

CALIFORNIA COASTAL COMMISSION

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October 23, 2000



csp

TO: Commissioners and Interested Persons **RECORD PACKET COPY**

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

SUBJECT: Major Amendment Request No. 2-00 to the City of Manhattan Beach Certified Local Coastal Program (For Public Hearing and Commission Action at the November 13-17, 2000 meeting in Los Angeles).

SUMMARY OF LCP AMENDMENT REQUEST NO. 2-00

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 fifth major LCP amendment request since certification. The current proposal, submitted in two ordinances (**Parts A & B**), is the City's first major LCP amendment request for 2000. Only the Implementing Ordinances (LIP) portion of the certified LCP is affected by this amendment.

Part A of LCP Amendment Request No. 2-00, submitted with City Council Resolution No. 5560 and City Council Ordinance No. 2013, would amend the zoning ordinance provisions that allow the City to grant exceptions to the requirements of the Sign Code (See Exhibit A). The definition of "sign" would also be expanded. Staff is recommending that the Commission approve Part A with a suggested modification requiring that Sign Exceptions may be approved in the coastal zone only if there are no adverse impacts on public recreation, coastal access, and visual resources.

Part B of LCP Amendment Request No. 2-00, submitted with City Council Resolution No. 5569 and City Council Ordinance No. 2014, would update the currently certified LIP standards that regulate residential condominium construction and conversion (See Exhibit B). Staff is recommending that the Commission approve Part B as submitted.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission, after public hearing:

1. Deny Part A of the amendment request to the LIP as submitted;
2. Approve, only if modified, Part A of the amendment request to the LIP; and,
3. Approve Part B of the amendment request to the LIP as submitted.

The motions to accomplish this recommendation begin on page 3. The suggested modification to Part A, found on page 5, is necessary to ensure that Sign Exceptions granted in the coastal zone do not conflict with the certified Land Use Plan (LUP) policies that protect public recreation, coastal access, and visual resources in the City's coastal

zone. Only if modified as suggested will Part A of the LIP amendment request be adequate to carry out the provisions of the certified LUP.

STANDARD OF REVIEW

The standard of review for the proposed amendment to the LCP Implementing Ordinances (LIP), pursuant to Sections 30513 and 30514 of the Coastal Act, is that the proposed LIP amendment is in conformance with, and adequate to carry out, the provisions of the certified Land Use Plan (LUP).

CONTENTS OF LCP AMENDMENT REQUEST

Local Coastal Program Amendment Request No. 2-00 affects only the Implementing Ordinances (LIP) portion of the City's certified LCP. Part A, which would expand the definition of "sign" and amend the sign code provisions that allow the City to grant Sign Exceptions, is contained in City Council Ordinance No. 2013 (Exhibit A). City Council Resolution No. 5560 submits the proposed revisions to the sign code for certification by the Commission. The City Planning Commission held a public hearing for the proposed sign code revisions on March 22, 2000. The City Council held a public hearing for the proposed sign code revisions on May 2, 2000.

Part B of the LCP amendment request, which would update the residential condominium standards of the zoning ordinance, is contained in City Council Ordinance No. 2014 (Exhibit B). City Council Resolution No. 5569 submits Ordinance No. 2014 for certification by the Commission. The City Planning Commission held a public hearing for the proposed condominium standard update on April 26, 2000. The City Council held a public hearing for the proposed condominium standard update on May 16, 2000.

This LCP amendment request is consistent with the submittal requirements of the Coastal Act and the regulations which govern such proposals (Sections 30501, 30510, 30514 and 30605 of the Coastal Act, and Sections 13551, 13552 and 13553 of the California Code of Regulations).

ADDITIONAL INFORMATION

Copies of the staff report are available at the South Coast District office located in the ARCO Center Towers, 200 Oceangate, Suite 1000, 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 three motions and resolutions:

A. Deny Part A of the amendment to the LCP Implementing Actions as submitted

MOTION I

"I move that the Commission reject Amendment Request No. 2-00A to the City of Manhattan Beach LCP Implementing Actions as submitted."

Staff recommends a **YES** vote which would result in the rejection of the amendment as submitted and 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 Part A of the amendment to LCP Implementing Actions as submitted

The Commission hereby rejects Amendment Request No. 2-00A to the Implementing Actions 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. Approval of the Implementing Actions would not meet the requirements of Section 21080.5(d)(2)(A) of the California Environmental Quality Act in that there are alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the approval of the amendment to the Implementing Actions would have on the environment.

B. Approve Part A of the amendment to the LCP Implementing Actions if modified

MOTION II

"I move that the Commission certify Amendment Request No. 2-00A to the City of Manhattan Beach LCP Implementing Ordinances if it is modified in conformity with the modifications set forth in this staff report."

Staff recommends a **YES** vote which would result in certification of the amendment with suggested modifications and 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^{0.1} Part A of amendment to the LCP Implementing Actions if modified

The Commission hereby certifies Amendment Request No. 2-00A to the Implementing Actions of the City of Manhattan Beach Local Coastal Program, if amended according to the suggested modifications stated in Section II of this report, and adopts the findings set forth 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. Approval of the Implementing Actions meets the requirements of Section 21080.5(d)(2)(A) of the California Environmental Quality Act in that there are no further feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact that the approval of the Implementing Actions would have on the environment. The Commission further finds that if the local government adopts and transmits its revisions to the amendment to the Implementing Actions in conformity with the suggested modifications, then the Executive Director shall so notify the Commission.

C. Approve Part B of the amendment to the LCP Implementing Actions as submitted

MOTION III

"I move that the Commission reject Amendment Request No. 2-00B to the City of Manhattan Beach LCP Implementing Actions as submitted."

Staff recommends a **NO** vote which would result in certification of the amendment as submitted and 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 approve Part B of the amendment to LCP Implementing Actions as submitted

The Commission hereby certifies Amendment Request No. 2-00B to the Implementing Actions of the City of Manhattan Beach Local Coastal Program, and adopts the findings set forth 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. Approval of the Implementing Actions meets the requirements of Section 21080.5(d)(2)(A) of the California Environmental Quality Act in that there are no further feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact that the approval of the Implementing Actions would have on the environment.

II. SUGGESTED MODIFICATION

Certification of Part A of City of Manhattan Beach LCP Amendment Request No. 2-00 (Sign Exceptions) is subject to the following modification:

The currently certified Section A.72.080 is shown in regular text.

The underlined text is the City's new text proposed by this amendment.

The City's proposed deletions are identified with strikeout (~~deleted language~~).

The Commission's suggested modification (A.72.080.D) is shown in bold italics.

Section A.72.080. Sign Exceptions.

On sites where strict application of the sign code creates ~~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~~ exception application. Upon receipt of a complete application the item will be placed on the next available Planning Commission agenda.

An application for a sign exception 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, and materials submitted, the Commission finds that:

- A. The proposed sign exception would not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located. Potential impacts may include, but are not limited to design;
- B. The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property;
- C. The proposed sign exception is consistent with the legislative intent of this Title; and,
- D. For sign exceptions proposed in the coastal zone, the sign design and scale does not: (1) obstruct views to or along the coast from publicly accessible places; (2) adversely impact public access to and use of the water; (3) adversely impact public recreational use of a public park or beach; or (4) otherwise adversely affect recreation, access or the visual resources of the coast.***

In granting any such exception, the Planning Commission may impose reasonable conditions or restrictions as deemed appropriate or necessary ***to assure compliance with subsections A through D above, and*** to protect the public health, safety, and general welfare.

III. FINDINGS

The following findings support the Commission's denial of Part A of the LIP amendment as submitted, and approval of Part A of the LIP amendment if modified as indicated in Section II (SUGGESTED MODIFICATION) of this report. The following findings also support the Commission's approval of Part B of the LCP amendment as submitted.

The Commission hereby finds and declares as follows:

A. LCP Amendment Request No. 2-00A – Sign Code Revisions

City Council Ordinance No. 2013 would insert into the implementing ordinances (LIP) portion of the City's certified LCP an expanded "sign" definition and a revised process for granting of exceptions to the sign code. City Ordinance No. 2013 comprises Part A of LCP Amendment Request No. 2-00 (Exhibit A).

1. Description of Ordinance No. 2013 – Sign Code Revisions

The currently certified sign code is contained in Chapter A.72 of the City of Manhattan Beach Municipal Code (See Appendix A for currently certified sign code). Chapter A.72 of the Municipal Code is part of the implementing ordinances (LIP) portion of the certified LCP. The Commission previously certified several revisions to the City's sign code (Chapter A.72) on December 10, 1997, when it certified LCP Amendment No. 2-97 with suggested modifications.

The currently proposed LIP amendment would modify two sections of the sign code in order to: a) expand the current definition of "sign" to include registered trademarks (See Exhibit A, Section A.72.030), and b) clarify the City's process for the granting of a Sign Exception (See Exhibit A, Section A.72.080). A Sign Exception is an exception or modification of the requirements of the sign code granted by the Planning Commission.

The currently certified definition of "sign", with the City's currently proposed added language added as underlined text, is as follows:

Section A.72.030. Definitions. 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. Registered trademarks, with or without written text, shall be included in the definition of signage and shall be counted in the determination of total sign area. Should any uncertainty exist as to what elements constitute sign area, the determination shall be made by the Director of Community Development. The determination of the Director is appealable to the Planning Commission consistent with Section 10.01.070 (D).

The second change proposed in Part A of the LCP amendment would clarify the City's process for the granting of a Sign Exception. Currently, Section A.72.080 (Sign Exceptions) of the City's sign code allows the Planning Commission to modify the requirements of the sign code in some circumstances. Section A.72.080 (Sign Exceptions) currently states:

Section 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.

The City proposes to clarify the current process for the granting of a Sign Exception by replacing the currently certified Section A.72.080, with the following

Section A.72.080. Sign Exceptions. [currently proposed revision.]

On sites where ~~strict application of the sign code creates 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~~ exception application. Upon receipt of a complete application the item will be placed on the next available Planning Commission agenda.

An application for a sign exception 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, and materials submitted, the Commission finds that:

- A. The proposed sign exception would not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located. Potential impacts may include, but are not limited to design;
- B. The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property;
- C. The proposed sign exception is consistent with the legislative intent of this Title.

In granting any such exception, the Planning Commission may impose reasonable conditions or restrictions as deemed appropriate or necessary to protect the public health, safety, and general welfare.

2. Analysis of Ordinance No. 2013 – Sign Code Revisions

The proposed amendment to the sign code section of the LIP would result in: a) an expanded definition of “sign” which clarifies that registered trademarks are included in sign area calculations (See Exhibit A, Section A.72.030), and b) a clarified process for the granting of a Sign Exception, including a requirement that specific findings be made when Sign Exception is approved (See Exhibit A, Section A.72.080). A Sign Exception is an exception or modification of the requirements of the sign code that may be granted by the Planning Commission. Section A.72.080 of the Municipal Code, part of the certified LCP implementing ordinances, already allows the Planning Commission to grant Sign Exceptions.

Local Coastal Development Permit Requirements

The proposed amendment to the sign code section of the certified LCP implementing ordinances would not change the certified LCP coastal development permit requirements that currently apply to signs. Section A.72.020 (Appendix A: General Provisions) of the Municipal Code requires that all signs must obtain a local coastal development permit unless the sign is specifically exempted under the terms of Section A.96.50. Section A.72.020 (General Provisions) states:

Section A.72.020. General Provisions. A) Sign Permits are required for all temporary and permanent signs except for those 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.96.50.¹ (Ordinance No. 1971).

Municipal Code Section A.96.50 is the section of the certified LIP that defines which development types are exempt from coastal development permit requirements. Section A.96.50 of the certified LCP implementing ordinances exempts only:

- a. limited improvements to existing single family residences;
- b. limited improvements to existing structures other than single family residences or public works facilities;
- c. limited repair or maintenance activities;
- d. utility connections; and,
- e. limited replacement of structures following disaster.

Under the provisions of Sections A.72.020 and A.96.50 of the certified LIP, a local coastal development permit is required for all signs unless they are exempted by the LIP. New freestanding signs would not qualify for an exemption from coastal development. In fact, very few signs could qualify for an exemption from coastal development permit requirements under the terms of the certified LCP. The types of new signs that could

¹ Section A.96.40 of the Municipal Code is the certified LCP’s coastal development permit issuing ordinance.

qualify for an exemption from coastal development permit requirements include signs attached to the wall of an existing structure that do not increase the building's height or change the intensity of use of the structure. The maintenance of existing signs also would not require a coastal development permit.

The proposed amendment to the sign code does not include any changes to Sections A.72.020 and A.96.50 of the Municipal Code. Therefore, the currently proposed LIP amendment would not affect the current threshold for signs that must obtain a local coastal development permit.

Prohibited Signs

Many types of signs are prohibited by the LCP implementing ordinances. Section A.72.070 of the certified LCP implementing ordinances lists prohibited signs (See Appendix A). Prohibited signs include outdoor advertising display signs (billboards), roof signs, most signs on public property, and signs other than those permitted by the Sign Code. The currently proposed LIP amendment would not alter the list of prohibited signs.

Sign Exceptions

The currently proposed LIP amendment would alter the City's process for granting Sign Exceptions. The Sign Exception process allows the Planning Commission to modify the otherwise applicable standards of the sign code. The City's stated purpose of the proposed revised Sign Exception process is to clarify the process and to require that specific findings be made by the Planning Commission when it grants a Sign Exception. The City states that the currently proposed revision is consistent with the City's current process for granting Sign Exceptions.

The proposed revised process for granting Sign Exceptions includes a requirement that the Planning Commission make the following findings when granting a Sign Exception:

- A. The proposed sign exception would not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located. Potential impacts may include, but are not limited to design;
- B. The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property;
- C. The proposed sign exception is consistent with the legislative intent of this Title.

As proposed, the Planning Commission may impose conditions on any approved Sign Exception in order protect the public health, safety, and general welfare. The proposed process for granting Sign Exceptions, however, does not require the Planning Commission

to determine whether a requested Sign Exception would adversely impact public recreation, coastal access, or visual resources in the City's coastal zone. As proposed, the Planning Commission would not be required to make a finding that the sign or signs approved by a Sign Exception would not adversely impact public recreation, coastal access, or visual resources in the City's coastal zone.

Standard of Review for Proposed LIP Amendment

It is the City's land use, zoning and building ordinances, including the sign code, that comprise the implementing ordinances (LIP) of the certified LCP. The LIP implements and carries out the policies of the certified LUP. The proposed revisions to the sign code would amend the certified LIP. Pursuant to Sections 30513 and 30514 of the Coastal Act, the proposed LIP amendment must be adequate to carry out the provisions of the certified LUP. Any process which allows flexibility or waiver of the LCP implementing ordinances must include an analysis of the affects of such an action on coastal resources in order to comply with Sections 30513 and 30514 of the Coastal Act. A process that lacks such an analysis would not be able to adequately carry out the provisions of the certified LUP.

Certified LUP Policies

In order to adequately carry out the provisions of the certified LUP, the proposed Sign Exception process must include an analysis to prevent the approval of signs that do not conform to the following certified LUP policies that protect public recreation, coastal access, and visual resources in the City's coastal zone:

POLICY I.A.1: The City shall maintain the existing vertical and horizontal accessways in the Manhattan Beach Coastal Zone.

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

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

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

POLICY II.A.3: Encourage the maintenance of commercial area orientation to the pedestrian.

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

POLICY II.B.4: The beach shall be preserved for public beach recreation. No permanent structures, with the exception of bikeways, walkways, and restrooms shall be permitted on the beach.

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

The City's proposed process for granting Sign Exceptions does not include a provision to require the Planning Commission to review requests for Sign Exception against the provisions of the certified LUP. In order to adequately carry out the provisions of the certified LUP, the proposed Sign Exception process must include an analysis to prevent the approval of signs that do not conform to the policies of the certified LUP that protect public recreation, coastal access, and visual resources in the City's coastal zone.

Therefore, as currently proposed, Part A of the proposed LIP amendment cannot be found to be adequate to carry out the provisions of the certified LUP as required by Sections 30513 and 30514 of the Coastal Act.

Suggested Modification

A modification to the proposed LIP amendment is necessary to ensure that the revised process for granting Sign Exceptions is in conformance with, and adequate to carry out, the provisions of the certified LUP. The suggested modification would require the City to analyze a request for a Sign Exception in the coastal zone for adverse impacts on public recreation, coastal access, and visual resources in the City's coastal zone. If modified as suggested, the Planning Commission would be required to make a finding that an approved Sign Exception would not adversely impact coastal resources.

The suggested modification to the proposed LIP amendment would allow a Sign Exception to be granted in the coastal zone only if the sign design and scale does not: (1) obstruct views to or along the coast from publicly accessible places; (2) adversely impact public access to and use of the water; (3) adversely impact public recreational use of a public park or beach; or (4) otherwise adversely affect recreation, access or the visual resources of the coast.

Only if modified as follows can the proposed process for granting Sign Exceptions adequately carry out the provisions of the certified LUP as required by Sections 30513 and 30514 of the Coastal Act.

Suggested modification to Ordinance No. 2013 (Municipal Code Section A.72.080):

D. For sign exceptions proposed in the coastal zone, the sign design and scale does not: (1) obstruct views to or along the coast from publicly accessible places; (2) adversely impact public access to and use of the water; (3)

adversely impact public recreational use of a public park or beach; or (4) otherwise adversely affect recreation, access or the visual resources of the coast.

In granting any such exception, the Planning Commission may impose reasonable conditions or restrictions as deemed appropriate or necessary to assure compliance with subsections A through D above, and to protect the public health, safety, and general welfare.

If modified as suggested, the Commission will certify the revised process for granting Sign Exceptions as part of the certified LIP, and find that the proposed LIP amendment is in conformance with, and adequate to carry out, the provisions of the certified LUP.

Definition of "Sign"

The City's stated purpose of the proposed expansion of the definition of "sign" is to clarify the applicability of the sign code to all signage, including registered trademarks, and also to affirm the authority of the Director of Community Development to interpret the definition. The proposed change to the definition of "sign" is not a substantial change to the currently certified LIP and would not affect the ability of the sign code to carry out the policies of the certified LUP. Therefore, the proposed change to the definition of "sign" is in conformance with certified LUP and can carry out the LUP.

B. LCP Amendment Request No. 2-00B – Residential Condominium Standards Update

City Council Ordinance No. 2014 would update the currently certified implementing ordinances (LIP) portion of the City's certified LCP that regulate residential condominium construction and conversion (Exhibit B). City Ordinance No. 2014 comprises Part B of LCP Amendment Request No. 2-00.

1. Description of Ordinance No. 2014 – Residential Condominium Standards Update

City Council Ordinance No. 2014 contains several minor amendments that correct and clarify the current section of the zoning ordinance (LIP) that contains specific building standards for residential condominiums (Exhibit B). The currently certified density and height limits are not affected by the proposed amendment, nor are any parking standards. The proposed corrections and clarifications to existing sections of the zoning ordinance, as highlighted in Exhibit B, include the following:

- **Section A.52.100.B.2.** Delete "surge pipes or equivalent approved devices" and replace with "sound deadening materials to prevent the transfer of noise." This proposed change would update the sound

attenuation requirement for water pipes to sinks and laundry facilities (Exhibit B, p.5).

- **Section A.52.100.B.4.** Clarification of the sound attenuation requirement for condominium units that share common walls (Exhibit B, p.5).
- **Section A.52.100.H.** Clarifies the code requirement for drip pans to be provided only when laundry rooms, water heats and/or dishwashers are not otherwise equipped to prevent water leakage (Exhibit B, p.5).
- **Section A.52.100.K.** Clarifies the code requirement for undergrounding utilities in order to be consistent with Section 9.12.050 of the Municipal Code. Section 9.12.050 of the Municipal Code is the section of the Building/Electrical Code that regulates "Services Undergrounding", and is not part of the certified LCP.
- **Section A.52.100.M.** Clarifies the role of the condominium owners' association in providing for the annual inspection of the units.

2. Analysis of Ordinance No. 2014 – Residential Condominium Standards Update

The updates proposed by Ordinance No. 2014 involve the detailed building standards that the City applies to the interior of common wall residential projects. Therefore, the proposed changes to the residential condominium standards may affect the quality of life for residents within condominium units, but would not have any effect on coastal access or coastal resources. In any case, Part B of the LIP amendment does not include any substantial changes to the currently certified LCP. The changes proposed by Part B of the LIP amendment are in conformance with certified LUP and can carry out the LUP.

The commission staff recommends that the Commission certify the Part B of the proposed LIP amendment as submitted and find that the proposed LIP amendment is in conformance with, and adequate to carry out, the provisions of the certified LUP.

C. California Environmental Quality Act (CEQA)

Pursuant to the California Environmental Quality Act (CEQA) and the California Code of Regulations [Title 14, Sections 13540(f), 13542(a), 13555(b)] the Commission's certification of this LCP amendment must be based in part on a finding that it is consistent with CEQA Section 21080.5(d)(2)(A). That section 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 effect which the activity may have on the environment.

The Commission finds that for the reasons discussed in this report, if the LCP amendment is modified as suggested, there are no additional feasible alternatives or feasible mitigation measures available that could substantially reduce any adverse environmental impacts. The Commission further finds that the proposed LCP amendment, if modified as suggested, is consistent with Section 21080.5(d)(2)(A) of the Public Resources Code.

CP/END

APPENDIX A

Chapter A.72. Sign Code (Not including the changes proposed by LCP Amendment No. 2-00)

- 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**
- 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. Sign Permits are required for all temporary and permanent signs except for those specified as exempt herein. **All signs require a Coastal Development Permit** in accordance with Section A.96.040, unless specifically exempted under the terms of Section A.96.050.
- 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 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 sidewall 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 sidewall 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 freestanding, 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 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 or Coastal Development 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
- 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.

A.72.050. 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 10.64.150 and 3.40.010.
- 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 10.72.080. 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)
- 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 10.72.050.
- 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.

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 10.72.040, 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 this Title.

A.72.120. Appeals

Applications for appeals are subject to Chapter 10.100 of this Title.

Sign Code Charts not included
end

City of Manhattan Beach

Local Coastal Program Amendment No. 2-00



Exhibits

ORDINANCE NO. 2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO THE CITY SIGN CODE AMENDING SECTIONS 10.72.030 AND 10.72.080 OF THE MANHATTAN BEACH MUNICIPAL CODE AND SECTIONS A.72.030 AND A.72.080 OF THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM - IMPLEMENTATION PROGRAM

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 Planning Commission of the City of Manhattan Beach conducted a review of the Citywide Sign Code at their regular meeting of January 12, 2000. At this meeting the Commission directed Staff to prepare an amendment to the Sign Code for consideration at a future public hearing.
- B. Pursuant to applicable law, the Planning Commission conducted a public hearing on March 22, 2000 to consider the proposed Sign Code amendment, and adopted Resolution No. PC 00-8 recommending approval of the subject amendment.
- C. A subsequent City Council public hearing was held, testimony was invited and received on May 2, 2000.
- D. The proposed amendment specifically addresses Section 10.72.030 "Definitions" (A.72.030 of the Local Coastal Program) and Section 10.72.080 "Sign Exceptions" (A.72.080 of the Local Coastal Program) of the Manhattan Beach Municipal Code.
- E. An Initial Environmental Study was prepared in compliance with the provisions of the California Environmental Quality Act (CEQA). Based upon this study it was determined that the proposal is not an action involving any significant impacts upon the environment, and a Negative Declaration has been prepared.
- F. The Planning Commission and City Council have considered the Negative Declaration and comments received during the public review process. The City Council approves the Negative Declaration on the basis that there is no substantial evidence that the project will have a significant effect on the environment.

SECTION 2. The City Council of the City of Manhattan Beach hereby approves the amendment to Sections 10.72.030 (A.72.030) and 10.72.080 (A.72.080) of the City of Manhattan Beach Municipal Code (City of Manhattan Beach Local Coastal Program (LCP) - Implementation Program) as follows:

Section 10.72.030 / A.72.030 "Definitions"

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. Registered trademarks, with or without written text, shall be included in the definition of signage and shall be counted in the determination of total sign area. Should any uncertainty exist as to what elements constitute sign area, the determination shall be made by the Director of Community Development. The determination of the Director is appealable to the Planning Commission consistent with Section 10.01.070 (D).



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

JP
City Clerk of
the City of
Manhattan
Beach

A-1

The City's proposed
changes are underlined.
See also page A-4.

COASTAL COMMISSION

LCP 2-00

EXHIBIT # A

PAGE 1 OF 4

Section 10.72.080 / A.72.080 "Sign Exceptions", as follows:

On sites where strict application of the Sign Code creates results inconsistent with the intent of the Sign Code, 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 exception application. Upon receipt of a complete application the item will be placed on the next available Planning Commission agenda.

An application for a sign exception 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, and materials submitted, the Commission finds that:

- A. The proposed sign exception would not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located. Potential impacts may include, but are not limited to, design;
- B. The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property;
- C. The proposed sign exception is consistent with the legislative intent of this Title.

In granting any such exception, the Planning Commission may impose reasonable conditions or restrictions as deemed appropriate or necessary to protect the public health, safety, and general welfare.

SECTION 3. If any sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 4. 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 5. 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.

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 of said City; shall make a minute 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.



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

JP
City Clerk of
the City of
Manhattan
Beach

COASTAL COMMISSIO

LCP 2-00

EXHIBIT # A

PAGE 2 OF 4

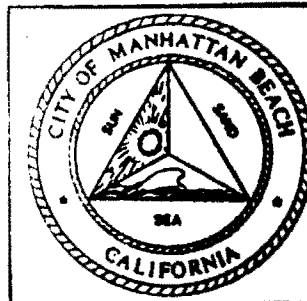
PASSED, APPROVED AND ADOPTED this 16th day of May, 2000.

AYES: Wilson, Dougher, Fahey, Napolitano and Mayor Lilligren
NOES: None.
ABSENT: None.
ABSTAIN: None.

/s/ Tim Lilligren
Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura
City Clerk



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

COASTAL COMMISSION

LCP 2-00

EXHIBIT # A

PAGE 3 OF 4

Proposed changes:

10.72.030 / A.72.030 "Definitions", as follows:

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. Registered trademarks, with or without written text, shall be included in the definition of signage and shall be counted in the determination of total sign area. Should any uncertainty exist as to what elements constitute sign area, the determination shall be made by the Director of Community Development. The determination of the Director is appealable to the Planning Commission consistent with Section 10.01.070 (D).

10.72.080 / A.72.080 "Sign Exceptions", as follows:

~~On sites where practical difficulties or unnecessary hardships or results inconsistent with the intent of the Sign Code arise from strict application of the Sign Code creates results inconsistent with the intent of the Sign Code 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 exception application. Upon receipt of a complete application the item will be placed on the next available Planning Commission agenda.

An application for a sign exception 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, and materials submitted, the Commission finds that:

- A. The proposed sign exception would not be detrimental to, nor adversely impact, the neighborhood or district in which the property is located. Potential impacts may include, but are not limited to, design;
- B. The proposed sign exception is necessary in order that the applicant may not be deprived unreasonably in the use or enjoyment of their property;
- C. The proposed sign exception is consistent with the legislative intent of this Title.

In granting any such exception, the Planning Commission may impose reasonable conditions or restrictions as deemed appropriate or necessary to protect the public health, safety, and general welfare.

COASTAL COMMISSION

LC P 2-00

EXHIBIT # A

PAGE 4 OF 4

ORDINANCE NO. 2014

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO SECTION 10.52.110 OF THE MANHATTAN BEACH MUNICIPAL CODE AND SECTION A.52.100 OF THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM - IMPLEMENTATION PROGRAM PERTAINING TO CONDOMINIUM CONSTRUCTION STANDARDS

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 Planning Commission of the City of Manhattan Beach conducted a duly noticed public hearing at their regular meeting of April 26, 2000. At this meeting the Commission adopted Resolution No. PC 00-11 recommending approval of the subject amendment.
- B. A subsequent public hearing was held before the City Council on May 16, 2000.
- C. The proposed amendment is an update of certain condominium construction standards to reflect current construction practices.
- D. An Initial Environmental Study was prepared in compliance with the provisions of the California Environmental Quality Act (CEQA). Based upon this study it was determined that the proposal is not an action involving any significant impacts upon the environment, and a Negative Declaration has been prepared.
- E. The Planning Commission and City Council have considered the Negative Declaration and comments received during the public review process. The City Council approves the Negative Declaration on the basis that there is no substantial evidence that the project will have a significant effect on the environment.

SECTION 2. The City Council of the City of Manhattan Beach hereby approves the amendment to Section 10.52.110 of the City of Manhattan Beach Municipal Code and Section 10.52.100 of the City of Manhattan Beach Local Coastal Program (LCP) - Implementation Program as follows:

10.52.110. Residential condominium standards.
A.52.100. 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.

The City's proposed changes are underlined. See also page B-5.

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COASTAL COMMISSION

LCP 2-00

EXHIBIT # B

PAGE 1 OF 5

- (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.

The following standards shall apply to construction of new condominiums; condominium conversion standards are prescribed by Chapter A.88.

- A. Sound attenuation for all common wall assemblies, and floor-to-ceiling assemblies which separate units from each other or from common areas within the building such as hallways, corridors, laundry rooms, recreation rooms or garage and storage areas, shall be required for both airborne sound and impact sound.
- All such common wall assemblies shall provide an airborne sound insulation equal to that required to meet a sound transmission class (STC) of 55 for wall assemblies, 50 if field tested, as defined in the Uniform Building Code standards.
- Dwelling unit entrance including perimeter seals shall meet a sound transmission class (STC) of 33.
- B. Additional requirements for sound alteration as follows:
1. No exhaust fans or vent pipes shall serve more than one dwelling unit.
 2. All water pipes to sinks and laundry facilities shall be installed with sound deadening materials to prevent the transfer of noise.
 3. All voids around pipes shall be packed with rock wool or equivalent sound-deadening material, and all pipes shall be wrapped at all points of contact with any wood or steel members, and strap hangers.
 4. No plumbing vents or similar equipment shall be placed back to back between separate dwelling units.
- C. All floor-to-ceiling assemblies between separate dwelling units or common areas shall provide airborne sound insulation equal to that required to meet a sound transmission class (STC) of 50, 45 if field tested, as defined in the Uniform Building Code standards.
- D. All floor-to-ceiling assemblies between separate dwelling units or common areas shall provide impact sound insulation equal to that required to meet an impact insulation class (IIC) of 60, 55 if field tested, as defined in the Uniform Building Code standards.
- E. All residential condominiums consisting of 2 units on a single lot which is to be owned in common shall be developed with units which are approximately equal in size and age. In no case shall the difference in enclosed floor space used for living purposes be assigned to one unit which is more than 55 percent of the total floor space assigned for both units, unless the smaller of the 2 units exceeds 1,800 square feet.
- F. All residential condominiums shall have separate electrical and water meters and early warning fire detection systems.
- G. A least one hundred fifty (150) cubic feet of enclosed storage space shall be provided in the garage, or outside area if architecturally screened, for each unit.

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COASTAL COMMISSION

LCF 2-00

EXHIBIT # B

PAGE 2 OF 5

- H. Where laundry rooms, water heaters, and / or, dishwashers are unequipped to prevent leakage above neighboring units or above other residential floors below "drip pans", or other devices, shall be provided.
- I. All new buildings shall conform to Title 24 of the California Code of Regulations requiring compliance with the state energy regulations.
- J. Enclosed trash areas shall be provided.
- K. All utilities serving the site shall be undergrounded consistent with the provisions and exceptions provided in Section 9.12.050 "Services undergrounding" of the Manhattan Beach Municipal Code.
- L. The title sheet and condominium owner's agreement shall state that:
1. Any future construction of living space or reconstruction of the building shall require review and approval of a use permit; and
 2. The unit ownership is an "intangible portion of multiple residential property" and "ownership of a unit does not parallel or emulate ownership of single-family property or use. . ."
- M. The condominium owners' association shall provide the opportunity for annual review and inspection of the building and the interior of individual units.
- N. Building exteriors and common areas shall be maintained in the absence of an individual owner's agreement.
- O. All common areas including, but not limited to, exterior portions of buildings, structures, utilities, yards, driveways, open space, etc., shall be under common ownership of all owners of condominium units.
- P. 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.
- Q. Two off-street parking spaces and one guest space shall be provided, consistent with Section A.64.030.

SECTION 3. If any sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 4. 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 5. 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.

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.

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

8
9 PASSED, APPROVED AND ADOPTED this 6th day of June, 2000.

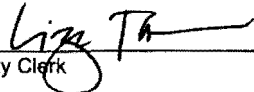
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11 AYES: Wilson, Dougher, Fahey, Napolitano and Mayor Lilligren
12 NOES: None.
13 ABSENT: None.
14 ABSTAIN: None.

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Mayor, City of Manhattan Beach, California

ATTEST:


City Clerk

B-4

COASTAL COMMISSION

LCP 2-00

EXHIBIT # B

PAGE 4 OF 5

Section 10.52.110. / A.52.100 Residential condominium standards:

- B. 2. All water pipes to sinks and laundry facilities shall be installed with ~~surge pipes, or equivalent approved devices.~~ sound deadening materials to prevent the transfer of noise.

With the use of sound deadening materials (such as insulation) and types of piping currently utilized, this provision is no longer necessary. The amended language requires "sound deadening" materials, but allows flexibility with the materials used.

- B. 4. No ~~recessed cabinets, plumbing vents, electrical devices, junction boxes~~ or similar equipment shall be placed back to back between separate dwelling units.

There is some confusion and ambiguity regarding the intent of this requirement. It is believed that the intent is sound attenuation between condominium units which share common walls. However the only situation that can be seen to require special attention is the placement of back to back plumbing vents, such as toilets. The sound deadening insulation currently required for electrical outlets or switches is sufficient to provide appropriate sound mitigation. The provision is unclear as to what type of "recessed cabinets" are intended.

- H. Where laundry rooms, water heaters, and / or, dishwashers are unequipped to prevent leakage above neighboring units or above other residential floors below "drip pans", or other devices, shall be provided. All condominiums shall provide "drip pans" or other devices for laundry rooms, water heaters, and dishwashers to prevent water damage in case of leakage.

This provision specifies that the requirement for drip pans is applicable only when certain fixtures or utilities (laundry rooms, water heaters, and / or dishwashers) are not otherwise equipped to prevent water leakage.

- K. All utilities serving the site shall be undergrounded consistent with the provisions and exceptions provided in Section 9.12.050 "Services undergrounding" of the Manhattan Beach Municipal Code.

Section 9.12.050 of Title 9 (Building Code) provides certain exceptions to the requirements for undergrounding utilities. These exceptions are inconsistent with the strict requirement specified by this provision. The proposed amendment simply provides a reference to the Section in Title 9 which identifies applicable exceptions to this requirement.

- M. ~~The condominium owners association shall register and obtain a business license from the City of Manhattan Beach. Reserved.~~

This provision is not a Zoning nor Building Division issue. The Licensing Division of the Finance Department issues annual business licenses to condominium associations at no cost. The

Licensing Division has no objections to deleting this requirement from the Zoning Code and Local Coastal Program.

COASTAL COMMISSION

LCP 2-00

EXHIBIT # 13

PAGE 5 OF 5

