



Legislation Details (With Text)

File #: 21-0027 **Version:** 1

Type: *Consent - Staff Report **Status:** Agenda Ready

In control: City Council Regular Meeting

On agenda: 1/5/2021 **Final action:** 1/5/2021

Title: Consideration of Resolutions Approving a Hardship Exemption Authorizing Four Retailers to Temporarily Sell Tobacco Products (City Attorney Barrow).
ADOPT RESOLUTION NOS. 21-0007, 21-0008, 21-0009 AND 21-0010

Sponsors:

Indexes:

Code sections:

Attachments: 1. Resolution No. 21-0007, 2. Resolution No. 21-0008, 3. Resolution No. 21-0009, 4. Resolution No. 21-0010, 5. Ordinance No. 20-0007

Date	Ver.	Action By	Action	Result
1/5/2021	1	City Council Regular Meeting		
1/5/2021	1	City Council Regular Meeting	adopted	Pass

TO:
Honorable Mayor and Members of the City Council

THROUGH:
Bruce Moe, City Manager

FROM:
Quinn Barrow, City Attorney
Alexandria Latragna, Management Analyst

SUBJECT:
Consideration of Resolutions Approving a Hardship Exemption Authorizing Four Retailers to Temporarily Sell Tobacco Products (City Attorney Barrow).
ADOPT RESOLUTION NOS. 21-0007, 21-0008, 21-0009 AND 21-0010

RECOMMENDATION:
Staff recommends that the City Council approve Resolution Nos. 21-0007, 21-0008, 21-0009, and 21-0010, authorizing Current Events, United Pacific, Aviation Liquor, and MB Smoke to temporarily sell tobacco products in Manhattan Beach.

FISCAL IMPLICATIONS:
There are no fiscal implications associated with this action.

BACKGROUND:
After a number of publically noticed meetings and extensive solicitation of public input, the City Council adopted Ordinance No. 20-0007, prohibiting the retail sale of tobacco in Manhattan Beach. The ordinance provided retailers up until January 1, 2021, to comply with the prohibition, and provided a hardship exemption application process so that retailers could apply, at no cost, to extend

their compliance periods beyond December 31, 2020. Four businesses applied for a hardship exemption on a timely basis.

At a duly noticed Council meeting held on December 1, 2020, City Council considered the applications. After receiving input from the applicants and the public, the Council approved hardship exemptions for all four businesses, authorizing the businesses to temporarily sell tobacco products in Manhattan Beach. None of the applicants provided substantial evidence that denial of the requests would result in the applicant being deprived of all economically viable use of the properties containing the retail sales of tobacco, nor did they meet their burden of proof in establishing, by a preponderance of the evidence, that the application of Ordinance No. 20-0007 to the retailer's business is unreasonable. However, the City Council remained very sympathetic to each of the applicants and voted to extend the compliance date for three of the applicants until June 30, 2021, and one until December 31, 2021.

The City Council directed staff to return with resolutions granting hardship exemptions to Current Events, United Pacific, and Aviation Liquor, allowing these businesses to sell tobacco products on a temporary basis until June 30, 2021. The City Council also directed staff to return with a resolution granting a hardship exemption to MB Smoke, allowing the business to sell tobacco products on a temporary basis until December 31, 2021.

DISCUSSION:

Staff has drafted resolutions for Council consideration, and recommends adopting the attached resolutions.

ATTACHMENTS:

1. Resolution No. 21-0007
2. Resolution No. 21-0008
3. Resolution No. 21-0009
4. Resolution No. 21-0010
5. Ordinance No. 20-0007