VII-B. TOWER ENTERTAINMENT DISTRICT RECOMMENDATIONS

ABOUT THE TOWER DISTRICT SPECIFIC PLAN

The Tower District Specific Plan was adopted in 1991. Since its creation, Tower has changed in many ways. The purpose of this Specific Plan Update is to recast a vision and create clear implementation measures to allow the vision to become a reality.

We must plan for the future we want to see.

TOWER DISTRICT SPECIFIC PLAN

City of FRESNO

WHAT IS THE TED?

The Tower Entertainment District (TED) is a unique subpart of the Specific Plan.

- recommended policies within the Specific Plan
- proposed changes to the Zoning Code

Goals:

1. create consistent regulations for businesses
2. reduce impacts to neighboring residences
3. expand variety of entertainment uses

TOWER DISTRICT SPECIFIC PLAN

City of FRESNO

SPECIFIC PLAN TIMELINE

January 2022
Project kicked off

August 2022
Committee Meetings on Project Topics start

February 2023
Committee Meeting on Updated Outreach and Engagement Approach

Fall/Winter 2023
Committee Meetings on Plan Elements

Winter 2024
Planning Commission and City Council

OUTREACH

ENGAGEMENT

April 2022
Project kick off meeting

November 2022

May 2023
Committee Meetings start again

Summer/Fall 2023
Workshop

Spring 2024
Draft Specific Plan Release

TOWER DISTRICT SPECIFIC PLAN

City of FRESNO

TED TIMELINE

June 2022
Project authorized

August 2022
TED Talks
Community Workshop 2

November 2023
Committee Meeting on TED

December 2024
Draft Ordinance

January 2024
Council Project Review Committees

1st quarter 2024
Planning Commission and City Council

Data Gathering

Feedback and Revisions

City of FRESNO

TOWER ENTERTAINMENT DISTRICT

FINDINGS + RECOMMENDATIONS

NOVEMBER 2023

1. What is the Tower Entertainment District?
2. Stakeholder Meetings: What We Heard
3. Learning from Other Places
4. Recommendations
5. Discussion

01

WHAT IS THE TOWER ENTERTAINMENT DISTRICT?

WHAT IS THE TOWER ENTERTAINMENT DISTRICT?

Nighttime Businesses in the Tower District

Business	Location	Establishment Type
Mint	1140 N VAN NESS AVE STE 103	Bar + Nightclub
FAB Fresno	716 E OLIVE AVE	Bar + Nightclub
Splash Bar	644 E OLIVE AVE	Bar + Nightclub
Fresnbrew	810 E OLIVE AVE	Bar
Lucy's Lounge	733 E OLIVE AVE	Bar
Goldstein's Mortuary & Delicatessen	1279 N WISHON AVE	Bar
Tower Sports Club	1294 N WISHON AVE	Bar
Spokeasy Public House	1472 N VAN NESS AVE	Bar
Veni Vidi Vici	1116 N FULTON ST	Dual Mode (Rest. w/ Alc to Bar)
CDT Cocina	805 E OLIVE AVE	Dual Mode (Rest. w/ Alc to Bar)
Sequoia Brewing	777 E OLIVE AVE	Dual Mode (Rest. w/ Alc to Bar)
Vibez Lounge	724 E OLIVE AVE	Dual Mode (Rest. w/ Alc to Bar)
The Lincoln Pub & Grub	609 E OLIVE AVE, # A	Dual Mode (Rest. w/ Alc to Bar)
Livintstone's Retaurant & Bar	831 E FERN AVE	Dual Mode (Rest. w/ Alc to Bar)
Strummer's Bar & Grill	833-835 E FERN AVE	Dual Mode (Rest. w/ Alc to Bar)
Santa Fe Basque	3110 N MAROA AVE	Dual Mode (Rest. w/ Alc to Bar)
Oggi Cosi Si Mangia	1110 N VAN NESS AVE	Restaurant w/ Alcohol
Cuca's	936 E OLIVE AVE	Restaurant w/ Alcohol
Tipzy's Tacos & Beer	920 E OLIVE AVE #103	Restaurant w/ Alcohol
Golden Restaurant	1135 N FULTON ST	Restaurant w/ Alcohol
India's Oven	1145 N OLIVE AVE	Restaurant w/ Alcohol
Irene's Café	747 E OLIVE AVE	Restaurant w/ Alcohol
Mama Mia Pizzeria	737 E OLIVE AVE	Restaurant w/ Alcohol
Bobby Salazar's	725 E OLIVE AVE	Restaurant w/ Alcohol
Banzai Japanese Bar & Kitchen	609 E OLIVE AVE	Restaurant w/ Alcohol
Aromas	566, 568 & 570 E OLIVE AVE	Restaurant w/ Alcohol
El Patio	552 E OLIVE AVE	Restaurant w/ Alcohol
El Cochinto Contento	88 E OLIVE AVE	Restaurant w/ Alcohol
Don Salsa's Taqueria	420 W OLIVE AVE	Restaurant w/ Alcohol
Roger Rocka's Dinner Theater	1226 N WISHON AVE	Restaurant w/ Alcohol
Me-n-Ed's On Tap	1247 N WISHON AVE	Restaurant w/ Alcohol
Ming's Restaurant	1414 N VAN NESS AVE	Restaurant w/ Alcohol
Moto Delicatessen & Bodega	1916 N ECHO AVE	Restaurant w/ Alcohol
Quesadilla Gorilla	608 E WELDON AVE	Restaurant w/ Alcohol
Howlin Wolf	920 E OLIVE AVE #104	Lounge
Detention Billiard	750 E OLIVE AVE	Lounge

02

STAKEHOLDER MEETINGS – WHAT WE HEARD

STAKEHOLDER MEETINGS – WHAT WE HEARD

“TED Talks”

The planning team meat with three distinct stakeholder groups in August 2023:

- City Staff, Planning, Code Enforcement, and Police
- Business Owners and Business District Representatives
- Residents and Neighborhood Association Representatives

City Staff, Planning, Code Enforcement, and Police

- Businesses are operating under the old and new code and different CUPs; some places are required to close earlier than others
- It's difficult to manage staggered closing times
- People linger in the area on surrounding streets after closing times
- There isn't a diversity of business types or nighttime uses
- Street vendors don't always comply with regulations or health codes
- Businesses on Olive beyond Wishon-Echo area are struggling with low foot traffic
- Just now got the technology to measure noise
- Security threats
- Drunk driving and DUIs

Business Owners and Business District Representatives

- Some businesses are operating under CUPs established since new Code went into effect; others have non-expiring CUPs
- Some businesses can stay open later than others because of their CUP
- Competition with street vendors
- Noise from street vendors who stay in the area late at night
- Unhoused people around businesses can deter patrons and create safety issues for employees
- Trash, vandalism and graffiti around businesses
- Adhering to noise mitigation requirements is a financial burden, and there is not City support or guidance on how to meet requirements
- Opportunity for better communication between business owners

Residents and Neighborhood Association Representatives

- Loud music and trash in neighborhoods
- It's difficult to tell where loud noise and music is coming from, and difficult to report noise violations)
- City has been unresponsive to complaints, and there is sense that businesses are prioritized over residents
- Lack of diversity of businesses/uses
- Trash cans on Olive Ave. overflow so people leave trash on side streets
- People park in front of private driveways, “pre-game” and “post-game” in their cars, and urinate on side streets
- When Olive Ave. is closed for an event, there isn’t direction to detours
- Lack of lighting throughout the area, especially the surrounding neighborhood streets

Themes

	City Staff	Businesses	Residents
Different CUPs	X	X	
Safety	X	X	X
Noise	X		X
Streets Vendors	X	X	
Code Legibility and Enforcement	X	X	X
Lack of Diverse Business Types/Uses	X		X
Public Nuisance		X	X

03

LEARNING FROM OTHER PLACES

Elements of a Nighttime Economy Plan

	Function	Scale	Primary Actions/Issues Addressed
Napa			
Entertainment Overlay District	Regulatory	District	Standardizes operating hours for entertainment businesses
Sacramento			
Office of Nighttime Economy	Management	City	Liaison for City and businesses, resource for businesses, primarily addresses safety best practices
Entertainment Permits	Regulatory	City	Standardizes hours, expiration, and noise for entertainment businesses (and integrates permits from old code)
Vending Permits	Regulatory	City	Standardizes locations, hours, and distances for street vendors annually

Elements of a Nighttime Economy Plan

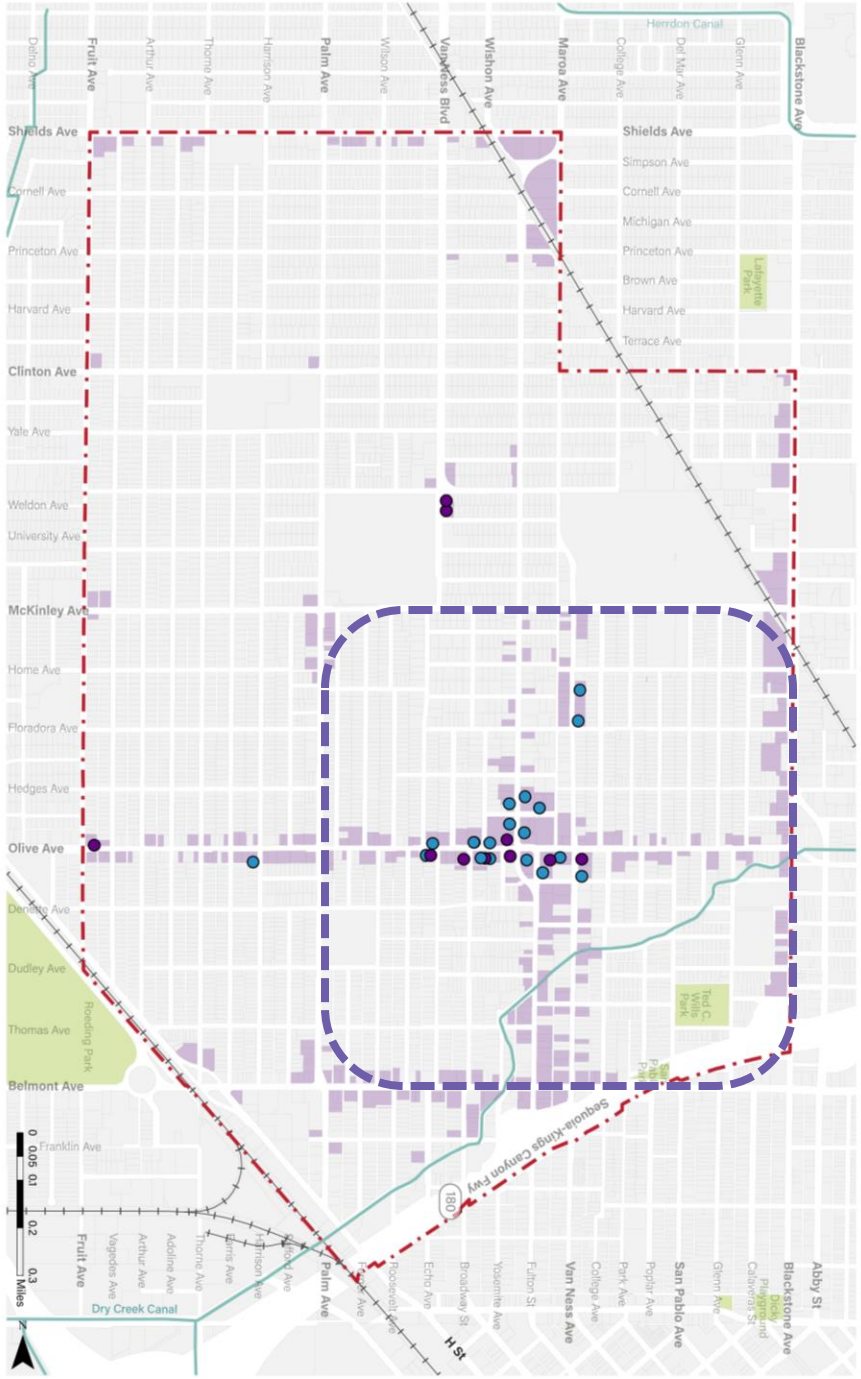
	Function	Scale	Primary Actions/Issues Addressed
Fort Lauderdale			
Nighttime Economy Division	Management	City	Liaison for City and businesses, resource for businesses.
Business Improvement District	Management	District	Supports business interests by making recommendations to City, grant program to activate area.
Nighttime Code Enforcement Team	Management	City	Code enforcement team dealing with noise, parking, lighting, and other violations.
Street Performance and Street Artist Program	Regulatory	District	Standardizes and limits street performers to address noise, location, and hours.
New Orleans			
Office of Nighttime Economy	Management	City	Liaison for city agencies, businesses, and community members; provides information and receives request/complaints.
Art and Culture Overlay Districts	Regulatory	District(s)	Sets limits on number and location(s) of entertainment establishments. Standardizes operating requirements targeted for specific areas/districts; sets requirements for public nuisance plans to deal with trash, noise, and security.
Noise Ordinance	Regulatory	City	Sets noise limit standards.

PRELIMINARY RECOMMENDATIONS

Recommended District Boundaries

Street Vendor Pilot Program Boundaries

- Advantages:
  - Includes the heart of the entertainment area as well as area for natural expansion
  - Has easy-to-define boundaries
  - Consistent with current regulatory approach to associated issue
  - Includes commercial streets as well as surrounding residential areas, enabling policies that address side streets
- Disadvantages:
  - Does not cover all commercial corridors in the Tower District, and misses south side of Belmont



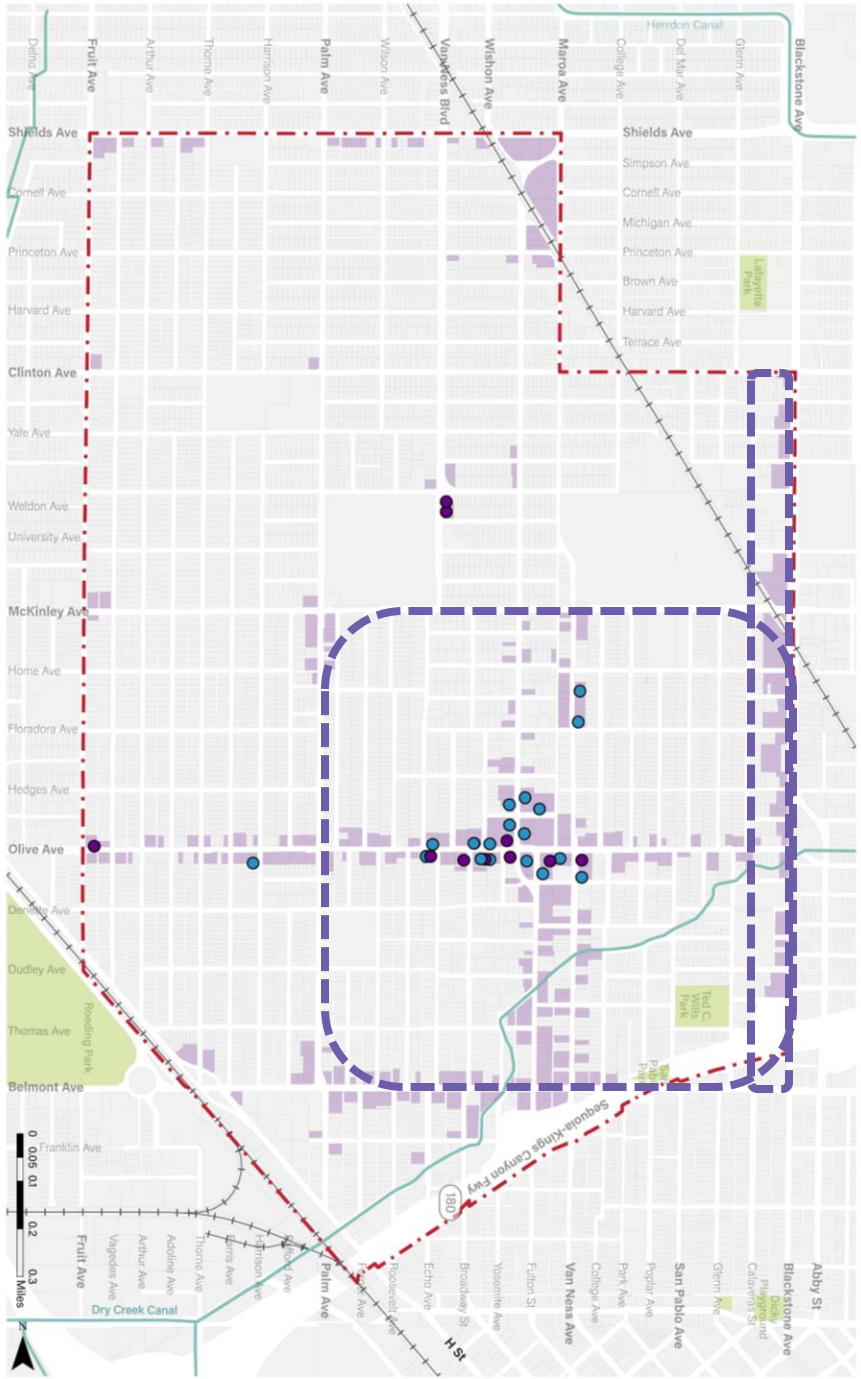
Expiration of CUPs in Tower District

- CUP has expiration
- CUP does not have expiration

PRELIMINARY RECOMMENDATIONS

Recommended District Boundaries - *Alternative*

Street Vendor Pilot Program Boundaries with extended area to include Neighborhood Mixed Use (NMX) section of Blackstone Ave.



Expiration of CUPs in Tower District

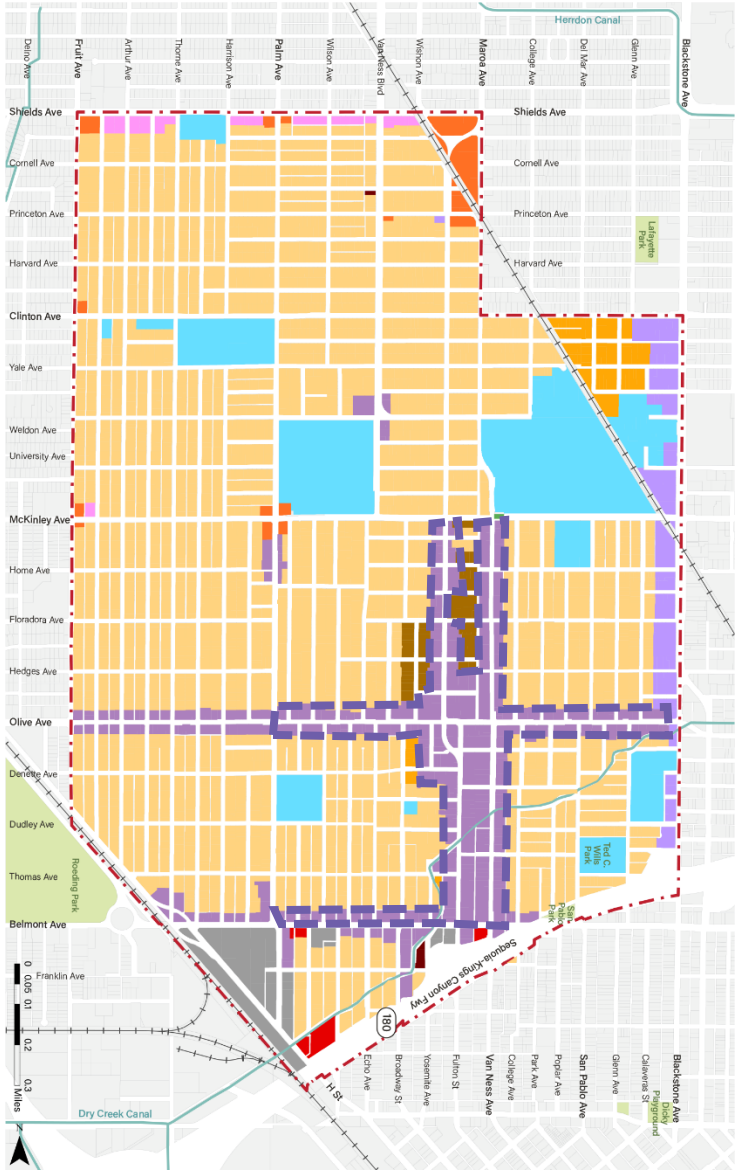
- CUP has expiration
- CUP does not have expiration

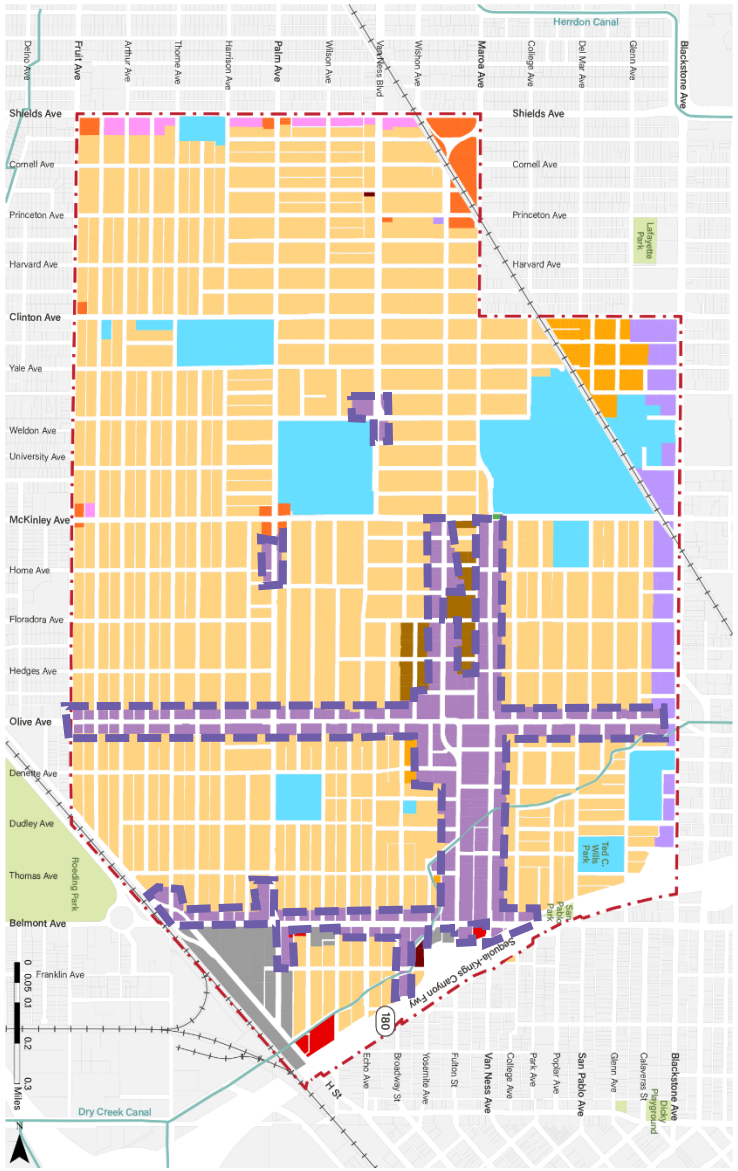
04

RECOMMENDATIONS

Other Potential District Boundaries

CMS Zones within Street Vendor Pilot Program Area



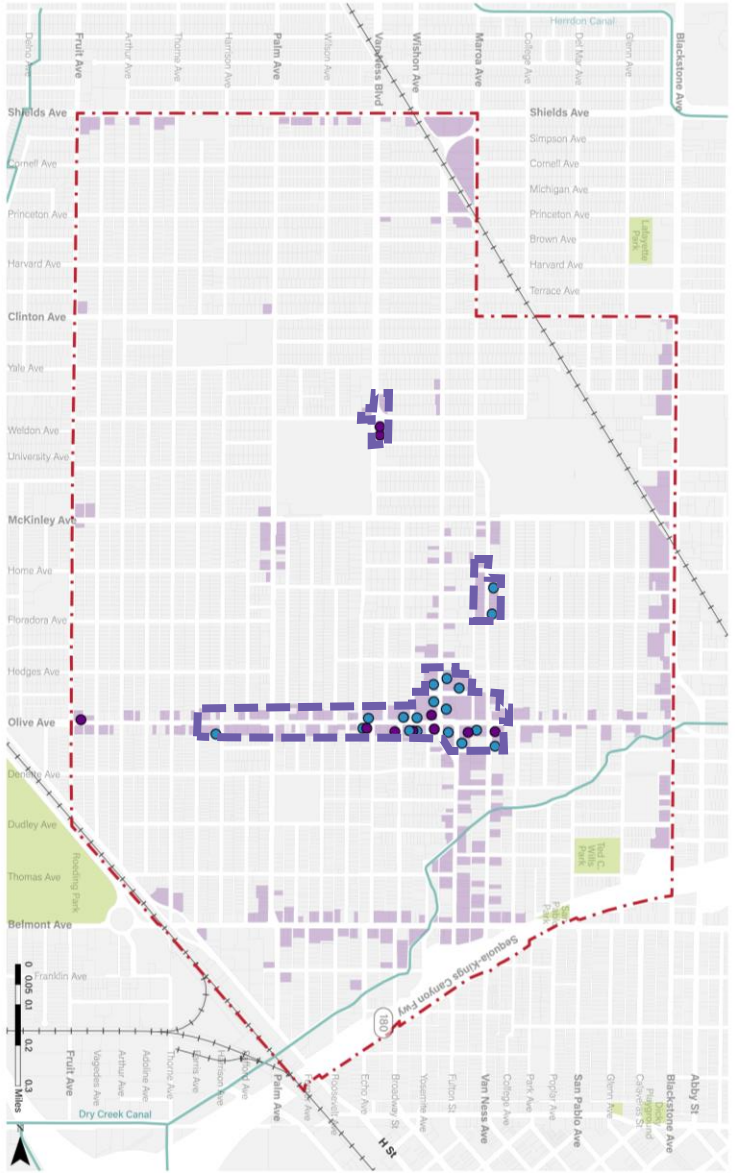


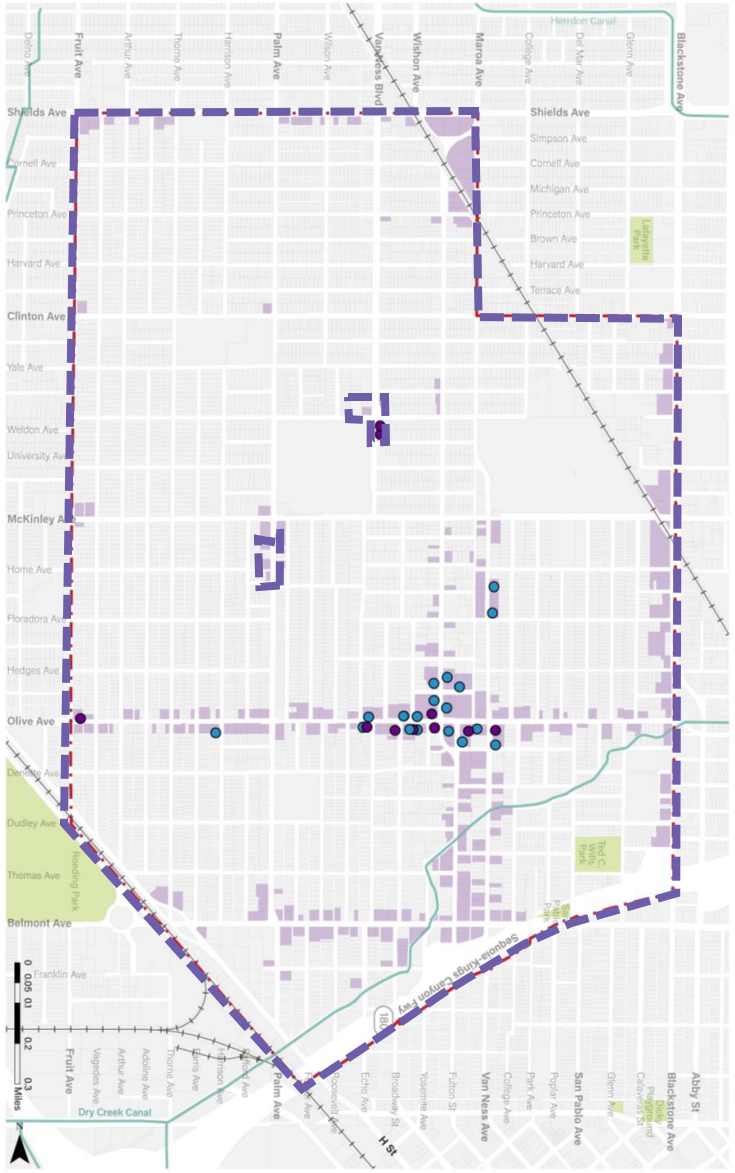
CMS Zone in Tower District

- Project Boundary
- Public and Institutional
- Commercial Community
- Commercial General
- Commercial Main Street
- Light Industrial
- Office
- Neighborhood Mixed-Use
- Park and Recreation
- Residential Single-Family, Medium Density
- Residential Multi-Family, Medium Density
- Residential Multi-Family, Medium High Density
- Residential Multi-Family, High Density

Other Potential District Boundaries

Entertainment Businesses with CUPs





Tower District Specific Plan Area

Expiration of CUPs in Tower District

- CUP has expiration
- CUP does not have expiration

Approach by Topic

	Development Code Regulations	Specific Plan Policies
CUP Consistency and Applicability	X	X
Safety	X	X
Noise and Other Nuisances	X	X
Sidewalk Vendors	X	X
Traffic and Parking		X
Diversity of Business Types/Uses	X	X
Code Enforcement		X

PRELIMINARY RECOMMENDATIONS

CUP Consistency and Applicability

Tower Entertainment Overlay District

Existing Rules

- Permit received after 2015 (“new Code”): expires after 7 years, may renew
- Permit received before 2015 (“old Code”): no expiration
- CUPs required (CMS Zone District) for:
  - Restaurants that serve alcohol
  - Cinemas and Theaters
  - Tasting Rooms
  - Bars, Nightclubs, and Lounges

Proposed Changes

- Require all CUPs to be renewed within 12 months of adoption and follow the 7-year cycle thereafter
- CUPs required (TED) for:
  - Bars, Nightclubs, and Lounges

Alignment with TED Goals

- Requiring all CUPs to be renewed will ensure that all similar businesses are regulated in a **consistent manner**.
- Removing CUP requirements for restaurants that serve alcohol, cinemas and theaters, and tasting rooms incentivizes a **wider variety of uses** in the Tower Entertainment District.

PRELIMINARY RECOMMENDATIONS

Safety: Time to Stop Sales; Food Requirements

Tower Entertainment Overlay District

Existing Rules

- Establishments must adhere to last call times:
  - Tasting rooms **11pm**
  - Restaurants **12am**
  - Bars and nightclubs **2am**
- No requirements to serve or offer food.

Proposed Changes

- No change to time to stop sales, service, and consumption of alcohol
- Require bars and nightclubs to have food or snack options for patrons.

Alignment with TED Goals

- Requiring bars and nightclubs to provide food or snack options can support safe consumption of alcohol and help **reduce impacts to neighboring residences and businesses**.
  - Note: an establishment does not need a kitchen to meet this requirement.

Safety

Specific Plan Policy Recommendations

- Recommend establishment of Office of Nighttime Economy or similar, to provide technical support/training with regard to safety issues.
- Recommend ambassador program to help guide people experiencing homelessness to services and away from sensitive locations (Potential role for BID OR partnership with Neighborhood Industries or other local organizations).
- Provide opportunities for people experiencing homelessness to be trained and employed, as ambassadors or otherwise (Potential role for BID OR partnership).
- Recommend maintaining consistent police nighttime presence on popular nights through a combination of Patrol Officers, Traffic Officers, and Contract Law Enforcement Services and explore a stand-alone budget to additionally support Entertainment District peak hours and special events.
- Conduct lighting and CPTED study of commercial core and within the first block of residential streets that intersect it, and make targeted lighting and other improvements recommended by the study to enable greater visibility between activities (“natural surveillance”)
- Recommend continuation and expansion of Tower Marketing Committee

Noise: Sound Levels, Screening

Tower Entertainment Overlay District

Existing Rules

- Daytime Stationary 7:00am – 10:00pm
  - Hourly Equivalent Sound Level, dBa: 50
  - Maximum Sound Level, dBa: 70
- Nighttime Stationary 10:00pm – 7:00am
  - Hourly Equivalent Sound Level: dBa, 45
  - Maximum Sound Level, dBa: 60
- Restaurants with Alcohol Sales, Bars, Nightclubs, and Lounges: doors and windows shall remain closed after 10pm to minimize noise, except for normal entry and exit of patrons.
- Screening: A 6-foot high screen wall shall be provided on the interior lot lines where any non-residential use abuts a residential district.
- Max height for side and rear yard (CMS Zone District)
  - 6 feet

Proposed Changes

- Include menu of appropriate noise attenuation measures.
- Max height for side and rear yard (TED)
  - 6 feet without noise attenuation measures
  - 9 feet with noise attenuation measures

Alignment with TED Goals

- No changes to noise rules
- Allowing additional height for rear and side yard fencing can help accommodate noise-reduction features, that can help **reduce impacts to neighboring residences**

PRELIMINARY RECOMMENDATIONS

Noise: Outdoor Patios

Tower Entertainment Overlay District

Existing Rules

Allowed Hours (distance from Residential)

- Smoke/Hookah/Cigar Lounges:
  - 100 ft. or closer: not permitted
  - 100-250 ft.: 7:00am – 12:00am
  - Further than 250 ft.: no limitations
- Establishments serving alcohol:
  - 250 ft. or closer: 7:00am – 10:00pm
  - Further than 250 ft.: no limitations
- Establishments not serving alcohol:
  - 100 ft. or closer: 7:00am – 10:00pm
  - Further than 100 ft.: 7:00am – 12:00am
  - Further than 250 ft.: no limitations

Noise: when located in the public right of way, amplified sound must not be audible at the property line

Proposed Changes

Allowed Hours (distance from Residential)

- Smoke/Hookah/Cigar Lounges:
  - 100 ft. or closer: not permitted
- All establishments – 100 ft. or closer from the patio to residential:
  - Without noise attenuation: 7:00am – 10:00pm
  - With noise attenuation: 7:00am – 2:00am
- All establishments – 100 - 250 ft. from the patio to residential:
  - 7:00am – 2:00am
- All establishments: further than 250 ft.
- No limitations (must still comply with operating hours and noise standards)

Noise: no amplified sound on all patios after 10:00pm

Noise

Specific Plan Policy Recommendations

- Provide sound mitigation handbook to guide business owners in code compliance.
- Advocate for noise monitoring to be conducted by Night Team regularly.
- Advocate for grant programs to support businesses in installing noise mitigation measures.

Noise: Outdoor Patios

Tower Entertainment Overlay District

Alignment with TED Goals

These changes expand consistent allowances by **distinguishing between front and back patios**, allowing front patios to stay open later. Back patios may also stay open later, but only when **noise attenuation measures** are installed to reduce impacts to neighboring residences. In addition, amplified sound is not permitted on front or back patios after 10 pm, to further support **reducing noise impacts to neighbors** (distinguishing via distance parameters).

Sidewalk Vendors

Specific Plan Policy Recommendations

- Recommend that the Sidewalk Vendors pilot program become permanent in the Tower District, with adjustments.
    - Must comply with noise standards and cannot play amplified sound after 10 pm.
    - Explicitly require vendors to provide and maintain trash receptacles for patrons
    - Generators may not be powered by gas, diesel, or natural gas.
- Recommend formation of a Community Benefit District (CBD) or Business Improvement District (BID).
    - One potential function of CBD or BID may be to foster relationships, synergy between businesses and sidewalk vendors.
- Study amending the TE District to specify locations where vendors are allowed to set up and require sign-up to utilize these locations.

Trash and Other Nuisances: Sidewalk Vendors

Tower Entertainment Overlay District

Existing Rules (Aug. – Oct. Pilot Program Rules)

- Trash: Sidewalk vendors not explicitly required to provide trash receptacles, but are required to maintain a trash-free area
- No restrictions on the type of generator used.

Proposed Changes (Tower District Sidewalk Vendor Program)

- Explicitly require vendors to provide and maintain trash receptacles for patrons.
- Generators may not be powered by gas, diesel, or natural gas.

Alignment with TED Goals

- Regulations regarding generators, noise, and trash are intended to reduce impacts to the **health and welfare of neighboring residences**.

Trash and Other Nuisances

Specific Plan Policy Recommendations

- Recommend survey of trash receptacles, and targeted placement (Potential role for BID).
- Recommend evaluation of street cleaning contract and performance. Could shift responsibility to BID (Potential role for BID).
- Recommend placement of public restrooms. These may be permanent and/or portable associated with events.
- Communication (signage) to remind people that people live here, please be courteous (Potential role for BID).

Code Enforcement

Specific Plan Policy Recommendations

- Make Night Team Pilot program permanent in the Tower District, with adjustments as needed.
- Initiate regular noise monitoring.

PRELIMINARY RECOMMENDATIONS

Traffic and Parking

Specific Plan Policy Recommendations

- Undertake traffic calming measures on local streets in the vicinity Olive Avenue to reduce speeding and cut-through traffic
- Designate detour routes and provide consistent wayfinding signage to help visitors navigate the Tower District during special events and protect neighborhoods from cut-through traffic
- Work with the community to determine locations for a Community Mobility Hub pilot project
- Work with FAX, other providers, and stakeholders to increase late night transportation options after midnight to reduce DUIs and to provide a safe ride home
- Conduct curbside management study of commercial core, and define pickup/dropoff locations for ride-sharing vehicles
- Study formation of parking district and creation of shared parking

Business Diversity and Concentration

Tower Entertainment Overlay District

Proposed Changes

- Permit **cinema/theaters, restaurants that serve alcohol** and **tasting rooms** as of right. (Currently these uses require CUP in CMS district.) Continue to require CUP for bars and nightclubs.
- Review potential incentives for bars and nightclubs that include kitchens and for certain commercial uses that do not serve alcohol to encourage greater use mix.

Business Diversity and Concentration

Specific Plan Policy Recommendations

- Recommend ongoing Tower District marketing (Potential role for BID).
- Coordinate with California Department of Alcoholic Beverage Control (ABC) to receive notification when alcohol sales licenses are approved in the Tower District.

Entertainment District Enhancements

Specific Plan Policy Recommendations

- Recommend formation of BID. Potential functions may include:
  - Coordinated marketing and event management
  - Management of parking district
  - Support creation of murals, public art, and custom street furnishings
  - Technical support to businesses in pursuing grants
- Make streetscape improvements, including wider sidewalks, street trees, furnishings, trash cans, public seating, and other elements
- Maintain and create special crosswalks, focusing on locations for pedestrian comfort.
- Create public plaza designed to accommodate events
- Pursue storefront improvement grants and other resources for business improvements
- Keep Tower Theater lights on!

05

DISCUSSION