



Legislation Details (With Text)

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**Title:** Recommendation to request City Attorney to draft ordinance for a one-year pilot program to standardize entertainment hours and establish tiered operating conditions in a Downtown Dining and Entertainment District. (Districts 1,2)

**Sponsors:** City Manager

**Indexes:** Ordinance request

**Code sections:** 5.72.110 - Permit required and prohibited uses.

**Attachments:** 1. R-40sr.pdf, 2. R-40att.pdf, 3. #40.pdf, 4. #40 slides.pdf

| Date      | Ver. | Action By    | Action                 | Result |
|-----------|------|--------------|------------------------|--------|
| 11/1/2005 | 1    | City Council | approve recommendation | Pass   |

Recommendation to request City Attorney to draft ordinance for a one-year pilot program to standardize entertainment hours and establish tiered operating conditions in a Downtown Dining and Entertainment District. (Districts 1,2)

On June 21, 2005, the City Council requested City staff to work with the Downtown Long Beach Associates (DLBA), homeowner associations and other stakeholders to develop consistent hours and operating conditions for the businesses required to have an entertainment permit located in the downtown area. Such standardization was thought to be possible through the establishment of a Downtown Dining and Entertainment District (the District). In addition, the District should provide a safe environment that benefits 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.

The entertainment venues on Pine Avenue are recognized throughout Southern California and compare favorably with San Diego’s Gas Lamp District, the 3rd Street Promenade in Santa Monica and Old Town Pasadena. However, since each Pine Avenue entertainment permit was brought before the City Council as a separate item over the course of the past 20 years, many of the entertainment venues have different approved hours and operating conditions. Over this time, unique circumstances resulted in 42 different conditions affecting hours and conditions of operation. As a result of many meetings with downtown stakeholders the last few months, a proposed pilot program is recommended for City Council approval in order to standardize entertainment hours and operating conditions.

As requested, City staff convened frequent meetings with the DLBA, stakeholders, residents and the Police Department. Central to the theme of the meetings was that the District should create competitive parity between the Pine Avenue entertainment venues

and those in the Pike and Shoreline Village, support residential development in the downtown area, create a balance between retail and restaurant uses, and acknowledge the need for consistent police presence. Discussions also revolved around noise impacts and automobile gridlock created by cruising on Pine Avenue, options for the periodic closure of Pine Avenue and inadequate security on the Metropolitan Transit Authority (MTA) Blue Line trains.

The City's Traffic Engineer is working to develop solutions for the cruising and traffic gridlock on Pine Avenue. The Police Department and Councilmember Bonnie Lowenthal, the City's representative on the MTA Board, are in discussions with the Los Angeles County Sheriffs Department to increase security on Blue Line trains and are exploring other solutions for future consideration by the MTA.

During these stakeholder meetings, many ideas were raised and discussed; discussions were both emotional and pragmatic. Compliance with Alcohol Beverage Control (ABC) regulations, the hours of entertainment and operating conditions, and the formation of a community panel were items often discussed. Consensus on many of the discussion points was reached; Attachment 1 is a set of conditions put forward by some residents and business owners on Pine Avenue. From the initial 42 conditions imposed on various existing entertainment permits, staff is recommending the implementation of a pilot Dining and Entertainment District with standard conditions (Attachment 2). Best practices from other cities were sought and are represented in (Attachment 3). The following is a summary of selected standard conditions:

#### Alcohol Beverage Control (ABC)

Staff recognizes that any establishment subject to this permit is likely also the holder of an ABC license. This state-issued license prevails over any City-adopted regulation. It is staffs recommendation that in the event of a conflict, the more stringent regulation should be applied.

#### Boundary

Staff recommends the following boundary for the District: Generally, north of Ocean Boulevard to south of 3d Street and east of Pacific Avenue to west of Long Beach Boulevard; however, the district boundaries should also include the Pike at Rainbow Harbor and Shoreline Village (see attached maps, Attachment 4). Hotels within the boundaries are excluded from the District's requirements. The conditions of their existing entertainment permits will apply.

#### Standard Conditions Include:

a) Noise: All aspects of a permittee's operation, including indoor and outdoor entertainment, are subject to the City's noise standards, which appear in Section 8.80 of the Municipal Code. This section is enforced by the City's Health Department. The Police Department will assist in enforcing the general "good-neighbor" policy expected of every occupant of the District: Permittee agrees that the following standard is reasonable: Noise emanating from Permittee's premises shall not be audible from the middle of the street adjoining the premises. Holders of entertainment permits will be

responsible for determining how to best meet this requirement, either by keeping doors and windows shut, limiting hours of entertainment or by offering non-amplified entertainment.

Indoor entertainment: Unless specifically limited due to unique conditions on Permittee's premises or due to exceeding a threshold for complaints, indoor entertainment which complies with the noise standards of the Municipal Code is permitted during the hours specified below.

Outdoor entertainment: Outdoor amplified entertainment is only permitted in conjunction with the City's Special Events Permit. Non-amplified outdoor entertainment is allowed, so long as it complies with the noise standards set forth in the Municipal Code.

Staff recommends that permittees be allowed to make business decisions regarding how to comply with the requirements of the District so long as they operate consistent with the District's "good-neighbor" requirements. The Police and Health Departments will keep records of complaints, and permittees who exceed a stated threshold will be subject to additional limitations, tiered operating conditions, all of which will be spelled out in detail in the permit.

Each permittee will be expected to comply with stated conditions related to safety. The Chief of Police may at any time modify those conditions or add further requirements as he deems necessary to protect public safety.

b) Hours: One of the two following options is suggested.

Either:

(i) Indoor entertainment, amplified and non-amplified, including karaoke, shall be allowed no later than 2:00 a.m., seven nights per week, once sufficient police resources have been allocated to the downtown area to keep patrons safe. Funds needed to implement this option for the District are estimated at \$905,000 based on anticipated operations. This would provide for an additional police sergeant and six officers, seven days per week. Revenue projections for the General Fund have increased based upon the transfer of Redevelopment Agency Port-related tax increment revenue to the General Fund, which must be approved annually, and are sufficient to cover these costs.

Or:

(ii) Indoor entertainment, amplified and non-amplified, including karaoke, shall be allowed no later than 12:00 midnight from Sunday through Wednesday nights and no later than 2:00 a.m. from Thursday through Saturday nights. Funds needed to implement this option for the District are estimated at \$543,000. This would provide for an additional police sergeant and six officers, three days per week. Revenue projections for the General Fund have increased based upon the transfer of Redevelopment Agency Port-related tax increment revenue to the General Fund, which must be approved annually, and are sufficient to cover

these costs. In the future, it may be possible to expand the entertainment hours under this option. Some circumstances that might allow for an expansion of hours Sunday through Wednesday nights include: the implementation of a surveillance camera system in the District; and a permittee may apply for a Special Event Permit for occasions such as conventions, and annual attractions such as the Toyota Grand Prix of Long Beach and the Gay Pride Week celebration. If this second option is adopted, staff recommends that entertainment venues in the Pike and Shoreline Village be allowed to operate under the current hours of their entertainment permit.

c) Term: Staff recommends that the District be established 'as a one-year pilot program that would sunset without an affirmative vote of the City Council. Staff will submit a report on the status of the program six months from the approval by the City Council and again at the time extension of the program is considered. Additionally, the City Council may modify the regulations through an ordinance change at any time during the life of the program.

It is also staffs recommendation that the DLBA organize a Community Advisory Panel for the District. The panel is recommended to be composed of representatives of the business community, property owners and residents. Appropriate City staff would be made available to serve as liaisons to this panel. Staff envisions the panel meeting on a regular basis to share information on issues pertaining to the District, including compliance by entertainment permittees with the District regulations. Observations and recommendations related to violations of entertainment permit conditions may also be made to the Long Beach Police Department.

This matter was reviewed by Deputy City Attorney Lisa Peskay Malmsten and Budget Management Offtcer David Wodynski on October 12,2005.

City Council action is requested on November 1, 2005, as new entertainment permits for downtown establishments have been delayed until the City Council could consider implementation of a downtown dining and entertainment district.

Depending on the hours of operation selected, the cost for additional police service is estimated to be \$543,000 or \$905,000 in Fiscal Year 2006. These costs will add to the General Fund's structural deficit if the identified funding source is not maintained, or if an alternate on-going resource is not identified.

Approve recommendation.

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CITY MANAGER

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