

PUBLIC HEARING TO CONSIDER CODE AMENDMENTS RELATED TO THE LONG -TERM OUTDOOR DINING PROGRAM DEVELOPMENT

NOVEMBER 18, 2025

CITY COUNCIL



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BACKGROUND

2020

JUNE

Temporary outdoor program begins

2021

AUGUST

City Council direction to pursue a work plan item for long-term program



BACKGROUND

202
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FEBRUARY

Temporary outdoor program ends

MAY

Task force meetings kick-off

OCTOBER

Community Workshop No. 1

2023-
2024

CITY COUNCIL STATUS REPORTS

Task force recommendations, preferred program vision, pilot project, preliminary plans, code amendment initiation



BACKGROUND

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JANUARY

Community Workshop No. 2

APRIL

Parking and Public Improvements Commission
(sidewalk dining and vehicle loading)

MAY

Planning Commission study session

OCTOBER

Planning Commission public hearings (private
property outdoor dining)



AMENDMENT SCOPE

Supplement and revise existing chapters of Municipal Code and Local Coastal Program with a focus on operational standards

Examples



Occupancy increase



Alcohol service



Parking requirements



Music/Live Entertainment



Enforcement and revocation



AMENDMENT SCOPE



Sidewalk Dining: MBMC Chapter 7.36 (Private Use of the Public Right of Way)



Private Property Outdoor Dining: MBMC Section 10.60.080/MBLCP Section A.60.080 (Outdoor facilities)



Commercial Vehicle Loading: MBMC Chapters 14.01 (Definitions) and 14.44 (Stopping for Loading or Unloading Only)



SIDEWALK DINING ORDINANCE



- **Location:**

Downtown and North MB only;
adjacent to business frontage

- **Director authorized to condition or modify with PPIC recommendation:**

Provides flexibility in applying the provisions



SIDEWALK DINING ORDINANCE



- **Unobstructed sidewalk width:** Min. 48 → 60 inch
- **Sidewalk dining related objects:**
 - Tables and chairs by-right
 - Umbrellas, heaters, bussing station, etc. allowed with permits; prohibited when causes traffic safety or coastal view impairment



SIDEWALK DINING ORDINANCE



- **Alcohol Service:**

Allowed with Use Permit

» Initially drafted to **NOT** require Use Permit

AB 592 extends relief until Jan. 2029;
otherwise, City provision applies
requiring Use Permit



SIDEWALK DINING ORDINANCE



- **Music and entertainment:**

Continue to prohibit, but allow per MBMC (Amplified Sound Permit)

- **Code compliance:**

Includes enforcement and revocation provisions (3 strikes and out)



SIDEWALK DINING ORDINANCE



- **Occupancy:**

Allow net increase, if trash enclosure and service levels are available

- **Parking requirements:**

Allow bike parking as an alternative

AB 592 waives parking requirements indefinitely for certain establishments



SIDEWALK DINING ORDINANCE



- **Codify existing practices:**
 - No queuing with outdoor dining furniture
 - Two-seat tables for sidewalks $\leq$ 9.5 feet in width
 - Operate per approved plans
 - Permit renewed on March 1 of each year



SIDEWALK DINING ORDINANCE

Q & A



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PRIVATE PROPERTY OUTDOOR DINING



- **Music and entertainment:**

Allow per existing permits in the code; prohibit for outdoor dining above ground floor

- **Alcohol service:**

Allow with Use Permit, if located above the ground floor, operates beyond 10:00 p.m., or within 150 feet of residential zone

Same relief applies per AB 592



PRIVATE PROPERTY OUTDOOR DINING



- **Occupancy:**
Same as sidewalk dining. Use Permit not required including minor expansions for access to above ground outdoor dining
- **Operating hours:**
Limited to 10pm, unless located min. 150 feet from residential
- **Compliance with applicable code**



PRIVATE PROPERTY OUTDOOR DINING



- **Parking requirements:**

- Allow bike parking as an alternative
- Clarifies off-street parking can only be utilized on excess spaces

Same relief applies per AB 592 to existing expansions



PRIVATE PROPERTY OUTDOOR DINING



- **Outdoor dining above the ground floor:**
 - Require not facing and min. 15 feet from residential
 - Incorporate sound attenuation guidelines
 - Prohibit outdoor dining areas over right-of-way



PRIVATE PROPERTY OUTDOOR DINING



- **Enforcement and revocation:**
Permit revoked on 3rd violation within a one-year period; unable to reapply for one full year
- **Permit renewal:**
Excludes renewal for outdoor dining above ground floor



PRIVATE PROPERTY OUTDOOR DINING

Q & A



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COMMERCIAL VEHICLE LOADING



New definitions added for,

- **Commercial loading and unloading**

The stopping or standing of a commercial vehicle for the purpose of loading or unloading goods, wares or merchandise from or to any commercial building or structure

- **Large commercial vehicle**

A commercial vehicle as defined by Section 260 of the California Vehicle Code that is 30 feet or more in length



COMMERCIAL VEHICLE LOADING



- **Prohibit large commercial vehicles from loading,**
 - Along streets and alleys less than 36 feet in width within CD* and CNE* zones
 - During set timeframe (11pm-7am, except Fri. & Sat. from 6pm), unless no residential uses exist on either side

* **CD:** Downtown Commercial / **CNE:** North End Commercial



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COMMERCIAL VEHICLE LOADING



- Allows City's traffic engineer with flexibility to prohibit loading beyond set time on certain streets



COMMERCIAL VEHICLE LOADING

Q & A



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TIERED SIDEWALK DINING USE FEE

Task Force Recommendation

1. Increase monthly use fee (previously \$3/sf)

>> Recently updated to \$4/sf

2. Implement tiered use fee based on;

- Alcohol service
- Location (i.e., Downtown vs. North MB)

>> Maximum fee not to exceed avg. market rent
(\$5 for Downtown and \$4 for North MB)



TIERED SIDEWALK DINING USE FEE

Example: \$0.50 incremental increase

Tier	Fee/sf/month	Applicability
1	\$4 (Base)	All businesses
2	\$4.5	With alcohol service OR located Downtown
3	\$5	With alcohol service AND located Downtown



OUTDOOR DINING GUIDELINES

User-friendly manual for outdoor dining with design and operational standards



APPLICATION

Depending on the location of the outdoor dining area, an applicant will be required to apply for a Sidewalk Dining Permit, an Outdoor Facilities Permit, or both. Outdoor dining permits are issued ministerially at the staff level when all requirements of the outdoor dining ordinance are met.

If a deviation is requested from the provisions of the outdoor dining ordinance, a Sidewalk Dining Permit would be referred to the Planning and Public Improvements Commission (PPIC), and an Outdoor Facilities Permit would be referred to the Planning Commission (PC) for private property outdoor dining. Deviations for live outdoor entertainment or amplified music on outdoor dining areas above the ground floor cannot be requested.



Application Submittal

1. Application submittal

Applications must be submitted through the City's [Citizen Self Service \(CSSS\) portal](#) and must include all submittal requirements on page 21 (See permit handout in Appendices 5.a and 5.b).

Applicants for sidewalk dining must apply for a 'Planning Entitlement' on CSSS, while private property outdoor dining applicants apply for an 'Outdoor Facilities Permit'.



Inter-Department Review

2. Inter-Department Review

Once a formal application is received and fees are paid, staff will determine the completeness of the application and will route plans to various departments for review. If the submittal package is inconsistent with key requirements or lacks sufficient information, a resubmittal containing additional details or operational features may be required to address comments issued by staff.



Permit Issuance

3. Permit Issuance*

Project specific conditions may be imposed and on-site inspections may be required depending on the characteristics of the outdoor dining area.

* A separate permit with the State Alcoholic Beverage Control is required when alcohol service is proposed in the outdoor dining area.



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DESIGN STANDARDS

Proposed projects shall be consistent with all applicable standards including, but not limited to, the Americans with Disabilities Act (ADA), MBMCIMBLC, and adopted Building and Fire Codes. If there is a conflict between any design standards in this document and applicable codes and regulations, the more restrictive provision shall apply, unless explicitly stated otherwise.



Sidewalk Dining

Sidewalk dining is a form of outdoor dining that occurs on the sidewalk area within the public right-of-way adjacent to an Eating and Drinking Establishment business.



Private Property Outdoor Dining

Private property outdoor dining can take place in various forms on the ground level (e.g., excess off-street parking spaces, open spaces, courtyards, etc.) and generally within the building footprint.



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OPERATIONAL STANDARDS



Sidewalk Dining



Hours

Outdoor dining service must conclude by 10:00 p.m. with associated furniture removed from the sidewalk dining area by 10:30 p.m.



Maintenance

- Dining tables and chairs shall not be stored in the sidewalk dining area when the business is not in operation.
- Sidewalk dining areas must be cleaned and kept free of litter.
- If retractable canvas shades are used, they must be replaced and maintained per the manufacturer's specifications.
- Outdoor dining tables and chairs shall only be used for dining, not for waiting customers.



Occupancy

When utilizing existing indoor dining seats for outdoor dining (i.e., no net increase in overall occupancy), Public Works Department review may not be required.



1. Refuse

For a net increase in occupancy, the Public Works Department will review and approve the request based on the availability of an adequately sized trash enclosure on the premises and service levels.



2. Parking*

• Additional off-street parking requirements shall apply to the sidewalk dining area per MBMC Chapter 10.64.

• Alternatively, 5 bicycle parking spaces may be provided on-site in lieu of each

* Parking may be preempted by state law (AB 592)

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OUTDOOR DINING GUIDELINES

Two guidelines prepared due to coastal zone requiring MBLCP amendment certification from Coastal Commission

1. Private property outdoor dining

>> Publish after Council adoption

2. Sidewalk dining added to 1. above

>> Requires Coastal certification



ENVIRONMENTAL REVIEW

- Draft Initial Study (IS)/Negative Declaration (ND) prepared and circulated for review
- Two public comments received
 - Sidewalk obstructions and enforcement
 - Above ground floor outdoor dining noise
- >> Included in final IS/ND with City responses



CONCLUSION

1. Introduce proposed ordinance and adopt Negative Declaration

Upon adoption of ordinance, submit MBLCP amendments to Coastal Commission

2. Provide direction on establishing a tiered sidewalk dining use fee

- Tier categories (e.g., location, alcohol service)
- Fee structure



