



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Cohen and Members of the City Council

THROUGH: Geoff Dolan, City Manager

FROM: Richard Thompson, Director of Community Development
Laurie B. Jester, Planning Manager

DATE: July 7, 2009

SUBJECT: Consideration of a Request by the Downtown Merchants Association to Extend Hours of Operation for Certain Holidays

RECOMMENDATION:

Staff recommends that the City Council **DISCUSS, WAIVE FURTHER READING, INTRODUCE ORDINANCE NO. 2126, AND SCHEDULE SECOND READING AND ADOPTION** for July 21, 2009.

FISCAL IMPLICATION:

There are no direct fiscal implications associated with the recommended action.

BACKGROUND AND DISCUSSION:

On April 21, 2009 the City Council received a request from the Downtown Manhattan Beach Business Association to extend the hours of operation for restaurants for certain holidays. The letter, attachment A, requested that certain holidays be treated as weekends when they occur during the week. The Association felt that these Holidays are celebrated as weekend events and therefore extended hours would be appropriate. At that meeting the City Council requested that staff further examine the request and report back. The Council also indicated that it would be appropriate to have the provisions apply to businesses City wide, not just in the Downtown.

Based on that direction the City Planning Division, Police Department and City Attorneys office reviewed the proposal, discussed options and made a recommendation for revisions to the Municipal Code, as indicated in the attached Draft Ordinance (Attachment B). The proposal would extend the hours of operation for certain holidays for all restaurants, bars, hotels and facilities within hotels Citywide. Staff felt that certain holidays, different from those proposed by the Downtown Association, may be appropriate for extended hours as they would be less disruptive to residents who generally would not be at work or school the following day. Other Holidays staff did not recommend extended hours due to the likely disruption to residents. Staff will revise the proposed Holidays and hours as necessary after the City Council reviews and discusses the proposal. The following summarizes the proposal from the Downtown Association and the comments and recommendations from staff.

PROPOSED EXTENDED HOLIDAY HOURS FOR RESTAURANTS/BARS/HOTELS AND ASSOCIATED FACILITIES		
PROPOSED DAYS	STAFF PROPOSED HOURS	STAFF COMMENTS
DOWNTOWN BUSINESS ASSOCIATION PROPOSED HOLIDAYS		
* 4 TH OF JULY*	NO CHANGE	NEXT DAY IS A WORK AND SCHOOL DAY NORMALLY.
* SUNDAY BEFORE MEMORIAL DAY*	NO CHANGE	MAJORITY OF PEOPLE WORK (EXCEPT GOVERNMENT) THE FOLLOWING DAY SO IMPACTS.
SUNDAY BEFORE LABOR DAY	NO CHANGE	MAJORITY OF PEOPLE WORK (EXCEPT GOVERNMENT) THE FOLLOWING DAY SO IMPACTS.
HALLOWEEN	NO CHANGE	CHILDRENS CELEBRATION SOMETIMES USED BY ADULTS TO INDULGE LATE AT NIGHT. NEXT DAY IS A WORK AND SCHOOL DAY NORMALLY.
* NEW YEARS EVE*	1:00 AM	MAJORITY OF PEOPLE DO NOT WORK OR GO TO SCHOOL THE FOLLOWING DAY SO MINIMAL IMPACTS.
STAFF PROPOSED HOLIDAYS		
THANKSGIVING EVE	12:00 PM	MAJORITY OF PEOPLE DO NOT WORK OR GO TO SCHOOL THE FOLLOWING DAY SO MINIMAL IMPACTS.
4 TH OF JULY EVE	12:00 PM	MAJORITY OF PEOPLE DO NOT WORK OR GO TO SCHOOL THE FOLLOWING DAY (JULY 4 TH) SO MINIMAL IMPACTS. ALSO IS SUMMERTIME SO NO SCHOOL IMPACT.
ST. PATRICKS DAY	NO CHANGE	DAY SOMETIMES USED BY ADULTS TO INDULGE LATE AT NIGHT. NEXT DAY IS A WORK AND SCHOOL DAY NORMALLY.

* DAYS PROPOSED FOR EXTENDED HOURS BY THE DOWNTOWN BUSINESS ASSOCIATION. NO HOUR LIMIT WAS PROPOSED BY THE ASSOCIATION.

The proposed hours would extend any closing hour limitations required by the businesses Use Permit or other discretionary permit. The Police Department felt that this would be easier to enforce one closing hour for all businesses on these holidays instead of extending each business based on the hours in their individual Use Permit as suggested by the Downtown Association. If the Use Permit or other permit allows longer hours then those longer hours are still applicable. Attached as reference is a chart that shows the allowed hours for Downtown businesses with alcohol licenses. (Attachment C) The proposal would amend the Businesses, Professions and Trades Code, Title 6, as well as provide a cross-reference in the Zoning Code.

CONCLUSION:

Staff requests that the City Council accept public input, discuss, waive further reading, introduce Ordinance No. 2126, and schedule the second reading and adoption for July 21, 2009.

ATTACHMENTS:

- A. Downtown Business Association letter- February 9, 2009
- B. Draft Ordinance No. 2126
- C. List of Downtown businesses with alcohol licenses

ORDINANCE NO. 2126

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH APPROVING AMENDMENTS TO THE CITY BUSINESS, PROFESSIONS AND TRADES CODE (TITLE 6) ZONING CODE (TITLE 10) TO INCLUDE NEW PROVISIONS FOR EXTENDED HOURS OF OPERATION FOR BUSINESSES FOR CERTAIN HOLIDAYS

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach, California does hereby find, determine and declare as follows:

WHEREAS, on April 21, 2009 the City Council received a request from the Downtown Manhattan Beach Business Association to extend the hours of operation for restaurants for certain holidays and at that meeting the City Council requested that staff further examine the request and report back to the City Council, and;

WHEREAS, the City Planning Division, Police Department and City Attorneys office reviewed the proposal and made a recommendation, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a public meeting on July 7, 2009, on the proposed Code Amendments related to revisions to the holiday hours of operation for businesses, and after accepting public input, and discussing the item, introduced Ordinance No. 2126, for revisions to the Businesses, Professions and Trades and the Zoning Code, and the second reading and adoption was scheduled for July 21, 2009, and;

WHEREAS, the public meeting was posted pursuant to applicable law, testimony was invited and received, and;

WHEREAS, the applicant for the subject project is the City of Manhattan Beach, and;

WHEREAS, Pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject Amendments are exempt in that they are covered by the general rule that CEQA [Section 15061 (3)] only applies to projects which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibly that the activity will have a significant effect on the environment, the activity is not subject to CEQA, and;

WHEREAS, The proposed amendments have been prepared in accordance with the provisions of Title 7, Division 1, Chapter 4, Section No. 65853, et seq., of the State of California Government Code, and;

WHEREAS, The City Council finds that the project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

SECTION 2. The City Council of the City of Manhattan Beach hereby amends Titles 6 and 10, of the Manhattan Beach Municipal Code, entitled Businesses, Professions and Trades and the Zoning Code, as follows.

SECTION 3. The City Council of the City of Manhattan Beach hereby adds Section 6.01.330 (Holiday Hours of Operation for Commercial Businesses) of the Manhattan Beach Municipal Code, as follows:

6.01.330 Holiday Hours of Operation for Commercial Businesses

Commercial businesses with Use Permits or other discretionary Zoning entitlements that limit the hours of operation may operate for extended hours for certain holidays as designated below. These extended hours shall apply Citywide to restaurants and bars (eating and drinking establishments), hotels (visitor accommodations and their associated eating drinking and banquet services) and similar use

classifications as determined by the Director of Community Development. Hours of operation shall be extended to allow businesses to remain open as follows:

DAYS	HOURS
NEW YEARS EVE	1:00 AM
CHRISTMAS EVE	12:00 PM
THANKSGIVING EVE	12:00 PM
4 TH OF JULY EVE	12:00 PM

SECTION 4. The City Council of the City of Manhattan Beach hereby modifies Section 10.16.020 (CL, CC, CG, CD, CNE districts: land use regulations. C Districts Additional Land Use Regulations) of the Manhattan Beach Municipal Code by adding Section 10.16.020 (M) as follows:

Commercial Uses

(B) (K) (L) (M)

(M) Certain commercial businesses, such as eating and drinking establishments and visitor accommodations, with Use Permits and other discretionary Zoning Approvals that limit the hours of operation may operate for extended hours for certain holidays as designated in Section 6.01.330 of the Businesses, Professions and Trades Code.

SECTION 5. The City Council of the City of Manhattan Beach hereby modifies Section 10.56 (Site Regulations- Nonresidential Districts) of the Manhattan Beach Municipal Code by adding Section 10.56.060 (Extended Holiday Hours for Certain Commercial Businesses) as follows:

10.56.060 Extended Holiday Hours for Certain Commercial Businesses

Certain commercial businesses, such as eating and drinking establishments and visitor accommodations, with Use Permits and other discretionary Zoning Approvals that limit the hours of operation may operate for extended hours for certain holidays as designated in Section 6.01.330 of the Businesses, Professions and Trades Code.

SECTION 6. All other provisions of the City of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

SECTION 7. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other resolution of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be unconstitutional or otherwise invalid, by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this resolution. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portion be declared unconstitutional or otherwise invalid.

SECTION 9. This ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 10. The City Clerk shall certify to the passage and adoption of this ordinance shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and adoption thereof in the records of the proceedings of the City Council of said City in the minutes of the meeting of said Council at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published once in a weekly newspaper of general circulation, printed, published and circulated within the City of Manhattan Beach, California and which is hereby designated for that purpose.

PASSED, APPROVED AND ADOPTED this 7th day of July, 2009.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor of the City of Manhattan Beach, California

ATTEST:

City Clerk

SURVEY OF DOWNTOWN EATING AND DRINKING ESTABLISHMENTS

Establishment	Address	Hours of Operation	Alcohol License	Date
900 Manhattan Club/Sidedoor	900 Manhattan Ave.	M-Th 11am-12 am F 11am-1 am Sat 9am-12am Sun 9am-12am	Full Liquor	
Coco Noche	1140 Highland Ave.	Su-Th 6am-10pm F-Sa 6am-11pm	Beer and Wine	
Beaches	117 Manhattan Beach Blvd.	M-F 10am-1am Sa-Sun 8 am-1am	Full Liquor	
Café Pierre	317 Manhattan Beach Blvd.	Su-Sa 9am-1am	Full Liquor	
Pasta Pomodoro	401 Manhattan Beach Blvd.	Sun-Wed 9am-11pm Thu-Sat 7am-12am	Beer and Wine	03/05
Simmy's	229 Manhattan Beach Blvd.	M-Th 6am - 11pm F-Sa 6am-12am	Beer and Wine	
El Sombrero	1005 Manhattan Ave.	Su-Th 7am-11pm F-Sa 7am-12am	Beer and Wine	
Ercoles	1101 Manhattan Ave.	Su-Sa 11am-2am	Full Liquor	
Fonzs	1017 Manhattan Ave.	Su 9am-9pm M-Th 5:30am-10pm F-Sa 5:30am-11pm	Full Liquor	
Creperie	1209 Highland Ave.	Sun-Th 7am-11pm F-Sat 7am-12am	Beer and Wine	05/07
Hennesseys	313 Manhattan Beach Blvd.	Su-Sa 11am-2am	Full Liquor	
Fusion Sushi	1150 Morningside Dr.	Su-W 9am -11pm Th-Sa 7am-12am	Full Liquor	
Kettle	1138 Highland Ave.	Su-Sa 24 Hours	Beer and Wine	
Le Pain Quotidien	451 Manhattan Beach Blvd.	M-Sun 7 am -7:30 PM- (alcohol 10 am)	Limited beer and wine	5/08
Mama D's	1125 A Manhattan Ave.	Su-Sa 7am-2am	Beer and Wine	
Mangiamo	128 Manhattan Beach Blvd.	Su-Sa 8am-12am	Full Liquor	
Manhattan Brewing Company	124 Manhattan Beach Blvd.	Su-Sa 7am-12am F-Sat 7am-1am	Full Liquor	
Sharks Cove	309 Manhattan Beach Blvd.	Su-Sa 7am-2am	Full Liquor	
Manhattan Pizzeria	133 Manhattan Beach Blvd.	No Reso	Beer and Wine	
Mucho	903 Manhattan Ave.	Su-T 11am-12am F-Sat 11am-2am	Full Liquor	
Octopus	1133 Highland Ave.	M-F 11:30am-2:30pm to 5:30pm-11pm F-Sa 5:30pm-12am	Beer and Wine	
Old Venice/El Sombrero	1001 Manhattan Ave.	Sun-Thu 7am-11pm Fri-Sat 7am-12am	Beer and Wine	07/07
Penny Lane	820 Manhattan Ave.	Su-Th 7am-10:30pm F-Sa 7am-11:30pm	Beer and Wine	
Rock N Fish	120 Manhattan Beach Blvd.	Su-Th 7am-12am F-Sa 7am-1am	Full Liquor	
Shellback	116 Manhattan Beach Blvd.	No Reso	Full Liquor	

Sun & Moon Café	1131 Manhattan Ave.	Su-Th 6am-11pm F-Sa 6am-12am	Beer and Wine	
Talia's	1148 Manhattan Ave.	Su-W 7am-11pm Th-Sa 7am-12am	Full Liquor	11/01
Towne	1142 Manhattan Ave.	M-W 11am-11pm Th-F 11am-12am Sa 7am-12am Su 7am-11pm	Full Liquor	
12th+Highland	304 12th Street	Su-Th 10am-12am F-Sa 10am-1am	Full Liquor	
Wahoo's	1129 Manhattan Ave.	Su-Th 6am-11pm F-Sa 6am-12am	Beer and Wine	
Avenue	1141 Manhattan Ave.	Su-Th 11am-11pm F-Sa 11am-12am	Full Liquor	
Shade Hotel	1221 Valley Drive	Lobby Bar- daily 5pm-11pm Courtyard Su-Th 6am-11pm F-Sat 6am-12am Roofdeck daily 6am-10pm	Full Liquor	
Petro's	451 Manhattan Beach Blvd Suite B-110	Su-Th 6am-12 am F-Sa 6am-1am Off-site specialty wine	Full Liquor	12/06
Sashi	451 Manhattan Beach Blvd Suite D-126 1200 Morningside	Su-Th 6am-11pm F-Sa 6am-12am	Full Liquor	