

ORDINANCE NO. 25-0013

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING SECTIONS OF THE MANHATTAN BEACH MUNICIPAL CODE AND THE MANHATTAN BEACH LOCAL COASTAL PROGRAM RELATED TO THE LONG-TERM OUTDOOR DINING PROGRAM DEVELOPMENT

THE MANHATTAN BEACH CITY COUNCIL HEREBY 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, the City Council directed formation of a 15-member ad hoc task force to assist in the long-term program development process where a total of 15 meetings were conducted as follows:

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|-------------------|----------------------|-------------------|
| • May 1, 2023 | • September 26, 2023 | • March 28, 2024 |
| • May 30, 2023 | • October 24, 2023 | • April 23, 2024 |
| • June 27, 2023 | • December 12, 2023 | • May 28, 2024 |
| • July 25, 2023 | • January 23, 2024 | • July 9, 2024 |
| • August 29, 2023 | • February 27, 2024 | • August 27, 2024 |

SECTION 2. On March 26, 2025, the City Council conducted a special meeting to receive its fifth status update on the long-term outdoor dining program development. At the meeting, staff was directed to initiate code amendments to the existing outdoor dining regulations in the Manhattan Beach Municipal Code (“MBMC”) and Manhattan Beach Local Coastal Program (“MBLCP”) with a focus on operational standards to reflect current operations as well as a number of task force recommendations (the “Project”).

SECTION 3. Associated public meetings were held on the following dates and noticed on the City’s website, in a newspaper of general circulation, via email to interested parties, and via the City’s social media platforms:

Community workshops

- October 2, 2023
- January 27, 2025

City’s Hometown Fair booth

- October 7-8, 2023

City Council meetings

- September 5, 2023
- February 20, 2024

- April 16, 2024
- October 1, 2024
- March 11, 2025

Parking and Public Improvements Commission meeting

- April 24, 2025

Planning Commission meetings

- May 28, 2025 (Study session)
- October 8, 2025 (Public hearing)
- October 22, 2025 (Public hearing)

SECTION 4. On October 8, 2025, the Planning Commission conducted a duly noticed public hearing to consider the Project and the outdoor dining guidelines derived from the proposed ordinance. At said hearing, the Commission received a presentation by staff and testimony from members of the public, and continued the public hearing to October 22, 2025.

SECTION 5. On October 22, 2025, the Planning Commission continued the duly noticed public hearing, and considered the Project, and the Initial Study/Negative Declaration prepared for the project. At said hearing, the Planning Commission received a presentation by staff and testimony from members of the public. At the conclusion of said hearing, the Planning Commission adopted Resolution Nos. PC 25-11 and 25-12, recommending that the City Council adopt the Negative Declaration, proposed amendments, and associated private property outdoor dining guidelines.

SECTION 6. On November 18, 2025, the City Council held a duly noticed public hearing regarding the proposed amendments.

SECTION 7. The City has reviewed the Project for compliance with the California Environmental Quality Act and has prepared an Initial Study/Negative Declaration. The City Council adopted the Negative Declaration per Resolution No. 25-0129.

SECTION 8. The proposed code amendments have been prepared in accordance with Government Code Sections 65853, et seq.

SECTION 9. The City Council hereby amends the following Chapters or Sections of the MBMC, as provided in Exhibit “A” to this ordinance and incorporated herein:

- Chapter 7.36 (Private Use of the Public Right of Way)
- Section 10.60.080 (Outdoor facilities)
- Chapters 14.01 (Definitions) and 14.44 (Stopping for Loading or Unloading Only)

SECTION 10. The City Council hereby amends the following Chapters or Sections of the MBLCP, as provided in Exhibit “B” to this ordinance and incorporated herein:

- Chapter 7.36 (Private Use of the Public Right of Way)
- Section A.60.080 (Outdoor facilities)

SECTION 11. The proposed amendments to the MBMC and MBLCP supplement the existing outdoor dining and vehicle loading regulations, and are consistent with the General Plan Goals and Policies as follows:

Land Use Element

- Policy LU-3.2: Promote the use of adopted design guidelines for new construction in Downtown, along Sepulveda Boulevard, and other areas to which guidelines apply.
- Policy LU-5.1: Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, or other techniques.
- Policies LU-5.7/LU-6.4/LU-7.6: Recognize the unique qualities of mixed-use areas, and balance the needs of both the residential and commercial use.
- Policy LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.
- Policy LU-6.3: Recognize the need for a variety of commercial development types and designate areas appropriate for each.
- Policy LU-7.1: Encourage the upgrading and growth of businesses in the Downtown area to serve as a center for the community and to meet the needs of local residents and visitors.
- Policy LU-7.3: Support pedestrian-oriented improvements to increase accessibility in and around Downtown.
- Policy LU-7.4: Encourage first-floor street front businesses with retail, restaurants, service/commercial, and similar uses to promote lively pedestrian activity on Downtown streets, and consider providing zoning regulations that support these uses.
- Policies LU-7.5/LU-9.8: Support the efforts of business improvement districts (BIDs) to enhance and improve Downtown, North End, and El Porto.
- Policy LU-8.1: Ensure that applicable zoning regulations allow for commercial uses that serve a broad market area, including visitor-serving uses.

Mobility Plan

- Goal I-3: Ensure adequate parking and loading facilities are available to support both residential and commercial needs while reducing adverse parking and traffic impacts.
- Policy I-3.1: Periodically review existing Downtown and North Manhattan Beach parking and loading needs and implement solutions as needed to address deficiencies.

SECTION 12. Any provisions of the MBMC, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the MBMC for internal consistency.

SECTION 13. If any part of this Ordinance or the exhibits hereto, or its application, is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance and of its exhibits are severable.

SECTION 14. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

ADOPTED on _____, 2025.

AYES:

NOES:

ABSENT:

ABSTAIN:

DAVID LESSER
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney

EXHIBITS:

Exhibit A: Manhattan Beach Municipal Code Amendments

Exhibit B: Manhattan Beach Local Coastal Program Amendments

Chapter 7.36 PRIVATE USE OF THE PUBLIC RIGHT OF WAY

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7.36.160 Sidewalk dining encroachment permits.

Sidewalk dining immediately adjacent to existing restaurants may be permitted on public sidewalks within vehicular street right of ways, in the CD or CNE districts, with a sidewalk dining encroachment permit issued pursuant to this section. The purpose of the sidewalk dining permit program is to promote restaurant, outdoor dining, and pedestrian oriented activity within the City's business areas, while safeguarding public safety and minimizing impacts to nearby residential properties. Permits may be modified or revoked by the City Council if the applicant repeatedly fails to comply with any of the above requirements, or if the public's priority for use of City right of way causes the previously approved sidewalk dining use to be found to be inappropriate. With a recommendation from the Parking and Public Improvements Commission, the Director of Community Development shall have the authority to condition or modify the minimum standard requirements in this section, if necessary to protect public health, safety, or welfare.

Each permit issued for sidewalk dining shall comply with the following minimum standards:

- A. 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 Director of Public Works.
- B. An unobstructed sidewalk width of at least sixty inches (60") must be maintained at all times. Any vertical projections above the sidewalk area must have a minimum height clearance of eighty-four inches (84").
- C. Applicants and their customers may not place any objects (i.e. umbrellas, heaters, planters, fencing, bussing stations, etc.) in the right of way other than dining tables and chairs without a permit. Objects within the vehicular street right of ways that cause a traffic safety issue, as determined by the City Traffic Engineer, or coastal view impairment are prohibited at any time.
- D. Exterior lighting equipment that may present a tripping hazard is not permitted.
- E. Temporary electrical connections, such as extension cords, are not permitted.
- F. Alcoholic beverages may be served or consumed in the sidewalk dining area with a Use Permit or Use Permit amendment and subject to approval by the California Department of Alcoholic Beverage Control.
- G. Dancing is prohibited.
- H. Amplified sound and live outdoor entertainment are prohibited, unless a permit is issued pursuant to Section 5.48.150 (Amplified sound permits).
- I. Dining activities must conclude by 10:00 p.m. Tables and chairs must be removed from the sidewalk by 10:30 p.m. Tables and chairs cannot be stored on the sidewalk at any time outside of the establishments' business hours.
- J. All exits and means of egress from establishments and businesses must be maintained and not obstructed in any manner.
- K. Sidewalk dining activities must comply with all City codes, including but not limited to, building, fire, and zoning code requirements.
- L. Sidewalk dining area occupancy shall be determined by the availability of an adequately sized trash enclosure on the premises and service levels, subject to review and approval by the Public Works

Department, prior to permit issuance. Otherwise, only existing tables used inside the restaurant may be used for sidewalk dining. Changes in occupancy shall not require a Use Permit or a Use Permit amendment.

- M. The portion of sidewalks used for dining must be cleaned regularly and consistently kept free of litter by the applicant.
- N. The applicant must provide an insurance endorsement and complete a Hold Harmless agreement, to the satisfaction of the City Risk Manager.
- O. The applicant must submit an application for a permit and pay an established permit fee as set forth by resolution of the City Council.
- P. Permits are issued to business owners rather than property owners and are not considered an entitlement to the adjacent private property. New business owners must apply for a new permit.
- Q. Off-street parking requirements in Chapter 10.64 shall apply to the sidewalk dining area, unless approved prior to this provision taking effect. As an alternative, a minimum of 5 bicycle parking spaces on the premises for each vehicle parking space required may meet this requirement.
- R. Sidewalk dining permits authorize tables and chairs utilized for dining only. Furniture shall not be used by customers waiting to be seated for dining.
- S. In areas with standard-width sidewalks (9.5 feet), only two-seat tables shall be used.
- T. Placement and quantity of dining tables and chairs shall match the approved plan during operational hours.
- U. Permits shall be valid for a period of one (1) year or until March 1st, whichever occurs first.
- V. If a business fails to comply with the terms and conditions of an approved sidewalk dining permit, the Community Development Director shall have the authority to revoke the permit upon confirmation by the Director of Community Development or their designee of a third violation within a one-year period following the first violation, pursuant to the provisions of Section 7.36.110. If revoked, the permittees shall be unable to reapply under this section for a one-year period from the date the permit is revoked.

7.36.170 Long-term commercial use encroachment permits.

A. Commercial use of the public right-of-way requires City Council approval.

Exceptions. The Director of Community Development may approve the following:

- a. Sidewalk dining permits applicable to vehicular streets in conformance with Section 7.36.160 of this chapter.
- b. Building projections such as eaves, awnings, signs or elements that benefit the public and comply with applicable codes.
- c. Roof access or other elements for existing buildings that are required by applicable codes, when alternative on-site locations are not feasible.

Note: Any work performed in the public right-of-way requires a separate permit pursuant to the requirements as set forth in Chapter 7.16 of this Code.

- B. **Commercial use of a walk street is prohibited.** Existing long-term uses conducted on a walk street under the authority of an Encroachment Permit approved prior to January 21, 2003 may continue to operate provided the use is not expanded or intensified. Expansion of intensification includes but is not necessarily limited to: increase of floor area or expansion of hours of operation, or addition of alcohol beverage service.

10.60.080 Outdoor facilities.

The purpose of this section is to permit and regulate commercial outdoor displays of merchandise on private property and materials in order to encourage visual interest along commercial streets and support the business community while minimizing adverse aesthetic impacts to the public and nearby residential uses.

A. **What is Permitted.** Outdoor facilities activities may include:

1. Outdoor display of merchandise (except bulk inventory), materials (including chairs and benches for customer waiting) and equipment including items for customer pick-up, on the site of and operated by a legally established business.
2. Outdoor food and beverage service and outdoor dining on the site of and operated by a legally established business and accessory to an eating and drinking establishment or food and beverage sales business with incidental seating area, as defined in Section 10.08.050. Outdoor food and beverage service and dining on public property is not regulated by this section and requires an encroachment permit pursuant to Chapter 7.36 of this Code.

B. **Where Permitted.** Outdoor facilities authorized by this section are permitted for all legally established commercial and industrial uses. Notwithstanding the aforementioned, outdoor facilities are prohibited in all residential districts.

C. **Performance Standards.** Outdoor facilities are subject to the following:

1. Outdoor display of merchandise or materials shall not occupy public property, and may not occupy more than fifty percent (50%) of the total "tenant frontage" of a building as defined in Section 10.72.030 of this title.
2. Yards, screening, or planting areas may be required to prevent adverse impacts on surrounding properties. The height of merchandise, materials, and equipment stored or displayed shall not exceed the height of the screening fence or wall, if required.
3. There shall be no outdoor preparation of food or beverages associated with outdoor dining where food is consumed at tables.
4. Amplified sound and live outdoor entertainment are subject to Chapter 4.20 (Amusements—dances and cafe entertainment) and Chapter 5.48 (Noise regulations).

Exception: Amplified sound and live outdoor entertainment shall be prohibited in outdoor dining areas above the ground floor, including indoor dining areas that are not fully enclosed on the same level.
5. 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., only if a Use Permit or a Use Permit amendment is obtained and subject to approval by the California Department of Alcoholic Beverage Control.
6. Outdoor dining area occupancy shall be determined by the availability of an adequately sized trash enclosure on the premises and service levels, subject to review and approval by the Public Works Department, prior to permit issuance. Otherwise, only existing tables used inside the restaurant may be used in the outdoor dining area. Changes in occupancy or minor expansions to the indoor dining areas above the ground floor solely to accommodate access to the outdoor dining area on the same level shall not require a Use Permit or a Use Permit amendment.
7. Off-street parking requirements in Chapter 10.64 shall apply to the outdoor dining areas, unless approved prior to this provision taking effect. As an alternative, a minimum of 5 bicycle parking

spaces on the premises for each vehicle parking space required may meet this requirement. If outdoor dining is provided on off-street parking spaces, the minimum required parking spaces and dimensions per Chapter 10.64 shall be maintained at all times. Outdoor dining shall only occur within off-street parking spaces that are not required to meet the minimum parking code requirements.

8. Outdoor dining activities must conclude by 10:00 p.m.

Exception: Eating and drinking establishments with outdoor dining located on the ground floor more than 150 feet away from residential uses may operate in compliance with other associated permits applicable to the business.

9. Outdoor dining above the ground floor shall not face or be located less than 15 feet away from residential uses. Sound attenuation guidelines, included in the City of Manhattan Beach Outdoor Dining Guidelines, on file with the Community Development Department and updated from time to time, shall be incorporated into the outdoor dining area design. Outdoor dining balconies over the right-of-way are prohibited unless approved prior to this provision taking effect. Any such balconies shall not be expanded.

10. The business owner shall comply with all applicable federal, State, and local ordinances, codes, regulations and requirements.

- D. **Exceptions.** Notwithstanding the provisions of subsections A, B, and C of this section, outdoor storage and display shall be permitted in conjunction with the following use classifications in districts where they are permitted or conditionally permitted:

1. Nurseries, provided outdoor display is limited to plants and related materials only.
2. Vehicle/equipment sales and rentals, provided outdoor display shall be limited to vehicles, boats, or equipment offered for sale or rent only.

- E. **Application.** The owner of a business shall submit a written request with plans and an application fee, for an outdoor facilities permit to the Community Development Director. The request shall include a full description of the display activity, including but not necessarily limited to: types of items to be displayed, location on the site, and hours during which items are to be placed outdoors. The Community Development director shall review the application for compliance with performance standards contained in this section and may impose conditions to avoid adverse impacts such as but not limited to public safety impediments, visual clutter, and disorderly displays. Deviations related to outdoor dining shall require a Use Permit or a Use Permit amendment, except subsection C.4.a where no deviations are allowed.

- F. **Grounds for Denial—Revocation.** If adverse impacts cannot be prevented, the Community Development Director shall deny the outdoor facilities permit application. If a business fails to comply with the terms and conditions of an approved outdoor facility permit the Community Development Director, after holding a hearing in the manner as set forth in Section 10.104.030, may revoke the permit upon confirmation by the Director of Community Development or their designee of a third violation within a one-year period following the first violation. If revoked, the permittee shall be unable to reapply under this section for a one-year period from the date the permit is revoked.

- G. **Duration and Renewal.** Upon approval, an outdoor facilities permit, excluding outdoor dining above the ground floor, shall be valid for a period of one (1) year or until March 1st, whichever occurs first. Outdoor facilities permits may be renewed annually, upon finding by the Community Development Director that the business has complied with all imposed terms and conditions, and that no adverse impacts or nuisance conditions have resulted.

H. **Appeals.** Decisions of the Community Development Director may be appealed to the Planning Commission in accordance with Chapter 10.100 of this Code.

(Ord. No. 1832 , Amended, 01/17/91; Ord. No. 1838 , Renumbered, 07/05/91; Ord. No. 1891 , Amended, 01/06/94; § 3, Ord. 2007 , eff. November 18, 1999)

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Chapter 14.01 DEFINITIONS

Sections:

14.01.010 Definitions of words and phrases.

The following words and phrases when used in this chapter shall for the purpose of this chapter have the meanings respectively ascribed to them in this article.

14.01.020 Motor Vehicle Code definitions to be used.

Whenever any words or phrases used herein are not defined, but are defined in the Vehicle Code of the State of California and amendments thereto, such definitions shall apply.

14.01.030 Coach.

Any motor bus, coach, trackless trolley, or passenger stage used as a common carrier of passengers.

14.01.035 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.

14.01.040 Council.

The Council of the City of Manhattan Beach.

14.01.050 Curb.

The lateral boundary of the roadway whether such curb be marked by curbing construction, or not so marked; the word "curb" as herein used shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracks or rights of way of public utility companies.

14.01.060 Divisional island.

A raised island located in the roadway and separating opposing or conflicting streams of traffic.

14.01.070 Garages and carports.

- A. "Garage" shall mean, and be construed to mean, a public or private building constructed, intended for or actually used as a place for the housing, storing or safekeeping of a motor vehicle (as the words "motor vehicle" are defined in Section 415 of the Vehicle Code of the State).
- B. "Carport" shall mean, and be construed to mean, a cement concrete, black topped or other permanently improved space or area on public or private property (other than those actually located in public streets, alleys, drives, ways or places), which is constructed, provided or intended for, or which is actually used as, a

place upon which to place, store or park a motor vehicle (as the words "motor vehicle" are defined in Section 415 of the Vehicle Code of the State).

14.01.080 Holidays.

Within the meaning of this chapter, holidays are the first day of January, the twelfth day of February, the third Monday in February, the last Monday in May, the fourth day of July, the first Monday in September, the ninth day of September, the second Monday in October, the fourth Monday in October, the twenty-fifth day of December, and Thanksgiving Day. If the first day of January, the twelfth day of February, the fourth day of July, the ninth day of September, or the twenty-fifth day of December falls upon a Sunday, the Monday following is a holiday.

(§ 1, Ord. 1268, eff. April 6, 1972)

14.01.085 Large commercial vehicle.

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

14.01.090 Loading zone.

The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

14.01.100 Official time standard.

Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this city.

14.01.110 Parkway.

That portion of a public right of way other than a roadway or sidewalk.

14.01.120 Passenger loading zone.

The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

14.01.130 Pedestrian.

Any person afoot.

14.01.140 Police officer.

Every officer of the Police Department of this City or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

14.01.150 Stop.

When required, means complete cessation of movement.

14.01.160 Vehicle Code.

The Vehicle Code of the State of California.

14.01.170 Walk street.

A dedicated public street which has been closed to vehicular traffic.

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Chapter 14.44 STOPPING FOR LOADING OR UNLOADING ONLY

Sections:

14.44.010 Authority to establish loading zones.

- A. The City Traffic Engineer is hereby authorized to determine and to mark loading zones and passenger loading zones as follows:
 - 1. At any place in the business district.
 - 2. Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.
- B. Loading zones shall be indicated by yellow paint upon the top of all curbs within such zones.
- C. Passenger loading zones shall be indicated by white paint upon the top of all curbs in said zones.

(§ 1, Ord. 1804, eff. September 14, 1989)

14.44.020 Curb markings to indicate no stopping and parking regulations.

- A. Upon designation by the Chief of Police, the City Traffic Engineer is hereby authorized, subject to the provisions and limitations of this chapter, to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations, and said curb markings shall have the meanings as herein set forth.
 - 1. Red shall mean no stopping, standing or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.
 - 2. For on-street parking facilities, yellow shall mean no stopping, standing, or parking at any time between 7:00 a.m. and 6:00 p.m. on any day for any purpose other than the loading or unloading of passengers, which shall not consume more than three (3) minutes, nor the loading or unloading of material more than twenty (20) minutes, unless otherwise posted. For off-street parking facilities, yellow shall mean no stopping, standing or parking at any time seven (7) days a week, twenty-four (24) hours a day including holidays for any purpose other than the loading or unloading of passengers, which shall not consume more than three (3) minutes, nor the loading or unloading of material more than twenty (20) minutes, unless otherwise posted. Appropriate signs shall be posted accordingly.
 - 3. White shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mailbox, which shall not exceed three (3) minutes and such restrictions shall apply between 7:00 a.m. and 6:00 p.m. on any day except as follows:
 - a. When such zone is in front of a hotel or in front of a mailbox, the restrictions shall apply at all times.
 - b. When such zone is in front of a theater, the restriction shall apply at all times except when such theater is closed.
 - c. Unless otherwise authorized and posted by the City Traffic Engineer.

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- 4. When the Chief of Police, as authorized under this chapter, has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section.
 - B. The City Traffic Engineer is further authorized to establish special parking restrictions by posting appropriate signs to meet unusual needs on certain City streets or public facilities consistent with the limitations provided for in the California Vehicle Code.

(§ 1, Ord. 1683, eff. July 3, 1984 and § 5, Ord. 13-0017, eff. September 20, 2013)

14.44.030 Effect of permission to load or unload.

- A. Permission herein granted to stop or stand a vehicle for purposes of loading or unloading of materials shall apply only to commercial vehicles and shall not extend beyond the time necessary therefor, and in no event for more than twenty (20) minutes.
- B. The loading or unloading of materials shall apply only to commercial deliveries, also the delivery or pick-up of express and parcel post packages and United States mail.
- C. Permission herein granted to stop or park for purposes of loading or unloading passengers shall include the loading or unloading of personal baggage but shall not extend beyond the time necessary therefor and in no event for more than three (3) minutes.
- D. Within the total time limits above specified the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges hereby granted.

14.44.035 Commercial Vehicle Loading and Unloading.

- A. CD and CNE Zone: Large vehicle commercial loading and unloading activities within the CD and CNE Zones are prohibited on any streets and alleys less than 36 feet in width between 11 p.m. and 7 a.m., of the next day Sunday through Friday morning, and between 6 p.m. and 7 a.m. of the next day Friday through Sunday morning.
Exception: Streets and alleys without residential uses on either side of the block shall be exempt from this provision.
- B. When the Chief of Police, as authorized under this chapter, has caused commercial loading signs to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible loading restriction in violation of any of the provisions of this section.
- C. The City Traffic Engineer is further authorized to establish special loading restrictions by posting appropriate signs to meet unusual needs on certain City streets or public facilities consistent with the limitations provided for in the California Vehicle Code.

14.44.040 Standing for loading or unloading only.

No person shall stop, stand or park a vehicle in any yellow loading zone for any purpose other than loading or unloading passengers or materials for such time as is permitted in Section 14.44.030.

14.44.050 Standing in passenger loading zones.

No person shall stop, stand or park a vehicle in any passenger loading zone for any purpose other than loading or unloading of passengers for such time as is specified in Section 14.44.030.

14.44.060 Standing in any alley.

No person shall stop, stand or park a vehicle for any purpose other than loading or unloading of persons or materials in any alley.

14.44.070 Coach zones to be established.

- A. The Chief of Police is hereby authorized to establish bus zones opposite curb space for the loading and unloading of buses or common carriers of passengers and to determine the location thereof.
- B. Coach zones shall normally be established on the far side of an intersection.

14.44.080 Taxicab stands.

- A. After consulting with the City Traffic Engineer, the Chief of Police shall establish taxicab stands and determine the locations thereof.
- B. The curb surface within each taxicab stand shall be painted white and marked "Taxicab Stand" in red lettering, or shall be designated by signs of a type and size approved by the Chief of Police.
- C. No driver of a vehicle, other than a taxicab or vehicle for hire, shall stand or park such vehicle in a taxicab stand.
- D. During the time limits established pursuant to Municipal Code Section 3.24.070, no driver of a taxicab or vehicle for hire shall stand or park while awaiting employment at any place other than a taxicab stand designated by the Chief of Police, except for the active loading or unloading of passengers.
- E. No driver of a taxicab or vehicle for hire shall leave a vehicle unattended in a taxicab stand for a period of time longer than three (3) minutes.
- F. No driver of a taxicab or vehicle for hire may stop in a bus zone for purposes of loading or unloading passengers unless there is no other practicable location to safely and expediently load or unload such passengers.

(§ 1, Ord. 14-0005, eff. August 15, 2014)

EXHIBIT B. Manhattan Beach Local Coastal Program Amendments

Manhattan Beach Local Coastal Program_Implementation Plan

CHAPTER 7.36 PRIVATE USE OF THE PUBLIC RIGHT OF WAY

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7.36.160 Sidewalk Dining Encroachment Permits

Sidewalk dining immediately adjacent to existing restaurants may be permitted on public sidewalks within vehicular street right of ways, in the CD and CNE districts, with a sidewalk dining encroachment permit issued pursuant to this Section. The purpose of the sidewalk dining permit program is to promote restaurant, outdoor dining, and pedestrian oriented activity within the City's business areas, while safeguarding public safety and minimizing impacts to nearby residential properties. Permits may be modified or revoked by the City Council if the applicant repeatedly fails to comply with any of the above requirements, or if the public's priority for use of City right of way causes the previously approved sidewalk dining use to be found to be inappropriate. The Director of Community Development shall have the authority to condition or modify the minimum standard requirements in this section, if necessary to protect public health, safety, or welfare.

Each permit issued for sidewalk dining shall comply with the following minimum standards:

- A. 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 Director of Public Works.
- B. An unobstructed sidewalk width of at least 60 inches (60") must be maintained at all times.
- C. Applicants and their customers may not place any objects (i.e. umbrellas, heaters, planters, fencing, bussing stations, etc.) in the right of way other than dining tables and chairs without a permit. Objects within the vehicular street right of ways that cause a traffic safety issue, as determined by the City Traffic Engineer, or coastal view impairment are prohibited at any time.
- D. Exterior lighting equipment that may present a tripping hazard is not permitted.
- E. Temporary electrical connections, such as extension cords, are not permitted.
- F. Alcoholic Beverages may be served or consumed in the sidewalk dining area with a Use Permit or Use Permit amendment and subject to approval by the California Department of Alcoholic Beverage Control.
- G. Dancing is prohibited.
- H. Amplified sound and live outdoor entertainment are prohibited, unless a permit is issued pursuant to Chapter 5.48.150 (Amplified sound permits).

Manhattan Beach Local Coastal Program_Implementation Plan

- I. Dining activities must conclude by 10:00pm. Tables and chairs must be removed from the sidewalk by 10:30pm. Tables and chairs cannot be stored on the sidewalk at any time outside of the establishments' business hours.
- J. All exits and means of egress from establishments and businesses must be maintained and not obstructed in any manner.
- K. Sidewalk dining activities must comply with all City codes, including but not limited to, building, fire, and zoning code requirements.
- L. Sidewalk dining area occupancy shall be determined by the availability of an adequately sized trash enclosure on the premises and service levels, subject to review and approval by the Public Works Department, prior to permit issuance. Otherwise, only existing tables used inside the restaurant may be used for sidewalk dining. Changes in occupancy shall not require a Use Permit or a Use Permit amendment.
- M. The portion of sidewalks used for dining must be cleaned regularly and consistently kept free of litter by the applicant.
- N. The applicant must provide an insurance endorsement and complete a Hold Harmless agreement, to the satisfaction of the City Risk Manager.
- O. The applicant must submit an application for a permit and pay an established permit fee as set forth by resolution of the City Council.
- P. Permits are issued to business owners rather than property owners and are not considered an entitlement to the adjacent private property. New business owners must apply for a new permit.
- Q. Off-street parking requirements in Chapter A.64 shall apply to the sidewalk dining area, unless approved prior to this provision taking effect. As an alternative, a minimum of 5 bicycle parking spaces on the premises for each vehicle parking space required may meet this requirement.
- R. Sidewalk dining permits authorize tables and chairs utilized for dining only. Furniture shall not be used by customers waiting to be seated for dining.
- S. In areas with standard-width sidewalks (9.5 feet), only two-seat tables shall be used.
- T. Placement and quantity of dining tables and chairs shall match the approved plan during operational hours.
- U. Permits shall be valid for a period of one (1) year or until March 1st, whichever occurs first.

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- V. If a business fails to comply with the terms and conditions of an approved sidewalk dining permit, the Community Development Director shall have the authority to revoke the permit upon confirmation by the Director of Community Development or their designee of a third violation within a one-year period following the first violation, pursuant to the provisions of Section 7.36.110. If revoked, the permittees shall be unable to reapply under this section for a one-year period from the date the permit is revoked.

7.36.170 Long-term Commercial Use Encroachment Permits

- A. Commercial use of the public right of way requires City Council approval. Exceptions. The Director of Community Development may approve the following:
 - a. Sidewalk dining permits applicable to vehicular streets in conformance with Section 7.36.160 of this chapter.
 - b. Building projections such as eaves, awnings, signs or elements that benefit the public and comply with applicable codes.
 - c. Roof access or other elements for existing buildings that are required by applicable codes, when alternative on-site locations are not feasible.
- B. Commercial use of a walk street is prohibited. Existing long-term uses conducted on a walk street under the authority of an Encroachment Permit approved prior to January 21, 2003 may continue to operate provided the use is not expanded or intensified. Expansion of intensification includes but is not necessarily limited to: increase of floor area or expansion of hours of operation, or addition of alcohol beverage service.

Chapter A.60. Site Regulations - All Districts

A.60.080. Outdoor facilities.

The purpose of this section is to permit and regulate commercial outdoor displays of merchandise on private property and materials in order to encourage visual interest along commercial streets and support the business community while minimizing adverse aesthetic impacts to the public and nearby residential uses.

- A. What is Permitted. Outdoor facilities activities may include:
1. Outdoor display of merchandise (except bulk inventory), materials (including chairs and benches for customer waiting) and equipment including items for customer pick-up, on the site of and operated by a legally established business.
 2. Outdoor food and beverage service and outdoor dining on the site of and operated by a legally established business and accessory to an Eating and Drinking Establishment or Food and Beverage Sales business with incidental seating area, as defined in Section A.08.050. Outdoor food and beverage service and dining on public property is not regulated by this section and requires an Encroachment Permit pursuant to Chapter 7.36, Title 7 (Public Works) of the Municipal Code.
- B. Where Permitted. Outdoor facilities authorized by this section are permitted for all legally established commercial and industrial uses. Notwithstanding the aforementioned, outdoor facilities are prohibited in all residential districts.
- C. Performance Standards. Outdoor facilities are subject to the following:
1. Outdoor display of merchandise or materials shall not occupy public property, and may not occupy more than fifty percent (50%) of the total "tenant frontage" of a building as defined in Section 10.72.030/A.72.030 of the Sign Ordinance.
 2. Yards, screening, or planting areas may be required to prevent adverse impacts on surrounding properties. The height of merchandise, materials, and equipment stored or displayed shall not exceed the height of the screening fence or wall, if required.
 3. There shall be no outdoor preparation of food or beverages associated with outdoor dining where food is consumed at tables.
 4. Amplified sound and live outdoor entertainment are subject to Chapter 4.20 (Amusements—dances and cafe entertainment) and Chapter 5.48 (Noise regulations).

Exception: Amplified sound and live outdoor entertainment shall be prohibited in outdoor dining areas above the ground floor, including indoor dining areas that are not fully enclosed on the same level.

5. 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., only if a Use Permit or a Use Permit amendment is obtained and subject to approval by the California Department of Alcoholic Beverage Control.
 6. Outdoor dining area occupancy shall be determined by the availability of an adequately sized trash enclosure on the premises and service levels, subject to review and approval by the Public Works Department, prior to permit issuance. Otherwise, only existing tables used inside the restaurant may be used in the outdoor dining area. Changes in occupancy or minor expansions to the indoor dining areas above the ground floor solely to accommodate access to the outdoor dining area on the same level shall not require a Use Permit or a Use Permit amendment.
 7. Off-street parking requirements in Chapter A.64 shall apply to the outdoor dining areas, unless approved prior to this provision taking effect. As an alternative, a minimum of 5 bicycle parking spaces on the premises for each vehicle parking space required may meet this requirement. If outdoor dining is provided on off-street parking spaces, the minimum required parking spaces and dimensions per Chapter A.64 shall be maintained at all times. Outdoor dining shall only occur within off-street parking spaces that are not required to meet the minimum parking code requirements.
 8. Outdoor dining activities must conclude by 10:00 p.m.

Exception: Eating and drinking establishments with outdoor dining located on the ground floor more than 150 feet away from residential uses may operate in compliance with other associated permits applicable to the business.
 9. Outdoor dining above the ground floor shall not face or be located less than 15 feet away from residential uses. Sound attenuation guidelines, included in the City of Manhattan Beach Outdoor Dining Guidelines, on file with the Community Development Department and updated from time to time, shall be incorporated into the outdoor dining area design. Outdoor dining balconies over the right-of-way are prohibited unless approved prior to this provision taking effect. Any such balconies shall not be expanded.
 10. The business owner shall comply with all applicable federal, State, and local ordinances, codes, regulations and requirements.
- D. Exceptions. Notwithstanding the provisions of subsections (A), (B), and (C) above, outdoor storage and display shall be permitted in conjunction with the following use classifications in districts where they are permitted or conditionally permitted:
1. Nurseries, provided outdoor display is limited to plants and related materials only.
 2. Vehicle/Equipment Sales and Rentals, provided outdoor display shall be limited to vehicles, boats, or equipment offered for sale or rent only.
- E. Application. The owner of a business shall submit a written request with plans and an application fee, for an outdoor facilities permit to the Community Development Director.

The request shall include a full description of the display activity, including but not necessarily limited to: types of items to be displayed, location on the site, and hours during which items are to be placed outdoors. The Community Development director shall review the application for compliance with performance standards contained in this section and may impose conditions to avoid adverse impacts such as but not limited to public safety impediments, visual clutter, and disorderly displays. Deviations related to outdoor dining shall require a Use Permit or a Use Permit amendment, except subsection C.4.a where no deviations are allowed.

- F. Grounds for Denial: Revocation. If adverse impacts cannot be prevented, the Community Development Director shall deny the outdoor facilities permit application. If a business fails to comply with the terms and conditions of an approved outdoor facility permit the Community Development Director, after holding a hearing in the manner as set forth in MBMC Section 10.104.030, may revoke the permit upon confirmation by the Director of Community Development or their designee of a third violation within a one-year period following the first violation. If revoked, the permittees shall be unable to reapply under this section for a one-year period from the date the permit is revoked.
- G. Duration and Renewal. Upon approval, an outdoor facilities permit, excluding outdoor dining above the ground floor, shall be valid for a period of one (1) year or until March 1st, whichever occurs first. Outdoor facilities permits may be renewed annually, upon finding by the Community Development Director that the business has complied with all imposed terms and conditions, and that no adverse impacts or nuisance conditions have resulted.
- H. Appeals. Decisions of the Community Development Director may be appealed to the Planning Commission in accordance with Chapter 10.100 MBMC.