



## Legislation Text

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**File #:** 18-0221, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Anne McIntosh, Community Development Director  
Nhung Madrid, Senior Management Analyst

**SUBJECT:**

Issue a 10-Day Report Pursuant to Government Code Section 65858(d) for Interim Zoning Ordinance (IZO) No. 17-0007-U; and Status Update of California Coastal Commission Consideration of the Downtown Specific Plan Project (Community Development Director McIntosh).

**ISSUE 10-DAY REPORT**

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**RECOMMENDATION:**

Staff recommends that the City Council:

- 1) Issue a 10-Day Report pursuant to Government Code Section 65858(d) for IZO No. 17-0007-U; and
- 2) Receive a status update of the California Coastal Commission's certification process of the Downtown Specific Plan (DSP).

In addition, if Council wants to discuss the DSP prior to the Coastal Commission's decision on the DSP, staff further recommends that the matter be agendaized later tonight during future Council agenda items.

**FISCAL IMPLICATIONS:**

There are no fiscal implications associated with the recommended action.

**BACKGROUND:**

In March 2017, the Downtown Specific Plan and Local Coastal Program (LCP) Amendment was formally submitted to the California Coastal Commission for review and certification. Commission staff performed an initial review, requested and received additional documents from the City, and deemed the submittal complete in June 2017.

Subsequently, Commission staff recommended that the Coastal Commission extend the Plan's review and certification deadline, not to exceed one year, for Commission action on the Downtown Specific Plan and LCP Amendment request. This action was approved at the Commission's meeting

on August 11, 2017 (Attachment 1). City staff was informed that the Commission staff would begin reviewing the City's submittal at the end of 2017 or in early 2018.

Since the Downtown Specific Plan cannot become effective until the Commission certifies the Plan, Interim Zoning Ordinance (IZO) No. 16-0013-U was adopted and later extended through adoption of IZO No. 17-0007-U, which will expire on July 5, 2018 (Attachment 2). Specifically, this IZO requires a Use Permit for any professional office, bank and savings & loan, catering service, or communication facility proposed to be located on the ground floor street front, and for any retail sales use proposed to have more than 1,600 square feet of buildable floor area. The IZO only affects commercial development and does not affect any residential development in the Plan area.

Pursuant to state law, the City Council must issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance at least ten days prior to the expiration of that interim ordinance. The report is attached.

#### **DISCUSSION:**

Since late 2017, staff has been proactively contacting the Commission for status updates on the Plan's certification. Staff's communication with the Commission has resulted in the following timeline:

- **November 2017** The Commission informed City staff that they would begin reviewing the project in January/February 2018 for timely completion prior to the expiration of the IZO.
- **January 2018** City staff was informed that the January Commission meeting was cancelled and that the Plan was not scheduled on the February agenda.
- **February 2018** City staff was informed that Commission staff was still reviewing the Plan and that it would not be ready for the March 2018 meeting.
- **March 2018** City staff was informed that the Plan was tentatively scheduled for the May 2018 meeting.
- **April 2018** City staff contacted the Commission to confirm that the Plan would be agendized for May. Commission staff informally notified City staff that the Plan was presented to Commission senior staff and that Commission staff had the following concerns:
  - Commission staff suggested that the Plan should have more policies in place to protect public access to the coast as it relates to the original LCP;
  - That the City's original LCP is very thin in talking about public access; the current LCP public access portion of the document is mostly related to parking and walkway access;
  - Other local municipal LCP updates that the Commission has received are addressing and/or including more information about short-term rentals and access for low cost visitor-serving uses, and the Commission would like to see a deeper analysis of short-

term rentals and access for low cost visitor- serving uses, as well as how the Downtown Specific Plan can provide more protection policies related to both;

- As a result of the approved extension, the Commission has until September 2018 to formally take action on the submittal, and recommended that the City consider alternative options because the Commission's deadline date is after the expiration of the IZO;
- More internal discussion among Commission staff is needed for further clarification and direction before formal direction is submitted to the City; and
- Commission staff will provide more information in early May regarding the Plan's scheduled hearing date.

- **May 2018** City staff contacted the Commission and was informed that due to other appeals filed with the Commission for other Manhattan Beach-related projects, and the 45-day turnaround timeframe to process appeals, the Commission has not been able to further evaluate the Downtown Specific Plan and LCP Amendments. Commission staff did not anticipate it to be scheduled for June 2018. The next Coastal Commission meeting in Southern California will be in August, which would also be the latest that the Commission could take action on the Plan to meet their September 2018 processing deadline.

Although City staff has repeatedly pressed upon the Commission that its timely review of the Downtown Specific Plan Project and LCP Amendment is crucial, no formal action has been taken on the Plan and/or Amendments that the City submitted over a year ago. In addition to the Downtown Specific Plan, the Coastal Commission submittal included the reconciliation of land use designations and map inconsistencies, as directed by the Coastal Commission, that will need to be addressed regardless of the Plan's certification.

As a result of the processing timeline from the Coastal Commission and the impending IZO related to the Downtown Specific Plan that is set to expire in July 2018, staff recommends that City Council issue the 10-day report. This report, as identified by Government Code Section 65858(d), is required to be issued 10 days prior to the expiration of the IZO and describes the measures taken to alleviate the condition which led to the adoption of the ordinance (Attachment 3).

Additionally, staff recommends that the City Council await formal notification from the Coastal Commission on the Downtown Specific Plan Project and LCP Amendments. Based on the given timeline, the City should receive notification from the Commission in early fall 2018. Once notification is received from the Coastal Commission, staff will return to the City Council for further direction, tentatively scheduled for September 18, 2018.

#### **POLICY ALTERNATIVE:**

The City Council may wish to direct the City Attorney to research whether a new Interim Zoning Ordinance (IZO) reflective of various zone text amendments within the Final Downtown Specific Plan can be adopted within the limitations of state law regulating the subject matter for interim zoning ordinances. The existing IZO (No. 17-0007-U) language is not completely consistent with policy and

code language from the proposed Downtown Specific Plan. Language in a new IZO might mirror the language in the proposed Downtown Specific Plan to provide consistency.

**PUBLIC OUTREACH/INTEREST:**

A tremendous amount of public outreach and engagement occurred throughout the Downtown Specific Plan's three year project timeframe. For tonight's meeting, staff notified the Downtown Business and Professional Association, the Downtown Residents' Group and all other interested parties that participated in outreach activities related to the project. Staff will evaluate and determine future outreach and community engagement based on the City Council's direction on next steps for the project.

**ENVIRONMENTAL REVIEW**

In accordance with the provisions of the California Environmental Quality Act (CEQA), as part of the Downtown Specific Plan Project and LCP Amendments, the City prepared an Initial Study, Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) to ensure compliance with the requisite mitigation measures. No additional analysis is required at this time in connection with the issuance of the Alleviation Report.

**LEGAL REVIEW**

The City Attorney has reviewed this report and concluded that no additional legal analysis is necessary.

**Attachments:**

1. Interim Zoning Ordinance No. 17-0007-U
2. California Coastal Commission Staff Report (July 20, 2017)
3. Government Code Section 65858(d) Alleviation Report