



CITY OF  
**HERMOSA BEACH**  
Public Works

## Important Notice

### New Off-Street Commercial Outdoor Dining Encroachment Program

September 30, 2023

Dear Hermosa Beach Business Owner,

At the June 13, 2023 meeting, City Council amended the existing Outdoor Dining Encroachment guidelines pursuant to Section [12.16.090](#) of the Hermosa Beach Municipal Code (H.B.M.C.) that will regulate Commercial Encroachments on Pier Plaza, sidewalks, and off-street areas. Effective October 1, 2023, these standards will supersede all current regulations, including temporary provisions related to COVID-19. We urge you to familiarize yourself with these new off-street guidelines in their entirety.

All businesses holding a Commercial Encroachment permit must reapply by December 1, 2023. Applications shall require the preparation of a scaled site plan prepared by a licensed design professional as further described in the guidelines Exhibit A, Chapter [12.16.90 H.B.M.C.](#), and Site Plan checklist.

Submit applications digitally to [PWplancheck@hermosabeach.gov](mailto:PWplancheck@hermosabeach.gov) with the subject "Off-Street Commercial Outdoor Dining Encroachment Application." Following plan review, a payment of \$1,328.94 is required. You can make this payment by credit card or check. If your plans are approved, you may be charged a separate Building and Safety plan review fee, if applicable. Additionally, a deposit will be required upon approval; the exact amount is to be determined. The permit will remain valid for one year. During that time period, no alterations to the encroachment area will be allowed without prior approval.

Future annual renewals will require associated fees, and a re-inspection to ensure compliance with the approved plans.

As a reminder, the City implemented a revised fee structure, as summarized in the table below, effective July 1, 2023. Please ensure all payments are made at the start of each quarter, addressed to the Finance Department at [kswindell@hermosabeach.gov](mailto:kswindell@hermosabeach.gov).

Encroachment Area Category	2023-24	2024-25	2025-26
Pier Plaza ( <b>closes after midnight</b> )	\$4.00/sq ft/month	\$5.00/sq ft/month	\$6.00/sq ft/month
Pier Plaza ( <b>closes before midnight</b> )	\$2.00/sq ft/month	\$3.00/sq ft/month	\$4.00/sq ft/month
Pier Plaza ( <b>closes before 11 pm</b> ), and Off Pier Plaza; on-street; sidewalk; retail	\$1.00/sq ft/month	\$2.00/sq ft/month	\$2.50/sq ft/month

The encroachment fee rate is based on the standard operating hours set forth in the P.C. Resolution or the Condition Use Permit (CUP). **Please ensure that the encroachment area operates within these specified hours, and no later than 12:30 a.m.**

If you choose to relinquish your encroachment area, kindly notify our department through email, or submit a formal notice at least 15 days prior to the start of the upcoming quarter. Upon approval of your site plan, no alterations are permitted.

We trust you will give these changes your immediate attention and take the necessary steps to remain compliant with the new guidelines. **We strongly urge you to submit plans and materials well before the December 1 deadline. This will ensure they are complete and accurate and allow time for City review.**

As a reminder, all permit holders must uphold a general liability insurance policy, which covers a minimum of \$2,000,000 per claim and in aggregate, specifically for operations in the encroachment area. Should you have any questions or need clarification, please email [PWplancheck@hermosabeach.gov](mailto:PWplancheck@hermosabeach.gov), call 310-318-0214, or come by the Public Works counter in City Hall. Our office hours are from Monday to Thursday, 7:00 a.m. to 6:00 p.m., excluding public holidays.

Sincerely,

Joe SanClemente

Public Works Director

## COMMERCIAL OUTDOOR DINING SITE PLAN CHECKLIST

All site plans shall include a minimum of the following items:

Digital site plan/layout shall be prepared and stamped by a licensed design professional.
The site plan/layout shall be drawn to scale, include north arrow and legend.
The site plan/layout shall delineate the encroachment area and include the property line and face of building.
Indicate the proposed location and dimensions of the outdoor dining area. Note: Pier Plaza maximum depth is twenty-five feet (25') from frontage and no more than 1000 square feet.
The proposed sizes, locations, number, and arrangement of all barriers, tables, chairs, umbrellas, and other furnishings.
A minimum 5'-0" ADA-accessible pedestrian path of travel from the storefront.
The encroachment must only be in front of the store property line and cannot be shared with adjacent businesses.
Describe the types, styles, materials of all barriers, furnishings, fixtures, umbrellas, awnings, patio covers, lighting, portable heaters, outlets, other furnishings, and fastening/weights.
The locations and descriptions of signage in compliance with applicable public health requirements.
Show all current and proposed obstructions. Include existing trees, lamp posts, or planters.
Include host/hostess podium. The podium shall be a maximum of 30" wide, 30" deep, 48" high and must be located within the encroachment area.
If umbrellas are provided, they must maintain a minimum 8'-0" clearance from ground level. Umbrellas must be contained in the encroachment area.
Awnings may extend up to 6'-6" from the building front or cover up to 50% of encroachment area. On Pier Plaza awnings may extend up to 13' from building front or cover 100% of outdoor dining area, whichever is less.
Include physical barriers or fencing, specifics of material (max height: 3'-6") and must withstand inclement weather and resist a concentrated load of 200 pounds. Include the manner of attachment.
The City has the right to request additional documents as deemed necessary by the Director of Public Works, City Engineer or designee.
Site plan shall comply with all building and fire code regulations.
Site plan shall comply with all State and federal laws providing access for the disabled.

## Exhibit A

### CITY OF HERMOSA BEACH

#### OUTDOOR DINING DESIGN AND OPERATIONAL STANDARDS FOR PIER PLAZA AND OFF-STREET ENCROACHMENT AREAS

##### I. INTRODUCTION

A. The Outdoor Dining Design and Operational Standards are adopted pursuant to Section 12.16.090 of the Municipal Code in order to establish specific design and operational criteria for outdoor dining on the public right-of-way known as Pier Plaza (including Loreto Plaza) and other off-street encroachment areas citywide. These standards balance the respective interests of establishments that desire to offer outdoor dining to their patrons, restaurant patrons and the City, which encourages the atmosphere created by outdoor dining but seeks to assure and protect the availability of the right-of-way for safe and convenient pedestrian passage. All outdoor dining on Pier Plaza and other off-street encroachment areas shall comply with the standards set forth herein, and all encroachment permits issued for outdoor dining shall be in conformance herewith. No person shall use the off-street public right-of-way for outdoor dining without first obtaining an Outdoor Dining Encroachment Permit from the City.

- B. An outdoor dining area is a place on the public right-of-way where patrons may consume food and/or beverages provided by an adjacent food service establishment.
- C. Establishments serving alcoholic beverages that apply for an Outdoor Dining Encroachment Permit shall meet the additional requirements of the State of California Alcohol Beverage Control Board.
- D. These standards and procedures regulate the design and operation of outdoor dining areas on Pier Plaza and other off-street encroachment areas. However, they do not provide information on all the government agency requirements for starting a new restaurant or expanding an existing one. Business owners must secure the appropriate licenses and permits from the State Alcohol Beverage Control Board, Los Angeles County Health Department, the City of Hermosa Beach Community Development Department and Business License Office.
- E. Outdoor Dining Encroachment Permits are not transferable, salable, delegable or assignable. In the event of a transfer of the business, to the extent of 51% or more, the transferee shall apply to the Public Works Department for a new Encroachment Permit.
- F. These regulations do not apply to outdoor dining on private property.

## II. APPLICATION PROCEDURE

A. An application form for an Outdoor Dining Encroachment Permit may be obtained from the Public Works Department. A scaled and measured plan prepared by a licensed design professional shall accompany the application form. The plan shall delineate the encroachment area and the layout of furnishings and allowable amenities. The plan shall comply with all building and fire code regulations, and shall comply fully with all State and federal laws providing for access by the disabled. If the Applicant intends to modify the arrangement of furniture and other amenities or otherwise deviate from the plan at any time or times during the term of the Permit, the plan shall delineate all alternate arrangements to be utilized and all shall comply with the requirements set forth herein. The application will also include information on any variations of operating hours that will affect calculation of quarterly encroachment fees. Changes to operating hours for the purpose of recalculating fees will only be allowed once per quarter and must be communicated to the City no less than fifteen (15) days before start of the quarter for which the applicant is seeking a change of encroachment fees.

B. An application fee shall be paid at the time the application is submitted to the Public Works Department.

C. Public Works Department staff shall obtain the written concurrence of the Community Development Department before approving any Outdoor Dining Encroachment Permit.

D. The Director of Public Works is authorized to approve an outdoor dining application and to issue an Outdoor Dining Encroachment Permit on behalf of the City. The Encroachment Permit will specify the amount of the Outdoor Dining License fee to be paid by the applicant.

E. A maintenance deposit, in an amount determined by the Public Works Director to be adequate to pay for the replacement of the sidewalk paving and any fixtures within the outdoor dining area, shall be paid to the City at the time the Outdoor Dining Encroachment Permit is issued. It is the responsibility of the Applicant to maintain sidewalk paving and fixtures within the outdoor dining area in the condition they are in at the time of permitting. The Applicant shall be responsible for any repairs required as a result of the Applicant's use of the area. Upon termination of the Permit and inspection of the paving and fixtures by the Public Works Department, the deposit shall be refunded to the Applicant less any offset for repairs.

F. An application for renewal of an Outdoor Dining Encroachment Permit may be submitted to the Public Works Department on a form obtained from the Director. Permits are valid for one year. The application must be filed and fee paid with the Public Works Department no later than sixty (60) days prior to the expiration of the existing Outdoor Dining Encroachment Permit. Upon determination by the Director that the Permit should be renewed, the

Applicant shall pay the annual fee as determined by resolution of the City Council.

### III. OUTDOOR DINING SITES

- A. The outdoor dining encroachment area on Pier Plaza shall be a maximum depth of twenty-five feet (25') and include a clear, continuous pedestrian path not less than five feet (5') in width or more as deemed appropriate by the Director of Public Works for pedestrian circulation outside of the outdoor dining area. As used herein, pedestrian path means a continuous obstruction-free sidewalk area, paved to City standards, between the outside boundary of the dining area.
- B. The outdoor dining area shall not impede ingress or egress, and shall be fully accessible to the disabled, as required by the California Building Code, Title 24, Disabled Access Standards, the Americans with Disabilities Act (ADA) standards, and other requirements of law, and the city fire chief.
- C. The final location and configuration of the outdoor dining area shall be subject to approval by the Director of Public Works, who shall consider public safety issues unique to the specific location.
- D. No underground utilities are permitted within the encroachment area.

### IV. DESIGN STANDARDS

- A. Establishments that serve alcoholic beverages in the outdoor dining area shall provide a physical barrier that satisfies both these Standards and the requirements of the Alcohol Beverage Control Board. It is the responsibility of the applicant to research and verify design compliance with the Alcohol Beverage Control Board prior to filing an application for an Outdoor Dining Encroachment Permit. Barriers shall be attractive with a quality appearance, made of new materials such as wood and wrought iron. Barriers shall be of a permeable design that allows for visibility through the barrier. Chain-link fencing or other low-quality materials are not permitted. Furnishings that provide the functional equivalent of a fixed barrier may be approved.
- B. No signs or banners of any kind shall be placed, displayed or erected on barriers.
- C. The elevation of the encroachment area shall not be altered (e.g., no platforms or recesses). No modification to the surface of the right-of-way, such as resurfacing, texturing, bolting, or borings for recessed sleeves, shall be made unless approved by the Director of Public Works.
- D. Barriers shall be able to withstand inclement outdoor weather and resist a concentrated load of two hundred (200) pounds.

- E. The height of any barrier shall not exceed three feet, six inches (3'- 6") with the exception that clear glass or plastic windscreens not to exceed six feet, six inches (6'- 6") in height may also be installed on the westerly side of the encroachment area.
- F. The use of awnings or umbrellas over the outdoor dining area is permitted, provided they do not interfere with street trees. No portion of an awning or umbrella shall be less than eight feet (8') above the sidewalk. Umbrellas must be contained in the encroachment area. Awnings may extend up to six feet six inches (6'-6") from the building front or cover up to fifty percent (50%) of the outdoor dining area, whichever is less. On Pier Plaza, retractable awnings may extend up to thirteen feet (13') from the building front or cover up to one hundred percent (100%) of the outdoor dining area, whichever is less. Retractable awnings shall be fully retracted to their closed position when the business is closed and shall only be used when customers are present. A building permit must be obtained prior to installation of an awning.
- G. Outdoor lighting fixtures should complement the style of the building. Lighting fixtures shall not be glaring to pedestrians on the adjacent right-of-way, and shall illuminate only the outdoor dining area. Outdoor lighting may be installed on the facade of the building. Lighting shall be installed by a licensed electrician and requires an electrical permit from the Building and Safety Division.
- H. The use of candles are prohibited.
- I. An Historic Preservation Certificate of Appropriateness shall be required prior to attaching any lights, awnings, or physical barriers to an historic structure that has been designated "landmark" or "significant" by the City Council.
- J. One host/hostess podium located inside the encroachment area is permitted per business as follows. The podium shall be a maximum of 30" wide (length), 30" deep, and 48" high. One single-pole umbrella, without advertising, attached to the podium to shield the employee from the elements is permitted; no portion of an umbrella shall be less than eight feet (8') above the sidewalk. Identification of the business name and menu board may be affixed to the podium provided the dimensions above are not exceeded. Display or sales of merchandise from the podium is not permitted.

## V. STANDARDS OF OPERATION

- A. Restaurant management is responsible for running and operating the outdoor dining area and shall not delegate or assign that responsibility. Outdoor dining areas shall be continuously supervised by management. Patrons are prohibited from disturbing customers or passersby on the adjacent right-of-way by loud, boisterous, and unreasonable noise, offensive words or disruptive behavior.

- B. Restaurant management shall keep the outdoor dining area clear of litter, graffiti, food scraps, and soiled dishes and utensils at all times. Trash receptacles shall be provided in outdoor dining areas used for consuming take-out items.
- C. At the end of each business day, establishments are required to clean (sweep and power wash) the area in and around the outdoor dining area and remove the debris to a closed receptacle. No debris shall be swept, washed, or blown into the sidewalk, gutter or street in conformance with the City's NPDES regulations.
- E. If disposable materials are used, the establishment shall comply with all applicable City recycling and waste diversion programs.
- F. Plants shall be properly maintained and stressed or dying plants shall be promptly replaced. Because plant fertilizers contain materials that can stain the pavement, water drainage from any plants onto the adjacent right-of-way shall not be allowed. Potted plants shall have saucers or other suitable systems to retain seepage and be elevated to allow for air flow of at least one inch (1") between saucer and sidewalk.
- G. Awnings and umbrellas shall be washed whenever they are dirty and, in any event, no less than two times each year.
- H. All plans and permits for the outdoor dining area approved by the City shall be kept on the premises for inspection at all times when the establishment is open for business.
- I. Outdoor dining areas shall be operated in a manner that meets all requirements of the Los Angeles County Health Department and other applicable regulations.
- J. Upon termination of the Outdoor Dining Encroachment Permit, the Permittee shall immediately remove the barriers around the outdoor dining area, return the right-of-way to its original condition, and remove all personal property, furnishings, and equipment from the sidewalk. Any personal property remaining on the premises shall be removed pursuant to the laws of the State of California.
- K. All applicable existing CUP provisions for the adjoining commercial establishment shall be enforced within the encroachment area. Noise and other city requirements shall be strictly enforced as if the encroachment area were an extension of the permittee's place of business. If the encroachment permit requirements should not agree with the CUP requirements, the stricter of the two requirements shall prevail.
- L. The allowable hours of operation within the outdoor encroachment area shall be consistent with Hermosa Beach Municipal Code Chapter 12.16. The



City Manager, upon a showing of good cause may extend these hours for special events or, in the City Manager's discretion bring the request to the City Council for review.

## VI. INSURANCE

- A. The Applicant shall obtain and maintain in force during the life of the Outdoor Dining Encroachment Permit comprehensive general liability, broad form property damage and blanket contractual liability insurance in a combined single limit amount, per claim and aggregate, of at least two million dollars (\$2,000,000) covering the applicant's operation on the sidewalk. Such insurance shall name, on a Special Endorsement form, the City, its elected, appointed boards, officers, agents and employees as additional insureds. A Certificate of Insurance shall contain provisions that prohibit cancellation, modification, or lapse without thirty (30) days prior written notice to the City. Both the Certificate of Insurance and the completed standard Special Endorsement form shall be submitted with the completed application for an Outdoor Dining Encroachment Permit. An updated Certificate of Insurance shall be submitted annually upon renewal.
- B. The Applicant shall obtain and maintain in force during the life of the Outdoor Dining Encroachment Permit, Worker's Compensation insurance with statutory limits, and employer's liability insurance with limits of not less than one million dollars (\$1,000,000) per accident.
- C. Comprehensive general liability policy shall provide coverage for all of the Applicant's outdoor operations and facilities whether or not within the encroachment area.
- D. The Applicant shall indemnify and hold harmless City, its officers, employees and agents from and against all claims, causes of action, liabilities and damages for injuries to persons and property, including reasonable costs of defense and attorney fees, arising from the Applicant's encroachment on City property, including but not limited to the Applicant's negligent or wrongful acts, errors or omissions in the construction, erection, operation and continued maintenance of the encroachment in its location. The Applicant shall promptly pay the amount of any judgment rendered against City, its officers, employees and agents for any such indemnified claims, and reasonable costs and attorney fees incurred by City in the defense of such claims.

## VII. ENFORCEMENT

- A. Notice of violation of the outdoor dining design standards or standards of operation shall be made in writing to the Permittee by any Code Enforcement Officer, Public Works Inspector, Building Inspector, Police Department Official, or Fire Department Official of the City. A copy of the notice shall be filed with the Public Works Director. The Permittee shall immediately cure the violation upon receipt of notice. If the violation is not cured within the timeframe prescribed on the notice to the Permittee, the City Manager or City Manager's designee may suspend or revoke the Encroachment Permit.
- B. The Outdoor Dining Encroachment Permit is in the nature of a revocable license and is revocable at will by the city. The City Manager or City Manager's designee may revoke an Outdoor Dining Encroachment Permit upon ten (10) days written notice, with or without cause. The City Manager or City Manager's designee's decision may be appealed to the City Council pursuant to the provisions of Chapter 12 of the Hermosa Beach Municipal Code. The City Council's decision shall be final.