

WORKSHOP AGENDA
HUNTINGTON BEACH PLANNING COMMISSION
WEDNESDAY, MARCH 31, 2010

AGENDA ITEM NO. 1

DOWNTOWN ALCOHOL SALES

ATTACHMENTS:

- 1. RCA DATED JANUARY 19, 2010 – STANDARD CONDITIONS OF APPROVAL FOR EATING AND DRINKING ESTABLISHMENTS**
- 2. DOWNTOWN SPECIFIC PLAN ADOPTED JANUARY 19, 2010: PAGES 3-41 & 3-37**

Council/Agency Meeting Held: <u>1-19-2010</u>	<i>Dolly Espinoza</i> City Clerk's Signature
Deferred/Continued to: _____	
<input checked="" type="checkbox"/> Approved <u>5-0-1-1 (CARCINO ABSTAIN, COLEMAN ABSENT)</u>	<input type="checkbox"/> Conditionally Approved
<input type="checkbox"/> Denied	
Council Meeting Date: 01/19/10	Department ID Number: PL-10-02

**CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION**

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

SUBMITTED BY: FRED A. WILSON, CITY ADMINISTRATOR *[Signature]*

PREPARED BY: SCOTT HESS, DIRECTOR OF PLANNING AND BUILDING *[Signature]*
 STANLEY SMALEWITZ, DIRECTOR OF ECONOMIC DEVELOPMENT *[Signature]*
 KEN SMALL, POLICE CHIEF *[Signature]*

SUBJECT: ADOPT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH ADOPTING STANDARD CONDITIONS OF APPROVAL FOR EATING AND DRINKING ESTABLISHMENTS WITH ALCOHOL SALES AND/OR LIVE ENTERTAINMENT WITHIN THE DOWNTOWN SPECIFIC PLAN AREA – DISTRICT 1.

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: Transmitted for your consideration is a request to adopt a resolution adopting standard conditions of approval for eating and drinking establishments with alcohol sales and/or live entertainment within the Downtown Specific Plan Area – District 1. The list of standard conditions is a result of recommendations by City staff and the Downtown Image Committee, which presented their recommendations to the City Council at their August 17, 2009 meeting.

Funding Source: Not applicable.

Recommended Action:

Motion to:

“Adopt Resolution No. 2010-05 a Resolution of the City Council of the City of Huntington Beach establishing conditions of approval for eating and drinking establishments with alcohol beverage sales and live entertainment. (ATTACHMENT NO. 1)”

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Alternative Action(s):

The City Council may make the following alternative motion(s):

"Continue the adoption of Resolution No. 2010-05 and direct staff accordingly."

Analysis:

As a result of the December 15, 2008, City Council meeting, staff was directed to establish an Ad Hoc Committee to focus on improving the environment within the downtown area. The Downtown Image Committee was established and met monthly since February 2009 to study various issues within the downtown area. At the August 17, 2009, City Council meeting, staff presented the Downtown Image Committee's recommendations and indicated that some recommendations would be brought back to the City Council for further direction.

The recommendations presented to the City Council related to public safety included:

- Increase fines for entertainment permit violations
- Create standardized conditions for new entertainment permits
- Provide information to new tenants requesting alcohol licenses
- Mitigating impacts to residence adjacent to businesses requesting new entertainment permits
- Establishment of residential permit parking zones

Over the past several months, Planning, Economic Development and Police Department staff have been working together to develop standardized conditions for new entertainment permits along with standardized conditions for eating and drinking establishments proposing alcohol sales. The draft lists include the following proposed conditions:

Conditional Use Permit for Alcohol Sales:

1. Hours of operation shall be limited to between the hours of 7:00 a.m. and 12:00 a.m. except for businesses proposed on the west side of 5th Street and east side of 3rd Street between Walnut and Orange shall be limited to between the hours of 7:00 a.m. and 10:00 p.m.
2. A minimum of 70 percent of the net floor area shall be designated as dining area.
3. Full food service menus shall be served, at minimum, until one hour before closing and a cook and food server shall be on duty during these times.
4. Alcoholic drinks shall not be included in the price of admission to any establishment.
5. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
6. All alcohol shall remain on the establishment's premises, including within outdoor dining areas.

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7. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served.
8. All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business.
9. Dancing and/or a dance floor and/or live entertainment shall be prohibited unless a conditional use permit and entertainment permit are obtained.
10. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited.
11. The establishment shall follow all conditions of the alcohol license issued by the California Department of Alcohol Beverage Control, as well as all other relevant sections of the Huntington Beach Municipal Code and Zoning and Subdivision Ordinance.

Conditional Use Permit and Entertainment Permit for Live Entertainment:

1. Hours of operation shall be limited to between the hours of 7:00 a.m. and 12:00 a.m. except for businesses proposed on the west side of 5th Street and east side of 3rd Street between Walnut and Orange shall be limited to between the hours of 7:00 a.m. and 10:00 p.m.
2. A minimum of 70 percent of the net floor area shall be designated as dining area.
3. The seating capacity at all times within the dining area, excluding outdoor dining areas, shall be able to accommodate a minimum of 100 people.
4. Full food service menus shall be served, at minimum, until one hour before closing and a cook and food server shall be on duty during these times.
5. Alcoholic drinks shall not be included in the price of admission to any establishment.
6. There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
7. All alcohol shall remain on the establishment's premises, including within outdoor dining areas.
8. An employee of the establishment must be present at all times in areas within the establishment where alcohol is served.
9. If dancing is allowed, the activity must be specifically identified as part of the Entertainment Permit and only in a pre-approved designated area.
10. Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited.
11. No outside promoters can be used under any circumstances.
12. All exterior doors and windows shall be closed during times of entertainment.
13. All amplified entertainment conducted by a performer shall be confined indoors at all times.
14. Outdoor entertainment shall be limited to:
 - a. Non-amplified entertainment with no more than two performers.
 - b. Amplified entertainment limited to ambient music only.
15. Any outdoor entertainment shall not be audible beyond 50 feet of the source of the entertainment.

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16. No entertainment shall be audible beyond 50 feet of the business in any direction.
17. All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business.
18. All provisions of the entertainment permit required by section 5.44 of the Huntington Beach Municipal Code shall continue to apply.

In order to change the current nightclub atmosphere, which has created a public safety issue along with compromising the surrounding neighborhoods' quality of life, the Police Department recommends the hours of operation be limited to between 7:00 a.m. to 12:00 a.m.

Additional conditions may be added or the list may be modified based on each proposed use and reviewed on a case by case basis. The final list of approved conditions of approval will be subject to the applicable hearing body and final action.

The standardized conditions of approval will apply to new eating and drinking establishments requesting a conditional use permit for alcohol sales and/or live entertainment. Existing eating and drinking establishments with a valid conditional use permit for alcohol sales and/or live entertainment will not be subject to the standardized conditions of approval unless the use ceases operation for more than 12 consecutive months.

In addition to the standardized conditions, the Planning and Economic Development Departments will be providing information and handouts at their respective public counters to educate potential downtown business owners the concerns regarding live entertainment and/or alcohol sales. Providing this information early in the application process will help potential downtown business owners understand the conditions of approval that will be placed on their application.

Approval of the resolution is an administrative item, which does not require a public hearing. Staff recommends the City Council approve the resolution for the creation of standardized conditions of approval for eating and drinking establishments with alcohol sales and/or live entertainment.

Environmental Status: Not applicable.

Attachment(s):

City Clerk's Page Number	No.	Description
	1.	Resolution No.2010-05. A Resolution of the City Council of the City of Huntington Beach establishing conditions of approval for eating and drinking establishments with alcohol beverage sales and live entertainment.

ATTACHMENT #1

ATTACHMENT NO. 1.5

RESOLUTION NO. 2010-05

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH ESTABLISHING CONDITIONS OF
APPROVAL FOR EATING AND DRINKING ESTABLISHMENTS WITH
ALCOHOLIC BEVERAGE SALES AND LIVE ENTERTAINMENT

WHEREAS, the City of Huntington Beach desires to maintain a vibrant and safe downtown commercial area to be enjoyed by visitors, residents and families; and

Toward that end, the City Council has established standardized Conditions of Approval for Conditional Use Permits in the Downtown Specific Plan District 1 area with alcoholic beverage sales and/or an entertainment permit,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. That the Conditions of Approval set forth in Exhibit A attached hereto and incorporated by this reference shall apply to all eating and drinking establishments located in the designated area with alcoholic beverage sales.
2. That the Conditions of Approval set forth in Exhibit B attached hereto and incorporated by this reference shall apply to all eating and drinking establishments located in the designated area with alcoholic beverage sales and live entertainment.
3. These proposed conditions shall apply to conditional use permit applications applied for subsequent to adoption of this Resolution and shall remain in effect unless modified by the reviewing body as part of the Conditional Use Permit via a public hearing.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 19th day of January, 2010.

REVIEWED AND APPROVED:

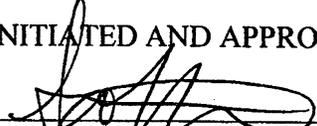


City Administrator



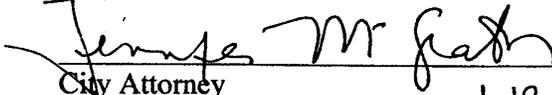
Mayor

INITIATED AND APPROVED:



Director of Planning and Building

APPROVED AS TO FORM:



City Attorney

1.12.10

EXHIBIT A

EATING AND DRINKING ESTABLISHMENTS WITH ALCOHOLIC BEVERAGE SALES:

The following standard Conditions of Approval shall be part of any Conditional Use Permit from the Zoning Administrator or Planning Commission for the establishment of any eating and drinking establishment with alcohol beverage sales located within the Downtown Specific Plan area, District 1:

- 1) Hours of operation shall be limited to between 7:00 a.m. to 12:00 a.m. midnight except for a business proposed in the following locations:
 - a. West side of 5th Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. to 10:00 p.m.
 - b. East side of 3rd Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m.
- 2) A minimum of 70 percent of the net floor area of the establishment shall be designated as dining area excluding back of house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas.
- 3) Full food service menus shall be served, at a minimum, until one (1) hour before closing, and a cook and food server shall be on duty during these times.
- 4) Alcoholic drinks shall not be included in the price of admission to any establishment.
- 5) There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
- 6) All alcohol shall remain on the establishment's premises, including within outdoor dining areas.
- 7) An employee of the establishment must be present at all times in areas within the establishment where alcohol is served.
- 8) All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business.
- 9) Dancing and/or dance floor and/or live entertainment shall be prohibited unless a Conditional Use Permit and Entertainment Permit are approved by the City.
- 10) Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited.
- 11) The establishment shall follow all conditions of the alcohol license issued by the California Department of Alcoholic Beverage Control, as well as all other relevant portions of the Huntington Beach Zoning and Subdivision Ordinance and Huntington Beach Municipal Code.

EXHIBIT B

EATING AND DRINKING ESTABLISHMENTS WITH
ALCOHOLIC BEVERAGE SALES AND LIVE ENTERTAINMENT:

The following standard Conditions of Approval shall be part of any Conditional Use Permit from the Zoning Administrator or Planning Commission and the Entertainment Permit from the Police Department for the establishment of any eating and drinking establishment located within the Downtown Specific Plan area with alcohol beverage sales and entertainment, District 1:

- 1) Hours of operation shall be limited to between 7:00 a.m. to 12:00 a.m. midnight except for a business proposed in the following locations:
 - a. West side of 5th Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. to 10:00 p.m.
 - b. East side of 3rd Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m.
- 2) A minimum of 70 percent of the net floor area of the establishment shall be designated as dining area excluding back of house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas.
- 3) The seating capacity at all times within the dining area, excluding outdoor dining areas, shall be able to accommodate a minimum of 100 people.
- 4) Full food service menu items shall be served, a minimum, until one (1) hour before closing, and a cook and food server shall be on duty during these times.
- 5) Alcoholic drinks shall not be included in the price of admission to any establishment.
- 6) There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
- 7) All alcohol shall remain on the establishment's premises, including within outdoor dining areas.
- 8) An employee of the establishment must be present at all times in areas within the establishment where alcohol is served.
- 9) If dancing is allowed, the activity must be specifically identified as part of the Entertainment Permit and only in a pre-approved designated area.
- 10) Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited.
- 11) No outside promoters can be used under any circumstances.
- 12) All exterior doors and windows shall be closed at all times during live entertainment.

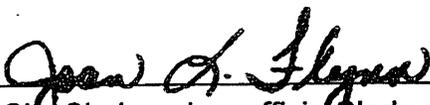
- 13) All amplified entertainment conducted by a performer shall be confined indoors at all times.
- 14) If outdoor entertainment is allowed, it shall be limited to:
 - a) Non-amplified entertainment with no more than two performers.
 - b) Amplified entertainment limited to ambient music only.
- 15) Any outdoor entertainment shall not be audible beyond 50 feet of the source of the entertainment.
- 16) No entertainment shall be audible beyond 50 feet of the business in any direction.
- 17) All areas of the business that are accessible to patrons shall be illuminated to make easily discernible the appearance and conduct of all people in the business.
- 18) All provisions of the entertainment permit required by section 5.44 of the Huntington Beach Municipal Code shall continue to apply.

REST OF PAGE NOT USED

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a regular meeting thereof held on **January 19, 2010** by the following vote:

AYES: Hardy, Green, Bohr, Dwyer, Hansen
NOES: None
ABSENT: Coerper
ABSTAIN: Carchio



City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California

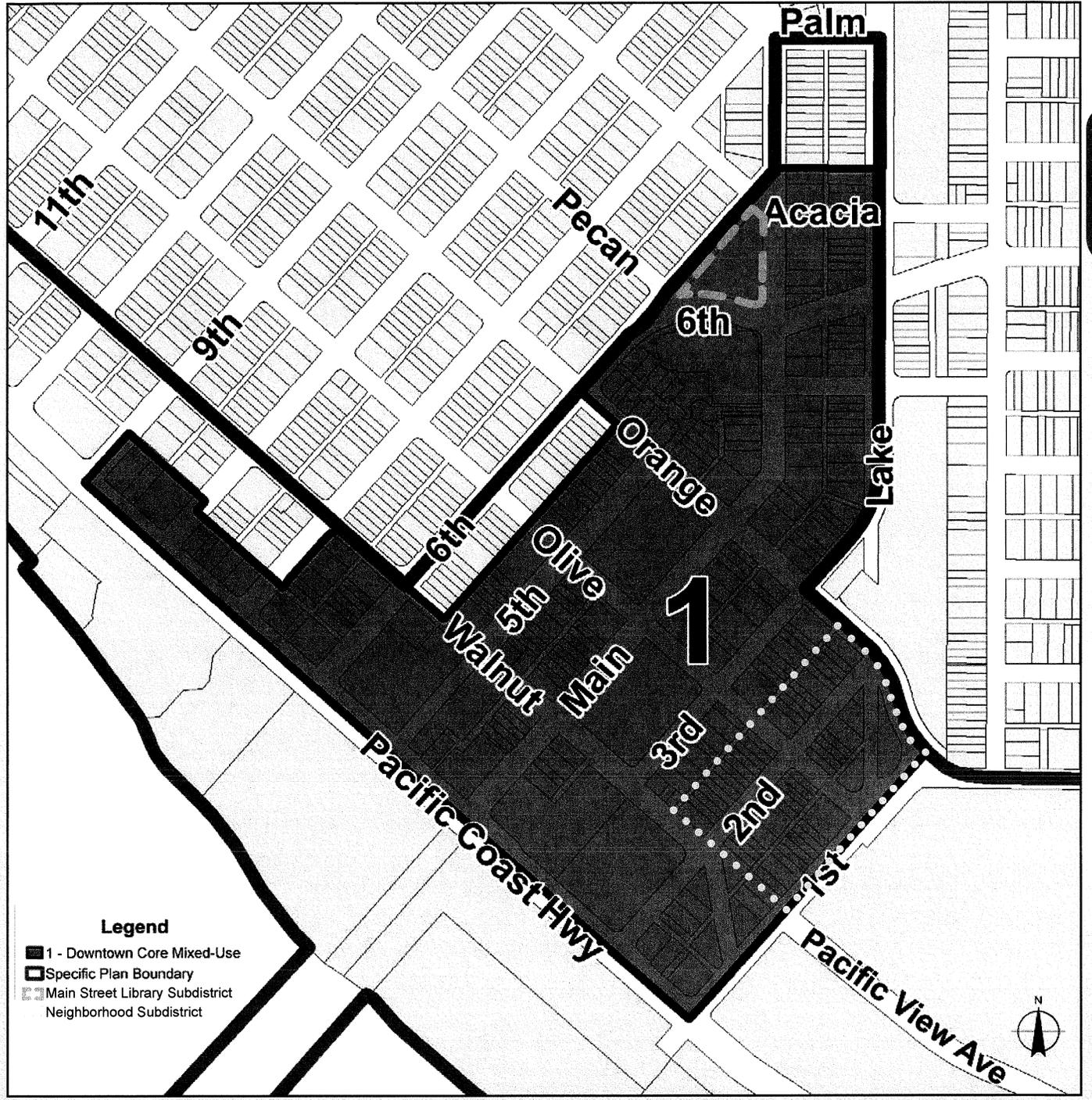
3 - LAND USES & DEVELOPMENT STANDARDS

Permitted Uses District 1

Use	Permitted	Admin Permit	CUP from ZA	CUP from PC	TUP from ZA
Accessory dwelling units		✓			
Artists' studios ¹	✓				
Banks and savings and loans branch offices ²	✓				
Carts and kiosks ³		✓			
Commercial parking			✓		
Cultural institutions				✓	
* Eating and drinking establishments ⁴		✓			
* Eating and drinking establishments, with less than 12 seats	✓				
* Eating and drinking establishments, with alcohol (hours of operation up to 11 pm M-TH and 12 am Fri-Sun.)			✓		
* Eating and drinking establishments, with alcohol (hours of operation past 11 pm M-TH and/or 12 am Fri-Sun.)				✓	
* Eating and drinking establishments, with dancing				✓	
* Eating and drinking establishments, with live entertainment				✓	
Food and beverage sales, without alcoholic beverage sales	✓				
Health and sports clubs				✓	
Home occupations ⁵		✓			
Hotels, motels, and bed and breakfasts				✓	
Live/work units ⁶		✓			
Offices, business and professional ⁷	✓				
Personal enrichment services ⁸		✓			
Personal services	✓				
Public facilities			✓		
Real estate businesses	✓				
Religious assembly			✓		
Multi-family housing, apartments, condominiums, and stock-cooperatives (up to 4 units)	✓				
Multi-family housing, apartments, condominiums, and stock-cooperatives (more than 4 units)			✓		
Single-family detached dwellings ⁹	✓				
Retail markets with alcohol sales ¹⁰				✓	
Retail sales	✓				

Chapter 3
District 1

3.3.1. District 1 – Downtown Core Mixed-Use



Chapter 3
All Districts

Figure 3-21 District 1 Map