

CALIFORNIA COASTAL COMMISSION

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August 14, 2018

Anne McIntosh, Director of Community Development
City of Manhattan Beach
1400 Highland Ave.
Manhattan Beach, CA 90266

Re: Local Coastal Program (LCP) Amendment No. 1-17 (LCP-5-MNB-17-0024-1 Downtown Specific Plan).

Dear Ms. McIntosh:

You are hereby notified that the California Coastal Commission, at its August 9, 2018 meeting in Redondo Beach, approved with modifications Local Coastal Program Major Amendment No. 1-17 (Downtown Specific Plan). LCPA No. 1-17 makes changes to the Land Use Plan (LUP) and Local Implementation Plan (LIP) portions of the certified Local Coastal Program (LCP) that resulted from the City's adoption of their 2003 General Plan Update, and to certify the Downtown Specific Plan that establishes new development standards and guidelines for the Downtown Specific Plan area. The City's proposed changes to the certified LCP are reflected in City Council Ordinance Nos. 16-0030 and 16-0031, and were submitted pursuant to City Council Resolution No. 16-0086.

The Commission approved the LCP amendment with suggested modifications. The suggested modifications are attached. Therefore, LCP Amendment No. 1-17 will not be effective for implementation in the City's coastal zone until: 1) the Manhattan Beach City Council adopts the Commission's suggested modifications, 2) the City Council forwards the adopted suggested modifications to the Commission by resolution, 3) the Executive Director certifies that the City has complied with the Commission's August 9, 2018 action, and, 4) the Commission concurs with the Executive Director's determination that the action by the City Council adopting the suggested modifications is legally adequate. The Coastal Act requires that the City's adoption of the suggested modifications be completed within six months of the Commission's August 9, 2018 action. If six months is not adequate, the City may request additional time to obtain local approval of the suggested modifications. Such requests must be approved by the Commission at a hearing. If you wish to have additional time, please contact Commission staff regarding the appropriate procedure.

Thank you for your cooperation and we look forward to working with you and your staff in the future. Please contact Mandy Revell or myself if you have any questions regarding the modifications required for effective certification of City of Manhattan Beach LCP Amendment No. 1-17.

Sincerely,

A handwritten signature in dark ink, appearing to read "Ch R", followed by a horizontal line.

Charles R. Posner
Supervisor of Planning

AUG27 '18 2:38PM

APPENDIX A

SUGGESTED MODIFICATIONS

City of Manhattan Beach LCP Amendment No. 1-17 (LCP-5-MNB-17-0024-1-1 Downtown Specific Plan)

Changes in numbering resulting from the suggested modifications in the final document may be made, as appropriate.

Certification of City of Manhattan Beach LCP Amendment Request No. LCP-5-MNB-17-0024-1 is subject to the following modifications.

Language presently contained within the certified LCP is shown in straight type.

The City's proposed additions are shown in underlined text.

The City's proposed deletions are shown in ~~strike-out text~~.

The Commission's suggested additions are shown in double-underlined text.

The Commission's suggested deletions are shown in ~~double-strike-out~~.

Other instructional suggested modifications to revise maps or figures *are shown in italics*.

I. SUGGESTED MODIFICATIONS TO THE LAND USE PLAN

The staff recommends that the Commission certify the Local Coastal Plan Amendment only with the modifications to the LUP as shown or described below.

NOTE: Language presently contained within the certified LCP is shown in straight type. Language proposed by the City to be inserted is shown underlined. Language proposed by the City to be deleted is shown in ~~single strike-out~~. Language recommended by Commission staff to be deleted is shown in ~~double strike-out~~. Language recommended by Commission staff to be inserted is shown in double underline. Other instructional suggested modifications to revise maps or figures *are shown in italics*.

Suggested Modification 1

Manhattan Beach Coastal Zone Land Use Map, City of Manhattan Beach Local Coastal Plan, certified by the CCC on June 18, 1981, is hereby replaced with the Coastal Zone Land Use Plan, Land Use Policy Map adopted by the City in 2004 to reflect revised land use designations set forth in the City's General Plan Update as they relate to the coastal zone. [As Shown on Exhibits 2 and 3]

Suggested Modification 2

Certified Local Coastal Plan (LUP), Section I, add the following after Policy I.A.9:

Policy I.A.10: Lower Cost Visitor and Recreational Facilities; Encouragement and Provision. Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Policy I.A.11: Oceanfront Land; Protection for Recreational Use and Development. Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Policy I.A.12: Private Lands; Priority of Development Purposes. The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Suggested Modification 3

Certified Local Coastal Plan (LUP), Section II, add the following Policy after II.1:

Policy II.2: Scenic and Visual Qualities. The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect public views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation

and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Policy II.3: Maintenance and Enhancement of Public Access. The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing non-automobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

II. SUGGESTED MODIFICATIONS TO THE IMPLEMENTATION PLAN

The staff recommends that the Commission certify the Local Coastal Plan Amendment only with the modifications to the IP as shown or described below.

Suggested Modification 4

Section A.12.020 (Land Use Regulations RM and RH districts) of the certified Implementation Program shall be revised in the following manner (there is no "R" district):

In addition to these regulations, the Downtown Specific Plan governs the ~~R~~ RH and RM Residential Districts within the Downtown Specific Plan Area, as shown on the Coastal Zone zoning map. If conflicts exist between these regulations and the Downtown Specific Plan regulations, the Specific Plan regulations shall prevail in the Downtown Specific Plan area.

Suggested Modification 5

Section A.16.010 (Specific Purposes) of the certified Implementation Program shall be revised in the following manner (re-insert "serve beach visitors"):

CD Downtown Commercial District. To provide opportunities for commercial, mixed use, residential, public, and semipublic uses ~~that are appropriate for the Downtown area that~~ preserve and enhance the small town character of the downtown area, and the heart of the community. This district is intended ~~to accommodate a broad range of community businesses and to serve beach visitors~~ to serve beach visitors, and create a vibrant, charming area consistent with the vision and goals for the Downtown Specific Plan.

III. SUGGESTED MODIFICATIONS TO THE DSP – LUP AND IP

The staff recommends that the Commission certify the addition of the Downtown Specific Plan into the certified LCP only with the modifications to the City's proposed text as shown below.

Suggested Modification 6

Downtown Specific Plan, Section 4.3 Allowed Uses: Add a footnote to Table 4.2 Land Use Matrix for the CD column:

(*) Development in the CD District is intended to provide focal points for local shopping, civic and social activities and for visitor-serving commercial uses. New residential uses (including but not limited to single family and multi-family) in the CD District shall be developed in concert with commercial uses, with the exception that senior citizen housing, daycare uses, group homes, and residential care, may be developed without any commercial component. Residential uses should be secondary and supportive of its related commercial development and may be allowed in mixed-use developments. Mixed-use development should use designs that, to the extent feasible, vertically integrate residential dwelling units above the ground floor with retail uses including restaurant, retail, and similar nonresidential uses located on the ground floor or above. The integration and mixing of uses shall be designed to increase opportunities for employees to live near jobs and residents to live near shopping. Overnight visitor-serving uses, such as hotels and youth hostels, are encouraged uses in the CD District.

Suggested Modification 7

Downtown Specific Plan, Section 4.3 Allowed Uses: Add the following land use policy:

Short Term/Vacation Rentals. Short-term rentals are allowed on properties developed with a Single-Family Residence in residential, commercial, and mixed-use zones. The City may evaluate and develop appropriate regulations and development standards to minimize potential adverse impacts to neighborhoods or coastal resources, as well as further evaluate the appropriate locations where short term rentals may be allowed pursuant to a Local Coastal Program amendment that would require certification by the California Coastal Commission.

Suggested Modification 8

Downtown Specific Plan: Add the following land use policies in a new chapter or other appropriate location within the specific plan or LCP as agreed upon by the City and Executive Director:

Coastal Hazards/Sea Level Rise/Adaptation. New development shall do all of the following: A) Minimize risks to life and property in areas of high geologic, flood, and fire hazard. B) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Identify and Use the Best Available Science. The best available, up-to-date scientific information about coastal hazards and sea level rise shall be used in the evaluation of coastal development permit applications that present hazard risks and in the preparation of technical reports and related findings. Sources of information may include, but shall not be limited to, state and federal agencies, research and academic institutions, and non-governmental organizations, such as the California Coastal Commission (CCC), Ocean Protection Council (OPC), National Oceanic and Atmospheric Administration (NOAA), the National Research Council, and the Intergovernmental Panel on Climate Change. Best available science should be updated, in keeping with regional policy efforts, as

new, peer-reviewed studies on sea level rise become available and as agencies such as the OPC or the CCC issue updates to their guidance. As of August 2018, the April 2017 Rising Seas in California: An Update on Sea Level Rise Science and the State of California Sea Level-Rise Guidance: 2018 Update report provide the best available sea level rise projections.

Limits on Future Shoreline Armoring. As a condition of approval of a coastal development permit for new development or redevelopment on a beach, shoreline, or other area subject to coastal hazards, applicants shall be required to acknowledge that the new development or redevelopment does not qualify as a structure entitled to shoreline protection under Coastal Act Section 30235 or the LCP. The applicant shall also waive any right to claim that the structure is entitled to shoreline protection under Coastal Act Section 30235 or the LCP. Private property owners shall be required to record that acknowledgement and waiver in a deed restriction. For purposes of this policy, the term coastal hazards includes, but is not limited to, tidal and storm flooding, storm conditions, waves, wave run-up, and erosion as influenced by sea level rise over time.

Assumption of Risk. As a condition of coastal permit approval for new development, including redevelopment, in an area subject to current or future hazards, applicants shall be required to acknowledge, and private applicants must also record a deed restriction on the property to acknowledge the following, as applicable: 1) that the development is located in a hazardous area, or an area that may become hazardous in the future; 2) that they assume the risks of injury and damage from such hazards in connection with the permitted development; 3) that they unconditionally waive any claim of damage or liability against the City of Manhattan Beach, its officers, agents, and employees for injury or damage from such hazards; 4) that, if a permit is appealed, they indemnify and hold harmless the City of Manhattan Beach, and Coastal Commission, or its officers, agents, and employees, with respect to approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; 5) that sea level rise could render it difficult or impossible to provide services to the site (e.g., maintenance of roadways, utilities, sewage or water systems), thereby constraining allowed uses of the site or rendering it uninhabitable; 6) that the boundary between public land (tidelands) and private land may shift with rising seas, the structure may eventually be located on public trust lands, and the development approval does not permit encroachment onto public trust land; 7) that any future encroachment on public trust lands must be removed unless the Coastal Commission determines that the encroachment is legally permissible pursuant to the Coastal Act and authorizes it to remain, and any future encroachment would also be subject to the State Lands Commission's (or other trustee agency's) leasing approval; and 8) that the structure may be required to be removed or relocated and the site restored if it becomes unsafe.

Suggested Modification 9

Downtown Specific Plan: Add a footnote or other similar reference to each reference to the General Plan within the 2016 Downtown Specific Plan as follows:

Where there are conflicts between the policies set forth in the Coastal certified LCP, including the Downtown Specific Plan, and those set forth in any other element of the City's General Plan or regulations, the policies of the Coastal LCP take precedence.

Suggested Modification 10

Downtown Specific Plan, Section 2.4 General Plan Land Use: The first paragraph, shall be modified as follows:

In areas outside the Coastal Zone, the Manhattan Beach General Plan is the guiding document for development in the City. Within the Coastal Zone, the City's certified Local Coastal Program is the standard for new development, and the project area. The General Plan and certified Land Use Plan identify the land use classifications and sets the direction for development standards found in the Zoning Code. The City maintains two separate zoning codes: one that applies in the coastal zone (Title A), and another for the remainder of the City (Title 10). Title A of the City's Municipal Code is the Implementation Plan portion of the Local Coastal Plan, which contains the development standards in the coastal zone.

Suggested Modification 11

Downtown Specific Plan, Section 2.5 Local Coastal Program, first paragraph, shall be modified as follows:

The Downtown Specific Plan is part of the City's certified Local Coastal Program. The Manhattan Beach Local Coastal Program (LCP) provides additional policy direction and includes standards for development within development standards for the project area, which is located entirely within the coastal zone. The City's Land Use Plan was certified by the Coastal Commission in 1981. In 1994 the Commission certified the Implementation Plan for final certification of the Local Coastal Plan, giving the City the authority to issue its own coastal development permits. As illustrated in figure 2.6: Local Coastal Program almost the entire district Downtown Specific Plan is located within the LCP's coastal zone, and the portion of the project area located west of Manhattan Avenue is located within the LCP's appealable area, which provides for City decisions on coastal permits to be appealed to the California Coastal Commission.

Suggested Modification 12

Downtown Specific Plan Chapter 4, Goal 3 (a land use policy, as are all goals in the plan) shall be revised to include the following:

Goal 3: Support a vital Downtown business district that is primarily composed of small, pedestrian-oriented commercial businesses, ~~that serve Manhattan Beach residents but includes~~ including low-intensity businesses that provide goods and services to residents and visitors.

Suggested Modification 13

Downtown Specific Plan Table 4.1 Land Use Designations shall be revised to include the following:

CD	Downtown Commercial	The Downtown Commercial designation provides locations for commercial businesses, residential uses, and public uses, with a focus on pedestrian-oriented commercial businesses that serve Manhattan Beach residents <u>and coastal visitors</u> . Visitor-oriented uses are limited to low intensity, including business providing goods and services primarily to beachgoers.
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Suggested Modification 14

Downtown Specific Plan Table 4.2 Land Use Matrix for the Manhattan Beach Downtown Specific Plan Area shall be replaced with the revised Table 4.2 attached as Exhibit 5. The changes include: Single-Family Transient (STVR) and other Visitor Serving Uses are permitted by right in the CD District.

Suggested Modification 15

Downtown Specific Plan (LUP), Section 4.4, Second Bullet Point, shall be revised to include the following:

The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan for areas located outside of the coastal zone, and with the certified Local Coastal Program for areas located within the coastal zone; will not be detrimental to the public health, safety, or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

Suggested Modification 16

Downtown Specific Plan, Section 4.4, Fourth Bullet Point, delete the following:

~~The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.~~

Suggested Modification 17

Downtown Specific Plan, Section 4.4, Fifth Bullet Point, shall be revised to include the following:

The proposed use is consistent with the goals, purpose, vision, and guidelines of the Specific Plan, Local Coastal Program, and the City's General Plan and does not adversely impact coastal resources.

Suggested Modification 18

Downtown Specific Plan, Section 4.4, Sixth Bullet Point, shall be modified as follows:

The proposed use will maintain a balanced mix of uses, including an adequate proportion of high priority uses.

Suggested Modification 19

Downtown Specific Plan, Section 4.4, Eighth Bullet Point, shall be modified as follows:

The proposed use will maintain and enhance the ~~residential~~ quality of life for the Manhattan Beach community.

Suggested Modification 20

Downtown Specific Plan, Chapter 5, Goal 1 (land use policy) shall be modified as follows:

Goal 1: Provide a balanced transportation system to support vehicular movement and parking while still providing safe use of roads for bicyclists, pedestrians, ~~and transit users,~~ and visitors to the coast.

Suggested Modification 21

Downtown Specific Plan, Chapter 5, Section 5.2.F Alleys, 3rd sentence shall be modified to include the following:

The commercial alleys provide necessary circulation for the businesses, restaurants, and offices, and also serve as secondary pedestrian accessways. Both residential and commercial alleys also function as pedestrian and bicycle circulation routes.

Suggested Modification 22

Downtown Specific Plan, Table 5.2 Parking Strategy Recommendations. Delete the following:

~~14. Establish intra-Downtown resident parking system.~~

Suggested Modification 23

Downtown Specific Plan, Chapter 8, Section 8.2 Recreation & Parks, 1st paragraph shall be modified as follows:

The project area is served by ~~one two~~ designated open spaces, including Veterans Parkway and the public beach.

Suggested Modification 24

Downtown Specific Plan, Chapter 8, Section 8.2 Recreation & Parks, 3rd paragraph shall be modified as follows:

The project area is served by two other adjacent recreation and park spaces. This includes the public beach, which is zoned as Open Space, and is located along the district's western edge, and Live Oak Park, an approximately 8.5-acre park located at the district's northeastern corner.

Suggested Modification 25

Downtown Specific Plan (LUP) Appendix 3, Section 2, Table 2-1 Suggested Plant Palette shall be revised to delete Washingtonia robusta (Mexican Fan Palm) from the list: ~~Washingtonia robusta (Mexican Fan Palm)~~

Suggested Modification 26

Downtown Specific Plan, Appendix 4: Downtown Parking Management Plan Evaluation, p. 8, Proposed Strategy and Objective No. 14 shall be modified to delete the following:

Proposed Strategy	Objective
14. Establish intra-Downtown resident parking system	Consider providing a residential parking permit system that provides residents within the Downtown core, parking privileges in limited areas surrounding their residence.

Suggested Modification 27

Downtown Specific Plan, Chapter 3, Section 3.2 Vision Goals. The following goal shall be added to Chapter 3 or other appropriate location within the specific plan or LCP as agreed upon by the City and Executive Director:

Lower-Cost Visitor-Serving Accommodations Program. The City shall develop a detailed program to ensure that lower cost visitor-serving accommodations are protected, encouraged, and where feasible, provided within the Downtown Specific Plan Area, consistent with Policy I.A.10 of the certified Land Use Plan. The program shall include background research and data collection, special studies (economic analysis, etc.), and public outreach and stakeholder involvement. The program shall look at the issue from a City and regional perspective, define lower-cost accommodations, including on and off-site replacement, or in-lieu fees. The City should prepare and submit an LCP Amendment to the Commission to incorporate the policies and provisions necessary to implement the program into the certified LCP within 3 years of the date of certification by the California Coastal Commission of the Downtown Specific Plan.