

SEC. 15-2751. - RESTAURANTS WITH ALCOHOL SALES, BARS, NIGHTCLUBS, AND LOUNGES.

- A. **Permitted Districts.** Restaurants that serve alcohol for on-site consumption, Bars, and Nightclubs may be established as allowed in the applicable base or overlay district.
- B. **Conditional Use Permit Required.**
 - 1. Unless otherwise specified, restaurants with alcohol sales, bars, nightclubs, and lounges shall not be established without first securing a Conditional Use Permit. A conditional Use Permit shall not be required in Downtown Districts.
 - 2. A Conditional Use Permit shall not be required for on-site alcohol consumption for the uses below subject to review and approval of an operational statement from the applicant to the Director. If, in the opinion of the Director, the request is for retail purposes, the use must be permitted per the Base District.
 - a. Daily Licenses;
 - b. Membership organizations and clubs that are restricted to members and their guests only;
 - c. Nonprofit Temporary Licenses;
 - d. Hospitals;
 - e. Cultural and Art Museums operated by non-profit organizations;
 - f. Bed and Breakfast Inns that offer complimentary drinks to their guests; and
 - g. Hotels and Motels that offer complimentary drinks to their guests.
- C. **Operational Statement.** Applicants shall submit an operational statement which shall include, but not be limited to, the following:
 - 1. Information as to persons doing business under fictitious names, members of partnerships, and officers of corporations or associations.
 - 2. Exhibits that include a site plan and a detailed floor plan of the premises.
 - 3. An evacuation plan in case of emergency (Bars and Nightclubs).
 - 4. Hours of operation.
 - 5. Security Plan (including efforts to ensure that the parking area is monitored to prohibit loitering and crowd and line control).
 - 6. Efforts that have been taken to discuss the proposal with neighbors.
 - 7. Copy of a valid Business Tax Certificate, if in business.
 - 8. Any additional information as the Director may reasonably require to properly evaluate the application.
- D. **Multiple Phases of Operation.** If a business proposes to operate in more than one mode of operation (e.g., a Restaurant that converts to a Nightclub in the evening), each use shall be evaluated and conditions shall be assigned accordingly. All proposed uses must be allowed in

the district.

- E. **Alcohol Sales.** If the business serves alcoholic beverages, it is required to obtain the appropriate license from the State of California Department of Alcohol Beverage Control (ABC).
- F. **Types of Dancing Establishments.**
1. **Restaurant.** Dancing is permitted, however it shall be incidental to the primary use.
 2. **Bar.** Dancing is permitted, however it shall be incidental to the primary use.
 3. **Nightclub.** Dancing is permitted.
 4. **Single Event.** Single event dances may be conducted by nonprofit organizations where such dances are not open to the general public. A total of 10, single event dances may be held per calendar year per nonprofit organization. A permit is not required. Should an establishment conduct more than 10 dances, a permit to establish a Nightclub shall be required.
- G. **Special Standards.**

TABLE 15-2751-G: SPECIAL STANDARDS

Use	Time to Stop Sales, Service, & Consumption of Alcohol	Separation from Residential ¹	Neighborhood Meeting
Restaurants (Should an establishment seek to stay open after 12 a.m., it shall be considered a Bar or Nightclub for permit purposes)	12 am.	NA	No

Tasting Room (Should an establishment seek to stay open after 11 p.m. or serve alcoholic beverages other than beer or wine, it shall be considered a Bar or Nightclub for permit purposes)	11 p.m.	NA	No
Bar	2 a.m.	Less than 300 ft.	Yes
		300 ft. or greater	No
Nightclub (whether or not they sell alcoholic beverages; for under aged persons, refer to Table 15-2751-H)	2 a.m.	Less than 400 ft.	Yes
		400 ft. or greater	No
1. Minimum horizontal distance, measured in feet, between the building, or portion of a building, occupied by the use, and the closest property line of property planned or zoned for residential uses, not including residential part of the project or part of a vertical mixed-use development. The separation criteria is not subject to modification by a permit.			

H. Nightclub Hours of Operation.

TABLE 15-2751-H: NIGHTCLUB HOURS		
Age of Participants	Closing Hour	Extensions

Under 18 years of age	12 midnight	Dances in partnership with an accredited School, nonprofit youth organization, such as sober graduation, may stay later if approved by the Police Department. Evidence of the partnership shall be provided to the City in advance of any scheduled event.
18 and over	2 a.m. if closer than 300 ft. from a Residential District	5 a.m. on New Year's Day
Restricted Hours	Nightclubs may not be open between 4:00 a.m. and 8 a.m.	

- I. **Last Call for Alcohol.** Each establishment may establish the time of "last call" for ordering alcoholic beverages, so long as the hours to stop consumption are respected.
- J. **Outdoor Patios.** Refer to Section 15-2744, Outdoor Dining and Patio Areas.
- K. **Parking Area.** The designated parking area shall be oriented away from residences as much as possible, and shall be clearly depicted on the site plan submitted for the Development Permit or Conditional Use Permit.
- L. **Noise.**
 - 1. Noise decibel levels shall be monitored by the establishment to ensure compliance with all applicable Noise Standards.
 - 2. Doors and windows shall remain closed, after 10 p.m. to minimize noise, except as needed to allow for the normal entry and exit of patrons to and from the establishment. Emergency access shall be maintained per City standards. This subsection shall not apply to businesses that are separated a minimum of 400 feet from Residential Districts.
- M. **Posting Hours of Operation and Address.** The owner and/or proprietor and/or applicant shall be responsible to conspicuously post the hours of operation for each phase type (i.e., restaurant, nightclub) near the entrance of the establishment. It shall be 8.5 × 11 inches in size, to be in a format provided by the City. This posting shall be made available to City officials upon request.
- N. **Security.** The Police Department shall make a recommendation to the Director for security measures for each application based upon the function of the establishment as described in

the operational statement. Additional and/or security measures such as reduced hours of operation, security guards, door monitors, and burglar alarm systems may be required if harm, nuisance, or related problems are demonstrated to occur as a result of business practices or operations. This will be determined on a case-by-case basis upon review by the Police Department.

O. Loitering.

1. The owner and/or proprietor and/or operator of the establishment is responsible to provide supervision (i.e. security) to prevent loitering in the immediate vicinity of the establishment.
2. During operating hours, the owner and/or proprietor shall prohibit loitering in the parking area.
3. After closing hours, the immediate vicinity of the establishment including its designated parking area, shall be cleared within 15 minutes, except for employees of the establishment.
4. In the event that there is more than one establishment sharing a parking area, adjustments to the conditions of approval for each establishment shall be made so that there is a shared responsibility.

P. Third Party Promoters. Whenever an event is promoted by a Third Party the licensee/owner and/or proprietor and/or operator of the premises shall require that said Third Party obtain a business tax certificate from the City prior to holding such event.

Q. Neighborhood Meeting. An application for a Bar less than 300 feet from Residential per Table 15-2751-G or Nightclub less than 400 feet from Residential per Table 15-2751-G shall be required to conduct a Neighborhood Meeting as put forth in Section 15-5006.

R. Non-Operating Rule. Whenever all of the rights granted by a permit are discontinued, the following rules to reestablish the use shall apply:

1. **One Year or Less.** The same operator or a different operator may reestablish the use pursuant to the preexisting Conditional Use Permit and all conditions applicable thereto.
2. **More Than One Year.** A new permit is required.

S. Existing Uses.

1. **Non-Conforming.** Existing establishments that have been legally established under previous regulations, but do not conform to current law, may continue to operate as a recognized non-conforming use pursuant to Article 4, Non-Conforming Uses, Structures, Site Features, and Lots.
2. **Loss of Non-Conforming Status.** Changes to an existing use that would cause the loss of a non-conforming status are, but not limited to, the following:

- a. When a business is closed for one continuous year;
 - b. Change of use (e.g., from restaurant to a nightclub), or if a single use would like to establish multiple uses;
 - c. An increase of floor area (including patio area) for the existing use; and
 - d. A request to close at a later time.
3. Pursuant to § 23790 of the California Business and Professional Code, a change in license type (ABC License) for the sale of alcoholic beverages (e.g., from type 41 to type 47) shall be considered an interruption of use, requiring that the new license type be consistent with current zoning and land use regulations.
4. When a non-conforming status is lost, any subsequent use must be consistent with current zoning and land use regulations and a new permit is required.

(Added Ord. 2015-39, § 1, eff. 1-9-16; Am. Ord. 2016-32, § 31, eff. 10-21-16).