

LOS ANGELES POLICE COMMISSION

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POLICE ADMINISTRATION BUILDING
100 WEST FIRST STREET, SUITE 134
LOS ANGELES, CA 90012-4112

(213) 236-1400 PHONE
(213) 236-1410 FAX
(213) 236-1440 TDD

October 15, 2015

Mr. Jack Assadourian
Ha Ha Café, Inc.
DBA: Ha Ha Café, Inc.
4712 Lankershim Boulevard
North Hollywood, California 91602

PPRP #15-0070

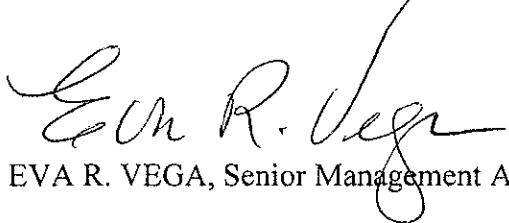
RE: Café Entertainment/Show Permit for Ha Ha Café, Inc., DBA: Ha Ha Café, Inc.,
4712 Lankershim Boulevard, North Hollywood, CA 91602, Permit No. 000264760400014P519.

The Police Permit Review Panel will consider the Commission Investigation Division's recommendation to approve your application for a Café Entertainment/Show Police Permit on:

Wednesday, October 21, 2015, at 2:30 p.m.
Police Commission Board Room
100 West 1st Street, Los Angeles, CA 90012

If you have questions regarding this notice or need further information, please call (213) 236-1400.

Very truly yours,
POLICE PERMIT REVIEW PANEL


EVA R. VEGA, Senior Management Analyst II

c: Commanding Officer, Commission Investigation Division

INTRADEPARTMENTAL CORRESPONDENCE

October 14, 2015
1.0

TO: The Honorable Police Permit Review Panel


FROM: Commanding Officer, Commission Investigation Division

SUBJECT: REVIEW AND CONSIDERATION OF THE GRANTING OF A POLICE COMMISSION PERMIT
PERMIT TYPE: Cafe Entertainment/Show
APPLICANT: HA HA CAFE INC HA HA CAFE INC
LOCATION: 4712 LANKERSHIM BLVD NORTH HOLLYWOOD, CA 91602-1804
PERMIT NO.: 000264760400014P519

The permit application and various supporting documentation for the above-mentioned applicant were reviewed by staff of the Commission Investigation Division. The investigation performed as part of the application process revealed that:

- The application conforms to the written application requirements for police permits outlined in Los Angeles Municipal Code section 103.02.1.
- The Police Permit Review Panel may issue this permit pursuant to Los Angeles Municipal Code section 103.102, which regulates the Cafe Entertainment/Show permit.
- No criminal history for the Applicant that should prohibit granting of the permit existed in the California Department of Justice records at the time of investigation.
- No adverse Police Commission permit or disciplinary history was found.
- The Department of Building and Safety has deemed that the business is a permitted use at the location.
- Notice of Application was sent to the appropriate Council District Office and Neighborhood Council. No objections received
- Notice of Application was sent to the appropriate geographic police division. No objections received
- Public input: None

It is recommended that the Panel approve the Applicant's permit application.



CHRIS WATERS, Lieutenant II
Commanding Officer
Commission Investigation Division

Attachments

Form

Los Angeles Police Commission—Police Permits

Zoning and Use Clearance for Police Permit

The Police Department cannot issue a permit for business activity which is not allowed at a location. This form must be signed off at an office of the Department of Building and Safety.

Instructions:

1. Enter type of police permit (1).
2. Enter address (2).
3. Go to one of the following Building and Safety offices to have this form signed off.
 - DOWNTOWN: 201 N. Figueroa St. (First floor) 90012
 - *SAN PEDRO: 638 S. Beacon St. (Room 276) 90731
 - VAN NUYS: 6262 Van Nuys Bl. (Room 251) 91401
4. Make sure that Building and Safety staff:
 - SIGNS the form.
 - DATES the form for the date it is signed off.
 - STAMPS the form.

Counter Hours:
 Mon., Tues., Thur., Fri. 7:30—4:30
 Wed. 9:00—4:30

*San Pedro office is closed between Noon and 1pm

This form is not complete until all required signatures are obtained (on this form), all questions are answered, and documents on required document list submitted.

(1) Type of Police Permit	CAFC ENTERTAINMENT 519	LADBS Use	ABC
(2) Address of Business	4712, 4714, 4720 N Lankershim Blvd.		
Between	Blix St.	And	Kling St
Legal Description			
Lot	3	Blk	None
Tract	7623	Dist. Map No.	168B173

Zone C2-1VL Business Shown Is A Permitted Use by the
 Business Shown Is Occupancy Record** Is Not

Subject to Conditions Is Not A Permitted Use.
 Comment: Not approved for adult entertainment
 Signature: [Signature] 3-6-15
 Print Name: Jose Rodriguez
 Phone Number: (818) 374-4334
 Signature: [Signature]
 Print Name: Daniel Stalucke, CPA, PCP

[Q] Conditions: N/A DEPT. OF BUILDING AND SAFETY
 CITY OF LOS ANGELES
 6262 VAN NUYS BLVD. 2ND FLOOR
 VAN NUYS, CA 91401-2794

**APPLICANT NOTE—There may be additional Building and Safety and/or Zoning requirements applicable to the business.
 Conditional Use Permit Required Yes No CUP Issued ZA No. DIR 2011-1402 (RV) (PA2)

Had use been vacated greater than one year? Yes No
 Remarks: (Incidental Use, Auxiliary Use)

NOT APPROVED FOR ADULT ENTERTAINMENT.

LYNN K. WYATT
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

R. NICOLAS BROWN
SUE CHANG
LOURDES GREEN
CHARLES J. RAUSCH, JR.
JIM TOKUNAGA
FERNANDO TOVAR
DAVID S. WEINTRAUB
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES
CALIFORNIA



ERIC GARCETTI
MAYOR

DEPARTMENT OF
CITY PLANNING

MICHAEL J. LOGRANDE
DIRECTOR

OFFICE OF
ZONING ADMINISTRATION

200 N. SPRING STREET, 7TH FLOOR
LOS ANGELES, CA 90012

(213) 978-1318
FAX: (213) 978-1334

www.planning.lacity.org

January 13, 2015

Jack Assadourian (A)(O)(Op)
4712-4720 Lankershim Boulevard
North Hollywood, CA 91602

DBA HaHa Café
4712 Lankershim Boulevard
North Hollywood, CA 91602

CASE NO. DIR 2011-1402(RV)(PA2)
REVIEW OF CONDITIONS
4712, 4714, 4720 North Lankershim Boulevard
North Hollywood-Valley Village
Planning Area
Zone : C2-1VL
D. M. : 168B173
C. D. : 2
CEQA : ENV 2014-1402-CE
Legal Description: Lot 3 and FR Lot 17
of Tract 7623

Pursuant to the provisions of Sections 12.27.1 of the Los Angeles Municipal Code and Condition No. 9 of Case No. DIR 2011-1402(RV)(PA1), I hereby DETERMINE:

substantial compliance with corrective conditions was found and continued imposition of conditions is necessary in order to mitigate land use impacts caused by use of the premise,

I hereby Modify, Delete, and Retain conditions as described below:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.



5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator, the Fire Department, and the Department of Building and Safety for purposes of having a building permit issued.
6. Within 30 days of the effective date of this action or mutually agreed upon time, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file. (*Standard Condition*)
7. Pursuant to Los Angeles Municipal Code Section 12.27.1-C,2, the Director of Planning has imposed a condition directing the payment of a fee set forth in Section 19.01-P of the Los Angeles Municipal Code to cover the City's costs in processing this matter. If the decision is not appealed, then the amount shall be paid in full to the City of Los Angeles with confirmation of the payment being provided to the Director of within 30 days of the decision date. If an appeal is filed and the decision of the Director is upheld on appeal, then the fee shall be paid in full with confirmation made to the Director within 30 days of the effective date of the decision. If the Council reverses in total the decision of the Director, then no payment of fees other than the appeal fee specified in 19.01-P shall be required. (*Standard Condition*)
8. Authorization/Limitation
 - a. **[MODIFIED]** The hours of operation shall be limited to ~~10 a.m. to midnight Sunday through Thursday and 10 a.m. to 2 a.m. Friday and Saturday~~ Monday through Sunday. Last call for drinks shall be made 30 minutes prior to closing.
 - b. The alley adjacent to the premises to the east and any other public property shall not be used without proper approval from the Bureau of Engineering. Within 30 days of the decision date, the property owner/operator shall submit to the Office of Zoning Administration proof of compliance with this condition.
 - c. Within 30 days of the decision date, the property owner/operator shall submit proof to the Office of Zoning Administration proof of applying for any necessary permits from the Los Angeles Police Commission, if required. The revocation of or failure to renew any permits by the Los Angeles Police Commission may be grounds for initiating immediate Revocation by the Office of Zoning Administration.

- d. Within 30 days of the decision date or mutually agreed upon date, the property owner/operator shall submit to the Office of Zoning Administration any necessary permit obtained from the State Department of Alcoholic Beverage Control.
- e. Within 30 days of the decision date or mutually agreed upon date, the property owner/operator shall submit to the Office of Zoning Administration plans showing the interior and exterior of the premises including size, dimensions, and use.

9. **[MODIFIED]** A Plan Approval application shall be filed within 9 48 months from the effective date of this determination or within six (6) months after the subject premise is occupied by a tenant, whichever comes first.

If the subject premise is vacant and not occupied by a tenant when the Plan Approval application is required, the property owner shall submit evidence to the Zoning Administrator showing that the site is vacant. The evidence shall include information about the duration and time period of such vacancy, the status of any lease agreement with a prospective tenant, if any, and the type of a business proposed on the subject premise. If the subject premise is not vacated and is occupied by a new tenant, the Plan Approval application shall include a copy of the application for or issuance of the Certificate of Occupancy showing the legal use of the subject premise.

The applicant/owner shall provide appropriate documentation to substantiate ongoing compliance with each of the conditions contained herein at the time of filing the Plan Approval review application. The applicant/owner shall submit proof that at least a summary of the Compliance Documentation and any information to allow for a review of the effectiveness in implementing the Conditions established herein. The Compliance Documentation shall be mailed to the Council District Office, Los Angeles Police Department Vice Section, and Neighborhood Council and include a statement that "In compliance Case No. DIR 2011-1402(RV)(PA24), the attached documentation is mailed to interested parties. To assist the Planning Department in preparing for a public hearing, interested parties should contact the Office of Zoning Administration within two weeks."

A public hearing shall be conducted. A notice of the public hearing shall be mailed to all property owners and occupants located within 500 feet of the property. The Zoning Administrator conducting the hearing may add, modify or delete Conditions as determined to be appropriate. The Zoning Administrator may also require the discontinuance of the uses or any portion of the property or individual lease space if the applicable findings can be made.

10. Complaint Response/Community Relations. Within 30 days of the decision date, the property owner/operator shall submit proof to the Office of Zoning Administration of implementing the following:

- a. Monitoring of complaints. The property owner/operator shall coordinate with the local division of the Los Angeles Police Department regarding appropriate monitoring of community complaints concerning activities associated with the subject facility.
- b. Complaint monitoring. A 24-hour "hot line" phone number shall be provided for the receipt of complaints from the community regarding the subject facility and shall be:
 - 1) Posted at the entry.
 - 2) Posted at the Customer Service desk, if one exists.
 - 3) Provided to the immediate neighbors, schools, and local neighborhood association, if any.
- c. Log. The property owner/operator shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator.

11. Employees

- a. All employees shall have valid government-issued identification with them, while working at the property. Require all employees working in the capacity of a waitress or bartender to wear a uniform and a name tag. The business owner/operator should provide uniforms and name tags for all employees. The owner/operator should maintain an accurate and up to date list of employees working at the property. The list should be updated each week. The list should include the name of each employee and a copy of a valid government issued identification card for each employee.
- b. The property owner/operator shall have employees attend Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department within 30 days of the effective date of this action. The property owners/operator should maintain proof of each employee's attendance and have it available on the premises for inspection by LAPD or Alcoholic Beverage Control. Subsequent hires shall attend the STAR training program within 60 days of their date of hire. Employees should get refresher STAR training on a yearly basis.
- c. No employees shall be permitted to accept money or any other thing of value from a customer or be employed for the specific purpose of sitting with or otherwise spending time with customers while in said premises. The licensee shall not provide or permit or make available either gratuitously or for compensation, male or female persons who acts as escorts, companions or guests of or for the customers.

- d. No employee shall solicit or accept any alcoholic beverage from any customers while in the premises.
12. Entertainment/Events
- a. Give North Hollywood Vice at least one week notice of any special events or promotions. North Hollywood Vice can be contacted at (818) 623-4100.
 - b. **[MODIFIED]** There shall be no patron or employee dancing except for private events such as weddings, bar mitzvahs, sweet 16s, etc., or entertainment involving Section 12.70 "Adult Entertainment" use, nude or obscene presentations including, but not limited to, wet T-shirt contests, leg contests, mud or oil wrestling, semi-nude presentations, exotic dancing and lap dancing.
 - c. The property owner/operator shall not allow outside promoters to post advertisements on City-owned property or private property unless permission is obtained from the property owner and it complies with Article 4.4 (Sign Regulations) of the Los Angeles Municipal Code.
 - d. The property owner/operator shall not sublet the premises to "promoters" for nightclub activity unless under the direct control and supervision of the property owner/operator.
13. Litter/Maintenance. Ensure proper maintenance of interior and exterior of the premises. Including, but not limited to, the prompt removal of graffiti. Remove any graffiti from the premises within 48 hours. Keep premises clean and free from trash or debris. The property shall be maintained clean and free of litter/trash within 45 minutes after the business closes.
14. Lighting. Install and maintain high intensity lights to illuminate all common areas of the property, including but not limited to, the exterior of the building, the sidewalk and the parking lot. Light fixtures shall be secure so that unauthorized individuals cannot remove or break light bulbs. Replace any damaged or broken lights immediately. The lights should remain on during business hours. The lights should not be directed at and shielded from the residential neighborhood.
15. Loitering is strictly prohibited on or around the premises or the area under the control of the property owner/operator. Do not permit any person, including patrons to loiter in the areas adjacent to the premises. Loitering includes, but is not limited to, the following actions: lingering idly on the property; remaining on the property for illegal purposes, and not being able to provide a satisfactory explanation for one's behavior or presence. Ask patrons to leave the area after the business closes. Ask individuals loitering on the sidewalk directly in front of the property to move away from the area.

16. Noise

- a. Regulating noise shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,571, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.
- b. Notwithstanding the above, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following: (*Article 6, Section 116.1 Los Angeles Municipal Code*)
 - 1) The level of noise;
 - 2) Whether the nature of the noise is usual or unusual;
 - 3) Whether the origin of the noise is natural or unnatural;
 - 4) The level and intensity of the background noise, if any;
 - 5) The proximity of the noise to residential sleeping facilities;
 - 6) The nature and zoning of the area within which the noise emanates;
 - 7) The density of the inhabitation of the area within which the noise emanates;
 - 8) The time of the day and night the noise occurs;
 - 9) The duration of the noise;
 - 10) Whether the noise is recurrent, intermittent, or constant; and
 - 11) Whether the noise is produced by a commercial or noncommercial activity.

17. Parking.

- a. Encourage patrons to park on Lankershim Boulevard or in a designated parking lot and not park in residential neighborhoods.
- b. **[MODIFIED]** Within 30 days from the date of this Determination or mutually agreed upon time, Use of any non-publicly owned or operated off-site parking space shall require verification of a lease or Master Covenant and Agreement submitted to the Office of Zoning Administration. Use of such space, governed by the Commercial Corner Development Ordinance (i.e., Section 12.22-A,23, Los Angeles Municipal Code), may require discretionary review, if the hours of use are between 11 p.m. – 7 a.m.

18. Security Guards. The property owner/operator shall have 30 days from the date of this Determination or mutually agreed upon time to submit a written security plan to the Los Angeles Police Department Vice Unit and Office of Zoning Administration for review that includes the following:

- a. **[NEW] Security.** (Note: reference to "Staff Security" is not the same as "Security Guards")
- 1) **[MODIFIED]** ~~Three state licensed, bonded and uniformed professional Staff security guards to be present at the property at all. The security guards should not be employees of the operator or involved with the daily business operation. 8 p.m. to closing daily and shall be provided at a ratio of 1 to 50 patrons or as determined by Los Angeles Police Department.~~
 - 2) **[NEW]** State licensed, bonded and uniformed professional security guards to be present during all private functions or when dancing is proposed. The security guards should not be employees of the operator or involved with the daily business operation.
- b. **[MODIFIED]** All security guards working shall comply with the requirements of California and Business Professions Code Section 7582.26(f) which requires that guards wear a distinctive uniform, with a patch on each shoulder reading "private security", containing the name of the private security company for which the guards are employed. The security guard shall possess his or her guard permit at all times with photographic identification and present them to law enforcement personnel upon request. Guards should have radio communication with each other.
- c. **[MODIFIED]** Provide adequate supervision of all staff and security guards to ensure that none are involved, directly or indirectly, in any illegal activities at, or directly related to, the property. The security guards shall be given adequate training and clear instructions to enforce applicable conditions and uphold the law.
- d. One security guard shall be present at the entrance to the premises to maintain a count of the number of patrons entering and leaving (e.g., use a clicker to count patrons). The security guard stationed the door shall use an electronic age verification/identification device to check the identification of patrons and to maintain control of patrons. Security guards should be trained to enable them to defuse potential violent incidents before they arise. All security guards working at the business shall not follow, impede, obstruct or delay any law enforcement personnel conducting inspections or official business at the location.
- e. **[MODIFIED]** Require staff and security guards to keep a daily log of incidents that occur at the property. These logs shall be kept for at least six months and available to Los Angeles Police Department for inspection upon request.
- f. **[MODIFIED]** Staff and Security guards shall patrol off-site parking spaces under the control of the property owner/operator or established by lease agreement or Master Covenant and Agreement.

19. Security Surveillance. Maintain video surveillance cameras on the property that have the ability to monitor the front entrance to the premises, the sidewalk near the premises, the parking area, inside the premises, and the patio area. Post signs indicating the use of a surveillance system. Surveillance cameras shall be accessible by internet to the property owner, business owner, operator, and LAPD. Review the video surveillance on a daily basis and immediately provide LAPD with copies of video surveillance that depict criminal activity at the property. The video surveillance tapes shall be maintained for a period of not less than 30 days.
20. Security and Safety Measures.
 - a. Do not permit or allow narcotics, vice or alcohol related criminal activity to occur at the business.
 - b. Inform the LAPD North Hollywood Division immediately if any person, including any known gang member, is observed trespassing, loitering, engaging in narcotics activity, including possession use or sale of narcotics, if any narcotics are recovered on the property or if any person is observed with a firearm.
 - c. Cooperate with all law enforcement agencies, including, but not limited to, LAPD and the State Department of Alcoholic Beverage Control ("ABC"). Under Business and Professions Code Section 25755, Penal Code Section 830.1, "peace officers may, in enforcing the provisions of this division, visit and inspect the premises of any licensee at any time during which the licensee is exercising the privileges authorized by his or her license on the premises."
 - d. Do not take any action which would impede, interfere, hinder, or otherwise obstruct any investigation undertaken by any law enforcement agency which relates to the property. The property owners/operator must provide law enforcement personnel access into the property at all times.
 - e. Comply with all building occupancy laws. Do not allow the number of patrons to exceed the designated occupancy limit.
 - f. Comply with all applicable smoking laws (e.g., Los Angeles Municipal Code Section 41.50).
 - g. Comply with all applicable City zoning laws and ABC regulations.
 - h. Comply with all applicable City Building and Safety laws.
 - i. There should only be one "public" entrance to the location. Other doors should be designated as "employee only" entrances and used by patrons only to evacuate the building in case of emergency.

- j. No "fog machines" or other devices producing obstructive material limiting visibility are allowed.

21. Sale of Alcoholic Beverages.

- a. Advise. The property owner/operator are advised that the subject permit is a land use permit, not a license for sale of alcohol. The conditions and requirements of this permit apply to the subject facility. The conditions shall be complied with in addition to any conditions or requirements imposed by the Department of Alcoholic Beverage Control, Los Angeles Police Department, or any other licensing or permit agency. Noncompliance with the subject conditions could result in revocation of the subject use permit. Any change of conditions or change in the mode or character of the authorized use requires approval of the Zoning Administrator.

- b. The property owner/operator shall not allow "Promotional Nights." Promotional nights include, but are not limited to time periods during which female or male patrons may purchase beverages at a discounted price, encouraging patrons to come to the premises for alcoholic beverages after an entertainment event at another location, selling certain brands and/or type of beverages at a discounted price to bring attention to those brands and/or beverages.

- c. Under no circumstances shall the property owner/operator allow patrons to bring in bottles of their own beverages or provide patrons with "set-ups" of glasses, mixers and ice for use with the consumption of beverages brought on the site.

- e. **[DELETED]** ~~There shall be no minimum drink requirements for patrons.~~

- f. The sale of alcoholic beverages shall be limited to one beverage per patron per purchase with confirmation of a bona fide identification from the purchaser. No "buckets of beer" or other multiple-type alcoholic purchases are allowed.

- g. **[MODIFIED]** The business shall establish a designated driver program that may include signs ~~on each table and bar~~ in prominent places alerting patrons of the program, or post signs in prominent locations.

- h. **[MODIFIED]** Do not allow alcohol to be served or consumed in the patio area after 12 midnight.

22. Signs

- a. **[DELETED]** ~~Post and maintain the following signs at each entry point or approach to the property; the Signs should say: "NO TRESPASSING, NO LOITERING, NO DRUGS, NO DRUG DEALERS, NO PROSTITUTION, NO WEAPONS, NO DRINKING OF ALCOHOLIC BEVERAGES. THE LOS~~

~~ANGELES POLICE DEPARTMENT MAKES REGULAR AND FREQUENT PATROLS OF THIS PROPERTY. The signage shall have lettering of at least two inches in height.~~

- b. Do not allow anyone to trespass on the property. Post and maintain signs at each entry point or approach to the Property warning against trespassing. The signage shall have lettering of at least two inches in height.
 - c. Provide a completed and signed "Trespass Arrest Authorization" form authorizing LAPD to arrest individuals unlawfully loitering on the property, pursuant to L.A.M.C.41.24.
 - d. Signs shall be prominently posted in English and Spanish stated that California State Law prohibits sales of alcoholic beverages to persons who are under 21 years of age.
23. A copy of the imposed conditions shall be kept on the premises and shall be immediately produced upon request of any Los Angeles Police Officer.
24. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

TRANSFERABILITY

These conditions of operation run with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than the current owner, it is incumbent that the owner advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

It shall be unlawful to violate or fail to comply with any requirement or condition imposed by final action of the Zoning Administrator, Board or Council pursuant to this subsection. Such violation or failure to comply shall constitute a violation of this Chapter 1 of the Municipal Code and shall be subject to the same penalties as any other violation of such Chapter. (Section 12.27.1 of the Municipal Code)

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment. (Section 11.00-M of the Municipal Code)

APPEAL PERIOD - EFFECTIVE DATE

The Zoning Administrator's determination in this matter will become effective after JANUARY 28, 2015, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the report of the Zoning Analyst thereon, and the statements made at the public hearing before the Zoning Administrator on December 12, 2014, all of which are by reference made a part hereof, as well as knowledge of the property and the surrounding district, I find that there is cause to retain/modify and delete Conditions based upon the provisions of Section 12.27.1 of the Municipal Code as established by the following facts:

NUISANCE ABATEMENT AUTHORITY

The Zoning Administrator, on behalf of the Director of Planning, has the authority to investigate and initiate corrective actions against any use which constitutes a public nuisance, adversely affects the safety of persons residing or working in the surrounding area, and does so on a repeated basis, pursuant to the provisions of Section 12.27.1 of the

Los Angeles Municipal Code, established under Ordinance No. 171,740 on October 27, 1997. This Ordinance amended earlier nuisance abatement authority established May 25, 1989, under Ordinance No. 164,749.

BACKGROUND

The subject property is a level interior lot, in the C2 Zone within the North Hollywood-Valley Village Community Planning Area. The property is located between Blix Street and Kling Street, and is surrounded by commercially zoned lots to the north, south and west and multi-residential zoned lots directly northeast and east of the property. There is an alley adjacent to the rear of the property accessible from Kling Street. The lot is in an MTA Project Area, North Hollywood Redevelopment Project Area and it is approximately 2.41 kilometers from the nearest known fault.

In April of 2014, the property owner recorded Document No. 20140405119, to hold the subject lot and the property to the north at 4720 Lankershim Boulevard as one parcel. The property now measures approximately 6,930 square feet in area, with a new frontage of approximately 72 feet. All site addresses are included as part of this report.

Lankershim Boulevard, to the west, is a major Highway improved to variable width 90- 100 feet and fully improved.

The alley adjacent to the east (rear of property), has a width of 20 feet and is improved with asphalt pavement.

Community Plan:

The North Hollywood-Valley Village Community Plan designates the property for Community Commercial Land uses with corresponding zones of CR, C1, C1.5, C2, C4, RAS3, RAS4, P and PB and Height District No. 1VL.

Specific Plans and Interim Control Ordinances:

The property is not currently within the area of any specific plans or interim control ordinances.

Previous Cases, Affidavits, Permits, and Orders

Subject property:

Date	Document	Description
7/18/14	AF 140745699	Covenant & Agreement Regarding Maintenance of on-site digital Signs
6/30/14	BP 14016-20000-05361	Install kitchen in the existing nightclub

4/21/14	AF 140405119	Covenant & Agreement to Hold Property as One Parcel (4712 & 4720 Lankershim Blvd)
1/29/13	CF No. 11-2023-S1/ DIR-2011-1402-RV-PA1-1A	The City Council upheld the Zoning Administration Determination on imposition of conditions. Zoning Administrator imposed conditions on the operation of Blue Moon Nights, also known as Blue Moon Night Club to mitigate adverse impacts caused by a public nuisance.
11/16/12	DIR-2011-1402-RV-PA1	
2/21/12	CF No. 11-2023 DIR-2011-1402-RV-1A	The City Council upheld the Zoning Administration Determination on imposition of conditions. Zoning Administrator imposed conditions on the operation of Blue Moon Nights, also known as Blue Moon Night Club to mitigate adverse impacts caused by a public nuisance.
11/9/11	DIR-2011-1402-RV	
7/15/05	OTC No. A-986527 Case No. 147541	Serving and/or dispensing alcohol without the required Conditional Use Permit (closed on 10/21/05- business closed down, no longer in violation)
11/30/04	BP 04016-20000-23631	Comply with DBS OTC dated 1/16/04. Remove and replace drywall and paint in entrance of building due to water damage (less than 10% damage. Non-structural repair)
11/04/04	BP 04016-20000-21952	Stucco repair and paint. Comply with OTC 1/16/04.
1/16/04	Notice to Abate Doc No. 04-0119692	Notice to Abate Vacant Structure and to File Statement on Intent.
12/27/00	OTC No. C-2103-N	Broken, split, siding. Exterior needs paint. Rubbish, trash and debris in yards. Inspector notes state that on 9/13/00 upon inspection, building has been vacated and had graffiti. Case was closed when new ownership took over per inspector note of 12/9/05.
8/1/1967	66VN0047	Certificate of Occupancy for a 1-story Type V, 46' x 48' addition to an existing night club. 237 maximum occupants.

OTC = Order to Comply
C of O = Certificate of Occupancy
BP = Building Permit
AF = Affidavit

Surrounding properties:

Date	Site Address	Document	Description
9/10/14	4745 Lankershim Blvd	ZA-2014-0048(CUB)(CU)	The Zoning Administrator approved the sale and dispensing of a full line of alcoholic beverages for on-site consumption in conjunction with an existing 3,250 square foot restaurant, seating 100 patrons interior with hours of operation from 5 p.m. to 2 a.m. daily. the Zoning Administrator, approved the sale of a full-line of alcoholic beverages for off-site consumption in conjunction with the operation of a 14,500 square-foot pharmacy in the C2-1VL Zone with hours of operation from 6 a.m. to 12 midnight daily, in lieu of the Commercial Corner requirements limiting hours of operation from 7 a.m. to 11 p.m.
7/30/10	4762-4756 Lankershim Blvd	ZA 2010-0576(CUB)(CU)	

PUBLIC HEARING

On November 28, 2011, the Zoning Administrator determined that the operation of the nightclub, formerly known as the Blue Moon Nights constituted a public nuisance under Case No. DIR 2011-1402-(RV). The Zoning Administrator imposed conditions pursuant to Los Angeles Municipal Code Section 12.27.1 in order to mitigate adverse impacts caused by the operations of the nightclub. The action was appealed to the City Council (CF No. 11-2023) who upheld the Zoning Administrator's determination on February 21, 2012. Pursuant to Condition No. 9 of Council File 11-2023, the operator was required to file a Plan Approval for compliance review within 90 days after the City Council action. Inasmuch as the operator did not file for said compliance review, the Department initiated the process for Case No. DIR 201-1402(RV)(PA1).

On November 16, 2012, the Zoning Administrator determined that "substantial compliance with corrective conditions was not found and continued imposition of conditions is necessary in order to mitigate land use impacts caused by use of the premise." The determination was appealed by the Community Commerce Bank to the City Council on November 21, 2012, under Council File 11-2023-S1. On January 15, 2013, the Planning and Land Use Committee considered the appeal of conditions imposed to mitigate the adverse impacts on the community caused by the operation of the nightclub. After considering testimony from the Department of City Planning, Police Department, the Council Office and the new operator of the establishment, the Committee recommended that the appeal be denied. On January 29, 2013, the City Council adopted the Committee recommendation and denied the appeal, thereby upholding the Zoning Administrator's determination.

Condition No. 9, of Case No. DIR 2011-1402(RV)(PA1) required that a Plan Approval application be filed within 18 months from the effective date of the determination of January 29, 2013. The current operator of HaHa Café, filed the subject application under Case No. DIR 2011-1402(RV)(PA2) on July 28, 2014 to allow the Zoning Administrator to evaluate compliance to the imposed conditions.

The purpose of the hearing was to obtain testimony of the property owner and/or business operator, in addition to affected and/or interested persons regarding the operation of the "HaHa Club" (formerly known as the Blue Moon Nights or Blue Moon Night Club). The establishment is located at 4712 – 4714-4720 Lankershim Boulevard. Following the hearing, the Zoning Administrator may require the discontinuance of the use; or modification, deletion of imposition of conditions regarding the use and operation of the nightclub in order to mitigate any land use impacts caused by said use or operation. The public was invited to submit written comments prior to the hearing.

In order to prepare for the public hearing, a Project Planner, staff of the Permit Compliance Unit, visited the site on October 22, 2014. Evidence and conclusions reached as well as photographs taken during those visits are as follows: (*Refer to case file for full report including photographs*)

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.

Operator Comments: Yes we are in compliance with height and area regulations of the Municipal Code and all other applicable government/regulatory agencies and attached attached to case file.

Staff Comment: Not in compliance. There are no permits for the outdoor patio which is currently located on the lot recently tied to the property at 4720 Lankershim Blvd. A permit from the Department of Building and Safety to add outdoor dining area is required for said land use. In addition, according to a representative from the Department of Alcoholic Beverage Control (ABC), the outdoor area has not been permitted by the State as part of the subject nightclub. Therefore, an entitlement to allow the sale and consumption of alcoholic beverages is required if the operator wishes to serve alcoholic beverages in the outdoor patio area.

Note the operator comments for condition No. 4. He states, "*We have been cleaning graffiti for almost 2 years without being in operation.*" therefore, any non-conforming rights to sell alcohol and to have public dancing (nightclub) have been lost pursuant to LAMC 12.23.C-2(d), which states:

12.23C Nonconforming Use of Land

2. Continuation of Nonconforming Use of Land. Except as provided in Subdivision 1 above, the nonconforming use of land may be continued, subject to the following limitations:

(d) If the use is discontinued for a continuous period of one year, it shall not be reestablished.

Summary of Circumstances which may affect nonconforming rights:

- The establishment has not been in operation for at least two years by the operator's admission.
- The operator/owner was issued an Order to Comply on July 15, 2005, stating that the business had been abandoned for a period exceeding 12 months and therefore could not serve alcohol without a Conditional Use Permit. The Department of Building and Safety closed the Order in October of 2005, because the business ceased to operate.
- The outdoor patio area was recently added to the business, when the lots were tied in April of 2014.
- The mode and character of the operation has changed by the change of alcohol license type. :
 - From February 20, 1968 until February 7, 2005, the business known as Ellis Island (License No. 29095, Type 48 – cancelled)
 - From February 7, 2005 to May 31, 2013, the business known as Blue Moon Nights (License No. 420775, Type 48- cancelled)
 - Business known as HaHa Café – (License No, 537217, Type 47 – Pending)
- 2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.

Operator Comment: We are in compliance with the use and development of the property in substantial conformance with the plot plan submitted and attached to case file.

Staff Comment: Zoning Administrator Discretion

- 3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

Operator Comment: We are in compliance with authorization use to be conducted with the zoning administration and attached case file.

Staff Comment: Zoning Administrator Discretion.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

Operator Comment: We are in compliance with all graffiti on site to be painted over to match the color of the surface to which it is applied within 24 hours of its occurrence. We have been cleaning graffiti for almost 2 years without being in operation.

Staff Comment: No debris, graffiti, or loitering was observed during the site visit. (See photograph below).

5. A copy of the first page of this grant and all Conditions and/ or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator, the Fire Department, and the Department of Building and Safety for purposes of having a building permit issued.

Operator Comment: We are in compliance with a copy of the first page of this grant and all conditions are printed on the building plans submitted to the zoning administrator and attached to the case file

Staff Comment: Inasmuch as the previous operator did not obtain any building permits, this condition was not applied. Notwithstanding, the new patio addition requires a building permit, therefore compliance with this condition will be verified and enforced at the time of permit issuance

6. Within 30 days of the effective date of this action or mutually agreed upon time, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.

Operator Comment: We are in compliance with the agreement form CP 6770 and master covenant shall run with the land and shall be binding on any subsequent owners, heirs or assigns and attached to case file.

Staff Comment: Not in compliance. Document No 20130707240 was recorded on May 10, 2014 recording the Council Action only. However, the owner/operator did not record the standard covenant and agreement from CP-6770, not the actual conditions imposed by the Zoning Administrator as explicitly required by the condition.

7. Pursuant to Los Angeles Municipal Code Section 12.27.1-C,2, the Director of Planning has imposed a condition directing the payment of a fee set forth in Section 19.01-P of the Los Angeles Municipal Code to cover the City's costs in processing this matter. If the decision is not appealed, then the amount shall be paid in full to the City of Los Angeles with confirmation of the payment being provided to the Director of within 30 days of the decision date. If an appeal is filed and the decision of the Director is upheld on appeal, then the fee shall be paid in full with confirmation made to the Director within 30 days of the effective date of the decision. If the Council reverses in total the decision of the Director, then no payment of fees other than the appeal fee specified in 19.01-P shall be required

Operator Comment: We are in compliance with the Los Angeles Municipal Code Section 12.27.1-C, 2. Payment was paid in full and attached to case file.

Staff Comment: In compliance. On September 24, 2013, the Department mailed a notice to the operator requesting that payment of fees pursuant to the above-reference condition be submitted. On January 15, 2014, the Planning Department forwarded the matter to the Office of Finance, Citywide Collection Unit after the operator failed to refund the Department \$31,315.00. Payment was settled in full on October 24, 2013.

8. Authorization/Limitation
 - a. The hours of operation shall be limited to 10 a.m. to midnight Sunday through Thursday and 10 a.m. to 2 a.m. Friday and Saturday. (*Condition No. 26, Case Conference Agreement*) Last call for drinks shall be made 30 minutes prior to closing.

****CONDITION MODIFICATION REQUEST:**

Operator Comment: In lieu of the hours of operation we are requesting to modify the hours of operation to 10:00 am to 2:00 am Monday through Sunday. Last call for drinks shall be made 30 minutes prior to closing.

Staff Comments: Zoning Administrator Discretion.

- b. The alley adjacent to the premises to the east and any other public property shall not be used without proper approval from the Bureau of Engineering.

Within 30 days of the decision date, the property owner/operator shall submit to the Office of Zoning Administration proof of compliance with this condition.

Operator Comment: We are in compliance with the alley.

Staff Comment: No uses were observed along the alley during the field investigation (See photographs below)

- c. Within 30 days of the decision date, the property owner/operator shall submit proof to the Office of Zoning Administration ~~{proof}~~ of applying for any necessary permits from the Los Angeles Police Commission, if required. The revocation of or failure to renew any permits by the Los Angeles Police Commission may be grounds for initiating immediate Revocation by the Office of Zoning Administration.

Operator Comment: We will be in compliance with submitting proof to the Zoning Administrator any necessary permits from the Los Angeles Police Department Commission once pending application is finalized.

Staff Comment: Not in compliance. A Police Commission Permit is necessary in order to operate a nightclub. No documentation is on file from previous or current operators.

- d. Within 30 days of the decision date or mutually agreed upon date, the property owner/operator shall submit to the Office of Zoning Administration any necessary permit obtained from the State Department of Alcoholic Beverage Control.

Operator Comment: We are in compliance to submit to the Zoning Administrator any necessary permit obtained from the State Department of Alcoholic Beverage Control.

Staff Comment: A License Type 47 is pending. The license will not be issued by ABC, until they receive confirmation from the Planning Department's Condition Compliance Unit that a Conditional Use Permit (CUB) for the sale of alcoholic beverages is not required, for the proposed restaurant and the patio addition.

- e. Within 30 days of the decision date or mutually agreed upon date, the property owner/operator shall submit to the Office of Zoning Administration plans showing the interior and exterior of the premises including size, dimensions, and use.

Operator Comment: We are in compliance to submit to the zoning administrator plans showing the interior and exterior of the premises including size, dimensions, and use and attached to case file.

Staff Comment: Not in compliance. Plans were not submitted to the Zoning Administrator within 30 days of his previous action. The floor plans submitted are part of the application package for the instant plan approval request.

9. A Plan Approval application shall be filed within 18 months from the effective date of this determination or within six (6) months after the subject premise is occupied by a tenant, whichever comes first.

If the subject premise is vacant and not occupied by a tenant when the Plan Approval application is required, the property owner shall submit evidence to the Zoning Administrator showing that the site is vacant. The evidence shall include information about the duration and time period of such vacancy, the status of any lease agreement with a prospective tenant, if any, and the type of a business proposed on the subject premise. If the subject premise is not vacated and is occupied by a new tenant, the Plan Approval application shall include a copy of the application for or issuance of the Certificate of Occupancy showing the legal use of the subject premise.

The applicant/owner shall provide appropriate documentation to substantiate ongoing compliance with each of the conditions contained herein at the time of filing the Plan Approval review application. The applicant/owner shall submit proof that at least a summary of the Compliance Documentation and any information to allow for a review of the effectiveness in implementing the Conditions established herein. The Compliance Documentation shall be mailed to the Council District Office, Los Angeles Police Department Vice Section, and Neighborhood Council and include a statement that "In compliance Case No. DIR 2011-1402(RV)(PA1), the attached documentation is mailed to interested parties. To assist the Planning Department in preparing for a public hearing, interested parties should contact the Office of Zoning Administration within two weeks."

A public hearing shall be conducted. A notice of the public hearing shall be mailed to all property owners and occupants located within 500 feet of the property. The Zoning Administrator conducting the hearing may add, modify or delete Conditions as determined to be appropriate. The Zoning Administrator may also require the discontinuance of the uses or any portion of the property or individual lease space if the applicable findings can be made.

Operator Comment: Under Case No. DIR 2011-1402 we are in compliance on plan approval application filed within 18 months form the effective date of this determination or within six months after the subject premise is occupied by a tenant, whichever comes first.

Staff Comment: The effective date of the City Council action was January 29, 2013. The Plan Approval application was filed on July 28, 2014.

10. Complaint Response/Community Relations. Within 30 days of the decision date, the property owner/operator shall submit proof to the Office of Zoning Administration of implementing the following:
- a. Monitoring of complaints. The property owner/operator shall coordinate with the local division of the Los Angeles Police Department regarding appropriate monitoring of community complaints concerning activities associated with the subject facility.

Operator Comment: We are in compliance with the monitoring of complaints; we will coordinate with the local division of the LAPD regarding appropriate monitoring of community complaints once we are operating.

Staff Comment: Business is not in operation.

- b. Complaint monitoring. A 24-hour "hot line" phone number shall be provided for the receipt of complaints from the community regarding the subject facility and shall be:

- 1) Posted at the entry.

Operator Comment: We are in compliance with a 24-hour "hotline" number posted at the entry.

Staff Comment: (See Photographs below). View looking northerly. A 24-hour "hotline" phone number is attached to the wall on the south side of the subject property.

- 2) Posted at the Customer Service desk, if one exists.

Operator Comment: No comment submitted by the operator regarding this item.

Staff Comment: There is not customer service desk

- 3) Provided to the immediate neighbors, schools, and local neighborhood association, if any.

Operator Comment: No comment submitted by the operator regarding this item.

Staff Comment: Not verified.

- c. Log. The property owner/operator shall keep a log of complaints received, the date and time received and the disposition of the response. The log shall be retained for consideration by the Zoning Administrator.

Operator Comment: We are in compliance with logging complaints received and retained.

Staff Comment: In compliance. (See photograph below)

11. Employees

- a. All employees shall have valid government-issued identification with them, while working at the property. Require all employees working in the capacity of a waitress or bartender to wear a uniform and a name tag. The business owner/operator should provide uniforms and name tags for all employees. The owner/operator should maintain an accurate and up to date list of employees working at the property. The list should be updated each week. The list should include the name of each employee and a copy of a valid government issued identification card for each employee. (*Condition No. 11, Case Conference Agreement*)

Operator Comment: Under Case No. DIR 2011-1402 we will be in compliance with employees having valid government issued identification with them while working the property once we are operating. We will be in compliance with all employees' having valid government issued identification while working at the property; all employees will be required to wear a uniform and a name tag. Each week an up to date list of employed will be updated once we are in operation.

Staff Comment: Business is not in operation.

- b. The property owner/operator shall have employees attend Standardized Training for Alcohol Retailers (STAR) session sponsored by the Los Angeles Police Department within 30 days of the effective date of this action. The property owners/operator should maintain proof of each employee's attendance and have it available on the premises for inspection by LAPD or Alcoholic Beverage Control. Subsequent hires shall attend the STAR training program within 60 days of their date of hire. Employees should get refresher STAR training on a yearly basis. (*Condition No. 12, Case Conference Agreement*)

Operator Comment: We will be in compliance with employees attending STAR session sponsored by the LAPD once we are operating.

Staff Comment: Business is not in operation.

- c. No employees shall be permitted to accept money or any other thing of value from a customer or be employed for the specific purpose of sitting with or otherwise spending time with customers while in said premises. The licensee shall not provide or permit or make available either gratuitously or for

compensation, male or female persons who acts as escorts, companions or guests of or for the customers.

Operator Comment: We will be in compliance with no employees being permitted to accept money or any other thing of value from a customer once we are in operation.

Staff Comment: Business is not in operation.

- d. No employee shall solicit or accept any alcoholic beverage from any customers while in the premises.

Operator Comment: We will be in compliance with no employees soliciting or accepting alcoholic beverage[s] from any customers while in the premises once we are in operation.

Staff Comment: Business is not in operation. Signs posted at the entrance.

12. Entertainment/Events

- a. Give North Hollywood Vice at least one week notice of any special events or promotions. North Hollywood Vice can be contacted at (818) 623-4100. (*Condition No. 21, Case Conference Agreement*)

Operator Comment: We are in compliance with giving North Hollywood Vice at least one week notice of any special events or promotions.

Staff Comment: Business is not in operation.

- b. There shall be no patron or employee dancing or entertainment involving Section 12.70 "Adult Entertainment" use, nude or obscene presentations including, but not limited to, wet T shirt contests, leg contests, nude or oil wrestling, semi-nude presentations, exotic dancing and lap dancing. (*Condition No. 22, Case Conference Agreement*)

****CONDITION MODIFICATION REQUEST:**

Operator Comment: In lieu of patrons dancing, we are requesting festive dancing to be permitted for private events like weddings, bar mitzvahs, sweet 16's, etc. We will be in compliance with no "adult entertainment: involving section 12.70 once we are in operation.

Staff Comment: Zoning Administrator Discretion.

- c. The property owner/operator shall not allow outside promoters to post advertisements on City-owned property or private property unless permission

is obtained from the property owner and it complies with Article 4.4 (Sign Regulations) of the Los Angeles Municipal Code.

Operator Comment: We are in compliance with not allowing outside promoters to post advertisements on City-owned property or private property unless permission is obtained.

Staff Comment: No advertisements were observed at the time of the site investigation.

- d. The property owner/operator shall not sublet the premises to "promoters" for nightclub activity unless under the direct control and supervision of the property owner/operator.

Operator Comment: We are in compliance with not subletting the premises to "promoters" unless under the direct control and supervision of the property owner/operators.

Staff Comment: Business is not in operation.

13. Litter/Maintenance. Ensure proper maintenance of interior and exterior of the premises. Including, but not limited to, the prompt removal of graffiti. Remove any graffiti from the premises within 48 hours. Keep premises clean and free from trash or debris. The property shall be maintained clean and free of litter/trash within 45 minutes after the business closes. (*Condition No. 19, Case Conference Agreement*)

Operator Comment: We are in compliance with maintaining the property free of litter and removing graffiti. We have been doing cleaning up the area for about 2 years.

Staff Comment: The area on and around the establishment is free of litter and graffiti (see photograph below, looking northbound along the sidewalk adjacent to business).

14. Lighting. Install and maintain high intensity lights to illuminate all common areas of the property, including but not limited to, the exterior of the building, the sidewalk and the parking lot. Light fixtures shall be secure so that unauthorized individuals cannot remove or break light bulbs. Replace any damaged or broken lights immediately. The lights should remain on during business hours. The lights should not be directed at and shielded from the residential neighborhood. (*Condition No. 18, Case Conference Agreement, modified by Zoning Administrator*)

Operator Comment: We are in compliance with lighting and maintain a high intensity lights to illuminate all common areas of the property.

Staff Comment: Lighting was observed at the following locations (See photographs below and on the following page)

15. Loitering is strictly prohibited on or around the premises or the area under the control of the property owner/operator. Do not permit any person, including patrons to loiter in the areas adjacent to the premises. Loitering includes, but is not limited to, the following actions: lingering idly on the property; remaining on the property for illegal purposes, and not being able to provide a satisfactory explanation for one's behavior or presence. Ask patrons to leave the area after the business closes. Ask individuals loitering on the sidewalk directly in front of the property to move away from the area. *(Condition No. 14 Case Conference Agreement, modified by the Zoning Administrator)*

Operator Comment: We are in compliance with the no loitering sign to be maintained on premise at all times.

Staff Comment: No loitering was observed during the staff field investigation.

16. Noise

- a. Regulating noise shall comply with the City of Los Angeles Noise Ordinance Nos. 144,331 and 161,571, and any subsequent ordinances, which prohibit the emission or creation of noise beyond certain levels at adjacent uses unless technically infeasible.

Operator Comment: We will be in compliance with regulating noise level once we are in operation.

Staff Comment: Business is not in operation

- b. Notwithstanding the above, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary, and unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. The standard which may be considered in determining whether a violation of the provisions of this section exists may include, but not be limited to, the following: *(Article 6, Section 116.1 Los Angeles Municipal Code)*

- 1) The level of noise;
- 2) Whether the nature of the noise is usual or unusual
- 3) Whether the origin of the noise is natural or unnatural;
- 4) The level and intensity of the background noise, if any;
- 5) The proximity of the noise to residential sleeping facilities;

- 6) The nature and zoning of the area within which the noise emanates;
- 7) The density of the inhabitation of the area within which the noise emanates;
- 8) The time of the day and night the noise occurs;
- 9) The duration of the noise;
- 10) Whether the noise is recurrent, intermittent, or constant; and
- 11) Whether the noise is produced by a commercial or noncommercial activity.

Operator Comment: We will be in compliance with 1 through 11 the peace and quiet of the neighborhood once we are in operation.

Staff Comment: Business is not in operation.

17. Parking.

- a. Encourage patrons to park on Lankershim Boulevard or in a designated parking lot and not park in residential neighborhoods. *(Condition No. 25, Case Conference Agreement)*

Operator Comment: We will be in compliance to encourage patrons to park on Lankershim Blvd or a designated parking lot and not park in residential neighborhoods.

Staff Comment: Business is not in operation. Signs have been posted encouraging patrons to park along the commercial street.

- b. Use of any non-publicly owned or operated off-site parking space shall require verification of a lease or Master Covenant and Agreement submitted to the Office of Zoning Administration. Use of such space, governed by the Commercial Corner Development Ordinance (i.e., Section 12.22-A,23, Los Angeles Municipal Code), may require discretionary review, if the hours of use are between 11 p.m. - 7 a.m.

Operator Comment: We will be in compliance with parking space verification once we are in operation.

Staff Comment: Business is not in operation. Additional parking may be required as required by the Department of Building and Safety for the addition of the outdoor dining area.

18. Security Guards. The property owner/operator shall have 30 days from the date of this Determination or mutually agreed upon time to submit a written security plan to the Los Angeles Police Department Vice Unit and Office of

Zoning Administration for review that includes the following: (*Condition No. 13, Case Conference Agreement, modified by Zoning Administrator*)

- a. Three state licensed, bonded and uniformed professional security guards to be present at the property at all. The security guards should not be employees of the operator or involved with the daily business operation.

****CONDITION MODIFICATION REQUEST:**

Operator Comment: In lieu of three stat[e] licensed, bonded security guards we would like to request Ha Ha Café Inc. staff members to act as security. We will have security present during hours of the show which is 8 p, to closing once we are in operation. We will have 1 staff security for every 50 patrons.

Staff Comment: Zoning Administrator Discretion.

- b. All security guards working shall comply with the requirements of California and Business Professions Code Section 7582.26(f) which requires that guards wear a distinctive uniform, with a patch on each shoulder reading "private security", containing the name of the private security company for which the guards are employed. The guard shall possess his or her guard permit at all times with photographic identification and present them to law enforcement personnel upon request. Guards should have radio communication with each other.

****CONDITION MODIFICATION REQUEST:**

Operator Comment: In lieu of private security, we request that staff security wear a shirt that visibly states that they are security once we are in operation.

Staff Comment: Zoning Administrator Discretion.

- c. Provide adequate supervision of all security guards to ensure that none are involved, directly or indirectly, in any illegal activities at, or directly related to, the property. The security guards shall be given adequate training and clear instructions to enforce applicable conditions and uphold the law.

****CONDITION MODIFICATION REQUEST:**

Operator Comment: In lieu of security guards, staff security will be in compliance with adequate supervision of all staff security to ensure that none are involved with any illegal activities. Staff security will be trained adequately to enforce applicable conditions and uphold the law once we are in operation.

Staff Comment: Zoning Administrator Discretion.

- d. One security guard shall be present at the entrance to the premises to maintain a count of the number of patrons entering and leaving (e.g., use a clicker to count patrons). The security guard stationed the door shall use an electronic age verification/identification device to check the identification of patrons and to maintain control of patrons. Security guards should be trained to enable them to defuse potential violent incidents before they arise. All security guards working at the business shall not follow, impede, obstruct or delay any law enforcement personnel conducting inspections or official business at the location.

****CONDITION MODIFICATION REQUEST:**

Operator Comment: In lieu of security guards, staff security will be in compliance with staff checking ID's, making sure no underage drinking occurs, to provide adequate supervision; staff will be trained to enable them to diffuse potential; violent situations before they arise once we are in operation. There will be staff at the door checking ID's.

Staff Comment: Zoning Administrator Discretion.

- e. Require security guards to keep a daily log of incidents that occur at the property. These logs shall be kept for at least six months and available to Los Angeles Police Department for inspection upon request. (Refer to Condition No. 10)

****CONDITION MODIFICATION REQUEST:**

Operator Comment: In lieu of security guards, staff security will be in compliance with requiring staff security to keep daily logs pf incidents that occur at the property once we are in operation.

Staff Comment: Zoning Administrator Discretion.

- f. Security guards shall patrol off-site parking spaces under the control of the property owner/operator or established by lease agreement or Master Covenant and Agreement.

****CONDITION MODIFICATION REQUEST:**

Operator Comment: In lieu of security guards, staff security will be in compliance with staff guarding off-site parking spaces under the control of the property owner/operator or established by lease agreement or Master Covenant and Agreement once we are in operation.

Staff Comment: Zoning Administrator Discretion.

19. **Security Surveillance.** Maintain video surveillance cameras on the property that have the ability to monitor the front entrance to the premises, the sidewalk near the premises, the parking area, inside the premises, and the patio area. Post signs indicating the use of a surveillance system. Surveillance cameras shall be accessible by internet to the property owner, business owner, operator, and LAPD. Review the video surveillance on a daily basis and immediately provide LAPD with copies of video surveillance that depict criminal activity at the property. The video surveillance tapes shall be maintained for a period of not less than 30 days.

Operator Comment: We are in compliance with maintaining video surveillance camera on the property at all times.

Staff Comment: Video surveillance cameras were installed as depicted in the photographs below and on the following pages:

20. **Security and Safety Measures.**
- a. Do not permit or allow narcotics, vice or alcohol related criminal activity to occur at the business. (Condition No. 2, Case Conference Agreement)

Operator Comment: We will be in compliance to not allow narcotics related criminal activities to occur at the business once we are in operation.

Staff Comment: Business is not in operation.

- b. Inform the LAPD North Hollywood Division immediately if any person, including any known gang member, is observed trespassing, loitering, engaging in narcotics activity, including possession use or sale of narcotics, if any narcotics are recovered on the property or if any person is observed with a firearm. (Condition No. 3, Case Conference Agreement)

Operator Comment: We will be in compliance to inform LAPD North Hollywood division immediately if any illegal activity occurs once we are in operation.

Staff Comment: Business is not in operation.

- c. Cooperate with all law enforcement agencies, including, but not limited to, LAPD and the State Department of Alcoholic Beverage Control ("ABC"). Under Business and Professions Code Section 25755, Penal Code Section 830.1, "peace officers may, in enforcing the provisions of this division, visit and inspect the premises of any licensee at any time during which the licensee is exercising the privileges authorized by his or her license on the premises." (Condition No. 4, Case Conference Agreement)

Operator Comment: We will be in compliance to cooperate with any law enforcement agencies to visit and inspect the premises once we are operation.

Staff Comment: Business is not in operation.

- d. Do not take any action which would impede, interfere, hinder, or otherwise obstruct any investigation undertaken by any law enforcement agency which relates to the property. Then property owners/operator must provide law enforcement personnel access to the property at all times. (*Condition No. 5, Case Conference Agreement*)

Operator Comment: We will be in compliance to provide law enforcement personnel to access into the property at all times once we are in operation.

Staff Comment: Business is not in operation.

- e. Comply with all building occupancy laws. Do not allow the number of patrons to exceed the designated occupancy limit. (*Condition No. 6, Case Conference Agreement*)

Operator Comment: We are in compliance not to exceed legal number of patrons designated by the occupancy limit.

Staff Comment: **Not in compliance.** If the operator intends to operate the business as a restaurant and not a nightclub as per the ABC License request (Type 48 to a Type 47), a change of use permit will be required from the Department of Building and Safety. Currently, as per the latest Certificate of Occupancy of the establishment, the business is a 46' x 62' Night Club (Reference: 1966VN047, issued August 1, 1967)

- f. Comply with all applicable smoking laws (e.g., Los Angeles Municipal Code Section 4.1.50). (*Condition No. 7, Case Conference Agreement*)

Operator Comment: We are in compliance with all applicable smoking laws.

Staff Comment: Business is not in operation.

- g. Comply with all applicable City zoning laws and ABC regulations. (*Condition No. 8, Case Conference Agreement*)

Operator Comment: We will be in compliance with all applicable city zoning laws and ABC regulations once we are in operation.

meaning once we
 - get the liquor license
 - CAPE Eng. license
 - we have brew in opus
 S.W., Arden, Half

Staff Comment: Not in compliance. Per staff comments for Condition No. 1, additional permits, entitlements and licenses may be required to operate the proposed business.

- h. Comply with all applicable City Building and Safety laws. (*Condition No. 9, Case Conference Agreement*)

Operator Comment: We are in compliance with all applicable city building and safety laws.

Staff Comment: See comment for (g).

- i. There should only be one "public" entrance to the location. Other doors should be designated as "employee only" entrances and used by patrons only to evacuate the building in case of emergency. (*Condition No. 27, Case Conference Agreement*)

Operator Comment: We will be in compliance with one public entrance to the location once we are in operation.

Staff Comment: See below, view looking easterly, is a "public" and "employee" entrance to the location. Other doors are used by patrons only to evacuate the building in case of emergency.

- j. No "fog machines" or other devices producing obstructive material limiting visibility are allowed.

Operator Comment: We are in compliance with no fog machines or other devices producing obstructive material limiting visibility.

Staff Comment: Business is not in operation.

21. Sale of Alcoholic Beverages.

- a. Advise. The property owner/operator are advised that the subject permit is a land use permit, not a license for sale of alcohol. The conditions and requirements of this permit apply to the subject facility. The conditions shall be complied with in addition to any conditions or requirements imposed by the Department of Alcoholic Beverage Control, Los Angeles Police Department, or any other licensing or permit agency. Noncompliance with the subject conditions could result in revocation of the subject use permit. Any change of conditions or change in the mode or character of the authorized use requires approval of the Zoning Administrator.

Operator Comment: We are in compliance with knowing that the subject permit is a land use permit, not a license to sell alcohol.

Staff Comment: The Department of Building and Safety issued an Order to Comply, effective July 15, 2005 requiring the owner/ operator to obtain the necessary conditional use permit from the Department of City Planning because the business was abandoned for a period exceeding 12 months and thereby lost any non-conforming rights. The Order was closed on October 21, 2005. Staff was informed by the Department of Building and Safety that the Order was closed because the business stopped operating and the doors were closed each time an inspection was made shortly after the order was issued.

No applications for a Conditional Use Permit to sell alcohol or allow public dancing (nightclub) have been made to the Department of City Planning.

- b. The property owner/ operator shall not allow "Promotional Nights." Promotional nights include, but are not limited to time periods during which female or male patrons may purchase beverages at a discounted price, encouraging patrons to come to the premises for alcoholic beverages after an entertainment event at another location, selling certain brands and/or type of beverages at a discounted price to bring attention to those brands and/or beverages

Operator Comment: We will be in compliance with not allowing promotional nights once we are in operation.

Staff Comment: Business is not in operation.

- c. Under no circumstances shall the property owner/operator allow patrons to bring in bottles of their own beverages or provide patrons with "set-ups" of glasses, mixers and ice for use with the consumption of beverages brought on the site.

Operator Comment: We will be in compliance with not allowing patrons to bring in their own bottles once we are in operation.

Staff Comment: Business is not in operation.

- e. There shall be no minimum drink requirements for patrons.

****CONDITION MODIFICATION REQUEST:**

Operator Comment: In lieu of the no minimum drink requirement, condition we are requesting there to be a 2 drink minimum purchase per patron because of the nature of our business (comedy club). E.g. all comedy clubs require a 2 drink minimum.

Staff Comment: Zoning Administrator Discretion.

- f. The sale of alcoholic beverages shall be limited to one beverage per patron per purchase with confirmation of a bona fide identification from the purchaser. No "buckets of beer" or other multiple-type alcoholic purchases are allowed.

Operator Comment: We will be in compliance with no bucket of beers or multiple types of alcoholic beverages to be consumed by one patron once we are in operation.

Staff Comment: Business is not in operation.

- g. The business shall establish a designated driver program that may include signs on each table and bar alerting patrons of the program, or post signs in prominent locations.

****CONDITION MODIFICATION REQUEST:**

Operator Comment: In lieu of the designated driver program we will provide a sign at the entrance of the property not on each table.

Staff Comment: Zoning Administrator Discretion.

- h. Do not allow alcohol to be served or consumed in the patio area. (*Condition No. 23, Case Conference Agreement*)

****CONDITION MODIFICATION REQUEST:**

Operator Comment: In lieu of alcohol served in the patio we are requesting alcohol be served in the patio only until midnight.

Staff Comment: The patio is a recent addition to this business. The patio is located on the adjacent lot at 4720 Lankershim Blvd which was tied to the subject lot April of 2014 by Document No. 20140405119. A new Conditional Use Permit (CUB) or Plan Approval (PAB) may be required for the expansion of the use.

22. Signs

- a. Post and maintain the following signs at each entry point or approach to the property; the Signs should say: "NO TRESPASSING, NO LOITERING, NO DRUGS, NO DRUG DEALERS, NO PROSTITUTION, NO WEAPONS, NO DRINKING OF ALCOHOLIC BEVERAGES. THE LOS ANGELES POLICE DEPARTMENT MAKES REGULAR AND FREQUENT PATROLS OF THIS PROPERTY. The signage shall have lettering of at least two inches in height. (*Condition No. 15, Case Conference Agreement*)

Operator Comment: We are in compliance of the sign being posted.

Staff Comment: Sign was posted at main entry point.

- b. Do not allow anyone to trespass on the property. Post and maintain signs at each entry point or approach to the Property warning against trespassing. The signage shall have lettering of at least two inches in height. (*Condition No. 16, Case Conference Agreement*)

Operator Comment: We are in compliance of the sign being posted.

Staff Comment: Not in compliance. A sign was not installed when staff visited the site.

- c. Provide a completed and signed "Trespass Arrest Authorization" form authorizing LAPD to arrest individuals unlawfully loitering on the property, pursuant to L.A.M.C.41.24. (*Condition No. 17, Case Conference Agreement*)

Operator Comment: We are in compliance with a completed and signed "trespass arrest authorization" form authorizing LAPD to arrest individuals unlawfully loitering on the property.

Staff Comment: Staff has not been able to verify documentation to satisfy this requirement.

- d. Signs shall be prominently posted in English and Spanish stated that California State Law prohibits sales of alcoholic beverages to persons who are under 21 years of age.

Operator Comment: We are in compliance with signs posted in English and Spanish stated that no alcoholic beverage sales to persons under 21.

Staff Comment: See photograph on the next page.

23. A copy of the imposed conditions shall be kept on the premises and shall be immediately produced upon request of any Los Angeles Police Officer.

Operator Comment: We will be in compliance with the imposed conditions to be kept on the premises and shall be immediately produced upon request by LAPD.

Staff Comment: Business is not in operation.

24. **NEW** -The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or

proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.

Operator Comment: We are in compliance with defending, indemnifying and holding harmless the City, its officers, or employees from any claim action or proceeding the City.

Staff Comment: Not in compliance. Covenant and Agreement has not been recorded.

The Los Angeles Police Department submitted the following reports:

Call for Service

11/06/2012	11:07:00 AM -	9283-PROPERTY
01/04/2014	12:30:00 PM -	7200- 415M- Disturbance (code unconfirmed)
01/14/2013	4:48:00 PM -	006-OFFICER REPORTING LOCATION

Crime Reports

06/14/2014	10:30:00 PM-	EMBEZZLEMENT
06/15/2014	1:30:00 AM-	EXTORTION

No correspondence from the general public had been received.

FINDINGS

On November 28, 2011, the Zoning Administrator determined that the operation of the nightclub, formerly known as the Blue Moon Nights constituted a public nuisance under Case No. DIR 2011-1402(RV). The Zoning Administrator imposed conditions pursuant to Los Angeles Municipal Code Section 12.27.1 in order to mitigate adverse impacts caused by the operation. The action was appealed to the City Council (CF No. 11-2023) who upheld the Zoning Administrator's determination on February 21, 2012. Pursuant to Condition No. 9 of Council File 11-2023, the operator was required to file a Plan Approval for compliance review within 90 days after the City Council action. Inasmuch as the operator did not file for said compliance review, the Department initiated the process for Case No. DIR 201-1402(RV)(PA1).

On November 16, 2012, the Zoning Administrator determined that "substantial compliance with corrective conditions was not found and continued imposition of conditions is necessary in order to mitigate land use impacts caused by use of the premise." The determination was appealed by the Community Commerce Bank to the City Council on November 21, 2012, under Council File 11-2023-S1. On January 15, 2013, the Planning and Land Use Committee considered the appeal of conditions imposed to mitigate the adverse impacts. After considering testimony from the Department of City Planning, Police Department, the Council Office, and the new operator of the establishment, the Committee

recommended that the appeal be denied. On January 29, 2013, the City Council adopted the Committee recommendation and denied the appeal; thereby, upholding the Zoning Administrator's determination.

Condition No. 9, of Case No. DIR 201-1402(RV)(PA1) required a Plan Approval application be filed within 18 months from the effective date of the determination. The current operator of HaHa Café, filed the subject application under Case No. DIR 201-1402(RV)(PA2) on July 28, 2014.

The public hearing was held on December 12, 2014 and attended by the applicant, applicant's supporters, representatives of the Los Angeles Police Department and City Council Office, and several concern residents from the immediate area. The applicant's and representative's presentations were consistent with statements made in the written application (refer to the Project Planner's statements above and the following Findings).

The Zoning Administrator reviewed the Project Report and highlighted information relevant for making a decision. This was to ensure accuracy of the information and "due process" of the applicants. The applicants and representative agreed that the stated information from the report was current and accurate.

The Zoning Administrator inquired into conditions of the prior Letter of Determination. This was to ensure there was substantial compliance and determine if any of the conditions should be modified for deleted. LAPD and City Council Office provided expert opinion on how public nuisance activities have been eliminated since operation of the HaHa Club. They also gave their support to the requested changes and believe this operator should not be penalized for problems caused by the prior operator. Two neighbors spoke in opposition to modifying conditions of the Case No. DIR 201-1402(RV)(PA1), but were unaware that HaHa Club had been operating for several months without impacting the community.

The Zoning Administrator reviewed the applicant's requested modifications to conditions and solicited comments from those in attendance. At the close of the public hearing, the Zoning Administrator found substantial compliance with corrective conditions, continued to impose conditions as necessary to mitigate potential land use impacts, and approved modification of several conditions.

The City Council representative recommended an Approval of Plans review in one year and the Zoning Administrator agreed it should occur since several conditions would become less restrictive. The review will enable consideration of changed conditions in the surrounding area. The intent is that through future review, the Office of Zoning Administration can ensure substantial compliance with conditions and the conditions are successful in mitigating impacts. Also, the Office of Zoning Administration can further the City's goal to ensure that the establishment does not become a nuisance or require additional resources of Los Angeles Police Department.

In the prior discretionary actions, Findings were made in the affirmative. Previous Findings are appropriately applied in this action and are herein incorporated.

MANDATORY FINDINGS

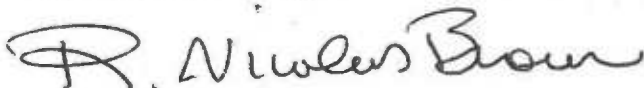
1. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that the property is located in Zone C, outside of the flooding area.
2. On July 28, 2014, the project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV-2014-2733-CE, for a Categorical Exemption, Class 5, Category 23, Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines).

Prior to an action by the Zoning Administrator requiring that a use be discontinued, it must be found that prior governmental efforts to eliminate the problems associated with the use have failed and the owner or lessee has failed to demonstrate to the satisfaction of the Zoning Administrator a willingness and ability to eliminate the problems associated with the use.

It is the purpose of these proceedings under Ordinance No. 171,740 to provide a just and equitable method to be cumulative and in addition to any other remedy available for the abatement of certain public nuisance activities. **Failure to comply with the conditions cited herein will put you at risk of revocation and the issue of an order directing the discontinuance of the use.**

It is further determined that the instant action by the Zoning Administrator is in compliance with Section 12.27.1 of the Municipal Code and has been conducted so as not to impair the constitutional right of any person. The owner/operator of the business has been afforded the opportunity to review the file both in advance of and after the hearing which was duly noticed and testify and respond to the allegations concerning the impacts of the operation. Further, the conditions imposed are not so onerous as to prevent the viable operation of the business.

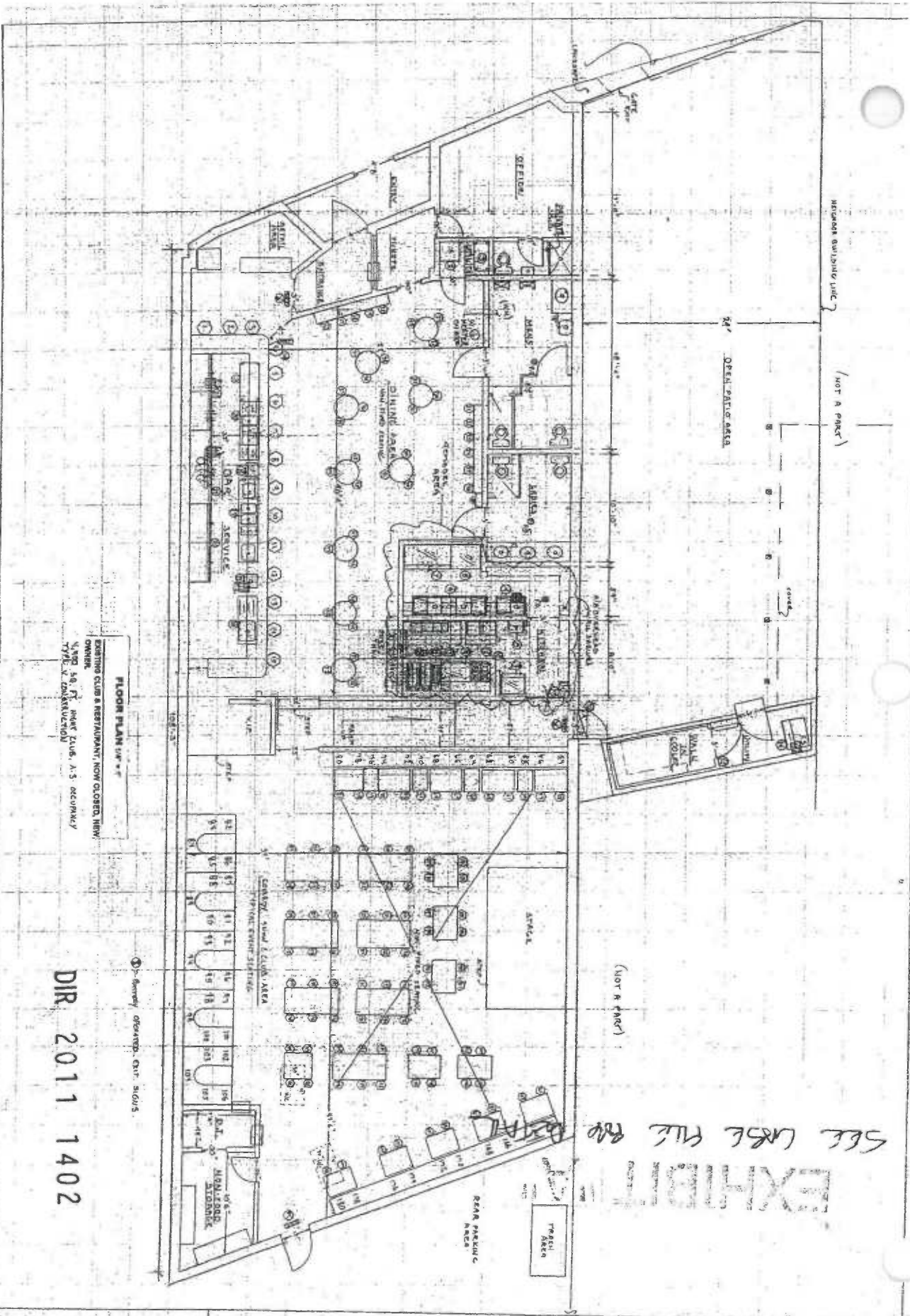
MICHAEL LOGRANDE
Director of Planning



R. NICOLAS BROWN, AICP
Associate Zoning Administrator
Direct Telephone No. (818) 374-5069

RNB:

cc: Councilmember Paul Krekorian
Second District
Adjoining Property Owners



FLOOR PLAN 1/4" = 1'-0"
 EXISTING CLUB & RESTAURANT, NOW CLOSED. NEW
 OWNER:
 VANDERBILT, INC. (REST. CLUB, A.S. OCCUPANCY
 TYPE & CONSTRUCTION)

DIR. 2011 1402

① - Assembly Occup. Cit. 36015

OWNER/CLIENT: JACK ASSOURIAN (918) 256-0074

HA HA'S COMEDY CLUB & RESTAURANT
 4712 LANCASTER BLVD., H HOLLYWOOD, 91602

PLANNED BY: PATRICK E. PANZARELLO
 9111 MORNING GLOW WAY
 SUN VALLEY, CA, 91352
 patpans@ehour.com
 818-310-0580

SEE CASE FILE FOR EXHIBIT

(NOT A PART)

(NOT A PART)

BEFORE THE
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL
OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF

HA HA CAFE INC
HA HA CAFE
4712 LANKERSHIM BLVD
NORTH HOLLYWOOD, CA 91602-1804

} FILE 47-537217

}

} REG.

}

}

}

}

PETITION FOR CONDITIONAL
LICENSE

For Issuance of an On-Sale General Eating Place - License
Under the Alcoholic Beverage Control Act

WHEREAS, petitioner(s) has/have filed an application for the issuance of the above-referred-to license(s) for the above-mentioned premises; and,

WHEREAS, the proposed premises and/or parking lot, operated in conjunction therewith, are located within 100 feet of residences(s); and,

WHEREAS, issuance of the applied-for license without the below-described conditions would interfere with the quiet enjoyment of the property by nearby residents and constitute grounds for the denial of the application under the provisions of Rule 61.4, of Chapter 1, Title 4, of the California Code of Regulations; and,

WHEREAS, the proposed premises are located in a crime reporting district that has a 20% greater number of reported crimes, as defined in subdivision (c) of Section 23958.4, than the average number of reported crimes as determined from all crime reporting districts with the jurisdiction of the local law enforcement agency; and,

WHEREAS, the petitioner(s) stipulate(s) that by reason of the aforementioned high crime, grounds exist for the denial of the applied-for license(s); and,

WHEREAS, the issuance of an unrestricted license would be contrary to public welfare and morals;

NOW, THEREFORE, the undersigned petitioner(s) do/does hereby petition for a conditional license as follows, to-wit:

Initials

ABC-172 (5/94)

RECEIVED
NOV 18 2014
Dept. of Alcoholic Beverage Control
SAN FRANCISCO

47-537217

Page 2

- 1 Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 10:00 am to 02:00 am.
- 2 Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 dated 11-06-2013.
- 3 Loitering is prohibited on or around these premises or this area under the control of the licensee(s) as depicted on the ABC-257 dated 11-06-2013 and ABC-253 dated 11-06-2013.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code and will be carried forward in any transfer at the applicant-premises.

Petitioner(s) agree(s) to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioner(s) understand(s) that any violation of the foregoing condition(s) shall be grounds for the suspension or revocation of the license(s).

DATED THIS 11-18-14 DAY OF Tuesday, 20 2014

[Signature] PRESIDENT

Applicant/Petitioner

Applicant/Petitioner

RECEIVED

NOV 18 2014

Dept. of Alcoholic Beverage Control
Van Nuys

Applicant(s): JACK TERRE - HERPSINE ASSADOURIAN
 Company/Corporation: HA HA CAFE INC.
 Name of Restaurant/Bar, etc.: HA HA CAFE
 Address of Establishment: 4712 LANKEESHIL BLVD.
4714, 4720

Hours of Operation	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
OPEN	10 AM	10 AM	10 AM	10 AM	10 AM	10 AM	10 AM
CLOSE	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM	2 AM

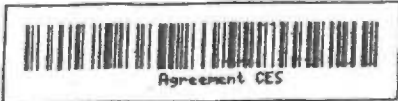
Fill out all information. If none, write NONE.

- A. Type of Business Activity (night club, lounge, restaurant, etc.): COMEDY CLUB RESTAURANT
- B. Type of Entertainment (hip hop, jazz, rock, rap, live dance, etc.): Live Comedy Acts
- C. I have a license from Alcohol Beverage Control (ABC). YES If yes, are there conditions? YES See Fee 97-5372
- D. Number of Pool Tables NONE
- E. Dance Floor Location and Size (200 square feet minimum) NONE
- F. Number of Arcade Games NONE
- G. Number of Games of Skill/Science (claw, etc.) & Type NONE
- H. Cyber Café: Describe operation & set up. N/A
- I. Cyber Café: Number of Computer, Terminals, Workstations N/A
- J. Types of films to be shown & ratings.
- K. Seating Capacity 237
- L. Admission Fee YES
- M. Number of Bowling Lanes N/A
- M. Parking Information NONE

DECLARATION

I/We submit this information about my/our business. The full text of the Los Angeles Municipal Code is available through the City's website at www.cityofla.org under "City Charter, Rules & Codes." Chapter X of the Los Angeles Municipal Code contains many laws regulating Police Permits. I/We declare that we understand laws applicable to our business and permit(s). I/We have received a copy of Police Commission Board Rules for each permit application for which Board Rules exist. I/We further declare that I/we will comply with all laws and/or rules. I/we understand that failure to comply may place my/our existing permits in jeopardy and may necessitate disciplinary action by the Board of Police Commissioners and/or a criminal complaint filed with the City Attorney or District Attorney. I sign this document on my behalf or on behalf of the company/corporation/business, with full authority to do so.

<u>9/8/15</u> Date	<u>JACK ASSADOURIAN</u> Print Name	<u>[Signature]</u> Signature
<u>9/8/15</u> Date	<u>TERRE ASSADOURIAN</u> Print Name	<u>[Signature]</u> Signature
<u>9/8/15</u> Date	<u>HERPSINE ASSADOURIAN</u> Print Name	<u>[Signature]</u> Signature
_____ Date	_____ Print Name	_____ Signature



FORM: Agreement for the Granting of a Police Permit for Café Entertainment/Shows

LOS ANGELES POLICE COMMISSION—POLICE PERMIT
100 W. FIRST ST., #147
LOS ANGELES, CA 90012 (213) 996-1210

I/We, JACK ASSADOURIAN, TERESA ASSADOURIAN, HESPISME ASSADOURIAN
[Applicant Name(s)]

owners of HA HA CAFE INC., known as HA HA CAFE
[Company/Corporation] [Name of Restaurant/Bar/Club, etc.]

located at 4712 LANCERSHAM BLVD.
[Address] 774, 9770 NORTH HOLLYWOOD, CA 91602

certify: THAT I/We am/are aware of the Adult Entertainment Zoning Ordinance, Los Angeles Municipal Code Section 12.70; THAT I/We have read and understand the Prohibition section of that ordinance, as set forth below; and THAT the present or proposed business for which the attached application has been completed is, to the best of my/our knowledge, not subject to the restrictions of said prohibition section.

"C. Prohibition. (Amended by Ord. No. 158,579, Eff. 1/23/84. No person shall cause or permit the establishment, substantial enlargement of transfer of ownership or control of an adult entertainment business within 1,000 feet of another adult entertainment business, or within 500 feet of a religious institution, school, or Public Park within the City of Los Angeles. No person shall cause or permit the establishment or maintenance of more than one adult entertainment business in the same building, structure or portion thereof, or the increase of floor area of any adult entertainment business in any building, structure or portion thereof containing another adult entertainment business.

No person shall cause or permit the establishment, or substantial enlargement of an adult entertainment business within 500 feet of any lot in a "A" or "R" zone, or within the "CR", "C1", or "C1.5" zones in the City of Los Angeles."

THAT in consideration for the granting of this permit, I/We do hereby agree:

1. That our intention is to present Comedy Acts and that we will take whatever measures necessary to prevent the exhibition of less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the tope of the areolas;
[Type of Entertainment]
2. That we will take whatever measures necessary to prevent the Comedy from including the fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts, or masturbation, actual or simulated;
[Type of Entertainment]
3. That we will remove and not use the advertising of the prior owner or any other sign or advertisement which purports to describe the entertainment/shows as "Nude Dancing" or in any other way as being sexually oriented.

I/We, JACK ASSADOURIAN have read the above conditions and have discussed them with members of the Police
[Name(s)] Commission Investigation staff and fully understand them. The full text of the Los Angeles Municipal Code is available through the City's website at www.cityofla.org. I/We have received a copy of this agreement.

9/8/15 JACK ASSADOURIAN [Signature]
Date Print Name Signature

9/8/15 TERESA ASSADOURIAN [Signature]
Date Print Name Signature

9/8/15 HESPISME ASSADOURIAN [Signature]
Date Print Name Signature

Date Print Name Signature



**CITY OF LOS ANGELES
NOTICE OF APPLICATION FOR
POLICE COMMISSION PERMIT**



Notice is hereby given that application has been made to the Board of Police Commissioners for a Police Commission Permit.

PERMIT TYPE
PERMIT NUMBER
DATE OF NOTICE

BUSINESS LOCATION
LEGAL NAME
DBA

Cafe Entertainment/Show
000264760400014P519
09/17/2015

4712 LANKERSHIM BLVD 91602-1804
HA HA CAFE INC
HA HA CAFE INC

Police Area: 15 Council District: 2
DSVD, Bureau Vice Coordinator

Neighborhood Council:
mtnhnc@empowerla.org

Dates (if temporary event): Cafe Entertainment/Show

Any person who has comments, concerns, or objections about the issuance of this permit may contact the Commission Investigation Division (CID) WITHIN FIVE (5) DAYS.

Email us at:

<mailto:pcpermits@lapd.lacity.org?subject=Notice of Application for Police Permit 000264760400014P519>

CITY COUNCIL OFFICES

Please contact CID as soon as you are aware of issues related to this application.

LAPD AREAS objecting to the granting of the permit:

Contact CID. Specify objection on 15.2. Include arrest reports, preliminary investigative reports, injury reports, CAD runs, calls for service reports, citizen complaints, etc.

PUBLIC & NEIGHBORHOOD COUNCILS

Contact CID as soon as possible. Your general communications are public documents subject to posting on the City's website. You are not required to provide personal information in order to comment.

Objections may or may not be cause to deny a Police Commission Permit. However, conditions governing the operation of the business may be imposed based on verifiable adverse information of the applicant. (New applicants are not responsible for previous owner actions.)

DO YOU WANT TO FOLLOW THIS ITEM?

Email us to receive meeting notices and agenda for the Police Permit Review Panel.

<mailto:v8241@lapd.lacity.org?subject=Add Me to PPRP Email List>

Or call (213) 236-1400.

MAIL

LAPD POLICE COMMISSION
PERMITS & RECORDS
100 W. FIRST ST., ROOM 147
LOS ANGELES, CA 90012

PHONE

(213) 996-1210

EMAIL

pcpermits@lapd.lacity.org

Investigator:

Marcos Hernandez

=====

ABOUT POLICE PERMITS

Some businesses are required to obtain a police permit before starting operation. The police permit application process allows the City to obtain information concerning ownership of a business and to inspect the ongoing operation during normal business hours. A background check is also performed during the processing of the application. On October 15, 2014, a procedure was adopted to inform neighborhood councils of First Amendment* applications pending action by the Police Permit Review Panel.



The select descriptions below are provided to answer common questions. The descriptions are general and do not contain the full details and requirements of the Los Angeles Municipal Code. The Los Angeles Municipal Code is available at cityofla.org, under City Government --> "City Charter, Rules and Codes."

=====FIRST AMENDMENT PERMITS=====

* "First Amendment Permits" are permits for business activities which have been deemed to be protected under the First Amendment to the Constitution ("free speech"). These applications generally are processed within 30 days from the date of receipt of a complete application by the Board of Police Commissioners. Persons objecting to the granting of these permits should present reason(s) for the objection quickly.

CAFE ENTERTAINMENT/SHOW (LAMC 103.102)*

Live entertainment. Includes a disc jockey (DJ) to the extent the DJ performs for/entertains the public. Includes karaoke.

CAFE ENTERTAINMENT/SHOW-ADULT (LAMC 103.102)*

Is the Cafe Entertainment/Show permit at an establishment where the applicant has indicated that entertainment will include a person who performs specified sexual activities or displays specified anatomical parts in the business. See LAMC 103.01. Shall conform to additional requirements.

PICTURE ARCADE (LAMC 103.101)*

Coin-type or electrically controlled still or motion picture machines, image producing devices maintained to display images, or still or motion pictures to five or fewer persons per machine at any one time.

PICTURE ARCADE-ADULT (LAMC 103.101)*

Is the Picture Arcade permit at an establishment where the applicant has indicated the picture arcade has displays which are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical parts. See LAMC 103.01.

MOTION PICTURE SHOW (LAMC 103.109)*

Exhibiting motion pictures to the public in any theater, show house or other place of entertainment.

MOTION PICTURE SHOW-ADULT (LAMC 103.109)*

Is the Motion Picture Show permit at an establishment where the applicant has indicated that a substantial portion of the total presentation time is devoted to the showing of material which is characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical parts. See LAMC 103.01.

WHY AM I RECEIVING THIS NOTICE?

Traditionally, notices of application for police permits were sent by hard copy. Through the use of email, more stakeholders can be notified without causing delay in the processing of a permit application. No action is required unless you wish to comment on the application.

