



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: November 17, 2009

SUBJECT: Consideration of Planning Commission recommendation to approve an amendment to the Municipal Code to allow Extended Hours of Operation for Restaurants and Bars for Certain Holidays, and adopt a fee for the application.

RECOMMENDATION:

Staff recommends that the City Council **CONDUCT THE PUBLIC HEARING, INTRODUCE ORDINANCE NO. 2130, AND ADOPT FEE RESOLUTION NO. 6230.**

FISCAL IMPLICATION:

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

BACKGROUND:

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. The City Planning Division, Police Department and City Attorneys office reviewed the proposal and the item was presented to the City Council on July 7, 2009. At that meeting, after accepting public input, and discussing the item, the Council 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. On July 21, 2009 the Ordinance was introduced and on August 4, 2009 it was adopted. Ordinance No. 2126 allows businesses to stay open to the hours allowed on the weekend if New Years Eve falls midweek. However, many businesses in town are required by their Use Permit to close at midnight or earlier so the amendment would not allow them to provide a New Years celebration for their customers.

On August 4, 2009 the Council also 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 AM on New Years, and return to the Council with a recommendation. For other holidays the Council indicated that businesses should request Use Permit Amendments.

On September 9, 2009 the Planning Commission held a public hearing and discussed allowing extended hours on New Years Eve and the Sundays before Memorial Day and Labor Day. The Commission did not support extended hours on Memorial and Labor Day, but requested that staff bring back additional information for consideration for New Years. The public hearing was continued to October 14th, and that hearing was then continued to October 28, 2009.

On October 28, 2009 the Planning Commission conducted a public hearing and adopted Resolution No. 09-09, recommending to the City Council approval of extended hours for New Years Eve, to allow businesses to remain open until 1:00 am, with approval of an administrative Temporary Use Permit. The Commission also requested that the City Council consider a reduced fee of \$100 for the application.

DISCUSSION:

The Planning Commission heard testimony and received letters from several businesses in town, as well as the Downtown Business and Professional Association (DBPA) and the Chamber of Commerce, in support of the extended hours for New Years Eve. The Commission also reviewed extending hours on Memorial and Labor Day, but they could not support this proposal as they felt that these are not major holidays and may have additional impacts to surrounding residents. The Commission felt that Use Permit Amendments would be appropriate if a business wanted extended hours on these days or other holidays.

At the September meeting the Planning Commission requested that staff provide further information including input from the DBPA and the Chamber of Commerce, and the businesses that would be impacted by the proposal, information on what neighboring jurisdiction are doing, more input from the Police Department, General Plan goals and policies, and explore an administrative approval process for individual requests for extended hours. Staff provided this information to the Planning Commission on October 28th and the details are included in that report attached as Exhibit D.

Police input

Staff had several discussions with the Police Department about this proposal and a Police representation attended the October 28th Commission meeting and provided input to the Planning Commission. Police indicated the New Years extension could be in violation of the ABC license, and sometimes the ABC license may have additional conditions or more restrictive hours than the City's Use Permit approval. The Police Department reviewed their call for service logs for disturbances for the past 15 months for businesses with alcohol licenses. The vast majority of the disturbances were for businesses that are already allowed to stay open until 2:00 AM, so the New Years extension would have no affect on these businesses. The Police Department also indicated that having all the bars close at the same time would place a demand on the limited franchised cab companies, which could lead to drunk driving if cabs are not available. Also there could be more people on the street, potentially involved in criminal activity, causing noise disturbances, and becoming victimized. Additionally, at 1:00 am the Police have the graveyard crew working which is their smallest shift.

Planning staff also discussed the possibility of an administrative process for approval of extended hours with the Police Department. They indicated that a fee would need to be assessed

for the application to cover staff costs for processing the request, as well as follow-up on the enforcement. They indicated that there may be false expectations that all applications would be approved, and if denied applicants would feel that they were not treated fairly. The Police Department indicated that they would like specific criteria for any approval process. For each individual application they would like to consider proximity to residential uses, number of historical calls for service, ABC violations, and whether the establishment allowed dancing or entertainment, or had any outdoor areas.

When the Police Department reviews the proposed Temporary Use Permit request they will use this criteria in order to make a recommendation to Planning staff. The Temporary Use Permit application has required findings that the proposal will not be detrimental to the public health, safety or general welfare. Staff will only approve permits if these conditions are met. If a permit is issued one year and there are problems that arise, staff has the ability to deny the permit the following year. From discussions with the business associations and Police it is anticipated that five to ten businesses will request the extended hours for New Years.

Temporary Use Permit

The Temporary Use Permit process is currently used for temporary events such as circuses, carnivals, and Christmas tree and pumpkin lots. This administrative process has an established application, fee, process, findings and conditions. (Exhibit C) No public notice or hearing is required and decisions are made by the Director of Community Development and are appealable to the Planning Commission. Applications would be routed to the Police Department for review and input. The permit is an annual application that would be valid for just the one New Years Eve night. The application takes a few weeks to process. This is the process recommended by the Planning Commission as it allows the most flexibility and best meets everyone's needs and concerns.

Use Permit

The Planning Commission also discussed requiring a Use Permit Amendment. A Use Permit requires a noticed public hearing before the Planning Commission, and that decision is then forwarded to the City Council as a receive and file item. The Planning Commission decision may be appealed to the City Council. Applications are routed to other Departments for input. Specific findings must be met, and conditions may be placed on the application. A Use Permit is a one time application that runs with the land so once it is approved it passes on to future owners and operators of an establishment, as long as the use is consistent with the Use Permit approval. It is very difficult to revoke a Use Permit once it is granted so if issues arise they can be challenging and time-consuming to deal with.

Business input

At the October 28th Planning Commission meeting the businesses owners indicated that New Years Eve is a day of celebration throughout the world, it is traditional to celebrate at midnight, and generally celebrations will dissipate by 1:00 AM. Many restaurants, bars, hotels and similar commercial establishments in the City have Use Permits that limit hours of operation so that these establishments must close prior to 1:00 AM. Often the Use Permits will further restrict hours of operation during midweek and often New Years Eves falls midweek, which further limits the businesses opportunities to provide a holiday celebration and provide opportunities for local residents to enjoy the holiday in town. This year New Years Eve falls on a Thursday.

The business owners indicated that the current annual Temporary Use Permit application fee of \$450 was excessive in that they would have difficulty generating enough additional revenue during the few additional hours that they would be open for the one night on New Years and they requested a reduced fee of \$100. The Planning Commission felt that it would be appropriate to reduce the fee for applications for New Years requests only as they felt that they would be fairly routine reviews by the Community Development and Police staff and that it was important to support local businesses in providing opportunities for local residents to celebrate New Years in town instead of having to leave the City.

Commission recommendation

After hearing public testimony the Planning Commission felt that New Years was a special one-day worldwide annual celebration and recommended that businesses be allowed to apply to request approval for extended New Years hours until 1:00 AM through the administrative annual Temporary Use Permit process

The proposed Draft Ordinance, Attachment A, would amend the Zoning Code, Title 10 to allow businesses to apply for a Temporary Use Permit to extend business hours for New Years Eve only to 1:00 AM, and the Draft Resolution would approve a reduced fee of \$100.

CONCLUSION:

Staff requests that the City Council introduce Ordinance No. 2126 and adopt Resolution No 6230.

ATTACHMENTS:

- A. Draft Ordinance No. 2130
- B. Draft Resolution No. 6230
- C. Chapter 10.84- Use Permits, Variances and Minor Exception- (Excluding Section 10.84.120- Minor Exceptions)
- D. Planning Commission Resolution, minutes, staff report and attachments, October 28, 2009.
- E. Letters in support of extended New Years hours

ORDINANCE NO. 2130

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH APPROVING AMENDMENTS TO THE CITY ZONING CODE (VARIOUS SECTIONS) RELATED TO TEMPORARY USE PERMITS TO ALLOW EXTENDED NEW YEAR HOLIDAY HOURS FOR COMMERCIAL 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. On July 21, 2009 the Ordinance was introduced and on August 4, 2009 Ordinance No. 2126 was adopted, and;

WHEREAS, on August 4, 2009 the Council also 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 AM on New Years, and return to the Council with a recommendation. For other holidays they indicated that businesses should request Use Permit Amendments, and;

WHEREAS, on September 9, 2009 the Planning Commission held a public hearing and discussed allowing extended hours on New Years Eve and the Sundays before Memorial Day and Labor Day. The Commission did not support extended hours on Memorial and Labor Day, but requested that staff bring back additional information for consideration for New Years. The public hearing was continued to October 14th, and;

WHEREAS, on October 14, 2009 the Planning Commission public hearing was continued to October 28, 2009, and;

WHEREAS, on October 28, 2009 the Planning Commission conducted a public hearing and adopted Resolution No. 09-09, recommending to the City Council approval of extended hours for New Years Eve, to allow businesses to remain open until 1:00 am, with approval of an administrative Temporary Use Permit. The Commission also requested that the City Council consider a reduced fee of \$100 for the application, and;

WHEREAS, pursuant to applicable law, the City Council of the City of Manhattan Beach conducted a public hearing on November 17, 2009, on the Planning Commission recommendation 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. 2130 and scheduled the adoption for December 1, 2009. On November 17, 2009 the Ordinance was introduced and on December 1, 2009 Ordinance No. 2130 was adopted, and;

WHEREAS, the public hearings were advertised pursuant to applicable law, and testimony was invited and received at all public meetings and hearings. Public noticing included an ad published on November 5, 2009 in a newspaper of general circulation (Beach Reporter), and;

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

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, and;

WHEREAS, the City Council made the following findings with regard to the proposed changes, and:

The proposed amendments are consistent with the City of Manhattan Beach General Plan including the following Goals and Policies.

Goal LU-5: Protect residential neighborhoods from the intrusion of inappropriate and incompatible uses.

Policy LU-5.1: Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, or other techniques.

Policy LU-5.7: Recognize the unique qualities of mixed-use areas and balance the needs of both the residential and commercial uses. (This Policy is also included throughout the Land Use Element in all of the Commercial sections)

Goal LU-6: Maintain the viability of the commercial areas of Manhattan Beach.

Policy LU-6.1: Support and encourage small businesses throughout the City.

Policy LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

Goal LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.

Policy LU-7.1: Encourage the upgrading and growth of businesses in the Downtown area to serve as a center for the community and to meet the needs of local residents and visitors.

Goal LU-8: Maintain Sepulveda Boulevard, Rosecrans Avenue, and the commercial areas of Manhattan Village as regional-serving commercial districts.

Policy LU-8.1: Ensure that applicable zoning regulations allow for commercial uses that serve a broad market area, including visitor-serving uses.

Policy LU-8.2: Support the remodeling and upgrading needs of businesses as appropriate within these regional serving commercial districts.

Goal LU-9: Preserve the low-intensity, pedestrian-oriented character of commercial areas in the North End and El Porto.

Policy LU-9.1: Provide zoning regulations that encourage neighborhood-oriented businesses within these areas.

Goal N-2: Incorporate noise considerations into land use planning decisions.

Policy N-2.2: Ensure acceptable noise levels near residences, schools, medical facilities, and other noise-sensitive areas.

Policy N-2.5: Require that the potential for noise be considered when approving new development to reduce the possibility of adverse effects related to noise generated by new development, as well as impacts from surrounding noise generators on the new development.

Goal N-3: Minimize the impact of non-transportation noise sources.

Policy N-3.4: Recognize in the Noise Ordinance that nighttime noise levels create a greater sensitivity than do daytime noise levels.

SECTION 2. The City Council of the City of Manhattan Beach hereby amends Sections 10.08.080, 10.16.020, 10.32.020 and 10.84.110, of Title 10, of the Manhattan Beach Municipal Code, the Zoning Code, related to Temporary Use Permits as follows:

SECTION 3. The City Council of the City of Manhattan Beach hereby modifies Section 10.08.080 Temporary use classifications of the Manhattan Beach Municipal Code by adding Section 10.08.080 I., as follows:

10.08.080 Temporary use classifications.
 I. New Years Eve- Extension of hours of operation for all Restaurants, Bars, Hotels, Facilities within Hotels, and similar commercial businesses to remain open until 1:00 AM on New Years.

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) of the Manhattan Beach Municipal Code by adding to Section 10.16.020 as follows:

10.16.20 CL, CC, CG, CD, CNE districts: land use regulations.

	CL	CC	CG	CD	CNE	ADDITIONAL REGULATIONS
Temporary Uses						(G)
New Years Eve	U	U	U	U	U	

SECTION 5. The City Council of the City of Manhattan Beach hereby modifies Section 10.32.020 Land use regulations of Chapter 10.32 PD Planned Development District of the Manhattan Beach Municipal Code by adding Section 10.32.020 C. as follows:

10.32.020 Land use regulations.

C. **Temporary Uses.** Businesses may apply for a Temporary Use Permit to request approval for temporary uses as defined in Section 10.08.080, in accordance with the provisions in Section 10.84.110.

SECTION 6. The City Council of the City of Manhattan Beach hereby modifies Section 10.84.110 Temporary use permits of the Manhattan Beach Municipal Code by modifying Section 10.84.110 E. Effective Date-Duration-Appeals. Exceptions as follows:

E. **Effective Date--Duration--Appeals.** An approved temporary use permit shall be effective on the date specified in its approval; a disapproved permit may be appealed by the applicant, as provided in Chapter 10.100 of this title. The permit shall be valid for a specified time period not to exceed thirty (30) days. A temporary use permit shall lapse if not used within the dates approved and may be revoked by

the Community Development Director effective immediately upon verbal or written notice for violation of the terms of the permit. Verbal notice shall be confirmed by written notice mailed to the permit holder within a reasonable time. The Community Development Director may approve changes in a temporary use permit.

Exceptions:

- 1. A Christmas tree/pumpkin sales temporary use permit may exceed thirty (30) days but shall be valid only during the time period in which the activity is taking place.
- 2. New Years Eve hours of operation extensions shall only be valid until 1:00 am for the one time/day requested. The applicant may apply annually for a temporary use permit to request extended New Years hours.

SECTION 7. All other provisions of the City of Manhattan Beach Municipal Code shall remain unchanged and continue in full force and effect.

SECTION 8. 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 9. 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 10. 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 11. 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 1st day of December, 2009.

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Mayor of the City of Manhattan Beach, California

ATTEST:

City Clerk

RESOLUTION NO. 6230

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ESTABLISHING FEES FOR TEMPORARY USE PERMITS FOR NEW YEARS EVE EXTENDED HOURS OF OPERATION FOR COMMERCIAL BUSINESSES

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY DECLARE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council of the City of Manhattan Beach hereby makes the following findings:

- A. New Years Eve is a day of celebration throughout the world and it is traditional to celebrate at midnight, and generally celebrations will dissipate by 1:00 AM; and
- B. Many restaurants, bars, hotels and similar commercial establishments in the City have Use Permits that limit hours of operation so that these establishments must close prior to 1:00 AM; and
- C. Often the Use Permits will further restrict hours of operation during midweek and often New Years Eves falls midweek, which further limits the businesses opportunities to provide a holiday celebration and provide opportunities for local residents to enjoy the holiday in town; and
- D. In response to these concerns the Downtown Business Association and the Chamber of Commerce requested that the City Council allow extended business hours for New Years, as well as other Holidays, the Council approved allowing businesses to stay open to the hours allowed on the weekend if New Years falls midweek and the Council directed the Planning Commission to further study the item; and
- E. The Planning Commission held public hearings on the matter and recommended that businesses be allowed to apply to request approval for extended New Years hours until 1:00 AM through the administrative annual Temporary Use Permit process, and
- F. At the Planning Commission meeting the businesses indicated that the current annual application fee of \$450 was excessive in that they would have difficulty generating enough additional revenue during the few additional hours that they would be open for the one night on New Years and they requested a reduced fee of \$100;and
- G. The Planning Commission felt that it would be appropriate to reduce the fee for applications for New Years requests only as they would be fairly routine reviews by the Community Development and Police staff and that it was important to support local businesses in providing opportunities for local residents to celebrate New Years in town instead of having to leave the City; and

SECTION 2. The City Council hereby adopts the following fees for Temporary Use Permits for New Years Eve extended hours until 1:00 AM:

Task	Description	Department	Reference:	Fee
Temporary Use Permit- New Years Eve	Extension of hours of operation for all Restaurants, Bars, Hotels, Facilities within Hotels, and similar commercial businesses to remain open until 1:00 AM on New Years.	Community Development	MBMC 10.84	\$100

SECTION 3. Specific fees adopted under this resolution supercede all prior like and applicable fees from any and all previous resolutions and ordinances to the extent that they are inconsistent with the fees hereby adopted. Any and all fees and resolution provisions not inconsistent with the provisions of this resolution shall continue in full force and effect.

SECTION 4. The City Manager shall have the authority to interpret the provisions of this resolution for purposes of resolving ambiguities. The City Manager shall have the authority to authorize and require reasonable compensation for the temporary use of City property or receipt of City services not otherwise provided for in this resolution or other applicable resolutions or ordinances.

SECTION 5. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this Resolution is adopted.

SECTION 6. This resolution shall take effect immediately.

SECTION 7. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect

PASSED, APPROVED AND ADOPTED this 17th day of November, 2009.

Ayes:
Noes:
Absent:
Abstain:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk

Chapter 10.84 USE PERMITS, VARIANCES AND MINOR EXCEPTIONS

Sections:

[10.84.010 Purposes.](#)

[10.84.020 Authority of Planning Commission.](#)

[10.84.030 Initiation.](#)

[10.84.040 Notice and public hearing.](#)

[10.84.050 Duties of Planning Commission.](#)

[10.84.060 Required findings.](#)

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[10.84.080 Effective date--Appeals.](#)

[10.84.090 Lapse of approval--Transferability--Discontinuance--Revocation.](#)

[10.84.100 Changed plans--New application.](#)

[10.84.105 Master use permits.](#)

[10.84.110 Temporary use permits.](#)

[10.84.120 Minor exceptions.](#)

10.84.010 Purposes.

This chapter provides the flexibility in application of land-use and development regulations necessary to achieve the purposes of the ordinance codified in this title by establishing procedures for approval, conditional approval, or disapproval of applications for use permits, variances and minor exceptions.

Use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

Variances may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards.

Authorization to grant variances does not extend to use regulations because sufficient flexibility is provided by the use permit process for specified uses and by the authority of the Planning Commission to determine whether a specific use belongs within one (1) or more of the use classifications listed in Chapter 10.08. Further, Chapter 10.96 provides procedures for amendments to the zoning map or zoning regulations. These will ensure that any changes are consistent with the General Plan and the land use objectives of the ordinance codified in this title.

Minor exceptions are generally intended to allow certain alterations and additions to certain nonconforming pre-existing structures. Minor Exceptions are also intended to encourage home remodeling and additions to existing smaller older legal non-conforming homes. The provisions strive to balance the communities desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained

and upgraded, as well as enlarged below the maximum allowed square footage instead of being replaced with larger new homes.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1861, Amended, 12/03/92: § 3 (part), Ord. 2068, eff. February 4, 2005, and § 19, Ord. 2111, eff. March 19, 2008)

10.84.020 Authority of Planning Commission.

The Planning Commission shall approve, conditionally approve, or disapprove applications for use permits or variances.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. 1951, eff. July 4, 1996)

10.84.030 Initiation.

Applications for use permits and variances shall be initiated by submitting the following materials to the Community Development Department:

- A. A completed application form, signed by the property owner or authorized agent, accompanied by the required fee, copies of deeds, any required powers of attorney, plans and mapping documentation in the form prescribed by the Community Development Director;
- B. A vicinity map showing the location and street address of the development site;
- C. A map showing the location and street address of the property that is the subject of the amendment and of all lots of record within five hundred feet (500') of the boundaries of the property; and
- D. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within five hundred feet (500') of the boundaries of the property. This list shall be keyed to the map required by subsection (C) of this section and shall be accompanied by mailing labels.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94)

10.84.040 Notice and public hearing.

A. Public Hearing Required. The Planning Commission shall hold a public hearing on an application for a use permit or variance.

B. Notice. Upon receipt of a complete application, notice of the hearing shall be given in the following manner:

1. Mailed or Delivered Notice. At least ten (10) days prior to the hearing, notice shall be: (1) mailed to the applicant; (2) all owners of property within five hundred feet (500') of the boundaries of the site, as shown on the last equalized property tax assessment role or the records of the County Assessor, Tax Collector, or the City's contractor for such records and (3) any agency as required by Government Code Section 65091.

2. Posted Notice. Notwithstanding the requirements of Section 1.08.140 of this Code, notice shall be posted at City Hall.

3. Published Notice. Notice shall be published in a newspaper of general circulation in accordance with Section 65090 and 65091 of the California Government Code.

C. Contents of Notice. The notice of public hearing shall contain:

1. A description of the location of the development site and the purpose of the application;
2. A statement of the time, place, and purpose of the public hearing;
3. A reference to application materials on file for detailed information; and
4. A statement that any interested person or an authorized agent may appear and be heard.

D. Multiple Applications. When applications for multiple use permits or variances on a single site are filed at the same time, the Community Development Director shall schedule a combined public hearing.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 1951, eff. July 4, 1996)

10.84.050 Duties of Planning Commission.

A. Public Hearing. The Planning Commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued to a definite date and time without additional public notice.

B. Decision and Notice. After the close of the public hearing, the Planning Commission shall recommend that the City Council approve, conditionally approve, or disapprove of the application. Notice of the decision shall be mailed to the applicant and any other party requesting such notice within seven (7) days of the date of the resolution ratifying the decision.

C. Limits on Conditions of Approval. No conditions of approval of a use permit shall include use, height, bulk, density, open space, parking, loading, or sign requirements that are less restrictive than those prescribed by applicable district regulations.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; § 2, Ord. 1951, eff. July 4, 1996)

10.84.060 Required findings.

An application for a use permit or variance as it was applied for, or in modified form as required by the Commission, shall be approved if, on the basis of the application, plans, materials, and testimony submitted, the Commission finds that:

A. For All Use Permits.

1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located;
2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city;
3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located; and
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create

demands exceeding the capacity of public services and facilities which cannot be mitigated.

B. For Variances.

1. Because of special circumstances or conditions applicable to the subject property--including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions--strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property;
2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and
3. Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district.
4. OS District Only. Granting the application is consistent with the requirements of Section 65911 of the Government Code and will not conflict with General Plan policy governing orderly growth and development and the preservation and conservation of open-space laws.

C. Mandatory Denial. Failure to make all the required findings under (A) or (B) shall require denial of the application for a use permit or variance.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; § 1, Ord. 1926, eff. June 15, 1995; § 2, Ord. 1951, eff. July 4, 1996)

10.84.070 Conditions of approval.

In approving a use permit or variance, reasonable conditions may be imposed as necessary to:

- A. Achieve the general purposes of this ordinance or the specific purposes of the zoning district in which the site is located, or to make it consistent with the General Plan;
- B. Protect the public health, safety, and general welfare; or
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.
- D. Provide for periodic review of the use to determine compliance with conditions imposed, and Municipal Code requirements.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1861, Amended, 01/06/94)

10.84.080 Effective date--Appeals.

Unless appealed in accordance with Chapter 10.100, a use permit or variance shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 1951, eff. July 4, 1996)

10.84.090 Lapse of approval--Transferability--Discontinuance--Revocation.

A. Lapse of Approval. A use permit or variance shall lapse two (2) years or at an alternative time specified as a condition of approval after its date of approval unless:

1. A building permit has been issued and substantial expenditures have been made in reliance on that permit; or
2. A certificate of occupancy has been issued; or
3. The use is established; or
4. The use permit or variance is renewed.

A use permit or variance also shall lapse upon termination of a project or expiration of a building permit.

B. Transferability. The validity of a use permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor applies to the Community Development Director for a transfer which may be comprised of a business license. No notice or public hearing on a transfer shall be required.

C. Discontinuance. An implemented use permit shall lapse if the exercise of rights granted by it is discontinued for twelve (12) consecutive months provided that time for plan check, construction or reconstruction activities shall not be counted toward the twelve (12) months.

D. Revocation. A use permit or variance that is exercised in violation of a condition of approval or a provision of this title may be revoked, or modified, as provided in Section 10.104.030.

E. Renewal. A use permit or variance may be renewed by the Community Development Director for periods of time up to one (1) year without notice or public hearing, if the findings required by Section 10.84.060 remain valid. Such requests for renewal are subject to the review and approval of the original reviewing body.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91, Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 1951, eff. July 4, 1996)

10.84.100 Changed plans--New application.

A. Changed Plans. A request for changes in conditions of approval of a use permit or variance, or a change to development plans that would affect a condition of approval, shall be treated as a new application.

B. New Application. If an application for a use permit or variance is disapproved, no new application for the same, or substantially the same, use permit or variance shall be filed within one (1) year of the date of denial of the initial application, unless the denial is made without prejudice.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

10.84.105 Master use permits.

A master use permit authorizing multiple uses for a project with more than five thousand (5,000) square feet of buildable floor area or more than ten thousand (10,000) feet of land area, shall be subject to the provisions applicable to use permits (Chapter 10.84 et seq.), with the following exceptions or special provisions:

A. Scope of Approval. Individual uses located in such a project shall not be subject to separate use permits, if otherwise required by the land use regulations of this Title, provided such uses are identified within the scope of development approval.

B. Uses; Parking. The master use permit shall establish a mix of uses by classification, or combinations of use classifications defined in Chapter 10.08 of this title. The mix of uses shall be the basis for a percentage distribution of building gross leasable floor area by use classification. Parking and loading requirements approved in conjunction with a master use permit shall correspond to the percentage distribution of building gross leasable floor area by use classification.

C. Subsequent Use; Tenant Changes. Subsequent changes in the tenants and/or occupants of the project shall conform to the percentage distribution of leasable square footage by use classification and corresponding parking and loading requirements of the approved master use permit.

D. Subsequent Permits. Applications to establish a new use within a multiple tenant project which has an approved master use permit shall not require either amendment to or filing of a new master use permit, provided that the new use conforms to the approved mix of uses, parking requirements, and conditions imposed on the project.

E. Nonconforming Sites--Permit Requirement. An existing multiple use or multiple tenant project which has a valid use permit and/or individual use permits for specific uses or tenants within the project shall be required to obtain a master use permit when a change is proposed which cumulatively constitutes an increase of five percent (5%) of gross leasable area or ten thousand (10,000) square feet, whichever is less.

(Ord. No. 1902, Enacted, 05/05/94)

10.84.110 Temporary use permits.

A temporary use permit authorizing certain temporary use classifications, as defined in Chapter 10.08 of this title and as listed in the land-use regulations for the base districts in which the use will be located, shall be subject to the following provisions:

A. Application and Fee. A completed application form and the required fee shall be submitted to the Community Development Director. The Community Development Director may request any other plans and materials necessary to assess the potential impacts of the proposed temporary use.

B. Duties of the Community Development Director. The Community Development Director shall approve, approve with conditions, or deny a complete application within a reasonable time. No notice or public hearing shall be required.

C. Required Findings. The application shall be approved as submitted, or in modified form, if the Community Development Director finds:

1. That the proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of this title; and
2. That approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.

D. Conditions of Approval. In approving a temporary use permit, the Community Development Director may impose reasonable conditions necessary to:

1. Achieve the general purposes of this title and the specific purposes of the zoning district in which the temporary use will be located, or to be consistent with the General Plan;
2. Protect the public health, safety, and general welfare; or

3. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.

E. Effective Date--Duration--Appeals. An approved temporary use permit shall be effective on the date specified in its approval; a disapproved permit may be appealed by the applicant, as provided in Chapter 10.100 of this title. The permit shall be valid for a specified time period not to exceed thirty (30) days. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Community Development Director effective immediately upon verbal or written notice for violation of the terms of the permit. Verbal notice shall be confirmed by written notice mailed to the permit holder within a reasonable time. The Community Development Director may approve changes in a temporary use permit.

1. Exception. A Christmas tree/pumpkin sales temporary use permit may exceed thirty (30) days but shall be valid only during the time period in which the activity is taking place.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94)

10.84.120 Minor exceptions.- (NOT INCLUDED)

RESOLUTION NO. PC 09-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH RECOMMENDING APPROVAL OF AMENDMENTS TO THE CITY ZONING CODE (VARIOUS SECTIONS) RELATED TO TEMPORARY USE PERMITS TO ALLOW EXTENDED NEW YEAR HOLIDAY HOURS FOR COMMERCIAL BUSINESSES

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The Planning Commission of the City of Manhattan Beach hereby makes the following findings:

- A. 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. They requested that some holidays be treated as weekends when they occur during the week. The City Council requested that staff review and report back.
- B. On July 7, 2009 the City Council reviewed the proposal for a more comprehensive approach and felt that a Citywide increase in hours for New Years Eve would be appropriate as this one holiday per year is widely recognized and celebrated. The City Council introduced Ordinance No. 2126 to extend business hours for New Years Eve only. The amendment allows all restaurants, bars, hotels and facilities within hotels to stay open to the hours allowed on Saturday if New Years Eve occurs midweek.
- C. On August 4, 2009 the Council adopted Ordinance No. 2126. 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 AM on New Years, and return to the Council with a recommendation. For other holidays they indicated that businesses should request Use Permit Amendments.
- D. On September 9, 2009 the Planning Commission held a public hearing and discussed allowing extended hours on New Years Eve and the Sundays before Memorial Day and Labor Day. The Commission did not support extended hours on Memorial and Labor Day, but requested that staff bring back additional information for consideration for New Years. The public hearing was continued to October 14th.
- E. On October 14, 2009 the public hearing was continued to October 28, 2009.
- F. On October 28, 2009 the Planning Commission conducted a public hearing and adopted Resolution No. 09-09, recommending to the City Council approval of extended hours for New Years Eve, to allow businesses to remain open until 1:00 am, with approval of an administrative Temporary Use Permit. The Commission also requested that the City Council consider a reduced fee of \$100 for the application.
- G. The public hearings were advertised pursuant to applicable law, and testimony was invited and received at all public hearings. Public noticing included an ad published on August 27, 2009 in a newspaper of general circulation (Beach Reporter).

- H. The applicant for the subject project is the City of Manhattan Beach.
- I. 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 possibility that the activity will have a significant effect on the environment, the activity is not subject to CEQA.
- J. 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.
- K. The Planning Commission 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.
- L. The Planning Commission made the following findings with regard to the proposed changes:
 - 1. The proposed amendments are consistent with the City of Manhattan Beach General Plan including the following Goals and Policies.

Goal LU-5: Protect residential neighborhoods from the intrusion of inappropriate and incompatible uses.

Policy LU-5.1: Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, or other techniques.

Policy LU-5.7: Recognize the unique qualities of mixed-use areas and balance the needs of both the residential and commercial uses. (This Policy is also included throughout the Land Use Element in all of the Commercial sections)

Goal LU-6: Maintain the viability of the commercial areas of Manhattan Beach.

Policy LU-6.1: Support and encourage small businesses throughout the City.

Policy LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

Goal LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.

Policy LU-7.1: Encourage the upgrading and growth of businesses in the Downtown area to serve as a center for the community and to meet the needs of local residents and visitors.

Goal LU-8: Maintain Sepulveda Boulevard, Rosecrans Avenue, and the commercial areas of Manhattan Village as regional-serving commercial districts.

Policy LU-8.1: Ensure that applicable zoning regulations allow for commercial uses that serve a broad market area, including visitor-serving uses.

Policy LU-8.2: Support the remodeling and upgrading needs of businesses as appropriate within these regional serving commercial districts.

Goal LU-9: Preserve the low-intensity, pedestrian-oriented character of commercial areas in the North End and El Porto.

Policy LU-9.1: Provide zoning regulations that encourage neighborhood-oriented businesses within these areas.

Goal N-2: Incorporate noise considerations into land use planning decisions.

Policy N-2.2: Ensure acceptable noise levels near residences, schools, medical facilities, and other noise-sensitive areas.

Policy N-2.5: Require that the potential for noise be considered when approving new development to reduce the possibility of adverse effects related to noise generated by new development, as well as impacts from surrounding noise generators on the new development.

Goal N-3: Minimize the impact of non-transportation noise sources.

Policy N-3.4: Recognize in the Noise Ordinance that nighttime noise levels create a greater sensitivity than do daytime noise levels.

SECTION 2. NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Manhattan Beach hereby recommends **APPROVAL** of the proposed amendments to the Manhattan Beach Municipal Code (Sections 10.08.080, 10.16.020, 10.32.020 and 10.84.110) related to Temporary Use Permits as follows:

SECTION 3. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.08.080 Temporary use classifications of the Manhattan Beach Municipal Code by adding Section 10.08.080 I. as follows:

10.08.080 Temporary use classifications.

I. **New Years Eve-** Extension of hours of operation for all Restaurants, Bars, Hotels, Facilities within Hotels, and similar commercial businesses to remain open until 1:00 AM on New Years.

SECTION 4. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.16.020 (CL, CC, CG, CD, CNE districts: land use regulations) of the Manhattan Beach Municipal Code by adding to Section 10.16.020 as follows:

10.16.020 CL, CC, CG, CD, CNE districts: land use regulations.

	CL	CC	CG	CD	CNE	ADDITIONAL REGULATIONS
Temporary Uses						(G)
New Years Eve	U	U	U	U	U	

SECTION 5. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.32.020 Land use regulations of Chapter 10.32 PD Planned Development District of the Manhattan Beach Municipal Code by adding Section 10.32.020 C. as follows:

10.32.020 Land use regulations.

C. Temporary Uses. Businesses may apply for a Temporary Use Permit to request approval for temporary uses as defined in Section 10.08.080, in accordance with the provisions in Section 10.84.110.

SECTION 6. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Section 10.84.110 Temporary use permits of the Manhattan Beach Municipal Code by modifying Section 10.84.110 E. Effective Date-Duration-Appeals. Exceptions as follows:

E. Effective Date--Duration--Appeals. An approved temporary use permit shall be effective on the date specified in its approval; a disapproved permit may be appealed by the applicant, as provided in Chapter 10.100 of this title. The permit shall be valid for a specified time period not to exceed thirty (30) days. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Community Development Director effective immediately upon verbal or written notice for violation of the terms of the permit. Verbal notice shall be confirmed by written notice mailed to the permit holder within a reasonable time. The Community Development Director may approve changes in a temporary use permit.

Exceptions:

1. A Christmas tree/pumpkin sales temporary use permit may exceed thirty (30) days but shall be valid only during the time period in which the activity is taking place.
2. New Years Eve hours of operation extensions shall only be valid until 1:00 am for the one time/day requested. The applicant may apply annually for a temporary use permit to request extended New Years hours.

SECTION 7. A staff review of the proposed amendments is hereby directed to occur approximately twelve (12) months after the effective date of the City Council approved Ordinance.

SECTION 8. Pursuant to Government Code Section 66499.37, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution.

SECTION 9. If any sentence, clause, or phrase of this resolution is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this resolution. The Planning Commission hereby declares that it would have passed this resolution and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 10. 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 resolution, and no further, are hereby repealed.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of October 28, 2009 and that said Resolution was adopted by the following vote:

**AYES: PARALUSZ, LESSER, FASOLA,
ANDREANI, CHAIRPERSON
SEVILLE-JONES**

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

Richard Thompson
Secretary to the Planning Commission

Sarah Boeschen
Recording Secretary

**CITY OF MANHATTAN BEACH
PLANNING COMMISSION
MINUTES OF REGULAR MEETING
OCTOBER 28, 2009
EXCERPTS**

The Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 28th day of October, 2009, at the hour of 6:35 p.m., in the City Council Chambers of City Hall, at 1400 Highland Avenue, in said City.

A. ROLL CALL

Present: Andreani, Fasola, Lesser, Paralusz, Chairperson Seville-Jones
Absent: None
Staff Present: Richard Thompson, Director Community Development
Laurie Jester, Planning Manager
Recording Secretary: Sarah Boeschen

10/28/09-3 Consideration of Code Amendments to Allow All Restaurants, Bars, Hotels, Facilities Within Hotels, and Similar Commercial Businesses to Remain Open Until 1:00 a.m. on New Years

Planning Manager Jester summarized the staff report. She said that the Downtown Business and Professional Association originally submitted a request to the City Council to extend hours for businesses on specific holidays. She indicated that the Council did amend the Code to allow business to remain open to their permitted weekend hours on New Years Eve when it falls during the week. She indicated that the Commission at the last hearing indicated that they would not support allowing extended hours for other holidays but did feel that it may be appropriate for New Years Eve. She stated that the Commission requested further information regarding support in the community for businesses remaining open on New Years Eve and regarding the ordinances of other neighboring cities. She said that the Chamber of Commerce and Downtown Business Association have indicated that they would like for businesses in the City to have more flexibility for extended hours on New Years Eve. She indicated that no neighboring cities have specific ordinances to allow extended hours, although some cities include conditions on their Use Permits to allow extended hours on New Years Eve or other holidays. She said that other cities do enforce the conditions of the Use Permits and ABC (Alcoholic Beverage Control) regulations for New Years Eve and holidays. She said that several cities indicated that enforcement on New Years Eve has never been an issue, but that they will follow up if there is a complaint.

Planning Manager Jester commented that the Police Department expressed a concern that extending the hours could be a violation of ABC regulations. She indicated that the smallest shift for the Police Department is late at night. She indicated that the Police Department also expressed a concern regarding the possibility for increased criminal activity and that there would not be a sufficient number of taxis to meet the demand of patrons leaving the bars. She indicated that Police also has a concern that businesses may feel they are not being treated fairly under an administrative approval process. She said that one possible option is to provide for Temporary Use Permits to allow an extension of hours for New Years Eve, which would be an administrative approval with no notification. She commented that Temporary Use Permits are typically issued for such uses as circuses, carnivals, and Christmas tree lots. She said that there is an application fee, process, findings, and conditions. She said that such permits are reviewed by other City departments for their input. She indicated that the decision of the Community Development Director for Temporary Use Permits is appealable to the

Commission. She said that the permit is an annual permit with a fee of \$450.00. She indicated that another option is to provide for a Use Permit process. She indicated that a Use Permit has similar findings and conditions as a Temporary Use Permit but would require noticing and a hearing before the Commission. She said that the decision of the Commission is forwarded to the Council for their final decision. She commented that the Use Permit is transferred with the property and applies to any future businesses on the site.

Chairperson Seville-Jones commented that she would be concerned that allowing an administrative approval for extended hours on New Years Eve would result in businesses requesting amendments to their Use Permits for other events.

Planning Manager Jester said that allowing a Temporary Use Permit process would be a very specific Code amendment that would apply only for New Years Eve. She said that any other requests to allow for Temporary Use Permits for other events would have to come before the Commission and City Council as an amendment to the Code.

In response to a question from Chairperson Seville-Jones, Planning Manager Jester said that a fee study could be done to determine whether a lower fee would be appropriate specifically for a Temporary Use Permit to allow extended hours on New Years Eve. She pointed out that the fee is intended only to cover staff time and costs.

Lieutenant Dye said that business operators and the public expect businesses to stay open until 1:00 a.m. on New Years Eve. He said that currently the Police Department must enforce the regular operating hours for businesses on New Years Eve if a complaint is received from a resident.

In response to a question from Commissioner Lesser, Lieutenant Dye stated that there currently is not a problem with enforcement on New Years Eve. He indicated that if a complaint is received, however, the Police Department is required to enforce the established hours of operation for the business.

Director Thompson pointed out that it is not an issue of enforcement but rather that restaurants and bars are interested in being permitted to have extended hours without being in violation. He commented that there was a complaint received last New Years Eve, which is the reason the request was made. He said that the complaint was not based on a disturbance but rather because the New Years Eve event was advertised as extending beyond the permitted hours for the establishment.

Chairperson Seville-Jones opened the public hearing.

Mr. Zislis, representing the Downtown Business Association, said that many businesses do stay open until after midnight on New Years Eve, and there are several people who will make it a point to call the police to shut down a New Years Eve event after 11:00 p.m. or midnight. He said that when New Years Eve falls in the middle of the week, it must be enforced as a regular week night rather than as a weekend. He commented that he would not want for an additional fee to be imposed on businesses. He stated that there are many restaurants that are currently only permitted to operate until 11:00 p.m. that would wish to have a New Years Eve event. He said that restaurants that are in good standing with the ABC and that have no violations want to legally be permitted to stay open past midnight on New Years Eve. He said that they would like for the Commission to allow New Years Eve to be a special celebrated event in the City as it is around the world.

In response to a question from Commissioner Lesser, **Mr. Zislis** commented that many businesses would not make enough revenue from the extended operating hours to cover a fee of \$450.00, although he would support a Temporary Use Permit for a fee of \$100.00. He said that any business that was in violation could be denied a permit.

Mary Ann Varni, representing the Downtown Business Association, stated that they submitted the proposal in order to request that the City acknowledge certain holidays as weekends. She said that the request was modified by the Commission to only include New Years Eve, which is a logical holiday to allow extended operating hours. She commented that New Years Eve is a holiday that is celebrated all over the world. She stated that the operators of several businesses that are in support of the request were not able to attend the meeting. She commented that given the nature of the holiday, people celebrate New Years Eve until past midnight regardless of whether it falls on a weekend or during the week. She said that the intent is to allow people to stay in local restaurants and not be asked to leave at midnight.

Chris Bredeesen, the operator of Memphis at the Beach, indicated that they do not want to have to tell their customers they have to leave their restaurant exactly at midnight just as it is time to make the toast for New Years. He said that any additional hour where they have the opportunity to generate revenue would help their business. He commented that there has never been an issue regarding noise from their establishment. He stated that a \$450 fee for a Temporary Use Permit would not be feasible for them, and a fee of \$100.00 would be much more reasonable.

Planning Manager Jester pointed out that the fees are designed to cover staff time.

Kevin Berry, Vice President of the Downtown Business Association, stated that the request is not to allow an outdoor public event but rather to allow a handful of establishments to remain open past midnight on New Years Eve. He commented that he is also speaking for his business partner Ken Stickney.

Don McPherson said that he supports the request to allow businesses to have additional operating hours for New Years Eve with a Temporary Use Permit rather than with a permanent change to Use Permits. He commented that there would not be very many establishments that would request a Temporary Use Permit for New Years Eve, and the process could be made very efficient. He said that he does not feel there should be a fee for granting such a permit, but he would support bringing the fee down to \$100.00.

Tony Duriko, the operator of Bella Beach, indicated that it is important for residents to be able to visit local bars and restaurants on New Years Eve rather than having to go to other cities. He said that he understands that the fees cover the City's administrative costs; however, the process could be streamlined. He pointed out that when New Years Eve falls on a Friday or Saturday, there would not be an issue with allowing Temporary Use Permits for businesses that currently are permitted to remain open until 1:00 a.m. on weekends.

Chris Makurdoriko, a Manhattan Beach resident, said that there are currently only a limited number of places that are open on New Years Eve, and people are forced into only a few establishments. She indicated that extending the hours for responsible businesses would mean a great deal to the owners and patrons.

Chairperson Seville-Jones closed the public hearing.

Discussion

In response to a question from Chairperson Seville-Jones, Director Thompson said that the issue of fees is the purview of the City Council. He stated that the Council is conducting a fee study to ensure that the appropriate fees are being charged for permits. He indicated that a Temporary Use Permit for extended hours on New Years Eve could possibly be considered as a permit that should have a lower fee.

Commissioner Fasola said that he is glad to hear testimony in support of the proposal, as there was no public input at the last hearing. He pointed out that businesses are currently able to remain open until their weekend hours on New Years Eve when it falls during the week, which was just granted this year. He commented that there is not a lack of restaurants that remain open late in the City on weekends. He stated that it is not unreasonable to ask businesses to pay \$450 for a Temporary Use Permit, and it would be up to the discretion of the individual establishment to determine if it is worth the additional cost. He commented that he would support allowing a Temporary Use Permit process for additional operating hours on New Year Eve and would suggest that staff determine the appropriate fee.

Commissioner Paralusz said that she would also support allowing a Temporary Use Permit process for additional operating hours on New Year Eve. She recommended that the fee for a Temporary Use Permit for extended hours on New Years Eve be reduced.

Commissioner Lesser said that he is in support of a Temporary Use Permit process to allow extended hours on New Years Eve and would also support a reduction in the fee for such a permit. He indicated that he would support a Temporary Use Permit process rather than a blanket approval of extended hours, as the Police Department has expressed concerns that there can be difficulties with enforcement; that a single closing time could result in a large number people being on the street at one time; that too high of a demand could be placed on taxi service which could result in more people driving their own vehicles after leaving the bars; and that extending the hours may violate the regulations of the ABC. He also pointed out that the permits would be reviewed annually.

Commissioner Andreani stated that she is reluctant to support extending operating hours; however, thoughtful consideration has been given to allowing extended hours for New Years Eve in particular. She commented that extending hours on New Years Eve should be done through a Temporary Use Permit process. She indicated that she does not feel that a \$450.00 fee for such a Temporary Use Permit would be excessive, as there is considerable staff time that is involved. She said that she would support the proposal with allowing extended hours on New Years Eve through a Temporary Use Permit process.

Chairperson Seville-Jones said that she would reluctantly support the proposal. She indicated that business owners would have to actively apply for a Temporary Use Permit, and it would be reviewed on an annual basis. She said that the City should be sensitive to any concerns of residents that are raised regarding extended hours on New Years Eve. She indicated that she does recognize that New Years Eve is one night of the year when people do celebrate, and it would be nice for residents to be able to spend it at local establishments. She also pointed out that only a small number of businesses are likely to apply.

A motion was MADE and SECONDED (Seville-Jones/Paralusz) to **APPROVE** an Amendment to Section 10.84.110 of Chapter 10.84 of the Municipal Code to allow Temporary Use Permits to be issued with respect to New Years Eve for restaurants, bars, hotels, facilities within hotels, and similar commercial businesses to remain open until 1:00 a.m. and that consideration be given to reducing the fees for granting such Temporary Use Permits.

AYES: Andreani, Fasola, Lesser, Paralusz, Chairperson Seville-Jones

NOES: None
ABSTAIN: None

Director Thompson stated that the item will be scheduled for a public hearing before the City Council in the near future.

E. DIRECTORS ITEMS

F. PLANNING COMMISSION ITEMS

G. TENTATIVE AGENDA November 12, 2009

1. 113 and 119 South Poinsettia Avenue- Variance
2. 500 South Sepulveda Boulevard- Parking Reduction

H. ADJOURNMENT

The meeting was adjourned at 12:00 a.m. to Thursday, November 12, 2009, in the City Council Chambers, City Hall, 1400 Highland Avenue

SARAH BOESCHEN
Recording Secretary

ATTEST:

RICHARD THOMPSON
Community Development Director

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Laurie B. Jester, Planning Manager

DATE: October 28, 2009

SUBJECT: Consideration of Code Amendments to Allow All Restaurants, Bars, Hotels, Facilities Within Hotels, and Similar Commercial Businesses to Remain Open Until 1:00 AM on New Years

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT THE CONTINUED PUBLIC HEARING**, and **PROVIDE DIRECTION TO STAFF**.

BACKGROUND

This request was brought before the Planning Commission based on direction from the City Council. The Council had received a request for extended holiday hours from the Downtown Business and Professional Association (DBPA). In August the Council amended the Code to allow businesses to stay open to the hours allowed on Saturday if New Years Eve occurs midweek.

On September 9, 2009 the Planning Commission held a public hearing and discussed the proposed Code Amendments. That staff report has the complete background and project description. At that hearing the proposal also included allowing extended hours on the Sundays before Memorial Day and Labor Day. The consensus of the Commission was that there was not support to consider extended hours on those days, but staff should bring back additional information for consideration for New Years. The Commission specifically requested that staff look into the following:

1. Provide input from the DBPA and the Chamber of Commerce, and the businesses that would be impacted by the proposal
2. Provide information on what neighboring jurisdiction are doing
3. Provide more input from the Police Department
4. Provide General Plan goals and policies
5. Explore an administrative approval process for individual requests for extended hours

The Planning Commission continued the item to October 14th and at that time Staff reported that we were still in the process of preparing the requested information and the item was continued to tonight's meeting.

DISCUSSION

Downtown Business and Professional Association (DBPA) and the Chamber of Commerce

Staff contacted the DBPA and the Chamber of Commerce, and asked for their input and input from their members and the businesses that would be impacted by the proposal. Both groups indicated that they were supportive of regulations that would allow some flexibility for longer hours for businesses on New Years. Attached are letters from the groups indicating their support.(Exhibit A)

Neighboring Jurisdictions

Staff contacted a number of neighboring jurisdictions to find out if they extend New Years Eve hours, if they are more lenient with enforcement during that time, or any other relevant regulations that they may have. Staff contacted the Cities of Hermosa Beach, Redondo Beach, El Segundo, Culver City, Santa Monica and Pasadena. None of these Cities have blanket ordinances that allow extended hours on New Years. Some cities will put conditions in the Use Permit that will allow extended hours on New Years and/or other holidays. All of the jurisdictions indicated that they enforce closing hours as stated in the Use Permit and the State Department of Alcoholic Beverage Control (ABC) alcohol license. A number added that it has never really been an issue and they do not proactively enforce, they follow up if there is a complaint that is received.

Police Input

Staff has had several discussions with the Police Department about this proposal. Police are concerned with a number of issues related to extending New Years Eve hours. First the extension could be in violation of the ABC license, and sometimes the ABC license may have additional conditions or more restrictive hours than the City's Use Permit approval. The ABC will not extend hours of service allowed by their license on special dates such as New Years. A request was once made by one of the local bars that is required to close at midnight midweek to allow an extension to 1:00 am on a New Years that fell midweek, and the Police indicated that it was quickly denied by the ABC. The owner decided to not open at all that evening instead of closing at midnight and having unhappy customers.

The Police Department reviewed their call for service logs for disturbances for the past 15 months for businesses with alcohol licenses. Nineteen businesses had disturbance calls and seven businesses had ABC violations. Of the 19 businesses only 4 are businesses that are required by their Use Permits to close before 1:00 AM. Thirteen of the 19 are allowed to stay open until 2 AM. Seventeen of the 19 businesses are Downtown, one is on Sepulveda and one is on the North End.

The Police Department also indicated that having all the bars close at the same time would place a demand on the limited franchised cab companies. They are concerned that could lead to drunk driving if cabs are not available. They also are concerned that this would leave a lot of people on the street, they could be involved in criminal activity, cause noise disturbances, and become victimized. Not only are the Police concerned with limited cab availability but at 1:00 am the Police have the graveyard crew working which is their smallest shift.

Planning staff also discussed the possibility of an administrative process for approval of extended hours with the Police Department. They indicated that a fee would need to be assessed

for the application to cover staff costs for processing the request, as well as follow-up on the enforcement of the approval. They indicated that there may be false expectations that all applications would be approved, and if denied applicants would feel that they were not treated fairly. The Police Department indicated that they would like specific criteria for any approval process. For each individual application they would like to consider proximity to residential uses, number of historical calls for service, ABC violations, and whether the establishment allowed dancing or entertainment, or had any outdoor areas.

General Plan Goals and Policies

The following are the General Plan Goals and Policies that staff believes are applicable to the proposal.

Land Use Element

Under the heading “Protecting Residential Neighborhoods” are the following goals and policies:

Goal LU-5: Protect residential neighborhoods from the intrusion of inappropriate and incompatible uses.

Policy LU-5.1: Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, or other techniques.

Policy LU-5.7: Recognize the unique qualities of mixed-use areas and balance the needs of both the residential and commercial uses. (This Policy is also included throughout the Land Use Element in all of the Commercial sections)

Under the heading “Vibrant and diverse commercial areas” are the following goals and policies:

Goal LU-6: Maintain the viability of the commercial areas of Manhattan Beach.

Policy LU-6.1: Support and encourage small businesses throughout the City.

Policy LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

Under the heading “A Vibrant Downtown” is the following goals:

Goal LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.

Policy LU-7.1: Encourage the upgrading and growth of businesses in the Downtown area to serve as a center for the community and to meet the needs of local residents and visitors.

Under the heading “Regional-serving commercial Districts” are the following goals and policies:

Goal LU-8: Maintain Sepulveda Boulevard, Rosecrans Avenue, and the commercial areas of Manhattan Village as regional-serving commercial districts.

Policy LU-8.1: Ensure that applicable zoning regulations allow for commercial uses that serve a broad market area, including visitor-serving uses.

Policy LU-8.2: Support the remodeling and upgrading needs of businesses as appropriate within these regional serving commercial districts.

Under the heading “North End/El Porto” are the following goals and policies:

Goal LU-9: Preserve the low-intensity, pedestrian-oriented character of commercial areas in the North End and El Porto.

Policy LU-9.1: Provide zoning regulations that encourage neighborhood-oriented businesses within these areas.

Community Safety Element

Under the heading “Police Services” is the following goal:

Goal CS-4: Maintain a high level of police protection services.

Noise Element

Goal N-2: Incorporate noise considerations into land use planning decisions.

Policy N-2.2: Ensure acceptable noise levels near residences, schools, medical facilities, and other noise-sensitive areas.

Policy N-2.5: Require that the potential for noise be considered when approving new development to reduce the possibility of adverse effects related to noise generated by new development, as well as impacts from surrounding noise generators on the new development.

Goal N-3: Minimize the impact of non-transportation noise sources.

Policy N-3.4: Recognize in the Noise Ordinance that nighttime noise levels create a greater sensitivity than do daytime noise levels.

Administrative Process- Temporary Use Permit

Section 10.84.110 of Chapter 10.84, entitled Use Permits, Variances and Minor Exception establishes, the Temporary Use Permit process. The application is currently used for temporary events such as circuses, carnivals, and Christmas tree and pumpkin lots. . Staff believes that this process could be modified to allow businesses to request extension of hours on New Years Eve. This process has all of the criteria for the Director to review an application and make an administrative decision. The section has an established application, fee, process, findings and conditions. No public notice or hearing is required. Decisions on Temporary Use Permits are made by the Director of Community Development. Applications are routed to other Departments, such as Fire, Building,

Police, and Traffic, as necessary based on the specific request. Specific findings must be met in order to approve an application, that the use is consistent with the General Plan and that it will not be detrimental to the public health, safety, and welfare. Conditions may be placed on the application to ensure compatibility with the existing uses in the surrounding area. The Directors decision may be appealed to the Planning Commission. The fee for a Temporary Use Permit is \$450, and it is an annual application that is valid for a maximum of 30 days. The application take a few weeks to process.

Discretionary Process- Use Permit

Chapter 10.84, entitled Use Permits, Variances and Minor Exception also establishes, the Use Permit process. The application is currently used for a wide variety of uses that are not permitted by right in a zone as there may be unusual site development features or operational characteristics that require special consideration so that the use is compatible with the surrounding area. A Use Permit requires a noticed public hearing before the Planning Commission. Notices are mailed to all owners within a 500' radius of the property requesting the Use Permit and the notice is published in the paper. All parties have a opportunity to voice concerns prior to or at the Planning Commission public hearing.

Use Permits have an established application, fee, process, findings and conditions. Decisions are made by the Planning Commission and the Planning Commission decision is then forwarded to the City Council as a receive and file item. Applications are routed to other Departments, such as Fire, Building, Police, Public Works and Traffic, as necessary based on the specific request. Specific findings must be met in order to approve an application, that the use is consistent with the purpose of the zoning district in which it is located, is consistent with the General Plan, that it will not be detrimental to the public health, safety, and welfare, and will not adversely impact nearby properties. Conditions may be placed on the application to ensure compatibility with the existing uses in the surrounding area and ensure that the required findings are met. The Planning Commission decision may be appealed to the City Council.

The fee for a Use Permit is \$5,200, although most businesses already have Use Permits so the amendment fee would be \$4,730. A Use Permit is a one time application that runs with the land so once it is approved it passes on to future owners and operator of an establishment, as long as the use is consistent with the Use Permit approval. The application take three to four months to process.

CONCLUSION:

Staff requests that the Commission conduct the continued public hearing and provide direction to prepare a Resolution recommending approval of Code Amendments to the City Council to allow businesses to close at 1:00 AM with approval of either:

- 1- A Temporary Use Permit, OR
- 2- A Use Permit

After discussions with the DBPA, the Chamber of Commerce and the Police Department, it is anticipated that staff will receive less than a dozen requests per year.

ATTACHMENTS:

- Exhibit A: Letters from DBPA, Chamber of Commerce, and members
- Exhibit B: Chapter 10.84- Use Permits, Variances and Minor Exception- (Excluding Section 10.84.120- Minor Exceptions)
- Exhibit C: Map of Eating and Drinking Establishments and Hours of Operation- Citywide
- Exhibit D: Summary Chart of Eating and Drinking Establishments Saturday Closing Hours- Citywide
- Exhibit E: Detail Chart of Eating and Drinking Establishments – Citywide
- Exhibit F: Chart of Saturday Closing Hours- Citywide

Laurie B. Jester

From: Mary Ann Varni [maryann@downtownmanhattanbeach.com]
Sent: Tuesday, October 20, 2009 3:31 PM
To: Laurie B. Jester
Subject: FW: New Years Extended hours- PC 10-28-09



October 20, 2009

City of Manhattan Beach Planning Commission

Sandra Seville-Jones
Martha Andreani
Jim Fasola
Kathleen Paralusz
David Lesser

Dear Commission Board:

The Downtown Manhattan Beach Business Association held their monthly board meeting a couple of weeks ago. After discussing the request put in by the DPBA to extend New Years Eve hours to 1am every year in Manhattan Beach, the Board of Directors made an overwhelming motion to support the extra hour.

New Years Eve is a Holiday of new beginnings, resolutions, and most importantly a time that most gather with family & friends. Given the small community in which we live and how easy it is to get around our City, by foot or otherwise, the request to allow people to sit a little longer after the ball drops and the clock strikes midnight adds to the small town charm we all enjoy in Manhattan Beach.

It would be more pleasant for our customers to know they can stay, and not be asked to leave at midnight due to a curfew on New Year's Eve.

We ask you as a Board that represents a small association to please consider extending the hours in Manhattan Beach Restaurants on New Year's Eve, each year, to 1am.

Thank you.

Cheers,



pg. 1 of 6

10/20/2009

Mary Ann Varni
Executive Director/
Downtown Manhattan Beach
Business & Professional Association
1104 Highland Avenue, Suite N
P.O. Box 3298
Manhattan Beach, CA 90266
310-379-9901
(fax) 310-372-0767
www.downtownmanhattanbeach.com

cc: Richard Thompson

From: Laurie B. Jester [mailto:ljester@citymb.info]
Sent: Monday, October 19, 2009 5:15 PM
To: Helen Duncan; Mary Ann Varni
Subject: New Years Extended hours- PC 10-28-09

Just a reminder- I am finalizing my staff report tomorrow so any input, letters, e-mails, attachments etc. would be appreciated!
Thanks Laurie

Laurie B. Jester
Planning Manager
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

Ljester@citymb.info
Phone: 310-802-5510
Fax: 310-802-5501

EXHIBIT A
PC 117. 10/28/09
Pg. 2 of 6

October 20, 2009

City of Manhattan Beach Planning Commission

Sandra Seville-Jones
Martha Andreani
Jim Fasol
Kathleen Paralusz
David Lesser

Dear Commission Board:

The Manhattan Beach Chamber of Commerce takes this opportunity to support the DPBA to extend New Years Eve hours to 1 a.m. every year in Manhattan Beach.

New Years Eve is a special holiday that celebrates new beginnings. We feel that it is a burden on the Manhattan Beach restaurants to be forced to close prior to midnight. We ask that the customers to rush out prior to the ball dropping. We don't want our tax dollars going to our neighboring cities because of this restriction.

We ask you as a Board to represent the local restaurants. I thank you in advance.

Sincerely,



Helen Duncan
President/CEO

EXHIBIT A
PC Mtg. 10/28/09
Pg. 3 of 6

Laurie B. Jester

From: surfkb2002@aol.com
Sent: Tuesday, October 20, 2009 12:05 PM
To: Laurie B. Jester
Cc: maryann@downtownmanhattanbeach.com
Subject: Fwd: New Years Extended hours- PC 10-28-09
Follow Up Flag: Follow up
Flag Status: Red

our customers will have a reasonable expectation that they will be able to ring in the New Year with a song, a glass of champagne and a kiss---to not be able to accomodate them by being open an hour later would just be inconsistent with everything that Manhattan Beach is supposed to stand for.....which is good clean wholesome fun.....

thanks,

ken stickney

Memphis at the Beach

From: Mary Ann Varni <maryann@downtownmanhattanbeach.com>
 To: 'Becker's Bakery' <tbecker55@adelphia.net>; 'Bob Beverly' <bobbeverly@earthlink.net>; 'Cafe Pierre' <guy@cafepierre.com>; 'Chakra' <emilytj@gmail.com>; 'Cold Stone' <dwight.oh@verizon.net>; 'Darren's' <chef_darren@hotmail.com>; 'Ebizo's' <nkenta@cox.net>; 'El Sombrero' <aregano@earthlink.net>; 'fdklutka@yahoo.com'; 'Fonz's' <dannyboehle@hotmail.com>; 'Fonz's' <walter_tomlinson35@hotmail.com>; 'Hennesey's' <hennesseysmb@adelphia.net>; 'Hennessey's' <brianbeckman@dslxtreme.com>; 'Julie Hantzarides' <oldveniceonline@yahoo.com>; 'Le Pain' <lpenq@pqus.com>; 'Le Pain' <jmoran@pqus.com>; 'Mama D's' <froglover1997@yahoo.com>; 'Manhattan Beach Creamery' <michael_kornbluth@yahoo.com>; 'Mary Ann Varni' <maryann@downtownmanhattanbeach.com>; 'Memphis' <surfkb2002@aol.com>; 'Michael Choy' <mchoy@peets.com>; 'Mike Simms' <mike@simmzys.com>; 'Mike Zislis' <zislis@shadehotel.com>; 'Mr. Cecils California Ribs' <mrcecil.jonathan@yahoo.com>; 'Petros Benekos' <info@petrosrestaurant.com>; 'Pomodoro' <manhattanbeach@pastap.com>; 'Sashi Sushi & Sake Lounge' <info@sashimb.com>; 'Sashi Sushi & Saki Lounge' <greg@sashimb.com>; 'Sharks Cove' <melindamc5@aol.com>; 'Shellback' <shellbacktavern@earthlink.net>; 'Subway' <waltcarlos@earthlink.net>; 'Sun & Moon' <info@sunandmooncafe.com>; 'Talias' <flyfishron@aol.com>; 'The Kettle' <byronskee@aol.com>; 'Uncle Bills Pancake House' <unclebillspancakehouse@cox.net>; 'Wahoo's (tonyrusso@wahoos.com)' <tony.russo@wahoos.com>
 Sent: Tue, Oct 20, 2009 11:14 am
 Subject: FW: New Years Extended hours- PC 10-28-09

Restaurants owners,

See below and write your letter as well as attend the meeting.

Mary Ann Varni
 Executive Director/
 Downtown Manhattan Beach
 Business & Professional Association
 1104 Highland Avenue, Suite N
 P.O. Box 3298
 Manhattan Beach, CA 90266
 310-379-9901
 (fax) 310-372-0767
www.downtownmanhattanbeach.com

EXHIBIT A
 PC Mtg. 10/28/09

Pg. 4 of 6

From: Laurie B. Jester [<mailto:ljester@citymb.info>]
Sent: Monday, October 19, 2009 5:15 PM
To: Helen Duncan; Mary Ann Varni
Subject: New Years Extended hours- PC 10-28-09

Just a reminder- I am finalizing my staff report tomorrow so any input, letters, e-mails, attachments etc. would be appreciated!
Thanks Laurie

Laurie B. Jester
Planning Manager
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

ljester@citymb.info
Phone: 310-802-5510
Fax: 310-802-5501

EXHIBIT A
PC Mtg. 10/28/09

M. SOPG

Laurie B. Jester

From: surfkb2002@aol.com
Sent: Thursday, October 22, 2009 9:37 AM
To: Laurie B. Jester
Subject: Fwd: New Years Extended hours- PC 10-28-09

The restaurant industry has been hit hard this past year.
The simple truth is that every hour counts for us to make money (especially on Holidays and Weekends).
We need this to survive till summer,
Chris Bredesen
Memphis at the Beach

Restaurants owners,

See below and write your letter as well as attend the meeting.

Mary Ann Varni
Executive Director/
Downtown Manhattan Beach
Business & Professional Association
1104 Highland Avenue, Suite N
P.O. Box 3298
Manhattan Beach, CA 90266
310-379-9901
(fax) 310-372-0767
www.downtownmanhattanbeach.com

From: Laurie B. Jester [<mailto:ljester@citymb.info>]
Sent: Monday, October 19, 2009 5:15 PM
To: Helen Duncan; Mary Ann Varni
Subject: New Years Extended hours- PC 10-28-09

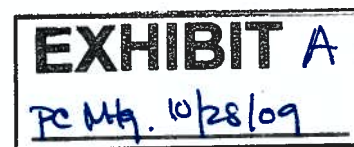
Just a reminder- I am finalizing my staff report tomorrow so any input, letters, e-mails, attachments etc.
would be appreciated!
Thanks Laurie

Laurie B. Jester
Planning Manager
City of Manhattan Beach
1400 Highland Avenue
Manhattan Beach, CA 90266

Ljester@citymb.info
Phone: 310-802-5510
Fax: 310-802-5501

--
Christopher Bredesen

Cell: (310) 292 4395
Christopher.Bredesen@gmail.com



Chapter 10.84 USE PERMITS, VARIANCES AND MINOR EXCEPTIONS

Sections:

[10.84.010 Purposes.](#)

[10.84.020 Authority of Planning Commission.](#)

[10.84.030 Initiation.](#)

[10.84.040 Notice and public hearing.](#)

[10.84.050 Duties of Planning Commission.](#)

[10.84.060 Required findings.](#)

[10.84.070 Conditions of approval.](#)

[10.84.080 Effective date--Appeals.](#)

[10.84.090 Lapse of approval--Transferability--Discontinuance--Revocation.](#)

[10.84.100 Changed plans--New application.](#)

[10.84.105 Master use permits.](#)

[10.84.110 Temporary use permits.](#)

[10.84.120 Minor exceptions.](#)

10.84.010 Purposes.

This chapter provides the flexibility in application of land-use and development regulations necessary to achieve the purposes of the ordinance codified in this title by establishing procedures for approval, conditional approval, or disapproval of applications for use permits, variances and minor exceptions.

Use permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area.

Variations are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

Variations may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards.

Authorization to grant variations does not extend to use regulations because sufficient flexibility is provided by the use permit process for specified uses and by the authority of the Planning Commission to determine whether a specific use belongs within one (1) or more of the use classifications listed in Chapter 10.08. Further, Chapter 10.96 provides procedures for amendments to the zoning map or zoning regulations. These will ensure that any changes are consistent with the General Plan and the land use objectives of the ordinance codified in this title.

Minor exceptions are generally intended to allow certain alterations and additions to certain nonconforming pre-existing structures. Minor Exceptions are also intended to encourage home remodeling and additions to existing smaller older legal non-conforming homes. The provisions strive to balance the communities desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained

and upgraded, as well as enlarged below the maximum allowed square footage instead of being replaced with larger new homes.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1861, Amended, 12/03/92: § 3 (part), Ord. 2068, eff. February 4, 2005, and § 19, Ord. 2111, eff. March 19, 2008)

10.84.020 Authority of Planning Commission.

The Planning Commission shall approve, conditionally approve, or disapprove applications for use permits or variances.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. 1951, eff. July 4, 1996)

10.84.030 Initiation.

Applications for use permits and variances shall be initiated by submitting the following materials to the Community Development Department:

- A. A completed application form, signed by the property owner or authorized agent, accompanied by the required fee, copies of deeds, any required powers of attorney, plans and mapping documentation in the form prescribed by the Community Development Director;
- B. A vicinity map showing the location and street address of the development site;
- C. A map showing the location and street address of the property that is the subject of the amendment and of all lots of record within five hundred feet (500') of the boundaries of the property; and
- D. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within five hundred feet (500') of the boundaries of the property. This list shall be keyed to the map required by subsection (C) of this section and shall be accompanied by mailing labels.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94)

10.84.040 Notice and public hearing.

A. Public Hearing Required. The Planning Commission shall hold a public hearing on an application for a use permit or variance.

B. Notice. Upon receipt of a complete application, notice of the hearing shall be given in the following manner:

1. Mailed or Delivered Notice. At least ten (10) days prior to the hearing, notice shall be: (1) mailed to the applicant; (2) all owners of property within five hundred feet (500') of the boundaries of the site, as shown on the last equalized property tax assessment role or the records of the County Assessor, Tax Collector, or the City's contractor for such records and (3) any agency as required by Government Code Section 65091.

2. Posted Notice. Notwithstanding the requirements of Section 1.08.140 of this Code, notice shall be posted at City Hall.

3. Published Notice. Notice shall be published in a newspaper of general circulation in accordance with Section 65090 and 65091 of the California Government Code.

C. Contents of Notice. The notice of public hearing shall contain:

1. A description of the location of the development site and the purpose of the application;
2. A statement of the time, place, and purpose of the public hearing;
3. A reference to application materials on file for detailed information; and
4. A statement that any interested person or an authorized agent may appear and be heard.

D. Multiple Applications. When applications for multiple use permits or variances on a single site are filed at the same time, the Community Development Director shall schedule a combined public hearing.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 1951, eff. July 4, 1996)

10.84.050 Duties of Planning Commission.

A. Public Hearing. The Planning Commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued to a definite date and time without additional public notice.

B. Decision and Notice. After the close of the public hearing, the Planning Commission shall recommend that the City Council approve, conditionally approve, or disapprove of the application. Notice of the decision shall be mailed to the applicant and any other party requesting such notice within seven (7) days of the date of the resolution ratifying the decision.

C. Limits on Conditions of Approval. No conditions of approval of a use permit shall include use, height, bulk, density, open space, parking, loading, or sign requirements that are less restrictive than those prescribed by applicable district regulations.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; § 2, Ord. 1951, eff. July 4, 1996)

10.84.060 Required findings.

An application for a use permit or variance as it was applied for, or in modified form as required by the Commission, shall be approved if, on the basis of the application, plans, materials, and testimony submitted, the Commission finds that:

A. For All Use Permits.

1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located;
2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city;
3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located; and
4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create

demands exceeding the capacity of public services and facilities which cannot be mitigated.

B. For Variances.

1. Because of special circumstances or conditions applicable to the subject property--including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions--strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property;
2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and
3. Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district.
4. OS District Only. Granting the application is consistent with the requirements of Section 65911 of the Government Code and will not conflict with General Plan policy governing orderly growth and development and the preservation and conservation of open-space laws.

C. Mandatory Denial. Failure to make all the required findings under (A) or (B) shall require denial of the application for a use permit or variance.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; § 1, Ord. 1926, eff. June 15, 1995; § 2, Ord. 1951, eff. July 4, 1996)

10.84.070 Conditions of approval.

In approving a use permit or variance, reasonable conditions may be imposed as necessary to:

- A. Achieve the general purposes of this ordinance or the specific purposes of the zoning district in which the site is located, or to make it consistent with the General Plan;
- B. Protect the public health, safety, and general welfare; or
- C. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.
- D. Provide for periodic review of the use to determine compliance with conditions imposed, and Municipal Code requirements.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1861, Amended, 01/06/94)

10.84.080 Effective date--Appeals.

Unless appealed in accordance with Chapter 10.100, a use permit or variance shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 1951, eff. July 4, 1996)

10.84.090 Lapse of approval--Transferability--Discontinuance--Revocation.

A. Lapse of Approval. A use permit or variance shall lapse two (2) years or at an alternative time specified as a condition of approval after its date of approval unless:

1. A building permit has been issued and substantial expenditures have been made in reliance on that permit; or
2. A certificate of occupancy has been issued; or
3. The use is established; or
4. The use permit or variance is renewed.

A use permit or variance also shall lapse upon termination of a project or expiration of a building permit.

B. Transferability. The validity of a use permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor applies to the Community Development Director for a transfer which may be comprised of a business license. No notice or public hearing on a transfer shall be required.

C. Discontinuance. An implemented use permit shall lapse if the exercise of rights granted by it is discontinued for twelve (12) consecutive months provided that time for plan check, construction or reconstruction activities shall not be counted toward the twelve (12) months.

D. Revocation. A use permit or variance that is exercised in violation of a condition of approval or a provision of this title may be revoked, or modified, as provided in Section 10.104.030.

E. Renewal. A use permit or variance may be renewed by the Community Development Director for periods of time up to one (1) year without notice or public hearing, if the findings required by Section 10.84.060 remain valid. Such requests for renewal are subject to the review and approval of the original reviewing body.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91, Ord. No. 1891, Amended, 01/06/94; § 2, Ord. 1951, eff. July 4, 1996)

10.84.100 Changed plans--New application.

A. Changed Plans. A request for changes in conditions of approval of a use permit or variance, or a change to development plans that would affect a condition of approval, shall be treated as a new application.

B. New Application. If an application for a use permit or variance is disapproved, no new application for the same, or substantially the same, use permit or variance shall be filed within one (1) year of the date of denial of the initial application, unless the denial is made without prejudice.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

10.84.105 Master use permits.

A master use permit authorizing multiple uses for a project with more than five thousand (5,000) square feet of buildable floor area or more than ten thousand (10,000) feet of land area, shall be subject to the provisions applicable to use permits (Chapter 10.84 et seq.), with the following exceptions or special provisions:

A. Scope of Approval. Individual uses located in such a project shall not be subject to separate use permits, if otherwise required by the land use regulations of this Title, provided such uses are identified within the scope of development approval.

B. Uses; Parking. The master use permit shall establish a mix of uses by classification, or combinations of use classifications defined in Chapter 10.08 of this title. The mix of uses shall be the basis for a percentage distribution of building gross leasable floor area by use classification. Parking and loading requirements approved in conjunction with a master use permit shall correspond to the percentage distribution of building gross leasable floor area by use classification.

C. Subsequent Use; Tenant Changes. Subsequent changes in the tenants and/or occupants of the project shall conform to the percentage distribution of leasable square footage by use classification and corresponding parking and loading requirements of the approved master use permit.

D. Subsequent Permits. Applications to establish a new use within a multiple tenant project which has an approved master use permit shall not require either amendment to or filing of a new master use permit, provided that the new use conforms to the approved mix of uses, parking requirements, and conditions imposed on the project.

E. Nonconforming Sites--Permit Requirement. An existing multiple use or multiple tenant project which has a valid use permit and/or individual use permits for specific uses or tenants within the project shall be required to obtain a master use permit when a change is proposed which cumulatively constitutes an increase of five percent (5%) of gross leasable area or ten thousand (10,000) square feet, whichever is less.

(Ord. No. 1902, Enacted, 05/05/94)

10.84.110 Temporary use permits.

A temporary use permit authorizing certain temporary use classifications, as defined in Chapter 10.08 of this title and as listed in the land-use regulations for the base districts in which the use will be located, shall be subject to the following provisions:

A. Application and Fee. A completed application form and the required fee shall be submitted to the Community Development Director. The Community Development Director may request any other plans and materials necessary to assess the potential impacts of the proposed temporary use.

B. Duties of the Community Development Director. The Community Development Director shall approve, approve with conditions, or deny a complete application within a reasonable time. No notice or public hearing shall be required.

C. Required Findings. The application shall be approved as submitted, or in modified form, if the Community Development Director finds:

1. That the proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of this title; and
2. That approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.

D. Conditions of Approval. In approving a temporary use permit, the Community Development Director may impose reasonable conditions necessary to:

1. Achieve the general purposes of this title and the specific purposes of the zoning district in which the temporary use will be located, or to be consistent with the General Plan;
2. Protect the public health, safety, and general welfare; or

3. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.

E. Effective Date--Duration--Appeals. An approved temporary use permit shall be effective on the date specified in its approval; a disapproved permit may be appealed by the applicant, as provided in Chapter 10.100 of this title. The permit shall be valid for a specified time period not to exceed thirty (30) days. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Community Development Director effective immediately upon verbal or written notice for violation of the terms of the permit. Verbal notice shall be confirmed by written notice mailed to the permit holder within a reasonable time. The Community Development Director may approve changes in a temporary use permit.

1. Exception. A Christmas tree/pumpkin sales temporary use permit may exceed thirty (30) days but shall be valid only during the time period in which the activity is taking place.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94)

10.84.120 Minor exceptions.- (NOT INCLUDED)

Alcohol Service Hours City of Manhattan Beach

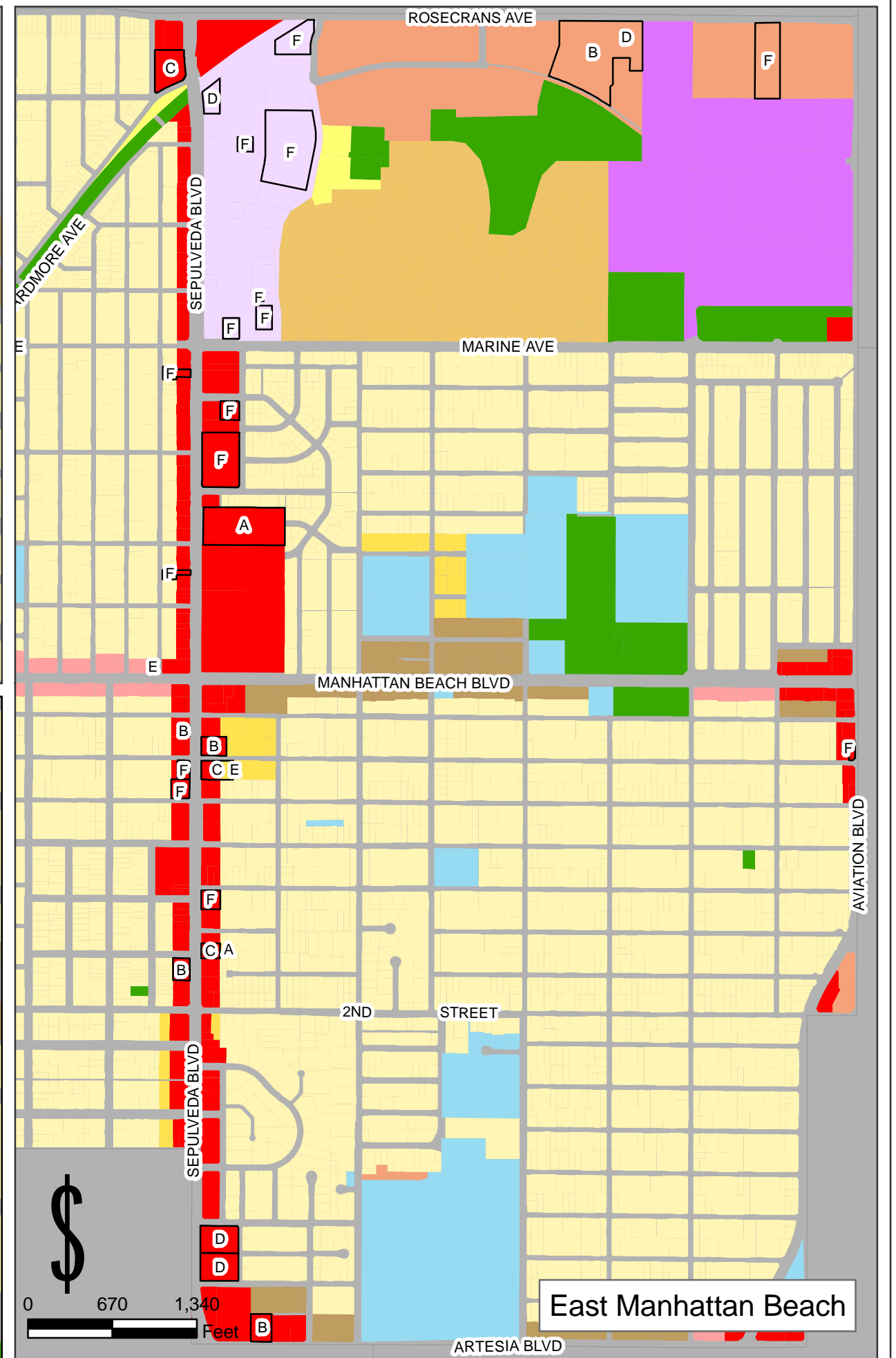
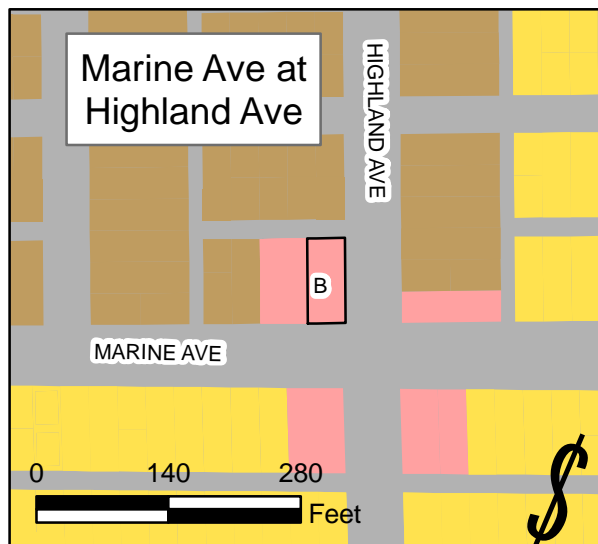
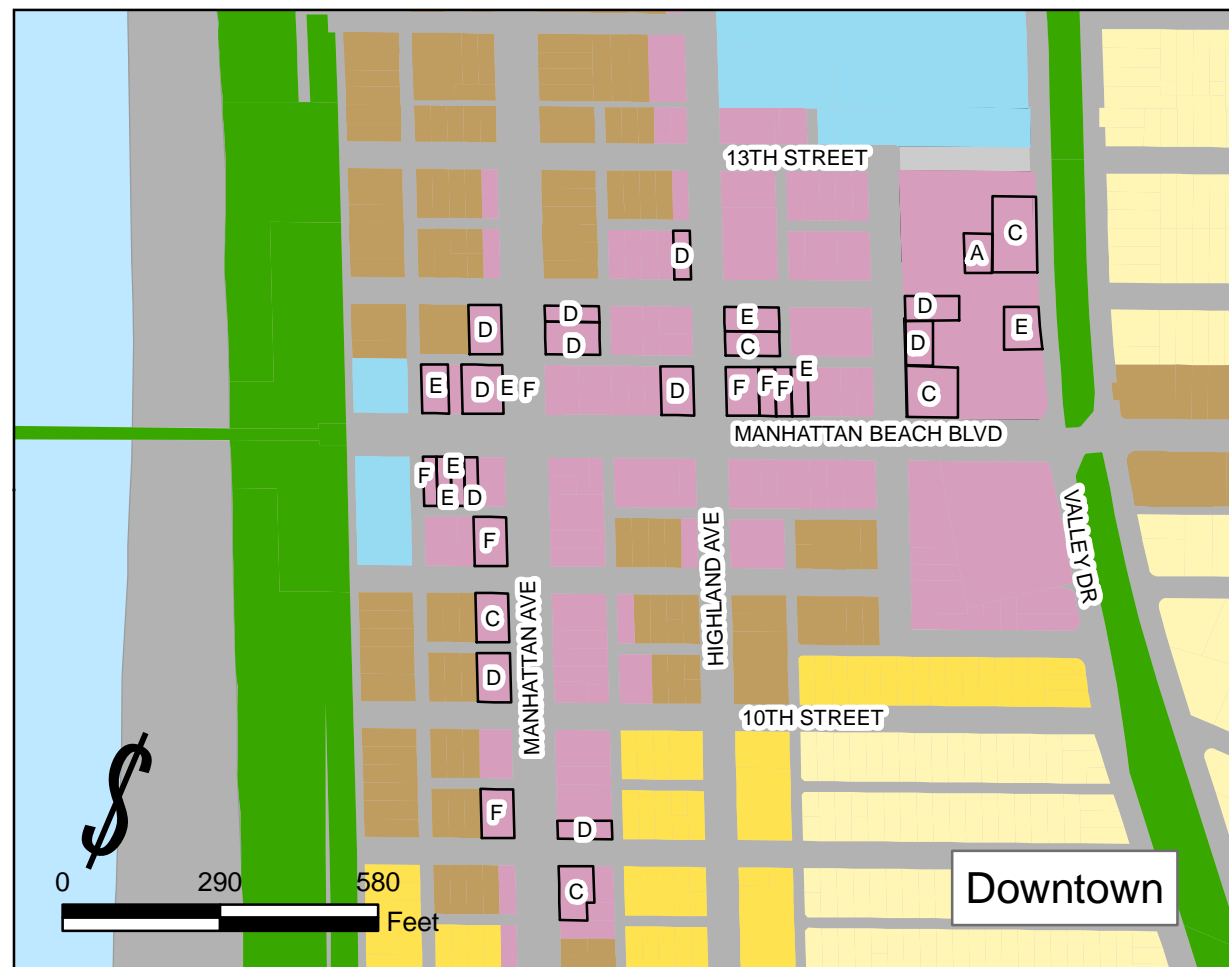
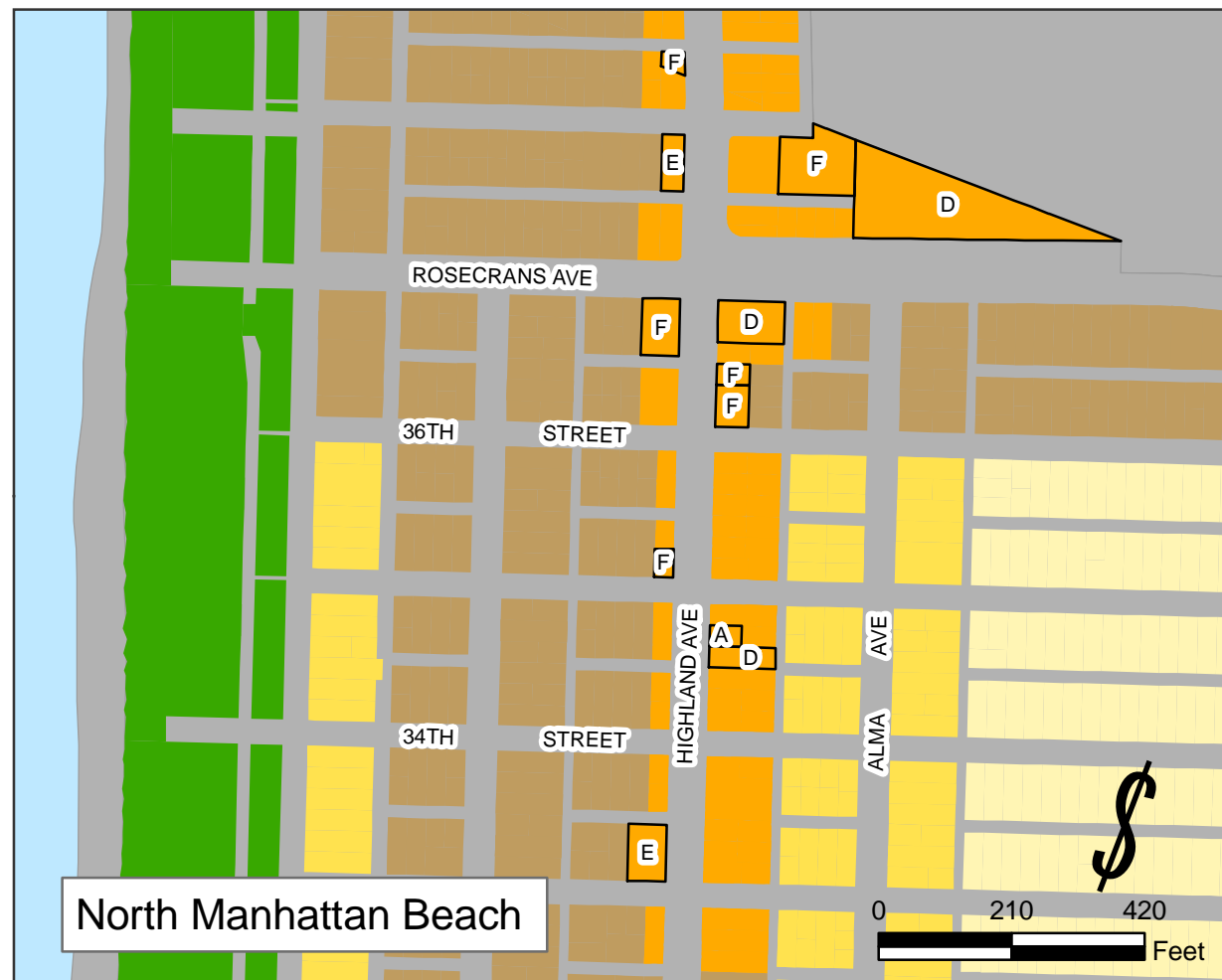
Legend

Saturday Alcohol Service Closing Hours (Number of Establishments)

- A 7:30pm - 9pm (5)
- B 10pm - 10:30pm (6)
- C 11pm - 11:30pm (7)
- D 12am (24)
- E 1am (12)
- F 2am (30)

Zoning

- CC
- CD
- CG
- CL
- CNE
- IP
- OS
- PD
- PS
- RH
- RM
- RPD
- RS
- RSC



CITYWIDE SURVEY OF EATING AND DRINKING ESTABLISHMENTS SATURDAY CLOSING HOURS

	Establishment	Address	Hours of Operation	Saturday Closing Hour
1	Houston's Restaurant	1550 Rosecrans Ave.	6am-12am, Daily	12am
2	12th+Highland	304 12th Street	10am-12am, Sun-Thu 10am-1am, Fri-Sat	1am
3	Kettle	1138 Highland Ave.	24 Hours Daily	24hr
4	Mr. Cecils California Ribs	1209 Highland Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	12am
5	Miki Sushi Gallery	2201 Highland Ave.	6am-10:30pm, Daily	10:30pm
6	Beach Pizza	3301 Highland Ave.	11am-12am, Sun-Thu 11am-1am Fri-Sat	1am
7	The Local Yolk	3414 Highland Ave.	6am-12am, Daily	12am
8	Sloopy's Beach Café	3416 Highland Ave.	Unspecified opening time, Closes by 9 pm	9pm
9	Bora Bora (CLOSED)	3505 Highland Ave.	Unspecified opening time, Closes by 2am	2am
10	Upper Manhattan Lounge	3600 Highland Ave.	No Limits Specified	No Limits
11	OB's Bar & Grill	3610 Highland Ave.	8am-2am, Daily	2am
12	Pancho's	3615 Highland Ave.	2am (Rest, Bar, Lounge) 9pm (Deck)	2am
13	The Beach Hut	3713 Highland Ave.	7am-1am, Daily	1am
14	Summers	3770 Highland Ave.	Unspecified opening time, Closes by 2am	2am
15	Baja Sharkeez	3801 Highland Ave.	9am-2am, Daily	2am
16	Beaches	117 Manhattan Beach Blvd.	10am-1am, Mon-Fri 8am-1am, Sat-Sun	1am
17	Manhattan Pizzeria	133 Manhattan Beach Blvd.	6am-2pm, Daily	2am
18	Sharks Cove	309 Manhattan Beach Blvd.	7am-2am, Daily	2am
19	Hennesseys	313 Manhattan Beach Blvd.	11am-2am, Daily	2am
20	Café Pierre	317 Manhattan Beach Blvd.	9am-1am, Daily	1am

21	Fusion Sushi	1150 Morningside Dr.	9am-11pm Sun-Wed 7am-12am Thu-Sat	12am
22	Pasta Pomodoro	401 Manhattan Beach Blvd.	7am-11pm, Mon-Sun	11pm
23	Sun & Moon Café	1131 Manhattan Ave.	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	12am
24	Memphis	1142 Manhattan Ave.	11am-11pm, Mon-Wed 11am-12am, Thu-Fri 7am-12am, Sat 7am-11pm, Sun	12am
25	Katsu	302 Rosecrans Ave.	5pm-11pm Sun-Thu 5pm-12am Sat-Sun	12am
26	Verandas	401 Rosecrans Ave.	7am-12am, Daily	12am
27	Tapa Meze Bar & Grill	1019 Manhattan Beach Blvd.	11:30am-3pm, Mon-Fri 5pm-12am, Sun-Thu 5pm-1am, Fri-Sat	1am
28	Grunions	1501 Sepulveda Blvd.	No Resolution	No Reso
29	The Castle	2401 Sepulveda Blvd.	Unspecified opening time, Closes by 2am	2am
30	Cocos	2620 Sepulveda Blvd.	4pm-9pm, Daily	9pm
31	Magic Skewers	1120 22nd St.	No Limits Specified	No Limits
32	Residence Inn	1700 Sepulveda Blvd.	4pm-9pm, Daily	9pm
33	Open Sesame	2640 Sepulveda Blvd.	6am-2am, Daily	2am
34	CA Pizza Kitchen	3280 Sepulveda Blvd.	6am-2am, Daily	2am
35	China Grill	3282 Sepulveda Blvd.	6am-2am, Daily	2am
36	Joeys Smokin BBQ	3564 Sepulveda Blvd.	6am-2am, Daily	2am
37	Chili's	2622 Sepulveda Blvd.	6am-2am, Daily	2am
38	Tin Roof Bistro	3500 Sepulveda Blvd.	11am-12am, Daily	12am
39	Lido Di Manhattan Beach	1550 Rosecrans Ave.	6am-2am, Daily	2am
40	Bristol Farms	1570 Rosecrans Ave. Suite H	7am-10pm, Daily	10pm
41	Red Sesami	1571 Rosecrans Ave. Suite K	9am-12am, Daily	12am

42	Samari Sams Grill	1572 Rosecrans Ave. Suite P	6am-12am, Daily	12am
43	Rubios Baja Grill	2000 Sepulveda Blvd.	No Limits Specified	No Limits
44	Olive Garden	2610 Sepulveda Blvd.	6am-2am, Daily	2am
45	Islands	3200 Sepulveda Blvd.	6am-2am, Daily	2am
46	LA Food Show	3212 Sepulveda Blvd.	6am-2am, Daily	2am
47	Belamar Hotel	3501 Sepulveda Blvd.	Garden Room & Outdoor Patos: 9am-10om, Sun-Thu 9am-11pm, Fri-Sat No Other Limits Specified	11pm
48	El Sombrero #2	1157 Artesia Blvd. Suite B	11am-10pm, Daily	10pm
49	American Farmhouse Roadside Grill	350 Sepulveda Blvd.	8am-4pm, Sun-Mon 8am-9pm, Tue-Sat	9pm
50	El Tarasco	350 Sepulveda Blvd. #2	10am-11pm, Daily	11pm
51	Mr. Pockets	516 Sepulveda Blvd.	11am-2am, Daily	2am
52	Back Home in Lahaina	916 Sepulveda Blvd.	11am-9pm, Mon-Thu 11am-11pm, Fri 8am-11pm, Sat 8am-8pm. Sun	11pm
53	Szechwan	924 Sepulveda Blvd.	Unspecified opening time, Closed by 12am, Sun-Thu Closed by 1am, Fri-Sat	1am
54	The Hanger Inn	1001 S. Aviation Blvd.	No Resolution	No Reso
55	Brooklyn Brick Oven Pizza	500 S. Sepulveda Blvd	6am-10pm, Sun-Thu 6am-12am, Fri-Sat	12am
56	El Torito	600 S. Sepulveda Blvd.	11am-12am, Daily	12am
57	Versailles	1000 Sepulveda Blvd.	7am-10pm, Daily	10pm
58	Sions	235 Sepulveda Blvd.	7am-10pm, Mon-Sun	10pm
59	Osho	913 Sepulveda Blvd.	No Resolution	No Reso
60	Thai Dishes	1015 Sepulveda Blvd.	11am-10:30pm, Daily	10:30pm
61	El Gringo	921 Sepulveda Blvd.	No Resolution	No Reso

62	Octopus	1133 Highland Ave.	11:30am-2:30pm & 5:30pm-11pm, Sun-Thu 5:30pm-12am, Fri-Sat	12am
63	Shellback	116 Manhattan Beach Blvd.	No Resolution	No Reso
64	Rock N Fish	120 Manhattan Beach Blvd.	7am-12am, Sun-Thu 7am-1am, Fri-Sat	1am
65	Manhattan Brewing Company	124 Manhattan Beach Blvd.	7am-12am, Sun-Thu 7am-1am, Fri-Sat	1am
66	Mangiamao	128 Manhattan Beach Blvd.	11am-12am, Mon-Sat 8am-12am, Sun	12am
67	Penny Lane	820 Manhattan Ave.	7am-10:30pm, Sun-Thu 7am-11:30pm, Fri-Sat	11:30pm
68	900 Manhattan Club/Sidedoor	900 Manhattan Ave.	11am-12 am, Mon-Thu 11am-1 am, Fri 9am-12am, Sat-Sun	12am
69	Mucho	903 Manhattan Ave.	No Limit	No Limits
70	Old Venice	1001 Manhattan Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	12am
71	El Sombrero	1005 Manhattan Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	12am
72	Fonzs	1017 Manhattan Ave.	9am-9pm, Sun 5:30am-10pm, Mon-Thu 5:30am-11pm, Fri-Sat	11pm
73	Ercoles	1101 Manhattan Ave.	11am-2am, Daily	2am
74	Mama D's	1125 A Manhattan Ave.	6am-11pm, Sun-Thu 6am-1am, Fri-Sat	1am
75	Wahoo's	1129 Manhattan Ave.	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	12am
76	Avenue	1141 Manhattan Ave.	11am-11pm, Sun-Thu 6am-12am, Fri-Sat	12am
77	Talia's	1148 Manhattan Ave.	7am-11pm, Sun-Wed 7am-12am, Thu-Sat	12am
78	Crème De La Crepe	1140 Highland Ave.	6am-10pm, Sun-Thu 6am-11pm, Fri-Sat	11pm
79	Simmzy's	229 Manhattan Beach Blvd.	6am - 11pm, Mon-Thu 6am-12am, Fri-Sat	12am
80	Le Pain Quotidien	451 Manhattan Beach Blvd.	7am-7:30pm, Daily	7:30pm

81	Shade Hotel	1221 Valley Drive	Lobby Bar- daily 5pm-11pm Courtyard Su-Th 6am-11pm F-Sat 6am-12am Roofdeck daily 6am-10pm	11pm
82	Petro's	451 Manhattan Beach Blvd Suite B-110	6am-12 am, Sun-Thu 6am-1am, Fri-Sat	1am
83	Sashi	451 Manhattan Beach Blvd Suite D-126 1200 Morningside	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	12am
84	El Forniao	1800 Rosecrans Ave. Unit F	6am-2am, Daily	2am

CITYWIDE SURVEY OF EATING AND DRINKING ESTABLISHMENTS SATURDAY CLOSING HOURS						
	Establishment	Address	Hours of Operation	Alcohol License	Resolution Nos. and Dates	Entertainment
1	Houston's Restaurant	1550 Rosecrans Ave.	6am-12am, Daily	Full Liquor	90-19 07/25/90	None
2	12th+Highland	304 12th Street	10am-12am, Sun-Thu 10am-1am, Fri-Sat	Full Liquor	87-36 12/08/87	Live Entertainment & Dancing
3	Kettle	1138 Highland Ave.	24 Hours Daily	Beer & Wine	83-06 01/11/83	None
4	Mr. Cecils California Ribs	1209 Highland Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	Beer & Wine	99-09 04/14/99	None
5	Miki Sushi Gallery	2201 Highland Ave.	6am-10:30pm, Daily	Beer & Wine	03-10 5/14/03	None
6	Beach Pizza	3301 Highland Ave.	11am-12am, Sun-Thu 11am-1am Fri-Sat	Beer & Wine	84-31 07/24/84	None
7	The Local Yolk	3414 Highland Ave.	6am-12am, Daily	Beer & Wine	81-50 08/22/81 72-21 03/28/72	None
8	Sloopy's Beach Café	3416 Highland Ave.	Unspecified opening time, Closes by 9 pm	Beer & Wine	83-14 03/22/83	None
9	Bora Bora (CLOSED)	3505 Highland Ave.	Unspecified opening time, Closes by 2am	Beer & Wine	82-32 10/12/82	None
10	Upper Manhattan Lounge	3600 Highland Ave.	No Limits Specified	Full Liquor	83-19 08/26/83	No more than 5 musicians. Live entertainment must stop by 1am
11	OB's Bar & Grill	3610 Highland Ave.	8am-2am, Daily	Full Liquor & Caterers	92-22 10/20/92	Live entertainment 8pm-1am Thu-Sat; 3pm-9pm Sun/Holidays No dancing
12	Pancho's	3615 Highland Ave.	2am (Rest, Bar, Lounge) 9pm (Deck)	Full Liquor	76-10 02/10/76	2 Musicians
13	The Beach Hut	3713 Highland Ave.	7am-1am, Daily	Beer & Wine	86-34 10/28/86	Live entertainment no later than 12:30am daily
14	Summers	3770 Highland Ave.	Unspecified opening time, Closes by 2am	Full Liquor	82-25 08/24/82	None
15	Baja Sharkeez	3801 Highland Ave.	9am-2am, Daily	Full Liquor	89-50 12/19/89	None

16	Beaches	117 Manhattan Beach Blvd.	10am-1am, Mon-Fri 8am-1am, Sat-Sun	Full Liquor	CC Reso. 5087 05/17/94 PC 243 05/14/69	Live Entertainment & Dancing
17	Manhattan Pizzeria	133 Manhattan Beach Blvd.	6am-2pm, Daily	Beer & Wine	CC Reso. 5175 06/20/95 86-38 12/09/86	None
18	Sharks Cove	309 Manhattan Beach Blvd.	7am-2am, Daily	Full Liquor	03-24 12/10/03	3 nonamplified musicians, no later than 12am
19	Hennesseys	313 Manhattan Beach Blvd.	11am-2am, Daily	Full Liquor	83-18 04/26/83	Live entertainment til 1:30am, Mon-Sun
20	Café Pierre	317 Manhattan Beach Blvd.	9am-1am, Daily	Full Liquor & Caterer's	94-20 07/13/94	2 entertainers til 1am Fri, Sat & 12am Sun
21	Fusion Sushi	1150 Morningside Dr.	9am-11pm Sun-Wed 7am-12am Thu-Sat	Beer & Wine	03-05 03/23/05	None
22	Pasta Pomodoro	401 Manhattan Beach Blvd.	7am-11pm, Mon-Sun	Beer & Wine	03-05 03/23/05	None
23	Sun & Moon Café	1131 Manhattan Ave.	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	Beer & Wine	CC Reso. 5175 06/20/95	None
24	Memphis	1142 Manhattan Ave.	11am-11pm, Mon-Wed 11am-12am, Thu-Fri 7am-12am, Sat 7am-11pm, Sun	Full Liquor	99-20 07/28/99	"Kids Night" Mon 5pm-7pm
25	Katsu	302 Rosecrans Ave.	5pm-11pm Sun-Thu 5pm-12am Sat-Sun	Beer & Wine	02-11 03/27/02	None
26	Verandas	401 Rosecrans Ave.	7am-12am, Daily	Full Liquor	99-15 05/26/99	Entertainment/Dancing subject to permit
27	Tapa Meze Bar & Grill	1019 Manhattan Beach Blvd.	11:30am-3pm, Mon-Fri 5pm-12am, Sun-Thu 5pm-1am, Fri-Sat	Full Liquor	83-43 08/09/83	None
28	Grunions	1501 Sepulveda Blvd.	No Resolution	Full Liquor	No Resolution	
29	The Castle	2401 Sepulveda Blvd.	Unspecified opening time, Closes by 2am	Full Liquor	80-12 06/22/80	None
30	Cocos	2620 Sepulveda Blvd.	4pm-9pm, Daily	Full Liquor	01-27 12/12/01	None
31	Magic Skewers	1120 22nd St.	No Limits Specified	Full Liquor	81-07 02/10/81	None
32	Residence Inn	1700 Sepulveda Blvd.	4pm-9pm, Daily	Beer & Wine	90-24 09/19/90	None

33	Open Sesame	2640 Sepulveda Blvd.	6am-2am, Daily	Beer & Wine	01-27 12/12/01	None
34	CA Pizza Kitchen	3280 Sepulveda Blvd.	6am-2am, Daily	Full Liquor	01-27 12/12/01	None
35	China Grill	3282 Sepulveda Blvd.	6am-2am, Daily	Beer & Wine	01-27 12/12/01	None
36	Joeys Smokin BBQ	3564 Sepulveda Blvd.	6am-2am, Daily	Beer	01-27 12/12/01	None
37	Chili's	2622 Sepulveda Blvd.	6am-2am, Daily	Full Liquor	01-27 12/12/01	None
38	Tin Roof Bistro	3500 Sepulveda Blvd.	11am-12am, Daily	Full Liquor	08-15 11/12/08 01-27 12/12/01	None
39	Lido Di Manhattan Beach	1550 Rosecrans Ave.	6am-2am, Daily	Full Liquor	90-30 10/10/90	None
40	Bristol Farms	1570 Rosecrans Ave. Suite H	7am-10pm, Daily	Beer & Wine & Off Sale General	90-29 10/10/90	None
41	Red Sesami	1571 Rosecrans Ave. Suite K	9am-12am, Daily	Beer & Wine	91-04 03/13/91	None
42	Samari Sams Grill	1572 Rosecrans Ave. Suite P	6am-12am, Daily	Beer & Wine	04-12 06/14/04	None
43	Rubios Baja Grill	2000 Sepulveda Blvd.	No Limits Specified	Beer & Wine	71-40 07/21/71	4 Video Games
44	Olive Garden	2610 Sepulveda Blvd.	6am-2am, Daily	Full Liquor	01-27 12/12/01	None
45	Islands	3200 Sepulveda Blvd.	6am-2am, Daily	Full Liquor	01-27 12/12/01	None
46	LA Food Show	3212 Sepulveda Blvd.	6am-2am, Daily	Full Liquor	01-27 12/12/01	None
47	Belamar Hotel	3501 Sepulveda Blvd.	Garden Room & Outdoor Patios: 9am-10pm, Sun-Thu 9am-11pm, Fri-Sat No Other Limits Specified	Full Liquor	91-08 04/23/91	None
48	El Sombrero #2	1157 Artesia Blvd. Suite B	11am-10pm, Daily	Beer & Wine	84-30 06/26/84	None
49	American Farmhouse Roadside Grill	350 Sepulveda Blvd.	8am-4pm, Sun-Mon 8am-9pm, Tue-Sat	Beer & Wine	78-44 10/10/78	None

50	El Tarasco	350 Sepulveda Blvd. #2	10am-11pm, Daily	Beer & Wine	05-03 01/26/05	None
51	Mr. Pockets	516 Sepulveda Blvd.	11am-2am, Daily	Full Liquor	90-04 01/23/90	Pool Tournaments
52	Back Home in Lahaina	916 Sepulveda Blvd.	11am-9pm, Mon-Thu 11am-11pm, Fri 8am-11pm, Sat 8am-8pm, Sun	Beer & Wine	00-38 12/13/00	None
53	Szechwan	924 Sepulveda Blvd.	Unspecified opening time, Closed by 12am, Sun-Thu Closed by 1am, Fri-Sat	Full Liquor	84-43 09/25/84	None
54	The Hanger Inn	1001 S. Aviation Blvd.	No Resolution	Beer	No Resolution	
55	Brooklyn Brick Oven Pizza	500 S. Sepulveda Blvd	6am-10pm, Sun-Thu 6am-12am, Fri-Sat	Beer & Wine	95-20 07/12/95	None
56	El Torito	600 S. Sepulveda Blvd.	11am-12am, Daily	Full Liquor	94-33 11/09/94	None
57	Versailles	1000 Sepulveda Blvd.	7am-10pm, Daily	Full Liquor	86-25 09/09/86	None
58	Sions	235 Sepulveda Blvd.	7am-10pm, Mon-Sun	Beer & Wine	86-15 05/13/86	None
59	Osho	913 Sepulveda Blvd.	No Resolution	Beer & Wine	No Resolution	
60	Thai Dishes	1015 Sepulveda Blvd.	11am-10:30pm, Daily	Beer & Wine	89-03 01/24/89	None
61	El Gringo	921 Sepulveda Blvd.	No Resolution	Beer & Wine	No Resolution	
62	Octopus	1133 Highland Ave.	11:30am-2:30pm & 5:30pm-11pm, Sun-Thu 5:30pm-12am, Fri-Sat	Beer & Wine	84-55 11/13/84	None
63	Shellback	116 Manhattan Beach Blvd.	No Resolution	Full Liquor	No Resolution	
64	Rock N Fish	120 Manhattan Beach Blvd.	7am-12am, Sun-Thu 7am-1am, Fri-Sat	Full Liquor	99-04 02/10/99	None
65	Manhattan Brewing Company	124 Manhattan Beach Blvd.	7am-12am, Sun-Thu 7am-1am, Fri-Sat	Full Liquor	97-43 09/10/97	None
66	Mangiamo	128 Manhattan Beach Blvd.	11am-12am, Mon-Sat 8am-12am, Sun	Full Liquor	83-28 06/14/83	Maximum 3 musicians, nonamplified
67	Penny Lane	820 Manhattan Ave.	7am-10:30pm, Sun-Thu 7am-11:30pm, Fri-Sat	Beer & Wine	89-23 06/27/89	Nonamplified live music

68	900 Manhattan Club/Sidedoor	900 Manhattan Ave.	11am-12 am, Mon-Thu 11am-1 am, Fri 9am-12am, Sat-Sun	Full Liquor	CC Reso. 5155 04/04/95	Live allowed on 2nd floor Dancing allowed on Fri/Sat nights
69	Mucho	903 Manhattan Ave.	No Limit	Full Liquor	CC Reso. 4108 01/03/84	11am-12am, Sun-Thu 11am-2am, Fri-Sat
70	Old Venice	1001 Manhattan Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	Beer & Wine	07-09 06/25/07	None
71	El Sombrero	1005 Manhattan Ave.	7am-11pm, Sun-Thu 7am-12am, Fri-Sat	Beer & Wine	07-09 06/25/07	None
72	Fonzs	1017 Manhattan Ave.	9am-9pm, Sun 5:30am-10pm, Mon-Thu 5:30am-11pm, Fri-Sat	Full Liquor	01-04 02/14/01	None
73	Ercoles	1101 Manhattan Ave.	11am-2am, Daily	Full Liquor	85-32 11/12/85	None
74	Mama D's	1125 A Manhattan Ave.	6am-11pm, Sun-Thu 6am-1am, Fri-Sat	Beer & Wine	CC Reso. 5175 06/20/95	None
75	Wahoo's	1129 Manhattan Ave.	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	Beer & Wine	CC Reso. 5312 02/18/97	None
76	Avenue	1141 Manhattan Ave.	11am-11pm, Sun-Thu 6am-12am, Fri-Sat	Full Liquor	02-28 08/28/02	None
77	Talia's	1148 Manhattan Ave.	7am-11pm, Sun-Wed 7am-12am, Thu-Sat	Full Liquor	01-24 11/28/01	None
78	Crème De La Crepe	1140 Highland Ave.	6am-10pm, Sun-Thu 6am-11pm, Fri-Sat	Beer & Wine	02-14 05/08/02	None
79	Simmzy's	229 Manhattan Beach Blvd.	6am - 11pm, Mon-Thu 6am-12am, Fri-Sat	Beer & Wine	03-20 01/22/03	None
80	Le Pain Quotidien	451 Manhattan Beach Blvd.	7am-7:30pm, Daily	Limited Beer & Wine	08-08 05/14/08	2 unamplified entertainiers
81	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	02-18 07/10/02	2 unamplified entertainiers
82	Petro's	451 Manhattan Beach Blvd Suite B-110	6am-12 am, Sun-Thu 6am-1am, Fri-Sat	Full Liquor	06-20 12/13/06	2 unamplified entertainiers
83	Sashi	451 Manhattan Beach Blvd Suite D-126 1200 Morningside	6am-11pm, Sun-Thu 6am-12am, Fri-Sat	Full Liquor	02-18 07/10/02	2 unamplified entertainiers
84	El Forniao	1800 Rosecrans Ave. Unit F	6am-2am, Daily	Full Liquor	98-25 08/12/98	None

**SATURDAY PERMITTED CLOSING HOURS-
RESTAURANTS, BARS AND HOTELS**

SATURDAY ALLOWED CLOSING HOURS	NUMBER OF BUSINESSES
7:30 pm	1
9:00 pm	4
10:00 to 10:30 pm	6
11:00 to 11:30 pm	7
12:00 am	24
1:00 am	12
2:00 am	20
No limits or no Resolution	9
24 Hours	1
TOTAL	84



November 9, 2009

To: Honorable Mayor Portia Cohen
City Council Members
Mitch Ward – Mayor Pro-Tem
Richard Montgomery
Nick Tell
Wayne Powell

Dear City Council:

During the October Board Meeting for the Downtown Manhattan Beach Business Association and discussed the request put in by the DPBA to extend New Years Eve hours to 1am every year in Manhattan Beach. The Board of Directors made an overwhelming motion to support the extra hour.

New Years Eve is a Holiday of new beginnings, resolutions, and most importantly a time that most gather with family & friends. Given the small community in which we live and how easy it is to get around our City, by foot or otherwise, the request to allow people to sit a little longer after the ball drops and the clock strikes midnight adds to the small town charm we all enjoy in Manhattan Beach.

It would be more pleasant for our customers to know they can stay, and not be asked to leave at midnight due to a curfew New Years Eve.

After meeting in front of the Planning Commission, the consideration of staff to reduce the temporary use permit application fee is measurable to owners, since the application is for one hour/year.

We ask you as a Board that represents a small association to please consider extending the hours in Manhattan Beach Restaurants on New Year's Eve, each year, to 1am.

Thank you.

Cheers,

Mary Ann Varni
Executive Director

Laurie B. Jester

From: Don McPherson [dmcphersonla@gmail.com]
Sent: Thursday, October 29, 2009 11:42 AM
To: David Lesser; Jim Fasola; Kathleen Paralusz; Martha Andreani; Sandra Seville-Jones
Cc: Richard Thompson; Laurie B. Jester; Nate Hubbard; Nate Hubbard; Stephanie Hubbard; Teresa Cho; Scott Murch; Steve Wible; Jeff Dooley; Nancy Giabardo; Aksi Kikut
Subject: A Thank You and One Brief Summary

Commissioners,

Thank you for the unprecedented amount of time and effort invested in the Shade application. In my over twenty years of doing this stuff, I have never encountered a planning commission that even came close to exhibiting such understanding and competence, as you do. I keep telling the neighbors, how lucky they are to have you.

I also appreciate our overworked staff, for signing up to conduct a fourth public hearing, in order to resolve the Shade issue, which I believe lies within reach.

If after nearly five hours of Shade last night, you cannot bear to wade through my following summary of the noise-standard testimony, please look at the end of the email for another 'Thank You', regarding the ordinance change for New Year's closing hours.

Summary of Noise-Standard Testimony (For your Shade file.)

It appears that some commissioners, if not all, agree that Shade violates the subjective part of the municipal code, which prohibits noise that disturbs the residents.

It also appears that some commissioners question whether Shade does or does not violate the objective standards, set forth in the municipal code in dB units.

The objective standard issue plays a crucial role in obtaining an agreement on the Shade application, because psychologically, in order to get closure, the neighbors must have the city acknowledge that Shade violates the objective standards, as well as the subjective standards.

The neighbors need this, because every week, they get bombarded by Shade noise that clearly exceeds the ambient, background noise, and does so by statistically significant dB amounts. It frustrates them immensely, that the city blandly and bullheadedly refuses to acknowledge this obvious truth. The commissioners heard one such instance of an objective standard violation, in the September 27 Oktoberfest recording, played by Nate Hubbard.

Tom Corbishley, the Behrens analyst, testified to you that Shade does not violate the objective standards, because the ambient background noise exceeds the Shade noise. He further stated the ambient noise background exceeds the numerical standards in the noise regulations, so that the ambient noise level becomes the objective standard.

It does not take a certified, licensed noise expert to understand the following, simple fact. If the ambient noise background exceeds all instances of Shade noise, as Behrens claims, then you could not have heard the Oktoberfest music on the DVD, over the Behrens purportedly higher ambient noise background.

In the noise report, as per Corbishley's testimony, Behrens provides no sound level data correlated with Shade noise events. Nor do they state anywhere in the report the sound levels used in the analysis of the ambient noise, which they say exceeds both the Shade noise, as well as the numeric standards in the noise regulations. If they do not have all those sound level data (which they actually do), how did they calculate that the ambient levels exceed both the Shade noise and the objective standards, at all four residential locations they instrumented?

At a minimum, in order for the planning commission to make a finding that Shade does not violate the objective noise standards, the city must provide to you, as evidence, certain data in dB. They need to provide, at the four residential locations measured, the ambient noise background levels that Behrens used in the analysis, as well as a representative set of noise level measurements, correlated with audio recordings of Shade noise events, such as music, shouts, yells, and shrieks.

If the city does not provide those data, then the planning commission has no evidence to make the finding that Shade does not violate the objective noise standards. Actually, by virtue of Hubbard's recording of the September 27 Oktoberfest, the commissioners do have the evidence that Shade does violate the objective noise standards. You heard it loud and clear over the ambient background noise.

Another Thank You. When reading the October 14 staff report, regarding the DB&PA proposal for extended hours on New Year's and 'other holidays', I felt tremendous relief. Why? Because the planning commission had surgically removed the vague 'other holidays' clause from the ordinance. I had meant to thank you in my testimony last night, but forgot.

So thank you, thank you, Don McPherson

November 9, 2009



Dear Members of City Council,

I am writing in support of extending all restaurant, bar and hotel hours to 1 a.m. on New Year's Eve. As you know New Year's Eve can provide a high source of revenue for most restaurants, bars and hotels in Manhattan Beach. Since the New Year's Holiday is based solely on the rituals and traditions of celebrating at exactly 12 a.m., any business that cannot stay open until then is not a viable option for customers to choose. This puts these restaurants at an absolute disadvantage and they will suffer financially as a result. No reasonable customer would want to celebrate New Year's at an establishment that must close at or before midnight. Realistically, a party that celebrates midnight does not end immediately at midnight. On such a busy night the extra hour until 1 a.m. allows customers to trickle out in a safe and reasonable manner. During these financial times it is crucial that we do whatever we can to support local small businesses. Considering the universal celebration of New Year's Eve, it is hard to imagine a reasonable basis to oppose this extension. Thank you for all of your continued efforts and support.

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Kruff". The signature is stylized and includes a long horizontal line extending to the right.

Katie Kruff
General Manager
Shade Hotel

Laurie B. Jester

From: Laurie B. Jester
Sent: Friday, November 13, 2009 2:19 PM
To: Laurie B. Jester
Subject: FW: NY Eve

Laurie Jester
310-802-5510

From: surfkb2002@aol.com [mailto:surfkb2002@aol.com]
Sent: Friday, November 13, 2009 11:36 AM
To: maryann@downtownmanhattanbeach.com; Laurie B. Jester
Subject: NY Eve

November 9, 2009

To: Honorable Mayor Portia Cohen
City Council Members
Mitch Ward – Mayor Pro-Tem
Richard Montgomery
Nick Tell
Wayne Powell

Dear City Council:

After meeting in front of the Planning Commission, and the overwhelming support they showed of this small request to extend NY Eve hours to 1am we hope that you too will support this motion and consider to reduce the temporary use permit application fee, as well.

The restaurant industry has been hit hard this past year and the simple truth is that every hour counts for us especially on holidays and weekends. We need this to survive until summer.

Our customers will have a reasonable expectation that they will be able to ring in the New Year with a song, a glass of champagne and a kiss - to not be able to accommodate them by

11/13/2009

being open an hour later would just be inconsistent with everything that Manhattan Beach is supposed to stand for...which is good clean wholesome fun!

Thank you,

Kevin Barry

Ken Stickney

Chris Bredesen

Memphis at the Beach

1142 Manhattan Ave.