

## City of Fullerton Community Development Department

#### CUP/ARUP/Variance/Zoning Adjustment Application Information

A.	REQUIREMENTS - The Community Development Department will need all of the following before an application is considered complete for filing. These items are to be submitted as a package:				
1.	Master Application Form - must be signed by the property owner of record whether or not an agent (applicant) has been named				
2.	Planning	Action Description/Justification Form (comp	eletely filled out)		
3.	Filing Fee	Conditional Use Permit (CUP) Administrative Restaurant Use Pe Variance	rmit (ARUP) □	\$3,109.60 \$ 904.80 \$2,683.20 \$1,164.80	
4.	Documen	t Imaging Fee (per application request)	🗖 \$43	☐ \$99 (if appl. is \$1000 or more)	
5.	Environm	ental Fee (to be determined by staff)			
	a.	Initial Study and Negative Declaration County Recorder's Fee State Fish and Game Fee	□	\$ 2,500.00* Deposit \$ 50 \$ 2,181.25**	
	b.	Environmental Impact Report (EIR) County Recorder's Fee	🗖	\$ 5,000* Deposit \$ 50 \$ 3,029.75**	
	C.	Project exempt from environmental review County Recorder's Fee		\$ 50	
	*Actual	staff time will be charged against deposit			

6. Drawings – site plan, floor plan and building elevations drawn to scale - 12 full sized sets and one reduced set (8 1/2" x 11"); digital plans are required (jpg or pdf) once the project is deemed complete.

#### B. PROCEDURE

The above Requirements are to be filed with the Community Development Department by appointment only. Following technical review, and once the application is deemed complete, the project will be set for its respective public review process. For Zoning Adjustments, the application will be scheduled for review by the Community Development Director. CUP and Variance applications will be placed on the agenda of the Planning Commission, and a public hearing will be held; the decision by the Planning Commission is final unless appealed to the City Council. ARUP applications require review by either the Community Development Director or the Planning Commission, depending on the nature of the request. More information on application submittal, hearing bodies and dates is available at:

http://www.cityoffullerton.com/depts/dev\_serv/planning\_/planningformsapplications/default.asp

NOTE: ALL APPLICATIONS ARE SUBJECT TO FURTHER REVIEW AND CONSIDERATION. ADDITIONAL INFORMATION MAY BE NECESSARY BASED ON TRAFFIC IMPACTS, NOISE LEVELS OR OTHER SPECIAL CIRCUMSTANCES POSED BY THE APPLICATION.

<sup>\*\*</sup>State Fish and Game fees are neither set nor collected by the City and are provided for informational purposes only. Applicants encouraged to contact the Dept. of Fish and Game to obtain a Determination of No Effect and/or the current fees at (916) 651-0603.

#### Please download a copy of our

#### SUBMITTAL REQUIREMENTS CHECKLIST

which can be found on our Application page:

http://www.cityoffullerton.com/gov/departments/dev\_serv/planning\_/planningformsapplications

The checklist contains important information that must be included in plans and associated application materials. Please be sure you have reviewed the checklist and have included all the information required for the TYPE of application you are submitting to us.

If your application is missing required information, you may be asked to revise your materials prior to submitting your application package.



## CITY OF FULLERTON COMMUNITY DEVELOPMENT DEPARTMENT

303 W. Commonwealth Ave. ♦ Fullerton ♦ CA ♦ 92832 ♦ (714) 738-6550 or (714) 773-5773

### **Master Application Form**

property:			
2. Submitted by:			
Property owner:		Applicant:	
Mailing address:		Mailing address:	
City, State, Zip Code		City, State, Zip Code	
Phone number:		Phone number:	
Email address:		Email Address:	
3. Property owner author be notarized)  I hereby authorize the representative.	rization for applicant (Signat above listed applicant	_	Signature of Property Owner
A	l e di ee e		
A notary public or other offic this certificate is attached, an			of the individual who signed the document, to which cument.
4. Notarization			
STATE OF CALIFORNIA	) ) ss.	On	, before me,, personally appeared, who proved to me on the basis of
COUNTY OF		the within instrument and same in his/her/their au	be the person(s) whose name(s) is/are subscribed to acknowledged to me that he/she/they executed the uthorized capacity(ies), and that by his/her/their ment the person(s), or the entity upon behalf of which
			Y OF PERJURY under the laws of the State of ng paragraph is true and correct
		WITNESS my hand and o	fficial seal.
Notary S	Seal		Signature of Notary Public
5.  All required plans	and documents attached	6. 🗖 Planning	Action Description/Justification form attached.
	and documents attached.	R OFFICE USE ONLY	·
Date Filed:	DCSC Date:		•
			Types of Applications
General Plan Designation:	PC Hearing Date:	☐ Abandonment	☐ Security Fence Review
Zoning Designation:	DRC Hearing Date	<ul><li>Certificate of Compliant</li><li>Conditional Use Permit</li><li>General Plan Revision</li></ul>	t Tentative Parcel Map
CEQA Determination: Project Planner:		<ul><li>☐ Historical Landmark</li><li>☐ Major Development Pro</li><li>☐ Major Site Plan Review</li></ul>	
APN(s)		<ul><li>Minor Development Pro</li><li>Minor Site Plan Review</li></ul>	oject
Application Number(s)		☐ PRD Concept	



Action Description/Justification

(Attach additional sheets as necessary.) Project location: 1. Describe project and request(s), **including FMC code section numbers**: If application is for Site Plan, Development Project or Conditional Use Permit(s), answer the following: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties within the same area. For Zoning Adjustment or Variance, Government Code Section 65906 states; "Variance from the terms of the 4. zoning ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification." Further, no variance shall be granted which would, "constitute a grant of special privileges inconsistent with the limitations upon other properties in the same vicinity and zone." Describe how your request for a Zoning Adjustment of Variance meets the above requirements:

Project File No	Zone/GP	Recommendation	Date/Rec'd by	



# City of Fullerton Community Development Department

### Preliminary Environmental Description

Applications for projects in the City of Fullerton cannot be processed until an initial study of environmental impacts has been completed and an exemption granted, negative declaration or Environmental Impact Report prepared. Please complete the following and return <u>AT LEAST ONE</u> WEEK PRIOR to submitting your formal application package. (Also include 3 copies of preliminary site plans, if applicable.)

		your formal application pa	nckage. (Also include 3 copies of preliminal	Date:
1.	Submitted by:			
Mailing A	Address:			
	Phone:			
	Email:			
Project	contact:			
Mailing A	Address:			
	Phone:			
2.	Proposed use:			
=				
_				
3.	Project descript	ion: (attach related site	/development plans)	
	Project Address:			
	Existing zoning:			
,	Assessors Parcel #:			
	Site size:		Bldg. square foot	
	Number of floors:		Amount of park	king:
	oposed scheduling:			
	Associated project:			
4.	expected. <u>If comm</u> <u>industrial</u> , indicate	nercial, indicate the type (nei	ghborhood, city or regionally oriented), squ	e of sale prices or rents, and type of household size uare footage of sales area, and loading facilities. <i>If institutional</i> , indicate major function, estimated e derived from the project.)
5.	If the project inv		itional use permit, or rezoning app	lication, state this and indicate clearly
			an EIR. The above information is nece fects. A response will be forthcoming as to	ssary, and should be as complete as possible, to determination as soon as possible.
Droject Ei	la Na	Zono/GP	Pocommondation	Data/Racid by

#### **City of Fullerton Community Development Department**

#### Preliminary Environmental Description

6. Will the proposed development cause or create any of the following effects? \*

	No	Yes		No	Yes
Change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground contours?			Substantial change in exiting noise or vibration levels in the vicinity?		
Change in scenic views or vistas from existing residential areas or public lands or roads?			Site on filled land or on slope of 10 percent or more?		
Change in pattern, scale or character of general project area?			Use or dispose of potentially hazardous materials, such as toxic substances, flammables or explosives?		
Significant amounts of solid waste or litter?			Substantial change in demand for municipal services (police, fire, water, sewage, etc.)?		
Change in dust, ash, smoke, fumes or odors in the vicinity?			Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.)?		
Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns?			Relationship to a larger project or series of projects?		

\*Categories above with "yes" answer should be explained on a separate attachment. 7. Is the proposed project located on a site that has been identified in the State of California Hazardous Waste and Substances Sites List (Cortese)\*, prepared by the Department of Toxic Substances Control pursuant to Government Code Section 65962.5? Yes \_\_\_\_No \*Consult with Planning Division for current listing. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical or scenic aspects. Describe any existing structures on the site, and the use of the structures. Attach photographs of site as needed. (Snapshots or polaroid photos will be accepted.) 9. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (single/multi family, retail shops, etc.), and scale of development (height, frontage, setbacks, etc.). Attach photographs of the vicinity as needed. (Snapshots or polaroid photos will be accepted.) Certification I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. Date Signature 1/1/2014

## ADMINISTRATIVE RESTAURANT USE PERMIT (ARUP) SUPPLEMENTAL FORMS

#### TO BE COMPLETED BY ALL APPLICANTS:

## SUPPLEMENT TO APPLICATION FOR ARUP OR CUP FOR ALCOHOLIC BEVERAGE SALES

OPTIONAL FORM FOR REQUEST OF WAIVER OF CONDITIONS:

ADDENDUM TO APPLICATION FOR ARUP/CUP

## SUPPLEMENT TO APPLICATION FOR ARUP OR CUP FOR ALCOHOLIC BEVERAGE SALES

BUSI	NESS PROPOSED IS A:
	<b>Restaurant</b> - any establishment serving and/or selling food to the general public. A restaurant may serve alcoholic beverages for consumption on the premises, provided that the primary business is the serving and/or selling of food, and the business maintains food sales and access to eating areas to within one hour of closing. At all hours during which the business is operated as a restaurant, the gross sales of food shall exceed the gross sales of alcoholic beverages.
	Bar (also tavern or cocktail lounge) - any establishment that primarily sells or dispenses alcohol by the drink, and where the preparation and sale of food is incidental to the business. A bar operates under a license issued by the Alcoholic Beverage Control Department of the State of California. A business which has more than twenty percent (20%) of its gross floor area occupied by an area primarily used for sales/consumption of alcoholic beverages is also considered a bar.
	<b>Nightclub</b> - a business wherein regular operations include dancing and/or live entertainment, such as musical performer(s) or disc-jockey(s), as an ancillary activity to the sale of alcohol.
TYPE	OF ALCOHOL TO BE SERVED:  Beer Wine Liquor, by the glass Liquor, bottle service ABC LICENSE TYPE:
	ER ACTIVITIES TO BE PROVIDED:
	Acoustic performances comprised of no more than two performers  Amusement devices¹ Number of devices?  Café Musician²  Dancing  Live entertainment³ – may include the use of amplified sound, such as for:
Ц	☐ Live band performances
	□ DJ performances
	☐ Theatrical performances
	☐ Stage/platform
_	Other (please specify)
	Outdoor patio, 100 square feet or less Outdoor patio, greater than 100 square feet
	Recorded background music that does not impede normal conversation of diners
_	The state of the s

- SEE REVERSE FOR TYPE OF APPLICATION REQUIRED -

<sup>&</sup>lt;sup>1</sup> FMC 3.54.030 "Amusement device" means any pool table, billiard table, game, exhibition, shuffleboard game, or amusement device or any mechanical amusement device or machine which upon the insertion of a coin, slug or token in any slot or receptacle attached to a machine or connected therewith operates or which may be operated for use as a game, contest or amusement.

<sup>&</sup>lt;sup>2</sup> Cal. Gov. Code 37101.5 "Cafe musician" means any person playing a musical instrument in any place or establishment where food or alcoholic beverages are sold, offered for sale or given away, who is an employee, or independent contractor, of such place or establishment. "Cafe musician" does not include an owner, manager, or operator of such place or establishment.

<sup>&</sup>lt;sup>3</sup> FMC 3.08.010.E "Live entertainment" means any exhibition, demonstration or display upon, or by, any person, or any sound, word, speech, song or other utterance, or any dance, posture, act or other movement, or any music or other sound manually produced from any instrument or article, by any person, in the presence of any audience, which agreeably occupies the mind, or pleasantly attracts, diverts or holds the attention, or is for the amusement, of any person in such audience.

Use Permits for Restaura	ants, Bars, and Night Clubs	
Proposed Use	Permit Required	
<ul> <li>Restaurant with beer and wine only, with 2,500 square feet or less of gross floor area.</li> </ul>	Administrative Restaurant Use Permit (ARUP), with standard conditions as set forth in Section 15.30.040.l.6.	
<ul> <li>Restaurant with beer and wine only, with greater than 2,500 square feet of gross floor area and/or with outdoor dining or patio greater than 100 square feet.</li> </ul>	Administrative Restaurant Use Permit (ARUP) approval subject to hearing before Director of Community Development or his/her designee with notice to all property owners within 300 feet of	
Restaurant with full alcohol sales.	boundaries of proposed use, subject to standard conditions as set forth in Section 15.30.040.I.6.	
Restaurant with live entertainment.		
Businesses requesting deviations from standard conditions (15.30.040.I.6&7).		
Restaurant with dance floor.		
Bar, cocktail lounge or night club (eating and drinking establishment serving alcohol with no or limited food item sales at any time, including after 10 p.m.).	Conditional Use Permit (CUP) approval by Planning Commission	
<ul> <li>Reception halls, banquet facilities, dance halls or similar use.</li> </ul>		

Addendum to Application for ARUP/CUP	
Project/Case No.:	
Name of Business:	

Below is the list of standard conditions for Downtown businesses selling alcoholic beverages for onpremise consumption, as required by Fullerton Municipal Code §15.30.040 I. If you wish to request a waiver of any of the conditions below, <u>your request will be considered as part of the Planning</u> Commission or Community Development Director hearing process, as applicable.

☑ Please check the box next to conditions from which you request a waiver, and include a separate sheet identifying possible alternative(s) and/or basis for waiver for each condition checked.

#### **Facilities:**

- 1. All utility services on the site shall be in stalled underground, pursuant to Fullerton Municipal Code Chapter 16.05. (FMC 15.30.040 I.5.d) <sup>1</sup>
- $\square$  2. All facilities for storage of supplies shall be located within a building. (FMC 15.30.040 I.5.e) <sup>1</sup>
- □ 3. Any refuse storage area located outside of a completely enclosed building shall be surrounded by a solid wall six (6) feet in height with self-locking gates, per city standard plans. All refuse storage and disposal shall comply with NPDES requirements, as well as with any local, county, state or federal requirement relating to storage, disposal, dispersal or recycling of refuse materials of any kind. (FMC 15.30.040 I.5.f) <sup>1</sup>
- □ 4. Washing/cleaning facilities shall co mply with the pertinent sections of the Californ ia Health and Safety Code and any applicable provisions of Fullerton Municipal Code Chapter 12.20, and shall also include a hand lavatory in each food preparation and packaging area for employees. (FMC 15.30.040 I.5.i) <sup>1</sup>

#### **Hours of Operation:**

□ 5. Pursuant to Chapters 15.70 and 15.71 of this title, the Planning Commission, or the Director of Community Development or his/her designee, as the case m ay be, m ay restrict the hours of operation of the business. (FMC 15.30.040 I.6.d)

#### **Lighting, Indoor:**

- 6. Indoor lighting shall be no less than one-half (.5) foot candles throughout the custom er areas of the establishment, except that no less than 1.25 foot candles shall be minimally maintained and evenly distributed at ground level in all dancing areas. Lighting level shall be measured at six (6) feet above finished floor. (FMC 15.30.040 I.5.b.i) <sup>1</sup>
- 7. Indoor lighting may not be turned off or reduced so that the intensity of the lighting on a dance floor makes it difficult to clearly see or identify individuals dancing; (FMC 15.30.040 I.5.b.ii) 1
- 8. If visible from a public street, highway or other public thoroughfare used for vehicular traffic, no stationary interior electres ic lighting or illuminations ystemm ay be constructed or maintained which is, contains or utilizes:
  - (a) An exposed incandescent lamp with a rated wattage in excess of 40 watts or 480 lumen. <sup>1</sup>
  - (b) An exposed incandescent lamp with an internal metallic reflector. <sup>1</sup>
  - (c) An exposed incandescent lamp with an external reflector. <sup>1</sup>

- (d) A revolving beacon light. 1
- (e) A continuous or sequential flashing operation in which m ore than one-third of the lights are turned on or off at one time. <sup>1</sup>
- (f) An illum inating device or devices which produce illum ination in excess of what is permitted in Section 21466.5 of the State of California Vehicle Code (FMC 1 5.30.040 1.5.b.iii).

#### Lighting, Outdoor:

- 9. All outdoor areas (including any private ar eas) shall have lighting with a m inimum illumination level of two (2) foot-candles for security and safety purposes, with a maximum to minimum ratio no greater than 6:1. Vertical i llumination 5 feet above the ground shall be at least equal to the horizontal illumination at ground level. The pole-mounted and wall-mounted luminaries shall be installed between 10 feet and 12 feet high from the finished surface. The lighting system shall be designed to minimize light trespass to streets and adjoining properties, and shall in clude integral shielding and selective fixture placement to restrict unwanted light and nuisance glare. (FMC 15.30.040 I.5.a.i) <sup>1</sup>
- □ 10. Decorative lights with individual light sour ces emitting 300 lum ens or less and temporarily installed between Novem ber 1 and January 15 of the next year are exem pt from this requirement. (FMC 15.30.040 I.5.a.ii) 1

#### Noise:

- 11. An acoustical report and/or stat ement of no-impact shall be subm itted to the Director of Community Development by any business wishing to provide am plified music and/or live entertainment. Restaurant music that does not impede normal conversation of the restaurant's diners (i.e., background music), acoustic performances comprised of two or less members, and special events as defined by Municipal Code Chapter 15.58, shall be exem pt. All music and live entertainment, whether inside or outside, shall be at a level that does not impede or negatively impact adjacent busines ses, as determ ined by the Director r. The Director m ay require the preparatio n of an acoustical an alysis by an acoustic engineer to identify appropriate mitigation measures. The Director shall require mitigation as necessary, and shall consider the City's General Plan Noise Element, State guidelines, Building Code criteria and industry standards when m aking such determination. The Director m ay defer approval to the Planning Commission, and any deci sion may be appealed pursu ant to Fullert on Municipal Code Section 15.71.040. (FMC 15.30.040 I.5.c) <sup>1</sup>
- □ 12. For establishments with live entertainment or amplified music, all exterior doors and windows will be clos ed during the hours of such entertain ment or music, except to allow ingress or egress of patrons, or in the case of emergencies. All exterior doors and windows shall be an adequate acoustic barrier, and shall not consist solely of a screen or ventilated security door. (FMC 15.30.040 I.6.a.iii) <sup>2</sup>
- □ 13. Interior noise from the establishment shall not exceed a level which can be heard 50 feet from any exterior wall of the establishment, or heard 50 feet from the boundary of any outside court yard or patio area included within the limits of the lot or designated tenant area on which the business is located, for a period longer than five consecutive seconds. (FMC 15.30.040.I.6.a.iv)<sup>2</sup>

#### **Preventative Design:**

□ 14. The site plan and floor plan of all businesses shall be reviewed for opportunities to incorporate design features to assist in reducing alcohol -related problems. The Planning Commission, or

the Dir ector of Community Deve lopment or his/her designee, as the case m av be, m av condition the alcoholic beverage outlet to in corporate preventive design features. Such features m ay include, but are not limited to, openness to surveillance and control of the premises, the perim eter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and ne ighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior. (FMC 15.30.040 I.5.g)<sup>1</sup>

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15. Neither the business, nor anyone on its behalf, sh all share any profits, or pay any percentage or commission to a promoter or any other person, based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders, or the sale of drinks, or rent out or otherwise receive compensation for use of the facilities, except if the permittee or its representative or agent will be present during the time the premises is rented and is at all such times responsible and in charge of all activities on the premises. (FMC 15.30.040 I.6.a.i) <sup>2</sup>
16. No "happy hour" type of reduced price alcoholic beverage promotion shall be allowed at the business after 7:00 p.m. (FMC 15.30.040 I.6.a.ii) <sup>2</sup>
17. The business, or anyone on its behalf, shall not require the purchase of a minimum number of drinks. (FMC 15.30.040 I.6.a.vii) <sup>2</sup>
Queuing:
18. All establishments shall provide an interior waiting area, separate from customer service areas. (FMC 15.30.040 I.5.h) <sup>1</sup>
19. Food and/or alcohol shall not be served in interior queuing or waiting areas. (FMC 15.30.040 I.6.a.v) <sup>2</sup>
20. If the interior queuing or waiting are a is insufficient to fully accommodate waiting customers, a maximum of 25 patrons shall be permitted to queue outside the busin ess. Outside queuing space shall be located so as no t to obstruct pu blic right-of-way, in terfere with an youtside eating areas, or im pede access to adjacen t busin ess establishments. Patrons in the outside queuing area shall not be permitted to obtain or consume food or beverages from the business. (FMC 15.30.040 I.6.a.vi) <sup>2</sup>
Responsible Beverage Service/Sales Training:

- 21. All owners, m anagers and em ployees serving and/or selling alcoholic beverages in an establishment sha ll un dergo and successf ully com plete a cer tified tra ining p rogram in responsible m ethods and skills for serv ing and selling alc oholic beverages. (FMC 1 5.30.040 I.6.g.i)<sup>4</sup>
- 22. Responsible beverage service and sales traini ng shall be required for all new alcoholic beverage outlets and for any existing alcoholic beverage outlet upon a finding of the Planning Commission, or the Director of Community Development or his/her designee, as the case may be, that the estab lishment is oper ated or maintained under objectionab le conditions that constitute a public nuisance. (FMC 15.30.040 I.6.gii)<sup>4</sup>
- 23. To qualify to meet the requirements of this section ace rtified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying/licensing body which the State m ay designate. (FMC 15.30.040

1.6.g.111)
24. New alcoholic beve rage establishments sha ll c omply with the requirements of this section within ninety (90) consecutive days of the issuance of the certificate of occupancy or business license. Existing alcoholic beverage establishments shall comply with the requirements of this section within ninety (90) days of the effective date of the use permit. (FMC 15.30.040 I.6.g.iv) <sup>4</sup>
25. Records of each owner's, manager's and employee's successful completion of the certified training program required by this section shall be maintained on the premises of the alcoholic beverage outlet and shall be presented upon request by a representative of the City of Fullerton. (FMC 15.30.040 I.6.g.v) 4
Additional Requirements:
26. The Director of Community Development or his/her designee or the Planning Commission, as the case m ay be, shall have the rig ht to add a dditional conditions of approval in order to ensure compatibility of the development with the surrounding are and the goals and objectives of the General Plan of the City. The Director of Community Development or his/her designee or the Planning Commission, as the case may be, shall retain jurisdiction to impose additional conditions after approval if necessary or appropriate to ensure that operation of the estab lishment is consistent with the findings made at the time of approval. (FMC 15.30.040 I.5.j)
27. Reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, alleys and areas surrounding the business and adjacent properties must be taken during business hours if directly related to the patrons of the subject business. "Reasonable steps" shall include calling the police in a timely manner; preven tive design features (Section 15.30.040.I.6(a)); and requesting those engaging in such activities to cease the activity, unless personal safety would be threatened in making that request. (FMC 15.30.040 I.6.c)
28. The exterior of the business, including all sign s and accessory buildings and structures, shall be maintained free of litter and graf fiti at all times. The owner or ope rator shall p rovide for daily rem oval of trash, litter and debris (including vom it, ur ine and excrement) from the premises and on all abutting sidewalks and park ing lots within twe nty (20) f eet of the premises. Graffiti shall be rem oved within fort y-eight (48) hours of written notice from the City. (FMC 15.30.040 I.6.f)
Additional Requirements for Accessory Outdoor Dining:
29. The outdoor dining or patio shall be subject to all the existing hours of operation, operational characteristics and conditions of any use perm otherwise set forth herein. (FMC 15.30.040 I.7.c.i) <sup>2</sup>
30. No am plified m usic or am plified entertainment is per mitted outdoors, except recorded background music for dining establishments wherein normal conversation is not impeded; no music or entertainment shall be permitted on a patio permitted outdoors, except recorded background music for dining establishments wherein normal conversation is not impeded; no music or entertainment is permitted outdoors, except recorded background music for dining establishments wherein normal conversation is not impeded; no music or entertainment is permitted outdoors, except recorded background music for dining establishments wherein normal conversation is not impeded; no music or entertainment is permitted on a patio permitted outdoors, except recorded background music for dining establishments wherein normal conversation is not impeded; no music or entertainment ent shall be permitted on a patio permitted outdoors. Such as a such a such as a such a such as
31. All doors and windows leading to the outdoor dining or patio shall remain closed while any approved indoor amplified music or live entertainment is in operation. (FMC 15.30.040 I.7.c.iii) <sup>2</sup>
32. Roof coverings shall not have the effect of creating a perm anent enclosure; and fences, walls or similar barriers shall serve only to define the dining area and not constitute a permanent all weather enclosure. (FMC 15.30.040 I.7.c.iv) <sup>2</sup>

- 33. For bars, taverns, cocktail lounges and night clubs only, there shall be no access directly to the patio area from any outdoor area, and the pati o area shall be surrounded by a six foot high, non-view obscuring barrier with openings not to exceed two inches in height or width. Exiting only shall be permitted from the patio area as required by the Building Code. (FMC 15.30.040  $1.7.c.v)^2$ Community Developm ent or his/her designee 34. Such additional conditions the Director of deems necessary or appropriate to ensure operation of the outdoor dining or patio is consistent with the findings made at the time of approval. (FMC 15.30.040 I.7.c.vi)<sup>2</sup> 35. In the event that a proposed out door dining area is to be located on a public sidewalk or rightof-way, the application shall not become effective until the applicant has obtained a valid encroachment perm it pursuant to the Outdoor Dining Guidelines established by the City Council. (FMC 15.30.040 I.7.f) 36. Operation of any added or expanded outdoor acce ssory dining or patio approved pu rsuant to Fullerton Municipal Code subsection 15.30.040.1.7 shall be operated in accordance with the City's Outdoor Dining Guidelines and any and all permit conditions required by the approving agent or body. (FMC 15.30.040 I.7.g) Additional Requirements for Alcoholic Beverage Sales after 10:00 p.m.: 37. Businesses offering on-site alcoholic beverage s for sale after 10:0 0 p.m. are subject to requirements to provide private security personne l or officers to patrol the business prem ises. (FMC 15.30.040 I.6.e) 38. The number of and the hours during which privat e security officers shall be provided by the business shall be set by the Dire ctor of Community Development or his/her designee based upon the recommendation of the Police Department, which shall be based upon the following factors (FMC 15.30.040 I.6.e.i): <sup>3</sup> (a) Type of ABC license approved or proposed for the business (FMC 15.30.040 I.6.e.i); (b) Gross square footage of business premises (FMC 15.30.040 I.6.e.i); (c) Occupancy approved by the Building Divi sion and Fire Departm ent, as well as observed occupancy (FMC 15.30.040 I.6.e.i); (d) History of incidents on or immediately adjacent to the premises (FMC 15.30.040 I.6.e.i);
  - (e) A requested activity requiring a CUP (FMC 15.30.040 I.6.e.i);
  - (f) Hours of operation of the business (FMC 15.30.040 I.6.e.i); and
  - (g) Actual operating conditions or a business plan outlin ing proposed operations (FMC 15.30.040 I.6.e.i).
  - (h) The Director of Community Developm ent or his/her des ignee, tak ing into account any recommendation by the Police Department, may alter the number of security personnel required at any time, with reasonable written notice, based upon changes to the factors of (a) (g) above, or other observed or noticed conditions at the premises, including specific days, times, or occasions necessitating additional security, such as temporary uses, special events or functions, holidays (both observed and celebrated in the United States and/or by other nations, such as C inco de Mayo, St. Patrick's Day, Bastille Day, etc.) (FMC 15.30.040 I.6.e.ii).

39. The minimum number of require d security officers shall be equal to the number of public entrances/exits to the business establishment, including any permitted patio exits (FMC 15.30.040 I.6.e.iii) <sup>3</sup>
40. The minimum hours during which security officers shall be required shall be from 9 p.m. to 2 a.m. or closing, if closing is earlier than 2 a.m. (FMC 15.30.040 I.6.e.iv) <sup>3</sup>
41. Private security personnel or officers may be employees of the business establishment, except when the Director of Comm unity Development or his/her designee has required that such personnel or officers be provided by an independent security company (FMC 15.30.040 I.6.e.v) <sup>3</sup>
42. The business establishment owner shall be responsible for ensuring that the business' security personnel or officers implement and enforce at required for the business (FMC 15.30.040 I.6.e.vi) all times any security plan approved or required for the business (FMC 15.30.040 I.6.e.vi)
43. All private security personnel or officers shall be currently trained, licensed and bonded according to the requirements of California a laws, including, but not limited to, the requirements of California Business & Professi ons Code section 7580, et seq., and California Code of Regulations section 600, et seq. (FMC 15.30.040 I.6.e.vii) 3
44. All private security personnel or of ficers shall wear a uniform. Each business establishm ent shall have a standard uniform, which shall be authorized by the Chie f of Police or his/her designee. The uniform shall clearly identify the person as security, and shall identify the name of the business (FMC 15.30.040 I.6.e.viii) <sup>3</sup>
45. The business establishment owner shall have the responsibility for ensuring that its required private security personnel or officers shall at all times while on duty be able to communicate with other required security officers for that business establishment (FMC 15.30.040 I.6.e.ix) <sup>3</sup>
46. Each private security personnel or officer providing services required by this section shall, prior to commencing any provision of security services, attend a "Downtown Business Orientation" to be conducted by the Fullerton Police and Fire Departments. (FMC 1 5.30.040 I.6.e.x) <sup>3</sup>
47. Security devices, including video surveillance and recording equipment may also be required of any business within the C-3 zone that provide s on-site alcoholic beverages for sale, as may be specified by the Director of Community De velopment or his/her de signee and taking into account any recommendations by the Police Depart ment. Any business which is required to or does maintain video surveillance and/or recording equipment shall maintain the video recordings for a minimum period of thirty (30) days. (FMC 15.30.040 I.6.e.xi) <sup>3</sup>
Additional Requirements for Restaurants:
48. For restaurant uses, the quarterly gross sales of alcoholic bevera ges shall not exceed the gross sales of food during the same period. The license eshall at all times maintain records which reflect separately the gross sale of food and the gross sale of alcoholic beverages of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City upon request by the Director of Community Development or his/her designee. Any establishment that is approved to operate as a bar, tavern, cocktail lounge or night club after restau rant hours shall maintain separate records of after hour sales. (FMC 15.30.040 I.6.a.viii) <sup>2</sup>

49. For restaurant uses, at all times the premises or any portion thereof is open to the public and operated as a restaurant, food from the regular menu shall be provided to patrons hour or less before closing. (FMC 15.30.040 I.6.a.ix) <sup>2</sup>
50. For restaurant uses, the business, or anyone on its behalf, shall not require an adm ission charge or a cover charge. (FMC 15.30.040 I.6.a.x) <sup>2</sup>
Modifications or waivers may be granted by the Director of Community Development or his/her designee or the Planning Commission, as the case may be, if strict compliance with the standards is not necessary to achieve the purpose and intent of the standard with respect to a particular business or premises. (FMC 15.30.040 I.5.k)
Modifications or waivers may be granted by the Planning Commission, subject to conditional use permit approval, and any conditions necessary to preserve the public health, safety and welfare. (FMC 15.30.040 I.6.b and 15.30.040 I.7.d)
Requirements may be waived for a business that has been in operation for at least one year, based upon the Director of Community Development's or his/her designee's reasonable discretion regarding the manner in which the business has been operated in the past, including compliance with other applicable city requirements. Any waiver may be revoked, upon reasonable written notice to the business, in which case the business shall thereafter be required to comply with all of the provisions of this section no later than the date specified in the notice. (FMC 15.30.040 I.6.e)
Modifications or waivers may be granted by the Planning Commission, or the Director of Community Development or his/her designee, as the case may be, upon finding that the employees of the alcoholic beverage outlet are sufficiently knowledgeable in the responsible methods and skills for serving and selling alcoholic beverage without additional training. (FMC 15.30.040 I.6.g.vi)
PLICANT:
I acknowledge the Standard Conditions of Approval above and request a waiver of the eck-marked standard conditions herein. I have included a separate sheet identifying ssible alternative(s) and/or basis for waiver for each condition checked.
<b>R</b>
I acknowledge the Standard Conditions of Approval above and do not request a waiver of Standard Conditions of Approval herein.
TED:
Applicant Name
Business Name