

**CALIFORNIA COASTAL COMMISSION**

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January 21, 2021

# Th12a

**TO:** Commissioners and Interested Persons

**FROM:** Steve Hudson, Deputy Director  
Eric Stevens, District Supervisor  
Mandy Revell, Staff Analyst

**SUBJECT:** Minor Amendment Request No. LCP-5-MNB-19-0156-1 to the City of Manhattan Beach certified Local Coastal Program (LCP), for Commission Action at its February 10-12, 2021 virtual meeting.

## **LOCAL COASTAL PROGRAM AMENDMENT NO. LCP-5-MNB-19-0156-1 (MINOR)**

The City of Manhattan Beach is requesting that the Commission certify an amendment to the implementing ordinances portion of the Manhattan Beach certified Local Coastal Program (LCP). The LCP amendment would amend Section A.16.020 of the Implementation Plan (IP) to regulate ground floor uses in the CD Downtown Commercial zone and require Use Permits for banks, catering services, communication facilities, veterinary services and optometrists; and retail uses proposed to contain more than 1,600 sq. ft. of sales floor area.

Amendment request LCP-5-MNB-19-0156-1 was deemed complete on January 06, 2020. Pursuant to Section 30512, 30513 and 30514 of the Coastal Act, an LIP amendment must be scheduled for a public hearing and the Commission must take action within sixty working days of the complete submittal, which was April 2, 2020. Accordingly, the Commission would have been required to act on the LIP amendment at the March 2020 hearing. However a one year time extension was approved by the Commission at its February 12, 2020 hearing pursuant to Coastal Act Section 30517 and Section 135359(c) of the Coastal Commission Regulations. Therefore, the deadline for the Commission to act on this LIP amendment is April 2, 2021.

Local Coastal Program Amendment Request No. LCP-5-MNB-19-0156-1 affects only the City's zoning code, which is part of the implementing ordinances portion of the certified LCP, and does not propose any rezoning or land use changes. The Manhattan Beach City Council held a public hearing for the zoning code changes on October 16,

2018, and passed City Council Resolution No. RES-18-0184 authorizing City staff to submit the LCP amendment to the Coastal Commission. After laying over the zoning code ordinance to the next regular meeting of the City Council for final reading, as is City procedure, the City Council adopted Ordinance No. ORD-18-0023 on November 6, 2018 ([Exhibit 1](#)).

The Executive Director has determined that City of Manhattan Beach LCP-5-MNB-19-0156-1 is a minor LCP amendment. The LCP amendment has been determined to be a “minor” LCP amendment because the proposed regulations are consistent with the certified Land Use Plan (LUP), would make the City’s development regulations more specific, and would not change the kind, location, intensity or density of any uses. The City’s resolution and proposed changes to the implementing ordinances are attached as [Exhibit 2](#).

After the Great Recession of 2008 forced many local businesses to close, ground floor uses in the CD Downtown Commercial Zone in Manhattan Beach became developed with a disproportionate number of banks, savings and loans and real estate offices, which displaced visitor-serving uses, such as retail shops and restaurants. To provide the City with more discretion in regulating the types of uses occupying the ground floor units in the CD Downtown Commercial zone, the City adopted Ordinance No. ORD-18-0023 amending LCP Section A.16.020 to modify use classifications requiring Use Permits<sup>1</sup> for certain types of development that were originally permitted by right, as a means of encouraging more visitor-serving and community-oriented businesses.

### **Animal Hospitals**

First, the ordinance adds land use regulation L-25, which differentiates between Animal Hospitals as defined in A.08.050 (that require a Use Permit) and Veterinary Services, which are defined in the ordinance as “medical treatment for small animals” and are permitted by right on the ground floor “provided the proposed facilities are entirely enclosed, soundproofed, and air-conditioned. Overnight boarding is allowed only if associated with the on-site veterinary services”. This portion of the amendment only refines the definitions to make a distinction between Animal Hospitals (which require a use permit) and Veterinary Services (which are permitted by right on the ground floor), and will not change the kind, location, or intensity or density of the uses.

### **Banks and Savings & Loans**

The ordinance also adds Land Use regulation L-26, which states that Banks and Savings and Loans are permitted by right above the ground floor and on the ground

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<sup>1</sup> Use Permits are required for use classifications typically having unusual site development features or operating characteristics requiring special consideration so that they may be designed, located, and operated compatibly with uses on adjoining properties and in the surrounding area. They require a public hearing, and the process usually takes between 3 and 6 months.

floor if it exclusively fronts an alley subject to the Community Development Director's approval. Other locations require a Use Permit such as ground floor space adjacent to pedestrian areas. This portion of the amendment allows the City the discretion to approve such uses through a Use Permit, and will not change the kind, location, or intensity or density of any uses.

### **Communication Facilities**

The ordinance also adds regulation L-27 permitting Communications facilities to occupy units above the ground floor. Communications facilities are defined by Section A.08.050 as "broadcasting, recording, and other communication services accomplished through electronic or telephonic mechanisms, but excluding utilities (major). This classification includes radio, television, or recording studios; telephone switching centers; and telegraph offices." As such, this land use designation describes an outdated use that is no longer utilized. Thus, it will also not change the kind, location, or intensity of density of any uses.

### **Offices, Business and Professional**

The ordinance adds regulation L-28, which allows optometrists offices as a permitted use in ground floor spaces adjacent to sidewalks and other pedestrian areas provided the Community Development Director finds the optometrist has a substantial retail component. Optometrist offices are also permitted by right above the ground floor.

### **Retail Sales**

To refine the regulations regulating retail in the CD Downtown Commercial zone, L-29 is added to require a use permit for "the establishment of any retail use proposed to contain more than 1,600 square feet of sales floor area. L-29 defines "sales floor area" as the total area of a tenant space, measured from the inside walls, excluding rooms or areas that are permanently inaccessible to the public, including but not limited to storage rooms, offices associated with the retain tenant, mechanical rooms, bathrooms, and common areas shared with other tenants in the building".

### **Procedures**

Pursuant to Section 30514(c) of the Coastal Act and Section 13554(a) of Title 14 of the California Code of Regulations, the Executive Director has determined that the proposed LCP amendment is "minor" in nature. Section 13554(a) 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, including protection of community character, which is a fundamental objective of the City's LCP. Additionally, these additions to the land use regulations provide more specifics and additional clarity regarding some of the uses, but would not change the kind, location, intensity, or density of any uses.

In conclusion, LCP Amendment Request No. LCP-5-MNB-19-0156-1 is a minor amendment to the certified IP for Manhattan Beach. In addition, the proposed changes are consistent with the City of Manhattan Beach certified LUP, which sets forth the following policies:

***POLICY 11.1: Control development within the Manhattan Beach coastal zone.***

***POLICY 11.A.3.: Encourage the maintenance of commercial area orientation to the pedestrian.***

The proposed amendment does not raise issues regarding the coastal resource or public access policies of the City's certified LUP. Therefore, the Commission Executive Director finds that Amendment Request No. LCP-5-MNB-19-0156-1, as submitted, does not raise any LUP consistency issues and does not change the kind, location, intensity, or density of use of land.

### **Procedures**

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When the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing. Proposed amendments that are designated as minor amendments by the executive director with concurrence by the Commission shall take effect on the tenth working day after Commission concurrence. The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its February 10-12, 2021 virtual meeting. For any questions or additional information regarding the proposed amendment or the process under which it is being certified, please contact Mandy Revell at the South Coast District Office in Long Beach.