

# CALIFORNIA COASTAL COMMISSION

45 Fremont Street, Suite 2000, San Francisco, CA 94105-2219  
*Internet location* <http://www.coastal.ca.gov>

(415) 904-5200

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**Brian Annis/Jeremiah Ketchum, Business, Transportation & Housing Agency**

**Betty Yee/Anne Baker/Nicole Jones, State Lands Commission**

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## August 2018

## MEETING NOTICE

Redondo Beach Public Library  
303 North Pacific Coast Highway  
Redondo Beach, CA 90277  
(415) 407-3211

[phone number will only be in service during the meeting]



Wednesday, August 8, 2018, 9:00 a.m.

Thursday, August 9, 2018, 9:00 a.m.

Friday, August 10, 2018, 9:00 a.m.

# FINAL DRAFT

**SPEAKER SIGN-UP & TIME LIMITS.** If you wish to speak, please fill out a "Request to Speak" form and give it to a staff person. Forms are available near the door to the meeting room. Time limits are indicated on the back of speaker sign-up forms, and under 'agenda categories' later in this summary. Generally, the Chair will determine time limits for each individual speaker and for organized presentations.

**SUBMISSION OF WRITTEN MATERIALS.** Written materials must be submitted to Commission staff no later than 5:00 p.m. on the Friday before the hearing (staff will then distribute your materials to the Commission). Note that materials received after this time will not be distributed to the Commission. In the upper right hand corner of the first page of your submittal please identify the agenda item number. Please summarize your position in no more than two or three pages if possible. **Please Note:** You are discouraged from submitting written materials to the Commission on the day of the hearing, unless they are visual aids. It is difficult for Commissioners to carefully consider late submittals.

**LOCATION OF MEETINGS.** The Commission meets once a month in different locations of the State in order to facilitate public participation. Staff attempts, whenever possible, to schedule matters for hearings that will be relatively close to the location of a proposed development. However, legal deadlines for action may require that the hearing on an item take place in a different area than the proposed project.

**NO FAXs** will be accepted at the meeting site. You may be able to make prior arrangements with staff or a Commissioner to send a fax, but you will be responsible for paying the hotel or meeting site for its receipt.

**CAMPAIGN CONTRIBUTIONS.** Government Code Section 84308 requires Commissioners to disqualify themselves from voting on any matter if they have received a campaign contribution of more than \$250 from an interested party. If you intend to speak on any hearing item, please indicate on your speaker slip and/or in your testimony, if you have made campaign contributions of more than \$250 to any Commissioner within the last year, and if so, to which Commissioners you contributed.

**CONTACTS with COMMISSIONERS.** Written materials sent to Commissioners must also be sent to staff at the same time. All non-procedural communications must become part of the record. For a summary of these ex parte communication requirements, please visit <http://www.coastal.ca.gov/roster.html#exparte>.

**PUBLIC STATEMENTS ABOUT ITEMS NOT ON THIS AGENDA.** At the start of the meeting or those unable to attend the early comment period, there may be time for public statements about Commission work other than items that are pending before the Commission. Persons wishing to speak should fill out a sign-up slip, and limit presentations to 3 minutes. You may always submit written comments to the Commission office, and copies will be distributed to Commissioners. **Please note that on the final day of the meeting, public comment will only be heard at some time prior to adjournment for the day.**

**WHEN WILL MY AGENDA ITEM BE HEARD?** It is not possible to predict how quickly the Commission will complete agenda items or how many will be postponed to a later date. The Commission begins each session at the time listed on the Meeting Notice and considers each item in the sequence listed, except in extraordinary circumstances. The Commission may consider an item even though interested persons are not present.

**STAFF RECOMMENDATIONS.** A written staff report is available for most items on this agenda. At the end of the agenda description the author's initials and a code indicating his/her headquarters office are identified (A=Arcata SF=San Francisco SC=Santa Cruz V=Ventura LB=Long Beach SD=San Diego). Staff reports are usually distributed 10 days before the meeting. Staff reports for any item on this Meeting Notice are generally available on the Commission's website ([www.coastal.ca.gov](http://www.coastal.ca.gov)). Paper copies are also available upon request.

**VISUAL PRESENTATIONS/MATERIALS.** Powerpoint presentations must be accompanied by a USB flash drive, flash memory card, or compact disk. All electronic formats must be PC compatible. Files created on a Mac might not be supported. It is recommended that a hard copy of any electronic presentation be submitted in case of technical difficulties. A slide projector & laptop will be available from our audio-visual technician, and they can assist you in its use. All materials exhibited to the Commission during the hearing (slides, maps, etc.) are part of the public record and must be kept by the Commission for 60 days after final Commission action on the matter. Your materials will be returned upon written request unless needed for judicial review.

**PUBLIC & ADMINISTRATIVE RECORDS.** Some public records for agenda items are available for inspection at the meeting, and are available in the Commission office. Please call to make an appointment to see any file you are interested in. If you decide to challenge a final decision of the Commission in Court, please request preparation of the administrative record by letter to the Administrative Records Section at the Commission office in San Francisco, and indicate in your letter a description of the agenda item and date(s) of Commission action.

**CLOSED SESSION.** At any time during the meeting the Commission may meet to consider personnel matters or litigation in a session closed to the public pursuant to the attorney-client privilege and statutory exemption to the Open Meeting Act (Government Code Section 11126e).

**ACCESS TO HEARINGS.** The hearings are wheelchair accessible. If accommodation for other disabilities is required, please call (415) 904-5200.

**MORE INFORMATION.** For more information about this agenda, contact one of the following staff members:

(Del Norte, Humboldt & Mendocino Counties) Robert Merrill (707) 826-8950  
(Sonoma, Marin, San Francisco & San Mateo Counties) Jeannine Manna (415) 904-5260  
(Santa Cruz, Monterey & San Luis Obispo Counties) Susan Craig (831) 427-4863  
(Santa Barbara & Ventura Counties, Malibu & Santa Monica Mountains) Barbara Carey (805) 585-1800  
(Los Angeles & Orange Counties) Teresa Henry (562) 590-5071  
(San Diego County) Deborah Lee (619) 767-2370  
(Energy and Ocean Resources) Alison Dettmer (415) 904-5240  
(Federal Consistency) Mark Delaplaine (415) 904-5280  
(Legislation) Sarah Christie (916) 445-6067  
(Statewide) Vanessa Miller (415) 904-5200

**MEDIA INQUIRIES.** Contact Noaki Schwartz (562) 833-5487

**A copy of this agenda is available on the Internet - [www.coastal.ca.gov](http://www.coastal.ca.gov).** If you wish to receive e-mail notification of the publication of the meeting agenda, send your email address to: [CCCmeetingnotice@coastal.ca.gov](mailto:CCCmeetingnotice@coastal.ca.gov)

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<https://instagram.com/coastalcommission/> or **visit your coast:** <http://www.coastal.ca.gov/YourCoast>

## 9:00 a.m.

# WEDNESDAY, AUGUST 8, 2018

1. **CALL TO ORDER**
2. **ROLL CALL.**
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Public comments will be heard at 9:00 am for items not on the agenda, for no more than 30 minutes. At the discretion of the Chair, speakers will be given up to 3 minutes. For those unable to attend the early comment period, there may be additional comment time available later in the day. Note: Comments made during the general public comment period regarding matters pending before the Commission do not become part of the official record for those matters.
5. **CHAIR'S REPORT.**

## STATEWIDE

6. **EXECUTIVE DIRECTOR'S REPORT.**
  - a. **Executive Director's Report.**
  - b. **Commission Correspondence.** Consideration and potential action on Commission correspondence.
  - c. **Legislative Report.** Discussion and possible action on coastal-related legislation. (JA/SC-SF)
  - d. **Interagency Agreement.** Public hearing and Commission authorization to enter into Interagency Agreements with the San Francisco Bay Conservation and Development Commission (BCDC) and the State Coastal Conservancy (SCC). Approval of transfer of federal funds to BCDC and SCC for implementation of California Coastal Management Program for Fiscal Year 2018-2019. (SH/MJ-SF)
  - e. **2019 Schedule of Meeting Dates and Locations.** Commission discussion and possible action. (JA/VM-SF)
  - f. **Briefing on Shoreline Protective Devices.** Informational presentations by Commission technical staff addressing shoreline protective devices and their effects on beaches and coastal processes. (LE/JS-SF)
  - g. **Tribal Consultation Policy.** Public hearing and possible Commission action on Commission's Tribal Consultation Policy. (MPD-SF)

## SAN DIEGO COAST DISTRICT

7. **CONSENT CALENDAR.** See AGENDA CATEGORIES description on page 17.
  - a. **Application No. 6-17-0397 (Oliver, Carlsbad)** Application of Mark Oliver to remove unpermitted access pier and install new access pier, gangway and 133 sq.ft. floating dock at 4541 Cove Dr., Agua Hedionda, Carlsbad, San Diego County. (EP-SD)
  - b. **Application No. 6-18-0509 (SeaWorld, San Diego)** Application of SeaWorld San Diego to demolish an existing 730 sq. ft. restroom facility and construct new 22-ft. high roller coaster within SeaWorld San Diego's leasehold at 500 SeaWorld Dr., Mission Bay Park, San Diego, San Diego County. (DD-SD)

## NORTH COAST DISTRICT

8. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. For specific information contact the Commission's Arcata office at (707) 826-8950.
9. **COASTAL PERMIT APPLICATIONS.** See AGENDA CATEGORIES description on page 17. **Attention:** Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See AGENDA CATEGORIES) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.
  - a. **Application No. 1-18-0528 (California Dept. of Fish & Wildlife, Del Norte Co.)** Application of California Dept. of Fish & Wildlife to excavate two ditches to maintain Highway 101 and restore rare plant habitat at Crescent City Marsh Wildlife Area, off of Highway 101, just south of Crescent City, Del Norte County. (MBK-A)
10. **PERMIT AMENDMENTS.** See AGENDA CATEGORIES description on page 17. An Amendment below may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed like other Consent Calendar items (See above) except that if that item is subsequently removed from the Consent Calendar by a vote of 3 or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner material amendments are processed.
  - a. **Permit No. 1-15-2054-A1 (City of Eureka)** Request by City of Eureka to amend permit granted for construction of 3.75 miles of multi-use trail as part of California Coastal Trail and mitigate for wetland fill impacts by reestablishing 1.28-acre of tidal salt marsh habitat to authorize after-the-fact the placement of 6,000 cu.yds. of fill material excavated from mitigation site on vacant, City owned, upland site along Humboldt Bay waterfront north of Waterfront Drive and east of Highway 255 in Eureka, Humboldt County. (CK-A)

## ENERGY, OCEAN RESOURCES AND FEDERAL CONSISTENCY

11. **ENERGY, OCEAN RESOURCES and FEDERAL CONSISTENCY.** Report by the Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, negative determinations, matters not requiring public hearings, and status report on offshore oil & gas exploration & development. For specific information contact the Commission's Energy, Ocean Resources, and Federal Consistency Division office at (415) 904-5240.
12. **CONSENT CALENDAR (removed from Regular Calendar).** See AGENDA CATEGORIES description on page 17.
13. **REVISED FINDINGS.**
  - a. **CD-0001-18 (US Navy, Southern California)** Consideration of findings for Commission's action on June 6, 2018, to object to Consistency Determination by U.S. Navy for 5-Year Military Readiness Training and Testing Program Activities in the California portion of the Hawaii-Southern California Training and Testing (HSTT) Study Area, southern California. (MPD-SF)
14. **LOCAL COASTAL PROGRAMS (LCPs).** See AGENDA CATEGORIES description on page 17.
  - a. **City of Long Beach LCP Amendment No. 1-18 (LCP-5-LOB-18-0026-1) (SEADIP).** Public hearing and action on the City of Long Beach's request to amend both the Land Use Plan (LUP) and Implementation Plan (IP) portions of the Long Beach certified LCP, specifically Southeast Area Development and Improvement Plan (SEADIP), to allow oil production uses in SEADIP Subareas 19 and 25, the locations of an oil well consolidation project proposed by Beach Oil Mineral Partners (BOMP). The LCP amendment would also revise portions of the City's Oil Code (Title 12) that apply to the City's coastal zone. (KH-SF)

## SAN DIEGO COAST DISTRICT

15. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. For specific information contact the Commission's San Diego office at (619) 767-2370.
16. **CONSENT CALENDAR (removed from Regular Calendar).** See AGENDA CATEGORIES description on page 17.
17. **LOCAL COASTAL PROGRAMS (LCPs).** See AGENDA CATEGORIES description on page 17.
  - a. **City of Encinitas LCP Amendment No. LCP-6-ENC-18-0035-1 (Accessory Dwelling Units) Time Extension.** Public hearing and action to extend the 60-day time limit for Commission action for up to one year on request by City of Encinitas to amend the certified Implementation Plan (IP) to establish local regulations for Accessory Dwelling Units and Junior Accessory Dwelling Units. (ES-SD)
  - b. **City of San Diego LCP Amendment No. LCP-6-SAN-18-0047-1 (11<sup>th</sup> LDC Update) Time Extension.** Public hearing and action to extend the 60-day time limit for Commission action for up to one year on request by City of San Diego to amend the certified Implementation Plan (IP) to adopt the 11<sup>th</sup> Update to the Land Development Code (LDC), consisting of changes and corrections to multiple sections of the IP. (AL-SD)

- c. **City of San Diego LCP Amendment No. LCP-6-SAN-18-0048-1 (Affordable Housing Regulations).** Public hearing and action on request by City of San Diego to amend its certified Implementation Plan (IP) to provide bonuses, waivers and incentives for development incorporating affordable housing consistent with State law. (AL-SD)
- d. **City of San Diego LCP Amendment No. LCP-6-SAN-18-0049-1 (Vernal Pool Habitat Conservation Plan) Time Extension.** Public hearing and action to extend the 60-day time limit for Commission action for up to one year on request by City of San Diego to amend the certified Implementation Plan (IP) to adopt the Vernal Pool Habitat Conservation Plan and Vernal Pool Management and Monitoring Plan. (AL-SD)
- e. **City of Chula Vista LCP Amendment No. LCP-6-CHV-18-0029-1 (Parcel 1a).** Public hearing and action on request by City of Chula Vista to amend the certified Chula Vista Bayfront Land Use Plan (LUP) and Specific Plan (IP) to modify the land use designation and zoning of Parcel 1a from Commercial Professional and Administrative to Commercial Visitor. (ML-SD)

**[Items W17f and W18a below will share a single, combined public presentation.]**

- f. **City of Encinitas LCP Amendment No. LCP-6-ENC-18-0034-1 (North Coast Highway 101 Streetscape Project).** Public hearing and action on request by City of Encinitas to amend its certified Land Use Plan and Implementation Plan to allow reduction in the number of travel lanes in order to facilitate the North Coast Highway 101 Streetscape Project. (ES-SD)
18. **NEW APPEALS.** See AGENDA CATEGORIES description on page 17.
- a. **Appeal No. A-6-ENC-18-0019 (City of Encinitas North Coast Highway 101 Streetscape Project)** Appeal by Commissioners Padilla and Turnbull-Sanders, Leah Bissonette, Frank Birkner, Christine Wagner, Susan Turney, Lynn Marr, Richard Kingsland, Spencer Mosher, James Mosher, Doug Fiske, Robert Hemphill, Alice Lemon, David Smith and Donna Westbrook from decision of City of Encinitas granting permit with conditions to City of Encinitas to redevelop Coast Highway 101, including reduction in the number of travel lanes from two lanes to one lane in each direction, addition of bike lanes, six new roundabouts, crosswalks, medians, bus turnout bays, sidewalks and three parking bays along the east side of Highway 101, new landscaping, storm water improvements and parking revisions along Highway 101, from A Street to La Costa Avenue, Encinitas, San Diego County. (ES-SD)
19. **COASTAL PERMIT APPLICATIONS.** See AGENDA CATEGORIES description on page 17. **Attention:** Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See AGENDA CATEGORIES) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.
- a. **Application No. A-6-ENC-16-0060 (Martin, Encinitas)** Application of Gary and Bella Martin to consolidate two existing legal lots and to construct new 2-story, 3,553 sq.ft. home with 1,355 sq.ft. basement and 950 sq.ft. garage on 11,394 sq.ft. vacant bluff top lot, at 132 Neptune Ave., Encinitas, San Diego County. (ES-SD)

- b. **Application No. 6-17-0635 (Thankful Texans, LLC, Carlsbad)** Application of Thankful Texans, LLC to construct 4,085 sq.ft. 2-story single-family home and attached 850 sq.ft. garage on 0.47 acre vacant lagoon-fronting lot on Adams Street, on north shore of Agua Hedionda Lagoon, Carlsbad, San Diego County. (EP-SD)
  - c. **Application No. 6-17-0819 (Solana Beach and Tennis Club, Solana Beach)** Application of Solana Beach and Tennis Club to remove protruding portions of concrete fill in 5 existing seacaves in bluffs below 447 South Sierra Ave., Solana Beach, San Diego County. (DD-SD)
  - d. **Application No. 6-18-0428 (Caltrans Deer Canyon East Restoration, San Diego)** Application of California Department of Transportation (Caltrans) to establish 3.4 acres of riparian wetland habitat and restore 8.2 acres of upland coastal sage scrub in disturbed areas adjacent to existing drainage channel, within open space parcel south of State Route 56 and east of Carmel Valley Road, San Diego, San Diego County. (ZR-LB)
20. **PERMIT AMENDMENTS.** See AGENDA CATEGORIES description on page 17. An Amendment below may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed like other Consent Calendar items (See above) except that if that item is subsequently removed from the Consent Calendar by a vote of 3 or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner material amendments are processed.
- a. **Permit No. 6-09-015-A1 (San Diego County Regional Airport Authority Terminal 2/FIS Addition, San Diego)** Request by San Diego County Regional Airport Authority to amend permit for expansion of Terminal 2 to include after-the-fact approval of 40,422 sq.ft. addition for Federal Inspection Services (FIS) at San Diego International Airport, 3225 North Harbor Drive, San Diego, San Diego County. (ML-SD)

## STATEWIDE

- 21. **APPROVAL OF MINUTES.**
- 22. **COMMISSIONERS' REPORTS.**
- 23. **CONSERVANCY REPORT.**
- 24. **SANTA MONICA MOUNTAINS CONSERVANCY REPORT.**
- 25. **SANTA MONICA BAY RESTORATION REPORT.**
- 26. **DEPUTY ATTORNEY GENERAL'S REPORT.**

9:00 a.m.

## THURSDAY, AUGUST 9, 2018

1. **CALL TO ORDER.**
2. **ROLL CALL.**
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Public comments will be heard at 9:00 am for items not on the agenda, for no more than 30 minutes. At the discretion of the Chair, speakers will be given up to 3 minutes. For those unable to attend the early comment period, there may be additional comment time available later in the day. Note: Comments made during the general public comment period regarding matters pending before the Commission do not become part of the official record for those matters.

### STATEWIDE

5. **Resolution on Sea Level Rise and Shoreline Preservation.** Commission discussion and possible action on resolution committing to maintain and enhance California's beaches and shoreline habitats as sea level rises. (AR- SF)
6. **Sea Level Rise Policy Guidance.** Informational presentation on draft updates to Commission's Sea Level Rise Policy Guidance to reflect new scientific information and recommendations from the Ocean Protection Council. (KD-SF)

### ENFORCEMENT

7. **ENFORCEMENT REPORT.** Report by Chief of Enforcement on Statewide Enforcement Program. (LAH-SF)

[Items Th8 and Th9 below will share a combined staff report and public hearing.]

8. **Cease and Desist Order No. CCC-18-CD-02 (11 Lagunita, LLC, Laguna Beach, Orange Co.)** Public hearing and Commission action on proposed administrative order directing and authorizing owners of property located at 11 Lagunita Drive, Laguna Beach (APN 656-171-76) to: 1) either remove unpermitted development at the site or apply for a coastal development permit (CDP) to authorize a modified version of the unpermitted development that would not rely on a seawall or any other device that harms the beach for protection, and, if necessary, would instead protect any development that is to remain using an alternative method; 2) comply with the existing CDP for the site (A-5-LGB-14-0027), including by removing the seawall; and 3) cease and desist from undertaking additional unpermitted development. (RM-SF)
9. **Administrative Penalty No. CCC-18-AP-02 (11 Lagunita, LLC, Laguna Beach, Orange Co.)** Public hearing and Commission action on proposed imposition of administrative penalties, requiring the owners of the property at 11 Lagunita Drive, Laguna Beach, (11 Lagunita, LLC) to pay penalties for violations of the public access provisions of the Coastal Act at that site, which, if unpaid, could result in the recordation of a lien on the property. (RM-SF)



## SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

10. **ADMINISTRATIVE CALENDAR.** See AGENDA CATEGORIES description on page 17.
- a. **Application No. 5-17-0925 (Schwab, Long Beach)** Application of Buster Schwab to remove and replace desking, bumpers, and floats on L-shaped dock float at 111 Rivo Alto Canal, Long Beach, Los Angeles County. (DZ-LB)

## SOUTH COAST DISTRICT (LOS ANGELES COUNTY)

11. **DEPUTY DIRECTOR'S REPORT FOR LOS ANGELES COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. For specific information contact the Commission's Long Beach office at (562) 590-5071.
12. **CONSENT CALENDAR (removed from Regular Calendar).** See AGENDA CATEGORIES description on page 17.
13. **LOCAL COASTAL PROGRAMS (LCPs).** See AGENDA CATEGORIES description on page 17.
- a. **City of Manhattan Beach LCP Amendment No. 1-17 (LCP-5-MNB-17-0024-1).** Public hearing and action for major amendment to the Coastal Land Use Plan (LUP) and Implementation Plan (IP) portions of the City's certified Local Coastal Plan (LCP) to reconcile uncertified land use and zoning changes related to the City's 2003 General Plan Update, and incorporate a Downtown Specific Plan as an design overlay for the downtown area, Manhattan Beach, Los Angeles County. (MR-LB)
- b. **City of Redondo Beach LCP Amendment No. 1-17 (LCP-5-RDB-0045-1 Measure C).** Public hearing and action for major amendment to the City of Redondo Beach LCP Implementing Ordinances (IP) to incorporate changes included in voter-sponsored Initiative Measure C, known as the "King Harbor Coastal Access, Revitalization, and Enhancement Act." (AD-LB)
- c. **City of Long Beach LCP Amendment No. 3-17 (LCP-5-LOB-17-0086-3).** Public hearing and action on request of City of Long Beach amend the Implementing Ordinances (IP) portion of the certified LCP in order to revise regulations related to accessory dwelling units consistent with state law. (DZ-LB)
- d. **City of Long Beach LCP Amendment No. 2-18 (LCP-5-LOB-18-0038-2).** Public hearing and action on request of City of Long Beach to amend the Implementing Ordinances (IP) portion of the certified LCP in order to revise regulations regarding tattoo parlors. (DZ-LB)
14. **NEW APPEALS.** See AGENDA CATEGORIES description on page 17.
- a. **Appeal No. A-5-VEN-18-0037 (2416 Frey, LLC, Venice, Los Angeles)** Appeal by Richard Stanger, et. al from decision of City of Los Angeles granting permit with conditions to 2416 Frey, LLC for demolition of 939 sq.ft., 17.5-ft. high, single-story-family home, and construction of 3,027 sq.ft., 29.5-ft. high (to top of skylight), 2-story, single-family home with attached 2-car garage and roof deck at 2416 Frey Ave., Venice, Los Angeles, Los Angeles County. (DT-LB)

- b. **Appeal No. A-5-VEN-18-0038 (Avakian, Venice, Los Angeles)** Appeal by Richard Stanger et. al from decision of City of Los Angeles permit granted with conditions to Eddie Avakian for demolition of 1,099 sq.ft., 18-ft. high, single-story-family home and construction of 2,811 sq.ft., 24.5-ft. high, 2-story single-family home with attached 2-car garage and roof deck at 2433 Wilson Ave., Venice, Los Angeles, Los Angeles County. (DT-LB)

[Items Th14c thru Th14e below will share a combined staff report and public hearing.]

- c. **Appeal No. A-5-VEN-18-0039 (Harel, Venice, Los Angeles)** Appeal by Sue Kaplan et. al from decision of City of Los Angeles granting permit with conditions to Shula and Ron Harel for demolition of 688 sq.ft. single-story-family home and relocation/remodel/enlargement of 1,256 sq.ft., single-story-family home, resulting in 2-story, 23-ft. high, 2,335 sq.ft. single-family home with attached 2-car garage at 925-927 Marco Place, Venice, Los Angeles, Los Angeles County. (AS-LB)
- d. **Appeal No. A-5-VEN-18-0042 (Harel, Venice, Los Angeles)** Appeal by Sue Kaplan et. al from decision of City of Los Angeles granting permit with conditions to Shula and Ron Harel for construction of 2-story, 28-ft. high, 2,104 sq.ft. single-family home with attached 2-car garage at 927 Marco Place, Venice, Los Angeles, Los Angeles County. (AS-LB)
- e. **Appeal No. A-5-VEN-18-0043 (Harel, Venice, Los Angeles)** Appeal by Sue Kaplan et. al from decision of City of Los Angeles granting permit with conditions to Shula and Ron Harel for construction of 2-story, 28-ft. high, 2,337 sq.ft. single-family home with attached 2-car garage at 925 Marco Place, Venice, Los Angeles, Los Angeles County. (AS-LB)

- 15. **COASTAL PERMIT APPLICATIONS.** See AGENDA CATEGORIES description on page 17. **Attention:** Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See AGENDA CATEGORIES) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

- a. **Application No. A-5-VEN-15-0038 (Dunes Development, LLC, Venice, Los Angeles)** Application of Dunes Development, LLC to change use, extensive renovation, and major addition to 1,558 sq.ft. structure from machine shop to 2-story, 2,671 sq.ft. restaurant with 745 sq.ft. of service floor area at 259 Hampton Dr., Venice, Los Angeles, Los Angeles County. (SV-LB)
- b. **Application No. A-5-VEN-17-0072 (NYE, LLC, Venice, Los Angeles)** Application of NYE, LLC to demolish single-story family home and construct 2-story, 22-ft. high, 2,878 sq.ft., single-family home with attached 2-car garage and roof deck at 2412 Clement Ave., Venice, Los Angeles, Los Angeles County. (DT-LB)

- c. **Application No. 5-17-0880 (The Beach Club of Santa Monica, Santa Monica)**  
Application of The Beach Club of Santa Monica for renovation, addition and remodel of Beach Club facility, including: 1) remodel of 2 kitchen areas and bar and seating area; 2) remodel and addition to maintenance and employee service facilities; 3) extension of current roofline to enclose renovated maintenance and employee service facilities; 4) seismic retrofitting; 5) placement of new mat foundation underneath remodel/addition areas; 6) and after-the-fact review of 18-stall surface parking lot, construction of 6 storage sheds within paved asphalt area totaling 1,623 sq.ft., and construction of 1,225 sq.ft. concrete slab patio with 2 trellises at 201 Palisades Beach Rd., Santa Monica, Los Angeles County. (AS-LB)
- d. **Application No. 5-17-1037 (City of Long Beach Public Improvement Project)**  
Application of City of Long Beach to demolish and replace 1-story, 2,234 sq.ft. beach concession stand with 3 new buildings (Building A, 4,315 sq.ft., 27-ft. high concession stand and café with semi-enclosed first floor decks, roof deck, and game area; Building B, 817 sq.ft., 12-ft. high public restroom and storage facilities; Building C, 430 sq.ft., 12-ft. high recreation rental facility), and add outdoor recreation area, public promenade area, and improvements to Alamitos Beach public beach parking lot at 780 Shoreline Dr., Long Beach, Los Angeles County. (DZ-LB)
- e. **Application No. 5-18-0240 (Melby, Hermosa Beach)** Application of Donna Melby to demolish 1,803 sq.ft. duplex, and construct 30-ft. high, 2-story, 3,631 sq.ft. single-family home, with basement, roof deck, attached 2-car garage, and one guest parking space adjacent to garage and attach 291 sq.ft. Junior Accessory Dwelling Unit on lower level, at 33 Seventh St., Hermosa Beach, Los Angeles County. (AS-LB)

## 9:00 a.m.

# FRIDAY, AUGUST 10, 2018

1. **CALL TO ORDER.**
2. **ROLL CALL.**
3. **AGENDA CHANGES.**
4. **GENERAL PUBLIC COMMENT.** Public comments will be heard at 9:00 am for items not on the agenda, for no more than 30 minutes. At the discretion of the Chair, speakers will be given up to 3 minutes. For those unable to attend the early comment period, there may be additional comment time available later in the day. Note: Comments made during the general public comment period regarding matters pending before the Commission do not become part of the official record for those matters.

## SOUTH CENTRAL COAST DISTRICT

5. **CONSENT CALENDAR.** See AGENDA CATEGORIES description on page 17.
  - a. **University of California Santa Barbara Notice of Impending Development No. UCS-NOID-002-18 (Goleta West Sanitary District Sewer Trunk Line Project).** Public hearing and action on Notice of Impending Development by the University of California Santa Barbara to abandon 1,500 linear feet portion of sewer line within the West Storke Wetland and install 1,900 linear feet of sewer line along Mesa Road, on the Storke Campus at the University of California Santa Barbara, Santa Barbara County. (DV-V)

## SOUTH COAST DISTRICT (ORANGE COUNTY)

6. **ADMINISTRATIVE CALENDAR.** See AGENDA CATEGORIES description on page 17.
  - a. **Application No. 5-18-0165 (Marshall, Newport Beach)** Application of Paul Marshall to demolish 1,062 sq.ft. U-shaped dock float and retain 200 sq.ft. pier platform shared with adjacent residence at 808 W. Bay Avenue, and construct 425 sq.ft. L-shaped dock float with 3 new piles, 3' x 24' gangway ramp, and 6' x 4' platform lobe added to shared pier platform at 810 W. Bay Ave., Newport Beach, Orange County. (LR-LB)
  - b. **Application No. 5-18-0166 (Jackson, Newport Beach)** Application of Todd Jackson to demolish 1,062 sq.ft. U-shaped dock float and retain 200 sq.ft. pier platform shared with adjacent residence at 810 W. Bay Avenue, and construct 425 sq.ft. L-shaped dock float with 3 new piles, 3' x 24' gangway ramp, and 6' x 4' platform lobe added to shared pier platform at 808 W. Bay Ave., Newport Beach. (LR-LB)
7. **CONSENT CALENDAR.** See AGENDA CATEGORIES description on page 17.
  - a. **Application No. 5-18-0508 (McMackin, Laguna Beach)** Application of Ronald G. and Cindy L. McMackin for remodel and 1,430 sq.ft. addition to 4,780 sq.ft. single-family home, resulting in 1-story, 15-ft. high, 6,210 sq.ft. single-family home with 3-car garage, including re-configuration of pool/spa and garden retaining wall, at 2566 Monaco Dr., Irvine Cove, Laguna Beach, Orange County. (LR-LB)

## NORTH CENTRAL COAST DISTRICT

8. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. For specific information contact the Commission's San Francisco office at (415) 904-5260.
9. **CONSENT CALENDAR (removed from Regular Calendar).** See AGENDA CATEGORIES description on page 17.
10. **LOCAL COASTAL PROGRAMS (LCPs).** See AGENDA CATEGORIES description on page 17.
  - a. **City of Pacifica LCP Amendment No. LCP-2-PAC-18-0037-1 (Cannabis Regulations).** Public hearing and action on request by the City of Pacifica to amend the LCP's Implementation Plan to allow commercial and residential cannabis activities in a subset of existing commercial and residential zones. (PF-SF)
  - b. **County of San Mateo LCP Amendment No. LCP-2-SMC-18-0036-1-Part A (Mobile Home Parks).** Public hearing and action on request by San Mateo County to add a Mobile Home Park District to the LCP's Implementation Plan and rezone existing mobilehome parks accordingly. (RTA-SF)
  - c. **County of San Mateo LCP Amendment No. LCP-2-SMC-18-0036-1-Part B (Subdivision Regulations).** Concurrence with the Executive Director's determination that the request by San Mateo County to update the LCP Subdivision Regulations is de minimis. (RTA-SF)

## CENTRAL COAST DISTRICT

11. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. For specific information contact the Commission's Santa Cruz office at (831) 427-4863.
12. **CONSENT CALENDAR (removed from Regular Calendar).** See AGENDA CATEGORIES description on page 17.
13. **LOCAL COASTAL PROGRAMS (LCPs).** See AGENDA CATEGORIES description on page 17.
  - a. **City of Pismo Beach LCP Amendment No. LCP-3-PSB-18-0051-1 (Short-Term Rentals).** Public hearing and action on request by the City of Pismo Beach to amend the Implementation Plan to establish regulations for short-term rentals in the R-1, P-R, and O-S-1 zoning districts. (KB-SC)
  - b. **County of San Luis Obispo LCP Amendment No. LCP-3-SLO-18-0052-2 (Cambria TDC Program).** Public hearing and action on request by San Luis Obispo County to amend the LCP to expand the Transfer of Development Credits Program in the community of Cambria to allow for additional "sender sites" (i.e., lots that have sensitive coastal resources that constrain residential development and which would be retired permanently), while retaining the existing standards for "receiver sites." (NP-SC)

## SOUTH CENTRAL COAST DISTRICT

14. **DEPUTY DIRECTOR'S REPORT.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. For specific information contact the Commission's Ventura office at (805) 585-1800.
15. **CONSENT CALENDAR (removed from Regular Calendar).** See AGENDA CATEGORIES description on page 17.
16. **LOCAL COASTAL PROGRAM (LCPs).** See AGENDA CATEGORIES description on page 17.
  - a. **County of Santa Barbara LCP Amendment No. LCP-4-STB-18-0039-1 Part B (Gaviota Coast Plan).** Public hearing and action on the County of Santa Barbara's request to amend portions of the certified Local Coastal Program, including to amend the text and maps of the Land Use Plan to adopt the Gaviota Coast Plan and to amend the Coastal Zoning Ordinance to adopt new regulations to implement the Gaviota Coast Plan. (MK-V)
  - b. **County of Santa Barbara LCP Amendment No. LCP-4-STB-18-0039-1 Time Extension.** Public hearing and action to extend the time limit for action for one year on County of Santa Barbara's request to amend portions of the certified Local Coastal Program, including Part B (Gaviota Coast Plan) to amend the text and maps of the Land Use Plan to adopt the Gaviota Coast Plan and to amend the Implementation Plan to adopt new overlay maps and regulations to implement the Gaviota Coast Plan, Part C (Cannabis Land Use Ordinance) to amend the Implementation Plan to add regulations for cultivation and sale of cannabis and cannabis products, and Part D (O'Neil Project) to amend the Land Use Plan and Implementation Plan to change the land use and zoning designation of a property at 2551 Wallace Avenue in the community of Summerland from Recreation/Open Space to Residential. (MS-V)
17. **REVISED FINDINGS.**
  - a. **County of Santa Barbara LCP Amendment No. LCP-4-STB-17-0086-3 (Short-Term Rental Ordinance) Revised Findings.** Review and possible adoption of revised findings in support of Commission's decision to deny County of Santa Barbara's LCP amendment request to the certified Implementation Plan to add a Short-Term Rental Ordinance. (MS-V)

## SOUTH COAST DISTRICT (ORANGE COUNTY)

18. **DEPUTY DIRECTOR'S REPORT FOR ORANGE COUNTY.** Report by Deputy Director on permit waivers, emergency permits, immaterial amendments & extensions, and on comments from the public relating to the Deputy Director's report. For specific information contact the Commission's Long Beach office at (562) 590-5071.
19. **CONSENT CALENDAR (removed from Regular Calendar).** See AGENDA CATEGORIES description on page 17.
20. **LOCAL COASTAL PROGRAM (LCPs).** See AGENDA CATEGORIES description on page 17.
  - a. **City of San Clemente LCP Amendment No. 1-16 (LCP-5-SCL-16-0012-1 Comprehensive LUP Update).** Concurrence with the Executive Director's determination that the action by the City of San Clemente accepting certification with suggested modifications of the comprehensive update to the certified Land Use Plan is legally adequate. (LR-LB)

21. **CATEGORICAL EXCLUSION.**

- a. **City of Newport Beach Categorical Exclusion Order Amendment (CE-5-NPB-16-1).** Public hearing on City of Newport Beach request to amend its 2016 Categorical Exclusion Order to increase the buildable area ratio (from 1.5 to 2.0 times the buildable area) for single-unit and two-unit dwellings subject to the Categorical Exclusion Order in the R-1, R-BI, and R-2 Zoning Districts in designated geographic areas within Newport Beach, Orange County. (LR-LB)

22. **NEW APPEALS.** See AGENDA CATEGORIES description on page 17.

- a. **Appeal No. A-5-NPB-18-0006 (Nicholson Construction, Newport Beach)**  
Appeal by James M. Mosher from decision of City of Newport Beach granting permit with conditions to Nicholson Construction for demolition of 3-level, 2,260 sq.ft. single-family home, and construction of 4-level, 4,500 sq.ft. single-family home with rooftop deck and 3-car garage, at 2607 Ocean Blvd., Newport Beach, Orange County. (FS-LB)

23. **COASTAL PERMIT APPLICATIONS.** See AGENDA CATEGORIES description on page 17. **Attention:** Items appearing in this section of the agenda may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed in the same manner as other Consent Calendar items (See AGENDA CATEGORIES) except that if that item is subsequently removed from the Consent Calendar by a vote of three or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner Coastal Permit Applications are processed. The purpose of this procedural change is to expedite the Commission's coastal development permit process.

- a. **Appeal No. A-5-DPT-17-0063 (Headlands Investments, LLC, Dana Point)** Appeal by Surfrider Foundation from decision of City of Dana Point granting permit with conditions to Headlands Investments, LLC for construction of 2-story, 35,000 sq.ft. commercial structure with 57-room hotel, 52 bed hostel, 4,000 sq.ft. restaurant, 800 sq.ft. visitor center and parking garage on vacant lot at 34075 Pacific Coast Highway, Dana Point, Orange County. (FSY-LB)
- b. **Application No. 5-17-0678 (Bassaly #1, LLC, Sunset Beach, Huntington Beach)**  
Application of Bassaly #1, LLC to demolish 2-story single-family home and construct 4,787 sq.ft., 3-story, 35-ft. high, single-family home with attached 2-car garage on beachfront lot, at 16891 South Pacific Ave., Sunset Beach, Huntington Beach, Orange County. (MV-LB)
- c. **Application No. 5-17-0680 (Bassaly #1, LLC, Sunset Beach, Huntington Beach)**  
Application of Bassaly #1, LLC to demolish single-story-family home and construct 5,555 sq.ft., 3-story, 35-ft. high, single-family home with attached 3-car garage on beachfront lot, at 16351 South Pacific Ave., Sunset Beach, Huntington Beach, Orange County. (MV-LB)
- d. **Application No. 5-17-0948 (Lido Group Retail, LLC, Newport Beach)** Application of Lido Retail Group, LLC to replace 25' x 2.5' access way with 25' x 3' accessway that includes 6-in. portion cantilevered over water on bay fronting lot, at 3450 Via Oporto, Newport Beach, Orange County. (FSY-LB)
- e. **Application No. 5-18-0223 (Walsh, Laguna Beach)** Application of Bill Walsh to remodel and add 375 sq. feet to 4,003 sq.ft., 21.8-ft. high 2-story single-family home over partially subterranean basement with detached 3-car garage on a blufftop lot at 11 La Send Place, Laguna Beach, Orange County. (MA-LB)

24. **PERMIT AMENDMENTS.** See AGENDA CATEGORIES description on page 17. An Amendment below may be moved to the Consent Calendar for this area by the Executive Director when, prior to taking up the Consent Calendar, staff and the applicant are in agreement on the staff recommendation. If an item is moved to the Consent Calendar it will be processed like other Consent Calendar items (See above) except that if that item is subsequently removed from the Consent Calendar by a vote of 3 or more commissioners, the item will be acted upon at the meeting in the order in which it originally appears on this Meeting Notice and in the manner material amendments are processed.
- a. **Permit Amendment No. 5-09-179-A2 (Hitchcock, San Clemente)** Request of Frederick E. Hitchcock, Jr. to amend special conditions to permit regarding coastal hazards and termination or reauthorization of underlying permit for installation of new mobile home at 1880 N. El Camino Real, Unit Space 80, San Clemente, Orange County. (MA-LB)
  - b. **Permit Amendment No. 5-09-180-A1 (Hitchcock, San Clemente)** Request of Frederick E. Hitchcock, Jr. to amend special conditions to permit regarding coastal hazards and termination or reauthorization of underlying permit for installation of new mobile home at 1880 N. El Camino Real, Unit Space 81, San Clemente, Orange County. (MA-LB)

**Future Meetings:** The next meetings of the Coastal Commission are September 12-14, in Fort Bragg and October 10-12, in San Diego.



## AGENDA CATEGORIES

**ADMINISTRATIVE PERMIT APPLICATIONS.** If a person objects to issuance of an administrative permit or permit conditions, that person is allowed 3 minutes to request removal of the application from the administrative calendar. If four or more Commissioners vote to remove an item from this calendar, the approval is revoked, and the application will be scheduled for action at a later meeting.

**COASTAL PERMIT APPLICATIONS.** The Commission may vote at the conclusion of the public hearing, or it may continue the matter to a subsequent meeting. Time limits are determined by the Chair but generally are 15 minutes combined total time per side. The applicant may reserve some time for rebuttal after the opponents speak.

**CONSENT CALENDAR.** Three minutes will be allowed each side to address the Commission on whether to remove an application from this calendar. It takes 3 or more Commissioners to remove an item from the consent calendar, in which case it will be scheduled for further hearing & action at a later meeting.

**ENFORCEMENT ACTIONS.** Public hearing and action on proposed Cease and Desist Orders, Restoration Orders, Administrative Penalties, and recordation of Notices of Violation.

**FEDERAL CONSISTENCY.** See time limits under COASTAL PERMIT APPLICATIONS above.

**FINDINGS.** Public hearing and vote to approve findings for a previous Commission action. The only issue is whether the findings adequately support the previous Commission action. The hearing is not to reargue the merits of the prior action.

**LOCAL COASTAL PROGRAMS (LCPs).** LCPs consisting of a land use plan and implementation plan are prepared by local governments and provide the standards for issuing coastal permits after approval by the Commission. Copies of LCP reports are available on request from the Commission office. Oral testimony may be limited to 5 minutes or less for each speaker, depending on the number wishing to be heard. Copies of all correspondence will be provided to the Commission.

**NEW APPEALS.** (Note: This agenda item requires an initial determination of whether the appeal raises a "substantial issue" and may **not** include a *de novo* public hearing on the merits of the project.)

When staff recommends "substantial issue," a public hearing on the question will only be held if 3 or more Commissioners ask for it. If three Commissioners do not request a hearing on "substantial issue" the matter automatically proceeds to *de novo* public hearing either at this or a later Commission meeting. If staff recommends "no substantial issue," public testimony will be taken only on the question whether the appeal raises a "substantial issue." Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side.

If the Commission finds "substantial issue" and there is no staff recommendation on the merits of the project, the *de novo* hearing will be scheduled for a subsequent meeting.

**PERMIT AMENDMENTS or EXTENSIONS.** Public hearing and action on requests to amend or extend permits previously issued by the Commission.

**RECONSIDERATIONS.** Public hearing and action to reconsider previous actions.

**VOTING on APPLICATIONS.** Hearing and action on coastal development permits continued from a previous meeting. The time limits are 5 minutes combined total time per side, and the applicant may reserve time for rebuttal.

# ADDENDUM

August 8-10, 2018

## WEDNESDAY, August 8, 2018

### CLOSED SESSION

**CLOSED SESSION.** At a convenient time during the meeting, the Commission (CCC) will have a closed session to discuss items of pending litigation, including:

, Govt. Code § 11126(e)(2)(A)

The Commission is authorized to discuss these matters in a closed session pursuant to Government Code Sections 11126(e)(2)(A) and (2)(C). In addition, the Commission may consider matters which fall under Government Code Section 11126(e)(2)(B) or (2)(C). The Commission may also consider personnel matters which fall under Government Code Section 11126(a).

## FRIDAY, August 10, 2018

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a.

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## FUTURE AGENDA ITEMS

The items listed below may be coming before the Commission during the next few months. Publication of this list is provided for the purpose of facilitating public participation in the Commission's activities and is not required by law. The list's inclusion in this Meeting Notice also does not constitute, nor substitute for any of the notice requirements contained in the Coastal Act and Commission regulations. Also, please be aware that the details of a submittal may change as staff review proceeds, and that not all submittals of potential significance may appear on the listing below.

### ENERGY, OCEAN RESOURCES & FEDERAL CONSISTENCY UNIT

- **Poseidon Huntington Beach Desalination Plant.** Application of Poseidon Water for 50 million gallon/day desalination plant, adjacent to the AES Huntington Beach Power Station
- **Navy Ammunition Pier Replacement, Seal Beach.** Consistency determination by U.S. Navy for replacement of the Seal Beach Ammunition Pier, Seal Beach Naval Weapons Station, Orange County

### NORTH COAST DISTRICT

- **Caltrans Albion River Bridge Geotechnical Survey.** Application of Caltrans to perform geotechnical and seismic surveys involving major vegetation removal, grading, and temporary road construction, to inform rehabilitation or replacement design options of the Highway 1 Albion River Bridge, Mendocino County
- **City of Eureka Elk River Wetland Enhancement Project.** Application of the City of Eureka to restore and enhance 114 acres of estuary and inter-tidal wetland habitat along Elk River, and construct a mile-long extension of the Coastal Trail west of Highway 101, Eureka, Humboldt County

### NORTH CENTRAL COAST DISTRICT

- **Caltrans' Gleason Beach Highway 1 Realignment.** Application by Caltrans to realign Highway 1 inland at Gleason Beach about 5 miles north of Bodega Bay in Sonoma County

### CENTRAL COAST DISTRICT

- **King Ventures Resort ("The Collections").** Appeal of Sand City action approving a 340-room resort in the dunes seaward of Highway 1 in Sand City, Monterey County
- **Carmel Area Wastewater District Plant Upgrades.** Application by Carmel Area Wastewater District to implement a series of improvements and repairs to an existing wastewater treatment plant in the unincorporated Carmel Area of Monterey County

### SOUTH CENTRAL COAST DISTRICT

- **Application 4-14-0687-A2 (County of Santa Barbara).** Application by the County of Santa Barbara to amend permit granted with conditions for authorization of a 1,200 ft. long, 11 ft. high rock revetment and 415 ft. of geotextile cells filled with cobble and earth to include authorization for retention of an as-built 948 ft., 11 ft. high, and 18 ft. wide rock revetment downcoast of the approved 1,200 ft. long rock revetment at Goleta Beach County Park
- **County of Santa Barbara LCP Amendment LCP-4-STB-18-0039-PART C (Cannabis Ordinance).** Request by County of Santa Barbara to amend the certified Implementation Plan to allow for and regulate commercial cannabis activities
- **County of Santa Barbara LCP Amendment LCP-4-STB-18-0039-PART D (O'Neil Project).** Request by County of Santa Barbara to amend the certified Land Use Plan and Implementation Plan to change the land use and zoning designation of a property at 2551 Wallace Avenue in Summerland from Recreation/Open Space to Residential
- **Appeal No. A-4-STB-18-0018 (O'Neil)** Appeal of the County of Santa Barbara Coastal Development Permit for after-the-fact approval of the demolition of a single-family residence, after-the fact approval of the existing and partially-constructed single-family residence, new demolition of the existing and partially constructed single-family residence, and construction of a new single-family residence at 2551 Wallace Avenue in the Summerland area of unincorporated Santa Barbara County

ADDENDUM (Cont'd)

SOUTH COAST DISTRICT

SAN DIEGO DISTRICT

- **UCSD Marine Conservation Facility.** Application of UC San Diego to remodel existing three-story over basement office building, construct two-story addition over existing basement structure, and install elevated patio and event space for university and public functions; create public overlook, on a 3.22-acre bluff top lot, at Biological Grade, San Diego
- **UCSD Marine Conservation Facility.** Application of UC San Diego to remodel existing three-story over basement office building, construct two-story addition over existing basement structure, and install elevated patio and event space for university and public functions; create public overlook, on a 3.22-acre bluff top lot, at Biological Grade, San Diego
- **UCSD Black's Beach Emergency Access Road.** Application of University of California, San Diego to pave an existing emergency access road and construct a 254 ft.-long soldier pile wall along the seaward side of the emergency access road to Black's Beach in La Jolla
- **Port of San Diego Bayside Performance Park.** Request by Port of San Diego to amend its certified Port Master Plan to allow for the construction of a 160,583 sq.ft. performance and event venue, including outdoor stage, acoustic shell, sloped synthetic lawn, and concession facilities, as well as park improvements at Embarcadero Marina Park South in San Diego

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**CALIFORNIA COASTAL COMMISSION**

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



# Th13a

DATE: July 27, 2018

TO: Coastal Commission and Interested Parties

FROM: Steve Hudson, District Director  
Teresa Henry, District Manager  
Charles Posner, Supervisor of Planning  
Mandy Revell, Coastal Program Analyst

SUBJECT: City of Manhattan Beach LCP Amendment No. 1-17 (LCP-5-MNB-17-0024-1 Downtown Specific Plan) for the Commission meeting of August 9, 2018 in Redondo Beach.

---

## SUMMARY OF AMENDMENT REQUEST

The LCP amendment was submitted to the Commission on March 24, 2017. On June 8, 2017, the Executive Director determined that the City's amendment submittal was in proper order and legally adequate to comply with the submittal requirements of Coastal Act Section 30510(b). Pursuant to Section 30512 of the Coastal Act and Section 13522 of the Commission's regulations, an amendment to the certified LCP that modifies both the LUP and IP portions must be scheduled for a public hearing and the Commission must take action within 90 days of a complete submittal. The 90th day after filing the complete submittal was September 6, 2017. Pursuant to Coastal Act Section 30517 and Section 13535(c) of the Commission's regulations, the Commission extended the statutory 90-day time limit for Commission action on the proposed LCP amendment for one year at its July, 2017 meeting. Therefore, the Commission must act upon this application at its August 2018 hearing.

The City of Manhattan Beach is requesting an amendment to the Coastal Land Use Plan (LUP) and Implementation Plan (IP) portions of its certified Local Coastal Program (LCP) to: 1) reconcile uncertified changes made to the Land Use Plan Map and zoning map of the LCP related to the City's 2003 General Plan Update, (that changed the land use designations of 28 properties from Downtown Commercial to High Density Residential and a small sliver of property from Downtown Commercial to Public Facilities); and 2) incorporate a new Downtown Specific Plan (DSP) as a design overlay for the downtown area, all of which is in the coastal zone. The DSP will amend the Land Use Plan text policy statements for the downtown area, amend implementation measures for the downtown area, and amend the zoning map for all parcels within the DSP area. (**Exhibit 7, p. 19**). See Page 2 for a summary of the staff recommendation.

## **SUMMARY OF STAFF RECOMMENDATION**

The major issues raised by this LCP amendment request are: 1) the proposed change in land use designation and zoning of properties currently protected and preserved for commercial visitor-serving uses (“Downtown Commercial”) to a residential designation, 2) the absence of policies to protect and provide for visitor serving and lower cost overnight visitor accommodations throughout the Downtown area, including short-term rentals of single-family residences, 3) the need to address prioritizing preservation of existing overnight visitor accommodations through appropriate policies to address Limited Use Overnight Visitor Accommodations; and 4) the absence of policies addressing hazards, such as sea level rise and adaptation measures to protect coastal resources.

Staff is recommending that the Commission, after public hearing, deny the amendment to the certified LCP as submitted; then certify, only if modified, the amendment to the LCP. The modifications are necessary because, as submitted, the LUP amendments are not adequate to ensure consistency with the applicable Chapter Three policies of the Coastal Act and the IP amendments do not conform to and are inadequate to carry out the certified LUP.

The motions to accomplish the staff recommendation begin on Page 6.

The suggested modifications are found starting on Page 9.

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**EXHIBITS**

- Exhibit 1 – Regional Map
- Exhibit 2 – Manhattan Beach Coastal Zone Land Use Map Certified 1981
- Exhibit 3 –Proposed Coastal Zone Land Use Plan, Land Use Policy Map
- Exhibit 4– Proposed Zoning Designations with Parcels being Re-zoned
- Exhibit 5 – Table 4.2 Land Use Matrix for the Manhattan Beach DSP with Suggested Modifications
- Exhibit 6 – City of Manhattan Beach Ordinance 16-0030
- Exhibit 7 - City of Manhattan Beach Ordinance 16-0031
- Exhibit 8- Incomplete Letters from Coastal Commission regarding LCP Amendment Request  
No. 3-04, dated June 6, 2006 & February 26, 2013.

## **I. OVERVIEW**

### **A. STANDARD OF REVIEW**

The Coastal Act provides:

*The commission shall certify a land use plan, or any amendments thereto, if it finds that a land use plan meets the requirements of, and is in conformity with, the policies of Chapter 3 (commencing with Section 30200)... (Section 30512(c))*

The Coastal Act further provides:

*The local government shall submit to the Commission the zoning ordinances, zoning district maps, and, where necessary, other implementing actions that are required pursuant to this chapter.*

*...The Commission may only reject ordinances, zoning district maps, or other implementing action on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. If the Commission rejects the zoning ordinances, zoning district maps, or other implementing actions, it shall give written notice of the rejection, specifying the provisions of the land use plan with which the rejected zoning ordinances do not conform, or which it finds will not be adequately carried out, together with its reasons for the action taken. (Section 30513)*

Section 13532, Title 14, California Code of Regulations, provides, in relevant part:

*The executive director shall prepare a staff recommendation which shall set forth specific findings, including a statement of facts and legal conclusions as to whether or not the proposed land use plan or LRDP conforms to the requirements of the California Coastal Act of 1976 and of these regulations. The proposed findings shall include any suggested modifications necessary to bring the land use plan or LRDP into compliance with the California Coastal Act of 1976, unless the local government has requested that such modifications not be part of the Commission's action . . .*

Section 13543(c) provides, relevant part:

*The standard of review of the implementing actions shall be the land use plan as certified by the Commission. If the land use plan is conditionally certified subject to local government acceptance of the suggested modifications, the standard of review shall be the conditionally certified land use plan. However, if the local government elects to revise and resubmit the land use plan in a manner different from that set forth in the suggested modifications of the conditioned certification, the Commission's approval of the implementing action shall be void.*

The standard of review that the Commission uses in reviewing the Land Use Plan text changes, as proposed by the City, is whether the changes in conformity with, and meet the requirements



of, the policies of Chapter 3 of the Coastal Act. The standard of review for the proposed amendment to the Implementation Plan/Zoning Ordinance, pursuant to Section 30513 and 30514 of the Coastal Act, is that the proposed amendment is in conformance with, and adequate to carry out, the provisions of the certified, or conditionally certified, Land Use Plan (LUP) portion of the City of Manhattan Beach certified Local Coastal Program.

## **B. PUBLIC PARTICIPATON**

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. With regard to the planning process of the Downtown Specific Plan, the City held six public workshops, working sessions with members of the Advisory Committee, the City Council, and the Planning Commission, and interviews with stakeholder groups with regard to preparing the Downtown Specific Plan. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

## **II. MOTIONS AND RESOLUTIONS - LAND USE PLAN**

### **A. DENY THE LUP AMENDMENT AS SUBMITTED**

**Motion I:** *I move that the Commission **certify** the Land Use Plan Amendment LCP-5-MNB-17-0024-1 as submitted by the City of Manhattan Beach.*

Staff recommends a **NO** vote to the motion. Failure of this motion will result in denial of the land use plan amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

#### **Resolution to Deny as Submitted**

*The Commission hereby denies certification of Land Use Plan Amendment LCP-5-MNB-17-0024-1 as submitted by the City of Manhattan Beach and adopts the findings set forth below on the grounds that the submitted Land Use Plan Amendment does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.*

### **B. CERTIFY THE LUP AMENDMENT WITH SUGGESTED MODIFICATIONS**

**Motion II:** *I move that the Commission **certify** the Land Use Plan Amendment LCP-5-MNB-17-0024-1 submitted by the City of Manhattan Beach if modified as suggested in this staff report.*

Staff recommends a **YES** vote on the motion. Passage of the motion will result in certification of the land use plan amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

#### **Resolution to Certify if Modified**

*The Commission hereby certifies Land Use Plan Amendment LCP-5-MNB-17-0024-1 for the City of Manhattan Beach if modified as suggested on the grounds that the Land Use Plan Amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested below complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.*

### **Procedural Requirements**

Pursuant to Section 13551(b) of the California Code of Regulations, a resolution for submittal must indicate whether the Local Coastal Program amendment will require formal local government adoption after Commission approval, or is an amendment that will take effect automatically upon the Commission's approval pursuant to Public Resources Code Sections 30512, 30513 and 30519. The City's resolution of adoption (Resolution No. 16-0086) states that this LCP amendment will take effect upon Commission certification. However, this certification is subject to the City's incorporation of suggested modifications made by the Commission. Therefore, this LCP amendment will not become effective until the City of Manhattan Beach adopts the suggested modifications and complies with all the requirements of Section 13544.5 and the Commission staff and Commission take the steps outlined in that section, including the requirement that the Executive Director determine the City's adoption of the amendment to the Land Use Plan is legally adequate.

## **III. MOTIONS AND RESOLUTIONS - IMPLEMENTATION PLAN**

### **A. DENY THE IP AMENDMENT AS SUBMITTED**

**Motion I:** *I move that the Commission **reject** the Implementation Plan Amendment LCP-5-MNB-17-0024-1 for the City of Manhattan Beach as submitted.*

Staff recommends a **YES** vote to the motion Passage of this motion will result in rejection of Implementation Program and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

### **Resolution to Deny as Submitted**

*The Commission hereby denies certification of Implementation Plan Amendment LCP-5-MNB-17-0024-1 submitted for the City of Manhattan Beach and adopts the findings set forth below on grounds that the Implementation Plan Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the plan would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures that would substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.*

### **B. CERTIFY THE IP AMENDMENT WITH SUGGESTED MODIFICATIONS**

**Motion II:** *I move that the Commission **certify** the Implementation Plan Amendment LCP-5-MNB-17-0024-1 for the City of Manhattan Beach if modified in accordance with the suggested changes set forth in this staff report.*

Staff recommends a **YES** vote on the motion. Passage of the motion will result in certification of the submitted land use plan amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

**Resolution to Certify if Modified**

*The Commission hereby certifies Implementation Plan Amendment LCP-5-MNB-17-0024-1 for the City of Manhattan Beach and adopts the findings set forth below on the grounds that the Implementation Plan Amendment with suggested modifications conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the plan if modified as suggested below complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment.*

#### IV. 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.

## **V. 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.

## VI. 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; 7) 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; 8) 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 9) 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> . <del>Visitor-oriented uses are limited to low intensity, including</del> 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, 3<sup>rd</sup> 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, 1<sup>st</sup> 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
<del>14. Establish intra-Downtown resident parking system</del>	<del>Consider providing a residential parking permit system that provides residents within the Downtown core, parking privileges in limited areas surrounding their residence.</del>

### 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.

## **VII. FINDINGS FOR DENIAL AS SUBMITTED AND CERTIFICATION OF THE LCP AMENDMENT (LUP/IP) IF MODIFIED AS SUGGESTED**

### **A. Description of the LCP Amendment**

The City is requesting an amendment to certify changes to the City of Manhattan Beach Land Use Plan (LUP) and Local Implementation Plan (LIP) portions of its certified Local Coastal Program (LCP) that resulted from the City's adoption of their 2003 General Plan Update, and to certify their 2016 Downtown Specific Plan that establishes new development standards and guidelines for the Downtown Specific Plan area, which include changes to the Land Use Policy Map, Zoning Map, and text of the LIP as described below.

### **City Setting and Existing Conditions**

Manhattan Beach is a city located 19 miles southwest of the City of Los Angeles on the southerly end of the Santa Monica Bay. Incorporated in 1912, it is part of the County of Los Angeles with a population of 35,135 based on the 2010 census. The City's Coastal Zone extends approximately a third of a mile inland from the shoreline and is highly urbanized. Roughly, the Coastal Zone is the area of the City located seaward of Valley, Manor, and Vista Drives. However, the majority of City land is located outside of the Coastal Zone. Built on a system of sand dunes, the City was constructed at a higher elevation than surrounding coastal cities. The beach is approximately 400 feet wide and 2.1 miles long, which is the City's most prominent feature in the Coastal Zone. Direct vertical access to the beach is provided by the 45 streets and walk-streets running perpendicular to The Strand. The City maintains many access points to the beach, through the utilization of both stairs and bicycle ramps for safe access to beach areas.

### **Relevant LCP History**

The City of Manhattan Beach's Land Use Plan (LUP) was certified by the Commission in June of 1981. From 1992 through 1994, the City adopted and submitted to the Coastal Commission amendments to the LCP LUP which the Coastal Commission partially certified, pending the City's acceptance of suggested modifications to the Coastal Zoning Maps and LUP Policy Map related to designations for the El Porto area, the Metlox site, and the Santa Fe railroad right-of-way, and to certain designation titles, as well as a Coastal Access Map and text amendments to define the City's Coastal Permit jurisdiction as the land inland of the mean high tide line. The City accepted the Commission's suggested modifications, which the Executive Director determined was legally adequate, and the Commission concurred at its May 10-13th meeting in 1994, thus certifying the City of Manhattan Beach LCP. The City began issuing local coastal development permits shortly thereafter.

In 2003, the City adopted a comprehensive General Plan Update, which included a Housing Element and associated amendments to its LUP Map, zoning map and zoning code. These actions resulted in two changes within the Downtown area of the Coastal Zone, which include: 1) a small defined area with 28 properties was re-zoned from Downtown Commercial (CD) to High Density Residential (RH) to reflect current and long-standing land use of those properties and to be consistent with the City's General Plan Housing Element; and 2) a sliver of land north of 13th Street was re-designated from Downtown Commercial (CD) to Public Facilities because of planned construction of a Public Safety Facility. On October 14, 2004, the City submitted to our office a request to amend the City of Manhattan Beach certified Local Coastal Program (LCP). The LCP amendment request, submitted

with City Council Resolution No. 5929 and contained in City Council Ordinance No. 2058, and is comprised of two sets of changes to the coastal zone zoning map (LIP Section A.01.020.B) and an associated change to the Downtown Height Limits Diagram (LIP Section A.16.030.G). In a letter dated October 27, 2004 (attached), our office informed the City that the LCP amendment submittal was incomplete because it did not include the changes to the Manhattan Beach Land Use Policy Map are driving the proposed zone changes. Since no further action was taken and the amendment was not certified, this LCP amendment includes those proposed 2003 changes to the LUP and IP.

### **Ban on Short Term/Vacation Rentals in all Residential Zones**

In December of 2015, the City of Manhattan Beach passed an ordinance prohibiting multi-family and single-family transient uses (also known as Short Term/Vacation Rentals), in all residential zones within the City. According to the City, such land uses were not allowed under the City Zoning code, and “are incompatible with the goals and objectives of the City’s General plan [which] aims to preserve and maintain residential neighborhoods and to protect residential neighborhoods from the intrusion of incompatible and character-changing uses because short-term vacation rentals and other transient uses in residential zones can have a severe negative impact on the character and stability of the residential zones and its residents.” Soon after, the City submitted an LCP amendment for the Commission’s consideration to amend the LCP to certify the ban in all residential zones in the Coastal Zone (LCP-5-MNB-15-0046-1), which was presented within Ordinance No. 15-0010 and Resolution 15-0039. However, the Commission had recently disapproved of similar requests for certification of ordinances that require a complete ban on short-term rentals. Given Commission staff’s inability to recommend to the Commission a complete ban of Short Term/Vacation Rentals (STVRs) in the residential zone of the City’s Coastal Zone, the City withdrew the amendment request on May 11, 2017, and the ban on STVRs in residential zones of the coastal zone was not certified. Therefore, the City’s ordinances prohibiting STVRs do not apply to areas of the City in the Coastal Zone; including within the area covered by the proposed Downtown Specific Plan that is the subject of this amendment to the City’s certified LCP.

### **2003 General Plan Update**

In 2003, the City adopted a General Plan Update with a Housing Element and associated amendments to its zoning map and zoning code, which resulted in two changes within the Downtown area of the Coastal Zone: 1) a defined area including 28 properties were re-zoned from Downtown Commercial (CD) to High-Density Residential (RH) to reflect long-standing and current land uses; and 2) a sliver of land north of 13<sup>th</sup> Street was re-zoned from Downtown Commercial (CD) to Public Facilities (PS) because of the planned construction of a Public Safety Facility which has already been built. In 2004, the City submitted corresponding amendments to the LCP to reflect these changes, however the Coastal Commission deemed the submittal incomplete pending more information regarding the inconsistency of such action (downzoning parcels from a higher priority use (commercial development) to a lower priority use (High Density Residential and Public Facilities) with Chapter 3 Policies of the Coastal Act and the Certified LUP. Since no further action was taken, the portions of the 2003 General Plan Update that affected the coastal zone were not certified. To ensure consistency between the City’s LCP and the City’s adopted General Plan, the City seeks to reconcile these discrepancies and formalize these prior amendments as part of this LCP Amendment which includes replacing the Coastal Zone Zoning Map (Map IV-1, certified in 1981) with the new Coastal Zone Land Use Plan, Land Use Policy Map, adopted by the City in 2004.

### **Proposed Downtown Specific Plan Amendment**

The 2016 Downtown Specific Plan (DSP) is an amendment to both the Coastal Zone Land Use Policy Map of the Land Use Plan (LUP) and the Zoning Code of the Implementation Plan (IP) of the Local Coastal Program (LCP) for the City of Manhattan Beach that will be applicable within the downtown area. The DSP establishes new development standards and guidelines for development within the plan area, and the City proposes to replace the previously certified Coastal Zone Zoning Map with a new color map which is consistent with the certified map, but contains both updated land use designations and the boundary of the DSP Plan Area (D8). The changes to the LUP and IP include the addition of new Land Use Classifications, such as “CD\*” referencing the Downtown Specific Plan as a design overlay for the LIP, and also adds “Mixed Use” as a commercial use requiring a use permit in the downtown commercial zone, which is also newly defined in the IP. Additionally, the DSP allows a 2-foot height increase from 26 feet to 28 feet in Area B for elevator shafts only (**Exhibit 6, pg. 7**), which is consistent with the certified IP.

In addition, two new use classifications that have not been certified by the Commission are also included in the Land Use Matrix for the Manhattan Beach DSP Area, as shown in Table 4.2 of the DSP, which include “Multi-Family Transient Use” and “Single-Family Transient Use”, which the City defines as short-term rentals in multi-family and single family areas. As proposed as part of the DSP, all forms of short-term rentals (both “Multi-Family Transient Use” and “Single-Family Transient Use”) would be prohibited in all zones, *including commercial* and residential (**Exhibit 5**).

The 2016 Downtown Specific Plan is organized into ten different sections: (1) an introduction, (2) existing conditions, (3) vision, (4) land use plan, (5) circulation and parking plan, (6) private realm development standards and design guidelines, (7) public realm design guidelines and improvements, (8) infrastructure and public facilities, (9) implementation, and (10) appendices.

The 2016 Downtown Specific Plan (LUP&IP) provides a framework to preserve the Downtown area’s “quaint, small town character”, and ensure its economic viability. This new framework identifies new regulations, guidelines, and recommendations to support the City’s vision to preserve the Manhattan Beach Downtown Specific Plan Area, and contains an implementation action plan to facilitate these objectives which will serve as both land use plan policies and implementation plan measures in the downtown area. The proposed Downtown Specific Plan functions as a design overlay zone for the downtown area, and identifies specific building types, frontage types, design guidelines, parking strategies (including a residential preferential parking plan), and other physical standards for public and private realm development for the next 25 years. Thus, once certified, the new guidelines of the proposed 2016 Downtown Specific Plan would supersede and replace all previous land use and zoning designations in the downtown area. As proposed, the Downtown Specific Plan would rely upon the municipal zoning regulations for permit processing procedures (e.g, noticing, hearing, appeals, and expiration procedures) and is intended to implement the policies and provisions of the City’s certified Land Use Plan.



## **B. PUBLIC ACCESS AND RECREATION**

The protection, enhancement, and provision of public access and recreation are one of the strongest mandates of the Coastal Act. The proposed LCP amendment raises issues with the following Coastal Act policies:

Section 30210 of the Coastal Act states:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30213 of the Coastal Act states (in relevant part):

*Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Section 30221 of the Coastal Act states:

*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.*

Section 30222 of the Coastal Act states:

*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.*

### **Rejection of the LUP as Submitted and Approval with Suggested Modifications**

The City's LUP was certified in 1981, and it contains some policies for the protection of actual physical public access to the coast, such as maintaining vertical and horizontal access ways, sufficient parking, traffic flow, walk-streets, etc., The LUP amendment submitted by the City is, however, deficient in that it consists of an entirely new plan for development of the downtown area, an area very close to the beach and which attracts visitors to this coastal area, yet the LUP lacks any reference to the Chapter 3 coastal access policies referenced above and does not provide the regulatory framework necessary to allow for the proposed DSP. Specifically, Coastal Act Section 30210 requires that maximum public access and recreational opportunities be provided. This direction to maximize public access to the coast exceeds the threshold of simply providing physical access; it requires that public access be maximized, which includes providing visitor-serving facilities, which include affordable overnight accommodations in the coastal zone to ensure that all people can access the coast and that those from lower socioeconomic backgrounds are not excluded

from accessing the coast. Further, Section 30213 of the Coastal Act provides for the protection and provision of lower cost visitor and recreational facilities. Visitor-serving commercial development is considered a priority use under the Coastal Act.

The following are the only relevant Manhattan Beach LUP Policies Regarding Coastal Access:

***Policy I.A.1.*** *The City shall maintain the existing vertical and horizontal access ways in the Manhattan Beach Coastal Zone.*

***Policy I.A.2.*** *The City shall encourage, maintain, and implement safe and efficient traffic flow patterns to permit sufficient beach and parking access.*

***Policy I.A.3.*** *The City shall encourage pedestrian access systems including the Spider Web park concept (Spider Web park concept: a linear park system linking the Santa Fe railroad right-of-way jogging trail to the beach with a network of walk-streets and public open spaces. See Figure NR-1 of the General Plan).*

***Policy I.A.4.*** *The City shall maintain the use of commercial alleys as secondary pedestrian access ways.*

***Policy I.A.5.*** *The City shall preserve its walk-street resources, shall prohibit non-complying walk-street encroachments, including decks, shall enforce measures to eliminate walk-street noncompliance with existing guidelines and shall provide expedited appeal procedures related thereto.*

The City of Manhattan Beach is a favorable location to provide public amenities that enhance access to the coast and recreational opportunities for the general public. Manhattan Beach is known for its approximately 2 miles of wide, sandy beach, that includes a portion of the California Coastal Trail for pedestrians and bicyclists, and public pier, which includes the newly renovated Roundhouse Aquarium that provides free admission to the public. Pursuant to the public access policies of the Coastal Act and the LCP, the Commission has the responsibility to ensure the priority of visitor-serving uses and public access and to ensure that a range of affordable facilities be provided in new development along the coastline of the State.

As stated above, the City's current LUP does not contain any Chapter 3 policies regarding public access, and contains very few public access policies at all. Thus, the LUP, as it currently exists, does not provide the regulatory framework necessary to allow for the proposed DSP nor to ensure the proposed LUP changes conform to the requirements of Chapter 3 of the Coastal Act. Moreover, the LUP, as proposed to be amended does not include such policies or similar protections for public access and recreation. Thus, the LUP amendment is inconsistent with the applicable Chapter 3 policies of the Coastal Act. The Commission finds, therefore, that the LUP amendment must be rejected as submitted and that modifications are required to LUP Chapter 1 to assure that the City's proposal conforms to the Coastal Act. Accordingly, **Suggested Modifications 2 and 3** modify the LUP to include the appropriate Coastal Act public access policies to ensure that the city's Certified LUP, as amended, is consistent with the Chapter 3 policies of the Coastal Act in order to protect

coastal resources, including public access, public recreation, and to ensure that hazards within coastal areas are adequately addressed for new development in shoreline areas.

### **Downtown Commercial Designation**

The proposed addition of the Coastal Zone Land Use Plan, Land Use Policy Map could potentially raise issues with regard to Coastal Act policies that prioritize visitor-serving commercial and recreational facilities over private residential development. As noted above, the 2003 General Plan changes the land use designation of 28 properties within the City's downtown area from Downtown Commercial (CD) to High-Density Residential (RH), and a small sliver of land along 13<sup>th</sup> Street from Downtown Commercial (CD) to Public Facilities (PS).

The Coastal Act, as well as the City's LUP standards, prioritize certain sites within the City for public access, visitor-serving commercial and recreational opportunities. In particular, the City's Coastal Zone Zoning Map as originally approved in 1981 and as approved with this LCP amendment designates a relatively small percentage of developed parcels (approximately 4 square blocks) within the downtown area as Downtown Commercial ("CD"), and that designation is only found in the Downtown Specific Plan area (See **Exhibit 4**). The CD zoned parcels are supposed to "provide opportunities for residential, commercial, public and semi-public uses that are appropriate for the downtown area, and is intended to accommodate a broad range of community businesses *and to serve beach visitors*" as defined in the LUP (LUP Zoning Ordinance Section A.16.010, emphasis added). These parcels were undoubtedly given this designation in the Certified LUP because they are located in the heart of the downtown area nearest the beach, oriented on either side of Manhattan Beach Blvd., which is the inland extension of the public pier. The CD designated parcels are within walking distance to the public pier and beach, where such commercial businesses could adequately serve beach visitors.

Nevertheless, Commission staff understands the reality that the land use designation changes that occurred with the 2003 General Plan Update simply reflect current and long-standing land uses. The subject 28 properties were occupied with residences prior to the certification of the LCP, and have been utilized as such since the 1920s. In addition, the 2003 General Plan Update rezoned the sliver of land along 13<sup>th</sup> Street (See **Exhibit 4**) from Downtown Commercial to Public Facilities in order to build a public safety facility, which has already been built. Although the re-designation of lands to residential typically raises concerns regarding the loss of higher-priority uses in the coastal zone to lower priority uses, in this case the re-designation is not actually changing the existing pattern of use. Moreover, the lands designated for residential are not located along any of the main thoroughfares or commercial corridors within the downtown area. They are instead located along side streets along the periphery of the commercially-zoned districts, adjacent to other residential areas. Thus, in this particular case, the re-designation of the parcels to residential does not result in the loss of lands that are suitable for commercial development.

In addition to the modifications to the Coastal Zone Land Use Plan, Land Use Policy Map, the DSP amends both the LUP and IP by adding a new "Mixed Use" land use designation to allow for residential uses on the same site as those designated Downtown Commercial with a Use Permit. The "Mixed Use" designation is intended to allow more flexibility in providing more available residential housing combined with commercial uses consistent with the Downtown Commercial (CD) land use designation.

Although the addition of a “Mixed Use” designation and the re-designation of 28 parcels to residential can be found consistent with Chapter 3 in this particular context, the 2016 DSP, which amends both the LUP and IP contains some language that effectively reduces the priority of visitors, visitor-serving facilities, and visitor-serving commercial uses, in the DSP area. For example, the DSP Chapter 4 Goal 3 and Chapter 5 Goal 1 fail to acknowledge that the downtown business area provides amenities for both visitors and residents. And Section 4.4, the DSP does not emphasize the need to promote higher-priority uses, inconsistent with Coastal Act sections 30213, 30221 and 30222 as well as new LUP policies I.A.11 and I.A.12. Therefore, these provisions of the DSP must be rejected as submitted. **Suggested Modifications 12, 13, 18, 19, and 20**, which emphasize that the downtown area provides amenities for visitors and residents alike and encourages addition of higher priority uses are necessary to ensure consistency with the Chapter 3 policies of the Coastal Act and LUP as amended by this staff report. **Suggested Modification 6** similarly protects higher priority uses by modifying the IP to require in most cases that new residential dwelling units in Mixed Use developments to be located above the ground floor with *visitor-serving retail* uses including office, restaurant, retail, and similar nonresidential located on the ground floor (emphasis added). Finally, Table 4.2 of the Downtown Specific Plan has been modified to include “Other Visitor Serving Uses” as permitted by right or by use permit as shown on **Exhibit 5, p. 5** to ensure that visitor serving uses continue to be prioritized uses by the City.

In addition, as proposed, the new Land Use Table in the DSP would allow for new residential development in the commercial (CD) zone. As discussed above, the purpose of the commercial zone is to provide for commercial and visitor-serving land uses which constitute a higher priority land use under the Coastal Act than residential development. Although residential uses are currently allowed in commercial zones under the certified LCP, the Commission finds that the conversion of commercially developed properties in the DSP area (which is an important commercial hub providing visitor-serving uses within the City adjacent to coastal areas) area to lower priority residential uses, would result in potential adverse impacts to visitor-serving public recreational opportunities inconsistent with the public access and recreation policies of the Coastal Act. Therefore, **Suggested Modification 6** is necessary to modify then new proposed Land Use Table in the DSP to provide that new residential development in the designated commercial (CD) zone should be allowed where it would serve to support commercial development. The modification would pertain to new residential development only and existing residential development would be allowed to remain.

Specifically, the modification would also clarify that development in the CD District is intended 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 be designed to 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.

Thus, for the reasons discussed above, this DSP, as submitted, would diminish the visitor-serving potential of the subject sites and the surrounding beachside community, contrary to the Chapter Three policies of the Coastal Act and the LUP, as amended. Therefore, **Suggested Modifications 5, 6, 12, 13, 19 and 20** are necessary to ensure that adequate visitor-serving uses are provided in the Downtown Commercial zone and that the amendments to the LUP are consistent with the Chapter 3 and that the amendments to the IP are in conformity with and adequate to carry out Land Use Plan priorities, including the provision of visitor-serving commercial uses and public access requirements within the “CD” designation.

### **Rejection of the LUP as Submitted and Approval with Suggested Modifications Lower Cost Overnight Visitor Accommodations/Short Term Vacation Rentals**

Section 30213 of the Coastal Act requires that lower cost visitor facilities be protected, encouraged, and, where feasible, provided. Visitor-serving commercial development is considered a priority use under the Coastal Act, and includes overnight accommodations. Pursuant to the public access policies of the Coastal Act, the Commission has the responsibility to ensure that a range of affordable overnight facilities be provided in new development along the coast. The City of Manhattan Beach certified LUP does not contain policies for the protection of lower-cost overnight accommodations. As submitted, the DSP plans for development of the core downtown commercial area without providing protections for this high priority use. Thus, the DSP must be rejected as submitted.

In order to ensure adequate protection of lower cost visitor-serving commercial development, including overnight accommodations, **Suggested Modification 2** adds Policy I.A.10 to the LUP. This policy requires the encouragement, protection, and where feasible, the provision of lower cost visitor and recreational facilities.

In addition, as explained above, the City’s proposed DSP includes a Land Use Matrix that effectively bans short-term rentals (Short Term Vacation Rentals or STVRs) in single-family and multi-family uses in the downtown area, shown in Table 4.2 (**Exhibit 5**).<sup>1</sup> This proposed change to the LUP raises significant issues as to conformity with Chapter 3 public access policies. Encouraging visitor-serving commercial development, including more (and more affordable) overnight lodging opportunities, is an important part of protecting public access to the coast, as required by Sections 30210, 30213, and 30222.

However, Manhattan Beach is the third most expensive beach city in the United States, and a limited stock of overnight lodging and high real estate values contributes to expensive lodging options in the coastal city,<sup>2</sup> thereby resulting in already reduced opportunities for non-residents to access this part of

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<sup>1</sup> The City previously adopted an ordinance that prohibits short-term rentals in all residential zones in the City, but that ordinance was not certified by the Commission and so it does not apply in the coastal zone, including the DSP area.

<sup>2</sup> Although there are a total of 12 hotels in the entire City of Manhattan Beach, only three are located in the coastal zone: The Manhattan Beach Motel (14 rooms), The Sea View Inn (37 rooms), and The Shade Hotel (38 rooms), which is the only hotel located in the proposed DSP area, and the Manhattan beach Motel and The Sea View Inn are located approximately two miles up-coast from the DSP area. These three hotels offer rates ranging from around \$200 to \$450/night, which is not considered affordable based on the statewide average discussed above.

the coast.<sup>3</sup> Given the high price of the limited available lodging options in the DSP area discussed above, short-term rentals (STVRs) of residentially developed properties in Manhattan Beach have provided additional lodging opportunities for budget-conscious visitors to the City, adding to the available stock of overnight accommodations to coastal visitors. However, the DSP Land Use Matrix proposes to prohibit all STVRs in the downtown area, which is zoned to serve beach visitors, will further reduce available lodging opportunities and exacerbate this serious coastal access problem.

In addition, in past actions on LCP amendments for other local jurisdictions, the Commission has found that although short-term rentals can provide an important form of visitor-serving overnight accommodation; the unrestricted conversion of residential properties, particularly properties developed with multi-family rental units, to short-term rentals may result in adverse impacts to housing supply. Specifically, if the trend of converting existing housing and rental stock to short-term rentals continues, the existing character of residential communities would be impacted due to the loss of permanent residents and exacerbate the problem of the lack of affordable housing and long-term rental units available within the area. Thus, it is important that the short term rentals be provided in a manner that balances the protection of long-term work-force housing and rental stock with the provision of overnight accommodations for visitors to an area.

Therefore, the Commission finds, therefore, that the proposed changes to the LUP relating to short-term rentals do not conform to Chapter 3 of the Coastal Act, and that modifications to LUP Chapter 1 are necessary to ensure compliance with the Coastal Act. **Suggested Modifications 3 and 7 and 14** are required to ensure that the City allows short-term rentals in single family residences in residential, commercial, and mixed-use zones, but allow that such uses may be regulated to address any potential adverse impacts of such uses on neighborhoods or coastal resources.

Recently, the City's planning staff has communicated to Commission staff that the City is in the process of considering a new City Ordinance to regulate short-term rentals/STVRs. However, the existing LUP does not include a policy regarding this emerging issue. The specific zones and areas of the City's coastal zone where STVRs will be permitted or not permitted will be addressed with an LCP Amendment, and **Suggested Modification 7** provides for further City regulations on short-term rentals through approval of an LCP Amendment. In order to strike a balance between provision of overnight accommodations for visitors and protection of housing stock, particularly potential rental stock, in the interim, this suggested modification would only change the new proposed Land Use Regulations in the Table 4.2 Land Use Matrix for the DSP Area (**Exhibit 5**), to allow Single Family Transient Uses as a Permitted Use, while allowing the City to prohibit short term rentals on properties that are developed with multi-family structures.

The City has not provided any specific implementation measures in the amendment to assure that lower-cost overnight accommodations are preserved or protected in this part of the coastal zone. The DSP proposes to prohibit short term rentals, or "transient uses" in both single family and multi-family uses, in the downtown area. The LUP, as amended, requires that such uses be protected. Thus, as submitted, the IP is inadequate to carry out the LUP.

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Furthermore, among these three hotels in the coastal zone, they offer a total of 89 rooms, which is not sufficient to serve the millions of people visiting this coastal area each year.

<sup>3</sup> Phillips, Lauren. "The Most Expensive Beach Towns in America." [www.coastalliving.com](http://www.coastalliving.com), July 21, 2018.

Further, as discussed above, there are currently three existing hotels that provide overnight accommodations within the DSP. Conversion of these existing hotels to other lower-priority uses or to even higher-cost hotel facilities would result in new adverse impacts to public access and recreational opportunities along the coast. However, neither the DSP or the certified LCP currently contain policies or provisions adequate to address this issue. Therefore, **Suggested Modification 27** would require the City to develop a detailed program to ensure that lower cost visitor-serving accommodations are protected, encouraged, and where feasible, provided within the DSP Area, consistent with Policy I.A.10 of the certified LUP. 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 DSP.

Therefore, for the reasons outlined above, the Commission finds that only if modified as suggested can the proposed LUP amendment be found to be consistent with Sections 30210, 30213 and 30222 and all the public access and recreation policies of the Coastal Act, and the proposed LUP changes found consistent with the certified LUP provisions as modified related to public access and recreation policies and priority visitor serving uses.

### C. COASTAL HAZARDS AND SHORELINE PROCESSES

In regard to coastal hazards and shoreline processes, Section 30235 of the Coastal Act states:

*Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion, and when designed to eliminate or mitigate adverse impacts on local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible.*

In addition, Section 30253 of the Coastal Act states that 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, geological 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.*
- (c) *Be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Board as to each particular development.*
- (d) *Minimize energy consumption and vehicle miles traveled.*
- (e) *Where appropriate, protect special communities and neighborhoods which, because of their unique characteristics, are popular visitor destination points for recreational uses.*

The LUP amendment creates a new specific plan for the City's downtown district, which is adjacent to the beach and ocean, but the LUP, as submitted, contains no policies regarding coastal hazards.

Sea level rise is an important consideration for the planning and design of projects in coastal settings, such as the City's downtown district. Such changes in sea level will exacerbate the frequency and intensity of wave energy received at shoreline sites, including both storm surge and tsunamis, resulting in accelerated coastal erosion and flooding. There are many useful records of historic sea level change, but no certainty about how these trends will change with possible large increases in atmospheric greenhouse gas emissions and air temperatures. Notwithstanding the uncertainties about future global or local sea levels, guidance on how to address sea level rise in planning and permitting process is evolving as new information on climate change and related oceanic responses become available. Regardless of its particular rate, over time elevated sea level will have a significant influence on the frequency and intensity of coastal flooding and erosion of beaches and shoreline areas. Accordingly, rising sea level must be considered in the City's LUP to assure that full consistency with sections 30235 and 30253 can be attained in the review and approval of new development in shoreline areas.

To date, Commission staff is unaware of any formal sea level rise vulnerability assessment that has been conducted for the City of Manhattan Beach. However, communication between City staff and Commission staff indicates that the City is currently developing local policies regarding the impacts of sea level rise in Manhattan Beach. Commission staff's preliminary evaluation of CoSMoS<sup>4</sup> modeling for the project area of the DSP area indicates that the private and public development nearest the coastline is relatively resilient to sea level rise impacts over the next 100 years due to its high elevation relative to surrounding, low-lying beach cities; however, the best available science indicates that there are many uncertainties when it comes to predicting future sea level rise, including significant uncertainty as to the role that melting ice sheets may play in increasing sea level rise beyond that which is currently predicted for coastal areas. Moreover, shoreline areas are inherently dynamic environments. To ensure compliance with Chapter 3 hazards policies, coastal cities must take into account the risks of rising sea level when planning and designing coastal projects.

Here, the DSP establishes new development standards and guidelines for development in the Manhattan Beach downtown area, an area that is near the shoreline and includes the first row of development adjacent to The Strand between the downtown area and the beach. Sea level rise adaptation is a critical component of planning for development in coastal areas to ensure consistency with sections 30235 and 30253 of the Coastal Act. Although there are reasons to believe this portion of the southern California coastline is less threatened from sea level rise than other coastal cities, as discussed above, there is significant uncertainty as to the actual risks to the downtown area. Because the LUP, as submitted, does not contain any policies related to coastal hazards, the LUP is currently inadequate to address potential risks of sea level rise relevant to the downtown area. Accordingly, it is not in conformity with Chapter 3 and must be denied, as submitted.

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<sup>4</sup> The Coastal Storm Modeling System (CoSMoS) is a dynamic modeling approach that has been developed by the United States Geological Survey in order to allow more detailed predictions of coastal flooding due to both future sea level rise and storms integrated with long-term coastal evolution (i.e., beach changes and cliff/bluff retreat) over large geographic areas (100s of kilometers).  
[https://walrus.wr.usgs.gov/coastal\\_processes/cosmos/](https://walrus.wr.usgs.gov/coastal_processes/cosmos/)



The Commission finds that **Suggested Modification 8**, which includes policies to require consideration of sea level rise in review of coastal development permit applications in hazardous areas is necessary to ensure that the LUP conforms with sections 30235 and 30253 of the Coastal Act. **Suggested Modification 8** includes requirements to use the best available science on sea level rise, to require limits on future shoreline protection devices for new development, and to require that applicants proposing to develop in hazardous areas assume the risk of such development.

Therefore, the proposed LUP Amendment is not in conformity with Chapter 3 of the Coastal Act and must be denied as submitted. The LCP Amendment can be approved only with **Suggested Modification 8**, which modifies the LUP to meet the requirements of the hazards policies of Chapter Three.

## **D. TRANSIT, CIRCULATION AND PARKING**

Section 30250 of the Coastal Act states, in relevant part:

- (a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.*
- (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas.*
- (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

Section 30252 of the Coastal Act states:

*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.*

Section 30253 of the Coastal Act states, in relevant part:

*New development shall: (4) Minimize energy consumption and vehicle miles traveled.*

In addition, the City's certified LUP contains eight transit policies and seventeen parking policies:

***POLICY I.B.1:*** *The City shall encourage transportation service to mitigate excess parking demand and vehicular pollution. All transportation/ congestion management plans and mitigation measures shall protect and encourage public beach access.*

***POLICY I.B.2:*** *The City shall work toward a long-range program to provide a shuttle service to the beach at El Porto to alleviate traffic problems through the narrow streets of the El Porto area.*

***POLICY I.B.3:*** *The City shall encourage pedestrian and bicycle modes as a transportation means to the beach.*

***POLICY I.B.4:*** *The City shall maintain the use of the Santa Fe right-of-way as a non-automobile transportation corridor between the northern city boundary and the intersection of Valley-Ardmore and Manhattan Beach Boulevard, as the closest link to the commercial business district and beach use.*

***POLICY I.B.5:*** *The City shall maintain a pathway to facilitate jogging and pedestrian usage along the Santa Fe right-of-way.*

***POLICY I.B.6:*** *The Strand shall be maintained for non-vehicular beach access.*

***POLICY I.B.7:*** *The City shall provide adequate signing and directional aids so that beachgoers can be directed toward available parking.*

***POLICY I.B.8*** *Consider the establishment of alternative transportation system and park-mall facilities, including a shuttle service to the El Porto beach area.*

***POLICY I.C.1:*** *The City shall maintain and encourage the expansion of commercial district parking facilities necessary to meet demand requirements.*

***POLICY I.C.2:*** *The City shall maximize the opportunities for using available parking for weekend beach use.*

***POLICY I.C.3:*** *The City shall encourage additional off-street parking to be concentrated for efficiency relative to the parking and traffic system.*

***POLICY I.C.4:*** *The City shall ensure that future residential and commercial development provides the parking necessary to meet the standards set forth in Section A.64 of Chapter 2*

*of the Implementation Plan, except that residential parking requirements shall not be reduced for units less than 550 square feet.*

***POLICY I.C.5:*** *The City shall encourage the use of private residential garage spaces for parking rather than storage in order to help mitigate on-street parking pressures.*

***POLICY I.C.6:*** *The City shall require existing residential and commercial buildings to comply with parking standards set forth in Section A.64 of Chapter 2 of the Implementation Plan upon substantial remodeling or expansion, as defined in Sections A.64.020 and A.68.030 of Chapter 2 of the Implementation Plan except that residential parking requirements shall not be reduced for units less than 550 square.*

***POLICY I.C.7:*** *The City shall require, when feasible, that commercial development using on-site ground level parking provide vehicular access from the rear of the lot only, so as not to conflict with pedestrian traffic.*

***POLICY I.C.8:*** *Use of the existing public parking, including, but not limited to, on-street parking, the El Porto beach parking lot, and those parking lots indicated on Exhibit #9, shall be protected to provide public beach parking. The City shall continue the implementation of the residential parking permit program for the El Porto parking lot or ensure that the County continues such efforts if, at some future time, the County assumes operational functions. Any change in the El Porto parking permit program shall not reduce existing public access opportunities, and shall require a coastal development permit.*

***POLICY I.C.9:*** *The City shall ensure continuous public use of the El Porto beach parking lot by participation in a joint maintenance agreement with Los Angeles County and work toward making the lot a City controlled pay-at-the-entrance lot (to help alleviate commuter traffic through the area). Any change in the parking fee system shall not reduce existing public access opportunities, and shall require a coastal development permit.*

***POLICY I.C.10:*** *Concentrate new parking in the Downtown Commercial District to facilitate joint use opportunities (office and weekend beach parking uses).*

***POLICY I.C.11:*** *Maintain the existing public parking system in the vicinity of Valley/Ardmore/Manhattan Beach Boulevard to provide parking out of the downtown area.*

***POLICY I.C.12:*** *Require surface or on-site parking for commercial uses that exceed 1.5 times the area of the lot as prescribed in Section A.16.030 of Chapter 2 of the Implementation Plan.*

***POLICY I.C.13:*** *Require off-street parking for the Highland commercial strip where feasible.*

***POLICY I.C.14:*** *Work toward an attendant supervised pay/City controlled parking program for The Strand parking lot at El Porto.*

***POLICY I.C.15:*** *Continue management of existing parking facilities through enforcement to improve efficiency by keeping on-street spaces available for short-term users and encouraging the long-term parkers to use off-street parking lots.*

***POLICY I.C.16:*** *Improve information management of the off-street parking system through improved signing, graphics and public information maps.*

***POLICY I.C.17:*** *Provide signing and distribution of information for use of the Civic Center parking for beach parking on weekends days.*

The Coastal Act policies cited above address transit and the need to prioritize provision of convenient public transit, and to site and design development, in a manner that facilitates provision of public transit. Major coastal recreational areas should be well served by public transit and easily accessible to pedestrians and bicyclists. Street, sidewalk, bicycle path, and recreational trail networks (including the Coastal Trail, which in this case includes The Strand) should be designed and regulated to encourage walking, bicycling, and transit ridership. Commercial and retail developments should be required to design their facilities to encourage walking, bicycling, transit ridership, and ridesharing.

The peak visitor season tends to be during summertime. During these periods, traffic congestion and inadequate parking can impact public access to the beach. Alternative forms of transit should be available, particularly during these time periods that provide convenient transportation to and along the beach and bay. The DSP contains policies to specifically encourage the provision of alternative forms of transportation, particularly if and when new development creates demand for such service. The DSP contains a Chapter on transportation and circulation: “Chapter 5: Circulation and Parking Plan” which “identifies major circulation features and parking facilities and summarizes planned enhancements to improve multi-modal transportation and parking in the DSP area.”

Proposed strategies within the chapter, and within Appendix 4: Downtown Parking Management Plan Evaluation, include redesigning parking wayfinding signs, utilizing smart parking technologies, maintaining parking enforcement, providing remote parking with a City shuttle service for visitors and customers, locating employee parking in remote locations near the Downtown Area, and creating shared parking opportunities with local businesses to create parking opportunities during business off-hours. In general, these parking management strategies are consistent with the parking policies enumerated in the LUP.

The proposed DSP, however, modifies the LUP to include a policy requiring establishment of an intra-Downtown resident parking system, but does not provide any detail regarding required contents of the parking system. The plan lists an objective to “consider providing a residential parking permit system that provides residents within the Downtown core, parking privileges in limited areas surrounding their residence.” Resident preferential parking systems can reduce available parking in coastal areas and thereby impede coastal access, contrary to Chapter 3 policies. For example, section 30252 of the Coastal Act requires that new development shall “provide adequate parking facilities,” and section 30253 requires that new development must “minimize energy consumption and vehicle miles traveled.” The DSP does not contain any justification or guidance as to how to

implement a resident parking system consistent with the Coastal Act, which would adversely affect public access by reducing the amount of public parking available to beach visitors.

Therefore, the Commission finds that the DSP, as submitted, does not conform to Sections 30250, 30252, and 30253 of the Coastal Act. The Commission finds that removal of the requirement to prepare a resident parking system is required to ensure conformance to the Chapter 3 policies discussed above, and it therefore approves the proposed plan only with **Suggested Modifications 22 and 26**, which remove such requirements from the DSP.

## **VII. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

The California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing CEQA documentation in connection with development of its local coastal program. (Pub. Res. Code § 21080.9; 14 CCR § 15265(a)(1).) The Commission notes that the City made CEQA findings and adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project in association with their December 6, 2016 Resolution approving the Update to the Coastal Land Use Plan.

However, CEQA does apply to the certification of an LCP by the Coastal Commission. (14 CCR § 15265(b).) The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the CEQA process. (14 CCR § 15251(f).) Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare CEQA documentation for certification of an LCP. Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with relevant CEQA provisions, including the requirement in Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternative or feasible mitigation measures available that would substantially lessen any significant adverse impact which the activity may have on the environment. See also, CEQA Guidelines Sections 13542(a), 13540(f), and 13555(b).

As submitted, the City of Manhattan Beach LCP Amendment is not consistent with the hazard, public access, or visitor-serving land use development policies of the Coastal Act. Suggested modifications have been added as described in this staff report. If modified as suggested, no significant adverse impacts to coastal resources will result from the LCP Amendment. If modified as suggested, there are no further feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the amendment may have on the environment. The Commission therefore finds the proposed LCP amendment, if modified as suggested, is consistent with the California Environmental Quality Act.

In addition, any specific impacts associated with individual development projects would be assessed through the environmental review process required by the Coastal Act at that time. Therefore, an individual project's compliance with CEQA is assured at the project-level through Commission review of application for coastal development permits consistent with the Chapter 3 policies of the Coastal Act.

## **CALIFORNIA COASTAL COMMISSION**

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



# **Th13a**

## **CITY OF MANHATTAN BEACH**

### **LCP AMENDMENT NO. 1-17**

### **LCP-5-MNB-17-0024-1**

## **DOWNTOWN SPECIFIC PLAN**

**AUGUST 9, 2018**

## **EXHIBITS**

### Table of Contents

Exhibit 1 – Regional Map

Exhibit 2 – Manhattan Beach Coastal Zone Land Use Map Certified 1981

Exhibit 3 – Proposed Coastal Zone Land Use Plan, Land Use Policy Map

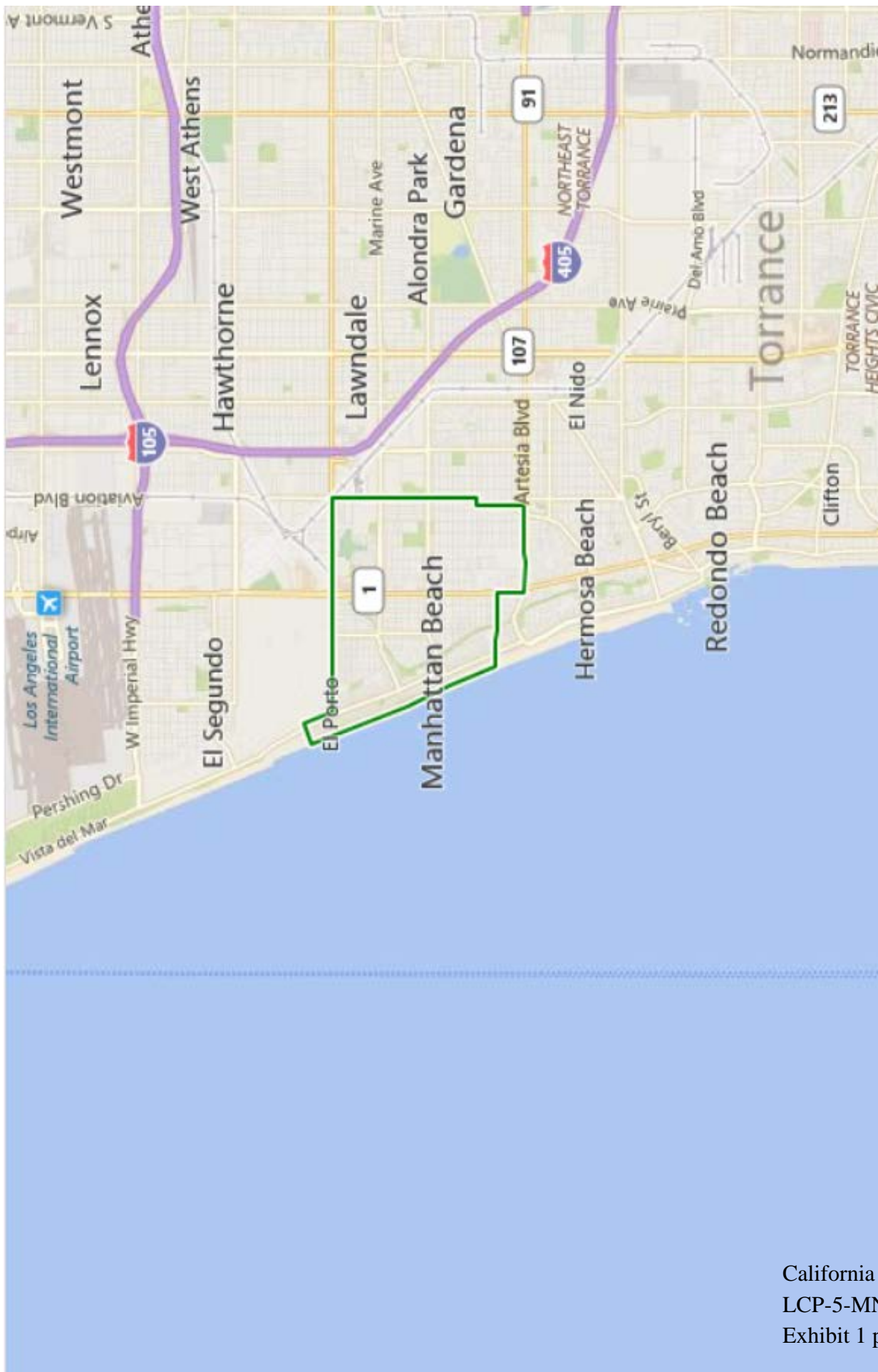
Exhibit 4– Proposed Zoning Designations with Parcels being Re-zoned

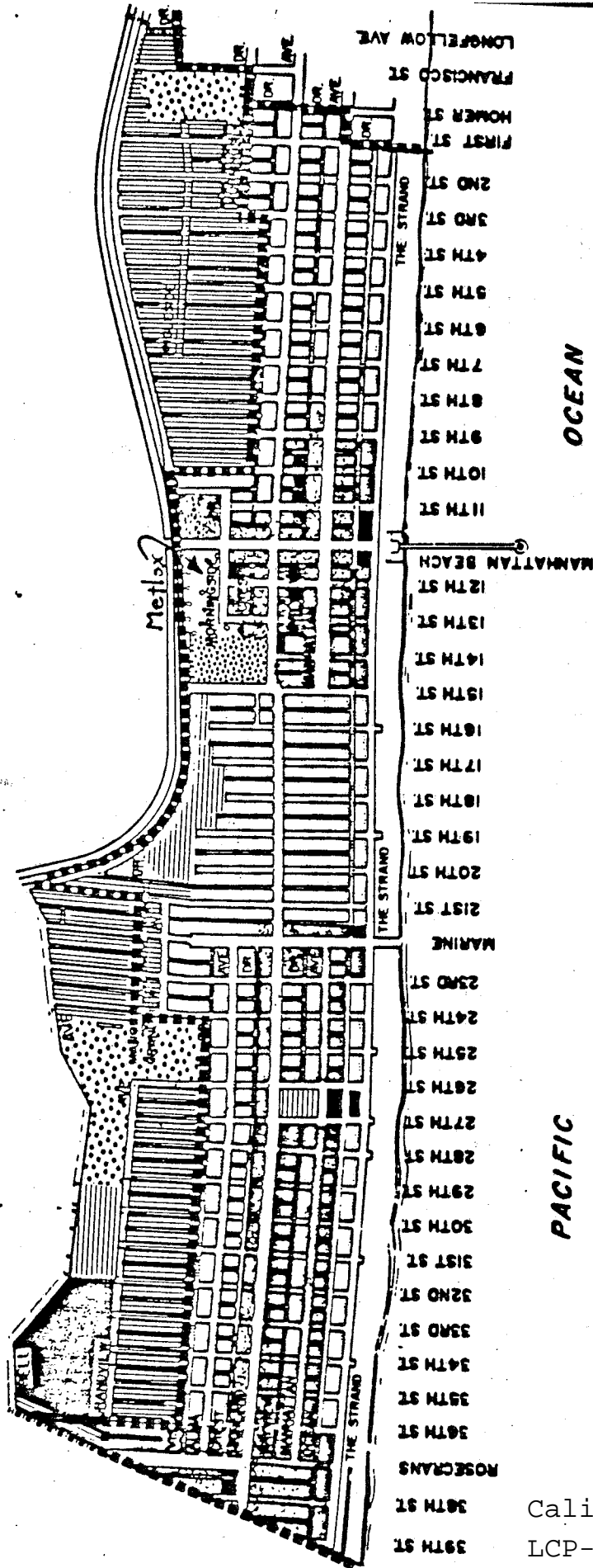
Exhibit 5 – Table 4.2 Land Use Matrix for the Manhattan Beach DSP with  
Suggested Modifications

Exhibit 6 – City of Manhattan Beach Ordinance 16-0030

Exhibit 7 – City of Manhattan Beach Ordinance 16-0031

Exhibit 8 – Incomplete Letters from CCC regarding LCP Amendment Request  
No. 3-04, dated June 6, 2006 & February 26, 2013.





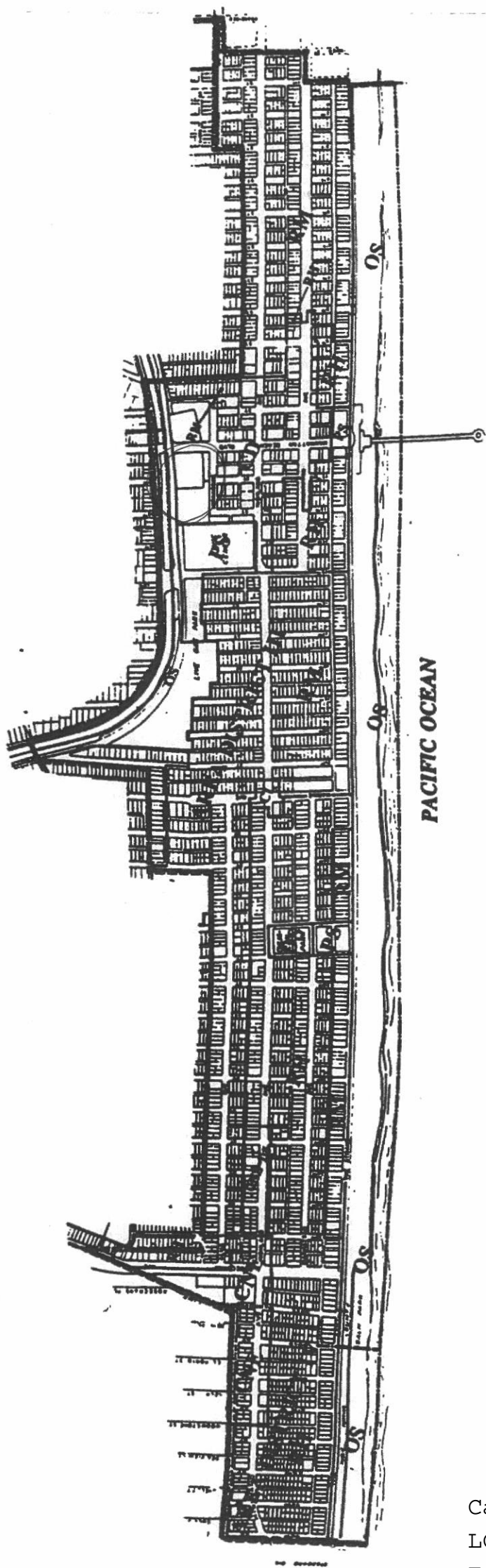
## Manhattan Beach Coastal Zone Land Use

- single family
- low to medium density
- medium to high density
- commercial
- manufacturing
- civic center
- open space recreation
- public facilities (including parking)
- schools

California Coastal Commission  
LCP-5-MB-11-0024-1

Certified by the California Coastal Commission on June 18, 1981.  
(see Exhibit #5 for the EL Porto area)





**Legend**

== Coastal Zone Boundaries

**Zoning Designations:**

**Residential**

RM - Residential Medium Density  
RH - Residential High Density

**Commercial Districts**

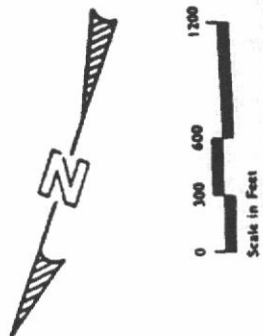
CD - Downtown Commercial  
CL - Local Commercial  
CNE - North End Commercial

**Other Districts**

OS - Open Space  
PS - Public and Semi-Public

**Overlay Districts**

D5 - Design Review - North End Commercial

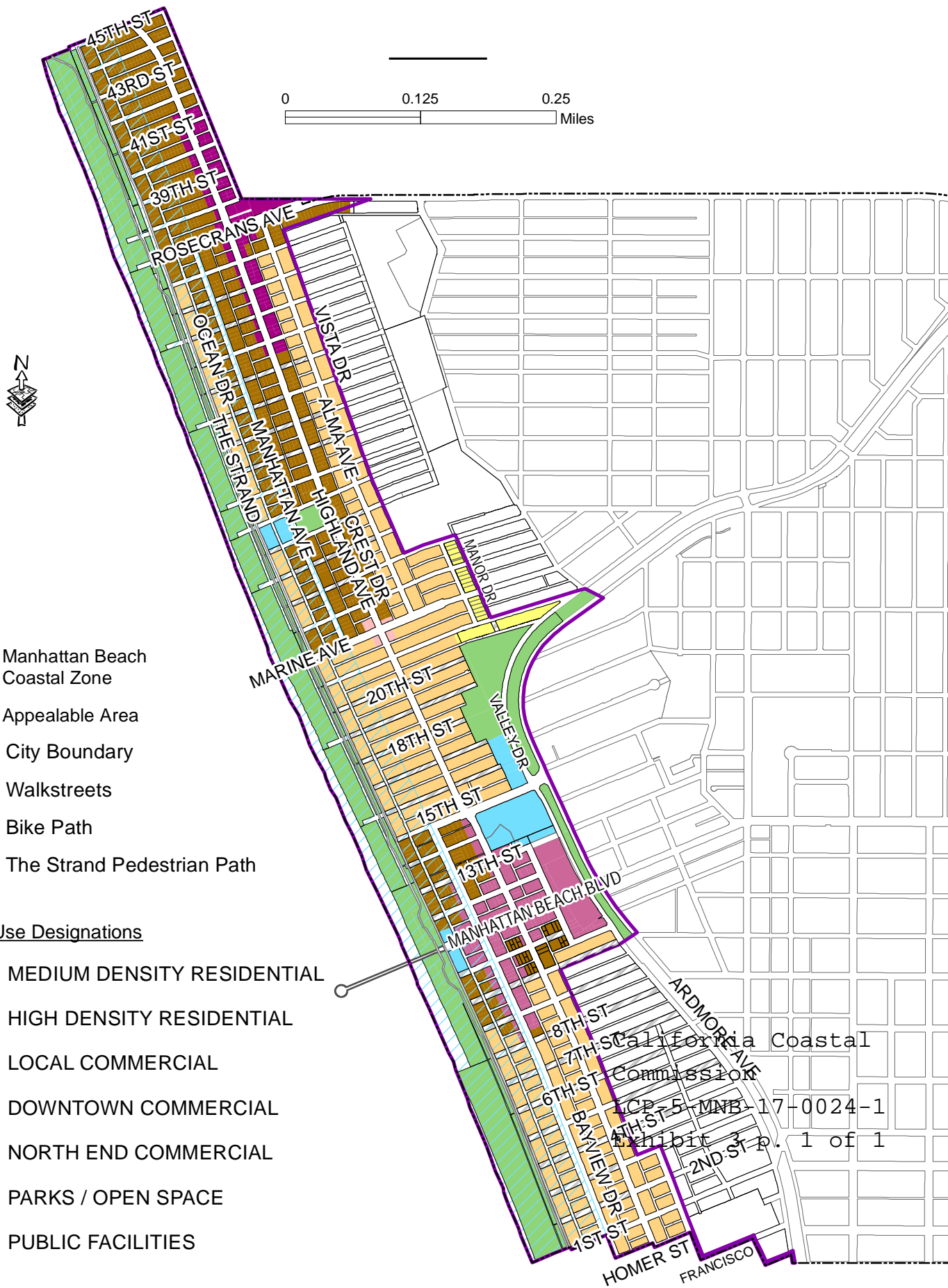


**Map IV-1**  
**Manhattan Beach Coastal Zone Zoning Map**  
**City of Manhattan Beach Local Coastal Plan**

Source: City of Manhattan Beach, 1994

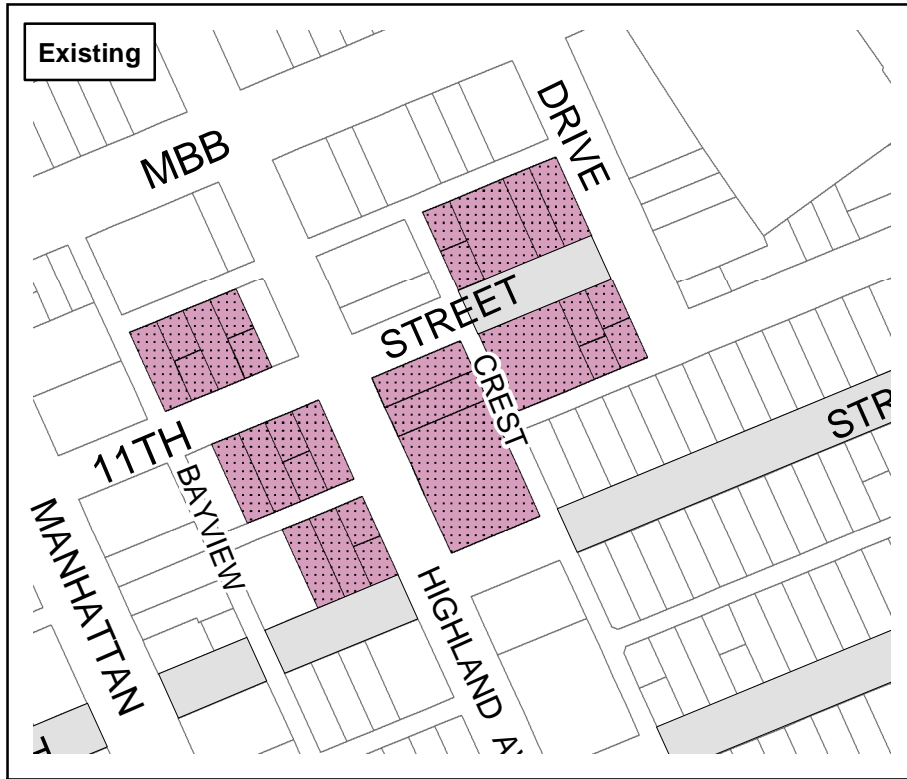
# Exhibit A

## Coastal Zone Land Use Plan, Land Use Policy Map



# City of Manhattan Beach

## Local Coastal Program, Coastal Zone Zoning Map

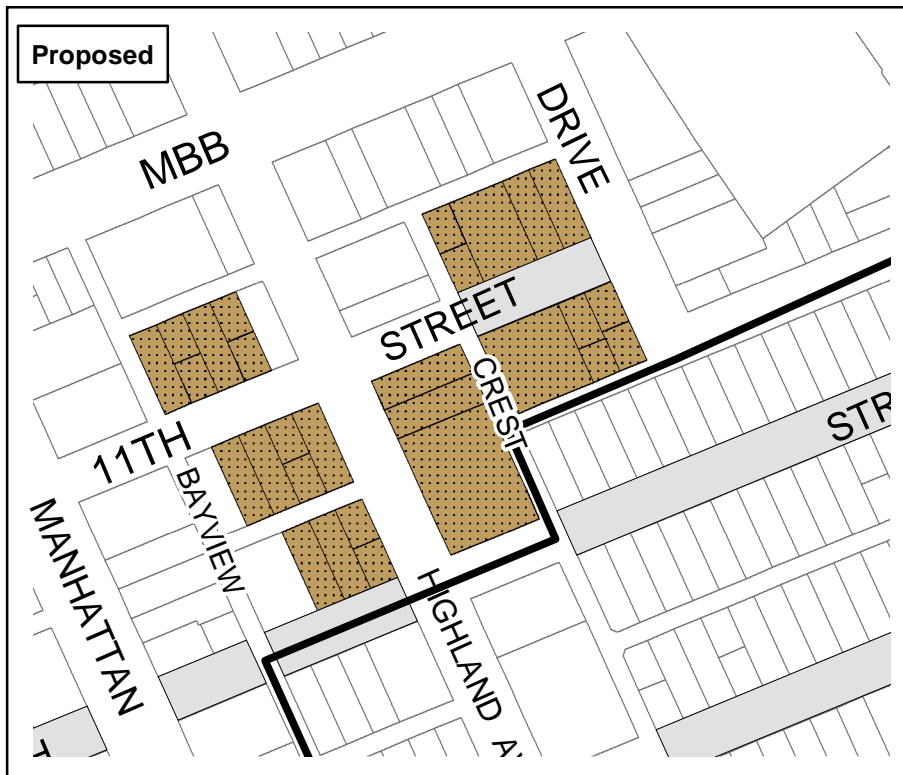


### Existing Zoning Designations

**CD** Downtown Commercial

 Subject Properties

 Downtown Specific Plan Area



### Proposed Zoning Designations

**RH** Residential High Density

### Location within MB



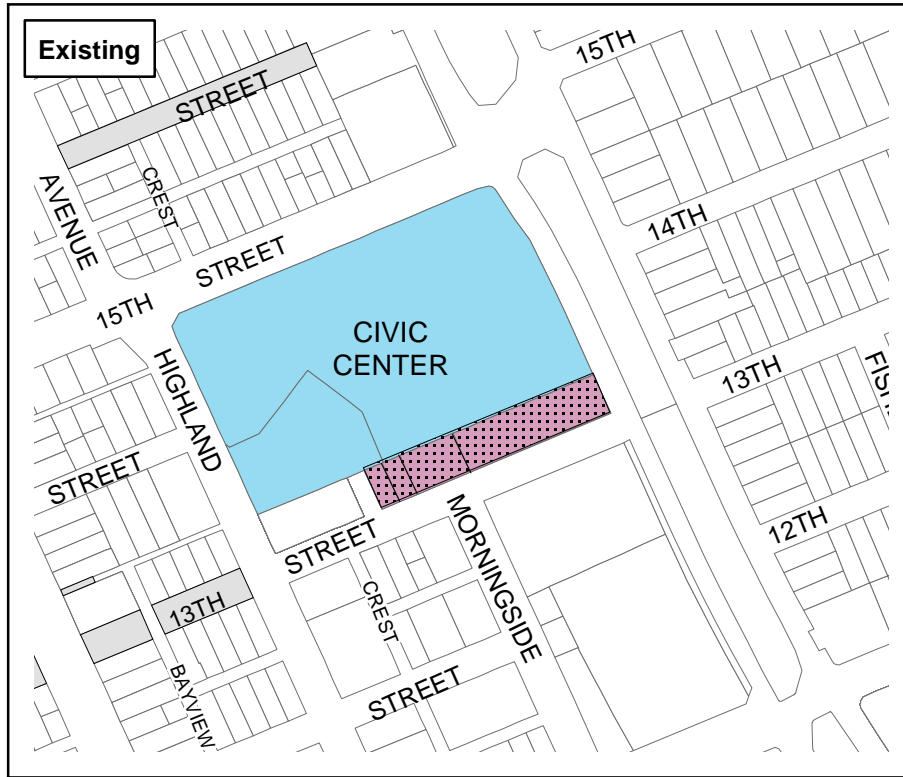
California Coastal Commission  
LCP-5-MNB-17-0024-1

Exhibit 4 p. 1 of 2

1 inch = 200 feet

# City of Manhattan Beach


## Local Coastal Program, Coastal Zone Zoning Map

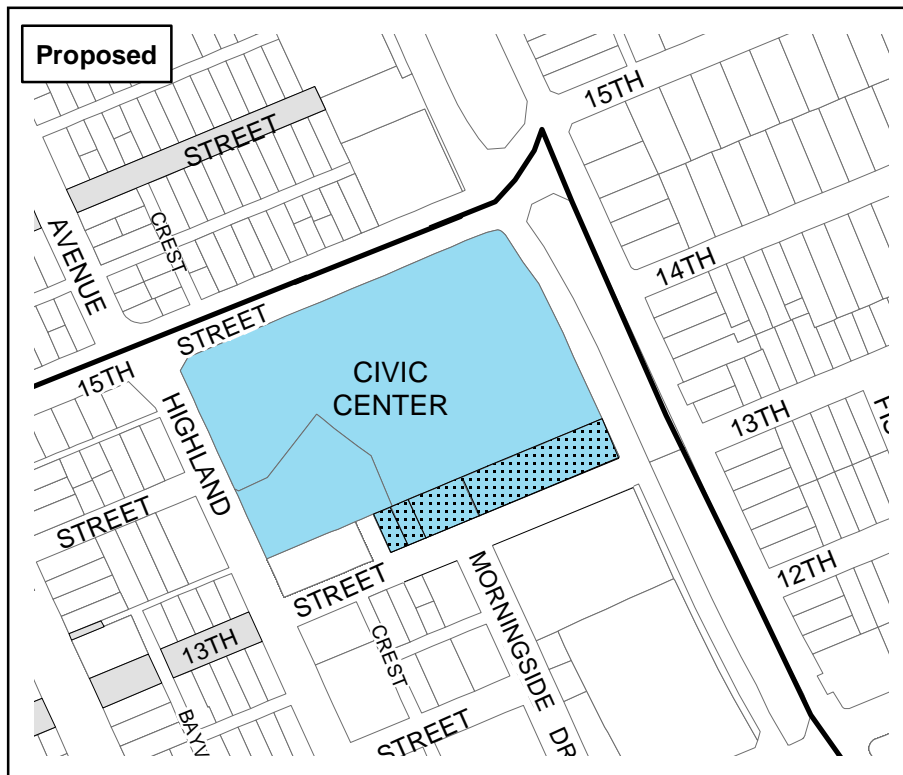


### Existing Zoning Designations

**CD** Downtown Commercial

 Subject Properties

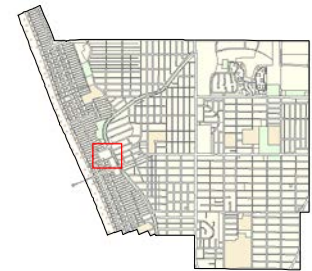
 Downtown Specific Plan Area



### Proposed Zoning Designations

**PS** Public and Semi-Public

### Location within MB



1 inch = 300 feet

California Coastal Commission

LCP-5-MNB-17-0024-1

Exhibit 4 p. 2 of 2



Table 4.2: Land Use Matrix for the Manhattan Beach Downtown Specific Plan Area

USE	CD	RH	PS	OS	Additional Regulations
RESIDENTIAL USES					See MBMC Chapter 10.52 Each single-family residential and multi-family residential dwelling unit may only be occupied by a single housekeeping unit as defined in MBMC Section 10.04.03O, except as provided in Section 10.08.03O
Day Care, Small Family Home	U	P	-	-	See MBMC Section 10.12.02O P.
Day Care, Large Family Home	L	L	-	-	See MBMC Section 10.12.02O (L22), P.
Group Residential	-	U	-	-	
Multi-Family Residential					See MBMC Section 10.12.02O I, J.
• Multi-Family Transient Use	-	-	-	-	
• 2 condominiums	U	P	-	-	See MBMC Section 10.12.02O C and P. See MBMC Chapter 10.84.
• 3 to 5 condominiums	U	U	-	-	See MBMC Section 10.12.02O B, C and P. See MBMC Chapter 10.84.
• 5 or fewer rental units	U	P	-	-	See MBMC Section 10.12.02O C and P.
• 6 or more units (rental or condominium)	U	L* (PDP/SDP)	-	-	See MBMC Section 10.12.02O B, C, O and P. See MBMC Chapter 10.84.
• Conversion of 2 rental units to condominiums	U	P	-	-	See MBMC Chapters 10.84 and 10.88. See MBMC Section 10.12.02O B, C and P.
• Conversion of rental unit to condominium, 3 or more	U	U	-	-	See MBMC Chapters 10.84 and 10.88. See MBMC Section 10.12.02O B, C and P.
• Senior Citizen Housing	U	U	-	-	Require alternative parking plan. See MBMC Section 10.12.02O (L.). See MBMC Chapter 10.94 for Affordable Housing Density Bonus and Incentive Program.
• Residential Care, Limited	P	-	-	-	
Single-Family Residential	U	P	-	-	See MBMC Section 10.12.02O I, J.
Single-Family Transient Use	<u>P</u>	<u>P</u>	-	-	

Use regulations in Table 4.2 are shown using the following symbols:

P – land use permitted by right

U – land use allowed with the approval of a Use Permit

L – land use allowed in a limited manner if additional regulations are met

PDP – land use requires the adoption of a Precise Development Plan

SDP – land use requires the approval of a Site Development Plan

TUP – land use temporarily allowed with a Temporary Use Permit

- – land use not allowed

USE	CD	RH	PS	OS	Additional Regulations
PUBLIC AND SEMI-PUBLIC USES					For CD designation, facilities on sites of 2 acres or more are subject to the regulations of Chapter 10.28, PS District.
Clubs and Lodges	U	U*	-	-	*Only neighborhood-oriented uses occupying less than 2,500 sf.
Cultural Institutions	U	-	U	-	
Day Care, General	U	-	U	-	See MBMC Section 10.12.030 C.
Emergency Health Care	U	-	-	-	
Emergency Shelters	-	-	P	-	See MBMC Section 10.56.080.
Farmers' Market	P	-	U	-	
Government Offices	P	-	P/U*	-	*City-owned facilities are permitted; all other facilities require a use permit.
Hospitals	-	-	U	-	
Maintenance and Service Facilities	-	-	P/U*	-	*City-owned facilities are permitted; all other facilities require a use permit.
Park & Recreation Facilities	P	P/U*	P/U**	P	*Public facilities permitted, but a use permit is required for private noncommercial facilities, including swim clubs and tennis clubs **City-owned facilities are permitted; all other facilities require a use permit.
Public Safety Facilities	U	U	P/U*	U	*City-owned facilities are permitted; all other facilities require a use permit.
Religious Assembly	-	L*	L**	-	*See MBMC Section 10.12.020 L-3. **See MBMC Section 10.28.030 L-20.
Residential Care, General	-	U	U	-	The minimum site area shall be twelve thousand (12,000) square feet. See MBMC Section 10.12.030 C.
Schools, Public or Private	-	U	U	-	The minimum site area shall be twelve thousand (12,000) square feet. See MBMC Section 10.12.030 C.
Utilities, Major	U	U	U	U	
Utilities, Minor	P	P	P	P	

USE	CD	RH	PS	OS	Additional Regulations
COMMERCIAL USES					Use permit required for single use or tenant project over 5,000 sf of buildable floor area or 10,000 sf of land area. Master use permit required for a multiple use or tenant project over 5,000 sf of buildable floor area or 10,000 sf of land area. For valid discretionary permits approved prior to January 17, 1991, see MBMC Section 10.16.020 K.
Alcohol Consumption and/or Sales, New or Modification to Existing Alcohol License	U	-	U	U	
Animal Grooming	P	-	-	-	
Animals: Retail Sales	P	-	-	-	
Animals: Veterinary Services	P	-	-	-	(A)
Artists' Studios	P	-	-	-	
Banks, Credit Unions, and Savings & Loans	P/U	-	-	-	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.
• With Drive-Up Service	U	-	-	-	
Catering Services	P/U	-	-	-	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.
Commercial Filming	U	-	-	-	
Commercial Recreation and Entertainment	U*	-	-	U**	*Only "limited" or "small-scale" facilities are allowed with a use permit, as defined in MBMC Section 10.08.050. **Allowed with a use permit only as an ancillary use operated by a non-profit organization approved by the City Council that is compatible with and part of a park or recreational facility, except on the Strand, where no such use is permitted.
Communication Facilities	L	-	-	-	Permitted above ground floor.

USE	CD	RH	PS	OS	Additional Regulations
Eating and Drinking Establishments	U	-	P*	U**	*Permitted as an accessory use in a cultural, educational, hospital, or medical institution occupying no more than five thousand (5,000) square feet, only if there is no separate entrance or sign. **Allowed with a use permit only as an ancillary use operated by a non-profit organization approved by the City Council that is compatible with and part of a park or recreational facility, except on the Strand, where no such use is permitted. Also, see MBMC Section 10.12.020 E.
• With Fast-Food or Take-Out Service	L***	-	L	L	***Only "limited" or "small-scale" facilities are allowed with a use permit as defined in MBMC Section 10.08.050. Also, see MBMC Section 10.12.020 E.  Second-floor outdoor dining on private property is a prohibited use. Outdoor dining on balconies projecting over the public right-of-way is also prohibited and cannot be approved by the City Council, superseding MBMC 07.36.170. Sidewalk dining is allowed with a sidewalk dining encroachment permit per MBMC 07.36.160.
Food and Beverage Sales	P/U	-	-	-	Use permit required if operating between 10:30 p.m. and 6 a.m.
Live/Work	U	-	-	-	(B)
Maintenance and Repair Services	P	-	-	-	
Offices, Business and Professional	P/U*	-	U**	-	*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. A use permit is required for any office with more than 2,500 square feet of Buildable Floor Area, regardless of the office's location. ** See MBMC Section 10.28.030 L-18.
Optometrist	P	-	-	-	(C)
Personal Improvement Services	P	-	-	-	
Personal Services	P	-	-	-	



USE	CD	RH	PS	OS	Additional Regulations
Retail Sales	P/U	-	-	-	Use permit is required for a single retail use or retail tenant with more than 1,600 square feet of sales floor area <sup>1</sup> .
Secondhand Appliances/ Clothing	U	-	-	-	
Swap Meets, Recurring Travel Services	P	-	-	-	
Vehicle Equipment/ Sales & Services					
• Commercial Parking	U	-	P/U*	P/U*	*Public parking permitted, but commercial parking facilities on City-owned land require a use permit.
Visitor Accommodations (Hotels, Motels, and Time Shares)	<u>P</u> <u>U</u>	-	-	-	
<u>Other Visitor Serving Uses</u>	<u>P/U</u>				<u>Use permit is required for a single use or tenant with more than 1,600 square feet of sales floor area<sup>1</sup>.</u>
INDUSTRIAL USES					Use permit required for single use or tenant project over 5,000 sf of buildable floor area or 10,000 sf of land area. Master use permit required for a multiple use or tenant project over 5,000 sf of buildable floor area or 10,000 sf of land area.
Industry, Custom	U	-	-	-	Only “limited” or “small-scale” facilities are allowed with a use permit as defined in MBMC Section 10.08.050.
ACCESSORY USES					
Accessory Uses and Structures	P/U	P/U	P/U	P/U*	See MBMC Section 10.52.050, Accessory Structures. *Limited to facilities incidental to an open space use.
Home Occupation	-	P	-	-	See MBMC Section 10.52.070, Home Occupation in Residential Districts.
TEMPORARY USES					
Animal Shows	-	-	TUP	TUP	See MBMC Section 10.84.110, Temporary Use Permits.
Christmas Tree Sales/ Pumpkin Sales	P	-	P	-	See MBMC Section 10.84.110, Temporary Use Permits.
Circus and Carnivals	TUP	-	TUP	TUP	See MBMC Section 10.84.110, Temporary Use Permits.
Commercial Filming, Limited	TUP	TUP	TUP	TUP	See MBMC Section 10.84.110, Temporary Use Permits.
Food Truck Sales	-	-	TUP	-	See MBMC Section 10.84.110, Temporary Use Permits.

Marketing/Sales Office	-	TUP	-	-	See MBMC Section 10.84.110, Temporary Use Permits.
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USE	CD	RH	PS	OS	Additional Regulations
New Year's Eve Extended Hours	TUP	-	-	-	See MBMC Section 10.84.110, Temporary Use Permits. Certain commercial businesses, such as eating and drinking establishments and visitor accommodations, with use permits and other discretionary zoning approvals that limit the hours of operation may operate for extended hours for New Year's Eve as designated in MBMC Section 6.01.330.
Garage or Lawn Sales	-	L	-	-	Administrative permit required. See MBMC Section 6.08.020.
Real Estate Sales	P	-	-	-	
Retail Sales, Outdoor	P	-	-	-	
Street Fairs	TUP	TUP	-	-	See MBMC Section 10.84.110, Temporary Use Permits.
Trade Fairs	-	-	TUP	-	See MBMC Section 10.84.110, Temporary Use Permits.
OTHER USES					
Mixed-Use	<u>U</u>	-	-	-	
NONCONFORMING USES					See MBMC Chapter 10.68, Nonconforming Uses and Structures.

## ORDINANCE NO. 16-0030

### **AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING THE LOCAL COASTAL PROGRAM'S LAND USE POLICY AND ZONING MAPS AND IMPLEMENTING ORDINANCE SECTION A.16.030(G) TO RECONCILE DESIGNATION NOMENCLATURE AND MAP INCONSISTENCIES**

#### RECITALS

1. In 1981, the California Coastal Commission ("Coastal Commission") certified the Local Coastal Program ("LCP") for the City of Manhattan Beach ("City"). From 1992 through 1994, the City adopted and submitted to the Coastal Commission amendments to the LCP Land Use Plan ("LUP"), which the Coastal Commission partially certified. The Coastal Commission requested modifications to the Coastal Zoning Maps and Land Use Policy Map related to designations for the El Porto area, the Metlox site, and the Santa Fe railroad right-of-way, and to certain designation titles, as well as a Coastal Access Map and text amendments to define the Local Coastal Permit jurisdiction on the west side as the mean high tide line. Although the City incorporated the requested map modifications into its LCP, the City did not submit them or the text amendments back to the Coastal Commission for formal certification and they were thus not formally incorporated into the LCP.
2. In 2003, the City adopted a General Plan Update with a Housing Element and associated amendments to its zoning map and zoning code. These actions resulted in two changes within the Downtown area of the Coastal Zone.
  - A small defined area with 28 properties was re-designated from Downtown Commercial (CD) to High-Density Residential (RH) to: (i) reflect the current and long-standing use of the 28 properties and (ii) to be consistent with the General Plan's Housing Element.
  - A sliver of land north of 13th Street was re-designated from Downtown Commercial to Public Facilities because of planned construction of a Public Safety Facility.

In 2004, the City adopted and submitted corresponding amendments to the LCP Implementation Plan ("LIP") to reflect the revised designations in the Coastal Zone Zoning Map and the designation boundaries in the Downtown Height Limits Diagram accompanying section A.16.030(G). Although the City also adopted corresponding amendments to the LUP's Land Use Policy Map, those changes were not submitted to the Coastal Commission and the Coastal Commission deemed the submittal incomplete. Because no further action was taken, these amendments were not certified.

3. In accordance with the City's prior submittals and the Coastal Commission's requests in 1994 and 2004, the City desires to reconcile designation nomenclature and resolve

inconsistencies between the City's LCP and the City's adopted General Plan, zoning map, and zoning code. These LCP amendments correct the prior procedural deficiencies and are consistent with long-standing and actual land uses. As such, they do not change actual land uses or land use policies in the Coastal Zone. Instead, they merely reconcile inconsistencies and formalize prior amendments.

NOW THEREFORE, THE MANHATTAN BEACH CITY COUNCIL HEREBY FINDS AND ORDAINS AS FOLLOWS:

SECTION 1. On December 6, 2016, the City Council held a duly noticed public hearing to consider amendments to the LCP's Land Use Policy Map and zoning maps and to LIP Zoning Ordinance Section A.16.030(g) to reconcile designation nomenclature and map inconsistencies. After a duly noticed public hearing held on October 26, 2016, the Planning Commission recommended by Resolution No. PC 16-08 that the City Council adopt these LCP amendments.

SECTION 2. CEQA. In accordance with the California Environmental Quality Act ("CEQA"), the City prepared an Initial Study/Mitigated Negative Declaration ("MND"), which analyzed the Downtown Specific Plan and amendments to the General Plan, zoning map, zoning code, and Local Coastal Program, including the amendments herein ("Project). By Resolution No. 16-0075, the City Council made CEQA findings and adopted the MND and Mitigation Monitoring and Reporting Program for the Project. The CEQA findings and MND adoption in Resolution No. 16-0075 are incorporated hereto as if set forth in full. In addition, pursuant to Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City necessary for the preparation and adoption of an LCP amendment. The proposed action is an amendment to the City's LCP, which must be certified by the Coastal Commission before it takes effect.

SECTION 3. The proposed LCP amendments are consistent with the General Plan because they resolve the LCP's existing inconsistencies with the City's land use designations and existing conditions in the Downtown area.

SECTION 4. The City Council hereby replaces the Coastal Zone Land Use Plan, Land Use Policy Map with the map attached as **Exhibit A**.

SECTION 5. The City Council hereby adopts the Coastal Zone Access Map attached as **Exhibit B**.

SECTION 6. The City Council hereby replaces the Coastal Zone Zoning Map, which was adopted by Ordinance No. 1899 and is referenced in LIP Zoning Ordinance Section A.01.020(B), with the map attached as **Exhibit C** to be located after page IV-2 of the Coastal Zone Land Use Plan.

SECTION 7. The City Council hereby replaces the Downtown Commercial District Height Limits Diagram in LIP Zoning Ordinance, Chapter A.16, Section A.16.030(G) with the diagram attached as **Exhibit D**.

California Coastal Commission  
LCP-5-MNB-17-0024-1  
Exhibit 6 p. 2 of 7

SECTION 8. The City Council hereby amends the Local Coastal Program Phase II Land Use Plan Amendment, January 1994, Section I, Executive Summary, Coastal Zone, to revise the third paragraph on page I-2 to read as follows:

**“Coastal Zone**

The City’s Local Coastal Permit Jurisdiction is within the City of Manhattan Beach coastal zone. The east Manhattan Beach coastal zone boundary, for the most part, is the dividing line between the RS and RM zoned properties in the beach area. The north and south boundaries are city limit lines, and the west boundary is the mean high tide line of the Pacific Ocean. (See Map I-1) The coastal zone is divided into three statistical areas (Map I-2): Area A, which is the area north of Manhattan Beach Boulevard; Area B is the neighborhood south of Manhattan Beach Boulevard; and then the El Porto area, which is north of area A, annexed to the City after the original certification of this Plan. Area A is also a subsection of census tract 6203.02, and coastal area B is a subsection of census tract 6209.02. The El Porto area is within census tract 6202. It must be kept in mind therefore that the coastal zone statistics are extrapolations of the greater census tracts in which they are contained. (Area divisions are delineated on Map I-2). The revised Table I-1 delineates coastal zone housing and population statistics which gives a brief overview of Manhattan Beach coastal zone specifics.”

SECTION 9. 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.

PASSED, APPROVED and ADOPTED by the Manhattan Beach City Council on December 6, 2016.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

---

David Lesser  
MAYOR PRO TEM

ATTEST:

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Liza Tamura  
CITY CLERK

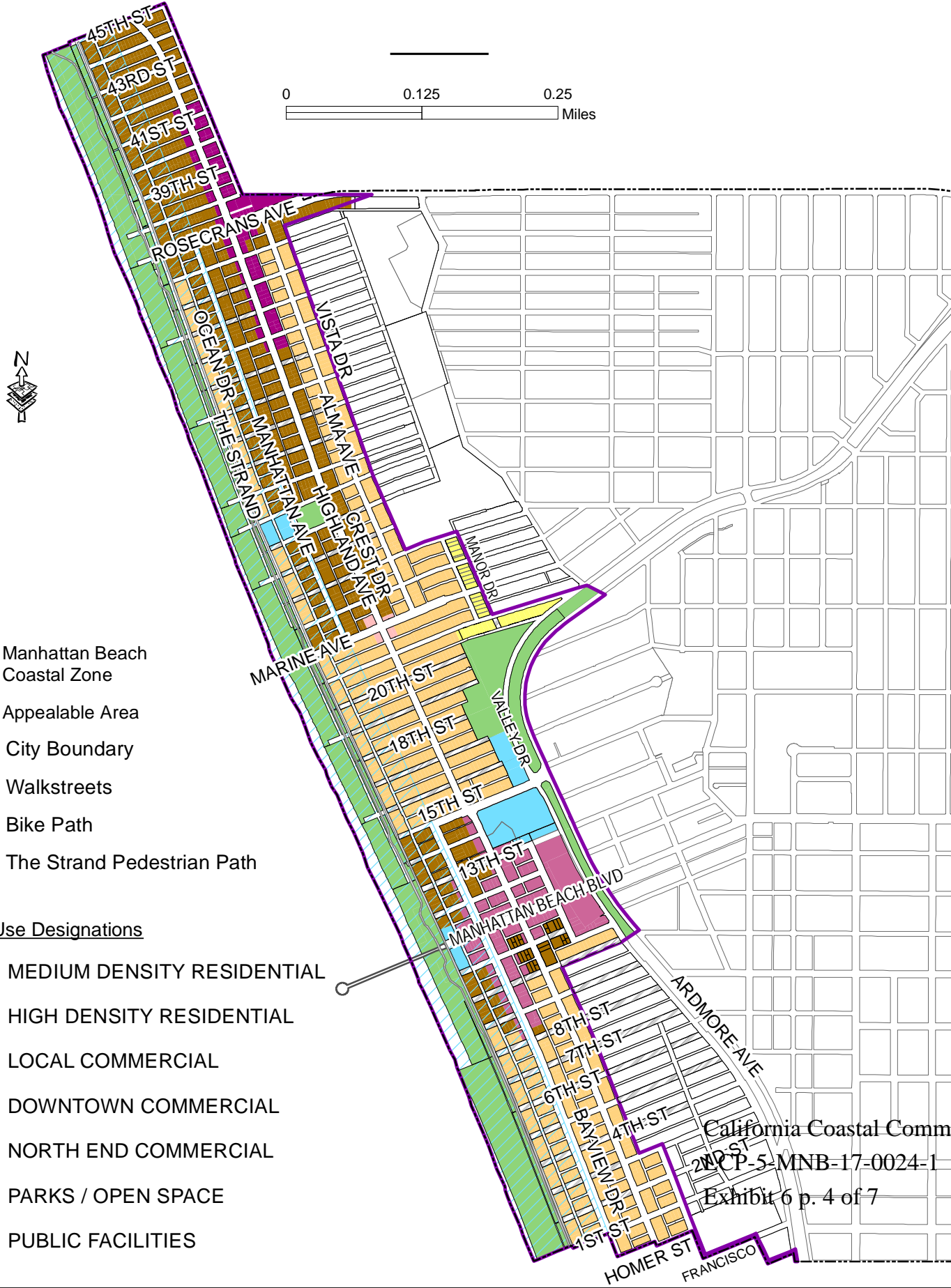
APPROVED AS TO FORM:

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Quinn M. Barrow  
CITY ATTORNEY

California Coastal Commission  
LCP-5-MNB-17-0024-1  
Exhibit 6 p. 3 of 7

**Exhibit A**  
**Coastal Zone Land Use Plan, Land Use Policy Map**



Manhattan Beach Coastal Zone

Appealable Area

City Boundary

Walkstreets

Bike Path

The Strand Pedestrian Path

Land Use Designations

MEDIUM DENSITY RESIDENTIAL

HIGH DENSITY RESIDENTIAL

LOCAL COMMERCIAL

DOWNTOWN COMMERCIAL

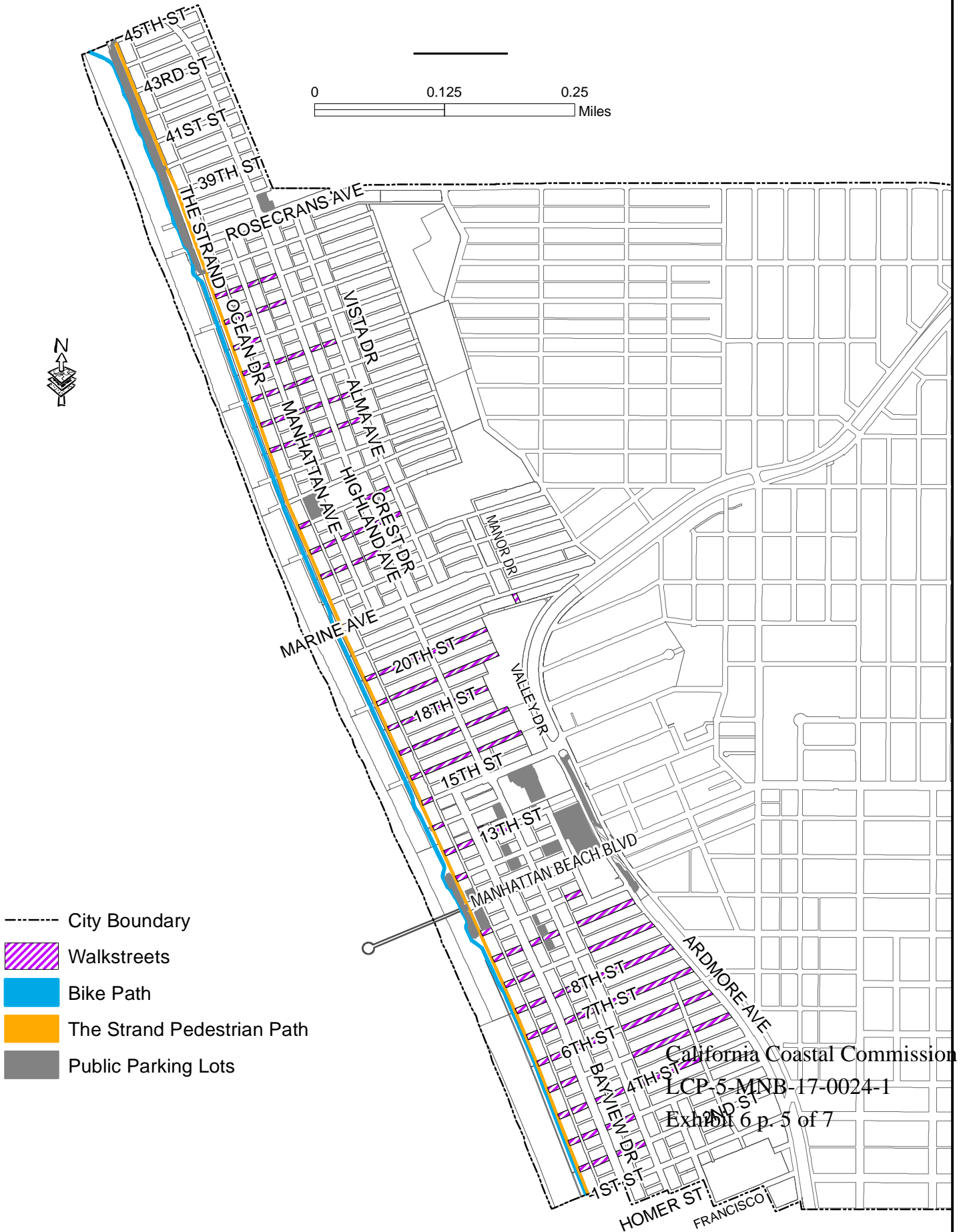
NORTH END COMMERCIAL

PARKS / OPEN SPACE

PUBLIC FACILITIES

# Exhibit B Coastal Zone Access Map

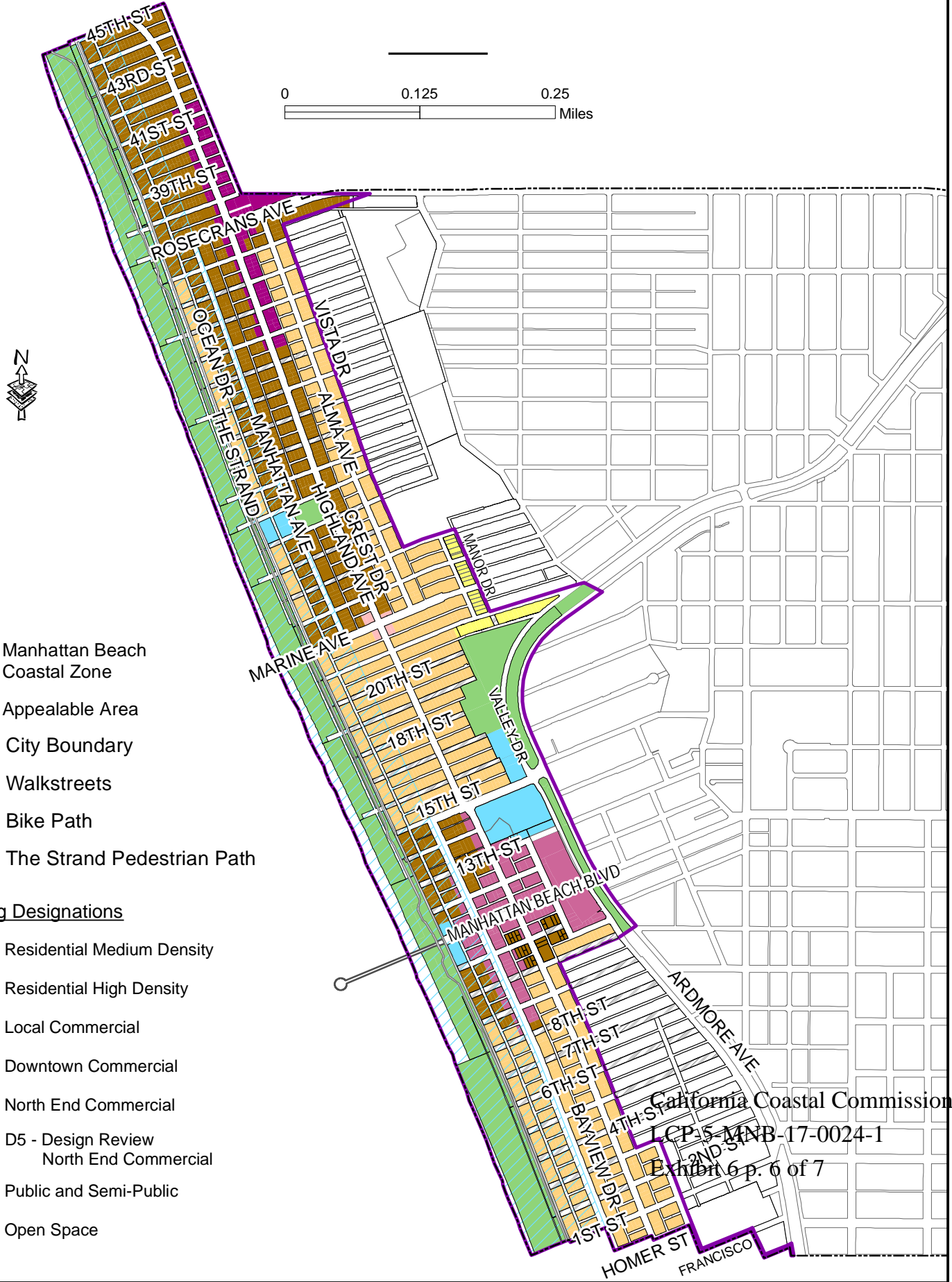
Ordinance No. 16-0030





# Exhibit C Coastal Zone Zoning Map

Ordinance No. 16-0030



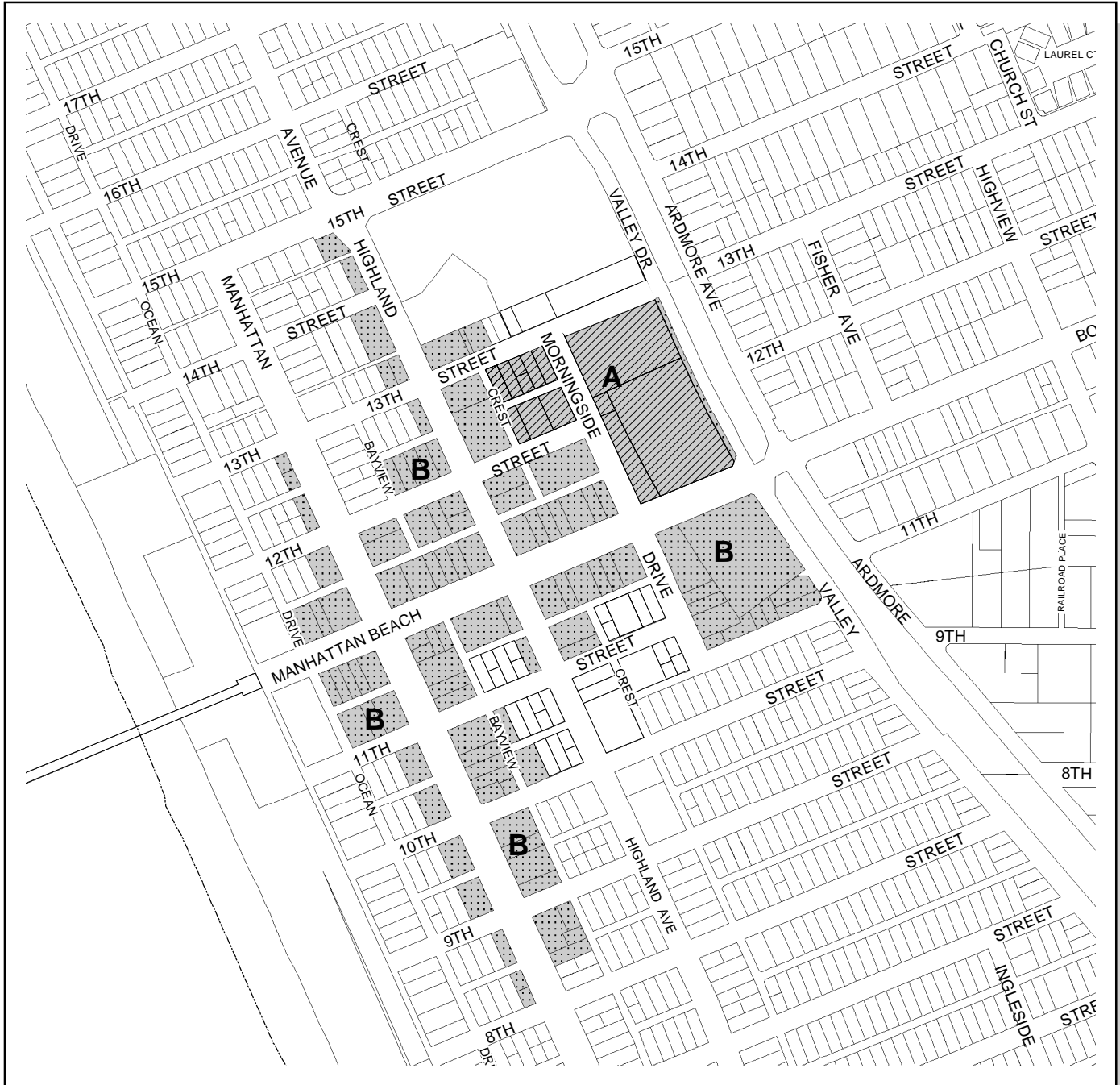
- Manhattan Beach Coastal Zone
- Appealable Area
- City Boundary
- Walkstreets
- Bike Path
- The Strand Pedestrian Path




- Zoning Designations**
- RM** Residential Medium Density
  - RH** Residential High Density
  - CL** Local Commercial
  - CD** Downtown Commercial
  - CNE** North End Commercial
  - D5** - Design Review  
North End Commercial
  - PS** Public and Semi-Public
  - OS** Open Space

California Coastal Commission  
LCP-5-MNB-17-0024-1  
Exhibit 6 p. 6 of 7



**Downtown Commercial District Height Limits Diagram**



-  CD Downtown Commercial District Boundary
- Maximum Building Heights (Feet)
-  **A** 30' with parking structure or a pitched roof  
22' with a flat roof
-  **B** 26'

Section 10.16.030(G)

California Coastal Commission

LCP-5-MNB-17-0024-1

Exhibit 6 p. 7 of 7

## **ORDINANCE NO. 16-0031**

### **AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING THE LOCAL COASTAL PROGRAM'S IMPLEMENTATION PLAN TO INCORPORATE THE DOWNTOWN SPECIFIC PLAN**

#### **RECITALS**

1. In 1981, the California Coastal Commission (“Coastal Commission”) certified the Local Coastal Program (“LCP”) for the City of Manhattan Beach (“City”). Concurrently with this submittal, the City submitted to the Coastal Commission a request to amend the LCP to reconcile designation nomenclature and other inconsistencies due to procedural deficiencies in prior LCP amendment submittals. Those recent LCP amendments (the “corrective amendments”) if certified, make the LCP consistent with the City’s General Plan, zoning map, zoning code, and current and long-standing land uses.
2. The City has adopted a Downtown Specific Plan for the Downtown area, which is entirely within the Coastal Zone. Concurrent with adoption of the Downtown Specific Plan, the City amended the General Plan, zoning map, and zoning code to acknowledge and reference the Downtown Specific Plan. Amendments to the General Plan, zoning map, and zoning code did not alter the land use designations within the Specific Plan area, but designated the area as the “Downtown Specific Plan Area” and the “D8—Downtown Specific Plan” design overlay district.
3. The land use designations in the Downtown Specific Plan are consistent with the land use designations identified in the adopted General Plan, zoning code, zone map, and the LCP with the recent corrective amendments. The Downtown Specific Plan incorporated existing land use designations together with new development standards, policies and design guidelines for the area.
4. Given that the Downtown Specific Plan would establish new development standards and guidelines and would re-locate the operative land use regulations to the Downtown Specific Plan, the City desires to amend the Land Use Policy Map and Implementation Plan (“LIP”) to reflect the amended zoning code and Downtown Specific Plan.

NOW THEREFORE, THE MANHATTAN BEACH CITY COUNCIL HEREBY FINDS AND ORDAINS AS FOLLOWS:

**SECTION 1.** After a duly noticed public hearing held on October 26, 2016, the Planning Commission recommended by Resolution No. PC 16-09 that the City Council adopt these amendments to the LIP Zoning Ordinance to incorporate the Downtown Specific Plan. On December 6, 2016, the City Council held a duly noticed public hearing to consider adoption of these amendments.

**SECTION 2. CEQA.** In accordance with the California Environmental Quality Act (“CEQA”), the City prepared an Initial Study/Mitigated Negative Declaration (“MND”), which analyzed the Downtown Specific Plan and amendments to the General Plan, zoning map, zoning  
California Coastal Commission  
LCP-5-MNB-17-0024-1  
Exhibit 7 p. 1 of 30

code, and Local Coastal Program, including the amendments herein (“Project”). By Resolution No. 16-0075, the City Council made CEQA findings and adopted the MND and Mitigation Monitoring and Reporting Program for the Project. The CEQA findings and MND adoption in Resolution No. 16-0075 are incorporated hereto as if set forth in full. In addition, pursuant to Public Resources Code Section 21080.9, CEQA does not apply to activities and approvals by the City necessary for the preparation and adoption of an LCP amendment. The proposed action is an amendment to the City’s LCP, which must be certified by the Coastal Commission before it takes effect.

**SECTION 3.** The proposed LCP amendments are consistent with the General Plan because they mirror concurrent amendments to the General Plan and Downtown Specific Plan. In addition, the LCP amendments to the LIP Zoning Ordinance are consistent with LCP and General Plan policies for the reasons set forth in the Land Use and Planning section of the MND, as corrected to reflect that the Downtown Specific Plan’s 2-foot height increase applies to elevator shafts only, the relevant excerpt of which is attached as **Exhibit C** and incorporated hereto as if set forth in full.

**SECTION 4.** The City Council hereby replaces the Coastal Zone Land Use Plan, Land Use Policy Map with the map attached as **Exhibit A**.

**SECTION 5.** The City Council hereby replaces the Coastal Zone Zoning Designations Map referenced in LIP Zoning Ordinance Section A.01.020 (B) with the map attached as **Exhibit B**, to be located after page IV-2 of the Coastal Zone Land Use Plan.

**SECTION 6.** The City Council hereby amends LIP Zoning Ordinance, Chapter, A.01 (General Provisions), Section A.01.040 to read as follows:

**“A.01.040. Organization.**

A. **Structure of Regulations.** The zoning regulations are divided into five parts:

- Part I: General Provisions
- Part II: Base District Regulations
- Part III: Overlay District Regulations
- Part IV: Site Regulations
- Part V: Administrative Regulations

In addition, Appendix A is the Downtown Specific Plan and it contains the governing regulations for the Downtown Specific Plan Area.

B. **Types of Regulations.** Three types of zoning regulations control the use and development of property:

1. **Land Use Regulations** specify land uses permitted, conditionally permitted, or prohibited in each district, and include special requirements, if any, applicable to specific uses. Land use regulations for base zoning districts are in Part II of the zoning regulations; land use regulations for

overlay districts are in Part III. Certain regulations, applicable in all or several districts, are in Part IV.

2. Development Regulations control the height, bulk, location, and appearance of structures on development sites. Development regulations for base zoning districts and area districts are in Part II of the zoning regulations; development regulations for overlay districts are in Part III. Certain development regulations, applicable in more than one class of base or overlay districts, are in Part IV. These include regulations for site development, parking and loading, signs and nonconforming uses and structures.
3. Administrative Regulations contain detailed procedures for the administration of zoning regulations, including requirements for notice and public hearings on use permits and variances; minor exceptions; condominium conversions; development agreements; amendments; appeals of zoning decisions; and enforcement. Administrative regulations are in Part V.

**SECTION 7.** The City Council hereby amends LIP Zoning Ordinance, Chapter A.12 (Residential Districts), Section A.12.020 to replace the first paragraph as follows:

**“A.12.020. Land use regulations: RM and RH districts.**

In the following schedule, the letter "P" designates use classifications permitted in residential districts. The letter "L" designates use classifications subject to certain limitations prescribed under the "Additional Use Regulations" which follows. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Chapter A.68. The letters

"P/U" for accessory uses mean that the use is allowed on the site of a permitted use, but requires a use permit on the site of a conditional use. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

In addition to these regulations, the Downtown Specific Plan governs the R Residential District 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.”

**SECTION 8.** The City Council hereby amends LIP Zoning Ordinance Chapter A.12 (Residential Districts), Section A.12.030 to replace the first paragraph as follows:

**“A.12.030. Property development regulations: RM and RH districts.**

The following schedule prescribes development regulations for residential zoning districts in each Area District, as defined in Section A.01.060(A)(2) and designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in

the “Additional Regulations” column refer to “Additional Development Regulations” following the schedule. This section shall not be amended to increase the Standards for Maximum Height of Structures or Maximum Buildable Floor Area, or to reduce the Standards for Minimum Setbacks, Minimum Lot Dimensions or Minimum Lot Area Per Dwelling Unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

In addition to these regulations, the Downtown Specific Plan governs the RH Residential High Density District within the Downtown Specific Plan Area, as shown on the Zoning Map. If conflicts exist between these regulations and the Downtown Specific Plan regulations, the Specific Plan regulations shall prevail when applied to property in the Downtown Specific Plan Area.”

SECTION 9. The City Council hereby amends LIP Zoning Ordinance Chapter A.16 (C Commercial Districts), Section A.16.010 (Specific purposes) to replace the CD Downtown Commercial District paragraph to read as follows:

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

SECTION 10. The City Council hereby amends the LIP Zoning Ordinance Chapter A.16 (C Commercial Districts), Section A.16.020 to replace the first paragraph and tables as follows, with no amendments to the lettered “Additional Land Use Regulations”:

**“A.16.020. CL, CD, CNE districts: land use regulations.**

In the following schedules, the letter "P" designates use classifications permitted in commercial districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" that follow. The letter "U" designates use classifications permitted on approval of a use permit. The letters "P/U" for an accessory use mean that the use is permitted on the site of a permitted use, but requires a use permit on the site of a conditional use. Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Regulations" column refer to regulations following the schedule or located elsewhere in this title. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

In addition to these regulations, the Downtown Specific Plan governs the CD District within the Downtown Specific Plan Area, as shown on the Zoning Map. If conflicts exist between these regulations and the Downtown Specific Plan regulations, the Specific Plan regulations shall prevail when applied to property in the Downtown Specific Plan Area.

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CL, CD, and CNE DISTRICTS: LAND USE REGULATIONS	P — Permitted U — Use Permit L — Limited, (See <u>Additional Use Regulations</u> ) - — Not Permitted * -- see <u>Downtown Specific Plan</u>
_____	

	CL	CD*	CNE	Additional Regulations
<b>Residential</b>				
Day Care, Small Family Home	P		L-11	
Day Care, Large Family Home	L-23		L-23	
Single-Family Residential	U		L-11	(I)(J)
Multi-Family Residential	U		U	(I)(J)
Public and Semipublic				(A)
Clubs and Lodges	U		U	
Cultural Institutions	U		U	
Day Care, General	U		U	
Emergency Health Care	U		U	
Government Offices	L-10		P	
Hospitals	-		-	
Park & Recreation Facilities	P		P	
Public Safety Facilities	U		U	

Religious Assembly	L-21		-	
Residential Care, General	-		-	
Schools, Public or Private	U		-	
Utilities, Major	U		U	
Utilities, Minor	P		P	
<b>Commercial Uses</b>				(B)(K)(L)
Adult Businesses	-		-	(C)
Ambulance Services	-		-	
Animal Sales & Services				
Animal Boarding	-		-	
Animal Grooming	P		P	
Animal Hospitals	-		-	
Animals				
Retail Sales	P		P	
Artists' Studios	P		P	
Banks and Savings & Loans	P		P	
With Drive-Up Service	-		-	
Body Art Studios	-		-	(N)
Building Materials and Services	-		-	
Catering Services	P		P	

Commercial Filming	U		U	
Commercial Recreation and Entertainment	-		L-7	(D)
Communication Facilities	-		P	
Eating and Drinking Establishments	U		U	(E)
w/ Fast-Food or Take-Out Service	U		L-7	
Drive-Through	-		-	
Food and Beverage Sales	L-9		L-9	
Funeral and Interment Services	-		-	
Laboratories	-		-	
Maintenance and Repair Services	P		P	
Nurseries	P		-	
Offices, Business and Professional	P		L-24	
Pawn Shops	-		-	
Personal Improvement Services	P		P	
Personal Services	P		P	
Psychic Advisor	-		-	
Research and Development Services	-		-	
Retail Sales	P		P	
Secondhand Appliances/Clothing	-		U	



Swap Meets, Recurring Travel Services	P		P	
Vehicle Equipment/Sales and Services				
Automobile Rentals	-		-	
Automobile Washing	-		-	
Commercial Parking	-		U	
Service Stations	U		-	(F)
Vehicle Equip. Repair	-		-	
Vehicle Equip. Sales and Rentals	-		-	
Vehicle Storage	-		-	
Visitor Accommodations				
Hotels and Motels and Time Shares	-		U	
Residential Hotels	-		-	
Warehousing and Storage, Ltd.	-		-	
<b>Industrial</b>				(B)
Industry, Custom	L-7		L-7	
Industry, Limited	-		-	
Wholesaling, Distribution and Storage	-		-	
<b>Accessory Uses</b>				
Accessory Uses and Structures	P/U		P/U	

<b>Temporary Uses</b>				(G)
Animal Shows	-		-	
Christmas Tree Sales/Pumpkin Sales	P		P	
Circus and Carnivals	-		U	
Commercial Filming, Limited	-		U	
Food Truck Sales	-		-	
New Year's Eve	U		U	
Real Estate Sales	P		P	
Retail Sales, Outdoor	P		P	
Street Fairs	U		U	
Trade Fairs	-		-	
<b>Nonconforming uses</b>				(H)
<b><u>Mixed Use</u></b>	<b><u>U</u></b>		<b><u>U</u></b>	

“

**SECTION 11.** The City Council hereby amends LIP Zoning Ordinance Chapter A.16 (C Commercial Districts), Section A.16.020 to amend the lettered “Additional Land Use Regulations” table, item L-11 to read as follows:

**“A.16.020. CL, CD, CNE districts: land use regulations.  
C Districts: Additional Land Use Regulations**

L-11 ~~Permitted except in areas subject to a D5 Design Overlay District where a use permit is required except for single family residences fronting on Crest Avenue, which are permitted.~~ Single-family residential permitted if located (1) on a site which fronts on Crest Drive; or (2) on the rear half of a site which fronts on Highland Avenue; or (3) on a site which fronts on the east side of Highland Avenue between 38th Place to the south and Moonstone Street to the north; or (4) on a site which does not abut Rosecrans Avenue or Highland Avenue; otherwise a use permit is required. “

**SECTION 12.** The City Council hereby amends and restates LIP Zoning Ordinance, Chapter A.16 (C Commercial Districts), Section A.16.030 to read as follows:

**“A.16.030. CL, CD, and CNE districts: development regulations.**

The following schedule prescribes development regulations for the CL, CD, and CNE districts. The first five (5) columns prescribe basic requirements for permitted and conditional uses in each district. Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in the Zoning Ordinance.

In addition to these regulations, the Downtown Specific Plan governs the CD District within the Downtown Specific Plan Area, as shown on the Zoning Map. If conflicts exist between these regulations and the Downtown Specific Plan regulations, the Specific Plan regulations shall prevail when applied to property in the Downtown Specific Plan Area.

	CL	CD*	CNE	Additional Regulations
<b>Residential Development</b>				(A)(B) (O)
<b>Nonresidential Development</b>				(O) (P) (Q)
Minimum Lot Area (sq. ft.)	4,000		2,700	(B)
Minimum Lot Width (ft.)	40		30	(B)
Minimum Setbacks				(B)(C)

Front (ft.)	-		-	(D)
Side (ft.)	-		-	(E)
Corner Side (ft.)	-		-	(D)
Rear ( ft.)	-		-	(E)
Maximum Height of Structures (ft.)	30		30	(F)(H)
Maximum Floor Area Factor (FAF)	1.0		1.5	
Minimum Site Landscaping (%)	8		-	(I)
Fences and Walls				(K)
Off-Street Parking and Loading	8			(N)
Outdoor Facilities	See Section A.60.080			(O)
Screening of Mechanical Equip.	See Section A.60.090			
Refuse Storage Areas	See Section A.60.100			
Underground Utilities	See Section A.60.110			
Performance Standards	See Section A.60.120			
Nonconforming Structures	See Section A.68			
Signs	See Section A.72			
Telecommunications Facilities	See Section 13.02			

<b>Mixed Use Development</b>	<b>U</b>		<b>U</b>	<b>(B)(R)</b>
<b>CL, <b>CD*</b>, and CNE Districts: Additional Development Regulations</b>				
<i>*see Downtown Specific Plan</i>				

**CL, CD, and CNE Districts:  
Additional Development Regulations**

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(A) Dwelling units shall be subject to the standards for minimum setbacks, height limits, maximum density, maximum FAR, balconies and bay windows, usable open space and parking for the RH District and the Area District in which the site is located. The setback standards shall apply only to the stories of a building that are intended for residential use.

Dwelling units as the sole use on a site shall be subject to the standards for residential development in the RH district and the area district in which the site is located, except as follows:

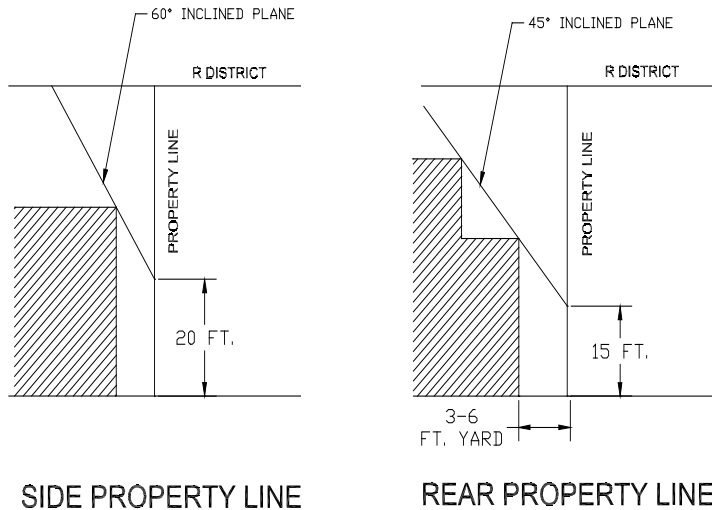
(1) CD district: the commercial standard for building height shall apply when dwelling units replace commercial use.

(2) CNE district, D-5 overlay: if an RH district standard conflicts with an overlay standard (Section A.44.040), the overlay standard shall apply.

(B) See Section A.60.020: Development of substandard lots.

(C) See Section A.60.040: Building projections into yards and required open space. Double-frontage lots shall provide front yards on each frontage.

(E) Along a rear property line abutting an R district, structures shall not intercept a 1:1 or 45-degree daylight plane inclined inward from a height of 15 feet above existing grade at the property line. Along a side property line abutting an R district, structures shall not intercept a 60-degree daylight plane inclined inward from a height 20 feet above existing grade at the property line.



**REQUIRED DAYLIGHT PLANE  
AT ADJOINING DISTRICTS**  
(THE DIAGRAM IS ILLUSTRATIVE)

- (F) A roof pitch of at least 4 vertical feet for each 12 lineal feet of roof area is required. If the roof pitch is less, the maximum building height is 22 feet unless structure parking is provided at or below the ground level.
- (G) (Reserved)
- (H) See Section A.60.050: Measurement of height, and Section A.60.060, Exceptions to height limits.
- (I) Planting Areas:
  - (1) Required yards shall be enclosed by a solid concrete or masonry wall at least 6 feet in height or shall be planting areas, provided that a wall within 15 feet of a street property line shall not exceed 3 feet in height.
  - (2) For additional site landscaping requirements, see Section 10.60.070: Landscaping, irrigation and hydroseeding. Conformance with the design standards specified in Section 10.60.070 may result in a total site landscaping requirement that exceeds the minimum site requirements of this Section (10.16.030).
- (J) (Reserved)
- (K) **Fences and Walls.** A solid masonry or concrete wall is required for all commercial properties where they abut or adjoin a ground floor residential use or residentially zoned property. The minimum height of a fence or wall is 6 feet as measured from the finished grade of the commercial property. However, a wall within 5 feet of a street property line shall be a minimum of 3 feet in height as measured from the residential property.

The maximum height of a fence or wall shall be 8 feet as measured from the finished grade of commercial property unless a greater height is mutually agreed upon for a common property line by the abutting property owners and approved by the Community Development Department.

(L) (Reserved)

(M) (Reserved)

(N) See Chapter A.64: Off-Street parking and loading regulations.

(O) See Section A.60.140: Solar-assisted water heating.

(P) In commercial zones, vehicular access to parking shall be from the alley abutting the property. If such alley is not available, access shall be from an east west street. If neither the alley nor the east west street is feasible, access shall be taken from another vehicular street.

(Q) The Highland Marine commercial node shall not expand, nor shall uses such as parking ancillary to commercial uses be established in the adjacent residential zoned district.“

(R) In a mixed use development, the residential standards for the RH district and area district in which the site is located shall apply to a building or portion of a building intended for residential use, and commercial standards shall apply to a building or portion of building intended for commercial use, except as follows:

(1) CD district:

FAR and Building Height shall comply with applicable requirements in the Downtown Specific Plan.

(2) CL and CNE districts:

(a) FAR: the commercial standard for maximum FAR shall apply to the entire project.

(b) CNE district D-5 overlay: if an RH district or commercial standard conflicts with an overlay standard (Section A.44.040), the overlay standard shall apply.

SECTION 13. The City Council hereby amends and restates LIP Zoning Ordinance, Chapter A.24 (OS Open Space District), Section A.24.020 to read as follows:

**“A.24.020. Applicability.**

The OS district shall be the base district for the use classifications listed in Section A.24.030 where these classifications have a minimum contiguous site area of 2 acres, including alleys, streets or other rights-of-way. Open-space recreation use classifications on sites of less than 2 acres shall be subject to the regulations of the base and overlay districts in which they are located. In the Coastal Zone, no residential or commercial use is permitted on open space land even if it is less than two acres.

In addition to these regulations, the Downtown Specific Plan governs all sites within the Downtown Specific Plan Area, as shown on the Zoning Map. If conflicts exist between these regulations and the Downtown Specific Plan regulations, the Specific Plan regulations shall prevail when applied to property in the Downtown Specific Plan Area.”

SECTION 14. The City Council hereby amends and restates LIP Zoning Ordinance, Chapter A.28 (PS Public and Semipublic District), Section A.28.020 to read as follows:

**“A.28.020. Applicability.**

The regulations of the PS District shall preclude the regulations of any base district for the use classifications listed in Section A.28.030, where these uses are permitted in the base district, and have a contiguous site area of 2 acres or more, including alleys, streets, or other rights-of-way. Public and semipublic use classifications on sites of less than 2 acres shall be subject to the regulations of the base and overlay districts in which they are located.

In addition to these regulations, the Downtown Specific Plan governs all sites within the Downtown Specific Plan Area, as shown on the Zoning Map. If conflicts exist between these regulations and the Downtown Specific Plan regulations, the Specific Plan regulations shall prevail when applied to property in the Downtown Specific Plan Area.”

SECTION 15. The City Council hereby amends and restates LIP Zoning Ordinance, Chapter A.44 (D Design Overlay District), Section A.44.010 to read as follows:

**“A.44.010. Specific purpose and applicability.**

The specific purpose of the D Design Overlay District is to provide a mechanism to establish specific development standards and review procedures for certain areas of the Coastal Zone with unique needs, consistent with General Plan and Local Coastal Plan policies. This will ensure that the low-profile image of the community is preserved and neighborhoods protected from adverse effects of noise and traffic. It also will prevent development that may be detrimental to these areas, such as buildings that affect the privacy of adjoining properties or increases shadows.

The one area Two areas within the Coastal Zone which has have been designated as a Design overlay district is located within. The Downtown area is designated D-8—Downtown Specific Plan area because special development criteria and design guidelines are needed to perpetuate quality development, complement and enhance the area’s eclectic style and small town character and encourage Downtown’s future economic vitality.-a A portion of the CNE designation near Highland Avenue and Rosecrans Avenue is designated D5—North end commercial because special design standards are needed for the North End Commercial Area to accommodate additional residential development.”

SECTION 16. The City Council hereby amends LIP Zoning Ordinance, Chapter A.44 (D Design Overlay District), Section A.44.040 to replace the first paragraph and tables as follows, with no amendments to the lettered “Additional Regulations”:

**“A.44.040. Building permits to conform to overlay district regulations.**



Applications for building permits for projects within a D overlay district shall be accepted only if project plans are consistent with the development regulations of this chapter and with all other applicable requirements of the Municipal Code. The Downtown Specific Plan governs the D8-Downtown Specific Plan Area.

_____	
<b>D DESIGN OVERLAY DISTRICT: DEVELOPMENT REGULATIONS</b>	
<b>D5—North End Commercial</b>	<b><u>D8—Downtown Specific Plan Area*</u></b>
<u>*see Downtown Specific Plan</u>	

	D-5	<b><u>D-8*</u></b>
_____		
Minimum Site Area	-	
Maximum Building Height (ft.)	30 <sup>(g)</sup>	
Minimum Lot Area per Dwelling Unit (sq. ft.)	-	
Maximum Fence Height (ft.)	-	
Landscaped Buffer Adjacent to Street (Required width in ft.)	(k)	
Minimum Front Setback, Upper Story (ft.)	(h)	
Minimum Side Setback (ft.)	-	
Required Roof Design	-	
Required Building Design	-	
Vehicular Access	(i)	
Reduced Parking	(j)	

Use Permit Required		
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**SECTION 17.** The City Council hereby amends and restates LIP Zoning Ordinance Chapter A.68 (Nonconforming Uses and Structures), Section A.68.010 and its title to read as follows:

**“A.68.010. Specific purposes and applicability.**

This chapter is intended to limit the number and extent of nonconforming uses by restricting their enlargement, prohibiting their re-establishment after abandonment, and their alteration or restoration after destruction of the structures they occupy. While permitting the use and maintenance of nonconforming structures, this chapter is intended to limit the number and extent of nonconforming structures by regulating and limiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this chapter and by prohibiting (commercial structures only) their restoration after destruction.

In addition to this Chapter 10.68, the Downtown Specific Plan governs nonconforming uses within the Downtown Specific Plan Area, as shown on the Zoning Map. If conflicts exist between this Chapter and the Downtown Specific Plan regulations, the Specific Plan regulations shall prevail when applied to property in the Downtown Specific Plan Area.”

**SECTION 18.** The City Council hereby amends LIP Zoning Ordinance Chapter A.84 (Use Permits, Variances and Minor Exceptions), Section A.84.060 to add new subsection C and amend re-lettered subsection D as follows:

- “C. **Downtown Properties.** In addition to the findings in (A) or (B) above and any other requirement in this Chapter, the findings and requirements in the Downtown Specific Plan shall apply to all sites within the Downtown Specific Plan Area, as shown on the Zoning Map.
- D. **Mandatory Denial.** Failure to make all the required findings under subsections (A), (B), or (C) shall require denial of the application for use permit or variance.”

**SECTION 19.** The City Council hereby amends LIP Zoning Ordinance Chapter A.84 (Use Permits, Variances and Minor Exceptions), Section A.84.120 to add new subsection J to read as follows:

- “J. **Downtown Properties.** In addition to this section and any other requirement in this Chapter, the Downtown Specific Plan governs within the Downtown Specific Plan Area, as shown on the Zoning Map. If conflicts exist between this section and the Downtown Specific Plan regulations, the Specific Plan regulations shall prevail when applied to property in the Downtown Specific Plan Area.”

SECTION 20. By interim Ordinance No. 16-0013-U, the City Council on August 16, 2016, extended through July 5, 2017, the interim land use regulations established in Ordinance No. 16-0009-U. These interim regulations require a use permit to establish certain uses in the Downtown Commercial Zone. Unless extended, Ordinance No. 16-0013-U shall expire 30 days after the Coastal Commission certifies the amendments in this Ordinance or upon its expiration date of July 5, 2017, whichever occurs first.

SECTION 21. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 22. 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.

PASSED, APPROVED and ADOPTED by the Manhattan Beach City Council on December \_\_, 2016.

AYES:

NOES:

ABSENT:

ABSTAIN:

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David Lesser  
MAYOR PRO TEM

ATTEST:

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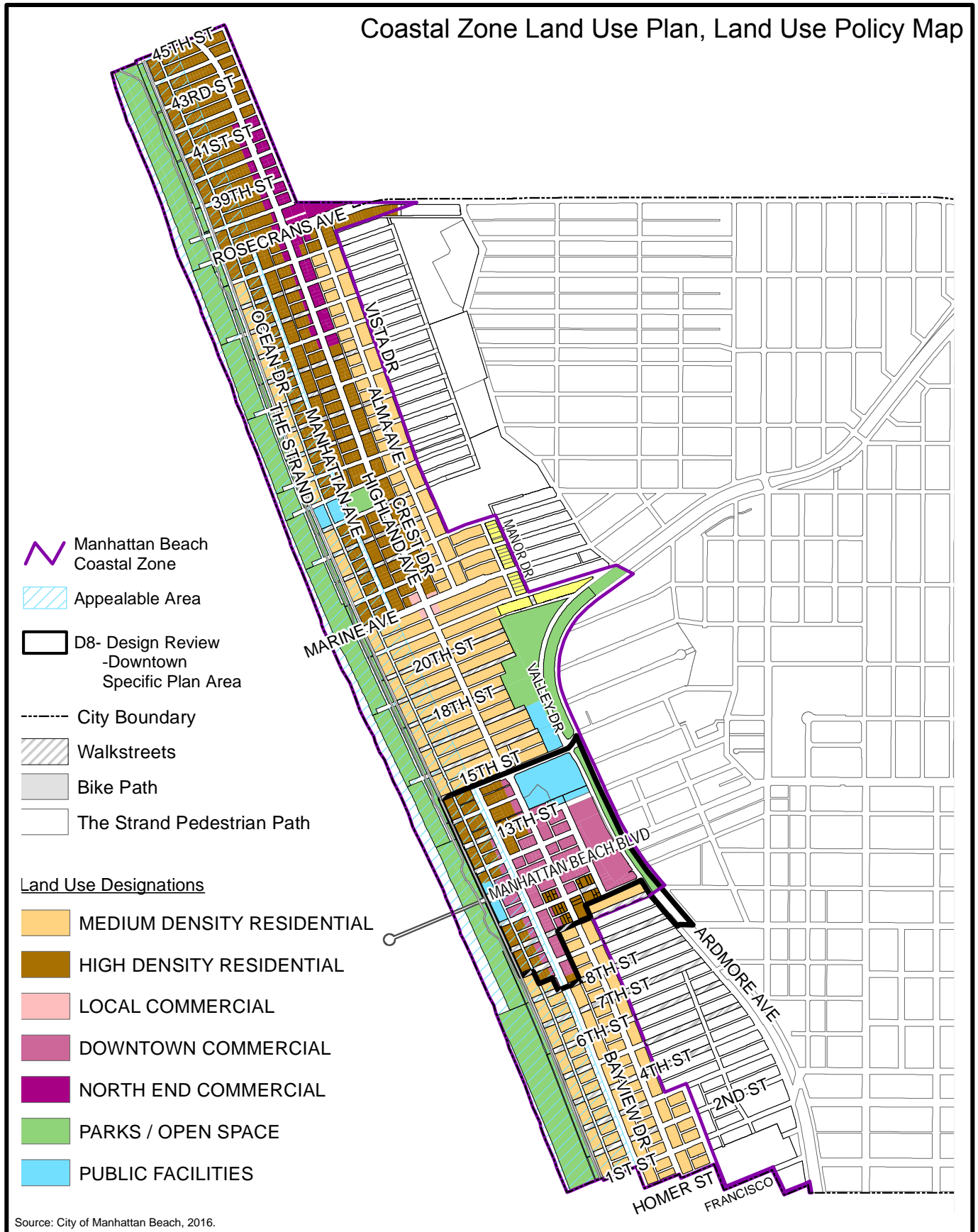
Liza Tamura  
CITY CLERK

APPROVED AS TO FORM:

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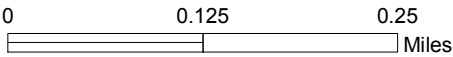
Quinn M. Barrow  
CITY ATTORNEY

## Coastal Zone Land Use Plan, Land Use Policy Map



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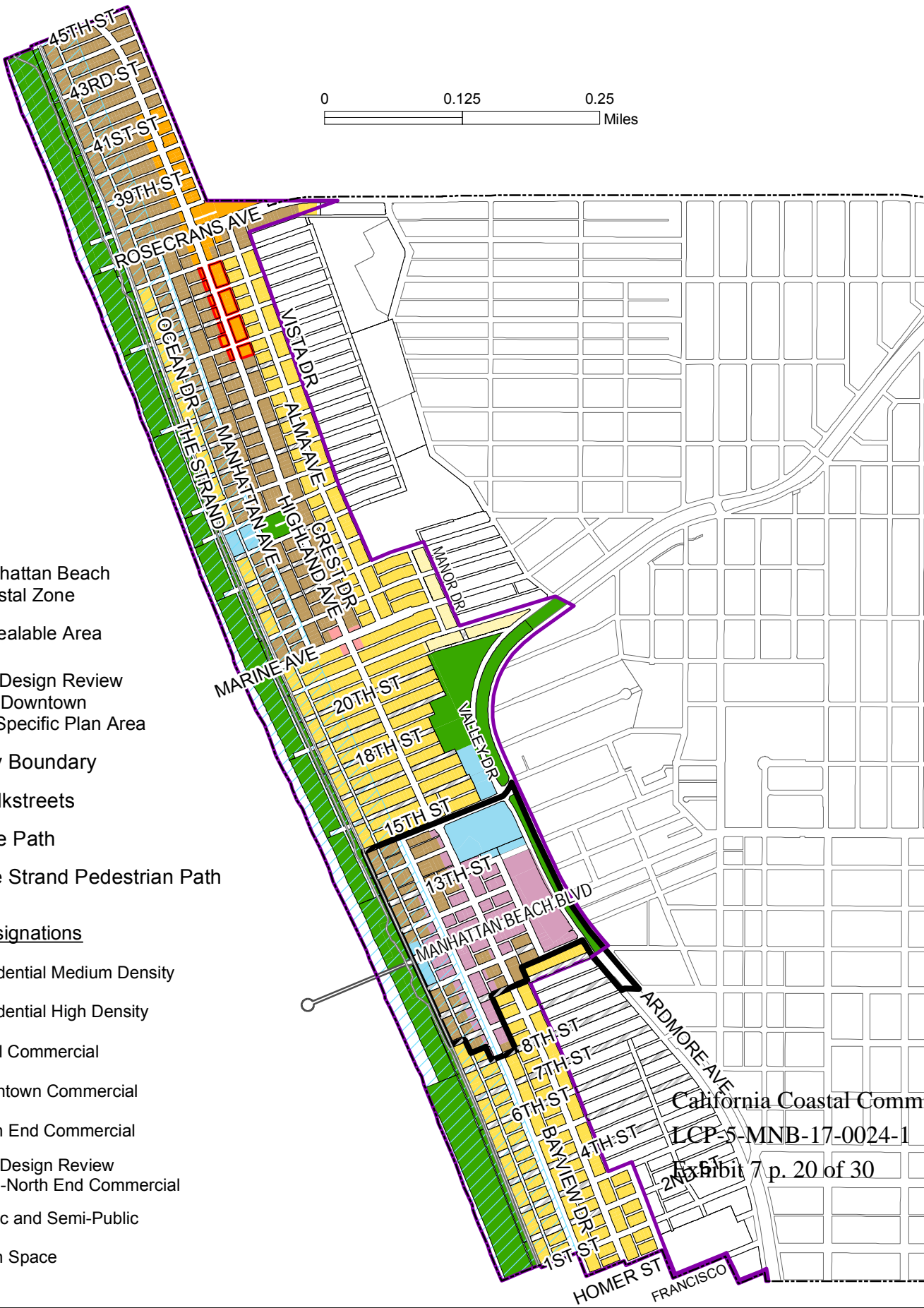
Coastal Zone Zoning Designations Map



- Manhattan Beach Coastal Zone
- Appealable Area
- D8- Design Review  
-Downtown  
Specific Plan Area
- City Boundary
- Walkstreets
- Bike Path
- The Strand Pedestrian Path

Zoning Designations

- RM** Residential Medium Density
- RH** Residential High Density
- CL** Local Commercial
- CD** Downtown Commercial
- CNE** North End Commercial
- D5** - Design Review  
-North End Commercial
- PS** Public and Semi-Public
- OS** Open Space



## Exhibit C

### General Plan and Local Coastal Program Consistency Analysis

#### GENERAL PLAN CONSISTENCY ANALYSIS

Policy	Project Consistency
Land Use	
<p><b>Policy LU-1.1:</b> Limit the height of new development to three stories where the height limit is thirty feet, or two stories where the height limit is twenty-six feet, to protect the privacy of adjacent properties, reduce shading, protect vistas of the ocean, and preserve the low-profile image of the community.</p>	<p>The proposed Specific Plan is generally consistent with this policy. The Specific Plan maintains the 26-foot height limit for two-story buildings, with exceptions in the Downtown Commercial designation, Area B, for a 2-foot increase to 28 feet to allow for elevator shafts. The Code already provides height exceptions for vent pipes, antenna (up to 10 feet) and chimneys (up to 5 feet) and this proposal is consistent with these current exceptions.</p> <p>See also the analysis of potential aesthetic impacts regarding the proposed height limit exception in Section 1(a, c), above.</p>
<p><b>Policy LU-1.2:</b> Require the design of all new construction to utilize notches, balconies, rooflines, open space, setbacks, landscaping, or other architectural details to reduce the bulk of buildings and to add visual interest to the streetscape.</p>	<p>The proposed Specific Plan is consistent with this policy. The Specific Plan, Chapter 6 establishes design guidelines and development standards for private development, including identifying the requirement for setbacks, building articulation and optional setbacks for upper stories. The Specific Plan would enhance the plan area's small-town character by implementing these design guidelines and development standards.</p>
<p><b>Policy LU-3.2:</b> Promote the use of adopted design guidelines for new construction in Downtown, along Sepulveda Boulevard, and other areas to which guidelines apply.</p>	<p>The proposed Specific Plan is consistent with this policy. The Specific Plan establishes new design guidelines and development standards for the Downtown area, and provides a framework to preserve the Downtown's character.</p>

Policy	Project Consistency
<b>Policy LU-3.4:</b> Establish and implement consistent standards and aesthetics for public signage, including City street signs.	The proposed Specific Plan is consistent with this policy. The Specific Plan establishes design guidelines and development standards, including standards for public signs for use in the Downtown area.
<b>Policy LU-3.6:</b> Encourage the beautification of the walkstreets, particularly through the use of landscaping.	The proposed Specific Plan is consistent with this policy. The Specific Plan does not revise the walkstreet landscape standards that encourage private low-height landscaping. The Plan also establishes guidelines for landscaping in the Downtown area where landscaping would be used to create a distinct character for specific streets and neighborhoods.
<b>Policy LU-4.1:</b> Protect public access to and enjoyment of the beach while respecting the privacy of beach residents.	The proposed Specific Plan is consistent with this policy. Implementation of the Specific Plan would result in future improvements to Downtown's streets, sidewalks, and open spaces that enhance pedestrian and bicycle access to the project area. This would encourage the public to access the beach areas through the City's Downtown and minimize residential neighborhood intrusion.
<b>Policy LU-4.2:</b> Develop and implement standards for the use of walkstreet encroachment areas and other public right-of-way areas.	The proposed Specific Plan is consistent with this policy. Implementation of the Specific Plan would not revise the current walkstreet encroachment area landscape and private improvement standards that allow private low height landscaping and other private improvements that enhance and beautify the environment while strengthening the project area's sense of place.
<b>Policy LU-4.6:</b> When public improvements are made, they should preserve and maintain distinctive neighborhood characteristics.	The proposed Specific Plan is consistent with this policy. The public realm improvements envisioned in the Specific Plan would complement and enhance the Downtown's small-town character with features that include streetscape furnishings, decorative bicycle parking racks, accent lighting, and thematic signage. Private development and public improvements guided by the policies, standards, and guidelines of the Specific Plan would preserve and enhance the unique character of Downtown.
<b>Policy LU-5.1:</b> Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, or other techniques.	The proposed Specific Plan is consistent with this policy. The proposed land use plan designations for the plan area are consistent with the land use designations identified in the General Plan and the LCP. Future uses in the Specific Plan area would be required to comply with the City's noise regulations and lighting requirements (Manhattan Beach Municipal Code Chapters 5.48 and 10.60, respectively). In addition, the proposed Specific Plan includes policies related to trash and litter

Policy	Project Consistency
	management in the Downtown area to address trash-related odors. Thus, conflicts between residential and business uses are not anticipated.
<b>Policy LU-5.7:</b> Recognize the unique qualities of mixed-use areas, and balance the needs of both the residential and commercial uses.	The proposed Specific Plan is consistent with this policy. The Downtown would continue to be a thriving commercial mixed-use District. The Specific Plan, Chapter 6 establishes design guidelines and development standards for private development, including identifying the requirement for setbacks, building articulation, and optional stepbacks for upper stories, which would serve to help balance the needs of the residential and commercial uses.
<b>Policy LU-6.1:</b> Support and encourage small businesses throughout the City.	The proposed Specific Plan is consistent with this policy. The vision, policies, design guidelines and development standards of the Specific Plan support this goal. Proposed development standards that support and encourage small businesses include limitations for individual commercial tenants on the length of frontage along a street, limitation of new ground floor uses to those that are small and pedestrian oriented with a total square footage cap for retail uses.
<b>Policy LU-7.2:</b> Encourage the use of the Downtown Design Guidelines to improve the Downtown's visual identification as a unique commercial area.	The Specific Plan establishes new design guidelines and development standards for the Downtown area, and provides a framework to preserve the Downtown's character while creating an environment conducive to development. The proposed Specific Plan would repeal, replace, and expand upon the existing Downtown Design Guidelines with the new design guidelines.
<b>Policy LU-7.3:</b> Support pedestrian-oriented improvements to increase accessibility in and around Downtown.	The proposed Specific Plan is consistent with this policy. Implementation of the Specific Plan would result in coordinated, custom streetscape furnishings, landscaping, and materials that enhance the pedestrian environment. Additionally, the Specific Plan would result in future improvements to Downtown's streets and sidewalks, that would provide a safe, comfortable environment for pedestrians and bicyclists that achieves a significant reduction in conflicts between both modes of transportation and motor vehicles.
<b>Policy LU-7.4:</b> Encourage first-floor street front businesses with retail, restaurants, service/commercial, and similar uses to promote lively pedestrian activity on Downtown streets, and consider providing zoning regulations that support these uses.	The proposed Specific Plan is consistent with this policy. The Specific Plan would encourage first-floor business providing attractive storefronts and outdoor dining spaces that activate the project area's commercial streets. Commercial buildings would incorporate prominent ground floor storefronts,



Policy	Project Consistency
	occupied by retailers and restaurants that activate the adjacent streets, with limitations on other non-active streetfront uses. Proposed development standards that support this policy include minimum requirements for ground floor commercial façade transparency and maximum front setbacks, as well as maximum tenant frontages and ground floor retail square footage caps.
Infrastructure	
<b>Policy I-3.1:</b> Review the existing Downtown Parking Management Program recommendations, re-evaluate parking and loading demands, and develop and implement a comprehensive program, including revised regulations as appropriate, to address parking issues.	The proposed Specific Plan is consistent with this policy. The Specific Plan provides for multipurpose drop-off zones, specialized motorcycle and electric vehicle parking and rideshare/taxi/shuttle loading areas to help reduce parking demand. The Specific Plan also includes new technologies, and minor improvements such as new signage to address parking issues in the plan area.
<b>Policy I-3.5:</b> Encourage joint-use and off-site parking where appropriate.	The proposed Specific Plan is consistent with this policy. The proposed Specific Plan provides recommendations for the provision of valet as well as shuttle services to and from existing and potential future remote parking lots.
<b>Policy I-6.1:</b> Implement those components of the Downtown Design Guidelines that will enhance the pedestrian oriented environment.	The proposed Specific Plan is consistent with this policy. Implementation of the Specific Plan would result in future improvements to Downtown's streets, sidewalks, and open spaces that enhance pedestrian and bicycle access to the project area.
<b>Policy I-6.6:</b> Incorporate bikeways and pedestrian ways as part of the City's circulation system where safe and appropriate to do so.	The proposed Specific Plan is consistent with this policy. Implementation of the Specific Plan would result in future improvements to Downtown's streets, sidewalks, and open spaces that enhance pedestrian and bicycle access to the project area. Bicyclists will enjoy safe passage along the project area's streets and ample bicycle parking facilities at key destinations throughout the district.
<b>Policy I-9.3:</b> Support the use of storm water runoff control measures that are effective and economically feasible.	The proposed Specific Plan is consistent with this policy. The Specific Plan includes goals to manage, maintain, and improve stormwater drainage and capacity in the plan area. The increased landscaping that would occur with implementation of the Specific Plan would serve to capture and control runoff prior to entering the City's stormwater drainage system.
<b>Policy I-9.4:</b> Encourage the use of site and landscape designs that minimize surface runoff by minimizing the use of concrete and maximizing the use of permeable surface materials.	The proposed Specific Plan is consistent with this policy. The Specific Plan includes goals to manage, maintain, and improve stormwater drainage and capacity in the plan area. The increased landscaping that would occur with implementation of the Specific Plan would serve to capture and control runoff prior

Policy	Project Consistency
	to entering the City's stormwater drainage system. Alternative ground surface treatments are encouraged that maximize permeable surfaces.
<b>Community Resources</b>	
<b>Policy CR-2.2:</b> Continue to encourage and support cultural arts programs and events.	The proposed Specific Plan is consistent with this policy. The Specific Plan would enhance public spaces and amenities that provide the opportunity to showcase Manhattan Beach's unique history, art, and culture.
<b>Policy CR-2.4:</b> Include artwork in City capital improvement projects.	The proposed Specific Plan is consistent with this policy. One of the goals and visions of the Specific Plan is to utilize the public realm to celebrate the history of the community and its support of public arts and positive aesthetics.
<b>Policy CR-4.1:</b> Protect existing mature trees throughout the City and encourage their replacement with specimen trees whenever they are lost or removed.	The proposed Specific Plan is consistent with this policy. The proposed Specific Plan encourages the retention of existing street trees, as well as other public trees, and private trees in appropriate areas, and the planting of native or naturalized species for new or replacement trees.
<b>Policy CR-4.2:</b> Investigate methods to improve the quality and maintenance of street trees and public landscape improvements.	The proposed Specific Plan is consistent with this policy. The Specific Plan provides for increased landscaping within the plan area to enhance the physical, ecological, and cultural aspects of the City.
<b>Policy CR-4.3:</b> Recognize that landscaping, and particularly trees, provide valuable protection against air pollution, noise, soil erosion, excessive heat, and water runoff, and that they promote a healthy environment.	The proposed Specific Plan is consistent with this policy. The Specific Plan provides for increased landscaping within the plan area to enhance the physical, ecological, and cultural aspects of the City. The Specific Plan also encourages, when opportunities exist, allowing the street to function as an air quality and water quality enhancer by providing shade utilizing urban forestry and water quality improvements through stormwater runoff capture and use through planted bioswales.
<b>Air Quality</b>	
<b>Policy CR-6.1:</b> Encourage alternative modes of transportation, such as walking, biking, and public transportation, to reduce emissions associated with automobile use.	The proposed Specific Plan is consistent with this policy. Implementation of the Specific Plan would result in coordinated, custom streetscape furnishings, landscaping, and materials that enhance the pedestrian environment. Additionally, the Specific Plan would result in future improvements to Downtown's streets and sidewalks, that would provide a safe, comfortable environment for pedestrians and bicyclists, as well as support for alternative modes of transportation and electric

Policy	Project Consistency
	vehicles, that achieves a reduction in motor vehicle trips.
<p><b>Policy CR-6.2:</b> Encourage the expansion and retention of local serving retail businesses (e.g., restaurants, family medical offices, drug stores) to reduce the number and length of automobile trips to comparable services located in other jurisdictions.</p>	<p>The proposed Specific Plan is consistent with this policy. The Specific Plan includes a goal to support a vital Downtown business district that is chiefly comprised of small, pedestrian-oriented commercial business that serve Manhattan Beach residents, and includes visitor-oriented uses limited to low-intensity businesses that provide goods and services primarily to beachgoers. This would serve to reduce motor vehicle trips.</p>

## LOCAL COASTAL PROGRAM CONSISTENCY ANALYSIS

Policy	Project Consistency
<b>I- COASTAL ACCESS POLICIES</b>	
<b>Access Policies</b>	
<b>Policy I.A.1:</b> The City shall maintain the existing vertical and horizontal accessways in the Manhattan Beach Coastal Zone.	<p>The proposed Specific Plan is consistent with this policy. The Specific Plan does not suggest or require any changes to physical access to the beach. Existing views would not be substantially altered by new development, even with the potential two-foot height exception in Area B. The Specific Plan establishes standards for street lighting such that new lighting standards would be arched in such a way to frame and enhance views of the beach or ocean.</p> <p>Existing views would not be altered with the consistency changes from commercial to residential in a small portion of the Plan area. The reconciliation of the Land Use Policy and Zoning Maps will not have any changes to accessways.</p>
<b>Policy I.A.2:</b> The City shall encourage, maintain, and implement safe and efficient traffic flow patterns to permit sufficient beach and parking access.	<p>The proposed Specific Plan is consistent with this policy. The Specific Plan provides for multipurpose drop-off zones, specialized motorcycle and electric vehicle parking, and rideshare/taxi/shuttle loading areas to help reduce parking demand. The Specific Plan also includes new technologies, and minor improvements such as new signage to address parking issues in the plan area.</p> <p>Implementation of the Specific Plan would result in future improvements to Downtown's streets, sidewalks, and open spaces that enhance pedestrian and bicycle access to the project area. This would encourage the public to access the beach areas through the City's Downtown.</p>
<b>Transit Policies</b>	
<b>Policy I.B.1:</b> The City shall encourage public transportation service to mitigate excess parking demand and vehicular pollution. All transportation/congestion management plans and mitigation measures shall protect and encourage public beach access.	<p>The proposed Specific Plan is consistent with this policy. The Specific Plan does not suggest changes to transit services with the exception of instituting shuttle service to aid in the utilization of remote parking locations to increase parking opportunities. The Specific Plan provides for multipurpose drop-off zones, specialized motorcycle and electric vehicle parking and rideshare/taxi/shuttle loading areas to help reduce parking demand. The Specific Plan also includes new technologies, and minor improvements such as new signage to address parking issues in the plan area. This would encourage the public to access the beach areas through the City's Downtown.</p>

Policy	Project Consistency
<b>Policy I.B.3:</b> The City shall encourage pedestrian and bicycle modes as a transportation means to the beach.	The proposed Specific Plan is consistent with this policy. Implementation of the Specific Plan would result in future improvements to Downtown's streets, sidewalks, and open spaces that enhance pedestrian and bicycle access to the project area. This would encourage the public to access the beach areas through the City's Downtown.
<b>Policy I.B.7:</b> The City shall provide adequate signing and directional aids so that beach goers can be directed toward available parking.	The proposed Specific Plan is consistent with this policy. The Specific Plan establishes design guidelines and development standards, including standards for public signs for use in the Downtown area. The Specific Plan also includes new technologies, and minor improvements such as new signage to address parking issues in the plan area.
Parking Policies	
<b>Policy I.C.1:</b> The City shall maintain and encourage the expansion of commercial district parking facilities necessary to meet demand requirements.	The proposed Specific Plan is consistent with this policy. The proposed Specific Plan would result in no net loss of public parking and further recommends the development of various parking strategies to manage and accommodate commercial parking demand. Examples include the provision of shuttle services to and from existing and potential future remote parking lots, the designation of rideshare/taxi/shuttle loading areas and drop-off zones, and the use of stacked parking with valets/attendants. Through the use of these strategies, not only will existing parking areas be maximized, but overall parking demand will decrease, resulting in more available parking capacity. See the discussions of Policy I.B.1 and Policy I.B.7, above.
<b>Policy I.C.2:</b> The City shall maximize the opportunities for using available parking for weekend beach use.	The proposed Specific Plan is consistent with this policy. See the discussions of Policy I.B.1, Policy I.B.7, and I.C.1, above.
<b>Policy I.C.3:</b> When public improvements are made, they should preserve and maintain distinctive neighborhood characteristics.	The proposed Specific Plan is consistent with this policy. The public realm improvements envisioned in the Specific Plan would complement and enhance the Downtown's small-town character with features that include streetscape furnishings, decorative bicycle parking racks, accent lighting, and thematic signage. Private development and public improvements guided by the policies, standards, and guidelines of the Specific Plan would preserve and enhance the unique character of Downtown.
<b>Policy I.C.10:</b> Concentrate new parking in the Downtown Commercial District to facilitate joint use opportunities (office and weekend beach parking uses).	The proposed Specific Plan is consistent with this policy. See the discussions of Policy I.B.1, Policy I.B.7, and I.C.1, above.

Policy	Project Consistency
<b>II- COASTAL LOCATING AND PLANNING NEW DEVELOPMENT POLICIES</b>	
<b>A. Commercial Development</b>	
<b>Policy II.A.2:</b> Preserve the predominant existing commercial building scale of one and two stories, by limiting any future development to a 2-story maximum, with a 30' height limitation as required by Sections A.04.030, A.16.030, and A.60.050 of Chapter 2 of the Implementation Plan.	The proposed Specific Plan is consistent with this policy. The Specific Plan maintains the current 26-foot height limit for the majority of the commercial area of the Specific Plan, with exceptions in, Area B, for a 2-foot increase to 28 feet to allow for elevator shafts which would still be under the 30' height limitation within the policy. Area A, of the commercial area allows a 30 foot height limit and no revisions are proposed. The Code already provides height exceptions for vent pipes, antennas (up to 10 feet) and chimneys (up to 5 feet) and this proposal is consistent with these current exceptions.
<b>Policy II.A.3:</b> Encourage the maintenance of commercial area orientation to the pedestrian.	Implementation of the Specific Plan would result in coordinated, custom streetscape furnishings, landscaping, and materials that enhance the pedestrian environment. The Specific Plan would encourage first-floor business providing attractive storefronts and outdoor dining spaces that activate the project area's commercial streets. Proposed development standards that support this policy include minimum requirements for ground floor commercial façade transparency and maximum front setbacks, as well as maximum tenant frontages and ground floor retail square footage caps.
<b>Policy II.A.7:</b> Permit mixed residential/commercial uses on available, suitable commercial sites.	The proposed Specific Plan is consistent with this policy. The Downtown would continue to be a thriving commercial mixed-use District. The Specific Plan, Chapter 6 establishes design guidelines and development standards for private development, including identifying the requirements for setbacks, building articulation, and optional stepbacks for upper stories, which would serve to help balance the needs of the residential and commercial uses.
<b>B. Residential Development</b>	
<b>Policy II.B.1:</b> Maintain building scale in coastal zone residential neighborhoods consistent with Chapter 2 of the implementation Plan.	The proposed new LCP land use Policy Map and zoning designations are consistent with the building scale in the coastal zone neighborhood and would result in no changes to the physical environment. The area has historically been, since the 1930's predominately residential and has been, since at least 1995 and remains currently, entirely residential. The LCP Land Use Policy and Zoning Map consistency revisions will only reconcile the designation nomenclature and not have any changes to any development standards including building scale.

Policy	Project Consistency
<b>Policy II.B.3:</b> Maintain Coastal Zone residential height limit not to exceed 30' as required by Sections A.04.030 and A.60.050 of Chapter 2 of the Implementation Plan.	The proposed new LCP land use policy map and zoning designation is consistent with the 30' Coastal Zone residential height limit as required by the LCP - Implementation Program. Specifically, the height limitation within the "RH" zone is 30 feet, which is consistent with historical and current development in the area.

**CALIFORNIA COASTAL COMMISSION**

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



June 26, 2006

Richard Thompson, Director  
Community Development Department  
City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, CA 90266-4795

Re: Manhattan Beach Local Coastal Program Amendment Request No. 3-04 (MNB-MAJ-3-04).

Dear Mr. Thompson:

On October 14, 2004, the City submitted to our office a request to amend the City of Manhattan Beach certified Local Coastal Program (LCP). The LCP amendment request, submitted with City Council Resolution No. 5929 and contained in City Council Ordinance No. 2058, and is comprised of two sets of changes to the coastal zone zoning map (LIP Section A.01.020.B) and an associated change to the Downtown Height Limits Diagram (LIP Section A.16.030.G).

In a letter dated October 27, 2004 (attached), our office informed the City that the LCP amendment submittal was incomplete because it does not include the changes to the Manhattan Beach Land Use Policy Map that are driving the proposed zone changes. We have not received any response to the October 27, 2004 letter, and the LCP amendment remains incomplete and inactive.

In order to complete the processing of the LCP amendment request, the City must submit the previously requested materials relating to the City's Land Use Policy Map changes that are driving the proposed changes to the LIP, including:

1. The City's ordinances and resolutions that adopt any changes to the Manhattan Beach Land Use Policy Map as it applies to the coastal zone.
2. Copies of the City's public notices for the Planning Commission and City Council hearings regarding changes to the Manhattan Beach Land Use Policy Map.
3. Copies of the City's staff reports for the Planning Commission and City Council regarding changes to the Manhattan Beach Land Use Policy Map.
4. Minutes of the Planning Commission and City Council hearings regarding changes to the Manhattan Beach Land Use Policy Map.
5. Copies of all speaker slips and written comments received from the public regarding changes to the Manhattan Beach Land Use Policy Map.

California Coastal Commission

LCP-5-MNB-17-0024-1

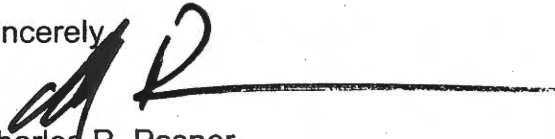
Exhibit 8 p. 1 of 3



6. A mailing list containing the names and addresses of all interested parties for the changes to the Manhattan Beach Land Use Policy Map.
7. A copy of the environmental review document (EIR) that was prepared for the changes to the Manhattan Beach Land Use Policy Map.
8. A narrative that describes how the proposed Land Use Policy Map and zone changes, which would convert high priority land uses (visitor serving commercial) to a lower priority land use (residential), is consistent with the applicable Chapter 3 policies of the Coastal Act (e.g., Section 30222).

A public hearing on the matter will be scheduled before the Commission once we have determined that the LCP amendment request is deemed complete. Please call me if you have any questions.

Sincerely,



Charles R. Posner  
Coastal Program Analyst

cc: Donald Boudreau, Assistant Planner

**CALIFORNIA COASTAL COMMISSION**

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



February 26, 2013

Richard Thompson, Director of Community Development  
City of Manhattan Beach  
1400 Highland Avenue  
Manhattan Beach, CA 90266-4795

Re: Status of Manhattan Beach Local Coastal Program (LCP) Amendment Request No. 3-04.

Dear Mr. Thompson:

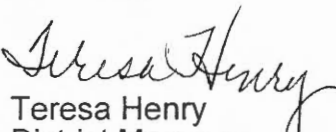
On October 14, 2004, the City submitted to our office a request to amend the City of Manhattan Beach certified Local Coastal Program (LCP). The LCP amendment request, submitted with City Council Resolution No. 5929 and contained in City Council Ordinance No. 2058, is comprised of two sets of changes to the coastal zone zoning map (LIP Section A.01.020.B) and an associated change to the Downtown Height Limits Diagram (LIP Section A.16.030.G).

In a letter dated October 27, 2004, our office informed the City that the LCP amendment submittal was incomplete because it does not include, among other items, the changes to the Manhattan Beach Land Use Policy Map that are driving the proposed zone changes. On June 26, 2006, our office sent the City a second "incomplete" letter informing the City that the LCP amendment submittal was still incomplete. Our office did not receive any response to the incomplete letters and the LCP amendment has remained incomplete and inactive for several years.

At this time, we are writing to advise you that LCP Amendment Request No. 3-04 is no longer a valid submittal. Section 30503 of the Coastal Act requires that any LCP amendment to be considered by the Commission must have been subject to local public hearings within four years. The last public hearing to be held on the contents of LCP Amendment Request No. 3-04 occurred on July 20, 2004 (see City Council Resolution No. 5929), which is now over four years ago. Therefore, the Commission is not able to continue processing that request and is treating it as effectively "withdrawn".

If the City still wishes to obtain certification of the content of City Council Ordinance No. 2058, the City would need to follow the usual processing requirements for an LCP amendment, including holding new local public hearings. Please contact us whenever you wish to proceed on this matter. Thank you for your cooperation and we look forward to working with you and your staff in the future. If you have any questions, please contact Charles Posner at our Long Beach office (562) 590-5071.

Sincerely,

  
Teresa Henry  
District Manager

California Coastal Commission

LCP-5-MNB-17-0024-1

Exhibit 8 p. 3 of 3