

DOWNTOWN ALCOHOL BEVERAGE POLICY

Adopted February 3, 2009

Amended October 4, 2011

POLICY ADDRESSING THE ISSUANCE OF ALCOHOLIC BEVERAGE LICENSES AND THE SERVICE OF ALCOHOL IN THE DOWNTOWN

I. PURPOSE

The Downtown area of Campbell by nature is a compact commercial district intended to be the center of social and civic activity for the City. The City has encouraged, through its redevelopment programs and City policies, an active and vibrant balance of day and night time land uses to appeal to all demographics. To be successful, a downtown must be appealing to local residents and also serve as a destination for visitors to our community. A component of any successful downtown is restaurants and night time venues that provide a selection of places to dine and socialize. Alcoholic beverage licenses are often requested as a part of the operation and service offered by such establishments.

City policy supports the responsible service of alcohol as a component to those full service restaurants and night time establishments. The City currently uses a number of tools designed to protect the public welfare when considering alcohol service including conditions of operations, police enforcement, the State Office of Alcohol Beverage Control regulations, and administrative citations. However, the over-concentration of late night alcohol serving establishments within a compact downtown district can create a cumulative impact that overwhelms the area creating an undesirable result such as drunk in public, vandalism, and disorderly conduct. While acknowledging the positive contributions restaurants and night time activities provide to a vibrant commercial district, maintaining the proper balance of uses is essential to a successful downtown.

This policy is intended to:

- Provide the Planning Commission and City Council with guidelines when considering how new applications for alcohol beverage service affects the proper balance and/or concentration of a particular land use, especially as it relates to late night service of alcohol.
- Provide clear policy direction to staff as a basis in evaluating new applications for alcohol beverage service; and
- Demonstrate to the Campbell community and the general public that the City intends to maintain a level of discretion and control over late night alcohol service.

For purposes of this policy, the "Downtown" is defined by the boundary map attached as "Exhibit A".

The following provisions are intended to balance the health and safety of the community while still maintaining the commercial viability of the downtown in which restaurants have an essential role. Hours of operation may be regulated based on an establishment's proximity to a residential neighborhood, the concentration of similar alcohol beverage

licenses in the area or other material reasons raised at a public hearing in consideration of an alcohol beverage license.

By controlling the concentration of alcohol service establishments and the operation of late night alcohol beverage service, this policy is consistent with the goals and objectives of the Downtown Development Plan and General Plan by reflecting the vision for the downtown as a safe and healthy environment for all to enjoy.

II. GENERAL POLICY

The deciding body shall consider the following policy guidelines in reviewing any application involving the service of alcoholic beverages:

1. Stand Alone Bars

- a. The City strongly discourages new applications for stand alone bars in the downtown. This includes nightclubs, ultra lounges or similar establishments typically offering live entertainment and late night alcohol service.
- b. Wine bars and wine tasting establishments with hours not exceeding 11:00 PM may be approved.

2. Restaurants with Separate Bars

Conditional Use Permits for restaurants requesting separate bar areas should have the separate bar area be ancillary and subordinate to the primary purpose of serving food and should comply with the following criteria:

- a. Unless otherwise approved by the Planning Commission, the bar area is restricted to having no more than 25 percent of the total seating allowed for the establishment.
- b. The bar cannot stay open past the hours of operation of the restaurant.
- c. Full menu food service must be provided at all times.
- d. Live entertainment is limited to live musicians complimentary to the primary purpose of providing meal service, is subject to Section 5.24.010 of the Municipal Code which requires a Live Entertainment Permit, and shall not be permitted past 11:00 PM.
- e. Alcohol beverage service in the dining room area is only allowed in conjunction with food service. Additionally, the dining room area may not be converted to bar area. An area for dancing can be approved with a conditional use permit.
- f. Meal service must be permitted in the bar area.
- g. Specific hours of operation are determined by the Planning Commission upon issuance of a Conditional Use Permit.
- h. Outdoor seating areas are considered part of the dining area and shall be subject to the restrictions of Section II.2.e. Outdoor dining areas shall be closed down by 11:00 PM. Outdoor seating is prohibited for stand alone bars.
- i. Doors and windows shall remain closed after 10:00 PM.

3. **Restaurants w/o Separate Bars**

- a. Any new discretionary land use permit granted to a restaurant which allows alcohol beverage service, must have a full service menu available during operational hours. A full service menu is defined as a combination of food items intended to serve as meals for breakfast, lunch or dinner. A menu consisting of only food items commonly known as appetizers such as popcorn, nachos, pretzels, potato skins, relish trays, etc. (hot or cold) is not a full service menu. The full service menu the applicant intends to serve must be submitted with each application.
- b. Restaurants without separate bars are also subject to the provisions of Section II.2 as it relates to live entertainment, alcohol service, meal service, outdoor seating, and the closing of windows and doors.

4. **Hours of Operation**

- a. It is strongly recommended that Conditional Use Permits for establishments for on-site consumption of alcohol beverages be limited to a closing time of no later than 12:00 AM.
- b. Restaurants requesting beer and wine service only with operating hours not exceeding 11 PM will continue to be allowed without a Conditional Use Permit.

5. **Operating Conditions**

Any new discretionary land use permit granting an establishment alcohol beverage service or any modification of a land use permit to serve alcohol for on-site consumption may be subject to the following conditions:

- a. Uniformed, privately provided security staff may be required in and/or around the premises when deemed necessary by the Chief of Police.
- b. At the discretion of the Chief of Police, periodic meetings will be conducted with representatives from the Police Department/Alcohol Beverage Control for on-going employee training on alcoholic beverage service to the general public.
- c. All establishments shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the California Restaurant Association and the Department of Alcohol Beverage Control.
- d. All licensed operators shall have and shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.
- e. Taxicab telephone numbers shall be posted in a visible location.

6. Existing Establishments

- a. Those existing establishments operating under a valid Conditional Use Permit with alcohol beverage licenses in effect as of the date of adoption of this policy, and conducting business in good standing under their Conditional Use Permit, may continue to operate under their current conditions of approval.
- b. The City may consider an application for expansion of an existing establishment that is currently permitted to serve late night alcohol as of the effective date of this policy, subject to the deciding body making the following findings that:
 - i) The establishment is currently operating and has operated in good standing under the terms of its conditional use permit and as a responsible business owner in the community; and
 - ii) The proposed expansion will not have a material detrimental affect on the health, safety and welfare of the downtown and its surrounding neighborhoods due to its size, number of permitted occupants and general management and operation; and
 - iii) The expansion or intensification will not adversely affect the goal of achieving a balanced use of commercial space downtown as envisioned under the Downtown Development Plan which promotes predominantly retail and restaurant uses.
- c. All new and existing establishments are subject to Section III of this policy.

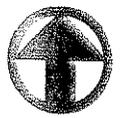
III. **Enforcement**

All Conditional Use Permits issued to establishments for alcoholic beverage service on-site are subject to Sections 21.68.020, 21.68.030 and 21.68.040 of the Campbell Municipal Code authorizing the appropriate decision making body to modify or revoke a Conditional Use Permit if it is determined that the sale of alcohol has become a nuisance to the City's public health, safety or welfare. At the discretion of the Community Development Director, any establishment that generates three (3) verifiable complaints related to violations of conditions of approval and/or related to the service of alcohol within a six (6) month period may be scheduled before the Planning Commission for a public hearing to consider modifying conditions of approval or revoking its conditional use permit. Nothing contained in this section is intended to limit the authority of the Community Development Director to commence proceedings for the revocation or modification of use permits upon the occurrence of less than three (3) complaints if the Community Development Director determines that the alleged violation warrants such an action. In exercising this authority, the decision making body may consider the following factors, among others:

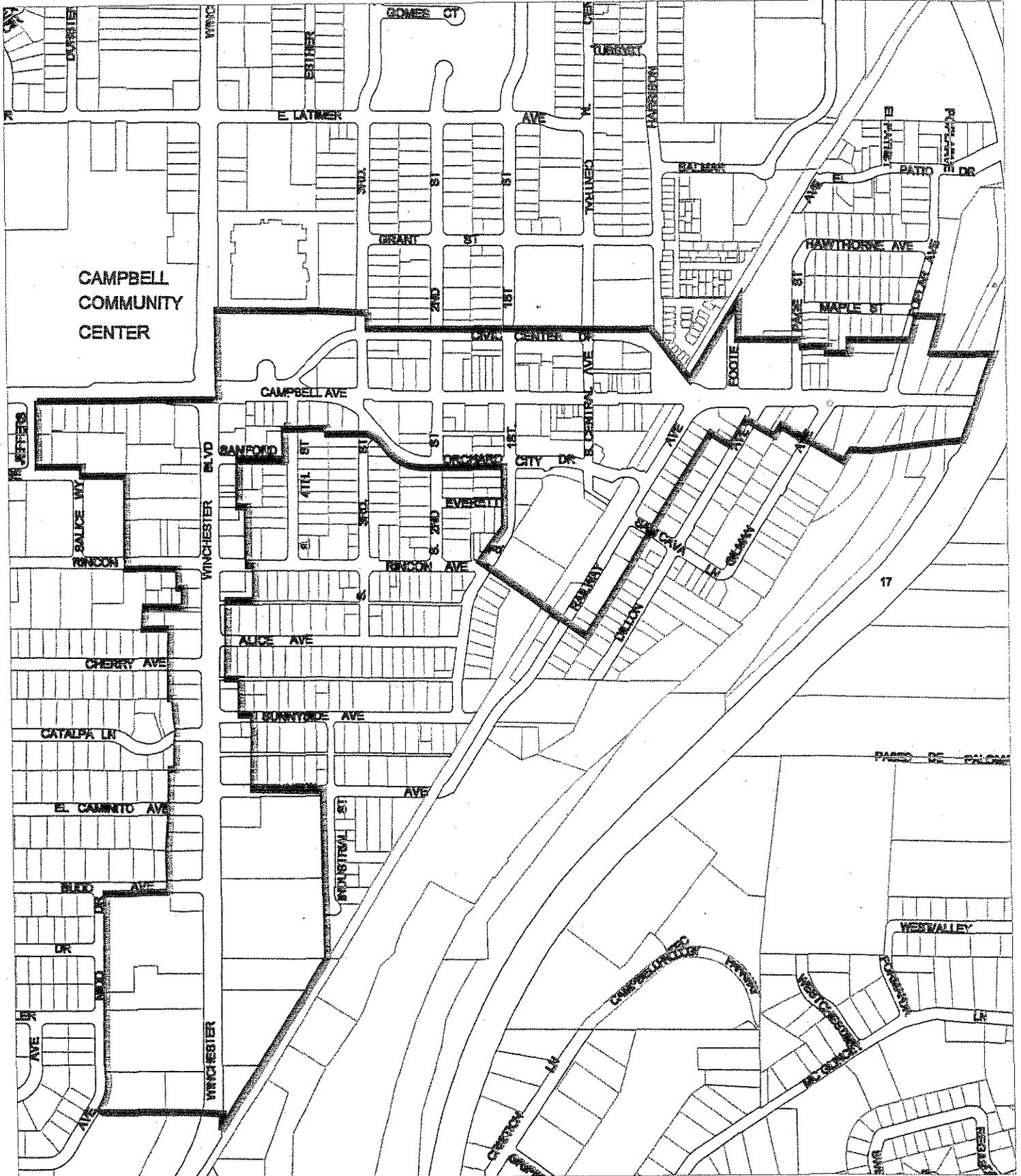
- a. The number and types of Police Department calls for service at or near the establishment that are reasonably determined to be a direct result of patrons actions;
- b. The number of complaints received from residents, business owners and other citizens concerning the operation of an establishment,
- c. The number of arrests for alcohol, drug, disturbing the peace, fighting and public nuisance violations associated with an establishment;
- d. The number and kinds of complaints received from the State Alcoholic Beverage Control office and the County Health Department; and
- e. Violation of conditions of approval.

The City retains the right of review and to approve (or deny) an application based on its merits.

DOWNTOWN ALCOHOL BEVERAGE POLICY BOUNDARY MAP



1"=600' N



October 4, 2011

List of Existing Establishments Eligible for Consideration under Section 6.b of the
Downtown Alcohol Beverage Policy

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| 1. | Chacho's | 266 E. Campbell Avenue |
| 2. | Katie Blooms Irish Pub | 369 E. Campbell Avenue |
| 3. | Cardiff Lounge | 260 E. Campbell Avenue |
| 4. | Khartoum | 300 Orchard City Drive |
| 5. | Sonoma Chicken Coup | 200 E. Campbell Avenue |
| 6. | La Pizzeria | 373 E. Campbell Avenue |
| 7. | The Spot | 201 Orchard City Drive |