

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING FULLERTON MUNICIPAL CODE CHAPTERS 15.04, 15.30, 15.31, 15.71 TO UPDATE DEVELOPMENT AND OPERATIONAL STANDARDS, PROCESSES AND ENFORCEMENT TOOLS FOR BUSINESSES SELLING ALCOHOL FOR ON-SITE CONSUMPTION AND FULLERTON MUNICIPAL CODE CHAPTER 3.08 TO UPDATE DEFINITIONS, SUBMITTAL REQUIREMENTS, REVIEW PROCESS AND ENFORCEMENT PROCEDURES FOR BUSINESSES OFFERING LIVE ENTERTAINMENT

PRJ18-00183, LRP18-00006

APPLICANT: CITY OF FULLERTON

RECITALS:

1. WHEREAS pursuant to FMC §15.72.020B the City Council of the City of Fullerton adopted a Resolution of Intention on June 5, 2018 authorizing a Zoning Ordinance amendment to revise various chapters of Title 15 of the Fullerton Municipal Code; and
2. WHEREAS the Planning Commission of the City of Fullerton has held a duly noticed public hearing, as required by law, for PRJ18-00183-LRP18-00006, to consider amendments to Title 15 of the Fullerton Municipal Code to update development and operational standards, processes and enforcement for businesses selling alcohol for on-site consumption; and
3. WHEREAS the proposed Zoning Amendment will simplify development and operational standards so they are more easily understood by property owners, business operators, and the general public; and, more easily enforceable by City staff.

RESOLUTION

The Planning Commission finds as follows:

Finding 1: The proposed Zoning Ordinance amendment is consistent with the objectives of the Zoning Ordinance and General Plan.

Fact: The amendment is authorized by FMC Chapter 15.72. In addition, the City Council adopted a Resolution of Intention on June 5, 2018, to update the Municipal Code stating its intention to consider amendments to the Fullerton Municipal Code (FMC) updating development and operational standards, processes and enforcement tools for businesses selling alcohol for on-site consumption.

Fact: This amendment is consistent with multiple General Plan policies, including the following:

**P1.11 Compatibility of Design and Uses** Support policies and regulations to consider the immediate and surrounding contexts of projects to promote positive design relationships and use compatibility with adjacent built environments and land uses, including the public realm.

**P8.3 Consideration of Noise in Land Use Decisions:** Support policies and regulations which ensure noise-compatible land use planning recognizing the relative importance of noise sources in order of community impact, the local attitudes towards these sources, and the suburban or urban characteristics of the environment, while identifying noise sensitive uses.

**P10.12 Downtown Economy Diversification:** Support programs and regulations that diversify the Downtown economy to create more economic activity.

**P10.16 Economic Strategies in Focus Areas** Support policies and regulations pertaining to planning efforts for the City's Focus Areas that facilitate investment and encourage economic activity that benefits the Fullerton community and the City.

**P12.11 Public Safety in Focus Areas** Support policies and regulations to proactively address public safety concerns as part of community-based planning of Focus Areas.

**P13.11 Crime Reduction Strategies** Support policies and regulations to create problem-solving strategies and plans for areas with higher crime rates in the City and to reduce crime by implementing these strategies and plans through a range of measures including increased policing activities, neighborhood partnerships and other innovative programs

Finding 2: The proposed Zoning Ordinance amendment promotes the public health, safety and welfare of the community.

Fact: The proposed amendments to Titles 3 and 15 will promote the public health, safety and welfare by providing clear and enforceable operational requirements for businesses selling alcohol for on-site consumption and create a more streamlined enforcement process for operators who violate the terms of their land use and/or Entertainment Permits.

THEREFORE, the Planning Commission of the City of Fullerton does hereby recommend APPROVAL of said modifications to Fullerton Municipal Code Title 15 as follows:

[New text in **bold**, deleted text in ~~strike-through~~]

Chapter 15.04, INTERPRETATION AND DEFINITIONS:

Chapter 15.04.040 shall be amended as follows:

**“AMBIENT MUSIC shall mean low-volume, background music, whether amplified or not amplified, not audible to a reasonably hearing person at twenty-five (25) feet from any portion of the exterior of the building (including outdoor patios/dining areas), and which is intended to provide ambience and not to entertain.**

**BAR (also TAVERN, COCKTAIL LOUNGE) means a commercial establishment, the primary purpose of which is the sale of alcoholic beverages for consumption on the premises, with or without food service, from which minors are excluded by law and which requires a "public premises"-type license issued by the California Department of Alcoholic Beverage Control.**

**ENTERTAINMENT shall mean any of the following: 1) dancing (by customers or by performers), 2) live musical performances (instrumental or vocal) when carried on by three or more persons, 3) music provided by a disc jockey, whether indoors or outdoors other**

than Ambient Music, or karaoke 4) any professional comedian or comic who tells jokes, acts out comical situations, or engages in repartee, or 5) any other similar entertainment activity involving amplified or reproduced music.

ENTERTAINMENT (MINOR ACOUSTICAL) shall mean musical performers consisting of two (2) or less cafe musicians, as defined in California Government Code Section 37101.5, playing acoustical instruments without the use of amplification systems. Such performers may be strolling or stationary within the establishment.

NIGHTCLUB shall mean any bar, cocktail lounge, karaoke bar or similar establishment with Entertainment and alcoholic beverage sales operating under a Type 42 or Type 48 Department of Alcoholic Beverage Control license (On-sale General—Public Premises) or similar license.

RESTAURANT means a commercial establishment, the primary purpose of which is the sale and service of meals on-site to guests, which has suitable kitchen facilities containing the necessary appliances required for cooking unpackaged foods, and which complies with all of the applicable requirements of the Orange County Health Department related to retail food facilities.

RESTAURANT WITH ON-SITE ALCOHOL SALES means a Restaurant (as defined in this chapter) where alcoholic beverages are sold to and consumed by patrons on the premises, in conjunction with the serving and consumption of a meal. Said establishment shall have and maintain all requisite permits and approvals required by the California Department of Alcoholic Beverage Control, and shall meet the requirements of a bona fide eating place as defined by Section 23038 of the California Business and Professions Code, and any successor provision thereto.

RESTAURANT WITH ENTERTAINMENT means a Restaurant (as defined in this chapter), with or without on-premise sale and consumption of alcoholic beverages, that offers Entertainment (as defined in this chapter) as a regular and consistent part of its operation and is typically open past traditional dinner hours. Typical uses include Restaurants that convert to a bar or nightclub-style operation during a portion of their operating hours.

RECEPTION HALL (also BANQUET FACILITY) means an establishment that has been designed to accommodate an assembly of people for an organized event such as a reception, banquet, dance, concert, conference, seminar or other similar type activity.”

Chapter 15.30 shall be amended as follows:

“15.30.030.1. Permitted Uses in the O-P Zoning District.

B. The following uses are permitted in the O-P zoning district subject to the approval of a conditional use permit (CUP) pursuant to FMC 15.70:

13. ~~Restaurant, with the exception that restaurants serving alcohol pursuant to an on-premise liquor sales license issued by the State Department of Alcoholic Beverage Control must also obtain an Administrative Restaurant Use Permit subject to FMC 15.30.040.H and FMC 15.71.~~ with or without on-site alcohol sales or Entertainment.

15.30.030.2. Permitted Uses in the G-C Zoning District.

A. The following uses are permitted in the G-C zoning district:

19. Restaurant, ~~with the exception that restaurants serving alcohol pursuant to an on-premise liquor sales license issued by the State Department of Alcoholic Beverage Control must also obtain an Administrative Restaurant Use Permit subject to FMC 15.30.040.H and FMC 15.71.~~ **without On-Site Alcohol Sales or Entertainment.**

B. The following uses are permitted in the G-C zoning district subject to the approval of a conditional use permit (CUP) pursuant to FMC 15.70:

7. Bar subject ~~FMC 15.30.040.I,~~ **including Tavern and Cocktail Lounge subject to FMC 15.31.**

~~—13. Dancing as an ancillary use to a Restaurant subject to FMC 15.30.040.I~~

~~—20. Live entertainment as an ancillary use to a Restaurant subject to FMC 15.30.040.H~~

26. Reception hall, banquet facility, dance hall or related use **subject to FMC 15.31**

31. **Restaurant with On-Site Alcohol Sales and Entertainment subject to FMC 15.31**

19. **Karaoke bar or Nightclub subject to FMC 15.31**

C. **The following uses are permitted in the G-C Zone subject to the approval of an Administrative Restaurant Use Permit:**

1. **Restaurant with On-Site Alcohol Sales.**

2. **Restaurant with Entertainment, with no On-Site Alcohol Sales, subject to the approval of an Entertainment Permit.**

3. **Micro-Brewery, with tasting room(s), or tap room(s) not exceeding 1,000 square feet of indoor area.**

15.30.030.3 – Permitted Uses in the C-3 Zoning District.

A. The following Uses are permitted in the C-3 Zoning District:

22. Restaurant, ~~with the exception that restaurants serving alcohol pursuant to an on-premise liquor sales license issued by the State Department of Alcoholic Beverage Control must also obtain an Administrative Restaurant Use permit subject to FMC 15.30.040.H and FMC 15.71~~ **without On-Site Alcohol Sales or Entertainment.**

B. The following Uses are permitted in the C-3 Zone subject to the approval of a Conditional Use Permit:

6. Bar subject ~~to FMC 15.30.040.I~~ **including Tavern and Cocktail Lounge subject to FMC 15.31**

14. **Karaoke bar or Nightclub subject to FMC 15.31**

22. **Restaurant with Entertainment and On-Site Alcohol Sales subject to FMC 15.31**

**D. The following uses are permitted in the C-3 Zone subject to the approval of an Administrative Restaurant Use Permit:**

1. **Restaurant with On-Site Alcohol Sales.**
2. **Restaurant with Entertainment, with no On-Site Alcohol Sales, subject to the approval of an Entertainment Permit.**
3. **Micro-Brewery, with tasting room(s), or tap room(s) not to exceed a total of 1,000 square feet of indoor area.**

Chapter 15.30.030.4 shall be amended as follows:

A. The following uses are permitted in the C-M zoning district:

3. **Micro-Brewery, with tasting room(s), or tap room(s) not to exceed a total of 1,000 square feet of indoor area subject to the approval of an Administrative Restaurant Use Permit.**
23. Restaurant, **with On-Site Alcohol Sales** ~~with the exception that restaurants serving alcohol pursuant to an on-premise liquor sales license issued by the State Department of Alcoholic Beverage Control must also obtain an Administrative Restaurant Use permit~~ **subject to FMC 15.30.040.H 15.31 and FMC 15.71.**

Chapter 15.30.040 shall be repealed in its entirety and replaced with Chapter 15.31.

**CHAPTER 15.31**  
**REGULATIONS FOR BUSINESSES SELLING ALCOHOL FOR ON-SITE CONSUMPTION**

**Sections:**

- 15.31.010. Intent and purpose**
- 15.31.020. Applicability**
- 15.31.030. Operational Standards**
- 15.31.040. Suspension, Modification, or Revocation**
- 15.31.050. Nuisance Businesses**
- 15.31.060. Discontinuance**
- 15.31.070 Enforcement**

**15.31.010. Intent and Purpose**

- A. The intent of this chapter is to ensure that businesses offering on-site alcohol sales as part of their normal business practices are compatible with surrounding land uses and businesses, and are consistent with the goals and objectives of the General Plan.**

**B. The purpose of this chapter is to establish standards to facilitate the orderly operation of businesses offering on-site alcohol sales as a normal part of their business practices.**

**15.31.020. Applicability**

**Businesses selling alcohol for on-site consumption (On-Sale Establishment) in any zone, including Specific Plan areas, are subject to the regulations set forth in this Chapter in addition to any other applicable requirements of this code.**

**15.31.030. Operational Standards**

**A. The following operational standards are required for all Restaurants with On-Site Alcohol Sales. The Planning Commission or Community Development Director may approve modifications to the operational standards contained in this section as part of the review of the applicable use permit, if strict compliance with the standards is not necessary to achieve the intent of the standard with respect to a particular business or premises. Specific conditions of approval may be required based on the location and operational characteristics of the business.**

- 1. Hours of Operation. The permitted hours of operation shall be established by the applicable Administrative Restaurant Use Permit or Conditional Use Permit for the subject establishment.**
  - a. Minimum Hours of Operation for Restaurants with Entertainment. Restaurants with Entertainment shall be open and offer a full dining menu during normal dinner hours (typically 5:00 p.m. to 9:00 p.m.) a minimum of five days per week. Food shall be made available to patrons at all times the business is open, except the last hour before closing. Restaurants with Entertainment are strongly encouraged, but not required, to be open during regular lunch hours.**
- 2. Security/Operational Plan. Any business providing Entertainment at any time, or On-Site Alcohol Sales after 10:00 p.m., shall be required to provide a written Security/Operational Plan in a form and manner as prescribed by the Police Department. The contents of the plan shall include, but are not limited to:**
  - a. The number and locations of any security personnel.**
  - b. The use and location of video surveillance for the interior and exterior of the establishment as applicable.**
  - c. Lighting plans for the interior and/or exterior. All indoor and outdoor areas shall have adequate lighting to make easily discernible all activities for security and safety purposes. Outdoor lighting shall be designed to minimize light trespass on to streets and adjoining properties, and shall include shielding and fixture placement to restrict unintended light glare.**
  - d. Description of security protocols and practices to address incidents within the establishment, exterior patios and queueing areas.**
  - e. When applicable, a written description of how the establishment will provide visibility into the premises for security and police personnel.**

The Police Department may alter the number of security personnel required at any time, with reasonable written notice, based upon observed conditions at the establishment. Modifications to a Security Plan may include specific days, times, or occasions necessitating additional security, such as temporary uses, special events or holidays.

3. Outdoor Music. Ambient Music, as that term is defined in this Title, is permitted to be played through house speakers at a volume wherein normal conversation is not impeded, within the outdoor dining or patio until 12:00 a.m. Any music that is played outdoor at a volume louder than Ambient Music, whether live or pre-recorded, is considered Entertainment (Outdoor).
4. Promoters. Neither the business, nor anyone on its behalf, shall share any profits, or pay any percentage or commission to a promoter, or otherwise receive compensation for use of the facilities.
5. Cover Charge. No admission fee, cover charge, or similar fees may be imposed upon patrons as a condition of entry to the premises prior to 10:00 p.m. After 10:00 p.m. a cover charge may be assessed at the discretion of the business.
6. Noise. Noise generated from the establishment shall not exceed the levels specified in Chapter 15.90.
7. Queuing. Outside queuing of patrons shall be located so as not to obstruct the public right-of-way, interfere with any outside eating areas, or impede access to adjacent businesses. Adequate lighting and security provisions shall be required for all queuing areas and described in the Security/Operational Plan.
8. Responsible Beverage Service/Sales Training Requirements. All owners, managers and employees serving and/or selling alcoholic beverages in an establishment shall complete a certified training program in responsible methods and skills for serving and selling alcoholic beverages. Records regarding the successful completion of the training program shall be maintained on the premises and presented for review upon request by City staff.
9. Posting of Responsible Beverage Sales policies. Operators shall be required to post the businesses alcohol sales policies in a conspicuous location within the establishment. These policies should include:
  - a. Requirement to provide identification for every customer under the age of 30
  - b. Notice to patrons regarding the use of video surveillance
  - c. Posting of signage in a conspicuous location which states "It is illegal to serve or sell alcohol to a person who is obviously intoxicated [B&P Code 25602]"
10. Graffiti. The exterior of the business, including signs and accessory structures, shall be maintained free of graffiti at all times. Graffiti shall be removed within twenty-four (24) hours.
11. Trash/debris removal. The business owner or operator shall provide for daily/nightly removal of trash, litter and debris (including vomit, urine and excrement) from the premises and on all abutting sidewalks and parking lots within

twenty-five (25) feet of the exterior of the building. Removal and cleaning of this area shall be completed as part of the closing of the establishment.

**15.31.040. Suspension, Modification, or Revocation**

Any business with a use permit for on-site alcohol sales, may be subject to suspension, modification, or revocation if the Planning Commission or City Council, as applicable, determines that the business has been operated so as to create an adverse impact on the health, safety, or welfare of surrounding properties. Police services, Maintenance Services Department, or in violation of the law or any permit which it may have been issued.

- A. Suspension, Modification or Revocation Procedures. The Planning Commission or City Council, as the case may be, may suspend, modify, or revoke a CUP or an ARUP following the procedures set forth in Chapter 15.70 or 15.71, as the case may be.
- B. The following occurrences shall trigger the scheduling of a public hearing with the Planning Commission to suspend, modify or revoke a Conditional Use Permit or ARUP:
  - 1. Issuance of three (3) criminal or life/safety related notices of violation or citations within a six (6) month period from either the Fire Marshal, the Building Official, or the Police Department.
  - 2. The imposition of any disciplinary action or finding of violation by the Department of Alcoholic Beverage Control.
  - 3. Any critical incident occurring on or in the premises, or in connection with the operations on the premises, as determined by the Community Development Director, in consultation with the Police Department.
- C. The following occurrences may trigger the scheduling of a public hearing with the Planning Commission to suspend, modify or revoke a Conditional Use Permit or ARUP:
  - 1. Issuance of three administrative (3) notices of violation or administrative citations within a six (6) month period from the Community Preservation officers.
- D. The City specifically does not want to discourage business owners or others from contacting the police or other emergency services under any necessary circumstances. Therefore, the number of calls for service to the Police Department shall not be used as the basis for suspension and/or revocation of a CUP or ARUP.

**15.31.050 Nuisance Businesses.**

- A. Any business which sells alcoholic beverages for on-site consumption in the City that does not have a CUP or an ARUP or was opened without any city use permits required at the time of opening, will be considered a nuisance business if the Planning Commission or City Council, as the case may be, determines that the business has been operated in such a fashion as to cause an adverse impact on the neighboring businesses and/or residences, the City's Police Department, the Maintenance Services Department, or in violation of the law or any permit which it may have been issued.
- B. The criteria for determining whether a business is a nuisance shall be the same types of occurrences specified in Section 15.31.040.B.



- C. The Planning Commission or City Council shall conduct a public hearing in order to determine whether there is sufficient evidence to declare the business a nuisance. If a business is declared a nuisance business by the Planning Commission, that decision may be appealed, in writing, to the City Council within ten (10) business days of the Planning Commission's action.
- D. If a business is declared a nuisance business by the Planning Commission and no timely appeal is filed, the decision becomes final ten (10) business days after issuance of the decision.
- E. If an appeal of a Planning Commission determination is filed within the specified timeframe, the City Council shall conduct a new public hearing on the matter and issue a decision as soon as possible, but no later than sixty (60) days after the conclusion of its deliberations. If the City Council upholds the determination that the business is a nuisance business, that decision becomes final upon issuance of the City Council's decision.
- F. If a business operating without a CUP or ARUP is declared a nuisance business, the Planning Commission or City Council, as the case may be, may require the business to apply for a CUP or ARUP, as may be appropriate based on the operational characteristics of the business, subject to the imposition of conditions which will, in the judgment of the Commission or Council, mitigate or address the type(s) of nuisance activity which has been found to occur at the business.

**15.31.060. Discontinuance**

Any use permit for a business with On-Site Alcohol Sales shall be automatically deemed revoked if the use is discontinued for three-hundred and sixty-five (365) consecutive days or if the ABC license for the establishment has been revoked or transferred to a different location without a replacement license being approved within ninety (90) consecutive days.

**15.31.070. Enforcement**

Any person, whether as principal, agent, or employee, violating the terms of this Zoning Code may be prosecuted by any or all methods available to the City.

Chapter 15.71 shall be repealed in its entirety and replaced.

**CHAPTER 15.71**  
**ADMINISTRATIVE RESTAURANT USE PERMIT**

**Sections:**

**15.71.010. Intent and Purpose.**

**15.71.020. Permit Required.**

**15.71.030. Application.**

**15.71.040 Standard Operating Conditions**

**15.71.050. Procedure for Review**

**15.71.060. Findings.**

**15.71.070. Appeals.**

**15.71.080. Revocation / Expiration.**

**15.71.090. Amendments to an Administrative Restaurant Use Permit (ARUP).**

**15.71.010. Intent and Purpose.**

- A. **The intent of this chapter is to ensure that restaurants with on-site alcohol sales are compatible with surrounding land uses and businesses, and are consistent with the goals and objectives of the General Plan.**
- B. **The purpose of this chapter is to establish standards and procedures to facilitate the orderly operation of restaurants with on-site alcohol sales as a normal part of their business practices.**

**15.71.020. Permit Required**

**Restaurants with on-site alcohol sales, as defined in Chapter 15.04 must obtain an Administrative Restaurant Use Permit (ARUP) prior to beginning such alcohol sales.**

**15.71.030. Application.**

**An application, in a form approved by the Community Development Director, for an Administrative Restaurant Use Permit shall be filed with the Community Development Department along with any applicable fees for this application type as established by the City Council.**

**15.71.040. Standard Operating Conditions**

**Restaurants requesting an Administrative Restaurant Use Permit shall be subject to the Operational standards contained within Chapter 15.31 for establishments wishing to sell alcoholic beverages for on-site consumption.**

**15.71.050. Procedure for Review**

**An ARUP or an amendment to an ARUP shall be reviewed and approved by the Zoning Administrator, or designee according to the following procedure:**

**A. Administrative Restaurant Use Permits (ARUP) Public Hearing:**

- 1. At least ten calendar days prior to the public hearing, notice of the hearing shall be mailed to the applicant, owner and situs of property within three hundred (300) feet of the boundaries of the site, as shown on the last equalized assessment roll or, alternatively, from such other records as contain more recent addresses;**
- 2. At least ten calendar days prior to the public hearing, a notice of the hearing shall be posted at the project site in clear public view;**

**B. The application to the Zoning Administrator may be approved with conditions or denied. Approvals shall be subject to the operational standards contained within Chapter 15.31, and those conditions the Zoning Administrator, or designee finds necessary to ensure compatibility with the surrounding area and the General Plan.**

**C. Decisions of the Zoning Administrator or his/her designee shall be final, unless appealed.**

**15.71.060. Findings**

**In order to grant an Administrative Restaurant Use Permit, the Zoning Administrator must make the following findings:**

- A. That the proposed use is permitted in the zone and complies with all applicable zoning standards; and**
- B. That the proposed use is consistent with the goals and policies of the general plan of the city or any specific plan applicable to the area of the proposed use; and**
- C. That the proposed use as conditioned will not be incompatible with the surrounding area or those persons residing or working in the vicinity**

**15.71.070. Appeals.**

**A. Decisions of the Zoning Administrator or his/her designee may be appealed to the Planning Commission, and decisions of the Planning Commission may be appealed to the City Council. Procedures for appeals shall be as prescribed by Section 15.70.060 of Chapter 15.70.**

**15.71.080. Revocation / Expiration.**

- A. Revocation shall follow the process and procedures specified in Chapter 15.70.**
- B. Revocation of an Administrative Restaurant Use Permit shall be based on one or more of the following findings:**

1. That the permit was issued on the basis of erroneous or misleading information or misrepresentation;
  2. That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated;
  3. The establishment for which the permit was issued is being operated in an illegal or disorderly manner;
  4. The business or establishment for which the permit was issued has had or is having an adverse impact on the health, safety or welfare of the neighborhood or the general public;
  5. The business or establishment fails to comply with the rules, regulations and orders of the California Department of Alcoholic Beverage Control (ABC) or the terms and conditions of its ABC permit.
- C. Expiration. In the event that a the use requiring an ARUP is not used, has expired, or is found to be voluntarily abandoned for a period of three-hundred and sixty-five (365) consecutive days, the ARUP shall automatically become expired and any new use at this location shall be required to apply for a new ARUP in accordance with the provisions of this Title.

**15.71.090. Amendments to an Administrative Restaurant Use Permit (ARUP)**

- A. An amendment to an Administrative Restaurant Use Permit shall be required for any of the changes listed in this section.
- B. Major Changes. A Zoning Administrator shall be required for any major amendment to an Administrative Restaurant Use Permit pursuant to the procedure established in this Chapter.
1. Major changes include any of the following:
    - a. Any increase in the hours of operation past 12:00 a.m.;
    - b. Any change in the type of alcohol license (ABC License) required by the State of California;
    - c. Major changes to the floor plan or seating which results in a substantial increase in the seating or occupancy, as determined by the Community Development Director;
    - d. Any material changes in the conditions of approval except in the case where the new or amended condition(s) is/are equivalent to or more restrictive than the prior approved condition(s).
- C. Minor Changes. The Community Development Director may administratively approve minor amendments to an Administrative Restaurant Use Permit.
1. Minor changes include any of the following:
    - a. Any change which does not constitute, either individually or cumulatively, a major change in operational characteristics.
    - b. Any increase in the hours of operation before 12:00 a.m.;

- c. The introduction of Entertainment (Minor Acoustical) as that term is defined in this Title;
- d. The addition of any pool tables or amusement devices;
- e. Minor changes to floor and seating plans which do not result in a substantial increase in seating occupancy, as determined by the Community Development Director;
- f. The introduction of valet parking.

ADOPTED BY THE FULLERTON CITY COUNCIL ON \_\_\_\_\_, 2019.

\_\_\_\_\_  
Jesus J. Silva, Mayor

ATTEST:

\_\_\_\_\_  
Lucinda Williams, City Clerk

\_\_\_\_\_  
Date