are not limited to, wedding receptions, graduation parties, private company parties, etc. The events would not have an adverse effect on adjacent property or other uses in the vicinity of the premises at which the events are to be located. In addition, the events will not result in inadequate and/or spill over parking into adjacent commercial/residential neighborhoods, hours of operation incompatible with adjacent uses, significant new traffic in adjacent neighborhoods, or an increase in criminal activity.
4. The Claremont Village (CV) zoning district is assigned Noise Zone 2, which limits the exterior noise levels to 60 decibels from 10:00 p.m. to 7:00 a.m., and 65 decibels from 7:00 a.m. to 10:00 p.m. seven days a week. Although Walter's Restaurant is not required to meet the noise standards of Chapter 16.154 with the approval of an Entertainment Permit (Section 16.154.020.F.2), the business owner will work with the City to ensure the entertainment proposed does not exceed 75 decibels as measures from the adjacent property line. In addition, the business owner will be allowed up to 25 special occasions annually, which is approximately 2 events per month.
5. The existing hours of operation for the restaurant are 7:00 a.m. to 9:00 p.m., Sunday – Thursday and 8:00 a.m. to 10:00 p.m. Fridays and Saturdays. The special events would extend the hours of operation to 10:00 p.m. Sunday–Thursday (one hour increase) and 11:00 p.m. Fridays and Saturdays (one hour increase).
6. Although an Entertainment Permit was denied in 2006 for this restaurant, the type of entertainment proposed at that time was significantly different from what is being proposed by this specific application. The entertainment permit proposed previously was denied based on the nature of the entertainment, which was similar in nature to a dance club accompanied by loud music. In addition, the hours of operation were proposed to conclude at 1:00 a.m., which was determined to be incompatible with the adjoining neighbors (residential uses) directly to the east of the restaurant (east of the public alley).
7. The Police Department indicates no opposition to the issuance of the Entertainment Permit, provided the operators of the restaurant comply with all legal requirements and observes all conditions of approval. To date, the owner of Walter's Restaurant has not been cited for selling alcoholic beverages to minors. The City of Claremont has the authority to revoke the subject Entertainment Permit if it is discovered that the operators of the establishment are violating any conditions of this approval and/or there is an extra ordinary result in increased demand of police services.

Section 3. The City Council hereby approves Entertainment Permit #08-E02 pursuant to Section 5.45.060 and based on the findings outlined in Sections 1 and 2 above, subject to the following conditions of approval:

1. This approval is for the establishment of the entertainment uses generally described as special occasions with music including, but not limited to, weddings, wedding receptions, graduations parties, etc., located within designated areas at 310 Yale Avenue (Walter's Restaurant). This approval shall only be for the activities

described and contained within the building and patio area located at the above-mentioned address.

2. The hours for the entertainment shall not exceed 11:00 p.m. on Fridays and Saturdays, and 10:00 p.m. Sunday–Thursday. No more than 25 special events with music shall occur on the premises annually. To ensure compliance, Walter's Restaurant shall present the City with written confirmation for each special occasion accompanied by the date, hours and type of event.
3. This Entertainment Permit is valid until January 13, 2010. Subsequent Entertainment Permits will be for one year and may be renewed annually thereafter by the City Council. The City Council may modify or impose additional conditions to ensure the harmonious use of the business with adjacent businesses/residences and may include shorter hours/earlier closing times. Applications for renewal shall be filed with the Community Development Department no later than 30 calendar days prior to the permit expiration date and shall be accompanied by the applicable fee.
4. Forty-eight (48) hours prior to the commencement of each special occasion, Walter's Restaurant shall send notice to adjacent neighbors and to the Police Chief.
5. The areas of entertainment shall be limited to three specific areas within Walter's Restaurant as illustrated in Exhibit 1 to this resolution.
6. The amplified music in the outdoor seating area provided in conjunction with special events shall be limited to a maximum of two speakers and shall not exceed a noise level of 75 decibels as measured from the adjacent property line. The speakers shall be directed away from the residential uses to the east, and placed at heights no taller than the six-foot high wall located along the east side of the subject property. The speaker placement and specification shall be shown on a plan subject to staff approval. In addition, staff may monitor noise levels at any time to determine reasonable compliance.
7. Entertainment shall comply with the Claremont Municipal Code (CMC), and all applicable laws, ordinances, and codes.
8. The applicant and successors shall operate the subject premises in a safe and orderly manner at all times, including compliance with curfew and daytime loitering regulations pursuant to the provision of Section 9.80 of the CMC. Continued/repeated violations of any municipal, Health Code, or other violations, as determined by the City of Claremont, Los Angeles County Health Services Department, Department of Alcoholic Beverage Control (ABC), or Los Angeles County Fire Department, may be grounds for initiation of proceedings for the revocation of this entertainment permit.
9. The maximum number of patrons and staff allowed in the establishment shall not exceed the maximum occupancy for the site as set by the Building Official.
10. Management or employees of the business to which they are connected must continuously supervise all entertainment performances. If at any time in the future the

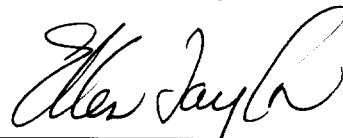
City believes that security is needed, the applicant is required to submit a security plan to the Director of Community Development for review/approval.

11. All entrances and emergency exits shall be kept clear.
12. No signs are approved in connection with this permit.
13. Violations of any of the above conditions shall be cause for revocation of this permit.
14. Noncompliance with any condition of approval shall constitute a violation of the Claremont Municipal Code. Violations may be enforced in accordance with the provisions of the administrative fines program of Chapter 1.14 of the Municipal Code.
15. The applicant/owner, by utilizing the benefits of this approval, shall thereby agree to defend at its sole expense any action against the City, its agents, officers, and employees because of the issues of such approval. In addition, the applicant/owner shall reimburse the City et al for any court costs and attorney fees that the City et al may be required to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant/owner of its obligation hereunder.

Section 4. The Council encourages the applicant to identify, secure necessary city approvals and install noise-attenuating measures to minimize the spill over noise from special events scheduled for the patio area.

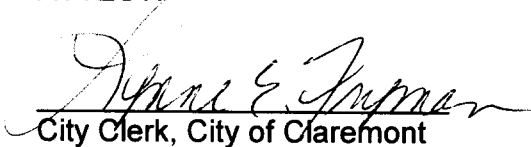
Section 5. The Mayor shall sign and the City Clerk shall attest to the passage of this resolution.

PASSED, APPROVED, AND ADOPTED this 13th day of January, 2009.



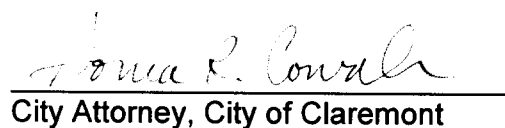
Mayor, City of Claremont

ATTEST:



City Clerk, City of Claremont

APPROVED AS TO FORM:



City Attorney, City of Claremont

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss.
CITY OF CLAREMONT)

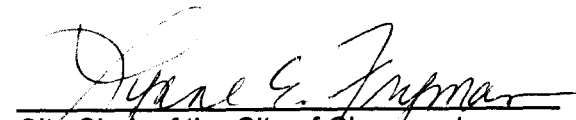
I, Lynne E. Fryman, City Clerk of the City of Claremont, County of Los Angeles, State of California, hereby certify that the foregoing Resolution No. 2009-07 was regularly adopted by the City Council of said City of Claremont at a regular meeting of said council held on the 13th day of January, 2009, by the following vote:

AYES: Councilmembers: Pedroza, Yao, Elderkin, Calaycay, Mayor Taylor

NOES: Councilmembers: None

ABSTENSIONS: Councilmembers: None

ABSENT: Councilmembers: None



City Clerk of the City of Claremont