



Legislation Text

File #: PC 25-0013, **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 the continued 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 adopt associated resolutions recommending that the City Council adopt the final Negative Declaration, code amendments, and outdoor dining guidelines.

BACKGROUND:

The work plan effort for the City's long-term outdoor dining program development stemmed from the temporary outdoor dining program established during the COVID-19 pandemic, as the focus gradually shifted to what the City's outdoor dining program could look like in a post-pandemic era. Since its inception with the formation of the outdoor dining task force in April 2023, the program development has engaged with the community through various outreach efforts, including 15 outdoor dining task force meetings, two community workshops, and participation in the 2023 Hometown Fair. In addition, a targeted survey, focus group discussions, and stakeholder interviews were conducted during the program development, along with five City Council status update reports that provided an overview of the progress being made.

At the most recent status update report on March 11, 2025, 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. As a result, staff prepared and presented the draft ordinance to the Parking and Public Improvements Commission on April 25, 2025, to receive input on the sidewalk dining and commercial vehicle loading provisions; and the Planning Commission on May 28 and October 8, 2025, regarding private property outdoor dining provisions.

Assembly Bill (AB) 592

In 2021, in response to the COVID-19 pandemic, the State enacted Assembly Bill (AB) 61, later extended through AB 1217, which provided temporary relief to businesses to allow alcohol service in outdoor dining areas and eliminate parking requirements for said areas. On October 9, 2025, AB 592 was signed into law, which extends the alcohol service relief in outdoor dining areas until January 2029, although the Department of Alcoholic Beverage Control cannot issue any new COVID-19 Temporary Catering Authorizations on or after January 1, 2027. Therefore, the City's proposed amendments related to on-sale consumption of alcohol service on properties adjacent to licensed premises that are within the control of the licensee and have an existing COVID-19 Temporary Catering Authorization obtained prior to January 1, 2027, will not take effect until at least January 1, 2029. Additionally, AB 592 also waives parking requirements indefinitely for expansions of indoor dining to outdoor areas that were created due to COVID-19 restrictions, and therefore, the draft ordinance has been revised accordingly to only require parking for outdoor dining areas that receive permits after the ordinance takes effect.

DISCUSSION:

At the October 8, 2025, Planning Commission meeting, options were considered on how to regulate alcohol service on private property outdoor dining areas. After discussions, the Planning Commission reached a consensus on requiring Use Permits under certain circumstances as drafted below in *italics*:

Alcoholic beverages may be served or consumed in outdoor dining areas that are within 150 feet of residential uses, 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.

The intent of the provision is to require a Use Permit/amendment if any of the three conditions (i.e., within 150 feet of residential uses, above the ground floor, or operate beyond 10:00 p.m.) apply to the private property outdoor dining area. By doing so, private outdoor dining projects that do not meet any of the three conditions would be allowed to serve and consume alcohol by-right, while a Use Permit/amendment will be required for those that meet any of the criteria. The Use Permit process will provide an opportunity for the City to impose project-specific conditions depending on the location and operational characters of the establishment.

It should be noted that the 150-foot buffer specified in the provision above would subject a significant number of commercial parcels to the Use Permit/amendment requirement, as shown in Attachment 8. As an alternative, 50 and 100-foot buffers that would reduce the number of establishments subject to the Use Permit/amendment requirement were also mapped for the Planning Commission's information and consideration. It should also be noted that the mapping exercise is intended to provide a general representation of the geographic area that would be subject to the Use Permit/amendment requirement, and is based on zoning districts, which is different from the proposed code language that specifies a buffer from residential "uses". Further, since there are residential uses on commercially zoned properties throughout the City, the map does not fully represent the extent of how many commercial parcels would require a Use Permit (amendment) if the establishment desires to serve alcohol on their private property outdoor dining area.

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 (ND) 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 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 comments focused on sidewalk obstructions and enforcement of existing regulations, and on noise impacts from outdoor dining activities, particularly above the ground floor. The two comments and staff's response to the comments are incorporated into the final ND as Attachment 4.

PUBLIC OUTREACH:

The basis of the proposed amendments is an accumulation of public outreach efforts as noted in the Background section of this report. Documents related to the various outreach efforts, outdoor dining task force meetings, and staff reports have been and will continue to be uploaded to the City's dedicated outdoor dining webpage.

CONCLUSION:

Staff recommends that the Planning Commission adopt Resolution Nos. PC 25-XX (Attachment 1) recommending adoption of the Negative Declaration, and PC 25-XX (Attachment 2) recommending adoption of the proposed code amendments and Private Property Outdoor Dining Guidelines for the City Council's consideration, which is tentatively scheduled to be heard on November 18, 2025.

ATTACHMENTS:

1. Resolution No. PC 25-XX (Adoption of Negative Declaration)
2. Resolution No. PC 25-XX (Adoption of proposed code amendments to MBMC Section 10.60.080/MBLCP Section A.60.080 - Outdoor facilities; Private Property Outdoor Dining Guidelines)
3. Proposed MBMC and MBLCP Text Amendments (**Redline Version**)
4. Final Initial Study/Negative Declaration
5. Planning Commission Staff Report (October 8, 2025) (*Web-link Provided*)
6. Planning Commission Staff Report (May 28, 2025) (*Web-link Provided*)
7. Parking and Public Improvements Commission Staff Report (April 24, 2025) (*Web-link Provided*)
8. Residential buffer (50, 100, 150 feet) to commercial properties