

**MANHATTAN BEACH
OUTDOOR DINING TASK FORCE
MINUTES OF REGULAR MEETING
May 28, 2024**

A. CALL MEETING TO ORDER

Community Development Director Talyn Mirzakhianian called the meeting to order at the hour of 1:10 p.m.

B. ROLL CALL

Roll call was taken, and the following task force members were present for the meeting:

David Archer – Chamber of Commerce
Maureen McBride – Chamber of Commerce
Jill Lamkin – Downtown (DBPA)
Jim Burton – Downtown (resident)
Mike Simms – North MB (BID)
Don Ziss – Commercial (MVSC)
Harout (Harry) Ashikian – Commercial (Non-MVSC)
Paul Mullin – At-large resident
Faith Lyons – At-large resident/business

Joseph Ungoco (Planning Commission), Bridgette Goodman (At-large resident), and Audrey Judson (At-large resident/business) arrived late to the meeting, while Bob DaGiau (Parking and Public Improvements Commission), Kimberlee Kelly (North MB Resident), and Peir Serota (At-large resident/business) were absent from the meeting.

C. APPROVAL OF MINUTES

No votes were taken to approve the minutes from the April 23, 2024 task force meeting at the time due to lack of quorum¹.

D. 2ND FLOOR OUTDOOR DINING REGULATIONS

Senior Planner Jaehee Yoon provided an overview of the 2nd floor outdoor dining regulations that the task force had come up with so far and focused on two items that were pending the task force's recommendation. First being the sliding scale buffer between the 2nd floor outdoor dining area and residential uses; and whether to allow/prohibit 2nd floor outdoor dining if it diagonally faces residential uses.

Subsequently, Senior Planner Yoon presented information on sound attenuation measures that were prepared, along with the consultant team, to reduce noise impacts from the 2nd floor outdoor dining area. The menu of options will serve as a design guideline with three levels of attenuation measures and include preferred/discouraged materials for consideration in the applicant's design.

E. VEHICLE LOADING

¹ The April minutes were later approved after the meeting via email with the task force members.

Senior Planner Yoon reiterated information on vehicle loading, which was initially shared with the task force at the January meeting. Additional information was presented regarding the days of the week, hours of the day, and locations at which deliveries occur for each business in Downtown and North Manhattan Beach. The analysis was based on staff contacting, visiting, or observing 73 businesses inclusive of non-Eating and Drinking Establishments in Downtown and North Manhattan Beach. Most businesses fell under the category of N/A, meaning it could be any day of the week, at any time of day, with no known locations as it depends heavily on their needs, delivery company logistics, and loading space availability.

F. ADMINISTRATIVE PROCESS

Senior Planner Yoon provided an overview of the application and permit process for current outdoor dining permits (i.e., sidewalk dining and outdoor facilities permit); how the City Council requested that the task force reconsider the permit revocation process in that it should be consistent with the general three strikes-and-out rule; and different options to consider for outdoor dining permit durations (i.e., renewed yearly, every 2-3 years, or granted in perpetuity).

E. PUBLIC COMMENTS

Two public comments were received as follows:

- The definition of the 2nd floor outdoor dining area facing residential should be broader. For example, 10th street has restaurants with residences behind it that will be impacted although not directly facing the restaurant. Noise and related sound attenuation measures should be based on scientific analysis. With no additional parking available, the anticipated increased capacity from outdoor dining is concerning.
- There should be a booth at the Hometown Fair in October to inform the community at large on this program development since not everyone is aware of task force meetings or the progress being made. If the outdoor dining permit is granted in perpetuity, there should be periodic reviews to ensure full compliance with regulations and that any nuisances are being addressed. This is a complicated endeavor and there are many facets we need to consider that are not just limited to parking and traffic.

G. TASK FORCE DISCUSSIONS

2nd Floor Outdoor Dining Sliding Scale Buffer

Discussion ensued amongst the task force with questions to staff on determining the sliding scale buffer as below:

- Since larger parcels will have proportionately larger outdoor dining areas, it is assumed there will be more people which adds to increased noise levels, and hence, the 50% of lot depth is proposed as the applicable buffer for those cases.
- The current setback requirements in general between residential and commercial uses, which are between 0-3 feet.
- Clarification and example of where exterior walls, access, elevator shafts and so forth may be in a 2nd floor outdoor dining scenario.
- 2nd floor outdoor dining area scenarios immediately adjacent to a residence and across the alley from a residence.

- Some people do not favor having restaurants right next to or across from them; allowing additional outdoor dining space on the 2nd floor will not be palatable.
- What other jurisdictions have adopted to define the buffer between residential and 2nd floor outdoor dining areas.

At the end, a motion was made and carried to only implement a minimum 15-foot setback with no sliding scale buffer (11 members voted in favor, with one member dissenting).

2nd Floor Outdoor Dining Areas Diagonally Facing Residences

Discussion continued amongst the task force with questions to staff on whether to allow or prohibit 2nd floor outdoor dining areas that diagonally face residential parcels where staff identified 12 potential locations in Downtown and North Manhattan Beach. After discussions, the task force unanimously voted to prohibit instances where the 2nd floor outdoor dining area will face residential uses.

Other 2nd Floor Outdoor Dining Regulations

Senior Planner Yoon asked the task force if there were any other 2nd floor outdoor dining regulations the task force wanted to discuss. The task force noted that we have covered most elements already. However, as no specifics were discussed for umbrellas or heaters on the 2nd floor outdoor dining area, staff directed questions to Fire Marshal Kevin Bass and Building Official Ryan Heise for their input. Fire Marshal Bass commented that natural gas or electrical heaters are preferred over propane tank heaters and that these cannot be under fabric such as umbrellas unless it meets the listing specifications of that appliance. In general, heaters and shade structures are acceptable if they comply with relevant Fire and Building Code requirements. In terms of umbrellas and sail shades, staff noted that they do not help when it comes to sound attenuation as the consultant team's noise specialist has recommended wood or metal roof elements instead if there was an intention to reduce noise levels.

Vehicle Loading

The task force discussed establishing provisions related to restricting vehicle loading activities in Downtown and North Manhattan Beach, which is summarized below:

- The primary concern related to vehicle loading from a resident's perspective is how it impacts traffic and parking patterns as they block access, adds to the congestion, and raises safety issues, as well as noise associated with loading activities.
- The possibility of allowing exceptions to restrictive vehicle loading hours as all businesses operate differently.
- Due to difficulty in enforcement, a potential solution could be to restrict vehicle loading activities on public streets during certain hours near residential areas by encouraging off-traffic hours on non-residential streets.
- How violations related to vehicle loading are addressed by the Police Department, who administers the vehicle code. Complaints will need to be filed by calling the non-emergency line if a vehicle is there for more than 20 minutes; it is important to call them as soon as you can since they will need to witness it themselves to take action.
- The Police Department suggested that the task force may want to focus on limiting the size of the delivery vehicles (e.g. 30-foot oversized vehicles) instead of a timeframe.

- Potentially explore designating underutilized bus zones for vehicle loading activities based on the time of day.
- The installation of customized signs that will prohibit stopping at any time along alleys during certain hours of the day.

Based on discussions, the task force unanimously agreed upon prohibiting large vehicle loading activities in residential areas and on streets that are less than 36 feet in width from 11pm to 4am (Sun-Thur) and 6pm to 4am (Fri-Sat).

Administrative Process

The task force discussed and reached a consensus that 1) deviations from the outdoor dining regulations will require obtaining a Use Permit rather than an administrative permit process; 2) revocations will occur on the third violation per the City Council's request, with an appeal process built in; and 3) permits will be granted in perpetuity unless there is a change in business ownership or the permit has been revoked.

H. ADJOURNMENT

The meeting was adjourned at 3:25 p.m. to July 9, 2024, at 1:00 p.m. at the Police/Fire Community Room. It was noted that there will be no task force meeting in June.