

ORDINANCE NO. 18-0019-U

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING MANHATTAN BEACH MUNICIPAL CODE CHAPTER 10.16 TO REGULATE: (A) BANKS, CATERING SERVICES, OFFICES, COMMUNICATION FACILITIES, VETERINARY SERVICES AND OPTOMETRISTS; (B) RETAIL STORE SALES FLOOR AREA; AND (C) SECOND-FLOOR OUTDOOR DINING, IN THE (CD) DOWNTOWN COMMERCIAL DISTRICT, CONSISTENT WITH THE DOWNTOWN SPECIFIC PLAN, AND DECLARING THE URGENCY THEREOF

THE MANHATTAN BEACH CITY COUNCIL ORDAINS AS FOLLOWS:

SECTION 1. CEQA Findings. This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the amendments will not have the potential for any impacts on the environment. The proposed Zoning Code amendments are substantially identical to land use regulations studied in connection with the City Council's adoption of the Downtown Specific Plan (DTSP).

SECTION 2. On July 17, 2018, the City Council conducted a duly noticed public hearing to consider amendments to Title 10 (Planning and Zoning Code) of the Manhattan Beach Municipal Code (MBMC) Zoning Code to implement certain land use regulations contained in the DTSP for the CD Zone regulating: (a) banks, catering services, offices, communication facilities, veterinary services and optometrists; (b) retail store sales floor area; and (c) second-floor outdoor dining.

SECTION 3. Based upon the foregoing, and after receiving the recommendation of the Planning Commission, the City Council hereby amends MBMC Chapter 10.16 (Commercial Districts) to add a new Section 10.16.040 to read as follows:

"10.16.040 Additional land use and development regulations for the CD district:

A. In addition to the regulations contained in Sections 10.16.020 and 10.16.030, where applicable, the following regulations apply to the following uses:

1. **Banks, Credit Unions, and Savings and Loans; Offices, Business and Professional**

Permitted: Above ground floor.

Permitted with Community Development Director's Approval: If the use exclusively fronts an alley.

Conditionally Permitted with a Use Permit: All other locations.

2. **Communication Facilities**

Permitted: Above ground floor.

3. **Optometrist**

Permitted: Above ground floor.

Permitted with Community Development Director's Approval: Ground floor adjacent to sidewalks and other pedestrian areas provided the Community Development Director finds the optometrist has a substantial retail component.

Conditionally Permitted with a Use Permit: All other locations.

4. **Veterinary Services**

Permitted: Veterinary services, as defined as medical treatment for small animals, provided: (a) overnight boarding is allowed only if associated with the on-site veterinary services and (b) the proposed facilities are entirely enclosed, soundproofed, and air-conditioned.

5. **Second-Floor Outdoor Dining and Outdoor Dining on Balconies Projecting over the Public Right-of-way**

Prohibited.

B. **Retail Store Sales Floor Area.** In addition to any other applicable regulations regulating square footage or retail floor space, a Use Permit is required for the establishment of any retail use proposed to contain more than 1,600 square feet of sales floor area. For the purposes of this Subsection B, "Sales floor area" is defined as the total area of a tenant space, measured from the inside walls, excluding rooms or areas that are permanently inaccessible to the public, including but not limited to storage rooms, offices associated with the retail tenant, mechanical rooms, bathrooms, and common areas shared with other tenants in the building."

SECTION 4. Declaration of Facts Constituting the Urgency. On December 20, 2016, after conducting a duly noticed public hearing and based upon the recommendation of the Planning Commission, the City Council adopted the DTSP for the (CD) Downtown Commercial District. On March 24, 2017, the City transmitted the

DTSP to the California Coastal Commission for certification. As of July 15, 2018, the Coastal Commission had not certified the DTSP. Due to such delay, the City Council finds that property owners are likely to submit applications for land use entitlements for property within the Downtown Area that are inconsistent with and in conflict with the DTSP. Given the uncertainty created by the Coastal Commission's inaction, the City Council finds that this Ordinance is necessary to prevent uses that would conflict with the DTSP. The City Council finds that there is a current and immediate threat to the public health, safety and welfare presented by the establishment of uses on property within the Downtown Area in conflict with the DTSP, and that it is necessary for the immediate preservation of the public peace, health or safety that this ordinance takes effect immediately. The City Council has the authority to adopt an urgency ordinance pursuant to Government Code Sections 36937 and 65858 in order to protect the public health, safety, or welfare.

SECTION 5. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 6. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance, are hereby repealed; and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 7. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Government Code Section 36933.

SECTION 8. In the event the Coastal Commission certifies the DTSP in a manner consistent with the regulations set forth in this Ordinance, the City Council hereby authorizes and directs the City Clerk to remove all duplicative regulations from the Municipal Code.

SECTION 9. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Section 36937(b) and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption. Upon the effective date of Ordinance No. 18-0019 this Ordinance shall be rendered null and void.

ADOPTED on July 17, 2018.

AYES: Lesser, Montgomery, Hersman, Napolitano and Mayor Howorth.
NOES: None.
ABSENT: None.
ABSTAIN: None.



AMY HOWORTH
Mayor

ATTEST:



LIZA TAMURA
City Clerk