

From: [Councilmember Dean Francois](#)
To: [Myra Maravilla](#); [City Council](#)
Cc: [Patrick Donegan](#); [Suja Lowenthal](#)
Subject: outdoor dining ordinance-Coastal act implications
Date: Thursday, July 6, 2023 10:28:22 AM

At the June 13th council meeting, staff recommended a provision in the dining ordinance that restaurants be required to take down umbrellas if they were not being used only if the umbrella is blocking a public view of the ocean. Naturally, this only occurs in a few of our establishments.

Two council members asked to rescind this element and a third agreed.

What was left out of the discussion was the provision of the coastal act which ensures that public views of the ocean are protected.

I have added below a copy of the provision of the coastal act referencing this.

I asked the city manager to provide part 30251 of the coastal act to city council, which is the staple for most of the coastal commission's work, and she asked me to send an email to the city council directly, so this email is added to the agenda for the second reading.

1. Public Resources Code – PRC
DIVISION 20. CALIFORNIA COASTAL ACT [30000 – 30900]
(Division 20 added by Stats. 1976, Ch. 1330.)

CHAPTER 3. Coastal Resources Planning and Management Policies [30200 – 30265.5]
(Chapter 3 added by Stats. 1976, Ch. 1330.)

ARTICLE 6. Development [30250 – 30255]
(Article 6 added by Stats. 1976, Ch. 1330.)

30251.

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting. (Added by Stats. 1976, Ch. 1330.)