

# DTLB Dining & Entertainment District Recommendations



October 27, 2014

## Conditional Use Permits for Nightclubs

- In accordance 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 (the code does not currently define nightclub)
- Like similar uses elsewhere in the city, nightclubs require a major CUP; \$8,500 fee
- 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

## 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

## Operating Conditions for All Entertainment Permit Holders

- 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"
- Incorporate the condition requiring permittees to install and maintain video surveillance systems 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 Amplified Entertainment

- 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 10 am - midnight
- Outdoor amplified entertainment must remain within the sound levels allowed in the Long Beach Municipal Code, as well as the 50 feet standard
- Outdoor entertainment may be amplified, but it may not include live performers outdoors, (an occasional entertainment permit must be obtained for these instances)

## Implementation

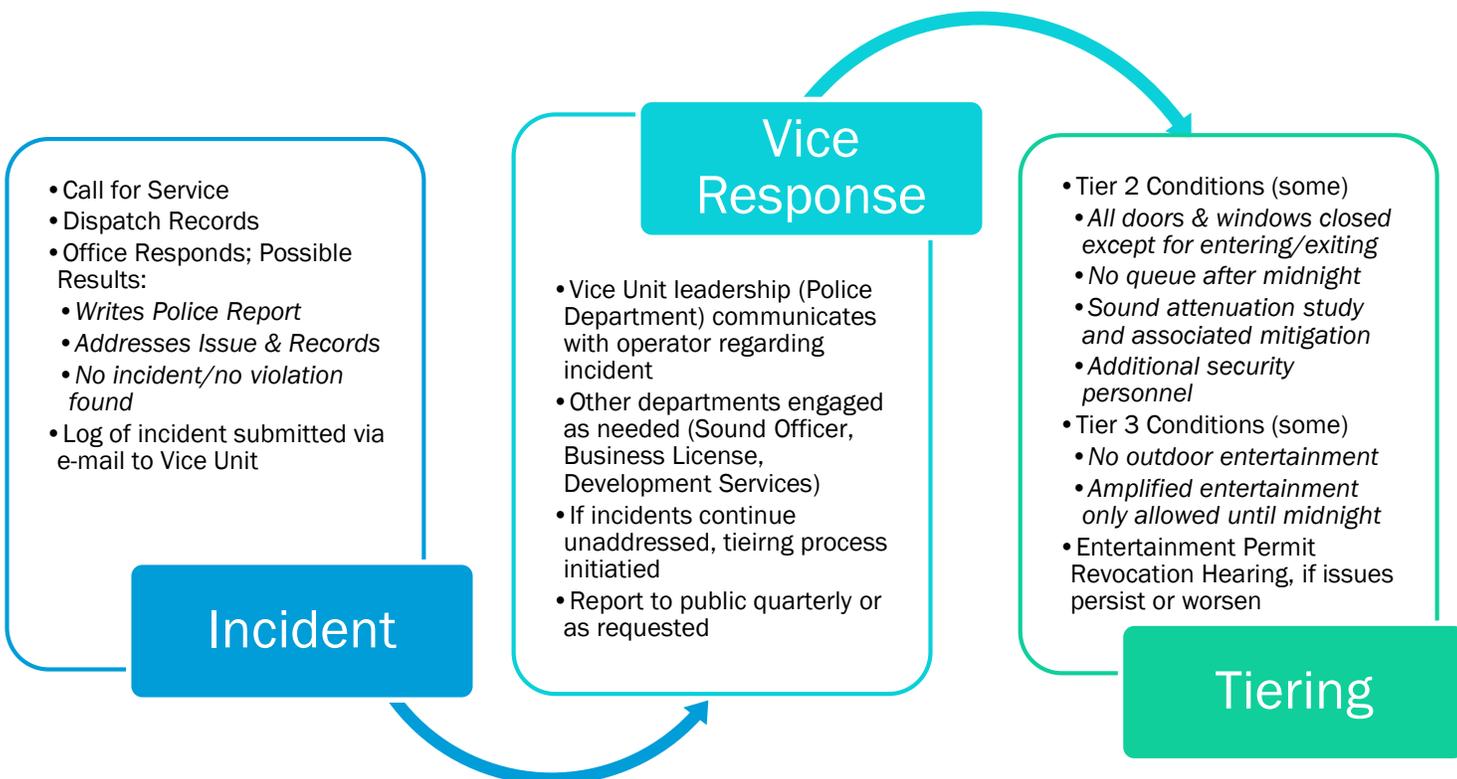
- **Nightclub** - The CUP requirement for nightclubs shall be effective immediately for future nightclubs. Existing nightclubs will have 6 months to apply for CUP and 6 months to be approved/implement
- **New Entertainment Permits** - New applicants, must complete a sound attenuation study and mitigation as part of their application
- **Restaurant (or other establishment) w/Entertainment** - Existing permit holders—including those who have submitted complete entertainment permit applications at the time of the ordinance passing—shall not have to comply with the sound attenuation study unless and until the Police Department imposes Tier 2 conditions on that establishment. At that time, the permit holder must

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complete the sound study and mitigation before being removed from Tier 2

## 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
- The diagram below illustrates the enforcement process; quarterly reports to the downtown community will discuss incidents that occurred and were addressed. Public can call any time to determine outcome of a complaint



## Boundaries

- District boundaries could be expanded northward, but only after a public process that includes stakeholders in the expanded areas
- The City (including the departments involved in entertainment & CUP processes) and Task Force should meet periodically over the next year to evaluate the impacts of the new program

## Sound Ordinance

- Modifications to the sound ordinance are beyond the scope of work assigned to this task force
- 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

## Evaluation

- The City and Task Force should meet periodically over the next year to evaluate the impacts of the new program