

## RESOLUTION NO. 25-0141

### RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL ADOPTING THE OUTDOOR DINING GUIDELINES PREPARED AS PART OF THE LONG-TERM OUTDOOR DINING PROGRAM DEVELOPMENT

THE MANHATTAN BEACH CITY COUNCIL HEREBY FINDS, DETERMINES AND RESOLVES AS FOLLOWS:

SECTION 1. Between June 2020 and February 2023, the City allowed for temporary outdoor placement of a variety of uses in response to COVID-19 protocols that restricted indoor operations. As the focus gradually shifted from a temporary program to one in a post-pandemic era, a work plan effort to establish a long-term outdoor dining program (the “Program”) was created.

SECTION 2. On March 26, 2025, the City Council directed staff to initiate code amendments to the existing outdoor dining regulations in the Manhattan Beach Municipal Code (“MBMC”) and the Manhattan Beach Local Coastal Program (“MBLCP”) to implement the Program.

SECTION 3. The outdoor dining guidelines supplement the related outdoor dining ordinance by providing additional user-friendly guidance on design and operational standards for sidewalk dining and private property outdoor dining.

SECTION 4. On October 8, 2025, the Planning Commission held a duly noticed public hearing where the outdoor dining guidelines were considered; and on October 22, 2025, the Planning Commission adopted Resolution No. PC 25-12, recommending that the City Council adopt the proposed outdoor dining ordinance and associated guidelines for private property outdoor dining.

SECTION 5. On November 18, 2025, the City Council held a duly noticed public hearing and introduced Ordinance No. 25-0013 to amend the MBMC and MBLCP to implement the Program, and adopted Resolution No. 25-0129, approving a Negative Declaration for the project prepared pursuant to the California Environmental Quality Act.

SECTION 6. On December 2, 2025, the City Council adopted Ordinance No. 25-0013, amending the MBMC and MBLCP to implement the Program. The City Council also considered adopting associated resolutions including this resolution, establishing guidelines for sidewalk dining and private property outdoor dining.

SECTION 7. The City Council hereby adopts the outdoor dining guidelines as set forth herein as Exhibit “A” and rescinds the Downtown Second-Floor Outdoor Dining Guidelines adopted in January 2019. In addition, the City Council delegates authority to the Community Development Director to modify the guidelines, as needed from time to time, to further the objectives of the Program in balancing residents’ quality of life and

providing adequate outdoor dining opportunities in the City.

SECTION 8. The outdoor dining guidelines shall become effective in areas outside of the Coastal Zone on the effective date of Ordinance No. 25-0013, and to areas within the Coastal Zone upon certification of the MBLCP amendments by the California Coastal Commission.

SECTION 9. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED on December 2, 2025.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
DAVID LESSER  
Mayor

ATTEST:

\_\_\_\_\_  
LIZA TAMURA  
City Clerk

**EXHIBIT**

Exhibit A: Outdoor Dining Guidelines

Private  
Property  
Outdoor  
Dining  
Only



manhattan beach  
**OUTDOOR  
DINING**

Res. 25-0141



# OUTDOOR DINING GUIDELINES



The City's outdoor dining ordinance has been updated to reflect outdoor dining operational needs which changed in response to COVID-19, and to create an optimal outdoor dining environment for residents and visitors alike. The ordinance is the cumulation of numerous community outreach efforts including the formation of the City's Outdoor Dining Task Force that worked to identify outdoor dining opportunities that are compatible with the character of Manhattan Beach, while enhancing the public realm and quality of life. More information on the long-term outdoor dining program development effort can be found on the City's webpage at [manhattanbeach.gov/outdoordining](https://manhattanbeach.gov/outdoordining)

## DISCLAIMER

Images in this document are shown for illustrative purposes only. While some of the images are from the City's temporary outdoor dining program implemented during COVID-19, many are of outdoor dining areas around the world where design requirements vary significantly. As such, some images may not comply with all aspects of the City's outdoor dining ordinance. Captions are utilized under photos to draw attention to the elements of importance that depict(s) provisions of the code. No outdoor element or condition shown within an image in this document shall be construed as automatically allowable under the City's outdoor dining ordinance.

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# INTRODUCTION

Applicants should refer to this document to familiarize themselves with the process, requirements, and conditions to obtain the necessary outdoor dining permit. This document is intended to serve as guidance on the process and requirements to obtain outdoor dining permits on private property per Manhattan Beach Municipal Code (MBMC) Section 10.60.080.

The updated outdoor dining ordinance took effect in the City on \_\_\_\_\_, 2026, outside of the Coastal Zone. For areas in the Coastal Zone, the ordinance will take effect after the Manhattan Beach Local Coastal Program (MBLCP) amendments with the same provisions are certified by the California Coastal Commission. Until the MBLCP is certified, the existing provisions in MBLCP Section A.60.080 will continue to apply in the Coastal Zone. For additional assistance or questions, please contact the Planning Division at [planning@manhattanbeach.gov](mailto:planning@manhattanbeach.gov) or (310) 802-5520.

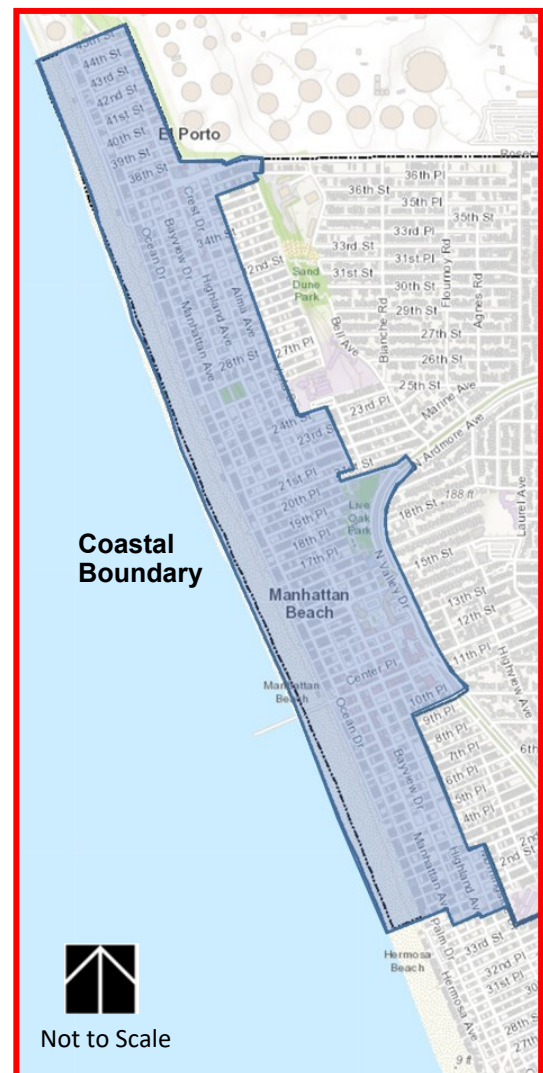
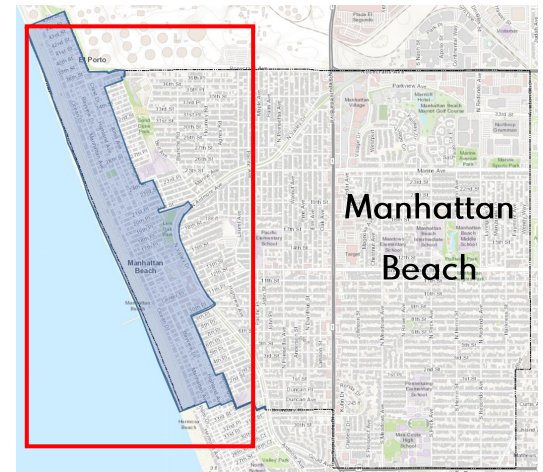


Figure 1. Coastal Zone Map

# INTRODUCTION

## Outdoor dining in the City's context is defined as:

Open air “al fresco” dining on public and private property, in which the experience:



Allows for opportunities to enjoy the pleasant weather and scenic ocean views;



Promotes a sense of community and interaction with others;



Enhances the ambiance and small town character of Manhattan Beach; and



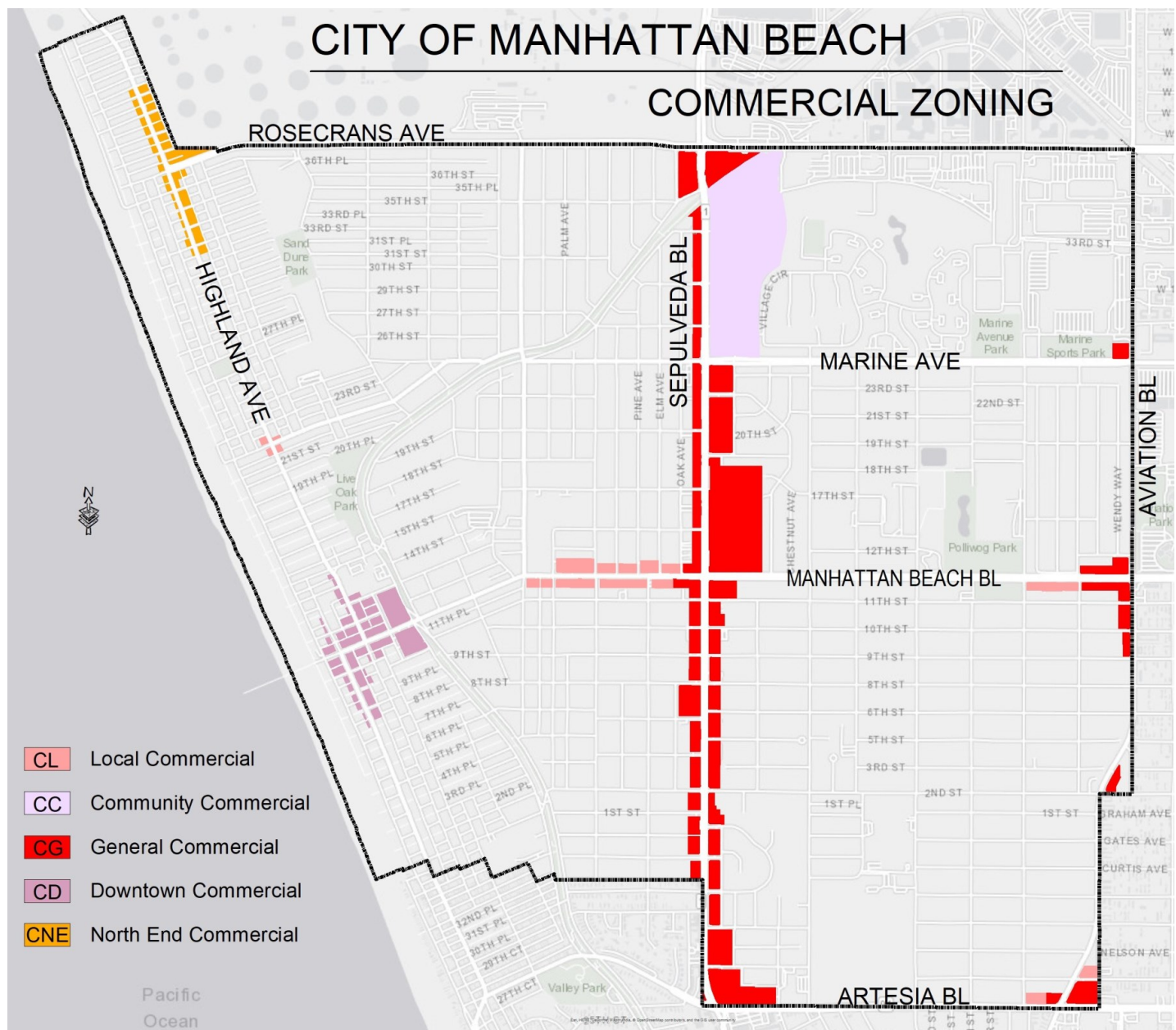
Balances community vibrancy with residential quality of life

# Outdoor Dining Type

## Private Property Outdoor Dining



Private property outdoor dining is allowed in all commercial zoning districts throughout the City (See Figure 2 below) on existing open space, decks above the ground floor, or parking spaces in excess of the minimum required per MBMC Chapter 10.64/ MBLCP Chapter A.64. See [MBMC Section 10.60.080- Outdoor facilities](#) for more information.



**Figure 2. Commercial Zoning District Map**

# Eligible Businesses



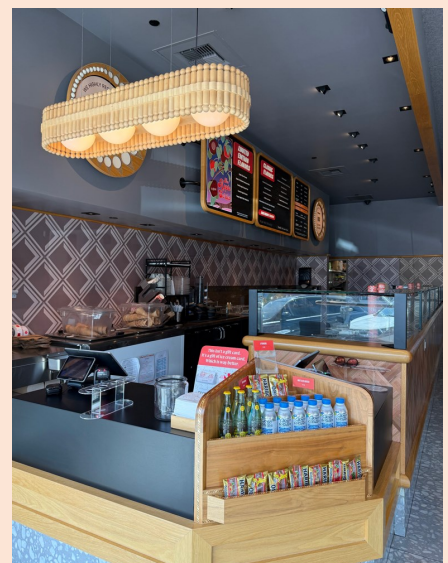
Participation in the City's outdoor dining program is largely limited to **Eating and Drinking Establishments**, which are defined in the MBMC Section 10.08.050(L) as:

*Businesses serving prepared food or beverages for consumption on or off the premises*



Additionally, **Food and Beverage Sales** uses may participate in private property outdoor dining opportunities, which the MBMC Section 10.08.050(M) defines as:

*Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens.*



# APPLICATION

An applicant will be required to apply for an Outdoor Facilities Permit for outdoor dining proposed on private property. The Outdoor Facilities Permit is 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, an Outdoor Facilities Permit would be referred to the Planning Commission (PC). However, 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 \(CSS\) portal](#) and must include all submittal requirements on page 21 (See permit handout in Appendix 5.a).

Applicants must apply for an '*Outdoor Facilities Permit*' on CSS.



Inter-Departmental 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.

# Submittal Checklist



## 1. Site Plan/Elevation

Plans shall be drawn to show the dimensions of the outdoor dining area and the layout of furniture, including the number of outdoor dining seats in relation to the maximum allowed occupancy of the establishment.



## 2. Fees

- Fees are established by resolution of the City Council and increase each fiscal year. See the City's [website](#) for the current fee schedule.



## 3. Other Permits

Consult with staff prior to submittal to determine if additional permits (Building Permit, California Department of Alcoholic Beverage Control, etc.) are required for your project.

# Renewal

Outdoor dining permits are tied to the business owner and are valid for a period of one (1) year or until March 1st, whichever occurs first, with annual renewals required to ensure compliance with applicable codes and standards.



Outdoor dining above the ground floor on private property is **NOT** subject to annual renewals.

# Enforcement

Businesses that fail to comply with the outdoor dining ordinance shall be subject to enforcement, including potential revocation, as follows:



- Permits shall be revoked on the 3rd violation, if it occurs within one year of the 1st violation.
- Once revoked, the permittee will be prohibited from reapplying for an outdoor dining permit for one full year from the date the permit is revoked.



## 1st Violation

Notice of Violation



## 2nd Violation

Administrative Citation No. 1



## 3rd Violation

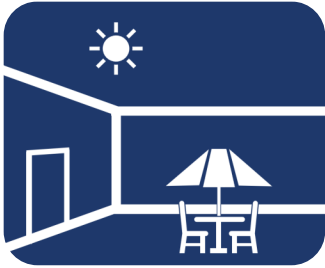
Administrative Citation No. 2

>> Permit Revoked

Within  
One  
Year  
Period

# DESIGN STANDARDS

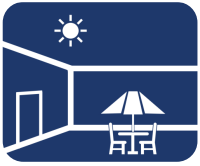
Proposed projects shall be consistent with all applicable standards including, but not limited to, the Americans with Disabilities Act (ADA), MBMC/MBLCP, and adopted Building and Fire Codes. If there is a conflict between any design standards in this document and applicable codes and regulations, the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



## 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.





# Private Property Outdoor Dining



*Propane heaters are approved as long as there is adequate storage for propane tanks on site.*

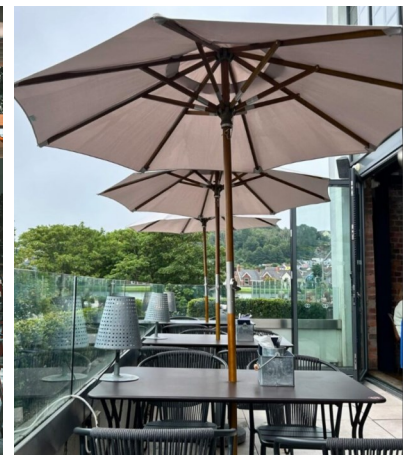


## Heaters

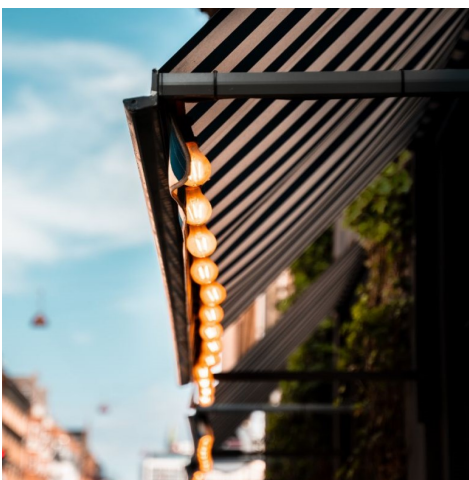
- Natural gas or electrical heaters are preferred over propane heaters. Propane tanks cannot be stored indoors or in the right-of-way.
- Must be located at least 10 feet from the entrance of the establishment and entrance(s) of adjacent business(es).

## Shade Structures

- Roof and shade structures are allowed at the discretion of the permittee.
- Vertical clearance and horizontal projections of the shade structure shall be governed by the California Building Code.
- Tensioned canopies or tents require separate permits



*Shade structures are at the discretion of the permittee; however, tensioned canopies require separate permits*



*Code compliant light fixtures are allowed with appropriate permits*

## Lighting

- String lights above water features, candles, and torches are prohibited.
- Lighting fixtures must comply with applicable building code requirements and relevant plans must be prepared by a licensed engineer.
- Lighting equipment that present tripping hazards or requiring temporary electrical connections (e.g., extension cords) is prohibited.



# Private Property Outdoor Dining

## Furniture & Decor

- The type and color of furniture is not regulated; however, materials must be durable and of high-quality (e.g., wood, metal, or composite materials).
- Branding or identification signs are prohibited on barrier/fencing or shade structures.



*Furniture and décor are not regulated as long as the materials are of high-quality and durable.*

## Balconies

Outdoor dining balconies over the right-of-way are prohibited, unless approved prior to adoption of these guidelines and cannot be expanded upon.

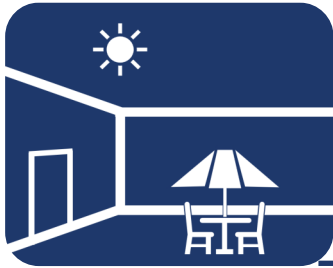


*Existing balconies with outdoor dining cannot further expand into the right-of-way.*



*Outdoor dining above the ground floor and within the building footprint*

# OPERATIONAL STANDARDS



## Private Property Outdoor Dining



### Hours

- Outdoor dining service must conclude by 10:00 p.m., if located within 150 feet of residential uses.
- Otherwise, hours of operation shall be subject to entitlement conditions associated with the establishment.



### 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.

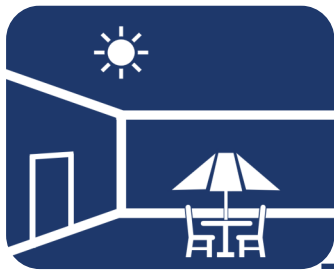


### 2. Parking

- Outdoor dining in off-street parking spaces is allowed only when there is excess parking available on site.
- Off-Street parking requirements in MBMC Chapter 10.64 shall apply to the outdoor dining area, unless approved prior to adoption of these guidelines.
- Alternatively, a minimum of 5 bicycle parking spaces may be provided on the premises for each parking space required.



# OPERATIONAL STANDARDS



## Private Property Outdoor Dining



### Location

- Outdoor dining areas above the ground floor must not face and be located within 15 feet from residential uses.
- Placement and quantity of dining tables and chairs must match approved plans during operations at all times.



### Miscellaneous

- Sound attenuation guidelines (See Appendix 5.c) must be incorporated into the design of outdoor dining areas above the ground floor.
- Outdoor preparation of food or beverages where food is consumed at tables is prohibited.



### Amplified Sound & Entertainment

- Amplified sound and live entertainment are allowed in ground floor outdoor dining areas subject to permits pursuant to MBMC Chapter 4.20 (Amusements-dances and café entertainment) and Chapter 5.48 (Noise regulations).
- Amplified sound and live entertainment are prohibited in outdoor dining areas above the ground floor, including areas not fully enclosed on the same level.



### Alcohol Service

Alcoholic beverages may be served or consumed in outdoor dining areas that are within 150 feet of a residential zone, above the ground floor, or operate beyond 10:00 p.m., if a Use Permit or a Use Permit amendment is obtained and subject to approval by the California Department of Alcoholic Beverage Control. Notwithstanding, AB 592 will continue to apply to qualifying establishments until Jan. 2029.

# APPENDIX

## a. OUTDOOR FACILITIES PERMIT GUIDELINE

## b. SOUND ATTENUATION GUIDELINE



## City of Manhattan Beach Community Development Department

### Outdoor Facilities Permit Guidelines and Conditions (MBMC Section 10.60.080)

#### **Application Submittal Steps:**

- Apply for an Outdoor Facilities Permit (via CSS Online Permitting System)
- Include a full description of the outdoor activity, including, but not limited to, the proposed activity, type of items to be displayed (if applicable), location on the site, and hours during which outdoor activities are taking place.
- Submit a sketch of the area in which the proposed activities will take place with measurements of the outdoor dining/business area, including the layout of tables, chairs, and other related features.
- Pay Outdoor Facilities Permit invoice.

#### **Permit Conditions:**

1. Only existing tables and chairs used inside the establishment may be used for outdoor dining, unless an adequately sized trash enclosure on site and service levels are approved by the Public Works Department for a net increase in occupancy that exceeds the maximum allowed for the establishment.
2. Outdoor dining may occur on off-street parking spaces when there is excess parking available for the establishment that exceeds the minimum requirements per Manhattan Beach Municipal Code (MBMC) Chapter 10.64.
3. The outdoor dining area is subject to off-street parking requirements in MBMC Chapter 10.64, unless previously approved prior to adoption of the updated outdoor dining ordinance. Alternatively, a minimum of 5 bicycle parking spaces on the premises for each parking space required may satisfy this requirement.
4. Outdoor preparation of food or beverages where food is consumed at tables is prohibited.
5. Alcoholic beverages may not be served or consumed in outdoor dining areas that are within 150 feet of a residential zone, above the ground floor, or operate beyond 10:00 p.m., unless a Use Permit or a Use Permit amendment is obtained or except as otherwise authorized by the California Department of Alcoholic Beverage Control per AB 592.
6. Amplified music and live outdoor entertainment must comply with MBMC Chapter 4.20 (Amusements-dances and café entertainment) and Chapter 5.48 (Noise regulations).
7. Outdoor dining operations must end by 10:00 p.m. if located within 150 feet of residential use. Otherwise, operating hours are subject to entitlement conditions associated with the establishment.
8. The outdoor dining area must comply with all applicable federal, state and local laws, ordinances, codes, regulations and requirements.
9. Outdoor dining above the ground floor:
  - a. The outdoor dining area shall not face nor be located less than 15 feet from residential uses.
  - b. Balconies over the right-of-way are prohibited.
  - c. Sound attenuation guidelines on file with the Community Development Department must be incorporated into the outdoor dining area design.
  - d. Amplified music and live outdoor entertainment are prohibited with no exceptions, including indoor dining areas that are not fully enclosed on the same level.
10. Outdoor display of merchandise is prohibited from occupying public property and prohibited from occupying more than fifty percent (50%) of the total "tenant frontage" of a building.
11. If there are any adverse impacts on surrounding properties, screening fences or walls may be required. The height of anything stored or displayed must be less than the height of the screening fence or wall, if required.
12. Permits shall be revoked on the third enforcement action if the first violation occurred within a one-year period.
13. All outdoor facility permits will be valid for one (1) year or until March 1<sup>st</sup>, whichever comes first.

I acknowledge receipt of a copy of the Outdoor Facilities Permit Guidelines and agree to comply with the above conditions and other related Outdoor Facilities Permit requirements:

Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# City of Manhattan Beach

## Outdoor Dining Policy Review:

### Preliminary Sound Attenuation Guidelines

#### Recommended Planning and Sound Attenuation Design Guidelines

Outdoor dining areas above the ground floor include a variety of noise sources subject to various transmission and attenuation factors. Each potential outdoor dining area would have different noise generation, transmission, and attenuation characteristics that are dependent on site-specific factors that are not known at this time. Also, each individual dining area may or may not have cause for noise concerns. Given the lack of site-specific information available at this time, the following recommendations represent basic, preliminary sound attenuation design guidelines for Outdoor dining areas above the ground floor.<sup>1</sup>

#### Planning Guidelines

Planning to limit potential noise concerns and prioritize appropriate sound attenuation design for individual outdoor dining areas:

1. Minimum setbacks or buffers could be established to increase the distance between outdoor dining areas and noise sensitive receptors.
2. Clear operating hours should be established for all outdoor dining areas.
3. Outdoor dining properties could be categorized by their potential for noise concerns (e.g., high, medium, low) based on the type of operation, proximity to sensitive receptors, and/or the dimensional value of the side(s) with an uninterrupted line of sight to a noise sensitive receptor. Properties with higher noise concerns would then be subject to more sound attenuation design measures.

#### Building/Dining Area Design Guidelines

In order of priority, design measures should: 1) Minimize the amount of sound that can be generated by outdoor dining activities and potentially transmitted to sensitive receptors; 2) Minimize the direct transmission of sound to sensitive receptors; 3) Minimize the potential for sound to pass over perimeter walls/barriers to reach sensitive receptors.

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<sup>1</sup> MIG notes that the recommendations are made without consideration of cost factors, City-specific building/fire code requirements, etc. In this regard, MIG's preliminary recommendations may be further refined by the City.

**Design Guideline 1: Minimize the amount of sound that can be generated by outdoor dining activities and potentially transmitted to sensitive receptors.**

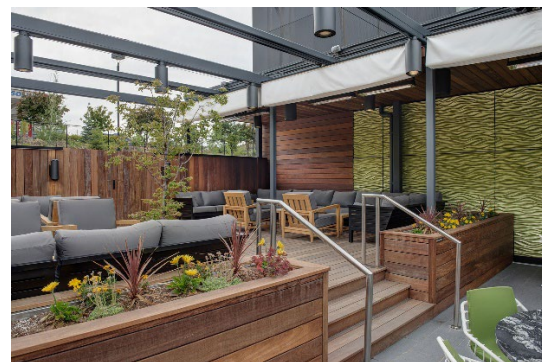
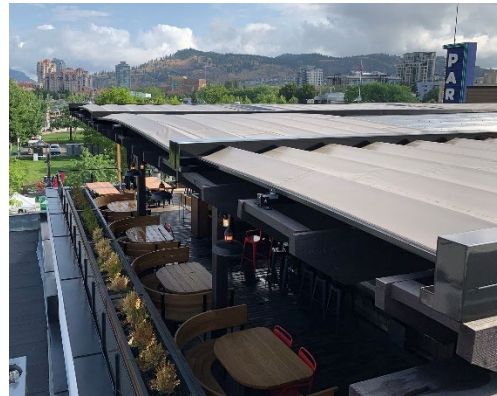
Basic Design Guidelines for Minimizing Sound Generation and Potential Transmission

**1) Layout and Design:**

- a) Outdoor Kitchen, Food Preparation Areas, and Bussing Stations Prohibited. Outdoor kitchen, food preparation areas, and bussing stations should be prohibited. This does not apply to bar areas/bussing stations.
- b) Bars. Bars and bar seating areas should be set back from the perimeter of the outdoor dining area.
- c) Seating. Customer seating should be oriented away from sensitive receptors directly adjacent to dining areas. Areas of dense seating should be set back from the perimeter of the dining area.
- d) Décor. Preference should be given to upholstered/cushioned or wooden seating and table materials.

- 2) **Discouraged Building Materials.** Construction of expansive new walls and floors made of hard, reflective surfaces such as poured concrete, marble, brick, glazed tile, etc. should be discouraged unless such walls and floors incorporate sound attenuation measures per these guidelines.

*Example photos/rendering from top to bottom: Bar set back from perimeter; seating oriented towards interior of dining area; and use of wood decking over concrete surface.*



**Design Guideline 1: Minimize the amount of sound that can be generated by outdoor dining activities and potentially transmitted to sensitive receptors.**

**3) Incorporate Sound Absorption Features.**

- a) Floors. Preference should be given to soft, flexible surfaces such as wood flooring or decking or carpeting over foam or rubber base.
- b) Walls and Overhead Structures. Walls and overhead structures, particularly in high traffic areas where voices are likely to be focused or directed in a specific direction or area, should incorporate acoustic treatments such as slat wood paneling over acoustic fabric or foam, soft foam tiles, panels, or baffles, or heavy curtains.
- c) Treatments. Acoustically absorptive treatments should be optimized for the typical human voice frequency centered on 500 hertz.

**4) Amplified and Non-Amplified Music and Sound Equipment Prohibited.** Amplified and non-amplified music should be prohibited, without exception. Other sound generating equipment, such as TVs and radios should also be prohibited.

*Example photos from top to bottom: Wood slat wall treatment; acoustic baffles over bar area; commercially available sound absorbing panels (soft foam).*



**Design Guideline 2: Minimize the direct transmission of sound to adjacent sensitive receptors by requiring all outdoor dining areas to have solid perimeter walls/barriers, except where existing walls, adjacent buildings, or other solid structures fully block the line of sight to adjacent sensitive receptors.**

**Basic Design Guidelines for Perimeter Walls/Barriers**

- 1) *Design:* Perimeter walls/barriers shall be free of openings, cracks, gaps, etc., other than weep holes.
- 2) *Sound Transmission Class Rating:* Perimeter wall/barrier assemblies, including glass, plexiglass, and other solid transparent assemblies or components, shall be designed to achieve a minimum STC rating of 35.
- 3) *Assemblies:* Wood, steel, or other framed walls/barrier assemblies should be preferred over poured concrete, concrete block, and brick assemblies unless such reflective surfaces include planters, acoustic panels, etc.
- 4) *Façades/Finishes:* Glass, plastic, wood panel or siding, vinyl or other plastic panel or siding, gypsum board, or stucco façades and finished surfaces should be preferred over poured concrete, concrete block, and brick or brick veneer assemblies.
- 5) *Finished Heights:* The finished top of the wall/barrier should be a minimum of 6 feet above the finished floor elevation when blocking noise from areas where customers will primarily be seated (dining or other) and a minimum of 8 feet above the finished floor elevation when blocking noise from areas where customers would primarily be standing (dining or other).

*Example photos from top to bottom: Solid non-transparent barrier; solid transparent barrier; solid combination barrier.*



**Design Guideline 2: Minimize the direct transmission of sound to adjacent sensitive receptors by requiring all outdoor dining areas to have solid perimeter walls/barriers, except where existing walls, adjacent buildings, or other solid structures fully block the line of sight to adjacent sensitive receptors.**

Enhanced Design Guidelines for Perimeter Walls/Barriers

- 6) Sound Transmission Class Rating: Solid, non-transparent perimeter wall/barrier assemblies, shall be designed to achieve a minimum STC rating of 40. Glass, plexiglass, and other solid transparent assemblies shall be prohibited.
- 7) Finished Heights: Where receptors are located within 100 feet of, and at a higher elevation than, the outdoor dining area, the top of wall height shall fully break the line of sight between the outdoor dining area and the sensitive receptor if practical (i.e., if additional barrier height does not require substantial structural modifications and complies with other applicable zoning and building code regulations).

*Example photo: Brick wall softened with vegetative planter and adjoining wood barrier.*



**Design Guideline 3: Minimize the transmission of sound over perimeter walls/barriers as much as possible by providing overhead structures/features in noise concern areas, except in cases where solid roof assemblies that meet building code requirements have been constructed in such areas.**

Basic Design Guidelines for Overhead Sound Attenuation Structures/Features

- 1) *Design and Assembly:* Overhead sound attenuation structures/features shall be constructed of and supported by solid materials such as wood and metal posts, beams, headers, etc. that are securely fastened or anchored to the floor assembly. Temporary or pop-up shade elements such as tents and umbrellas are not considered sound attenuation features.

*Example photo: Solid metal overhead structures securely fastened/anchored to floor (note non-sound attenuating umbrellas in background).*



**Design Guideline 3: Minimize the transmission of sound over perimeter walls/barriers as much as possible by providing overhead structures/features in noise concern areas, except in cases where solid roof assemblies that meet building code requirements have been constructed in such areas.**

2) *Roof/Ceiling Materials:* The use of wood, metal, glass, plexiglass, and other solid materials is preferred in overhead sound attenuation structures/features located in high traffic areas over shuttered, retractable, louver, lattice, or cloth type structures that have openings and gaps.

- a) The use of shuttered and retractable overhead sound attenuation features could be allowed, provided the opening of such features is prohibited from 7 PM to closing and the feature is able to close free of openings or gaps.
- b) The use of lattice features should be prohibited in high traffic areas and only allowed in other areas if accompanied by the use of acoustic sails, baffles, or panels.
- c) The use of louvered features should be prohibited in high traffic areas and only allowed in other areas if the louvered feature directs sound away from all sensitive receptors and reflective surfaces.
- d) Cloth-only features, including acoustic sails, should be discouraged.

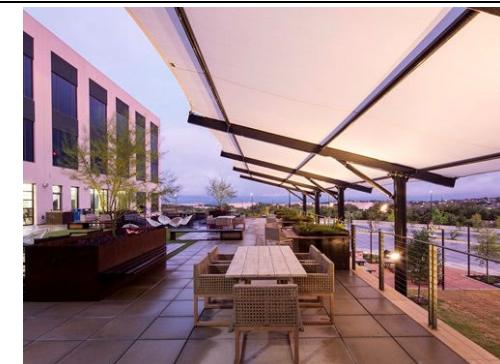
*Example photos from top to bottom: Solid metal structure; solid retractable structure; cloth-only feature that should be discouraged.*



**Enhanced Design Guideline for Overhead Sound Attenuation Structures/Features**

3) *Cantilevered Structures/Features.* The use of perimeter cantilevered overhead structures, in accordance with building code requirements, could be considered in areas of high noise concern.

*Example photo: Cantilever overhead feature along building perimeter.*



## Sources

The following technical references are used in this document:

California Department of Transportation (Caltrans) 2013. *Technical Noise Supplement to the Traffic Noise Analysis Protocol*. Sacramento, California. September 2013.

Eplastics 2019. Plexiglass Noise Reduction Sound Barrier. Accessed May 2024. Available online at:  
<<https://www.eplastics.com/blog/sound-transmission-plexiglass-sheets>>

U.S. EPA 1977. Speech Levels in Various Noise Environments. Washington, D.C. May 1977.

Viracon 2020. Acoustic Performance Data Tables. Accessed May 2024. Available online at:  
<<https://www.viracon.com/wp-content/uploads/2020/09/ViraconAcousticPerfDataTables.pdf>>

The images used in this documented were obtained from the following internet sources in May 2024:

<https://www.architecturaldigest.com/gallery/best-rooftop-bars-slideshow>

<https://acousticsamerica.com/product/aanyimage-acoustic-art-panel/>

<https://acousticsamerica.com/product/acoustic-panel-48x12/>

<https://upstatebusinessjournal.com/business-news/greenville-sc-city-design-review-board-urban-panel-west-end-rooftop-bar-gets-approval/>

<https://www.plastral.com.au/product/plexiglas-soundstop-noise-barriers/>

<https://www.shadefxcanopies.com/13-commercial-rooftops-transformed-functional-spaces/>

[https://willygoat.com/products/cantilever-wing-cabled-shade-structure?variant=31901665624161&utm\\_source=google&utm\\_medium=cpc&utm\\_campaign=Google%20Shopping&stkn=ff1d4e32b302&gad\\_source=1&gclid=CjwKCAjw9cCyBhBzEiwAJTUWNQFEn23\\_ZvPIGX3aXjbJEUNxrOCEnK76wWTUyX1Kj3IRSpCLBgb2fxoCNicQAvD\\_BwE](https://willygoat.com/products/cantilever-wing-cabled-shade-structure?variant=31901665624161&utm_source=google&utm_medium=cpc&utm_campaign=Google%20Shopping&stkn=ff1d4e32b302&gad_source=1&gclid=CjwKCAjw9cCyBhBzEiwAJTUWNQFEn23_ZvPIGX3aXjbJEUNxrOCEnK76wWTUyX1Kj3IRSpCLBgb2fxoCNicQAvD_BwE)

Sidewalk  
Dining and  
Private  
Property  
Outdoor  
Dining



manhattan beach

# OUTDOOR DINING

Res. 25-0141



# OUTDOOR DINING GUIDELINES



The City's outdoor dining ordinance has been updated to reflect outdoor dining operational needs which changed in response to COVID-19, and to create an optimal outdoor dining environment for residents and visitors alike. The ordinance is the cumulation of numerous community outreach efforts including the formation of the City's Outdoor Dining Task Force that worked to identify outdoor dining opportunities that are compatible with the character of Manhattan Beach, while enhancing the public realm and quality of life. More information on the long-term outdoor dining program development effort can be found on the City's webpage at [manhattanbeach.gov/outdoordining](https://manhattanbeach.gov/outdoordining)

## DISCLAIMER

Images in this document are shown for illustrative purposes only. While some of the images are from the City's temporary outdoor dining program implemented during COVID-19, many are of outdoor dining areas around the world where design requirements vary significantly. As such, some images may not comply with all aspects of the City's outdoor dining ordinance. Captions are utilized under photos to draw attention to the elements of importance that depict(s) provisions of the code. No outdoor element or condition shown within an image in this document shall be construed as automatically allowable under the City's outdoor dining ordinance.

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# INTRODUCTION

Applicants should refer to this document to familiarize themselves with the process, requirements, and conditions to obtain the necessary outdoor dining permit. This document is intended to serve as guidance on the process and requirements to obtain outdoor dining permits in the public right-of-way and private property per Manhattan Beach Municipal Code (MBMC) Sections 7.36.160 and 10.60.080.

The updated outdoor dining ordinance took effect in the City on \_\_\_\_\_, 2026, outside of the Coastal Zone. For areas in the Coastal Zone, the ordinance will take effect after the Manhattan Beach Local Coastal Program (MBLCP) amendments with the same provisions are certified by the California Coastal Commission. Until the MBLCP is certified, the existing provisions in MBLCP Sections 7.36.160 and A.60.080 will continue to apply in the Coastal Zone. For additional assistance or questions, please contact the Planning Division at [planning@manhattanbeach.gov](mailto:planning@manhattanbeach.gov) or (310) 802-5520.

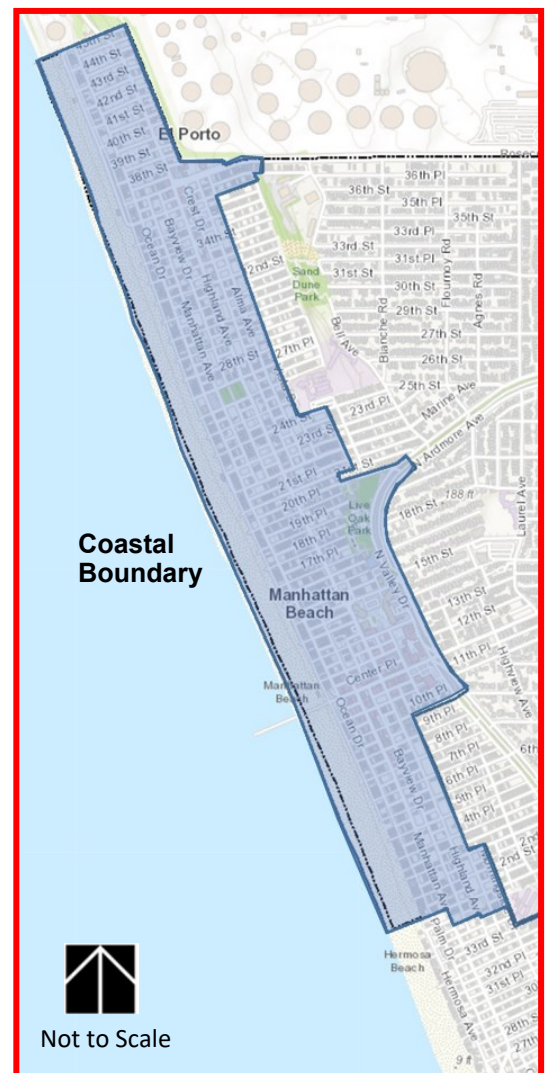
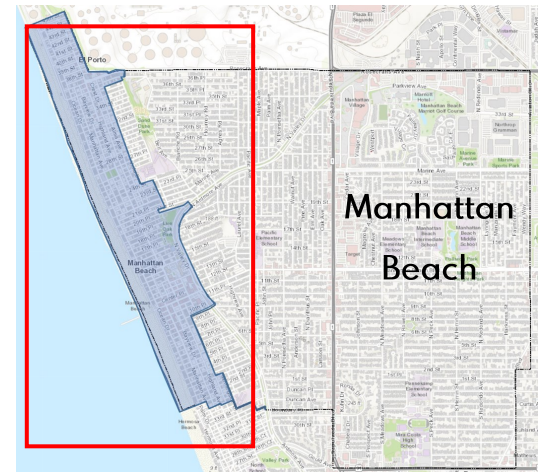


Figure 1. Coastal Zone Map

# INTRODUCTION

## Outdoor dining in the City's context is defined as:

Open air “al fresco” dining on public and private property, in which the experience:



Allows for opportunities to enjoy the pleasant weather and scenic ocean views;



Promotes a sense of community and interaction with others;



Enhances the ambiance and small town character of Manhattan Beach; and



Balances community vibrancy with residential quality of life

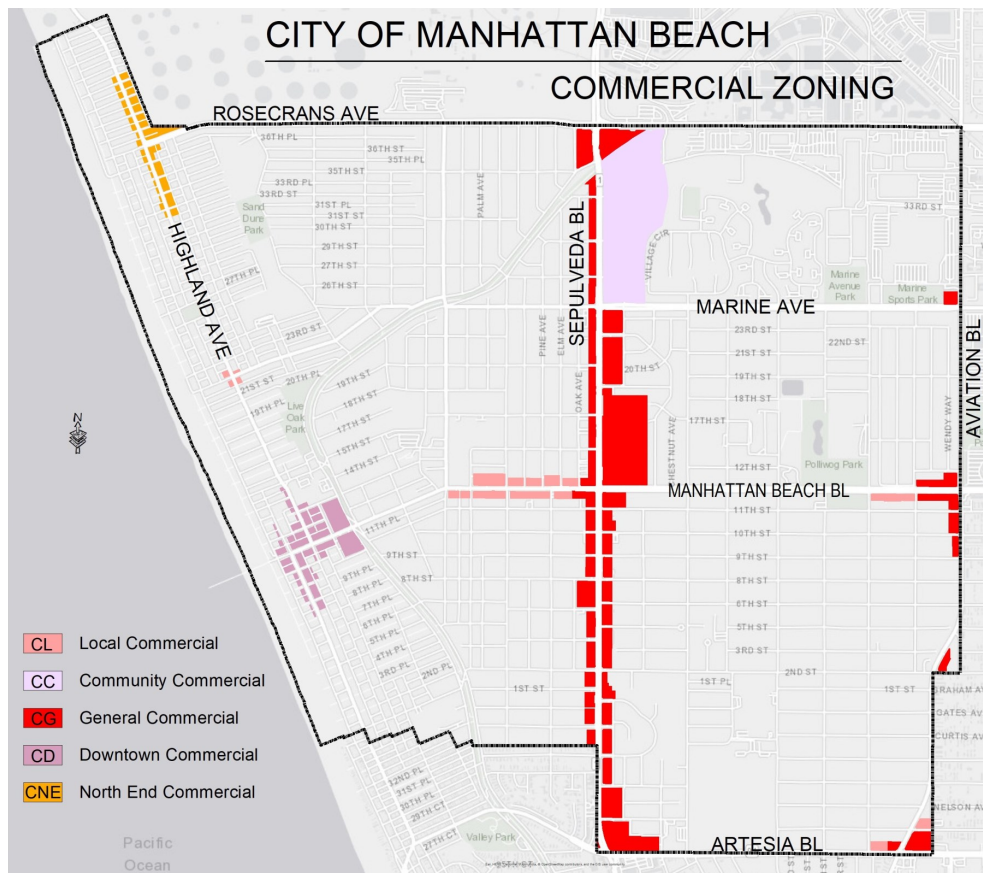
# Outdoor Dining Types

There are two outdoor dining types allowed in the City depending on the location:



## Sidewalk Dining

Public right-of-way outdoor dining is allowed on sidewalks in Downtown and North Manhattan Beach only. Specifically, sidewalks in the CD (Downtown Commercial) and CNE (North End Commercial) zoning districts as outlined in Figure 2, and may be utilized by adjacent businesses. Outdoor dining on other public rights-of-way such as walk streets, on-street decks, and parklets are prohibited. See [MBMC Section 7.36.160 - Sidewalk Dining Encroachment Permits](#) for more information.



**Figure 2. Commercial Zoning District Map**



## Private Property Outdoor Dining

Private property outdoor dining is allowed in all commercial zoning districts throughout the City (See Figure 2 above) on existing open space, decks above the ground floor, or parking spaces in excess of the minimum required per MBMC Chapter 10.64/ MBLCP Chapter A.64. See [MBMC Section 10.60.080- Outdoor facilities](#) for more information.

# Eligible Businesses



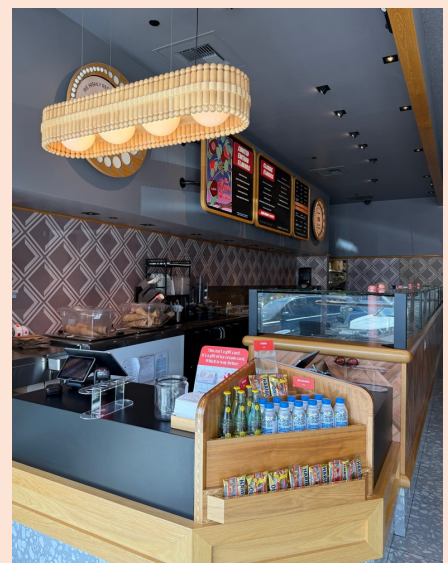
Participation in the City's outdoor dining program is largely limited to **Eating and Drinking Establishments**, which are defined in the MBMC Section 10.08.050(L) as:

*Businesses serving prepared food or beverages for consumption on or off the premises*



Additionally, **Food and Beverage Sales** uses may participate in private property outdoor dining opportunities, which the MBMC Section 10.08.050(M) defines as:

*Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens.*



# 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 Parking 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 \(CSS\) 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 CSS, while private property outdoor dining applicants apply for an 'Outdoor Facilities Permit'.



Inter-Departmental 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.

# Submittal Checklist



## 1. Site Plan/Elevation

Plans shall be drawn to show the dimensions of the outdoor dining area and the layout of furniture, including the number of outdoor dining seats in relation to the maximum allowed occupancy of the establishment.



## 2. Fees

- Fees are established by resolution of the City Council and increase each fiscal year. See the City's [website](#) for the current fee schedule.
- Sidewalk dining permits will be assessed an additional monthly fee of \$4/sq. ft.



## 3. Insurance & Hold Harmless form

Applicable only to sidewalk dining permits, a Certificate of Insurance endorsing the City as additionally insured and a signed Hold Harmless agreement must be submitted.



## 4. Other Permits

Consult with staff prior to submittal to determine if additional permits (Building Permit, California Department of Alcoholic Beverage Control, etc.) are required for your project.

# Renewal

Outdoor dining permits are tied to the business owner and are valid for a period of one (1) year or until March 1st, whichever occurs first, with annual renewals required to ensure compliance with applicable codes and standards.



Outdoor dining above the ground floor on private property is **NOT** subject to annual renewals.

# Enforcement

Businesses that fail to comply with the outdoor dining ordinance shall be subject to enforcement, including potential revocation, as follows:



- Permits shall be revoked on the 3rd violation, if it occurs within one year of the 1st violation.
- Once revoked, the permittee will be prohibited from reapplying for an outdoor dining permit for one full year from the date the permit is revoked.



## 1st Violation

Notice of Violation



## 2nd Violation

Administrative Citation No. 1



## 3rd Violation

Administrative Citation No. 2

>> Permit Revoked

Within  
One  
Year  
Period

# DESIGN STANDARDS

Proposed projects shall be consistent with all applicable standards including, but not limited to, the Americans with Disabilities Act (ADA), MBMC/MBLCP, 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

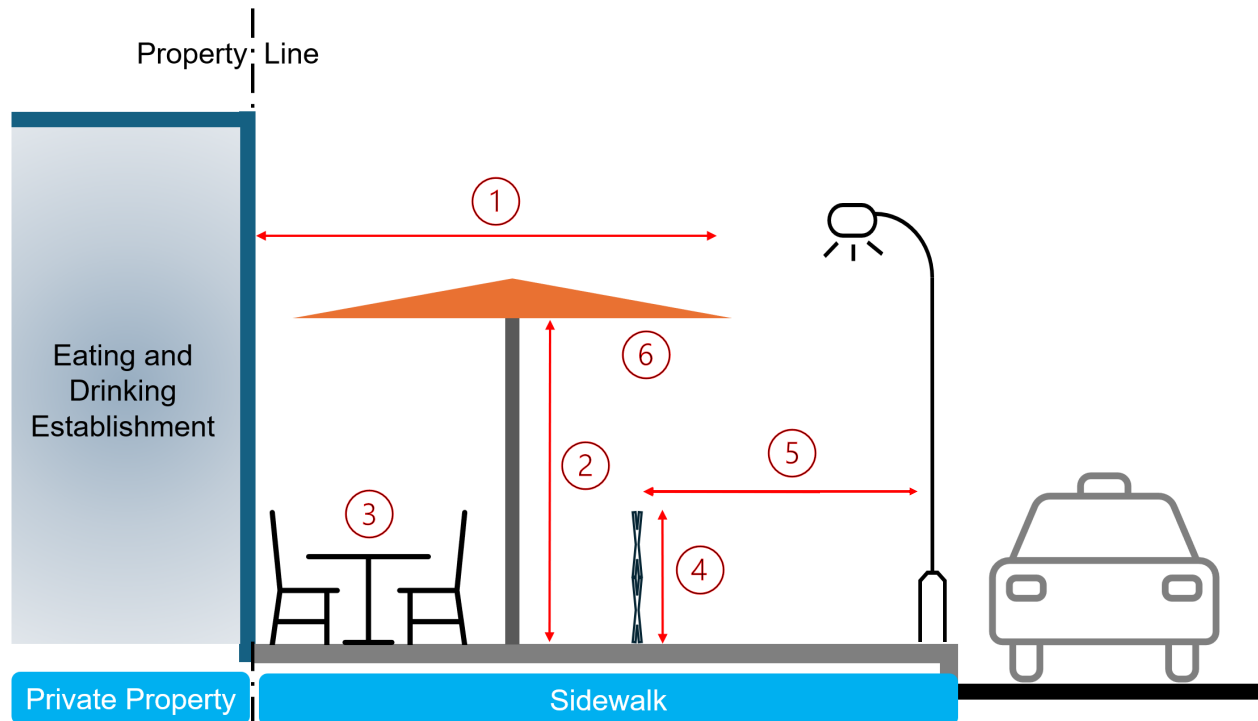
Private property outdoor dining can take place in various forms on the ground level (e.g., excess off-street parking spaces, open spaces, courtyards, etc.) and generally within the building footprint.





# Sidewalk Dining

The requirements and placement of various features for sidewalk dining are simplified in the figure below for reference purposes with additional context provided in the following pages.



**Figure 3. Sidewalk Dining Feature Diagram**

- ① Shade structures may cover up to 2/3 of the sidewalk width
- ② The vertical clearance of the shade structure must be at least 7 feet
- ③ Sidewalk dining must occur immediately adjacent to the establishment, and is limited to the width of the establishment's building frontage
- ④ Barriers/fencing shall be a maximum of 42 inches in height and must be min. 50% open to light and air
- ⑤ A minimum 60 inch unobstructed sidewalk width outside of the sidewalk dining area is required
- ⑥ Branding or identification signs on barriers or shade structures are prohibited



# Sidewalk Dining



*Mounted electrical heaters*

## Heaters

- Limited to natural gas or electrical heaters only.
- Must be located at least 10 feet from the entrance of the establishment and entrance(s) of adjacent business(es).



*Tensioned canopies require separate permits in outdoor dining areas*

## Shade Structures

- Shade structures shall not cover more than two-thirds (2/3) of the sidewalk width and must have a minimum vertical clearance of 7 feet.
- Umbrellas are prohibited on the ground floor of streets along east-west directions (e.g., Manhattan Beach Boulevard).
- Tensioned canopies or tents require separate permits.
- All shade structure materials must have appropriate fire ratings as determined by the Fire Marshal.



*Code compliant light fixtures are allowed with appropriate permits*

## Lighting

- String lights above water features, candles, and torches are prohibited.
- Lighting fixtures are prohibited in the right-of-way, unless they comply with applicable building code requirements and relevant plans are prepared by a licensed engineer.
- Lighting equipment that present tripping hazards or require temporary electrical connections (e.g., extension cords) is prohibited.



# Sidewalk Dining



*Two-seat table utilized on a narrow sidewalk*

## Furniture & Decor

- Sidewalks less than 9.5 feet in width are limited to placement of two-seat tables immediately adjacent to the storefront in the sidewalk dining area.
- Outdoor dining tables and chairs are allowed with a Sidewalk Dining Permit. All other objects (e.g., umbrellas, heaters, planters, fences, bussing stations, etc.) require further review under the same permit and shall comply with MBMC Section 7.36.065.
- The type and color of furniture is not regulated; however, materials must be durable and of high-quality (e.g., wood, metal, or composite materials).
- Branding or identification signs are prohibited on barrier/fences and shade structures.

## Barrier/Fences

- When used, barriers shall be limited to a max. of 42 inches in height and at least 50% permeable to light and air.
- Solid plastic screening and plexi-glass are prohibited.



*Barriers that delineate the outdoor dining areas must be a max. 42 inches in height and at least 50% open to light and air.*

*Unobstructed coastal view with a clear pathway along the sidewalk*



## Safety & Circulation

- A minimum 3-foot clearance is required around fire hydrants; no landscaping or permeant fixtures are allowed.
- An unobstructed sidewalk width of at least 60 inches must be available outside of the sidewalk dining area.
- Objects in the right-of-way that may cause traffic safety issues or coastal view impairments, as identified by City staff, are prohibited.



# Private Property Outdoor Dining



*Propane heaters are approved as long as there is adequate storage for propane tanks on site.*

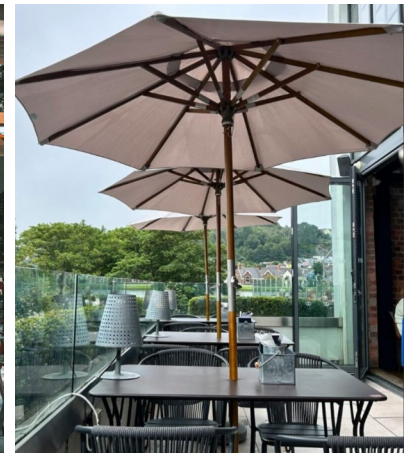


## Heaters

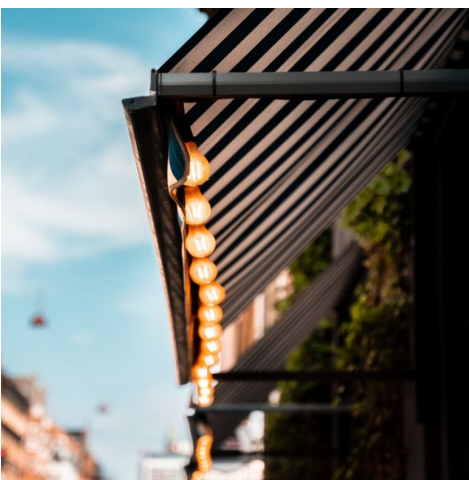
- Natural gas or electrical heaters are preferred over propane heaters. Propane tanks cannot be stored indoors or in the right-of-way.
- Must be located at least 10 feet from the entrance of the establishment and entrance(s) of adjacent business(es).

## Shade Structures

- Roof and shade structures are allowed at the discretion of the permittee.
- Vertical clearance and horizontal projections of the shade structure shall be governed by the California Building Code.
- Tensioned canopies or tents require separate permits



*Shade structures are at the discretion of the permittee; however, tensioned canopies require separate permits*



*Code compliant light fixtures are allowed with appropriate permits*

## Lighting

- String lights above water features, candles, and torches are prohibited.
- Lighting fixtures must comply with applicable building code requirements and relevant plans must be prepared by a licensed engineer.
- Lighting equipment that present tripping hazards or requiring temporary electrical connections (e.g., extension cords) is prohibited.



# Private Property Outdoor Dining

## Furniture & Decor

- The type and color of furniture is not regulated; however, materials must be durable and of high-quality (e.g., wood, metal, or composite materials).
- Branding or identification signs are prohibited on barrier/fencing or shade structures.



*Furniture and décor are not regulated as long as the materials are of high-quality and durable.*

## Balconies

Outdoor dining balconies over the right-of-way are prohibited, unless approved prior to adoption of these guidelines and cannot be expanded upon.



*Existing balconies with outdoor dining cannot further expand into the right-of-way.*



*Outdoor dining above the ground floor and within the building footprint*

# 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.



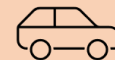
### Occupancy

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

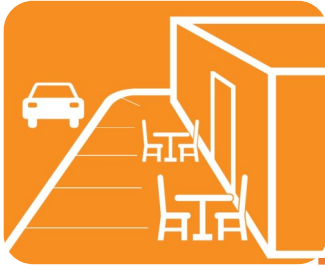
- Additional off-street parking requirements shall apply to the sidewalk dining area per MBMC Chapter 10.64, unless approved prior to adoption of these guidelines.
- Alternatively, 5 bicycle parking spaces may be provided on-site in lieu of each additional parking space required.



### 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 manufactured specifications.
- Outdoor dining tables and chairs shall only be used for dining; not for waiting customers.

# OPERATIONAL STANDARDS



## Sidewalk Dining



### Location

- The sidewalk dining area must be immediately adjacent to the building and is limited to the frontage of the establishment.
- Placement and quantity of dining tables and chairs must match approved plans during operations at all times.



### Alcohol Service

Alcoholic beverages served or consumed in the sidewalk dining area, requires a Use Permit (or an amendment), subject to approval and conditions by the California Department of Alcoholic Beverage Control. Notwithstanding, AB 592 will continue to apply to qualifying establishments until Jan. 2029.

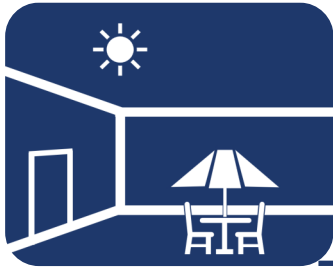


### Amplified Sound & Entertainment

- Permits are required pursuant to MBMC Section 5.48.150 (Amplified sound permits), and allowed no more than twice every calendar year.
- No additional right-of-way will be allowed for such activities and shall occur within the approved sidewalk dining area.



# OPERATIONAL STANDARDS



## Private Property Outdoor Dining



### Hours

- Outdoor dining service must conclude by 10:00 p.m., if located within 150 feet of residential uses.
- Otherwise, hours of operation shall be subject to entitlement conditions associated with the establishment.



### 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.

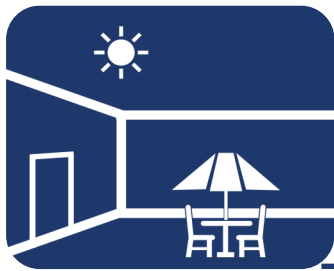


### 2. Parking

- Outdoor dining in off-street parking spaces is allowed only when there is excess parking available on site.
- Off-Street parking requirements in MBMC Chapter 10.64 shall apply to the outdoor dining area, unless approved prior to adoption of these guidelines.
- Alternatively, a minimum of 5 bicycle parking spaces may be provided on the premises for each parking space required.



# OPERATIONAL STANDARDS



## Private Property Outdoor Dining



### Location

- Outdoor dining areas above the ground floor must not face and be located within 15 feet from residential uses.
- Placement and quantity of dining tables and chairs must match approved plans during operations at all times.



### Miscellaneous

- Sound attenuation guidelines (See Appendix 5.c) must be incorporated into the design of outdoor dining areas above the ground floor.
- Outdoor preparation of food or beverages where food is consumed at tables is prohibited.



### Amplified Sound & Entertainment

- Amplified sound and live entertainment are allowed in ground floor outdoor dining areas subject to permits pursuant to MBMC Chapter 4.20 (Amusements-dances and café entertainment) and Chapter 5.48 (Noise regulations).
- Amplified sound and live entertainment are prohibited in outdoor dining areas above the ground floor, including areas not fully enclosed on the same level.



### Alcohol Service

Alcoholic beverages may be served or consumed in outdoor dining areas that are within 150 feet of a residential zone, above the ground floor, or operate beyond 10:00 p.m., if a Use Permit or a Use Permit amendment is obtained and subject to approval by the California Department of Alcoholic Beverage Control. Notwithstanding, AB 592 will continue to apply to qualifying establishments until Jan. 2029.

# APPENDIX

## a. SIDEWALK DINING GUIDELINE

## b. OUTDOOR FACILITIES PERMIT GUIDELINE

## c. SOUND ATTENUATION GUIDELINE



## City of Manhattan Beach Community Development Department

### Sidewalk Dining Permit Guidelines and Conditions (MBMC Section 7.36)

#### **Application Submittal Steps:**

- Apply for a Planning Encroachment Permit for Sidewalk Dining (via CSS Online Permitting System)
- Submit a Certificate of Insurance with Endorsement naming the city as additionally insured.
- Submit a sketch of the licensed area with measurements of sidewalk and dining/business area, including layout of tables and chairs.
- Pay Planning Encroachment Permit invoice.
- Sign the Sidewalk Dining Requirements and Hold Harmless forms.

#### **Permit Conditions:**

1. A minimum of 60 inches of sidewalk width must be left unobstructed at all times.
2. In areas with standard-width sidewalks (9.5 feet), only two-seat tables may be used.
3. Only existing tables and chairs used inside the restaurant may be used for sidewalk dining, unless an adequately sized trash enclosure on site and service levels are approved by the Public Works Department for a net increase in occupancy that exceeds the maximum allowed for the establishment.
4. Sidewalk Dining Permits authorize tables and chairs utilized for dining only. Furniture cannot be used for customers waiting for table service.
5. Placement and quantity of dining tables and chairs shall match approved plan during operational hours.
6. Tables and chairs cannot be stored on the sidewalk at any time outside of the establishments' business hours.
7. Applicants and their customers may not place any objects in the public right-of-way (including, but not limited to umbrellas, planters, fences, host stands, bussing areas, heaters, bikes/dogs tied to parking meters, etc.) without a permit.
8. Sidewalk dining related objects within the vehicular street right-of-way that cause a traffic safety issue, as determined by the City Traffic Engineer, or coastal view impairment are prohibited at any time.
9. Exterior lighting, video and sound equipment is not permitted, unless permits are pulled.
10. Alcoholic beverages may not be served or consumed in the sidewalk dining area without a Use Permit or a Use Permit amendment, except as otherwise authorized by the California Department of Alcoholic Beverage Control per AB 592.
11. Off-street parking requirements in Chapter 10.64 shall apply to the sidewalk dining area, unless previously approved prior to adoption of the updated outdoor dining ordinance. As an alternative, a minimum of 5 bicycle parking spaces on the premises for each vehicle parking space required may meet this requirement.
12. Amplified music and live outdoor entertainment are prohibited, unless a permit is issued pursuant to Section 5.48.150 (Amplified sound permits). Dancing is prohibited.
13. Dining activities must conclude by 10:00pm. Tables and chairs must be removed from City property by 10:30pm.
14. All required or accessible exits, paths of travel and means of egress from establishments and businesses must be maintained and remain unobstructed.
15. The portion of sidewalks used for dining must be cleaned regularly and consistently kept free of litter by the applicant.
16. The applicant must submit an application for a permit and pay established permit fees. Applicant agrees to pay the monthly fee for commercial use of the public right-of-way pursuant to the current fee schedule rates.
17. The applicant must provide a \$2 million insurance endorsement and complete a Hold Harmless agreement, to the satisfaction of the Risk Manager.
18. Permits are issued to business owners rather than property owners and do not run with the property. New business owners must apply for a new permit.
19. All Permits are subject to temporary modification or suspension at any time based on the public's priority for use of City right-of-way as determined to be appropriate by the Chief of Police or Public Works Director.
20. Use of the Licensed Area must comply with all applicable requirements of Title 24 of the California Code of Regulations.

21. Business Owner shall comply with all applicable federal, state and local laws, ordinances, codes, regulations and requirements.
22. Permits shall be revoked on the third enforcement action if the first violation occurred within a one-year period.
23. All sidewalk dining permits are valid for one (1) year or until March 1st, whichever comes first.

I acknowledge receipt of a copy of the Requirements for Sidewalk Dining Permit Guidelines and agree to comply with the above conditions and other related Sidewalk Dining Permit requirements:

Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**CITY OF MANHATTAN BEACH  
RELEASE, HOLD HARMLESS & INDEMNIFICATION  
AGREEMENT FOR SIDEWALK DINING/BUSINESS USE**

In consideration of the right to encroach upon City right of way granted by City for and on behalf of the undersigned ("Business Owner") and his or her predecessors, successors and assigns and invitees, the Business Owner shall, at its sole cost and expense, indemnify, defend, and hold harmless City, and its elected officials, officers, attorneys, employees, agents, designated volunteers, successors, assigns and those City agents serving as independent contractors in the role of City officials (collectively "Indemnitees"), from and against any and all causes of action, damages, claims, demands, proceedings, expenses, judgments, penalties, liens, losses and liabilities of whatever kind or nature, in law, equity, or otherwise, including, but not limited to attorneys' fees, whether known or unknown, which may relate to or arise out of the encroachment rights granted by City to the Business Owner or his or her use thereof or the use of any assignee, designee, licensee, invitee or any other person occupying, using or in any way affected by the encroached upon property or the use made thereof in any way whether with or without the permission of the Business Owner.

If the City or its Indemnitees are sued or subject to any claims, demands, liabilities, lawsuits, or causes of action, including but not limited to bodily injury or damages to personal property arising out of or in any way connected with or related to the encroachment granted by City to the Business Owner and the use thereof by any person, the Business Owner hereby promises to defend, indemnify and hold City harmless from and against any and all such claims, demands, liabilities, lawsuits or causes of action, made or brought against the City or its Indemnitees, including but not limited to expenses, attorneys' fees (including any attorney fees incurred by City in any indemnity action), expert witness fees and costs, and other costs now or hereafter claimed or asserted by any party against City or incurred by City.

Dated: \_\_\_\_\_

Signed: \_\_\_\_\_

Business Owner: \_\_\_\_\_

Business Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Manhattan Beach, CA 90266



## City of Manhattan Beach Community Development Department

### **Outdoor Facilities Permit Guidelines and Conditions** (MBMC Section 10.60.080)

#### **Application Submittal Steps:**

- Apply for an Outdoor Facilities Permit (via CSS Online Permitting System)
- Include a full description of the outdoor activity, including, but not limited to, the proposed activity, type of items to be displayed (if applicable), location on the site, and hours during which outdoor activities are taking place.
- Submit a sketch of the area in which the proposed activities will take place with measurements of the outdoor dining/business area, including the layout of tables, chairs, and other related features.
- Pay Outdoor Facilities Permit invoice.

#### **Permit Conditions:**

1. Only existing tables and chairs used inside the establishment may be used for outdoor dining, unless an adequately sized trash enclosure on site and service levels are approved by the Public Works Department for a net increase in occupancy that exceeds the maximum allowed for the establishment.
2. Outdoor dining may occur on off-street parking spaces when there is excess parking available for the establishment that exceeds the minimum requirements per Manhattan Beach Municipal Code (MBMC) Chapter 10.64.
3. The outdoor dining area is subject to off-street parking requirements in MBMC Chapter 10.64, unless previously approved prior to adoption of the updated outdoor dining ordinance. Alternatively, a minimum of 5 bicycle parking spaces on the premises for each parking space required may satisfy this requirement.
4. Outdoor preparation of food or beverages where food is consumed at tables is prohibited.
5. Alcoholic beverages may not be served or consumed in outdoor dining areas that are within 150 feet of a residential zone, above the ground floor, or operate beyond 10:00 p.m., unless a Use Permit or a Use Permit amendment is obtained or except as otherwise authorized by the California Department of Alcoholic Beverage Control per AB 592.
6. Amplified music and live outdoor entertainment must comply with MBMC Chapter 4.20 (Amusements-dances and café entertainment) and Chapter 5.48 (Noise regulations).
7. Outdoor dining operations must end by 10:00 p.m. if located within 150 feet of residential use. Otherwise, operating hours are subject to entitlement conditions associated with the establishment.
8. The outdoor dining area must comply with all applicable federal, state and local laws, ordinances, codes, regulations and requirements.
9. Outdoor dining above the ground floor:
  - a. The outdoor dining area shall not face nor be located less than 15 feet from residential uses.
  - b. Balconies over the right-of-way are prohibited.
  - c. Sound attenuation guidelines on file with the Community Development Department must be incorporated into the outdoor dining area design.
  - d. Amplified music and live outdoor entertainment are prohibited with no exceptions, including indoor dining areas that are not fully enclosed on the same level.
10. Outdoor display of merchandise is prohibited from occupying public property and prohibited from occupying more than fifty percent (50%) of the total "tenant frontage" of a building.
11. If there are any adverse impacts on surrounding properties, screening fences or walls may be required. The height of anything stored or displayed must be less than the height of the screening fence or wall, if required.
12. Permits shall be revoked on the third enforcement action if the first violation occurred within a one-year period.
13. All outdoor facility permits will be valid for one (1) year or until March 1<sup>st</sup>, whichever comes first.

I acknowledge receipt of a copy of the Outdoor Facilities Permit Guidelines and agree to comply with the above conditions and other related Outdoor Facilities Permit requirements:

Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# City of Manhattan Beach

## Outdoor Dining Policy Review:

### Preliminary Sound Attenuation Guidelines

#### Recommended Planning and Sound Attenuation Design Guidelines

Outdoor dining areas above the ground floor include a variety of noise sources subject to various transmission and attenuation factors. Each potential outdoor dining area would have different noise generation, transmission, and attenuation characteristics that are dependent on site-specific factors that are not known at this time. Also, each individual dining area may or may not have cause for noise concerns. Given the lack of site-specific information available at this time, the following recommendations represent basic, preliminary sound attenuation design guidelines for Outdoor dining areas above the ground floor.<sup>1</sup>

#### Planning Guidelines

Planning to limit potential noise concerns and prioritize appropriate sound attenuation design for individual outdoor dining areas:

1. Minimum setbacks or buffers could be established to increase the distance between outdoor dining areas and noise sensitive receptors.
2. Clear operating hours should be established for all outdoor dining areas.
3. Outdoor dining properties could be categorized by their potential for noise concerns (e.g., high, medium, low) based on the type of operation, proximity to sensitive receptors, and/or the dimensional value of the side(s) with an uninterrupted line of sight to a noise sensitive receptor. Properties with higher noise concerns would then be subject to more sound attenuation design measures.

#### Building/Dining Area Design Guidelines

In order of priority, design measures should: 1) Minimize the amount of sound that can be generated by outdoor dining activities and potentially transmitted to sensitive receptors; 2) Minimize the direct transmission of sound to sensitive receptors; 3) Minimize the potential for sound to pass over perimeter walls/barriers to reach sensitive receptors.

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<sup>1</sup> MIG notes that the recommendations are made without consideration of cost factors, City-specific building/fire code requirements, etc. In this regard, MIG's preliminary recommendations may be further refined by the City.

**Design Guideline 1: Minimize the amount of sound that can be generated by outdoor dining activities and potentially transmitted to sensitive receptors.**

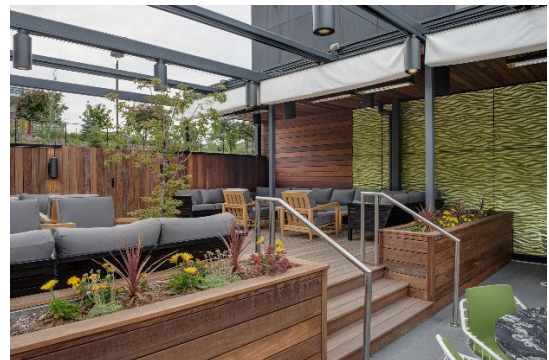
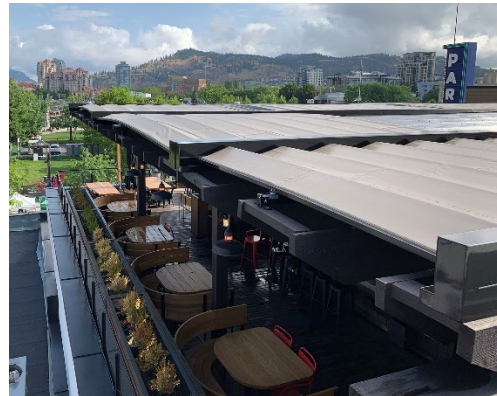
Basic Design Guidelines for Minimizing Sound Generation and Potential Transmission

**1) Layout and Design:**

- a) Outdoor Kitchen, Food Preparation Areas, and Bussing Stations Prohibited. Outdoor kitchen, food preparation areas, and bussing stations should be prohibited. This does not apply to bar areas/bussing stations.
- b) Bars. Bars and bar seating areas should be set back from the perimeter of the outdoor dining area.
- c) Seating. Customer seating should be oriented away from sensitive receptors directly adjacent to dining areas. Areas of dense seating should be set back from the perimeter of the dining area.
- d) Décor. Preference should be given to upholstered/cushioned or wooden seating and table materials.

- 2) Discouraged Building Materials.** Construction of expansive new walls and floors made of hard, reflective surfaces such as poured concrete, marble, brick, glazed tile, etc. should be discouraged unless such walls and floors incorporate sound attenuation measures per these guidelines.

*Example photos/rendering from top to bottom: Bar set back from perimeter; seating oriented towards interior of dining area; and use of wood decking over concrete surface.*



**Design Guideline 1: Minimize the amount of sound that can be generated by outdoor dining activities and potentially transmitted to sensitive receptors.**

**3) Incorporate Sound Absorption Features.**

- a) Floors. Preference should be given to soft, flexible surfaces such as wood flooring or decking or carpeting over foam or rubber base.
- b) Walls and Overhead Structures. Walls and overhead structures, particularly in high traffic areas where voices are likely to be focused or directed in a specific direction or area, should incorporate acoustic treatments such as slat wood paneling over acoustic fabric or foam, soft foam tiles, panels, or baffles, or heavy curtains.
- c) Treatments. Acoustically absorptive treatments should be optimized for the typical human voice frequency centered on 500 hertz.

**4) Amplified and Non-Amplified Music and Sound Equipment Prohibited.** Amplified and non-amplified music should be prohibited, without exception. Other sound generating equipment, such as TVs and radios should also be prohibited.

*Example photos from top to bottom: Wood slat wall treatment; acoustic baffles over bar area; commercially available sound absorbing panels (soft foam).*



**Design Guideline 2: Minimize the direct transmission of sound to adjacent sensitive receptors by requiring all outdoor dining areas to have solid perimeter walls/barriers, except where existing walls, adjacent buildings, or other solid structures fully block the line of sight to adjacent sensitive receptors.**

**Basic Design Guidelines for Perimeter Walls/Barriers**

- 1) *Design:* Perimeter walls/barriers shall be free of openings, cracks, gaps, etc., other than weep holes.
- 2) *Sound Transmission Class Rating:* Perimeter wall/barrier assemblies, including glass, plexiglass, and other solid transparent assemblies or components, shall be designed to achieve a minimum STC rating of 35.
- 3) *Assemblies:* Wood, steel, or other framed walls/barrier assemblies should be preferred over poured concrete, concrete block, and brick assemblies unless such reflective surfaces include planters, acoustic panels, etc.
- 4) *Façades/Finishes:* Glass, plastic, wood panel or siding, vinyl or other plastic panel or siding, gypsum board, or stucco façades and finished surfaces should be preferred over poured concrete, concrete block, and brick or brick veneer assemblies.
- 5) *Finished Heights:* The finished top of the wall/barrier should be a minimum of 6 feet above the finished floor elevation when blocking noise from areas where customers will primarily be seated (dining or other) and a minimum of 8 feet above the finished floor elevation when blocking noise from areas where customers would primarily be standing (dining or other).

*Example photos from top to bottom: Solid non-transparent barrier; solid transparent barrier; solid combination barrier.*



**Design Guideline 2: Minimize the direct transmission of sound to adjacent sensitive receptors by requiring all outdoor dining areas to have solid perimeter walls/barriers, except where existing walls, adjacent buildings, or other solid structures fully block the line of sight to adjacent sensitive receptors.**

Enhanced Design Guidelines for Perimeter Walls/Barriers

- 6) Sound Transmission Class Rating: Solid, non-transparent perimeter wall/barrier assemblies, shall be designed to achieve a minimum STC rating of 40. Glass, plexiglass, and other solid transparent assemblies shall be prohibited.
- 7) Finished Heights: Where receptors are located within 100 feet of, and at a higher elevation than, the outdoor dining area, the top of wall height shall fully break the line of sight between the outdoor dining area and the sensitive receptor if practical (i.e., if additional barrier height does not require substantial structural modifications and complies with other applicable zoning and building code regulations).

*Example photo: Brick wall softened with vegetative planter and adjoining wood barrier.*



**Design Guideline 3: Minimize the transmission of sound over perimeter walls/barriers as much as possible by providing overhead structures/features in noise concern areas, except in cases where solid roof assemblies that meet building code requirements have been constructed in such areas.**

Basic Design Guidelines for Overhead Sound Attenuation Structures/Features

- 1) *Design and Assembly:* Overhead sound attenuation structures/features shall be constructed of and supported by solid materials such as wood and metal posts, beams, headers, etc. that are securely fastened or anchored to the floor assembly. Temporary or pop-up shade elements such as tents and umbrellas are not considered sound attenuation features.

*Example photo: Solid metal overhead structures securely fastened/anchored to floor (note non-sound attenuating umbrellas in background).*



**Design Guideline 3: Minimize the transmission of sound over perimeter walls/barriers as much as possible by providing overhead structures/features in noise concern areas, except in cases where solid roof assemblies that meet building code requirements have been constructed in such areas.**

2) *Roof/Ceiling Materials:* The use of wood, metal, glass, plexiglass, and other solid materials is preferred in overhead sound attenuation structures/features located in high traffic areas over shuttered, retractable, louver, lattice, or cloth type structures that have openings and gaps.

- a) The use of shuttered and retractable overhead sound attenuation features could be allowed, provided the opening of such features is prohibited from 7 PM to closing and the feature is able to close free of openings or gaps.
- b) The use of lattice features should be prohibited in high traffic areas and only allowed in other areas if accompanied by the use of acoustic sails, baffles, or panels.
- c) The use of louvered features should be prohibited in high traffic areas and only allowed in other areas if the louvered feature directs sound away from all sensitive receptors and reflective surfaces.
- d) Cloth-only features, including acoustic sails, should be discouraged.

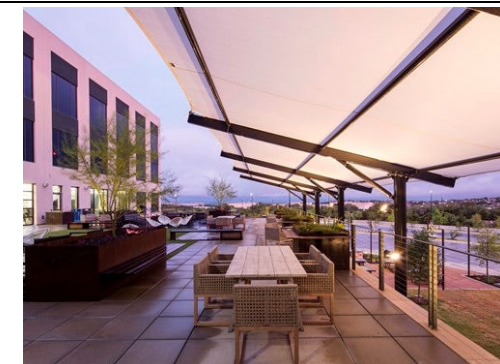
*Example photos from top to bottom: Solid metal structure; solid retractable structure; cloth-only feature that should be discouraged.*



**Enhanced Design Guideline for Overhead Sound Attenuation Structures/Features**

3) *Cantilevered Structures/Features.* The use of perimeter cantilevered overhead structures, in accordance with building code requirements, could be considered in areas of high noise concern.

*Example photo: Cantilever overhead feature along building perimeter.*



## Sources

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The images used in this documented were obtained from the following internet sources in May 2024:

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