

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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# Th10a

**DATE:** May 20, 2016

**TO:** Commissioners and Interested Persons

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

**RE:** Minor Amendment Request No. 1-16 (LCP-5-MNB-16-0022-1) to the City of Manhattan Beach LCP, for Commission Action at its June 9, 2016 meeting in Santa Barbara.

## **Local Coastal Program Amendment No. 1-16 (Minor)**

The City of Manhattan Beach is requesting that the Commission certify an amendment to the implementing ordinances portion of the Manhattan Beach certified Local Coastal Program (LCP). The requested LCP amendment would update the residential development regulation standards of the LCP Implementing Ordinances, certified by LCP Amendment No. 1-08, that limit the mansionization trend where large out-of-scale single family homes replace the smaller older homes in the City's established neighborhoods. Specifically, the requested LCP amendment is meant to "Encourage reduced visual building bulk with effective setback, height, open space, site area and similar standards, and provide incentives for retention of existing smaller homes." The amended "minor exception" approval criteria restricts over-demolition of residential remodel projects.

Local Coastal Program Amendment Request No. 1-16, submitted with City Council Resolution No. RES-15-0059, and contained in City Council Ordinance No. ORD-15-0028, affects only the implementing ordinances portion of the certified LCP and does not propose any rezoning or land use changes. The Manhattan Beach City Council held a public hearing for the zoning code changes and the LCP amendment on October 6, 2015 and passed City Council Resolution No. RES-15-0059 authorizing City staff to submit the LCP amendment to the Coastal Commission. The City Council adopted Ordinance No. ORD-15-0028 on November 3, 2015.

### **Analysis**

The Executive Director has determined that the City of Manhattan Beach LCP Amendment No. 1-16 is a minor LCP amendment. The LCP amendment has been determined to be a "minor" LCP amendment because the proposed changes to the City's residential zoning standards are consistent with the certified Land Use Plan (LUP), would make the City's development regulations more specific, and would not change the kind, location, intensity or density of any uses. The proposed changes to the implementing ordinances are attached as Exhibit B (Ordinance No. 15-0028).

City Council Ordinance 15-0028 amends minor exception regulations in the City's zoning code which include: 1) confirming a lot size maximum of 7,000 square feet, which was already certified as part of LCP Amendment No. 1-08 (City Council Ordinance No. 2112), but was inadvertently omitted from the 2008 Municipal Code; 2) revises "minor exception" approval criteria to exclude "foundation and other surface/subsurface structures" from the numerical calculation for determining that a minimum of 10% of an existing non-conforming structure that must be maintained to avoid over-demolition of residential remodel projects with existing nonconformities, and 3) amendments to the table in Section A.84.120 related to minor exceptions.

The proposed changes will clarify the City's residential regulations, and would not change the density of development allowed in the City's residential zones. The proposed changes will not result in any change in the kind, location, intensity, or density of uses. The proposed changes are consistent with the City of Manhattan Beach certified Land Use Plan (LUP), which set forth the following policies:

***POLICY II.1:***     *Control development within the Manhattan Beach coastal zone.*

***POLICY II.B.1:***   *Maintain Building scale in coastal zone residential neighborhoods consistent with Chapter 2 of the Implementation Plan*

***POLICY II.B.2:***   *Maintain residential building bulk control established by development standards in Chapter 2 of the Implementation Plan.*

## **Procedures**

Pursuant to Section 30514(c) of the Coastal Act and Section 13554(a) of Title 14 of the California Code of Regulations, the Executive Director has determined that the proposed LCP amendment is "minor" in nature. Section 13554(a) of Title 14 of the California Code of Regulations defines a minor LCP amendment as changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and are consistent with the certified LUP.

The proposed LCP amendment will become effective on the 10<sup>th</sup> working day after the Executive Director determines that the amendment is minor which begins on the day that the Executive Director sends out notice of such determination to all parties the Executive Director has reason to know may be interested in the amendment, the Commission concurs with the Executive Director's determination and the requirements of section 13544 of Title 14 of the California Code of Regulation have been satisfied. Interested parties have ten working days of the mailing of notice to submit written objections to the determination that the amendment is minor. If one-third of the appointed members of the Commission requests, the determination of minor amendment shall not become effective and the LCP amendment shall be processed and heard as a "major" LCP amendment pursuant to Section 13555 of the California Code of Regulations.

RESOLUTION NO. 15-0059

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL AUTHORIZING SUBMISSION OF ORDINANCE NO. 15-0028 TO THE CALIFORNIA COASTAL COMMISSION TO INCORPORATE AMENDMENTS TO THE LOCAL COASTAL PROGRAM (LCP) FOR SECTIONS A.12.010, A.12.030, AND A.84.120 PERTAINING TO MAXIMUM LOT SIZE AND MINOR EXCEPTIONS

THE MANHATTAN BEACH CITY COUNCIL RESOLVES AND FINDS AS FOLLOWS:

**SECTION 1.** As part of an ongoing review of the City Zoning Code and LCP Zoning Code, this is a portion of a series of "clean up" amendments to remove inconsistencies in the Municipal Code, correct clerical omissions or respond to new developments in the law. The complete series of subject amendments was previously considered by the City Council in 2013; as recommended by the Planning Commission, but not enacted by the City Council. Thus, the City Council conducted a public hearing pursuant to applicable law on October 6, 2015 to consider the specific amendments to the LCP Zoning Code for Chapter A.12 (Residential Districts) and Chapter A.84 (Use Permits, Variances and Minor Exceptions). At the November 3, 2015 regular meeting, the City Council adopted Ordinance No. 15-0028.

**SECTION 2.** The proposed Local Coastal Program amendments are exempt from the California Environmental Quality Act (CEQA) requirements pursuant to CEQA guidelines Section 15061(b)(3) because it can be seen with certainty that the amendments will not have the potential for any impacts on the environment. The proposed LCP zoning regulation amendments add maximum lot sizes that were mistakenly not included in the final provisions of a previous Code Amendment and moderately modify procedures for addressing minor nonconformity hardships caused by existing site conditions.

**SECTION 3.** The City Council finds that the Amendments to the LCP are consistent with Policy II.1 of the LCP Policies and Implementation Measures which states "Control Development within the Manhattan Beach coastal Zone", as well as Section A.01.030 A.1 "Preserve the character and quality of residential neighborhoods consistent with the character of the two area districts of the Coastal Zone;" A.2 "Foster convenient, harmonious, and workable relationships among land uses;" B. "Promote the economic stability of existing land uses that are consistent with the Local Coastal Plan and protect them from intrusions by inharmonious or harmful land uses," and C. "Prevent excessive population densities and overcrowding of land or buildings," and Section A.12.010 B. "Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects."

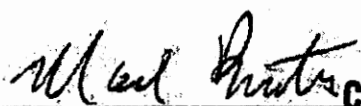
**SECTION 4.** The City Council certifies that the subject amendment will be implemented in a manner fully in conformity with the California Coastal Act of 1978, as amended, and the City of Manhattan Beach Local Coastal Program.

**SECTION 4.** The City Clerk shall certify to the adoption of this Resolution.

**SECTION 5.** The City Council hereby directs the City Manager or his designee to submit the LCP amendment memorialized in Ordinance No. 15-0028 to the California Coastal Commission for certification in conformance with state law.

PASSED, APPROVED AND ADOPTED this 3rd day of November, 2015.

AYES: Lesser, Howorth, Powell, D'Errico and Mayor Burton  
NOES: None  
ABSENT: None  
ABSTAIN: None



MARK BURTON  
Mayor of the City of Manhattan Beach, California

COASTAL COMMISSION

ATTEST:



LIZA TAMURA  
City Clerk

EXHIBIT # A  
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**ORDINANCE NO. 15-0028**

**AN ORDINANCE OF THE CITY OF MANHATTAN BEACH  
AMENDING SECTIONS A.12.010, A.12.030, AND A.84.120, OF  
THE MANHATTAN BEACH LOCAL COASTAL PROGRAM  
(LCP), PERTAINING TO MAXIMUM LOT SIZE AND MINOR  
EXCEPTIONS**

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. CEQA Findings. The proposed project is exempt from the requirements of the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the project will have a significant effect on the environment. The proposed LCP zoning regulation amendments add maximum lot sizes that were mistakenly not included in the final provisions of a previous Code Amendment and moderately modify procedures for addressing minor nonconformity hardships caused by existing site conditions. Thus, it is exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 2. On October 6, 2015 the City Council conducted a duly noticed public hearing to consider amendments to the LCP Zoning Code for Chapter A.12 (Residential Districts) and Chapter A.84 (Use Permits, Variances and Minor Exceptions). After a duly noticed public hearing held on May 8, 2013, the Planning Commission adopted Resolution No. PC 13-06 recommending approval of the amendments.

SECTION 3. The City Council hereby amends Section A.12.010 of the Local Coastal Program to add subsection "D" as follows:

"D. Encourage reduced visual building bulk with effective setback, height, open space, site area, and similar standards, and provide incentives for retention of existing smaller homes. Include provision for an administrative Minor Exception procedure to balance the retention of smaller older homes while still allowing flexibility for building upgrades below the maximum allowable square footage."

SECTION 4. The City Council hereby amends the minimum "Lot Dimensions" portion of the "Property Development Standards for Area Districts III and IV" table in Section A.12.030 of the Local Coastal Program to read as follows, with all other portions of the table to remain unchanged:

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**PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV**

	Area District III		Area District IV	Additional Regulations
	RM	RH	RH	
Lot Dimensions				
Area (sq. ft.)				(A)(B)(C)(J)(K)
Minimum	2,700	2,700	2,700	
Maximum	7,000	7,000	7,000	
Width (ft.)				
Minimum	30	30	30	

**SECTION 5.** The City Council hereby amends Section A.84.120(G)(3) of the Local Coastal Program as follows:

"3. A minimum of 10% of the existing structure, located above the ground-level floor surface, based on project valuation as defined in Section A.68.030, shall be maintained."

**SECTION 6.** The City Council hereby amends the table in Local Coastal Program Section A.84.120 related to minor exceptions to read as follows:

Applicable Section	Exception Allowed
A.12.030	Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.
A.12.030	Site enlargements (e.g., mergers, lot line adjustments), not exceeding the maximum lot area, which result in existing structures becoming nonconforming to residential development regulations.
A.12.030(M)	Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones and for dwelling units that are largely 2-story in 3-story zones.
A.12.030(P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
A.12.030(M), and A.12.030(E)	Reduction in percentage of 15% open space requirement, side yard setbacks, and/or rear yard setback. This may be applied to small, wide, shallow, multiple front yard, and/or other unusually shaped lots or other unique conditions.
A.12—A.68	Non-compliant construction due to Community Development staff review or inspection errors.
A.68.030(D) and (E), A.12.030 and A.12.030(R)	Construction of a first, second or third story residential addition that would project into required setbacks or required building separation yard, matching the existing legal non-conforming setback(s).

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Applicable Section	Exception Allowed
A.68.030(D) and (E)	Alterations, remodeling and additions (enlargements) to existing smaller legal non-conforming structures.
A.68.030(E)	Alterations and remodeling to existing legal non-conforming structures.

**SECTION 7.** If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

**SECTION 8.** Any provisions of the Local Coastal Program or appendices thereto, to the extent that they are inconsistent with this Ordinance, are hereby repealed, and the City Clerk shall make any necessary changes to the Local Coastal Program for internal consistency.

**SECTION 9.** This Ordinance shall go into effect and be in full force and effect 30 days after its adoption.

**SECTION 10.** 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 Government Code Section 36933.

PASSED, APPROVED AND ADOPTED November 3, 2015.

AYES: Lesser, Howorth, Powell, D'Errico and Mayor Burton  
 NOES: None  
 ABSENT: None  
 ABSTAIN: None

  
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 MARK BURTON  
 Mayor

ATTEST:

  
 \_\_\_\_\_  
 LIZA TAMURA  
 City Clerk

**COASTAL COMMISSION**

EXHIBIT #   B    
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