

**CALIFORNIA COASTAL COMMISSION**

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March 24, 2000

**TO:** Commissioners and Interested Persons**TU4a****FROM:** Deborah Lee, Deputy Director  
Teresa Henry, South Coast District Manager  
Charles Posner, Coastal Program Analyst**SUBJECT:** Minor Amendment Request No. 1-2000 to the City of Manhattan Beach Certified Local Coastal Program (For Commission concurrence at the April 11, 2000 meeting in Long Beach).**Local Coastal Program Amendment No. 1-2000 (Minor)**

Amendment to the City of Manhattan Beach certified Local Coastal Program (LCP) to incorporate into the LCP implementing ordinances (LIP) proposed revisions to the existing City ordinances that regulate: 1) the outdoor display of commercial materials (i.e., merchandise, customer waiting areas and dining areas, and items for customer pick-up), and 2) the display of temporary signs. The proposed LCP amendment is consistent with the certified LUP, makes the zoning regulations more specific, and does not change the kind, location, intensity, or density of use. The proposed revisions are shown on **Exhibit #1** using crossed-out words for proposed deletions and underlining for proposed new language.

Any change to the City's zoning regulations constitutes an amendment to the LCP because the City zoning regulations are the implementing ordinances (LIP) of the certified LCP. The proposed LCP amendment affects only the LIP portion of the LCP and does not propose any rezoning or land use changes in the coastal zone. The certified Land Use Plan (LUP) portion of the LCP is not affected by this amendment.

City Council Resolution No. 5516 submits the LCP amendment request for certification by the Commission. The proposed changes to the certified LCP are contained in Ordinance No. 2007. The City Planning Commission held public hearings for the proposed LCP amendment on April 14, 1999, May 26, 1999 and July 14, 1999. The Manhattan Beach City Council held a public hearing for the LCP amendment request on October 5, 1999, and adopted Ordinance No. 2007 on October 19, 1999.

**Analysis**

The Executive Director has determined that City of Manhattan Beach LCP Amendment No. 1-2000 is a minor LCP amendment. The proposed LIP amendment reorganizes, clarifies and strengthens the City's existing ordinances that regulate the outdoor display of commercial materials (i.e., merchandise, customer waiting areas and dining areas, and

items for customer pick-up). The proposed amendment clarifies that outdoor facilities can be permitted on private property only as part of legally established commercial and industrial uses, and that they are prohibited in all residential districts consistent with the certified LUP. It also clarifies that outdoor dining on *public* property is regulated by other City ordinances that are not subject to this amendment request. The proposed LIP amendment strengthens the City's outdoor facilities regulations by establishing more specific performance standards (e.g. prohibits displays on public property, limits the area occupied by outdoor displays, and screening requirements). The proposed amendment also clarifies the permit application and appeal procedures for the outdoor display of commercial materials.

The proposed LIP amendment also reorganizes, clarifies and strengthens the City's existing ordinances that regulate temporary signs. First, the definition of a temporary sign is clarified. Secondly, the permit application and appeal procedures for temporary signs are clarified. Thirdly, the proposed LIP amendment strengthens the City's temporary sign regulations by establishing more specific performance standards (e.g. prohibits three-dimensional objects, statues, and air or gas-filled objects; limits the time and location of signs). All of the proposed changes are consistent with the certified LUP.

### Procedures

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

The proposed LCP amendment will become effective after report to the Commission of any written objections received within ten working days of the mailing of notice unless one-third of the appointed members of the Commission request that the LCP amendment be processed and heard as a "major" LCP amendment pursuant to Section 13555 of the California Code of Regulations.

End/cp

## Proposed LCP Changes: City Manhattan Beach Amend. Request 1-2000

LCP Section	Proposed changes
A.60.080.A. (Outdoor facilities - purpose)	Section re-organized. A purpose statement is proposed and permitted outdoor facility activities are clarified. Things that would be ok under proposed code include: chairs and benches for customers, items for customer pick-up, outdoor dining and food service on private property, as already allowed in existing use classifications of A.08.050.
A.60.080 B. (Outdoor facilities -- where permitted)	Clarifies that outdoor facilities regulated by this chapter are prohibited in residential districts, and are permitted for legally established commercial and industrial uses.
A.60.080C. (Outdoor facilities -- Performance stds)	New section title that consolidates and establishes performance standards for outdoor facilities (e.g. may not occupy public property, percentage of storefront that may be used, yards and screening may be required, maximum height of merchandise. This section also prohibits outdoor preparation of food/beverages associated with outdoor dining at tables. Finally, two existing exceptions to Outdoor Facility requirements for plant nurseries and auto sales has been retained in the proposed language.
A.60.080.D., E., F, G (Outdoor Facilities -- Exceptions, Application, Grounds for denial, Duration and Renewal, Appeals.)	New language establishing permit procedures, and clarifying appeal procedures.
A.72.030 (Sign Code definitions)	Definition of a "Temporary Sign" is clarified.
A.72.050A. Permitted Signs- Additional Regulations	The proposed code basically expands upon the existing language but only to clarify the purpose, application rules, scope, allowable area, duration of display, placement prohibitions, maintenance requirement, and prohibited signs. A new "Temporary Sign Program" is provided for large sites (2 acres or more), as well as provision for appeals of administrative decisions. The TSP gives more flexibility to larger sites, of which there are currently none in the coastal zone.
A.72.070 (Prohibited signs)	Clarifies existing policy that 3-dimensional objects, statues and air or gas filled objects are prohibited temporary signs.

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Section 10.60.080 (Outdoor Facilities) of Title 10 of the Manhattan Beach Municipal Code and Section A.60.080 of the Implementation Program of the Local Coastal Program is amended in its entirety as follows.

**10.60.080/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 CC 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, CC, CB, and CNE districts.~~

The purpose of this section is to permit and regulate commercial outdoor displays of merchandise on private property and materials in order to encourage visual interest along commercial streets and support the business community while minimizing adverse aesthetic impacts to the public and nearby residential uses. Outdoor facilities activities are prohibited without a permit.

A. What is Permitted. Outdoor facilities activities may include:

1. Outdoor display of merchandise (except bulk inventory), materials (including chairs and benches for customer waiting) and equipment including items for customer pick-up, on the site of and operated by a legally established business.

Sidewalk cafes and outdoor food service? Outdoor food and beverage service and outdoor dining on the site of and operated by a legally established business and accessory to an Eating and Drinking Establishment or Food and Beverage Sales business with incidental seating area, as defined in Section 10.08.030/A.08.030. Outdoor food and beverage service and dining on public shall be permitted subject to approval of an Outdoor Facilities Permit by the Community Development Director in the CC, CB, CNE, and CS districts. Property is not regulated by this section and requires an Encroachment Permit pursuant to Section 7.36, Title 7 (Public Works) of the Municipal Code.

B. Where Permitted. Outdoor facilities authorized by this section are permitted for all legally established commercial and industrial uses. Notwithstanding the aforementioned, outdoor facilities are prohibited in all residential districts.

C. Performance Standards. Outdoor facilities are subject to the following:

1. Outdoor display of merchandise or materials shall not occupy public property, and may not occupy more than 50% of the total "tenant footprint" of a building as defined in Section 10.72.030/A.72.030 of the Sign Ordinance.

no outdoor preparation of food or beverages shall be permitted.

B. Permit Conditions. Grounds for Denial. An Outdoor Facilities Permit for outdoor storage, display, or food service may require yards? Yards, screening, or planting areas necessary may be required to prevent adverse impacts on surrounding properties. If such

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~~Impacts cannot be prevented, the Community Development Director shall deny the Outdoor Facilities Permit application.~~

The height of merchandise, materials, and equipment stored or displayed shall not exceed the height of the screening fence or wall, if required.

~~3. There shall be no outdoor preparation of food or beverages associated with outdoor dining where food is consumed at tables.~~

~~C. Exceptions. Notwithstanding the provisions of subsections (A) and (B) above, outdoor storage and display (A), (B), and (C) above, outdoor display shall be permitted in conjunction with the following use classifications in districts where they are permitted or conditionally permitted:~~

~~1. Nurseries, provided outdoor storage and display is limited to plants only and related materials only.~~

~~2. Vehicle/Equipment Sales and Rentals, provided outdoor storage and display areas shall be screened from view of streets by a solid fence or wall. display shall be limited to vehicles, boats, or equipment offered for sale or rent only.~~

~~D. Application. The owner of a business shall submit a written request with application fee for an Outdoor Facilities Permit (which may consist of a letter) to the Community Development Director. The request shall include a full description of the display activity, including but not necessarily limited to: types of items to be displayed, location on the site, and hours during which items are to be placed outdoors. The Community Development Director shall review the application for compliance with performance standards contained in this section and may impose conditions to avoid adverse impacts such as, but not limited to, public safety, encroachments, visual clutter, and disorderly displays and impacts on surrounding property.~~

~~E. Grounds for Denial; Revocation. If adverse impacts cannot be prevented, the Community Development Director shall deny the Outdoor Facilities Permit application. If a business fails to comply with the terms and conditions of an approved Outdoor Facility Permit, the Community Development Director may revoke the permit.~~

~~F. Duration and Renewal. Upon approval, an Outdoor Facilities Permit shall be valid for a period of one year or until March 1. Outdoor Facilities Permits may be renewed annually, upon finding by the Community Development Director that the business has complied with all imposed terms and conditions, and that no adverse impacts or nuisance conditions have resulted.~~

~~F.G. Appeals. Decisions of the Community Development Director may be appealed by the applicant to the Planning Commission in accord with Chapter 10.100, accordance with Chapter 10.100 MBMC.~~

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Section 10.72.070/A.72.070 (Prohibited Signs), subsection E is amended for clarification regarding inflated signs as follows:

**10.72.070/A.72.070 Prohibited Signs**

- E. Three-dimensional objects or statues including air or gas-filled objects greater than 18 inches in diameter each, and located, attached or tethered to the ground, site, merchandise, structure or roof and used to attract attention or as a sign as defined herein.

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4. Duration of Display. The duration of display in a calendar year shall not exceed an accumulation of ninety (90) days.

5. Placement. Temporary signs shall be prohibited on building roofs and shall not cause unnecessary repetition, redundancy or proliferation of signage.

6. Temporary signs may be banners, posters, pennants or ribbons, or may be painted on windows subject to the approval. Maintenance. All temporary signs must be maintained in good condition and repair. Any which are torn, faded, sagging or in disrepair shall be replaced at the request of the Community Development Department Director.

7. Prohibited Signs. Prohibited signs shall include those listed in Section 10.72.070/A.72.070 of this chapter.

8. Temporary Sign Program. The intent of a temporary sign program is to provide flexibility for large retail oriented commercial sites which, due to their unusual size, building configuration or orientation, lack of street exposure, or by nature of business, cannot successfully advertise special events or promotions by adhering to the strict application of the signs standards stated above.

A site consisting of a minimum of 2 acres, and improved with a building(s) predominantly occupied by retail sales uses, is eligible for a temporary sign program to establish site specific temporary sign standards specifically for allowable area and duration of display. An application for a temporary sign program shall be reviewed and approved by the Community Development Director and may be incorporated into a master sign program pursuant to MEMC 10.72.060/A.72.060. The following performance standards shall apply:

a. Placement of signs shall be oriented toward a commercial street and away from residential homes.

b. The temporary sign program shall specify sign design guidelines and sign area allocations to be applied to the entire site.

c. The duration of sign display authorized in a temporary sign program shall not exceed a total of 120 days per calendar year.

d. Prohibited signs or devices shall be consistent with those provided in subsection E of Section 10.72.070/A.72.070, including but not limited to signs placed on public property and large inflatable tethered objects.

9. Appeals. Decisions of the Community Development Director may be appealed to the Planning Commission in accordance with Chapter 10.100.

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Section 10.72.030/A.72.030 in the definition of "temporary sign" is amended as follows:

**10.72.030/A.72.030 Definitions**

Temporary Sign: any sign of a temporary nature not permitted as a permanent sign or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a temporary period.

Section 10.72.050 (Permitted Signs) of Title 10 of the Manhattan Beach Municipal Code and Section A.72.050 of the Implementation Program of the Local Coastal Program is amended by replacing subsection A in its entirety to clarify and expand existing regulations as follows:

**10.72.050 /A.72.050 Permitted Signs.**

**Permitted Signs - Additional Regulations**

A. ~~One temporary sign permit per tenant space per calendar year may be issued as follows:~~ Temporary Signs. The purpose of this section is to provide opportunity for businesses to advertise temporary special events including grand openings, sales, and seasonal promotions, while minimizing the potential for adverse visual and aesthetic impacts by regulating the duration, amount, and type of signs allowed. Temporary signs are allowed in addition to permanent signs, upon the issuance of a temporary sign permit, and subject to the following requirements:

1. Application. An application for a temporary sign shall be made to the Community Development Department a minimum of 10 days prior to installation. An application includes a temporary sign fee and a performance bond to guarantee removal at the termination of the permit, and a time schedule for the duration of all proposed temporary signs.
2. The life of a permit shall not exceed 90 days in one calendar year. Permitted Signs. Temporary signs shall include banners, posters, pennants, small party balloons, ribbons, or lettering and graphics painted on windows.
3. Allowable Area. During a single calendar year, each tenant space may apply for one or more temporary signs for a total cumulative sign area not to exceed 1 square foot per linear foot of leased "tenant frontage" of a building as defined in Section 10.72.030/A.72.030 of the Sign Ordinance. For buildings with less than a 20-foot tenant frontage, a maximum of 20 square feet of sign area shall be permitted. In any case, the maximum cumulative area shall be 60 square feet. The maximum area of a single temporary sign shall not exceed 45 square feet.

For tenants occupying corner-leasable spaces, a maximum of two tenant frontages may be used to determine the maximum allowed sign area. The total amount of sign area displayed on each tenant frontage shall be proportional to the linear feet of each frontage.

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