



Legislation Details (With Text)

File #:	13-0483	Version:	1
Type:	Gen. Bus. - Staff Report	Status:	Agenda Ready
		In control:	City Council Regular Meeting
On agenda:	9/10/2013	Final action:	
Title:	Request for Special Permit: Limited Alcoholic Beverage Use on Public Property for Event on September 15, 2013 at Creative Arts Center. TAKE ACTION ON THE REQUEST		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. MBMC Section 4.48.pdf, 2. Daily License Application-Authorization (Form ABC-221), 3. Instructions for Obtaining A Daily License		

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

TO:
Honorable Mayor and Members of the City Council

THROUGH:
David N. Carmany, City Manager

FROM:
Mark Leyman, Parks and Recreation Director

SUBJECT:
Request for Special Permit: Limited Alcoholic Beverage Use on Public Property for Event on September 15, 2013 at Creative Arts Center.
TAKE ACTION ON THE REQUEST

RECOMMENDATION:
Staff recommends that the City Council consider the request from the Manhattan Beach Resident's Association (MBRA) for a special permit to serve alcohol at the City's Creative Arts Center for a function to be held on September 15, 2013.

FISCAL IMPLICATIONS:
No fiscal impact for the City. If the City Council grants the permit, the City will require that the Association pay all fees, including approximately \$800 for insurance.

BACKGROUND:
The Manhattan Beach Resident's Association (MBRA) has requested a special permit to serve wine at the City's Creative Arts Center for the MBRA's 25th Anniversary party on September 15, 2013 from 2:30 p.m. to 5:00 p.m.

In order for a private entity to sell or serve alcohol on City property, the entity must:

1. Apply for and obtain a special permit from the City
2. Apply for and obtain a daily alcohol license from the state Department of Alcoholic Beverage Control (ABC).

Manhattan Beach Municipal Code Section 4.48.090 (Attachment 1) provides:

“Limited alcoholic beverage use on public property-Special permit
Notwithstanding the other prohibitions of this chapter, the Council may grant special permits for the sale or consumption of wine or beer at special functions or activities in the City of Manhattan Beach, including the Manhattan Beach Pier, but excluding the remainder of the public beach, subject to the recommendations of the Chief of Police. Any such permit with the sale of beer or wine shall also be subject to the license requirements of the Alcoholic Beverage Control Act of the State.”

The California Department of Alcoholic Beverage Control (ABC) is an agency of the government of the State of California charged with regulation of alcoholic beverages. The ABC was created by constitutional amendment effective January 1, 1955, as an independent department of the executive branch of the state government. The department is headed by a Director appointed by the Governor of California, and its two divisions are divided into districts based on population and geographical needs. Manhattan Beach is served by ABC’s Downey office.

ABC has the exclusive power, in accordance with laws enacted, to license and regulate the manufacture, importation and sale of alcoholic beverages in California. It also has the power for good cause to deny, suspend or revoke any specific alcoholic beverage license.

ABC may issue a daily license to qualified organizations, and “may” require local police department approval in certain circumstances. The Applicant must submit a “Daily License Application/Authorization” Form ABC-221 form (Attachment 2), and ABC has issued “Instructions for Obtaining a Daily License” (Attachment 3). Among other application requirements, the instructions state, “it is the applicant’s responsibility to obtain local law enforcement’s approval. This may be done via a letter from the local agency, or the official may sign directly on Form ABC-221.” The instructions also state that “Form ABC-221 must be received within ten (10) days of the event, but should not be submitted more than thirty (30) days in advance.”

DISCUSSION:

The City Council issued a special permit to the MBRA for its 15th Anniversary party in 2003 for the same location.

The current application may not be timely. Regardless of the council approving (or not) and the applicant paying for insurance, that the time frame for approval does not allow for the ten day minimum requirement established by ABC for processing the license.

The MBRA event will be held on September 15th, but the City Council is not scheduled to hear this matter until September 10th.

Due to a number of factors, the Chief of Police denied the requested permit. In the event the City Council grants the permit, staff recommends that the applicant satisfy insurance requirements required by the Independent City Risk Management Authority (ICRMA). Based upon information provided by the ICRMA, insurance for the event will cost approximately \$800. In addition, the ICRMA

recommends that the Applicant show adequate proof of insurance.

Staff also recommends that City Council direct staff to review existing Code provisions and consider whether it can recommend changes to be presented at a future City Council meeting.

CONCLUSION:

Staff recommends that the City Council consider the request from the Manhattan Beach Resident's Association for a special permit to serve alcohol at the City's Creative Arts Center for a function to be held on September 15, 2013 and either:

- (1) Deny the Request; or
- (2) Grant the Special Permit, subject to the Applicant paying for required insurance and satisfying ICRMA requirements.

Attachments:

- 1. Manhattan Beach Municipal Code Section 4.48.090
- 2. Daily License Application/Authorization (Form ABC-221)
- 3. Instructions for Obtaining a Daily License