



CITY OF MANHATTAN BEACH CITY HALL

1400 Highland Avenue, Manhattan Beach, CA 90266

WEBSITE: www.manhattanbeach.gov • **PHONE:** (310) 802-5000

TO: Honorable Mayor and Members of the City Council

FROM: Talyn Mirzakhanian, Acting Community Development Director

MEETING: City Council Regular Meeting, January 17, 2023

SUBJECT: Agenda Item No. 18 – Discussion of Options for Temporary Encroachment Permits for Street Dining and Business Uses and Outdoor Facilities permits for Outdoor Uses on Private Property After Expiration of COVID-19 Emergency Orders

DATE: January 12, 2023

SUPPLEMENTAL ATTACHMENT

- PowerPoint Presentation

*PLEASE NOTE- ATTACHMENT NO. 1 INCLUDED WITH THE STAFF REPORT, PRINTED TWICE WITH THE PACKET. THIS IS THE POWERPOINT PRESENTATION LISTED ON AGENDA ITEM NO. 18.

OUTDOOR DINING - EXPIRATION OF COVID-19 EMERGENCY ORDERS

JANUARY 17, 2023



BACKGROUND

- March 2020 : COVID-19; State of Emergency declared
- Since June 2020 : Temp. Outdoor Dining/Business Use
allowed with various modifications
- October 2021: Long-Term Outdoor Dining/Business Use
added to Work Plan
- July 2022 : Long-Term Outdoor Dining/Business Use
Task Force formation directed by City Council



BACKGROUND

- CA State of Emergency ends February 28, 2023
 - City's Emergency Orders no longer valid
 - Remove all street encroachments by March 10, 2023
- Assembly Bill 61 (AB 61)
 - Applies to expanded outdoor dining/business areas
 - Waives existing parking requirement for expanded use
 - Not applicable to public parking
 - Parking relaxation effective until 1/1/2024
 - Extends alcohol licenses in areas until 2/28/2024



BACKGROUND

- **Current Outdoor Dining/Business Use Permits**

Permit Type	No. of Establishments*	Note
PROW Encroachment (COVID-19 Program)	26	Occupies 10,757 ft ² and 57 parking spaces
Sidewalk Dining	16	Non-COVID pandemic related permits
Outdoor Facilities (COVID-19 Program)	11	Issued for private properties



CONSIDERATIONS

PROW Encroachment Permit

- Agreement and liability insurance required
- City Council approval required
- Commercial use fee of \$3/ft²/month
- Encroachment area must comply with Building Code

Pros	Cons
<ul style="list-style-type: none">▪ Expanded alcohol service allowed per AB 61▪ Larger potential encroachment area	<ul style="list-style-type: none">▪ Replacement parking required▪ Coastal Development Permit required in Coastal Zone▪ Use Permit conditions may limit occupancy unless amended



CONSIDERATIONS

Outdoor Facilities Permit

- Applicable to private property open space or parking lot
- Standard zoning regulations apply
- Renewed annually

Pros

- Expanded alcohol service allowed per AB 61
- Does not require additional parking per AB 61

Cons

- Outdoor displays cannot block more than 50% of frontage
- Use Permit may limit dining occupancy unless amended
- Most businesses not eligible in Downtown and North End



CONSIDERATIONS

Sidewalk Dining Permit

- Requires agreement and liability insurance
- Commercial use fee of \$3/ft²/month
- Seating area must comply with Building Code

Pros

- Expanded alcohol service allowed per AB 61
- Additional parking not required

Cons

- Prohibited on sloped sidewalks
- Hours restricted to 10pm
- No increase in overall occupancy allowed



ALTERNATIVES

Alternative 1 - Take no action (remove all street encroachment areas)

- Removal of all street encroachments and outdoor facilities by March 10, 2023 (10 days after expiration of State of Emergency)
- Individual requests for new Outdoor Facilities Permits or Sidewalk Dining Permits will be considered
- Staff continues to pursue long-term outdoor dining effort



ALTERNATIVES

Alternative 2 – Collective Coastal Development Permit (CDP) and Temporary Encroachment Permit process

- Staff pursues Coastal Development Permit and a process to issue permits for outdoor business use in the PROW.
- Requires equivalent replacement of public parking spaces
- Delayed implementation due to CDP approval or appeals
- Requires considerable staff time and resources



ALTERNATIVE 3

Alternative 3 - Allow individual businesses to apply for permits

- Allow businesses to apply for an Encroachment Permit for commercial use of the PROW
 - Requires Coastal Development Permit for any expanded use
 - Requires replacement of lost public parking spaces
 - Requires City Council approval
- Allows approval of new Outdoor Facilities Permits or Sidewalk Dining Permits
- Requires considerable staff time and resources



CONCLUSION

ALTERNATIVES

1. Take no action (remove all street encroachments)
2. Create a collective Coastal Development Permit and Temporary Encroachment Permit process
3. Allow individual businesses to apply for permits



OUTDOOR DINING - EXPIRATION OF COVID-19 EMERGENCY ORDERS

JANUARY 17, 2023

