

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

F9a

July 20, 2017

TO: Commissioners and Interested Persons

FROM: Steve Hudson, Deputy Director
Charles Posner, Supervisor of Planning
Mandy Revell, Coastal Program Analyst

RE: **Request to extend the time limit for Commission action on City of Manhattan Beach LCP Amendment Request No. 1-17 (LCP-5-MNB-17-0024-1 Downtown Specific Plan) For Commission Action at its August 11, 2017 meeting in Calabasas.**

The City of Manhattan Beach Local Coastal Program (LCP) Amendment Request No. 1-17 was received on March 24, 2017. The LCP amendment request was submitted to the Commission's South Coast District office with City Council Resolution No. 16-0086 and City Council Ordinance Nos. 16-0030 and 16-0031. The LCP amendment would amend both the Land Use Plan (LUP) and the Implementing Ordinances (IP) portions of the certified LCP in order to implement changes adopted as part of the City's proposed Downtown Specific Plan. The LCP amendment would also change the LUP Map and IP Chapter A.16.030(g) to reconcile designation nomenclature and map inconsistencies. On May 8, 2017, Commission staff deemed the request incomplete, and on May 24, 2017, the City provided staff with the requested additional information.

After reviewing the transmitted documents, the Executive Director has determined that LCP Amendment Request No. 1-17 is in proper order and legally adequate to comply with the submittal requirements of Section 30510 of the Coastal Act and Section 13553 of the California Code of Regulations (Title 14). Therefore LCP Amendment Request No. 1-17 is deemed officially received as of June 8, 2017.

Pursuant to Section 30513 of the Coastal Act, an LCP amendment that includes changes to the IP and LUP portions of a certified LCP must be scheduled for a public hearing and the Commission must take action within ninety days of receipt of a complete submittal. The ninetieth day after the City's filing of the complete submittal is September 6, 2017. Due to the complexity of the LCP amendment request and other constraints, additional time is needed to adequately understand and analyze the submitted materials for conformity with the Coastal Act. Coastal Act Section 30517 and Section 13535(c) of the Coastal Commission Regulations state that the Commission may extend for good cause the time limit for a period not to exceed one year. Staff is recommending that the Commission extend the time limit for up to a year because extensions are only considered once, and it is prudent to allow for the maximum amount of time in case of unexpected delays. Commission staff anticipates this item being scheduled at a Commission meeting in Southern California in late 2017 or early 2018.

STAFF RECOMMENDATION

Staff recommends the Commission vote YES to extend the deadline for Commission action for one year.

MOTION: *"I move that the Commission extend the time limit to act on City of Manhattan Beach Local Coastal Program Amendment No. 1-17 for a period of one year."*

An affirmative vote of a majority of the Commission present is needed to pass the motion.

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LCP-5-MNB-17-0024-1 (CITY OF MANHATTAN BEACH)

AUGUST 11, 2017

CORRESPONDENCE

JUL 20 2017



City of Manhattan Beach

Community Development Department

CALIFORNIA
COASTAL COMMISSION

1400 Highland Avenue, Manhattan Beach, CA 90266

Phone: (310) 802-5500 FAX: (310) 802-5501 TDD: (310) 546-3501

July 18, 2017

California Coastal Commission
Attn: Mandy Revell, Coastal Program Analyst
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302

Re: Manhattan Beach LCP Amendment Request No. 1-17 (LCP-5-MNB-17-0024-1)

Dear Ms. Revell,

Thank you for your letter dated July 10, 2017, confirming the submittal of LCP Amendment Request No. 1-17 is deemed complete and officially received as of June 8, 2017. You also stated Coastal Commission staff will recommend that the Coastal Commission extend the deadline (not to exceed one year) for Commission action on this LCP Amendment Request to allow additional time to evaluate the submittal and consult with the City on suggested modifications to the LCP Amendment Request. Commission staff anticipates this item to be scheduled at a Commission meeting in Southern California in late 2017 or early 2018.

Please be informed the City has an Interim Zoning Ordinance in the Downtown Commercial Zone (Ordinance No. 17-0007-U, see attached) that will expire in July 2018. It will be very important that California Coastal Commission review of the Downtown Plan occur well in advance of the expiration date of the Interim Zoning Ordinance, as any possible modifications from the Commission will need to be reviewed and approved by the City Council. The City will need several months to conduct any necessary public hearings, outreach, noticing, etc. for any requested modifications. Your timely consideration is kindly appreciated.

If you have any questions, you may contact me at (310) 802-5502 or amcintosh@citymb.info.

Sincerely,

Anne McIntosh
Community Development Director

Attachments:

- Ordinance No. 17-0007-U (Interim Zoning Ordinance for Downtown Commercial Zone Area)

CC: Nhung Madrid, Senior Management Analyst
Laurie Jester, Planning Manager

ORDINANCE NO. 17-0007-U

AN INTERIM ORDINANCE OF THE CITY OF MANHATTAN BEACH EXTENDING INTERIM ORDINANCE NO. 16-0013-U REQUIRING A USE PERMIT FOR THE FOLLOWING USES IN THE DOWNTOWN COMMERCIAL ZONE: (1) ANY OFFICE, BUSINESS OR PROFESSIONAL; BANKS AND SAVINGS & LOANS; CATERING SERVICES; OR COMMUNICATION FACILITIES, PROPOSED TO BE LOCATED ON THE GROUND FLOOR STREETFRONT; AND (2) ANY RETAIL USE PROPOSED TO HAVE MORE THAN 1,600 SQUARE FEET OF BUILDABLE FLOOR AREA; AND DECLARING THE URGENCY THEREOF

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. Extension of Interim Ordinance. Ordinance No. 16-0009-U, adopted on July 5, 2016, requires a use permit for the following uses, as those uses are defined in the Zoning Code: (1) Any business or professional office, bank and savings & loan, catering service, or communication facility, proposed to be located on the ground floor streetfront; and (2) Any retail sales use proposed to have more than 1,600 square feet of buildable floor area, in the Downtown Commercial Area ("subject uses"). With the adoption of Ordinance No. 16-0013-U on August 16, 2016, Ordinance No. 16-0009-U as was extended in full force and effect for 10 months and 15 days to and including July 5, 2017. Ordinance No. 16-0013-U is set to expire on July 5, 2017, and is hereby extended in full force and effect for one year to and including July 5, 2018.

Section 2. Use Permit Findings. In addition to the findings required by state law and the Manhattan Beach Municipal Code, the City shall not approve a use permit for one of the subject uses unless it makes the following findings:

- A. The proposed use will maintain and enhance the residential quality of life for the Manhattan Beach community.
- B. The proposed use would preserve and enhance the safe, attractive, pedestrian-friendly small town atmosphere and a sound economy.
- C. The proposed use is consistent with the Downtown Design Guidelines.
- D. The proposed use will contribute to a balanced mix of uses which serves the needs of both local and nonlocal populations.
- E. The proposed use would not adversely impact parking availability, traffic, noise, pollution, and public health, safety and welfare.

Section 3. Alleviation Measures Report. In accordance with California Government Code Section 65858(d), the City Council has issued a written report describing the measures taken to alleviate the condition which led to the adoption of Ordinance No. 16-0013-U.

Section 4. Findings. The City Council finds and determines as follows:

- A. The City Council approved the Final Draft of the Downtown Specific Plan on December 6, 2016, and Staff transmitted the Plan to the California Coastal Commission for certification in March 2017. The California Coastal Commission is currently reviewing the Plan, and is expected to take at least 6 to 12 months to review and certify the Plan, pending any changes required by the Coastal Commission. The California Coastal Commission's time to review and certify the Plan will extend beyond the expiration date of Ordinance No. 16-0013-U, exposing the Downtown to market pressures that threaten the preservation and viability of the Downtown Commercial Zone. The City Council has the authority to adopt and extend an interim

ordinance pursuant to Government Code Section 65858 in order to protect the public health, safety, or welfare.

- B. There is therefore an urgent necessity for the City to extend Ordinance No. 16-0013-U. Notwithstanding any other ordinance or provision in the Manhattan Beach Municipal Code, no application for a building permit, site plan review, or any land use entitlement shall be accepted for processing or approved, for the subject uses, proposed to be located in the area zoned CD Downtown Commercial District unless the City has issued a use permit for such use. The Downtown Commercial District is depicted on Exhibit A, which is hereby incorporated by this reference.

Section 5. Term. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Sections 65858 and 36937(b) and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption. This Ordinance shall expire, and the use permit requirement required hereby shall terminate, on July 5, 2018.

Section 6. CEQA Finding. The City Council hereby finds that it can be seen with certainty that there is no possibility the adoption of this Ordinance would have a significant effect on the environment, because the Ordinance will impose greater limitations on development in the City by requiring a use permit prior to the establishment of any of the uses listed in Section 1 above, and will thereby serve to reduce potential significant adverse environmental impacts. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

Section 7. Penalty. Violation of any provision of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$1,000 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and distinct violation of this Ordinance. In addition to the foregoing, any violation of this Ordinance shall constitute a public nuisance and shall be subject to abatement as provided by all applicable provisions of law.

Section 8. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Section 9. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law.

ADOPTED on June 20, 2017.

EXHIBIT A
ORD 17-0007-U
June 20, 2017

