

ORDINANCE NO. 18-0023

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING LOCAL COASTAL PROGRAM SECTION A.16.020, TO REGULATE THE FOLLOWING USES IN THE CD ZONE: (A) BANKS, CATERING SERVICES, OFFICES, COMMUNICATION FACILITIES, VETERINARY SERVICES AND OPTOMETRISTS; (B) RETAIL SALES FLOOR AREA; (C) SECOND-FLOOR OUTDOOR DINING

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. After conducting a public hearing on the proposed amendments to the Local Coastal Program, the Manhattan Beach Planning Commission recommended that the City Council adopt the proposed regulations. After receiving the recommendation from the Planning Commission, the City Council held a duly noticed public hearing on October 16, 2018, regarding the proposed Local Coastal Program Amendments.

SECTION 2. The proposed text amendments are consistent with the following Local Coastal Program Policies:

Coastal Locating and Planning New Development Policy II.1: Control Development within the Manhattan Beach coastal zone.

Coastal Locating and Planning New Development Policy II.A.3: Encourage the maintenance of commercial area orientation to the pedestrian.

In addition, this ordinance will enable more visitor serving uses to locate in the downtown area.

SECTION 3. LCP Section A.16.120 is hereby amended to modify the following land use regulations applicable to the uses listed below in the CD Downtown Commercial Zone:

	CL	CD	CNE	Additional Regulations
Animal Hospitals	-	L-25	-	
Banks and Savings & Loans	P	L-26	P	
Communication Facilities	-	L-27	P	
Eating and Drinking Establishments	U	L-28	U	
Offices, Business and Professional	P	L-24, L-26, L-29	L-24	
Retail Sales	P	L-30	P	

SECTION 4. The list of additional land use regulations in Local Coastal Program Section A.16.020 (land use regulations for the commercial districts) is hereby amended to add the following additional land use regulations applicable to the uses set forth in Section 3 of this Ordinance:

L-25 Animal Hospitals as defined in A.08.050 require a Use Permit. Veterinary services, as defined as medical treatment for small animals, is a permitted use on the ground floor provided the proposed facilities are entirely enclosed, soundproofed, and

air-conditioned. Overnight boarding is allowed only if associated with the on-site Veterinary services.

L-26 Permitted above ground floor. Use is also permitted if the use exclusively fronts an alley subject to Community Development Director's approval. Other locations require a Use Permit such as ground floor space adjacent to pedestrian areas.

L-27 Permitted above ground floor.

L-28 Use Permit required. Second-floor outdoor dining and outdoor dining on balconies projecting over the public right-of-way is prohibited.

L-29 Optometrist office is a permitted use in ground floor spaces adjacent to sidewalks and other pedestrian areas provided the Community Development Director finds the optometrist has a substantial retail component. Optometrist office is also permitted above the ground floor.

L-30 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 section, "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 retain tenant, mechanical rooms, bathrooms, and common areas shared with other tenants in the building.

SECTION 5. Ordinance Nos. 16-0030 and 16-0031 are hereby repealed.

SECTION 6. CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION.

The City Council determines that this ordinance is exempt from environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines"). It can be seen with certainty that there is no possibility that the adoption of this Ordinance, and the regulations established hereby, may have a significant effect on the environment. The adoption of these Amendments is therefore not a "project" within the meaning of CEQA and is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION 7. INTERNAL CONSISTENCY. Any provisions of the Local Coastal Program, 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 Local Coastal Program for internal consistency. The Council hereby directs the City Clerk to insert the regulations set forth in Section 3 and 4 of this Ordinance in their appropriate locations.

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

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

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

SECTION 11. EFFECTIVE DATE. This Ordinance shall go into effect and be in full force and effect after certification by the California Coastal Commission.

ADOPTED on NOVEMBER 6, 2018

AYES:
NOES:
ABSENT:
ABSTAIN

STEVEN A. NAPOLITANO
Mayor

ATTEST:

LIZA TAMURA
City Clerk