

**MANHATTAN BEACH
OUTDOOR DINING TASK FORCE
MINUTES OF REGULAR MEETING
AUGUST 29, 2023**

A. CALL MEETING TO ORDER

Director Talyn Mirzakhania called the meeting to order at the hour of 1:03pm.

B. ROLL CALL

Senior Planner Jaehee Yoon welcomed everyone to the meeting. Roll call was taken and the following task force members were present for the meeting:

Joseph Ungoco – Planning Commission
Bob DaGiau – Parking and Public Improvements Commission
David Archer – Chamber of Commerce
Maureen McBride – Chamber of Commerce
Jill Lamkin – Downtown (DBPA)
Jim Burton – Downtown resident
Mike Simms – North MB (BID)
Kimberlee Kelly – North MB resident
Don Ziss – Commercial (MVSC)
Harout (Harry) Ashikian – Commercial (Non-MVSC)
Paul Mullin – At-large resident
Bridgette Goodman – At-large resident
Faith Lyons – At-large resident/business
Peir Serota – At-large resident/business

Harout (Harry) Ashikian, Don Ziss, and Audrey Judson (At-large resident/business) arrived late to the meeting.

C. APPROVAL OF MINUTES

A motion was passed (unanimous) to approve the minutes from the July 25, 2023 task force meeting.

D. PRESENTATION OF AGENDA

Senior Planner Jaehee Yoon provided a brief overview of the meeting agenda.

E. OPERATIONS

Senior Planner Yoon presented information on the following items related to outdoor dining operations:

- Current regulations pertaining to operations of Eating and Drinking Establishments, including hours of operation, alcohol service, and occupancy.
- Sidewalk dining and private property outdoor dining provisions in the Municipal Code.
- Additional information on Use Permits.

- An overview of questions to be discussed by the task force members regarding hours of operation, alcohol service, and occupancy.

Questions and discussion ensued between the task force and staff on occupancy, how occupancy is calculated, its relation to additional parking needs, City's enforcement of occupancy limits, and what the operating hour restrictions mean in terms of serving customers. Staff clarified that the Coastal Commission will require the City to demonstrate how added demand for parking generated by increased occupancy resulting from the program will be offset.

E. PUBLIC COMMENT

Four public comments were received as follows:

- There are numerous competing issues and various impacts to consider. Overall intensification of traffic and use will lead to more trash, vermin, and noise, all of which can negatively impact the character of Downtown. The City should be more proactive in enforcing regulations so that residents or bystanders do not take on the burden of enforcement. Start with less as we can gradually do more in the future.
- Everyone should consider the big picture of what led them to live in Manhattan Beach and its character. Decisions should be based on what the City will look like in 5-10 years. There is traffic already backing up and issues related to noise and vermin. Enforcement should not be on the residents. We need to look at what outdoor dining does to the quality of life and property values when we change the character of Downtown.
- Parking issues will be exacerbated in neighborhoods when it was already a big issue prior to COVID. Consider how e-bikes and bike parking facilities will be accommodated.
- A question was asked on whether the Municipal Code and alcohol license will need to be amended when AB61 expires. Staff responded that the Municipal Code would need to be amended first in order for the establishment to deal with the California Department of Alcoholic Beverage Control (ABC) independently to make changes to their license. In addition, if the Municipal Code is not amended, alcohol service will be prohibited for sidewalk dining (pursuant to existing regulations).

F. TASK FORCE DISCUSSIONS

Task force members discussed hours of operation, alcohol service, and occupancy limits in their respective group settings.

1. Hours of operation. Varying comments included:

- Maintain the status quo restricting operations to 10 pm with removal of tables/chairs by 10:30 pm.
- Allow private property outdoor dining hours of operation to coincide with the Use Permit conditions associated with the establishment.
- Extend the operations for an additional hour during weekends and holidays, like the City of San Diego's case.
- Alcohol service is not really an issue; it is more about the noise from the establishment, so hours of operation have more impact.

- Private property outdoor dining hours should be limited to the same 10 pm restriction as sidewalk dining if the establishment is within a certain distance from residential uses. Otherwise, it should follow the hours specified in the Use Permit.
- Different operating hours should be considered if outdoor dining on walk street commercial corners is allowed as these areas are more sensitive.
- Consider flexible hours that are more resident-friendly in that Sunday through Wednesday will be allowed until 9pm; and Thursday through Saturday, as well as holidays will be allowed until 10pm.
- Place a universal rule across all types/locations of outdoor dining so it can easily be followed and enforced.

Follow-up discussion ensued amongst the task force members regarding hours of operation. Comments were shared that operations quiet down naturally once the sun goes down as customers go indoors, and that having a single and uniform standard set at 10 pm will be easier to enforce. There was also mention of prohibiting chaining of any furniture after operating hours as it was unsightly during the temporary program. Traffic Engineer Zandvliet clarified that the 10 pm rule in the sidewalk dining ordinance was intended to have everyone being served leave and service to stop by 10 pm, and for the establishment to clean up and remove their tables/chairs from the right-of-way by 10:30 pm. Director Mirzakhian noted that removing of tables/chairs might only be relevant to sidewalk dining and not walk street commercial corners or on-street dining decks. In addition, Building Official Heise noted that the current sidewalk dining ordinance prohibits an increase in occupancy, meaning tables from inside are to be placed outside, so it should be feasible to bring in the sidewalk dining tables/chairs inside without having to find additional space to store them as part of the removal requirement. A comment from the task force was made that it may not be realistic to do so when you have patrons dining indoors.

Based on the discussions thus far, staff noted that the task force may suggest:

- A regulation applicable to private property outdoor dining, which requires any private property outdoor dining within 150 feet of residential uses to halt outdoor operations at 10 pm. Outside of this buffer, private property outdoor dining hours of operation would be as specified in their Use Permit.
- Establishing an earlier time limit for the potential walk street commercial corners adjacent to residential uses.
- The possibility of creating a new process if an establishment requests deviating from the set hours of operations.

Additional discussion ensued regarding potential walk street commercial corners where noise can be carried down to the beach area. As potential solutions, the possibility of requiring an earlier closing on Sunday through Thursday such as 9 pm, installing some type of clear barrier between the adjacent residential property and the walk street commercial corner, or requiring greater setbacks from the residential property to attenuate sound were discussed.

Director Mirzakhian provided a recap on what appeared to be a general consensus among the task force members: 1) outdoor dining operations in the right-of-way, except walk street commercial corners, should be restricted to 10pm with tables/chairs removed by 10:30pm; 2) private property outdoor dining hours should be determined by the Use Permit unless it is located within 150ft from a residential use, in which case will need to close by 10pm; and 3) a sound attenuation system such as a clear barrier should be installed or a certain setback from the residential

use should be required for walk street commercial corners. It was noted that we will revisit operating hours for walk street commercial corners in the future.

2. Alcohol services

Task force members unanimously agreed that the code should be amended to allow alcohol services in the right-of-way and private outdoor dining areas, subject to review and approval by ABC.

3. Occupancy limits

- Allow increase in occupancy; program should not be limited to no net increase in occupancy.
- With increased occupancy, consider the negative impacts associated with intensification of use in the right-of-way.
- Ensure that there is a streamlined process with more affordable fees to amend Use Permits for private properties so as not to create roadblocks.
- Address right-of-way outdoor dining occupancy as part of the Encroachment Permit.

Additional comments were made by the task force that the City will need to develop real solutions to address intensification of occupancy, and that enforcement should not be complaint-based.

Director Mirzakhanian reiterated that with increased occupancy, the establishments will be generating more trash and there are parking demand issues that will need to be addressed. As a result, regulations will need to be created when it comes to loading trucks and accommodating more room for increased trash. Public Works Senior Management Analyst Luke-Jones informed the task force of on-going efforts within the Public Works Department since COVID to address trash issues, including increased pick-ups from one to three times a day and a dedicated team created within the Department just for weekend pick-ups. There was a task force member comment on hot spot areas that need daily cleaning and a question on whether there is an existing provision in the Municipal Code that specifies a timeframe on when delivery trucks can be present. Staff responded that the Police Department enforces the noise ordinance related to vehicles and that the City currently does not have an ordinance for deliveries, but can be written into the ordinance as part of this program development.

G. ADJOURNMENT

Senior Planner Yoon announced that due to the holiday season, there will be no task force meetings on November 28, 2023 and December 26, 2023. Instead, there will be one meeting scheduled on December 12, 2023 from 1:00 to 3:00 PM in the Police/Fire Community Room.

The meeting concluded at 3:00 PM and the next meeting will take place on September 26, 2023 from 1:00 to 3:00 PM at the Manhattan Beach Library Meeting Room.