



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: August 4, 2009

SUBJECT: Consideration of an Ordinance to Extend Hours of Operation for Businesses for Certain Holidays

RECOMMENDATION:

Staff recommends that the City Council **ADOPT ORDINANCE NO. 2126.**

FISCAL IMPLICATION:

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

BACKGROUND AND DISCUSSION:

On July 21, 2009 the Council introduced Ordinance No 2126 which will amend the Businesses, Professions and Trades Code, Title 6, as well as provide a cross-reference in the Zoning Code, to extend business hours for New Years Eve only to the hours allowed on Saturday if New Years Eve occurs midweek, for all restaurants, bars, hotels and facilities within hotels. The City Council requested that staff and the Planning Commission review two other holidays, the Sundays before Memorial Day and Labor Day, for possible extended hours, as well as allowing businesses to remain open until 1:00 on New Years and return to the Council with a recommendation. The Council felt that if businesses wanted extended hours on other holidays that they should request Use Permit Amendments that would be reviewed on a case by case basis.

The proposed Draft Ordinance, Attachment A, would amend the Businesses, Professions and Trades Code, Title 6, as well as provide a cross-reference in the Zoning Code, to extend business hours for New Years Eve only to the hours allowed on Saturday if New Years Eve occurs midweek, for all restaurants, bars, hotels and facilities within hotels.

CONCLUSION:

Staff requests that the City Council adopt Ordinance No. 2126.

ATTACHMENTS:

A. Draft Ordinance No. 2126

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 NEW YEARS EVE HOURS OF OPERATION FOR BUSINESSES

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, directed staff to revise draft Ordinance No. 2126, for revisions to the Businesses, Professions and Trades and the Zoning Code, and schedule the introduction 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 (New Years Eve Hours of Operation for Commercial Businesses) of the Manhattan Beach Municipal Code, as follows:

6.01.330 New Years Eve Hours of Operation for Commercial Businesses

Certain commercial businesses with Use Permits or other discretionary Zoning entitlements that limit the hours of operation may operate for extended hours for New Years Eve. Businesses may remain open to the hour permitted by the Use Permit or other discretionary application on Saturday night regardless of the day of the week that New Years Eve occurs. 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.

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 New Years Eve 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 (New Years Eve Hours for Certain Commercial Businesses) as follows:

10.56.060 New Years Eve 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 New Years Eve 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 4TH day of August, 2009.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor of the City of Manhattan Beach, California

ATTEST:

City Clerk