



## Legislation Text

---

File #: 07-0242, Version: 1

---

Adopt resolution establishing standardized entertainment district conditions of operations and tiered conditions. (Districts 1,2)

On December 19, 2006, the City Council adopted an ordinance extending the District through March 31, 2007. This short-term extension allowed time for City staff to continue to meet with the District's stakeholders to discuss outstanding operating issues before final standardized operating conditions for the District were recommended for adoption. On January 17, 2006, the City Council established a Downtown Dining and Entertainment District Pilot Program. The establishment of the Pilot Program followed six months of meetings and discussions with the Downtown Long Beach Associates (DLBA), homeowner associations, business owners and other stakeholders to develop consistent hours and operating conditions for the businesses required to have an entertainment permit in the District. In addition, conditions placed on businesses in the District were intended to promote a safe environment benefiting visitors and retail and entertainment venues, while ensuring quality of life for residents who might be impacted by the enhanced hours and operating conditions of the District.

Since the December 19, 2006 extension, meetings were held with entertainment venue operators on January 19, 2007 and a final community meeting was held on February 21, 2007.

Prior to the establishment of the District, the hours and conditions of operation varied from establishment to establishment, since each entertainment permit was authorized by a separate action of the City Council over a 22-year period. Some establishments could have entertainment until 2:00 a.m., while others were restricted to earlier hours. Some establishments were authorized to have outdoor entertainment, others were not. These differences appeared to have provided a competitive advantage to some establishments.

The District consists of the area bounded by Ocean Boulevard, Third Street, Pacific Avenue, and Long Beach Boulevard, and the areas known as the Pike at Rainbow Harbor and Shoreline Village. Hotels and retail stores that provide entertainment within the boundaries are excluded from the District's requirements. With the approval of the Pilot Program, all entertainment venues in the District have consistent hours and operating conditions (see **Attachment A** for a complete list of operating conditions). Some of the key conditions include:

- > Indoor entertainment and outdoor non-amplified entertainment may be offered until 2 a.m., seven-days a week. Outdoor amplified entertainment is prohibited, except for a rooftop entertainment venue that was previously permitted.
- > Noise emanating from permittee's premises shall not be audible from the middle of the street adjoining the property.
- > Permittees shall be responsible for maintaining an adequate security staff.

> If a permittee fails to comply with the conditions of this permit, or if operations result in excessive police service, the permittee will be required to operate under more restrictive conditions (as described in **Attachment B**).

There are presently 22 entertainment venues in the District please see **Attachment C** for a complete list of permits in the District.

During the Pilot Program, additional police officer overtime has been allocated to deal with the popularity of the District during the extended-hours of operation, seven-days per week.

### Pilot Period

As requested, staff has closely observed the District during the Pilot Program and held stakeholder meetings. These meetings were attended by entertainment permittees, retailers, residents, and City staff from police, traffic engineering, parking, economic development, and business license disciplines. Most discussions concerned traffic volume, traffic noise, traffic flow, pedestrian traffic, crowd control and minor disturbances. There was very little discussion concerning the entertainment and associated permits. During the pilot period, the City received few noise complaints regarding the entertainment within the District. Most noise complaints during this period concerned traffic noise and construction noise. It should be noted that the residential units being constructed on the Promenade, which would be most subject to entertainment noise, are not yet occupied.

City staff worked to mitigate traffic flow concerns identified during the stakeholder meetings, including prohibition of "cruising" on Pine Avenue, installation of left turn arrows, traffic signal timing changes, removing valet parking from Pine Avenue, and repainting curbs to eliminate Pine Avenue parking except in approved areas. Traffic noise was reduced by the Police Department placing enforcement emphasis on loud motorcycles and vehicles. Pedestrian flow has been enhanced with countdown timers at cross walks and removing sandwich board signs and other obstructions from sidewalks.

In an attempt to reduce the quantity of vehicle traffic, for a trial period at the end of the summer, Pine Avenue was closed between Broadway and Third Street on weekend nights. During these street closures, Passport buses were rerouted off of Pine Avenue, entertainment was provided by the DLBA in the middle of the closed street, and traffic officers were positioned at the Pine Avenue/Ocean Boulevard intersection. Although the street closure did reduce vehicle traffic and the associated noise from cruising, the trial period was cut short when the retail stores reported a reduction in customers.

The increased police presence and installation of surveillance cameras on Pine Avenue are anticipated to provide a greater sense of security to Pine Avenue patrons. The Police Department reports that overall the District has a very low crime rate and that no significant property or violent crime trends developed during the year. Individual incidents were quickly investigated and resolved. The Police Department efforts were mostly spent on traffic management, pedestrian management, crowd control and some crimes such as juvenile loitering, public intoxication, battery and fighting in public.

### Planned Measures DurinQ the Pilot Proaram Extension Period

Based upon performance of the District during the Pilot and ongoing discussions with stakeholders, staff recommends extending the duration of the Downtown Dining and Entertainment District Pilot

Program to December 31, 2007 and standardize District conditions of operations and tiered conditions during this time. During the extension period, staff further suggests topics be discussed during the next ten months, including:

> There has been some discussion of authorizing entertainment and dancing after alcohol service stops at 2:00 a.m. Food service, non-alcoholic beverage service, and entertainment might encourage patrons to stagger their departure times. This could have the effect of aiding pedestrian management and crowd control at the present 2:00 a.m. closing time. San Diego and Seattle are testing staggered entertainment closing times and City staff will follow these efforts closely. At this time staff does not recommend entertainment later than 2:00 a.m.

> Consider the benefits of extending the northern boundary of the District to 4th Street. This was discussed at several public meetings and would include the Vault 350 and the Backstage Jazz Club. Presently, the Vault 350 Entertainment Permit has conditions that are very similar to those in the District. The Backstage Jazz Club will come to City Council for approval of an entertainment permit in the near future.

> Some of the restaurants in the District are operating more like nightclubs than restaurants. They do not open for business until 8:00 p.m. or later and do not have regular meal service. These storefronts are closed most of the day and detract from the ambiance that many would like to see in the District. Staff will meet with the restaurant proprietors that have Entertainment Permits to discuss the options for their serving meals minimum of at least one full normal mealtime, five days a week. Normal mealtimes are 6:00 a.m. - 9:00 a.m., 11 :00 a.m. - 2:00 p.m., and 6:00 p.m. - 9:00 p.m. Minors are only allowed on the premises during mealtime hours.

> Review the appropriate age 18 or 21 years restrictions to enter or remain on the premises after 10:00 p.m.

> Staff will continue the Downtown Long Beach Visioning Process that includes the City Council, Downtown stakeholders, businesses and residents to ensure the City is "on the right track." The Planning and Building Department is leading this process and has included the Pilot Downtown Dining and Entertainment District in the visioning discussions.

> Periodic stakeholder meetings among retailers, residents and City staff will be conducted to address any challenges that may arise during the extended Pilot Program period.

> Staff along with the business owners will revisit the benefits and obstacles to street closures in the District.

> Consideration will be given to restructuring valet parking agreements both on Pine Avenue and at the Pike to ensure a more positive parking environment for the District patrons.

This item was reviewed by Deputy City Attorney, Lisa Malmsten on February 21, 2007 and Budget and Performance Management Bureau Manager, David Wodynski on February 20, 2007.

Approve recommendation.

The Downtown Dining and Entertainment District shall cease to be in effect on March 31, 2007, if not

extended by the City Council.

The Police Department has been allocated an additional one-time General Fund budget of \$905,000 in FY 07 for continued overtime support of the Downtown Dining and Entertainment District. The funding source for this budget is the repayment of Redevelopment Agency debt to the General Fund.

Michael A. Killebrew  
Director of Financial Management

Anthony W. Batts  
Chief of Police

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH EXTENDING  
CONDITIONS FOR ENTERTAINMENT PERMITS UNDER THE DOWNTOWN DINING AND  
ENTERTAINMENT DISTRICT PILOT PROGRAM