

RESOLUTION NO. 22-0014

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL  
ADOPTING A NEGATIVE DECLARATION FOR AN AMENDMENT  
TO THE HOUSING ELEMENT OF THE MANHATTAN BEACH  
GENERAL PLAN, AND ADOPTING FINDINGS PURSUANT TO  
THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE MANHATTAN BEACH CITY COUNCIL HEREBY FINDS, DETERMINES AND RESOLVES  
AS FOLLOWS:

Section 1. The Housing Element is one of the State-mandated elements of a General Plan. State law requires that jurisdictions update the Housing Element every eight years. All jurisdictions in the Southern California Association of Governments (SCAG) region are required to update their General Plan Housing Element for the 2021-2029 planning period (the 6th cycle) by October 2021, albeit with a 120-day grace period. This project proposes an update to the City of Manhattan Beach General Plan Housing Element (“the Project”) in accordance with Sections 65580 – 65589.11 of California Government Code.

Section 2. The City commissioned Dudek Consultants to prepare an Initial Study/Negative Declaration (the “IS/ND”) in accordance with the California Environmental Quality Act (“CEQA”) (Pub. Resources Code § 21000, et seq.) and the CEQA Guidelines (14 C.C.R. § 15000 et seq.). The IS/ND is hereby incorporated by reference. The IS/ND evaluated the environmental impacts of the policy document and determined that the Project could not have a significant effect on the environment. More specifically, the Initial Study concluded that there is no substantial evidence that significant impacts would occur to the following issue areas: Aesthetics, Agricultural and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire. City staff independently evaluated and concurred with the findings of the consultant.

Section 3. On November 24, 2021, pursuant to CEQA Guidelines Sections 15072, the City released a Notice of Intent (NOI) to Adopt a Negative Declaration.

Section 4. On November 24, 2021, pursuant to CEQA Guidelines Sections 15073, the City filed a Notice of Completion (“NOC”) with the Los Angeles County Clerk and the State Clearinghouse, indicating that an Initial Study/Negative Declaration had been prepared, and initiating the circulation of the IS/ND for public review for a comment period that commenced on November 24, 2021 and concluded on December 27, 2021.

Section 5. A total of one public comment was received in response to the IS/ND. The City prepared written responses to all comments received.

Section 6. On January 12, 2022, the City’s Planning Commission held a duly noticed public hearing to consider the IS/ND and the Project, during which the Planning Commission received a presentation by staff and allowed for testimony from members of the public. The Planning Commission voted unanimously to adopt Resolution PC No. 22-01, recommending adoption of the Negative Declaration to the City Council.

Section 7. On February 1, 2022, the City Council held a duly noticed public hearing to consider the IS/ND and the Project, during which the City Council received a presentation by staff and allowed for testimony from members of the public. The City Council also received and reviewed written testimony received by the City prior to the public hearing.

Section 8. The City Council hereby finds in the exercise of its independent judgment that the conclusions in the IS/ND are correct and the analysis was completed in full compliance with CEQA.

Section 9. The findings made in this Resolution are based upon the information and evidence set forth in the IS/ND, upon other substantial evidence that has been presented at the hearings before the City Council, and in the record of the proceedings. The documents, staff reports, technical studies, appendices, specifications, and other materials that constitute

the record of proceedings on which this Resolution is based are on file for public examination during normal business hours at the City of Manhattan Beach, 1400 Highland Avenue, Manhattan Beach, CA 90266 and available on the City's website at all times. Each of those documents is incorporated herein by reference, and included as "Exhibit A".

Section 10. The City Council hereby finds that agencies and interested members of the public have been afforded ample notice and opportunity to comment on the IS/ND and the Project.

Section 11. The City Council hereby certifies that prior to taking action, the City Council reviewed and considered the IS/ND and all of the information and data in the administrative record, and all oral and written testimony presented to it during meetings and hearings, certifies that the IS/ND reflects the City's independent judgment and analysis, is adequate and was prepared in full compliance with CEQA, and that the project will not have a significant effect on the environment. No comments or any additional information submitted to the City, including but not limited to the evidence and legal argument presented on February 1, 2022, have produced any substantial new information requiring recirculation or additional environmental review of the Project under CEQA.

Section 12. The City Council hereby adopts the Initial Study/Negative Declaration and associated findings pursuant to the California Environmental Quality Act as set forth herein.

Section 13. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED on February 1, 2022.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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HILDY STERN  
MAYOR

ATTEST:

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LIZA TAMURA  
City Clerk

EXHIBIT  
Exhibit A: Final Initial Study/Negative Declaration

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Final Negative Declaration

# **City of Manhattan Beach General Plan Amendment: 6th Cycle Housing Element Update**

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**JANUARY 2022**

*Prepared for:*

**CITY OF MANHATTAN BEACH**

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**ATTACHMENTS**

A Notice of Intent Comment Letter

# Acronyms and Abbreviations

Acronym/Abbreviation	Definition
AB	Assembly Bill
ADA	Americans with Disabilities Act
ADU	Accessory Dwelling Unit
AMI	Area Median Income
BMP	Best Management Practice
CAA	Clean Air Act
CalGEM	California Geology Energy Management Division
CARB	California Air Resources Board
CBC	California Building Code
CCA	California Coastal Act
CCC	California Coastal Commission
CDBG	Community Development Block Grant
CDOC	California Department of Conservation
CDFW	California Department of Fish and Wildlife
CDMG	California Division of Mines and Geology
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CEQA	California Environmental Quality Act
CGS	California Geologic Society
City	City of Manhattan Beach
CMP	Congestion Management Program
CNEL	Community Noise Equivalent Level
CWA	Clean Water Act
DACs	Disadvantaged Communities
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transportation Administration
GHG	Greenhouse Gas
GPA	General Plan Amendment
HCD	Housing and Community Development
HCP	Habitat Conservation Plan
HEU	Housing Element Update
HRC	Housing Rights Center
IS	Initial Study
JADU	Junior Accessory Dwelling Unit
LACDPW	Los Angeles County Department of Public Works
LCP	Local Coastal Program
LOS	Level of Service

Acronym/Abbreviation	Definition
MBTA	Migratory Bird Treaty Act
MBUSD	Manhattan Beach Unified School District
MTA	Los Angeles County Metropolitan Transportation Authority
MWD	Metropolitan Water District
MWELO	Model Water Efficient Landscape Ordinance
NAHC	Native American Heritage Commission
NRCS	Natural Resources Conservation Service
ND	Negative Declaration
NPDES	National Pollution Discharge Elimination System
OPR	Governor’s Office of Planning and Research
PCH	Pacific Coast Highway
PD	Planned Development District
RCRA	Resource Conservation and Recovery Act
RHNA	Regional Housing Needs Assessment
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RWQCB	Regional Water Quality Control Board
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SB	Senate Bill
SBCCPOG	South Bay Cities Council of Governments
SCAB	South Coast Air Basin
SCAQMD	South Coast Air Quality Management District
SMARA	Surface Mining and Reclamation Act of 1975
SWPPP	Stormwater Pollution Prevention Plans
SWRCB	State Water Resources Control Board
TCAC	California Tax Credit Allocation Committee
TCR	Tribal Cultural Resource
TDSP	Transit District Specific Plan
TMDL	Total Maximum Daily Load
USDA	United States Department of Agriculture
UWMP	Urban Water Management Plan
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
WBMWD	West Basin Municipal Water District
WSAP	Water Supply Allocation Plan
WSCP	Water Shortage Contingency Plan

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# 1 Introduction

## 1.1 Project Overview

The purpose of the Housing Element Update (HEU) is to provide an update to the Housing Element of the City of Manhattan Beach's (City's) General Plan. The intent of the HEU is to address the comprehensive housing needs of the City. State law requires jurisdictions to update their Housing Element every eight years to outline their existing and projected housing needs, to discuss barriers to providing that housing, and to propose actions to address housing needs and barriers. The programs proposed in the HEU are intended to be implemented over an eight-year planning horizon (2021-2029).

## 1.2 California Environmental Quality Act Compliance

The California Environmental Quality Act (CEQA), a statewide environmental law described in California Public Resources Code, Sections 21000 *et seq.*, applies to most public agency decisions to carry out, authorize, or approve actions that have the potential to adversely affect the environment. The overarching goal of CEQA is to protect the physical environment. To achieve that goal, CEQA requires that public agencies identify the environmental consequences of their discretionary actions and consider alternatives and mitigation measures that could avoid or reduce significant adverse impacts when avoidance or reduction is feasible. It also gives other public agencies and the public an opportunity to comment on the information. If significant adverse impacts cannot be avoided, reduced, or mitigated to below a level of significance, the public agency is required to prepare an environmental impact report (EIR) and balance the project's environmental concerns with other goals and benefits in a statement of overriding considerations.

The City's Community Development Department directed and supervised the preparation of this Initial Study (IS)/Negative Declaration (ND). Although prepared with assistance from the consulting firm Dudek, the content contained within and the conclusions drawn by this IS/ND reflect the independent judgment of the City. The IS/ND was made available for public review between November 24, 2021 and December 27, 2021.

## 1.3 Project Planning Setting

Dudek, under the City's guidance, prepared the project's Environmental Checklist (i.e., IS) per CEQA Guidelines Sections 15063–15065. The CEQA Guidelines include a suggested checklist to indicate whether a project would have an adverse impact on the environment. The checklist is found in Section 3 of this document. Following the Environmental Checklist, Sections 3.1 through 3.21 include an explanation and discussion of each significance determination made in the checklist for the project.

For this IS/ND, the following four possible responses to each individual environmental issue area are included in the checklist:

1. Potentially Significant Impact
2. Less-than-Significant Impact with Mitigation Incorporated
3. Less-than-Significant Impact
4. No Impact

The checklist and accompanying explanation of checklist responses provide the information and analysis necessary to assess relative environmental impacts of the project. In doing so, the City will determine the extent of additional environmental review, if any, for the project.

The IS/ND was made available for public review between November 24, 2021 and December 27, 2021. One comment letter was received from the California Department of Transportation on December 17, 2021 (Attachment A, Notice of Intent Comment Letter). No revisions to the IS/ND are required in response to public comments received during the circulation of the Draft IS/ND.

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## 2 Project Description

The HEU proposes an update to the City of Manhattan Beach’s (City’s) General Plan. Under the HEU, the General Plan would be amended with updates to the Housing Element, as detailed below.

### 2.1 Background

Since 1969, the State of California has required all local governments to adequately plan to meet the housing needs of everyone in the community. California’s local governments meet this requirement by adopting housing plans as part of their “general plan.” The law mandating that housing be included as an element of each jurisdiction’s general plan is known as “housing-element law.”

The HEU represents the City’s effort in fulfilling the requirements under State Housing Element law. The California State Legislature has identified the attainment of a decent home and suitable living environment for every Californian as the State’s major housing goal. Recognizing the important role of local planning and housing programs in the pursuit of this goal, the Legislature has mandated that all cities and counties prepare a Housing Element as part of the comprehensive General Plan.

Pursuant to State law, the Housing Element must be updated periodically according to statutory deadlines. The proposed Housing Element Update (HEU) covers the planning period of October 15, 2021 to October 15, 2029.

State Law requires that the Housing Element include the following components:

- An evaluation of the efficacy of the previous Housing Element’s progress in plan implementation and appropriateness of the goals, policies, and programs.
- An analysis of the City’s population, household, and employment base, and the characteristics of the housing stock.
- A summary of the present and projected housing needs of the City’s households.
- A review of potential constraints to meeting the City’s identified housing needs.
- An evaluation of Fair Housing to identify disproportionate housing needs.
- A statement of the Housing Plan to address the identified housing needs, including housing goals, policies, objectives, and programs.

The City’s Housing Element is being updated at this time in conformance with the 2021-2029 update cycle for jurisdictions in the Southern California Association of Governments (SCAG) region. The HEU builds upon the other General Plan elements and is consistent with the policies set forth by the General Plan, as amended. As portions of the General Plan are amended in the future, the Plan (including the Housing Element) will be reviewed to ensure that internal consistency is maintained.

### 2.2 Regional Housing Needs Assessment (RHNA)

The California Department of Housing and Community Development (HCD) is required to prepare a Regional Housing Needs Assessment (RHNA) for each Council of Governments in the State that identifies projected residential dwelling units (“units”) needed for all economic segments based on Department of Finance population

estimates. The Southern California Association of Governments (SCAG) is the Council of Governments for Los Angeles County (County) (as well as Ventura, Riverside, Orange, San Bernardino, and Imperial Counties) and allocates to the six counties and 191 cities and the unincorporated County areas their fair share of the total RHNA housing needed for each income category. Each local government must demonstrate that it has planned to accommodate all of its regional housing need allocation in its Housing Element. The City has been assigned a 6th Cycle RHNA allocation (RHNA allocation) of 774 units for the 2021–2029 Housing Element (proposed Housing Element), broken down as follows: 487 lower income units, 155 moderate income units, and 132 above-moderate income units . In addition to accommodating the RHNA allocation, the City will provide sites with the capacity to accommodate an additional 73 units to comply with the lower-income “buffer” requirement ensuring that enough capacity remains throughout proposed Housing Element’s eight year planning period to provide adequate housing.<sup>1</sup>

Because the City does not have large swaths of land available for development, there are no opportunities to identify new housing capacity on undeveloped lands. With no vacant sites, the City’s housing capacity is identified in the form of underutilized sites that are most suitable for redevelopment. To accommodate the RHNA allocated 774 units and the 73 lower-income buffer units (buffer units), the City prepared an analysis and inventory of sites within City limits that are suitable for residential development during the planning period (Program 2, Adequate Sites). After calculating the City’s current capacity via the sites analysis, the City determined there was existing capacity to accommodate a total of 377 units (including lower-, moderate-, and above-moderate-income units). However, the City also determined that there exists a shortfall of 406 units for the lower-income RHNA category, plus the need to accommodate an additional 73 unit lower-income buffer, for a collective shortfall of 479 units.

To accommodate the remaining lower-income RHNA allocation, the City has identified potential sites to be made available to accommodate residential uses appropriate for lower-income households within three years and 120 days from the beginning of the proposed Housing Element’s eight-year planning period, which is referred to as the Adequate Sites Program.<sup>2</sup> As proposed in Program 2 of the HEU detailed below, the City will establish an “overlay” which is a regulatory planning tool that creates places special provisions or makes particular allowances over an existing base zoning district in order to guide development within a specific area. The Adequate Sites Program 2 overlay proposed as part of the HEU would encompass approximately a minimum of 20.3 acres of the potential sites identified in Figure 2.2-1 and would permit residential uses at a minimum of 20 dwelling units per acre within the General Commercial (CG) and Planned Development (PD) districts to accommodate the RHNA shortfall of 406 lower-income units. In accordance with current State housing law requirements, the sites would allow 100% residential use and require residential use to occupy at least 50% of the floor area in a mixed-use project.<sup>3</sup> Furthermore, through implementation of Program 18 of the HEU, and to further incentivize affordable housing in the City, the City will remove the discretionary requirements for multifamily housing in the Local Commercial (CL), Downtown Commercial (CD), and North End Commercial (CNE) zones, meeting the minimum requirements for a density bonus as detailed in Program 11. The City will review and amend the Manhattan Beach Municipal Code (MBMC) to permit residential uses in the CL, CD, and CNE zones without requiring approval of a use permit and all projects that utilize the State density bonus will be eligible for streamlined approvals. In addition to further discussion of the HEU programs themselves, the proceeding section(s) will also provide more detail in regards to the methodology by which realistic development capacity was determined and summarizes the approach utilized

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<sup>1</sup> The capacity to accommodate an additional “buffer” of approximately 15% of the total 487 lower-income RHNA allocation (approximately 73 units) is recommended by HCD to ensure sufficient capacity exists to accommodate the RHNA allocation throughout the eight year planning period and comply with the provisions of Senate Bill (SB-) 166 (2017). SB-166 requires a city, county, or city and county to ensure that its housing element inventory can accommodate its share of the regional housing need throughout the planning period.

for the identification of sites selected for rezoning (Section 2.3, RHNA Approach) The underutilization of existing sites, paired with programs identified in the HEU and outlined below will ensure that the City can realistically meet the RHNA targets at all income levels during the proposed Housing Element's eight-year planning period.

## 2.3 RHNA Approach

State law requires that jurisdictions demonstrate in the Housing Element that the land inventory is adequate to accommodate that jurisdiction's share of the regional growth. The development of the sites inventory started with the non-vacant sites that were identified by the City based on field work and onsite planning efforts (i.e., site visits, visual surveys, and on-the-ground analyses), staff knowledge of existing conditions, and development interests expressed by property owners and developers. Then a series of GIS analyses were conducted to identify additional vacant and non-vacant sites in the City within the land use categories that are zoned to allow for residential development (i.e., medium and high density residential zones and certain mixed-use commercial districts) identified by their land to improvement ratio, age of buildings, existing use, proximity to resources and existing infrastructure, and other data indicating possible constraints to development feasibility.

### 2.3.1 Vacant and Underutilized Sites

State law requires each jurisdiction to include a land inventory to identify specific sites that are suitable for residential development and to demonstrate that sufficient land is available to provide adequate housing capacity to meet the RHNA for each income level. As part of the sites analysis, the City and consulting team had to identify specific sites that are suitable for residential development to determine whether there are sufficient sites to accommodate the City's regional housing need in total and by income category. It was determined early in the analysis process that vacant sites within the City are nearly nonexistent, which was verified using the Tax Assessor land use codes. Local governments with limited vacant land resources may rely on non-vacant and underutilized residential sites to accommodate their RHNA. Although HCD's Housing Element Site Inventory Guidebook (Government Code Section 65583.2) states that a "nonvacant site's existing use is presumed to impede additional residential development," the City's opportunities for residential development depends on underutilized sites due to the lack of vacant land. Although some parcels identified have vacated uses, or are largely undeveloped, per HCD's definition of vacant sites, all sites identified are considered non-vacant. Determining which non-vacant sites are underutilized and have the strongest potential for redevelopment can help identify ideal areas for accommodating new housing through redevelopment. The methodology for identifying and prioritizing underutilized sites was largely based on the following factors:

- **Building Age** - Buildings more than 30 years old. Building age is also a major factor influencing property valuation and land value. The age of housing is often an indicator of housing conditions. In general, housing that is 30 years or older is considered an older building as it may begin to need costly repairs.
- **Undervalued** - An assessed improvement to land value ratio less than 1.<sup>3</sup> Improvement values less than 1 are an indicator for developers that the site has redevelopment potential as the assessed value of the land is greater than the assessed improvement value.

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<sup>3</sup> Most counties, including the County of Los Angeles, tax their parcel owners based on the value of the land contained within the parcel boundaries, as well as the value of any improvements (e.g., buildings, parking lots, gardens, etc.) built upon that parcel. The ratio of the improvements' value to the land value is referred to as the improvement to land value ratio. For example, a parcel where the value of improvement (e.g., a single family residence) is equal to the land value, the improvement to land value ratio would be equal

- **Underbuilt** - Commercially zoned sites where the current floor area ratio (FAR) compared to the maximum allowable FAR is less than 100%. This indicator helps identify opportunity sites from a redevelopment perspective as the land is considered to be underbuilt.
- **Resource Access** - Within TCAC/HCD Opportunity Areas, defined by HCD and the California Tax Credit Allocation Committee (TCAC) as areas whose characteristics have been shown by research to support positive economic, educational, and health outcomes for lower-income households.
- **Local Knowledge** – City knowledge of property owner interest to sell or of developer interest to redevelop was utilized to identify non-vacant sites regardless of the factors listed above.

The sites identified as underutilized include a mix of underutilized uses such as parking lots, automotive repair shops, office spaces and restaurants with large surface car lots, and single-family residential lots zoned for commercial and allowing multifamily and mixed-use developments. The underutilized sites are not known to have been occupied in the past five years with lower-income housing and have existing access to water, sewer, and dry utilities. In addition, online mapping tools—including Google Earth, Google Maps, and Los Angeles County Office of the Assessor Property Assessment Information System—as well as City knowledge and field verification of the current projects under various stages of planning, review, and/or implementation, and development interest in certain areas of the City, were used to verify underutilized status and existing uses. Table 2.3-1, Underutilized Site Capacity, provides a summary of existing capacity units identified by income category.

Table 2.3-1. Underutilized Site Capacity

Lower-Income Units	Moderate-Income Units	Above Moderate-Income Units	Total Units
24	158	19	201

Source: City of Manhattan Beach (2022)

## Zoning and Land Use Designations

The sites identified as having the existing capacity to accommodate the City’s 6th Cycle RHNA allocation are located within five existing zoning designations: Medium-Density Residential (RM) zone, in only Area District III; High Density Residential (RH) zone in all Area Districts (I-IV); and the Local Commercial (CL), Downtown Commercial (CD), and North End Commercial (CNE) zones in all Area Districts. Figure 2.3-1, Area District Map, shows the location of the four Area Districts in the City, while Figure 2.3-2, Existing Zoning, provides a map of the City’s existing zoning.

The Planning and Zoning Code is the primary tool for implementing the General Plan, including as it applies to land use policy and applicable land use designations (City of Manhattan Beach 2003). As such, the RM, RH, CL, CD, and CNE zones must be consistent with the goals and policies outlined in their corresponding designations. The applicable General Plan designations and provisions are discussed in further detail in Section 3.11, Land Use and Planning.

## Lower-Income Sites Inventory

In accordance with Housing Element law (Government Code Section 65583.2[c][3]), the City’s default density for accommodating capacity for lower-income units (322 very low-income units and 165 low-income units) requires zoning that permits a minimum of 30 dwelling units (du) per acre, as the City is considered a metropolitan

to 1. If the improvements value is higher than the land value, the ratio is greater than one, while a ratio of less than one implies that the value of the land is less than the value of the improvements and would therefore be considered undervalued.

jurisdiction. The project identified five zones with the required minimum densities to accommodate lower-income housing: RM in Area District III, RH, CL, CD, and CNE in all Area Districts. Underutilized sites in the higher density zones were generally included in the sites analysis as lower-income sites.

Government Code Section 65583.2(c) requires, as part of the analysis of available sites, a local government to demonstrate that the projected residential development capacity of the sites identified in the HEU can realistically be achieved. This realistic capacity may use established minimum densities to calculate the housing unit capacity or development trends. As a conservative estimate of capacity calculations, the sites analysis estimated realistic capacity is 20 dwelling units per acre. However, while the realistic capacity for lower-income sites is low compared to the maximum allowable densities in the five identified zones (32.3 to 51.2 dwelling units per acre), with high land values and limited vacant land available in the City, it is expected that property owners will strive for densities closer to the maximums.

Although the City has five zones which permit a minimum of 30 dwelling units, it is detailed under State guidance that sites that are too small or too large may not facilitate developments of this income level. Government Code Section 65583.2(c)(2)(A)(B) requires that sites identified for lower-income units be limited to 0.5 to 10 acres. The median parcel size within the five permissible zones is approximately 0.06 acres (City of Manhattan Beach 2022). Therefore, opportunities for identifying contiguous and underutilized parcels that can reasonably be expected to be consolidated as one site are limited. The sites analysis identified three sites that have the capacity to accommodate lower-income housing. All three sites were identified on parcels considered underutilized. Further, these sites are not considered to have an impediment to development, and their current uses are reasonably assumed to be discontinued through the proposed Housing Element's eight-year planning period (2021-2029). In addition to the identification of suitable underutilized parcels, the project has also incorporated pipeline projects<sup>4</sup> and projected Accessory Dwelling Unit (ADU) development into its analysis for all applicable RHNA categories, including lower-income categories. Ultimately, after calculating the City's current and projected capacity under existing conditions, it was determined that the City has the existing capacity to support 81 lower-income units, resulting in a deficit or shortfall of 406 units for the lower-income RHNA categories.

## Moderate-Income Sites Inventory

Sites inventoried at the moderate-income level were identified in the RM, RH, and commercially zoned districts permitting multifamily and mixed-uses (CL, CNE and CD). Twenty-four sites were identified within approximately 5.11-acres throughout the City. Although the minimum acreage criterion does not apply to these moderate-income sites, there were limited sites available when considering the underutilized methodology previously described. The general uses included commercial, retail, and some older residential uses. Most of the buildings were built before 1970. Some had uses that were recently vacated. In total, the land inventory of current and projected capacity accommodates 163 moderate-income units in areas zoned RM, RH, CL, CD, CNE and CNE-D5, which is enough to accommodate the City's 6th Cycle RHNA allocation for moderate-income units and a buffer to ensure capacity throughout the Housing Element's eight-year planning period (2021-2029).

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<sup>4</sup> The pipeline projects applicable to the lower-income RHNA categories are expected to receive Certificates of Occupancy with the eight year 6<sup>th</sup> Cycle planning period.

## Above Moderate-Income Sites Inventory

Sites with luxury units or above moderate-income units as planned for the residential development in the pipeline were identified as having the capacity to accommodate the majority of the above moderate-income sites. While most of the units are accounted for through pipeline development expected to be completed during the planning period, there were 11 additional sites, totaling 0.74 acres identified to accommodate the remaining above moderate-income units. The underutilized sites identified for the above moderate-income RHNA were identified in the RM, RH and commercially zoned districts permitting multifamily and mixed-uses (CD and CNE). The existing uses on the sites identified include office spaces, restaurants, and single-family residences located in older buildings, as well as parking lots and empty parcels.

In total, the sites inventory identified sufficient capacity to accommodate 133 above moderate-income units, which is enough to accommodate the City's 6<sup>th</sup> Cycle RHNA for above moderate-income units.

## Accessory Dwelling Units

The HEU may satisfy its RHNA requirement through methods alternative to the identification of sites. One such methodology is through an analysis of the expected number of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) to be developed within the planning period. The number of ADUs and JADUs that can be credited toward potential development must be based on the following factors:

- ADU and JADU development trends since January 2018
- Community need and demand for ADUs and JADUs
- Resources and incentives available to encourage their development
- The availability of ADUs and JADUs for occupancy
- The anticipated affordability of ADUs and JADUs

Recent changes to legislation governing the development and provision of ADUs and JADUs have sparked growth in these types of units in cities across California, including Manhattan Beach. While only three ADUs were permitted and constructed in the City between 2017 and 2019, the City has more recently issued 11 permits for the construction of these units from January 2020 to October 2021, with 22 additional ADU permit applications currently under review. Because ADU and JADU legislation has been revised several times since 2017, providing increased opportunities for the development of housing, it is expected that development trends will continue in an upward trajectory. Based on SCAG projections, of the total 83 ADUs that are projected to be built during the planning period, 14 are estimated to be affordable to very-low-income households, 36 to low-income households, five to moderate-income households, and 28 to above moderate-income households.

## Current Development

Two development projects in the pipeline are seeking entitlements, or have prospective development expected to be built within the planning period. One of the projects is a multifamily residential project, and the other is a mixed-use project, both of which will be redevelopment projects on non-vacant parcels.

The Verandas Project is located at 401 Rosecrans Avenue and 3770 Highland Avenue and consists of 73 above moderate multifamily units and six very low-income units on two abutting parcels with a total acreage of 1.02 acres and a density of approximately 77.8 units per acre.

The 1701-1707 Artesia is mixed-use project consisting of 649 square feet of commercial space and 14 units, including one very low-income unit. The site is approximately 0.3 acres and developed at a density of approximately 46.6 units per acre.

In total, 93 units are part of planned, approved, or prospective projects expected to be built within the planning period, that are counted toward meeting the City’s 6<sup>th</sup> Cycle RHNA allocation. Based on affordability restrictions, the projects are anticipated to provide a total of seven lower-income units, and 86 above moderate-income units. There are several other projects in the City with residential dwelling units, such as single-unit developments, that have not been included in this sites analysis which are expected to be completed during the planning period.

### Summary of Capacity to Accommodate RHNA

Based on the inventory of available sites, underutilized sites, the potential for ADUs and JADUs, and existing, planned, proposed, or in progress development projects, Table 2.3-2 presents the total RHNA compared to credits and capacity identified through the preparation of the HEU.

**Table 2.3-2. Total RHNA Compared to Credits and Capacity Identified**

Category	Total Units	Lower-Income Units	Moderate-Income Units	Above Moderate-Income Units
<b>RHNA</b>	<b>774</b>	<b>487</b>	<b>155</b>	<b>132</b>
Underutilized Site Capacity (No New Units)	201	24	158	19
Vacant Site Capacity	0	0	0	0
Pipeline Residential Development Credited Toward RHNA	93	7	0	86
Projected Accessory Dwelling Units	83	50	5	28
<b>Totals</b>	<b>377</b>	<b>81</b>	<b>163</b>	<b>133</b>
<b>Capacity Deficit (-)/ Surplus (+)</b>	<b>—</b>	<b>- 406</b>	<b>+8</b>	<b>+1</b>

Source: City of Manhattan Beach (2022)

As shown in Table 2.3-2, the City has a deficit or shortfall of 406 units for the lower-income RHNA category. To accommodate the remaining lower-income RHNA-allocated units, the City has identified potential sites in the General Commercial (CG) and Planned Development (PD) Zoning Districts that could be made available to accommodate residential uses appropriate for lower-income households within three years and 120 days from the beginning of the planning period (October 15, 2021). Through implementation of Program 2 of the HEU (discussed in Section 2.4 Housing Plan, of this ND), the City will establish an overlay, within the required timeframe, that encompasses a minimum of 20.3 acres of these sites to accommodate the shortfall of lower-income units. In addition, the City will also rezone and identify sites within the overlay (approximately 3.65 acres total) to

accommodate a buffer of at least 15% (approximately 73 lower-income units) as recommended by HCD to ensure sufficient capacity exists to accommodate the RHNA throughout the planning period.

## 2.4 Housing Plan

As required by State Housing Element law, the HEU includes a Housing Plan to facilitate and encourage the provision of housing consistent with the RHNA allocation. The goals, objectives, policies, and implementing programs of the Housing Plan emphasize: methods of encouraging and assisting in the development of new housing for all income levels; providing and maintaining adequate capacity to meet the housing need; removing government constraints to development, where feasible and legally possible; conserving and improving existing housing; providing increased opportunities for home ownership; reducing impediments to fair housing choice; and monitoring and preserving units at risk of converting from affordable to market rate. The Housing Plan also includes numerous policies to better guide decisions and achieve desired outcomes related to the development, improvement, preservation, and maintenance of housing.

The following is a summary of the key programs that would be included in the City's proposed HEU. Many of these are a continuation or modification of programs from the previous 2013–2021 Housing Element.

### **Program 1: Accessory Dwelling Units**

Accessory dwelling units (ADUs) help meet the City's housing needs for all income levels and provide a housing resource for older adults, students, and extremely low-, very low-, low- and moderate-income households. After passage of State ADU laws effective January 1, 2017, and January 1, 2020, the City applied State standards in evaluating ministerial applications for ADUs and has adopted ordinances consistent with State law. The City will continue to apply regulations from Chapter 10 of the MBMC, known as the Planning and Zoning Code, that allow accessory units by right in all residential or mixed-use zoning districts (zones) in accordance with State law.

The Housing Element may satisfy its RHNA requirement through methods alternative to the identification of sites. One such methodology is through an analysis of the expected number of ADUs and JADUs to be developed within the RHNA projection period. The full analysis in Appendix E, Sites Analysis and Inventory, used the trends in ADU construction since January 2018 to estimate new production; however, this only accounts for the effect of new laws without taking into account the local program the City will adopt to incentivize and promote the creation of ADUs, and the recent ADU Ordinance adopted in January 2021. Based on the local incentives, ADU and JADU trends since January 2018, recent sharp upward trends in 2021, and permits currently under City review, a conservative estimate of the number of units to be produced under this approach is an average of 10 ADUs each year during the projection period (see Appendix E of the HEU for the full Accessory Dwelling Unit Projection analysis).

The Community Development Department reviews and approves ADU entitlements and tracks the timely review of ADU applications and building permits issued. The Community Development Department collects data annually on planning entitlements and building permits for ADUs for the Housing Element Annual Progress Report, and will continue to do so per the ADU projection assumptions in the Sites Inventory (see Program 19, No Net Loss, for objectives and timelines tied to ADU monitoring).

Under Assembly Bill (AB) 671 (2019), local agencies must include a plan in their Housing Element to incentive and promote the creation of ADUs that can be offered at affordable rent for very low-, low-, or moderate-income households. As such, a primary objective of this Accessory Dwelling Unit Program is to promote the development of housing units

for lower-income persons or households. To comply with AB 671 and support the goal of permitting an average of 10 ADUs annually, including ADUs affordable to extremely low-, very low-, low-, and moderate-income households, the Community Development Department will develop tools to streamline the approval process and market ADU construction. These public engagement and information tools may include information packets on the entitlement process, a dedicated web page including a step-by-step guide of the entitlement process, preparation of Frequently Asked Questions (FAQs) for distribution at the planning counter or community meetings, and other engagement tools.

As part of Program 19, No Net Loss, the City will review the ADU trends to date at the planning cycle mid-point (by November 2025), and determine if the City is on track to achieve the annual average goal of 10 building permits issued for ADUs. If the City is not on track and there is not an appropriate buffer of sites to make up for the difference as fully explained in Program 19, the Community Development Department will further review and develop additional incentives and review and reallocate existing staffing resources as needed to achieve its goal. Additional incentives may include direct outreach mailings to property owners, technical assistance, and financial assistance.

## **Program 2: Adequate Sites**

As fully analyzed in the sites analysis, the City has a remaining lower-income RHNA of 406 units for project's eight-year planning period. The City will establish an overlay district that encompasses a minimum of 20.3 acres of sites in the General Commercial (CG) and Planned Development (PD) districts to accommodate the remaining lower-income RHNA of 406 units. The acreage needed is assumed using a realistic capacity of 20 dwelling units per acre, based on the minimum density requirements outlined below.

Pursuant to State law, the overlay district's standards adopted as part of the Adequate Sites Program to address the RHNA shortfall will adhere to the following components of Government Code sections 65583.2(h) and (i):

- Sites must accommodate 100% of the shortfall for very low- and low-income units.
- Sites must allow a minimum of 16 units per site.
- Sites must permit a minimum of 20 dwelling units per acre.
- Sites must allow 100% residential use and require residential use to occupy at least 50% of the floor area in a mixed-use project.
- Sites must permit owner-occupied and rental multifamily uses by right pursuant to Government Code Section 65583.2(i) for developments in which 20% or more of the units are affordable to lower-income households.

The allowable densities for residential redevelopment in the overlay district will range from a minimum density of 20 dwelling units per acre, consistent with State law, to a maximum density of at least 30 dwelling units per acre. The City will ensure that the development standards that result from the planning process will be carefully crafted such that they will not prevent or prohibit the provision to facilitate development at the maximum densities allowed under the overlay. Any residential development standards in the overlay district will not preclude the minimum densities or requirements of State law outlined above, creating the opportunity for several hundred residential units on sites that previously only permitted commercial uses. As reflected in the sites analysis, each site identified as a potential site for the Adequate Sites Program's overlay has the capacity to accommodate at least 16 units and will be available for development in the planning period where water, sewer, and dry utilities can be provided.

In addition, the City commits to rezoning an additional 3.65 acres of sites to provide an additional buffer of approximately 15 percent more capacity than required for lower-income sites, as recommended by HCD. The City will ensure that the sites are rezoned at densities deemed appropriate to accommodate housing for lower-income households as defined by Government Code Section 65583.2(c)(3)(B). This will provide a buffer of at least 73 units of multifamily housing.

### **Program 3: Affordable Housing Streamlining**

The City currently allows concurrent processing of all discretionary applications for a project, thereby streamlining the development process. The City will continue to offer concurrent processing of all discretionary applications for a project and inform developers of the opportunity for concurrent processing. The City has a streamlining process in place specifically for multifamily housing in residential zones. Multifamily housing developments in residential zones (Medium-Density Residential District [RM], High-Density Residential District [RH], and Residential Planned Development District [RPD]) with fewer than six units are permitted by-right. Projects with six units or more that qualify for a density bonus under State law are permitted subject only to a Precise Development Plan approved by the Director.

To further assist in the development of housing for extremely low-, very low-, low-, and moderate-income households, the City provides an affordable housing streamlined approval process in accordance with State requirements for qualifying development proposals that provide affordable units under SB 35 streamlining. The City annually reports on affordable housing streamlining applications in the Housing Element Annual Progress Report. The City will revise internal permitting procedures to ensure that staff has clear procedures for responding to proposals for SB 35 streamlining and for prioritizing qualifying SB 35 housing developments consistent with State law.

### **Program 4: Affordable Senior Housing Preservation**

This program is concerned with ensuring that the current affordability of the Manhattan Village Senior Villas project, located at 1300 Park View Avenue, is being maintained. While the project's affordability agreement with the City does not expire and the components of affordability are preserved via a deed restriction that runs with the land, the City should make contact with the owners of the Manhattan Village Senior Villas and continue to monitor and enforce affordability throughout the planning period. In addition, the City should identify qualified affordable housing developers and local non-profits as potential purchasers/managers of affordable units as a proactive measure.

### **Program 5: Americans with Disability Act (ADA) Improvements Program**

The City will ensure the Manhattan Village Senior Villas ADA Pathway Project is completed by 2022 to increase accessibility for older adults and people with disabilities in the City. Following completion of the Senior Villas ADA Pathway Project, the City will utilize future CDBG funds for additional ADA-improvements focused on bringing existing, non-compliant ramps into ADA-compliance at various locations throughout the City, as identified by the Public Works Department. These improvements will increase accessibility for people with disabilities throughout the City.

### **Program 6: Annual Progress Reports**

The City will continue to report annually on the City's progress toward its eight-year RHNA housing production targets and toward the implementation of the programs identified in the Housing Element. Further, the City will identify and prioritize State and local surplus lands available for housing development affordable to lower-income households and report on these lands annually through the Housing Element Annual Progress Reports (AB 1255, 2019; AB 1486, 2019; AB 879, 2017).

### **Program 7: By-Right Development**

The City will allow developments by-right pursuant to Government Code section 65583.2(i) when 20% or more of the units are affordable to lower-income households on sites identified in the sites analysis to accommodate the lower-income RHNA allocations that were previously identified in past housing elements in accordance with the specifications of Government Code Section 65583.2(c) and Housing Element law.

### **Program 8: Code Compliance**

The City will continue to ensure building safety of residential buildings through enforcement of building codes on a compliance and proactive building-permit issuance basis, and through referrals to the County of Los Angeles Environmental Health Division for rental housing enforcement conditions/inspections. In addition, the City will ensure its website remains up to date with code enforcement and substandard housing resources.

### **Program 9: Countywide Affordable Home Ownership Program**

The Home Ownership Program (HOP) is administered by the Los Angeles County Development Authority (LACDA). This program provides funding to lower-income households looking to purchase a home through down payment and closing costs assistance for single-family homes, condominiums, and townhomes. The HOP loan provides a second mortgage loan for first-time homebuyers with an assistance amount of up to \$85,000, or 20 percent of the purchase prices, whichever is less, and offers 0 percent interest loans. Participant's income must not exceed 80 percent of the County Median Income based on the number of persons in the household. Properties must be located in cities participating in the HOP, which includes Manhattan Beach. The City will advertise program availability on the City's website and at the planning counter.

### **Program 10: Countywide Affordable Rental Housing Development**

This program is administered by the Los Angeles County Development Authority (LACDA). This program provides financial assistance to developments located in cities participating in the Los Angeles Urban County Program, including the City of Manhattan Beach. This program supports new construction and acquisition/rehabilitation projects that create new Special Needs and affordable rental housing units, and the creation of permanent Special Needs housing units in projects throughout the County of Los Angeles.

Projects funded through this program are expected to help combat homelessness, meet the housing needs of their communities, provide local economic development opportunities during construction, and assist in the alleviation of any local blighting conditions. This program provides financial and technical assistance to acquire sites, develop affordable rental housing, and acquire and rehabilitate affordable rental housing. Technical assistance and funding for pre-development activities may also be provided for nonprofit housing developers participating in specific projects. The funds are made available as low-interest long term loans. Funds for the program are administered

through a Notice of Funding Availability (NOFA) issued by LACDA. All units developed utilizing these resources are made available to households earning less than 50% of the median area income.

The City will advertise the availability of this additional source of funds to support in the development of rental housing. Program availability will be advertised on the City's website and at the planning counter.

Further, the City will increase coordination and collaboration with the LACDA to promote Manhattan Beach as a City that supports affordable housing development and as an ideal candidate for the allocation of funding for affordable housing.

### **Program 11: Density Bonus**

Government Code Section 65915 requires that a jurisdiction adopt a local Density Bonus Ordinance consistent with State law. To satisfy this requirement, the City will review and amend the local Density Bonus Program Ordinance to ensure consistency with State requirements, including the provision of a bonus for student affordable housing, senior housing, and permitting up to an 80% bonus for 100% affordable developments (as provided in Appendix C, Constraints and Zoning Analysis, of the HEU).

### **Program 12: Developer Outreach and Transparency**

The City will actively work with the development community to identify ways that lower-income housing may be provided, including housing for extremely low-income households and those with special housing needs. The City will educate developers as to how density bonus regulations and lot consolidation incentives could be used to facilitate the development of affordable housing, including those for extremely low-income, very low-income, and low-income households. Another outreach effort will inform the development community and property owners as to development opportunities for accessory dwelling units.

The City will maintain current information on the City's website that is applicable for housing development project proposal requirements, including a current schedule of fees, exactions, applicable affordability requirements, all Planning and Zoning Ordinances, development standards, and annual fee reports or other relevant financial reports, consistent with the requirements of AB 1483 (2019).

### **Program 13: Energy Conservation and Energy Efficiency Opportunities**

Under the City's adopted Environmental Work Plan priorities, adopted Strategic Plan goals, and in compliance with State and General Plan mandates, the City is creating a Climate Resiliency Program, called Climate Ready Manhattan Beach (Climate Ready MB). The Climate Ready MB program includes completing a Sea Level Rise Vulnerability Assessment; creating a Climate Action and Adaptation Plan; and updating the City's Local Coastal Program-Land Use Plan, Local Hazard Mitigation Plan, and General Plan.

In addition, the City has adopted the 2019 California Green Building Standards Code which includes energy efficiency, water efficiency and conservation, and material conservation and resource efficiency standards to encourage sustainable development and reduce residential and nonresidential building energy use. The City anticipates State Green Building Codes being updated in the next two years, at which point the City will also update City regulations as detailed in Program 31.

### **Program 14: Fair/Equal Housing Program**

Government Code Section 65580 asserts that the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian is a priority of the highest order. Governments and private sectors should work cooperatively to expand housing opportunities and accommodate housing needs in California. Furthermore, designating and maintaining a supply of land and adequate sites suitable, feasible, and available for the development of housing sufficient to meet the locality's housing need for all income levels is essential to achieving the State's housing goals. As such, Program 14, Fair/Equal Housing Program is designed to promote equal housing opportunities in Manhattan Beach. The City recognizes the effect that discrimination has in limiting housing choice and equal opportunity in renting, selling, and financing housing. In accordance with Government Code Section 8899.50 (b)(1), the City administers its programs and activities relating to housing and community development in a manner to affirmatively further fair housing, and takes no action that is materially inconsistent with its obligation to affirmatively further fair housing. The City contracts with the Housing Rights Center (HRC), a nonprofit organization that helps educate the public about fair housing laws and to investigate reported cases of housing discrimination. HRC provides free services including landlord tenant counseling, outreach and education, and discrimination investigations. The City offers fair housing information and referrals upon request. The City will continue referral services and contracting fair housing services with HRC and will work to provide this information as well as providing links to additional fair housing resources on the City website. In addition, the City will take steps to affirmatively further fair housing during the planning period. Other additional steps the City will take to further fair housing efforts during the planning period include: supporting and participating in the Regional Analysis of Impediments to Fair Housing Choice; promoting compliance with housing discrimination law by developing informational fliers for developers; and developing a process that prompts the consideration of fair housing in the planning decision process.

### **Program 15: Housing Choice Voucher Program**

An important element of the City's strategy in providing housing opportunities for extremely low-income and low-income households is the Section 8 Housing Choice Voucher Program, a program offering tenant-based assistance subsidized by the Federal government for very low-income families, seniors, and persons with disabilities. The Los Angeles County Development Authority subsidizes the balance of the monthly rent in direct payments to the owner through funding received by the U.S. Department of Housing and Urban Development. The City will continue to participate in LACDA program, coordinate with the Redondo Beach Housing Authority and publicize availability of Section 8 rental assistance for households in the City by enhancing the City's website with information.

### **Program 16: Lot Consolidation Incentive**

The City already provides an additional density bonus incentive under Section 10.12.030 of the Municipal Code above and beyond what is permitted under State law for multifamily residential developments meeting the minimum requirements for a density bonus. In accordance with MBMC Section 10.12.030, multifamily developments meeting the minimum requirements are currently granted a 5 percent base density increase when two or more parcels are consolidated into a single building site for a combined parcel size between 0.50 acres to 0.99 acres through the existing lot consolidation bonus incentive. However, to specifically incentivize affordable housing, including housing for extremely low- and very low-income households, reach the City's housing target for the 6th Cycle planning period, and incentivize small lot development, the City will expand the current lot consolidation

incentive for sites that have been identified via Program 2, Adequate Sites.<sup>5</sup> Sites identified in the “Sites Inventory” will be granted a 5 percent base density increase when two or more parcels are consolidated into a single building site for a combined parcel size between 0.30 acres to 0.49 acres. In addition, The City will continue to facilitate consolidation and development of small parcels. These facilitation measures will include but are not limited to: creating increased publicity and awareness; providing assistance to affordable housing developers in identifying potential opportunities for lot consolidation; and expediting processing and waiving fees for lot consolidations processed concurrently with other planning entitlements for affordable housing developments.

### **Program 17: Manufactured Housing**

State law requires that the City’s Planning and Zoning Code permit manufactured housing in the same manner and in the same zone(s) as conventional single-family dwellings in zones that permit single-family dwellings (Government Code Section 65852.3). To comply with State law, the City will amend the Planning and Zoning Ordinance to clarify that manufactured housing is treated as a single-family dwelling and is permitted in all of the same zones and same manner as other single-family structures, including in commercial or mixed-use zones.

State law also requires that cities and counties allow mobile home parks (including condominium and cooperative parks) on all land planned and zoned for residential land use; provided, however, that a use permit may be required (Government Code Section 65852.7). To comply with State law, the City will amend the Municipal Code to permit mobile home parks on all land zoned or planned for residential land uses. In addition, the City will enforce mobile home park replacement and relocation requirements in accordance with State law (Government Code Section 65863.7).

### **Program 18: Multifamily Residential Development Standards and Streamlining in the Mixed-Use (CL, CD, and CNE) Commercial Districts.**

Multifamily housing developments in the CL, CD, and CNE districts are currently permitted through approval of a conditional use permit. To further incentivize affordable housing in the City, the City will remove the discretionary requirements for multifamily housing in the CL, CD, and CNE zones meeting the minimum requirements for a density bonus. The City will review and amend the Municipal Code to permit residential uses in the CL, CD, and CNE zones without requiring approval of a use permit and all projects that utilize the State density bonus will be eligible for streamlined approvals.

In addition, under Chapter 10.16, Commercial Districts, of the MBMC, portions of a building intended for residential use in a mixed-use project or purely residential developments in mixed-use zones are currently subject to the High-Density Residential District residential standards in Chapter 10.12, Residential Districts, of the MBMC. To minimize constraints to the development of affordable housing, including housing for extremely low- and very low-income households, the City will adopt development standards for multifamily residential and mixed-use projects in the three commercial mixed-use zones (CL, CD, and CNE) instead of deferring to the High-Density Residential standards, which are subject to voter approval for certain amendments to residential development standards.<sup>6</sup> The City will ensure that the adopted standards for

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<sup>5</sup> Specific parcel details for sites included in the expansion of the current lot consolidation incentive program can be found within Tables 7, 8, 9, 15, and 16 of Appendix E, Sites Analysis and Inventory, of the HEU.

<sup>6</sup> In accordance with Section 10.12.0030, Property development regulations: RS, RM, and RH district, the property development standards for the residential zoning districts, RS, RM and RH, shall not be amended to increase the standards for maximum height of structures or maximum buildable floor area, or to reduce the standards for minimum setbacks, minimum lot dimensions or

residential and mixed-use projects do not reduce the intensity of land use<sup>7</sup> or reduce the site's residential development capacity, consistent with the Housing Crisis Act of 2019. Through this process, the City will implement Program 20, Objective Design Standards, through the development of objective design standards.

### **Program 19: No Net Loss**

The City will utilize their development permit database to monitor development activity, proposed rezones, and identified capacity to ensure adequate remaining capacity is available to meet any remaining unmet share of the RHNA for all income levels throughout the entirety of the planning cycle, consistent with no-net-loss requirements as required under SB 166 (2017). The City will develop and implement a monitoring procedure pursuant to Government Code Section 65863 and will make the findings required by that code section if a site is proposed for development with fewer units or at a different income level than shown in the proposed Housing Element.

As part of Program 2, Adequate Sites, the City will rezone to provide an additional buffer of approximately 15 percent more capacity than required for lower-income sites, as recommended by HCD. This will ensure that sufficient capacity exists within the City to accommodate the RHNA throughout the planning period; however, if at any time during the planning period, a development project results in fewer units by income category than identified in the sites analysis for that parcel and the City cannot find that the remaining sites in the HEU are adequate to accommodate the remaining RHNA by income level, the City will within 180 days identify and make available additional adequate sites to accommodate the remaining RHNA. Further, as outlined in Program 1, Accessory Dwelling Units, the City will check the annual ADU trends at the planning cycle mid-point (October 15, 2025). If the City finds that the ADU production does not keep pace with the ADU assumptions toward the RHNA, and that there is not an appropriate buffer of sites remaining to account for the deficit of projected lower- or moderate-income ADUs, the City will identify additional sites within six months. If the City finds that the ADU production does not keep pace with the ADU assumptions, the City will also review and streamline permitting procedures and review and reallocate existing staffing resources as needed to achieve its goal (see Program 1, Accessory Dwelling Units, above for further details).

### **Program 20: Objective Design Standards**

The City will increase transparency and certainty in the development process through objective design standards. Any new design standards developed and imposed by the City shall be objective without involvement of personal or subjective judgement by a public official and shall be uniformly verifiable by reference to the City's regulations in accordance with the requirements of the Housing Crisis Act of 2019 (SB 330, 2019) and related State housing law.

### **Program 21: Older Adults Programs**

The City provides various services for the special needs of older adults so that they may remain in the community. The older adults of the community regularly rely on these resources for services and programming. The Older Adults

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minimum lot area per dwelling unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

<sup>7</sup> In accordance with State law, "reducing the intensity of land use" includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce the site's residential development capacity.

Program provides services to predominantly lower-income older adults, including those with extremely low-incomes, and provides some services for residents with disabilities (all ages).

This program is operated by a part-time Older Adults Program Manager who is contracted through the Beach Cities Health District and the City of Manhattan Beach Fire Department. At any given time, the Older Adults Program may assist up to 100 older adults, of whom 70 percent are lower income. Other existing City services falling under the purview of Program 23 include: providing funds for social service groups serving older adults, including the Salvation Army's Brown Bag Food Program, Care Management for Manhattan Beach Seniors, and South Bay Adult Care Center; providing temporary technical assistance to older adults by helping older adults with changes resulting from the Clean Power Alliance program; and to continue supporting the City's Parks and Recreations Department's older adults programs such as softball leagues drama, poetry, and fitness classes.

Finally, the City recently approved an assisted living project for older adults in 2021, consisting of 95 rooms (115 total beds), a facility kitchen, and common areas (foyer, parlor, bistro, private dining room, general dining rooms, activity rooms, and staff rooms). The project will include 64 assisted living rooms and 31 memory care rooms for Alzheimer's patients and individuals with memory loss. The project is expected to be completed and increase assisted living opportunities for older adults in the City during the 6th Cycle planning period.

### **Program 22: Parking Reductions**

Large parking lots associated with religious institutions provide opportunities for partnerships that facilitate the development of housing for vulnerable populations. The City will make Municipal Code revisions to identify a process by which parking requirements can be reduced for religious institutions in exchange for housing development (AB 1851).

The City currently provides reduced parking requirements consistent with AB 2345 (2020) for housing developments that qualify for a density bonus pursuant to State density bonus law. To identify opportunities for additional parking reductions for residential multifamily housing, the City will complete a parking study for sites that are zoned to allow residential development outside of the Coastal Zone. This may include, but not be limited to, reduced parking minimums for studio and 1-bedroom multifamily units, reduced parking requirements for residential uses in areas that are walking distance from resources and amenities, flexibility in parking requirements for affordable and mixed-income developments, as well as reductions in exchange for public amenities.

### **Program 23: Preserving Housing Capacity**

Section 10.12.030 of the MBMC establishes standards to avoid "mansions." These provisions act to discourage construction of overly large dwellings that are out of scale with the surrounding neighborhood. These provisions include increased setback and open space requirements for new single-family residences. In addition to issues of scale, the large dwellings are also more costly, and lead to increased pressure to demolish modest dwellings in favor of lavish structures affordable only to the most affluent. In an effort to incentivize multifamily housing while continuing to disincentivize "mansions," the City provides an exception for minimum and maximum lot sizes for multifamily housing with three (3) or more dwelling units in accordance with Section 10.12.030.k of the MBMC. The City also provides an exception to a lot merger of parcels for existing religious assembly and public or private school uses, when the site is used as a single building site under Section 11.32.090 of the MBMC.

The maximization of lot standards helps prevent consolidation of lots for the purpose of developing large, single dwelling unit. However, under Section 10.52.050.F of the MBMC, property owners in residential zones may develop contiguous separate lots as one site without requiring a lot merger, with only detached accessory structure(s) on one or more of the lots, which includes guest houses (including ADUs and JADUs), garages and parking areas, and pools. For development standards, with the exception of the parking calculation, the lots are treated as separate. This presents property owners with the opportunity to buy adjacent lots with existing unit(s) for the purpose of demolishing the unit(s) and developing only detached accessory structure(s), ultimately reducing the City's overall housing stock.

To mitigate the loss of dwelling units through demolition and to conserve the existing housing stock, the City will amend the Municipal Code to eliminate provision 10.52.050.F from the Municipal Code such that all parcels operating as one site will need to be consolidated and therefore be subject to existing maximum lot size requirements. Further, while the City incentivizes lot consolidation for multifamily residential developments (Program 16, Lot Consolidation Incentive), the City will refrain from approving any merger that would result in a net loss in residential capacity and conflict with the no net loss provisions of SB 330 (Program 26 Replacement Requirements).

#### **Program 24: Priority Services**

The City will internally coordinate with the Public Works Department for review and consideration when reviewing new residential projects. The City's current Urban Water Management Plan acknowledges the requirements and includes the projected water use for single-family and multifamily housing needed for lower-income households. The Community Development Department will coordinate with Public Works to ensure that proposed developments which include housing affordable to lower-income households, including extremely low- and very-low income, are prioritized for the provision of water and sewer services. Internal coordination will further support the prioritization of water and sewer services for future residential development, including units affordable to lower-income households.

#### **Program 25: Reasonably Accommodate Housing for Persons with Physical and Developmental Disabilities**

In an effort to proactively remove ambiguities that may impose extra hurdles for people with disabilities, the City will amend its reasonable accommodation procedures (Chapter 10.85 of the Municipal Code) to remove discretionary referrals to the Planning Commission and the requests shall be reviewed and may be granted solely by the Community Development Director. In addition, the City will develop materials and outreach methods to increase public awareness and ease of access to policies, programs and processes addressing reasonable accommodation.

#### **Program 26: Replacement Requirements**

The City will mandate replacement requirements pursuant to the requirements as set forth in Government Code Section 65915, subdivision (c)(3) on sites identified in the Sites Inventory (see the Electronic Housing Element Site Inventory Form included as **Exhibit A** of Appendix E, Sites Analysis and Inventory, of the HEU) and consistent with the Housing Crisis Act of 2019 and related state housing law for proposed housing developments on sites that currently have residential uses, or within the past five years have had residential uses that have been vacated or demolished, that are or were subject to a recorded covenant, ordinance, or law that restricts rents to levels

affordable to persons and families of low or very low income, subject to any other form of rent or price control, or occupied by low- or very low-income households.

### **Program 27: Solar Panel Incentives**

Solar panels may be used on roofs of residential and commercial structures to generate electricity that is either transmitted to the grid or stored in batteries on-site. The existing height limits in Manhattan Beach ensure rooftop solar units would not eventually be subject to shade and shadow, which would render them ineffective. To successfully promote the use of alternate energy, the City has subsidized permitting fees for solar panels since 2008. The current permit fee for solar panels is \$100.00. The City's fee incentives resulted in 800 solar permits issued during the 5th Cycle Planning Period. The City will continue to promote and incentivize alternate energy through permit subsidies for solar panels.

### **Program 28: Specialized Housing Types to Assist Persons with Special Needs**

#### **Employee Housing**

If the City's Planning and Zoning Code is ever amended to add a zoning district that permits agricultural uses, the City will make corresponding municipal code amendments related to agricultural workers and current employee housing requirements consistent with the State Employee Housing Act (Section 17000 et seq. of the Health and Safety Code) to assist in the production of this special housing type to serve lower-income households, including extremely low-income households.

#### **Emergency Shelters**

Emergency shelters serve those experiencing homelessness, including extremely low-income households and those with special housing needs. The City will amend the MBMC to ensure that parking requirements for emergency shelters accommodate the staff working in the shelter and do not require more parking than other residential or commercial uses within the same zone (AB 139, 2019).

#### **Supportive Housing**

State law provisions have recently been modified to require approval of supportive housing that meets the specified requirements of State law as a use by right in zones where multifamily and mixed uses are permitted, including nonresidential zones permitting multifamily uses (AB 2162). Additionally, no minimum parking may be required for units occupied by supportive housing residents if the development is located within 0.5 miles of a public transit stop (Government Code Section 65915). The City will amend the MBMC to comply with current State law. This amendment will provide additional housing opportunities for lower-income households, including extremely low-income housing and those with special housing needs.

#### **Low-Barrier Navigation Centers**

Low-Barrier Navigation Centers are housing first, low-barrier, service-enriched shelters focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. The MBMC does not currently define Low Barrier Navigation Centers; therefore, it also does not identify zoning districts in which this use is permitted. As such, the City will amend the MBMC to permit the development of Low Barrier Navigation Centers

that meets the requirements of State law as a use by-right, without requiring a discretionary action, in mixed-use and non-residential zones that permit multifamily uses (AB 101). This use will increase opportunities to serve those experiencing homelessness, including extremely low-income households and those with special housing needs.

### Residential Care Facilities

Residential Care Facilities serving seven or more persons, referred to as Residential Care, General in the MBMC, is classified as a public and semipublic use under Section 10.08.040 - Public and Semipublic Use Classifications of the MBMC. As such, these facilities are conditionally permitted uses requiring a Use Permit in the PS (Public and Semi-Public) zone. Further, the City facilitates additional opportunities for development of Residential Care, General by permitting these facilities in two additional zoning categories (residential and commercial), including the RH, RPD, RSC, and CG, subject to a Use Permit.

Due to the complexity associated with Residential Care Facilities, the necessary infrastructure, and requirements tied to state licensing, opportunities to remove the discretionary permit are limited. However, under this program, the City will mitigate any constraints that may be posed by a Use Permit for Residential Care Facilities by making the approval process more predictable and transparent. Currently, Residential Care, General facilities are subject to the broader findings for all Use Permits outlined in Section 10.84.060 - Required Findings, of the MBMC. The City will amend the Zoning Code to include findings specific to Use Permits for Residential Care, General (serving seven or more persons) facilities. The City will ensure the findings are objective and improve certainty in the development approval process to better facilitate the production of Residential Care Facilities to serve the needs of the community.

### Program 29: Support for Those Experiencing Homelessness

Under this program, the City will continue to implement the policies and actions of its Five-Year Plan to Address Homelessness in Our Community to continue addressing the needs of its residents experiencing homelessness for affordable housing and housing navigation services. The City will also continue regional coordination in partnership with the Cities of Redondo Beach and Hermosa Beach and seek additional funding sources with the South Bay Beach Cities for continued homeless services. Further, the City will continue to educate the community on various resources in the South Bay and ensure the resource guide for those experiencing homelessness is kept up to date and available on the City's website.

### Program 30: Surplus Lands

The City will identify and prioritize local surplus lands available for housing development affordable to lower-income households and report on these lands annually through the Housing Element Annual Progress Reports in accordance with the requirements of AB 1486 (2019). If the City identifies any public land that they intend to declare as surplus land at any point, the City will send notices about available, surplus local public land to HCD, local public entities within the jurisdiction where the surplus local land is located, and any developers who have notified HCD of their interest in developing affordable housing on surplus local public land in accordance with the requirements set forth in the Surplus Land Act (Government Code Section 54220-54234).

## Program 31: Water Conservation and Green Building Standards

Section 7.44.020 of the MBMC addresses water conservation and provides for permanent water conservation measures and drought restrictions. In addition, water conservation requirements apply to 100% of projects that the City approves. Water conservation requirements are built into Title 9, via the Green Building Code, and Title 10 via State MWELo requirements.

The City has adopted the 2019 California Green Building Standards Code, and additionally requires the following measures:

- Insulating hot water pipes to minimize energy loss.
- Using caulk and insulation that are formaldehyde-free or contain low VOC (volatile organic compounds).
- Pre-plumb water piping and sensor wiring to the roof for future solar water heating.
- Use duct mastic on all duct joints and seams to minimize energy loss.
- Install "Energy Star" bath fans vented to the outside.
- Energy efficient water fixtures.

The City anticipates State Green Building Codes being updated in the next two years, at which point the City will also update City regulations.

## 2.5 Scope of Analysis

The project being evaluated within this document is the HEU, which is a policy document that conceptualizes how the City will provide the capacity for a total of 774 housing units, as assigned by SCAG during the 6th Cycle RNHA, during the period of 2021 through 2029. Under existing conditions, the City has the capacity to accommodate 377 dwelling units; as such, the City is required to identify how it will provide the capacity for an additional 479 dwelling units (406 units plus an additional buffer of 73 units). The HEU includes programs that conceptualize how the City will ultimately provide the capacity for these additional 479 dwelling units.

No development is currently proposed under the HEU; however, implementation of the HEU is designed to facilitate construction of 774 new units throughout the City. Additionally, the HEU includes programs that support the existing and future residents of the City, including future rezoning (Program 2). Given the developed and built out nature of the City, new housing units constructed throughout the City may ultimately qualify for one or more categorical exemptions under CEQA (such as Class 3, Small Structures or Class 32, Infill Development Project), exemption under CEQA, consistent with State CEQA Guidelines Section 15332, or for CEQA Streamlining and with State laws to promote the development of infill affordable housing (Programs 7, 11 and 18). As appropriate the below analysis addresses the potential physical impacts associated with implementation of the HEU.

## 2.6 References

City of Manhattan Beach. 2003. General Plan. Adopted 1988. Updated 2003. Accessed September 17, 2021. <https://www.manhattanbeach.gov/departments/community-development/planning-zoning/general-plan/final-general-plan>.

City of Manhattan Beach. 2022. 6th Cycle Housing Element Update (HEU). Accessed January 5, 2022.

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## 3 Initial Study Checklist

**1. Project title:**

City of Manhattan Beach General Plan Amendment: 6<sup>th</sup> Cycle Housing Element Update

**2. Lead agency name and address:**

City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, California 90266

**3. Contact person and phone number:**

Talyn Mirzakhanian, Planning Manager  
310.802.5510

**4. Project location:**

Citywide

**5. Project sponsor's name and address:**

City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, California 90266

**6. General plan designation:**

Not applicable for adoption of a Housing Element Update

**7. Zoning:**

Not applicable for adoption of a Housing Element Update

**8. Description of project. (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary):**

The purpose of the HEU is to provide an update to the Housing Element of the City's General Plan. The HEU involves an amendment to the General Plan in order to adopt, as required by State Law, an updated Housing Element. The intent of the HEU is to address the comprehensive housing needs of the City. State law requires jurisdictions to update their Housing Elements every eight years to outline their existing and projected housing needs, to discuss barriers to providing that housing, and to propose actions to address housing needs and barriers. The programs proposed in the HEU are intended to be implemented over an eight-year planning horizon (2021-2029). See Section 2 for a detailed project description.

**9. Surrounding land uses and setting (Briefly describe the project's surroundings):**

The City of Manhattan Beach (City) is located in the southwest portion of Los Angeles County (County) along the Pacific Ocean, approximately 19 miles southwest of Downtown Los Angeles. The City is bordered by the City of El Segundo and the Chevron Oil Refinery to the north, the cities of Redondo Beach and Hawthorne to the east, the City of Hermosa Beach to the south, and the Pacific Ocean to the west. The City is almost entirely built out and contains vegetation that is ornamental.

The City is made up primarily of low density, single-family residential development, designated in the Land Use Element as Low Density Residential and zoned as RS. Medium and high-density residential areas (RM and RH zones) extend eastward from the City's coastline and comprise much of the City's LCP planning area. Other land use types include commercial, mixed-use, industrial, parks and open space, and public facilities. Zoning districts potentially impacted by the HEU include: the Medium-Density Residential (RM) zone, in only Area District 3; High Density Residential (RH) zone in all Area Districts; the Local Commercial (CL), Downtown Commercial (CD), and North End Commercial (CNE) zones in all Area Districts; the Planned Development (PD) zone: and, the General Commercial (CG) zone.

**10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):**

Approval from the California Department of Housing and Community Development (HCD).

**11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.?**

**Note:** Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21080.3.2.) Information may also be available from the California Native American Heritage Commission's Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

Pursuant to California Assembly Bill (AB) 52 and Senate Bill (SB) 18, the City contacted three Native American individuals and/or tribal organizations on August 4, 2021:

- Andrew Salas, Chairperson, Gabrieleno Band of Mission Indians, Kizh Nation
- Kenneth Kahn, Tribal Chairman, Santa Ynez Band of Chumash Indians
- Joseph Ontiveros, Cultural Resources Director, Sobaba Band of Luiseño Indians

The Santa Ynez Band of Chumash Indians, responded on August 9, 2020<sup>1</sup>, and again on August 23, 2021, stating that the Elders' Council requested no further consultation on the HEU but requested to be notified of any changes in scope, or if supplementary literature reveals additional information. No further

communication was received by the Santa Ynez Band of Chumash Indians, or any other Native American individuals and/or tribal organizations contacted on August 4, 2021. (For further discussion, see Section 3.18, Tribal Cultural Resources).

### Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact,” as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology and Soils             | <input type="checkbox"/> Greenhouse Gas Emissions           | <input type="checkbox"/> Hazards and Hazardous Materials    |
| <input type="checkbox"/> Hydrology and Water Quality   | <input type="checkbox"/> Land Use and Planning              | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                         | <input type="checkbox"/> Population and Housing             | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                    | <input type="checkbox"/> Transportation                     | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Wildfire                           | <input type="checkbox"/> Mandatory Findings of Significance |

**Determination (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

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Signature

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Date

## Evaluation of Environmental Impacts

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an Environmental Impact Report (EIR) is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a. Earlier Analysis Used. Identify and state where they are available for review.
  - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c. Mitigation Measures. For effects that are “Less Than Significant With Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environmental effects in whatever format is selected.
9. The explanation of each issue should identify:
  - a. The significance criteria or threshold, if any, used to evaluate each question; and
  - b. The mitigation measure identified, if any, to reduce the impact to less than significance

## Impact Evaluation Methodology and Assumptions

Based on information available to the City at the time of preparation of this ND, the following sections evaluate the 6<sup>th</sup> Cycle Housing Element's reasonably foreseeable direct and indirect impact on the environment.

The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation, which demonstrates a need for land appropriately zoned to facilitate the additional required units. While a rezoning program is identified within the proposed Housing Element, the actual rezoning of property within the City to accommodate RHNA would occur at a future date and is not one of the discretionary actions being undertaken at this time. Although implementation of the programs contained in the document would facilitate residential development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation, any proposed land use changes would follow the adoption of the proposed HEU and would be subject to future environmental review, as required, under CEQA, once sufficient information is made available. All future projects would be required to adhere to relevant development standards and design guidelines contained in the Planning and Zoning Ordinance and other applicable regulatory requirements governing the nature and quality of development within the City.

While underutilized parcels have been identified to accommodate 377 RHNA category units, the parcel locations for the bulk of the units required to fulfill the City's lower-income category obligations have yet to be determined. To meet a capacity deficit of approximately 406 lower-income units, through Program 2, the City has identified potential sites in the CG, PD, RM and RS zoning districts to be made available to accommodate residential uses appropriate for lower-income households within the approximate three-year planning horizon. Most of the qualifying sites were identified under the same criteria detailed in Sections 2, Project Description, for underutilized sites appropriate to accommodate development affordable to lower-income households; however, there are some sites which do not meet the underutilized criteria outlined under Section 2 but have been selected as there is interest to develop these sites or it is assumed that the overlay would create developer interest as these sites have not previously allowed for residential development. Figure 2.2-1, Potential Sites to Accommodate Lower-Income Shortfall, shows sites selected as having the potential for additional capacity to accommodate the City's remaining RHNA allocation for lower-income units, including a buffer to ensure sufficient capacity throughout the planning period. Ultimately however, only a fraction of the sites identified in the proposed HEU will ultimately be selected for overlay or rezone. As such, it would be inappropriate for this ND to conduct a site-specific level of analysis, as consideration of impacts resulting from development of all of the potential sites identified would significantly overestimate the HEU's impact on the environment.

Due to the programmatic nature and phased implementation strategy of the proposed Housing Element, it is anticipated that the HEU as currently described would not result in a significant impact to the environment. The analysis conducted in this ND recognizes that over half of the sites potentially affected have yet to be identified, and that implementation of any overlay or rezoning program would trigger additional CEQA review and the corresponding program level analysis, which would in-turn be required to assume the maximum build out made allowable by the proposed zone change(s). In addition, many future development facilitated by the HEU—including development as part of the rezoning program—would qualify as “infill” as defined in Section 21061.3 of CEQA. As infill, certain projects may be eligible for existing or proposed streamlining efforts and/or a categorical exemption (CE) under CEQA. However, as with any “project” level development, the precise nature of review required would be assessed by the City on a case-by-case basis, and certain projects accommodated by the HEU would still require

project level CEQA review and be subject to discretionary approval. In addition, regardless of whether the review process is discretionary or ministerial, any project proposed in the City would still be subject to all applicable ordinances, policies, and standards in effect as of the date of the developer agreement.

The City's existing streamlining processes specify that multifamily housing developments in residential zones (Medium-Density Residential District [RM], High-Density Residential District [RH], and Residential Planned Development District [RPD]) with less than six units are permitted to be developed by-right and are therefore ministerial and exempt from CEQA. In addition, projects with six units or more that qualify for a density bonus under State law are permitted subject only to a Precise Development Plan reviewed and approved by the City, which is similarly a ministerial process exempt from CEQA. Further, and as detailed above in Programs 3, 11, and 18, approval of the HEU would result in more project types qualifying for these existing streamlining processes and would likely facilitate additional measures to incentivize multifamily development within the City, such as the elimination of existing discretionary review requirements in favor of more streamlined administrative review processes. In addition, at the State level the California Legislature has recently passed a large volume of laws related to housing. These laws include Senate Bill (SB) 9 (by-right duplexes), SB 10 (allowing jurisdictions to upzone for up to ten units in certain locations), SB 290 (which reforms the State Density Bonus Law), and SB 478, which limits floor area ratio (FAR) and lot coverage standards that limit multifamily housing. This trend of laws aimed at addressing the State's housing affordability crisis is expected to continue into the 2022 legislative session and beyond and will likely result in the facilitation of further streamlining efforts and removal of "barriers" to development (including discretionary review requirements).

Housing developed under the existing capacity within the City would likely fall under the existing and/or proposed State and local streamlining programs and ultimately, upon completion of the rezoning program, projects processed in the future would also likely be eligible for streamlining or an exemption under CEQA. However, the predetermined criteria for selection that was applied to all existing and potential capacity sites identified in the HEU serves to promote residential development only in zones that have been previously screened for suitability to accommodate housing. Further, the precise language of the HEU programs and associated MBMC regulations would generally allow for a streamlined review process only under a limited and defined set of circumstances, where the primary objective is the achievement of measurable progress towards meeting the City's 6<sup>th</sup> Cycle RHNA allocation, as required by State law. In addition, when unique situations present themselves, housing projects would likely undergo a more comprehensive environmental review, where any impacts identified with the project would be addressed through mitigation specific to the impact.

## 3.1 Aesthetics

### 3.1.1 Environmental Setting

The City of Manhattan Beach (City) is located in the southwest portion of Los Angeles County (County) along the Pacific Ocean, approximately 19 miles southwest of Downtown Los Angeles. The City is bordered by the City of El Segundo and the Chevron Oil Refinery to the north, the cities of Redondo Beach and Hawthorne to the east, the City of Hermosa Beach to the south, and the Pacific Ocean to the west. The City is almost entirely built out and contains vegetation that is ornamental. Despite dense urbanization, there are a number of scenic resources in the City as well as in the broader Los Angeles County, including mountains, foothills, ridgelines, forests, deserts, beaches, and coastlines. Scenic resources visible throughout the City include the elevated terrain of the Santa Monica Mountains to the north, San Gabriel Mountains to the north/northeast, and, most predominantly, the City's

two miles of beach frontage to the west (City of Manhattan Beach 2003). Additionally, Pacific Coast Highway (PCH) bisects the City in a north/south direction. PCH is a Caltrans facility, also known as State Route 1, which connects the coastal cities of Los Angeles County to other coastal communities in northern and southern California. While certain extents of PCH provide opportunities to view the coastline, there are no coastal views accessible where the highway (i.e., Sepulveda Boulevard) traverses the City. The City also has designated “walk streets” which are defined in the MBMC as “dedicated public streets which have been closed to vehicular traffic” (City of Manhattan Beach 2001). Walk streets primarily run east to west throughout the coastal zone, traversing through medium and high-density residential neighborhoods and providing beach access to the public (City of Manhattan Beach 2003).

### 3.1.2 Regulatory Setting

#### Federal

There are no federal regulations pertaining to aesthetics and scenic resources that would apply to the HEU.

#### State

##### California Scenic Highway System

Created by the California State Legislature in 1963, the California Scenic Highway Program includes highways designated by the California Department of Transportation (Caltrans) as scenic. The purpose of the program is to protect the scenic beauty of California highways and adjacent corridors through conservation and land use regulation.

##### California Code of Regulations

###### Title 24 – California Building Standards Code

Title 24, California Building Standards Code, consists of regulations to control building standards throughout the state. The following components of Title 24 include standards related to lighting:

###### Title 24, Part 1 – California Building Code / Title 24, Part 3 – California Electrical Code

The California Building Code (Title 24, Part 1) and the California Electrical Code (Title 24, Part 3) stipulate minimum light intensities for pedestrian pathways, circulation ways, parking lots, and paths of egress.

###### Title 24, Part 6 – California Energy Code

The California Energy Code (CEC) (Title 24, Part 6) stipulates allowances for lighting power and provides lighting control requirements for various lighting systems, with the aim of reducing energy consumption through efficient and effective use of lighting equipment. Section 130.2 sets forth requirements for Outdoor Lighting Controls and Luminaire Cutoff requirements. All outdoor luminaires rated above 150 watts shall comply with the backlight, up light, and glare (BUG) ratings in accordance with IES TM-15-11, Addendum A, and shall be provided with a minimum of 40% dimming capability activated to full on by motion sensor or other automatic control. This requirement does not apply to streetlights for the public right of way, signs, or building facade lighting.

Section 140.7 establishes outdoor lighting power density allowances in terms of watts per area for lighting sources other than signage. The lighting allowances are provided by the Lighting Zone, as defined in Section 10-114 of the CEC. Under Section 10-114, all urban areas within California are designated as Lighting Zone 3. Additional allowances are provided for Building Entrances or Exits, Outdoor Sales Frontage, Hardscape Ornamental Lighting, Building Facade Lighting, Canopies, Outdoor Dining, and Special Security Lighting for Retail Parking and Pedestrian Hardscape.

## California Coastal Act of 1976

The California Coastal Act (California Public Resource Code sections 30000 et seq.) was enacted by the State Legislature in 1976 to provide long-term protection of California's 1,100-mile coastline for the benefit of current and future generations. The Coastal Commission, in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the California Coastal Act (CCA) to include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal permit from either the Coastal Commission or the local government. The Coastal Act requires local governments (15 coastal counties and 59 cities) to create and implement Local Coastal Programs (LCPs) that incorporate policies to protect, enhance and restore environmentally sensitive habitats, including intertidal and nearshore waters, wetlands, bays and estuaries, riparian habitat, certain wood and grasslands, streams, lakes and habitat for rare or endangered plants or animals, as well as the scenic beauty of coastal landscapes and seascape.

## Local

### City of Manhattan Beach General Plan

The following goals and policies from the City's General Plan relate to aesthetics and aesthetic impacts.

Goal CR-4: Preserve the existing landscape resources in the City and encourage the provision of additional landscaping.

Policy CR-4.1: *Protect existing mature trees throughout the City and encourage their replacement with specimen trees whenever they are lost or removed.*

Policy CR-4.4: *Review the tree ordinance to consider its application citywide and to determine the need to strengthen tree preservation criteria.*

Policy CR-4.5: Discourage the reduction of landscaped open space and especially the removal of trees from public and private land.

Policy CR-4.6: Prepare lists of appropriate landscaping materials for the climate and encourage residents and businesses to use them.

Goal LU-1: Maintain the low-profile development and small-town atmosphere of Manhattan Beach.

Policy LU-1.1: Limit the height of new development to three stories where the height limit is thirty feet, or to two stories where the height limit is twenty-six feet, to protect the privacy of adjacent properties, reduce shading, protect vistas of the ocean, and preserve the low-profile image of the community.

Goal LU-3: Achieve a strong, positive community aesthetic.

Policy LU-3.1: Continue to encourage quality design in all new construction.

Policy LU-3.2: Promote the use of adopted design guidelines for new construction in Downtown, along Sepulveda Boulevard, and other areas to which guidelines apply.

Policy LU-3.6: Encourage the beautification of the walkstreets, particularly through the use of landscaping.

Goal LU-4: Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics.

Policy LU-4.1: Protect public access to and enjoyment of the beach while respecting the privacy of beach residents.

Policy LU-4.4: Encourage the preservation and enhancement of unique residential homes and buildings throughout Manhattan Beach to preserve the culture and history of the City.

Policy LU-4.5: Encourage measures that recognize and work to protect buildings, landscaping, and other features important to the City's history.

Policy LU-4.6: When public improvements are made, they should preserve and maintain distinctive neighborhood characteristics.

Goal LU-5: Protect residential neighborhoods from the intrusion of inappropriate and incompatible uses.

Goal LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.

Policy LU-7.6: Recognize the unique qualities of mixed-use development and balance the needs of both commercial and residential uses.

### Housing Element (2021)

The proposed Housing Element includes goals and policies to enhance the aesthetic quality of neighborhoods and housing environments including the following:

Policy 3.1: Eliminate potentially unsafe or unhealthy conditions in existing residential developments.

Program 8: Ensure building safety of residential buildings through enforcement of building codes on a compliance and proactive building-permit issuance basis, and through referrals to the County of Los Angeles Environmental Health Division for rental housing enforcement conditions/inspections.

Program 23: Amend the MBMC to eliminate provision 10.52.050.F such that all parcels operating as one site would be subject to existing maximum lot size requirements. This would help deter "mansionization" or construction of overly large dwellings that are out of scale with the surrounding neighborhoods.

## Manhattan Beach Municipal Code

### Section 7.36.150, Encroachment standards

This section requires avoidance of any obstruction to neighboring residents' scenic vistas and views caused by built structures, landscaping design, or otherwise. This section also includes design provisions for private and public structures (including private residences, fences, retaining walls, etc.) adjacent to City designated walk streets.<sup>8</sup>

### Chapter 7.48 – Coastal Zone

Within the City's coastal zone, as defined in Division 20 of the Public Resources Code and in Chapter 2.A of the certified Local Coastal Plan (LCP), all development, including changes in availability of public access and/or public parking, require a coastal development permit (CDP) and are governed by the provisions of Chapter 2.A and Division 20 of the Public Resources Code. Chapter 7.36, Encroachment Permit, is part of the City's certified LCP.

### Planning and Zoning Ordinance (Title 10)

The Planning and Zoning Ordinance sets forth requirements and design standards for base and overlay districts, as well as site specific requirements applicable to residential districts. This includes provisions related to appropriate exterior building materials, height, building and lot size requirements, establishing contingency fees to maintain the aesthetic quality of condominiums, and general compatibility and design standards for projects within residential areas so as to foster convenient, harmonious, and workable relationships among land uses. In particular Section 10.60.121(D) sets forth performance standards for glare that apply to all land uses, Section 10.52.020 prohibits metallic finishes on the exterior walls of all structures and Section 10.64.170 ensures that adequate lighting is provided for safety will also protecting residential uses from undue glare.

### Tree Preservation

#### Chapter 7.32, Tree, Shrub, and Plant Regulations

Chapter 7.32 establishes regulations for trees, shrubs, and plants located on sidewalks, medians, or elsewhere in the public right of way. This chapter sets forth measures related to proper selection of species, conditions of protected status, preservation, required permits and fees, and other general provisions related to care, maintenance, and overall aesthetic quality trees, shrubs, and plants in public spaces.

#### Section 10.52.120, Tree preservation and restoration in residential zones, Area Districts I and II.

Regulations provided for in the Section 10.52.120 are designed to preserve and enhance the existing healthy tree canopies on individual residential properties as well as the overall neighborhood. The design of residences, including grading, driveways, walkways, patios, utilities and right-of-way improvements, are required to consider and accommodate existing healthy protected trees, as reasonably feasible. For the purposes of this section a "protected tree" is defined as: any species of tree, (excluding deciduous fruit-bearing trees and *Washingtonia* species palms) the trunk of which is located at least partially within the required front yard or street side yard (on corner lots) of a site, with a trunk diameter of twelve inches (12") or greater or multiple trunks totaling twelve inches (12") in diameter or greater at a height of four and one-half feet (4.5') from existing grade; and any replacement tree required.

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<sup>8</sup> A "walk street" is defined in the Manhattan Beach Municipal Code as any street where vehicular use is prohibited.

City of Manhattan Beach Local Coastal Program

The Manhattan Beach Local Coastal Program (LCP), which has been certified by the California Coastal Commission, is the basic planning tool used by Manhattan Beach to guide development in the coastal zone. The LCP contains the foundation policy for future development and protection of coastal resources. The LCP specifies appropriate location, type, and scale of new or changed uses of land and water. The LCP contains a designation in the Zoning Map and measures to implement the plan. Prepared by the City, this program governs decisions that determine the short- and long-term conservation and use of coastal resources. While the LCP reflects the unique characteristics of Manhattan Beach, the LCP must also be consistent with the CCA goals and policies. The CCA requires consistency between the LCP and General Plan. Section 30500.1 of the CCA provides that an LCP is not required to include housing policies and programs. However, Section 30007 states that local governments are not exempt from meeting requirements of state and federal law with respect to providing low- and moderate-income housing or other obligations related to housing. In those circumstances where an issue is addressed by both the LCP and General Plan, the terms of the LCP would generally prevail, including as it applies to general development aesthetics, views, and scenic vistas (City of Manhattan Beach 2003).

3.1.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>I. AESTHETICS</b> – Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project have a substantial adverse effect on a scenic vista?*

**Less Than Significant Impact.** Scenic vistas generally refer to views of expansive open space areas or other natural features, such as mountains, undeveloped hillsides, large natural water bodies, or coastlines, that are accessible from public vantage points, such as public roadways and parks. Less commonly, certain urban settings or features, such as a striking or renowned skyline, may also represent a scenic vista. A substantial adverse effect on a scenic vista would occur if the HEU would significantly degrade the scenic landscape as viewed from public roads or other public areas.

The City's topography consists of rolling hills, which affords public vistas of the two-mile long sandy shore coastline as well as the expansive backdrop of the Pacific Ocean and horizon line. As previously discussed, the HEU consists of a policy document update, and adoption of the HEU alone would not produce environmental impacts. Because all the qualifying sites under consideration for increased development intensity and intervening development are within existing urban and semi-urban built-out areas, the HEU is not anticipated to have a substantial adverse effect on scenic vistas within the City. Further, there are a variety of existing regulatory processes that would serve to minimize any potential impacts related to future residential development facilitated by the Housing Element. Several sections provided for in the Planning and Zoning Ordinance (Title 10 of the MBMC) regulate physical development by controlling not only the appearance of new residential development, but also the placement of new development, so as to create housing that is "harmonious" within the context of the surrounding houses and neighborhood (refer to Regulatory Setting, above). MBMC Section 7.36.150 applies to certain private improvements in the public right-of-way (e.g., retaining walls, staircases, landscaping) in order to avoid obstructions to public scenic vistas and views. In addition, all development taking place within the LCP boundary area would be subject to additional provisions set forth in the City's LCP, which identifies the location, type, densities, and other ground rules for development in the coastal zone, including the provision to enhance and protect the scenic beauty of coastal landscapes (City of Manhattan Beach 2003). Compliance with provisions of the Planning and Zoning Ordinance as well as the CCA and LCP would be ensured through the City's development review and building permit process.

Additionally, according to the City's General Plan EIR, there are no officially designated scenic vistas in the City. However, the Land Use Element of the General Plan includes several goals and policies aimed at minimizing potentially adverse view impacts, including Policy LU-1.1 which limits the height of new development to two or three stories to "protect vistas of the ocean". A number of other General Plan goals and policies listed above in the Regulatory Setting section above would also serve to minimize potential impacts by preventing degradation of existing vistas and promoting actions that would make existing scenic vistas more accessible, such as Goal 4 and Policy LU-4.1.

Ultimately, potential aesthetic-related impacts are location specific and cannot be assessed in a meaningful way until the location of a project sites are known and the development planned on those sites is defined. While the future rezoning program, which would be undertaken as an action separate from the adoption of the HEU, would allow for greater intensities than previously permitted in certain areas of the City, the existing regulatory setting and the infill locations selected as part of HEU sites analysis would ensure that future potential impacts to scenic vistas associated with adoption of the HEU would be less than significant. Additionally, approval of the HEU itself, as a policy document update, would not provide any goals, policies, or programs that would significantly degrade the scenic resources of the City. Furthermore, the HEU includes goals and policies to enhance the aesthetic quality of neighborhoods and housing environments,

such as eliminating potentially unsafe or unhealthy conditions in existing residential developments (Policy 3.1), implementing a renewed effort to enforce building code compliance of existing and proposed residential housing (Program 8), and continuing to deter construction of overly large dwellings that are out of scale with the surrounding neighborhoods (Program 23). Therefore, impacts to scenic vistas would be less than significant and no mitigation is required.

- b) ***Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?***

**No Impact.** As discussed above under Regulatory Setting, the California Scenic Highway Program includes highways designated by Caltrans as scenic. There are currently no designated state scenic highways or eligible state scenic highways in the City of Manhattan Beach. The nearest eligible scenic highway, Route 1, runs from Route 187 near the City of Santa Monica (approximately 6.38 miles northwest of the Project site), to Route 101 near El Rio in Ventura County. The nearest officially designated State scenic highway, Route 27 near the Topanga State Park, is located approximately 13 miles northwest of the Project site (Caltrans 2021). Due to distance, intervening terrain, and intervening development, the HEU would not be visible from the eligible State scenic segment of Route 1 nor the officially designated State scenic highway segment of Route 27, and no impacts would occur.

- c) ***In non-urbanized areas, would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?***

**Less Than Significant Impact.** California Public Resources Code Section 21071 defines an “urbanized area” as “(a) an incorporated city that meets either of the following criteria: (1) Has a population of at least 100,000 persons, or (2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons.” As previously discussed, the project would be required to comply with existing State and local regulations and would be consistent with the General Plan Goals and Policies governing scenic quality. This includes consistency with Goal LU-4, to preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood’s unique characteristics. In addition, provisions of the Planning and Zoning Ordinance regulate physical development by controlling not only the appearance of new residential development, but also the placement of new development, so as to ensure aesthetic compatibility. In addition, sites identified within the LCP Boundary, including the currently proposed Verandas at 401 Rosecrans Avenue project, would be required to comply with LCP and CCA regulations, including the provision to protect the scenic qualities of coastal landscapes (City of Manhattan Beach 2003).

According to the General Plan Community Resources Element (2003), trees on both public and private property provide tremendous value, aesthetic and otherwise, to all City residents, and the City is committed to preserving existing trees and expanding the urban forest by replacing damaged or dying trees and planting new trees. In addition, the Community Resources Element states that well-maintained landscaping can beautify property, adding character and uniqueness to private and public areas. As such, the City’s General Plan includes several Goals and Policies related to the preservation and maintenance of trees and landscaping, including Goal CR-4 which requires that new development proposals preserve existing

landscape resources in the City, and encourages the provision of additional landscaping (see Regulatory Framework for specific General Plan Policies related to landscaping and tree preservation). In addition, the City's MBMC establishes regulations for trees, shrubs, and plants located on sidewalks, medians, or elsewhere in the public right of way (Chapter 7.32, Tree, Shrub, and Plant Regulations), as well as measures to preserve and enhance the existing healthy tree canopies on individual residential properties and neighborhoods in Areas 1 and 3 (Section 10.52.120, Tree preservation and restoration in residential zones, Area Districts I and II).

The project would not, in and of itself, result in impacts to scenic resources or visual character, and would not conflict with applicable zoning and other regulations governing scenic quality. As discussed, all future rezoning efforts or residential development projects would require program or project-specific environmental evaluation to determine that any potential impacts are less than significant. In addition, potential aesthetic-related impacts are location specific and cannot be assessed in a meaningful way until the project site parcels are confirmed and the development planned on those sites is defined. Therefore, no significant impact would result from implementation of the HEU with respect to the degradation of the existing visual character and/or quality of the site, and impacts would be less than significant. No mitigation is required.

**d) *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?***

**Less Than Significant Impact.** Lighting is of most concern when it has the potential to spill over or trespass from a project site onto sensitive surrounding land uses, such as residential properties, resulting in a potential nuisance. Extraneous glare is associated with the use of highly reflective building materials (glass, steel etc.). The proposed HEU will not, in and of itself, create sources of substantial light or glare that adversely affect views. The future rezoning program would occur in an urbanized context and be evaluated separately at the time when parcels for rezoning are fully identified.

As described in Threshold 3.1(c), while the HEU consists of a policy document update that is not anticipated to produce environmental impacts, the City has identified qualifying sites within the CG, PD, RM, and RS zones that could be included in the future rezoning effort and would therefore allow for greater densities than are currently allowed. However, as discussed, the implementation of any overlay or rezoning effort would require future CEQA review and discretionary approval.

The adoption of the HEU would ultimately encourage additional development in certain preidentified areas throughout the City; however, the City's Planning and Zoning Ordinance (Title 10 of the MBMC) contains provisions intended to limit adverse light and glare impacts. Section 10.60.121(D) sets forth performance standards for glare that apply to all land uses, while Section 10.52.020 prohibits metallic finishes on the exterior walls for all structures (other than accessory structures) within residential areas. In addition, Section 10.64.170 regulates exterior lighting, and is intended to ensure that adequate lighting is provided for personal and traffic safety while also protecting nearby residential uses from undue glare. Provisions of this section include required shielding, height restrictions, and maximum acceptable levels of illumination within range of residential uses.

Ultimately, potential light and/or glare related impacts are location specific and cannot be assessed in a meaningful way until the location of a project site is known and the development planned on those sites is defined. At such time that a development proposal is considered that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact. In addition, all future projects would be required to comply with applicable MBMC standards which would further reduce the potential for significant impacts. As such, and with compliance with applicable City and State regulations, the HEU would have a less than significant impact regarding the creation of a new source of substantial light or glare, which would adversely affect day or nighttime views in the area, and no mitigation is required.

### 3.1.4 References

Caltrans (California Department of Transportation). 2021. California State Scenic Highway System. Accessed September 17, 2021. <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983>.

City of Manhattan Beach. 2001. Manhattan Beach Municipal Code. Revised and republished 2001. Accessed September 19, 2021. [https://library.municode.com/ca/manhattan\\_beach/codes/code\\_of\\_ordinances?nodeId=MANHATTAN\\_BEACH\\_CALIFORNIAMUCO](https://library.municode.com/ca/manhattan_beach/codes/code_of_ordinances?nodeId=MANHATTAN_BEACH_CALIFORNIAMUCO).

City of Manhattan Beach. 2003. General Plan. Adopted 1988. Updated 2003. Accessed September 17, 2021. <https://www.manhattanbeach.gov/departments/community-development/planning-zoning/general-plan/final-general-plan>.

## 3.2 Agriculture and Forestry Resources

### 3.2.1 Environmental Setting

#### Mapped Important Farmland

The California Department of Conservation (CDOC) and U.S. Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) classify agricultural lands into five categories: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Farmland of Local Potential. Non-farmlands are classified as Grazing Land, Urban and Built-Up Land, Other Land, or Water. The City of Manhattan Beach is classified as Urban and Built-Up land by the CDOC Farmland Mapping and Monitoring Program (FMMP), defined as land used for residential, industrial, commercial, construction, institutional, public administrative purposes, railroad yards, cemeteries, airports, golf courses, sanitary landfills, sewage treatment plants, water control structures, and other development purposes. This classification also includes vacant and nonagricultural land which is surrounded by urban development and is less than 40 acres (CDOC 2021a, 2021b).

#### Forests

Forest land is defined as “land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits” (California Public

Resources Code Section 12220[g]). Timberland is defined as “land...which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees” (California Public Resources Code Section 4526). Pursuant to these definitions, there are no forests, forest land, or timber land in the City of Manhattan Beach.

## 3.2.2 Regulatory Setting

### Federal

There are no federal regulations pertaining to farmland and forestry resources that would apply to the HEU.

### State

#### State Farmland Mapping and Monitoring Program

The goal of the state FMMP is to provide consistent and impartial data to decision makers for use in assessing present status, reviewing trends, and planning for the future of California’s agricultural land resources. FMMP produces Important Farmland Maps, which are a hybrid of resource quality (soils) and land use information. Agricultural land is rated according to soil quality and irrigation status; the best quality land is called Prime Farmland. The maps are updated every 2 years with the use of a computer mapping system, aerial imagery, public review, and field reconnaissance. Data are also released in statistical formats—principally the biennial California Farmland Conversion Report.

#### California Land Conservation Act (Williamson Act)

The Williamson Act provides tax incentives to retain prime agricultural land and open space in agricultural use, which subsequently slows its conversion to urban development. The Williamson Act requires a 10-year contract between the County and landowners who enter into contracts with local government for long-term use restrictions on qualifying agricultural and open space land. In accordance with the contract, the land must be taxed based on its agricultural use rather than its full market value. The overall purpose of the Williamson Act is to protect agricultural lands and open space.

### Local

As there is no farmland, forestland, or timberland within City of Manhattan Beach, there are no local regulations related to agriculture or forestry resources that would apply to the HEU.

### 3.2.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><b>II. AGRICULTURE AND FORESTRY RESOURCES</b> – In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) **Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

**No Impact.** As discussed above, the City of Manhattan Beach is classified entirely as Urban and Built-Up land by the CDOC FMMP, and there is no Prime Farmland, Unique Farmland, or Farmland of Statewide Importance identified within the City’s boundaries. (DOC 2021a). Therefore, implementation of the HEU would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use, and no impact would occur.

b) *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*

**No Impact.** The City of Manhattan Beach has no zoning for agricultural use and no land subject to a Williamson Act contract. While the City does have a limited amount of designated open space, none of this land is zoned for agricultural use. Further, the HEU does not propose any changes to lands currently zoned as Open Space (OS) by the City's Zoning Designations map (City of Manhattan Beach 2004). Therefore, the HEU would not conflict with existing zoning for agricultural use, or a Williamson Act contract. The HEU would therefore have no impact.

c) *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?*

**No Impact.** As previously discussed, there are no parcels within the City that are zoned as forest land or timberland. Additionally, there is no forest land or any land that is designated for the purposes of conserving forest land within the City. Therefore, the HEU would have no impact on forest or timberland.

d) *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

**No Impact.** There are no parcels within the City that are zoned as forest land. Additionally, there is no forest land or any land that is designated for the purposes of conserving forest land within the City. Therefore, the HEU would not result in the loss of forestland or conversion of forest land to non-forest use, and no impact would occur.

e) *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?*

**No Impact.** While there is no forestland or land zoned for agricultural use within the City, there is a limited amount of designated Open Space. The HEU does not propose to make any changes to parcels currently zoned Open Space (OS). As such, the HEU would not involve changes that could result in the conversion of Farmland to non-agricultural uses or forest land to non-forest use. No impact would occur.

### 3.2.4 References

CDOC (California Department of Conservation). 2021a. California Important Farmland Finder. Accessed September 23, 2021. <https://maps.conservation.ca.gov/DLRP/CIFF/>

CDOC. 2021b. Important Farmland Mapping Categories and Soil Taxonomy Terms. Accessed September 23, 2021. [https://www.conservation.ca.gov/dlrp/fmmp/Documents/soil\\_criteria.pdf](https://www.conservation.ca.gov/dlrp/fmmp/Documents/soil_criteria.pdf)

City of Manhattan Beach, 2004. City of Manhattan Beach Zoning Designations (Map). Adopted August 2004. Accessed September 23, 2021. <https://www.manhattanbeach.gov/home/showpublisheddocument/76/637364644090270000>

## 3.3 Air Quality

### 3.3.1 Environmental Setting

Ambient air quality is generally affected by climatological conditions, the topography of the air basin, the type and amounts of pollutants emitted, and, for some pollutants, sunlight. The City is located within South Coast Air Basin (SCAB). Topographical and climatic factors in the SCAB create the potential for high concentrations of regional and local air pollutants. This section describes relevant characteristics of the air basin, types of air pollutants, health effects, and existing air quality levels.

The SCAB includes the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County, and is within the jurisdictional boundaries of the South Coast Air Quality Management District (SCAQMD).

Criteria air pollutants are defined as pollutants for which the federal and State governments have established ambient air quality standards, or criteria, for outdoor concentrations to protect public health. The federal and State standards have been set, with an adequate margin of safety, at levels above which concentrations could be harmful to human health and welfare. These standards are designed to protect the most sensitive persons from illness or discomfort. Pollutants of concern include ozone (O<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>), carbon monoxide (CO), sulfur dioxide (SO<sub>2</sub>), particulate matter equal to or less than 10 microns in aerodynamic diameter (PM<sub>10</sub>), particulate matter equal to or less than 2.5 microns in aerodynamic diameter (PM<sub>2.5</sub>), and lead (Pb). In California, sulfates, vinyl chloride, hydrogen sulfide, and visibility-reducing particles are also regulated as criteria air pollutants.

### 3.3.2 Regulatory Setting

#### Federal

##### Federal Clean Air Act

The federal Clean Air Act passed in 1970 and last amended in 1990, forms the basis for the national air pollution control effort. The U.S. Environmental Protection Agency (EPA) is responsible for implementing most aspects of the Clean Air Act, including the setting of National Ambient Air Quality Standards (NAAQS; federal standards) for major air pollutants, hazardous air pollutant (HAP) standards, approval of state attainment plans, motor vehicle emission standards, stationary source emissions standards and permits, acid rain control measures, stratospheric O<sub>3</sub> protection, and enforcement provisions. Federal standards are established for criteria pollutants under the Clean Air Act, which are O<sub>3</sub>, CO, NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and lead.

The federal standards describe acceptable air quality conditions designed to protect the health and welfare of the citizens of the nation. The federal standards (other than for O<sub>3</sub>, NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, and those based on annual averages or arithmetic mean) are not to be exceeded more than once per year. Federal standards for O<sub>3</sub>, NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> are based on statistical calculations over 1- to 3-year periods, depending on the pollutant. The Clean Air Act requires the EPA to reassess the federal standards at least every 5 years to determine whether adopted standards are adequate to protect public health based on current scientific evidence. States with areas that exceed the federal standards must prepare a state implementation plan that demonstrates how those areas will attain the standards within mandated time frames.

The federal Clean Air Act delegates the regulation of air pollution control and the enforcement of the federal standards to the states. In California, the task of air quality management and regulation has been legislatively granted to California Air Resources Board (CARB), with subsidiary responsibilities assigned to air quality management districts and air pollution control districts at the regional and county levels.

## State

### California Clean Air Act

The federal Clean Air Act delegates the regulation of air pollution control and the enforcement of the NAAQS to the states. In California, the task of air quality management and regulation has been legislatively granted to CARB, with subsidiary responsibilities assigned to air quality management districts and air pollution control districts at the regional and county levels. CARB, which became part of the California Environmental Protection Agency in 1991, is responsible for ensuring implementation of the California Clean Air Act of 1988, responding to the federal Clean Air Act, and regulating emissions from motor vehicles and consumer products.

CARB has established California Ambient Air Quality Standards (CAAQS), which are generally more restrictive than the NAAQS. As stated previously, an ambient air quality standard defines the maximum amount of a pollutant averaged over a specified period of time that can be present in outdoor air without harm to the public's health. For each pollutant, concentrations must be below these relevant CAAQS before a basin can attain the corresponding CAAQS. Air quality is considered "in attainment" if pollutant levels are continuously below the CAAQS and violate the standards no more than once each year. The CAAQS for O<sub>3</sub>, CO, SO<sub>2</sub> (1-hour and 24-hour), NO<sub>2</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> and visibility-reducing particles are values that are not to be exceeded. All others are not to be equaled or exceeded.

### Toxic Air Contaminants

The State Air Toxics Program was established in 1983 under AB 1807 (Tanner). The California toxic air contaminant (TAC) list identifies more than 700 pollutants, of which carcinogenic and noncarcinogenic toxicity criteria have been established for a subset of these pollutants pursuant to the California Health and Safety Code. In accordance with Assembly Bill (AB) 2728, the State list includes the (federal) HAPs. Furthermore, in 1987, the Legislature enacted the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (AB 2588) to address public concern over the release of TACs into the atmosphere. In 2000, CARB approved a comprehensive Diesel Risk Reduction Plan to reduce diesel emissions from both new and existing diesel-fueled vehicles and engines. The regulation would result in an 80% decrease in Statewide diesel health risk in 2020 compared with the diesel risk in 2000. Other Airborne Toxic Control Measures that reduce diesel emissions, including In-Use Off-Road Diesel-Fueled Fleets (13 CCR 2449 et seq.) and In-Use On-Road Diesel-Fueled Vehicles (13 CCR 2025).

## Regional/Local

### South Coast Air Quality Management District (SCAQMD)

The SCAQMD is the regional agency responsible for the regulation and enforcement of federal, State, and local air pollution control regulations in the SCAB, where the project site is located. The SCAQMD operates monitoring stations in the SCAB, develops rules and regulations for stationary sources and equipment, prepares emissions inventory and air quality management planning documents, and conducts source testing and inspections. The SCAQMD's Air Quality Management Plans (AQMPs) include control measures and strategies to be implemented to

attain State and federal ambient air quality standards in the SCAB. The SCAQMD then implements these control measures as regulations to control or reduce criteria pollutant emissions from stationary sources or equipment.

The most-recently adopted AQMP is the 2016 AQMP (SCAQMD 2017), which was adopted by the SCAQMD governing board on March 3, 2017. The 2016 AQMP is a regional blueprint for achieving air quality standards and healthful air. The 2016 AQMP addresses criteria air pollutant emissions from ocean-going vessels, which are considered federal sources, and includes emissions associated with marine vessels and engines in the baseline year and future forecasts. The 2016 AQMP's overall control strategy is an integral approach relying on fair-share emission reductions from federal, State, and local levels. The 2016 AQMP is composed of stationary and mobile source emission reductions from traditional regulatory control measures, incentive-based programs, co-benefits from climate programs, mobile source strategies, and reductions from federal sources (SCAQMD 2017). These control strategies are to be implemented in partnership with CARB and the EPA.

### Potentially Applicable Rules

Emissions that would result from stationary and area sources during construction and operation be subject to SCAQMD rules and regulations. The SCAQMD rule applicable to construction of residential dwelling units within the City may include the following:

**Rule 403:** Fugitive Dust. This rule requires fugitive dust sources to implement best available control measures for all sources to ensure all forms of visible particulate matter are prohibited from crossing any property line. SCAQMD Rule 403 is intended to reduce PM<sub>10</sub> emissions from any transportation, handling, construction, or storage activity that has the potential to generate fugitive dust (SCAQMD 2005). South Coast Air Basin Attainment Designation (SCAB)

Pursuant to the 1990 federal Clean Air Act amendments, the EPA classifies air basins (or portions thereof) as "attainment" or "nonattainment" for each criteria air pollutant, based on whether the NAAQS have been achieved. Generally, if the recorded concentrations of a pollutant are lower than the standard, the area is classified as "attainment" for that pollutant. If an area exceeds the standard, the area is classified as "nonattainment" for that pollutant. If there is not enough data available to determine whether the standard is exceeded in an area, the area is designated as "unclassified" or "unclassifiable." The designation of "unclassifiable/attainment" means that the area meets the standard or is expected to meet the standard despite a lack of monitoring data. Areas that achieve the standards after a nonattainment designation are re-designated as maintenance areas and must have approved Maintenance Plans to ensure continued attainment of the standards. The California Clean Air Act, like its federal counterpart, called for the designation of areas as "attainment" or "nonattainment," but based on CAAQS rather than the NAAQS.

The SCAB is designated as a nonattainment area for federal and state O<sub>3</sub> standards and federal and State PM<sub>2.5</sub> standards. The SCAB is designated as a nonattainment area for state PM<sub>10</sub> standards; however, it is designated as an attainment area for federal PM<sub>10</sub> standards. The SCAB is designated as an attainment area for federal and state CO standards, federal and State NO<sub>2</sub> standards, and federal and State SO<sub>2</sub> standards. While the SCAB has been designated as nonattainment for the federal rolling three-month average lead standard, it is designated attainment for the State lead standard (CARB 2020; EPA 2021).

### Southern California Association of Governments (SCAG)

SCAG is the regional planning agency for Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Imperial Counties and serves as a forum for regional issues relating to transportation, the economy, community development, and the environment. SCAG serves as the federally designated metropolitan planning organization for the Southern California region and is the largest metropolitan planning organization in the United States.

On September 3, 2020, SCAG’s Regional Council voted to approve the Connect SoCal (2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)). The Connect SoCal is a long-range visioning plan that balances future mobility and housing needs with economic, environmental and public health goals. Connect SoCal charts a path toward a more mobile, sustainable and prosperous region by making connections between transportation networks, between planning strategies and between the people whose collaboration can improve the quality of life for Southern Californians. Connect SoCal embodies a collective vision for the region’s future and is developed with input from local governments, county transportation commissions, tribal governments, non-profit organizations, businesses and local stakeholders within the counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura (SCAG 2020).

### City of Manhattan Beach General Plan

The following goals and policies related to air quality are applicable to the HEU.

Goal CR-6: Improve air quality.

Policy CR-6.1: Encourage alternative modes of transportation, such as walking, biking, and public transportation, to reduce emissions associated with automobile use.

Policy CR-6.3: Cooperate with the South Coast Air Quality Management District and Southern California Association of Governments in their efforts to implement the regional Air Quality Management Plan.

Policy CR-6.4: Cooperate and participate in regional air quality management planning, programs, and enforcement measures.

### 3.3.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>III. AIR QUALITY</b> – Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a) *Would the project conflict with or obstruct implementation of the applicable air quality plan?***

**Less Than Significant Impact.** The HEU is a policy document for future actions that would occur within the SCAB, which includes the non-desert portions of Los Angeles, Riverside, and San Bernardino Counties, and all of Orange County, and is within the jurisdictional boundaries of the SCAQMD.

The SCAQMD administers the AQMP for the SCAB, which is a comprehensive document outlining an air pollution control program for attaining all CAAQS and NAAQS. The most recent adopted AQMP is the 2016 AQMP (SCAQMD 2017), which was adopted by the SCAQMD Governing Board in March 2017. The 2016 AQMP represents a new approach, focusing on available, proven, and cost-effective alternatives to traditional strategies while seeking to achieve multiple goals in partnership with other entities promoting reductions in greenhouse gases (GHGs) and toxic risk, as well as efficiencies in energy use, transportation, and goods movement (SCAQMD 2017).

The SCAQMD has established criteria for determining consistency with the currently applicable AQMP in Chapter 12, Sections 12.2 and 12.3, in the SCAQMD CEQA Air Quality Handbook. The purpose of a consistency finding is to determine if a project is inconsistent with the assumptions and objectives of the regional air quality plans, and, thus, if it would interfere with the region’s ability to comply with federal and state air quality standards. The relevant criteria are as follows discussed below (SCAQMD 1993):

**Consistency Criterion No. 1:** The project will not result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay the timely attainment of air quality standards of the interim emissions reductions specified in the AQMP.

The HEU is a policy document and adoption will not directly result in short-term construction or long-term operational emissions. In addition, future residential projects would be required to demonstrate that they would not conflict with the applicable SCAQMD AQMP, and potential project-specific short- and long-term impacts to air quality would be assessed at the time the projects are proposed. Furthermore, future development that is envisioned within, yet not permitted directly by, the HEU would be subject to federal, State, and local ambient air quality standards. Therefore, the HEU would not conflict with Consistency

Criterion No. 1 because it would not result in an increase in the frequency or severity of existing air quality violations, cause or contribute to new violations, or delay the timely attainment of air quality standards of interim emission reductions specified in the AQMP.

**Consistency Criterion No. 2:** The project will not exceed the assumptions in the AQMP or increments based on the year of project buildout and phase.

The SCAQMD primarily uses demographic growth forecasts for various socioeconomic categories (e.g., population, housing, employment by industry) developed by the SCAG for its RTP/SCS to develop the emission inventory for the 2016 AQMP (SCAQMD 2017). The RTP/SCS's forecasts are in turn based on general plans for cities and counties in the SCAB.<sup>9</sup> The SCAG 2016 RTP/SCS and associated Regional Growth Forecast are also generally consistent with the local plans. Therefore, the 2016 AQMP is generally consistent with local government plans through its use of information in SCAG's RTP/SCS.

The City has been assigned a RHNA of 774 units for the 2021–2029 Housing Element which consists 332 very-low-income units, 165 low-income units, 155 moderate income units, and 132 above-moderate income units (SCAG 2021). This level of growth is consistent with the General Plan, and the HEU is intended to conform with the 2021-2029 update cycle for jurisdictions in the SCAG region. Therefore, the HEU will not exceed the assumptions in the AQMP or increments based on the year of project buildout and phase. The HEU does not conflict with the AQMP and would not increase population growth beyond what is forecasted in the most recently adopted AQMP.

Based on the considerations presented for the two criteria, the HEU will not conflict with or obstruct the implementation of the 2016 AQMP, and impacts relating to the HEU's potential to conflict with, or obstruct implementation of, the applicable AQMP would be less than significant.

- b) ***Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?***

**Less Than Significant Impact.**

The HEU is a policy document and as such does not propose specific development projects, but facilitates density needed to accommodate the 6<sup>th</sup> cycle RHNA allocation. Because specific projects are not known at this time and the HEU merely identifies potential capacity for future units that could be constructed, the City cannot assess the specific impacts of development in qualitative terms. All future housing development projects built under the HEU would be subject to the policies listed above, and if unique circumstances are present such that future housing development was not allowed by-right or eligible for streamlining or a CEQA exemption, would undergo project specific environmental review.

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<sup>9</sup> Information necessary to produce the emission inventory for the SCAB is obtained from the SCAQMD and other governmental agencies, including the California Air Resources Board (CARB), Caltrans, and SCAG. Each of these agencies is responsible for collecting data (e.g., industry growth factors, socioeconomic projections, travel activity levels, emission factors, emission speciation profile, and emissions) and developing methodologies (e.g., model and demographic forecast improvements) required to generate a comprehensive emissions inventory. SCAG incorporates these data into their Travel Demand Model for estimating/projecting vehicle miles traveled (VMT) and driving speeds. SCAG's socioeconomic and transportation activities projections in their 2016 RTP/SCS are integrated in the 2016 AQMP (SCAQMD 2017).

Nonetheless, it is acknowledged that future development associated with the HEU could result in an increase in criteria pollutants during construction activities, such as excavation and grading, and operational activities, which could also contribute to the nonattainment status (O<sub>3</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>) of the SCAB. Fugitive dust emissions would result from land clearing, grading operations, and construction equipment operations over the unpaved project site. Combustion emissions, such as NO<sub>x</sub> and PM<sub>10</sub>, are most significant when using large diesel-fueled scrapers, loaders, bulldozers, haul trucks, compressors, generators, and other types of equipment. All future projects built under the HEU would be required to comply with all regional and local regulations such as with SCAQMD Rule 403 to control dust emissions during any dust-generating activities.

Regarding potential operational impacts, proposed future development, which would be residential in character, would not result in a significant long-term impact to air quality. The HEU anticipates population and housing growth consistent with the Land Use Element as well as regional plans to accommodate growth based on household size and dwelling unit potential for this planning period, which, as described above, is in turn consistent with the assumptions in the 2016 AQMP. Most projects facilitated by the HEU would be small in nature and would not be expected to exceed the SCAQMD emission thresholds. In addition, projects that are proposed under the HEU would be subject to the policies listed above, and if unique circumstances are present such that future housing development was not allowed by-right or eligible for streamlining or a CEQA exemption, would undergo project specific environmental review. Furthermore, the HEU has policies and programs designed to promote infill development, encourage mixed use, promote housing within walking or biking distance of employment or school, and encourage downtown housing close to jobs, services, government, recreation, and more. The Community Resources Element of the City's General Plan also contains policies to ensure air quality impacts are reduced, as follows:

Policy CR-6.1: Encourage alternative modes of transportation, such as walking, biking, and public transportation, to reduce emissions associated with automobile use.

Policy CR-6.3: Cooperate with the South Coast Air Quality Management District and Southern California Association of Governments in their efforts to implement the regional Air Quality Management Plan.

Policy CR-6.4: Cooperate and participate in regional air quality management planning, programs, and enforcement measures.

As stated above, the HEU is a policy document and as such does not propose specific development projects. The HEU would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment. Therefore, potential air quality impacts would be less than significant.

c) ***Would the project expose sensitive receptors to substantial pollutant concentrations?***

**Less Than Significant Impact.** The HEU does not propose specific development plans and merely identifies how the City will go about providing the capacity for a total of 479 new units between 2021 and 2029; therefore, potential air quality impacts including potential sensitive receptors are unknown at this time. However, future development is expected to be primarily infill development, which could potentially be located in close proximity to other residences, schools, and/or parks and would be subject to policies and standards presented by SCAQMD, as well as the General Plan and MBMC for construction standards regarding air quality. Additionally, CARB has published the *Air Quality and Land Use Handbook: A*

*Community Health Perspective* (CARB 2005), which identifies certain types of facilities or sources that may emit substantial quantities of toxic air contaminants (TACs) and therefore could conflict with sensitive land uses, such as “schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities.” The facilities or sources that may emit substantial quantities of TACs include the following:

- High-traffic freeways and roads
- Distribution centers
- Rail yards
- Ports
- Refineries
- Chrome plating facilities
- Dry cleaners
- Large gas dispensing facilities.

The *Air Quality and Land Use Handbook* is a guide for siting of new sensitive land uses, but it does not mandate specific separation distances to avoid potential health impacts. CARB recommends that sensitive receptors not be located downwind or in proximity to such sources to avoid potential health hazards. The HEU is focused on development of housing and would not include any of the previously listed land uses that may emit substantial quantities of TACs.

The greatest potential for TAC emissions would be diesel particulate matter (DPM) emissions from heavy equipment operations and heavy-duty trucks during the future residential development’s construction activities and the associated potential health impacts to sensitive receptors. According to the Office of Environmental Health Hazard Assessment, health risk assessments (which determine the exposure of sensitive receptors to toxic emissions) should be based on a 30-year exposure period for the maximally exposed individual receptor; however, such assessments should also be limited to the period/duration of activities associated with the project. As previously discussed, specific projects are not identified and the HEU is a policy document, adoption will not result in direct short-term construction emissions. Furthermore, future residential development would also not require the extensive operation of heavy-duty diesel construction equipment and diesel trucks, which are subject to a CARB Airborne Toxics Control Measure to reduce DPM emissions.

The SCAQMD recommends a localized significance threshold (LST) analysis to evaluate the potential of localized air quality impacts to sensitive receptors in the immediate vicinity of a project from construction and operation; however, an operational LST analysis is only applicable to land uses with on-site emission sources and is generally not applicable to residential land uses as they do not include substantial on-site sources of localized emissions. In addition, the LST methodology was developed to be used as a tool to assist lead agencies to analyze localized impacts associated with project-level impacts. However, the LSTs are applicable to projects at the project-specific level and are not applicable to regional projects, such as the HEU, as specific projects have not been identified at this time. Therefore, neither a construction nor an operational LST analysis is recommended or provided herein.

Localized carbon monoxide (CO) impacts or CO hotspots can be associated with heavily congested intersections. In 2007, the SCAQMD was designated in attainment for CO under both the CAAQS and NAAQS as a result of the steady decline in CO concentrations in the SCAB due to turnover of older vehicles, introduction of cleaner fuels, and implementation of control technology on industrial facilities; therefore, the potential for CO hotspots in the SCAB is steadily decreasing. The SCAQMD conducted CO modeling for the 2003 AQMP<sup>10</sup> for the four worst-case intersections in the SCAB. At the time the 2003 AQMP was prepared, the intersection of Wilshire Boulevard and Veteran Avenue was the most congested intersection in Los Angeles County, with an average daily traffic volume of about 100,000 vehicles per day; however, the peak modeled CO 1-hour concentration was estimated to be 4.6 while the CAAQS is 20 ppm. Similarly, the maximum 8-hour CO concentration was 3.4 ppm at the Wilshire Boulevard and Veteran Avenue in 2002, while the CAAQS is 9.0 ppm.

Accordingly, CO concentrations at congested intersections would not exceed the 1-hour or 8-hour CO CAAQS unless projected daily traffic would be at least over 100,000 vehicles per day. Because the HEU is a policy document and does not include specific development, it would not increase daily traffic volumes at any study intersection to more than 100,000 vehicles per day; therefore, a CO hotspot is not anticipated to occur and associated impacts would be less than significant.

Regarding health effects associated with criteria air pollutants, health effects associated with O<sub>3</sub> include respiratory symptoms, worsening of lung disease leading to premature death, and damage to lung tissue; health effects associated with NO<sub>x</sub> include lung irritation and enhanced allergic responses; health effects associated with CO include chest pain in patients with heart disease, headache, light-headedness, and reduced mental alertness; and health effects associated with particulate matter (PM<sub>10</sub>) include premature death and hospitalization, primarily for worsening of respiratory disease (CARB 2021). Because the HEU is a policy document, it is not directly anticipated to generate construction or operational criteria air pollutant emissions or potential associated health effects.

Therefore, the HEU would not expose students, faculty, children, elderly and other sensitive receptors to toxic air contaminant (TAC) emissions from these sources. As such, impacts would be less than significant

**d) *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?***

**No Impact.** The HEU is a policy document identifying how the City will go about providing adequate capacity for the future provision of 479 new units, and adoption will not, in itself, result in environmental impacts. No odors would be generated by adopting this policy document; as such, no impacts would occur.

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<sup>10</sup> SCAQMD's CO hotspot modeling guidance has not changed since 2003.

### 3.3.4 References

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- CARB. 2020. "Area Designation Maps/State and National." Last updated October 2020. <http://www.arb.ca.gov/desig/adm/adm.htm>.
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- SCAG. 2021. SCAG 6<sup>th</sup> Cycle Final RHNA Allocation Plan. Accessed September 13, 2021. <https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-final-allocation-plan.pdf?1625161899>
- SCAQMD (South Coast Air Quality Management District). 1993. *CEQA Air Quality Handbook*.
- SCAQMD. 2017. *2016 Final Air Quality Management Plan*.

## 3.4 Biological Resources

### 3.4.1 Environmental Setting

Manhattan Beach is a built-out urban community. There are no riparian habitats, wetlands, or other sensitive habitat conservation areas within the City (City of Manhattan Beach 2003a). Inland environmentally sensitive areas in the City are generally zoned and protected as parklands (City of Manhattan Beach 2003b). However, the City has two miles of beach frontage and 40 acres of recreational beach area. A significant portion of the City is within the City and State designated coastal zone, wherein impacts to coastal resources are always of concern (City of Manhattan Beach 2003b).

Policies governing land use in the coastal zone constrain residential development to some extent, but they are necessary to support the Local Coastal Plan (LCP) and California Coastal Act (CCA) policies, described below, including the protection, enhancement and restoration of coastal environmentally sensitive habitats, such as intertidal and nearshore waters and habitat for rare or endangered plants or animals (City of Manhattan Beach 2003b).

## 3.4.2 Regulatory Setting

### Federal

#### Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973 provides legislation to protect federally listed plant and animal species. Impacts to listed species resulting from the implementation of a project would require the responsible agency or individual to formally consult with the U.S. Fish and Wildlife Service (USFWS) or National Oceanic and Atmospheric Administration National Marine Fisheries Service (NOAA Fisheries) to determine the extent of impact to a particular species. If the USFWS or NOAA Fisheries determine that impacts to a federally listed species would likely occur, alternatives and measures to avoid or reduce impacts must be identified. The USFWS and NOAA Fisheries also regulate activities conducted in federal critical habitat, which are geographic units designated as areas that support primary habitat constituent elements for listed species.

#### Federal Water Pollution Control Act of 1972

Under Section 404 of the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]), the U.S. Army Corps of Engineers (USACE), with U.S. Environmental Protection Agency (EPA) oversight, has authority to regulate activities that result in discharge of dredged or fill material into wetlands or other “waters of the United States.” Perennial and intermittent creeks are considered waters of the United States if they have a “significant nexus” to traditional navigable waters, interstate waters, or territorial seas. In achieving the goals of the CWA, the USACE seeks to avoid adverse impacts and to offset unavoidable adverse impacts on existing aquatic resources. Any discharge of dredged or fill material into jurisdictional wetlands or other jurisdictional “waters of the United States” would require a Section 404 permit from the USACE prior to the start of work. In 2008, the EPA and USACE, through a joint rulemaking, expanded the Section 404(b)(1) guidelines to include more comprehensive standards for compensatory mitigation. These standards include ensuring that unavoidable impacts subject to regulation under the CWA are replaced to promote no net loss of wetlands. Typically, when a project involves impacts to waters of the United States, the goal of no net loss of wetlands is met by compensatory mitigation; in general, the type and location options for compensatory mitigation should comply with the hierarchy established by the USACE/EPA 2008 Mitigation Rule (in descending order): (1) mitigation banks; (2) in-lieu fee programs; and (3) permittee-responsible compensatory mitigation. Also, in accordance with Section 401 of the CWA, applicants for a Section 404 permit must obtain water quality certification from the appropriate Regional Water Quality Control Board (RWQCB). The USACE, RWQCB, and California Department of Fish and Wildlife (CDFW) typically take jurisdiction over wetlands that exhibit three parameters: suitable wetland hydrology, hydric soils, and hydrophytic vegetation. The RWQCB will also consider features with saturated, anaerobic-condition wetlands.

#### **Migratory Bird Treaty Act of 1918**

The Migratory Bird Treaty Act (MBTA) of 1918 protects all migratory birds, including their eggs, nests, and feathers. The MBTA was originally drafted to put an end to the commercial trade in bird feathers, popular in the latter part of the 1800s. The MBTA is enforced by the USFWS, and potential impacts to species protected under the MBTA are evaluated by the USFWS in consultation with other federal agencies.

## State

### California Endangered Species Act

The California Endangered Species Act (CESA) ensures legal protection for plants listed as rare or endangered and wildlife species formally listed as endangered or threatened. The CDFW also maintains a list of California Species of Special Concern (SSC). SSC status is assigned to species that have limited distribution, declining populations, diminishing habitat, or unusual scientific, recreational, or educational value. Under State law, the CDFW is empowered to review projects for their potential to impact special-status species and their habitats. Under the CESA, the CDFW reserves the right to request the replacement of lost habitat that is considered important to the continued existence to CESA-protected species.

### California Fish and Game Code

California Fish and Game Code (CFGF) Section 2081 provides for when the CDFW is authorized to issue permit to take a species listed as endangered, threatened, or candidate or a rare plant if the take is incidental to an otherwise lawful activity. CFGF Section 3511 includes provisions to protect fully protected species, such as: (1) Prohibiting take or possession “at any time” of the species listed in the statute, with few exceptions; (2) stating that no provision of this code or any other law shall be construed to authorize the issuance of permits or licenses to “take” the species; and (3) stating that no previously issued permits or licenses for take of the species “shall have any force or effect” for authorizing take or possession. The CDFW is unable to authorize incidental take of fully protected species when activities are proposed in areas inhabited by those species. Sections 3503 and 3503.5 of the CFGF state that it is unlawful to take, possess, or destroy the nest or eggs of any bird, with occasional exceptions. In addition, Section 3513 states that it is unlawful to take or possess any migratory bird as designated in the MBTA or any part of such migratory birds except as provided by rules and regulations under provisions of the MBTA. Under CFGF Section 1603, the CDFW is responsible for conserving, protecting, and managing California’s fish, wildlife, and native plant resources. To meet this responsibility, the law requires any person, State or local government agency, or public utility proposing a project that may impact a river, stream, or lake to notify the CDFW before beginning the project. If the CDFW determines that a project may adversely affect existing fish and wildlife resources, a Lake or Streambed Alteration Agreement is required. A Streambed Alteration Agreement lists the CDFW conditions of approval relative to a HEU and serves as an agreement between the City and CDFW for a term of not more than 5 years for the performance of activities subject to this section.

### Native Plant Protection Act

The CDFW also has authority to administer the Native Plant Protection Act (NPPA) (CFGF Section 1900 et seq.). The NPPA requires the CDFW to establish criteria for determining if a species, subspecies, or variety of native plant is endangered or rare. Under NPPA Section 1913(c), the owner of land where a rare or endangered native plant is growing is required to notify the department at least 10 days in advance of changing the land use to allow for salvage of the plant(s).

### Porter-Cologne Water Quality Control Act of 1987

The State Water Resources Control Board (SWRCB) and each of the nine local RWQCBs, collectively referred to as the California Water Boards, has jurisdiction over “waters of the State,” which are defined as any surface water or groundwater, including saline waters, within the boundaries of the State pursuant to the Porter-Cologne Water

Quality Control Act (California Water Code Division 7) (Porter-Cologne Act). The SWRCB has issued general Waste Discharge Requirements (WDRs) regarding discharges to “isolated” waters of the State (Water Quality Order No. 2004-0004-DWQ, Statewide General Waste Discharge Requirements for Dredged or Fill Discharges to Waters Deemed by the U.S. Army Corps of Engineers to be Outside of Federal Jurisdiction [General DWRs]). The local RWQCB (in this case, the Central Coast RWQCB) implements this general order for isolated waters not subject to federal jurisdiction and is also responsible for the issuance of water quality certifications pursuant to CWA Section 401 for waters subject to federal jurisdiction.

## California Coastal Act

The California Coastal Act (California Public Resource Code sections 30000 et seq.) was enacted by the State Legislature in 1976 to provide long-term protection of California’s 1,100-mile coastline for the benefit of current and future generations. The Coastal Commission, in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the CCA to include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal permit from either the Coastal Commission or the local government. The Coastal Act requires local governments (15 coastal counties and 59 cities) to create and implement Local Coastal Programs (LCPs) that incorporate policies to enhance and protect sensitive coastal resources.

## Local

### City of Manhattan Beach General Plan

The following goals and policies from the City’s General Plan relate to biological resources, and biological resources impacts.

Goal CR-4: Preserve the existing landscape resources in the City and encourage the provision of additional landscaping.

Policy CR-4.1: Protect existing mature trees throughout the City and encourage their replacement with specimen trees whenever they are lost or removed.

Policy CR-4.4: Review the tree ordinance to consider its application citywide and to determine the need to strengthen tree preservation criteria.

Policy CR-4.5: Discourage the reduction of landscaped open space and especially the removal of trees from public and private land.

Policy CR-4.6: Prepare lists of appropriate landscaping materials for the climate and encourage residents and businesses to use them.

Goal CR-5: Conserve and protect the remaining natural resources in Manhattan Beach.

Policy CR-5.1: Employ principles of a sustainable environment in the development, operation, and maintenance of the community, emphasizing the importance of respecting and conserving the natural resources.

## Manhattan Beach Municipal Code

### Tree Preservation

#### Chapter 7.32, Tree, Shrub, and Plant Regulations

Chapter 7.32 establishes regulations for trees, shrubs, and plants located on sidewalks, medians, or elsewhere in the public right of way. This chapter sets forth measures related to proper selection of species, conditions of protected status, preservation, required permits and fees, and other general provisions related to care, maintenance, and overall aesthetic quality trees, shrubs, and plants in public spaces.

#### Section 10.52.120, Tree preservation and restoration in residential zones, Area Districts I and II.

Regulations provided for in the Section 10.52.120 (Tree Ordinance) are designed to preserve and enhance the existing healthy tree canopies on individual residential properties as well as the overall neighborhood. The design of residences, including grading, driveways, walkways, patios, utilities and right-of-way improvements, are required to consider and accommodate existing healthy protected trees, as reasonably feasible. For the purposes of this section a “protected tree” is defined as: any species of tree, (excluding deciduous fruit-bearing trees and *Washingtonia* species palms) the trunk of which is located at least partially within the required front yard or street side yard (on corner lots) of a site, with a trunk diameter of twelve inches (12”) or greater or multiple trunks totaling twelve inches (12”) in diameter or greater at a height of four and one-half feet (4.5’) from existing grade; and any replacement tree required. The Tree Ordinance requires any person desiring to remove or relocate one or more protected trees must obtain a Tree Permit from the Community Development Department’s Planning Division. In addition, replacement trees are required for any protected tree removed.

#### City of Manhattan Beach Local Coastal Program

The LCP contains the foundation policy for protection of coastal resources. Prepared by the City, this program governs decisions that determine the short- and long-term conservation and use of coastal resources. While the LCP reflects the unique characteristics of Manhattan Beach, the LCP must also be consistent with the Coastal Act goals and policies. The Coastal Act requires consistency between the LCP and General Plan. In those circumstances where an issue is addressed by both the LCP and General Plan, the terms of the LCP should prevail.

### 3.4.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IV. BIOLOGICAL RESOURCES – Would the project:</b>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

**Less Than Significant Impact.** The HEU would not have a substantial adverse effect on special-status species because the sites identified as appropriate for accommodating the City’s 6<sup>th</sup> Cycle RHNA allocation, consisting entirely of urban and semi-urban underutilized parcels, are disturbed, developed, and lack

suitable habitat for special-status species. The potential for any known sensitive species to occur on any parcels identified in the sites analysis as being suitable to accommodate the City's 6<sup>th</sup> Cycle RHNA allocation is very low. In addition, for sites located within the LCP area boundary, the CCA and the LCP are designed to protect sensitive areas from development, including the protection, enhancement, and restoration of environmentally sensitive habitats, such as habitat for rare or endangered plants or animals. Any future development under the HEU within the LCP area boundary will be required to comply with applicable LCP and CCA requirements.

The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Although the policies and objectives of the HEU facilitate residential development to meet the City's 6<sup>th</sup> Cycle RHNA allocation, the HEU would not alter any local, regional, State, or Federal biological protection standards, nor would they alter the City's existing general plan policies related to protection and preservation of sensitive biological resources. The HEU would not have a substantial adverse effect, either directly or through habitat modifications, on any candidate, sensitive, or special status species. Therefore, the HEU would have a less than significant impact on biological resources, and no mitigation is required.

- b) ***Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

**Less Than Significant Impact.** The HEU would not have a substantial adverse effect on riparian habitats or other sensitive natural communities identified in local or regional plans, policies, or regulations, by California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS) because, as per the City of Manhattan Beach General Plan EIR (2003) there are no riparian habitats or other sensitive habitat conservation areas in the City. Vegetation throughout the City consists primarily of ornamental plantings that do not constitute a sensitive natural community. Several underutilized parcels identified in the HEU sites analysis are located within the LCP area boundary, where impacts to sensitive coastal resources are of particular concern. However, the CCA, LCP and General Plan have been designed to protect sensitive areas from development, including the protection, enhancement and restoration of environmentally sensitive habitats and habitat for rare or endangered plants or animals. Other environmentally sensitive areas outside of the LCP area boundary are generally zoned and protected as parklands (City of Manhattan Beach 2014). Additionally, General Plan Goal CR-5 and Policy CR-5.1 would require the programs proposed in the HEU to conserve and protect the remaining natural resources in the City and employ principles of a sustainable environment in the development, and maintenance of the community, emphasizing the importance of respecting and conserving the natural resources.

The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in and of itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. Future residential development to meet the RHNA allocation is expected to be located on infill sites within urbanized areas where little or no native vegetation exists and where little potential exists for the occurrence of sensitive species habitat, riparian habitat, a sensitive natural community, federally protected wetlands, or wildlife corridors or nursery sites. The HEU would not have a substantial adverse effect on any riparian habitat or other sensitive natural community. As such, the HEU would have a less than significant impact on biological resources, and no mitigation is required.

- c) ***Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

**No Impact.** The HEU would not have a substantial adverse effect on state or federally protected wetlands because there are no wetlands located within the City (City of Manhattan Beach 2003b). The HEU would not alter any local, regional, state, or Federal biological protection standards, nor would it alter the existing General Plan, LCP, or CCA policies related to protection and preservation of sensitive biological resources.

The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in and of itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. Although the policies and objectives of the HEU facilitate housing, any new housing would have to comply with all current biological preservation policies, standards, and regulations. The proposed HEU does not encourage housing or development to be located within wetlands, riparian areas, or any other type of sensitive habitat areas. Therefore, the HEU would have no impact on state or federally protected wetlands.

- d) ***Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

#### Native Resident or Migratory fish

**No Impact.** The parcels identified in the HEU's sites analysis as having potential to accommodate the City's 6<sup>th</sup> Cycle RHNA allocation do not support any waters of the United States, waters of the State, or wetlands under the jurisdiction of the Regional Water Quality Control Board, or any associated riparian habitat under the jurisdiction of CDFW (City of Manhattan Beach 2003b). As such, no impact to any migratory fish would occur.

#### Native Resident Wildlife Species

**Less Than Significant Impact.** The City is located within an urban and semi-urban area that is highly disturbed, contains numerous buildings, and, although partially located within the LCP boundary area, does not contain any major bodies of water or undisturbed open space areas that could contain or support habitat for native resident wildlife species. The City cannot be characterized as an undisturbed open space area which could potentially support native wildlife species. Thus, the HEU would have a less than significant impact on native resident wildlife species, and no mitigation is required.

#### Migratory Wildlife Species

**Less Than Significant Impact.** The City is located in an urban area that contains numerous buildings, which would likely discourage stops by substantial numbers of migrating birds. However, the City does contain trees and shrubs that may support nesting sites for migratory wildlife bird species during nesting season. Nesting activity typically occurs from February 15 to August 31 (January 15 to August 31 for raptors). Disturbing or destroying active nests is a violation of the MBTA. In addition, nests and eggs are

protected under Fish and Game Code Section 3503, and the removal of vegetation during the nesting season is considered a significant impact due to potential effects on active nests. Any future development facilitated by adoption of the HEU and requiring removal of trees or shrubs during nesting season, would be required to comply with the MBTA. Compliance would require that, prior to any vegetation removal activities during the nesting season, a biological monitor would conduct a preconstruction nesting bird survey. If nesting bird surveys are conducted prior to any ground-disturbing activities, and none are present, impacts to nesting birds are not expected.

The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. Future residential development to meet the RHNA allocation is expected to be located on infill sites within urbanized areas where little or no native vegetation exists and where little potential exists for the occurrence of established native resident or migratory wildlife corridors or nurseries. And any future development would be required to comply with State and federal requirements related to migratory birds. As such, impacts would be less than significant, and no mitigation is required.

- e) ***Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

**Less Than Significant Impact.** Under the existing conditions, the areas identified in the HEU sites analysis as having potential to accommodate the City's 6<sup>th</sup> Cycle RHNA allocations consist of underutilized urban and semi-urban sites with paved surfaces and buildings surrounded by existing development. Landscaping in these areas consists primarily of discontinuous areas of ornamental groundcover, trees, and shrubs. Any tree removal required by future residential development facilitated by HEU programs would be required to comply with MBMC tree preservation policies, including Chapter 7.32, Tree, Shrub, and Plant Regulations, which establishes regulations for trees, shrubs, and plants located on sidewalks, medians, or elsewhere in the public right of way, as well as the City's Tree Ordinance (Section 10.52.120), which requires tree removal permits and replacement of protected tree species.

The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in and of itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. Future residential development to meet the RHNA allocation is expected to be located on infill sites within urbanized areas and would not alter any local, regional, State, or Federal biological protection standards, nor would the HEU adoption alter the City's existing policies or ordinances protecting biological resources. Therefore, the HEU would not conflict with any local policies or ordinances protecting biological resources. Any impacts to biological resources would be less than significant, and no mitigation is required.

- f) ***Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

**No Impact.** The HEU involves the adoption of a policy document which would not conflict with the provisions of an adopted Habitat Conservation Plan (HCP), natural community conservation plan, or other approved local, regional, or state HCP because there are no designated HCPs or natural community conservation plans within the City (CDFW 2021). As such, no impacts would occur.

### 3.4.4 References

California Department of Fish and Wildlife. 2021. Conservation Plan and Habitat Conservation Plan Boundaries. Updated September 2021. Accessed October 29, 2021. <https://apps.wildlife.ca.gov/bios/>

City of Manhattan Beach. 2003a. Final Environmental Impact Report, Manhattan Beach General Plan. Accessed October 29, 2021.

City of Manhattan Beach. 2003b. General Plan. Adopted 1988. Updated 2003. Accessed September 17, 2021. <https://www.manhattanbeach.gov/departments/community-development/planning-zoning/general-plan/final-general-plan>.

City of Manhattan Beach. 2014. City of Manhattan Beach Housing Element (2013-2021). Accessed October 29, 2021.

## 3.5 Cultural Resources

### 3.5.1 Environmental Setting

Manhattan Beach’s modern history began in 1888, when the first railroad spur (now Veterans Parkway) connected Redondo Beach Wharf to Downtown Los Angeles (City of Manhattan Beach 2003a, 2003b). The City’s most notable historic feature is the Manhattan Beach State Pier. The pier was originally constructed in 1901 and referred to as the “old iron pier.” The original pier was destroyed by a storm in 1913 and rebuilt in 1920. The 1920 pier was designed by City Engineer A.L. Harris. The roundhouse at the end of the pier was first constructed in 1922, which was considered a highly innovative design feature with helped mitigate wave and storm surge impacts (California State Parks 2021). However, seawater and annual storms damaged the pier severally in 1940 and again in 1980. The landmark was again reconstructed in 1956 and refurbished in 1990. It survives as Southern California’s oldest remaining example of early reinforced concrete pier construction, and as a California State Historical Monument (No. 1018, Manhattan Beach State Pier) (City of Manhattan Beach 2003a, 2003b).

Other prominent historical structures include several residential landmarks. Scott House, constructed in 1960 along the Strand, is an International style duplex currently listed under the California Register of Historical Resources (CRHR), while the residence located at 2820 Highland Avenue has been designated as a local historical landmark, in accordance with Chapter 10.86 of the Planning and Zoning Code. Other residential properties of historical interest include several cottages located in neighborhoods mainly in the western portion of the community, which were originally built as summer vacation homes in the early 1900s (City of Manhattan Beach 2003b, 2018), however, these cottages have not been recognized in any official capacity (Arroyo Resources 2018; City of Manhattan Beach 2019; OHP 2010).

## 3.5.2 Regulatory Setting

### Federal

#### National Register of Historic Places

The National Register of Historic Places (NRHP) is the United States' official list of districts, sites, buildings, structures, and objects worthy of preservation. Overseen by the National Park Service under the U.S. Department of the Interior, the NRHP was authorized under the National Historic Preservation Act (NHPA) as amended. Its listings encompass all National Historic Landmarks and historic areas administered by the National Park Service.

The National Park Service's guidance for the evaluation of historic significance were developed to be flexible and to recognize the accomplishments of all who have made significant contributions to the nation's history and heritage. The criteria are designed to guide state and local governments, federal agencies, and others in evaluating potential entries in the NRHP. To be listed in or determined eligible for listing in the NRHP, a property must be demonstrated to possess integrity and to meet at least one of the following criteria (36 CFR, Section 60.4):

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and;

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
2. That are associated with the lives of persons significant in our past; or
3. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. That have yielded, or may be likely to yield, information important in prehistory or history.

"Integrity" is defined in the National Park Service's National Register Bulletin "How to Apply the National Register Criteria" as "the ability of a property to convey its significance." *Id.* at 44. To be listed in the NRHP, a property must not only be shown to be significant under the NRHP criteria, but it also must have integrity" (NPS 1990). NRHP guidance further states that properties generally must be at least 50 years of age to be considered for eligibility. Properties completed less than 50 years before evaluation must be proven to be "exceptionally important" (criteria consideration G) to be considered for listing.

A historic property is defined as follows (36 CFR 800.16[i][1]):

Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the NRHP criteria.

## Secretary of the Interior's Standards for the Treatment of Historic Properties

The Secretary of the Interior's Standards are a series of concepts focused on maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. They function as common-sense historic preservation principles that promote historic preservation best practices. There are four distinct approaches that may be applied to the treatment of historical resources:

- Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
- Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
- Restoration depicts a property at a particular period of time in its history, while removing evidence of other periods.
- Reconstruction recreates vanished or non-surviving portions of a property for interpretive purposes.

The choice of treatment depends on a variety of factors, including the property's historical significance, physical condition, proposed use, and intended interpretation. The Guidelines provide general design and technical recommendations to assist in applying the Standards to a specific property. Together, the Standards and Guidelines provide a framework that guides important decisions concerning proposed changes to a historic property.

## Secretary's Standards for Rehabilitation

The following 10 Standards for Rehabilitation are used to determine if a project is in conformance with the Standards for a rehabilitation. To be in conformance, a project must be consistent with the historic character of the structure(s) and, where applicable, the district in which it is located. The following Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## State

### California Register of Historical Resources

In California, the term “historical resource” includes but is not limited to “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (California Public Resources Code, Section 5020.1[j]). In 1992, the California Legislature established the California Register of Historical Resources (CRHR) “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (California Public Resources Code, Section 5024.1[a]). The criteria for listing resources in the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the NRHP and are enumerated below. According to California Public Resources Code, Section 5024.1(c)(1–4), a resource is considered historically significant if it (i) retains “substantial integrity,” and (ii) meets at least one of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
2. Is associated with the lives of persons important in our past.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

To understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than 50 years old may be considered for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance (see 14 CCR 4852[d][2]).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are State landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

## California Environmental Quality Act

As described further below, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological, historic, and tribal cultural resources:

- California Public Resources Code, Section 21083.2(g), defines “unique archaeological resource.”
- California Public Resources Code, Section 21084.1, and CEQA Guidelines, Section 15064.5(a), define “historical resources.” In addition, CEQA Guidelines, Section 15064.5(b), defines the phrase “substantial adverse change in the significance of an historical resource.” It also defines the circumstances when a project would materially impair the significance of a historical resource.
- California Public Resources Code, Section 21074(a), defines “tribal cultural resources.”
- California Public Resources Code, Section 5097.98, and CEQA Guidelines, Section 15064.5(e), set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated cemetery.
- California Public Resources Code, Sections 21083.2(b) and (c), and CEQA Guidelines, Section 15126.4, provide information regarding the mitigation framework for archaeological and historic resources, including examples of preservation-in-place mitigation measures. Preservation in place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

## Historical Resources

Under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (California Public Resources Code, Section 21084.1; 14 CCR 15064.5[b]). If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historic resources or identified as significant in a historical resources survey (meeting the requirements of California Public Resources Code, Section 5024.1[q]), it is a “historical resource” and is presumed to be historically or culturally significant for purposes of CEQA (California Public Resources Code, Section 21084.1; 14 CCR 15064.5[a]). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (California Public Resources Code, Section 21084.1; 14 CCR 15064.5[a]).

A “substantial adverse change in the significance of an historical resource” reflecting a significant effect under CEQA means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (14 CCR 15064.5[b][1]; California Public Resources Code, Section 5020.1[q]). In turn, CEQA Guidelines, Section 15064.5(b)(2), states that the significance of an historical resource is materially impaired when a project:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g)

of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

3. Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

Pursuant to these sections, the CEQA inquiry begins with evaluating whether a project site contains any historical resources, then evaluates whether the project would cause a substantial adverse change in the significance of a historical resource such that the resource's historical significance would be materially impaired.

### Relationship with the Secretary of the Interior's Standards for the Treatment of Historic Properties

Under the California Code of Regulations, where a project has been determined to conform with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the project's impact on historical resources would be considered mitigated to below a level of significance and, thus, not significant (14 CCR 15126.4[b][1]). In most cases, a project that demonstrates conformance with the Secretary of the Interior's Standards is categorically exempt from CEQA (14 CCR 15331), as described in the CEQA Guidelines (14 CCR 15126.4[b][1]):

Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Weeks and Grimmer 1995), the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.

As discussed above in Section 3.5.2, Regulatory Settings, the Secretary of the Interior's Standards are a series of concepts focused on maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. They function as common-sense historic preservation principles that promote historic preservation best practices. The Standards encourage historic resources be approached with the basic objectives of preservation, rehabilitation, restoration, or reconstruction. The choice of treatment depends on a variety of factors, including the property's historical significance, physical condition, proposed use, and intended interpretation. The Guidelines provide general design and technical recommendations to assist in applying the Standards to a specific property. Together, the Standards and Guidelines provide a framework that guides important decisions concerning proposed changes to a historic property.

### Unique Archaeological Resources

If it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require that reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (California Public Resources Code, Sections 21083.2[a], [b], and [c]).

California Public Resources Code, Section 21083.2(g), defines a "unique archaeological resource" as an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Impacts to non-unique archaeological resources are generally not considered a significant environmental impact (California Public Resources Code, Section 21083.2[a]; 14 CCR 15064.5[c][4]). However, if a non-unique archaeological resource qualifies as Tribal cultural resource (California Public Resources Code, Sections 21074[c] and 21083.2[h]), further consideration of significant impacts is required. CEQA Guidelines, Section 15064.5, assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are detailed in California Public Resources Code, Section 5097.98.

#### Section 7050.5 of the California Health and Safety Code

Section 7050.5 of the California Health and Safety Code states that it is a misdemeanor to knowingly disturb a human grave. In the unlikely event that human graves are encountered, work should halt in the vicinity and the County Coroner should be notified immediately. At the same time, an archeologist should be contacted to evaluate the situation and grave. If the human remains are determined to be of Native American origin, the Coroner must contact the NAHC within 24 hours of identification.

### Local

#### City of Manhattan Beach General Plan

The following goal and policies within the City's General Plan are related to cultural resources:

Goal LU-4: Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics.

Policy LU-4.4: Encourage the preservation and enhancement of unique residential homes and buildings throughout Manhattan Beach to preserve the culture and history of the City.

Policy LU-4.5: Encourage measures that recognize and work to protect buildings, landscaping, and other features important to the City's history.

Policy LU-4.6: When public improvements are made, they should preserve and maintain distinctive neighborhood characteristics.

#### Manhattan Beach Municipal Code

##### **Chapter 10.86, Historic Preservation**

The purpose of the Chapter 10.86 (Historic Preservation Ordinance) is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of improvements, buildings, structures, objects, sites, and features that represent the City's architectural, cultural, social, historical, and political heritage. A main component of the ordinance is to preserve diverse and significant

architectural styles and property types, safeguard the City's heritage and small-town beach atmosphere by encouraging the identification, recognition, and protection of landmarks representing significant elements of the City's history and culture, and adopting incentives that promote the preservation and rehabilitation of historic properties. Regulations include establishing conservation districts, inventorying and establishing criteria for dedication of historic resources, maintaining a historic register, requiring certificates of appropriateness, and enforcing penalties for ordinance violations. As provided, in Section 10.86.070(D), sites in the City are eligible for dedication as historic landmarks and/or if they have yielded or have the potential to yield information important to the prehistory or history of the city, region, State, or nation.

### 3.5.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>V. CULTURAL RESOURCES – Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**a) *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?***

**Less Than Significant Impact.** As discussed under Environmental Setting, the City's most notable a historic feature is the Manhattan Beach State Pier, which is designated as a California State Historical Monument (No. 1018, Manhattan Beach State Pier) (City of Manhattan Beach 2003a, 2003b). California State Historical Monuments are buildings, structures, sites, or places that have been determined to have statewide historical significance. The Manhattan Beach State Pier is also listed in the CRHR (see Section 3.5.2, Regulatory Settings). The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources.

The City's other notable historical structures include Scott House, an International style duplex, which is also listed in the CHRH. In addition, the residence located at 2820 Highland Avenue has recently been designated as a local historical landmark by the City, in accordance with Chapter 10.86 of the Planning and Zoning Code, which would require any adjacent projects acquire a Certificate of Appropriateness from the City in order to break ground on construction. Finally, the City 's historical resources include several coastal residential cottages, which were originally built as summer vacation homes in the early 1900s (City of Manhattan Beach 2003b, 2018, however, these cottages are not recognized or protected as historic resources in any official capacity (Arroyo Resources 2018; City of Manhattan Beach 2019; OHP 2010).

The City has long been committed to the maintenance and preservation of its residential neighborhood (City of Manhattan Beach 2014.). This commitment would not change as a result of adoption of the HEU. The City's General Plan, as well as the HEU, aims to preserve and maintain residential neighborhoods and to protect residential neighborhoods from the intrusion of incompatible and character-changing uses, including any protecting any structure, residential or otherwise, of noted historical or cultural significance. Preservation of the City's historic resources is further upheld via required conformance with Chapter 10.86, Historic Preservation, of the MBMC, which aims to safeguard the City's heritage and small-town beach atmosphere by encouraging the identification, recognition, and protection of landmarks representing significant elements of the City's history and culture.

The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in and of itself, produce environmental impacts. Implementation of the programs contained in the document would facilitate development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. While new housing could be constructed on sites containing historic resources, the existing regulatory framework would ensure that all impacts to historic resources from future development are less than significant. The HEU would not change or alter policies to protect and/or review historic resources and would not cause a substantial adverse change in the significance of historical resources. Therefore, impacts would be less than significant, and no mitigation is required.

**b) *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?***

**Less Than Significant Impact.** According to Chapter 10.86, Historic Preservation, of the MBMC, "prehistory" refers to the period in history prior to the advent of written records, revealed through archaeological and paleontological discoveries and analysis. As provided, in Section 10.86.070(D), sites in the City are eligible for dedication as historic landmarks if they have yielded or have the potential to yield information important to the prehistory or history of the city, region, state, or nation.

In addition to local protections, and pursuant to the California Public Resources Code, if it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require that reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (California Public Resources Code, Sections 21083.2[a], [b], and [c]).

The City is virtually built out and does not contain any known archaeological or paleontological resources (City of Manhattan Beach 2003b). As such, the potential for uncovering significant resources during any construction activity is considered remote, given that no such resources have been discovered during past development and that all new development facilitated by the HEU would occur on previously developed sites (City of Manhattan Beach 2003b).

The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in and of itself, produce environmental impacts. Implementation of the programs contained in the document would facilitate development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. In the unlikely event that new housing accommodated by the HEU would ultimately be constructed on sites containing archeological resources, project level review as required under CEQA would ensure that all impacts to these resources are less than significant. The HEU

would not change or alter policies to protect and/or review archaeological resources and would not cause a substantial adverse change in the significance of archaeological resources. Therefore, impacts would be less than significant, and no mitigation is required.

c) ***Would the project disturb any human remains, including those interred outside of formal cemeteries?***

**Less Than Significant Impact.** Manhattan Beach is virtually built out, and the potential for uncovering significant cultural resources during any construction activity, including the discovery of human remains outside of formal cemeteries, is considered remote (City of Manhattan Beach 2003b). Therefore, it is not expected that human remains would be disturbed as a result of implementation of the HEU. However, the possibility of encountering human remains exists. In the unexpected event that human remains are unearthed during future construction activities facilitated by the HEU, impacts would be potentially significant. In the unlikely event that human remains are inadvertently encountered by future residential development accommodated by the adoption of the HEU, such resources would be treated in accordance with State and local regulations that provide requirements with regard to the accidental discovery of human remains, including California Health and Safety Code Section 7050.5, California Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e). Project level review, as individual development projects are identified, as required under CEQA would ensure that all impacts to these human remains are less than significant. The HEU would not change or alter policies to protect and/or review historic resources. Therefore, the HEU would not disturb any human remains, impacts would be less than significant, and no mitigation is required.

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## 3.6 Energy

### 3.6.1 Environmental Setting

#### Electricity

According to the U.S. Energy Information Administration (EIA), California used approximately 25,379 gigawatt hours of electricity in 2019 (EIA 2020a). By sector in 2019, commercial uses utilized 46% of the State’s electricity, followed by 35% for residential uses, and 19% for industrial uses. Electricity usage in California for differing land uses varies substantially by the type of uses in a building, type of construction materials used in a building, and the efficiency of all electricity-consuming devices within a building.

Clean Power Alliance (CPA) provides electricity to the City. CPA began operations in 2017, with the City joining in December 2017. CPA serves over three million people and provides 100% Green Energy more than any other electricity provider in the country. Thirty-two communities across Los Angeles and Ventura counties have opted for clean power through CPA. The City of Manhattan Beach homes and businesses transitioned to 100% renewable energy beginning October 2021 (City of Manhattan Beach 2021).

#### Natural Gas

According to the California Energy Commission (CEC), California used approximately 20,748 million therms<sup>11</sup> of natural gas in 2020 (EIA 2020b). The Southern California Gas Company (SoCalGas) provides the City with natural gas service. The territory serviced by SoCalGas encompasses approximately 20,000 square miles and more than 500 communities. In the California Energy Demand mid-energy demand scenario, natural gas demand is projected to have an annual growth rate of 0.03% in SoCalGas’s service territory. As of 2019, approximately 4.2 billion cubic feet per day were used in SoCalGas’s service area per year (California Gas and Electric Utilities 2020). This amount is approximately equivalent to 4.18 billion thousand British thermal units (kBtu) per day or 41.8 million therms per day. Over the course of a year, the available capacity would therefore be 9.1 billion therms per year, which is well above the existing and future anticipated natural gas demand in the area serviced by SoCalGas.

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<sup>11</sup> One therm is equal to 100,000 BTU or 100 kBtu.

## Petroleum

According to the CEC, California used approximately 27.8 billion gallons of petroleum in 2019 (EIA 2020c). This equates to a daily use of approximately 76 million gallons of petroleum. By sector, transportation uses utilize approximately 85.4% of the State's petroleum, followed by 10.9% from industrial, 2.6% from commercial, 1.0% from residential, and 0.01% from electric power uses (EIA 2020c). In California, petroleum fuels refined from crude oil are the dominant source of energy for transportation sources. Petroleum usage in California includes petroleum products such as motor gasoline, distillate fuel, liquefied petroleum gases, and jet fuel. California's March 19, 2020, stay-at-home order resulted in an unprecedented drop in travel across all modes, with an accompanying drop in fuel demand. Demand for gasoline decreased 45% in April 2020 – the lowest demand level since 1968 (CEC 2020).

### 3.6.2 Regulatory Setting

#### Federal

##### Federal Energy Policy and Conservation Act

In 1975, Congress enacted the Federal Energy Policy and Conservation Act, which established the first fuel economy standards for on-road motor vehicles in the United States. Pursuant to the act, the National Highway Traffic Safety Administration is responsible for establishing additional vehicle standards. In 2012, new fuel economy standards for passenger cars and light trucks were approved for model years 2017 through 2021 (77 FR 62624–63200). Fuel economy is determined based on each manufacturer's average fuel economy for the fleet of vehicles available for sale in the United States.

##### Energy Independence and Security Act of 2007

On December 19, 2007, the Energy Independence and Security Act of 2007 (EISA) was signed into law. In addition to setting increased corporate average fuel economy standards for motor vehicles, the EISA includes the following other provisions related to energy efficiency:

- Renewable Fuel Standard (RFS) (Section 202)
- Appliance and Lighting Efficiency Standards (Sections 301–325)
- Building Energy Efficiency (Sections 411–441)

This federal legislation (the RFS) requires ever-increasing levels of renewable fuels to replace petroleum (EPA 2017). The U.S. Environmental Protection Agency is responsible for developing and implementing regulations to ensure that transportation fuel sold in the United States contains a minimum volume of renewable fuel. The RFS program regulations were developed in collaboration with refiners, renewable fuel producers, and many other stakeholders.

#### State

##### SB 100

SB 100 (2018) increased the standards set forth in SB 350. The bill establishes that 44% of the total electricity sold per year to retail customers in California be secured from qualifying renewable energy sources by December 31, 2024, with that number increasing to 52% by December 31, 2027, and 60% by December 31, 2030. SB 100

states that it is the policy of the state that eligible renewable energy resources and zero-carbon resources supply 100% of the retail sales of electricity to California. This bill requires that the achievement of 100% zero-carbon electricity resources do not increase the carbon emissions elsewhere in the western grid and that the achievement not be achieved through resource shuffling.

### California Building Standards

Part 6 of Title 24 of the California Code of Regulations was established in 1978 and serves to enhance and regulate California's building standards. Part 6 establishes energy efficiency standards for residential and non-residential buildings constructed in California to reduce energy demand and consumption. Part 6 is updated periodically to incorporate and consider new energy efficiency technologies and methodologies. The 2019 Title 24 standards are the currently applicable building energy efficiency standards and became effective on January 1, 2020. The 2019 Title 24 Building Energy Efficiency Standards would further reduce energy used and associated GHG emissions compared to prior standards. In general, single-family residences built to the 2019 standards are anticipated to use approximately 7% less energy due to energy efficiency measures than those built to the 2016 standards; once rooftop solar electricity generation is factored in, single-family residences built under the 2019 standards would use approximately 53% less energy than those under the 2016 standards (CEC 2018). Nonresidential buildings built to the 2019 standards are anticipated to use an estimated 30% less energy than those built to the 2016 standards (CEC 2018).

### State Vehicle Standards

In response to the transportation sector accounting for more than half of California's carbon dioxide emissions, AB 1493 was enacted in 2002. Assembly Bill (AB) 1493 required CARB to set GHG emissions standards for passenger vehicles, light-duty trucks, and other vehicles determined by the State board to be those whose primary use is noncommercial personal transportation in the state. The bill required that CARB set GHG emissions standards for motor vehicles manufactured in 2009 and all subsequent model years. The 2009 through 2012 standards resulted in a reduction in approximately 22% of GHG emissions compared to emissions from the 2002 fleet, and the 2013 through 2016 standards resulted in a reduction of approximately 30%.

In 2012, CARB approved a new emissions-control program for model years 2017 through 2025. The program combines the control of smog, soot, and global-warming gases with requirements for greater numbers of zero-emissions vehicles into a single package of standards called Advanced Clean Cars. By 2025, when the rules would be fully implemented, new automobiles would emit 34% fewer global-warming gases and 75% fewer smog-forming emissions (CARB 2011).

### Sustainable Communities Strategy

The Sustainable Communities and Climate Protection Act of 2008, or SB 375, coordinates land use planning, regional transportation plans, and funding priorities to help California meet its GHG emissions reduction mandates. As codified in California Government Code Section 65080, SB 375 requires metropolitan planning organizations (e.g., Southern California Association of Governments) to include a Sustainable Communities Strategy in their regional transportation plan. The main focus of the Sustainable Communities Strategy is to plan for growth in a fashion that will ultimately reduce GHG emissions, but the strategy is also part of a bigger effort to address other development issues, including transit and vehicle miles traveled (VMT), which influence the consumption of petroleum-based fuels.

## Regional/Local

### City of Manhattan Beach General Plan

The following goals and policies related to energy are applicable to the HEU.

Goal CR-5: Conserve and protect the remaining natural resources in Manhattan Beach.

Policy CR-5.1: Employ principles of a sustainable environment in the development, operation, and maintenance of the community, emphasizing the importance of respecting and conserving the natural resources.

Policy CR-5.3: Encourage water conservation, including landscaping with drought-tolerant plants, use of reclaimed water, and recycling of cooling system water, in all development.

Policy CR-5.5: Support expanded use of reclaimed water.

Policy CR-5.6: Encourage drainage designs which retain or detain stormwater run-off to minimize volume and pollutant concentrations.

Policy CR-5.7: Encourage the use of energy-saving designs and devices in all new construction and reconstruction.

Policy CR-5.8: Encourage utilization of “green” approaches to building design and construction, including use of environmentally friendly interior improvements.

Policy CR-5.10: Encourage and support the use of alternative fuel vehicles, including support of charging or “fueling” facilities.

Policy CR-5.11: Support sustainable building practices.

### 3.6.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact										
<ul style="list-style-type: none"> <li>▪ <b>VI. Energy</b> – Would the project:                             <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td>b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> </li> </ul>					a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>										
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>										

- a) *Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*

**Less Than Significant Impact.** Future development envisioned under the HEU would increase the demand for electricity, natural gas, and petroleum during both construction and operations. Energy use during construction associated with new development projects under the HEU is anticipated to be in the form of fuel consumption (e.g., gasoline and diesel fuel) to operate heavy equipment, light-duty vehicles, machinery, and generators for lighting. In addition, temporary grid power may also be provided to construction trailers or electric construction equipment. Energy use during the construction of individual projects would be temporary in nature, and equipment used would be typical of construction projects in the region. In addition, construction contractors would be required to demonstrate compliance with applicable CARB regulations that restrict the idling of heavy-duty diesel motor vehicles and govern the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off-road equipment.

Construction activities associated with development under the HEU would be required to utilize fuel-efficient equipment consistent with State and federal regulations and would comply with State measures to reduce the inefficient, wasteful, or unnecessary consumption of energy. In addition, individual projects would be required to comply with construction waste management practices to recycle 65% of construction and demolition debris per Chapter 5.26 of the City Code (City of Manhattan Beach 2017). Developers would be required to complete the Construction and Demolition Waste Management Plan and Construction Management and Parking Plan forms and use City-approved haulers to remove mixed construction debris.

Long-term operation of new development projects under the HEU would require electricity and natural gas service to power internal and exterior building lighting, and heating and cooling systems. As previously discussed, given the already built-out nature of the City and lack of substantial vacant land, future residential projects that may be expected to be located on infill sites, which would be already served by energy providers. The HEU would also prioritize future development projects close to high quality transit areas and existing commercial/retail, recreational, and institutional land uses, which would reduce trip distances and encourage the use of alternative modes of transportation such as bicycling and walking. This would help reduce new development projects consumption of petroleum.

New development projects under the HEU would be subject to the energy conservation requirements of the California Energy Code (Title 24, Part 6 of the California Code of Regulations, California's Energy Efficiency Standards for Residential and Nonresidential Buildings), the California Green Building Standards Code (CALGreen, Title 24, Part 11 of the California Code of Regulations). The California Energy Code provides energy conservation standards for all new and renovated commercial and residential buildings constructed in California. This Code applies to the building envelope, space-conditioning systems, and water-heating and lighting systems of buildings and appliances and provides guidance on construction techniques to maximize energy conservation. Minimum efficiency standards are given for a variety of building elements, including appliances; water and space heating and cooling equipment; and insulation for doors, pipes, walls, and ceilings. The Code emphasizes saving energy at peak periods and seasons and improving the quality of installation of energy efficiency measures. CALGreen sets targets for energy efficiency; water consumption; dual plumbing systems for potable and recyclable water; diversion of construction waste from landfills; and use of environmentally sensitive materials in construction and design, including eco-friendly flooring, carpeting, paint, coatings, thermal insulation, and acoustical wall and ceiling panels. Future projects built under the HEU would promote energy efficiency and renewable energy through

implementation of General Plan policies such as CR-5.1, CR-5.3, CR-5.7, CR-5.8, and CR-5.10 in addition to HEU Program 13, which encourages energy conservation and energy efficiency, as well as Program 27, which encourages the use of solar panels by providing incentives. These measures would require new construction to have buildings that meet and incorporate energy-saving designs and green building techniques, the promotion of electric vehicle infrastructure, and encourage the use of alternative energy sources such as from solar.

Based on the above information, the HEU would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy and would not be inconsistent with existing energy standards. Therefore, impacts from the HEU would be less than significant, and no mitigation is required.

**b) *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?***

**Less Than Significant Impact.** Private electrical and natural gas utility companies provide service to customers in the City of Manhattan Beach. Implementation of the HEU could result in new housing that addresses the City's 6<sup>th</sup> Cycle RHNA allocation and the City's policies supporting affordable and workforce housing. The rezoning of the opportunity sites would accommodate high density, infill, and mixed-use development located in an urbanized area. The power exists to these sites due to previous use and/or surrounding urban development. Furthermore, new development projects proposed under the HEU would comply with the most current Title 24 California Building Code/Code of Regulations (2019), CAL Green Code, California Green Building Standards Code, and 2019 energy standards at the time of building construction, as amended by the State of California. Projects would also be required comply with all current Title 24 energy requirements.

In addition to being subject to the aforementioned Statewide regulatory requirements, any future housing accommodated by the HEU would be subject to goals and policies provided in the City's General Plan, particularly Goal CR-5 and associated policies, which require that proposed projects conserve and protect the remaining natural resources of the City. This Goal facilitates the expanded use of renewable energy and efficiency, as required by Policies 5.3 and 5.5 (encouraging water conservation and increased reliance on reclaimed water), and Policies 5.7 and 5.8 (encouraging "green building" practices, and the use of energy saving designs and devices in all new construction and redevelopment). Further, Policy 5.10 (encouraging the use of alternative fuel vehicles including support of charging or "fueling" facilities), would contribute to any additional residents accommodate by the HEU decreasing their dependence of high energy fossil fuels.

During both construction and operation of the future projects would comply with all state regulations related to solid waste generation, storage, and disposal, including the California Integrated Waste Management Act, as amended. During construction, all waste generated would be recycled to the maximum extent possible. Therefore, the HEU would not obstruct a State or local plan for renewable energy or energy efficiency and would result in less than significant impacts associated with energy.

### 3.6.4 References

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## 3.7 Geology and Soils

### 3.7.1 Environmental Setting

#### Topography

Topographically, the City consists of a variety of slopes and level surfaces. Elevations within the City range from sea level at the ocean to 240 feet in the southern neighborhoods. The land adjacent to the beaches slopes up, reflecting the sand dunes that used to encompass this area of the City and creating a shallow ridge, while the remaining properties have subtle slopes (City of Manhattan Beach 2003a).

#### Soils

Manhattan Beach lies within the Los Angeles Basin geological region (City of Manhattan Beach 2003a). Geologic formations underlying the city consist largely of nonmarine (inland) and marine (coastal) alluvial lake, playa, and terrace deposits, which are characterized by sandy and clay-like soils (CGS 2010, City of Manhattan Beach 2003a). These types of soils present a low level of risk in terms of landslides or slope failure (City of Manhattan Beach 2003a).

#### Seismic Hazards

##### Active Faults

Areas with seismic (earthquake) hazards are identified by earthquake fault zones as established by the Alquist-Priolo Earthquake Fault Zone Act of 1972. The California Geological Survey (CGS; formerly the California Division of Mines and Geology [CDMG]) classifies faults as active, potentially active, or inactive according to standards developed for implementation of the Alquist-Priolo Earthquake Fault Zone Act. A fault that has exhibited surface displacement within the Holocene Epoch (the last 11,000 years) is defined as active. A fault that has exhibited surface displacement during Quaternary time (i.e., within the past 1.6 million years) but that cannot be proven to have moved or not moved during Holocene time is defined as potentially active. According to the City's General Plan (2003) there are no known active Alquist-Priolo Earthquake Fault Zones in the City, however, the City does lie directly above a known thrust fault,<sup>12</sup> and is less than 50-miles away from the San Andreas Fault, a 400-mile northwest-southeast running fault capable of producing earthquakes with a magnitude of 8 or greater on the Richter scale (City of Manhattan Beach 2003b). Numerous other fault lines have been identified in Southern California that could also have a significant impact on Manhattan Beach. These faults include Newport-Inglewood, Whittier, Chatsworth, Hollywood, Los Alamitos, and Palos Verdes (City of Manhattan Beach 2003b).

##### Surface Fault Ruptures

Surface rupture involves the displacement and cracking of the ground surface along a fault trace. Surface ruptures are visible instances of horizontal or vertical displacement, or a combination of the two, typically confined to a narrow zone along the fault. Surface rupture is more likely to occur in conjunction with active fault segments where earthquakes are large, or where the location of the movement (earthquake hypocenter) is shallow. The Alquist-

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<sup>12</sup> The Compton Thrust Fault does not rupture all the way up to the surface; it is "buried" under the uppermost layers of rock in the earth's crust (City of Manhattan Beach 2003a) This type of fault is not recognized on the Seismic Hazard Zone Map as a fault hazard zone (CDOC 2021).

Priolo Earthquake Fault Zoning Act of 1972 (the Act) regulates development near Holocene-active faults to address the hazard of surface fault rupture. This Act requires the State Geologist to establish regulatory zones (known as Alquist-Priolo Special Study Fault Zones) around the surface traces of Holocene-active faults and to issue appropriate maps (CGS 2018). The City is not located within an Alquist-Priolo Earthquake Fault Zone (City of Manhattan Beach 2003a, 2003b, CGS 2021). As such, the potential for surface rupture due to fault displacement beneath the City is considered very low (City of Manhattan Beach 2003b).

### Groundshaking

Groundshaking (or seismic shaking) caused by fault movement during an earthquake has the potential to result in the damage or destruction of buildings, infrastructure, and possible injury or loss of life. Groundshaking may occur as a result of movement along a fault located within the city or along a more distant fault. The intensity of groundshaking in a particular area is dependent on several factors, including the earthquake magnitude, the distance from the epicenter, the duration of strong ground motion, local geologic conditions, and the fundamental period of the structure. Groundshaking can also trigger secondary seismic phenomena, such as liquefaction, lateral spreading, seismically induced settlement and slope instability, tsunami and seiche, and other forms of ground rupture and seismic responses. Manhattan Beach is subject to ground shaking in the event of a major seismic event, as is most of Southern California (City of Manhattan Beach 2003a).

### Liquefaction

Liquefaction is a phenomenon in which the strength and stiffness of a soil is reduced by earthquake shaking. Soils transform from a solid to a liquid state as a result of rapid loss of shear strength and increased pore water pressure induced by earthquake vibrations. According to the Seismic Hazard Zones Map, Venice Quadrangle, an area where liquefaction has occurred, or conditions indicate a potential occurrence within Manhattan Beach is limited to a strip of coastal sands along the ocean (City of Manhattan Beach 2003a). None of the existing or potential parcels identified as having the capacity to accommodate the City's 6<sup>th</sup> Cycle RHNA allocation are located on a liquefaction hazard zone (CDOC 2021).

### Landslide Hazards

Landslides are fast, downward movement of earth and rock materials. Some landslides are caused by the infiltration of water into unstable material. Other landslides are earthquake-induced landslides consisting of rock falls and debris flow. Areas with the potential for earthquake-induced landslides generally occur in areas of previous landslide movement, or where topographic, geological, geotechnical, and subsurface water conditions indicate a potential for permanent ground displacement. Manhattan Beach lies within the Los Angeles Basin geological region and is underlain with deposits characterized by sand and clay-like soils. These soil types present a low level of risk in terms of landslides or slope failure (City of Manhattan Beach 2003a). The Seismic Hazard Zones Map, Venice Quadrangle, identifies a small portion of land in the northwest corner of the city that experienced previous landslide movement or local conditions indicate a potential ground displacement occurrence. (City of Manhattan Beach 2003a), however, the areas identified in the sites analysis as having the potential to accommodate the City's 6<sup>th</sup> Cycle RHNA allocation are not underlain by a landslide hazard zone (CDOC 2021).

## 3.7.2 Regulatory Setting

### Federal

#### Earthquake Hazards Reduction Act

In October 1977, the U.S. Congress passed the Earthquake Hazards Reduction Act to reduce the risks to life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazards reduction program. To accomplish this goal, the act established the National Earthquake Hazards Reduction Program. This program was substantially amended in November 1990 by the National Earthquake Hazards Reduction Program Act, which refined the description of agency responsibilities, program goals, and objectives.

The mission of the National Earthquake Hazards Reduction Program includes improved understanding, characterization, and prediction of hazards and vulnerabilities; improved building codes and land use practices; risk reduction through post-earthquake investigations and education; development and improvement of design and construction techniques; improved mitigation capacity; and accelerated application of research results. The National Earthquake Hazards Reduction Program Act designates the Federal Emergency Management Agency as the lead agency of the program and assigns several planning, coordinating, and reporting responsibilities. Other National Earthquake Hazards Reduction Program Act agencies include the National Institute of Standards and Technology, National Science Foundation, and the U.S. Geological Survey.

### State

#### Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Act (California Public Resources Code [PRC] Sections 2621–2630) was passed in 1972 to mitigate the hazard of surface faulting to structures designed for human occupancy. The main purpose of the law is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The law addresses only the hazard of surface fault rupture and is not directed toward other earthquake hazards. The Alquist-Priolo Act requires the State Geologist to establish regulatory zones known as Earthquake Fault Zones around the surface traces of active faults and to issue appropriate maps. The maps are distributed to all affected cities, counties, and state agencies for their use in planning efforts. Before a project can be permitted in a designated Alquist-Priolo Earthquake Fault Zone, cities and counties must require a geologic investigation to demonstrate that proposed buildings would not be constructed across active faults.

The Alquist-Priolo Act also requires the State Geologist to compile maps delineating earthquake fault zones and to submit maps to all affected cities, counties and state agencies for review and comment. As referenced in Threshold a(i) of Section 3.1.3, Environmental Impacts, Special Publication 42 has been the vehicle by which the State Geologist, through the California Geological Survey (previously the Division of Mines and Geology), has informed affected agencies. The objectives of Special Publication 42 include:

1. To promote uniform and effective statewide implementation of the evaluation and mitigation elements of the Alquist-Priolo Earthquake Fault Zoning Act.
2. To assist affected parties in the evaluation and mitigation of surface fault rupture hazard for projects within designated Earthquake Fault Zone

Maps utilized in this ND to determine earthquake fault and liquefaction zones are digitized and georeferenced versions of the maps provided in Special Publication 42 (Revised 2018).

### Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act of 1990 (PRC Sections 2690–2699.6) addresses earthquake hazards from non-surface fault rupture, including liquefaction and seismically induced landslides. The act established a mapping program for areas that have the potential for liquefaction, landslide, strong ground shaking, or other earthquake and geologic hazards. The act also specifies that the lead agency for a project may withhold development permits until geologic or soils investigations are conducted for specific sites and mitigation measures are incorporated into plans to reduce hazards associated with seismicity and unstable soils.

### National Pollutant Discharge Elimination System Permit

In California, the State Water Resources Control Board administers regulations promulgated by the U.S. Environmental Protection Agency (55 Code of Federal Regulations [CFR] 47990), requiring the permitting of stormwater-generated pollution under the National Pollutant Discharge Elimination System (NPDES). In turn, the State Water Resources Control Board's jurisdiction is administered through nine Regional Water Quality Control Boards. Under these federal regulations, an operator must obtain a General Construction Permit through the NPDES Stormwater Program for all construction activities with ground disturbance of one acre or more. The General Construction Permit requires the implementation of best management practices (BMPs) to reduce sedimentation into surface waters and to control erosion. One element of compliance with the NPDES permit is preparation of a Stormwater Pollution Prevention Plan (SWPPP) that addresses control of water pollution, including sediment, in runoff during construction. The Manhattan Beach Public Works Department enforces NPDES requirements, which are adopted as part of the MBMC.

### California Building Standards Code

The California Building Code (CBC) has been codified in the California Code of Regulations (CCR) as Title 24, Part 2. Title 24 is administered by the California Building Standards Commission, which, by law, is responsible for coordinating all building standards. Under State law, all building standards must be centralized in Title 24 or those standards are not enforceable. The purpose of the CBC is to establish minimum standards to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, and general stability, by regulating and controlling the design, construction, quality of materials, use and occupancy, location, and maintenance of all building and structures within its jurisdiction. As indicated previously, the CBC is updated and revised every 3 years. The 2019 version of the CBC became effective January 1, 2020. It is anticipated that the HEU would use the most current CBC at the time of building permit issuance. The 2019 edition of the CBC is based on the 2018 International Building Code, published by the International Code Conference.

Chapters 16 and 16A of the 2019 CBC include structural design requirements governing seismically resistant construction, including factors and coefficients used to establish seismic site class and seismic occupancy category for the soil/rock at the building location and the proposed building design. Chapters 18 and 18A include the requirements for foundation and geotechnical soil investigations, and geohazard reports (Section 1803A); excavation, grading, and fill (Section 1804A); damp-proofing and water-proofing (Section 1805A); allowable load-bearing values of soils (Section 1806A); the design of foundation walls, retaining walls, embedded posts and poles (Section 1807A); foundations (Section 1808A); and design of shallow foundations (Section 1809A) and deep foundations (Section 1810A). Chapter 33 of the 2019 CBC includes requirements for safeguards at work sites to ensure stable excavations and cut or fill slopes (Section 3304).

Construction activities are subject to occupational safety standards for excavation and trenching, as specified in the California Safety and Health Administration regulations (CCR Title 8) and in Chapter 33 of the CBC. These regulations specify the measures to be used for excavation and trench work where workers could be exposed to unstable soil conditions. Any future development accommodated as a result of approval and implementation of the HEU would be required to employ these safety measures during excavation and trenching.

## **California Environmental Quality Act**

### Paleontological Resources

The CEQA Guidelines require that all private and public activities not specifically exempted be evaluated against the potential for environmental damage, including effects to paleontological resources. Paleontological resources, which are limited, nonrenewable resources of scientific, cultural, and educational value, are recognized as part of the environment under these state guidelines. This study satisfies project requirements in accordance with CEQA (13 PRC, 2100 et seq.) and Public Resources Code Section 5097.5 (Stats 1965, c 1136, p. 2792). This analysis also complies with guidelines and significance criteria specified by the Society for Vertebrate Paleontology (SVP 2010).

Paleontological resources are explicitly afforded protection by CEQA, specifically in Section VII(f) of CEQA Guidelines Appendix G, the “Environmental Checklist Form,” which addresses the potential for adverse impacts to “unique paleontological resource[s] or site[s] or ... unique geological feature[s].” This provision covers fossils of signal importance – remains of species or genera new to science, for example, or fossils exhibiting features not previously recognized for a given animal group – as well as localities that yield fossils significant in their abundance, diversity, preservation, and so forth. Further, CEQA provides that generally, a resource shall be considered “historically significant” if it has yielded or may be likely to yield information important in prehistory (PRC 15064.5 [a][3][D]). Paleontological resources would fall within this category. The PRC, Chapter 1.7, sections 5097.5 and 30244 also regulates removal of paleontological resources from state lands, defines unauthorized removal of fossil resources as a misdemeanor, and requires mitigation of disturbed sites.

## **Regional and Local**

### City of Manhattan Beach General Plan

The Community Safety Element of the General Plan recognizes that seismic and geologic hazards present a variety of risks to the residents of the City. Goals and policies applicable to geology and soils include:

Goal CS-1: Minimize the risks to public health, safety, and welfare resulting from natural and human caused hazards.

Policy CS-1.4: Minimize the potential damage to structures and loss of life that may result from an earthquake.

Policy CS-1.5: Require that new developments minimize stormwater and urban runoff into drainage facilities by incorporating design features such as detention basins, on-site water features, or other strategies”

Policy CS-1.8: Participate in Federal, State, and local earthquake preparedness and emergency response programs.

Goal CS-3: Maintain a high level of City emergency response services

Policy CS-3.1: Support the continued active enforcement of the building and fire code.

Policy CS-3.3: Inform all residents of the requirements for visible and clearly legible street numbers to minimize the response time of emergency personnel.

Policy CS-3.4 Ensure that street signs are legible and easy to find by both emergency response personnel and the general public.

Policy CS-3.5: Review the City's emergency equipment and shelters periodically to ensure that they are adequate to meet the needs of changing land uses and development and types of disasters.

Policy CS-3.6: Review the location, size, and equipment at each designated emergency shelter periodically to ensure that the City will be able to accommodate all people likely to need shelter in the event of a disaster.

Policy CS-3.7: Support the use of the best available equipment and facilities to ensure safety that meets the changing needs of the community.

Policy CS-3.9 Continue to upgrade the quality of emergency response through continued education and training of emergency response personnel.

Policy CS-3.10: Strive to reduce emergency response time

## Manhattan Beach Municipal Code

### Section 5.36.130, Connection to sewers where provided mandatory

In accordance with Section 5.36.130, any development proposed in the vicinity of the public sewer system is prohibited from constructing, maintaining, or using a cesspool, septic tank, or any other means of disposal of sewage on any premises in the City. At this time, public sanitary sewer connections would be available and required for any development accommodated as a result of HEU implementation.

## Title 9, Building Regulations

### Chapter 9.01, Building Code

The Building Code for the City includes Section 9.01.010, Adoption of the 2019 California Building Code (CBC), which incorporates by reference the rules, regulations, provisions, and conditions set forth in the 2019 CBC, including the Appendices F, J, and O and Standards (including Chapter/Section 1, Division 2; Chapter 31B and excluding all other Appendices). The California Building Code, together with provisions set forth in Chapter 9.01 of the MBMC would apply to the construction, alteration, improvements, enlargement, replacement, demolition, or conversion of any buildings or structures in the within the City.

Section 9.01.110, General Structural Design Provisions, of this chapter requires minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. This section also requires site-specific stability studies for hillside development.

#### Chapter 9.03, Residential Code

The Residential Code for the City includes Section 9.03.010, Adoption of California Residential Code (CRC), which incorporates by reference the rules, regulations, provisions, and conditions set forth in the 2019 CRC, including Chapter 1, Division 2 and Appendices J, K, Q, T, and V.

### Title 10, Planning and Zoning

#### Section 10.80.010 – Building, grading, and demolition permits

In accordance with Section 10.80.101, no building, grading, or demolition permit would be issued to any HEU unless the City's Director of Community Development determined that each new or expanded use or structure complied with all of the requirements set forth in the MBMC, including, by reference, provisions and requirements of both the CBC and CRC.

### Title 11, Subdivisions

Title 11 regulates and controls the design and improvement of subdivisions, including residential subdivisions, and ensures consistency with the City's General Plan.

#### Section 11.20.120, Soils/geology report.

The requirements set forth by Section 11.20.120 of Title 11 are as follows:

- A. The applicant shall submit a preliminary soils and/or geology report, prepared by a civil engineer and/or geologist, registered in the State, based upon adequate test borings, for every subdivision for which a final map is required. The preliminary soils and/or geology report shall be submitted to the City Engineer for review. The City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate or unsatisfactory. The preliminary soils and/or geology report may be waived if the City Engineer finds that sufficient knowledge exists as to the soils qualities of the soils of the subdivision.
- B. In the event the preliminary soils report indicates the presence of critically expansive soils, or other soils problems which, if not corrected, could lead to structural defects, a soils investigation of each lot or parcel in the subdivision shall be required and must be performed by a civil engineer registered in the State who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problem exists.
- C. In the event the preliminary soils report indicates the presence of rocks or liquids containing deleterious chemicals which, if not corrected, could cause construction materials such as concrete, steel, and ductile or cast iron to corrode or deteriorate, a soils investigation of each potentially affected lot or parcel in the subdivision shall be required and must be performed by a civil engineer registered in the State who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soils problem exists.

- D. The subdivision or any portion thereof where such soils problems exist may be approved if it is determined that the recommended action is likely to prevent structural damage to each structure to be constructed and that the issuance of any building permit shall be conditioned to include this recommended action in connection with the construction of each structure involved.
- E. A note shall be placed on the final map stating that a geology and/or soils report has been prepared in conjunction with the subdivision or stating that the geological and/or soils report has been waived pursuant to subsection A of this section. This section requires submission of a preliminary soils and/or geology report, prepared by a civil engineer and/or geologist, registered in the state, based upon adequate test borings, for every subdivision for which a final map is required. This requirement is set forth in order to prevent structural damage to any proposed occupied structure(s) due to seismic activities, including ground shaking, landslides, and/or liquefaction.

### 3.7.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VII. GEOLOGY AND SOILS – Would the project:</b>				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) **Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

i) ***Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.***

**Less Than Significant Impact.** The City is not located within an Alquist-Priolo Earthquake Fault Zone (City of Manhattan Beach 2003a, 2003b. CGS 2010); however, the City does lie directly above a known thrust fault and is less than 50-miles away from the San Andreas Fault. As the thrust fault is buried under the uppermost layers of rocks in the earth’s crust, the potential to directly or indirectly cause or exacerbate existing fault rupture risks within the City is considered very low (City of Manhattan Beach 2003b). Continued compliance with existing building codes and standards, including the MBMC requirement for proposed development projects to prepare a geotechnical report and/or soils investigation (Section 11.20.120), would be required. Therefore, the HEU would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving the rupture of a known earthquake fault.

The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in and of itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate future development required to meet the City’s 6<sup>th</sup> Cycle RHNA allocation. Future residential development to meet the RHNA allocation is expected to be located on infill sites within urbanized areas and would not alter any local, regional, State, or Federal geological protection standards, nor would the HEU alter the City’s existing policies or ordinances protecting or establishing building code standards or seismic safety requirements. The HEU does not directly or indirectly the risk of loss, injury or death due to the rupture of a known earthquake fault. Therefore, impacts would be less than significant, and no mitigation is required.

ii) ***Strong seismic ground shaking?***

**Less Than Significant Impact.** Manhattan Beach is subject to ground shaking in the event of a seismic event, as is most of Southern California. However, continued compliance with Community Safety Element policies, as well as existing building codes and standards, including those outlined in the CBC and MBMC, would ensure that impacts from ground shaking will be minimized (City of Manhattan Beach 2003a). Therefore, the HEU would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in and of itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate future development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. Future residential development to meet the RHNA allocation is expected to be located on infill sites within urbanized areas and would not alter any local, regional, State, or Federal geological protection standards, nor would the HEU alter the City's existing policies or ordinances protecting or establishing building code standards or seismic safety requirements. The HEU does not directly or indirectly the risk of loss, injury or death due to the ground shaking. Therefore, impacts would be less than significant, and no mitigation is required.

iii) ***Seismic-related ground failure, including liquefaction?***

**Less Than Significant Impact.** According to the Seismic Hazard Zones Map, Venice Quadrangle, an area where liquefaction has occurred or conditions indicate a potential occurrence within the City is limited to a strip of coastal sands along the ocean, where no habitable structures are permitted (City of Manhattan Beach 2003a). As such, the HEU does not directly or indirectly result in loss, injury or death due to seismic-related ground failure, including liquefaction. Therefore, impacts would be less than significant, and no mitigation is required.

iv) ***Landslides?***

**Less Than Significant Impact.** The soils underlying the City present a low level of risk in terms of landslides or slope failure (City of Manhattan Beach 2003a). While there are a few scattered pockets of landslide prone areas within the City (CGS 2010), none underlie any sites identified in the HEU as being appropriate to accommodate the City's 6<sup>th</sup> Cycle RHNA allocation, therefore future development would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

b) ***Would the project result in substantial soil erosion or the loss of topsoil?***

**Less Than Significant Impact.** The HEU does not propose specific development plans for new residential dwelling units at this time. Therefore, components associated with future development efforts resulting from the additional capacity accommodated for by the HEU—such as amount of grading, excavation, vegetation removal, etc.—are currently unknown. If a future project proposes to disturb more than one acre of soils, it is required to prepare a SWPPP, which includes BMPs for erosion and sedimentation control. BMP examples

generally include an effective combination of erosion and sediment controls, which include barriers such as silt fences, hay bales, drain inlet protection, gravel bags, etc. Existing vegetation should be preserved as much as possible. Future development of units that is facilitated by adoption of the HEU would be subject to these conditions for a construction permit, even under conditions of streamlined development.

- c) ***Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?***

**Less Than Significant Impact.** Manhattan Beach lies within the Los Angeles Basin geological region (City of Manhattan Beach 2003a). Geologic formations underlying the City consist largely of alluvial deposits, which are characterized by sandy and clay-like soils (CGS 2010, City of Manhattan Beach 2003a). These types of soils present a low level of risk in terms of landslides or slope failure (City of Manhattan Beach 2003a). The City is not underlain by a known liquefaction or landslide hazards zone (CDOC 2021). The HEU would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the HEU and would not result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Therefore, impacts due to unstable geological units or soils would be less than significant, and no mitigation is required.

- d) ***Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?***

**Less Than Significant Impact.** For all future development accommodated as a result of implementation of the HEU, existing Municipal and Building Code requirements would be applied to regulate building quality and structural integrity. In addition, the soils underlying the City have low to very low expansion potential (UC Davis 2012, USDA 2021). As such, there would not be a substantial direct or indirect risk to life or property related to the shrinking and swelling of soils supporting buildings, roads, and other infrastructure.

Implementation of the programs contained in the document would accommodate future development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. Although implementation of the programs contained in the HEU would facilitate residential development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation, any proposed land use changes would follow the adoption of the proposed HEU and would be subject to future environmental review, as required under CEQA once sufficient information is made available. All future projects would be required to adhere to relevant development standards and design guidelines contained in the Planning and Zoning Ordinance and other applicable regulatory requirements governing the nature and quality of development within the City. Therefore, impacts from expansive soils would be less than significant, and no mitigation is required.

- e) ***Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?***

**No Impact.** In accordance with Section 5.36.130, any development proposed in the vicinity of the public sewer system is prohibited from constructing, maintaining, or using a cesspool, septic tank, or any other means of disposal of sewage on any premises in the City. At this time, public sanitary sewer connections would be available and required for any development accommodated as a result of HEU implementation. As such, no septic tanks would be permitted, and no impacts would occur.

f) ***Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

**Less Than Significant Impact.** The City is virtually built out and does not contain any known paleontological resources (City of Manhattan Beach 2003b). As such, the potential for uncovering significant resources during any construction activity is considered remote, given that no such resources have been discovered during past development and that all new development facilitated by the HEU would occur on previously developed sites. As such, the HEU would result in less than significant impacts associated with unique paleontological or geological resources, and no mitigation is required.

### 3.7.4 References

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## 3.8 Greenhouse Gas Emissions

### 3.8.1 Environmental Setting

Climate change refers to any significant change in measures of climate (e.g., temperature, precipitation, or wind patterns) lasting for an extended period of time (i.e., decades or longer). The Earth's temperature depends on the balance between energy entering and leaving the planet's system, and many factors (natural and human) can cause changes in Earth's energy balance. The greenhouse effect is the trapping and buildup of heat in the atmosphere

near the Earth's surface (the troposphere). The greenhouse effect is a natural process that contributes to regulating the Earth's temperature, and it creates a livable environment on Earth. Human activities that emit additional GHGs to the atmosphere increase the amount of infrared radiation that gets absorbed before escaping into space, thus enhancing the greenhouse effect and causing the Earth's surface temperature to rise. Global climate change is a cumulative impact; a project contributes to this impact through its incremental contribution combined with the cumulative increase of all other sources of GHGs. Thus, GHG impacts are recognized exclusively as cumulative impacts (CAPCOA 2008).

A GHG is any gas that absorbs infrared radiation in the atmosphere; in other words, GHGs trap heat in the atmosphere. As defined in California Health and Safety Code Section 38505(g) for purposes of administering many of the state's primary GHG emissions reduction programs, GHGs include CO<sub>2</sub>, methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and nitrogen trifluoride (see also CEQA Guidelines Section 15364.5).

The Intergovernmental Panel on Climate Change developed the global warming potential (GWP) concept to compare each GHG's ability to trap heat in the atmosphere relative to another gas. The reference gas used is CO<sub>2</sub>; therefore, GWP-weighted emissions are measured in metric tons (MT) of CO<sub>2</sub> equivalent (CO<sub>2</sub>e). Consistent with CalEEMod Version 2016.3.2, this GHG emissions analysis assumed the GWP for CH<sub>4</sub> is 25 (i.e., emissions of 1 MT of CH<sub>4</sub> are equivalent to emissions of 25 MT of CO<sub>2</sub>), and the GWP for N<sub>2</sub>O is 298, based on the Intergovernmental Panel on Climate Change's Fourth Assessment Report (IPCC 2007).

## 3.8.2 Regulatory Setting

### Federal

#### Clean Air Act

There is currently no federal overarching law specifically related to climate change or reductions in GHG emissions. However, under the Obama administration, the EPA had been developing regulations under the Clean Air Act that seek to reduce GHG emissions. The regulations cover GHG emissions from sources such as motor vehicles, transportation fuels, new and existing power plants, the oil and gas sector, and municipal landfills. EPA also adopted a Mandatory Reporting Rule and Clean Power Plan in August 2015. Under the Clean Power Plan, EPA issued regulations to control CO<sub>2</sub> emissions from new and existing coal-fired power plants. Previously, in May 2010, EPA set GHG emission thresholds to define when permits under the New Source Review Prevention of Significant Deterioration and Title V Operating Permit programs are required for new and existing industrial facilities. As discussed below, the EPA and the National Highway Traffic Safety Administration (NHTSA) work in coordination to enable the production of clean vehicles through GHG emission reductions and improved fuel use.

#### Federal Vehicle Standards

The EPA and National Highway Traffic Safety Administration (NHTSA) announced a joint final rule to establish a national program consisting of new standards for light-duty vehicles model years 2012 through 2016 (April 2010) that is intended to reduce GHG emissions and improve fuel economy. The EPA approved the first-ever national GHG emissions standards under the Clean Air Act, and NHTSA approved Corporate Average Fuel Economy (CAFE) standards under the Energy Policy and Conservation Act (75 FR 25324–25728), which became effective on July 6, 2010 (75 FR 25324–25728). In August 2018, EPA and NHTSA proposed to amend certain fuel economy and

GHG standards for passenger cars and light trucks and establish new standards for model years 2021 through 2026. The 2018 proposal would increase U.S. fuel consumption by about half a million barrels per day (2–3% of total daily consumption, according to the Energy Information Administration) and would impact the global climate by 3/1000th of 1 °C by 2100 (EPA and NHTSA 2018).

On September 27, 2019, the EPA and NHTSA published the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program (84 FR 51310), which became effective November 26, 2019. The Part One Rule revokes California’s authority to set its own GHG emissions standards and set zero-emission vehicle mandates in California. On March 31, 2020, the EPA and NHTSA issued the Part Two Rule, which sets CO<sub>2</sub> emissions standards and corporate average fuel economy standards for passenger vehicles and light-duty trucks for model years 2021 through 2026. On January 20, 2021, President Joe Biden issued an EO on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis, which includes review of Part One Rule by April 2021 and review of the Part Two Rule by July 2021 (The White House 2021).

## State

### EO S-3-05

EO S-3-05 (June 2005) established the following statewide goals: GHG emissions should be reduced to 2000 levels by 2010, GHG emissions should be reduced to 1990 levels by 2020, and GHG emissions should be reduced to 80% below 1990 levels by 2050.

### AB 32

In furtherance of the goals established in EO S-3-05, the Legislature enacted AB 32 (Núñez and Pavley). The bill is referred to as the California Global Warming Solutions Act of 2006 (September 27, 2006). AB 32 provided initial direction on creating a comprehensive multiyear program to limit California’s GHG emissions at 1990 levels by 2020, and initiate the transformations required to achieve the state’s long-range climate objectives.

One specific requirement of AB 32 is for CARB to prepare a “scoping plan” for achieving the maximum technologically feasible and cost-effective GHG emission reductions by 2020 (Health and Safety Code Section 38561(a)), and to update the plan at least once every 5 years. In 2008, CARB approved the first scoping plan: *The Climate Change Proposed Scoping Plan: A Framework for Change* (Scoping Plan).

In December 2017, CARB adopted the *2017 Climate Change Scoping Plan Update (Second Update)* (CARB 2017). The Scoping Plan recommends strategies for implementation at the Statewide level to meet the goals of AB 32, SB 32, and the EOs; it also establishes an overall framework for the measures that will be adopted to reduce California’s GHG emissions. A project is considered consistent with the statutes and EOs if it meets the general policies in reducing GHG emissions in order to facilitate the achievement of the State’s goals and does not impede attainment of those goals. As discussed in several cases, a given project need not be in perfect conformity with each and every planning policy or goal to be consistent. A project would be consistent if it will further the objectives and not obstruct their attainment.

### SB 32 and AB 197

SB 32 and AB 197 (enacted in 2016) are companion bills. SB 32 codified the 2030 emissions reduction goal of EO B-30-15 by requiring CARB to ensure that statewide GHG emissions are reduced to 40% below 1990 levels by 2030. AB 197 established the Joint Legislative Committee on Climate Change Policies, consisting of at least three

members of the Senate and three members of the Assembly, in order to provide ongoing oversight over implementation of the State's climate policies. AB 197 also added two members of the Legislature to the CARB Board as nonvoting members; requires CARB to make available and update (at least annually via its website) emissions data for GHGs, criteria air pollutants, and TACs from reporting facilities; and requires CARB to identify specific information for GHG emissions reduction measures when updating the Scoping Plan.

#### Title 24, Part 6

Title 24 of the California Code of Regulations was established in 1978 and serves to enhance and regulate California's building standards. While not initially promulgated to reduce GHG emissions, Part 6 of Title 24 specifically established Building Energy Efficiency Standards that are designed to ensure new and existing buildings in California achieve energy efficiency and preserve outdoor and indoor environmental quality. These energy efficiency standards are reviewed every few years by the Building Standards Commission and the California Energy Commission (CEC) (and revised if necessary) (California Public Resources Code, Section 25406[b][1]). The 2019 Title 24 standards are the currently applicable building energy efficiency standards and became effective on January 1, 2020. The 2019 Title 24 Building Energy Efficiency Standards further reduce energy used and associated GHG emissions compared to prior standards.

#### Title 24, Part 11

In addition to the CEC's efforts, in 2008, the California Building Standards Commission adopted the nation's first green building standards. The California Green Building Standards Code (Part 11 of Title 24) is commonly referred to as California's Green Building Standards (CALGreen) and establishes minimum mandatory standards and voluntary standards pertaining to the planning and design of sustainable site development, energy efficiency (in excess of the California Energy Code requirements), water conservation, material conservation, and interior air quality. The CALGreen standards took effect in January 2011 and instituted mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential and state-owned buildings and schools and hospitals.

#### State Vehicle Standards (AB 1493 and EO B-16-12)

AB 1493 (July 2002) was enacted in a response to the transportation sector accounting for more than half of California's CO<sub>2</sub> emissions. AB 1493 required CARB to set GHG emission standards for passenger vehicles, light-duty trucks, and other vehicles determined by the state board to be vehicles that are primarily used for noncommercial personal transportation in the state. The bill required that CARB set GHG emission standards for motor vehicles manufactured in 2009 and all subsequent model years. CARB adopted the standards in September 2004. EO B-16-12 (March 2012) required that state entities under the governor's direction and control support and facilitate the rapid commercialization of zero-emissions vehicles. It ordered CARB, CEC, California Public Utilities Commission, and other relevant agencies to work with the Plug-in Electric Vehicle Collaborative and the California Fuel Cell Partnership to establish benchmarks to help achieve benchmark goals by 2015, 2020, and 2025. On a statewide basis, EO B-16-12 established a target reduction of GHG emissions from the transportation sector equaling 80% less than 1990 levels by 2050.

## Advanced Clean Cars Program and Zero-Emissions Vehicle Program

The Advanced Clean Cars Program (January 2012) is a new emissions-control program for model years 2015 through 2025. The program combines the control of smog- and soot-causing pollutants and GHG emissions into a single coordinated package. The package includes elements to reduce smog-forming pollution, reduce GHG emissions, promote clean cars, and provide the fuels for clean cars (CARB 2012). To improve air quality, CARB has implemented new emission standards to reduce smog-forming emissions beginning with 2015 model year vehicles. It is estimated that in 2025, cars will emit 75% less smog-forming pollution than the average new car sold today. To reduce GHG emissions, CARB, in conjunction with the EPA and the NHTSA, adopted new GHG standards for model year 2017 to 2025 vehicles; the new standards are estimated to reduce GHG emissions by 34% in 2025. The Zero-Emissions Vehicle Program will act as the focused technology of the Advanced Clean Cars Program by requiring manufacturers to produce increasing numbers of zero-emissions vehicles and plug-in hybrid electric vehicles in the 2018 to 2025 model years.

## Regional/Local

### South Coast Air Quality Management District

Air districts typically act in an advisory capacity to local governments in establishing the framework for environmental review of air pollution impacts under CEQA. This may include recommendations regarding significance thresholds, analytical tools to estimate emissions and assess impacts, and mitigations for potentially significant impacts. Although air districts will also address some of these issues on a project-specific basis as responsible agencies, they may provide general guidance to local governments on these issues (SCAQMD 2008). The SCAQMD has recommended numeric CEQA significance thresholds for GHG emissions for lead agencies to use in assessing GHG impacts of residential and commercial development projects; however, these thresholds were not adopted.

### City of Manhattan Beach General Plan

The following goals and policies related to GHG emissions are applicable to the HEU.

Goal I-12: Protect the quality of the environment by managing the solid waste generated in the community.

Policy CR-12.3: Encourage the maximum diversion of construction and demolition materials.

Goal CR-5: Conserve and protect the remaining natural resources in Manhattan Beach.

Policy CR-5.1: Employ principles of a sustainable environment in the development, operation, and maintenance of the community, emphasizing the importance of respecting and conserving the natural resources.

Policy CR-5.3: Encourage water conservation, including landscaping with drought-tolerant plants, use of reclaimed water, and recycling of cooling system water, in all development.

Policy CR-5.5: Support expanded use of reclaimed water.

Policy CR-5.6: Encourage drainage designs which retain or detain stormwater run-off to minimize volume and pollutant concentrations.

Policy CR-5.7: Encourage the use of energy-saving designs and devices in all new construction and reconstruction.

Policy CR-5.8: Encourage utilization of “green” approaches to building design and construction, including use of environmentally friendly interior improvements.

Policy CR-5.10: Encourage and support the use of alternative fuel vehicles, including support of charging or “fueling” facilities.

Policy CR-5.11: Support sustainable building practices.

Goal CR-6: Improve air quality.

Policy CR-6.1: Encourage alternative modes of transportation, such as walking, biking, and public transportation, to reduce emissions associated with automobile use.

Policy CR-6.4: Cooperate and participate in regional air quality management planning, programs, and enforcement measures.

### Climate Action Plan

The City of Manhattan Beach and the South Bay Cities Council of Governments published the City of Manhattan Beach Climate Action Plan (CAP) in 2017, which established goals and policies that incorporate GHG reduction measures into community and municipal operations. The CAP included 2005 and 2012 inventories of community and municipal GHG emissions and set GHG reduction targets of 15% below 2005 levels by 2020 and 49% below 2005 levels by 2035. The CAP contains goals and measures that cover sectors such as land use and transportation, energy efficiency, solid waste, urban greening, and energy generation and storage (City of Manhattan Beach 2017). However, the CAP did not undergo CEQA review and was not adopted in a public process and is created to help develop a Qualified Climate Reduction Strategy under CEQA. Therefore, the CAP is not a qualified GHG reduction plan as defined in CEQA Guidelines Section 15183.5. Additionally, the City is in the process of creating a Climate Action and Adaptation Plan, which will build on the existing CAP.

### 3.8.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>VIII. GREENHOUSE GAS EMISSIONS</b> – Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) ***Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***

**Less Than Significant Impact.** The HEU is a policy document, consisting of a housing program; no actual development or rezoning is proposed as part of the update. Therefore, its adoption would not, in itself, produce greenhouse gas emissions. Implementation of the programs contained in the document would accommodate development required to meet the City’s 6<sup>th</sup> Cycle RHNA allocation. Future development of residential dwelling units under the HEU could result in an increase in GHG emissions during construction which are primarily associated with use of off-road construction equipment, vendor trucks, and worker vehicles, and operational activities, which includes motor vehicle trips, landscape maintenance equipment operation, energy use (natural gas and generation of electricity consumed by a proposed development project), solid waste disposal, and generation of electricity associated with water supply, treatment, and distribution and wastewater treatment. However, future development must be consistent with the General Plan and with regional plans that are based on the land use pattern of the General Plan.

Furthermore, future development as a result of the HEU would occur in developed areas of the City where public services and infrastructure are currently provided. Existing regulations that would apply to any future residential development, including the California Green Building Standards Code and California’s Title 24 Building Energy Efficiency Standards, would substantially reduce GHG emissions associated with future projects. Given the already built-out nature of the City and lack of substantial vacant land, future residential projects that may be developed to meet the RHNA requirement are expected to be located on infill sites where pedestrian- and transit-oriented development is highly feasible and would be encouraged. Such development should reduce the number of new vehicle trips typically associated with residential projects and, thus, would help reduce GHG production resulting from the combustion of fossil fuels for transportation purposes. Because specific project details are not known at this time, the City cannot assess the specific impacts of development in qualitative terms. Any impacts identified for an individual project built under the HEU would be addressed through the project approval process, including design review, environmental review, and mitigation measures specific to any impacts determined to be potential for that project.

Goals and policies from the General Plan Community Resources Element, as presented above, are designed to help reduce GHG emissions in a wide range of actions. As stated earlier the City is also working on the development of a Climate Action and Adaptation Plan that will contain actionable programs to help with GHG reductions in a variety of sectors. Development under the HEU will also have electricity provided by CPA, which would provide 100% renewable energy to all residents within the City, thus reducing GHG emissions. The Housing Element Update also includes policies that would help reduce future projects

energy consumption such as Program 13, which encourages energy conservation and energy efficiency, as well as Program 27, which encourages the use of solar panels by providing incentives. These measures would require new construction to have buildings that meet incorporate energy-saving designs and green building techniques, the promotion of electric vehicle infrastructure, and encourage the use of alternative energy sources such as from solar.

Based on the above information, the HEU would result in less than significant impacts associated with GHG emissions. No mitigation required.

b) ***Would the project generate conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?***

**Less Than Significant Impact.** The HEU does not propose specific development plans for new residential dwelling units at this time. As previously discussed, future development built under the HEU would likely generate GHG emissions during construction through the use of petroleum-fueled construction equipment and worker vehicle trips to and from construction sites while the operation of future developments would likely generate GHG emissions through the use of electricity and natural gas, vehicle trips of occupants, waste generation, water use, and wastewater generation. In addition, project components (e.g., VMT) for future residential dwelling units is unknown. However, impacts to GHG emissions related to the accommodation of an additional 479 dwelling units would largely be addressed via required discretionary CEQA review of the pending rezoning effort(s), which would incorporate mitigation measures specific to any impacts determined to be significant. Future development of residential units that is facilitated by adoption of the HEU would be subject to all State and local regulations (e.g., Climate Action and Adaptation Plan) regarding GHG emissions. Therefore, the HEU is consistent with applicable plans, policies, or regulations aimed at reducing such GHG emissions, any impacts would be less than significant, and no mitigation is required.

### 3.8.4 References

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## 3.9 Hazards and Hazardous Materials

### 3.9.1 Environmental Setting

As defined in Chapter 6.95 of Division 20 of the California Health and Safety Code, Section 25501(o), a hazardous material is “...any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material which a handler or the administering agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.”

California Government Code Section 65962.5 requires the California Environmental Protection Agency (Cal/EPA) to compile, maintain, and update specified lists of hazardous material release sites. The CEQA Guidelines (California Public Resources Code, Section 21092.6) require the lead agency to consult the lists compiled pursuant to Government Code Section 65962.5 to determine whether a project and any alternatives are identified on or near one or more hazardous materials release sites. The lists are collectively referred to as the “Cortese List” after the legislator who authored the legislation. Any future housing project proposed within City would be subject to PRC Section 21092.6 which would require both review of Cortese List databases and analysis of findings to be included in the designated CEQA documentation.

According to the Manhattan Beach General Plan, many businesses in the City, including dry cleaners and gas stations, can handle and transport hazardous materials. In addition, two “archive” sites in the City have been identified as Superfund sites under the Comprehensive Environmental Response, Compensation, and Liability Act

(CERCLA); however, according to the USEPA, these sites no longer pose an immediate or long-term risk to human health or the environment and further remedial action is planned for these sites under the Superfund Program (City of Manhattan Beach 2003).

The Manhattan Village residential area was previously an oil field that had large oil storage tanks. The area has a vapor recovery system which captures and recovers dilute volatile organic compounds and other hazardous air pollutants. Industrial uses in the adjacent City of El Segundo may affect Manhattan Beach residents, including the Chevron Oil Refinery and the El Segundo Generation Site (City of Manhattan Beach 2003).

The Manhattan Beach Fire Department Fire Prevention Division participates in a local hazardous materials program through a joint agreement with the Los Angeles County Fire Department. Division responsibilities include cleanup of spills, leaks, and illegal dumping, and monitoring hazardous materials within businesses in Manhattan Beach (City of Manhattan Beach 2003).

## 3.9.2 Regulatory Setting

### Federal

#### U.S. Environmental Protection Agency

Title 40 USC, Chapter 1, Subchapter I, Parts 260-265 – Solid Waste Disposal Act/ Federal Resource Conservation and Recovery Act of 1976

The Solid Waste Disposal Act, as amended and revised by the Resource Conservation and Recovery Act (RCRA), establishes requirements for the management of solid wastes (including hazardous wastes), landfills, USTs, and certain medical wastes. The statute also addresses program administration; implementation and delegation to the states; enforcement provisions and responsibilities; and research, training, and grant funding. Provisions are established for the generation, storage, treatment, and disposal of hazardous waste, including requirements addressing generator record keeping, labeling, shipping paper management, placarding, emergency response information, training, and security plans.

Title 40 USC, Chapter 1, Subchapter I, Part 273 – Universal Waste

This regulation governs the collection and management of widely generated waste, including batteries, pesticides, mercury-containing equipment, and bulbs. This regulation streamlines the hazardous waste management standards and ensures that such waste is diverted to the appropriate treatment or recycling facility.

Title 40 USC, Chapter 1, Subchapter C, Part 61 – National Emission Standards for Hazardous Air Pollutants, Subpart M – National Emission Standard for Asbestos

This regulation established National Emission Standards for Hazardous Air Pollutants (NESHAP) and names asbestos-containing material (ACM) as one of these materials. ACM use, removal, and disposal are regulated by USEPA under this law. In addition, notification of friable ACM removal prior to a proposed demolition project is required by this law.

Title 42 U.S. Code of Federal Regulations, Chapter 116 – Emergency Planning and Community Right-to-Know Act

The Emergency Planning and Community Right-to-Know Act (EPCRA) provides for public access to information about chemical hazards. The EPCRA and its regulations included in Title 40 U.S.C. Parts 350-372 establish four types of reporting obligations for facilities storing or managing specified chemicals: emergency planning, emergency release notification, hazardous chemical storage reporting requirements, and toxic chemical release inventory. USEPA maintains a database, termed the Toxic Release Inventory, which includes information on reportable releases to the environment.

Title 15 USC, Chapter 53, Subchapter I, Section 2601 et seq. – Toxic Substances Control Act of 1976

The Toxic Substances Control Act (TSCA) of 1976 empowers USEPA to require reporting, record-keeping, and testing, as well as to place restrictions on the use and handling of chemical substances and mixtures. This regulation phased out the use of asbestos and ACM in new building materials and also sets requirements for the use, handling, and disposal of ACM as well as for lead-based paint (LBP) waste. As discussed above, USEPA has also established NESHAP, which govern the use, removal, and disposal of ACM as a hazardous air pollutant and mandate the removal of friable ACM before a building is demolished and require notification before demolition. In addition to asbestos, ACM, and LBP requirements, this regulation also banned the manufacturing of polychlorinated biphenyls (PCBs) and sets standards for the use and disposal of existing PCB-containing equipment or materials.

Regional Screening Levels (RSLs)

The federal EPA provides regional screening levels for chemical contaminants to provide comparison values for residential and commercial/industrial exposures to soil, air, and tap water (drinking water). RSLs are available on the EPA's website and provide a screening level calculation tool to assist risk assessors, remediation project managers, and others involved with risk assessment and decision-making. RSLs are also used when a site is initially investigated to determine if potentially significant levels of contamination are present to warrant further investigation. In California, the Department of Toxic Substances Control (DTSC) Human and Ecological Risk Office (HERO) incorporated the EPA RSLs into the HERO human health risk assessment. HERO created Human Health Risk Assessment (HHRA) Note 3, which incorporates HERO recommendations and DTSC-modified screening levels (DTSC-SLs) based on review of the EPA RSLs. The DTSC-RSL should be used in conjunction with the EPA RSLs to evaluate chemical concentrations in environmental media at California sites and facilities.

U.S. Department of Labor, Occupational Safety and Health Administration

Title 29 USC, Part 1926 et seq. – Safety and Health Regulations for Construction

These standards require employee training; personal protective equipment; safety equipment; and written procedures, programs, and plans for ensuring worker safety when working with hazardous materials or in hazardous work environments during construction activities, including renovations and demolition projects and the handling, storage, and use of explosives. These standards also provide rules for the removal and disposal of asbestos, lead, LBP, and other lead materials. Although intended primarily to protect worker health and safety, these requirements also guide general facility safety. This regulation also requires that an engineering survey is prepared prior to demolition.

## Federal Response Plan

The Federal Response Plan of 1999, as amended in 2003 is a signed agreement among 27 federal departments and agencies, including the American Red Cross, that (1) provides the mechanism for coordinating delivery of federal assistance and resources to augment efforts of state and local governments overwhelmed by a major disaster or emergency; (2) supports implementation of the Robert T. Stafford Disaster Relief and Emergency Act, as well as individual agency statutory authorities; and (3) supplements other federal emergency operations plans developed to address specific hazards. The Federal Response Plan is implemented in anticipation of a significant event likely to result in a need for federal assistance or in response to an actual event requiring federal assistance under a presidential declaration of a major disaster or emergency.

## State

### California Unified Program for Management of Hazardous Waste and Materials

California Health and Safety Code (HSC), Division 20, Chapter 6.11, Sections 25404- 25404.9 Sections– Unified Hazardous Waste and Hazardous Materials Management Regulatory Program

Under the California Environmental Protection Agency (CalEPA), the Department of Toxic Substances Control (DTSC) and Enforcement and Emergency Response Program (EERP) administer the technical implementation of California’s Unified Program, which consolidates the administration, permit, inspection, and enforcement activities of several environmental and emergency management programs at the local level (DTSC 2019). Certified Unified Program Agencies (CUPAs) implement the hazardous waste and materials standards. This program was established under the amendments to the California HSC made by SB 1082 in 1994. The programs that make up the Unified Program are:

- Aboveground Petroleum Storage Act (APSA) Program
- Area Plans for Hazardous Materials Emergencies
- California Accidental Release Prevention (CalARP) Program
- Hazardous Materials Release Response Plans and Inventories (Hazardous Materials Business Plans, or HMBPs)
- Hazardous Material Management Plan (HMMP) and Hazardous Material Inventory Statements (HMIS)
- Hazardous Waste Generator and On-site Hazardous Waste Treatment (Tiered Permitting) Program
- Underground Storage Tank Program

The CUPA for the City is the LACFD working jointly with the Manhattan Beach Fire Department

## Hazardous Waste Management

Title 22 CCR, Division 4.5 – Environmental Health Standards for the Management of Hazardous Waste

In the State of California, the Department of Toxic Substances Control (DTSC) regulates hazardous wastes. These regulations establish requirements for the management and disposal of hazardous waste in accordance with the provisions of the California Hazardous Waste Control Act and federal RCRA. As with federal requirements, waste generators must determine if their wastes are hazardous according to specified characteristics or lists of wastes. Hazardous waste generators must obtain identification numbers; prepare manifests before transporting waste off-

site; and use only permitted treatment, storage, and disposal facilities. Standards also include requirements for record keeping, reporting, packaging, and labeling. Additionally, while not a federal requirement, California requires that hazardous waste be transported by registered hazardous waste transporters.

In addition, Chapter 31 – Waste Minimization, Article 1 – Pollution Prevention and the Hazardous Waste Source Reduction and Management Review of these regulations require that generators of 12,000 kilograms/year of typical, operational hazardous waste evaluate their waste streams every four years and, as applicable, select and implement viable source reduction alternatives. This Act does not apply to non-typical hazardous waste, including ACM and PCBs, among others.

#### Title 22 California HSC, Division 20, Chapter 6.5 – California Hazardous Waste Control Act of 1972

This legislation created the framework under which hazardous wastes must be managed in California. It provides for the development of a state hazardous waste program (regulated by DTSC) that administers and implements the provisions of the federal RCRA program. It also provides for the designation of California-only hazardous wastes and development of standards that are equal to or, in some cases, more stringent than, federal requirements. The CUPA is responsible for implementing some elements of the law at the local level.

#### Human Health Risk Assessment Note 3 –DTSC-Modified Screening Levels (DTSC-SLs)

HHRA Note Number 3 presents recommended screening levels (derived from the EPA RSLs using DTSC-modified exposure and toxicity factors) for constituents in soil, tap water, and ambient air. The DTSC-SL should be used in conjunction with the EPA RSLs to evaluate chemical concentrations in environmental media at California sites and facilities.

### Environmental Cleanup Levels

#### Environmental Screening Levels

Environmental Screening Levels (ESLs) provide conservative screening levels for over 100 chemicals found at sites with contaminated soil and groundwater. They are intended to help expedite the identification and evaluation of potential environmental concerns at contaminated sites. The ESLs were developed by San Francisco Bay Regional Water Quality Control Board; however, they are used throughout the state. While ESLs are not intended to establish policy or regulation, they can be used as a conservative screening level for sites with contamination. Other agencies in California currently use the ESLs (as opposed to RSLs). In general, the ESLs could be used at any site in the State of California, provided all stakeholders agree. In Dudek’s recent experience, regulatory agencies in the southern California region use ESLs as regulatory cleanup levels. The ESLs are not generally used at sites where the contamination is solely related to a leaking underground storage tank (LUST); those sites are instead subject to the Low-Threat Underground Storage Tank Closure Policy.

### California Integrated Waste Management Board

#### Title 14 CCR, Division 7, Chapter 8.2 – Electronic Waste Recovery and Recycling Act of 2003

This regulation sets requirements regarding the use and disposal of hazardous substances in electronics. When discarded, the DTSC considers the following materials manufactured before 2006 to be hazardous waste: cathode ray tube devices, liquid crystal display (LCD) desktop monitors, laptop computers with LCD displays, LCD televisions, plasma televisions, and portable DVD Players with LCD screens.

## Occupational Safety and Health

### Title 8 CCR – Safety Orders

Under the California Occupational Safety and Health Act of 1973, the California Occupational Safety and Health Administration (CalOSHA) is responsible for ensuring safe and healthful working conditions for California workers. CalOSHA assumes primary responsibility for developing and enforcing workplace safety regulations in Title 8 of the CCR. CalOSHA hazardous substances regulations include requirements for safety training, availability of safety equipment, hazardous substance exposure warnings, and emergency action and fire prevention plan preparation. CalOSHA also enforces hazard communication program regulations, which contain training and information requirements, including procedures for identifying and labeling hazardous substances.

In Division 1, Chapter 4, Subchapter 4 – Construction Safety Orders of Title 8, construction safety orders are listed and include rules for demolition, excavation, explosives work, working around fumes and vapors, pile driving, vehicle and traffic control, crane operation, scaffolding, fall protection, and fire protection and prevention, among others.

## Asbestos and Air Quality

### Enforcement of the NESHAP Regulation, HSC Section 39658(b)(1)

The California Air Resources Board (CARB) is responsible for overseeing compliance with the federal Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAPs) in Los Angeles County. The Asbestos NESHAP Program enforces compliance with the federal National Emissions Standards for Hazardous Air Pollutants (NESHAP) regulation for asbestos and investigates all related complaints, as specified by HSC Section 39658(b)(1). Of the 35 air districts in California, 16 of these districts do not have an asbestos program in place. In these "non-delegated" districts, a demolition/renovation notification is required for compliance with the Asbestos NESHAP. (This notification is not equivalent to a permit.) CARB reviews and investigates the notifications. The program also administers two annual statewide asbestos NESHAP task force meetings for air districts and US EPA to facilitate communication and enforcement continuity and assists US EPA in training district staff to enforce the asbestos NESHAP.

## Contractors State License Board

The California Department of Consumer Affairs Contractors State License Board manages the licensing of asbestos abatement contractors.

## Lead-Based Paint

The California Department of Public Health enforces lead laws and regulations related to the prevention of lead poisoning in children, prevention of lead poisoning in occupational workers, accreditation and training for construction-related activities, lead exposure screening and reporting, disclosures, and limitations on the amount of lead found in products. Accredited lead specialists are required to find and abate lead hazards in a construction project and to perform lead-related construction work in an effective and safe manner. The specific regulations are as follows:

### California Health & Safety Code Sections 124125 to 124165

Declared childhood lead exposure as the most significant childhood environmental health problem in the State. Established the Childhood Lead Poisoning Prevention Program and instructed it to continue to take steps necessary to reduce the incidence of childhood lead exposure in California.

### California Health & Safety Code Sections 105275 to 105310

Reaffirmed California's commitment to lead poisoning prevention activities; provided CDPH with broad mandates on blood lead screening protocols, laboratory quality assurance, identification, and management of lead exposed children, and reducing lead exposures.

### California Health & Safety Code Section 105250

Establishes a program to accredit lead-related construction training providers and certify individuals to conduct lead-related construction activities.

### California Civil Code Section 1941.1; California Health & Safety Code Sections 17961, 17980, 124130, 17920.10, 105251 to 105257

Deems a building to be in violation of the State Housing Law if it contains lead hazards and requires local enforcement agencies to enforce provisions related to lead hazards. Makes it a crime for a person to engage in specified acts related to lead hazard evaluation, abatement, and lead-related constructions courses, unless certified or accredited by the Department. Permits local enforcement agencies to order the abatement of lead hazards or issue a cease and desist order in response to lead hazards.

### California Civil Code Sections 1102 to 1102.16

Requires the disclosure of known lead-based paint hazards upon sale of a property.

### California Education Code Sections 32240 to 32245

Implemented a lead poisoning prevention and protection program for California schools for a survey to ascertain risk factors that predicted lead contamination in public schools. The survey was completed in 1998. Findings of the survey are under Materials and Products.

### California Labor Code Sections 6716 to 6717

Provides for the establishment of standards that protect the health and safety of employees who engage in lead-related construction work, including construction, demolition, renovation, and repair.

### California Health & Safety Code Sections 116875 to 116880

Requires the use of lead-free pipes and fixtures in any installation or repair of a public water system or in a facility where water is provided for human consumption.

### California Health & Safety Code Sections 105185 to 105197

Establishes an occupational lead poisoning prevention program to register and monitor laboratory reports of adult lead toxicity cases, monitor reported cases of occupational lead poisoning to ascertain lead poisoning sources, conduct investigations of take-home exposure cases, train employees and health professionals regarding occupational lead poisoning prevention, and recommended means for lead poisoning prevention.

## California Building Standards Commission

### Title 24 of the CCR – California Building Standards Code

The California Building Standards Code is a compilation of three types of building standards from three different sources:

- Building standards that have been adopted by state agencies without change from building standards contained in national model codes;
- Building standards that have been adopted and adapted from the national model code standards to meet California conditions; and
- Building standards, authorized by the California legislature, that constitute extensive additions not covered by the model codes that have been adopted to address particular California concerns.

Among other rules, the Code contains requirements regarding the storage and handling of hazardous materials. The Chief Building Official at the local government level (i.e., City of Manhattan Beach) must inspect and verify compliance with these requirements prior to issuance of an occupancy permit.

### California Building Code – Chapter 7A

This chapter of the California Building Code establishes minimum standards for buildings located in any Fire Hazard Severity Zone within State Responsibility Areas or any Wildland-Urban Interface Fire Area to resist the intrusion of flames or burning embers projected by a vegetation fire.

## California State Fire Marshal

### Title 19 CCR, Division 1, Chapter 10 – Explosives

This regulation addresses the sale, transportation, storage, use, and handling of explosives in California. Requirements for obtaining permits from the local Fire Chief having jurisdiction and blasting guidelines (such as blasting times, warning devices, and protection of adjacent structures and utilities) are also explained in Chapter 10 of Title 19.

## California Emergency Services Act

Under the Emergency Services Act (California Government Code, Section 8550 et seq.), the State of California developed an emergency response plan to coordinate emergency services provided by federal, state, and local agencies. Rapid response to incidents involving hazardous materials or hazardous waste is an integral part of the plan, which is administered by the Governor's Office of Emergency Services. The Office of Emergency Services coordinates the responses of other agencies, including the EPA, California Highway Patrol, Regional Water Quality Control Boards, air quality management districts, and county disaster response offices.

## California Accidental Release Prevention Program

Similar to the EPA Risk Management Program, the California Accidental Release Prevention (CalARP) Program (19 CCR 2735.1 et seq.) regulates facilities that use or store regulated substances, such as toxic or flammable chemicals, in quantities that exceed established thresholds. Under the regulations, industrial facilities that handle hazardous materials above threshold quantities are required to prepare and submit a hazardous materials business

plan (HMBP) to the local CUPA via the California Environmental Reporting System. As part of the HMBP, a facility is further required to specify applicability of other state regulatory programs. The overall purpose of CalARP is to prevent accidental releases of regulated substances and reduce the severity of releases that may occur. The CalARP Program meets the requirements of the EPA Risk Management Program, which was established pursuant to the Clean Air Act Amendments.

## California Dig Alert

### CA Government Code 4216

In accordance with CA Government Code 4216.2, an excavator planning to conduct an excavation shall notify the appropriate regional notification center of the intent to excavate between two and fourteen calendar days prior to excavation activities. When the excavation is proposed within 10 feet of a “high priority subsurface installation”, which includes high pressure natural gas and petroleum pipelines, the operator of the high priority subsurface installation shall notify the excavator of the existing of the installation and set up an onsite meeting to determine actions required to verify location and prevent damage to the installation. The excavator shall not begin excavating until the onsite meeting is complete.

## Regional and Local

### South Coast Air Quality Management District

#### Rule 1403: Work Practice Requirements for Asbestos

SCAQMD Rule 1403 governs work practice requirements for asbestos in all renovation and demolition activities. The rule includes requirements for asbestos surveying, notifications, ACM removal procedures, schedules, handling and clean-up procedures, and storage, disposal, and landfill requirements for waste materials. All operators are also required to maintain records and use appropriate labels, signs, and markings.

### City of Manhattan Beach General Plan

The City’s General Plan includes the following goals and policies related to hazards and hazardous materials:

Goal CS-1: Minimize the risks to public health, safety, and welfare resulting from natural and human caused hazards.

Policy CS-1.8: Participate in Federal, State, and local earthquake preparedness and emergency response programs.

Goal CS-2: Protect residents from hazardous materials and the hazards associated with the transport of such materials.

Policy CS-2.1: Continue to encourage and support the enforcement of state and federal environmental and pollution control laws.

Policy CS-2.2: *Continue to support and encourage state and federal efforts to identify existing or previously existing hazardous waste generators or disposal sites and monitor disposal of all wastes and contamination of their sites.*

Policy CS-2.3: Continue to monitor underground emissions and associated hazards in Manhattan Village and in other areas adjacent to industrial uses.

Policy CS-2.4: Promote the routing of vehicles carrying potentially hazardous materials along transportation corridors that reduce public exposure to risk. Cooperate with regional agencies in developing such routing systems.

Policy CS-2.6: Develop and support an educational program to assist small users (individuals and households) to dispose of small quantities of hazardous materials.

Policy CS-2.7: Continue to monitor the potential environmental risks posed by industrial users in the City and adjacent jurisdictions, and actively work with State, Federal, and other agencies to prevent and mitigate any accidents

Goal CS-3: Maintain a high level of City emergency response services.

Policy CS-3.2: Cooperate with other jurisdictions in the South Bay area to maintain an up-to-date emergency response system for the region.

## Manhattan Beach Municipal Code

### **Chapter 5.76, Liability for Costs of Response to Hazardous Waste or Substance Spills, Releases, and Other Incidents**

This chapter establishes liability for reimbursement of the City's expenses incurred in connection with corrective action necessitated by violations of the hazardous waste and substance control laws.

#### **Section 10.60.120(D) Hazardous and extremely hazardous materials.**

The use, handling, storage, and transportation of hazardous and extremely hazardous materials shall comply with the provisions of the California Hazardous Materials Regulations (California Code of Regulations, Title 22, Division 4).

#### **Section 14.48.030, Parking of vehicles transporting hazardous material.**

This section of the MBMC contains regulations related to the transportation of a hazardous material or substance as identified in Title 49 of the Code of Federal Regulation (CFR). Key components of this section include the requirement that all vehicles transporting Title 49 waste or substances must be attended at all times by its driver or a qualified representative of the motor carrier that operates it. The vehicle cannot be parked on any highway, highway shoulder, street, alley, public way or public place, or within five feet of the traveled portion thereof, within a residential zone or within 1,000 feet of any school or within 300 feet of any bridge or tunnel, except for brief periods when mechanical or equipment failure or disablement or malfunction of the vehicle, or the necessities of operation require the vehicle to be parked and make it impractical to park the vehicle in any other place.

### 3.9.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>IX. HAZARDS AND HAZARDOUS MATERIALS – Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) ***Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?***

**Less Than Significant Impact.** Demolition and construction activities associated with future housing development facilitated by the HEU could require transport of hazardous materials (e.g., asbestos-containing materials, lead-based paint, and/or contaminated soils); however, this would be evaluated on a case-by-case basis.

Numerous federal, State, and local requirements exist that require strict adherence to specific guidelines regarding the use, transportation, and disposal of hazardous materials. These requirements would apply to those transporting, using, or disposing of hazardous materials, and would include: the RCRA, which provides the cradle to grave regulation of hazardous wastes; CERCLA, which regulates closed and abandoned hazardous waste sites; the Hazardous Materials Transportation Act, which governs hazardous materials transportation on U.S. roadways; IFC, which creates procedures and mechanisms to ensure the safe handling and storage of hazardous materials; Title 22, which regulates the generation, transportation, treatment, storage and disposal of hazardous waste; and Title 27, which regulates the treatment, storage and disposal of solid wastes.

Furthermore, residential development sites within the City are not expected to transport, use, store, or dispose of substantial amounts of hazardous materials, with the exception of common residential-grade hazardous materials such as household cleaners and paint. If needed, the City provides an annual hazardous waste collection program, where residents would be allowed to dispose of household hazardous waste free of charge at the Community Hazardous Waste Collection Facility in Redondo Beach (City of Manhattan Beach 2003).

Additionally, approval of the HEU, as a policy document, would not change these regulations and would not provide any goals, policies, or programs that would significantly increase the exposure of hazardous materials to the public and the environment. Therefore, the HEU does not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant, and no mitigation is required.

- b) ***Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***

**Less Than Significant Impact.** Please see Threshold 3.9(a), above. The HEU is a policy document, and therefore, adoption would not, in itself, result in potential impacts from hazards and hazardous material that may endanger residents or the environment. Implementation of the HEU would also not result in the routine use, transport, or disposal of hazardous materials or generate significant quantities of hazardous materials. As such, impacts related to transport, use, and disposal of hazardous materials would be less than significant, and no mitigation is required.

- c) *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?*

**Less Than Significant Impact.** Please see Threshold 3.9(a), above. The HEU is a policy document, and therefore, adoption would not, in itself, result in potential impacts from hazards and hazardous material that may endanger residents or the environment. Implementation of the HEU would also not result in the routine use, transport, or disposal of hazardous materials or generate significant quantities of hazardous materials. As such, impacts related to the emission of hazardous materials within one-quarter mile of an existing or proposed school would be less than significant, and no mitigation is required.

- d) *Would the project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?*

**Less Than Significant Impact.** All sites of future residential projects will be evaluated using appropriate databases including the California Department of Toxic Substances Control (DTSC) EnviroStor database which, pursuant to Government Code Section 65962.5, lists Federal Superfund, State Response, Voluntary Cleanup, School Cleanup, Hazardous Waste Permit, and Hazardous Waste Corrective Action sites. The potential impacts related to any listed hazardous materials sites associated with any specific future residential projects will be assessed at the time the projects are actually proposed.

Additionally, the HEU is a policy document and adoption would not itself, result in negative environmental impacts. However, implementation of the programs contained in the document will accommodate future development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. While a rezoning program is identified within the HEU, the actual rezoning of property within the City to accommodate RHNA allocations would occur at a future date and is not one of the discretionary actions being undertaken at this time. As such, impacts would be less than significant, and no mitigation is required.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?*

**No Impact.** The City is located more than two miles away from the Los Angeles International Airport, the closest airport to the City. No private airstrip is located within or adjacent to Manhattan Beach. As such, no impacts would occur.

- f) *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

**No Impact.** The City's General Plan contains specific goals and polices to maintain effective and high-quality emergency response services for the community, including cooperating with other South Bay jurisdictions to maintain an up-to-date regional emergency response system; disseminating information to residents, businesses, and schools on preparing for and responding to natural disasters; and ensuring that all street signs and street numbers are visible and legible to minimize emergency response time (City of Manhattan Beach 2003). The HEU is a policy document identifying how the City would provide additional capacity for the future construction of 479 units, which would be constructed on infill sites

given the developed nature of the City. As such, with the addition of future residences, there would be an increased demand for services, but no construction would occur such that the HEU would impair implementation of, or physically interfere with, an adopted emergency response or evaluation plan. No physical impacts would occur.

**g) *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?***

**No Impact.** According to the City’s General Plan EIR, there are no wildlands in Manhattan Beach. As such, there would be no potential to expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. No impact would occur.

### 3.9.4 References

City of Manhattan Beach. 2003a. General Plan. Adopted 1988. Updated 2003. Accessed October 2, 2021. <https://www.manhattanbeach.gov/departments/community-development/planning-zoning/general-plan/final-general-plan>.

City of Manhattan Beach. 2003b. Final Environmental Impact Report, Manhattan Beach General Plan. Accessed October 29,2021.

## 3.10 Hydrology and Water Quality

### 3.10.1 Environmental Setting

#### Surface Water

##### Santa Monica Bay Watershed Area

The majority of City land is located within the Santa Monica Bay Watershed area, which covers approximately 177 square miles of Los Angeles County. The watershed drains into the Pacific Ocean and includes the Dominguez Channel. Other municipalities that fall within the boundaries of this Watershed Area include Carson, Los Angeles, Torrance, Los Angeles County, Gardena, Redondo Beach, Inglewood, Rancho Palos Verdes, El Segundo, Lomita, Lawndale, Rolling Hills Estates, Hermosa Beach, Rolling Hills, Compton, Hawthorne, and Palos Verdes Estates (LACDPW 2021). The City is generally classified as being the South Santa Monica Bay Watershed which is highly urbanized, consisting of approximately 76% built environment and 16% open space (LACDPW 2005).

##### Dominguez Watersheds

According to the County of Los Angeles Department of Public Work, (2021b) the Dominguez Watershed is located within the southern portion of Los Angeles County and encompasses approximately 133 square miles of land and water. Approximately 81% of the watershed or 93% of the land is developed. Residential development covers nearly 40% of the watershed, and another 41% is made up by industrial, commercial and transportation uses. With a population of nearly 1 million, considerable demands are made on infrastructure and services within the watershed. Water supply is limited, and the majority of water use is from imported sources. Parkland and open space are in short supply and generally are deficient (LACDPW 2021).

## Water Quality

Existing, potential or intermittent beneficial uses for the Santa Monica Bay, where stormwaters from the City are discharged and for the underlying groundwater basins in the City (West Coast Basin) include: navigation (NAV); Water Recreation (REC-1, REC-2); commercial and sport fishing (COMM); marine habitat (MAR); wildlife habitat (WILD); spawning, Reproduction, and/or early development (SPWN); and shellfish harvesting (SHELL)(EWMP 2018). Under Clean Water Act Section 303(d), the State of California is required to develop total maximum daily loads (TMDLs), which define how much of a specific pollutant/stressor a given water body can tolerate and still meet relevant water quality standards. TMDLs have been established for impaired water bodies in throughout California. Including the Santa Monica Bay Beaches, and the Santa Monica Bay (EWMP 2018). High priority pollutants with established TMDLs in the beaches and the Bay and include dry and wet weather bacteria, trash/debris, Dichloro-diphenyl-trichloroethane (DDT) and Polychlorinated Biphenyls (PCB) (EWMP 2018).

## Storm Drainage

Stormwater runoff flows directly into the City's storm drain system via street gutters and other inlets, and this flow in turn discharges into the County of Los Angeles flood control network, which ultimately drains into the Pacific Ocean (City of Manhattan Beach 2003a). The Los Angeles County Department of Public Works (LACDPW) maintains the regional storm drain system, including two major pumping plants (Polliwog Pond and Johnson Street) in the City (City of Manhattan Beach 2003a). With regard to capacity, the established system is adequate to handle most stormwater runoff. However, during unusually heavy storm events, the system can become overwhelmed.

The Federal Water Pollution Control Act prohibits the discharge of any pollutant to navigable waters from a point source unless the discharge is authorized by a National Pollutant Discharge Elimination System (NPDES) permit. Manhattan Beach participates in the NPDES permit program via a partnership consisting of the County, all cities within the County and the County Flood Control District (City of Manhattan Beach 2003a). Polliwog Park contains storm drainage facilities to help reduce pollutants entering the storm drain system, which also has the added benefit of recharging groundwater supplies. The City has also installed several storm water filtration devices called continuous deflective separation (CDS) units at strategic locations throughout the City (City of Manhattan Beach 2003a). The CDS units are designed to capture and retain sediments, floatable and settleable trash and debris before the runoff enters the ocean. Stormwater passes through the CDS system and returns to the storm drain system, while debris and coarse sediments are retained and settled into a sump where they can be collected and hauled away (City of Manhattan Beach 2003a).

## Groundwater

According to the West Basin Municipal Water District (2021), the West Coast Groundwater Basin (Basin) underlies 160 square miles in the southwestern part of the Los Angeles Coastal Plain in Los Angeles County, including the City of Manhattan Beach. The Basin extends southwesterly along the coast from the Newport-Inglewood Uplift to the Santa Monica Bay. The Basin provides groundwater to approximately 11 cities and unincorporated areas of Los Angeles County. This average annual production is roughly 52,000 Acre-feet (AF), which accounts for 20% of total retail demands (WBMWD 2021). Basin groundwater within the City is extracted by City owned and operated wells (City of Manhattan Beach 2003b). The City is allowed to pump approximately 3.8 million gallons per year (City of Manhattan Beach 2003b).

## Flooding

The Federal Emergency Management Agency (FEMA) provides flood hazard and risk data to help guide mitigation actions. Flood mapping is an important part of the National Flood Insurance Program, as it is the basis of National Flood Insurance Program regulations and flood insurance requirements. The land area east of the beach is not located within a FEMA-designated Special Flood Hazard Area and is designated as Zone X (an area of minimal flooding potential). However, the sandy beach area, where non-habitable development exists, is designated as AE, which is defined as a high-risk areas have at least a 1% annual chance of flooding (County of Los Angeles 2021a, 2021b).

### 3.10.2 Regulatory Setting

#### Federal

##### National Flood Insurance Program

The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973 mandate FEMA to evaluate flood hazards. FEMA provides flood insurance rate maps for local and regional planners to promote sound land use and floodplain development, identifying potential flood areas based on the current conditions. To delineate a flood insurance rate map, FEMA conducts engineering studies referred to as flood insurance studies. Using information gathered in these studies, FEMA engineers and cartographers delineate Special Flood Hazard Areas on flood insurance rate maps.

##### Clean Water Act

The Clean Water Act (CWA) (33 USC 1251 et seq.), as amended by the Water Quality Act of 1987, is the major federal legislation governing water quality. The objective of the CWA is “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” Key sections of the act are as follows:

- Sections 303 and 304 provide for water quality standards, criteria, and guidelines. Under Section 303(d) of the CWA, the State of California is required to develop a list of impaired water bodies that do not meet water quality standards and objectives and establish TMDLs for each pollutant/stressor.
- Section 401 (Water Quality Certification) requires an applicant for any federal permit that proposes an activity that may result in a discharge to waters of the United States to obtain certification from the state that the discharge will comply with other provisions of the act. As there are no federal jurisdictional waters within the areas identified in the sites analysis as having potential to accommodate future residential development, no water quality certification under CWA Section 401 would be required.
- Section 406 establishes NPDES, a permitting system for the discharge of any pollutant (except for dredged or fill material) into waters of the United States. This permit program is administered by the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCBs), which have several programs that implement individual and general permits related to construction activities, municipal stormwater discharges, and various kinds of non-stormwater discharges. State and regional water quality related permits and approvals, including NPDES permits, are discussed below.
- Section 404 establishes a permit program for the discharge of dredged or fill material into waters of the United States. This permit program is jointly administered by the U.S. Army Corps of Engineers and the U.S.

Environmental Protection Agency. As there are no federal jurisdictional waters within the areas identified in the sites analysis as having potential to accommodate future residential development, the HEU, or future development pursuant to the HEU, would not require a permit under CWA Section 404.

Numerous agencies have responsibilities for administration and enforcement of the CWA. At the federal level this includes the USEPA and the U.S. Army Corps of Engineers. At the State level, with the exception of tribal lands, the Cal/EPA and its sub-agencies, including the SWRCB, have been delegated primary responsibility for administering and enforcing the CWA in California.

### Federal Antidegradation Policy

The Federal Antidegradation Policy (40 CFR 131.12) requires states to develop statewide antidegradation policies and identify methods for implementation. Pursuant to the Code of Federal Regulations (CFR), state antidegradation policies and implementation methods shall, at a minimum, protect and maintain (1) existing in-stream water uses; (2) existing water quality where the quality of the waters exceeds levels necessary to support existing beneficial uses, unless the State finds that allowing lower water quality is necessary to accommodate economic and social development in the area; and (3) water quality in waters considered an outstanding national resource.

### State

#### Porter-Cologne Water Quality Act (California Water Code)

The Porter-Cologne Act (codified in the California Water Code, Section 13000 et seq.) is the primary water quality control law for California. Whereas the CWA applies to all waters of the United States, the Porter-Cologne Act applies to waters of the State, which includes isolated wetlands and groundwater in addition to federal waters. This act is implemented by the SWRCB and the nine RWQCBs. In addition to other regulatory responsibilities, the RWQCBs have the authority to conduct, order, and oversee investigation and cleanup where discharges or threatened discharges of waste to waters of the State could cause pollution or nuisance, including impacts to public health and the environment.

The act requires a “Report of Waste Discharge” for any discharge of waste (liquid, solid, or otherwise) to land or surface waters that may impair a beneficial use of surface or groundwater of the state. California Water Code Section 13260 subdivision (a) requires that any person discharging waste or proposing to discharge waste, other than to a community sewer system that could affect the quality of the waters of the state, to file a Report of Waste Discharge with the applicable RWQCB. For discharges directly to surface water (waters of the United States), an NPDES permit is required, which is issued under both State and federal law. For other types of discharges, such as waste discharges to land (e.g., spoils disposal and storage), erosion from soil disturbance, or discharges to waters of the State (such as groundwater and isolated wetlands), waste discharge requirements (WDRs) are required and are issued exclusively under state law. WDRs typically require many of the same BMPs and pollution control technologies as required by NPDES-derived permits.

#### California Antidegradation Policy

The California Antidegradation Policy, otherwise known as the Statement of Policy with Respect to Maintaining High Quality Water in California, was adopted by the SWRCB (State Board Resolution No. 68-16) in 1968. Unlike the Federal Antidegradation Policy, the California Antidegradation Policy applies to all waters of the

State (e.g., isolated wetlands and groundwater), not just surface waters. The policy states that whenever the existing quality of a water body is better than the quality established in individual Basin Plans, such high quality shall be maintained, and discharge to that water body shall not unreasonably affect present or anticipated beneficial use of such water resources.

### **California Toxics Rule**

The U.S. Environmental Protection Agency has established water quality criteria for certain toxic substances via the California Toxics Rule. The California Toxics Rule established acute (i.e., short-term) and chronic (i.e., long-term) standards for bodies of water, such as inland surface waters and enclosed bays and estuaries, that are designated by each RWQCB as having beneficial uses protective of aquatic life or human health.

### **NPDES and WDR Permits**

NPDES and WDR programs regulate construction, municipal, and industrial stormwater, and non-stormwater discharges under the requirements of the CWA and the Porter–Cologne Water Quality Control Act. The Construction Stormwater Program is administered by the SWRCB, while the Municipal Stormwater Program and other WDRs are administered by the Los Angeles RWQCB. The Manhattan Beach Public Works Department enforces NPDES requirements, which are adopted as part of the MBMC.

### **Construction General Permit (SWRCB Order 2009-0009-DWQ, as amended)**

Pursuant to CWA Section 406(p), requiring regulations for permitting of certain storm water discharges, the SWRCB has issued a statewide General Permit for Stormwater Discharges Associated with Construction Activity and Land Disturbance Activities (Order No. 2010-0014-DWQ, adopted by the SWRCB on November 16, 2010, and effective February 14, 2011).

Under this Construction General Permit, discharges of storm water from construction sites with a disturbed area of one or more acres are required to either obtain individual NPDES permits for storm water discharges or be covered by the Construction General Permit. Coverage under the Construction General Permit is accomplished by completing and filing permit registration documents, which include a Notice of Intent and Stormwater Pollution Prevention Plan (SWPPP), prior to the commencement of construction activity. SWPPPs incorporate erosion control, sediment removal, and construction waste management control measures during construction, site stabilization measures in the short-term post-construction period, and may identify BMPs for post-construction land use.

Dischargers must file a Notice of Termination when construction is complete and final stabilization has been reached or ownership has been transferred. The discharger must certify that all state and local requirements have been met in accordance with this Construction General Permit. For construction to be found complete, the discharger must install post-construction storm water management measures and establish a long-term maintenance plan.

### **California Water Plan**

Required by the California Water Code Section 10005(a), the California Water Plan, prepared by the California Department of Water Resources, is the state government's strategic plan for managing and developing water resources statewide for current and future generations and provides a framework for water managers, legislators, and the public to consider options and make decisions regarding California's water future. The California Water

Plan, which is updated every five years, presents basic data and information on California’s water resources, including water supply evaluations and assessments of agricultural, urban, and environmental water uses to quantify the gap between water supplies and uses. The California Water Plan also identifies and evaluates existing and proposed statewide demand management and water supply augmentation programs and projects to address the state’s water needs.

The goal for the California Water Plan Update is to meet California Water Code requirements. This plan received broad support among those participating in California’s water planning, and is a useful document for the public, water planners throughout the State, legislators, and other decision-makers.

### **California Green Building Standards Code**

The California Green Building Standards Code (CALGreen Code), Part 11 of the California Building Standards Code (Title 24) is designed to improve public health, safety, and general welfare by using design and construction methods that reduce the negative environmental impact of development and to encourage sustainable construction practices. The CALGreen Code provides mandatory direction to developers of all new construction and renovations of residential and non-residential structures with regard to all aspects of design and construction, including, but not limited to, site drainage design, stormwater management, and water use efficiency. Required measures are accompanied by a set of voluntary standards designed to encourage developers and cities to aim for a higher standard of development.

### **California Building Code**

Pursuant to California Government Code Section 50022.2, the California Building Code, 2019 Edition, published at Title 24, Part 2, of the California Code of Regulations, including Appendices F, J, and O, and Standards ((including Section 1, Division 2; Chapter 31B and excluding all other Appendices), has been adopted by reference into the MBMC (Section 9.01.010), subject to the amendments, additions and deletions set forth in Chapter 9.01, Building Code.

### **Sustainable Groundwater Management Act**

The Sustainable Groundwater Management Act (SGMA) was signed into law in 2014. SGMA requires governments and water agencies of high- and medium-priority groundwater basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. For critically overdrafted basins, sustainability should be achieved by 2040. For the remaining high- and medium-priority basins, 2042 is the deadline for achieving sustainability. Through SGMA, the California Department of Water Resources provides ongoing support to local agencies through guidance, financial assistance, and technical assistance. SGMA empowers local agencies to form Groundwater Sustainability Agencies (GSAs) to manage basins sustainably and requires those GSAs to adopt Groundwater Sustainability Plans for crucial groundwater basins in California.

## **Regional and Local**

### **Water Quality Control Plan, Los Angeles Region**

The California legislature has assigned the primary responsibility to administer and enforce statutes for the protection and enhancement of water quality, including the Porter–Cologne Act and portions of the CWA, to the

SWRCB and its nine RWQCBs. The SWRCB provides state-level coordination of the water quality control program by establishing statewide policies and plans for implementation of state and federal regulations. The nine RWQCBs throughout California adopt and implement Basin Plans that recognize the unique characteristics of each region with regard to natural water quality, actual and potential beneficial uses, and water quality problems. The Los Angeles RWQCB is responsible for the protection of the beneficial uses of waters within the coastal watersheds of Los Angeles and Ventura counties.

The Water Quality Control Plan Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties (Los Angeles RWQCB Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan (California Water Code Sections 13240–13247) (LARWQCB 2014). The Los Angeles RWQCB Basin Plan must conform to the policies set forth in the Porter-Cologne Act as established by the SWRCB in its state water policy. The Porter-Cologne Act also provides the RWQCBs with authority to include within their basin plan water discharge prohibitions applicable to particular conditions, areas, or types of waste. The Los Angeles RWQCB Basin Plan is continually being updated to include amendments related to implementation of TMDLs of potential pollutants or water quality stressors, revisions of programs and policies within the Los Angeles RWQCB Region, and changes to beneficial use designations and associated water quality objectives.

Municipal Stormwater Permit (Los Angeles RWQCB Order No. R4-2012-0175-A01, as amended), NPDES Permit No. CAS004001

The Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges Within the Coastal Watersheds of Los Angeles County, except those discharges originating from the City of Long Beach MS4 (MS4 Permit) covers 88 cities and most of the unincorporated areas of Los Angeles County. Under the MS4 Permit, the Los Angeles County Flood Control District is designated as the Principal Permittee. The Permittees are the 88 Los Angeles County cities and Los Angeles County. Collectively, these (including the City of Los Angeles) are the “Co-Permittees.” The Principal Permittee helps to facilitate activities necessary to comply with the requirements outlined in the MS4 Permit but is not responsible for ensuring compliance of any of the other Permittees.

The Los Angeles RWQCB adopted WDRs for MS4 discharges within the Coastal Watersheds of Los Angeles County on June 18, 1990 (Order No. 90-079; NPDES Permit No. CA0061654). The WDRs were later amended on December 13, 2001 (Order No. 01-182; NPDES Permit No. CAS004001, as amended). The current MS4 Permit (Order No. R4-2012-0175; NPDES Permit No. CAS004001) was adopted on November 8, 2012 and became effective on December 28, 2012.

The MS4 Permit contains effluent limitations, receiving water limitations, minimum control measures, and TMDL provisions, and outlines the process for developing watershed management programs, including the Enhanced Watershed Management Program (EWMP). The MS4 Permit incorporates the TMDL waste load allocations applicable to dry- and wet-weather as water quality-based effluent limitations and/or receiving water limitations. The MS4 Permit adopts low-impact development (LID) principles and requires development and redevelopment projects to incorporate stormwater management strategies with goals to mitigate the impacts of increased runoff and stormwater pollution as close to its source as possible. LID promotes the use of natural infiltration systems, evapotranspiration, and the reuse of stormwater. The goal of these LID practices is to remove nutrients, bacteria, and metals from stormwater while also reducing the quantity and intensity of stormwater flows. Through the use of various infiltration strategies, LID is aimed at minimizing impervious surface area. Where infiltration is not feasible,

the use of bioretention, rain gardens, green roofs, cisterns, and rain barrels that will store, evaporate, detain, and/or treat runoff may be used.

### Beach Cities Enhanced Water Management Program

Following adoption of the MS4 NPDES Permit, the Cities of Hermosa Beach, Manhattan Beach, Redondo Beach and Torrance, together with the Los Angeles County Flood Control District (LACFCD), collectively referred to as the Beach Cities Watershed Management Group (WMG) agreed to collaborate on the development of an Enhanced Watershed Management Program (EWMP) for the Santa Monica Bay (SMB) and Dominguez Channel Watershed areas within their jurisdictions. The EWMP is intended to facilitate effective, watershed-specific Permit implementation strategies in accordance with Permit Part VI.C. Watershed Management Program. (EWMP 2018). The EWMP identifies watershed-specific water quality priorities outlines specific strategies, control measures and best management practices (BMPs) necessary to achieve water quality targets (including Water Quality Based Effluent Limitations [WQBELs] and Receiving Water Limitations [RWLs]); and conducts quantitative analyses to support target achievement and Permit compliance.

### City of Manhattan Beach General Plan

The following General Plan goals and polices are related to hydrology and water quality:

Policy LU-2.4: Support appropriate stormwater pollution mitigation measures.

Goal CS-3: Maintain a high level of City emergency response services.

Policy CS-3.2: Cooperate with other jurisdictions in the South Bay area to maintain an up-to-date emergency response system for the region.

Policy CS-3.5: Review the City's emergency equipment and shelters periodically to ensure that they are adequate to meet the needs of changing land uses and development and types of disasters.

Policy CS-3.9 Continue to upgrade the quality of emergency response through continued education and training of emergency response personnel.

Goal I-9: Maintain a storm drainage system that adequately protects the health and safety and property of Manhattan Beach residents.

Policy I-9.1: Evaluate the size and condition of the storm drainage system periodically to ensure its ability to handle expected storm runoff.

Policy I-9.2: Evaluate the impact of all new development and expansion of existing facilities on storm runoff and ensure that the cost of upgrading existing drainage facilities to handle the additional runoff is paid for by the development which generates it.

Policy I-9.3: Support the use of storm water runoff control measures that are effective and economically feasible.

Policy I-9.4: Encourage the use of site and landscape designs that minimize surface runoff by minimizing the use of concrete and maximizing the use of permeable surface materials.

Policy I-9.5: Support appropriate storm water pollution mitigation measures.

Policy I-9.6: Discourage new development below street level in order to avoid flooding on public and private property in areas subject to flooding.

## Manhattan Beach Municipal Code

### Chapter 5.84 -Stormwater and Urban Runoff Pollution

Chapter 5.84 requires compliance with the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act, and the Municipal National Pollutant Discharge Elimination System (NPDES) Permit by:

1. Reducing pollutants in storm water discharges to the maximum extent practicable;
2. Regulating illicit connections and illicit discharges, thereby reducing the level of contamination of storm water and urban runoff into the Municipal Separate Storm Sewer System (MS4) of the City of Manhattan Beach (City) and;
3. Regulating non-storm water discharges to the MS4.

The intent of this chapter is to ensure the future health, safety and general welfare of the citizens of the City and of the receiving waters of the County of Los Angeles and surrounding coastal areas to provide the City with the legal authority necessary to implement and enforce the requirements contained in 40 CFR § 122.26(d)(2)(i)(A-F) and in the municipal NPDES permit to the extent that they are applicable in the City, to control discharges to and from those portions of the municipal storm water system (MS4) over which the City has jurisdiction as required by the municipal NPDES permit, and to hold dischargers to the MS4 accountable for their contributions of pollutants and flows.

### Section 7.44.020, Permanent water conservation measures.

Section 7.44.020 of the MBMC addresses water conservation and provides for permanent water conservation measures and drought restrictions. In addition, it established that water conservation requirements apply to 100% of projects that the City approves.

## City of Manhattan Beach Master Plans

### Wastewater System Master Plan (2010)

The objective of the Wastewater Master Plan is to evaluate the City's sewer collection system to provide a framework for undertaking the construction of new and replacement facilities for the service area in an efficient and cost-effective manner. It is designed to aid the City in meeting some of the requirements of the Statewide General Waste Discharge Requirements issued by the California Regional Water Quality Control Board in 2006.

### Water Master Plan (2010)

The purpose of the Water Master Plan (WMP) is to periodically evaluate the City's water system and provide a framework for undertaking the construction of new and replacement facilities for serving the water supply and distribution needs in an efficient manner. The WMP report presents the methodology, analyses, findings, and recommendations of a comprehensive study of the City's potable water system and describes the water system supplied by the West Basin Municipal Water District.

2015 Urban Water Management Plan (2017)

The City is a water supplier and is required to prepare an Urban Water Management Plan (UWMP) in accordance with the California Urban Water Management Planning Act (UWMP Act) which was established in 1983. The Act requires every “urban water supplier” to prepare and adopt a Plan, periodically review its Plan at least once every five years and make any amendments or changes which are indicated by the review. Pursuant to California Water Code Section 10617, an “Urban Water Supplier” is defined as a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. The primary objective of the UWMP Act is to direct urban water suppliers to evaluate their existing water conservation efforts and, to the extent practicable, review and implement alternative and supplemental water conservation measures. The UWMP Act is directed primarily at retail water purveyors where programs can be immediately affected upon the consumer.

### 3.10.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>X. HYDROLOGY AND WATER QUALITY – Would the project:</b>				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on- or off-site;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) ***Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?***

**Less Than Significant Impact.** The City has numerous safeguards in place related to water quality and safe discharge requirements. The Federal Water Pollution Control Act prohibits the discharge of any pollutant to navigable waters from a point source unless the discharge is authorized by a NPDES permit. Manhattan Beach participates in the NPDES permit program via a partnership consisting of the County and the County Flood Control District (City of Manhattan Beach 2003a). The City has established holding ponds and drainage facilities to help reduce pollutants entering the storm drain. The City has also installed CDS units in strategic locations around the City. Stormwater passes through the CDS system and returns to the storm drain system, while debris and coarse sediments are retained and settled into a sump where they can be collected and hauled away (City of Manhattan Beach 2003a). These established practices would help ensure that any future development facilitated by the HUE would not have an adverse impact on water quality.

All demolition, relocation and/or construction phases of future housing development would be subject to compliance with applicable local, regional, state and federal regulations designed to protect water resources, including those regulations requiring implementation of Best Management Practices (BMPs), preparation of SWPPPs, and submittal of Erosion Control Plans in compliance with NPDES provisions. Consistency with this regulatory framework would adequately ensure that such impacts would be avoided or reduced to less than significant.

The HEU is a policy document, consisting of a housing program designed to assist the City in implementing its RHNA allocation. Therefore, adoption of this update would not, in and of itself, produce environmental impacts. However, implementation of the programs contained in the documents would accommodate future development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. Future residential development that would qualify to meet the RHNA requirement are expected to be located on infill sites in urbanized areas and the City has procedures and regulations in place to ensure that there would be no significant impacts associated with hydrology and water quality. As such, impacts would be less than significant, and no mitigation is required.

- b) ***Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?***

**Less Than Significant Impact.** Groundwater within the City is extracted by City owned and operated wells. The City is allowed to pump approximately 3.8 million gallons per year of groundwater from the West Coast Basin. As outlined in the City's General Plan EIR, all future developments are required to comply with applicable state and local regulations that concern groundwater recharge, including the MBMC (City of Manhattan Beach 2003b). Additionally, the City's Polliwog Park contains storm drainage facilities to help reduce pollutants entering the storm drain system. Following rain events, water from the surrounding area flows into the park where it is held before being pumped into the storm drain system. One of the benefits of holding the water in the park is that some of the water is absorbed into the ground, recharging the groundwater basin. Pursuant to Los Angeles County NPDES permit requirements, new construction projects are implementing similar measures to remove pollutants from runoff (City of Manhattan Beach 2003a). As such, future development envisioned within the HEU would not adversely affect groundwater.

The HEU is a policy document, consisting of a housing program designed to assist the City in implementing its RHNA allocation. Therefore, adoption of this update would not, in and of itself, produce environmental impacts. However, implementation of the programs contained in the documents would accommodate future development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. Future residential development that would qualify to meet the RHNA requirement are expected to be located on infill sites in urbanized areas and the City has procedures and regulations in place to ensure that there would be no significant impacts associated with groundwater or groundwater recharge. Impacts would be less than significant, and no mitigation is required.

- c) ***Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:***

- i) ***Result in substantial erosion or siltation on- or off-site;***
- ii) ***Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;***
- iii) ***Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; and/or***
- iv) ***Impede or redirect flood flows?***

**Less Than Significant Impact.** Future residential development accommodated by the adoption of the HEU would infiltrate stormwater in accordance with all applicable regulations, as described under Threshold 3.10(a), and would continue to outflow into the existing storm drain system. No naturalized drainages or creeks would be affected. As such, impacts would be less than significant, and no mitigation is required.

The HEU is a policy document, consisting of a housing program designed to assist the City in implementing its RHNA allocation. Therefore, adoption of this update would not, in and of itself, produce environmental impacts. However, implementation of the programs contained in the documents would accommodate development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. Future residential development that would qualify to meet the RHNA requirement are expected to be located on infill sites in urbanized areas and the City has procedures and regulations in place to ensure that there would be no significant impacts associated with hydrology and water quality. Additionally, the parcels identified in the HEU sites analysis as having the potential to accommodate the City's 6<sup>th</sup> Cycle RHNA allocation consist of previously developed underutilized sites in urban and semi-urban locations throughout the City.

**d) *In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?***

**Less Than Significant Impact.** Due to its topography and location, Manhattan Beach is not subject to seiches or mud flows. As the City is coastal and located adjacent to the Pacific Ocean, in the event of a tsunami, the beach area of the City may be inundated depending on the magnitude of the event. Large tsunamis can travel at speeds exceeding 600 miles per hour, and the length, from crest to crest, may be 60 miles or more. Yet the height of a tsunami, from trough to crest, may only be a few inches or feet. The threat for tsunamis in California can be considered relatively low given the low recurrence frequencies from these phenomena. However, the threat of a seismically induced undersea landslide off the Southern California coast exists. Because locally generated tsunamis provide little time for warning, the City's General Plan includes provisions to mitigate the impacts of natural hazards, including flooding due to a tsunami, within Goal CS-3 (and Policies CS-3.2, 3.5, 3.7, and 3.9). These policies require that the City maintain a high level of City emergency response services, cooperate with other jurisdictions in the South Bay area to maintain an up-to-date emergency response system for the region, periodically review the City's emergency equipment and shelters to ensure adequacy, and continue to upgrade the quality of emergency response through education and training of personnel (City of Manhattan Beach 2003b). These goals and policies would help ensure that the City maintains a high level of City emergency response services in the event of flood hazard, tsunami, or seiche.

The HEU is a policy document and adoption will not, in and of itself, result in environmental impacts. However, implementation of the programs contained in the document will accommodate future development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. While a rezoning program is identified within the HEU, the actual rezoning of property within the City to accommodate the City's 6<sup>th</sup> Cycle RHNA allocations would occur at a future date and is not one of the discretionary actions being undertaken at this time. As such, impacts related to release of pollutants due to inundation would continue to be subject to the same regulations and guidance. Therefore, impacts would be less than significant, and no mitigation is required.

**e) *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

**Less Than Significant Impact.** As previously discussed under Threshold 3.10(a), future projects constructed following adoption of the HEU would comply with applicable water quality regulatory requirements, including implementation of a SWPPP, and stormwater BMPs, which would minimize potential off-site surface water quality impacts and contribute to a reduction in water quality impacts. The HEU also includes Program 31, which would facilitate review of the MBMC to encourage greener building

techniques that would improve water efficiency and consider opportunities above and beyond State requirements. Program 31 would also facilitate amending the MBMC, as needed, to conform to future amendments or updates to State Green Building Standards.

The HEU is a policy document, consisting of a housing program designed to assist the City in implementing its RHNA allocation. Therefore, adoption of this update would not, in and of itself, produce environmental impacts. However, implementation of the programs contained in the documents would accommodate future development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. Future residential development that would qualify to meet the RHNA requirement are expected to be located on infill sites in urbanized areas. The environmental effects of construction and operation this will be evaluated at the time individual projects are proposed in a manner that would ensure that applicable water quality control plans or sustainable groundwater management plans not obstructed. As such, impacts from the HEU would be less than significant, and no mitigation is required.

### 3.10.4 References

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## 3.11 Land Use and Planning

### 3.11.1 Environmental Setting

The City is located in the southwest portion of the County of Los Angeles along the Pacific Ocean, approximately 19 miles southwest of Downtown Los Angeles. The City is bordered by El Segundo and the Chevron Oil Refinery to the north, Redondo Beach and Hawthorne to the east, Hermosa Beach to the south, and the Pacific Ocean to the west.

The City is made up of five distinct neighborhoods which are grouped into "planning areas" that reflect the City's unique and varied environment (City of Manhattan Beach 2003). These planning areas are as follows:

**Beach Area:** This area contains most of the City's multi-family rental housing. Lots in this area are small with generally less than 3,000 square feet, and parking for residents and visitors is in short supply. The General Plan calls for the maintenance and enhancement of the "Village" atmosphere within the downtown commercial district. The City's goal is to promote the preservation of the small specialty retail and service activities that serve both visitors to the beach and local residents while also encouraging mixed-used residential/commercial development.

**Hill Section:** This area consists primarily of single-family residential development, with commercial and higher-density residential development limited to Sepulveda Boulevard and Manhattan Beach Boulevard. The City's General Plan promotes the maintenance of single-family neighborhoods. Higher-density, multiple-family residential development is directed to those parcels located on either side of Manhattan Beach Boulevard, which is already developed with a mix of commercial and multifamily residential uses.

**East-Side/Manhattan Village:** This includes all the City's land area located east of Sepulveda Boulevard, and a large proportion of the City's commercial and residential uses are within this area. The City's land use policy calls for the preservation of the existing character of the residential neighborhoods located in the areas. Medium-and high-density residential development is located along Manhattan Beach Boulevard, Artesia Boulevard, and in areas adjacent to Manhattan Intermediate and Meadows schools, which are designated exclusively for multiple-family residential development. Manhattan Village includes a substantial amount of regional commercial and office development as well as a significant number of condominium units.

**Tree Section:** This is the portion of the City located to the east of Grand Avenue and northwest of Valley Drive. The area will remain almost exclusively single-family residential under the policies contained in the General Plan. A small portion of the area adjacent to Sepulveda Boulevard is designated for commercial uses.

**El Porto:** This area was formerly the unincorporated community of El Porto and is located north of 38th Street between the Pacific Ocean and the City of El Segundo. The area is developed with a mix of residential and commercial uses. El Porto has the highest residential development intensities found in the City. The General Plan protects the mix of multi-family and commercial development presently existing in this area.

As shown in Figure 3.1--1, Existing Land Use, and Figure 2.3-2, Existing Zoning, the City is primarily low density, single family residential, designated in the Land Use Element as Low Density Residential and zoned as RS. Medium and high-density residential areas (RM and RH zones) extend eastward from the City's coastline and comprise much of the City's LCP planning area. Other land use types include commercial, mixed-use, industrial, parks and open space, and public facilities. In accordance with the City's Planning and Zoning Code, the HEU identified five zones where it would be appropriate to locate future RHNA allocated dwelling units: Medium-Density Residential (RM) zone, in only Area District 3; High Density Residential (RH) zone in all Area Districts; and the Local Commercial (CL), Downtown Commercial (CD), and North End Commercial (CNE) zones in all Area Districts. Figure 2.3-1, Area District Map, shows the location of the four City Area Districts.

The Planning and Zoning Code is the primary tool for implementing the General Plan, including as it applies to land use policy and applicable land use designations (City of Manhattan Beach 2030). As such, the RM, RH, CL, CD, and CNE zones must be consistent with the goals and policies outlined in their corresponding designations. Applicable designations are discussed in further detail below:

**Medium Density Residential:** The Medium Density Residential category allows single-family homes, duplexes, and triplexes, including condominiums. Multifamily housing with four or more units may be permitted subject to discretionary review and provided compatibility with surrounding development can be assured. Development densities may range from 11.6 to 32.3 units per acre. Other permitted uses include parks and recreation facilities, public and private schools, public safety facilities, and facilities for religious assembly, consistent with Planning and Zoning Code requirements, which may require discretionary review (City of Manhattan Beach 2003).

**High Density Residential:** The High Density Residential category accommodates all types of housing, and specifically housing development of a more intensive form, including apartments, condominiums, and senior housing. Residential projects may be constructed at a density of up to 51.3 units per acre. Other permitted uses include parks and recreation facilities, public and private schools, public safety facilities, and facilities for religious assembly, consistent with Planning and Zoning Code requirements, which may require discretionary review (City of Manhattan Beach 2003).

**Downtown Commercial:** The Downtown Commercial land use category applies only to the Downtown area, an area of approximately 40 blocks that radiate from the intersection of Manhattan Beach Boulevard and Manhattan Avenue. Downtown provides locations for a mix of commercial businesses, residential uses, and public uses, with a focus on pedestrian-oriented low-intensity commercial businesses that serve Manhattan Beach residents and visitors. Multifamily residential projects can be developed in accordance with the development standards for the High-Density Residential designation. The height limit in this district ranges from 26 feet to 30 feet depending on location.

**Local Commercial:** The Local Commercial land use category provides areas for neighborhood-oriented, small-scale professional offices, retail businesses, and service activities that serve the local community. Permitted uses are generally characterized by those which generate low traffic volumes, have limited parking needs, and generally do not operate late hours. Residential uses can be developed at densities consistent with the High-Density Residential designation. The height limit is 30 feet (City of Manhattan Beach 2003).

**North End Commercial:** Properties designated North End Commercial lie at the north end of the City, along Highland Avenue and Rosecrans Avenue between 33rd and 42nd Streets. Commercial uses are limited to small-scale, low intensity neighborhood-serving service businesses, retail stores, and offices. Restaurant and entertainment establishments are permitted only where zoning regulations can adequately ensure compatibility with residential uses. The maximum permitted FAR is 1.5:1. Residential uses can be developed at densities consistent with the High Density designation with a height limit of 30 feet (City of Manhattan Beach 2003).

In addition to the appropriately zoned and designated parcels identified in the sites analysis, the HEU also proposes a future rezoning program to facilitate additional housing needs required by HCD. The zoning districts included in the rezoning would be limited to the Planned Development District (PD) and the General Commercial District (CG).

The rezoning program, to be refined and implemented over an approximately three-year planning horizon, would allow for residential uses where they are not currently allowed and would increase permitted residential densities. The existing uses for the CG and PD are described below.

**General Commercial District:** The purpose of the GC district is to provide opportunities for the full range of retail and service businesses deemed suitable for location in Manhattan Beach, including businesses not permitted in other commercial districts because they attract heavy vehicular traffic or have certain adverse impacts; and to provide opportunities for offices and certain limited industrial uses that have impacts comparable to those of permitted retail and service uses to occupy space not in demand for retailing or services. The CG currently requires the issuance of a use permit for proposed mixed-use developments, which is considered a nonconforming use per the MBMC Section 10.12.020. Typically, all CG districts are within the CG land use designation (City of Manhattan Beach 2001).

**Planned Development District (PD):** An essential element of the PD is to establish a procedure for the development of parcels of land in order to reduce or eliminate the rigidity, delays, and inequities that otherwise would result from application of zoning standards and procedures designed primarily for small parcel ad hoc development. Although General Plan designations within the PD includes Parks/Open Space, the sites that could potentially undergo rezoning within the PD area are within parcels designated as Manhattan Village Commercial, a regional serving commercial district (City of Manhattan Beach 2001).

**Manhattan Village:** The Manhattan Village Commercial category applies to properties that lie within the Manhattan Village Mall area and are subject to discretionary approval requirements. Commercial uses in Manhattan Village are generally regional-serving, including shopping centers, large department and specialty stores, and entertainment and restaurant establishments. The maximum FAR is 1.5:1 (City of Manhattan Beach 2003).

Many of the areas identified in the sites analysis for potential rezoning are located within the CG zones along Sepulveda Boulevard. Sepulveda Boulevard is the only State Highway in Manhattan Beach. As a major transportation corridor for the South Bay region, Sepulveda Boulevard also functions as a commercial corridor. With the heavy traffic volumes and associated noise impacts, adequate buffering of the residential uses behind Sepulveda Boulevard from such impacts is important. The scale and character of commercial development along Sepulveda Boulevard is also an important community concern. In response to these issues, the City adopted the Sepulveda Boulevard Design Guidelines to provide a framework for future development along this corridor (City of Manhattan Beach 1999, 2003).

### 3.11.2 Regulatory Setting

#### Federal

There are no federal regulations related to land use and planning relevant to the HEU.

## State

### State Planning Law and Complete Streets Act

State planning law (California Government Code Section 65300) requires every city and county in California to adopt a comprehensive, long-term general plan for the physical development of the jurisdiction and of any land outside its boundaries that, in the planning agency's judgment, bears relation to its planning (sphere of influence). A general plan should consist of an integrated and internally consistent set of goals and policies grouped by topic into a set of elements and guided by a jurisdiction-wide vision. State law requires that a general plan address seven elements or topics (land use, circulation, housing, conservation, open space, noise, and safety), but allows some discretion on the arrangement and content. Additionally, each of the specific and applicable requirements in the state planning law should be examined to determine if there are environmental issues within the community that the general plan should address, such as hazards or flooding.

The Housing Element is one of the required elements of the General Plan. This Sixth Revision to the Housing Element complies with the California Government Code, beginning at Section 65583.

### California Coastal Act of 1976

The California Coastal Act (California Public Resource Code sections 30000 et seq.) was enacted by the State Legislature in 1976 to provide long-term protection of California's 1,100-mile coastline for the benefit of current and future generations. The Coastal Commission, in partnership with coastal cities and counties, plans and regulates the use of land and water in the coastal zone. Development activities, which are broadly defined by the California Coastal Act (CCA) to include (among others) construction of buildings, divisions of land, and activities that change the intensity of use of land or public access to coastal waters, generally require a coastal permit from either the Coastal Commission or the local government. The Coastal Act requires local governments (15 coastal counties and 59 cities) to create and implement LCPs that incorporate policies to protect, enhance and restore environmentally sensitive habitats, including intertidal and nearshore waters, wetlands, bays and estuaries, riparian habitat, certain wood and grasslands, streams, lakes and habitat for rare or endangered plants or animals, as well as the scenic beauty of coastal landscapes and seascape.

## Regional/Local

### Southern California Association of Governments

The City is a member of the Southern California Association of Governments (SCAG), which is the designated Metropolitan Planning Organization for the region. SCAG is required to update its Regional Transportation Plan/Sustainable Communities Strategy every 4 years, which puts all member jurisdictions on a schedule to update their Housing Elements every 8 years. SCAG is required to develop a final Regional Housing Needs Allocation (RHNA) methodology to distribute existing and projected housing need for the 6<sup>th</sup> Cycle RHNA allocation for each jurisdiction, which will cover the planning period October 2021 through October 2029. Following extensive feedback from stakeholders during the proposed methodology comment period and an extensive policy discussion, SCAG's Regional Council voted to approve the Draft RHNA Methodology on November 7, 2019 and provide it to the State Department of Housing and Community Development for their statutory review. On January 13, 2020, the State Department of Housing and Community Development completed its review of the draft methodology and found that it furthers the five statutory objectives of RHNA, and on March 5, 2020, SCAG's Regional Council voted to approve the Final RHNA Methodology (SCAG 2020). On March 4, 2021, SCAG's Regional Council adopted the 6<sup>th</sup> Cycle Final RHNA Allocation Plan.

The HEU includes an update to the City's Housing Element and associated components to meet the RHNA requirements approved by SCAG.

### City of Manhattan Beach Local Coastal Program

The Local Coastal Program (LCP), which has been certified by the California Coastal Commission, is the basic planning tool used by Manhattan Beach to guide development in the coastal zone. The LCP contains the foundation policy for future development and protection of coastal resources, including the establishment, to the extent possible, of urban/rural boundaries and directing new housing and other development into areas with adequate services to avoid wasteful urban sprawl and leapfrog development. The LCP specifies appropriate location, type, and scale of new or changed uses of land and water and contains a designation in the Planning and Zoning Ordinance. Prepared by the City, this program governs decisions that determine the short- and long-term conservation and use of coastal resources. While the LCP reflects the unique characteristics of Manhattan Beach, the LCP must also be consistent with the CCA goals and policies. The CCA requires consistency between the LCP and General Plan. Section 30500.1 of the CCA provides that an LCP is not required to include housing policies and programs. However, Section 30007 states that local governments are not exempt from meeting requirements of State and federal law with respect to providing low- and moderate-income housing or other obligations related to housing. In those circumstances where an issue is addressed by both the LCP and General Plan, the terms of the LCP would generally prevail, including as it applies to general development aesthetics, views, and scenic vistas (City of Manhattan Beach 2003).

### Sepulveda Boulevard Development Guidelines

The City regulations for Sepulveda Boulevard development are primarily contained within Chapters 10.16 (Commercial Districts), 10.64 (Parking), and 10.52 and 10.60 (Miscellaneous) of the MBMC. The zoning districts found within the Sepulveda Corridor are CG, CC, and Single-Family Residential with the Oak Avenue Commercial Overlay (RS-D6). The guidelines are intended to encourage certain desirable elements to be included within development projects on the corridor. They are to be used as a supplement to the Planning and Zoning Code requirements during discretionary project reviews.

### City of Manhattan Beach General Plan

The Land Use Element of the General Plan provides the following goals and policies potentially relevant to the HEU (City of Manhattan Beach 2003).

Goal LU-1: Maintain the low-profile development and small-town atmosphere of Manhattan Beach.

Policy LU-1.1: Limit the height of new development to three stories where the height limit is thirty feet, or to two stories where the height limit is twenty-six feet, to protect the privacy of adjacent properties, reduce shading, protect vistas of the ocean, and preserve the low-profile image of the community.

Policy LU-1.2: Require the design of all new construction to utilize notches, balconies, rooflines, open space, setbacks, landscaping, or other architectural details to reduce the bulk of buildings and to add visual interest to the streetscape. Also referred to as the Bulk and Volume Ordinance (No. 2032).

Goal LU-2: Encourage the provision and retention of private landscaped open space.

Policy LU-2.1: Develop landscaping standards for commercial areas that unify and humanize each district.

Policy LU-2.2: Preserve and encourage private open space on residential lots citywide.

Policy LU-2.3: Protect existing mature trees throughout the City, and encourage their replacement with specimen trees whenever they are lost or removed

Policy LU-2.4: Support appropriate stormwater pollution mitigation measures.

Goal LU-3: Achieve a strong, positive community aesthetic.

Policy LU-3.1: Continue to encourage quality design in all new construction.

Policy LU-3.2: Promote the use of adopted design guidelines for new construction in Downtown, along Sepulveda Boulevard, and other areas to which guidelines apply.

Goal LU-4: Preserve the features of each community neighborhood, and develop solutions tailored to each neighborhood's unique characteristics.

Policy LU-4.1: Protect public access to and enjoyment of the beach while respecting the privacy of beach residents.

Policy LU-4.2: Develop and implement standards for the use of walkstreet encroachment areas and other public right-of-way area

Policy LU-4.3: Continue to allow use of the public landscaped area of the Strand for limited private landscaping purposes.

Policy LU-4.4: Encourage the preservation and enhancement of unique residential homes and buildings throughout Manhattan Beach to preserve the culture and history of the City.

Policy LU-4.5: Encourage measures that recognize and work to protect buildings, landscaping, and other features important to the City's history.

Policy LU-4.6: When public improvements are made, they should preserve and maintain distinctive neighborhood characteristics.

Goal LU-5: Protect residential neighborhoods from the intrusion of inappropriate and incompatible uses.

Policy LU-5.1: Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, or other technique.

Policy LU-5.2: Work with all commercial property owners bordering residential areas to mitigate impacts and use appropriate landscaping and buffering of residential neighborhoods.

Policy LU-5.7: Recognize the unique qualities of mixed-use areas and balance the needs of both the residential and commercial uses.

Goal LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.

Policy LU-7.6: Recognize the unique qualities of mixed-use development and balance the needs of both commercial and residential uses.

### 3.11.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XI. LAND USE AND PLANNING – Would the project:</b>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**a) *Would the project physically divide an established community?***

**Less Than Significant Impact.** Existing underutilized parcels throughout the City have been identified to accommodate 377 RHNA allocated residential dwelling units in the RM, RS, CL, CD, and CNE zones. In addition, to meet a capacity deficit of approximately 406 lower-income units, as well as 73 additional “buffer” low income units, the City has identified potential sites in the CG, PD, RM, and RS districts to be made available to accommodate residential uses appropriate for lower-income households (i.e., through a rezoning program) within the mandated three-year planning horizon.

The proposed rezoning areas for additional housing would encourage infill development in areas with existing infrastructure, rather than continuing sprawling land use patterns. These changes would not introduce radically different land uses into neighborhoods, propose new street patterns, or otherwise divide these areas. In addition, sites where existing or potential capacity has been identified to accommodate future housing are dispersed throughout the previously identified seven City zoning district and would not result in a large-scale grouping of residential developments. As such, the HEU would not physically divide an established community. Impacts would be less than significant, and no mitigation is required.

**b) *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?***

**Less Than Significant Impact.** The California Government Code requires that a General Plan prepared by a local government contain an integrated, internally consistent set of goals, policies, and programs. The structure of the Housing Element, as well as the HEU, which is one of the required elements within a General Plan, is built on the same foundation upon which all other elements of the plan were formed. In addition, the HEU goals complement those found in the other elements of the General Plan. Cohesive housing policies that are appropriate to Manhattan Beach were designed through this coordination.

The RHNA is mandated by State Housing Law as part of the periodic process of updating local housing elements of the General Plan (SCAG 2020). SCAG is required to develop a RHNA for existing and projected housing needs for each jurisdiction, which covers the planning period of October 2021 through October 2029. The City is required to ensure the availability of residential sites at adequate densities and with appropriate development standards to accommodate its fair share of the RHNA set forth by SCAG.

The HEU is a policy document that would update the General Plan to meet state Housing Element law. As described in Threshold 3.11(a), while the HEU is a policy document that is not anticipated to produce environmental impacts, the future rezoning effort included within the HEU would allow for greater densities than currently allowed within the City to accommodate the City's 6<sup>th</sup> Cycle RHNA allocation. As a result, the HEU would be consistent and would meet the goals of the SCAG's Connect SoCal, the 2020–2045 RTP/SCS, which is a long-range visioning plan that balances future mobility and housing needs with economic, environmental, and public health goals. The future rezoning effort would encourage new development and redevelopment on infill parcels within urban and semi-urban areas of the PD, CG, RS, and RM zoning districts. In addition, implementation of any overlay or rezoning program would trigger additional CEQA review and the corresponding program level analysis, which would in-turn be required to assume the maximum build out made allowable by the proposed zone change(s). Therefore, impacts related to compatibility between the HEU and applicable plans adopted for the purpose of avoiding or mitigating environmental effects would be less than significant, and no mitigation is required.

### 3.11.4 References

City of Manhattan Beach. 1999. Sepulveda Boulevard Design Guidelines. Accessed October 30, 2021. <https://www.manhattanbeach.gov/Home/ShowDocument?id=83>.

City of Manhattan Beach. 2001. Manhattan Beach Municipal Code. Revised and republished 2001. Accessed September 19, 2021. [https://library.municode.com/ca/manhattan\\_beach/codes/code\\_of\\_ordinances?nodeId=MANHATTAN\\_BEACH\\_CALIFORNIAMUCO](https://library.municode.com/ca/manhattan_beach/codes/code_of_ordinances?nodeId=MANHATTAN_BEACH_CALIFORNIAMUCO).

City of Manhattan Beach. 2003. General Plan. Adopted 1988. Updated 2003. Accessed September 17, 2020. <https://www.manhattanbeach.gov/departments/community-development/planning-zoning/general-plan/final-general-plan>.

SCAG (Southern California Association of Governments). 2020. The 2020–2045 Regional Transportation Plan /Sustainable Communities Strategy of the Southern California Association of Governments, Connect SoCal. <https://www.connectsocial.org/Documents/Adopted/fConnectSoCal-Plan.pdf>.

## 3.12 Mineral Resources

### 3.12.1 Environmental Setting

According to the Department of Conservation's Mineral Lands Classification map, the City is within the Mineral Resources Zone-3 within the San Fernando Valley Production-Consumption Region, which is characterized as areas containing mineral deposits of significance, which cannot be evaluated from available data (DOC 1979). Ordinarily, classification of a mineral deposit as MRZ-2a or MRZ-2b by the State Geologist will constitute adequate evidence

that an area contains significant mineral deposit; however, due to the highly built out nature of the City, current on-site land uses do not allow for oil/mineral extraction.

The City's Manhattan Village district occupies an area that was once devoted to extensive industrial uses, including a Chevron oil field (City of Manhattan Beach 2003a). However, the oil resources have been extracted, and there are no longer active wells in the City (City of Manhattan Beach 2003a, 2003b). Other than the defunct oil field, there are no known mineral resources of significant value within the City (City of Manhattan Beach 2003b).

## 3.12.2 Regulatory Setting

### Federal

There are no applicable federal policies or regulations related to mineral resources.

### State

Surface Mining and Reclamation Act: California Public Resources Code, Sections 2710 et seq.

The Surface Mining and Reclamation Act of 1975 (SMARA) is the primary regulator of onshore surface mining in the state. It delegates specific regulatory authority to local jurisdictions. The act requires the State Geologist (California Geological Survey) to identify all mineral deposits within the State and to classify them as (1) containing little or no mineral deposits; (2) containing significant deposits; or (3) deposits identified, but further evaluation is needed; (4) containing geologic information that does not rule out either the presence or absence of mineral deposits. Lands are designated MRZ-1, -2, -3, or -4, respectively. Local jurisdictions are required to enact specific procedures to guide mineral conservation and extraction at particular sites and to incorporate mineral resource management policies into their general plans. A particular concern of State legislators in enacting SMARA was the premature loss of minerals and protection of sites threatened by development practices that might preclude future mineral extraction.

### Mineral Resource Classification

The California Geological Survey Mineral Resources Project provides information about California's nonfuel mineral resources. The Mineral Resources Project classifies lands throughout the state that contain regionally significant mineral resources as mandated by SMARA. Nonfuel mineral resources include metals such as gold, silver, iron, and copper; industrial metals such as boron compounds, rare-earth elements, clays, limestone, gypsum, salt, and dimension stone; and construction aggregate including sand, gravel, and crushed stone. Development generally results in a demand for minerals, especially construction aggregate. Urban preemption of prime deposits and conflicts between mining and other uses throughout California led to passage of SMARA, which requires all cities and counties to incorporate in their general plans the mapped designations approved by the State Mining and Geology Board.

The classification process involves the determination of P-C region boundaries based on identification of active aggregate operations (Production) and the market area served (Consumption). The P-C regional boundaries are modified to include only those portions of the region that are urbanized or urbanizing and are classified for their aggregate content. An aggregate appraisal further evaluates the presence or absence of significant sand, gravel, or stone deposits that are suitable sources of aggregate. As previously noted, the classification of these mineral resources is a joint effort of the State and local governments and requires that the State Geologist classify the mineral resources area as one of the four MRZs, a Scientific Resource Zone, or an Identified Resource Area.

As part of the classification process, an analysis of site-specific conditions is utilized to calculate the total volume of aggregates within individually identified Resource Sectors. Resource Sectors are those MRZ-2 areas identified as having regional or statewide significance. Anticipated aggregate demand in the P-C region for the next 50 years is then estimated and compared to the total volume of aggregate reserves identified within the P-C region.

### California Geologic Energy Management Division

The California Geologic Energy Management Division (CalGEM), formerly the Division of Oil, Gas, and Geothermal Resources, oversees the drilling, operation, maintenance, and plugging and abandonment of oil, natural gas, and geothermal wells, while working to help California achieve its climate change and clean energy goals. CalGEM publishes regular geographic information system data that includes updates to well locations and status, oil field boundaries, lease boundaries, and district boundaries. CalGEM also regulates the drilling, operation, and permanent closure of energy resource wells (CDOC 2021).

### Local

There are no applicable federal policies or regulations related to mineral resources.

## 3.12.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XII. MINERAL RESOURCES</b> – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) **Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

**No Impact.** Manhattan Village occupies an area that was once devoted to extensive industrial uses, including a Chevron oil field (City of Manhattan Beach 2003a). The oil resources have been extracted, and there are no longer active wells in the City. Other than the defunct oil field, there are no known mineral resources of significant value within the City (City of Manhattan Beach 2003b). Due to the built-out nature of the City and the lack of available mineral resources, the City has no General Plan or MBMC policies governing extraction of mineral resources. As such, no impact would occur.

- b) *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

**No Impact.** There are no locally important mineral resource recovery sites operating on or adjacent to the City (CDOC 2021). Although Manhattan Village occupies an area that was once a Chevron oil field, the oil resources have been extracted, and there are no longer active wells in the City (City of Manhattan Beach, 2003b). Other than the defunct oil field, there are no known mineral resources of significant value within the City (City of Manhattan Beach 2003b). As such, there are no locally important resources recovery sites that would be lost due to residential development facilitated by the HEU (City of Manhattan Beach 2003b), and no impact would occur.

### 3.12.4 References

CDOC (California Department of Conservation).2021. CalGEM GIS WellFinder. Accessed October 29, 2021. <https://maps.conservation.ca.gov/doggr/wellfinder/#/-118.40446/33.88608/14>.

CDOC. 1979. Generalized Aggregate Resources Classification Map, Special Report 143 Plate 2.1. [https://www.conservation.ca.gov/cgs/Documents/Publications/Special-Reports/SR\\_143-MLC-Report02.pdf](https://www.conservation.ca.gov/cgs/Documents/Publications/Special-Reports/SR_143-MLC-Report02.pdf)City of Manhattan Beach. 2003a. General Plan. Adopted 1988. Updated 2003. Accessed September 17, 2020. <https://www.manhattanbeach.gov/departments/community-development/planning-zoning/general-plan/final-general-plan>.

City of Manhattan Beach. 2003b. Final Environmental Impact Report, Manhattan Beach General Plan. Accessed October 29,2021.

## 3.13 Noise

### 3.13.1 Environmental Setting

The City recognizes that the ocean and coastal zone draw many residents and visitors and that the sounds associated with these areas, including crashing waves and shorebirds, are a valuable resource worth protecting. Excessive noise from traffic, business and industrial operations, construction, and concentrated activities can be disruptive and erode the quality of the City’s community. As such, the City strives to substantially reduce noise and its impacts within the urban environment, with a focus on protecting residential neighborhoods, schools, and similar noise-sensitive uses (City of Manhattan Beach 2003a).

In Manhattan Beach, vehicular traffic represents the primary noise source (City of Manhattan Beach 2003a). Major transportation-related noise sources include Sepulveda Boulevard, and arterials and collectors such as Rosecrans Avenue, Aviation Boulevard, Artesia Boulevard, Marine Avenue, Manhattan Beach Boulevard, Manhattan Avenue, Highland Avenue, and Valley/Ardmore. Vehicular traffic along collector streets that traverse residential neighborhoods, such as Valley Drive/Ardmore Avenue, Highland Avenue, and Manhattan Avenue, also impact residents living along these routes (City of Manhattan Beach 2003a). Stationary sources include industrial and commercial sources, particularly those emanating from the adjacent City of El Segundo, such as the El Segundo Generating Station and the Chevron Oil Refinery, as well as aircraft noise, construction noise and general neighborhood noise (City of Manhattan Beach 2003a).

## 3.13.2 Regulatory Setting

### Federal

#### Federal Transit Administration

In its *Transit Noise and Vibration Impact Assessment* guidance manual, the FTA recommends a daytime construction noise level threshold of 80 dBA  $L_{eq}$  over an 8-hour period (FTA 2018) when detailed construction noise assessments are performed to evaluate potential impacts to community residences surrounding a project. Although this FTA guidance is not a regulation, it can serve as a quantified standard in the absence of such noise limits at the state and local jurisdictional levels. In this case, the County does enumerate noise and vibration level limits; thus, FTA guidance is merely informative with respect to noise assessment for purposes of the HEU.

### State

#### Government Code Section 65302(g)

California Government Code Section 65302(g) requires the preparation of a Noise Element in a General Plan, which shall identify and appraise the noise problems in the community. The Noise Element shall recognize the guidelines adopted by the Office of Noise Control in the State Department of Health Services and shall quantify, to the extent practicable, current and projected noise levels for the following sources:

- Highways and freeways
- Primary arterials and major local streets
- Passenger and freight on-line railroad operations and ground rapid transit systems
- Aviation and airport-related operations
- Local industrial plants
- Other ground stationary noise sources contributing to the community noise environment

#### California General Plan Guidelines

The California General Plan Guidelines, published by the Governor's Office of Planning and Research (OPR), provides guidance for the acceptability of specific land use types within areas of specific noise exposure. Table 4.13-3 presents guidelines for determining acceptable and unacceptable community noise exposure limits for various land use categories. The guidelines also present adjustment factors that may be used to arrive at noise acceptability standards that reflect the noise control goals of the community, the particular community's sensitivity to noise, and the community's assessment of the relative importance of noise pollution. OPR guidelines are advisory in nature. Local jurisdictions, including the City of Manhattan Beach, have the responsibility to set specific noise standards based on local conditions.

**Table 3.13-1. Land Use Compatibility for Community Noise Environments**

Land Use Type	Community Noise Exposure (CNEL)			
	Normally Acceptable <sup>1</sup>	Conditionally Acceptable <sup>2</sup>	Normally Unacceptable <sup>3</sup>	Clearly Unacceptable <sup>4</sup>
Residential-low density, single-family, duplex, mobile homes	50-60	55-70	70-75	75-85
Residential – multiple-family	50-65	60-70	70-75	70-85
Transit lodging – motel, hotels	50-65	60-70	70-80	80-85
Schools, libraries, churches, hospitals, nursing homes	50-70	60-70	70-80	80-85
Auditoriums, concert halls, amphitheatres	NA	50-70	NA	65-85
Sports arenas, outdoor spectator sports	NA	50-75	NA	70-85
Playgrounds, neighborhood parks	50-70	NA	67.5-77.5	72.5-85
Golf courses, riding stables, water recreation, cemeteries	50-70	NA	70-80	80-85
Office buildings, business commercial and professional	50-70	67.5-77.5	75-85	NA
Industrial, manufacturing, utilities, agriculture	50-75	70-80	75-85	NA

Source: OPR 2017.

Notes: CNEL = community noise equivalent level; NA = not applicable

- 1 Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.
- 2 Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features have been included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.
- 3 Normally Unacceptable: New construction or development should be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise-insulation features must be included in the design.
- 4 Clearly Unacceptable: New construction or development should generally not be undertaken.

### California Code of Regulations Title 24

The State of California has adopted noise standards in areas of regulation not preempted by the federal government. State standards regulate noise levels of motor vehicles, sound transmission through buildings, occupational noise control, and noise insulation. State regulations governing noise levels generated by individual motor vehicles and occupational noise control are not applicable to planning efforts, nor are these areas typically subject to CEQA analysis. State noise regulations and policies applicable to the HEU include Title 24 requirements and noise exposure limits for various land use categories.

The 2019 California Building Code (CBC, Part 2, Title 24, Section 1204.6, California Code of Regulations) stipulates “interior noise levels attributable to exterior sources shall not exceed 45 dB in any habitable room. The noise metric shall be either the day-night average sound level (L<sub>dn</sub>) or the community noise equivalent level (CNEL)” (ICC 2019).

## Local

### City of Manhattan Beach General Plan

The Noise Element of the General Plan provides the following goals and policies potentially relevant to the HEU (City of Manhattan Beach 2003).

Goal N-1: Provide for measures to reduce noise impacts from transportation noise sources

Policy N-1.1: Use proven methods of reducing the transmission of traffic noise onto adjacent noise-sensitive land uses (e.g., residences, schools, medical facilities).

Policy N-1.2: Ensure the inclusion of noise mitigation measures in the design of new roadway projects in Manhattan Beach.

Policy N-1.3: Reduce transportation noise through proper design and coordination of vehicle routing

Policy N-1.4: Ensure the effective enforcement of City, state, and Federal noise levels by all appropriate City divisions.

Policy N-1.5: Work with appropriate agencies to mitigate impacts from existing and proposed aviation operations.

Policy N-1.6: Work with surrounding jurisdictions and other agencies to mitigate noise impacts.

Goal N-2: Incorporate noise considerations into land use planning decisions.

Policy N-2.1: Establish acceptable limits of noise for various land uses throughout the community.

Policy N-2.2: Ensure acceptable noise levels near residences, schools, medical facilities, and other noise-sensitive areas.

Policy N-2.3: Establish standards for all types of noise not already governed by local ordinances or preempted by State or Federal law.

Policy N-2.4: Encourage acoustical design in new construction.

Policy N-2.5: Require that the potential for noise be considered when approving new development to reduce the possibility of adverse effects related to noise generated by new development, as well as impacts from surrounding noise generators on the new development.

Policy N-2.6: Work with businesses in surrounding jurisdictions to manage noise impacts on City residents and businesses.

Goal N-3: Minimize the impact of non-transportation noise sources.

Policy N-3.1: Monitor and update the Noise Ordinance (Chapter 5.48, Noise Regulation) to mitigate noise conflicts.

Policy N-3.2: Enforce the Noise Ordinance.

Policy N-3.3: Minimize impacts associated with single-event noise activities.

Policy N-3.4: Recognize in the Noise Ordinance that nighttime noise levels create a greater sensitivity than do daytime noise levels.

Policy N-3.5: Encourage jurisdictions, including cities, and other agencies to require compliance with the City of Manhattan Beach Noise Ordinance where activities affect Manhattan Beach residents and businesses.

Policy N-3.6: Monitor and minimize noise impacts associated with construction activities on residential neighborhoods.

### Manhattan Beach Municipal Code

#### Chapter 5.48, Noise Regulations

The purview of Chapter 5.48 is to maintain and preserve the quiet atmosphere of the City, to implement programs aimed at retaining ambient noise levels, and to mitigate noise conflicts. This includes establishing interior and exterior noise standards, establishing appropriate hours for noise generating activities, and establishing criteria for the issuance of noise permits.

Section 9.44.030, Construction hours and prohibited days.

As part of Chapter 9.44, Construction Rules, this section dictates that construction activity shall occur only between 7:30 a.m. and 6:00 p.m. on weekdays, and between 9:00 a.m. to 6:00 p.m. on Saturdays. Section 9.44.030 also prohibits construction activities on Sundays and on City recognized holidays.

### 3.13.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIII. NOISE</b> – Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

**Less Than Significant Impact.** Development pursuant to the HEU has minimal potential to expose residents to noise levels in excess of regulatory standards. The General Plan recognizes that vehicular traffic represents the primary undesirable noise source in the City (City of Manhattan Beach 2003a). Any future development facilitated by the HEU adoption would be required to comply with regulations set forth by the MBMC (Chapter 5.48, Noise Regulations), the General Plan Noise Element goals and policies, and all other applicable State and federal regulatory requirements. Construction would be subject to additional requirements set forth in Chapter 9.44, Construction Rules, of the MBMC including limiting construction hours to between 7:30 a.m. and 6:00 p.m. on weekdays, and between 9:00 a.m. to 6:00 p.m. on Saturdays and prohibiting construction on certain holidays. Any future development project(s), including the future rezoning effort, would be required to undergo the appropriate level of CEQA review, which would take into consideration impacts related transportation, including any transportation noise impacts. Other provisions related to traffic noise have been incorporated into the Design Overlay District policies. The City has established eight Design Overlay Districts which establish development standards specific to the unique needs of each Overlay District. For example, in Overlay Districts D1 and D4, where traffic related noise is of particular concern, higher fences are permitted to mitigate traffic noise impacts. Policies such as this could help to mitigate any future transportation noise impacts resulting from future development.

The HEU is a policy document, outlining the framework for the City’s housing program; no actual development is proposed as part of the HEU. Therefore, its adoption would not, in and of itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate future development required to meet the City’s 6<sup>th</sup> Cycle RHNA allocation. The majority of such development is expected to be located on infill sites. Adherence to the City’s Noise Ordinance and compliance with General Plan Noise Element polices would ensure that any increases in noise levels, both temporary and permanent, would result in less than significant impacts; as such, no mitigation is required.

**b) *Would the project result in generation of excessive groundborne vibration or groundborne noise levels?***

**Less Than Significant Impact.** Residential uses typically do not generate excessive groundborne vibration or groundborne noise levels. However, demolition and construction associated with new housing could result in impacts related to groundborne vibration or groundborne noise levels. For example, demolition and construction activities could generate vibration through the use of drills, jackhammers, pile drivers, operation of compressors and generators, cement mixing, and general truck idling. However, the City has policies that would ensure that groundborne vibrations and groundborne noise levels were minimized. Per the City’s Community Development Department, activities that have the potential to cause significant groundborne vibrations—including pile drivers/hammer/vibration installation methods, and/or pile extraction—are not permitted unless specifically pre-approved by the City’s Building Official (City of Manhattan Beach 2020). In addition, Policy N-3.6 requires that a project monitor and minimize noise impacts associated with construction activities in residential neighborhoods, while Section 10.60.120 of the MBMC dictates that no use, activity, or process can produce vibrations that are perceptible at the property lines of a site.

The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in and itself, produce environmental impacts. Implementation of the programs contained in the document would accommodate future development required to meet the City’s 6th Cycle RHNA allocation. The majority of such development is expected to be located on infill sites and away from vibration sensitive low-density residential areas. Adherence to Chapters 5.48 and 9.44 of the MBMC and compliance with General Plan Noise Element polices would ensure that any noise vibration increases, both temporary and permanent, would result in less than significant impacts within the City; as such, no mitigation is required.

**c) *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?***

**No Impact.** Manhattan Beach is not located within an airport land use plan, within two miles of a public airport or public use airport, or within the vicinity of a private airstrip. The Los Angeles International Airport, located approximately four miles to the north, is identified as a stationary noise source impacting residents in the City (Manhattan Beach 2003a, 2003b). However, associated noise levels are generally not considered excessive and usually do not impact daily activities in the City (City of Manhattan Beach 2003b). As such, the HEU will have no impact as it relates to airports and noise.

### 3.13.4 References

City of Manhattan Beach. 2003a. General Plan. Adopted 1988. Updated 2003. Accessed September 17, 2020. <https://www.manhattanbeach.gov/departments/community-development/planning-zoning/general-plan/final-general-plan>.

City of Manhattan Beach. 2003b. Final Environmental Impact Report, Manhattan Beach General Plan. Accessed October 29,2021.

City of Manhattan Beach. 2020. Shoring Requirements Community Development Requirements. <https://www.manhattanbeach.gov/home/showpublisheddocument/220/637581428309330000>. Accessed November 22, 2021.

ICC (International Code Council). 2019. California Building Code. Accessed October 1, 2021. <https://codes.iccsafe.org/content/chapter/15426/>.

OPR (State of California Office of Planning and Research). 2017. State Planning Guidelines.

## 3.14 Population and Housing

### 3.14.1 Environmental Setting

#### Population

Manhattan Beach had a population of 35,058 residents in 2021. Manhattan Beach grew very slowly during the 2000s, having grown less than 4% from 2000 to 2010 (City of Manhattan Beach 2021). Most of the growth that has recently occurred has consisted of density increases on existing parcels through demolition and replacement of existing homes. From 2010 to 2021, the City's population remained stable, but with a slight decrease by about 0.22%. This is in contrast with the County, which grew by 3.14% between 2000 and 2010, and an additional 2.3% from 2010 to 2021 (City of Manhattan Beach 2021). As an essentially built-out city, there continues to be few opportunities for growth, except through redevelopment/infill on existing parcels.

#### Housing

According to the California Department of Finance's Population and Housing estimates, there were 15,043 housing units in Manhattan Beach in 2021, an increase of approximately 5% from 2012 (City of Manhattan Beach 2021). Of the total housing stock in 2020, the majority, or 77%, were single-family detached units, and 23% were multifamily units. Mobile homes comprised the remaining 0.1%. From 2012 to 2021, the City had an increase of 111 single-family units and a decrease of 24 multi-family units due to the replacement of existing duplexes with single-family residential structures that include at least one accessory dwelling unit.

#### Employment

Housing needs are influenced by employment characteristics. Significant employment opportunities within a city can increase demand for housing in proximity to jobs. Manhattan Beach has 17,006 workers living within its borders (City of Manhattan Beach 2021). In 2019, the largest industry to employ residents of Manhattan Beach was the Management, Business, Science, and Arts occupations industries, accounting for 69.8% of the labor force (City of Manhattan Beach 2021). Employment is an important factor affecting housing needs within a community. The jobs available in each employment sector and the wages for these jobs affect the type and size of housing residents can afford, and as such, employment and projected job growth have a significant influence on housing needs during the HEU's 6<sup>th</sup> Cycle planning period (2021-2029).

## Jobs/Housing Balance

A jobs/housing balance is a ratio that indicates the number of available jobs in the City compared to the number of available housing units. The ratio is one potential indicator of a community's ability to reduce commuter traffic and overall vehicle miles traveled (VMT) by maintaining a balance between employment and housing in close proximity (e.g., within the City limits). SCAG uses the jobs-housing balance as a general tool for analyzing where people work, where they live, and how efficiently they can travel between the two. The jobs-housing balance for the City would divide the reported 2018 jobs number (16,138) by the reported 2019 housing stock number (13,427) (City of Manhattan Beach 2021), resulting in an existing jobs-housing balance of 1.2. As a comparison, Los Angeles County as a whole has an average job-housing balance of 1.43. Per the Los Angeles County General Plan, one of the most cited studies of jobs-housing balance recommends 1.3 to 1.7 as the range for an ideal jobs-housing balance (County of Los Angeles 2014, Ewing 1996). As such, the City can be considered to have a slightly less than ideal jobs/housing ratio.

### 3.14.2 Regulatory Setting

#### Federal

There are no applicable federal policies or regulations related to housing and population.

#### State

Government Code Section 65580 et seq.

Government Code Article 10.6. Housing Elements, Section 65580, declares that the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of the highest order. Governments and private sectors should work cooperatively to expand housing opportunities and accommodate housing needs in California. Furthermore, designating and maintaining a supply of land and adequate sites suitable, feasible, and available for the development of housing sufficient to meet the locality's housing need for all income levels is essential to achieving the State's housing goals and the purposes of this article.

#### Regional

##### Regional Growth Management Policies: Southern California Association of Governments

SCAG is recognized by the state and federal governments as the regional planning agency for the six-county south coast region that includes Los Angeles County. In 2004, SCAG adopted a voluntary regional growth strategy known as the Compass Blueprint. SCAG's Compass Blueprint is an advisory or voluntary plan that promotes mixed-use development, better access to jobs, conservation of open space, public/private partnerships, and user-fee infrastructure financing, improving the capacity and efficiency of movement of goods, reducing vehicle miles traveled, improving air quality, improving housing availability and affordability, renovating urban cores, and creating over 500,000 high-paying jobs.

## Regional Transportation Plan/Sustainable Communities Strategy

In 2020, the Regional Council of SCAG adopted the 2020–2045 RTP/SCS to increase mobility for the region’s residents and visitors (SCAG 2020). Furthermore, the 2020–2045 RTP/SCS commits to reducing emissions from transportation sources to comply with SB 375, improving public health, and meeting the National Ambient Air Quality Standards. The SCS envisions combining transportation and land use elements in order to achieve emissions reduction targets set by the California Air Resources Board (SCAG 2020). The 2020–2045 RTP/SCS includes population, jobs, and housing forecasts up to 2045.

## Regional Housing Needs Allocation

The SCAG Regional Council adopted the Connect SoCal (2020-2045 Regional Transportation Plan/Sustainable Communities Strategy) on September 3, 2020. As part of Connect SoCal, SCAG assigns a number of housing units that the City is required to plan for in the eight-year Housing Element cycle. That number of units is called the Regional Housing Needs Allocation (RHNA), and it is broken down by income category, ensuring that all economic groups are accommodated.

The City’s existing inventory of residential sites is insufficient to accommodate the 774 units in its RHNA for 2021-2029, which includes 487 lower-income units, 155 moderate-income units, and 132 above moderate-income units (SCAG 2021). As such, as part of the HEU, the City proposes a rezoning program to accommodate its RHNA gap. While potential sites have been identified as part of the HEU’s sites analysis, the precise locations and parcels are still to be determined and will need to undergo further review. The City will refine and implement the rezoning program over a three year and 120 day planning horizon, as provided by Government Code Section 65583(c)(1)(A). The 6<sup>th</sup> Cycle RHNA allocation plans for a total housing production need of 774 units for the City.

## City of Manhattan Beach Housing Element

The Housing Element is one of seven mandatory elements of the City’s General Plan. The Housing Element provides an overview of demographics, household, housing stock, economic, and regulatory factors affecting housing development and affordability within the City. The Housing Element sets forth a series of goals and implementing policies to address a variety of housing issues, including identifying vacant and underutilized sites to accommodate the City’s 6<sup>th</sup> Cycle RHNA allocation, discussed above. The HEU is an update to the Housing Element for the 6<sup>th</sup> Cycle RHNA.

### 3.14.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIV. POPULATION AND HOUSING – Would the project:</b>				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

**Less Than Significant Impact.** Implementation of the programs contained in the HEU would help to accommodate development required to meet the City’s 2021–2029 6<sup>th</sup> Cycle RHNA allocation. Under the RHNA allocation, the City is required to provide the zoned capacity to accommodate the development of at least 774 units using various land use planning strategies. It has been determined that the City’s inventory of residential sites will be insufficient to accommodate future housing needs, resulting in a deficiency of 406 lower-income units. As such the HEU identifies a rezoning program in the HEU to accommodate its RHNA gap. While the HEU consists of a policy document update, which is not anticipated to produce environmental impacts, the rezoning program as part of the HEU would allow for greater densities than currently allowed within the City’s PD and CG zones and will be further evaluated when the parcels to be rezoned are fully identified.

While the HEU does not propose development at this time, the HEU would facilitate additional population growth through the provision of housing within the City. However, the HEU does not require new construction or expansion of existing roadway infrastructure (e.g., new roads) as all identified sites would be located on underutilized infill development sites. Additionally, according to the HEU, methodologies utilized to identify general areas where the rezoning program may be implemented took into account accessibility to existing infrastructure and utilities. Further, all existing sites identified in the HEU as having the potential to accommodate future residential development are in areas appropriately zoned to support such development and the accompanying increase in population, which was planned and accounted for in existing General Plan. Further, any future rezoning efforts facilitated as a result of HEU implementation would be required to undergo the appropriate level of programmatic review, as required by CEQA, which would take into consideration the direct and indirect impacts related to population and would incorporate

any necessary program specific mitigation measures to reduce or eliminate any potentially significant impacts. Therefore, the HEU is not expected to result in extension of roads or infrastructure.

The HEU would be aligned with the dwelling unit needs and increased population as projected SCAG's Connect SoCal, the 2020–2045 RTP/SCS. Additionally, approval of the HEU in and of itself, as a policy document update, would not change these forecasts and would not provide any goals, policies, or programs that would significantly increase the dwelling unit and population projections by SCAG. Therefore, the HEU would not induce unplanned substantial population growth. Impacts regarding population and housing would be less than significant, and no mitigation is required.

**b) *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?***

**Less Than Significant Impact.** As described in Threshold 3.13(a), while the HEU consists of a policy document update that is not anticipated to produce environmental impacts, the rezoning program as part of the HEU would allow for greater densities than are currently allowed within the City. However, the rezoning program would not displace a substantial number of existing people or housing; rather, it would facilitate an increase in housing supply, as discussed above, on underutilized infill sites throughout the City. Therefore, implementation of the proposed HEU would have a less-than-significant impact, and no mitigation is required.

### 3.14.4 References

City of Manhattan Beach. 2003. General Plan. Adopted 1988. Updated 2003. Accessed September 17, 2020. <https://www.manhattanbeach.gov/departments/community-development/planning-zoning/general-plan/final-general-plan>.

City of Manhattan Beach. 2021. Housing Element Update.

LAC (County of Los Angeles). 2014. County of Los Angeles 2035 General Plan. Accessed October 3, 2021. [https://planning.lacounty.gov/assets/upl/project/gp\\_2035\\_deir.pdf](https://planning.lacounty.gov/assets/upl/project/gp_2035_deir.pdf).

Ewing, Reid. 1996. Best Development Practices: Doing the Right Thing and Making Money at the Same Time. Chicago: Planners Press.

SCAG (Southern California Association of Governments). 2021. SCAG RHNA Allocation Plan. Adopted March 2021. Revised July 2021. <https://scag.ca.gov/sites/main/files/file-attachments/6th-cycle-rhna-final-allocation-plan.pdf?1625161899>.

## 3.15 Public Services and Recreation

### 3.15.1 Environmental Setting

#### Fire Department

Manhattan Beach’s Fire Department provides fire protection services to the City and has daily suppression staffing typically consists of eight Firefighters/Paramedics, plus one Battalion Chief who operates out of two stations. Emergency response is handled by two engines, a Paramedic rescue ambulance, and the Battalion Chief. Fire Station 1 is located adjacent to City Hall, and Fire Station 2 is Located at 1400 Manhattan Beach Boulevard. The Department responds to emergency incidents within an average time of four minutes and thirty seconds.

#### Police

The Manhattan Beach Police Department provides safety and emergency response services and engages in community programs and educational activities. The Department is also generally able to respond to high priority calls in under two and a half minutes. The response time is within the Department’s response time goals.

#### Parks

The City Park system consist of neighborhood parks, community parks, and school grounds for which the City and Manhattan beach Unified School District maintain joint user agreements. The City owns, operates, and maintains eleven parks primarily designed and used for active recreation. Joint-use agreements for use of school grounds and play areas provide residents with additional recreational facilities, particularly athletic fields. The North Porto area, which has no local parks, has immediate access to the beach.

Although Manhattan Beach is well served by parks, overuse has been an increasing issues for residents who live adjacent to parks; however, per the General Plan, the City is actively taking measures to address these concerns.

#### Schools

The Manhattan Beach Unified School District (MBUSD) operates all public schools located in Manhattan Beach. MBUSD operates eight schools, including five elementary schools (K-5), one middle school (6-8), and one high school (9-12). Other facilities include an adult school, transition school site, and several child development centers. In addition to educational services, school facilities provide recreation opportunities for all residents of the City. Schools and parks make up approximately 28% of the City’s park and open space.

#### State Beach and the “Strand”

The State Beach and the two-mile Strand provide recreational opportunities to residents of Manhattan Beach and people living throughout the southland. These resources help define Manhattan Beach and contribute significantly to its attractive living environment. Amenities include volleyball courts, biking and walking paths, play areas, and public parking. The County of Los Angeles, Department of Beaches and Harbor manages these improvements. The pier is owned by the State of California and leased to the City of Manhattan Beach.

## 3.15.2 Regulatory Setting

### Federal

#### National Fire Protection Association

The National Fire Protection Association recommends that fire departments respond to fire calls within six minutes of receiving the request for assistance 90% of the time. These time recommendations are based on the demands created by a structural fire. It is crucial to attempt to arrive and intervene at a fire scene prior to the fire spreading beyond the room of origin. Total structural destruction typically starts within eight to 10 minutes after ignition. Response time is generally defined as 1 minute to receive and dispatch the call, one minute to prepare to respond to the fire station or field and four minutes (or less) travel time.

### State

#### California Health and Safety Code (Section 13000 et seq.)

State fire regulations are set forth in Section 13000 et seq. of the California Health and Safety Code, which include regulations concerning building standards (as also set forth in the California Building Code), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training. The State Fire Marshal enforces these regulations and building standards in all State-owned buildings, State-occupied buildings, and State institutions throughout California.

#### California Code of Regulations Title 24, Part 2 and Part 9

Part 2 of Title 24 of the California Code of Regulations refers to the California Building Code, which contains complete regulations and general construction building standards of State adopting agencies, including administrative, fire and life safety, and field inspection provisions. Part 2 was updated in 2019 to reflect changes in the base document from the Uniform Building Code to the International Building Code. Part 9 refers to the California Fire Code, which contains fire-safety-related building standards referenced in other parts of Title 24. This code was revised in January 2019 with a change in the base model/consensus code from the Uniform Fire Code series to the International Fire Code.

#### California Public Resources Code, Section 4201-4204

This section of the California Public Resources Code was amended in 1982 to require the California Department of Forestry to classify all State Responsibility Areas (SRAs) into fire hazard severity zones. The purpose of this code is to provide classification of lands within SRAs in accordance with the severity of fire hazard present for the purpose of identifying measures to be used to retard the rate of spreading and to reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

#### California Government Code 66000

According to California Government Code 66000, a qualified agency, such as a local school district, may impose fees on developers to compensate for the impact that a project will have on existing facilities or services. The State

of California legislature passed Senate Bill (SB) 50 in 1998, which inserted new language into the Government Code (Sections 65995.5-65995.7), which authorized school districts to impose fees on developers of new residential construction in excess of mitigation fees authorized by Government Code 66000. School districts must meet a list of specific criteria, including the completion and annual update of a School Facility Needs Analysis, in order to be legally able to impose the additional fees.

### California Government Code Section 65995

California Government Code Section 65995 (the Leroy F. Green School Facilities Act of 1998) set base limits and additional provisions for school districts to levy fees to help fund expanded facilities to house new pupils that may be generated by development projects. Sections 65996(a) and (b) state that such fees collected by school districts provide full and complete school facilities mitigation under the California Environmental Quality Act (CEQA). These fees may be adjusted by the district over time as conditions change.

### Government Code Section 66477

The Quimby Act (Government Code Section 66477), enacted in 1975, creates a framework that allows cities and counties to provide parks for growing communities. The Quimby Act authorizes jurisdictions to adopt ordinances that require parkland dedication or payment of in-lieu fees as a condition of approval of residential subdivisions. The Quimby Act also specifies acceptable uses and expenditures of such funds, such as allowing developers to set aside land, donate conservation easements, or pay direct fees for park improvements.

### 2019 California Fire Code

The California Fire Code (24 CCR Part 9) establishes regulations to safeguard life and property against hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The Fire Code also establishes requirements intended to provide safety and assistance to firefighters and emergency responders during emergency operations. The provisions of the Fire Code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure throughout the State of California. The Fire Code includes regulations regarding fire-resistance-rate construction, fire protection systems such as alarm and sprinkler systems, fire service features such as fire apparatus access roads, means of egress fire safety during construction and demolition, and wildland-urban interface areas.

## Local

### Manhattan Beach Municipal Code

#### Section 1.20.070, Public facilities

The City may require that areas of real property within the subdivision be reserved for parks, recreational facilities, fire stations, libraries or other public uses subject to the provisions of Section 66479 of the Subdivision Map Act.

### Section 11.20.100 Park and recreation dedications and fees

As a condition of approval of a tentative map, the subdivider/applicant must dedicate land, pay a fee in lieu thereof, or a combination of both, at the option of the City, for park and recreational purposes at the time and according to the standards and formulas contained Chapter 11.20, Dedications, of the MBMC.

### Section 3.16.010 - Adoption of 2019 California Fire Code.

This section adopts the 2019 Edition of the California Fire Code, by reference, as the official Fire Prevention Code of the City of Manhattan Beach, including Appendices B, C, and O, and as amended by Section 3.16.020, Fire Code Amendments.

### City of Manhattan Beach General Plan

The following goals and policies within the City's General Plan pertain to public services:

Goal CR-1: Maintain a park, recreation, and open space system that provides a variety of recreational opportunities accessible to all residents and meets the needs of all residents.

Policy CR-1.1: Promote the acquisition of properties for the purpose of conversion to parks and open space areas to meet the needs of City residents.

Policy CR-1.2: Encourage the development of quality commercial recreation facilities on both privately held and City owned land under long-term lease or concession agreements.

Policy CR-1.3: Acquire properties that are subject to flooding during heavy storms for the purpose of converting them to open space and park facilities, when feasible to do so.

Policy CR-1.5: Accept and actively seek out the donation of private residential properties for the development of strategically located pocket parks and similar open space.

Goal CR-3: Maintain relationships with educational institutions, as they represent a cornerstone of the community

Policy CR-3.1: Work with the Manhattan Beach Unified School District to continue joint-use agreements of City and school district facilities for arts and recreation programs.

Policy CR-3.2: Emphasize crime prevention education in local public and private schools.

Goal CS-3: Maintain a high level of City emergency response services.

Policy CS-3.5: Review the City's emergency equipment and shelters periodically to ensure that they are adequate to meet the needs of changing land uses and development and types of disasters.

Policy CS-3.7: Support the use of the best available equipment and facilities to ensure safety that meets the changing needs of the community.

Policy CS-3.9 Continue to upgrade the quality of emergency response through continued education and training of emergency response personnel.

Policy CS-3.10: Strive to reduce emergency response time

Goal CS-4: Maintain a high level of police protection services.

Policy CS-4.1: Recognize the importance of calculating the daytime population in determining emergency service needs.

Policy CS-4.2: Support the development and continued updating of public education programs on safety.

Policy CS-4.3: Encourage the formation and continued education of Neighborhood Watch groups to assist the police in crime prevention and detection.

Policy CS-4.4: Work with Los Angeles County Department of Beaches to ensure adequate police protection and emergency services to visitors and residents using the City’s beaches.

Policy CS-4.5: Continue to upgrade the quality of police personnel through continued education, training, and proactive recruiting efforts.

Policy CS-4.6: Support proactive measures to enhance public safety, such as use of increased foot or bicycle police patrols.

Policy CS-4.7: Strive to reduce police response time.

### 3.15.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
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**XV. PUBLIC SERVICES**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) ***Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:***

***Fire protection;***

***Police protection;***

***Parks;***

***Schools; and/or***

***Other public facilities?***

**Less Than Significant Impact.** The City has provisions to mitigate for the impacts of new residential development on public services, including fire and police protection, schools, parks, and other services and utilities. For example, Section 1.20.070 provides that the City may require that areas of real property within a subdivision be reserved for parks, recreational facilities, fire stations, libraries, or other public uses. In addition, fees are charged by the City to defray the cost of providing public services and facilities to new developments, including residential developments accommodated by the proposed HEU. The City also has a requirement to pay water and sewer fees to ensure that these services will be available to serve new developments.

Required developer impact fees for parks are accommodated per the Quimby Act, which authorizes jurisdictions to adopt ordinances that require parkland dedication or payment of in-lieu fees as a condition of approval of residential subdivisions. The Quimby Act also specifies acceptable uses and expenditures of such funds, such as allowing developers to set aside land, donate conservation easements, or pay direct fees for park improvements. Dedications and in lieu park fees are reinforced in Section 11.20.100 (Park and recreation dedications and fees) of the MBMC. For single-family or condo developments, \$1,817 per dwelling unit is assessed for park purposes in accordance with the MBMC and Quimby Act. School District fees are required to mitigate for the potential addition of school aged children moving into the MBUSD a result of new residential development. The fees paid to the MBUSD for residential development amount to \$3.79 per square foot (City of Manhattan Beach 2021).

The ultimate development facilitated by the adoption of the HEU would be located on infill development parcels throughout the City and would not require any extensions of service areas. The HEU, therefore, would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services listed above. This HEU would not change or impact standards, policies, programs, and regulations in place that ensure adequate provision of public services. Based on the above, the HEU would have a less than significant impact related to public services, and no mitigation is required.

## 3.15.4 References

City of Manhattan Beach. 2021. Developer Impact Fees Community Development. Accessed October 2, 2021. <https://www.manhattanbeach.gov/home/showdocument?id=42983>.

## 3.16 Recreation

### 3.16.1 Environmental Setting

#### Parks

The City Park system consist of neighborhood parks, community parks, and school grounds for which the City and Manhattan Beach Unified School District maintain joint user agreements. The City owns, operates, and maintains 11 parks primarily designed and used for active recreation. Joint-use agreements for use of school grounds and play areas provide residents with additional recreational facilities, particularly athletic fields. The North El Porto area, which has no local parks, has immediate access to the beach.

Although Manhattan Beach is well served by parks, overuse has been an increasing issue for residents who live adjacent to parks; however, per the General Plan, the City is actively taking measures to address these concerns.

#### State Beach and the “Strand”

The State Beach and the two-mile Strand provide recreational opportunities to residents of Manhattan Beach and people living throughout the southland. These resources help define Manhattan Beach and contribute significantly to its attractive living environment. Amenities include volleyball courts, biking and walking paths, play areas, and public parking. The County of Los Angeles, Department of Beaches and Harbor manages these improvements. The pier is owned by the State of California and leased to the City of Manhattan Beach.

### 3.16.2 Regulatory Setting

#### Federal

There are no federal regulations related to recreation that would apply to the HEU.

#### State

##### Government Code Section 66477

The Quimby Act (Government Code Section 66477), enacted in 1975, creates a framework that allows cities and counties to provide parks for growing communities. The Quimby Act authorizes jurisdictions to adopt ordinances that require parkland dedication or payment of in-lieu fees as a condition of approval of residential subdivisions. The Quimby Act also specifies acceptable uses and expenditures of such funds, such as allowing developers to set aside land, donate conservation easements, or pay direct fees for park improvements.

**Local**

Manhattan Beach Municipal Code

Section 1.20.070, Public facilities

The City may require that areas of real property within the subdivision be reserved for parks, recreational facilities, fire stations, libraries or other public uses subject to the provisions of Section 66479 of the Subdivision Map Act.

Section 11.20.100 Park and recreation dedications and fees

As a condition of approval of a tentative map, the subdivider/applicant must dedicate land, pay a fee in lieu thereof, or a combination of both, at the option of the City, for park and recreational purposes at the time and according to the standards and formulas contained Chapter 11.20, Dedications, of the MBMC.

City of Manhattan Beach General Plan

The following goals and policies within the City’s General Plan pertain to public services:

Goal CR-1: Maintain a park, recreation, and open space system that provides a variety of recreational opportunities accessible to all residents and meets the needs of all residents.

Policy CR-1.1: Promote the acquisition of properties for the purpose of conversion to parks and open space areas to meet the needs of City residents.

Policy CR-1.2: Encourage the development of quality commercial recreation facilities on both privately held and City owned land under long-term lease or concession agreements.

Policy CR-1.3: Acquire properties that are subject to flooding during heavy storms for the purpose of converting them to open space and park facilities, when feasible to do so.

Policy CR-1.5: Accept and actively seek out the donation of private residential properties for the development of strategically located pocket parks and similar open space.

### 3.16.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVI. RECREATION</b>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**a. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?***

**Less Than Significant Impact.** While the HEU has the potential to accommodate a higher capacity of housing (resulting in a relative increase in permanent residents placing demands upon existing recreational facilities), the City has provisions to mitigate for the impacts of new residential development on recreational services. For example, Section 1.20.070 provides that the City may require that areas of real property within the subdivision be reserved for parks, recreational facilities, fire stations, libraries, or other public uses. In addition, fees are charged by the City to defray the cost of providing recreational facilities to new developments, including residential developments accommodated by the proposed HEU. Required developer impact fees for parks are required by the City per the Quimby Act, which authorizes jurisdictions to adopt ordinances that require parkland dedication or payment of in-lieu fees as a condition of approval of residential subdivisions (City of Manhattan beach 2021). The Quimby Act also specifies acceptable uses and expenditures of such funds, such as allowing developers to set aside land, donate conservation easements, or pay direct fees for park improvements. Dedications and in lieu park fees are reinforced in Section 11.20.100 (Park and recreation dedications and fees) of the MBMC.

The HEU is a policy document, and adoption of the HEU alone would not produce environmental impacts. The HEU consists of an updated housing program for which no actual development is proposed. While a rezoning program is identified within the HEU, the actual rezoning of property within the City to accommodate RHNA allocations would occur at a future date and is not one of the discretionary actions being undertaken at this time. As such, the HEU, would not result in an increase use of existing neighborhood and regional parks or other recreational facilities such that there are substantial physical deterioration of the facility. This HEU would not change or impact standards, policies, programs, and regulations in place that ensure adequate provision of recreational services and facilities. Based on the above, the HEU would have a less than significant impact, and no mitigation is required.

**b. *Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?***

**No Impact.** As discussed above in Threshold 3.16(a), the City has provisions to mitigate for the impacts of new residential development on recreational facilities, including Section 1.20.070, requiring that areas within a subdivision be reserved for parks, recreational facilities, or other public uses. In addition, per the Quimby Act, the City requires developers to pay impact fees to offset the impacts of an increase in new permanent residents. Dedications and in lieu park fees are reinforced in Section 11.20.100 (Park and

recreation dedications and fees) of the MBMC. For single-family or condo developments, \$1,817 per dwelling unit is assessed for park purposes in accordance with the MBMC and Quimby Act. Ultimately, the HEU involves the adoption of the HEU, which is a policy document would not, in and of itself, result in environmental impacts or result in the need for new or expanded recreational facilities. As such, no impacts to recreational facilities would occur.

### 3.16.4 References

City of Manhattan Beach. 2021. Developer Impact Fees Community Development. Accessed October 2, 2021. <https://www.manhattanbeach.gov/home/showdocument?id=42983>.

## 3.17 Transportation

### 3.17.1 Environmental Setting

CEQA Section 15064.3(a) established vehicle miles travelled (VMT) as the most appropriate measure of transportation impacts. The subdivision (a) defines VMT as “the amount and distance of automobile travel attributable to a project.” The term “automobile” refers to on-road passenger vehicles, specifically cars and light trucks. For land use projects and plans, such as the HEU, based on the predominant use, the following VMT efficiency metrics and method of estimation can be used:

- Total VMT per Service Population: The total VMT to and from all zones in the geographic area are divided by the total service population to get the efficiency metric of VMT per service population. The total service population is the sum of the number residents and the number of employees.
- Residential (Home-based) VMT per capita: All home-based auto vehicle trips are traced back to the residence of the trip-maker (non-home-based trips are excluded) and then divided by the population within the geographic area to get the efficiency metric of home-based VMT per capita (or per resident).
- Employment (Home-based work) VMT per employee: All auto vehicle trips between home and work are counted, and then divided by the number of employees within the geographic area to get the efficiency metric of home-based work VMT per employee.

According to the County of Los Angeles modelled VMT by City (2016) the City of Manhattan Beach has an average per capita VMT of 24.27 (per person per year) (County of Los Angeles 2021).

The City is within the County’s South Bay Planning Area for regional transportation. This area is served by portions of Interstate 405 (I-405), Interstate 110 (I-110), Interstate 105 (I-105), State Route 91 (SR 91), and State Route 47 (SR 47). The main north-south highways include Vermont Avenue, Hawthorne Boulevard (SR-107), and La Cienega Boulevard. East-west highways and secondary highways include Torrance Boulevard, Manhattan Beach Boulevard, and Sepulveda Boulevard. As previously discussed, Sepulveda Boulevard is the only State Highway in Manhattan Beach. As a major transportation corridor for the South Bay region, Sepulveda Boulevard also functions as a commercial corridor for the City and supports heavy traffic volumes.

## 3.17.2 Regulatory Setting

### Federal

There are no applicable federal regulations related to transportation that would apply to the HEU.

### State

#### Senate Bill 743

On September 27, 2013, Governor Brown signed SB 743, which became effective on January 1, 2014. The purpose of SB 743 is to streamline review under the CEQA process for several categories of development projects, including the development of infill projects in transit priority areas, and to balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas (GHG) emissions. SB 743 adds Chapter 2.7, Modernization of Transportation Analysis for Transit Oriented Infill Projects, to the CEQA Statute (California Public Resources Code, Section 21099). Section 21099(d)(1) provides that aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment. In addition, SB 743 mandates that alternative metric(s) for determining impacts relative to transportation shall be developed to replace the use of level of service (LOS) in CEQA documents.

In the past, environmental review of transportation impacts focused on the delay that vehicles experience at intersections and on roadway segments, which is often measured using LOS. Mitigation for impacts on vehicular delay often involves increasing capacity such as widening a roadway or the size of an intersection, which in turn induces more vehicular travel and greater pollutant emissions. Additionally, improvements to increase vehicular capacity can often discourage alternative modes of transportation such as biking, walking, and transit. SB 743 directed the Governor's Office of Planning and Research (OPR) to develop an alternative metric(s) for analyzing transportation impacts in CEQA documents. The alternative shall promote the state's goals of reducing GHG emissions and traffic-related air pollution by promoting the development of a multimodal transportation system and providing clean, efficient access to destinations. Under SB 743, it was anticipated that the focus of transportation analysis would shift from vehicle delay (and LOS) to VMT within transit-priority areas (i.e., areas well served by transit).

Pursuant to SB 743, OPR released the draft revised CEQA Guidelines in November 2017, recommending the use of VMT for analyzing transportation impacts. Additionally, OPR released updates to the Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR 2018) to provide guidance on VMT analysis. In this Technical Advisory, OPR provides its recommendations to assist lead agencies in screening out projects from VMT analysis and selecting a significance threshold that may be appropriate for their particular jurisdictions. While OPR's Technical Advisory is not binding on public agencies, CEQA allows lead agencies to "consider thresholds of significance...recommended by other public agencies, provided the decision to adopt those thresholds is supported by substantial evidence" (CEQA Guidelines Section 15064.7[c]).

#### Senate Bill 375

The Sustainable Communities and Climate Protection Act of 2008 (Sustainable Communities Act; SB 375) supports the state's climate action goals to reduce GHG emissions through coordinated transportation and land use planning with the goal of more sustainable communities. Under the Sustainable Communities Act, the California Air

Resources Board sets regional targets for GHG emissions reductions from passenger vehicle use. In 2010, the California Air Resources Board established targets for 2020 and 2035 for each region covered by one of the state's Metropolitan Planning Organizations (MPOs). The California Air Resources Board will periodically review and update the targets, as needed.

Each of California's MPOs must prepare a Sustainable Communities Strategy (SCS) as an integral part of its Regional Transportation Plan (RTP). The SCS contains land use, housing, and transportation strategies that, if implemented, would allow the region to meet its GHG emission reduction targets. Once adopted by the MPO, the RTP/SCS guides the transportation policies and investments for the region. California Air Resources Board must review the adopted SCS to confirm and accept the MPO's determination that the SCS, if implemented, would meet the regional GHG targets. If the combination of measures in the SCS would not meet the regional targets, the MPO must prepare a separate alternative planning strategy to meet the targets. The alternative planning strategy is not a part of the RTP.

The Sustainable Communities Act also establishes incentives to encourage local governments and developers to implement the SCS or the alternative planning strategy. Developers can get relief from certain CEQA requirements if their new residential and mixed-use projects are consistent with a region's SCS (or alternative planning strategy) that meets the targets (see California Public Resources Code, Sections 21155, 21155.1, 21155.2, 21159.28).

### Statewide Transportation Improvement Program

The California 2010 Statewide Transportation Improvement Program, approved by the U.S. Department of Transportation in October 2009, is a multi-year, Statewide, intermodal program of transportation projects that is consistent with the statewide transportation plan and planning processes, metropolitan plans, and Title 23 of the Code of Federal Regulations. The Statewide Transportation Improvement Program is prepared by Caltrans in cooperation with the MPOs and the regional transportation planning agencies. The Statewide Transportation Improvement Program contains all capital and noncapital transportation projects or identified phases of transportation projects for funding under the Federal Transit Act and Title 23 of the Code of Federal Regulations, including federally funded projects.

### The California Department of Transportation

As the owner and operator of the state highway system, Caltrans implements established state planning priorities in all functional plans, programs, and activities. Caltrans coordinates and consults with local jurisdictions when proposed local land use planning and development may impact State highway facilities. Pursuant to Section 21092.4 of the California Public Resources Code, for projects of Statewide, regional, or area-wide significance, the lead agency shall consult with transportation planning agencies and public agencies that have transportation facilities that could be affected by the HEU.

Caltrans Draft Transportation Impact Study Guide and Safety Review (Caltrans 2020) replaced the Guide for the Preparation of Traffic Impact Studies (Caltrans 2002). Per the 2020 Transportation Impact Study Guide, Caltrans' primary review focus is VMT, replacing LOS as the metric used in CEQA transportation analyses (Caltrans 2020). Caltrans recommends use of OPR's recommended thresholds and guidance on methods of VMT assessment found in OPR's Technical Advisory (OPR 2018) for land use projects. In addition to VMT, the 2020 Transportation Impact Study Guide states that it may request a targeted operational and safety analysis to address a specific geometric or operational issue related to the state highway system and connections with the state highway system.

## Local/Regional

### Southern California Association of Governments Regional Transportation Plan/Sustainable Communities Strategy

SCAG develops the RTP, which presents the transportation vision for Los Angeles, Orange, San Bernardino, Imperial, Riverside, and Ventura counties. SB 375 was enacted to reduce GHG emissions from automobiles and light trucks through integrated transportation, land use, housing and environmental planning. Under the law, SCAG is tasked with developing an SCS, an element of the RTP that provides a plan for meeting emissions reduction targets set forth by the California Air Resources Board. The SCS outlines the plan for integrating the transportation network and related strategies with an overall land use pattern that responds to projected growth, housing needs, changing demographics, and transportation demands. The SCS focuses the majority of new housing and job growth in high-quality transit areas and other opportunity areas in existing main streets, downtowns, and commercial corridors, resulting in an improved jobs-housing balance and more opportunity for transit-oriented development. This overall land use development pattern supports and complements the proposed transportation network that emphasizes system preservation, active transportation, and transportation demand management measures.

The 2016 RTP/SCS identifies priorities for transportation planning within the Southern California region, sets goals and policies, and identifies performance measures for transportation improvements to ensure that future projects are consistent with other planning goals for the area (SCAG 2016). The Regional Transportation Improvement Programs, also prepared by SCAG based on the RTP, lists all of the regional funded/programmed improvements within the next 5 to 7 years. To qualify for CEQA streamlining benefits under SB 375, a project must be consistent with the RTP/SCS.

The 2020–2045 RTP/SCS, also known as Connect SoCal, is a long-range visioning plan that builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. It charts a path toward a more mobile, sustainable, and prosperous region by making connections between transportation networks, between planning strategies, and between the people whose collaboration can improve the quality of life for Southern Californians (SCAG 2020). The SCAG Regional Council adopted Connect SoCal on September 3, 2020.

For SCAG member jurisdictions, the 6<sup>th</sup> Cycle Housing Element planning period extends from 2021 to 2029. As part of Connect SoCal, SCAG assigns a number of housing units that the County is required to plan for in the eight -year Housing Element cycle. That number of units is called the Regional Housing Needs Assessment (RHNA), and it is broken down by income category, ensuring that all economic groups are accommodated. If a jurisdiction cannot show that there are enough sites to address the housing need, the jurisdiction is required to develop a rezoning program. The rezoning ensures that there are enough sites with sufficient densities to address the housing need identified through the RHNA.

### Los Angeles County Metropolitan Transportation Authority

Metro is the county-level transportation planning and public transportation operating agency that was created by the State of California to set policy, coordinate, plan, fund, build, and operate transit services and transportation programs throughout Los Angeles County. Metro supports the transportation improvement programs of the 88 cities and 16 municipal transit operators within the County, as well as Los Angeles's paratransit provider, Access Services, and its regional commuter rail service provider, Metrolink. Metro is also responsible for the preparation of the Long-

Range Transportation Plan and the Short-Range Transportation Plan (SRTP). The current Long- and Short-Range Transportation Plans are the 2020 Long-Range Transportation Plan and the 2014 Short-Range Transportation Plan. The transportation plans include all major transit and highway projects (partially or fully funded), existing programs and policies, and new policies and initiatives required to achieve Metro’s regional goals.

### Congestion Management Plan

The Congestion Management Plan (CMP) is a program adopted by the State Legislature and approved by the State voters in 1990 through Proposition 111. The CMP was created for the following purposes:

- To link land use, transportation, and air quality decisions;
- To develop a partnership among transportation decisionmakers on devising appropriate transportation solutions that include all modes of travel; and
- To propose transportation projects which are eligible to compete for state gas tax funds.

The Los Angeles County Metropolitan Transportation Authority (MTA) is responsible for preparing the County’s CMP. The MTA is required by State law to monitor local implementation of all CMP elements. Local jurisdictions are required to monitor arterial congestion levels, monitor transit services along certain corridors, and implement an adopted trip reduction Refer to the Circulation section of the Infrastructure Element ordinance and land use analysis program. In addition, a key CMP component is the deficiency plan through which jurisdictions track and report their local development activity as “debits” and transportation improvements as “credits.” Jurisdictions must maintain an annual positive balance of credits over debits to be in conformance with the CMP.

### Los Angeles County Measures R and M

Measures R and M are half cent sales tax measures for Los Angeles County to finance new transportation projects and programs and accelerates many of those already in the pipeline – everything from new rail and/or bus rapid transit projects, commuter rail improvements, The Los Angeles County Metropolitan Transit Authority rail system improvements, highway projects, improved countywide and local bus operations, and local city sponsored transportation improvements. Measure R and Measure M were approved by the minimum two-thirds vote in the November 2008 election and November 2016 election, respectively. The highway, bus and rail projects identified in the Measures respective expenditure plans are spread throughout Los Angeles County. In addition, each of the individual cities and unincorporated areas within Los Angeles County will receive a share of the revenue to use at their discretion for local transportation needs. There are three Metro funded transit projects in the South Bay region; the Crenshaw/LAX Transit Corridor Project, the Airport Metro Connector 96th Street Transit Station, and the South Bay Green Line Extension. The South Bay Cities Council of Governments (SBCCOG) administers a sub fund to improve local and regional highways including those that serve Manhattan Beach.

### City of Manhattan Beach General Plan

The General Plan “Mobility Plan” for the City of Manhattan Beach seeks provide for a balanced, multi-modal transportation system for the movement of people and goods within, to and from the City. In keeping with State and Federal laws and regulations, the Mobility Plan states that a balanced system is required, and that it must meet the needs of all users including motorists, pedestrians, bicyclists, children, persons with disabilities, seniors, movers of commercial goods and users of public transportation. The Mobility Plan places an emphasis on non-motorized modes of transportation (bicycling and walking) as well as implementing streets that serve the mobility of all users

by providing high quality pedestrian, bicycling, and transit access to all destinations throughout the City, as appropriate, and design streets to be inviting places for all users, with beauty and amenities.

Pursuant to the SCAG's RTS/SCS, "mobility" refers to the movement of people, goods, and resources within or beyond a city or region.

The following goals and policies from the Mobility plan would apply to the HEU.

Goal I-1: Provide a balanced, safe, and efficient multi-modal transportation system that serves the mobility needs of all community members, including children, seniors, and the disabled.

Policy I-1.1: Review the safety and functioning of the street system on a regular basis to identify problems and develop solutions.

Policy I-1.2: Improve street signage citywide, to enhance safety, visibility, and ensure street signs are not obstructed.

Policy I-1.3: Encourage the development of Transportation Demand Management (TDM) plans for all major developments or facility expansions to encourage ride-sharing and other improvements, thereby reducing vehicle trips.

Policy I-1.4: Work with neighboring communities, other South Bay cities, the state and other agencies to develop regional solutions to transportation problems that are regional in nature, and to mitigate impacts of development in neighboring communities that impact the City.

Policy I-1.5: Support Dial-A-Ride or other para-transit systems for the senior and disabled members of the community.

Policy I-1.6: Require property owners, at the time of new construction or substantial remodeling to dedicate land for public improvements such as roadways, wider sidewalks and/or bicycle lanes, as appropriate and warranted by the project.

Policy I-1.7: Improve multi-modal connections to transit facilities, especially to the Metro Green Line stations.

Policy I-1.8: Improve multi-modal connections between the portions of the City east and west of Sepulveda Boulevard.

Policy I-1.9: Consider implementing a development impact fee program to collect funds from developers constructing new projects. Such fees would fund "fair-share" costs of mobility improvement projects required to mitigate project impacts.

Policy I-1.10: Promote car-sharing and neighborhood electric vehicles as important means to reduce traffic congestion and further promote climate action projects.

Policy I-1.11: Allow for flexible use of public rights-of-way to accommodate all users, while maintaining safety standards.

Policy I-1.12: Integrate the financing, design and construction of pedestrian facilities and improvements with street projects where feasible at the same time as improvements for vehicular circulation.

Goal I-2: Move commuter traffic through the City primarily on arterial streets and collector streets, as appropriate, to protect other streets from the intrusion of cut-through traffic.

Policy I-2.1: Utilize the Neighborhood Traffic Management Program (NTMP) tools to mitigate neighborhood intrusion by cut-through traffic and improve conditions for pedestrians and bicyclists.

Policy I-2.2: Monitor all major intersections and arterial streets and pursue capital projects as needed to minimize traffic diversion into local streets, improve pedestrian and bicycle conditions to keep traffic moving efficiently.

Policy I-2.3: Minimize vehicular access for new developments on local residential streets, and in locations with high pedestrian and bicycle activity, and design access and egress to avoid traffic intrusion on local streets to the maximum extent possible.

Policy I-2.4: Require property owners, at the time new construction is proposed, to either improve abutting public right-of-way to its full required width per the street master plan or to pay in-lieu fees for improvements, as appropriate.

Policy I-2.5: Encourage the use of Intelligent Transportation Systems (ITS), such as advanced traffic signalization, motorist information, advanced transit, advanced emergency vehicle access, and intelligent parking systems, as well as other appropriate communication technologies, to efficiently and safely move traffic.

Policy I-2.6: Review on-street parking in neighborhoods adjacent to commercial areas where neighbors request such review and develop parking and traffic solutions for those neighborhoods adversely impacted by spillover parking and traffic.

Policy I-2.7: Monitor and minimize traffic, parking and truck loading issues associated with construction activities.

Policy I-2.8: Carefully review commercial development proposals with regard to parking, loading and planned ingress/egress, and enforce restrictions as approved. Policy I-2.9: Comprehensively review downtown merchant and other parking permits including valet parking to ensure effective utilization of existing parking capacity.

Policy I-2.10: Protect and enhance on-street public parking including identifying appropriate motorcycle, small car, electric vehicle and bike corral parking opportunities.

Policy I-2.11: Develop a new multi-modal level of service methodology that includes:

- Emphasis on pedestrian and bicycle access and circulation
- Support for reduced vehicle miles traveled
- Maintenance of appropriate emergency vehicle access and response time

Goal I-3: Ensure adequate parking and loading facilities are available to support both residential and commercial needs while reducing adverse parking and traffic impacts.

Policy I-3.1: Periodically review existing Downtown and North Manhattan Beach parking and loading needs and implement solutions as needed to address deficiencies.

Policy I-3.2: Periodically evaluate the adequacy of parking codes in light of land use and parking demand to ensure rightsized parking facilities are provided.

Policy I-3.3: Review development proposals to ensure potential adverse parking impacts are minimized or avoided, and pedestrian and bicycle circulation are not negatively impacted.

Policy I-3.4: Encourage joint-use and off-site parking where appropriate and develop procedures and templates for use in shared parking arrangements.

Policy I-3.5: Require private development to provide public on street parking in the public right-of-way according to Public Works standards in compliance with the street master plan.

Policy I-3.6: Consider emergency vehicle access needs when developing on-street parking and other public right-of-way development standards.

Policy I-3.7: Work to preserve on-street parking within beach areas.

Policy I-3.8: Encourage the school district and private schools to promote active modes of transportation for students and employees as a means of reducing peak-hour traffic.

Policy I-3.9: Work with the school district and private schools to improve pedestrian and bicycle routing and safety around schools. Focus pedestrian access to the elementary schools and bicycle and pedestrian access to the middle and high schools.

Policy I-3.10: Discourage parking associated with schools, particularly at Mira Costa High School, within surrounding neighborhoods.

Policy I-3.11: Work with the school district and private schools to address high traffic volumes during the morning and afternoon peak school hours and improve drop-off and pick-up circulation.

Policy I-3.12: Continue to support and enhance Safe Routes to School programs such as Walking School Bus, walk audits, classroom safety instruction and promotional events

### 3.17.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVII. TRANSPORTATION – Would the project:</b>				
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) ***Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?***

**Less Than Significant Impact.** Future development associated with implementation of the HEU would be expected to generate more multi-modal trips than conventional development. In addition, the HEU is required to be in compliance with the Mobility Plan of the General Plan, which has goals and policies such as providing a balanced, safe, and efficient multi-modal transportation system; routing commuter traffic primarily on arterial and collector streets, as appropriate, to protect other streets from the intrusion of cut-through traffic; and ensuring that adequate parking and loading facilities are available to support both residential and commercial needs while reducing adverse parking and traffic impacts.

The HEU identifies that the City has the existing capacity to accommodate 377 new residential dwelling units. Through a future rezoning program, capacity for an additional 479 units would be identified. The rezoning effort will include the evaluation of potential traffic impacts related to increased transportation system demands associated with specific future residential projects, and mitigation measures would be adopted as necessary, in conformance with CEQA to address these larger scale Citywide impacts. The HEU in and of itself would not conflict with adopted policies, plans, or programs supporting alternative transportation.

Although the HEU would provide for an eventual rezoning program, allowing for higher density residential development than is currently allowed for in the City, the development anticipated by the HEU would occur primarily on urban and semi-urban infill sites and consist primarily of multifamily and mixed-use development, and would likely not require a significant overhauls of existing transportation infrastructure. However, this is not one of the discretionary actions being undertaken at this time. As such, the HEU would result in a less than significant impact on transportation, and no mitigation is required.

b) *Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?*

**Less Than Significant Impact.** and of Although the HEU would provide for an eventual rezoning program, allowing for higher density residential development than is currently allowed for in the City, the development anticipated by the HEU would occur primarily on urban and semi-urban infill sites and consist primarily of multifamily and mixed-use development, and would likely not require a significant overhauls of existing transportation infrastructure. However, this is not one of the discretionary actions being undertaken at this time. Potential traffic impacts related to increased transportation system demands associated with specific future residential projects would be assessed at the programmatic level at such a time that the rezoning program is being considered, consistent with local and state guidelines. Mitigation measures would be adopted as necessary, in conformance with CEQA. Future development projects implemented following the adoption of the rezoning program would more than likely qualify for streamlining and/or an exemption under CEQA, consistent with State and local laws encouraging the development of housing, especially affordable housing, on infill sites. Based on the above, the HEU would result in a less than significant impact related to CEQA Guidelines Section 15064.3, and no mitigation is required.

c) *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

**Less Than Significant Impact.** Potential traffic impacts related to increased transportation system demands associated with specific future residential projects, including the planned rezoning program, would be assessed at the time the projects are actually proposed and would be consistent with local and state guidelines. Mitigation measures would be adopted as necessary, in conformance with CEQA. The HEU as a policy document would not increase hazards due to design features or incompatible uses.

Although the HEU would provide for an eventual rezoning program, allowing for higher density residential development than is currently allowed for in the City, the development anticipated by the HEU would occur primarily on urban and semi-urban infill sites and consist primarily of multifamily and mixed-use development, and would likely not require a significant overhauls of existing transportation infrastructure. However, this is not one of the discretionary actions being undertaken at this time. As such, the HEU would result in a less than significant impact on transportation, and no mitigation is required.

d) *Would the project result in inadequate emergency access?*

**Less Than Significant Impact.** The City's General Plan contains specific goals and polices to maintain effective and high-quality emergency response services for the community, including cooperating with other South Bay jurisdictions to maintain an up-to-date regional emergency response system; disseminating information to residents, businesses, and schools on preparing for and responding to natural disasters; and ensuring that all street signs and street numbers are visible and legible to minimize emergency response time.

Although the HEU would provide for an eventual rezoning program, allowing for higher density residential development than is currently allowed for in the City, the development anticipated by the HEU would occur primarily on urban and semi-urban infill sites and consist primarily of multifamily and mixed-use development, and would likely not require a significant overhauls of existing transportation infrastructure. However, this is not one of the discretionary actions being undertaken at this time. As such, the HEU would result in a less than significant impact on transportation, and no mitigation is required.

## 3.17.4 References

Caltrans. 2020. Transportation Impact Study Guide, Vehicle Miles Traveled-Focused. Accessed November 1, 2021. <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf>.

County of Los Angeles. 2021. A County VMT (Total and Per Capita) by City (2016). Accessed October 5, 2021. <https://data.lacounty.gov/Transportation/LA-County-VMT-Total-and-Per-Capita-by-City-2016-/tb57-43ih>.

SCAG. 2020. Connect SoCal: 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy. Accessed March 24, 2021. <https://scag.ca.gov/connect-socal>.

## 3.18 Tribal Cultural Resources

### 3.18.1 Environmental Setting

#### Prehistoric Setting

Evidence for continuous human occupation in Southern California spans the last 10,000 years. Various attempts to parse out variability in archaeological assemblages over this broad period have led to the development of several cultural chronologies; some of these are based on geologic time, most are based on temporal trends in archaeological assemblages, and others are interpretive reconstructions.

#### Ethnographic Setting

The history of the Native American communities prior to the mid-1700s has largely been reconstructed through later mission-period and early ethnographic accounts. The first records of the Native American inhabitants of the region come predominantly from European merchants, missionaries, military personnel, and explorers. These brief, and generally peripheral, accounts were prepared with the intent of furthering respective colonial and economic aims and were combined with observations of the landscape. They were not intended to be unbiased accounts regarding the cultural structures and community practices of the newly encountered cultural groups. The establishment of the missions in the region brought more extensive documentation of Native American communities, though these groups did not become the focus of formal and in-depth ethnographic study until the early twentieth century (Bean and Shipek 1978; Geiger and Meighan 1976; Harrington 1935; Sparkman 1908; Boscana 1846). The principal intent of these researchers was to record the precontact, culturally specific practices, ideologies, and languages that had survived the destabilizing effects of missionization and colonialism. This research, often understood as “salvage ethnography,” was driven by the understanding that traditional knowledge was being lost due to the impacts of modernization and cultural assimilation. Alfred Kroeber applied his “memory culture” approach by recording languages and oral histories within the region (Kroeber 1925). Ethnographic research by Dubois, Kroeber, Harrington, Spier, and others during the early twentieth century seemed to indicate that traditional cultural practices and beliefs survived among local Native American communities.

It is important to note that even though there were many informants for these early ethnographies who were able to provide information from personal experiences about native life before the Europeans, a significantly large proportion of these informants were born after 1850 (Heizer and Nissen 1973); therefore, the documentation of

pre-contact, aboriginal culture was being increasingly supplied by individuals born in California after considerable contact with Europeans. As Robert F. Heizer (1978) stated, this is an important issue to note when examining these ethnographies, since considerable culture change had undoubtedly occurred by 1850 among the Native American survivors of California. This is a particularly important consideration for studies focused on tribal cultural resources (TCRs), where concepts of “cultural resource” and the importance of traditional cultural places are intended to be interpreted based on the values expressed by present-day Native American representatives and may vary from archaeological values.

## 3.18.2 Regulatory Setting

### Federal

#### National Historic Preservation Act

The National Register of Historic Places (NRHP) is the United States’ official list of districts, sites, buildings, structures, and objects worthy of preservation. Overseen by the National Park Service, under the U.S. Department of the Interior, the NRHP was authorized under the National Historic Preservation Act, as amended. Its listings encompass all National Historic Landmarks, as well as historic areas administered by the National Park Service.

The National Park Service’s guidance for the evaluation of historic significance were developed to be flexible and to recognize the accomplishments of all who have made significant contributions to the nation’s history and heritage. The criteria are designed to guide state and local governments, federal agencies, and others in evaluating potential entries in the NRHP. For a property to be listed in or determined eligible for listing, it must be demonstrated to possess integrity and to meet at least one of the following criteria:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.

Integrity is defined in the National Park Service’s National Register Bulletin, How to Apply the National Register Criteria” as “the ability of a property to convey its significance.” To be listed in the NRHP, a property must not only be shown to be significant under the NRHP criteria, but it also must have integrity” (NPS 1990). NRHP guidance further asserts that properties be completed at least 50 years ago to be considered for eligibility. Properties completed fewer than 50 years before evaluation must be proven to be “exceptionally important” (consideration criteria G) to be considered for listing.

A historic property is defined as “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the NRHP criteria” (Title 36 Code of Federal Regulations Sections 800.16[i][1]).

## State

### California State Assembly Bill 52

Assembly Bill (AB) 52 of 2014 amended PRC Section 5097.94 and added PRC Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3. AB 52 established that Tribal Cultural Resources (TCRs) must be considered under CEQA and also provided for additional requirements for the lead agency to consult with Native Americans. Public Resources Code Section 21074 describes a TCR as a site, feature, place, cultural landscape, sacred place, or object that is considered of cultural value to a California Native American Tribe and that is either:

- Included or determined to be eligible for inclusion on the California Register of Historical Resources or a local historic register; or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence (including the significance of the resource to a California Native American tribe), to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.

AB 52 formalizes the lead agency–tribal consultation process, requiring the lead agency to initiate consultation with California Native American groups that are traditionally and culturally affiliated with the w land areas under City jurisdiction, including tribes that may not be federally recognized. Lead agencies are required to begin consultation prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report.

Section 1 (a)(9) of AB 52 establishes that “a substantial adverse change to a tribal cultural resource has a significant effect on the environment.” Effects on TCRs should be considered under CEQA. Section 6 of AB 52 adds Section 21080.3.2 to the PRC, which states that parties may propose mitigation measures “capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource.” Further, if a California Native American tribe requests consultation regarding project alternatives, mitigation measures, or significant effects to tribal cultural resources, the consultation shall include those topics (PRC Section 21080.3.2[a]). The environmental document and the mitigation monitoring and reporting program (where applicable) shall include any mitigation measures that are adopted (PRC Section 21082.3[a]).

## Senate Bill 18

The Local and Tribal Intergovernmental Consultation process, commonly known as Senate Bill (SB) 18 was signed into law September of 2004 and took effect March 1, 2005. SB 18 refers to PRC Section 5097.9 and 5097.995, which defines cultural places as:

- Native American sanctified cemetery place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9).
- Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the California Register of Historic Resources pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (PRC Section 5097.993).

SB 18 established responsibilities for local governments to contact, provide notice to, refer plans to, and consult with California Native American tribes that have been identified by the NAHC and if that tribe requests consultation after local government outreach as stipulated in Government Code Section 65352.3. The purpose of this consultation process is to protect the identity of the cultural place and to develop appropriate and dignified treatment of the cultural place in any subsequent project. The consultation is required whenever a general plan, specific plan, or open space designation is proposed for adoption or to be amended. Once local governments have sent notification, tribes are responsible for requesting consultation. Pursuant to Government Code Section 65352.3(a)(2), each tribe has 90 days from the date on which they receive notification to respond and request consultation.

In addition to the requirements stipulated previously, SB 18 amended Government Code Section 65560 to “allow the protection of cultural places in open space element of the general plan” and amended Civil Code Section 815.3 to add “California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.”

### California Environmental Quality Act

As described further below, the following CEQA Statute and Guidelines are of relevance to the analysis of archaeological, historic, and tribal cultural resources:

- PRC Section 21083.2(g) defines “unique archaeological resource.”
- PRC Section 21084.1 and CEQA Guidelines Section 15064.5(a) define “historical resources.” In addition, CEQA Guidelines Section 15064.5(b) defines the phrase “substantial adverse change in the significance of an historical resource”; it also defines the circumstances when a project would materially impair the significance of an historical resource.
- PRC Section 21074(a) defines “tribal cultural resources.”
- PRC Section 5097.98 and CEQA Guidelines Section 15064.5(e) set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.
- PRC Sections 21083.2(b)-(c) and CEQA Guidelines Section 15126.4 provide information regarding the mitigation framework for archaeological and historic resources, including examples of preservation-in-place mitigation measures; preservation in place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context, and may also help avoid conflict with religious or cultural values of groups associated with the archaeological sites.

More specifically, under CEQA, a project may have a significant effect on the environment if it may cause “a substantial adverse change in the significance of an historical resource” (PRC Section 21084.1; 14 CCR 15064.5[b]). If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historic resources or identified as significant in a historical resources survey (meeting the requirements of PRC Section 5024.1[q]), it is a historical resource and is presumed to be historically or culturally significant for purposes of CEQA (PRC Section 21084.1; 14 CCR 15064.5[a]). The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption (PRC Section 21084.1; 14 CCR 15064.5[a]).

A “substantial adverse change in the significance of an historical resource” reflecting a significant effect under CEQA means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (14 CCR 15064.5[b][1]; PRC Section 5020.1[q]). In turn, the significance of an historical resource is materially impaired when a project (14 CCR 15064.5[b][2]):

- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the PRC or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA.

Pursuant to these sections, the CEQA inquiry begins with evaluating whether a project site contains any historical resources, including tribal cultural resources, then evaluates whether that project will cause a substantial adverse change in the significance of a historical resource such that the resource’s historical significance is materially impaired.

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (PRC Section 21083.2[a]-[c]).

PRC Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Impacts to non-unique archaeological resources are generally not considered a significant environmental impact (PRC Section 21083.2[a]; 14 CCR 15064.5[c][4]). However, if a non-unique archaeological resource qualifies as a TCR (PRC Sections 21074[c] and 21083.2[h]), further consideration of significant impacts is required.

CEQA Guidelines Section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are detailed in PRC Section 5097.98.

California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.98

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. California Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the county coroner has examined the remains (Section 7050.5(b)). PRC Section 5097.98 also outlines the process to be followed in the event that remains are discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact NAHC within 24 hours (Section 7050.5(c)). NAHC will notify the “most likely descendant.” With the permission of the landowner, the most likely descendant may inspect the site of discovery. The inspection must be completed within 48 hours of notification of the most likely descendant by NAHC. The most likely descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains, and items associated with Native Americans.

### 3.18.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XVIII. TRIBAL CULTURAL RESOURCES</b>				
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

- a) *Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); and/or*
- b) *A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?*

**Less Than Significant Impact.** It is not expected that TCRs would be disturbed as a result of implementation of the HEU, which in and of itself, does not require any construction activities and is merely the adoption of a policy document. Furthermore, Manhattan Beach is virtually built out, and the potential for uncovering TCRs during any construction activity is considered remote (City of Manhattan Beach 2003).

Since the HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the HEU. Therefore, its adoption would not, in and of itself, produce environmental impacts. Implementation of the programs contained in the HEU would accommodate future development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. The HEU would not change or alter state or federal policies to protect tribal cultural resources. Potential environmental impacts to TCRs are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time as a development proposal is considered, that project would be subject to adopted development guidelines/standards, tribal consultation if required by tribes, and any impacts identified with the development project would be addressed through mitigation measures specific to the impact. As such, the HEU would result in less than significant impacts to tribal cultural resources, and no mitigation is required.

Pursuant to California Assembly Bill (AB) 52 and Senate Bill (SB) 18, the City contacted three Native American individuals and/or tribal organizations on August 4, 2021:

- Andrew Salas, Chairperson, Gabrieleno Band of Mission Indians, Kizh Nation
- Kenneth Kahn, Tribal Chairman, Santa Ynez Band of Chumash Indians
- Joseph Ontiveros, Cultural Resources Director, Sobaba Band of Luiseño Indians

The Santa Ynez Band of Chumash Indians, responded on August 9, 2020, and again on August 23, 2021, stating that the Elders' Council requested no further consultation on the HEU but requested to be notified of any changes in scope, or if supplementary literature reveals additional information. No further communication was received by the Santa Ynez Band of Chumash Indians, or any other Native American individuals and/or tribal organizations contacted on August 4, 2021.

## 3.18.4 References

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## 3.19 Utilities and Service Systems

### 3.19.1 Environmental Setting

The City's current service area, as determined by the City's Urban Water Management Plan (UWMP) (2017), covers approximately 3.9 square miles, and encompasses the majority of the City of Manhattan Beach. The City maintains the local water distribution, sewage collection, and storm drain systems. Water is purchased from wholesale providers, and the City is responsible for storage and distribution. Sewage collected in laterals and City trunk lines flows into regional lines maintained by the Sanitation Districts of Los Angeles County (City of Manhattan Beach 2003). With regard to flood control, City storm drains direct runoff into major County-owned channels and other facilities maintained by the Los Angeles County Department of Public Works (LACDPW) (City of Manhattan Beach 2003).

Manhattan Beach obtains water from three sources: (1) Metropolitan Water District (MWD) treated surface water from Northern California and the Colorado River Basin, which is provided to the City by the West Basin Municipal Water District (WBMWD) and represents over 80% of the local water supply; (2) groundwater extracted by City-owned and operated wells; and (3) reclaimed water supplied for landscape irrigation from the West Basin Municipal Water District. Manhattan Beach owns the right to pump 3.8 million gallons per year of groundwater from the West Coast Basin. Imported water flows to Manhattan Beach via 45-inch MWD line in Manhattan Beach Boulevard. (City of Manhattan Beach 2003). Over the past ten years, the City's total water demands (including potable and recycled water) have ranged from 4,887 acre feet per year (AFY) to 5,896 AFY, with an average of 5,312 AFY.

The City's water system consists of pump stations, storage reservoirs, an elevated storage tank, water supply wells, a settling basin, and approximately 112 miles of distribution pipelines (City of Manhattan Beach 2003). Given that the built-out nature of the City accommodates a very modest level of growth, these facilities will likely not require any substantial expansion to meet long term needs (City of Manhattan Beach 2003). The City's efforts focus on maintenance and replacement as needed. Pursuant to the Water Master Plan, the City replaced the deteriorating roof of the Peck Reservoir in 2000, extending the reservoir's life by approximately 25 years (City of Manhattan Beach 2003). Wastewater treatment in the City is managed by the Los Angeles County Sanitation Districts and treated at the Joint Water Pollution Control Plant. In 2015, the total volume of wastewater collected from the City's service area was 3,340-acre feet (City of Manhattan Beach 2017).

Like most counties throughout the state, Los Angeles County is currently experiencing extreme drought conditions (NOAA/NIDIS 2021). In response to continued drought conditions, MWD's Board of Directors declared a Water Supply Alert in August 2021, calling for consumers and businesses to voluntarily reduce their water use and help preserve the region's storage reserves (City of Manhattan Beach 2021a). This declaration came less than a day after the U.S. Bureau of Reclamation declared a first-ever shortage in the Colorado River Basin (City of Manhattan Beach 2021a, BOR 2021). As a result, the City's treated imported water supplies from MWD, through WBMWD, could be impacted during a multi-year drought or other conditions which limit MWD from delivering sufficient water supplies to all of its member agencies, and consequently to the City (City of Manhattan Beach 2021a). The MWD has indicated that its supplies from the Colorado River will not be impacted in 2022 but may be impacted in 2023 and more likely in 2024, if the drought continues (City of Manhattan Beach 2021a).

The City is in the process of preparing and updating their 2020 Urban Water Management Plan (UWMP) to be in compliance with the UWMP Act (California Water Code Section 10610) and the Water Conservation Bill of 2009 (SBX7-7) (City of Manhattan Beach 2021a). The 2020 UWMP also incorporates the City's Water Shortage Contingency Plan (WSCP), which details how the City responds in the event of a declared water emergency or water shortage conditions. According to the draft 2020 UWMP, the City has reviewed its historical water demands to determine the projected water demands and water supply reliability and determined that the City is able to provide sufficient water supplies to meet the projected water demands of its customers, including during a five consecutive year drought period (City of Manhattan Beach 2021a).).

## 3.19.2 Regulatory Setting

### Federal

#### Clean Water Act

The federal Clean Water Act, United States Code, Title 33, Sections 1251 et seq. requires that wastewater be treated prior to being discharged to waters of the United States. The Clean Water Act is described in further detail in Section 3.10, Hydrology and Water Quality, of this ND.

### State

#### Porter-Cologne Water Quality Control Act

In California, the State Water Resources Control Board and nine Regional Water Quality Control Boards (RWQCBs) are responsible for implementing the Clean Water Act and the California Porter-Cologne Water Quality Control Act

(Porter-Cologne Act). The Porter-Cologne Act authorizes the State Water Resources Control Board to implement programs to control polluted discharges into State waters. In compliance with the Porter-Cologne Act, the nine RWQCBs establish the wastewater concentrations of a number of specific hazardous substances in treated wastewater discharge.

### Sanitary Sewer General Waste Discharge Requirements

On May 2, 2006, the State Water Resources Control Board adopted a General Waste Discharge Requirement (Order No. 2006-0003) for all publicly owned sanitary sewer collection systems in California with more than one mile of sewer pipe. The order provides a consistent statewide approach to reducing sanitary sewer overflows by requiring public sewer system operators to take all feasible steps to control the volume of waste discharged into the system in order to prevent sanitary sewer waste from entering the storm sewer system, and to develop a Sewer System Management Plan. The General Waste Discharge Requirements also requires that storm sewer overflows be reported to the State Water Resources Control Board using an online reporting system.

### Chapter 727, Statutes of 2005 – Water and Sewer Service Priority

Chapter 727, Statutes of 2005 (SB 1087) establishes processes to ensure the effective implementation of Government Code Section 65589.7, the statute requiring preparation of the housing element component off a General Plan. This statute requires local governments to provide a copy of the adopted housing element to water and sewer providers. In addition, water and sewer providers must grant priority for service allocations to proposed developments that include residential dwelling units affordable to lower-income households.

## Regional/Local

### Water Quality Control Plans (Basin Plans)

The Porter-Cologne Act, Section 13000, directs each RWQCB to develop a water quality control plan (Basin Plan) for all areas within its region. The Basin Plan is the basis for each RWQCB's regulatory program. The City is within the purview of the Los Angeles RWQCB (Region 4), and future development facilitated by the HEU must comply with applicable elements of the Basin Plan for Region 4. The Basin Plan gives direction on the beneficial uses of State waters, describes the water quality that must be maintained, and provides programs necessary to achieve the standards established in the Basin Plans.

### City of Manhattan Beach Master Plans

#### **Wastewater System Master Plan (2010)**

The objective of the Wastewater Master Plan is to evaluate the City's sewer collection system to provide a framework for undertaking the construction of new and replacement facilities for the service area in an efficient and cost effective manner. It is designed to aid the City in meeting some of the requirements of the Statewide General Waste Discharge Requirements issued by the California Regional Water Quality Control Board in 2006.

#### **Water Master Plan (2010)**

The purpose of the Water Master Plan (WMP) is to periodically evaluate the City's water system and provide a framework for undertaking the construction of new and replacement facilities for serving the water supply and

distribution needs in an efficient manner. The WMP report presents the methodology, analyses, findings, and recommendations of a comprehensive study of the City's potable water system and describes the water system supplied by the West Basin Municipal Water District.

### **Draft 2020 Urban Water Management Plan (2021)**

The City is a water supplier and is required to prepare an Urban Water Management Plan (UWMP) in accordance with the California Urban Water Management Planning Act (UWMP Act) (California Water Code Section 10610) and the Water Conservation Bill of 2009 (SBX7-7) The Act requires every "urban water supplier" to prepare and adopt a Plan, periodically review its Plan at least once every five years and make any amendments or changes which are indicated by the review. Pursuant to California Water Code Section 10617, an "Urban Water Supplier" is defined as a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. The primary objective of the UWMP Act is to direct urban water suppliers to evaluate their existing water conservation efforts and, to the extent practicable, review and implement alternative and supplemental water conservation measures. The UWMP Act is directed primarily at retail water purveyors where programs can be immediately affected upon the consumer.

The City is in the process of preparing and updating the 2020 UWMP (City of Manhattan Beach 2021). Projected population in the City's service area is based on projections obtained from SCAG's 2020-2045 RTP/SCS (City of Manhattan Beach 2021). The SCAG data incorporates demographic trends, existing land use, general plan land use policies, and input and projections from the Department of Finance and the U.S. Census Bureau.

### City of Manhattan Beach General Plan

Goal I-7: Maintain and protect a reliable and cost-effective water supply system capable of adequately meeting normal demand and emergency demand in the City.

Policy I-7.1: Periodically evaluate the entire water supply and distribution system to ensure its continued adequacy, reliability, and safety.

Policy I-7.2: Ensure that all new development or expansion of existing facilities bears the cost of providing adequate water service to meet the increased demand which it generates.

Policy I-7.3: Educate the public in the importance of water conservation and require new development to comply with local and state codes for water conservation.

Policy I-7.4: Support expanded use of reclaimed water.

Policy I-7.5: Support the exploration of the feasibility of desalinated seawater as a reliable potable water source.

Goal I-8: Maintain a sewage system adequate to protect the health and safety of all Manhattan Beach residents and businesses.

Policy I-8.1: Evaluate the sewage disposal system periodically to ensure its adequacy to meet changes in demand and changes in types of waste.

Policy I-8.2: Ensure that all new development or expansion of existing facilities bears the cost of expanding the sewage disposal system to handle the increased load, which they are expected to handle.

Goal I-12: Protect the quality of the environment by managing the solid waste generated in the community.

Policy I-12.1: Encourage maximum recycling in all sectors of the community, including residential, commercial, industrial, institutional, and the construction industry.

Policy I-12.3: Encourage the maximum diversion of construction and demolition materials.

### 3.19.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XIX. UTILITIES AND SERVICE SYSTEMS - Would the project:</b>				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) ***Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?***

**Less Than Significant Impact.** Pursuant to Chapter 727, Statutes of 2005 (SB 1087) the City is required to deliver its adopted Housing Element and any amendments thereto to local water and sewer service providers. This legislation allows for coordination between the City and water and sewer providers when considering approval of new residential projects. The City is the direct provider of water, sewer, and storm drain maintenance. As such, the City will internally coordinate with the Public Works Department for review and consideration when reviewing new residential projects. Program 24, Priority Services, of the proposed HEU would require coordination with the City of Manhattan Beach Public Works Department to ensure that adopted policies prioritize water and sewer allocation for affordable housing development facilitated by the HEU.

All existing capacity parcels selected in the HEU sites analysis were reviewed for any known environmental constraints, sewer and water capacity, and dry utilities. The sites included in the existing sites inventory all have access to existing sewer and water capacity, dry utilities, and are not constrained by known site-specific or environmental constraints that would limit development. Potential sites in the CG and PD Districts that require an overlay or rezoning to permit residential uses were also included in the site analysis based on the Adequate Sites Program included in the HEU required to address a RHNA shortfall.

While some potential sites for rezoning do not meet the underutilized criteria (particularly related to inappropriate zoning), any future rezoning or residential development facilitated by the HEU would require further review under CEQA, which would include a requirement to determine if the project would require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. Goals and policies provided for in the General Plan also explicitly require the City to plan for and have the capacity to respond to fluctuating levels of utilities demand. For example, Goals I-8 and Policies I-8-1 and I-8-2 of the General Plan require that the City maintain a sewage system adequate to protect the health and safety of all Manhattan Beach residents. This includes conducting periodic evaluation of the sewage disposal system to ensure its adequacy to meet changes in demand, as well as ensuring that all new development or expansion of existing facilities bears the cost of expanding the sewage disposal system to handle the increased load. Further, Goal I-7 mandates the provision of a reliable and cost effective water supply system capable of adequately meeting normal demand and emergency demand while Policy I-7.2 requires periodic evaluation of the entire water distribution system, and would ensure that all new development or expansion of existing facilities bears the cost of providing adequate water service to meet the increased demand which it generates (City of Manhattan Beach 2003). These goals and policies are supported and facilitated by the MBMC requirements, as per the General Plan.

The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in and of itself, produce environmental impacts. Implementation of the programs contained in the HEU would accommodate future development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. The development anticipated by the HEU would occur primarily on infill sites already served by well-established utilities service systems and are unlikely to require expansion of existing systems or the construction of new systems. However, project level review of future development anticipated by the HEU, as required under CEQA, would ensure that

all impacts to the existing utilities facilities are less than significant. The HEU would not change or alter policies related to utilities and system services. Therefore, impacts from the HEU would be less than significant, and no mitigation is required.

**b) *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?***

**Less Than Significant Impact.** The City's water supply sources include treated groundwater through the West Coast Basin (WCB), treated imported water purchased from MWD through WBMWD, and recycled water supplies from WBMWD (City of Manhattan Beach 2021a). The City's main source of water supply is purchased imported water from MWD through WBMWD (City of Manhattan Beach 2021a). As discussed above in Section 3.19.1, Environmental Setting, the Bureau of Reclamation declared a first-ever water shortage in the Colorado River Basin (BOR 2021). The MWD has indicated that its supplies from the Colorado River will not be impacted in 2022 but may be impacted in 2023 and more likely in 2024, if the drought continues (City of Manhattan Beach 2021a). As such, imported water supplies to the City, through WBMWD, may be impacted in the event MWD implements its Water Supply Allocation Plan (WSAP) due to a water supply shortage. The WSAP provides a means of equitably providing reduced water supplies to each of MWD's member agencies for up to 10 levels of reduction representing up to a 50% reduction (City of Manhattan Beach 2021a). Among other things, the WSAP would implement higher rates for increased use among its member agencies, including the WBMWD and by extension, the City (City of Manhattan Beach 2021a). In the event the WSAP is implemented by the MWD, the City has prepared a Water Shortage Contingency Plan (WSCP) in tandem with the 2020 UWMP update (City of Manhattan Beach 2021a). The City's plan for water usage during periods of shortage is designed to incorporate six standard water shortage levels corresponding to progressive ranges from up to 10, 20, 30, 40, and 50% shortages and greater than a 50% shortage (City of Manhattan Beach 2021a). A full listing of all the restrictions and prohibitions associated with each shortage level is provided in Section 8.4.1 of the City's draft 2020 UWMP (City of Manhattan Beach 2021a). The WSCP also includes permanent water conservation measures related to landscaping irrigation, cleaning and car washing, decorative water features, eating and drinking establishments, hotels, and commercial establishments (City of Manhattan Beach 2021a).

As discussed above, imported water from the MWD is not the City's sole water supply source. The City also extracts water from the Silverado aquifer of the WCB, where it has an adjudicated right of approximated 1,130 AFY. In addition, the WCB Judgment, amended in September 2014, allows up to an additional 10,000 acre-feet of emergency pumping over a four (4) month period in the WCB under specified conditions, which must be shared across all parties of the WCB Judgment, including the City. In addition to groundwater, the City has purchased from the WBMWD and supplied recycled water to customers for non-potable irrigation uses since 1995 (City of Manhattan Beach 2021a). The City has coordinated the preparation of its 2020 UWMP with WBMWD, and will continue to coordinate with WBMWD and take advantage of opportunities to expand recycled water facilities throughout its borders to allow for optimization of recycled water use within the City (City of Manhattan Beach 2021a).

The City has also adopted a revised Water Conservation Ordinance, which is actively enforced during drought situations and specifies water conservation requirements. Enforcement includes patrolling to educate customers and if necessary, issuing warnings and citations for violations. All citations and violations are reported annually (City of Manhattan Beach 2021a). According to the draft 2020 UWMP, the

City has determined that it is able to provide sufficient water supplies to meet the projected water demands of its customers, including during a five consecutive year drought period (City of Manhattan Beach 2021a).

Ultimately, the HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in and of itself, produce environmental impacts. Implementation of the programs contained in the HEU would accommodate future development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. The development anticipated by the HEU would occur primarily on infill sites already served by well-established utilities service systems and is unlikely to require expansion of existing systems or the construction of new systems. However, project level review as required under CEQA would ensure that all impacts to the existing utilities facilities are less than significant. The HEU would not change or alter policies related to utilities and system services and the City would therefore have sufficient water supplies for the project and reasonably foreseeable future development pursuant to the project. Therefore, impacts from the HEU would be less than significant, and no mitigation is required.

- c) ***Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***

**Less Than Significant Impact.** The City owns, operates, and maintains its local wastewater collection and pumping system. Collected effluent is treated at the Joint Water Pollution Control Plant (JWPCP) in the City of Carson, operated by the Los Angeles County Sanitation Districts (LACSD). According to the General Plan, the collection system adequately serves the City. The City has undertaken a complete inspection of the entire system via videotaping, and priorities for line replacement have been established to ensure long-term reliability (City of Manhattan Beach 2003). In 2015, LACSD's JWPCP had a treatment capacity of approximately 400 million gallons per day and the total volume of wastewater collected from the City's service area was 3,340-acre feet, or approximately 2,981,759 gallons per day (City of Manhattan Beach 2017), which represented less than 1% (or approximately 0.75%) of the total JWPCP capacity.<sup>13</sup> As such, it is unlikely that the increased demand on the wastewater system associated with 774 required RHNA units would have a substantial impact, given that the City's historic total annual generation represents only a small fraction of the treatment provider's total capacity (0.75%).

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<sup>13</sup> The total collected wastewater from the City was converted from 3,340 acre feet per year to gallons per day by multiplying the volume over time value by 893, resulting in 2,981,759 acre feet per year. The acre feet value was then divided by the total capacity of the JWPCP to arrive at .75%.

The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in and of itself, produce environmental impacts. Implementation of the programs contained in the HEU would accommodate future development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. The development anticipated by the HEU would occur primarily on infill sites already served by well-established utilities service systems and are unlikely to require expansion of existing systems or the construction of new systems. However, project level review as required under CEQA would ensure that all impacts to the existing utilities facilities, including facilities maintained by the wastewater treatment provider, are less than significant. The HEU would not change or alter policies related to wastewater treatment systems or services. Therefore, impacts from the HEU would be less than significant, and no mitigation is required.

- d) ***Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?***

**Less Than Significant Impact.** Goal I-12 of the City's General Plan mandates the City protect the quality of the environment by managing the solid waste generated in the community (City of Manhattan Beach 2003). This mandate is supported by Policies I-12.1 and I-12.3, which encourage maximum recycling in all sectors of the community, including residential developments, and encouraging maximum diversion of construction and demolition materials.

The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in and of itself, produce environmental impacts. Implementation of the programs contained in the HEU would accommodate future development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. The development anticipated by the HEU would occur primarily on infill sites already served by well-established utilities service systems and are unlikely to require expansion of existing systems or the construction of new systems. However, project level review as required under CEQA would ensure that all impacts to the existing utilities facilities, including waste management facilities, are less than significant. The HEU would not change or alter policies related to waste management system services. Therefore, impacts from the HEU would be less than significant, and no mitigation is required.

- e) ***Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?***

**Less Than Significant Impact.** The HEU is a policy document, consisting of a housing program; no actual development is proposed as part of the update. Therefore, its adoption would not, in and of itself, produce environmental impacts. Implementation of the programs contained in the HEU would accommodate future development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation. The development anticipated by the HEU would occur primarily on infill sites already served by well-established utilities service systems which are unlikely to require expansion of existing systems or the construction of new systems (City of Manhattan Beach 2003). Any future development projects facilitated by the HEU would be required to comply with all applicable federal, State, and local regulations to avoid potential impacts related to the solid waste facilities, and project level review as required under CEQA would ensure that all impacts to the existing utilities facilities, including solid waste facilities, are less than significant. Approval of the HEU itself, as a policy document, would not change these regulations, and would not provide any goals, policies, or programs that would result in noncompliance with the applicable regulatory environment. Therefore, impacts from the HEU related solid waste would be less than significant, and no mitigation is required.

## 3.19.4 References

BOR (U.S. Bureau of Reclamation). 2021. *Reclamation announces 2022 operating conditions for Lake Powell and Lake Mead*. August 16, 2021. Accessed October 7, 2021. <https://www.usbr.gov/newsroom/#/news-release/3950>.

City of Manhattan Beach. 2003. City of Manhattan Beach General Plan. Accessed October 3, 2021. <https://www.manhattanbeach.gov/departments/community-development/planning-zoning/general-plan/final-general-plan>.

City of Manhattan Beach. 2017. 2015 Urban Water Management Plan. Accessed October 3, 2021. <https://www.manhattanbeach.gov/home/showpublisheddocument/34878/636547389049430000>.

City of Manhattan Beach. 2021a. 2020 Urban Water Management Plan (Draft). Accessed October 7, 2021. <https://www.manhattanbeach.gov/home/showpublisheddocument/48186/637698204957230000>.

City of Manhattan Beach 2021b. Notice of Public Hearing: 2020 Urban Water Management Plan (UWMP) and Water Shortage Contingency Plan. Accessed October 7, 2021. <https://www.manhattanbeach.gov/Home/Components/News/News/4957/43>.

NOAA (National Oceanic and Atmospheric Administration)/ NIDIS (National Integrated Drought Information System). 2021. Current U.S. Drought Monitor Conditions for California. Accessed October 7, 2021. <https://www.drought.gov/states/california>.

## 3.20 Wildfire

### 3.20.1 Environmental Setting

Per California Government Code Section 51177A, a wildfire is an unplanned, unwanted wildland fire (i.e. a fire that originates in a non-built environment), including unauthorized human-caused fires, escaped wildland fire use events, escaped prescribed fire events, and all other wildland fires where the objective is to extinguish the fire. A wildland-urban interface (WUI) is an area where urban development is adjacent or in close proximity to open space or “wildland” areas (FEMA 2021). CAL FIRE has mapped areas of significant fire hazards in the State, which recognizes areas prone to wildfire hazards. According to the City’s General Plan, due to the City’s built out nature and urbanized adjacent communities, urban fires represent the sole fire threat in the City.

### 3.20.2 Regulatory Setting

#### Federal

##### Federal Response Plan

The Federal Response Plan of 1999 is a signed agreement among 27 federal departments and agencies, including the American Red Cross, that provides the mechanism for coordinating delivery of federal assistance and resources to augment efforts of state and local governments overwhelmed by a major disaster or emergency; supports

implementation of the Robert T. Stafford Disaster Relief and Emergency Act, as well as individual agency statutory authorities; and supplements other federal emergency operations plans developed to address specific hazards. The Federal Response Plan is implemented in anticipation of a significant event likely to result in a need for federal assistance or in response to an actual event requiring federal assistance under a presidential declaration of a major disaster or emergency (County of Los Angeles 2014).

## **State**

### **California Health and Safety Code Section 13000 et seq.**

State fire regulations are set forth in Section 13000 et seq. of the California Health and Safety Code, which include regulations concerning building standards (as also set forth in the California Building Code [CBC] noted below), fire protection and notification systems, fire protection devices such as extinguishers and smoke alarms, high-rise building and childcare facility standards, and fire suppression training. The State Fire Marshal enforces these regulations and building standards in all State-owned buildings, State-occupied buildings, and State institutions throughout California.

### **California Code of Regulations Title 24, Part 2**

The State of California provided a minimum standard for building design through the 2019 CBC, which is located in Part 2 of Title 24 of the California Code of Regulations. This part incorporates by adoption the 2018 International Building Code of the International Code Council with necessary California amendments. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan-checked by local city and county building officials for compliance with the CBC. Typical fire safety requirements of the CBC include the installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas.

### **California Code of Regulations Title 24, Part 9**

Part 9 of Title 24 of the California Code of Regulations refers to the 2019 California Fire Code, which contains fire-safety-related building standards referenced in other parts of Title 24. This code is preassembled with the 2000 Uniform Fire Code of the Western Fire Chiefs Association. This part incorporates by adoption the 2018 California Fire Code of the International Code Council with necessary California amendments.

### **California Public Resources Code Sections 4201–4204**

This section of the California Public Resources Code was amended in 1982 to require the California Department of Forestry to classify all State Responsibility Areas (SRAs) into fire hazard severity zones (FHSZs). The purpose of this code is to provide classification of lands within SRAs in accordance with the severity of fire hazard present for the purpose of identifying measures to be used to retard the rate of spreading and to reduce the potential intensity of uncontrolled fires that threaten to destroy resources, life, or property.

## State Responsibility Area Fire Safe Regulations (Title 14 Natural Resources, Department of Forestry and Fire Protection)

These regulations constitute the basic wildland fire protection standards of the California Board of Forestry. They have been prepared and adopted for the purpose of establishing minimum wildfire protection standards in conjunction with building, construction, and development in SRAs. Title 14 mandates that the future design and construction of structures, subdivisions, and developments in an SRA provide for basic emergency access and perimeter wildfire protection measures.

### Local/Regional

#### Fire Hazard Severity Zones

According to the California Department of Forestry and Fire Protection (CAL FIRE) (2021) while most of California is subject to some degree of fire hazard, there are specific features that make some areas more hazardous. CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. These designations, referred to as Fire Hazard Severity Zones (FHSZ), mandate how people construct buildings and protect property to reduce risk associated with wildland fires. The maps were last updated in 2007-2010. They are currently being updated to incorporate improved fire science, data and mapping techniques. The proposed Fire Hazard Severity Zone maps denote lands of similar hazards where the state has financial responsibility for wildland fire protection, known as state responsibility area or SRA, and will be available for review and public comment. It is anticipated that in late 2020 or 2021 CAL FIRE will produce Fire Hazard Severity Zone maps for the areas of California where local governments have financial responsibility for wildland fire protection, known as Local Responsibility Area or LRA. Per law, only lands zoned as Very High Fire Hazard Severity are identified within local responsibility areas (CAL FIRE 2021a).

### Local

#### City of Manhattan Beach General Plan

The following General Plan goals and policies are applicable to the HEU related to wildland fires.

Goal CS-1: Minimize the risks to public health, safety, and welfare resulting from natural and human caused hazards.

Policy CS-1.1: Prepare and disseminate information to residents and businesses on preparing for and responding to natural disasters and threats to public safety.

Policy CS-1.2: Encourage and assist the school district in teaching children annually to respond appropriately in an emergency and to threats to personal safety.

Policy CS-1.3: Ensure that public and private water distribution and supply facilities have adequate capacity and reliability to supply both everyday and emergency fire-fighting needs

Goal CS-3: Maintain a high level of City emergency response services.

Policy CS-3.1: Support the continued active enforcement of the building and fire code.

Policy CS-3.3: Inform all residents of the requirements for visible and clearly legible street numbers to minimize the response time of emergency personnel.

Policy CS-3.4 Ensure that street signs are legible and easy to find by both emergency response personnel and the general public.

Policy CS-3.5: Review the City’s emergency equipment and shelters periodically to ensure that they are adequate to meet the needs of changing land uses and development and types of disasters.

Policy CS-3.6: Review the location, size, and equipment at each designated emergency shelter periodically to ensure that the City will be able to accommodate all people likely to need shelter in the event of a disaster.

Policy CS-3.7: Support the use of the best available equipment and facilities to ensure safety that meets the changing needs of the community.

Policy CS-3.9 Continue to upgrade the quality of emergency response through continued education and training of emergency response personnel.

Policy CS-3.10: Strive to reduce emergency response time

### 3.20.3 Environmental Impacts

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XX. WILDFIRE</b> – If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan;*
- b) *Due to slope, prevailing winds, and other factors, would the project exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire;*
- c) *Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; and/or*
- d) *Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?*

**No Impact.** Based on the CAL FIRE’s Fire Hazard Severity Zones maps (CAL FIRE 2021), the City, is not located in or near state responsibility areas or lands classified as Very High Fire Hazard Severity Zones (VHFHSZ). As such, risk of wildfire is essentially non-existent. Additionally, the HEU is a policy document and adoption would not, in and of itself, result in negative environmental impacts. Implementation of the programs contained in the HEU would accommodate future development required to meet the City’s RHNA allocation. However, given that no portions of the City lie within VHFHSZ, no impacts would occur.

### 3.20.4 References

CAL FIRE (California Department of Forestry and Fire Protection). 2021a. Fire Hazard Severity Zone. <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildfire-prevention-engineering/fire-hazard-severity-zones>.

CAL FIRE 2021b. Fire Hazard Severity Zone Viewer. Accessed October 2, 2021. <https://egis.fire.ca.gov/FHSZ/>.

City of Manhattan Beach. 2003. General Plan. Adopted 1988. Updated 2003. Accessed October 2, 2021. <https://www.manhattanbeach.gov/departments/community-development/planning-zoning/general-plan/final-general-plan>.

FEMA (Federal Emergency Management Agency). 2021. Wildland Urban Interface (WUI). Accessed October 5, 2021. <https://www.usfa.fema.gov/wui/>.

### 3.21 Mandatory Findings of Significance

	Potentially Significant Impact	Less Than Significant Impact With Mitigation Incorporated	Less Than Significant Impact	No Impact
<b>XXI. MANDATORY FINDINGS OF SIGNIFICANCE</b>				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

**Less than Significant Impact.** As discussed in Section 3.4, Biological Resources, of this IS/ND, the City is completely developed and does not support sensitive vegetation, sensitive wildlife species, or sensitive habitat. Additionally, the no area of the City functions as a corridor for the movement of native or migratory wildlife. All future activities associated with the HEU would be conducted in the highly urbanized environment of the City. Construction noise related to projects accommodated by the HEU have the potential to disturb nesting birds potentially nesting in the trees and vegetation. However, these impacts would be temporary in nature and would address via compliance with the MBTA, which protects all migratory birds, including their eggs, nests, and feathers. Further, as described in Section 3.5 of this IS/ND, the City does not support any examples of major periods in California prehistory. However, the City does

contain a number of notable historic features, such as the Manhattan Beach State Pier, and historic residences such as Scott House and 2820 Highland Avenue. These features would be protected via compliance with existing State, and local regulations, including relevant CEQA statutes and guidelines.

As discussed throughout this IS/ND, the HEU is a policy document and adoption of the HEU alone would not produce environmental impacts. Although implementation of the programs contained in the HEU would accommodate future development required to meet the City's 6<sup>th</sup> Cycle, the HEU does not identify, describe, promote, entitle, or permit any particular residential development project. While a rezoning program is identified within the HEU, the actual rezoning of property within the City to accommodate RHNA allocations would occur at a future date and is not one of the discretionary actions being undertaken at this time. As such, after compliance with the existing regulatory environment applicable to cultural and biological resources, the HEU would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Impacts would be less than significant, and no mitigation is required.

The HEU does not change the allowed densities or type of development that may occur within the City at this time. The act of adopting the HEU does not, therefore, have the potential to result in environmental impacts, either limited or cumulative, affecting habitat; plant or animal communities; rare, endangered or threatened species; or historic resources. As discussed in Sections 3.1 through 3.19 of this IS/ND, impacts associated with the adoption of the HEU would either result in no impacts or less than significant impacts. As such, the HEU would not substantially degrade the quality of the environment, reduce habitat, cause habitat population decline, threaten plant and animal communities or substantially reduced the range of a species, or eliminate important examples of the major periods of California's history or prehistory. Therefore, impacts from the HEU would be less than significant, and no mitigation is required.

- b) ***Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)***

**Less than Significant Impact.** The HEU would not result in potentially significant project-level impacts. As discussed throughout this IS/ND, the HEU is a policy document and adoption of the HEU alone would not produce environmental impacts. Although implementation of the programs contained in the HEU would accommodate future development required to meet the City's 6<sup>th</sup> Cycle RHNA allocation, the HEU does not identify, describe, promote, entitle, or permit any particular residential development project. While a rezoning program is identified within the HEU, the actual rezoning of property within the City to accommodate RHNA allocations would occur at a future date and is not one of the discretionary actions being undertaken at this time.

All reasonably foreseeable future cumulative development in the City would be subject to the same land use and environmental regulations that have been described throughout this document. Furthermore, all development projects are guided by the policies identified in the City's General Plan and by the regulations established in the MBMC. Therefore, compliance with applicable land use and environmental regulations would ensure that environmental effects associated with the accommodation of future housing

development would not combine with effects from reasonably foreseeable future development in the City to cause cumulatively considerable significant impacts. Cumulative impacts would therefore be less than significant. No mitigation is required.

- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

**Less than Significant Impact.** As detailed throughout this IS/ND, the HEU in and of itself would not exceed any significance thresholds or result in significant impacts in the environmental categories typically associated with indirect or direct effects to human beings, such as aesthetics, air quality, hazards and hazardous materials, noise, public services, or transportation. The HEU does not change the allowed densities or type of development that may occur within the City at this time. The act of adopting the HEU does not, therefore, have the potential to result in environmental impacts, either limited or cumulative, affecting human beings. As discussed in Sections 3.1 through 3.20 of this IS/ND, impacts associated with the adoption of the HEU would either result in no impacts or less than significant impacts. As such, the HEU would not have environmental effects causing substantial adverse effects on humans, impacts from the HEU would be less than significant, and no mitigation is required.

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# 4 Preparers

## 4.1 List of Preparers

### Dudek

Nicole Cobleigh, Project Manager  
Samantha Robinson, Environmental Planner  
Jennifer Reed, Air Quality Service Manager  
Ian McIntire, Air Resources Specialist

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SOURCE: City of Manhattan Beach

**FIGURE 2.3-1**  
Area District Map

IS/ND Manhattan Beach Housing Element Update

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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
  - D8- Design Review -Sepulveda Corridor

- RH** Residential High Density
  - D2- Design Review -11th Street

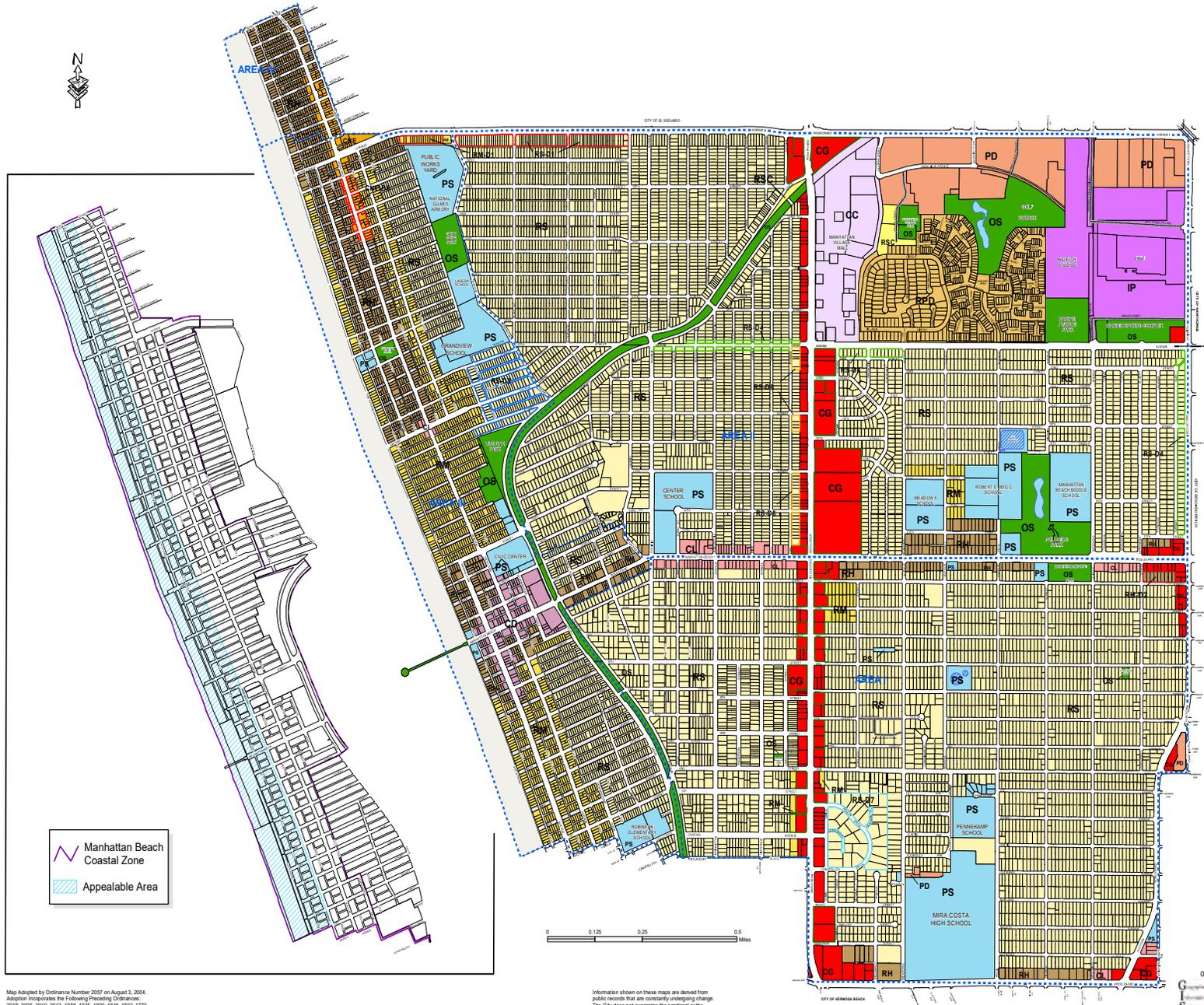
- RPD** Residential Planned Development
- RSC** Residential Senior Citizen

**Commercial Districts**

- CL** Local Commercial
- CC** Community Commercial
- CG** General Commercial
  - D8- Design Review -Sepulveda Corridor
- 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



Map Adopted by Ordinance Number 2057 on August 3, 2004.  
 Adoption Incorporates the Following Preceding Ordinances:  
 2036, 2035, 2019, 2012, 1999, 1935, 1931, 1948, 1932, 1776  
 It Also Incorporates the Following Amendments: 2052, 2105.

Information shown on these maps are derived from public records that are constantly undergoing change. The City does not guarantee the positional or thematic accuracy of the GIS data.

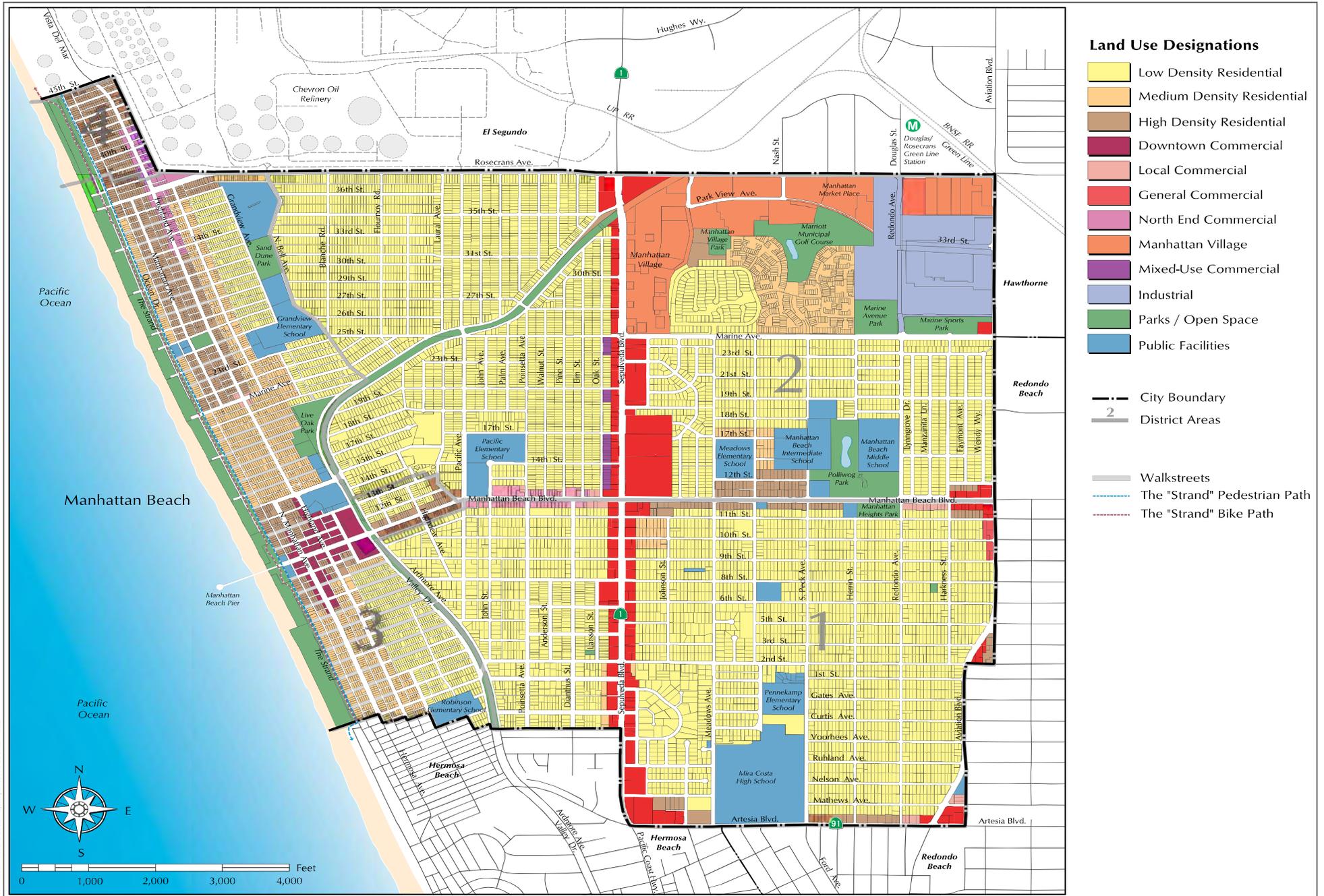
05/03/2019



SOURCE: City of Manhattan Beach

**FIGURE 2.3-2**  
Existing Zoning

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SOURCE: City of Manhattan Beach

FIGURE 3.1-1

Existing Land Use

IS/ND Manhattan Beach Housing Element Update

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# **ATTACHMENT A**

## Notice of Intent Comment Letter

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 7 – Office of Regional Planning  
100 S. MAIN STREET, MS 16  
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*Making Conservation  
a California Way of Life.*

December 17, 2021

Talyn Mirzakhanian  
City of Manhattan Beach  
Community Development  
1400 Highland Avenue  
Manhattan Beach, CA 90266

RE: City of Manhattan Beach  
Housing Element Update 2021-2029  
SCH # 2021110408  
GTS # 07-LA-2021-03779

Dear Talyn Mirzakhanian:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced Draft Initial Study (IS). The project would amend the City of Manhattan Beach General Plan by replacing the current Housing Element with the proposed 2021-2029 Housing Element. The Housing Element Update will further the goal of meeting the existing and projected housing needs of all family income levels and provide evidence of the City's ability to accommodate the Regional Housing Needs Assessment (RHNA) Allocation of 774 housing units through the year 2029. The Housing Element Update site inventory does not require zoning changes; however, a future rezoning program may be needed for additional housing needs required by HCD. The City of Manhattan Beach is the Lead Agency under the California Environmental Quality Act (CEQA).

The project covers the City of Manhattan Beach, which includes the State facility SR-1. From reviewing the Draft IS, Caltrans has the following comments:

Senate Bill 743 (2013) has codified into CEQA law and mandated that CEQA review of transportation impacts of proposed development be modified by using Vehicle Miles Traveled (VMT) as the primary metric in identifying transportation impacts for all future development projects. You may reference the Governor's Office of Planning and Research (OPR) for more information:  
<http://opr.ca.gov/ceqa/updates/guidelines/>

We encourage the Lead Agency to evaluate the potential of Transportation Demand Management (TDM) strategies and Intelligent Transportation System (ITS) applications in order to better manage the transportation network, as well as transit service and bicycle or pedestrian connectivity improvements. Caltrans supports the use of TDM measures to decrease VMT. Implementing TDM strategies aligns with Caltrans's mission is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability.

Talyn Mirzakhanian  
December 17, 2021  
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For additional TDM options, please refer to the Federal Highway Administration's Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8). This reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>

Caltrans looks forward to reviewing the CEQA documents of future housing developments that emerge from these plan and program updates, and collaborating with the City of Manhattan Beach on identifying TDM strategies to limit VMT from these future projects.

If you have any questions about these comments, please contact Diana DeGroot, the project coordinator, at [Diana.DeGroot@dot.ca.gov](mailto:Diana.DeGroot@dot.ca.gov), and refer to GTS # 07-LA-2021-03779.

Sincerely,



MIYA EDMONSON  
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse