

ORDINANCE NO. 18-0017

**AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
AMENDING TITLE 10 OF THE MANHATTAN BEACH
MUNICIPAL CODE, RELATED TO COMMERCIAL
DEVELOPMENT STANDARDS WITHIN THE GENERAL
COMMERCIAL (CG) ZONING DISTRICT LOCATED
ALONG SEPULVEDA BOULEVARD**

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. On June____, 2018, the Planning Commission conducted a duly noticed public hearing recommended that the City Council adopt text amendments to Title 10 of the Municipal Code to amend the development standards for commercial properties along Sepulveda Boulevard as well as the Zoning Map incorporating the D8-Sepulveda Boulevard Overlay.

SECTION 2. On July 3, 2018 and July 17, 2018, the City Council held a duly noticed public hearing regarding the proposed Zoning Code Amendments.

SECTION 3. The proposed Zoning Code Amendments are consistent with the Manhattan Beach General Plan and implement the following General Plan Goals and Policies:

Land Use Element Goal LU-6: Maintain the viability of the commercial areas of Manhattan Beach.

Land Use Element Policy LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.

Land Use Element Policy LU-6.3: Recognize the need for a variety of commercial development types and designate areas appropriate for each. Encourage development proposals that meet the intent of these designations.

Land Use Element Policy LU-6.4: Recognize the unique qualities of mixed-use areas and balance the needs of both the commercial and residential uses.

Land Use Element Goal-8: Maintain Sepulveda Boulevard, Rosecrans Avenue, and the commercial areas of Manhattan Village as regional-serving commercial districts.

Land Use Element Policy LU-8.1: Ensure that applicable zoning regulations allow for commercial uses that serve a broad market area, including visitor-serving uses.

SECTION 4. The proposed Amendments have been prepared in accordance with the provisions of Title 7, Division 4, Section 65853, et seq., of the State of California Government Code.

SECTION 5. Municipal Code Section 10.16.020 is hereby amended in its entirety to read as follows:

Section 10.16.020 – CL, CC, CG, CD, CNE districts: land use regulations.

	CL	CC	CG	CD	CNE	Additional Regulations

Nonconforming uses						(H)
Mixed Use	U	-	L-25	U	U	

L-25 Mixed use allowed within the CG district is only allowed within the D8—Sepulveda Boulevard Corridor Overlay.

SECTION 6. Municipal Code Chapter 10.44 is hereby amended in its entirety to read as follows:

"Chapter 10.44 – D Design Overlay District

10.44.010 - Specific purpose and applicability.

The specific purpose of the D design overlay district is to provide a mechanism to establish specific development standards and review procedures for certain areas of the City with unique needs, consistent with General Plan policies. This will ensure that the low-profile image of the community is preserved and neighborhoods protected from adverse effects of noise and traffic. It also will prevent development that may be detrimental to these areas, such as buildings that affect the privacy of adjoining properties or increase shadows.

Eight subdistricts are established:

D1—Rosecrans Avenue, where higher fences in the front-yard setback area are needed to reduce traffic noise;

D2—11th Street, where limitations on building height and density are needed to minimize building bulk and buffer adjoining residences;

D3—Gaslamp neighborhood, where special design standards and review procedures are needed to preserve existing neighborhood character;

D4—Traffic noise impact areas, where higher fences are needed to reduce traffic noise;

D5—North end commercial, where special design standards are needed for the north end commercial area to accommodate additional residential development;

D6—Oak Avenue, where special design standards, landscaping and buffering requirements are needed to allow commercial use of property in a residential area adjacent to Sepulveda Boulevard;

D7—Longfellow Drive area, including residential lots in Tract 14274 located on Longfellow Drive, Ronda Drive, Terraza Place, Duncan Drive and Kuhn Drive, where a special minimum lot area requirement and restriction on subdivision is needed to preserve the character of the neighborhood, including views and privacy, and prevent unwanted impacts from increased traffic, bulk and crowding that would result from increased density.

D8—Sepulveda Boulevard Corridor Overlay, where more flexible development standards are needed in order to continue to promote desirable development, uses and economic vitality within the General Commercial (CG) zone. Only land uses listed as part of Section 10.44.040 (s) are eligible for flexible development standards. All land uses not listed under Section 10.44.040 (s) shall comply with all requirements contained within Chapter 10.16 of this title.

10.44.020 - Zoning map designator and overlay initiation.

- A. The D design overlay district may be combined with any zoning district. Each D overlay district shall be shown on the zoning map by adding a "-D" to the base district designator followed by the appropriate subdistrict number.
- B. A design overlay district may be initiated by the Planning Commission or City Council, or fifty-one percent (51%) of the property owners in the proposed overlay area and otherwise in accordance with applicable materials within Chapter 10.96, Amendments.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1891, Amended, 01/06/94)

10.44.030 - Land use and development regulations.

The land-use and development regulations applicable in a D district shall be as prescribed for the base zoning district with which it is combined unless modified by another overlay district, provided that the requirements of the schedule on the following page shall be in addition and shall govern where conflicts arise. The individual columns of the schedule prescribe basic requirements for each subdistrict; letters in parentheses or superscript refer to additional regulations following the schedule with cross-references as appropriate to other sections of this title.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

10.44.040 - Building permits to conform to overlay district regulations.

Applications for building permits for projects within a D overlay district shall be accepted only if project plans are consistent with the development regulations of this chapter and with all other applicable requirements of this Code. The regulations imposed by this section shall apply to any new structures or improvements, intensification of use, or enlargement of an existing structure.

D DESIGN OVERLAY DISTRICT: DEVELOPMENT REGULATIONS	
D1—Rosecrans west of Laurel Avenue	D5—North End Commercial
D2—11th and Aviation Boulevard	D6—Oak Avenue Overlay
D3—Gaslamp Neighborhood	D7—Longfellow Drive Area Overlay
D4—Traffic Noise Impact Areas	D8—Sepulveda Boulevard Corridor Overlay

Subdistricts	D-1	D-2	D-3	D-4	D-5	D-6	D-7	D-8
Minimum Site Area	-	-	-	-	-	(o)		-
Minimum Lot Area							(q)	-
Maximum Building Height (ft.)	-	26	26 (c)	-	30 (g)	26		(s)
Minimum Lot Area per Dwelling Unit (sq. ft.)	-	1,800	-	-	-	-		-
Maximum Fence Height (ft.)	6 (a)	-	-	8 (b)	-	-		-
Public Hearing and Environmental Review	-	-	(d)	-	-	-		-
Landscaped Buffer Adjacent to Street (Required width in ft.)	-	-	-	-	(k)	5 (m)		-
Minimum Front Setback, Upper Story (ft.)	-	-	(e)	-	(h)	-		-
Minimum Side Setback (ft.)	-	-	-	-	-	5		-
Required Roof Design	-	-	(f)	-	-	(f)		(s)
Required Building Design	-	-	-	-	-	(n)		-
Vehicular Access	-	-	-	-	(i)	(m)		-
Reduced Parking	-	-	-	-	(j)	-		-
Use Permit Required	-	-	-	-				(v)
Body Art Studios	-	-	-	-	-	(r)	-	-

D DESIGN OVERLAY DISTRICT: DEVELOPMENT REGULATIONS ADDITIONAL REQUIREMENTS

- a. A six-foot (6') fence shall be set back three feet (3') from a front or street side property line and twenty feet (20') from a driveway crossing a public sidewalk.
- b. Increased fence height is permitted for the following areas: (1) Wendy Way between Marine Avenue and 12th Street: Eight feet (8') in rear yard; (2) Marine Avenue between Meadows and Cedar Avenue: Eight feet (8') in rear yard; (3) Marine Avenue between Pacific Avenue and Sepulveda Boulevard: Eight feet (8') in rear or side yards fronting Marine Avenue.
- c. No building shall exceed two (2) stories.
- d. Required for demolition of dwellings or accessory buildings located on a site with two (2) or more lots. No demolition permit may be issued until an environmental assessment is complete and the Planning Commission or Board of Zoning Adjustment has held a public hearing. Notice shall be sent ten (10) days prior to the hearing to all property owners within five hundred feet (500') of the project site.
- e. Minimum depth: Ten percent (10%) of the buildable depth of the lot;
Minimum area: Ten (10) times the lot width in square feet;
Exceptions: One (1) architectural projection no more than eight feet (8') wide may extend four feet (4') into the setback area, and eaves may project four feet (4') into the setback area.
- f. A minimum roof pitch of a three-foot (3') rise in twelve feet (12') of run is required unless the building does not exceed twenty-two feet (22') in height.
- g. No increase over the maximum building height measured from the street property line is permitted for buildings fronting on Highland Avenue, and the twenty percent (20%) allowance of Section 10.60.050(B) does not apply in this subdistrict.
- h. The third story shall be set back ten feet (10') from the front setback line.
- i. Residential projects on the west side of Highland Avenue are not permitted to have vehicular access from Highland Avenue; commercial projects on the east side of Highland Avenue are not permitted to have vehicular access from Crest Drive.
- j. The Planning Commission may allow reduced parking with a use permit for neighborhood-oriented uses such as small retail stores, personal services, and eating and drinking establishments open for breakfast and lunch, subject to the requirements of Section 10.64.050(B).
- k. Residential projects shall include planter boxes at the pedestrian level involving lots of two thousand five hundred (2,500) square feet (or more) along Highland Avenue. For additional site landscaping requirements, see Section 10.60.070,

Landscaping, irrigation and hydroseeding. Conformance with standards specified in Section 10.60.070 may result in landscaping that exceeds the minimum requirements of this section.

- l. A use permit is required for all new construction and major alterations and additions of two thousand five hundred (2,500) square feet or more except construction of or alterations or additions to single-family dwellings fronting on Crest Drive.
- m. A twenty-foot (20') landscaped setback is required along Oak Avenue for any commercial structures, and no vehicular ingress or egress to Oak Avenue is allowed. Until such time that a new project is initiated, existing development with nonconforming access on Oak Avenue, when developed for commercial parking purposes used in conjunction with business fronting upon and having vehicular access to Sepulveda Boulevard shall not utilize vehicular access to Oak Avenue between the hours of 10:00 p.m. to 6:00 a.m. daily.
- n. All commercial structures shall incorporate bay windows, decks, large roof overhangs, and breaks in building facia, as may be needed to reflect a design of residential character.
- o. Sites which utilize RS zoned Oak Avenue properties exclusively for commercial purposes shall be a minimum of twenty-five thousand (25,000) square feet in area. Where the site has multiple owners, the City may permit development on sites containing less than twenty-five thousand (25,000) square feet provided there is a conceptual plan for the whole site showing the relationships between existing and future buildings, landscaping, and the location of parking and tentative phasing of development. All owners must join in application for a D-6 zoning designation and indicate support of the conceptual plan for development of the site.
- p. The uses and related facilities permitted within the CG district may be permitted on RS-D6 zoned Oak Avenue properties, if fronting upon Sepulveda Boulevard, subject to the requirements of this chapter and Chapter 10.16, upon approval of a use permit.
- q. A minimum lot area of seventeen thousand (17,000) square feet (with the exception of 1190 Duncan Drive 1127 Ronda Drive and 1131 Ronda Drive) is required, and further subdivision of any lot within the district is prohibited. The foregoing restrictions shall not prohibit a lot-line adjustment between contiguous parcels pursuant to Section 11.08.010, provided that such lot-line adjustment (1) complies with all of the requirements in Section 11.08.010 and is otherwise exempt from the requirements of the Subdivision Map Act and (2) would not result in any parcel having a lot area of less than seventeen thousand (17,000) square feet. This overlay applies to properties described as Lots 23 through 30, inclusive, and 32 through 39, inclusive, in Tract 14274 and located on Longfellow Drive, Ronda Drive, Terraza Place, Duncan Drive and Kuhn Drive.
- r. Body art studios are not permitted in the D6 Oak Avenue Overlay District or on CG zoned parcels adjacent to D6 Oak Avenue Overlay parcels.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91; Ord. No. 1860, Amended, 10/29/92; §§ 3, 4, 5, Ord. 1972, eff. November 20, 1997; § 2 (part), Ord. 2062, eff. October 7, 2004; § 7, Ord. 2146, eff. August 4, 2011 and § 2, Ord. 2155, eff. February 17, 2012)

- s. Projects including substantial components of the following land uses on sites with at least 135 feet in depth and 20,000 square feet of lot area are eligible to take advantage of flexible development standards contained as part of Sections 10.44.040 (t) and (u) subject to a use permit:
 - I. High End Sit Down Restaurants
 - II. Hotel
 - III. Mixed Use Development
 - IV. Museums that meet the definition of Cultural Institutions
 - V. Community Theatres that meet the definition of Commercial Recreation and Entertainment
- t. The maximum building height for buildings with uses listed as part of section 10.44.040 (s) shall be forty (40) feet without the need a roof pitch or structure parking at or below the ground level. Roof mounted mechanical equipment and elevator shafts are allowed to exceed the maximum allowed height limit, by five feet, so long as they are properly screened and located in an area that would not be visible or adversely impact the surrounding properties. A study may be required by the Community Development Director showing that no impacts will be generated on adjacent residential properties.
- u. Along a rear property line abutting an R district, structures shall not intercept a sixty-degree (60°) daylight plane inclined inward from a height of fifteen feet (15') above existing grade at the property line with approval of a Use Permit. A study may be required by the Community Development Director showing that no impacts will be generated on adjacent residential properties.
- v. Projects involving a change of use (single use or tenant project) shall not be required to obtain a use permit so long as the use is permitted by right as prescribed in Section 10.16.020 of this Title and the change of use does not constitute an intensification in use or parking, regardless of buildable floor area. No net addition of buildable floor area shall be allowed in conjunction with this provision.

SECTION 7. The City of Manhattan Beach Zoning Map is hereby amended to incorporate the D8- Sepulveda Boulevard Corridor Overlay.

SECTION 6. CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION.
The City Council determines that this ordinance is exempt from environmental review under the California Environmental Quality Act (California Public Resources Code §§

21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines"). It can be seen with certainty that there is no possibility that the adoption of this Ordinance, and the amendments to the commercial development standards or the zoning map established hereby, may have a significant effect on the environment. The adoption of this Ordinance is therefore not a "project" within the meaning of CEQA and is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION 7. INTERNAL CONSISTENCY. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 8. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

SECTION 9. SAVINGS CLAUSE. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance

SECTION 10. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

SECTION 11. EFFECTIVE DATE. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

ADOPTED on _____, 2018

AYES:
NOES:
ABSENT:
ABSTAIN

AMY HOWORTH
Mayor

ATTEST:

LIZA TAMURA
City Clerk

CITY OF MANHATTAN BEACH

ZONING DESIGNATIONS

Area District Boundaries

Zoning Designations & Overlays

Residential Districts

RS Residential Single Family

D1-Design Review
-Rosecrans Avenue

D3-Design Review
-Gaslamp Neighborhood

D4-Design Review
-Traffic Noise Impact Area

D6- Design Review
-Oak Avenue

D7- Design Review
-Longfellow Drive

D8- Design Review
-Sepulveda Corridor

RM Residential Medium Density

D1- Design Review
-Rosecrans Avenue

RH Residential High Density

D2- Design Review
-11th Street

RPD Residential Planned Development

RSC Residential Senior Citizen

Commercial Districts

CL Local Commercial

CC Community Commercial

CG General Commercial

CD Downtown Commercial

CNE North End Commercial

D5- Design Review
-North End Commercial

Other Districts

PD Planned Development

IP Industrial Park

PS Public and Semi-Public

OS Open Space

