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VIA HAND DELIVERY

Dayna Bochco, Chair
and Honorable Commissioners
California Coastal Commission
45 Fremont Street
Suite 2000
San Francisco, California 91405

Item Th13a

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

Dear Chair Bochco and Commissioners:

As the accompanying letter from the Mayor of the City of Manhattan Beach (City) makes clear, the City has significant concerns regarding several of Coastal Commission staff's suggested modifications to the City's proposed Local Coastal Program (LCP) amendment. As the letter explains, many of the suggested modifications attempt to insert into the City's Downtown Specific Plan new and significant policy decisions that implicate local concerns, issues, and land use matters appropriately considered in the first instance by the City Council. In short, suggested modifications to the City's proposed LCP amendment are not the appropriate means of addressing complex policy decisions within the discretion of the City Council.

The Coastal Act is clear that while the Coastal Commission unquestionably plays an important role in protecting the valued coastal resources in this state, in carrying out its duties the Commission may not abrogate the role of local governments. To that end, the Coastal Act plainly states that when considering a decision to certify or refuse to certify an LCP, the Coastal Commission's review "shall be limited to its administrative determination that the land use plan submitted by the local government does, or does not, conform with the requirements of Chapter 3 (commencing with Section 30200). In making this review, the commission is not authorized by any provision of this division to diminish or abridge the authority of a local government to adopt and establish, by ordinance, the precise content of its land use plan." (Pub. Res. Code § 30512.2(a); emphasis added.) This language furthers one of the primary findings of the California Legislature in establishing the Coastal Act -- namely, that "[t]o achieve maximum

responsiveness to local conditions, accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement.” Pub. Res. Code § 30004.

In considering certification of an LCP or an LCP amendment, the “commission shall require conformance with the policies and requirements of [Coastal Act] Chapter 3 (commencing with Section 30200) only to the extent necessary to achieve the basic state goals specified in Section 30001.5.” (Pub. Res. Code § 30512.2(b); emphasis added.) Public Resources Code section 30001.5, in turn, declares that the Legislature’s basic goals are to:

- (a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles and constitutionally protected rights of private property owners.
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

(Pub. Res. Code § 30001.5.)

As the Court of Appeal has held, “[t]hese provisions demonstrate that the Legislature intended to curb the Commission’s ability to champion its own agenda over the decisions made by local governments....” *Douda v. California Coastal Com.*, 159 Cal.App.4th 1181, 1195 (2008).

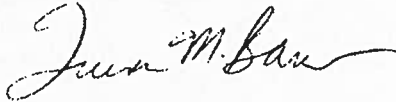
The Coastal Act, therefore, “leaves wide discretion to a local government not only to determine the contents of its land use plans, but to choose how to implement these plans.” *Yost v. Thomas*, 36 Cal.3d 561, 573 (1984).

Here, the City’s Downtown Specific Plan (DTSP) reflects significant community input and decisions on local concerns. The LCP amendment also achieves the basic state goals set forth in the Coastal Act. As just one example, while Public Resources Code section 30213 encourages lower cost visitor and recreational facilities, where feasible, there is no requirement that the City allow short term vacation rentals as the means of furthering that policy. As a matter of fact, the City already meets that objective in multiple ways, including through free and lower cost visitor and recreational facilities such as The Strand, public volleyball courts, public parks (including one

with free concerts), the Roundhouse aquarium (with its free admission), the greenbelt, the sand dune, and public restrooms and parking lots. The suggested modifications, in many cases, unfortunately seek to impose on the City narrow policy directives that inappropriately constrain the City, the City Council, and the Manhattan Beach community.

Based on the legal authority set forth above, as well as the explanation of the City Council's concerns set forth in the Mayor's letter, we urge the Commission to reject Commission staff's suggested modifications and instead approve the City's LCP amendment enacting the Downtown Specific Plan as originally submitted.

Very truly yours,



Quinn M. Barrow
City Attorney

Enclosure

cc: Bruce Moe, City Manager
Anne McIntosh
Ginetta L. Giovinco
Michael Estrada

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