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 (completely filled out)

3. Filing Fee -

Conditional Use Permit (CUP)……	❒	$3,109.60
Administrative Restaurant Use Permit (ARUP)…	❒	$ 904.80
Variance ……	❒	$2,683.20
Zoning Adjustment……	❒	$1,164.80

4. Document Imaging Fee (per application request) …… ❒ $43 ❒ $99 (if appl. is $1000 or more)

5. Environmental Fee (to be determined by staff)

a.	Initial Study and Negative Declaration……	❒	$ 2,500.00* Deposit
	County Recorder's Fee ……	❒	$ 50
	State Fish and Game Fee ……	❒	$ 2,181.25**
b.	Environmental Impact Report (EIR) ……	❒	$ 5,000* Deposit
	County Recorder's Fee ……	❒	$ 50
	State Fish and Game Fee……	❒	$ 3,029.75**
c.	Project exempt from environmental review		
	County Recorder's Fee ……	❒	$ 50

*Actual staff time will be charged against deposit

**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.

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.

Drawing Information Checklist

SUBMITTAL REQUIREMENTS FOR ALL PLANS/WORKING DRAWINGS. ALL OF THE FOLLOWING INFORMATION MUST BE SHOWN ON PLANS BEFORE APPLICATION WILL BE ACCEPTED.

- ❑ Address of project and vicinity map
- ❑ Name and telephone number of applicant or architect
- ❑ North Arrow, with North at top of page
- ❑ Scale of drawings (site plans should be drawn to 1" = 10', 1" =20', or 1" = 40')
- ❑ All plans must be drawn to scale, in ink or blueprint and be legible
- ❑ All property lines and dimensions
- ❑ Names and widths (to centerline) of all adjacent streets and alleys
- ❑ Required right-of-way dedications, if any, and location of ultimate property lines
- ❑ All existing (to remain) and proposed structures *(include location of any backflow prevention devices)*
  - a. Dimensions b. Use
- ❑ Setbacks, yard areas, distances between buildings (setbacks measured from ultimate property lines if dedication required.)
- ❑ Off-Street parking
  - a. Designate and number open parking, carports, garages
  - b. Dimensions of parking stalls, maneuvering areas, driveways
  - c. Paving materials
  - d. Curbing and wheel stops
- ❑ Loading Areas (commercial and industrial)
  - a. Dimensions b. Screening
- ❑ Trash Enclosures
- ❑ Walls and Fences
  - a. Height b. Materials
- ❑ Landscaped areas and recreation facilities
- ❑ Pedestrian access and circulation
- ❑ Existing trees
- ❑ Topo/Grading Plan of proposed development if:
  - a. Greater than 2 foot elevation difference on site;
  - b. Site elevation exceeds (or will exceed) neighboring property by 3 feet or more; or
  - c. Site located in special flood hazard area
- ❑ Easements on or across the site
- ❑ Location of curb-cuts on neighboring properties and, in commercial and industrial zones, within 300 feet of the property across the street
- ❑ Location of buildings on adjacent properties (sides and rear)
- ❑ Floor Plans
  - a. Dimensions of rooms b. Use of rooms
- ❑ Exterior Elevations of all sides of all buildings
  - a. Height b. Materials

The following information must be provided, either on site plan or separately:

- ❑ Lot area (after required dedications for right-of-way)
- ❑ Number of dwelling units-classify by number of bedrooms per unit (bachelor, 1-bedroom, 2-bedroom) (Dens, libraries, studies, etc. are considered "bedrooms" for this purpose)
- ❑ Number of parking spaces - classify as to open parking, carport, garage
- ❑ Area (sq. ft.) and percentage of lot devoted to open space. (Area other than buildings, driveways, parking)
- ❑ Area (sq. ft.) of each building, and total building area (including carports and garages)
- ❑ Area (sq. ft.) and percentage of lot devoted to driveway and open parking
- ❑ Public Works improvements
  - a. Existing b. Proposed
- ❑ Fire hydrants (including size and type)
- ❑ Usable open space, as defined in the zoning ordinance
- ❑ Other _____
  _____
  _____
  _____

An additional review fee of $_____ will be required for the above noted item(s).

CITY OF FULLERTON
COMMUNITY DEVELOPMENT DEPARTMENT

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

Master Application Form

1. Address (location) of 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 authorization for applicant (Signature must be notarized)

I hereby authorize the above listed applicant to act as my representative.

_____
Signature of Property Owner

4. Notarization

STATE OF CALIFORNIA)
) ss.
COUNTY OF _____)

On _____, before me, _____, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signatures(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Notary Seal

_____
Signature of Notary Public

5. ❒ All required plans and documents attached.

6. ❒ Planning Action Description/Justification form attached.

FOR OFFICE USE ONLY

Date Filed:	*SRC Hearing Date:*	***Types of Applications***	***Fees Paid*** (See attached Fee Worksheet for Details)
General Plan Designation:	*PC Hearing Date:*	❒ *Abandonment* ❒ *Certificate of Compliance* ❒ *Conditional Use Permit* ❒ *General Plan Revision* ❒ *Historical Landmark* ❒ *Major Development Project* ❒ *Major Site Plan Review* ❒ *Minor Development Project* ❒ *Minor Site Plan Review* ❒ *PRD Concept* ❒ *Security Fence Review* ❒ *Specific Plan* ❒ *Tentative Parcel Map* ❒ *Tentative Tract Map* ❒ *Variance* ❒ *Zoning Adjustment* ❒ *Zone Amendment* ❒ *Other* _____ ❒ *Other* _____	
Zoning Designation:	*RDRC Hearing Date*		
CEQA Determination:	*Project Planner:*		
APN(s)			
Application Number(s)			

City of Fullerton
Community Development Department

Action Description/Justification

(Attach additional sheets as necessary.)

1. Project location:

_____

_____

2. Describe project and request(s), **including FMC code section numbers**:

_____

_____

_____

_____

_____

3. 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.

_____

_____

_____

_____

_____

_____

4. For Zoning Adjustment or Variance, Government Code Section 65906 states; "Variance from the terms of the 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 AT LEAST ONE WEEK PRIOR to submitting your formal application package.*** *(Also include 3 copies of preliminary site plans, if applicable.)*

Date: _____

1. Submitted by:

Applicant: _____

Mailing Address: _____

_____

_____

Phone: _____

Email: _____

Project contact: _____

Mailing Address: _____

_____

Phone: _____

2. Proposed use:

_____

3. Project description: *(attach related site/development plans)*

Project Address: _____

Existing zoning: _____

Assessors Parcel #: _____

Site size: _____ *Bldg. square footage:* _____

Number of floors: _____ *Amount of parking:* _____

Proposed scheduling: _____

Associated project: _____

4. Project intensity: (***If residential***, include number of units, schedule of unit sizes, range of sale prices or rents, and type of household size expected. ***If commercial***, indicate the type (neighborhood, city or regionally oriented), square footage of sales area, and loading facilities. ***If industrial***, indicate type, estimated employment per shift, and loading facilities. ***If institutional***, indicate major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project.)

_____

_____

_____

_____

5. If the project involves a variance, conditional use permit, or rezoning application, state this and indicate clearly why the application is required.

_____

_____

Note: Not all projects will necessitate the preparation of an EIR. The above information is necessary, and should be as complete as possible, to determine the existence of any significant environmental effects. A response will be forthcoming as to determination as soon as possible.

Project File No. _____ Zone/GP _____ Recommendation _____ Date/Rec'd 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.*

8. 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

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

BUSINESS PROPOSED IS A:

- ☐ **Restaurant** - 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**.
- ☐ **Nightclub** - 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

OTHER ACTIVITIES TO BE PROVIDED:

- ☐ **Acoustic performances** comprised of no more than two performers
- ☐ **Amusement devices**[1] **Number of devices? _____**
- ☐ **Café Musician**[2]
- ☐ **Dancing**
- ☐ **Live entertainment**[3] – may include the use of amplified sound, such as for:
  - ☐ 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

– SEE REVERSE FOR TYPE OF APPLICATION REQUIRED –

---

[1] 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.

[2] 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.

[3] 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 Restaurants, Bars, and Night Clubs	
Proposed Use	Permit Required
• Restaurant with beer and wine only, with 2,500 square feet or less of gross floor area.	Administrative Restaurant Use Permit (ARUP), with standard conditions as set forth in Section 15.30.040.I.6.
• 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.	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 boundaries of proposed use, subject to standard conditions as set forth in Section 15.30.040.I.6.
• Restaurant with full alcohol sales.	
• Restaurant with live entertainment.	
• Businesses requesting deviations from standard conditions (15.30.040.I.6&7).	Conditional Use Permit (CUP) approval by Planning Commission
• 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.).	
• Reception halls, banquet facilities, dance halls or similar use.	

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 on-premise consumption, as required by Fullerton Municipal Code §15.30.040 I. If you wish to request a waiver of any of the conditions below, your request will be considered as part of the Planning 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 installed underground, pursuant to Fullerton Municipal Code Chapter 16.05. (FMC 15.30.040 I.5.d) [1]

☐ 2. All facilities for storage of supplies shall be located within a building. (FMC 15.30.040 I.5.e) [1]

☐ 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) [1]

☐ 4. Washing/cleaning facilities shall comply with the pertinent sections of the California 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) [1]

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 may be, may 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 customer 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) [1]

☐ 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 electric lighting or illumination system may 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. [1]

(b) An exposed incandescent lamp with an internal metallic reflector. [1]

(c) An exposed incandescent lamp with an external reflector. [1]

(d) A revolving beacon light. [1]

(e) A continuous or sequential flashing operation in which more than one-third of the lights are turned on or off at one time. [1]

(f) An illuminating device or devices which produce illumination in excess of what is permitted in Section 21466.5 of the State of California Vehicle Code (FMC 15.30.040 I.5.b.iii).[1]

Lighting, Outdoor:

☐ 9. All outdoor areas (including any private areas) shall have lighting with a minimum illumination level of two (2) foot-candles for security and safety purposes, with a maximum to minimum ratio no greater than 6:1. Vertical illumination 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 include integral shielding and selective fixture placement to restrict unwanted light and nuisance glare. (FMC 15.30.040 I.5.a.i) [1]

☐ 10. Decorative lights with individual light sources emitting 300 lumens or less and temporarily installed between November 1 and January 15 of the next year are exempt from this requirement. (FMC 15.30.040 I.5.a.ii) [1]

Noise:

☐ 11. An acoustical report and/or statement of no-impact shall be submitted to the Director of Community Development by any business wishing to provide amplified 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 exempt. All music and live entertainment, whether inside or outside, shall be at a level that does not impede or negatively impact adjacent businesses, as determined by the Director. The Director may require the preparation of an acoustical analysis 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 making such determination. The Director may defer approval to the Planning Commission, and any decision may be appealed pursuant to Fullerton Municipal Code Section 15.71.040. (FMC 15.30.040 I.5.c) [1]

☐ 12. For establishments with live entertainment or amplified music, all exterior doors and windows will be closed during the hours of such entertainment 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) [2]

☐ 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 courtyard 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) [2]

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 Director of Community Development or his/her designee, as the case may be, may condition the alcoholic beverage outlet to incorporate preventive design features. Such features may include, but are not limited to, openness to surveillance and control of the premises, the perimeter, and surrounding properties; reduction of opportunities for congregating and obstructing public ways and neighboring property; illumination of exterior areas; and limiting furnishings and features that encourage loitering and nuisance behavior. (FMC 15.30.040 I.5.g) [1]

Promotions:

☐ 15. Neither the business, nor anyone on its behalf, shall 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) [2]

☐ 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) [2]

☐ 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) [2]

Queuing:

☐ 18. All establishments shall provide an interior waiting area, separate from customer service areas. (FMC 15.30.040 I.5.h) [1]

☐ 19. Food and/or alcohol shall not be served in interior queuing or waiting areas. (FMC 15.30.040 I.6.a.v) [2]

☐ 20. If the interior queuing or waiting area is insufficient to fully accommodate waiting customers, a maximum of 25 patrons shall be permitted to queue outside the business. Outside queuing space shall be located so as not to obstruct public right-of-way, interfere with any outside eating areas, or impede access to adjacent business 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) [2]

Responsible Beverage Service/Sales Training:

☐ 21. All owners, managers and employees serving and/or selling alcoholic beverages in an establishment shall undergo and successfully complete a certified training program in responsible methods and skills for serving and selling alcoholic beverages. (FMC 15.30.040 I.6.g.i) [4]

☐ 22. Responsible beverage service and sales training 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 establishment is operated or maintained under objectionable conditions that constitute a public nuisance. (FMC 15.30.040 I.6.gii) [4]

☐ 23. To qualify to meet the requirements of this section a certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service (CCC/RBS) or other certifying/licensing body which the State may designate. (FMC 15.30.040

I.6.g.iii) [4]

☐ 24. New alcoholic beverage establishments shall comply 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) [4]

☐ 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 may be, shall have the right to add additional conditions of approval in order to ensure compatibility of the development with the surrounding area 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 establishment 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; preventive 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 signs and accessory buildings and structures, shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter and debris (including vomit, urine and excrement) from the premises and on all abutting sidewalks and parking lots within twenty (20) feet of the premises. Graffiti shall be removed within forty-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 permit applicable to the establishment except as otherwise set forth herein. (FMC 15.30.040 I.7.c.i) [2]

☐ 30. No amplified music or amplified entertainment is permitted outdoors, except recorded background music for dining establishments wherein normal conversation is not impeded; no music or entertainment shall be permitted on a patio past 10:00 p.m. Sunday through Thursday, and 11:00 p.m. Friday and Saturday. (FMC 15.30.040 I.7.c.ii) [2]

☐ 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) [2]

☐ 32. Roof coverings shall not have the effect of creating a permanent 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) [2]

☐ 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 patio 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 I.7.c.v) [2]

☐ 34. Such additional conditions the Director of Community Development or his/her designee 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) [2]

☐ 35. In the event that a proposed outdoor dining area is to be located on a public sidewalk or right-of-way, the application shall not become effective until the applicant has obtained a valid encroachment permit 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 accessory dining or patio approved pursuant 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 beverages for sale after 10:00 p.m. are subject to requirements to provide private security personnel or officers to patrol the business premises. (FMC 15.30.040 I.6.e)

☐ 38. The number of and the hours during which private security officers shall be provided by the business shall be set by the Director 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): [3]

(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 Division and Fire Department, 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 outlining proposed operations (FMC 15.30.040 I.6.e.i).

(h) The Director of Community Development or his/her designee, taking 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 Cinco de Mayo, St. Patrick's Day, Bastille Day, etc.) (FMC 15.30.040 I.6.e.ii).

☐ 39. The minimum number of required 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) [3]

☐ 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) [3]

☐ 41. Private security personnel or officers may be employees of the business establishment, except when the Director of Community 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) [3]

☐ 42. The business establishment owner shall be responsible for ensuring that the business' security personnel or officers implement and enforce at all times any security plan approved or required for the business (FMC 15.30.040 I.6.e.vi) [3]

☐ 43. All private security personnel or officers shall be currently trained, licensed and bonded according to the requirements of California laws, including, but not limited to, the requirements of California Business & Professions 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 officers shall wear a uniform. Each business establishment shall have a standard uniform, which shall be authorized by the Chief 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) [3]

☐ 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) [3]

☐ 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 15.30.040 I.6.e.x) [3]

☐ 47. Security devices, including video surveillance and recording equipment may also be required of any business within the C-3 zone that provides on-site alcoholic beverages for sale, as may be specified by the Director of Community Development or his/her designee and taking into account any recommendations by the Police Department. 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) [3]

Additional Requirements for Restaurants:

☐ 48. For restaurant uses, the quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall 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 restaurant hours shall maintain separate records of after hour sales. (FMC 15.30.040 I.6.a.viii) [2]

☐ 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) [2]

☐ 50. For restaurant uses, the business, or anyone on its behalf, shall not require an admission charge or a cover charge. (FMC 15.30.040 I.6.a.x) [2]

---

[1] *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)

[2] *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)*

[3] *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)*

[4] *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)

APPLICANT:

☐ I acknowledge the Standard Conditions of Approval above and request a waiver of the check-marked standard conditions herein. I have included a separate sheet identifying possible alternative(s) and/or basis for waiver for each condition checked.

OR

☐ I acknowledge the Standard Conditions of Approval above and do not request a waiver of the Standard Conditions of Approval herein.

DATED: _____

_____
Applicant Name

_____
Business Name