

**CALIFORNIA COASTAL COMMISSION**

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July 24, 1997

TO: Commissioners and Interested Persons

FROM: Charles Damm, Deputy Director  
Pam Emerson, Los Angeles County Area Supervisor  
Charles Posner, Coastal Program Analyst

SUBJECT: Major Amendment Request No. 2-97 to the City of Manhattan Beach  
Certified Local Coastal Program (For Public Hearing and Commission  
Action at the August 12, 1997 meeting in Los Angeles.

**SYNOPSIS**

The City of Manhattan Beach Local Coastal Program (LCP) was certified by the Coastal Commission on May 12, 1994. The current proposal is the City's second major LCP amendment request since certification. The proposed LCP amendment affects only the implementing ordinances (LIP) of the City's certified LCP. The certified Land Use Plan (LUP) is not affected.

The proposed LCP amendment contains numerous changes to the City's development regulations and definitions including: revised parking requirements, new sign regulations, revised Coastal Development Permit appeal procedures, and new procedures for waiving the public hearing requirements for minor developments (Exhibit #3). This LCP amendment does not include any changes to the temporary event regulations proposed by LCP Amendment Request No. 1-97.

**SUMMARY OF STAFF RECOMMENDATION**

Staff is recommending that the Commission, after public hearing, deny the amendment to the LCP Implementing Ordinances as submitted; and then approve, only if modified, the amendment to the LCP Implementing Ordinances.

The modifications are necessary because, as submitted, the proposed amendment is not in conformance with, and not adequate to carry out, the provisions of the certified Land Use Plan (LUP) because it would not adequately protect public access to the beach as called out for in the certified LUP policies. Secondly, some of the proposed changes are unclear or ambiguous and as such are not adequate to carry out the provisions of the certified LUP. The motions to accomplish this recommendation are on pages two and three. The suggested modifications start on page three.

### SUBMITTAL OF LCP AMENDMENT

The proposed changes to the certified LCP are contained in Ordinance No. 1961 (Exhibit #3). The City submitted the proposed LCP amendment for Commission action with Resolution No. 5314. The proposed LCP amendment was discussed at City Planning Commission public hearings held on October 23, 1996 and December 11, 1996. The City Council held a public hearing for the proposed LCP amendment on January 21, 1997 and adopted Ordinance No. 1961 on March 18, 1997.

### STANDARD OF REVIEW

The standard of review for the proposed amendment to the LCP Implementing Ordinances, pursuant to Sections 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 Land Use Plan (LUP).

### ADDITIONAL INFORMATION

Copies of the staff report are available at the South Coast District office located at 200 Oceangate, 10th Floor, Long Beach, 90802. To obtain copies of the staff report by mail, or for additional information, contact Charles Posner in the Long Beach office at (562) 590-5071.

### I. STAFF RECOMMENDATION

Staff recommends adoption of the following motion and resolution:

### DENIAL OF THE AMENDMENT TO THE LCP IMPLEMENTING ORDINANCES AS SUBMITTED

#### MOTION

"I move that the Commission reject amendment request No. 2-97 to the City of Manhattan Beach LCP Implementing Ordinances as submitted."

Staff recommends a YES vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

### Resolution to reject the amendment to the Implementing Ordinances as submitted

The Commission hereby rejects the amendment to the Implementing Ordinances of the City of Manhattan Beach certified Local Coastal Program, as submitted, for the reasons discussed below on the grounds that it does not conform with, or is inadequate to carry out, the provisions of the Land Use Plan as certified. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the approval of the amendment to the Implementing Ordinances would have on the environment.

APPROVAL OF THE AMENDMENT TO THE LCP IMPLEMENTING ORDINANCES IF MODIFIED

MOTION

"I move that the Commission approve amendment request No. 2-97 to the City of Manhattan Beach LCP Implementing Ordinances if it is modified in conformity with the modifications suggested below."

Staff recommends a YES vote which would result in the adoption of the following resolution and findings. An affirmative vote by a majority of the Commissioners present is needed to pass the motion.

Resolution to certify the amendment to the Implementing Ordinances if modified

The Commission hereby approves the certification of the amendment to the Implementing Ordinances of the City of Manhattan Beach Local Coastal Program, for the reasons discussed below on the grounds that the amended ordinances, maps, and other implementing actions are consistent with, and adequate to carry out, the provisions of the certified Land Use Plan, as provided in Section 30513 of the Coastal Act, if amended according to the suggested modifications stated in Section II of this report. This amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625(c) of the Coastal Act, and approval of the amendment will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

The Commission further finds that if the local government adopts and transmits its revisions to the amendment to the Implementing Ordinances in conformity with the suggested modifications, then the Executive Director shall so notify the Commission.

II. SUGGESTED MODIFICATIONS

Certification of amendment No. 2-97 to the City of Manhattan Beach LCP Implementing Ordinances is subject to the following modifications (staff's suggested additions are underlined, suggested deletions are slashed, and other revisions are noted):

- A. Delete the following portion of Section A.64.030 "Off-street parking and loading spaces required" (Exhibit #3 p.40):

~~In buildings with less than 4 units, only 1 enclosed space is required for units with less than 550 square feet of floor area.~~

- B. Retain Section A.64.060 "Parking in-lieu payments" as originally certified (Exhibit #3 p.46). No changes to the originally certified version of Section A.64.060 are approved by LCP Amendment 2-97.

C. Changes to Section A.96.080 "Action on Coastal Development Permits" (Exhibit #3 p. 66):

A.96.080.B: Action to approve, conditionally approve, or deny a Coastal Development Permit shall be taken ~~on~~ by the Director of Community Development, the Planning Commission, the Public Works Commission, or the City Council, whichever has responsibility for final approval of other discretionary permits, ~~and/or including~~ parcel maps and lot line adjustments, if such discretionary permits are required. To the extent possible, action on a Coastal Development Permit shall be taken concurrently with action on other permits or approvals required for the project.

D. Changes to Section A.96.160 "Appeals" (Exhibit #3 p. 66):

(See Exhibit #6 for currently certified Section A.96.160.)

Development pursuant to an approved Coastal Development Permit shall not commence until ~~all/applicable/appeal/periods/expire/or/if/appealed/ until/all/appeals/~~ the Coastal Development Permit is effective. The Coastal Development Permit is not effective until all/applicable/appeal periods/expire/or/if/appealed/ until all appeals, including those to the Coastal Commission, have been exhausted. In the event that the Coastal Commission denies the permit or issues a permit on appeal, the Coastal Development Permit approved by the City is void.

A) Action by the Director of Community Development may be appealed to the Planning Commission. Action by the Planning Commission may be appealed only to the City Council. Any appeal by an aggrieved person, except an appeal originating from the by a City Councilperson or the Mayor, must be initiated within 15 days from the date of the decision. The appeal period ends at the close of the business day for City Hall on the first City Hall working day no less than fifteen days after the decision maker's action. on the fifteenth day provided however that the appeal period shall be extended to the close of the business on the next working day.

1) The matter shall be scheduled for City Council review at the first regularly scheduled meeting following the decision for which the matter can be legally noticed. The Mayor or any City Council member may appeal the permit at the time of or before the City Council meeting at which the decision is reported to the City Council. An appeal originating with the City Council must be made at or prior to the regularly scheduled City Council meeting when the decision is reviewed by the City Council.

2) An appeal from the Decision of the Director of Community Development shall be filed with the Department of Community Development on a form provided by the Director of Community Development. The appeal shall be accompanied by fee set by resolution of the city council and a statement of the grounds for the appeal.

- 3) An appeal from the decision of the Planning Commission shall be filed with the City Clerk on a form provided by the City Clerk. The appeal shall be accompanied by a fee set by resolution of the City Council and a statement of the grounds for the appeal.
  - a) The Mayor or any member of the City Council may appeal any matter by requesting a public hearing on the appeal within the time limit set forth in section A.96.160 A. The Mayor or City Council member appealing any matter shall be disqualified from hearing the appeal unless he or she certifies that the appeal was made in the public interest or welfare.
  - b) Decisions that are appealed shall not become effective until the appeal has been resolved or withdrawn.
- 4) It shall be the duty of the of the Director of Community Development to forward a Coastal Development Permit appeal, together with recommendation thereof, to the appropriate body specified in Paragraph A above for its action.

E. Changes to Section A.96.260 "Public hearing waiver for minor development" (Exhibit #3 p.67):

A.96.260.B.1: Notice ~~will be~~ is sent to ~~any~~ all persons consistent with the provisions of section A.96.100 of this title as well as ~~any~~ all other persons known to be interested in receiving such notice.

A.96.260.B.2: The ~~this~~ notice ~~will~~ states that a public hearing will be held upon the request of any person.

A.96.260.C: Requests for hearing must be made in writing to the City Community Development Department. Said request for hearing must identify the reasons for such request. Upon receipt of a request for hearing the matter shall be scheduled for a public hearing.

F. Change to Section A.04.030 "Definitions" (Exhibit #3 p.2):

**Maintenance and Repair:** Reconstruction or renewal of any part of an existing building for the purpose of its preservation. Activities that result in the demolition or replacement of more than 50% of the materials of an existing structure shall be regarded as new construction, not maintenance and repair. All maintenance and repair activities require a Coastal Development Permit in accordance with Section A.96.40, unless specifically exempted under the terms of Section A.96.50.

G. Changes to Section A.60.020 "Development on Substandard Lots and Portions of Lots" (Exhibit #3 p.31):

A.60.020.A: For the purposes of this section a substandard lot is a pre-existing, legally created lot having a width or area less than required for the base district in which it is located. A substandard lot may be developed ~~occupied~~ by a permitted or conditional use for the base district subject to the applicable development regulations, including parking standards. ~~provided that~~ In an R district, heights and setbacks may be modified to allow the construction of at least one dwelling unit ~~may be constructed~~ on a substandard lot.

H. Changes to Section A.68.030 "Alterations and enlargements of nonconforming uses and structures" (Exhibit #3 p.49):

A.68.030.A: No structure, the use of which is nonconforming shall be moved, altered or enlarged unless required by law, or unless the moving, alteration, or enlargement will result in the elimination of the nonconformity. All enlargements and/or intensifications of use require a Coastal Development Permit in accordance with Section A.96.40, unless specifically exempted under the terms of Section A.96.50.

Exception: Minor enlargement of a structure, the use of which is nonconforming with respect to a use permit approval, is permitted, subject to the approval of a Coastal Development Permit, if applicable, provided said enlargement, accomplished cumulatively in one or more project, does not exceed 10% of the total pre-existing buildable square fee occupied by said use that is legally established as of July 4, 1996.

A.68.030.B: No structure partially occupied by a nonconforming use shall be moved, altered or enlarged in such a way as to permit the enlargement or intensification of use of the space occupied by the nonconforming use. All enlargements and/or intensifications of use require a Coastal Development Permit in accordance with Section A.96.40, unless specifically exempted under the terms of Section A.96.50.

Exception: Minor enlargement of a use partially occupying a structure and which is nonconforming with respect to a use permit approval, is permitted, subject to a Coastal Development Permit, if applicable, provided said enlargement, accomplished in one or more project, cumulatively does not exceed 10% of the total pre-existing buildable square feet occupied by said use that is legally established as of July 4, 1996.

I. Changes to Section A.72 "Sign Code" (Exhibit #3 p.53):

1. Modify Section A.72.020 "General Provisions" (Exhibit #3 p.54):

A.72.020.A: Sign Permits are required for a temporary and permanent signs except for these specified as exempt herein. All signs require a Coastal Development Permit in accordance with Section A.96.40, unless specifically exempted under the terms of Section A.96.50.

2. Modify Section A.72.040 "Exemptions" (Exhibit #3 p.56):

The following signs shall be exempt from this Chapter; however, an electrical or building permit or Coastal Development Permit may be required: ...

III. FINDINGS

The following findings support the Commission's denial of the amendment to the LCP Implementing Ordinances as submitted, and approval of the amendment to the LCP Implementing Ordinances if modified as indicated in Section II (Suggested Modifications). The Commission hereby finds and declares as follows:

A. Amendment Description

In 1994, the Commission certified the City of Manhattan Beach Local Coastal Program (LCP) and the City subsequently assumed responsibility for the issuance of Coastal Development Permits for development located within the City's coastal zone. The certified LCP is comprised of a Land Use Plan (LUP) and implementing ordinances (LIP). The certified LUP contains the land use map, policies and goals which govern the use and development of the City's coastal zone. The certified LUP is not affected by this LCP amendment. The certified LIP contains the regulations and zoning ordinances which implement the goals and policies of the LUP. The changes proposed by this LCP amendment affect only the LIP.

The City of Manhattan Beach Municipal Code essentially has two separate zoning ordinances, one for the coastal zone (Title A) and one for the remainder of the City (Title 10). The zoning ordinance contained in the certified LIP, which applies specifically to development located within the City's coastal zone, is Title A of the Municipal Code. Title A applies only within the coastal zone, while the remainder of the City is governed Title 10 of the Municipal Code.

The geographic separation between the jurisdictions of the City's two zoning ordinances allows the City to make changes to Title 10 (the zoning ordinance which applies outside of the coastal zone) without the review of the Coastal Commission or consideration of Coastal Act requirements. All changes to Title A, however, are amendments to the certified LIP and must be certified by the

Commission before they become effective. The advantage of this separation is that the LIP (Title A) is maintained as a separate document from the rest of the City's zoning ordinance (Title 10) so that both can be amended independent of one another. A disadvantage of having the two zoning ordinances is the difficulty in ensuring that the proper one is always used in its respective jurisdiction, especially when there are numerous differences between the two.

During the last several years the City has adopted numerous changes to Title 10 for use outside of the coastal zone. The changes to Title 10 do not need Commission certification because Title 10 does not apply in the City's coastal zone. Title A, certified by the Commission as part of the LIP in 1994, has not been effectively amended since it was certified in 1994. There are now numerous discrepancies between Title A and Title 10, the zoning ordinance which applies outside of the City's coastal zone. This comprehensive amendment request proposes to incorporate into Title A many of the changes that the City has already adopted into Title 10 in order to eliminate most of the discrepancies between the two zoning ordinances. Many of the proposed changes affect only definitions and procedures which, in most cases, should be identical in both Title A and Title 10.

In the proposed LCP amendment (Exhibit #3), the City proposes numerous changes to the certified LIP development regulations and definitions contained in Title A of the zoning ordinance, including:

Definitions (Exhibit #3, ps.1-4): Numerous changes are proposed to Section A.04.030 "Definitions". All proposed changes are inconsequential in regards to Coastal Act and LCP issues except for the proposed definition of "Maintenance and Repair". Part II of this report contains a suggested modification to the definition of "Maintenance and Repair" in order to clarify that all maintenance and repair activities are subject to the City's Coastal Development Permit authority as set forth in Section A.96.40 of Title A, unless specifically exempted under the terms of Section A.96.50 (See Exhibits #4&5).

Residential and Commercial Use Classifications (Exhibit #3, ps.4-9): Several minor changes are proposed to Sections A.08.030 "Residential Use Classifications" and A.08.050 "Commercial Use Classifications". All proposed changes are inconsequential in regards to Coastal Act and LCP issues.

RM and RH Residential Regulations (Exhibit #3, ps.9-17): Several minor changes are proposed to Sections A.12.010-030 "RM and RH Districts". The proposed changes deal primarily with new regulations for day care uses, domestic animals, garage sales, and the measurement of fences and walls. The proposed changes are inconsequential in regards to Coastal Act and LCP issues.

CL, CD and CNE Commercial Regulations (Exhibit #3, ps.17-25): Several minor changes are proposed to Sections A.16.020 and A.16.030 "CL, CD and CNE District regulations". The proposed changes also deal primarily with new regulations for day care uses, domestic animals, garage sales, and the measurement of fences and walls. The proposed changes are inconsequential in regards to Coastal Act and LCP issues.



Site Regulations - Residential Districts (Exhibit #3, ps.25-30): Several minor changes are proposed to Chapter A.52 "Site Regulations - Residential Districts". The proposed changes deal primarily with nonconforming yards and setbacks, accessory structures (i.e.; flagpoles, lamp posts, basketball hoops), accessory dwelling units (prohibition of second units), and condominium standards. The proposed changes are inconsequential in regards to Coastal Act and LCP issues.

Site Regulations - All Districts (Exhibit #3, ps.30-37): Several minor changes are proposed to Chapter A.60 "Site Regulations - All Districts". The proposed changes deal primarily with the development of substandard lots and portions of lots, building projections, and the measurement of height. Part II of this report contains a suggested modification to Section A.60.020 "Development on Substandard Lots and portions of Lots" (Exhibit #3 p.31) in order to clarify the requirements for development of substandard lots. In regards to the City's proposed changes to Section A.60.050 "Measurement of height" (Exhibit #3 p.34), there are no changes to the existing certified height limits, only revisions which clarify the methods for measuring the height of structures. The proposed changes would not result in the ability of the City to permit substantially higher buildings.

Parking Regulations (Exhibit #3, ps.37-48): Several changes are proposed to Chapter A.64 "Off-Street Parking and Loading Regulations". Numerous changes are proposed to the City's certified parking requirements, including changes to sections which the Commission added into the certified LIP to protect public access to the coast. Part II of this report contains two suggested modifications to the the City's proposed LIP amendment regarding the parking regulations. The suggested modifications are necessary to protect public access to the beach as called out for in the certified LUP policies.

Nonconforming Uses and Structures (Exhibit #3, ps.48-53): Several changes are proposed to Chapter A.68 "Nonconforming Uses and Structures". The City's proposed changes to the regulations for nonconforming uses and structures would relax some of the prohibitions which currently apply to the alteration of such uses. The proposed changes would allow small enlargements of nonconforming structures (up to 10% of pre-existing buildable square feet) and clarify what types of activities qualify as allowable routine maintenance and repairs. Part II of this report contains a suggested modification to Section A.96.030 "Alterations and Enlargements of Nonconforming Uses and Structures" in order to clarify that these types of activities are subject to the City's Coastal Development Permit authority as set forth in Section A.96.40, unless specifically exempted under the terms of Section A.96.50 (See Exhibits #4&5).

Sign Code (Exhibit #3, ps.53-59): The City proposes to delete the previously certified Sign Code (Chapter A.72) and replace it with a revised version of Chapter A.72 "Sign Code". Most of the proposed changes are inconsequential in regards to Coastal Act and LCP issues. However, Part II of this report contains a suggested modification to

Sections A.72.020 "General Provisions" and A.72.040 "Exemptions" in order to clarify that signs are also subject to the City's Coastal Development Permit authority as set forth in Section A.96.40, unless specifically exempted under the terms of Section A.96.50 (See Exhibits #4&5).

Use permits, Variances and Minor Exceptions (Exhibit #3, ps.59-63):

Several changes are proposed to Chapter A.84 "Use permits, Variances and Minor Exceptions". The proposed changes deal primarily with the authority of the Planning Commission and establishment of procedures for the issuance of Master Use Permits. The proposed changes do not alter the City's Coastal Development Permit responsibilities established by Chapter A.96.

Condominium Conversions (Exhibit #3, p.64): Two minor changes are proposed to Chapter A.88 "Condominium Conversions". The proposed changes are inconsequential in regards to Coastal Act and LCP issues.

Coastal Development Permit Procedures (Exhibit #3, ps.65-67): Several changes are proposed to Chapter A.96 "Coastal Development Permit Procedures". The first proposed change, to Section A.96.050 "Exemptions/Categorical Exclusions", would exempt from Coastal Development Permit requirements any type of development which was exempted pursuant to a Commission approved Categorical Exclusion (See Exhibit #5 for currently certified copy of Section A.96.050).

Secondly, the notification requirements would be changed so that all property owners and residents within a 100 foot perimeter of a parcel would be notified of a pending permit application instead of within a 500 foot perimeter as currently stated in the certified LIP.

Another proposed change would alter the appeals procedures contained in Section A.96.160 "Appeals". Part II of this report contains suggested modifications to Section A.96.160 which are meant to clarify the intent of the appeal procedures (See Exhibit #6 for currently certified copy of Section A.96.160).

Finally, the City proposes to add Section A.96.260 "Public Hearing Waiver for Minor Development" into the certified LIP (Exhibit #3, p 67). The proposed addition of Section A.96.260 to the certified LIP would incorporate the provisions of Section 30624.9 of the Coastal Act into the City's LCP. With the minor modifications suggested in Part II of this report, the proposed addition of Section A.96.260 into the certified LIP is consistent with the certified LUP and the requirements of Section 30624.9 of the Coastal Act.

[Note: This LCP amendment does not include any changes to the temporary event regulations proposed by City of Manhattan Beach LCP Amendment Request No. 1-97.]

B. Reasons for Suggested Modifications

The proposed LCP amendment shall be modified as indicated in Part II of this report (Suggested Modifications) in order to conform to the certified LUP and be adequate to carry out the provisions of the LUP. The following findings explain how the suggested modifications will bring the proposed LIP amendment into compliance with the certified LUP and adequately carry out the provisions of the LUP.

Parking Regulations (Exhibit #3, ps.37-48)

The proposed LIP amendment includes several changes to Chapter A.64 "Off-Street Parking and Loading Regulations". The proposed changes would alter the City's parking requirements from what was certified by the Commission in 1994. Most of the proposed changes are minor changes in wording that are inconsequential in regards to Coastal Act and LCP issues. However, two of the City's proposed changes would undo specific modifications to parking standards that the Commission adopted to protect public access to the coast when it certified the LIP in 1994. These two proposed changes are the subject of suggested modifications A and B in Part II (Suggested Modifications) of this staff report.

The first of the two proposed changes to the LIP parking standards that must be modified in order to carry out the public access provisions of the certified LUP is a proposed change to Section A.64.030 "Off-street parking and loading spaces required" (Exhibit #3 p.40). The certified LIP currently requires the provision of at least two parking spaces for each single family or multi-family residential unit, regardless of size. The Commission routinely enforces the same parking standard, two spaces per residential unit, in order to protect on-street public parking supplies which are necessary for the the public to access the coast. The proposed amendment would add the following exception for small units into the LIP:

In buildings with less than 4 units, only 1 enclosed space is required for units with less than 550 square feet of floor area.

The City proposed the same parking exception for small residential units when it submitted its LIP for certification in 1993. When the Commission certified the LIP in 1994, it rejected the proposed parking exception in order to carry out the requirements of the certified LUP. The certified LUP contains the following policies which the Commission has certified as consistent with the coastal access policies of the Coastal Act:

Parking Policies:

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.9: Use of 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 above stated certified LUP policies protect on-street public parking supplies which are necessary for the the public to access the coast. The proposed parking exception for small residential units does not conform to the above stated policies of the certified LUP. In fact, the proposal directly contradicts POLICY I.C.4 which states that, "...residential parking requirements shall not be reduced for units less than 550 square feet." Therefore, the proposal is not in conformance with, and not adequate to carry out, the provisions of the certified Land Use Plan (LUP) because it would not adequately protect public access to the beach as called out for in the certified LUP policies.

Suggested modification A, as stated in Part II (Suggested Modifications) of this staff report requires the deletion the following portion of Section A.64.030 "Off-street parking and loading spaces required" (Exhibit #3 p.40):

~~IN/BUILDINGS/WITH/LESS/THAN/4/UNITS/ONLY/1/ENCLOSED/SPACE/IS  
REQUIRED/FOR/UNITS/WITH/LESS/THAN/550/SQUARE/FEET/OF/FLOOR/AREA.~~

The proposed LIP amendment shall be modified as indicated in order to conform to the certified LUP and be adequate to carry out the provisions of the LUP. The City has agreed to delete the identified parking exception and has acknowledged that it was inadvertently included in the proposed LIP amendment by accident.

The City has also agreed to correct the second parking issue which also was inadvertently included in the proposed LIP amendment by accident. The proposed amendment would delete the specific limitations to the City's in-lieu parking payment program that the Commission inserted into Section A.64.060 of the LIP when it was certified in 1994. The limitations were added into the certified LIP as a suggested modification in 1994 in order to carry out the public access policies of the certified LUP. The City's current proposal would delete those limitations while allowing the City Council to set new undefined limitations. The undefined limitations that the City Council may ultimately wish to set, may or may not be consistent with the certified LUP or be adequate to carry out the provisions of the LUP. No new limitations are included in the proposed LIP amendment.

Therefore, suggested modification B, as stated in Part II (Suggested Modifications) of this staff report requires the City to retain Section A.64.060 "Parking in-lieu payments" as originally certified (Exhibit #3 p.46).

No changes to the originally certified version of Section A.64.060 are approved by LCP Amendment 2-97. The proposed LIP amendment shall be modified as indicated in order to conform to the certified LUP and be adequate to carry out the provisions of the LUP.

Local Coastal Development Permit Appeal Procedures (Exhibit #3, ps.66-67)

The proposed LIP amendment includes a revision to Section A.96.160 "Appeals". Only part A of Section A.96.160 has been revised by the City. Section A.96.160.A contains the rules for appealing a decision on a Local Coastal Development Permit within the local government. An action by the Director of Community Development may be appealed to the Planning Commission, and an action by the Planning Commission may be appealed to the City Council. However, a councilperson or the mayor can appeal an action by the Director of Community Development or the Planning Commission straight to the City Council. Instead of the previously certified ten working-day local appeal period, the LIP amendment proposes a fifteen day local appeal period.

It must be noted, however, that only part A of Section A.96.160 would be changed by the proposed LIP amendment. Part B is not changed. Section A.96.160.B contains the rules for appealing a decision on a Local Coastal Development Permit to the Coastal Commission. An action by the City Council can only be appealed to the Coastal Commission. (See Exhibit #6 for currently certified Section A.96.160).

Part II of this report contains suggested modifications to Section A.96.160.A which are meant to clarify the intent and the process of the appeal procedures. Only as modified in Part II.D of this report is the proposed LIP amendment in conformance with the certified LUP and adequate to carry out the provisions of the LUP.

Public Hearing Waiver for Minor Development (Exhibit #3, p.67)

The City proposes to add Section A.96.260 "Public Hearing Waiver for Minor Development" into the certified LIP (Exhibit #3, p 67). The proposed addition of Section A.96.260 to the certified LIP would incorporate the provisions of Section 30624.9 of the Coastal Act into the City's LCP. With the minor modifications suggested in Part II of this report, the proposed addition of Section A.96.260 into the certified LIP is consistent with the certified LUP and the requirements of Section 30624.9 of the Coastal Act. The suggested modifications are minor changes in wording which clarify the process of hearing waivers for minor development in order to adequately carry out the provisions of the certified LUP.

Coastal Development Permit Requirements (Exhibits #4&5)

Some of the proposed changes to the certified LIP could be interpreted to contradict certain procedural requirements contained in Chapter A.96 "Coastal Development Permit Procedures". Several of the City's proposed changes are

modified in Part II of this report in order to clarify that specific types of development or changes in intensity of use are indeed subject to the Coastal Development Permit requirements contained in Section A.96.040 "Requirement for Coastal Development Permit", unless the activity or development is explicitly exempted by Section A.96.050 "Exemptions/Categorical Exemptions". (See Exhibits #4&5 for Sections A.96.040 and A.96.050).

The following modification shall be added to Section A.04.030 "Definition: Maintenance and Repair" (Exhibit #3 p.2), Section A.68.030 "Alterations and enlargements of nonconforming uses and structures" (Exhibit #3 p.49), and Section A.72 "Sign Code" (Exhibit #3 p.53):

All [maintenance and repair activities/enlargements/intensifications of use/signs] require a Coastal Development Permit in accordance with Section A.96.40, unless specifically exempted under the terms of Section A.96.50.

Only as modified in Part II of this report is the proposed LIP amendment in conformance with the certified LUP and adequate to carry out the provisions of the LUP by clearly stating that all development in the coastal zone is subject to the City's certified Coastal Development Permit procedures contained in Chapter A.96 of the certified LIP.

Section A.04.030 "Definition: Maintenance and Repair" (Exhibit #3 p.2) must further be modified to include the following language in order to identify the threshold between maintenance and repair of structures and new construction:

Activities that result in the demolition or replacement of more than 50% of the materials of an existing structure shall be regarded as new construction, not maintenance and repair.

The difference between repair activities that result in the demolition or replacement of a significant amount of an existing structure and new construction must be defined. Repair and maintenance exemptions have been successfully challenged in court in the past. Such exemptions can be challenged if they result in the construction of a substantially new structure after the one being "repaired" was demolished except for one or two walls. The Commission has used the following 50% rule as the determining factor when deciding whether a major remodel of a structure is a repair or a new structure:

Demolition or replacement of more than 50% of the materials of an existing structure shall be regarded as new construction.

The City of Manhattan Beach LIP shall be modified in order to define the difference between building repairs and new construction. Only as modified in Part II of this report is the proposed LIP amendment able to adequately carry out the provisions of the LUP.

#### Other

The modifications suggested to Section A.60.020 "Development on Substandard Lots and portions of Lots" (Exhibit #3 p.31) and Section A.96.080 "Action on

Coastal Development Permits" (Exhibit #3 p. 66) are minor changes in wording which clarify the meaning of each respective section of the amended LIP. Only as modified in Part II of this report is the proposed LIP amendment in conformance with the certified LUP and adequate to carry out the provisions of the LUP.

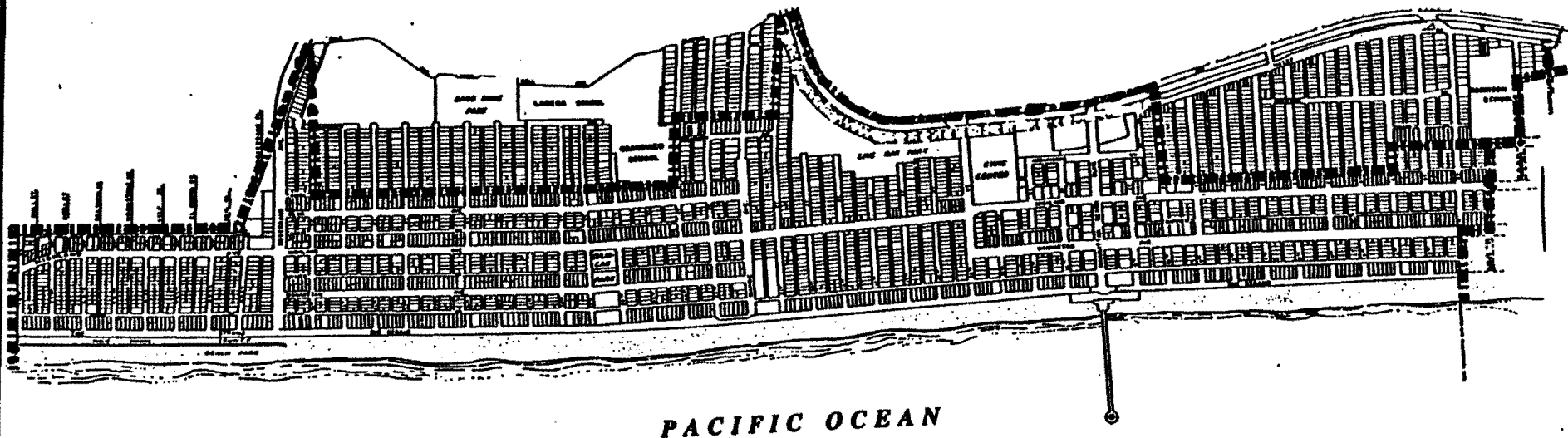
C. California Environmental Quality Act (CEQA)

On March 18, 1997, the City of Manhattan Beach adopted a Negative Declaration to satisfy the CEQA requirements for the proposed amendment to the LCP. The City found that the proposed amendment will not cause significant adverse environmental impacts.

Pursuant to SB 1873, which amended the California Environmental Quality Act (CEQA), the Coastal Commission is the lead agency in terms of meeting CEQA requirements for Local Coastal Programs. In addition to making a finding that the implementation plan amendment is in full compliance with CEQA, the Commission must make a finding consistent with Section 21080.5 of the Public Resources Code. Section 21080.5(d)(2)(i) of the Public Resources Code requires that the Commission not approve or adopt an LCP:

...if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The Commission finds that for the reasons discussed in this report, there are feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. Therefore, the proposed LCP amendment shall be modified as stated in Section II of this report in order to incorporate the changes necessary to reduce any adverse environmental impacts. The Commission further finds that the proposed LIP amendment, only if modified as suggested, is consistent with Section 21080.5(d)(2)(i) of the Public Resources Code.



**MAP I-1**  
**MANHATTAN BEACH COASTAL ZONE**  
 (Unofficial)



For official boundary map, see Commission offices.

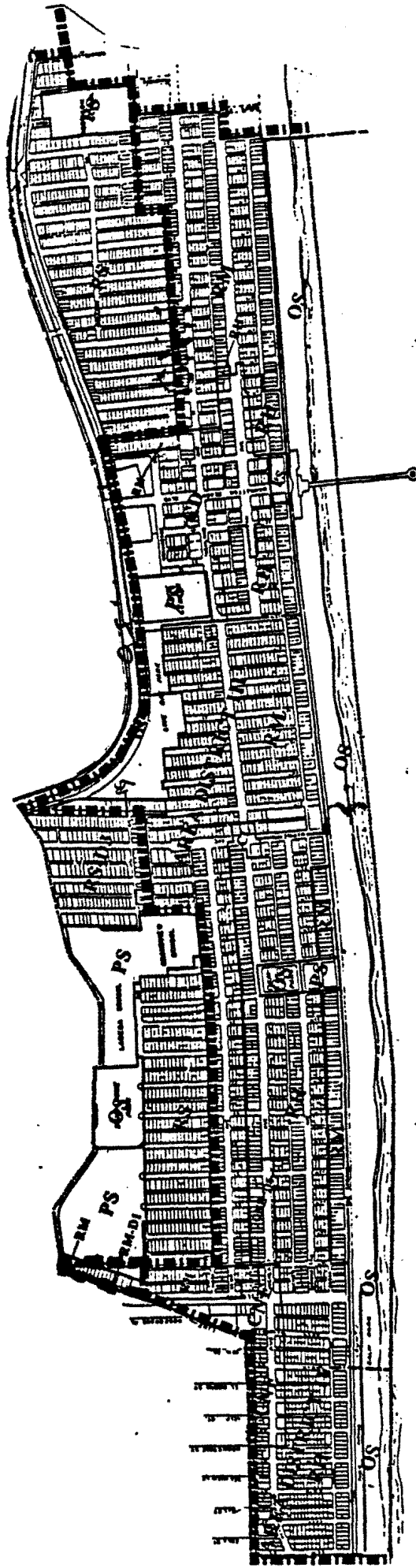
*No changes proposed.*

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PACIFIC OCEAN

MAP V-1  
MANHATTAN BEACH COASTAL ZONE ZONING MAP

**Legend:**

**Residential**

RM - Residential Medium Density  
RH - Residential High Density

**Commercial District**

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

**Other District**

OS - Open Space  
PS - Public and Semi-Public  
OS - North End Commercial



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*No changes to Zoning Map*

EXHIBIT # 2

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# Proposed Changes LCP 2-97

## CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM - IMPLEMENTATION PROGRAM 1996 Amendments

Amend Section A.01.020 (A) as follows:

### A.01.020. Components.

The Zoning Ordinance shall have the following components:

- A. Regulations, known as the zoning regulations, establishing various classes of zoning districts and area districts and governing the use of land and the placement of buildings and improvements within the boundaries of the Coastal Zone.

Amend Section A.01.030 (I) as follows:

- I. Conserve and enhance key visual features of Manhattan Beach's coastal setting, including its low-profile character, ~~including the Strand~~ consistent with the Local Coastal Plan.

Amend Section A.04.030 "Definitions" as follows:

### A.04.030. Definitions.

Balcony: A cantilevered platform that projects from the wall of a building, typically above the first level, and is surrounded by a rail, balustrade or parapet not exceeding 42 inches above the platform surface.

Building: Any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. Buildings or portions of buildings that are attached by a minimum of 6 feet of common wall or a solid roof area having a minimum 8 foot dimension in all horizontal directions shall be considered a single building.

Chimney: A hollow shaft containing one or more passageways, vertical or nearly so, for conveying products of combustion to the outside atmosphere.

Cluster, Building: A group of buildings located in close proximity to each other and oriented towards a visible area of focus, which is separated from other groups of buildings on the same site by a large average distance.

Floor Area, Buildable: The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, and including halls and the area of the stairs, but excluding floor area under stairs and those portions of a basement that are entirely below local grade.

The floor area in any habitable room on a basement level shall be included in the determination of buildable floor area, with the exception of a basement that is entirely below local grade (in which case 50% of floor area of a habitable room(s) shall be excluded), as well as window or door wells required in the Building Regulations, (Title 9, Chapter 9.01 of the Municipal Code). A condition of "entirely below local grade" exists where the vertical dimension between the local grade elevation and finished floor of the next floor above is no greater than two feet. The following elements also are excluded from a determination of buildable floor area:

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Granny Housing Unit: A dwelling unit (attached or detached), intended for the sole occupancy of one adult or two adult persons who are 62 years of age or over with floor area less than 30% of the existing floor area for an attached unit or 1,200 square feet for a detached unit.

Guest House (or Accessory Living Quarters): ~~Living quarters within a main or an accessory building for the sole purpose of providing for persons employed on the premises, or for temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities, and shall be limited to one room, no greater than 500 square feet in size with no more than three plumbing fixtures.~~ Any living area located within a main or an accessory building which does not have direct interior access to the dwelling unit. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit. Such guest quarters, or accessory living quarters, shall be permitted only on a lot with one single family residence. This guest house, or accessory living quarters, shall be a maximum of 500 square feet in size, limited to one habitable room, and contain a maximum of three plumbing fixtures.

Lot: A site or parcel of real property delineated with a number or other separate designation on a plat duly recorded in the office of the County Recorder. ~~land under one ownership that has been legally subdivided, resubdivided or combined. More specifically, the term "lot" is intended to include:~~

- ~~— (a) A parcel of real property when shown as a delineated parcel of land with a number or other designation on a plat recorded in the office of the County Recorder; or~~
- ~~— (b) A parcel of land the dimensions or boundaries of which are defined by a record of survey recorded pursuant to the provisions of the State Subdivision Map Act in the office of the County Recorder; or~~
- ~~— (c) A parcel of real property not delineated as in subsections (a) or (b) and containing not less than the prescribed minimum square footage required in the zoning district and area district in which it is located, nor more than one acre, and which abuts at least one public street or private easement determined by the Planning Commission to be adequate for purposes of access from a street, and provided further that before building improvements are erected upon such lot, the private easement right of way, if established subsequent to May 6, 1952, shall be improved to a standard not less than that defined by the City's specifications for a local street, and shall be inspected and approved by the Director of Public Works.~~

Lot or Property Line, Front: The street or alley property line adjacent to the front yard of an interior lot. The front property line of a corner lot shall be the shorter street or alley property line, provided that where one street or alley property line is at least 75 percent of the length of the other street or alley property line, the Community Development Director shall determine the location of the front property line. In no case shall the front property line of a street-alley to adjoin the alley which is approximately parallel to the street.

Lot, Reverse Corner: A corner lot, the side street line of which is substantially a continuation of the front lot line of the lot upon which the rear of said corner lot abuts.

Lot, Through: A site bounded by a parallel, or approximately parallel, street property lines that are not side property lines.

Maintenance and Repair: Reconstruction or renewal of any part of an existing building for the purpose of its preservation.

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Mezzanine: An intermediate floor placed within a room, and meeting the requirements of a mezzanine contained in the Building Regulations (Title 9, Chapter 9.01 of the Municipal Code).

Open Space, Usable: Outdoor or unenclosed area on the ground, or on a balcony, deck, porch or terrace designed and accessible for outdoor living, recreation, pedestrian access or landscaping, that is not more than 75% covered by buildable floor area, and has a minimum dimension of 5 feet in any direction, and a minimum area of 48 square feet; minus any parking facilities, driveways, utility or service areas, or any required front or side yards, but excluding parking facilities, driveways, utility or service areas, or any required front or side yards, and excluding any space with a dimension of less than 5 feet in any direction or an area of less than 48 square feet.

Parking Structure: An non-enclosed or semi-enclosed area containing a ceiling or roof, used primarily for the temporary storage of motor vehicles, constructed either above or below grade, freestanding, or as part of a nonresidential building.

Room, Habitable: A space in a structure room meeting the requirements of the Building Regulations (Title 9, Chapter 9.01 80 of the Municipal Code) for sleeping, living, eating or cooking, or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, utility rooms, garages, and similar spaces. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space. Storage spaces or utility rooms excluded in this definition only apply to those spaces which have a ceiling height of less than 7.5 feet and a total floor area of less than 70 square feet.

Setback Line: A line within a lot parallel to a corresponding lot line, which is the boundary of any specified front, side, or rear yard, or the boundary of any public right of way whether acquired in fee, easement or otherwise established to govern the location of buildings, structures or uses. Where no minimum front, side or rear yards are specified, the setback line shall be coterminous with the corresponding lot line. A line within a lot parallel to, and the required setback distance from, a corresponding lot line, which is the boundary of any specified front, side or rear yard, or a line otherwise established to govern the location of buildings, structures or uses. Where the corner of a lot has been rounded off for purposes of public right-of-way dedication, the setback line shall be parallel to the original unaltered lot line. Where no minimum front, side or rear setbacks or yards are specified, the setback line shall be coterminous with the corresponding lot line.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. If the portion of a building included between the finished floor level directly above a basement or a usable or unused under-floor space is more than 4 feet above local grade, as defined herein, for more than 50 percent of the total perimeter or is more than 6 feet above local grade as defined herein at any point, such basement or usable or unused under-floor space shall be considered a story. Any basement level that has habitable rooms shall be counted as a story.

Street: A recorded public way, other than an alley, which provides access to abutting property.

Yard, Front: A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a setback line parallel thereto on the site. The front yard of a through corner lot shall adjoin the shortest street property line which adjoins the front yards of the neighboring lots adjoining said street property line, unless no pattern of front yards exists, in which case, the Community Development Director shall determine the location of the front yard. A

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through lot shall have two front yards if both of its opposing street property lines adjoin blockfaces, or portions of blockfaces, which conform to existing front yard patterns as determined by the Director, along its entire length, provided that where one street property line is at least 75 percent of the length of the other street property line, the Community Development Director shall determine the location of the front yard.

Yard, Side: A yard extending from the setback rear line of the required front yard, or the front property line of the site where no front yard is required, to the setback front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and a setback line parallel thereto on the site, except that the side yard on the street side of a corner lot shall extend to the rear lot line.

Amend Section A.08.030 "Residential Use Classifications" as follows:

**A.08.030. Residential use classifications.**

A. Day Care, Small Family Home Limited. Non-medical care and supervision of six or fewer persons, including those who reside at the home, on a less than 24-hour basis. This classification includes only those services and facilities licensed by the State of California nursery schools, pre-schools, and day care centers for children and adults.

B. Day Care, Large Family Home. Non-medical care and supervision of seven (7) to twelve (12) children, including those who reside at the home, on a less than 24-hour basis. This classification includes only those services and facilities licensed by the State of California.

C B. Group Residential. Shared living quarters with not more than five (5) guest rooms and without separate kitchen or bathroom facilities for each guest room, and where either of the following apply: or unit. This classification includes boarding houses, and private residential clubs, but excludes residential hotels or motels.

1. Lodging and meals for compensations are provided by pre-arrangement for definite periods for not more than 9 persons, or

2. Rooms, beds or spaces within the living quarters are rented to 10 or more individuals by pre-arrangement for definite periods.

Shared living quarters with six (6) or more guest rooms or where lodging and meals for compensation are provided for 10 or more persons shall be considered Visitor Accommodation.

D G. Multi-family Residential. Two or more dwelling units on a site. This classification includes manufactured homes.

E D. Residential Care, Limited. 24-hour non-medical care for 6 or fewer persons in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. This classification includes only those services and facilities licensed by the State of California.

F. Single-Family Residential. Buildings containing one dwelling unit located on a single lot. This classification includes manufactured homes.

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Amend Section A.08.050 "Commercial use classifications" as follows:

**A.08.050. Commercial use classifications.**

- A. Adult Businesses. Establishments based primarily on materials or performances that depict, describe, or relate to "specified sexual activities," as defined in Chapter A.04.
- B. Ambulance Services. Provision of emergency medical care or transportation, including incidental storage and maintenance of vehicles.
- C. Animal Sales and Services.
  - 1. Animal Boarding. Provision of shelter and care for small animals on a commercial basis. This classification includes activities such as feeding, exercising, grooming, breeding, and incidental medical care.
  - 2. Animal Grooming. Provision of bathing and trimming services for small animals on a commercial basis. This classification includes boarding of domestic animals for a maximum period of 48 hours.
  - 3. Animal Hospitals. Establishments where small animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (maximum 30 days) boarding of animals is included, if incidental to the hospital use.
  - 4. Animals: Retail Sales. Retail sales and boarding of small animals, provided such activities take place within an entirely enclosed building. This classification includes grooming, if incidental to the retail use, and boarding of animals not offered for sale for a maximum period of 48 hours.
- D. Artists' Studios. Work space for artists and artisans, including individuals practicing one of the fine arts or performing arts, or skilled in an applied art or craft.
- E. Banks and Savings and Loans. Financial institutions that provide retail banking services to individuals and businesses. This classification includes only those institutions engaged in the on-site circulation of cash money. It also includes businesses offering check-cashing facilities.
  - 1. With Drive-up Service. Institutions providing services accessible to persons who remain in their automobiles.
- F. Building Materials and Services. Retailing, wholesaling, or rental of building supplies or equipment. This classification includes lumber yards, tool and equipment sales or rental establishments, and building contractors' yards, but excludes establishments devoted exclusively to retail sales of paint and hardware, and activities classified under Vehicle/Equipment Sales and Services, including vehicle towing services.
- G. Catering Services. Preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption. (See also Eating and Drinking Establishments.)

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- H. Commercial Filming. Commercial motion picture or video photography at the same location more than six days per quarter of a calendar year.
- I. Commercial Recreation and Entertainment. Provision of participant or spectator recreation or entertainment. This classification includes theaters, sports stadiums and arenas, amusement parks, bowling alleys, billiard parlors, pool rooms, dance halls, ice/roller skating rinks, golf courses, miniature golf courses, scale-model courses, shooting galleries, tennis/racquetball courts, health/fitness clubs, game centers which include any place open to the public in which there are more than three games or amusements, including but not limited to, electronic video, pinball machines, whether coin operated or on free play and card rooms—pinball arcades or electronic games centers having more than 3 coin-operated game machines, and card rooms.
1. Limited. Indoor movie theaters, game centers as defined herein and performing arts theaters.
- J. Communications Facilities. Broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding Utilities (Major). This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices.
- K. Eating and Drinking Establishments. Businesses serving prepared food or beverages for consumption on or off the premises.
1. With Fast-Food or Take-Out Service. Establishments where patrons order and pay for their food at a counter or window before it is consumed and may either pick up or be served such food at a table or take it off-site for consumption.
- a. Drive-through. Service from a building to persons in vehicles through an outdoor service window.
- b. Limited. Establishments that do not serve persons in vehicles.
- L. Food and Beverage Sales. Retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens.

Exceptions:

1. Food and Beverage Sales establishments (with incidental seating area) may contain a maximum area for on-site food preparation and consumption of 300 square feet or 10% of the total store area (whichever is smaller). The on-site food preparation and consumption area includes: counter (order / pickup) area, food preparation area, and seating area (maximum capacity of four (4) persons). On-site consumption of alcoholic beverages is prohibited.
2. Food and Beverage Sales establishments (with no on-site consumption areas) may contain a maximum of 2,000 square feet in gross floor area and may sell prepared foods or beverages which are consumed off-site. Food and beverage sales may include, but are not limited to: breads, pastries, ice cream, frozen yogurt, candy, juices, and coffee. On-site consumption of alcoholic beverages is prohibited.

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| ~~All other Establishments which sell at which 20 percent or more of the transactions are sales of prepared food for on-site or take-out consumption shall be classified as Catering Services or Eating and Drinking Establishments.~~

M. Funeral and Interment Services. Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries.

N. Laboratories. Establishments providing medical or dental laboratory services; or establishments with less than 2,000 square feet providing photographic, analytical, or testing services. Other laboratories are classified as Limited Industry.

O. Maintenance and Repair Services. Establishments providing appliance repair, office machine repair, or building maintenance services. This classification excludes maintenance and repair of vehicles or boats; see (Vehicle/Equipment Repair).

| P. Mixed Use. A project which has commercial and residential uses on the same site.

| Q. Nurseries. Establishments in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

| R. Offices, Business and Professional. Offices of firms or organizations providing professional, executive, management, or administrative services, such as architectural, engineering, graphic design, interior design, real estate, insurance, investment, legal, veterinary, and medical/dental offices, including, but not limited to: licensed or certified physicians, psychologists, psychiatrists, chiropractors, and massage, acupuncture, and acupressure therapists. This classification includes medical/dental laboratories incidental to an office use, but excludes banks and savings and loan associations.

| S. Pawn Shops. Establishments engaged in the buying or selling of new or secondhand merchandise and offering loans secured by personal property.

| T. Personal Improvement Services. Provision of instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, and diet centers, reducing salons, and fitness studios.

| U. Personal Services. Provision of recurrently needed services of a personal nature. This classification includes barber and beauty shops (including incidental massage), seamstresses, tailors, shoe repair shops, dry-cleaning businesses (excluding large-scale bulk cleaning plants), photo-copying, and self-service laundries.

| V. Psychic Advisor. Establishments providing counseling or interpretation service pertaining to supernatural forces and influences. This includes astrology, fortune telling, and numerology.

| W. Research and Development Services. Establishments primarily engaged in industrial or scientific research, including limited product testing. This classification includes electron research firms or pharmaceutical research laboratories, but excludes manufacturing, except of prototypes, or medical testing and analysis.

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- X W. Retail Sales. The retail sale and storage of merchandise not specifically listed under another use classification conducted wholly indoors unless otherwise specified by Section A.60.080; Outdoor Facilities. This classification includes department stores, drug stores, clothing stores, furniture stores, and businesses retailing the following goods: toys, hobby materials, handcrafted items, jewelry, cameras, photographic supplies, medical supplies and equipment, electronic equipment, records, sporting goods, kitchen utensils, hardware, appliances, antiques, art supplies and services, paint and wallpaper, carpeting and floor covering, office supplies, bicycles, and new automotive parts and accessories (excluding service and installation).
- Y W. Secondhand Appliances and Clothing Sales. The retail sale of used appliances and clothing, by secondhand dealers. This classification excludes antique shops primarily engaged in the sale of used furniture and accessories other than appliances.
- Z X. Swap Meets, Recurring. Retail sale or exchange of handcrafted or secondhand merchandise for a maximum period of 48 hours, conducted by a sponsor on a more than twice yearly basis.
- AA Y. Travel Services. Establishments providing travel information and reservations to individuals and businesses. This classification excludes car rental agencies.
- BB Z. Vehicle/Equipment Sales and Services.
1. Automobile Rentals. Rental of automobiles, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts.
  2. Automobile Washing. Washing, waxing, or cleaning of automobiles or similar light vehicles.
  3. Commercial Parking Facility. Lots offering short-term or long-term parking to the public for a fee. Provision of off-site parking for the purpose of fulfilling a parking requirement, in accordance with Section A.64.020 F (Basic requirements for off-street loading and parking: Location and ownership) shall not solely constitute a commercial parking facility use.
  4. Service Stations. Establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of heavy trucks or vehicles.
  5. Vehicle/Equipment Repair. Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This classification includes auto repair shops, body and fender shops, wheel and brake shops, and tire sales and installation, but excludes vehicle dismantling or salvage and tire retreading or recapping.
  6. Vehicle/Equipment Sales and Rentals. Sale or rental of automobiles, motorcycles, trucks, tractors, construction or agricultural equipment, manufactured homes, boats, and similar equipment, including storage and incidental maintenance.

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7. Vehicle Storage. Storage of operative or inoperative vehicles. This classification includes storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.

CC AA. Visitor Accommodations.

1. Hotels, Motels, and Time-Share Facilities. Establishments offering lodging on a weekly or less than weekly basis, and having kitchens in no more than 60 percent of guest units. This classification includes eating, drinking, and banquet service associated with the facility.

a. Limited. Facilities which offer lodging without other associated services on-site such as restaurant and banquet services, and which provide associated operational or maintenance services on-site.

2. Residential Hotels. Buildings with 6 or more guest rooms without kitchen facilities in individual rooms, or kitchen facilities for the exclusive use of guests, and which are intended for occupancy on a weekly or monthly basis.

DD BB. Warehousing and Storage, Limited. Provision of storage space for household or commercial goods within an enclosed building without direct public access to individual storage spaces. This classification includes facilities with a maximum of 5,000 square feet of gross floor area, but excludes mini-warehouses or public storage classified under Wholesale, Distribution and Storage, and Vehicle Storage and storage of hazardous materials (as defined by the City Fire Department).

This classification also includes outdoor neighborhood recycling collection points encompassing no more than 500 square feet in area. The purpose of the "neighborhood recycling collection point" is the receiving of solid waste only, for private delivery to distribution/ processing locations. Solid waste in this classification includes: metals, glass, plastic, and paper.

Amend Section A.12.010 "Specific purposes" by adding Subsection (C) as follows:

**A.12.010. Specific purposes.**

In addition to the general purposes listed in Chapter A.01, the specific purposes of residential districts are to:

- C. Protect adjoining single-family residential districts from excessive loss of sun, light, quiet, and privacy resulting from proximity to multifamily development.

Amend Section A.12.020 "Land use regulations: RM and RH districts" 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.

<b>RM and RH DISTRICTS</b>	<b>P - Permitted</b>
<b>LAND USE REGULATIONS</b>	<b>U - Use Permit</b>
	<b>L - Limited, (See <u>Additional Use Regulations</u>)</b>
	<b>-- Not Permitted</b>

	RM	RH	Additional Regulations
<b>Residential Uses</b>			(A)
Day Care, Ltd.			
<u>Small Family Home</u>	P	P	
Day Care,			
<u>Large Family Home</u>	L-22	L-22	
Group Residential	-	U	
Multi-family Residential			
3 or fewer units	P	P	(B)(C)(L)
4 or more units	U	U	(B)(C)(L)
Residential Care, Limited	P	P	
Single-Family Residential	P	P	(C)
<b>Public and Semipublic</b>			(A)(D)
Clubs & Lodges	-	L-1	
Day Care, General	- U	- U	
Park & Recreation Facilities	L-2	L-2	
Public Safety Facilities	U	U	
Religious Assembly	L-3 U	L-3 U	
Residential Care, General	-	U	
Schools, Public or Private	U	U	
Utilities, Major	U	U	
Utilities, Minor	P	P	
<b>Accessory Uses</b>	P/U	P/U	(A)(E)(F)(G)(H)(I)(J)(M)(N)
<b>Temporary Uses</b>			(H)
Commercial Filming, Limited	U	U	
Marketing/Sales Office	U	U	
Personal Property Sales	P	P	(K)
Street Fairs	U	U	
<b>Nonconforming Uses</b>			(I)(J)

#### RM and RH Districts: Additional Use Regulations

L-1 Use permit required and only neighborhood-oriented uses occupying less than 2,500 square feet are permitted.

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L-2 Public facilities permitted, but a use permit is required for private noncommercial facilities, including swim clubs and tennis clubs.

L-3 A use permit is required, except for legally existing church facilities, including private schools and day-care contained therein, which do not exceed an overall floor area factor greater than half of the maximum floor area factor permitted by the development standards of the base district.

L-22 Application for an Administrative Large Family Day Care permit to the Director of Community Development is required and shall be made on forms provided by the City and shall include such information as may be reasonably required by the Director for a complete understanding of the request. The application shall be accompanied by a filing fee and a notification packet including all properties within a 100 foot radius of the subject property. Said notification shall be completed not less than 10 days prior to the date on which the decision will be made on the application.

No hearing on the application for a permit shall be held before the decision is made by the Director unless a hearing is requested by the applicant or other affected person. The Director's decision shall be based on whether or not the proposed use would be compatible with the surrounding neighborhood. The applicant or other affected person may appeal the decision and the appellant shall pay the cost of the appeal. Said appeal shall be made to the Planning Commission by filing a written appeal, on forms provided by the Department of Community Development accompanied by the necessary notification packet (described above). Any such appeal shall suspend the permit until resolution of the appeal by the Planning Commission. Use of single family dwelling for these purposes shall not constitute a change of occupancy per the State Housing Law or local building ordinances.

Large family day care homes shall be considered as single family residences per State and local building and fire codes.

Each home used in this manner shall meet the fire and life safety standards adopted by the Community Development Department and Fire Department.

The property used in this manner shall conform to all applicable development standards as stated in the Manhattan Beach Municipal Code.

(A) See Section A.52.020: Exterior materials in R districts.

(B) A use permit is required for condominium development or conversion of 3 or more units; see Chapters A.84 and A.88. Condominium development, or conversion, of 2-Units are exempt from the use permit requirement. Any addition or modification to a condominium unit or development subsequent to the original construction of that unit or development that would result in an increase in the amount of liveable space, or a significant exterior structural or architectural alteration, shall require an amendment to the use permit previously obtained. In order for a residential apartment building to qualify for a condominium conversion, a Certificate of Occupancy must have been issued prior to January 1, 1982.

(C) See Section A.52.100: Manufactured homes.

(D) Facilities on sites of 2 acres or more are subject to the regulations of Chapter 10.28 (PS District) precluding those of this chapter. See Section A.28.020: PS District Applicability.

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- (E) See Section A.52.070: Home occupation in R districts.
- (F) See Section A.52.050 Accessory structures, and Section A.52.060 Accessory dwelling units. Secondary residential units are not allowed, but guest houses or accessory living quarters, and caretaker's quarters are permitted.
- (G) See Section A.52.060: Swimming pools and hot tubs.
- (H) See Section A.84.110: Temporary use permits.
- (I) See Chapter A.68: Nonconforming uses and structures.
- (J) See Chapter A.72: Signs.
- (K) An administrative permit issued by the Community Development Director is required.
- (L) Alternative Parking Plan for Senior Citizen Housing. Applications for a use permit for a senior citizen housing project shall include a contingency plan, addressing what will be done to ensure compliance with parking requirements if occupancy can not be limited to senior citizens because of market conditions or other factors.
- (M) The keeping of small domestic animals including: "Dogs and cats not to exceed five (5) for each residential living unit in any combination thereof and the young thereof not exceeding four months in age, and other small domestic household pets such as rabbits, hamsters, guinea pigs, etc., not to exceed five (5) in any combination thereof. Common varieties of farm animals, livestock, exotic animals or wild animals (as defined in Section A.04.020) are prohibited, EXCEPT for Vietnamese pot-bellied pigs, also known as Pvgmy Pigs or Mini-Pigs, as permitted by the Animal Control Department.
- (N) A maximum of three (3) garage or lawn sale permits per calendar year, or miscellaneous household items of personal property accumulated by the occupant of the residence as a normal matter or course may be held on any building site occupied by residents, provided a permit has been acquired from the City's Licensing Authority. Each permit shall be valid for a maximum of three (3) consecutive days and may include standard regulations on the Garage Sale Permit (in accordance with provisions of Section 6.08.020 MBMC).

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**Amend Section A.12.030 "Property development regulations: RM and RH districts" 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.

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# PROPERTY DEVELOPMENT STANDARDS FOR AREA DISTRICTS III AND IV

	Area District III		Area District IV	Additional Regulations
	RM	RH	RH	
Minimum Lot Dimensions				
Area (sq. ft.)	2,700	2,700	2,700	(A) (B) (C) (J)
Width (ft.)	30	30	30	
Minimum Setbacks				(R)
Front (ft.)	5	5	5	(A) (B) (D)
Side (ft.)	3:5	3:5	3	(D) (E) (F)
Corner Side (ft.)	1	1	1	(D) (E)
Rear (ft.)	5	5	5	(D) (E) (F) (G)
Maximum Height of Structures (ft.)	30	30	30	(H) (P)
Maximum Buildable Floor Area				(I)
Lot Area (Sq.Ft.)	1.6	1.7	1.7	
Minimum Lot Area per Dwelling Unit (sq.ft.)	1,350	850	850	(J) (A) (K)

# PROPERTY DEVELOPMENT STANDARDS FOR BOTH AREA DISTRICTS

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences and Walls	(P)
Building Separation	(R)
Off-Street Parking and Loading	See Chapter A.64. (Q)
House Moving	(S)
Underground Utilities	See Section A.60.110.
Refuse Storage Areas	See Section A.60.100.
Outdoor Facilities	See Section A.60.080.
Screening of Mechanical Equipment	See Section A.60.090.
Solar-assisted Water Heating	See Section A.60.140.
Performance Standards	See Section A.60.120.

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EXHIBIT # 3

PAGE ..... OF .....

Nonconforming Structures

See Chapter A.68.

Signs

See Chapter A.72.

Condominium Standards

See Section A.52.110

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RM and RH DISTRICTS:

Additional Development Regulations

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- (A) See Section A.60.020: Development on substandard lots. The dedication, condemnation, or purchase of land for street or alley widening or opening shall not affect the number of dwelling units permitted in residential districts for the site prior to dedication, condemnation, or purchase if the remainder of the site has not less than 75% of the land area before dedication, condemnation, or purchase.
- (B) See Section A.60.030: Development on lots divided by district boundaries.
- (C) The minimum site area shall be 12,000 square feet for General Day Care, General Residential Care, and Public or Private Schools.
- (D) Permitted Projections into Required Yards. See Section A.60.040: Building projections into yards.
- (E) Side Setback: Ten percent of lot width but not less than 3 feet and need not exceed 5 feet.
- (F) Building Height and Required Yards. Except as provided below, the width of a required interior side or rear yard adjoining a building wall exceeding 25 feet in height, excluding any portion of a roof, shall be increased three feet over the basic requirement.
- (1) Exceptions. If the lot width is less than 45 feet, no increase in the side yard is required.
- (G) Rear Alley Setback Exceptions: Area Districts III and IV: The width of a required rear yard adjoining an alley may be reduced to 2 feet at height elevations not less than 8 feet above the street grade at the rear property line. See Section A.64.110; Aisle Dimensions.
- (H) See Section A.60.050 Measurement of height, and Section A.60.060 Exceptions to height limits. The maximum number of stories permitted shall be 3 where the height limit is 30 feet and 2 where the height limit is 26 feet. A deck or balcony shall not be located directly above a second story if the elevation of a deck is above the floor level of the second story where the height limit is 26 feet or above the floor level of the third story where the height limit is 30 feet, no portion of such deck shall exceed the height limit, the floor of such deck shall not be within 6 feet of the height limit, and access to such deck shall be provided directly from interior living space without a change in level. The surface elevation of any deck or balcony shall be no higher than 9 feet below the height limit. Whenever new construction or alterations and additions to existing structures involves grading or scraping, a survey acceptable to the Director of Community Development is required as a condition of issuance of a demolition or building permit (see Section A.80.010). The Director shall require that survey markers be set.

The Community Development Director shall determine compliance with this subsection by reviewing two vertical cross-sections through the property (front-to-back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within 5 feet of the property line.

COASTAL COMMISSION

EXHIBIT # 3

PAGE ..... OF .....

(I) Maximum Buildable Floor Area. The maximum buildable floor area on a lot shall be determined by multiplying the lot area times the Floor Area Factor (FAF) shown in the table. If the lot area is equal to, or greater than, a certain threshold in certain zoning districts, then a base floor area in square feet is noted in the table and the additional floor area is calculated by multiplying the appropriate FAF times the lot area. Certain space is not included in the definition of buildable floor area; see Chapter A.04.

(J) In Area District IV two units are permitted on preexisting, legal half-lots with a minimum site area of 1,350 square feet.

(K) (Reserved) Condominium Standards.

~~(1) All residential condominiums (new construction or conversion) located in Area Districts III and IV shall have vehicular access from both the front and the rear property lines from dedicated public streets or alleys improved and open to vehicular use.~~

~~(a) Exception: Properties on the Strand.~~

~~(b) Exception: Where a building site (consisting of a lot or portions of a lot) exists on March 6, 1989, and (1) neither the front nor the rear of the site is adjacent to a "walk street" and (2) the building site has access from two or more property lines from dedicated public streets or alleys improved and open to vehicular use. The building site shall be deemed to be a condominium site. This exception does not apply in Area District IV.~~

~~(c) Exception:~~

~~(1) Where a building site that is zoned RH is adjacent to a "walk street" and has vehicular access from 2 or more property lines from dedicated streets or alleys improved and open to vehicular use, said building site shall be deemed to be a condominium site, with a maximum of 2 dwelling units.~~

~~(2) All residential condominiums (new construction and conversion) shall construct all utility lines underground, including but not limited to telephone, power, and cable television, to the nearest power source subject to approval of the Community Development Department, Public Works Department, and appropriate utility companies.~~

~~(3) Other standards applicable to residential condominiums are in Section A.52.110.~~

(L) (Reserved)

(M) Open Space Requirement. The minimum usable open space (private and shared) in RM and RH Districts shall be provided as follows:

- (1) For single family dwellings in Area District III and IV and multifamily dwelling units in both districts, containing 2,333 square feet or less of buildable floor area, the minimum requirement is 15 percent of the buildable floor area per unit, but not less than 220 square feet.

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- (2) For single family dwellings in Area Districts III and IV and multifamily dwelling units in both districts, containing greater than 2,333 square feet of buildable floor area, the minimum requirement is 350 square feet per dwelling unit.
- (3) The amount of a dwelling unit's required open space located above the second story shall not exceed the proportion of the unit's total Buildable Floor Area which is located at the same level or story (where permitted by height regulations).
- (4) Where new buildable floor area is added to an existing dwelling unit located in Area District III or IV, additional usable open space shall be provided equal to 15% of the added buildable floor area, until the total open space requirement provided in this Section is attained.
- (N) ~~(Reserved)~~ Semi-Circular Driveways. Semi-circular driveways are permitted within front yards on lots with widths of 80 feet or more, subject to the following standards:
- (a) No more than 50% of the front setback area shall be paved, and visible landscaping equal to 10 percent of the front setback (in addition to any other required landscaping) shall be installed between the driveway and the front property line.
- (b) The semi-circular driveway does not have to provide access to the garage.
- (O) Required Landscaping Adjoining Streets. At least 20 percent of all visible portions of a required front or corner side yard adjoining a street shall be a planting area.
- (a) Exceptions for Area Districts III and IV. The Community Development Director may grant an exception for a portion of the amount of required landscaping, not to exceed 75 percent of the total, in order to accommodate driveways and walkways.
- (P) Fences and Walls. The maximum height of a fence or wall shall be 6 feet ~~except in side or rear yards, and 42 inches in required front yards abutting a street where the maximum height shall be 42 inches.~~ In addition, all fences and walls shall be subject to the driveway visibility requirements of Section A.64.150.
- ~~Where a retaining wall protects a cut below existing grade or contains a fill above the existing grade and is located on the line separating lots, such retaining wall may be topped by a fence wall or hedge with the maximum total not to exceed 6 feet.~~
- ~~A fence having additional height shall be permitted on the sides of any lot wherever a 6 foot fence is allowed, provided such additional height over 6 feet slopes inward at an angle of not less than 30 degrees and no more than 45 degrees from vertical, and provided, further, that such additional portion shall not make the total height of the fence more than 8 feet from the ground and shall not extend closer to any part of any building than a distance equal to one half of the width of the required side yard on the lot.~~
- Exceptions:
1. A fence or wall having additional non-retaining height shall be permitted whenever a 6 foot fence is allowed, provided such additional height over 6 feet meets one of the following criteria:

COASTAL COMMISSION

a. The additional portion is required, for safety purposes, by the City's Building Official; is constructed of primarily vertical railing that is continuously at least 75 % open; and, the total combined fence/wall height does not exceed 11 feet.

b. The additional portion is sloped inward (open or solid) at an angle of not less than 30 degrees and no more than 45 degrees from vertical, and provided, further, that such additional portion shall not make the total height of the fence more than 8 feet and shall not extend closer than 3 feet to any other part of any building.

2. For the purposes of this section, fence/wall height shall be measured from the lower finished grade (which may include a neighboring private or public property's grade) adjacent to any portion of a vertically oriented barrier (including solid hedges, but excluding structures and buildings, etc.) to the corresponding top of said barrier portion, including any attachments. If more than one fence/wall is located within a required yard, any portion of a fence/wall that projects above a 45-degree daylight plane inclined inward from the top of the lowest adjacent fence/wall, shall be counted toward the height measurement of the lowest fence/wall.

(Q) — ~~Parking on Street Alley Lots. (Reserved)~~

~~(1) Semi Circular Driveways. Semi-circular driveways are permitted on lots with widths of 80 feet or more, subject to the following standards:~~

~~(a) No more than 50 percent of the front setback area shall be paved, and visible landscaping shall be installed between the driveway and the sidewalk.~~

~~(b) The semi-circular driveway does not have to provide access to the garage.~~

(R) **Building Separation:** The minimum distance between buildings (building separation yard) containing one or more dwelling units on a site shall be 10 feet. For permitted projects within said building separation yards, see Section A.60.040: Building projections into yards.

(S) **House Moving:** For the purpose of this chapter, permits required for moving buildings and structures within City limits must comply with Title 9, Chapter 9.08, Building Moving.

**Amend Section A.16.020 "CL, CD, CNE districts: land use regulations" as follows:**

**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.

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CL, CD, and CNE

DISTRICTS: LAND USE REGULATIONS:

P - Permitted

U - Use Permit

L - Limited, (See Additional Use Regulations)

- - Not Permitted

	CL	CD	CNE	Additional Regulations
<b>Residential</b>				
Day Care, Ltd.	P	U	L-11	
Small Family Home				
Day Care,	L-23	L-23	L-23	
Large Family Home				
Single-Family Residential	U	U	L-11	(I)(J)
Multi-family Residential	U	U	U	(I)(J)
<b>Public and Semipublic (A)</b>				
Clubs and Lodges	U	U	U	
Cultural Institutions	U	U	U	
Day Care, General	U	U	U	
Emergency Health Care	U	U	U	
Government Offices	L-10	P	P	
Hospitals	-	-	-	
Park & Recreation				
Facilities	P	P	P	
Public Safety Facilities	U	U	U	
Religious Assembly	L-21	-	-	
Residential Care, General	-	-	-	
Schools, Public or Private	U	-	-	
Utilities, Major	U	U	U	
Utilities, Minor	P	P	P	
<b>Commercial Uses (B)(K)</b>				
Adult Businesses	-	-	-	(C)
Ambulance Services	-	-	-	
Animal Sales & Services				
Animal Boarding	-	U	-	
Animal Grooming	P	P	P	
Animal Hospitals	-	U	-	
Animals:				
Retail Sales	P	P	P	
Artists' Studios	P	P	P	
Banks and				
Savings & Loans	P	P	P	
With Drive-Up Service	-	U	-	
Building Materials and Services	-	-	-	

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Catering Services	P	P	P	
Commercial Filming	U	U	U	
Commercial Recreation and Entertainment	-	L-7	L-7	(D)
Communication Facilities	-	P	P	
Eating and Drinking Establishments	U	U	U	(E)
w/Fast-Food or Take- Out Service	U	L-7	L-7	
Drive Through	-	-	-	
Food & Beverage Sales	L-9	L-9	L-9	
Funeral & Interment Services	-	-	-	
Laboratories	-	-	-	
Maintenance and Repair Services	P	P	P	
Nurseries	P	-	-	
Offices, Business & Professional	<del>P</del>	<del>U</del>	<del>L-24</del>	<del>U</del> <del>L-24</del>
Pawn Shops	-	-	-	
Personal Improvement Services	P	P	P	
Personal Services	P	P	P	
Research and Development Services	-	-	-	
Retail Sales	P	P	P	
Secondhand Appliances/Clothing	-	U	U	
Swap Meets, Recurring	-	-	-	
Travel Services	P	P	P	
Vehicle Equipment/ Sales & Services				
Automobile Rentals	-	-	-	
Automobile Washing	-	-	-	
Commercial Parking	-	U	U	
Service Stations	U	U	-	(F)
Vehicle Equip. Repair	-	L-6	-	
Vehicle Equip. Sales & Rentals	-	-	-	
Vehicle Storage	-	-	-	
Visitor Accommodations Hotels & Motels and Time Shares	-	U	U	
Residential Hotels	-	-	-	
Warehousing and Storage, Ltd.	-	-	-	
<b>Industrial</b>				(B)
Industry, Custom	L-7	L-7	L-7	
Industry, Limited	-	-	-	

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Wholesaling,  
Distribution & Storage

- - -

**Accessory Uses**

Accessory Uses and  
Structures

P/U P/U P/U

**Temporary Uses**

(G)

Animal Shows

- - -

Christmas Tree Sales/  
Pumpkin Sales

P P P

Circus and Carnivals

- U U

Commercial Filming,  
Limited

- U U

Real Estate Sales

P P P

Retail Sales, Outdoor

P P P

Street Fairs

U U U

Trade Fairs

- - -

**Nonconforming Uses**

(H)

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**C Districts: Additional Land Use Regulations**

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L-4 Only allowed above ground level with a use permit.

L-5 Only mortuaries are allowed, subject to a use permit.

L-6 A use permit is required, and body and fender shops are permitted only as part of a comprehensive automobile-service complex.

L-7 Only "limited" or "small-scale" facilities, as described in Use Classifications, are allowed with a use permit.

L-8 Attended facilities permitted; unattended facilities allowed with a use permit.

L-9 A use permit is required for Food and Beverage establishments operating between 10:30 p.m. and 6 a.m. ~~occupying more than 1,500 square feet, except supermarkets, and for convenience stores. Convenience markets may be operated only between the hours of 6 a.m. and 10 p.m. unless longer hours are permitted because they would not have an adverse effect on neighboring uses.~~

L-10 Only post offices and other offices occupying less than 2,500 square feet are permitted.

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.

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L-21 A use permit is required, except for legally existing church facilities, including private schools and day-care contained therein, which do not exceed an overall floor area factor greater than half of the maximum floor area factor permitted by the development standards of the base district.

L-23 See Section 10.12.020 (L-22): regulations for "Day Care, Large Family Home".

L-24 A Use Permit is required for a project with more than 2,500 square feet of Buildable Floor Area.

(A) Facilities on sites of 2 acres or more are subject to the regulations of Chapter A.28 (PS District) precluding those of this chapter. See Section A.28.020: PS District Applicability.

(B) A use permit is required for a single use or tenant project with more than 5,000 square feet of buildable floor area or more than 10,000 square feet of land area. A master use permit is required for a multiple use or tenant project with more than 5,000 square feet of buildable floor area or more than 10,000 square feet of land area. See Section 10.84 for use permit provisions. and a project on a site with more than 10,000 square feet of land area.

(C) The exterior walls of an adult business shall be at least 200 feet from an R district and a school, and at least 1,000 feet from the exterior walls of another adult business.

(D) See Section A.56.050: Game centers.

(E) See Section A.56.020: Eating and drinking establishments with take-out service. An establishment providing group entertainment is subject to Title 4, Article 4, Dances and Cafe Entertainment and must obtain a permit from the City Manager.

(F) See Section A.56.030: Service stations, vehicle/equipment repair, and automobile washing.

(G) See Section A.84.110: Temporary use permits.

(H) See Chapter A.68: Nonconforming uses and structures.

(I) The keeping of small domestic animals including: "Dogs and cats not to exceed five (5) for each residential living unit in any combination thereof and the young thereof not exceeding four months in age, and other small domestic household pets such as rabbits, hamsters, guinea pigs, etc., not to exceed five (5) in any combination thereof. Common varieties of farm animals, livestock, exotic animals or wild animals (as defined in Section A.04.020) are prohibited, EXCEPT for Vietnamese pot-bellied pigs, also known as Pygmy Pigs or Mini-Pigs, as permitted by the Animal Control Department.

(J) A maximum of three (3) garage or lawn sale permits per calendar year, or miscellaneous household items of personal property accumulated by the occupant of the residence as a normal matter or course may be held on any building site occupied by residents, provided a permit has been acquired from the City's Licensing Authority. Each permit shall be valid for a maximum of three (3) consecutive days and may include standard regulations on the Garage Sale Permit (in accordance with provisions of Section 6.08.020 MBMC).

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- (K) Valid discretionary permits approved prior January 17, 1991 may satisfy the requirement for an individual use permit or master use permit, provided the scope of the project, including use(s) approved and intensity (buildable floor area) of development, remain in substantial conformance with the approved project, and the project complies with all conditions of approval. The Community Development Department shall approve the conversion of such permits in conformance with this section.

Amend Section A.16.030 "CL, CD, and CNE districts: development regulations" 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 three 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.

**CL, CD, and CNE DISTRICTS:  
DEVELOPMENT REGULATIONS**

	CL	CD	CNE	Additional Regulations
Residential Development				(A) (B)
Nonresidential Development				(P) (Q)
Minimum Lot Area (sq. ft.)	4,000	2,700	2,700	(B)
Minimum Lot Width (ft.)	40	30	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	(G)	30	(F) (H)
Maximum Floor Area Factor (FAF)	1.0	1.5	1.5	
Minimum Site Landscaping (%)	8	-	-	(I) <del>(J)</del>
Fences and Walls				(K) (L)
Off-Street Parking and Loading				(M) (N)
Outdoor Facilities			See Section A.60.080.	(O)
Screening of Mechanical Equipment			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 Chapter A.68.	
Signs			See Chapter A.72.	

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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.
- (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.
- (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) Within the CD District, the height limits shown on the accompanying diagram entitled "Section A.16.030 (G): CD Downtown Commercial District Height Limits" shall apply.
- (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) ~~See Section A.60.070: Landscaping, irrigation and hydroseeding. (Reserved)~~
- (K) ~~The maximum height of a fence or wall shall be 8 feet. 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

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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)

~~A solid masonry or concrete wall at least 6 feet in height shall adjoin the site of an existing ground floor residential use. However, where the portion of the site within 10 feet of the front property line is occupied by planting area or by a building having no openings except openings opposite a street property line, the Community Development Director may grant an exception to this requirement. A wall within 15 feet of a street property line shall not exceed 3 feet in height.~~

(M) (Reserved)

~~A triangular yard adjoining both sides of a driveway crossing a street property line shall have a depth of 5 feet at the edge of the driveway and a width measured on both sides of the driveway of 50 feet, or the distance to the intercepting property line, whichever is less. At least 50 percent of each yard shall be planting area.~~

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

(O) See Chapter A.60.130: Antennas and microwave equipment; and 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.

Amend Section A.28.030 "Land use regulations - Additional use regulations" by adding "L-18" as follows:

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PS District: Additional Use Regulations

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L-16 City-owned facilities are permitted; all other facilities require a use permit.

L-17 Permitted as an accessory use in a cultural, educational, hospital, or medical institution occupying no more than 5,000 square feet, only if there is no separate entrance or sign.

L-18 Allowed on surplus school sites with a use permit subject to the following limitations:

1. No new structure, including temporary or mobile, shall be built or moved to the site for office purposes.

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2. Adequate parking, or required by Chapter A.64, shall be provided.
3. No clients or customers shall be permitted on the site except on an occasional basis.
4. Hours of business operation shall not exceed 7:00 a.m. to 7:00 p.m. and weekend and holiday use of the office facilities shall not be permitted except under specific time limitations established as a condition of approval of the use permit.
5. The Community Development Director shall review compliance with conditions of approval annually.
6. The permit may be revoked upon application of the property owner with six months notice to the office tenant.

Amend heading of Chapter A.52. Site Regulations - Residential Districts as follows:

**Chapter A.52. Site Regulations - Residential Districts**

- A.52.010. Specific purposes and applicability.
- A.52.020. Exterior materials in R districts.
- A.52.030. Nonconforming ~~Front and corner side~~ yards in R districts.
- A.52.040. Religious assembly yard requirements.
- A.52.050. Accessory structures.
- A.52.060. Accessory dwelling units.
- A.52.060 ~~070~~. Home occupation in R districts.
- A.52.070 ~~080~~. Affordable housing incentive program.
- A.52.080 ~~090~~. Manufactured homes.
- A.52.090 ~~100~~. Residential condominium standards.

Amend Section A.52.030 "Front and corner side yards in R districts" as follows:

**A.52.030. Nonconforming ~~Front and corner side~~ yards in R districts.**

~~Where lots comprising 40 percent of the frontage on a blockface in an R district are improved with buildings that do not conform to the front yard requirements, the Planning Commission may adopt by resolution a formula or procedure to modify the front and corner side yard setback requirements. The Planning Commission also may modify the required yard depths where lot dimensions and topography justify deviations. Blocks with such special setback requirements shall be delineated on the zoning map.~~

Where a number of lots, whose total front lot line length comprise a minimum of 40 percent of the frontage on a blockface in an R district are improved with buildings that do not conform to the front-yard requirements, the Planning Commission may adopt by resolution a formula or procedure to modify the front-yard setback requirement. The Planning Commission also may modify the required yard depths where lot dimensions and topography justify deviations. Initiation and processing shall be in accordance with procedures applicable to a Zoning Map Amendment (See A.96. Amendments). Blocks with such special setback requirements shall be delineated on the zoning map. To determine

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compliance with this section, the Community Development Director shall require applicants to submit a boundary or topographic survey prepared by a licensed surveyor or civil engineer, depicting existing setbacks and land contours, as applicable.

Amend Section A.52.050 "Accessory structures" as follows:

**A.52.050. Accessory structures.**

- A. Timing. Accessory structures shall not be established or constructed prior to the start of construction of a principal structure on a site, except that construction trailers may be placed on a site at the time site clearance and grading begins and may remain on the site only for the duration of construction.
- B. Location. Except as provided in this chapter, accessory structures shall not occupy a required front, ~~or corner side or building separation yard or court, or project beyond the front building line of the principal structure on a site.~~ No accessory uses shall be permitted off site.

Exceptions.

1. Ornamental accessory structures may be located in the front yard of a site if they do not exceed 42 inches in height.
2. One flagpole may be located in the front yard of a site if it does not exceed 15 feet in height.
3. One decorative lamp post may be located in the front yard of a site if it does not exceed 8 feet in height.
4. Architectural screen walls may be located in the front yard of a site pursuant to Section 10.12.030 (P).
5. One basketball hoop/post may be located in the front yard of a site if it does not exceed 13 feet in height.

Mechanical equipment and storage buildings shall be prohibited beyond the front building line of the principal structure on a site. No accessory uses shall be permitted off-site.

- C. Maximum Height. The maximum height of an accessory structure shall be 12 feet, subject to the provisions of this subsection. Additional height shall be permitted, as provided in Section 10.60.060; Exceptions to height limits. For the purposes of Section, height shall be determined by a weighted averaging of the local grades taken around the perimeter of the accessory structure., provided that roofs with a minimum pitch of 3 in 12 shall not exceed a height of 15 feet.

Exceptions.

1. The maximum height of any portion of an accessory structure which has a minimum 3 in 12 roof slope, and has a single roof ridge-line located at approximately the center of the structure, may be 15 feet. A guest quarters may be built on top of a garage taking access

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~~from an alley and a garage located in a rear yard, provided the building height does not exceed 22 feet.~~

2. The maximum height of any portion of an accessory structure containing a guest house or accessory living quarters, as defined in this Title, constructed directly above a garage, may be 22 feet, when said portion is not located within a required yard, or when it takes vehicle access from an alley and is located at least 3 feet from all property lines.

- D. Relation to Property Lines. An accessory structure, any portion of which is located within a required rear yard, shall be located on a rear or interior side property line, or shall be not less than 3 feet from said property line(s) (see Section A.64.110; Aisle Dimensions, for exceptions applicable to detached alley-accessed garages ~~excepting setbacks of detached alley-accessed garages from said alleys; See Section A.64.110; Aisle Dimensions~~). Building projections within the required setback area as prescribed in this Section are permitted in accordance with Section A.60.040; Building projections into required yards or open space.

Exception: Where a fence, wall, or retaining wall is located on an interior side or rear property line, the setback for an accessory structure to the property line may be between zero and three feet, providing there is zero clearance between said fence, wall or retaining wall and accessory structure.

- E. RS District. In an RS district, the total gross floor area of accessory structures more than 4 feet in height that are not attached to a dwelling shall not exceed 900 square feet or 12 percent of lot area, whichever is more.

- F. (Reserved) Patio Covers. ~~A patio cover open on at least 2 sides and complying with all other provisions of this subsection may be attached to a principal structure.~~

G. Swimming Pools and Hot Tubs.

1. A swimming pool or hot tub and related equipment may occupy a required rear yard or side yard but shall not be within 5 feet of a property line.

Exception: A swimming pool or hot tub and related equipment may be located within 5 feet of a property line provided it complies with the locational criteria of subsection D, stated above, and is located within a structure having a solid roof, solid walls, and, with no openings within 5 feet of said property lines.

2. All pools and hot tubs shall be fenced, as required by Title 9, Chapter 48 of the Municipal Code.

- H. Decks. No deck more than 30 inches or more in height shall be located in a required yard.

- J. Separation. The distance between buildings used for human habitation and between buildings used for human habitation and accessory buildings on the same lot shall not be less than 10 feet.

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Amend Chapter A.52 by adding Section 060 "Accessory dwelling units" as follows:

A.52.060. Accessory dwelling units.

A. Prohibition of Second Units. An accessory or second dwelling unit, or "granny housing" unit, shall not be allowed on any lot in any RS district with an existing single-family dwelling. This prohibition is enacted for the following reasons:

1. While the issue of affordable housing may be a matter of statewide concern, the adoption and implementation of programs to provide affordable housing is a matter of local concern and a municipal affair. Further, Government Code Section 65852.1 and 65852.2 are contrary to the municipal affairs doctrine of Article 11, Section 7 of the California Constitution and inapplicable to the City of Manhattan Beach.
2. The City of Manhattan Beach has determined that second units, including "granny housing" would not be an effective means of providing affordable housing within the city.
3. Although adoption of a prohibition of second units, including "granny housing", may limit housing opportunities of the region, the City also has determined that second units, including "granny housing", are inconsistent with the land use and density policies of the General Plan and have specific adverse impacts on public health, safety, and welfare which justify the adoption of this prohibition. These impacts include increased traffic and demand for public services and reduced privacy and security in residential neighborhoods.

Amend Section A.52.060 (C)(6) "Home occupation in R districts - Required Conditions" as follows:

C. Required Conditions. Home occupations shall comply with the following regulations:

6. A home occupation shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the district. No more than one (1) commercially licensed vehicle or vehicle related to the home occupation shall be permitted to be stored or parked on the site, other than in an enclosed garage.

Amend Section A.52.090 "Residential condominium standards" as follows:

A.52.090 100. Residential condominium standards.

Eligibility Requirements

(1) All residential condominiums (new construction or conversion) located in Area Districts III and IV shall have vehicular access from both the front and the rear property lines from dedicated streets or alleys improved and open to vehicular use.

(a) Exception: Properties on the Strand.

(b) Exception: Where a building site (consisting of a lot or portions of a lot) exists on March 9, 1989, and (1) neither the front nor the rear of the site is adjacent to a "walk street" and (2) the building site has access from two or more property lines from dedicated public streets or alleys improved and open to vehicular use. The building site shall be deemed to be a condominium site. This exception does not apply in Area District IV.

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(c) Exception: Where a building site is zoned RH is adjacent to a "walk street" and has vehicular access from 2 or more property lines from dedicated street or alleys improved and open to vehicular use, said building site shall be deemed to be a condominium site, with a maximum of 2 dwelling units.

Amend Section A.52.090 (Q) "Residential condominium standards" as follows:

Q. All title conditions, covenants, and restrictions (CC&R's), in form and content, and any revisions thereto shall, if required by the project Use Permit, be subject to approval of the City Attorney.

Amend Section A.52.090 "Residential condominium standards" by deleting (S) "Additional requirements" and (T) "Open space requirement"

~~S. Additional Requirements:~~

- ~~1. Where a building site that is zoned RH is adjacent to a "walk street" and has vehicular access from 2 or more property lines from dedicated streets or alleys improved and open to vehicular use, said building site shall be deemed to be a condominium site, with a maximum of 2 dwelling units.~~
- ~~2. All new residential condominiums shall construct all utility lines underground, including but not limited to telephone, power, and cable television, to the nearest power source subject to approval of the Community Development Department, Public Works Department, and appropriate utility companies.~~

~~T. Open Space Requirement: The minimum usable open space in RM and RH District shall be provided as follows:~~

- ~~1. For multifamily dwelling units containing 2,333 square feet or less of livable area, the minimum requirement is 15 percent of the livable area per unit, but not less than 220 square feet.~~
- ~~2. For multifamily dwelling units greater than 2,333 square feet, the minimum requirements is 350 square feet per dwelling unit.~~
- ~~3. The Community Development Director may allow a portion of the usable open space requirement, not to exceed 50 percent, to be on open decks above the second story upon approval of a minor exception pursuant to Section A.94.120.~~

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Amend Section A.56.020 (C) "Eating and drinking establishments with fast-food or take-out service - Litter Control" as follows:

A.56.020. Eating and drinking establishments with fast-food or take-out service.

The following supplementary development regulations shall apply to Eating and Drinking Establishments with Fast-Food or Take-Out Service other than Limited Take-Out Service, as defined in Chapter A.08:

- C. Litter Control. Identifiable containers and napkins shall be used for all carry-out food, and all litter resulting shall be promptly removed. A use permit may require the operator to retain a contract litter cleanup service if the ~~Community Development Director determines it is~~ determined that a litter problem exists.

Amend heading of Chapter A.60. "Site Regulations - All Districts" as follows:

Chapter A.60. Site Regulations - All Districts

- A.60.010. Specific purposes and applicability.
- A.60.020. Development on substandard lots.
- A.60.030. Development on lots divided by district boundaries.
- A.60.040. Building projections into required yards or required open space.
- A.60.050. Measurement of height.
- A.60.060. Exceptions to height limits.
- A.60.070. Landscaping, irrigation, and hydroseeding.
- A.60.080. Outdoor facilities.
- A.60.090. Screening of mechanical equipment.
- A.60.100. Refuse storage areas.
- A.60.110. Underground utilities.
- A.60.120. Performance standards.
- A.60.130. Antennae and microwave equipment.
- A.60.140. Solar-assisted water heating.
- A.60.150. Traffic vision clearance on corner lots.

Amend Section A.60.020 "Development on substandard lots" as follows:

A.60.020. Development on substandard lots and portions of lots.

~~A preexisting, legally created lot having a width or area less than required for the base district in which it is located may be occupied by a permitted or conditional use if it meets the following requirements or exceptions:~~

- ~~A. A substandard lot shall be subject to the same yard and density requirements as a standard lot, provided that in an R district, 1 dwelling unit may be located on a substandard lot that meets the requirements of this section.~~
- ~~B. A pre-existing legal lot comprising a minimum size of 5,000 square feet or greater and a minimum width of 50 feet or greater shall not be considered substandard for purposes of this section.~~
- ~~C. Portions of lots held in separate ownership. A portion of a lot recorded in separate ownership~~

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~~from the remainder of the lot and recorded prior to July 20, 1967, shall be deemed a substandard lot subject to the following provisions and conditions:~~

~~1. This provision shall only apply:~~

~~a. Where all portions of the original lot or lots are not in common ownership of the same person, corporation, or other entity;~~

~~b. When separate ownership of such lot portions is established by document recorded prior to July 20, 1967;~~

~~c. When all portions of the original lot abut and have access to a dedicated street or alley used and improved for vehicular traffic.~~

A. For the purposes of this section, a substandard lot is a pre-existing, legally created lot having a width or area less than required for the base district in which it is located. A substandard lot may be occupied by a permitted or conditional use for the base district subject to the applicable development regulations, provided that in an R district, at least 1 dwelling unit may be located on a substandard lot.

B. For the purposes of this section, a portion of a lot is a portion of a lot recorded in separate ownership from the remainder of the lot prior to July 20, 1967. A portion of a lot may be occupied by a permitted or conditional use for the base district, subject to the applicable development regulations and the following:

1. A portion of a lot shall be subject to the same density requirements as a standard lot, provided that in an R District a portion of a lot having a width or area less than required for the base district in which it is located may be occupied by only one dwelling unit where the portion of a lot otherwise meets the requirements of this section (see El Porto exception, Section A.12.030 (J)).

2. In an R district, a portion of a lot may be developed only when the portion of a lot abuts and has access to a dedicated street or alley used and improved for vehicular traffic.

3. In an R district, a portion of a lot having a width or area less than required for the base district in which it is located may be developed only when the portion of a lot contains a single-family dwelling thereon which has been constructed after issuance of valid building permits for such construction (see El Porto exception, Section A.12.030 (J)). If an existing building occupies more than one portion of a lot, redevelopment may not result in more dwellings than were existing on the site.

4. Where a portion of a lot having a width or area less than required for the base district in which it is located is occupied by a building containing two or more dwelling units constructed by issuance of valid building permits, such building occupancy shall constitute a nonconforming use subject to the regulations of Chapter A.68 of this Title (see El Porto exception, Section A.12.030 (J)).

5. The development entitlement of any portion of a lot pursuant to this section is subject to City review and issuance of a certificate of compliance or conditional certificate of compliance, if applicable.

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Amend Section A.60.040 "Building projections into required yards or required open space" as follows:

**A.60.040. Building projections into required yards or required open space.**

Projections into required yards or required open space shall be permitted as follows:

**A. Architectural Features:**

1. Cornices, eaves, sills, and similar horizontally oriented features that do not exceed a vertical dimension of 2 feet, and screened utility meters: Two and one-half feet provided a 2-foot clearance from the property line is maintained.
2. Pillars, columns, buttresses, and similar vertically oriented features that do not exceed a horizontal dimension of 2 feet: One foot, except where the required yard is less than 3 feet, no projection is permitted. Each of such projections shall be spaced a minimum of 3 feet apart, and the aggregate length of all such projections shall not exceed one-fifth the buildable width of a lot in the front or rear and one-eighth the buildable length of a lot along the sides.

- B. Uncovered porches, platforms, decks, and landings, including access stairs thereto, which do not extend above the floor elevation of an adjoining portion of the first story:** Three feet in a side or building separation yard, 4 feet in a front yard and 6 feet in a rear yard, provided that a two-foot clearance from the property line is maintained. ~~A two-foot clearance shall not be required in yards adjoining "walk streets".~~ Open-work railing not to exceed three and one-half feet in height may be installed.

- 1. Exception.** A zero foot clearance shall be permitted from property lines adjoining numbered "walk streets", or unimproved public street or alley easements which are not open to vehicular use.

- C. Architectural archways, awnings, canopies, and covered entries:** Two and one-half feet in a side or building separation yard and 5 feet in a front or rear yard, provided that a two-foot clearance to the property line is maintained. The aggregate length of all such projections shall not exceed one-half the buildable width of a lot in the front or rear and one-half the buildable length of a lot along the sides.

- 1. Exception.** An 18-inch projection above a doorway located on the side of a building is allowed for a length not to exceed the doorway width plus 18 inches on either side.

- D. Stairways above the level of the first floor:** 2 feet in a side yard and 4 feet in a front or rear yard provided that a 3-foot clearance to the property line is maintained and such stairways are open and unenclosed and not covered by a roof or canopy except as provided by subsection (C) above.

- E. Patios:** Covered patios, attached to a dwelling unit, and open on at least 2 sides, may project into a rear yard, provided that a 3-foot clearance to the property line is maintained and no more than 40 percent of the required rear yard shall be covered by buildings or other roofed structures. ~~Uncovered patios less than 30 inches in height shall be considered accessory structures, subject to the requirements of Section A.52.050.~~

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F. Balconies and Bay Windows: Balconies and bay windows may project into required yards and usable open space, subject to the following limitations:

1. The glass area of each bay window shall be not less than 50 percent of the sum of the vertical surfaces of such bay window.
2. The maximum length of each bay window shall be 8 feet at the line that establishes the yard setback and shall be reduced in proportion to the distance from such line by means of a 45-degree angle drawn inward from the end of the 8-foot dimension, reaching a maximum of 6 feet along a line that is 1 foot from and parallel to the setback line. The total aggregate length of all bay windows on each level projecting into a required yard shall not exceed one-quarter of the buildable length or buildable width of the lot, as the case may be.
3. No bay window shall project into an open area established by an inclined plane extending upward at 45 degree angle from a horizontal extension of the adjacent floor level. The intent of this requirement is to ensure that no floor area projects into a required yard.
4. Balconies shall have open railings, glass or architectural details with openings to reduce visible bulk; balconies composed solely of solid enclosures are not allowed to project into required yards. ~~That portion of a balcony which projects into a setback area shall not be covered.~~
5. ~~One balcony projection, not to exceed 3 feet in depth and one-half the buildable width of the lot, is allowed for a dwelling unit in either a required front or rear yard, but not both. Balcony projections into both a front and rear yard are permitted only in RM and RH districts to provide private open space for dwelling units.~~

Balcony projections are allowed in either the required front and rear yard, but not both, provided the depth of projection into the required front yard does not exceed three feet and the area does not exceed three feet multiplied by one-half of the buildable width of the lot, and a minimum two foot clearance to the property line is maintained.

a. Exceptions for RM and RH Districts. Balcony projections are allowed in both the required front and rear yard for each dwelling unit to provide private open space. The aggregate area of all balcony projections for the entire lot within required yards shall not exceed 3 time one-half of the buildable width of the lot if all balcony projections are located in either the front or rear yard, and 3 times two-thirds the buildable width of the lot if balconies are located in both the front and rear yards.

6. ~~The aggregate length of all bay window and balconies on each level (and chimneys and fire escapes) projecting, balcony, chimney, and stair projections into a required yard or setback area shall be no more than on a single building level, measured at the setback line, shall not exceed two-thirds of the buildable width of the lot along a rear building wall, and two-thirds the buildable length of a street-side building wall.~~

- G. Chimneys: A maximum of two chimney projects into required yards is allowed. One chimney may project 1 foot into an interior side yard starting at a point 8 feet above finished grade, providing that at least 2 feet is maintained as a clear area between the chimney and the property line for a vertical distance of 8 feet of local grade. Chimney projections into required street side yards are prohibited. In addition, one chimney may project 1 foot into one of the

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following yards: front, rear or building separation, and shall not be required to maintain a vertical clearance from finished grade. Chimneys shall be subject to, and a component of, the aggregate length limitations for all vertical projections as stated within Section A.60.040 A (2).

- H. Minor Exceptions: The Community Development Director may grant minor exceptions: for the construction of a second or third story residential addition that would project into required setbacks or required open space when the pre-existing first or second story was legally constructed; and, from the limits on projections of reconstructed raised grade stairways, architectural archways, covered entries and covered porches into required yards and required open space for pre-existing structures under the provisions of Section A.84.120.

Amend Section A.60.050 "Measurement of height" as follows:

**A.60.050. Measurement of height.**

This section establishes regulations for determining compliance with the maximum building height limits prescribed for each zoning district and area district or as modified by an overlay district. The procedure involves a two-step process: first the reference elevation, defined as the average of the elevation at the four corners on the lot, is determined and then a second limit is imposed to ensure that no building exceeds the maximum allowable height above existing grade or finished grade, whichever is lower, by more than 20 percent.

- A. Height shall be measured from a horizontal plane established by determining the average elevation of existing grade at all four corners of the lot. In situations where the elevation of existing grade at a lot corner is not clearly representative of a site's topography (because, for example, of the existence of such structures as retaining walls, property line walls, planters) the Community Development Director shall select an elevation that minimizes, to the extent possible, adverse impacts on adjacent properties and encourages some degree of consistency in the maximum building height limits of adjacent properties. Such interpretations may be appealed pursuant to the provisions of Chapter A.100.
- B. No portion of a building shall exceed the maximum allowable height for the zoning district and area district in which the building site is located by more than 20 percent. For purpose of this requirement, height shall be measured from the existing grade or finished ground level grade, whichever is lower.
- C. To determine compliance with this section, the Community Development Director may require applicants to submit a topographic survey of the project site, and, if necessary, portions of adjacent sites, prepared by a licensed surveyor or licensed civil engineer, depicting existing contours and the contours of finished grade, if different from existing grade, at elevation change intervals no greater than 5 feet. Survey measurements also shall indicate the elevations of adjacent curbs and street pavements where no curb exists.

Exceptions.

1. The Community Development Director may approve measuring height from finished grade elevation within 5 feet of front or street side property lines for alterations and additions to preexisting structures which have height nonconformities under the procedures for granting minor exceptions established in Section A.84.120.

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2. ~~In addition,~~ The Community Development Director may administratively approve measuring height from local grade adjacent to an existing or planned building that is adjacent to a street where substantial grading occurred which lowered the street, which, in turn, affected the elevation of the street property line. The intent of this exception is to accommodate situations which exist, such as, on portions of Ardmore Avenue.

~~In an RM or RH District where dwelling units are proposed in separate buildings located at least 10 feet apart, the Community Development Director may allow separate reference elevations to be established for each building. This is done by using the midpoint between the center of each building to establish a line perpendicular to the nearest adjacent property line which divides the lot into a front portion and a rear portion. The elevation of existing grade at the intersection of this line with the adjacent property lines then is used to derive the average elevation of the front portion of the lot and the average elevation of the rear portion of the lot.~~

Amend Section A.60.060 "Exceptions to height limits" as follows:

**A.60.060. Exceptions to height limits.**

Chimneys, Vent pipes, and radio and television antennas may exceed the maximum permitted height in the district in which the site is located by no more than 10 feet. Chimneys may exceed the maximum height permitted height by no more than 5 feet, provided the length and the width of the chimney portion exceeding the height limit shall not exceed 3 feet in width and 5 feet in length. The Planning Commission may approve greater height for radio and television antennas with a use permit.

Amend Section A.60.070 (A) "Landscaping, irrigation, and hydroseeding - General Requirement" as follows:

**A.60.070. Landscaping, irrigation, and hydroseeding.**

- A. General Requirement. Minimum site landscaping and required planting areas shall be installed in accord with the standards and requirements of this section, which shall apply to all projects including construction or exterior alterations of structures with more than a total of 2,500 square feet of buildable floor area and covered parking area, except single-family residences and two-family dwelling units (duplexes).

Amend Section A.60.070 (D) "Landscaping, irrigation, and hydroseeding - Design Standards" as follows:

**D. Design Standards**

1. Parking lots shall have perimeter landscaping areas as prescribed by the following schedule and, in addition, shall have 5 percent of the parking lot, excluding area within the perimeter planting strips, devoted to interior landscaping areas distributed throughout the parking lot.

**Width of Perimeter Planting Strip (ft.)**

<b>Parking Lot (*)</b>	<b>Adjoining</b>	<b>Adjoining</b>	<b>Adjoining</b>
<b>Dimension Adjoining</b>	<b>Street</b>	<b>Property Line</b>	<b>Other</b>
<b>Property Line</b>	<b>Property Line</b>	<b>R-District</b>	<b>Districts</b>

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Up to 100 feet	3	3	3
More than 100 feet	10	5	5

(\*)- Parking lot dimension shall be measured as the distance, perpendicular to the property line, of parking and driveway area (including landscaping and miscellaneous areas contained therein) between the property line and either a building or the site's opposite boundary.

2. Any portion of a parking structure which extends more than 30 inches above the adjacent finished grade in a C or I district having at-grade parking adjoining a street shall have a 10-foot planting area adjoining the street property line.
3. Where landscaped areas are provided, they shall be a minimum of 2 feet in width.
4. The end of each row of parking stalls shall be separated from driveways by a landscaped planter, sidewalk, or other means.
5. A minimum of 1 tree for every 6 spaces shall be distributed throughout the parking lot.
6. Landscaping shall be provided in planters at the edges of ~~on~~ the upper levels of parking structures where these structures are visible from public streets, pedestrian pathways, or adjacent buildings.

Amend Section A.60.080 (A) "Outdoor facilities - Where Permitted" as follows:

**A.60.080. Outdoor facilities.**

- A. Where Permitted. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up, shall be permitted in the IP and CG districts, and shall be subject to the approval of an Outdoor Facilities Permit (which may consist of a letter) by the Community Development Director in the CL, CD, and CNE districts. Sidewalk cafes and outdoor food service accessory to an Eating and Drinking Establishment shall be permitted subject to approval of an Outdoor Facilities Permit by the Community Development Director in the CD, CNE, and OS districts, but no outdoor preparation of food or beverages shall be permitted.

Amend Section A.60.110 "Underground utilities" as follows:

**A.60.110. Underground utilities.**

All existing and new electrical, telephone, CATV and similar distribution lines providing direct service to a development site shall be installed underground within the site unless the Community Development Director finds such installation is unfeasible per the standards established within Title 9 of the Municipal Code.

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Amend Chapter A.60 by adding Section 150 "Traffic vision clearance on corner lots" as follows:

**A.60.150. Traffic vision clearance on corner lots.**

All corner lots shall be subject to certain yard requirements as detailed in Chapter 3.40 (et. seq.) of the Municipal Code to provide for vision clearance by the elimination of traffic sight obstructions. Said

Amend Section A.64.020 "Basic requirements for off-street parking and loading" as follows:

**A.64.020. Basic requirements for off-street parking and loading.**

- A. When Required. At the time of initial occupancy of a site, construction of a structure, or major alteration or enlargement of a site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with the regulations prescribed in this chapter. For the purposes of these requirements, "major alteration or enlargement" shall mean a ~~change of use or an addition that would increase the number of parking spaces or loading berths required by not less than 10 percent of the~~ total number required prior to an alteration or enlargement. A change in occupancy that does not involve a change in the use classification is not considered a change in use for purposes of this requirement unless the change in occupancy involves an intensification of use or an increase in parking demand. an alteration or enlargement which exceeds 50% of the reconstruction value of the existing structure(s) as specified in Section 10.68.030 E.
- B. Nonconforming Parking or Loading. No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking or loading facilities required by this chapter, provided that facilities being used for off-street parking and loading as of the date of adoption of this chapter shall not be reduced in number to less than that required by the provisions of this chapter.
- C. Spaces Required for Change of Use and Minor Alteration or Enlargement. ~~The number of parking spaces or loading berths required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be in addition to the number of spaces or berths existing prior to the alteration, enlargement, or change of occupancy unless the pre-existing number is greater than the number prescribed in this chapter. In this case, the number of spaces or berths in excess of the prescribed minimum shall be counted in determining the required number of spaces or berths. The number of parking spaces and loading spaces required for an alteration or enlargement not classified as "major", pursuant to subsection (A) above, of an existing use or structure, or for a change of use, shall be in addition to the number of spaces existing prior to the alteration, enlargement, or change of use unless the pre-existing number is greater than the number prescribed in this chapter. In this case, the number of spaces in excess of the prescribed minimum shall be counted in determining the required number of spaces. A change in occupancy that does not involve a change in the use classifications not considered a change in use for purposes of this requirement unless the change in occupancy involves an intensification of use or an increase in parking demand.~~
- D. Spaces Required for Multiple Uses. If more than one use is located on a site, the number of off-street parking spaces and loading berths to be provided shall be equal to the sum of the requirements prescribed for each use. This requirement applies not only to multiple uses under separate ownership but also to multiple uses in the same ownership. If the gross floor area of individual uses on the same site is less than that for which a loading berth would be required

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by Schedule B of Section A.64.030, but the aggregate gross floor area of all uses is greater than the minimum for which loading berths would be required, the aggregate gross floor area shall be used in determining the required number of loading berths.

- E. Joint Use. Off-street parking and loading facilities required by this chapter for any use shall not be considered as providing parking spaces or loading ~~berths~~ spaces for any other use except where the provisions of Section A.64.040: Collective provision of parking apply or a joint facility exists. Such a facility shall contain not less than the total number of spaces ~~or loading berths~~ as determined individually, subject to the provisions of subsection (F) below, or fewer spaces may be permitted where adjoining uses on the same site have different hours of operation and the same parking spaces or loading ~~berths~~ spaces can serve both without conflict. A determination of the extent, if any, to which joint use will achieve the purposes of this chapter shall be made by the Community Development Director, who may require submission of ~~survey data~~ information necessary to reach a decision.

F. Location and Ownership.

1. On-site / Off-site Parking. Parking required to serve a residential use shall be on the same site as the use served, except that subject to approval of the Community Development Director, parking for Group Residential and Residential Care may be located on a different site under the same or different ownership within 150 feet of the use served, measured from the parking facility to the public entrance of the use served via the shortest pedestrian route. Parking required to serve a nonresidential use may be on the same or a different site under the same or different ownership as the use served, provided that parking shall be within the following distances of the use served, measured from the near corner of the parking facility to the public entrance of the use served via the shortest pedestrian route:

Customer/Visitor Spaces: 200 ft.

Employee Spaces: 400 ft.

Exception: Parking spaces located within the CD district may serve as required parking for a nonresidential use located within the same district at a maximum distance of 1,000 feet.

2. Parking in Yards in R Districts. Required yards and open space shall not be used for parking except as follows:
- a. Area Districts III and IV: One interior side yard may be used for parking.
3. Parking in Yards in C Districts. Required yards may be used for required parking, subject to the landscaping standards of Section A.60.070 and ~~shall be screened on 3 sides by a fence, wall, or hedge at least 6 feet in height~~ screening requirements of Section 10.64.160.
4. Parking in R Districts. Non-residential parking shall not be located in any R zoned property, except on the east side of Oak Avenue. Residential properties on the east side of Oak Avenue, when developed for commercial parking purposes used in conjunction with business fronting upon and having vehicular access to Sepulveda Boulevard, shall not utilize vehicular access to Oak Avenue between the hours of 10:00 p.m. to 6:00 a.m. daily.

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- G. Life of Facility. Facilities for off-site parking shall be restricted to that use by a recorded deed, lease, or agreement for a minimum period of 10 years from the date a use permit requiring the parking or a Certificate of Occupancy is issued, provided that the Community Development Director may lift the restriction upon finding that substitute parking facilities meeting the requirements of this chapter are provided. No use shall be continued if the parking is removed unless substitute parking facilities are provided.

1. Exception. The requirement for a recorded agreement and 10 year period of agreement may be waived for off-site required parking leased from City owned lots.

- H. Common Loading Facilities. The off-street loading facilities requirements of this chapter may be satisfied by the permanent allocation of the prescribed number of ~~berthe spaces~~ for each use in a common truck loading facility, provided that the total number of ~~berthe spaces~~ shall not be less than the sum of the individual requirements. As a requirement of approval, an attested copy of a contract between the parties concerned setting forth an agreement to joint use of the common truck loading facility shall be filed with ~~the application for a zoning certificate~~ and subject to approval by the Community Development Director.

- I. Computation of Spaces Required. If, in the application of the requirements of this chapter, a fractional number is obtained, one additional parking space or loading berth shall be required for a fraction of one-half or more, and no additional space or both shall be required for a fraction of less than one-half.

- J. Parking Surface. All parking areas, aisles and access drives shall be paved with a minimum of 2 inches of asphalt on 4 inches of compacted base or 4 inches of concrete in residential areas; and 4 inches of concrete in commercial or industrial areas to provide a durable, dustless surface. Parking areas, aisles and access drives shall be graded and drained to dispose of surface water without damage to private or public properties, streets, or alleys. The Director of Public Works may approve alternate materials and specifications in lieu of these requirements.

- K. Availability of Required Parking Spaces. Required parking spaces shall be made permanently available and be permanently maintained for vehicular parking in connection with the associated use.

Amend Section A.64.030 "Off-street parking and loading spaces required" as follows:

**A.64.030. Off-street parking and loading spaces required.**

Off-street parking and loading spaces shall be provided in accord with the following schedules. For off-street loading, references are to Schedule B which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of buildable floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators.

Where the use is undetermined, the Community Development Director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Community Development Director may require the submission of survey data from the applicant or collected at the applicant's expense.

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## OFF-STREET PARKING AND LOADING SPACES REQUIRED

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Use Classification Number	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces:  Schedule B Group
<b>Residential</b>		
Single-Family Residential:		
Dwelling with Buildable Floor Area (BFA) less than 3,600 square feet	2 enclosed per unit; <del>half of</del> <del>the required spaces may be in</del> <del>tandem.</del> (A third space may be required on corner lots. See Section A.64.040(A)(1)).	
Dwelling with 3,600 square feet Buildable Floor Area (BFA) or more	3 enclosed per unit.	
Group Residential	1 per 2 beds; plus 1 per 100 sq. ft. used for assembly purposes.	1
Multi-family Residential (includes condominiums)	2 spaces, including 1 enclosed/unit. (2 enclosed per condominium unit.) In Area District IV, both spaces must be enclosed; <del>in Area Districts</del> <del>III and IV, half</del> <del>of required spaces may</del> <del>be in tandem.</del> <u>In buildings</u> <u>with less than 4 units, only</u> <u>1 enclosed space is required</u> <u>for units with less than 550</u> <u>square feet of floor area.</u>	
Guest Parking	Condominiums: 1.0 space/unit. Apartment: 0.25 space/unit for buildings with 4 or more units. Guest parking spaces may be a small or compact car size, except on The Strand. All compact spaces shall be clearly labeled "Compact Parking".	

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Required guest spaces may be in tandem configuration provided that, except for lots on The Strand, none other than resident spaces of the same unit are blocked and that such a configuration would not result in undue traffic hazard. (See Sec. A.64.190(B).) The dimension of standard, compact, and tandem parking spaces for all required and additional spaces shall be in accordance with the provisions of this Code.

Residential Care, Limited 1 per 3 beds.

Senior Citizen ~~1.2, including 1 enclosed/~~  
~~unit plus one per employee.~~  
.5 per unit, plus: 1 accessible  
and designated guest space / 5-  
units, one space per non-resident  
employee and 1 (11'w x 30'l x 10'h)  
loading area.

#### Public and Semipublic

Clubs and Lodges 1 per 100 sq. ft. used 3  
for assembly purposes.

Cultural Facilities 1 per 300 sq. ft. 3  
gross floor area plus  
upper level uncovered decks  
or terraces.

Day Care, General 1 per 7 children; maxi-  
mum enrollment based on  
maximum occupancy load.

Government Offices 1 per 300 sq. ft. 2  
gross floor area.

Heliports As specified by use permit.

Hospitals 1 per 1.5 beds. 3

Maintenance and Service 1 per 500 sq. ft. 1  
Facilities

Park and Recreation As specified by use  
Facilities permit for private facilities.

Public Safety Facilities As specified by the Community 3

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	Development Director.	
Religious Assembly	1 per 100 sq. ft. seating area.	3
Residential Care, General	1 per 3 beds; plus additional spaces, as specified by use permit.	3
Schools, Public or Private	As specified by use permit.	1
Utilities, Major	As specified by use permit.	1
<b>Commercial</b>		
Adult Businesses	1 per 250 sq. ft.	1
Ambulance Services	1 per 500 sq. ft.; plus 2 storage spaces.	1
<b>Animal Sales and Services:</b>		
Animal Boarding	1 per 400 sq. ft.	1
Animal Grooming	1 per 400 sq. ft.	1
Animal Hospitals	1 per 400 sq. ft.	1
Animals, Retail Sales	1 per 250 sq. ft.	1
Artists' Studios	1 per 1,000 sq. ft.	
Banks and Savings & Loans:	1 per 300 sq. ft.	2
Drive-Up Service	Queue space for 5 cars per teller.	
Building Materials and Services	1 per 1,000 sq. ft. of lot area.	1
Catering Services	1 per 400 sq. ft.	1
<b>Commercial Recreation and Entertainment:</b>		
<u>Billiard / Pool Hall</u>	<u>1 per each pool table, plus parking associated with other uses of the establishment.</u>	
Bowling Alleys	4 per lane, plus 1 per 250 sq. ft. of public assembly and retail areas.	1
Electronic Game Centers	1 per 400 sq. ft.	
Skating Rinks	1 per 5 fixed seats, or	1

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	1 per 35 sq. ft. seating area if there are no fixed seats; plus 1 per 250 sq. ft. floor area not used for seating.	
Theaters	1 per 4 fixed seats, or 1 per 35 sq. ft. seating area if there are no fixed seats.	1
Other Commercial Recreation and Entertainment	As specified by the Community Development Director.	
Communications Facilities	1 per 500 sq. ft.	2
Eating and Drinking Establishments:	1 per 50 sq. ft. seating area.	
<u>Cocktail Lounge</u>		
<u>General</u>	1 per 50 sq. ft. of seating area including cocktail lounge.	
With Live Entertainment	1 per 35 sq. ft. seating area; plus 1 per 35 sq. ft. dance floor.	1
With Take-Out Service	1 per 75 sq. ft. gross area; <u>plus outdoor seating area;</u> plus queue space for 5 cars for drive-up service.	1
Food and Beverage Sales	1 per 200 sq. ft.	1
Furniture and Appliance Stores	1 per 600 sq. ft. if gross floor area exceeds 5,000 sq. ft.; otherwise, 1 per 200 sq. ft.	
Funeral and Interment Services	1 per 50 sq. ft. seating area.	1
Hardware Stores	1 per 600 sq. ft. if gross floor area exceeds 5,000 sq. ft.; otherwise, 1 per 200 sq. ft.	
Horticulture, Limited	1 per 2 acres.	
Laboratories	1 per 500 sq. ft.	1
Maintenance and Repair Services	1 per 500 sq. ft.	1
Marine Sales and Services	1 per 350 sq. ft.	

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Nurseries	1 per 1,000 sq. ft. lot area for first 10,000 sq. ft.; 1 per 5,000 sq. ft. thereafter, plus 1 per 250 sq. ft. gross floor area.	
Offices, Business and Professional	1 per 300 sq. ft.	2
Offices, Medical and Dental	1 per 200 sq. ft.	2
Pawn Shops	1 per 250 sq. ft.	1
Personal Improvement Services:	1 per 250 sq. ft.	
Dance or Music Studio	1 per 600 sq. ft.	
Personal Services	1 per 300 sq. ft.	1
Psychic Advisor	1 per 300 sq. ft.	-
Research and Development Services	1 per 400 sq. ft.	
Retail Sales Not Listed Under Another Use Classification	1 per 200 sq. ft. for first 5,000 sq. ft.; 1 per 250 sq. ft. thereafter.	1
Vehicle/Equipment Sales and Services: <u>(vehicle / equipment inventory, storage, and service areas shall not be used to satisfy parking requirements)</u>		
Automobile Rentals	1 per 400 sq. ft.; plus 2 storage spaces.	1
Automobile Washing	1 per 200 sq. ft. of sales, office, or lounge area; plus queue for 5 cars per washing station.	
Service Stations	1 per 2,500 sq. ft. lot area; plus 1 per 500 sq. ft. of service bay and storage area.	
Vehicle/Equipment Repair	1 per 300 sq. ft.	1

Vehicle/Equipment Sales and Rentals	1 per 1,000 sq. ft. lot area (including showrooms) devoted to sales or rentals.	1
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Vehicle Storage	1 per 500 sq. ft.	
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Visitor Accommodations:

Hotels, Motels and Time Share Facilities	1.1 per guest room; plus 1 per 50 sq. ft. banquet seating area, and 1 per passenger transport vehicle (minimum of 2 stalls) and parking for other uses and facilities as required by this schedule.	1
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Limited	1.1 per guest room; plus 1 per passenger transport vehicle (minimum of 2 stalls).	
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Residential Hotels	1.1 per room.	1
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Warehousing & Storage, Ltd.	1 per 1,000 sq. ft.	
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**SCHEDULE B: LOADING SPACES REQUIRED**

Gross Floor Area (sq. ft.)	Number of Spaces Required	
	10' x 20' x 10' 12' x 35' x 14'	Vertical Clearance
<u>Use Classification Group 1</u>		
0 to 3,000		
3,001 to 15,000		1 0
15,001 to 50,000		2 1
50,001 and over		3 2
<u>Use Classification Group 2</u>		
0 to 10,000	1	
10,001 to 20,000		1
20,001 and over	1	1
<u>Use Classification Group 3</u>		
0 to 30,000		1
30,001 to 100,000		2
100,001 and over		3

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Amend Section A.64.060 "Parking in-lieu payments" as follows:

**A.64.060. Parking in-lieu payments.**

Within designated parking districts established by the City Council and shown on the map on the following page, a parking requirement serving nonresidential uses on a site may be met by a cash in-lieu payment to the City prior to issuance of a building permit or a certificate of occupancy if no permit is required. The fee shall be to provide public off-street parking in the vicinity of the use. The City shall not be obligated to accept a fee for more than 20 spaces, and then only with express approval by the City Council, ~~based on a finding that adequate parking supply exists in the district structures to accommodate such additional parking spaces, and that the tendered payment represents the actual cost of construction of new parking spaces.~~

In establishing parking districts, the City may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.

~~The following limitations apply:~~

- ~~1. Businesses may lease up to two spaces in the oversubscription program to meet City parking requirements.~~
- ~~2. A business may lease up to five total spaces in the oversubscription program, if available, but only two of the spaces may be used to meet required parking.~~
- ~~3. Businesses will be allowed to make in lieu payments on an installment plan over a five year period at prime rate adjusted quarterly. The in lieu parking fee shall be the actual construction cost of a space in an above ground parking structure, adjusted annually. The in lieu fee is presently \$20,363 per space (October 1993).~~
- ~~4. Businesses proposing in lieu fees to fulfill parking required under 5A.64.020 and 5A.64.030 of the Zoning Ordinance shall first provide evidence acceptable to the Board of Parking Place Commissioners that there is adequate additional under used capacity within the structure or structures to accommodate the number of spaces proposed.~~
- ~~5. When total commercial development on the development site exceeds 10,000 square feet, no in lieu fee shall be accepted unless additional parking is provided within commercial parking structures in the parking district prior to occupancy of the structure.~~

~~In establishing parking districts, the City may set additional limitations on the number of spaces or the maximum percentage of parking spaces required for which an in lieu fee may be tendered so that the parking demand of the approved new development does not exceed the parking supply.~~

Amend Section A.64.090 "Parking space dimensions" by adding the following exception:

**A.64.090. Parking space dimensions.**

Exception: Existing legal nonconforming parking spaces may remain nonconforming with regards to width, depth, and vertical clearance for up to a maximum of one (1) foot in each dimension, per

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space, without regard to value of site alteration.

Amend Section A.64.100 "Application of dimensional requirements" as follows:

**A.64.100. Application of dimensional requirements.**

- A. In C districts, thirty (30) percent of the required parking spaces may be for small cars. For office buildings where the offices are occupied by a single tenant, up to forty (40) percent of the spaces may be for small cars. All small-car spaces shall be clearly labeled ~~"For Small Cars Only."~~ "Compact."

B. Adjoining Obstructions.

1. Each parking space adjoining a wall, column, or other obstruction higher than 0.5 feet shall be increased by 1 foot on each obstructed side, provided that such obstructions may adjoin the front 5 feet of a parking space without an increase in width.

Exceptions. Residential garages serving a maximum of 3 dwelling units, and, residential sites with widths of 32 feet or less ~~are exempt from the requirements of this subsection.~~

2. At the end of a parking bay, an aisle providing access to a parking space perpendicular to the aisle shall extend 2 feet beyond the required width of the parking space.

- C. Vertical Clearance. Vertical clearance for parking spaces shall be ~~7 feet, except that an entrance may be 6.67 feet.~~ For residential uses, non-structural improvements including wall-mounted shelves, storage surface racks, or cabinets may encroach into the vertical clearance, provided a minimum 4.5 foot vertical clearance is maintained above the finished floor of the garage within the front 5 feet of a parking space an unobstructed headroom clearance of not less than 7 feet above the finish floor to any ceiling, beam, pipe, vent, mechanical equipment or similar construction, except that automatic garage door opening equipment and the garage door entrance may be 6.67 feet. For storage purposes (not including mechanical equipment) for residential uses, non-structural improvements including wall-mounted shelves, storage surface racks, or cabinets may encroach into the vertical clearance, provided a minimum 4.5 foot vertical clearance is maintained above the finished floor of the garage within the front 5 feet of a parking space.

- D. Wheel Stops. In all districts, all spaces shall have wheel stops 2.5 feet from a fence, wall, or walkway. The wheel stops shall be no higher than six (6) inches as measured from the parking area finished surface.

1. Exception. In R districts, installation of wheel stops shall not be required for parking spaces within garages serving a single unit.

- E. Garage Door Widths. Each enclosed parking space shall be provided with a minimum 8 foot wide, 6.67 foot high access opening.

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Amend Section A.64.120 (A) "Specific parking area and loading design" as follows:

**A.64.120. Specific parking area and loading design.**

- A. The area affected by the specific design shall be for parking by persons employed on the site only or loading. Visitor parking stalls shall meet the dimensions required.

Amend Section A.64.140 "Driveway widths and clearances" as follows:

**A.64.140. Driveway widths and clearances.**

Driveways shall ~~have the following minimum widths at the gutterline, plus a minimum of 1 foot additional clearance on each side of a vertical obstruction exceeding 0.5 foot in height~~ provide access to all off-street parking and loading spaces, and have the following minimum unobstructed paved widths:

<del>A. Maximum Width R Districts. The maximum width of a driveway in an R district shall be 20 feet.</del>			
<del>B A.</del>	Serving a residential use:	6 or fewer spaces	8 ft.
		7 to 25 spaces	12 ft.
		26 or more spaces	12 ft. 1-way 20 ft. 2-way
<del>C B.</del>	Serving a nonresidential use:	14 or fewer spaces	12 ft.
		15 or more spaces	12 ft. 1-way
			20 ft. 2-way

**A.64.150. Driveways; visibility.**

Visibility of a driveway crossing a street property line shall not be blocked between a height of 3 feet and 9 feet for a depth of 5 feet from the street property line as viewed from the edge of the right-of-way on either side of the driveway at a distance of ~~50~~ 15 feet or at the nearest property line intersecting the street property line, whichever is less.

Exceptions. Properties consisting of lots having vehicular access only across a sideyard located in residential districts in Area Districts III and IV are exempted from this requirement.

Amend Section A.68.010 "Specific purposes" as follows:

**A.68.010. Specific purposes.**

This chapter is intended to limit the number and extent of nonconforming uses by ~~prohibiting restricting~~ restricting their enlargement, prohibiting their re-establishment after abandonment, and the 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 ~~and nonconforming signs~~ by prohibiting 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.

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**A.68.020. Continuation and maintenance.**

**Amend Section A.68.020 (D) "Continuation and maintenance" as follows:**

- D. Routine maintenance and repairs may be performed on a structure, the use of which is nonconforming; and on a nonconforming structure. Exterior nonconforming elements including, but not limited to: stairways, decks, balconies, chimneys, fences, and retaining walls may be replaced in their entirety, if, upon finding in a report prepared by a State of California licensed civil engineer, that, due to a deteriorated condition, such structures are unsafe, and routine repair is infeasible.

**Amend Section A.68.030 "Alterations and enlargements of nonconforming uses and structures" as follows:**

**A.68.030. Alterations and enlargements of nonconforming uses and structures.**

- A. No structure, the use of which is nonconforming, shall be moved, altered, or enlarged unless required by law, or unless the moving, alteration, or enlargement will result in the elimination of the nonconformity.

Exception: Minor enlargement of a structure, the use of which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished cumulatively in one or more project, does not exceed 10% of the total pre-existing buildable square feet occupied by said use that is legally established as of July 4, 1996.

- B. No structure partially occupied by a nonconforming use shall be moved, altered, or enlarged in such a way as to permit the enlargement of the space occupied by the nonconforming use.

Exception: Minor enlargement of a use partially occupying a structure and which is nonconforming with respect to a use permit approval, is permitted, provided said enlargement, accomplished in one or more project, cumulatively does not exceed 10% of the total pre-existing buildable square feet occupied by said use that is legally established as of July 4, 1996.

- C. No nonconforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site, or another structure or site which it did not occupy on the effective date of the ordinance codified in this title, or of the amendments thereto that caused it to become a nonconforming use, or in such a way as to displace any conforming use occupying a structure or site, except as permitted in this section.

- D. No nonconforming structure shall be structurally altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for ~~number of parking spaces,~~ front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning district and Area District in which the structure is located. No nonconforming structure shall be moved or enlarged unless the new location or enlargement shall conform to the standards for front yards, side yards, rear yards, height of structures, maximum allowable floor area, distances between structures, driveways, or open space prescribed in the regulations for the zoning and Area District in which the structure is located.

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E. If any structure on a site does not conform to the standards for front, side or rear yards, ~~number of parking spaces~~, height of structures, distances between structures, driveways, or open space prescribed for the zoning district and Area District where the structure is located, then no structure shall be enlarged or altered if the total estimated construction cost of the proposed enlargement or alteration, plus the total estimated construction costs of all other enlargements or alterations for which building permits were issued within the preceding 60-month period (12 months in an IP District), exceeds 50 percent of the total estimated cost of reconstructing the entire nonconforming structure unless the proposed enlargement or alteration would render the structure conforming. ~~Nonconforming structures that would be enlarged or altered in any manner that serves to increase the degree of nonconformity shall not be permitted unless a variance or minor exception is obtained, as appropriate.~~ Any enlargements or alterations shall conform to requirements in effect at the time of issuance of the building permit. For the purposes of this section, estimated construction and reconstruction costs shall be determined by the Community Development Director in the same manner as the Community Development Director determines final valuation for the purposes of building permit fees.

Exceptions:

1. Where a structure is nonconforming only by reason of one substandard front or interior yard, provided that all nonconforming interior yards are not less than 3 feet, the structure may be enlarged or altered as defined in this title without regard to the estimated construction cost; provided that no portion of the structure which occupies a required yard is altered.
2. Where a structure is nonconforming only by reason of a substandard street side yard or rear yard adjacent to a public street or alley, the structure may be enlarged or altered as defined in this title, without regard to the estimated construction cost; provided that no portion of the structure which occupies a required yard is altered.
3. Where a pre-existing, legally constructed building is nonconforming ~~only~~ by reason of the method of measuring height prescribed by Section A.60.050, an alteration or enlargement that conforms to all other regulations of this ordinance shall be permitted ~~as long as the alteration or addition will not exceed the existing height of the structure~~ without regard to the estimated construction cost.
- ~~4. Where a residential building is nonconforming only by reason of containing parking spaces substandard in size and/or dimension, the building may be enlarged or altered without regard to the estimated construction cost, provided that the number of parking spaces are provided in conformance with current requirements of this Code and a variance or Minor Exception is obtained, as appropriate.~~
- ~~5~~ 4. The provisions of this section shall not apply to projects for which an application for exemption under Ordinance No. 1787 (Nonconforming Exemptions) has been made, processed through the Planning Commission, and approved by the City Council.
- F. Nonconforming structures that would be enlarged or altered in any manner that serves to increase the degree of nonconformity shall not be permitted unless a variance or minor exception is obtained, as appropriate.

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**FG.** The nonconforming use of a structure or site may be changed to another nonconforming use if after a duly noticed hearing, the Planning Commission makes the findings required by Section A.84.060(A) and issues a use permit.

**GH.** No use which fails to meet the performance standards of Section A.60.120 shall be enlarged or extended, or shall have equipment that results in failure to meet required conditions replaced unless the enlargement, extension, or replacement will result in elimination of nonconformity with required conditions.

**-HI.** Nonconforming Lots without Vehicular Access. Residential buildings on lots with no vehicular access to public streets constitute nonconforming uses ~~on nonconforming lots~~ and may not be altered or enlarged except in accordance with the provisions of this section.

Such buildings may be altered as follows:

1. Interior improvement repairs consistent with all applicable building regulations.
2. Additions of exterior architectural features such as a fireplace, chimney, balcony, or bay window, subject to Section A.60.040, Building projections in yards and required open space.
3. Modification of a roof from flat to pitched or from pitched to flat, provided that the existing or proposed roof does not exceed a 4 in 12 pitch.
4. Exterior modifications may include a minor increase in square footage ~~necessary for renovation~~ (said increase calculated cumulatively), not to exceed 10 percent of the ~~pre-existing original~~ gross floor area.
5. If there is a fire or casualty loss, the building may be replaced to the ~~condition~~ buildable square footage and height existing just before the fire or casualty loss and consistent with the requirements of the current building code.
6. No alteration shall increase building height, except for a roof change referred to in subparagraph 3, above.
7. Should any exterior building elements or interior floor area be found to be in an extensively deteriorated condition, as documented in a report prepared by a licensed civil engineer, the Director of Community Development may allow said walls or areas to be entirely removed and replaced as long as the improvement is conforming with respect to required yards and otherwise meets the provisions of this section.

Amend Section A.68.040 "Abandonment of nonconforming use" as follows:

**A.68.040. Abandonment of nonconforming use.**

A nonconforming use that is discontinued or changed to a conforming use for a continuous period of 180 days or more shall not be re-established, and the use of the structure or site thereafter shall be in conformity with the regulations for the district in which it is located, provided that this section shall not apply to nonconforming dwelling units except nonconforming accessory dwelling units, which are permitted. Abandonment or discontinuance shall include cessation of a use regardless of intent to

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resume the use.

- A. Exception. ~~The Community Development Director may extend the 180 day limit for re-establishing a nonconforming use if a property owner can demonstrate to the Director's satisfaction that a delay in the issuance of a building permit for reconstruction not solely caused by the owner prevented re-establishment of a nonconforming use within the 180 day period. The time necessary to complete the review of a building application submitted within the 180 day period, and subsequent related construction activities shall not count towards the 180 days. However, time following the lapse of a building permit shall be counted towards the 180 days.~~

Amend Section A.68.050 (B)(1) "Restoration of a damaged structure" as follows:

1. Exceptions. ~~Owners of residential structures in R districts including nonconforming uses, and nonconforming residential uses in the CD, CL, or CNE districts that do not conform to standards for setbacks, height of structures, distance between structures, maximum buildable floor area, open space, or lot area per unit have the right to rebuild them may be rebuilt with the same floor area, upon issuance of building permits and / or use permits, if applicable, whatever the extent of the damage, provided there is no increase in any nonconformity.~~

Amend A.68.070 "Elimination of nonconforming uses and structures" by deleting Paragraph (C):

- ~~C. Nonconforming Use of a Conforming Structure. All nonconforming uses of a conforming structure shall be discontinued within the time periods specified below, unless an exception is granted pursuant to subsection (D).~~
- ~~1. R Districts: Three years from the date of formal notice to the owner from the Community Development Director, or not later than 5 years from the date of adoption of the ordinance codified in this title, or 5 years from the date such use becomes nonconforming, whichever is later.~~
- ~~2. C Districts: Ten years from the date of adoption of the ordinance codified in this title or 10 years from the date such use becomes nonconforming, whichever is later.~~

Amend A.68.070 "Elimination of nonconforming uses and structures" by deleting Paragraph (D):

- ~~D. Notification and Exception Procedures. The Community Development Director shall determine those properties for which the use was for lawfully existing uses, permitted or conditionally permitted, in the district in which they were located prior to the date of adoption of this ordinance; and which uses were rendered nonconforming by reason of adoption of the ordinance codified in this title and the zoning map. Written notice of such nonconformance, the termination procedures and requirements of this section shall be mailed to the owner of record and to the occupant of each such property. Within 2 years of the date of mailing of such notice, any property owner, lessee with the consent of the owner, or purchaser of such property acting with the consent of the owner, may apply to have such property exempted from the provisions of this section.~~
- ~~1. Application Requirements. An application for an exception from the requirements of this section shall be initiated by submitting the following materials to the Community Development Department:~~

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- ~~a. A completed application form, signed by the property owner or authorized agent, stating the location and size of the property, the use on the date of adoption of the ordinance codified in this title, and the reasons indicating that the use is compatible with and will not be detrimental to uses designated in the General Plan for the surrounding area;~~
- ~~b. A map of the property indicating the site of the nonconforming use and all lots within 500 feet of the boundaries of the site; and~~
- ~~c. A list, drawn from the last equalized property tax assessment roll or records of the County Assessor's Tax Collector, showing the names and addresses of the owners of record of each lot within 500 feet of the boundaries of the site. This list shall be keyed to the map required in subsection (b) above.~~
- ~~2. Commission Review. The Planning Commission shall hold a duly noticed public hearing within a reasonable time, following the procedures established in Chapter A.84, on each application for an exception from the termination requirements of this section. Upon the conclusion of the hearing, the Commission shall determine whether the use of the property on the date of adoption of this ordinance is compatible with and not detrimental to the land uses designated in the General Plan for the surrounding area and properties. If it so finds, it shall recommend to the City Council that the use shall be excepted from the termination provisions of this section. The Commission may recommend such conditions as it may find necessary to insure compatibility, including, but not limited to: required improvement of or modifications to existing improvements on the property; limitations on hours of operations; limitations on the nature of operations; and a specified term of years for which the exception shall be granted.~~
- ~~3. Council Action. Upon receipt of the recommendation of the Planning Commission, the City Council shall consider the application within a reasonable time. The Council may, at its option, conduct a public hearing on the application. If the City Council finds that the use of the property is compatible with and not detrimental to those land uses designated in the comprehensive plan for the surrounding area and properties, it shall, by motion, except said use from the termination provisions of this section. In granting such exception, the City Council may impose such conditions as are deemed necessary to insure such compatibility, including, but not limited to, the conditions set out in subsection (D)(2).~~

Delete Chapter A.72 "Sign Code" and replace as follows:

**Chapter A.72. Sign Code**

- A.72.010 Purpose and Intent**
- A.72.020 General Provisions**
- A.72.030 Definitions**
- A.72.040 Exemptions**
- A.72.050 Permitted Signs**
- A.72.060 Sign Program**
- A.72.070 Prohibited Signs**
- A.72.080 Sign Exceptions**
- A.72.090 Non-conforming Signs**

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A.72.100 Sign Fees

A.72.110 Administration and Enforcement

A.72.120 Appeals

A.72.010. Purpose and Intent

The purpose of signs is to provide business identification. The location, height, size, and illumination of signs are regulated in order to maintain the attractiveness and orderliness of the City's appearance; to protect business sites from loss of prominence resulting from excessive signs, particularly pole signs, on nearby sites; to protect the public safety and welfare.

A.72.020 General Provisions

- A. Permits are required for all temporary and permanent signs except for those specified as exempt herein.
- B. The maximum area of any single sign face, comprised of one or multiple face panels, shall be 150 square feet.
- C. All sign illumination shall be internal or by lighting shielded from direct off-site view, and no sign shall have blinking or flashing lights or any other illuminating device which has a changing light intensity, brightness or color.
- D. No sign shall move, have visible moving parts, or simulate movement by means of fluttering, spinning, or reflective devices.
- E. The copy of all signs shall be permanently fixed in place in conformance with their corresponding sign permits unless an exception for changeable copy is provided pursuant to the regulations of this chapter.
- F. Portable signs are prohibited, except as permitted or exempted in this chapter.
- G. All signs shall be structurally safe, shall be of rust resistant material, and shall be maintained in good condition, subject to the approval of the Community Development Department. The visibly exposed surfaces of all signs shall be of a decorative finish. Rough supporting members, electrical appurtenances, or equipment shall not be visible.
- H. Abandoned signs shall be removed by the property owner within 30 days of the City's determination that a sign is abandoned.
- I. All sign permits issued for any multiple tenant site shall be in conformance with an approved site sign program.

A.72.030. Definitions

Abandoned sign: any sign or sign structure which: identifies a use which has not occupied the site on which it is located for a period of 90 days, does not clearly identify any land use for a period of 90 days, or has been in a state of disrepair or poor condition for a period of 30 days.

Area of sign: shall be determined by the outer edge of the frame of the sign. Each face of a multiple-faced sign shall be counted as part of the sign area. In cases where individual letters, words or other

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sign display are attached to a building, the sign area shall be determined by not more than two rectangles, of at least 6 inch width, drawn around the entire copy or grouping of letters, words or other sign display.

Awning/canopy sign: sign copy printed on an awning or canopy of any material, projecting out from a building wall

Billboard: any outdoor, off-site sign or advertising device

Changeable copy sign: any sign with copy which can be changed or altered to advertise products, services or messages to the public

Corner side wall sign: sign located on a side building wall, perpendicular to the front wall sign

Corner tenant: any tenant space located at an end of a building and thus having perpendicular exterior walls, regardless of street frontage

Construction sign: any sign on a construction site indicating names and other information about individuals or businesses directly involved in the project on the site

Directional sign: a non-official sign designed to guide or direct pedestrian or vehicular traffic

Frontage, building: the width of a structure measured from the outer walls

Frontage, property: the width of a property measured from one property line to the other, along the longest street frontage

Frontage, tenant: the width of a tenant space measured from one side wall to the other along the front exterior wall

Gasoline price sign: signs located on-site, identifying company name and prices/grades of vehicle fuels for sale

Height of monument or pole sign: the vertical distance measured from the public sidewalk or street grade nearest to the base of the sign, to the highest point of the sign structure

Illuminated sign: any sign using an artificial source of light, including neon, to enhance the visibility of the sign, including internally and externally lighted, reflective, glowing or radiating signs

Monument sign: a free-standing, ground mounted sign that does not exceed 6 feet in height

Off-premise sign: any sign identifying a name, product or service which is not located upon the site that it occupies

On-premise sign: any sign indicating a name, product or service incidental to a permitted use on the property where the sign is located

Pedestrian sign: A small non-illuminated sign suspended under an awning or canopy or attached to a building by a decorative holder, oriented toward pedestrian traffic, to identify a business

Pole sign: any free-standing sign exceeding 6 feet in height excluding signs specified as exempt in

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this chapter.

Portable sign: any unattached sign which can be readily moved or relocated

Project: A developed site with defined and recognized boundaries.

Projecting sign: any sign which projects or cantilevers out horizontally more than one foot from a building or wall, or over the public right of way, excluding awning/canopy or pedestrian signs

Roof sign: any sign located on or extending above the roof of a building

Sign: any media, device, graphic depiction, illumination or display for the purpose of identifying, or attracting attention to business establishments or services, or promoting products, goods, services, or items for sale, rent or lease

Sign Program: sign specifications for a multiple tenant site

Temporary sign: any sign of a temporary nature not permitted as a permanent sign

Wall sign: any sign attached to or painted on a wall, window, or parapet/mansard wall, of a business, parallel to the wall

#### A.72.040. Exemptions

The following signs shall be exempt from the provisions of this Chapter; however, an electrical or building permit may be required:

- A. Directional Signs. One (1) parking directional sign is permitted at each entrance or exit, not to exceed 6 square feet or 4 feet in height.
- B. Real Estate Signs. One (1) unlighted sign on each street frontage, not to exceed 6 square feet or 4 feet in height. In addition, freestanding, directional signs may be used to direct traffic to an "Open House". Such signs shall be a maximum of 4 square feet and may be displayed between the hours of 10 a.m. and 6 p.m.. One (1) flag or pennant per sign is permitted.
- C. Construction Signs. One (1) unlighted sign, not to exceed 4 square feet in area on the site of a project actively under construction for each contractor, architect or engineer. Total signs on a site shall not exceed 32 square feet.
- D. Official notices authorized by a court, public body, or public officer.
- E. Directional, warning or information signs authorized by federal, state, or municipal authority.
- F. Memorial plaques and building cornerstones when made an integral part of a building or structure.
- G. One non-illuminated permanent window, wall, door, or directory sign per business, not exceeding 3 square feet, with letter heights not exceeding 4 inches, limited to business identification, goods and service descriptions, hours of operation, address and telephone number.
- H. Interior signs within a structure, not visible from neighboring properties or the public right-of-way

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**A.72.050. Permitted Signs Matrix**

The following schedule prescribes sign regulations for all types of land uses, as defined in Chapter A.08 of this Title. The columns establish basic requirements for sign quantities, sizes, and locations, letters in parentheses in the right-hand column refer to "Additional Regulations" following the schedule.

sf = square feet    lf = linear feet

Maximum sign area is sum of area of all sign faces unless otherwise specified

Land Use	Sign Type	Maximum Number	Maximum Area	Height	Permitted Projection	Additional Reg's
Residential	Project Monument	1 double faced sign per project frontage	20 sf per face	6 ft max.	None	(C)
	Project Wall	1 per project frontage in lieu of monu. sign permitted above	20 sf per sign	Top of wall max.	12 inches	(B)

Land Use	Sign Type	Maximum Number	Maximum Area	Height	Permitted Projection	Additional Reg's
Commercial in Area Districts I & II	Wall, Awning, Monument, & combinations thereof (W/A/M)	No limit	2 sf per 1 lf of property frontage	Top of wall max.	12 inches	(B)
	Pole	1 per site in lieu of all monu. signs on the site	0.5 sf in lieu of 1 sf of W/A/M sign area permitted above	30 ft max.	12 inches	(B)(C)(D)
	Pedestrian	1 double faced per pedest. entrance	4 sf per face	8 ft min. 14 ft max.	3 feet	(B)
	Temporary	As per Temporary Sign Permit	As per Temporary Sign Permit	As per Temporary Sign Permit	None	(A)

Land Use	Sign Type	Maximum Number	Maximum Area	Height	Permitted Projection	Additional Reg's
Commercial in Area Districts III & IV	Wall, Awning, Monument, & combinations thereof (W/A/M)	No limit	1 sf per 1 lf of property frontage	Top of wall max.	12 inches	(B)
	Pole	1 per site in lieu of all monu. signs on the site	0.5 sf in lieu of 1 sf of W/A/M sign area permitted above	15 ft max.	12 inches	(B)(C)(D)
	Pedestrian	1 double-faced per pedest. entrance	4 sf per face	8 ft min. clear, 14 ft max.	3 feet	(B)
	Temporary	As per Temporary Sign Permit	As per Temporary Sign Permit	As per Temporary Sign Permit	None	(A)
Industrial	Same	Regulations as Commercial Uses				
Public & Semipublic (Churches, schools,....)	Monument	1 double faced sign per site frontage	20 sf per face	6 ft	None	(E)
	Wall	1 per primary building	20 sf each	Top of wall	12 inches	

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- I. Official City or Utility Company safety and notification signs on construction sites or in conjunction with public utilities.
- J. Official flags of recognized federal, state, county or municipal organizations.
- K. Automobile dealership price signs located on windshields of vehicles for sale on the dealership site.

**Permitted Signs - Additional Regulations**

**A. One temporary sign permit per tenant space per calendar year may be issued as follows:**

- 1. Application shall be made to the Community Development Department 10 days prior to installation. Application includes a temporary sign fee and performance bond to guarantee removal at the termination of the permit.
- 2. The life of a permit shall not exceed 90 days in one calendar year.
- 3. Temporary signs may be banners, posters, pennants or ribbons, or may be painted on windows subject to the approval of the Community Development Department.

**B. Encroachment permits are required for structures projecting into the public right-of-way.**

**C. Signs and structures adjacent to street property lines must observe the visibility requirements of Sections A.64.150 and 3.40.010 of the MBMC.**

**D. A Pole sign, where permitted, shall be located a minimum distance from each interior site property line of 20 feet.**

**E. Changeable copy is permitted to be incorporated within one primary monument sign of a public or semipublic site.**

**A.72.060. Sign Program**

An approved sign program is required for any multiple tenant site, consistent with the regulations of this chapter, prior to issuance of any sign permit upon said site. The purposes of a sign program are to establish uniform sign design guidelines and sign area allocations for all uses and/or buildings on a site which conform to the requirements of this chapter, and incorporate sign exceptions approved pursuant to Section A.72.080. An application for a sign program shall be reviewed by the Director of Community Development, unless filed in conjunction with a use permit or amendment, in which case said application shall be reviewed by the Planning Commission. The Director of Community Development may approve modifications to an approved sign program which are in compliance with the sign regulations of this chapter, unless stated otherwise in the approved sign program.

**A.72.070. Prohibited Signs**

**A. Off-site or off-premise signs**

**B. Outdoor advertising display signs (billboards)**

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C. Signs on public property, unless otherwise permitted by this chapter

D. Portable, A-frame, or sidewalk signs, excluding business identification signs affixed flat on the body of a vehicle which provides services to said business other than identification or advertising

E. Three-dimensional objects or statues

F. Abandoned signs

G. Roof signs

H. Projecting signs other than those permitted in Section A.72.050.

I. Revolving, flashing, fluttering, spinning or reflective signs

J. Signs other than those permitted by this chapter

K. Signs determined to be unsafe, a danger to the public, or a traffic hazard, by the Community Development or Public Works Departments.

#### A.72.080. Sign Exceptions

On sites where practical difficulties or unnecessary hardships or results inconsistent with the intent of the Sign Code arise from strict application to existing or new signs, the Planning Commission may approve modifications to the requirements of this chapter. Applicants shall submit copies of a proposed sign program with plans and elevations drawn to scale of all existing and proposed buildings and signs as part of the appeal application.

#### A.72.090. Non-conforming Signs

##### A. Temporary signs.

Prohibited temporary signs as designated in this chapter shall be summarily abated within thirty (30) days of the City's determination of nonconforming status, unless otherwise approved by permit.

##### B. Permanent signs.

1. Signs lawfully existing by benefit of permit prior to February 15, 1972, which were nonconforming under Ordinance No. 1238 shall be abated within thirty (30) days of the City's determination of nonconforming status, unless otherwise approved by permit.

2. Signs lawfully existing by benefit of permit prior to March 18, 1976, which were nonconforming under Ordinance No. 1447, shall be made to comply whenever any of the following conditions occur: transfer of ownership of business, sale of more than fifty (50%) percent of the interest in the business, inclusion of additional partners whose interest is more than fifty (50%) percent.

3. Signs lawfully existing by benefit of permit which do not comply with the requirements of this Sign Code shall not be moved or enlarged unless they are made to comply.

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### C. All Signs

1. Nonconforming signs which are nonconforming for reasons of danger to the public, traffic hazard, movement, rotation, flashing, or scintillating lights, such nonconforming portions shall be required to conform within thirty (30) days of the City's determination of nonconforming status, unless otherwise approved by permit.
2. Signs, other than those exempted in this chapter, which exist without benefit of permit on buildings or properties shall be abated prior to the issuance of a building permit or a permit for any new sign on the same building or property.

### A.72.100. Sign Fees

Sign permit and related fees shall be contained in a schedule established by the City Council under separate resolution.

- A. A fee shall be required for each sign permit. A fee may be required for plan checking purposes. In addition, a performance bond shall be required to guarantee inspection of permanent signs.
- B. A fee shall be required for temporary signs. In addition, a performance bond shall be required to guarantee timely removal of temporary signs.
- C. Exempt from fee requirements are exempt signs in A.72.040, including: directional signs, political signs, real estate signs, and construction signs.

### A.72.110. Administration and Enforcement

The provisions of this chapter shall be administered and enforced by the Community Development Department and are subject to Chapter 10.104 of the MBMC.

### A.72.120. Appeals

Applications for appeals are subject to Chapter 10.100 of the MBMC.

**Amend heading of Chapter A.84 "Use Permits, Variances and Minor Exceptions" as follows:**

### **Chapter A.84. Use Permits, Variances and Minor Exceptions**

- A.84.010. Purposes.
- A.84.020. Authority of Planning Commission.
- A.84.030. Initiation.
- A.84.040. Notice and public hearing.
- A.84.050. Duties of Planning Commission.
- A.84.060. Required findings.
- A.84.070. Conditions of approval.
- A.84.080. Effective date; appeals.
- A.84.090. Lapse of approval; transferability; discontinuance; revocation.
- A.84.100. Changed plans; new application.
- A.84.105. Master use Permits
- A.84.110. Temporary use permits.

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**A.84.120. Minor exceptions.**

**Amend Section A.84.020 "Authority of Planning Commission" as follows:**

**A.84.020. Authority of Planning Commission.**

The Planning Commission shall approve, conditionally approve, or disapprove applications for use permits or variances ~~for which they are responsible upon finding that the proposed use permit or variance is consistent with the General Plan, the general purposes of this title, the specific purposes of the base or overlay zoning district in which a development site is located, and all applicable requirements of the Municipal Code. The Planning Commission shall be responsible for all use permits and variances, subject to the discretion of the Community Development Director.~~

**Amend Section A.84.030 (D) as follows:**

- D. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor ~~or~~, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within 500 feet of the boundaries of the property. This list shall be keyed to the map required by subsection (C) above and shall be accompanied by mailing labels.

**Amend Sections A.84.040 (B)(1)(2) as follows:.**

- B. Notice. Upon receipt of a complete application, notice of the hearing shall be given in the following manner:
1. Mailed or Delivered Notice. At least 10 days prior to the hearing, notice shall be: (1) mailed to the applicant; (2) all owners of property within 500 feet of the boundaries of the site, as shown on the last equalized property tax assessment role or the records of the County Assessor ~~or~~, Tax Collector, or the City's contractor for such records and (3) any agency as required by Government Code Section 65091.
  2. Posted Notice. Notwithstanding the requirements of Section 1.08.140 of the Municipal Code notice shall be posted at City Hall ~~and at such other public locations in the city as determined by the City Council and Section 1-3.14 of the Municipal Code.~~

**Amend Section A.84.050 (B) as follows:**

- B. Decision and Notice. After the close of the public hearing, the Planning Commission shall ~~recommend that the City Council~~ approve, conditionally approve, or disapprove of application. Notice of the decision shall be mailed to the applicant and any other party requesting such notice within 7 days of the date of the resolution ratifying the decision. ~~The City Council shall affirm or modify the Commission's recommendation at its next regularly scheduled meeting.~~

**Amend Section A.84.060 "Required findings" as follows:**

**A.84.060. Required findings.**

An application for a use permit or variance as it was applied for, or in modified form as required by the Commission, shall be approved if, on the basis of the application, plans, materials, and testimony submitted, the Commission finds that:

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A. For All Use Permits.

1. The proposed location of the use is in accord with the objectives of this title and the purposes of the district in which the site is located;
2. 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; 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;
3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located; and
4. The proposed use will not ~~create~~ adversely impacts 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, ~~on traffic~~ or create demands exceeding the capacity of public services and facilities which cannot be mitigated.

Amend Section A.84.070 "Conditions of approval" by adding Subsection (D) as follows:

- D. Provide for periodic review of the use to determine compliance with conditions imposed, and Municipal Code compliance.

Amend Section A.84.080 "Effective date; appeals" as follows:

A.84.080. Effective date; appeals.

~~A use permit or variance shall become effective 30 days after action by the Commission or Board.~~  
Unless appealed in accord with Chapter A.100, a use permit or variance shall become effective after expiration of the time limits for appeal set forth in Section 10.100 of the MBMC.

Amend Section A.84.090 "Lapse of approval; transferability; discontinuance; revocation" as follows:

A.84.090. Lapse of approval; transferability; discontinuance; revocation.

- A. Lapse of Approval. A use permit or variance shall lapse ~~one~~ two years or at an alternative time specified as a condition of approval after its date of approval unless:
1. ~~A complete application for a building permit has been accepted~~ A building permit has been issued and substantial expenditures have been made in reliance on that permit; or
  2. A certificate of occupancy has been issued; or
  3. The use is established; or
  4. The use permit or variance is renewed.

A use permit also shall lapse upon termination of a project or expiration of a building permit.

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- B. Transferability. The validity of a use permit shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor applies to the Community Development Director for a transfer which may be comprised of a business license. No notice or public hearing on a transfer shall be required.
- C. Discontinuance. An implemented use permit shall lapse if the exercise of rights granted by it is discontinued for 6 12 consecutive months, provided that time for plan check, construction or reconstruction activities shall not be counted toward the 6 12 months.
- D. Revocation. A use permit ~~or variance~~ that is exercised in violation of a condition of approval or a provision of this ordinance may be revoked, as provided in Section A.104.030 of the MBMC.
- E. Renewal. A use permit ~~or variance~~ may be renewed by the Community Development Director for a periods of time up to 1 year period without notice or public hearing, if the findings required by Section A.84.060 remain valid. Such requests for renewal are subject to the review and approval of the original reviewing body.

Amend Chapter A.84 by adding Section 105 "Master use permits" as follows:

**A.84.105. Master use permits.**

A master use permit authorizing multiple uses for a project with more than 5,000 square feet of buildable floor area or more than 10,000 square feet of land area, shall be subject to the provisions applicable to use permits (Chapter A.84 et seq.), with the following exceptions or special provisions:

- A. Scope of Approval. Individual uses located in such a project shall not be subject to separate use permits, if otherwise required by the land use regulations of this Title, provided such uses are identified within the scope of development approval.
- B. Uses: Parking. The master use permit shall establish a mix of uses by classification, or combinations of use classifications defined in Chapter A.08. The mix of uses shall be the basis for a percentage distribution of building gross leasable floor area by use classification. Parking and loading requirements approved in conjunction with a master use permit shall correspond to the percentage distribution of building gross leasable floor area by use classification.
- C. Subsequent Use: Tenant Changes. Subsequent changes in the tenants and / or occupants of the project shall conform to the percentage distribution of leasable square footage by use classification and corresponding parking and loading requirements of the approved master use permit.
- D. Subsequent Permits. Applications to establish a new use within a multiple tenant project which has an approved master use permit shall not require either amendment to or filing of a new master use permit, provided that the new use conforms to the approved mix of uses, parking requirements, and conditions imposed on the project.

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E. Nonconforming Sites: Permit Requirements. An existing multiple use of multiple tenant project which has a valid use permit and / or individual use permits for specific uses or tenants within the project shall be required to obtain a master use permit when a change is proposed which cumulatively constitutes an increase of 5% of gross leasable area or 10,000 square feet, whichever is less.

Amend Section A.84.110 (E) "Temporary use permits - Effective Date; Duration; Appeals" as follows:

E. Effective Date; Duration; Appeals. An approved temporary use permit shall be effective on the date of its approval; a disapproved permit may be appealed by the applicant, as provided in Chapter 10.100 of the MBMC. The permit shall be valid for a specified time period not to exceed 30 days. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Community Development Director effective immediately upon verbal or written notice for violation of the terms of the permit. Verbal notice shall be confirmed by written notice mailed to the permit holder within a reasonable time. The Community Development Director may approve changes in a temporary use permit.

1. Exception: A Christmas Tree / Pumpkin sales temporary use permit may exceed 30 days but shall be valid only during the time period in which the activity is taking place.

Amend Section A.84.120 "Minor exceptions" by deleting reference to Section A.64.090 as follows:

Applicable Section	Exception Allowed
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<del>A.64.090</del>	<del>Reduction in minimum garage width and depth up to 2 feet for pre-existing structures that have garage dimension noneonformities.</del>
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Amend Section A.84.120 (A) (4) "Minor Exceptions - Application" as follows:

4. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor ~~or~~ , Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within 300 feet of the boundaries of the property. This list shall be keyed to the map required by subsection 3 above and shall be accompanied by mailing labels.

Amend Section A.84.120 (E) "Minor Exceptions - Effective Date; Appeals" as follows:

E. Effective Date; Appeals. An exception granted by the Community Development Director shall be effective 21 days after the date of the Director's letter of decision, or after the ensuing City Council meeting, whichever is later, unless appealed to the Planning Commission in accord with Chapter A 10.100 of the MBMC. Appeals of the Director's decision may be made by the City Council, applicant, owners of abutting property or any interested person who has sent written comments to the Director on the proposed exception within the time period provided by the application notice. All other procedures for acting on appeals shall be as provided by Chapter A 10.100 of the MBMC (including subsequent 30 day appeal periods).

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Amend Section A.88.030 "Requirements" as follows:

**A.88.030. Requirements.**

In addition to the applicable requirements and procedures set forth in Title 10, Chapter 76, Subdivisions, conversions of existing rental housing to condominiums, community apartments, stock cooperatives and any other subdivision which is a conversion of existing rental housing shall be subject to the additional requirements of this title. Such conversions also must obtain a use permit pursuant to Chapter A.84. Consistent with Section A.12.020, the use permit requirement shall apply only to conversions creating 3 or more units.

Amend Section A.88.040 (A) "Application procedures - Preliminary Applications" as follows:

**A.88.040. Application procedures.**

The following procedures and regulations shall apply to condominium conversion applications:

- A. Preliminary Applications. Applicants may submit preliminary applications for condominium conversions of residential structures to condominiums. Such applications shall identify the owner or authorized agent, the location and number of units in the building to be converted, and contain information on the vacancy rate of multifamily dwellings of 3 or more units within the city and the number of tenants ~~who support such a conversion~~ residing in the building(s) to be converted who support such a conversion. A fee will be charged for the review of the proposed conversion in accordance with the Fee Resolution.

Data for determining the city's annual multifamily vacancy rate shall be compiled from a variety of sources including, but not limited to, United States Postal Service Surveys, idle utility meter reports, reports from financial institutions and real estate organizations.

Amend Section A.88.040 (B)(2) "Application procedures - Department Review" as follows:

- B. Department Review. The Department shall review preliminary applications for condominium conversions. Preliminary applications may be accepted for further discretionary review if any one of the following factors exists:
1. The vacancy rate of multiple-family developments of 3 or more rental units within the city, as determined by the Community Development Director, is equal to or more than 5 percent, unless the conversion will result in a decrease of the vacancy rate to less than 5 percent.
  2. Tenants lawfully in possession of 75 percent of the units indicate in writing to the City their desire (one vote per unit) to convert such units to condominium ownership. To qualify under this provision, the applicant shall submit evidence that tenants have been provided with information on all estimated costs, including, but not limited to, the unit cost, down-payment requirements, financing, estimated property management costs, and homeowner association fees. If the conversion is approved, the developer shall provide information to the City on the number of tenants who actually purchased. If at any time during the conversion approval process, a sufficient number of tenants decide not to purchase, or if misrepresentation is discovered, the Board of Zoning Adjustment Planning Commission shall have sufficient grounds for recommending denial of the use permit application.

**COASTAL COMMISSION**

Amend Section A.92.020 (C) "Application requirements" as follows:

- C. A list, drawn from the last equalized property tax assessment roll, showing the names and addresses of the owner of record of each lot within 500 feet of the boundaries of the property. In lieu of utilizing the assessment roll, applicants may submit and the City may use records of the County Assessor, Tax Collector, or the City's contractor for such records. This list shall be keyed to the map required by subsection (B) above. Envelopes or mail labels addressed to these owners also shall be provided for mailing notices.

Amend heading of Chapter A.96 "Coastal Development Permit Procedures" as follows:

**Chapter A.96. Coastal Development Permit Procedures**

- A.96.010. Specific purpose.
- A.96.020. Zoning map designator.
- A.96.030. Definitions.
- A.96.040. Requirement for coastal development permit. (See Exhibit # 4)
- A.96.050. Exemptions/categorical exclusions.
- A.96.060. Pre-application conference.
- A.96.070. Application requirements.
- A.96.080. Action on coastal development permit.
- A.96.090. Public hearing and comment.
- A.96.100. Notice for appealable development.
- A.96.110. Notice for other projects.
- A.96.120. Standards for application review.
- A.96.130. Precedence of local coastal program.
- A.96.140. Conditions.
- A.96.150. Findings.
- A.96.160. Appeals.
- A.96.170. Expiration of coastal development permit.
- A.96.180. Permit amendment.
- A.96.190. Emergency Coastal Development Permit.
- A.96.200. Reapplication.
- A.96.210. Revocation.
- A.96.220. Assignment of Permits.
- A.96.230. Judicial Review, Enforcement and Penalties.
- A.96.240. Coastal Commission Review of Recorded Documents.
- A.96.250. Local Coastal Program Amendments.
- A.96.260. Public Hearing Waiver for Minor Development

Amend Section A.96.050 "Exemptions/categorical exclusions" by adding Subsection (F) "Categorical Exclusions"

- F. Categorical Exclusions. Specific types of development may be exempted from coastal permit requirements per the provisions of California Coastal Commission Administrative Regulations Sections 13250 - 13253. Such exemptions shall require approval, per an order of categorical exclusion, from the California Coastal Commission. Records of any future categorical exclusions shall be kept on file with the Community Development Department.

(See Exhibit # 5 for certified ordinance.)

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Amend Section A.96.080 (B) as follows:

- B. Action to approve, conditionally approve, or deny a Coastal Development Permit shall be taken on by the Director of Community Development, the Planning Commission, the Public Works Commission, or the City Council, whichever has responsibility for final approval of other discretionary permits, and/or parcel maps. To the extent possible, action on a Coastal Development Permit shall be taken concurrently with action on other permits or approvals required for the project.

Amend Section A.96.100 (B)(3) as follows:

3. All property owners and residents within ~~500~~ 100 feet from the perimeter of the subject parcel;

Amend Section A.96.160 as follows:

A.96.160. Appeals.

(See Exhibit #6 for certified Ord.)

Development pursuant to an approved Coastal Development Permit shall not commence until all applicable appeal periods expire or, if appealed, until all appeals, including those to the Coastal Commission, have been exhausted.

~~A. Action by the Director of Community Development, or Planning Commission to approve, conditionally approve, or deny any Coastal Development permit may be appealed on or before the tenth working day following such action.~~ Action by the Director of Community Development may be appealed to the Planning Commission. Action by the Planning Commission may be appealed only to the City Council. Any appeal, except an appeal originating from the City Council, must be initiated within 15 days from the date of the decision. The appeal period ends at the close of the business day for City Hall on the fifteenth day provided however that the appeal period shall be extended to the close of the business on the next working day.

- ~~1.~~ An appeal originating with the City Council must be made at or prior to the regularly scheduled City Council meeting when the decision is reviewed by the City Council.
- ~~2.~~ An appeal from the decision of the Director of Community Development shall be filed with the Department of Community Development on a form provided by the Director of Community Development. The appeal shall be accompanied by a fee set by resolution of the City Council and a statement of the grounds for the appeal.
- ~~3.~~ An appeal from the decision of the Planning Commission shall be filed with the City Clerk on a form provided by the City Clerk. The appeal shall be accompanied by a fee set by resolution of the City Council and a statement of the grounds for the appeal.
  - ~~a.~~ The Mayor or any member of the City Council may appeal any matter by requesting a public hearing on the appeal within the time limit set forth in Section A.96.160 A. The Mayor or City Council member appealing any matter shall be disqualified from hearing the appeal unless he or she certifies that the appeal was made in the public interested or welfare.

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b. Decisions that are appealed shall not become effective until the appeal has been resolved or withdrawn.

2.4. It shall be the duty of the Director of Community Development to forward a Coastal Development Permit appeal, together with recommendation thereof, to the appropriate body specified in Paragraph A above for its action.

Amend Chapter A.96 by adding Section 260 "Public hearing waiver for minor development" as follows:

A.96.260. Public hearing waiver for minor development.

Consistent with the provisions of A.B. 1303, effective January 1, 1996, the public hearing requirement for minor development, as defined herein, may be waived subject to the requirements of this section.

A. Minor development means a development which satisfies all of the following requirements:

1. The development is consistent with the City of Manhattan Beach Certified Local Coastal Program;

2. The development requires no discretionary approvals other than a coastal development permit;

3. The development has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

B. The public hearing requirement on a coastal development permit application for a minor development, as defined above, may be waived only if the following occur:

1. Notice will be sent to any persons consistent with the provisions of Section A.96.100 of this Title, as well as any other persons known to be interested in receiving such notice.

2. This Notice will state that a public hearing will be held upon the request of any person.

3. No request for public hearing is received by the City within 15 working days from the date of sending the notice pursuant to paragraph (1).

C. Requests for hearing must be made in writing to the City Community Development Department. Said request for hearing must identify the reasons for such request.

D. Following receipt of a request for hearing, public notification must be made regarding the scheduled hearing date, consistent with the provisions of Section A.96.100 of this Title.

E. The notice provided pursuant to subdivision (B) shall include a statement that failure by a persons to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a coastal development permit application.

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\* A.96.040. Requirement for coastal development permit.

Except as provided by Section A.96.050, any person, partnership, or corporation, or state or local government agency wishing to undertake any development, as defined in Section A.96.030, in the CZ District, shall obtain a Coastal Development Permit in accordance with the provisions of this chapter, in addition to any other permit required by law. Development undertaken pursuant to a Coastal Development Permit shall conform to the plans, specifications, terms and conditions approved or imposed in granting the permit.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A coastal development permit is required for any development, including gates, parking controls, new locations for parking meter areas, changes in fee structure, expansion of times and hours in which monthly permits may be offered, or other devices in the coastal zone that change the availability of long and short term public parking, including, but not limited to, changes in the operation of the City parking management program established in §A.64.230. All parking management permits shall be reviewed for consistency with the Local Coastal Program and with the public access and recreation policies of the Coastal Act of 1976.

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§A.96.030

- \* "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations. [30106]

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

\* No changes proposed by  
Amendment No. 2-97.

COASTAL COMMISSION

LCP 2-97

EXHIBIT # 4

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1994  
Certified LCP Ordinance  
APPROVED

SA.96.050

A.96.050. Exemptions/categorical exclusions.

The projects listed below shall be exempt from the requirement for a Coastal Development Permit. Requirements for any other permit are unaffected by this section:

- A. Improvements to Existing Single-Family Residences. Improvements to single-family dwellings and mobilehomes including structures normally associated with a single-family residence such as garages, swimming pools, fences, storage sheds and landscaping are exempt unless classified as one of the following:
1. Guest houses and self-contained second residential units.
  2. Improvements to any structure located on a beach, wetland or stream, or where the structure or proposed improvements would encroach within fifty (50) feet of a coastal bluff edge.
  3. Improvements to any structure between the sea and first public roadway paralleling the sea, or within three hundred (300) feet of the inland extent of any beach, whichever is the greater distance when such improvements would constitute or result in any of the following:
    - a. An increase of 10 percent or more of the internal floor area of the existing structure(s) on the building site or an additional increase in floor area bringing the aggregate increase to 10 percent or more.
    - b. The construction of an additional story or loft or increase in building height of more than 10 percent.
    - c. The construction, placement or establishment of any significant detached structure such as a garage, fence, shoreline protective works or dock.
  4. Expansion or construction of a water well or septic system.
  5. Improvements in an area which the Coastal Commission has determined to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use including the construction of any major water using development not essential to residential use such as, but not limited to, swimming pools or the construction or extension of any landscaping irrigation system.
  6. Any improvement where the coastal development permit issued for the original structure indicates that future additions would require a coastal development permit.
  7. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff or stream, or in areas of natural vegetation designated by resolution of the Coastal Commission as a significant natural habitat. [13251]

**B. Existing Structures Other than Single-Family Residences or Public Works Facilities.** The maintenance and alteration of, or addition to, existing structures other than single-family dwellings and public-works facilities, provided the project does not involve the following:

1. Any improvement to a structure that changes the intensity or use of the structure;
2. Any improvement made pursuant to conversion of an existing structure from a multiple-unit rental use or a visitor serving commercial rental use to a use involving a fee ownership, or long term leasehold, including, but not limited to, a condominium conversion or stock cooperative conversion;
3. All nonexemptions contained in subsections (1) through (6) of §A.96.050(A) of this chapter.
4. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff or stream or in areas of natural vegetation designated by resolution of the Coastal Commission as a significant natural habitat.
5. Any improvements to a structure where the development permit issued for the original structure by the Commission indicated that any future improvements would require a development permit. [13252]

**C. Repair or Maintenance Activities.** Repair or maintenance activities that do not result in an addition to or enlargement or expansion of the object of those repair maintenance activities, unless classified under one of the following:

1. Repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work which involves:
  - a. Substantial alteration of the foundation including pilings and other surface and subsurface structures.
  - b. The placement, whether temporary or permanent, of rip-rap, or artificial berms of sand, or any other form of solid material, on a beach or in coastal waters, streams, wetlands, estuaries, or on shoreline protective works.
  - c. The replacement of twenty (20) percent or more of the materials of an existing structure with materials of a different kind.
  - d. The presence, whether temporary or permanent, of mechanized construction equipment or materials on any sand area or bluff or within twenty (20) feet of coastal waters or streams.
2. The replacement of twenty (20) percent or more of a seawall revetment, bluff retaining wall, breakwater, groin, or similar protective work under one ownership, unless destroyed by natural disaster.

3. Any method of routine maintenance dredging that involves the dredging of one hundred thousand (100,000) cubic yards or more within a twelve (12) month period; or in the placement of dredge spoils of any quantity within an environmentally sensitive habitat area, or any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within (20) twenty feet of coastal waters or streams; or the removal, sale, or disposal of dredge spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access, or public recreational use.
4. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area; or within twenty (20) feet of any coastal waters and streams that include:

- a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials.
- b. The presence, whether temporary or permanent, of mechanized equipment or construction materials, except that the use of such equipment solely for routine beach cleaning and park maintenance shall not require a coastal development permit.

D. Utility Connection. The installation, testing and placement in service, or the replacement of any necessary utility connection between an existing service facility and any development.

E. Replacement of Structures Following Disaster. The replacement of any structure, other than a public works facility, destroyed by disaster (any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner), provided such replacement structure:

1. Shall conform to zoning requirement applicable at time of replacement; and
2. Shall be for the same use as the destroyed structure; and
3. Such replacement structure does not exceed the floor area, height or build of the destroyed structure by more than 10 percent and is sited in the same location on the same building site as the destroyed structure.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

See Exhibit #3, p. 65 for proposed  
change.

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EXHIBIT # 5

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See Exhibit #3 p. 66 for proposed changes.

Development pursuant to an approved Coastal Development Permit shall not commence until all applicable appeal periods expire or, if appealed, until all appeals, including those to the Coastal Commission, have been exhausted.

Changes  
Proposed  
(Ex. 3 p. 44)

A. Action by the Director of Community Development, or Planning Commission to approve, conditionally approve, or deny any Coastal Development permit may be appealed on or before the tenth working day following such action. Action by the Director of Community Development may be appealed to the Planning Commission. Action by the Planning Commission may be appealed only to the City Council.

1. An appeal shall be filed with the Department of Community Development on a form provided by the Director of Community Development. The appeal shall be accompanied by a fee set by resolution of the City Council and a statement of the grounds for the appeal.

2. It shall be the duty of the Director of Community Development to forward a Coastal Development Permit appeal, together with recommendation thereof, to the appropriate body specified in Paragraph A above for its action.

B. Appeals to the Coastal Commission. Within ten (10) working days from the date of Coastal Commission receipt of the notice of final action, all appealable development, as defined in §A.96.030, may be appealed to the Coastal Commission in accordance with Coastal Commission regulations by a qualified appellant, as defined in §A.96.160 D.

1. The ground for appeal to the Commission of a final local approval shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of Chapter 3. [30603(b)(1)]

2. The grounds for appeal to the Commission of a denial of a major public works project or major energy facility shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program or the public access policies of Chapter 3. [30603(b)(2)]

C. A final decision on an application for an appealable development shall become effective after the 10th working day appeal period to the Coastal Commission has expired unless either of the following occur:

1. an appeal is filed in accordance with the procedures set forth by the Coastal Commission;
2. the notice of final local government action does not meet the requirements of §A.96.100 F and G above.

D. An appeal pursuant to this chapter may only be filed by the applicant for the Coastal Development Permit in question, an aggrieved person as defined in §A.96.030(a), or any 2 members of the Coastal Commission.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

No  
Changes  
Proposed

1994 APPROVED  
certified LIP Ordinance

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EXHIBIT # 6  
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