

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
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(362) 590-5071



April 25, 2001

RECORD PACKET COPY**MEMORANDUM****ITEM M10b****TO:** Commissioners and Interested Persons**FROM:** Peter Douglas, Executive Director
Deborah Lee, Deputy Director
Pam Emerson, Los Angeles County Area Supervisor
Charles Posner, Staff Analyst**SUBJECT:** Concurrence with the Executive Director's determination that the action of the City of Manhattan Beach accepting certification with suggested modifications of LCP Amendment No. 2-00 is legally adequate. (For Commission review at its May 7, 2001 meeting in Santa Cruz.)**STAFF RECOMMENDATION**

Staff recommends that the Commission concur with the Executive Director's determination that the City's action is legally adequate.

BACKGROUND

On July 18, 2000, the City of Manhattan Beach submitted a request to amend its certified Local Coastal Program (LCP). The proposed LCP amendment, submitted as Parts A and B, affects only the Implementing Ordinances (LIP) portion of the certified LCP.

Part B of LCP Amendment No. 2-00, contained in City Council Ordinance No. 2014, updates the certified LIP standards that regulate residential condominium construction and conversion. On November 14, 2000, the Commission approved Part B of LCP Amendment No. 2-00 as submitted by the City. Therefore, Part B of LCP Amendment No. 2-00 is already effectively certified for implementation in the City's coastal zone.

On November 14, 2000, the Commission also approved Part A of LCP Amendment No. 2-00 with suggested modifications. Part A of LCP Amendment No. 2-00, contained in City Council Ordinance No. 2013, amends the zoning ordinance provisions that allow the City to grant exceptions to the requirements of the Sign Code. The definition of "sign" is also expanded. The Commission approved Part A of the LCP amendment with a suggested modification to add Section A.72.080.D to the Sign Exception Ordinance in order to limit the approval of Sign Exceptions in the coastal zone. Section A.72.080.D of the Sign Exception Ordinance would allow Sign Exceptions in the coastal zone only if there are no adverse impacts on public recreation, coastal access, and visual resources.

On April 3, 2001, the Manhattan Beach City Council unanimously adopted Resolution No. 5658 and Ordinance No. 2027 incorporating into the LCP the modifications suggested by the Commission pursuant to its approval of LCP Amendment No. 2-00 (See Attachment). On April

25, 2001, the City submitted Resolution No. 5658 and Ordinance No. 2027 to the Executive Director for a determination that the City has incorporated the Commission's suggested modifications into the LCP consistent with the Commission's action on November 14, 2000.

As provided in Section 13544 of the California Code of Regulations, the Executive Director must determine whether the City's action is legally adequate and report that determination to the Commission. In this case, the Executive Director has determined that the City's action is legally adequate. Unless the Commission objects to the Executive Director's determination, the certification of Amendment No. 2-00 to the City of Manhattan Beach LCP shall become effective upon the filing of the required notice of certification with the Secretary of Resources as provided in Public Resources Code Section 21080.5(d)(2)(V).

End/cp

RESOLUTION NO. 5658

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING AN AMENDMENT TO THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM (LCP) - IMPLEMENTATION PROGRAM PERTAINING TO FINAL CERTIFICATION OF MANHATTAN BEACH LCP AMENDMENT NO. 2-00

The City Council of the City of Manhattan Beach conducted a public hearing, pursuant to applicable law, on March 20, 2001, to consider proposed amendments to the City of Manhattan Beach Local Coastal Program (LCP) - Implementation Program; and,

The City Council conducted a public hearing and approved the proposed amendments on March 20, 2001; and,

The City Council adopted Ordinance No. 2027 on April 3, 2001; and,

The proposed amendment was submitted to the California Coastal Commission on July 19, 2000 pursuant to the provisions of Section 30514 of the California Coastal Act; and,

The California Coastal Commission conducted a public hearing on the proposed amendment at their regular meeting of November 14, 2000 and approved the amendment subject to recommended modifications; and,

The City was given a 6-month time frame within which to adopt these recommended modifications for inclusion in the City's certified Local Coastal Program. Ordinance 2022 was adopted for this purpose, however, a portion of the Coastal Commission's modifications were inadvertently omitted from said ordinance; and,

The City Council conducted a duly noticed public hearing on March 20, 2001 to correct the previously made in adopting the Coastal Commission recommended modifications; and,

An Initial Study was prepared for this project consistent with the provisions of the California Environmental Quality Act (CEQA), and the City of Manhattan Beach CEQA guidelines, finding no significant environmental impacts associated with the project; and,

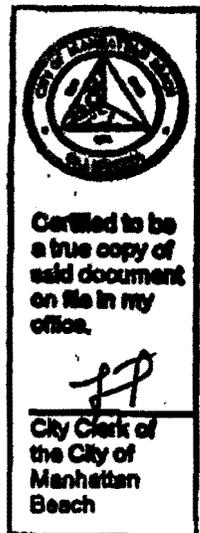
Based upon the Initial Study, and the finding of no significant environmental impact, a Negative Declaration has been prepared in accordance with CEQA, and the City of Manhattan Beach CEQA guidelines; and,

The subject amendments are consistent with all applicable procedures and policies of the California Coastal Act of 1976, as amended, and the City of Manhattan Beach Local Coastal Program.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, FIND, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council does hereby make the following findings:

1. The proposal involves modifications to Ordinance No. 2013, adopted by the City Council on May 16, 2000.
2. The modifications were suggested by the California Coastal Commission at their regular meeting of November 14, 2000.
3. Pursuant to the City's adoption of these modifications the California Coastal Commission approved Manhattan Beach Local Coastal Program Amendment No. 2-00.



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4. The City Council certifies that the subject amendments will be implemented in a manner fully in conformity with the California Coastal Act of 1972, as amended, and the City of Manhattan Beach Local Coastal Program.

SECTION 2. Pursuant to Government Code Section 66007 and Code of Civil Procedure Section 1094.8, 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 1094.8.

SECTION 3. This resolution shall take effect immediately. The City Clerk shall make this resolution readily 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 thereafter the same shall be in full force and effect.

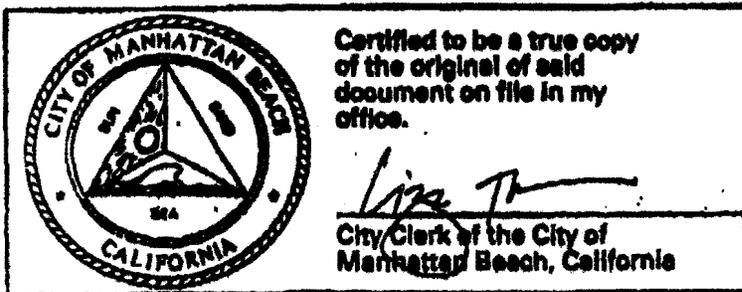
PASSED, APPROVED AND ADOPTED this 3rd day of April, 2001.

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

/s/ Walt Dougher
Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Lisa Tamira
City Clerk



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ORDINANCE NO. 2027

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AN AMENDMENT TO SECTIONS A.72.030 AND A.72.080 OF THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM - IMPLEMENTATION PROGRAM PERTAINING TO FINAL CERTIFICATION OF MANHATTAN BEACH LCP AMENDMENT NO. 2-00.

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

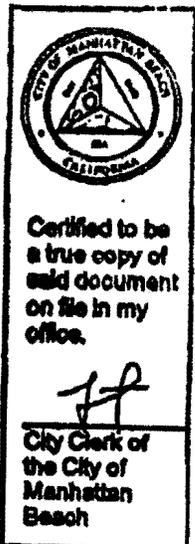
SECTION 1. The City Council hereby makes the following findings:

- A. The City Council of the City of Manhattan Beach adopted Ordinance No. 2013 on May 16, 2000, amending various sections of the Implementation Program of the City of Manhattan Beach Local Coastal Program (LCP).
- B. On July 13, 2000 the City's Local Coastal Program amendment, was submitted to the California Coastal Commission pursuant to the provisions of Section 30814 of the California Coastal Act.
- C. On November 14, 2000 the California Coastal Commission conducted a public hearing on the City's requested Local Coastal Program amendment and approved the amendment subject to recommended modifications.
- D. The City was given a 6-month time frame within which to adopt these recommended modifications for inclusion in the City's certified Local Coastal Program. Ordinance 2022 was adopted for this purpose, however, a portion of the Coastal Commission's modifications were inadvertently omitted from said ordinance.
- E. On March 20, 2001, the City Council conducted a public hearing to consider incorporating the recommended modifications into the proposed Local Coastal Program amendment.
- F. An Initial Study was prepared for this project consistent with the provisions of the California Environmental Quality Act (CEQA), and the City of Manhattan Beach CEQA guidelines, finding no significant environmental impacts associated with the project.
- G. Based upon the Initial Study, and the finding of no significant environmental impact, a Negative Declaration has been prepared in accordance with CEQA, and the City of Manhattan Beach CEQA guidelines.

SECTION 2. The City Council of the City of Manhattan Beach, California, hereby amends Title A, "Zoning" of the City of Manhattan Beach Local Coastal Program - Implementation Program, 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



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Director is appealable to the Planning Commission consistent with Section A.01.070 (D).

Section 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; 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.

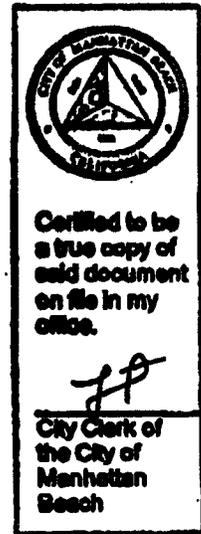
In granting any such exception, the Planning Commission may impose reasonable conditions or restrictions as deemed appropriate or necessary to ensure compliance with subsections A through D above, and to protect the public health, safety, and general welfare.

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 65008.

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.



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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.

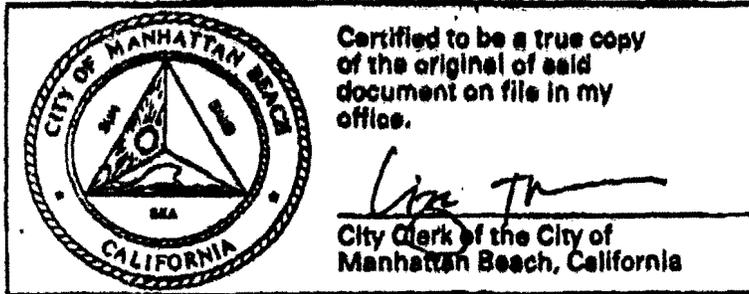
PASSED, APPROVED AND ADOPTED this 2nd day of April, 2001.

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

/s/ Walt Dougher
Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Lisa Tamura
City Clerk



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