

**MANHATTAN BEACH
OUTDOOR DINING TASK FORCE
MINUTES OF REGULAR MEETING
February 27, 2024**

A. CALL MEETING TO ORDER

Director Talyn Mirzakhonian called the meeting to order at the hour of 1:05pm and provided an overview of the February 20, 2024 City Council meeting regarding the outdoor dining program status report. Director Mirzakhonian noted that staff will be working with the Public Works Department to prepare a high-level cost estimate of the proposed preferred program vision and go back to the City Council in the near future for further direction. Director Mirzakhonian also noted that despite the meeting outcome of postponing the preliminary design until a rough estimate is known, the City Council recognized the time and effort the task force has spent in developing the long-term outdoor dining program. In the meantime, no alternative design options will be explored, to which the City Council consented, and the task force meetings will focus on making progress on other fronts such as music, trash, good neighbor regulations, and private property outdoor dining.

The task force asked questions related to how the sidewalk widening will be funded (Staff response: City will explore bonds and other grant funding opportunities); what the short-term plans are until the preferred vision is built (Staff response: sidewalk dining and private property outdoor dining will continue to be available options); how long it will take to implement the preferred vision (Staff response: unknown at this time; the additional work scope for the amended contract with MIG would have provided estimates on the cost and length of time to build the vision in phases); how soon the high-level cost estimates will be prepared (Staff response: Public Works Department is currently working on preparing the estimates in a timely manner and the task force will be informed of the progress when more information becomes available); whether the parking meter removal was part of the sidewalk widening plan (Staff response: parking meter removals are on their own path aside from the conceptual plan); and where additional bike racks will be installed in the future (Staff response: MIG will facilitate the next task force meeting in March to refine the menu of options for public flex space which include bike racks).

B. ROLL CALL

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

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
Peir Serota – At-large resident/business
Audrey Judson – At-large resident/business

Faith Lyons (At-large resident/business) was absent from the meeting.

C. APPROVAL OF MINUTES

A motion was passed (unanimous) to approve the minutes from the January 23, 2024 task force meeting.

D. TASK FORCE RESPONSES TO JANUARY 2024 DISCUSSION TOPICS (LIVE ENTERTAINMENT AND AMPLIFIED SOUND)

Senior Planner Yoon prefaced that the City Council was not supportive of noise or music associated with outdoor dining based on the recent City Council meeting. Nonetheless, staff will present what the task force recommends in the next status update report before the City Council.

After presenting a brief summary of the responses, questions and discussion ensued between the task force and staff on the relevant code sections applicable today and how the questions would be further broken down when we get to task force discussions

E. PUBLIC COMMENTS

Two public comments were received as follows:

1. Municipal Code Section 5.48.120 (Amplified sounds—Electronic devices) was referenced that states amplified sound may not be audible from 50ft, unless it is for noncommercial public speaking, public assembly, or other activities for which a permit has been issued. While Downtown is heavily residential, there is a substantial presence of commercial. However, it has generally been a quiet and pleasant place to live and we need to find a reasonable balance so as not to damage the small town character. Having only one Downtown resident represented on the task force is a concern and music is not needed at any time of day for outdoor dining.
2. Contrary to the opposing opinion and as a Downtown resident, supports entertainment as it makes the small town feel more special and goes hand in hand with outdoor dining if we can regulate and restrict such activities to be reasonable.

F. TASK FORCE GROUP DISCUSSIONS

The task force discussed whether to allow both live outdoor entertainment and amplified music on private and public property (i.e., limited to sidewalk dining areas for this discussion). Several points were considered in their discussion as follows:

- The size and length of the potential sidewalk dining areas.
- The existing regulations for Entertainment Permits and Amplified Sound Permits.
- The importance of ambient music in creating a sense of place.
- The negative impacts that sound may have on surrounding uses in which some areas are already experiencing noise issues.
- The necessity of strict regulations with a decibel level established.
- Enforcement actions to ensure strict compliance with regulations, which may include revoking permits and potentially adding a part-time staff for night time patrol.
- The placement and orientation of sound amplifying devices.

- Allowable hours of such activities.
- A potential reservation system administered by Business Improvement Districts to manage live outdoor entertainment permits in terms of timeframes, street segments or blocks.

Based on discussions, the task force agreed upon the following:

- Refer to existing permits (i.e., Entertainment Permit and Amplified Sound Permit) without creating new applications.
- Hours allowed from 9 a.m. to 10 p.m.
- Set noise level standards that are similar to ambient entry music volume; staff to conduct research on appropriate noise levels.
- Allow both live outdoor entertainment and amplified music with permits on private property; consider additional provisions to be included after discussing instances on second floor outdoor dining areas.
- Allow ambient music in public right-of-way (i.e., sidewalk dining area) with permits as long as speakers are located on private property; live outdoor entertainment shall be limited to special events only with a permit where no additional encroachment shall be granted for live entertainment space (i.e., the permittee must use the boundaries of the permitted sidewalk dining areas by removing outdoor chairs and tables to accommodate the space).

Trash (Informational Item)

As the program will allow a net increase in occupancy, the task force was made aware of how the City will require that establishments provide additional capacity within their property to ensure adequately sized trash enclosures and service levels are available prior to issuing outdoor dining permits. It was noted by a task force member and the public that increasing refuse pick-up services alone will not necessarily resolve trash issues. In addition, porter service to maintain a clean environment in the proposed public flex spaces will be necessary as it will attract more people and generate additional trash in the areas. The consultant team will be analyzing the costs associated with porter service as part of their fiscal analysis.

Good Standing/Neighbor Regulations

Due to community concerns that permittees do not always comply with regulations and conditions of approval, the task force was asked to discuss whether potential provisions for non-compliant establishments should be established. The Building Official Ryan Heise provided additional information on standard code enforcement protocols and proactive patrolling. After further discussions, the task force unanimously agreed upon a three strikes and out rule during a one year period where permits will be revoked and the permittee will be unable to reapply for an outdoor dining permit for one year. The three strikes will include one warning through a Notice of Violation, two administrative citations, and the permit will be revoked upon the third administrative citation.

G. ADJOURNMENT

The meeting was adjourned at 3:30 p.m. to March 26, 2024 at 1:00 p.m. at the Manhattan Beach Library Meeting Room.