



CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

H-2

333 West Ocean Blvd • Long Beach, California 90802

December 9, 2008

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive and file supporting documentation and declare the Ordinance amending Long Beach Municipal Code Chapter 5.72 establishing permanent conditions for the Downtown Dining and Entertainment District Program read the first time and laid over to the next regular meeting of the City Council for final reading; and adopt a Resolution establishing standardized entertainment district conditions of operation and tiered conditions. (District 1 and 2)

DISCUSSION

On June 21, 2005, City Council directed City staff to work with the Downtown Long Beach Associates (DLBA), resident homeowner associations and other stakeholders to develop a dining and entertainment district for the downtown Pine Avenue area to benefit businesses on Pine Avenue while ensuring the quality of life for residents that are impacted by the creation of the entertainment district with new hours and/or conditions of operation.

On November 1, 2005, City Council approved the recommendation to draft an ordinance for a one-year Downtown Dining and Entertainment District Pilot Program (Pilot Program) to standardize entertainment hours and establish tiered operating conditions in a Downtown Dining and Entertainment District (District).

On December 19, 2006, City Council adopted an ordinance to extend the Pilot Program for one year and on December 18, 2007, again extended the Pilot Program for one additional year through December 31, 2008. The Pilot Program has successfully established consistent hours and operating conditions for businesses requiring an entertainment permit in the downtown area. The Pilot Program has also set conditions to promote a safe environment benefiting visitors, retail and entertainment venues, while ensuring quality of life for residents who might be impacted by the enhanced hours and operating conditions.

The Pilot Program consisted of the area bounded by Ocean Boulevard, Third Street, Pacific Avenue, Long Beach Boulevard, and the areas known as the Pike at Rainbow Harbor and Shoreline Village. Hotels and retail stores providing entertainment within these boundaries were excluded from the program requirements.

PILOT PERIOD

During 2008, City departments closely monitored activity within the Pilot Program area and conducted stakeholder meetings. These meetings were attended by entertainment permittees, retailers, residents and City staff including police, traffic engineering, health, economic development, and business license employees. Based upon the performance of the Pilot Program during the pilot period and feedback from all concerned stakeholders, staff recommends replacing the Pilot Program with a permanent Downtown Dining and Entertainment District (District) as set forth in the amended Ordinance. Staff shall continue to enforce all existing standardized and tiered conditions of operations within the District.

This matter was reviewed by Deputy City Attorney Cristyl Meyers on November 18, 2008 and Budget and Performance Management Manager David Wodynski on November 17, 2008.

TIMING CONSIDERATIONS

City Council action on December 9, 2008 is recommended as the Downtown Dining and Entertainment District Pilot Program shall cease to be in effect on December 31, 2008.

FISCAL IMPACT

There is no fiscal impact associated with this item.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LORI ANN FARRELL
DIRECTOR OF FINANCIAL MANAGEMENT/CFO

APPROVED:



PATRICK H. WEST
CITY MANAGER

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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REDLINE VERSION
ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING SECTIONS 5.72.200,
5.72.210 and 5.72.220 RELATING TO THE DOWNTOWN
DINING AND ENTERTAINMENT DISTRICT PILOT
PROGRAM

WHEREAS, the development of a vital and lively downtown is a matter of
concern for the City Council of the City of Long Beach; and

WHEREAS, the City Council enacted a one-year pilot program to regulate
entertainment in the downtown area in a manner which balances the needs of
businesses, residents, and visitors ("the Downtown Entertainment Permit"); and

WHEREAS, the City Council now desires to permanently extend the
duration of the Downtown Entertainment Permit ~~in order to review~~ based on input from
~~the comments of the stakeholders and City staff;~~

NOW, THEREFORE, the City Council of the City of Long Beach ordains as
follows:

Section 1. Section 5.72.200 of the Long Beach Municipal Code is
amended to read as follows:

5.72.200 Downtown Dining and Entertainment District ~~pilot~~ program area.

A The Downtown Dining and Entertainment District shall be
established as a ~~pilot~~ program known as the Downtown ~~Pilot~~ Program.

Business operators presently holding entertainment permits in good
standing who agree in writing to comply with the requirements of the

Downtown Dining and Entertainment District ~~pilot~~ Program shall be issued

1 downtown entertainment permits, ~~which shall expire on December 31,~~
2 2008.

3 5.72.210 Boundaries of the Downtown ~~plet~~ Program.

4 The Downtown ~~plet~~ Program area consists of the area bounded by the
5 north side of Ocean Boulevard, the south side of Third Street, the east side of
6 Pacific and the west side of Long Beach Boulevard, and the areas known as the
7 Pike at Rainbow Harbor and Shoreline Village, as shown on maps on file in the
8 Office of the City Clerk. Hotels within the boundaries are excluded from the
9 requirements of the Downtown ~~plet~~ Program but continue to be subject to all other
10 provisions of this Chapter and shall continue to operate under the conditions of
11 their previously-issued entertainment permits.

12
13 5.72.220 Standard conditions.

14 The City Council shall adopt standard conditions which shall become part of
15 each Downtown Entertainment Permit. These conditions shall be in addition to
16 those set forth in Sections 5.72.110 through 5.72.150 of this Chapter, in any
17 conditional use permit issued by the City, any other requirement of the Municipal
18 Code, or any Department of Alcoholic Beverage Control license. In the event of a
19 conflict between the requirements of the Downtown ~~plet~~ Program and the more
20 general provisions of this Chapter, the requirements of the Downtown ~~plet~~ Program
21 shall control within the program area. In the event of a conflict between a downtown
22 entertainment permit and a license issued by the Department of Alcoholic Beverage
23 Control, the more stringent regulation shall govern.

24
25 Section 2. The City Clerk shall certify to the passage of this ordinance by
26 the City Council of the City of Long Beach and cause it to be posted in three (3)
27 conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first
28 (31st) day after it is approved by the Mayor.

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTIONS 5.72.200, 5.72.210 AND 5.72.220 RELATING TO THE DOWNTOWN DINING AND ENTERTAINMENT DISTRICT PROGRAM

WHEREAS, the development of a vital and lively downtown is a matter of concern for the City Council of the City of Long Beach; and

WHEREAS, the City Council enacted a one-year pilot program to regulate entertainment in the downtown area in a manner which balances the needs of businesses, residents, and visitors ("the Downtown Entertainment Permit"); and

WHEREAS, the City Council now desires to permanently extend the duration of the Downtown Entertainment Permit based on input from the stakeholders and City staff;

NOW, THEREFORE, the City Council of the City of Long Beach ordains as follows:

Section 1. Section 5.72.200 of the Long Beach Municipal Code is amended to read as follows:

5.72.200 Downtown dining and entertainment district program area.

The Downtown Dining and Entertainment District shall be established as a program known as the Downtown Program. Business operators presently holding entertainment permits in good standing who agree in writing to comply with the requirements of the Downtown Dining and Entertainment District Program shall be issued downtown entertainment permits.

////

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ROBERT E. SHANNON, City Attorney
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1 5.72.210 Boundaries of the Downtown Program.

2 The Downtown Program area consists of the area bounded by the
3 north side of Ocean Boulevard, the south side of Third Street, the east side of
4 Pacific and the west side of Long Beach Boulevard, and the areas known as
5 the Pike at Rainbow Harbor and Shoreline Village, as shown on maps on file in
6 the Office of the City Clerk. Hotels within the boundaries are excluded from the
7 requirements of the Downtown Program but continue to be subject to all other
8 provisions of this Chapter and shall continue to operate under the conditions of
9 their previously-issued entertainment permits.

10
11 5.72.220 Standard conditions.

12 The City Council shall adopt standard conditions which shall become
13 part of each Downtown Entertainment Permit. These conditions shall be in
14 addition to those set forth in Sections 5.72.110 through 5.72.150 of this
15 Chapter, in any conditional use permit issued by the City, any other
16 requirement of the Municipal Code, or any Department of Alcoholic Beverage
17 Control license. In the event of a conflict between the requirements of the
18 Downtown Program and the more general provisions of this Chapter, the
19 requirements of the Downtown Program shall control within the program area.
20 In the event of a conflict between a downtown entertainment permit and a
21 license issued by the Department of Alcoholic Beverage Control, the more
22 stringent regulation shall govern.

23
24 Section 2. The City Clerk shall certify to the passage of this
25 ordinance by the City Council of the City of Long Beach and cause it to be posted in
26 three (3) conspicuous places in the City of Long Beach, and it shall take effect on
27 the thirty-first (31st) day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 20__, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

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