



City of Huntington Beach Planning and Building Department

STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Jennifer Villasenor, Acting Planning Manager *JV*
DATE: October 14, 2014

**SUBJECT: ZONING TEXT AMENDMENT NO. 14-001/LOCAL COASTAL PROGRAM
AMENDMENT NO. 14-002 (DTSP – DISTRICT 1 ON-SITE ALCOHOL SALES
HOURS)**

APPLICANT: City of Huntington Beach, 2000 Main Street, Huntington Beach, CA 92648

PROPERTY

OWNER: Not applicable

LOCATION: Downtown Specific Plan – District 1

STATEMENT OF ISSUE:

- Zoning Text Amendment (ZTA) No. 14-001 represents a request to amend Specific Plan No. 5 – Downtown Specific Plan to limit the hours of alcohol sales to 10 PM Sunday through Thursday and 11 PM Friday and Saturday, with food service allowable until midnight, for new or expanded eating and drinking establishments in District 1.
- Local Coastal Program Amendment (LCPA) No. 14-002 would amend the City’s Certified Local Coastal Program Implementing Ordinances (IP) to reflect the changes to the DTSP as proposed in Zoning Text Amendment No. 14-001.
- ♦ Staff’s Recommendation: Approve Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002 and forward to the City Council for adoption for the following reasons:
 - Consistent with City Council direction;
 - Addresses issues raised by the Downtown Task Force related to alcohol consumption associated with on-site sales in the downtown area;
 - Consistent with the City Council Strategic Plan goal to “Enhance and Maintain Public Safety”; and
 - Conforms to the General Plan, certified Local Coastal Program, and Chapter 247 of the Huntington Beach Zoning and Subdivision Ordinance.

RECOMMENDATION:

Motion to:

- A. “Approve Zoning Text Amendment No. 14-001 with findings (Attachment No. 1) and forward the draft ordinance (Attachment No. 2) to the City Council for adoption.”
- B. “Approve Local Coastal Program Amendment No. 14-002 with findings (Attachment No. 1) and forward the draft resolution (Attachment No. 3) to the City Council for adoption.”

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. “Deny Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002 with findings for denial.”
- B. “Continue Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002 and direct staff accordingly.”

PROJECT PROPOSAL:

Zoning Text Amendment (ZTA) No. 14-001 represents a request to amend Specific Plan No. 5 – Downtown Specific Plan to limit the hours of alcohol sales to 10 PM Sunday through Thursday and 11 PM Friday and Saturday, with food service allowable until midnight, for new or expanded eating and drinking establishments in District 1.

Local Coastal Program Amendment (LCPA) No. 14-002 would amend the City’s Certified Local Coastal Program Implementing Ordinances (IP) to reflect the changes to the DTSP as proposed in Zoning Text Amendment No. 14-001.

Background:

The reduction of alcohol related issues, including limitation on hours of operation, in the downtown area has been an ongoing effort for the City. In July 2013, the City Council adopted a resolution (Resolution No. 2013-24) (Attachment No. 5) revising the standard Conditional Use Permit (CUP) conditions of approval for restaurants with alcohol and restaurants with alcohol and live entertainment. The resolution allows hours of operation up to midnight (or 10 pm for restaurants on 3rd and 5th Streets adjacent to residential uses) for new or modified conditional use permits. One of the recommendations of the Downtown Task Force was to incorporate the standard conditions of approval that are specified in Resolution No. 2013-24 into the Downtown Specific Plan. In June 2014, staff presented the Downtown Task Force recommendations to the City Council at a study session. In July 2014, the City Council directed staff to amend the DTSP to restrict any new restaurant with alcohol sales (and expansion to existing restaurants) in District 1 from serving alcohol past 10:00 PM Sunday through Thursday, and 11:00 PM Friday and Saturday, but allow food service until midnight. (Attachment No. 4) It should be noted that the City Council did not direct staff to incorporate all of the standard conditions of approval specified in Resolution No. 2013-24 primarily because of the lengthy process that would be required if it became necessary to modify the conditions to address new issues as they arise.

ISSUES:

General Plan Conformance:

The General Plan Land Use Map designation for District 1 of the DTSP is Mixed Use – >30 units per acre – Specific Plan Overlay – Design Overlay – Pedestrian Overlay (M->30-sp-pd-d), except for the Main Street Library site, which is designated Public (P). The proposed project is consistent with this designation and the goals and objectives of the City’s General Plan as follows:

A. Land Use Element

Policy LU 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

Policy LU 10.1.9: Continue to control the location and amount of alcohol sales, adult businesses, game arcades, and other “community-sensitive” uses, based on proximity to residences, schools, religious facilities, and parks as authorized by legislative and legal requirements.

B. Public Facilities and Services Element

Goal PF 1: Protect the community from criminal activity, reduce the incidence of crime and provide other necessary services within the City.

Objective PF 1.3: Ensure that new developments in Huntington Beach are designed to encourage safety.

Policy PF 1.3.2: Ensure that new development and land use proposals are analyzed to determine the impact their operators, occupants, visitors or customers may have on the safety and welfare of the community.

Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-001 would amend the DTSP to limit the hours of alcohol sales to 10 PM Sunday through Thursday and 11 PM Friday and Saturday, with food service allowable until midnight, for new or expanded eating and drinking establishments in District 1. The changes to the DTSP, as directed by the City Council, are in response to recommendations made by the Downtown Task Force, a group of elected officials and downtown stakeholders formed to address downtown issues. Implementation of the changes to limit the hours of alcohol sales for new and expanded restaurants would be a measure to reduce negative impacts associated with alcohol uses on adjacent properties and the surrounding residential neighborhoods while still allowing for new restaurant uses within the downtown core.

Zoning Compliance: Not applicable.

Urban Design Guidelines Conformance: Not applicable.

Environmental Status: The proposed project is categorically exempt pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act.

Coastal Status: If approved by the City Council, Zoning Text Amendment No. 14-001 requires certification of a Local Coastal Program Amendment by the California Coastal Commission in order to become effective. As such, Local Coastal Program Amendment No. 14-002 reflects the changes proposed by ZTA No. 14-001 and will be forwarded to the California Coastal Commission as a minor Local Coastal Program Amendment for certification upon adoption.

Design Review Board: Not applicable.

Subdivision Committee: Not applicable.

Other Departments Concerns and Requirements: The proposed amendments to the DTSP and certified LCP were prepared in response to City Council direction and recommendations from the Downtown Task Force, which is made up of elected officials, downtown stakeholders and facilitated by City staff from the Office of Business Development with input from the Fire, Police, Community Services, Public Works and Planning and Building Departments.

Public Notification: Legal notice was published in the Huntington Beach/Fountain Valley Independent on October 2, 2014. Notices were sent to all restaurants within the DTSP District 1 area as well as interested agencies/organizations including the Downtown Business Improvement District, Marketing and Visitors Bureau, Chamber of Commerce and the Downtown Residents Association. As of October 7, 2014, no communications regarding the request have been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

Not Applicable

MANDATORY PROCESSING DATE(S):

Legislative Action - Not Applicable

ANALYSIS:

The current District 1 provisions of the DTSP allow eating and drinking establishments with alcohol proposing hours of operation up to 11 PM Monday through Thursday and 12 AM Friday through Sunday subject to a conditional use permit from the Zoning Administrator. If the eating and drinking establishment proposes to operate later than those hours, a conditional use permit from the Planning Commission is required. However, in 2013, the City Council adopted a resolution that any new or amended conditional use permit request for eating and drinking establishments with alcohol beverage sales located within District 1 be subject to the following hours:

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.

The proposed changes to the Downtown Specific Plan would limit the hours of operation for eating and drinking establishments in the District 1 (Downtown Core) area to be more consistent with the hours

specified in City Council Resolution No. 2013-24 as recommended by the Downtown Task Force. In fact, the proposed changes further restrict the hours for the sale of alcohol for on-site consumption and would supersede the current limitations specified in Resolution No. 2013-24¹ potentially resulting in a reduction in the number of late night alcohol-related disturbances in the area. Limiting the hours of alcohol sales for new and expanded eating and drinking establishments would still allow new restaurant uses to be established in the downtown core while ensuring greater compatibility with the other uses downtown as well as the surrounding residential neighborhoods and beach areas. The proposed changes to the Downtown Specific Plan would not affect the zoning designation, development standards or allowable density for any affected property.

Although the goals and policies of the Downtown Specific Plan encourage uses that promote tourism and recreation to encourage investment and stimulate the economy, they also call for a well-balanced mix of retail and restaurant uses while limiting alcohol-related uses. The amendment to limit the hours of on-site alcohol sales for new and expanded eating and drinking establishments in District 1 of the Downtown Specific Plan would not inhibit the goal to promote tourism and recreation as there would be no changes to the type of uses allowed. In addition, visitor-serving commercial uses would continue to be required as they currently are in District 1 of the Downtown Specific Plan. For these reasons, staff is recommending that the Planning Commission approve Zoning Text Amendment No. 14-001 and Local Coastal Program Amendment No. 14-002 pursuant to the City Council's direction.

ATTACHMENTS:

1. Suggested Findings for Approval – ZTA No. 14-001 and LCPA No. 14-002
2. Draft City Council Ordinance – ZTA No. 14-001
3. Draft City Council Resolution – LCPA No. 14-002
4. City Council H-Item, dated July 7, 2014
5. City Council Resolution No. 2013-24
6. DTSP – District 1 Map

SH:JJ:JV

¹ Except on the east side of 3rd and west side of 5th Streets between Walnut Avenue and Orange Avenue where eating and drinking establishments with alcohol and eating and drinking establishments with alcohol and live entertainment are required to close by 10 PM

ATTACHMENT NO. 1

SUGGESTED FINDINGS OF APPROVAL

ZONING TEXT AMENDMENT NO. 14-001

SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act because it is a minor zoning text amendment which does not change development standards, intensity, or density of any zoning district.

SUGGESTED FINDINGS FOR APPROVAL - ZONING TEXT AMENDMENT NO. 12-01:

1. Zoning Text Amendment No. 14-001 to amend the Downtown Specific Plan to limit the hours of alcohol sales to 10 PM Sunday through Thursday and 11 PM Friday and Saturday, with food service allowable until midnight, for new or expanded eating and drinking establishments in District 1 of the Downtown Specific Plan is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan. The goals and policies of the General Plan require that the City implement safety measures for drinking and entertainments uses that prevent negative impacts on adjacent properties and require that the City control alcohol-related uses when they are in closer proximity to residential and other “community-sensitive” uses. Zoning Text Amendment No. 14-001 would amend the DTSP to limit the hours of alcohol sales for new and expanded restaurant uses in District 1 (Downtown Core) area of the DTSP. The changes to the DTSP are a response to recommendations made by the Downtown Task Force, a group of elected officials and downtown stakeholders, formed to address issues related to the City’s downtown area and surrounding neighborhoods. Implementation of the changes to restrict hours of alcohol sales in the District 1 (Downtown Core) area would be a measure to prevent negative impacts on adjacent properties and potentially reduce the incidence of crime and disturbances related to alcohol consumption.
2. In the case of a general land use provision, Zoning Text Amendment No. 14-001 is compatible with the uses authorized in, and the standards prescribed for, the zoning district for which it is proposed. The proposed changes to the Downtown Specific Plan would not affect the zoning designation, development standards or allowable density for any affected property. Limiting the hours of alcohol sales for new and expanded eating and drinking establishments in District 1 of the Downtown Specific Plan area would ensure greater compatibility with the other uses downtown as well as the surrounding residential neighborhoods and beach areas.
3. A community need is demonstrated for the change proposed. The changes to the Downtown Specific Plan would and potentially reduce the incidence of alcohol-related disturbances in the downtown area, the surrounding residential neighborhoods, and on the beach as well as encourage a more family-friendly downtown environment.

4. Its adoption will be in conformity with public convenience, general welfare and good zoning practice. The proposed amendment to the Downtown Specific Plan would implement a measure, as recommended by the Downtown Task Force and directed by the City Council, which would help to improve and maintain public safety within the downtown area, ensure that impacts related to alcohol uses are minimized and ensure that future uses are compatible with the existing downtown uses. While the goals and policies of the Downtown Specific Plan encourage uses that would promote tourism and recreation to encourage investment and stimulate the economy, they also call for a well-balanced mix of retail and restaurant uses while limiting alcohol related uses. The amendment to limit the hours of alcohol sales to 10 PM Sunday through Thursday and 11 PM Friday and Saturday, with food service allowable until midnight, for new or expanded eating and drinking establishments in District 1 of the Downtown Specific Plan would not inhibit the goal to promote tourism and recreation as there would be no changes to the type of uses allowed. In addition, visitor-serving commercial uses would continue to be required as they currently are in the Downtown Specific Plan area.

SUGGESTED FINDINGS FOR APPROVAL – LOCAL COASTAL PROGRAM AMENDMENT NO. 14-002:

1. Local Coastal Program Amendment No. 14-002 to the Huntington Beach Local Coastal Program in accordance with Zoning Text Amendment No. 14-001 is consistent with the goals and policies of the General Plan in that they require that the City implement safety measures for drinking and entertainments uses that prevent negative impacts on adjacent properties and require that the City control alcohol-related uses when they are in closer proximity to residential and other “community-sensitive” uses. The proposed changes to the Downtown Specific Plan would not affect the zoning designation, development standards or allowable density for any affected property. Limiting the hours of alcohol sales for new and expanded eating and drinking establishments in District 1 of the Downtown Specific Plan area would ensure greater compatibility with the other uses downtown as well as the surrounding residential neighborhoods and beach areas.
2. The proposed change to the Local Coastal Program is in accordance with the policies, standards and provisions of the California Coastal Act that encourage accommodating new development and visitor-serving commercial uses in accordance with the Coastal Element Land Use Plan and located within existing developed areas.
3. The request conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act because the request is only a zoning text amendment to limit hours of alcohol sales for new and expanded restaurants in the downtown, which would not have an impact on public access and public recreational opportunities in the coastal zone.

DRAFT

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH
AMENDING SPECIFIC PLAN NO. 5 – DOWNTOWN SPECIFIC PLAN
(ZONING TEXT AMENDMENT NO. 14-001)**

WHEREAS, pursuant to the California State Planning and Zoning Law, the Huntington Beach Planning Commission and Huntington Beach City Council have held separate, duly noticed public hearings to consider Zoning Text Amendment No. 14-001, which amends Specific Plan No. 5 – Downtown Specific Plan to limit the hours of alcohol sales to 10 PM Sunday through Thursday and 11 PM Friday and Saturday, with food service allowable until midnight, for new or expanded eating and drinking establishments in District 1 of the Downtown Specific Plan area; and

After due consideration of the findings and recommendations of the Planning Commission and all other evidence presented, the City Council finds that the aforesaid amendment is proper and consistent with the General Plan;

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

SECTION 1. That Figure 3-23 of Specific Plan No. 5 – Downtown Specific Plan are hereby amended to read as set forth in Exhibit A.

SECTION 2. This ordinance shall become effective immediately upon certification by the California Coastal Commission but not less than 30 days after its adoption.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the ____ day of _____, 2014.

Mayor

ATTEST:

INITIATED AND APPROVED:

City Clerk

Director of Planning and Building

REVIEWED AND APPROVED:

APPROVED AS TO FORM:

City Manager

City Attorney

LEGISLATIVE DRAFT

DRAFT 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 ⁴			✓		
Cultural institutions				✓	
Eating and drinking establishments ⁵		✓			
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.) (hours of alcohol sales limited to 10 pm SU-TH and 11 pm Fri & Sat with food service allowed up to midnight)				✓	
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 ⁶		✓			
Hotels, motels, and bed and breakfasts				✓	
Live/work units ⁷		✓			
Offices, business and professional ⁸	✓				
Personal enrichment services ⁹		✓			
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 ¹⁰	✓				
Retail sales	✓				

Figure 3-23 Permitted Uses District 1 (1 of 2)

DRAFT

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HUNTINGTON BEACH, ADOPTING LOCAL COASTAL PROGRAM
AMENDMENT NO. 14-002 AND REQUESTING ITS CERTIFICATION BY
THE CALIFORNIA COASTAL COMMISSION**

WHEREAS, after notice duly given pursuant to *Government Code* Section 65090 and *Public Resources Code* Sections 30503 and 30510, the Planning Commission of the City of Huntington Beach held a public hearing to consider the adoption of Zoning Text Amendment No. 14-001 included in Huntington Beach Local Coastal Program Amendment No. 14-002, and such amendment was recommended to the City Council for adoption; and

The City Council, after giving notice as prescribed by law, held at least one public meeting on Zoning Text Amendment No. 14-001 included in the proposed Huntington Beach Local Coastal Program Amendment No. 14-002, and the City Council finds that the proposed amendment is consistent with the Huntington Beach General Plan, the Certified Huntington Beach Coastal Land Use Plan and Chapter 6 of the California Coastal Act.

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

SECTION 1. That Huntington Beach Local Coastal Program Amendment No. 14-002 is hereby approved, consisting of Ordinance No. _____ pertaining to Zoning Text Amendment No. 14-001, which limit the hours of alcohol sales to 10 PM Sunday through Thursday and 11 PM Friday and Saturday, with food service allowable until midnight, for new or expanded eating and drinking establishments in District 1 of the Downtown Specific Plan area. A copy of the aforesaid ordinance is attached hereto as Exhibit A, and incorporated by this reference as though fully set forth herein.

SECTION 2. That the California Coastal Commission is hereby requested to consider, approve and certify Huntington Beach Local Coastal Program Amendment No. 14-002.

SECTION 3. That pursuant to Section 13551(b) of the Coastal Commission Regulations, Huntington Beach Local Coastal Program Amendment No. 14-002 will take effect automatically upon Coastal Commission approval, as provided in *Public Resources Code* Sections 30512, 30513, and 30519.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting held on the _____ day of _____, 2014.

DRAFT

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

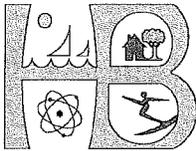
REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Manager

Planning and Building Director

EXHIBIT A: Ordinance No. _____ NOT ATTACHED - See Attachment No. 2



CITY OF HUNTINGTON BEACH

City Council Interoffice Communication

To: Honorable Mayor and City Council Members
From: Dave Sullivan, City Council Member DS
Date: June 30, 2014
Subject: ***CITY COUNCIL MEMBER ITEM FOR THE JULY 7, 2014,
CITY COUNCIL MEETING – RECONSIDER PREVIOUS
COUNCIL ACTION TO RESTRICT HOURS OF NEW
RESTAURANTS WITH ALCOHOL DOWNTOWN***

STATEMENT OF ISSUE:

On June 16, 2014, the City Council voted (5-2) to direct staff to prepare a Zoning Text Amendment to specify that any new eating and drinking establishment with alcohol sales in District 1 of the Downtown Specific Plan (DTSP) shall be required to close by 10:00 PM Monday through Sunday. The hours of operation restriction shall apply to any new establishment that exceeds the currently entitled establishments with Alcoholic Beverage Control (ABC) licenses within District 1 of the DTSP. Also, a limit was placed on the number of establishments with liquor licenses.

After further consideration I believe that 11:00 PM is a more reasonable time for closure on the weekends. As a Council member on the prevailing side, I wish to move for reconsideration of the June 16, 2014, action and propose that the prohibition on alcohol sales be applicable to new establishments whose hours exceed 10:00 PM Sunday through Thursday and 11:00 PM Fridays and Saturdays. Also, I want to repeal the limitation of the number of liquor establishments because it has the unintended consequence of increasing the value of the licenses of the problem bars making it more difficult for good restaurants to come into the area.

RECOMMENDED ACTION:

1. Reconsider the June 16, 2014, City Council action directing staff to process a Zoning Text Amendment to prohibit any new eating or drinking establishments with alcohol sales in District 1 to remain open past 10:00 PM Monday through Sunday, and the placing of a restriction on the number of establishments serving liquor.
2. If the motion to reconsider passes, direct staff to process a Zoning Text Amendment restricting any new eating and drinking establishment with alcohol sales in District 1 of the Downtown Specific Plan, and modify the closing time to 10:00 PM Sunday through Thursday, and 11:00 PM Friday and Saturday.

xc: Fred A. Wilson, City Manager
Ken Domer, Assistant City Manager
Joan Flynn, City Clerk
Scott Hess, Director of Planning and Building
Kellee Fritzal, Deputy Director of Economic Development

RESOLUTION NO. 2013-24

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

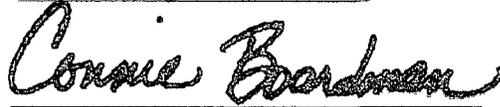
Toward that end, the City Council has established standardized Conditions of Approval for Conditional Use Permits in the Downtown Specific Plan District 1 area with alcoholic beverage sales and/or an entertainment permit,

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 for new uses and amendments to existing conditional permit use applications and shall remain in effect as part of the Conditional Use Permit via a public hearing. Any amendments to these conditions must be approved by the City Council.

4. Resolution No. 2011-16 is hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 1st day of July, 2013.



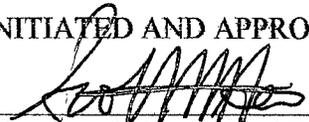
Mayor

REVIEWED AND APPROVED:



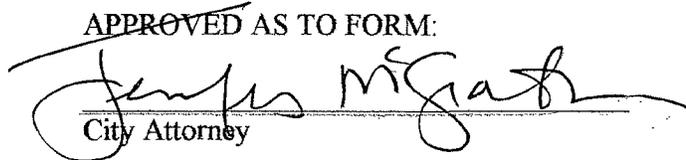
City Manager

INITIATED AND APPROVED:



Director of Planning and Building

APPROVED AS TO FORM:



City Attorney

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.

- 12) No new customers shall be permitted after 30 minutes before closing.
- 13) Last call for drinks shall be no later than 15 minutes before closing.
- 14) Only single-sized drinks and no multiple drinks shall be served after midnight.
- 15) Signage, posters, and advertizing with "Do Not Drink and Drive" shall be posted in the business.
- 16) Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review.
- 17) Establishments shall install and maintain a video surveillance system to monitor public area of premises and shall make the video available to the police department for any criminal or civil investigation.

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.

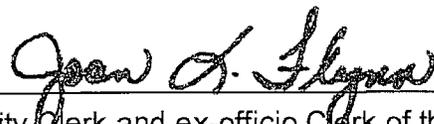
- 13) All amplified entertainment conducted by a performer shall be confined indoors at all times.
- 14) If outdoor entertainment is allowed, it shall be limited to:
 - a) Non-amplified entertainment with no more than two performers.
 - b) Amplified entertainment limited to ambient music only.
- 15) 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.
- 19) No new customers shall be permitted after 30 minutes before closing.
- 20) Last call for drinks shall be no later than 15 minutes before closing.
- 21) Only single-sized drinks and no multiple drinks shall be served after midnight.
- 22) Signage, posters, and advertizing with "Do Not Drink and Drive" shall be posted in the business.
- 23) Mandatory Responsible Beverage Service (RBS) training and certification shall be required for new employees within 90 days of being hired and for existing employees every 12 months. Training shall be provided by an ABC approved RBS trainer and records of the training must be maintained on-site for review.
- 24) Establishments shall install and maintain a video surveillance system to monitor public area of premises and shall make the video available to the police department for any criminal or civil investigation.

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 **July 1, 2013** by the following vote:

AYES: Sullivan, Hardy, Boardman, Carchio, Shaw, Katapodis
NOES: Harper
ABSENT: None
ABSTAIN: None



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

DTSP DISTRICT 1 MAP

