

CALIFORNIA COASTAL COMMISSION

South Coast Area Office
200 Oceangate, Suite 1000
Long Beach, CA 90802-4302
(562) 590-5071

F8a

April 23, 2015

TO: Commissioners and Interested Persons

FROM: John Ainsworth, Senior Deputy Director
Teresa Henry, South Coast District Manager
Charles Posner, Coastal Program Analyst

RE: 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. 1-13 (LCP-5-MNB-13-0214-1) is legally adequate. For Commission review at its May 15, 2015 meeting in Santa Barbara.

On August 8, 2013, the City of Manhattan Beach submitted Local Coastal Program (LCP) Amendment Request No. 1-13 for Commission certification. The LCP amendment request was submitted to the Commission's South Coast District office with City Council Resolution No. 13-0045 and City Council Ordinance No. 13-0012. The LCP amendment amends the Implementing Ordinances (LIP) portion of the certified LCP in order to implement changes adopted as part of the City's 2013 Housing Element Update (e.g., residential use class definitions, affordable and senior housing incentives, standards for emergency shelters and transitional housing, and reasonable accommodation).

On March 12, 2014, the Commission approved LCP Amendment No. 1-13 with suggested modifications. The suggested modifications directed the City Council to clarify that the changes and incentives adopted as part of the City's 2013 Housing Element Update will be implemented in a manner consistent with the land use policies and zoning ordinance provisions set forth in the certified LCP. On September 4, 2014, the City requested that the Commission extend the six-month time period granted to the City to adopt the Commission's suggested modifications. On March 17, 2015, the Manhattan Beach City Council unanimously adopted Resolution No. 15-0010 and Ordinance No. 15-0002, incorporating into the LCP the modifications suggested by the Commission pursuant to its approval of LCP Amendment No. 1-13. The City has submitted the modifications to the Executive Director for a determination that they are consistent with the Commission's March 12, 2014 action (see attachment).

Pursuant to Section 13544 of the California Code of Regulations, Title 14, Division 5.5, the Executive Director must determine that the action taken by the City of Manhattan Beach acknowledging receipt and acceptance of and agreement with the Commission's certification of the above-referenced LCP amendment with suggested modifications 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 a majority of the Commissioners present object to the Executive Director's determination, the certification of City of Manhattan Beach LCP Amendment No. 1-13 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)(E).

STAFF RECOMMENDATION

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

RESOLUTION NO. 15-0010

A RESOLUTION OF THE MANHATTAN BEACH CITY COUNCIL AUTHORIZING SUBMISSION OF ORDINANCE NO. 15-0002 TO THE CALIFORNIA COASTAL COMMISSION TO INCORPORATE MODIFICATIONS FROM THE CALIFORNIA COASTAL COMMISSION TO IMPLEMENT 2008-2014 HOUSING ELEMENT PROGRAMS, GOALS, AND POLICIES

THE MANHATTAN BEACH CITY COUNCIL RESOLVES AND FINDS AS FOLLOWS:

SECTION 1. The City Council conducted a public hearing pursuant to applicable law on March 4, 2015 to consider modifications from the California Coastal Commission to the proposed amendments to the City of Manhattan Beach Local Coastal Program (LCP). At the March 17, 2015 regular meeting, the City Council adopted Ordinance No. 15-0002.

SECTION 2. Pursuant to the California Environmental Quality Act (CEQA) and the City of Manhattan Beach CEQA Guidelines, a Negative Declaration was prepared and adopted by the City Council on January 15, 2013, for the 2008-2014 Housing Element. The Negative Declaration evaluated the potential environmental impacts of the Housing Element and its implementation programs, which includes the proposed Local Coastal Program amendments, and concluded that no significant impacts would occur. Based on the initial study, the previously adopted Negative Declaration, and the record before the City Council, the City Council hereby finds that there have been no substantial changes to the project or the environment that would require the preparation of a subsequent negative declaration or a supplement to the previously adopted Negative Declaration because the modifications requested by the Coastal Commission merely implement the Housing Element and will not introduce significant environmental effects or substantially increase the severity of effects previously identified and analyzed in the adopted Negative Declaration. Furthermore, there are no changed circumstances or new information, which was not known at the time the Negative Declaration was adopted that would require the preparation of a subsequent Negative Declaration or major revisions to the previously adopted Negative Declaration pursuant to CEQA Guidelines Section 15162. Therefore, the original Negative Declaration represents the independent judgment of the City and there is no substantial evidence that the approval of the project may have any significant environmental impact. Copies of the documents are available for public review and inspection in the City's Community Development Department, City Hall, located at 1400 Highland Avenue, Manhattan Beach, California 90266.

SECTION 3. The City Council certifies that the subject amendment will be implemented in a manner fully in conformity with the California Coastal Act of 1976, as amended, and the City of Manhattan Beach Local Coastal Program.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution.

SECTION 5. The City Council hereby directs the City Manager or his designee to submit the LCP amendment memorialized in Ordinance No. 15-0002 to the California Coastal Commission for certification in conformance with state law.

PASSED, APPROVED AND ADOPTED this 17th day of March, 2015.

AYES: Howorth, Lesser, D'Errico, Burton and Mayor Powell
NOES: None.
ABSENT: None.
ABSTAIN: None.

WAYNE POWELL
Mayor of the City of Manhattan Beach, California

ATTEST:

LIZA TAMURA
City Clerk



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

City Clerk of the City of Manhattan Beach, California

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LCP 1-13

EXHIBIT # 1
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ORDINANCE NO. 15-0002


**AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
AMENDING THE MANHATTAN BEACH LOCAL COASTAL
PROGRAM TO INCORPORATE MODIFICATIONS FROM THE
CALIFORNIA COASTAL COMMISSION TO IMPLEMENT 2008-
2014 HOUSING ELEMENT PROGRAMS, GOALS, AND
POLICIES**

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

SECTION 1. CEQA Findings. Pursuant to the California Environmental Quality Act (CEQA) and the City of Manhattan Beach CEQA Guidelines, a Negative Declaration was prepared and adopted by the City Council on January 15, 2013, for the 2008-2014 Housing Element. The Negative Declaration evaluated the potential environmental impacts of the Housing Element and its implementation programs, which includes the proposed Local Coastal Program amendments, and concluded that no significant impacts would occur. Based on the initial study, the previously adopted Negative Declaration, and the record before the City Council, the City Council hereby finds that there have been no substantial changes to the project or the environment that would require the preparation of a subsequent negative declaration or a supplement to the previously adopted Negative Declaration because the modifications requested by the Coastal Commission merely implement the Housing Element and will not introduce significant environmental effects or substantially increase the severity of effects previously identified and analyzed in the adopted Negative Declaration. Furthermore, there are no changed circumstances or new information, which was not known at the time the Negative Declaration was adopted that would require the preparation of a subsequent Negative Declaration or major revisions to the previously adopted Negative Declaration pursuant to CEQA Guidelines Section 15162. Therefore, the original Negative Declaration represents the independent judgment of the City and there is no substantial evidence that the approval of the project may have any significant environmental impact. Copies of the documents are available for public review and inspection in the City's Community Development Department, City Hall, located at 1400 Highland Avenue, Manhattan Beach, California 90266.

SECTION 2. History. On February 4, 2013, the California Department of Housing and Community Development (HCD) issued a letter stating that the City's adopted Housing Element is in full compliance with State law. The City was then required to adopt new Zoning Code and Local Coastal Program (LCP) Code Amendments in order to implement the adopted Housing Element programs, goals, and policies. On July 2, 2013 the City Council adopted Ordinance No. ORD 13-0012 approving the LCP Code Amendments, the Zoning Code regulations in the coastal area, to implement the new Housing Element. City Staff then transmitted the LCP Code Amendments to the California Coastal Commission (CCC), which at its March 12, 2014 meeting approved LCP Code Amendment No. 1-13 with modifications. The CCC modifications require an amendment to Ordinance No. ORD 13-0012 and City Council review and approval. The LCP Code amendments will not be effective until the City Council adopts the CCC's modifications and the CCC Executive Director certifies that the City has complied with their March 12, 2014 action. These modifications include amending provisions for: 1) Reasonable Accommodation for disabled persons; 2) the Affordable Housing Density Bonus and Incentive Program; 3) Affordable Housing Density Bonus and Incentive Program Findings, and 4) Parking and Loading Regulations for Affordable Housing Development. The proposed LCP code amendments apply only in the City's coastal zone, as the City maintains two separate zoning codes: one that applies in the Coastal Zone (Title A), and another for the remainder of the City (Title 10).

SECTION 3. The City Council hereby amends Section A.85.050(D) ("Reasonable Accommodation Required Findings") of the Manhattan Beach Local Coastal Program by adding the following text highlighted in bold, with all other provisions of Chapter A.85 to remain unchanged:


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

[Signature]
City Clerk
the City of
Manhattan
Beach, California

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"Chapter A.85 Reasonable Accommodation - Required Findings
Section A.85.050 Required Findings.

D. The requested accommodation will not require a fundamental alteration in the nature of the City's zoning ordinance or the certified Local Coastal Program. A request for reasonable accommodation under this section may be approved if it is consistent with the certified Local Coastal Program, or if it may be approved and the City may make accommodations with an alternative reasonable provision of the Local Coastal Program if the City finds both of the following: (1) The requested reasonable accommodation is consistent with the program's intent, including with the certified Local Coastal Program; and (2) there are no feasible alternative means for providing an accommodation of the program that would be more consistent with the certified Local Coastal Program."

The City Council hereby amends Section A.94.010(A) ("Affordable Housing Density Bonus and Incentive Program") of the Manhattan Beach Local Coastal Program by adding the following text highlighted in bold with all other provisions of Chapter A.94 to remain unchanged:

"Chapter A.94 Affordable Housing Density Bonus and Incentive Program
Section A.94.010 General Affordable Housing Provisions.

A. State Law Governs. The provisions of this chapter shall be governed by the requirements of Government Code Section 65915, as that statute is amended from time-to-time. Where conflict occurs between the provisions of this chapter and State law, the State law provisions shall govern, unless otherwise specified. **The intent of the following regulations is to ensure that, to the maximum extent feasible, the requirements of Government Code Section 65915 are implemented in a manner consistent with the land use policies and zoning ordinance provisions set forth in the certified Local Coastal Program."**

SECTION 4. The City Council hereby amends Section A.94.040(B) ("Affordable Housing Density Bonus and Incentive Program - Findings") of the Manhattan Beach Local Coastal Program by adding the following text highlighted in bold, with all remaining provisions of Chapter A.94 to remain unchanged:

"C. Chapter A.94 Affordable Housing Density Bonus and Incentive Program - Findings
Section A.94.040.B Proposal of Incentives and Findings.


B. Proposal of Incentives and Findings. An applicant may propose specific incentives or concessions that would contribute significantly to the economic feasibility of providing affordable units pursuant to this chapter and State law. In addition to any increase in density to which an applicant is entitled, the City shall grant one or more incentives or concessions that an applicant requests, up to the maximum number of incentives and concessions required pursuant to subsection A, unless the City makes a written finding that either:

4. The concession or incentive would be inconsistent with the provisions of the Local Coastal Program to the extent that the concession or incentive would adversely impact coastal access, public recreation, community character, any other sensitive coastal resource, or any other resource governed by Chapter 3 of the Coastal Act."

SECTION 5. The City Council hereby amends Section A.64.240 ("Parking and Loading Regulations for Affordable Housing Development") of the Manhattan Beach Local Coastal Program by adding the following text highlighted in bold, with all other provisions of Chapter A.64 to remain unchanged:

"D. Section A.64.240 Parking and Loading Regulations for Affordable Housing Development

When requested by the applicant, multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter A.94 shall provide off-street parking according to the following formula:


Certified to be a true copy of said document on file in my office.
JH
City Clerk
City of Manhattan Beach, California

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<u>Unit Size</u>	<u>Parking Spaces</u>
Studio or 1-bedroom	One space Two spaces
2 or 3 bedrooms	Two spaces
4 or more bedrooms	Two and one-half spaces

The number of required parking shall be inclusive of guest parking. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number."

SECTION 6. 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 adopted 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.

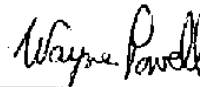
SECTION 7. The City Council hereby directs staff to submit this LCP amendment to the California Coastal Commission for certification, in conformance with the submittal requirements specified in the California Code of Regulations, Title 14, Division 5.5., Chapter 8, Subchapter 2. The LCP amendment approved in this ordinance shall become effective only upon certification by the California Coastal Commission.

SECTION 8. Any provisions of the Manhattan Beach Local Coastal Program, or appendices thereto, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed.

SECTION 9. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code.

PASSED, APPROVED AND ADOPTED this 17th day of March, 2015.

AYES: Howorth, Lesser, D'Errico, Burton and Mayor Powell
 NOES: None.
 ABSENT: None.
 ABSTAIN: None.



WAYNE POWELL
 Mayor of the City of Manhattan Beach,
 California

ATTEST:



LIZA TAMURA
 City Clerk



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



City Clerk of the City of
 Manhattan Beach, California

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