



Legislation Text

File #: PC 25-0010, **Version:** 1

TO:
Honorable Planning Commission Chair and Commissioners

THROUGH:
Masa Alkire, Community Development Director

FROM:
Adam Finestone, Planning Manager
Jaehee Yoon, Senior Planner

SUBJECT:
Consideration of Code Amendments Related to the City's Long-Term Outdoor Dining Program Development

RECOMMENDATION:

Staff recommends that the Planning Commission conduct a public hearing on the proposed code amendments to the Manhattan Beach Municipal Code (MBMC) and Manhattan Beach Local Coastal Program (MBLCP) related to outdoor dining on private property, and continue the hearing to the October 22, 2025, meeting to adopt the associated resolutions.

BACKGROUND:

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. On August 24, 2021, the City Council directed staff to pursue a work plan item to study a long-term program for outdoor dining and business uses as the focus gradually shifted from a temporary program to one in a post-pandemic era. On July 5, 2022, the City Council directed staff to form a 15-member ad hoc task force to assist in the long-term program development process. On May 1, 2023, the outdoor dining task force meetings kicked off with a total of 15 meetings conducted. The task force was disbanded in April 2025 after completion of their work effort.

On March 26, 2025, the City Council conducted a special meeting to receive a status update on the long-term outdoor dining program development that included recommendations from the outdoor dining task force. At the meeting, the City Council directed staff to initiate code amendments to the existing outdoor dining regulations with a focus on operational standards to reflect current operations as well as a number of task force recommendations.

On April 24, 2025, the Parking and Public Improvements Commission (PPIC) considered the draft amendments related to sidewalk dining and commercial vehicle loading provisions. After discussions, the PPIC passed a motion to recommend that the City Council adopt the proposed amendments with minor revisions to sidewalk dining-related objects, alcohol service Use Permit requirements, and

commercial vehicle loading hours.

On May 28, 2025, the Planning Commission conducted a study session to discuss the proposed amendments with additional information on sidewalk dining and commercial vehicle loading provisions which were pertinent to the overall discussion. At the meeting, the Planning Commission reached a consensus, largely supporting the proposed amendments, with the exception of whether a Use Permit should be required for alcohol service in outdoor dining areas. Additional information on this topic is provided below for the Planning Commission's consideration.

Assembly Bill 1217

The relief that has allowed establishments in the City to serve alcohol in expanded outdoor dining areas without discretionary reviews and waive parking requirements under Assembly Bill (AB) 1217 is set to expire in July 2026. However, AB 592 is currently on the governor's desk for signature and would further extend the provisions of AB 1217. Specifically, AB 592 would extend the relief for alcohol service until January 1, 2029, and remove the expiration date of parking waivers associated with outdoor dining areas expanded to mitigate COVID-19 pandemic restrictions. This would mean that even if the City's code requires discretion on reviewing and approving alcohol service in outdoor dining areas, it would not take effect until at least January 1, 2029, and outdoor dining area parking requirements would not apply. Regardless of the outcome of AB 592, the City could opt to maintain the regulations related to alcohol service and parking that have been included in the draft ordinance so that they would become effective in the event that the provisions described above are repealed or allowed to expire.

DISCUSSION:

The purpose of the code amendments is to allow outdoor dining operations in their current form to some degree, which have since changed with the various reliefs provided during the temporary outdoor dining program. In addition to modernizing the City's existing regulatory framework on outdoor dining, the ordinance update would establish formal requirements based on recommendations provided by the outdoor dining task force.

The scope of the code amendments is limited to supplementing and revising the following chapters or sections in the MBMC and MBLCP:

- MBMC/MBLCP Chapter 7.36 (Private Use of the Public Right of Way)
- MBMC Section 10.60.080/MBLCP Section A.60.080 (Outdoor facilities)
- MBMC Chapters 14.01 (Definitions) and 14.44 (Stopping for Loading or Unloading Only)

The Planning Commission's review and recommendation of the draft ordinance to the City Council is limited to MBMC Section 10.60.080/MBLCP Section A.60.080 (Outdoor facilities), which regulates private property outdoor dining as well as outdoor display of commercial merchandise to promote businesses. Information and draft code language provided relative to MBMC/MBLCP Chapter 7.36 (Private Use of the Public Right of Way) and MBMC Chapters 14.01 (Definitions) and 14.44 (Stopping for Loading or Unloading Only) are intended to provide context to the Planning Commission related to associated MBMC and MBLCP amendments, but are not within the purview of the Commission.

Alcohol Service

At the May 28, 2025, study session, the Planning Commission did not reach a consensus on how alcohol service should be regulated in private property outdoor dining areas. At the time, the proposed code language required a Use Permit or an amendment thereto, consistent with the PPIC's recommendation requiring discretionary reviews when alcohol is served in sidewalk dining areas. However, some members of the public and commissioners opined that permits should be processed ministerially. Based on the input received at the meeting, the Planning Commission may consider recommending one of the following options when alcohol is proposed to be served in private property outdoor dining areas:

- **Option 1) Require a Use Permit or a Use Permit amendment**

- Option 1.1) Applicable to all establishments and would be consistent with the sidewalk dining ordinance. The draft ordinance before the Planning Commission has incorporated this option, which was what was presented at the study session.
- Option 1.2) Only required when alcohol is served after certain hours (e.g., 10 p.m.) or at certain locations (e.g., located within 100 feet of residential uses). The Planning Commission may determine the threshold for the Use Permit or Use Permit amendment requirement.

- **Option 2) Do not require a Use Permit or a Use Permit amendment**

This option would differ from the sidewalk dining ordinance which requires such discretionary review. However, it would align with what has been in place since COVID-19 under AB 1217 and the outdoor dining task force's recommendation to allow for ministerial processing of permits.

- **Option 3) Require a less onerous discretionary review**

One potential option discussed at the May 28, 2025, Planning Commission meeting was establishing a less onerous discretionary process by which requests for alcohol service in private property outdoor dining areas could be considered. This process would allow for the application of project-specific conditions, and could be streamlined by not requiring a hearing before the Planning Commission as the decision would be made by the Director with similar findings that the Planning Commission would have applied to the project.

That being said, the City would have to establish this discretionary review process that is described above since the MBMC does not include any such provisions. Establishment of this process could be accomplished upon direction of the City Council but is beyond the scope of this work effort as it would require broader considerations related to land uses in general. As such, staff does not recommend this option at this time. However, if a lower-level discretionary process is established in the future, the City could revisit this topic and consider applying that process to requests for alcohol service in private property outdoor dining areas at that time.

Outdoor Dining Guidelines

The long-term outdoor dining program development envisioned producing guidelines to assist in communicating development standards and operational requirements in a user-friendly manner. Staff has prepared draft outdoor dining guidelines (Attachment 2) in two parts; one for private property outdoor dining, and another that also includes sidewalk dining. The reason for producing two sets of guidelines is because provisions related to sidewalk dining are only applicable to properties in the coastal zone, which is governed by the MBLCP. Amendments to the MBLCP do not take effect until they are certified by the California Coastal Commission (CCC), which would likely not occur for several months after the City Council adopts the ordinance. Provisions of the amendments included

in the MBMC will take effect outside of the coastal zone regardless of the time it takes for CCC certification of the MBLCP amendments, so the guidelines for private property outdoor dining will be applicable sooner. The guidelines that include the updated sidewalk dining ordinance provisions will be made available upon certification of the MBLCP amendments.

ENVIRONMENTAL REVIEW:

The proposed code amendments are subject to environmental review pursuant to the California Environmental Quality Act (CEQA). Accordingly, an Initial Study (IS) was prepared to analyze environmental factors that may potentially be affected by the project and its implementation. Based on the analysis, it was determined that adoption of the proposed code amendments would not have a significant effect on the environment. Therefore, a draft Negative Declaration (Attachment 3) was prepared in accordance with Section 15070-15075 of the CEQA Guidelines.

A Notice of Completion (NOC) and the Notice of Intent (NOI) to Adopt a Negative Declaration (ND) were filed with the Los Angeles County Clerk and the State Clearinghouse on August 22, 2025. These initiated the circulation of the document for public review from August 22, 2025 through September 22, 2025, and two comments were received during the public review period. The Final ND will be included with the staff report to be provided at the Planning Commission meeting on October 22, 2025, inclusive of comments received as well as the City's responses to the comments.

PUBLIC OUTREACH:

A notice related to this public hearing was published in The Beach Reporter, emailed to all interested parties, posted on the City website, at City Hall and other City locations on September 25, 2025. Additionally, this report will be uploaded to the City's dedicated outdoor dining webpage. As of the writing of this report, staff received one public comment which contained the same contents submitted as part of one of the comments for the draft IS/ND.

It should be noted that the basis of the proposed amendments is an accumulation of public outreach efforts, including 15 outdoor dining task force meetings, five City Council status update reports, two community workshops, and participation in the 2023 Hometown Fair.

NEXT STEPS:

Based on the outcome of the Planning Commission's deliberations related to alcohol service on private property outdoor dining, staff will return with associated resolutions at the Planning Commission meeting on October 22, 2025, to adopt recommendations for the City Council's consideration. The City Council is tentatively scheduled to consider the proposed code amendments on November 18, 2025.

ATTACHMENTS:

1. Proposed MBMC and MBLCP Text Amendments (**Redline Version**)
 - A. MBMC/MBLCP Chapter 7.36 (Private Use of the Public Right of Way)
 - B. MBMC Section 10.60.080/MBLCP Section A.60.080 (Outdoor facilities)
 - C. MBMC Chapters 14.01 (Definitions) and 14.44 (Stopping for Loading or Unloading Only)
2. Draft Outdoor Dining Guidelines
 - A. Private Property Outdoor Dining Only
 - B. Sidewalk Dining and Private Property Outdoor Dining
3. Draft Initial Study/Negative Declaration ([Web-link Provided](#))
4. Planning Commission Staff Report (May 28, 2025) ([Web-link Provided](#))

5. Parking and Public Improvements Commission Staff Report (April 24, 2025) ([Web-link Provided](#))
6. Public Comment