

RESOLUTION NO. 2008-301

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, APPROVING AN INTERIM ENFORCEMENT POLICY RELATING TO CITY ISSUED RESTAURANT/BAR CONDITIONAL USE PERMITS LIMITING THE CONSUMPTION OF FOOD AND/OR BEVERAGES TO MIDNIGHT.

WHEREAS, under some Conditional Use Permits the City of Fresno requires restaurants/bars to cease the operation of the restaurant/bar and all related activities at 12:00 a.m. seven (7) days a week; and

WHEREAS, enforcement of this condition has created confusion and not been uniformly enforced with regards to customers who are seated and have ordered food and/or beverages prior to 12:00 a.m.; and

WHEREAS, City staff have concerns regarding the uniform enforcement of such conditions and are working on new objective standards for determining the appropriate closing times for restaurants, bars, nightclubs, and social halls; and

WHEREAS, the new objective standards could not be presented to the City Council in a period of less than ninety (90) days due to the procedures required to amend a zoning ordinance; and

WHEREAS, it would not be in the public interest to continue inconsistent enforcement of a condition that staff is recommending be modified; and.

WHEREAS, the holding off of enforcement until 12:30 a.m. of conditions in city issued Conditional Use Permits requiring a restaurant/bar to cease operation of the restaurant/bar and all related activities at 12:00 a.m. will not have any effect on conditions relating to closing times or the ceasing of operations contained in private Covenants, Conditions and Restrictions (CC&R's) covering the property on which restaurants, bars, nightclubs and social halls operate.

Adopted 10/28/08
Approved 11/7/08
Effective 11/7/08



NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno:

1. The City Council finds it is in the public interest to adopt an interim enforcement policy that holds off enforcement until 12:30 a.m. of any condition in a Conditional Use Permit for restaurants/bars, requiring the business to cease operation of the restaurant/bar and all related activities at 12:00 a.m. seven (7) days a week. This allows customers to complete the consumption of food and/or beverages ordered and served prior to 12:00 a.m.

2. This interim enforcement policy shall apply for a period of one hundred and twenty (120) days.

3. The City Manager, the Director of Planning and Development, the City Clerk, and the City Attorney are authorized to prepare any and all documents and instruments necessary to implement this interim policy.

///

///

///



4. The City Manager and Planning and Development staff shall return within one hundred and twenty (120) days with a proposed amendment to the zoning ordinance with new objective standards which modify the time requirement for the close of restaurants, bars, nightclubs, and social halls.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the day of October 28th, 2008.

AYES : Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
NOES : None
ABSENT: None
ABSTAIN : None

Mayor Approval: _____ November 7 _____, 2008

Mayor Approval/No Return: _____ N/A _____, 2008

Mayor Veto: _____ N/A _____, 2008

Council Override Vote: _____ N/A _____, 2008

REBECCA E. KLISCH
City Clerk

BY: Rebecca Klisch
~~Deputy~~

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Charlotte M. Hylton
Charlotte M. Hylton, Deputy

CMH:ns [46896ns/reso]- 10/23/08

October 29, 2008

Council Adoption: 10/28/08

Mayor Approval:

Mayor Veto:

Override Request:



TO: MAYOR ALAN AUTRY
FROM: REBECCA E. KLISCH, CMC
City Clerk

rek

RECEIVED

2008 NOV -7 PM 4:11

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 10/28/08, Council adopted the attached Resolution No. 2008-301, entitled **Appving enforcement policy re: city issued restaurant/bar conditional use permits limiting consumption of food/beverages to midnight**, Item No. 9:15 A.M. #2 - E, by the following vote:

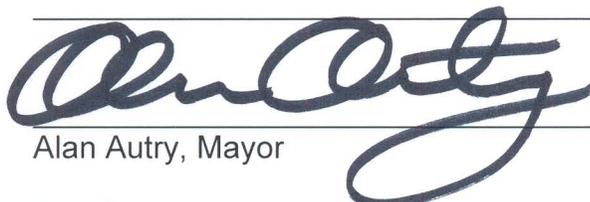
Ayes	:	Calhoun, Caprioglio, Dages, Duncan, Perea, Sterling, Xiong
Noes	:	None
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before November 10, 2008. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)



Alan Autry, Mayor

Date: 11/7/08

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	