

# Public Forum

## RE: Downtown Dining & Entertainment District

October 29, 2014



# Task Force Members

**Loara Cadavona** - East Village Resident, First District Representative to Downtown Long Beach Associates Board

**Liz Carlin** - Deputy to LA Council President Wesson, Downtown Resident & Property Owner

**Eric Carr**- Downtown Resident, Past President, Downtown Residential Council

**David Copley**- Owner Auld Dubliner Irish Pub & Legends Sports Bar

**Joseph Ganem, III** - East Village Resident; Vice President Blu Condominium HOA ; President, Downtown Residential Council

**Katrina Harding**- Downtown Resident; Member, Wilmore City Heritage Society ; AICP Certified Planner

**Jimmy Loizides** - Owner-Operator of George's Greek Café

**Council Staff:** Broc Coward, Chief of Staff to Vice Mayor Suja Lowenthal

**City Staff:** Amy Bodek, Director of Development Services; Jason MacDonald, Manager of Business License and Purchasing; Jeff Winklepleck, acting Zoning Administrator; Lt. Dan Pratt, Vice Unit; Nelson Kerr, Sound Officer; Rachael Tanner, Program Specialist; Amy Webber, Deputy City Attorney

# Agenda

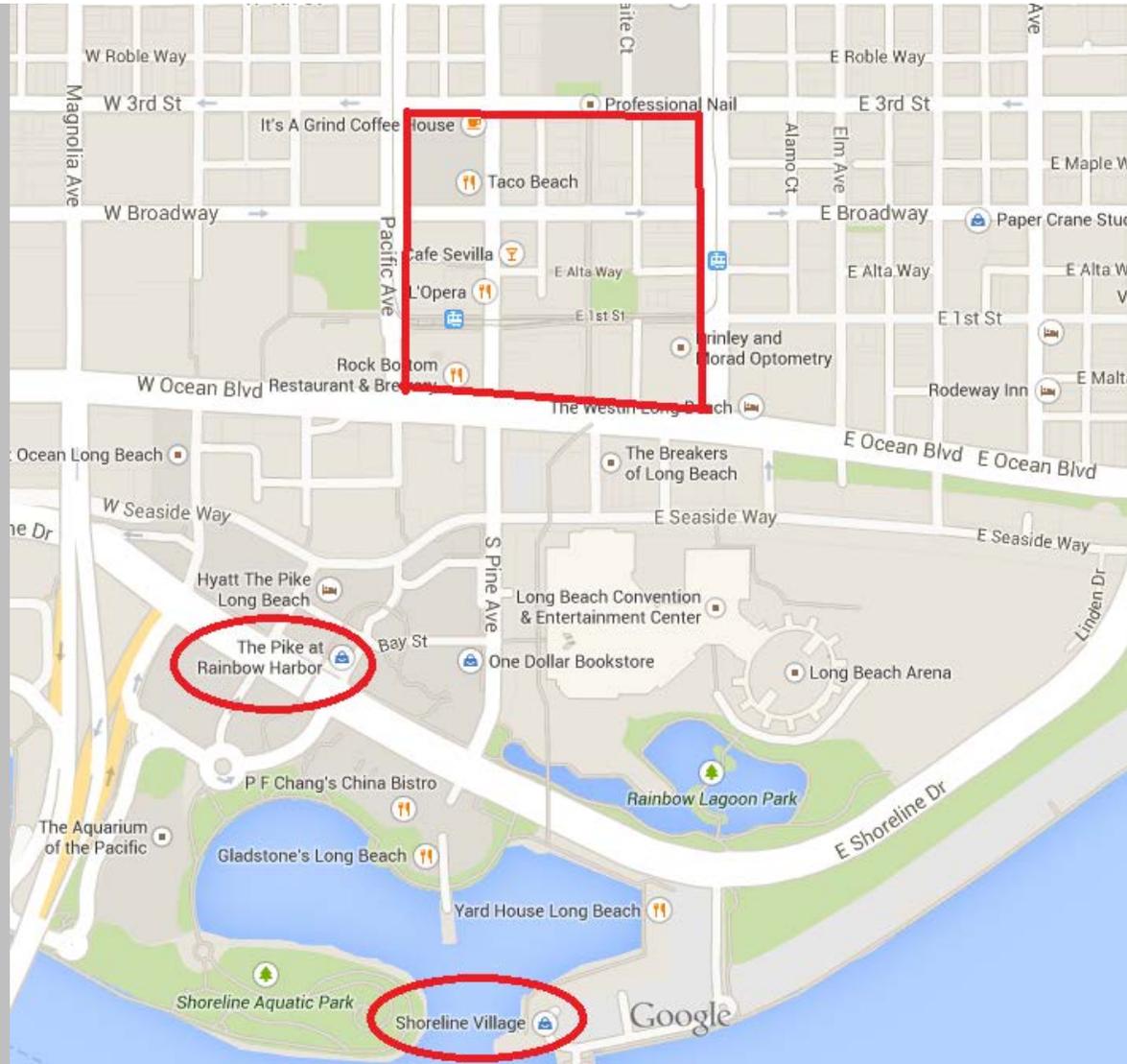
- Introduction & Overview – 5 min.
- Presentation
  - **Revised Permitting Process – 25 min.**
    - Present – 10 min.
    - Discussion – 15 min.
  - **Enforcement – 25 min.**
    - Present – 10 min.
    - Discussion – 15 min.
  - **Standard Operating Conditions & Outdoor Entertainment 10 min**
    - Present – 5 min.
    - Discussion – 5 min.
  - **Items for Future Consideration – 10 min**
    - Present – 5 min.
    - Discussion – 5 min.
- **Next Steps & Close – 5 minutes**

# Background



# District Boundaries

The Downtown Dining and Entertainment District (District) consists of the area bounded by the north side of Ocean Boulevard, the south side of Third Street, the east side of Pacific and the west side of Long Beach Boulevard. It also includes the Pike at Rainbow Harbor and Shoreline Village.



# Process & Timeline

- Aug 2013 – City Council initiates Moratorium on Entertainment Permits for Type 48 ABC License in District
- November 2013 - Interested individuals applied to be part of task force
  - 9 member selected (two later withdrew)
  - Met regularly to review the current conditions and processes
- Aug 2014 – City Council Extends moratorium for 6 months
- Aug 2014 – Public forum to present recommendations
- Aug – Oct 2014 – Staff and task force consider feedback
- **Tonight's Goal: Present & Discuss Final Recommendations**
- **Next Steps:**
  - Planning Commission Hearing on Nightclub Definition
  - Return to City Council with ordinance(s)

# Task Force Goals

- **Balance** the needs of many users – residents, businesses, visitors
- **Encourage** residential development *and* entertainment to coexist
- **Enhance enforcement**, especially for noise & nuisances
- **Be pro-active**, not reactive

# Revised Permitting Processes



## *Recommendation*

Nightclubs require  
Conditional Use  
Permit &  
Entertainment  
Permit

### *Previous Rec.*

All establishments that  
engage in activities  
associated with nightclubs  
must obtain CUP &  
Entertainment Permit

- Consistent with the downtown plan, nightclubs will be required to obtain a **Conditional Use Permit and an Entertainment Permit**
- A nightclub will be defined in the municipal code as a type 48 ABC License with Entertainment
- Requires a major CUP fee of \$8,500

## Proposed Definition of Nightclub

**Nightclub** - Any bar, cocktail lounge, dance club, or similar establishment which provides entertainment (music and/or dancing, comedy, etc.) in conjunction with alcoholic beverage sales operating under a Type 48 Department of Alcoholic Beverage Control License (On-Sale General – Public Premises).

This also includes bars, taverns, pubs, karaoke bars, restaurants and similar establishments with an entertainment permit where any food service is subordinate to the sale of alcoholic beverages.

***Recommendation***  
Require Enhanced  
Entertainment  
Permit

- All other establishments in the mixed use portion of the entertainment district (north of Seaside Way) will be required to obtain an Enhanced Entertainment permit
- The operator's permit application shall include a sound study performed by a certified/licensed acoustical engineer
- The study shall certify that the establishment is constructed to meet the required sound standards described in [Ch. 8.80 of the LBMC](#)
- This shall be confirmed by the Health Dept. during review of the entertainment permit application

# Sound Limitations Downtown

- **Night** - 10 pm – 7 am: 55 dBA
- **Day** - 7 am – 10 pm: 60 dBA

# Implementation

- **Nightclub**
  - CUP requirement effective immediately for future nightclubs.
  - Existing nightclubs, 6 months to apply for CUP and 6 months to implement
- **New Entertainment Permits** – Must complete a sound attenuation study and mitigation
- **Existing Permit Holders (not nightclub)** - Shall not have to comply with the sound attenuation study unless and until the Police Department imposes Tier 2 conditions on that establishment

# Enforcement



# Tiering System Currently in place in the District

## What is Tiering?

- In District, an entertainment that does not abide by the standard operating conditions is subject to more stringent regulations.
- Tier 1 – Standard Conditions
- Tier 2 *examples of more stringent conditions*
  - Must keep all doors & windows closed except while patrons are entering or exiting
  - No queue after midnight
- Tier 3 *examples of more stringent conditions*
  - Only non-amplified entertainment will be permitted at any time
  - Cease entertainment not later than 10 pm on Sunday through Wednesday and midnight Thursday through Saturday

## When Might Tiering Occur?

- Tier 2
  - “Following the receipt of 3 or more noise complaints...within a 30 day period....”
  - “Following three or more incidents within a 30 day period...”
  - “Following one violent incident in a 30 day period...”
- Tier 3
  - “The failure of a permittee to resolve noise and/or security/public safety issues as directed...”
- Continued non-compliance
  - “City shall begin revocation or suspension proceedings.”

# Response to an Incident

- Call for Service
- Dispatch Records
- Officer Responds; Possible Results:
  - *Writes Police Report*
  - *Addresses Issue & Records*
  - *No incident/no violation found*
- Log of incident submitted in electronic database; e-mailed to Vice.

Incident

Vice Response

- Vice Unit leadership (Police Department) communicates with operator regarding incident
- Other departments engaged as needed (Sound Officer, Business License, Development Services)
- If incidents continue unaddressed, tiering process initiated if 2 more incidents occur in 30 day period
- Report to public quarterly or as requested

- Tier 1 – Standard Conditions
- Tier 2 Conditions (some)
  - All doors & windows closed except for entering/exiting
  - No queue after midnight
  - Additional security personnel
- Tier 3 Conditions (some)
  - No outdoor entertainment
  - Amplified entertainment only allowed until midnight
- Entertainment Permit Revocation Hearing, if issues persist or worsen

Tiering

# Response to a Sound Incident

- Call for Service
- Dispatch Records
- Officer Responds
- Officer, if allowed, listens from residence & determines source
- Officer measures 50 ft.
- Possible Results:
  - *Writes Police Report*
  - *Addresses Issue & Records*
  - *No incident/no violation found*
- Complaining Party notified of outcome
- Log of incident submitted in electronic database; e-mailed to Vice

Incident

Vice Response

- Vice Unit leadership (Police Department) communicates with operator regarding incident
- Other departments engaged as needed (Sound Officer, Business License, Development Services)
- If incidents continue unaddressed, tiering process initiated after 3 verified incidents within a 30 day period
- Report to public quarterly or as requested

- Tier 1 – Standard Operating Conditions
- Tier 2 Conditions (some)
  - All doors & windows closed except for entering/exiting
  - No queue after midnight
  - Sound attenuation study and associated mitigation
- Tier 3 Conditions (some)
  - No outdoor entertainment
  - Amplified entertainment only allowed until midnight
- Entertainment Permit Revocation Hearing, if issues persist or worsen

Tiering

# Enforcement

- **Maintain tiering and enhance enforcement**
- Establish a **Community Liaison in the Police Department's Vice Unit**, who is assigned to manage the program and communicate with the public
- Vice Unit will **report quarterly** to the downtown community, including residents and businesses
- Business License and Police Department will **review conditions in-person with new permittees**
- Entertainment permit **may be administratively reviewed by Business License w/in 6 months** from the date of issuance and/or every 30 days thereafter to ensure compliance with standard operating conditions

# Operating Conditions



# Standard Operating Conditions

- Make standards clear to business owners by **codifying the conditions and tiering in the municipal code**
- Modify the **reasonable sounds standard**, so that all “noise emanating from Permittee’s premises shall not be deemed a nuisance fifty (50) feet from the property by”
- Incorporate the condition requiring permittees to install and maintain **video surveillance systems** at front and rear exits as standard for all permittees
- Require Police review of Promoter’s License applications
- Provide Police Dept. discretion to implement tiering after one violent incident
- Operators must place or post conditions on the premises in a place easily accessible by the City

# Outdoor Entertainment

Current Condition:  
“Outdoor amplified entertainment is prohibited except for rooftop entertainment that was permitted on or before Feb 3, 2007, or except in conjunction with a special events permit.”

- Establishments can apply for outdoor amplified entertainment, including rooftop entertainment, as part of their entertainment permit application
- Outdoor entertainment will only be allowed during the following hours:
  - Sunday – Thursday from 10 am – 10 pm
  - Friday & Saturday from 10 am – midnight
- Outdoor entertainment may be amplified, but it may not include live performers outdoors, (an occasional entertainment or special event permit must be obtained for these instances)
- Outdoor amplified entertainment must remain within the sound levels allowed in the Long Beach Municipal Code, as well as the 50 feet standard

# Future Policy Discussions



# Boundaries| Evaluation| Sound|

- **Boundaries** - District boundaries could be expanded northward, but only after a public process that includes stakeholders in the expanded area
- **Evaluation** - The City (including the departments involved in entertainment permits, CUP processes, and enforcement) and Task Force should meet periodically over the next year to evaluate the impacts of the new program
  - The evaluation can inform the expansion discussion
- **Sound Ordinance** The City should consider adding standards for bass sound to the City's sound ordinance, providing a measure of appropriateness that can be used to prevent nuisance behavior and to protect the rights of residents and businesses to emit sound

# Downtown Dining & Entertainment District

October 29, 2014

[http://www.longbeach.gov/citymanager/dining\\_n\\_entertainment\\_district/default.asp](http://www.longbeach.gov/citymanager/dining_n_entertainment_district/default.asp)

