

**CALIFORNIA COASTAL COMMISSION**

South Coast Area Office  
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June 21, 1999

**TO:** Commissioners and Interested Persons

**FROM:** Peter Douglas, Executive Director

**SUBJECT:** Executive Director's Determination that City of Manhattan Beach Certified Local Coastal Program (LCP) Amendment Request No. 2-99 is De Minimis (For Commission Concurrence at its July 13-16, 1999 meeting in San Rafael).

**DE MINIMIS LCP AMENDMENT**

The Coastal Act was amended, effective January 1, 1995, to provide for an additional way for the Commission to review amendments to certified Local Coastal Programs. Section 30514(d) was added to allow the Executive Director to make a determination that a proposed LCP amendment is de minimis in nature. The Executive Director must determine that the proposed amendment: 1) would have no impact, either individually or cumulatively, on coastal resources; 2) is consistent with the policies of Chapter 3; and 3) does not propose any change in land use or water use or any change in the allowable use of property. Section 30514(d) requires the local government to notice the proposed de minimis LCP amendment by one of three ways: 1) publication in a newspaper of general circulation; 2) posting on-site and off-site the area affected by the amendment; or 3) direct mailing to owners of contiguous property.

**DESCRIPTION OF LCP AMENDMENT REQUEST**

City of Manhattan Beach LCP Amendment Request No. 2-99, contained in City Ordinance No. 2000, would amend the implementing ordinances portion (LIP) of the certified LCP to require discretionary review (use permits) by the City for all commercial establishments that apply for new or amended state alcohol licenses. The proposed LIP amendment would apply to all properties located within the City's coastal zone, but would directly affect only commercial establishments that apply for new or amended state alcohol licenses.

**EXECUTIVE DIRECTOR'S DETERMINATION**

The Executive Director hereby determines that City of Manhattan Beach LCP Amendment Request No. 2-99 is de minimis. Based on the information submitted by the City, the proposed LCP amendment is a procedural change that will have no impact on coastal resources, is consistent with the Chapter 3 policies of the Coastal Act, and does not propose any changes to existing or allowable land or water uses. Additionally, the local government notice of this LCP amendment request was carried out consistent with the notice requirements of Section 30514(d) of the Coastal Act. Therefore, the Executive Director recommends that the Commission concur in the determination that LCP Amendment Request No. 2-99 is de minimis pursuant to Section 30514(d) of the Coastal Act. Unless three or more members of the Commission object to this determination, the amendment shall become part of the certified LCP 10 days after the date of the Commission meeting.

RESOLUTION NO. 5457

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, SUBMITTING ORDINANCE NO. 2000 TO THE CALIFORNIA COASTAL COMMISSION TO AMEND SECTION A.16.020 OF THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM (LCP) - IMPLEMENTATION PROGRAM

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby makes the following findings:

- A. The City Council of the City of Manhattan Beach, conducted a public hearing, pursuant to applicable law, on April 6, 1999 to consider the proposed amendment to the City of Manhattan Beach Local Coastal Program (LCP) - Implementation Plan; and,
- B. The City Council adopted Ordinance No. 2000 at the regular meeting of April 20, 1999, which became effective on April 20, 1999; and,
- C. The subject amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061 (b)(3) in that it can be seen with certainty that the proposed project does not have the potential for causing a significant effect on the environment; and
- D. The City Council certifies that the subject amendment will be implemented in a manner fully in conformity with the California Coastal Act of 1976, as amended, and the City of Manhattan Beach Local Coastal Program.

SECTION 2. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

SECTION 3. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this Resolution is adopted.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED, and ADOPTED this 6<sup>th</sup> day of April, 1999.

Ayes:	Fahey, Wilson, Lilligren, Dougher, and Mayor Napolitano.
Noes:	None.
Absent:	None.
Abstain:	None.

/s/ Steven Napolitano  
Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura  
City Clerk

**EXHIBIT 1**



Certified to be a true copy  
of the original of said  
document on file in my  
office.

Liza Tamura  
City Clerk of the City of  
Manhattan Beach, California

ORDINANCE NO. 2000

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING TITLE 10 OF THE MANHATTAN BEACH MUNICIPAL CODE AND TITLE A "ZONING" OF THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM (LCP) - IMPLEMENTATION PROGRAM, PERTAINING TO ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES

THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** The City Council hereby makes the following findings:

- A. The City Council of the City of Manhattan Beach, at their regularly scheduled meeting of April 6, 1999, adopted, pursuant to applicable law, the subject amendment to Title 10 of the Manhattan Beach Municipal Code and Title A of the City of Manhattan Beach Local Coastal Program (LCP) - Implementation Plan; and,
- B. The Planning Commission conducted a public hearing pursuant to applicable law to consider amendments to Chapter 10.16.020 (A.16.020) of Title 10 of the Manhattan Beach Municipal Code and the Implementation Program of the Local Coastal Program; and,
- C. The public hearing was advertised pursuant to applicable law, testimony was invited and received on February 24, 1999 and December 9, 1998; and
- D. The subject amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061 (b)(3) in that it can be seen with certainty that the proposed project does not have the potential for causing a significant effect on the environment; and
- E. The proposed amendment is consistent with the goals and policies of the City's General Plan which seek to:

LU Goal 4. Encourage the viability of the commercial areas of Manhattan Beach;

LU Goal 5. Encourage High Quality, appropriate private investment in commercial area of Manhattan Beach;

LU Goal 6. Continue to support and encourage the viability of the Downtown area of Manhattan Beach;

LU Goal 7. Protect existing residential neighborhoods from the intrusion of inappropriate and incompatible uses.

- F. The proposed amendment is consistent with the goals and policies which seek to enhance and encourage the beach town environment

**SECTION 2.** The City Council of the City of Manhattan Beach hereby recommends approval of the subject amendments to the Manhattan Beach Municipal Code and the Local Coastal Program as follows:

1. Amend Section 10.16.020 of the Manhattan Beach Municipal Code (Title 10) and Section A.16.020 of the Implementation Program of the Local Coastal Program (Title A), by adding a new regulation "L" to Commercial Uses land use table, and add regulation "L" text to the C Districts: Additional Land Use Regulations, as shown below:

CL, CC, CG, CD, and CNE	P	- Permitted
DISTRICTS: LAND USE REGULATIONS:	U	- Use Permit
	L	- Limited, (See <u>Additional Use Regulations</u> )
	-	- Not Permitted

CL	CC	CG	CD	CNE	Additional Regulations
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Commercial Uses

(B)(K)(L)

- (L) A Use Permit, or Use Permit Amendment, shall be required for any new alcohol license or modification to an existing alcohol license.

**SECTION 3.** Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other ordinances of the City, to the extent that they are inconsistent with this ordinance, and no further, are hereby repealed.



Certified to be  
a true copy of  
said document  
on file in my  
office.

*JP*  
City Clerk of  
the City of  
Manhattan  
Beach

**SECTION 4.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**SECTION 5.** That the time within which judicial review of this ordinance may be sought is not later than 90 days after the decision becomes final pursuant to California Government Code Section 65009.

**SECTION 6.** This notice shall be published by one insertion in *The Beach Reporter*, the official newspaper of the City, and this ordinance shall take effect and be in full force and operation thirty (30) days after its final passage and adoption.

**SECTION 7.** The City Clerk shall certify to the adoption of this ordinance; shall cause the same to be entered in the book of original ordinances or said City; shall make a minutes of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted; and shall within fifteen (15) days after the passage and adoption thereof cause the same to be published by one insertion in *The Beach Reporter*, the official newspaper of the City and a weekly newspaper of general circulation, published and circulated within the City of Manhattan Beach hereby designated for that purpose.

PASSED, APPROVED, and ADOPTED this 20<sup>th</sup> day of April, 1999.

Ayes:	Fahey, Wilson, Lilligren, Dougher, Mayor Napolitano.
Noes:	None.
Absent:	None.
Abstain:	None.

/s/ Steven A. Napolitano  
Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura  
City Clerk

