CALIFORNIA COASTAL COMMISSION
SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CA 90802
(562) 590-5071

F14a

Date: October 22, 2026

To: Commissioners and Interested Persons

From: Steve Hudson, Deputy Director
Shannon Vaughn, District Manager
Mandy Revell, District Supervisor
Riley Christie, Coastal Program Analyst

Subject: Major Amendment Request No. LCP-5-MNB-25-0028-1 to the City of Manhattan Beach certified Local Coastal Program for Commission Action at the November 6, 2026, meeting.

SUMMARY OF LCP AMENDMENT REQUEST NO. LCP-5-MNB-25-0028-1

The City of Manhattan Beach (City) requests that the Commission certify an amendment to the City's certified Local Coastal Program (LCP) that incorporates programs consistent with state housing law, including establishing objective standards for streamlining affordable housing review, lot consolidation and density bonus incentives, and streamlining housing projects in commercial districts. The subject amendment request would revise the Implementation Plan (IP) in accordance with State housing laws and the City's 6th Cycle Housing Element. The proposed amendment would modify existing chapters of the City's zoning Code related to residential districts (Chapter A.12), commercial districts (Chapter A.16), use permits, variances, minor exceptions (Chapter A.84), affordable density bonus (Chapter A.94), and costal development procedures (Chapter A.96). Local Coastal Program Amendment Request No. LCP-5-MNB-25-0028-1 affects only the City's zoning code, which is part of the implementing ordinances portion of the certified LCP.

The City of Manhattan Beach submitted LCP Amendment Request No. LCP-5-MNB-25-0028-1 on June 16, 2025, via Manhattan Beach City Council Resolution No. 25-0028, which was the City's first Major LCP amendment submittal for that year.

Local Coastal Program Amendment Request No. LCP-5-MNB-25-0028-1 affects only the City's zoning code, which is part of the implementing ordinances portion of the certified LCP. The subject amendment request results in the implementation of four

programs in accordance with State Housing laws and the City's 6th Cycle Housing Element with zone text amendments in the IP. The proposed changes include:

1) amending Chapter A.12 (Residential Districts) to clarify that Precise Development Plans (PDPs) will be processed administratively to streamline density bonus projects;
2) revising Chapter A.16 (Commercial Districts) to allow multi-family and mixed-use residential development as permitted uses within the Local Commercial (CL), Downtown Commercial (CD), and North End Commercial (CNE) zoning districts; establishing objective design standards for multi-family and mixed-use projects in alignment with recent changes to state housing law and adding five-percent density bonus for lot consolidations on applicable parcels in the coastal zone;
3) amending Chapter A.84 (Use Permits, Variances, Minor Exceptions, Precise Development Plans and Site Development Permits) to clarify the purpose of PDPs and ensure consistency with state density bonus requirements;
4) updating Chapter A.94 (Affordable Housing Density Bonus and Incentive Program) to align with State Density Bonus Law (DBL) and provide clearer guidance on the permitting process for density bonus applications; and
5) amending Chapter A.96 (Coastal Development Permit Procedures) to waive public hearings for minor development, consistent with state housing law.

The above-mentioned IP revisions are intended to streamline review of applicable multi-family residential and mixed-use development within the City of Manhattan Beach and ensure compliance with state housing laws.

SUMMARY OF STAFF RECOMMENDATION

The City has prepared and submitted draft language to implement proposed changes to the IP portions of the City's certified LCP, which are summarized above. Both the City and the Commission aim to support affordable housing opportunities that serve diverse communities while ensuring continued protection of coastal resources, including public access and visitor-serving uses, consistent with the Coastal Act. The primary intent of the proposed amendment is to bring the certified LCP into conformance with state housing law by establishing application procedures, review processes, and objective development standards for qualifying affordable housing projects. The amendment also expands the City's affordable housing programs, projects, and incentives consistent with the state's density bonus law and the City's 6th Cycle Housing Element. The City's Housing Element commits to implementing a range of housing-related programs including affordable housing streamlining, density bonuses, lot consolidation incentives, multi-family residential development standards for permit streamlining, and streamlining housing projects in mixed-use (CL, CD, CNE) commercial districts. The proposed LCP amendment ensures the effective implementation of the aforementioned housing programs, projects, and incentives within the coastal zone while also protecting coastal resources as required by the Coastal Act and certified LUP.

Under the proposed amendment, multi-family residential uses would be permitted as an

allowable use on commercial sites regardless of underlying land use designations or density limits, subject to applicable development standards and coastal resource protections. Since several sites are currently designated for commercial, visitor-serving commercial, or marine-related uses, the amendment raises questions regarding consistency with the Coastal Act priorities and certified LUP policies that protect visitor-serving uses, public access, recreation, and coastal resources.

Additionally, density bonus and incentive provisions have the potential to impact coastal resources and public access where incentives include a reduction in development standards or other requirements in a manner inconsistent with the resource protection policies of the LUP. Past Commission actions, in general, have found that the allowance for density bonuses can be an effective tool to provide for affordable housing when such housing can be accommodated in a manner otherwise consistent with the resource protection policies of the Coastal Act or a local government's certified LCP (see Coastal Act Section 30604(f)-(g)). However, reductions in development standards that directly affect public access can result in adverse impacts on coastal resources and access opportunities and remain inconsistent with the City's certified LUP policies.

Therefore, Commission Staff are suggesting modifications to ensure that affordable housing projects utilizing density bonuses and lot consolidations for multi-family and mixed-use development remain consistent with the coastal resource protection policies of the certified LUP and the Coastal Act. Staff also suggest additional revisions to safeguard priority uses (such as visitor-serving commercial uses), protect public access (including parking mitigation measures), strengthen objective development standards, and ensure an adequate duration of affordability. Further, Commission Staff recommend clarifying that projects subject to new housing programs and incentives—particularly density bonus projects subject to streamlined, non-discretionary administrative review through a Precise Development Plan—shall still obtain a Coastal Development Permit to ensure projects are consistent with the certified LCP. Additional modifications are proposed to address potential public access impacts related to reduced parking requirements associated with density bonus and affordable housing projects.

Commission staff recommends that the Commission, after public hearing, **deny** the City's proposed LCP Amendment No. LCP-5-MNB-25-0028-1 as submitted, and **certify** the proposed amendment only **if modified pursuant to 29 suggested modifications**, many of which are primarily necessary for clarification and/or accurate references. The suggested modifications are necessary to ensure that the IP conforms with, and is adequate to carry out, the provisions of the certified LUP.

As modified, the amendment ensures that multi-family and mixed-use development within commercial districts that are subject to permit streamlining procedures will still protect coastal resources, including water quality, visual resources, and public access. Additionally, projects subject to incentives, waivers or concessions will also still be consistent with the City's certified LCP and Coastal Act. The subject amendment will retain existing or planned visitor-serving, marine-related or public serving uses on parcels where residential development will also be allowed; will establish additional

mitigation measures to ensure that spill-over parking from density bonus projects does not impact public access within the coastal zone; and will ensure that affordability of rental units built pursuant to state Density Bonus Law (DBL) is retained for the life of the development.

Pursuant to the City's request, the ADU chapter was withdrawn from consideration under the subject LCP amendment, since additional revisions were required based on feedback from the California Department of Housing and Community Development (HCD). The City the ADU chapter from this submittal but resubmitted it this past July and staff will bring this chapter to the Commission for certification at a later date.

For the reasons described in this report, staff recommends that the Commission, after public hearing, reject the proposed IP amendment as submitted and certify the amendment with suggested modifications, which can be found in Section III of this staff report. The suggested modifications were developed in cooperation with City staff, who have indicated that they are supportive of the modifications. The motions and resolutions to accomplish this are found on **pages 8-9** of this staff report.

ADDITIONAL INFORMATION

Copies of this staff report are available on the Commission's website at www.coastal.ca.gov. For additional information, contact Riley Christie in the South Coast District Office at Riley.Christie@coastal.ca.gov or (562) 590-5071.

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I. PROCEDURAL REQUIREMENTS

A. STANDARD OF REVIEW

The City's Implementation Plan (IP) was certified in 1994, at which time the City assumed authority to issue coastal development permits. The IP component of the City of Manhattan Beach's certified Local Coastal Program (LCP) consists of more than 20 certified chapters, with one chapter related to Accessory Dwelling Units currently pending Commission certification after the City Council unanimously recommended adoption of the ordinance on April 1, 2025. Title 10 of the City's Municipal Code serves as the City's Zoning Code.

Pursuant to Coastal Act sections 30513 and 30514(b), the standard of review for amendments to the certified IP is the certified LUP. More specifically, the certified IP as amended must conform with, and be adequate to carry out, the provisions of the certified LUP, so the Commission can only deny an IP amendment if it would result in an IP that would not meet that standard.

B. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act states:

> During the preparation, approval, certification, and amendment of any local coastal program, the public, as well as all affected government agencies, including special districts, shall be provided maximum opportunities to participate. Prior to submission of a local coastal program for approval, local governments shall hold a public hearing or hearings on that portion of the program which has not yet been subjected to public hearing within four years of such submission.

Coastal Act Section 30503 thus requires local governments to provide adequate opportunities for public participation during the LCP amendment process.

The City Council adopted the Local Coastal Program Amendment (LCPA) at issue, which the City designated as File No. 25-0136 to amend portions of Title 10 of the Manhattan Beach Municipal Code (MBMC) and the City's Local Coastal Program. The proposed changes are reflected in Ordinance No. 25-0004 (**Exhibit 1**) and were submitted for Coastal Commission action via City Council Resolution No. 25-0028 (**Exhibit 2**).

On January 22, 2025, a public hearing was scheduled before the Planning Commission; however, the item was continued to the Planning Commission meeting on February 26, 2025, to further analyze procedural and implementation requirements in light of new state law that went into effect on January 1, 2025. On February 26, 2025, the Planning Commission unanimously recommended that the City Council adopt an ordinance amending the IP proposed by City staff.

Prior to the City Council meeting scheduled for March 18, 2025, the City received one (1)

eComment via their website in opposition to the ordinance. The comment was concerning the allowance of low-income/ density development and height allowances. The item was continued to a City Council Meeting on April 1, 2025.

In advance of the April 1 meeting, the City received more than 100 emails from members of the public requesting that the item be postponed until after the town hall meeting, scheduled for April 9, 2025. Additional correspondence submitted to the City included concerns about proposed development along Sepulveda Boulevard, specifically related to increased density, building height, parking, air quality, and noise impacts on nearby residences. It is important to note that concerns regarding development along Sepulveda Boulevard pertain to the City's Residential Overlay District (ROD), which does not include parcels within the coastal zone. During the April 1, 2025, City Council meeting, several members of the public spoke in opposition to the ordinance, citing issues such as lack of transparency, insufficient public notice, concerns about building height associated with high-density development along Sepulveda Blvd., and recent changes to state housing laws. The City Council adopted Ordinance No. 25-0004 and Resolution No. 25-0028 on April 1, 2025.

These local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

C. Procedural Requirements

If the Commission certifies the LCP amendment as submitted, no further City Council action will be necessary, and the amendment takes effect. Should the Commission deny the LCP Amendment, as submitted, without suggested modifications, no further action is required by either the Commission or the City, and the LCP amendment is not effective, pursuant to Sections 13537(d) and 13542(f) of Title 14 of the California Code of Regulations (CCR). Should the Commission deny the LCP Amendment as submitted, but then approve it with suggested modifications, then the City Council may consider accepting the suggested modifications and submitting them by resolution to the Executive Director for a determination that the City's acceptance is consistent with the Commission's action. In that scenario, pursuant to 14 CCR Section 13544(c), the modified LCP Amendment will become final at a subsequent Commission meeting if the Executive Director reports that the City's action in accepting the Commission's suggested modifications is legally adequate. If the City does not accept the suggested modifications within six months of the Commission's action, then the LCP amendment remains uncertified and not effective within the coastal zone. (14 CCR § 13542(b).)

D. Deadline for Commission Action

The City submitted the LCP Amendment request on June 16, 2025. After a request for additional information, the amendment request was deemed by staff to be complete on September 23, 2025. The 90th working day after September 23, 2025, was December 22, 2025. The Commission granted a one-year extension at its November 2025 meeting. As such, the last date for Commission action on this item is December 19, 2026. (See Pub. Res. Code § 30511(a).)

II. MOTIONS AND RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce each resolution and a staff recommendation is provided

A. DENY IP AMENDMENT AS SUBMITTED

MOTION I: I move that the Commission reject Implementation Plan Amendment No. LCP-5-MNB-25-0028-1 for the City of Manhattan Beach as submitted.

STAFF RECOMMENDATION OF REJECTION

Staff recommends a **YES** vote. Passage of this motion will result in rejection of the Implementation Plan Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO DENY CERTIFICATION OF THE IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

The Commission hereby denies certification of the IP Amendment submitted for the City of Manhattan Beach and adopts the findings set forth below on grounds that the IP Amendment as submitted does not conform with, and is inadequate to carry out, the provisions of the certified Land Use Plan, as amended. Certification of the IP Amendment would not meet the requirements of the California Environmental Quality Act as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the Implementation Plan as submitted.

B. APPROVE IP AMENDMENT WITH SUGGESTED MODIFICATIONS

MOTION II: I move that the Commission certify Implementation Plan Amendment No. LCP-5-MNB-25-0028-1 if modified as suggested by staff.

STAFF RECOMMENDATION

Staff recommends a **YES** vote. Passage of this motion will result in certification of the Implementation Plan amendment with suggested modifications and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY THE IMPLEMENTATION PLAN AMENDMENT WITH SUGGESTED MODIFICATIONS

The Commission hereby certifies the IP Amendment for the City of Manhattan Beach if modified as suggested and adopts the findings set forth below on grounds that the IP, as

amended by the proposal with the suggested modifications, conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the IP Amendment if modified as suggested complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

III. SUGGESTED MODIFICATIONS

Certification of LCP Amendment No. LCP-5-MNB-25-0028-1, is subject to the following modifications:

The City's proposed new text is shown in underlined text.
The City's proposed deleted text is shown in ~~single strike-through~~.
The Commission's proposed new text is shown in **bold underline**.
The Commission's proposed deleted text is shown in ~~**bold strike-through**~~.

The staff recommends that the Commission certify the Local Coastal Plan Amendment only with the modifications to the IP as shown or described below.

IP Chapter A.12 (Residential Districts) Modifications

Suggested Modification 1. Section A.12.010 of the IP shall be modified as follows:

Note, this Chapter of the Local Coastal Program Implementation Plan reflects relevant California Government Code Sections from the date the Coastal Commission conditionally certifies LCP amendment LCP-5-MNB-25-0028-1.

Suggested Modification 2. Section A.12.020 of the IP shall be modified as follows:

LCP Consistency. A Coastal Development Permit pursuant to Section A.96 shall be processed concurrently for any development within the coastal zone.

Suggested Modification 3. Subsection (K)(1) of Section A.12.030 of the IP shall be modified as follows:

1. Properties zoned RM, RH and CL in Area Districts III and IV that are located within five hundred feet (500′) of the Local Commercial (CL) or Downtown Commercial (CD) Zones and developed with three (3) or more dwelling units, excluding those located on the Strand, subject to review and approval of a use permit in accordance with Chapter ~~**10**~~**A.**84.

Suggested Modification 4. Subsection (O) of Section A.12.030 of the IP shall be modified as follows:

O. Required Landscaping Adjoining Streets. At least twenty percent (20%) of all visible portions of a required front or corner side yard adjoining a street shall be a planting area. For additional site landscaping requirements, see Section ~~10~~**A.**60.070, Landscaping, Irrigation and Hydroseeding. Conformance with standards specified in Section ~~10~~**A.**60.070 may result in landscaping that exceeds the minimum requirements of this section.

Suggested Modification 5. Subsection (T) of Section A.12.030 of the IP shall be modified as follows:

T. Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter A.94 shall be granted a lot consolidation bonus incentive when two or more parcels are consolidated into a single building site**, for the purpose of allowing additional residential density,** according to the following formula:

Combined Parcel Size		Base Density Increase
~~**General**~~	~~**Site Inventory Parcels***~~	
Less than 0.50 acres		No increase
	~~**0.30 acres to 0.49 acres**~~	~~**5% increase**~~
0.50 acre~~**s**~~ to 0.99 acre~~**s**	5% increase	
1.00 acre or more	10% increase	

~~***Applicable to sites identified in Appendix E- Site Analysis and Inventory: Tables 8, 9, 10, and 15 of the certified 6th Cycle Housing Element.**~~

IP Chapter A.16 (Commercial Districts) Modifications

Suggested Modification 6. Section A.16.010 of the IP shall be modified as follows:

Note, this Chapter of the Local Coastal Program Implementation Plan reflects relevant California Government Code Sections from the date the Coastal Commission conditionally certifies LCP amendment LCP-5-MNB-25-0028-1.

Suggested Modification 7. Section A.16.020 of the IP shall be modified as follows:

LCP Consistency. A Coastal Development Permit pursuant to Section A.96 shall be processed concurrently for any development within the coastal zone.

Suggested Modification 8. The table with land use regulations for CL, CD, and CNE districts in Section A.16.020 of the IP shall be modified as follows:

	CL	CD	CNE	Additional Regulations
Residential				
Day Care, Small Family Home	P	U	L-11	
Day Care, Large Family Home	L-23	L-23	L-23	
Single-Family Residential	U	U	L-11	(I)(J)
Multi-Family Residential				(I)(J)(N) **(O)**
5 Units or Less	P	P	P	
6 Units or More	PDP/SDP	PDP/SDP	PDP/SDP	
Mixed-Use				(B)(M)**(O)**
Non-Residential Component	P/U	P/U	P/U	
Residential 5 or Less Units	P	P	P	
Residential 6 or More Units	PDP/SDP	PDP/SDP	PDP/SDP	

Suggested Modification 9. Subsection (O) of Section A.16.020 in the IP shall be modified as follows:

(O) Except for qualifying affordable housing projects that qualify for a density bonus in accordance with Chapter A.94, residential uses permitted under this section shall include a visitor-serving, marine-related, public-serving, or recreational use on the ground floor of the proposed development if the project will require the demolition or cessation of any existing commercial use or structure.

Suggested Modification 10. Section A.16.030 in the IP shall be modified as follows:

The following schedule prescribes development regulations for the CL, ~~**CC,**~~ ~~**CG,**~~ CD, and CNE districts. The first ~~**five (5)**~~ **three (3)** columns prescribe

basic requirements for permitted and conditional uses in each district**.** Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in the Zoning Ordinance.

CL, ~~**CC, CG,**~~ CD, and CNE DISTRICTS: DEVELOPMENT REGULATION						
	CL	~~CC~~	~~CG~~	CD	CNE	Additional Regulations
Residential Development						(A)(B)(V)**(AA)**
Minimum Lot Area (sq. ft.)	(Z)			2,700	2,700	(J)(L)
Maximum Lot Area (sq. ft.)	(Z)			7,000	7,000	(J)(L)
Minimum Lot Width	(Z)			30	30	
Minimum Setbacks						
Front (ft.)	5			5	5	(L)(M)
Side (percentage-ft.)	10%-3;			10%-	10%-	(W)(X)

	CL	~~CC~~	~~CG~~	CD	CNE	Additional Regulations
Mixed-Use Development						(A)(B)(P)(T)(V) **(AA)**

Suggested Modification 11. Subsection (N) of Section A.16.030 in the IP shall be modified as follows:

(N) See Chapter A.64: Off-Street parking and loading regulations. For a density bonus project, required parking spaces for residential units shall be provided in accordance with ~~**CA Government Code Section 65915**~~ **Section A.94.050**.

Suggested Modification 12. Add Subsection (R)(1) of Section A.16.030 in the IP, which shall be modified as follows:

(1) Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter A.94 shall be granted a lot consolidation bonus incentive when two or more parcels are consolidated into a single building site, for the purpose of allowing additional residential density, according to the following formula:

Combined Parcel Size		Base Density Increase
General	Site Inventory Parcels*	
Less than 0.50 acres	-	No increase
	0.30 acres to 0.49 acres	5% increase
0.50 acres to 0.99 acres		5% increase
1.00 acre or more		10% increase

***Applicable to sites within the coastal zone are identified below.**

APNs	Address	Zone
4179020012 4179020001 4179020013	Manhattan Ave./ Manhattan Beach Blvd.	CD
4175017007 4175017009	3514 Highland Ave. 3520 Highland Ave.	CNE-D5

Suggested Modification 13. Add Subsection (AA) to Section A.16.030 of the IP, which shall be modified as follows:

(AA) Consistency with All Objective Standards. In addition to the objective design standards established in Section A.12.030 and Section A.16.030, multi-family and mixed-use development projects that are mandated under state housing law to comply with all other applicable objective standards and policies shall therefore do so, and they shall further comply with all applicable objective policies and provisions of the Local Coastal Program per the certified Land Use Plan and Implementation Plan.

1) Conflicting Standards. If there is any conflict between the objective standards set forth in Chapter A.12 and Chapter A.16 and any existing City or State objective standards, the more restrictive objective standards shall apply.

2) Coastal Resource Protection. Where compliance with only the objective standards of this Local Coastal Program is required under state housing law for a proposed multi-family or mixed-use housing development project and where an applicable coastal resource protection policy or provision of this Local Coastal Program contains

objective and subjective components, only the objective portion(s) shall apply.

3) **Discretionary Review. For multi-family and mixed-use housing development projects in the coastal zone that are not strictly limited to the application of objective standards under state housing law, the City shall apply all Local Coastal Program policies in full, at least until such time that additional objective resource protection policies or provisions are developed in the future subject to the requirements of Section A.96.260.**

IP Chapter A.84 (Use Permits, Variances, Minor Exceptions) Modifications

Suggested Modification 14. Section A.84.010 of the IP shall be modified as follows:

LCP Consistency. A Coastal Development Permit pursuant to Section A.96 shall be processed concurrently for any development within the coastal zone.

Suggested Modification 15. Subsection (C) of Section A.84.060 of the IP shall be modified as follows:

C. For ~~Precise Development Plans and~~ Site Development Permits.

1. The proposed project is consistent with the General Plan ~~**and Local Coastal Program;**~~

2. The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including applicable physical development standards set forth in Chapter A.12 and Chapter A.16 **and other applicable provisions of the MBLCP**.

Suggested Modification 16. Add Subsection (A)(1) to Section A.84.065 of the IP as follows:

A. Development standards. The proposed project shall be reviewed in conformance with applicable objective development standards in Chapter A.12 and Chapter A.16.

(1) Consistency with All Objective Standards. In addition to the objective design standards established in Section A.12.030 and Section A.16.030, multi-family and mixed-use development projects that are mandated under state housing law to comply with all other applicable objective standards

and policies shall therefore do so, and they shall further comply with all applicable objective policies and provisions of the Local Coastal Program per the certified Land Use Plan and Implementation Plan.

a) Conflicting Standards. If there is any conflict between the objective standards set forth in Chapter A.12 and Chapter A.16 and any existing City or State objective standards, the more restrictive objective standards shall apply.

b) Coastal Resource Protection. Where compliance with only the objective standards of this Local Coastal Program is required under state housing law for a proposed multi-family or mixed-use housing development project and where an applicable coastal resource protection policy or provision of this Local Coastal Program contains objective and subjective components, only the objective portion(s) shall apply.

c) Discretionary Review. For multi-family and mixed-use housing development projects in the coastal zone that are not strictly limited to the application of objective standards under state housing law, the City shall apply all Local Coastal Program policies in full, at least until such time that additional objective coastal resource protection policies or provisions are developed in the future subject to the requirements of Section A.96.260.

Suggested Modification 17. Add Subsection (B) to Section A.84.065 of the IP as follows:

B. Permit requirements. The applicant shall agree to comply with the standard requirements for approval, as updated from time to time by the Community Development Director, that are publicly available at the time an application is submitted for the project.
   1. The standard requirements may include, but are not limited to,
      i. Acknowledgement to provide the required number of affordable housing units that shall be available to tenants or owners who meet the eligible income threshold for the required duration of time;
      ii. An indemnification clause to indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers,

employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, actions and so forth concerning the proposed project;
~~**iii. All units in the proposed project shall be subject to Section 4.88.020; and,**~~
~~iv.~~ **iii.** An affordable housing agreement per Section ~~**10.94.060.F**~~ **A.94.060.G** shall be recorded as a covenant on the title of the project site.

~~**D.**~~**C.** Coastal Development Permit. Projects in the coastal zone shall be subject to a Coastal Development Permit pursuant to Section A.96.260.

IP Chapter A.94 (Affordable Housing Density) Modifications

Suggested Modification 18.A Subsection (A) of Section A.94.010 of the IP shall be modified as follows:

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. Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under Government Code Section 65915 et. seq., shall be permitted in a manner that is consistent with that section and, if applicable, the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). **This is carried out through provisions of this Chapter that require compliance with Section 65915 while ensuring that projects do not cause significant adverse coastal resource impacts.** All applicable state ~~–~~ and federal laws, including Health and Safety Code Section 17929, shall apply, as may be amended, to the extent that such amendments are not inconsistent with applicable MBLCP requirements.

Suggested Modification 18.B Subsection (D) of Section A.94.010 of the IP shall be modified as follows:

D. Affordable Housing Agreement. An Affordable Housing Agreement shall be made a condition of the planning permits for all projects granted a density bonus, pursuant to this Chapter. ~~The~~ Prior to recordation of a map**,** or the issuance of any ~~permit~~ Certificate of Occupancy by the Building and Safety Division for any portion of the project other than demolition, whichever comes

first, the agreement shall be recorded as a restriction on the parcel or parcels**, CC&Rs, lease contracts, purchase agreement for individual units, and/or other regulatory agreements** ~~on which~~ that are the subject of the ~~affordable~~ housing ~~units will be constructed~~ development application. The Agreement shall be consistent with Section ~~**A.94.050**D~~ **A.94.060.G** ~~., Affordable Housing Agreement Required~~.

Suggested Modification 19. Subsection (F) of Section A.94.010 of the IP shall be modified as follows:

F. Effect of Granting Density Bonus. The granting of a density bonus or any other benefits pursuant to this chapter shall not, in and of itself, be interpreted to require a general plan amendment, **MBLCP amendment,** zoning change, or other discretionary approval.

Suggested Modification 20. Subsection (A) of Section A.94.020 of the IP shall be modified as follows:

A. ~~Density Bonus. Pursuant to~~ For housing development qualifying pursuant to the requirements of Government Code Section 65915, the City shall grant a density bonus in ~~the following amounts over the otherwise allowable maximum residential density permitted by this Chapter and the General Plan, and at least 1 or more of the Affordable Housing Incentives, as set forth in Section A.94.040 ("Affordable Housing Concessions and Incentives"), if the applicant agrees or proposes to construct any one of the following:~~ an amount specified by Government Code Section 65915**~~, as that section may be amended from time to time~~ unless the City makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 of the Coastal Act (commencing with Public Resources Code Section 30200) or the certified local coastal program.**

Suggested Modification 21. Subsection (A) of Section A.94.040 of the IP shall be modified as follows:

~~A.~~ Number of Incentives or Concessions. ~~In addition to~~ The City shall grant the applicant the number of incentives and concessions required by Government Code Section 65915 and~~. The City shall~~ grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the relevant written findings stated in Government Code Section 65915(d) **or Section A.94.045(C)(5) below**.

Suggested Modification 22. Subsection (C) of Section A.94.045 of the IP shall be modified as follows:

C. The City shall approve a waiver or reduction **(or concession or incentive, per A.94.040(A))** of a development standard, unless it finds ~~**that**~~ **one or more of the following**:

1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; ~~**or**~~

4. The waiver or reduction of the development standard would be contrary to state or federal law**; or**

5. The waiver or reduction **(or concession or incentive, per A.94.040(A))** would result in **a** ~~**n**~~ **significant** adverse impact to a coastal resource**, including but not limited to impacts to sensitive habitat, wetlands, public viewsheds, public access and recreation, and open space. To make such a finding, an analysis of coastal resource impacts associated with the density bonus project and any alternatives shall be provided. If a finding is made that the waiver or reduction of development standards, or requested concession or incentive, would result in significant adverse impacts to coastal resources or public access and recreation, and the project could not be modified to avoid those impacts or such impacts could not be adequately mitigated by imposing reasonable conditions of approval, then the City shall deny the waiver, reduction of development standards, or concession or incentives.**

Suggested Modification 23. Section A.94.050 of the IP shall be modified as follows:

The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with Government Code Section 65915(p), as that section may be amended from time to time**, and in a manner that does not result in adverse impacts to public access and is consistent with the**

MBLCP.

If such reduction or elimination of parking requirements would result in potential adverse impacts to public access, the City is required to identify and require mitigation measures, including by imposing project-specific conditions, that ensure adverse impacts to public access are avoided to the maximum extent feasible. Mitigation measures shall include measures to address automobile traffic, as well as enhancement of pedestrian, bicycle, and public transit operations. Automobile traffic mitigation measures shall minimize vehicle miles traveled and shall not impede or degrade pedestrian or bicycle access or public transit operations.

Suggested Modification 24. Subsection (B)(iii) of Section A.94.060 of the IP shall be modified as follows:

B. Permit requirements. The applicant shall agree to comply with the standard requirements for approval, as updated from time to time by the Community Development Director, that are publicly available at the time an application is submitted for the project.
   1. The standard requirements may include, but are not limited to,
      i. Acknowledgement to provide the required number of affordable housing units that shall be available to tenants or owners who meet the eligible income threshold for the required duration of time;
      ii. An indemnification clause to indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, actions and so forth concerning the proposed project;
      ~~iii. **All units in the proposed project shall be subject to Section 4.88.020; and,**~~
      ~~iv.~~ **iii.** An affordable housing agreement per Section ~~**10.94.060.F**~~ **A.94.060.G** shall be recorded as a covenant on the title of the project site.

Suggested Modification 25. Subsection (E) and (F) of Section A.94.060 of the IP shall be modified as follows:

E. Duration of Affordability of Rental Units. All ~~lower income and very low income~~ rental affordable ~~**housing**~~ units shall be kept affordable ~~**for a minimum period of 30 55 years, or a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, consistent with State law**~~

~~or state or federal law~~ **through a recorded restrictive covenant that ensures the continued affordability of all very low-, low-, and moderate-income rental units for the life of the housing development, unless a different duration is required by a publicly funded construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. However, the affordability term shall be for a minimum period of 55 years.**

~~C. Definition of Affordability. Those units targeted for lower income households as defined in Section A.94.020 ("State Affordable Housing Density Bonus"), shall be affordable at a rent that does not exceed 30% of 60% of the area median income. Units targeted for very low income households shall be affordable at a rent that does not exceed 30% of 50% of area median income. Units targeted for moderate income households shall be affordable at a rent that does not exceed 35% of 110% of area median income. Median income levels shall be the income limits for Los Angeles County households as provided for in Section A.94.010.E ("Median Income Levels").~~

F. Duration of Affordability of For-Sale Units. All for-sale affordable housing units shall be made available in accordance with the requirements of Government Code Section 65915**, or a longer period of time if required by programs or state or federal law.**

Suggested Modification 26. Subsection (A) of Section A.94.070 of the IP shall be modified as follows:

A. An applicant for a tentative subdivision map, parcel map, or other residential development approval that donates land to the City and meets all of the eligibility criteria in Government Code Section 65915(g) shall be entitled to the density bonus identified in Government Code Section 65915(g)**, unless the City makes written findings that the bonus would have impacts as described in Section A.94.045(C)(5).**

IP Chapter A.96 (Coastal Development Permit Procedures) Modifications

Suggested Modification 27. Subsection (A)(1) of Section A.96.050 of the IP shall be modified as follows:

A. Improvements to Existing Single-Family Residences. Improvements to single-family dwellings and mobilehomes including structures normally associated with a single-family residence such as garages, swimming pools, fences, storage sheds and landscaping are exempt unless classified as one of the following:

1. Guest houses and self-contained second residential units, **except that development consisting of accessory dwelling units that are contained within or directly attached to a primary residence are**

exempt from a Coastal Development Permit unless any of the following in subparts (2) through (7), below, apply.

Suggested Modification 28. Section A.96.170 of the IP shall be modified as follows:

A Coastal Development Permit shall expire on the latest expiration date applicable to any other permit or approval required for the project, including any extension granted for other permits or approvals. Should the project not require City permits or approvals other than a Coastal Development Permit, the Coastal Development Permit shall expire 1 year from its date of approval if the project has not been commenced during that time. The approving authority may grant a reasonable extension of time for due cause. Said time extension shall be requested in writing by the applicant or authorized agent prior to expiration of the one-year period.

Notwithstanding the above, a Coastal Development Permit for an "affordable housing project", shall expire 5 years from the date the project receives "final approval" if the project has not commenced construction during that time. The terms "affordable housing project" and "final approval" shall have the same definition as those included in Government Code Section 65589.5(o)(2)(D).

Suggested Modification 29. Subsection (F) of Section A.96.260 of the IP shall be modified as follows:

F. An action taken by the initial Approving Authority for an application that is required to be processed ministerially per state law, including but not limited to, California Government Code Sections 65913.4, 66310 – 66342, shall be treated as a Minor Development for purposes of this section **if it also meets the criteria in subsection (A)**.

Where compliance with only the objective standards of this Local Coastal Program is required under state housing law for a proposed multi-family or mixed-use housing development project and where an applicable coastal resource protection policy or provision of this Local Coastal Program contains objective and subjective components, only the objective portion(s) shall apply.

Within three years of the date the Coastal Commission conditionally certifies LCP amendment LCP-5-MNB-25-0028-1, the City will apply for a Local Coastal Program amendment to incorporate coastal resource protection and hazard minimization development standards that are objective standards to ensure that qualifying projects subject to only the objective standards of this Local Coastal Program under state housing laws, and any other category of housing projects that the city wishes these

standards to apply to, are consistent with the Coastal Act. The Local Coastal Program amendment to incorporate such standards shall be developed in coordination with Coastal Commission staff.

IV. FINDINGS FOR DENIAL AS SUBMITTED AND CERTIFICATION OF THE LCP AMENDMENT (LUP/IP) IF MODIFIED AS SUGGESTED

The following findings support the Commission's denial of the proposed Implementation Plan (IP) Amendment as submitted and approval of the IP Amendment if modified as suggested in Section III (Suggested Modifications) above. The Commission hereby finds and declares as follows:

A. LCP AMENDMENT DESCRIPTION AND BACKGROUND

The City of Manhattan Beach requests that the Commission certify an amendment to the City's certified Local Coastal Program (LCP). The subject amendment request would revise the certified Implementation Plan (IP) in accordance with State housing laws and the City's 6th Cycle Housing Element[1], which was adopted by Manhattan Beach City Council on September 23, 2022.

The proposed IP amendment would amend existing chapters of the zoning code, adding new programs related to multi-family residential development standards and streamlining in the mixed-use (CL, CD, and CNE) Commercial Districts, lot consolidation incentives, streamlined affordable housing projects, and density bonus. The above-mentioned IP revisions are intended to streamline residential and mixed-use development within the City of Manhattan Beach for conformance with the LUP and state housing laws, and to avoid potential revocation of a certified Housing Element (**Appendix B**).

At the City's request, Commission staff have removed the City's proposed, new Accessory Dwelling Unit (ADU) chapter from the submittal. The City modified its original ADU chapter that it had submitted and has resubmitted a new version to the Commission under a separate amendment (LCP-5-MNB-26-0037-1). The City completed coordination with the California Department of Housing and Community Development (HCD) to implement HCD-certified ADU provisions on August 19, 2025. The City's ADU chapter is not part of the City's certified LCP but will be brought to the Commission at a later date.

Commission and City staff have coordinated and met to discuss the proposed amendment. As stated, the suggested modifications were developed in cooperation with City staff, and City staff have indicated that they are supportive of the suggested modifications. The full text of the City's proposed changes to the IP are included as **Appendix B** in this report.

More specifically, the proposed IP amendment would do the following:

[1] See Manhattan Beach's Housing Element here.

Streamlining Residential Development Using Objective Standards
There are various state housing laws that require qualifying housing projects be subject only to established objective design standards, including but not limited to, the Streamlined Ministerial Approval Process (SB 423; Government Code Section 65913.4 (**Exhibit 6**)). Objective design standards are typically measurable and demonstrable and use language such as "shall" and "must." Subjective design guidelines are typically open to interpretation and not measurable and use words such as "should" or "may." The intent of objective design standards is to provide specific, knowable standards that will make clear to developers, design professionals, applicants, city staff, decision-makers, and the public what will be used in the review of project submittals. Therefore, to comply with state law, the City proposes changes to Chapter A.12 and A.16 that establish "objective" design standards for qualifying multi-family and mixed-use housing projects where state housing law explicitly restricts City review of such projects to objective standards (e.g., height limitations, setbacks, criteria such as site layout, architectural elements, and landscaping) and the laws do not have clauses saying that nothing in them supersedes the Coastal Act (e.g., state ADU law, Govt Code Section 66329). This is what is intended by the suggested modifications which state that only objective standards (and not discretionary standards) will be required when "compliance with only the objective standards of this Local Coastal Program is required under state housing law for a proposed multi-family or mixed-use housing development project."

The amendment specifies objective and/or numeric standards for planning topics, including required lot dimensions, height, minimum setbacks, landscaping, outdoor facilities, fences, and walls, and similar design issues for multi-family and mixed-use residential structures. Projects that fully utilize objective design standards would be eligible for administrative review through the City's Precise Development Plan (PDP) process and not subject to a public hearing. Note, these objective design standards would not apply to single-family residences, accessory dwelling units (ADUs), or commercial and industrial projects without residential components.

To further streamline processing for qualifying affordable housing projects, applicable Coastal Development Permits would be processed as Minor Developments under MBLCP Section A.96.260. This change carries out Public Resources Code Section 30624.9, which allows a local government to determine a project is "minor development" as long as it is consistent with the certified LCP, requires no discretionary approvals other than a Coastal Development Permit (CDP), and has no adverse impact individually or cumulatively on coastal resources or public access. The amendment supplements existing SDP findings with objective development standards applicable to PDPs. This change clarifies the intent and decision-making authority associated with PDP review and refines the parameters of discretionary authority for decision-makers.

Housing Opportunities in Commercially Zoned Districts
Each Housing Element must identify adequate sites with realistic development capacity to meet the jurisdiction's Regional Housing Needs Allocation (RHNA) for the applicable

planning period. As amended through Senate Bill 423, Government Code Section 65913.4 creates a streamlined ministerial approval process for eligible affordable housing development projects located in jurisdictions (such as Manhattan Beach) that have not adopted a housing element that has been found in substantial compliance with housing element law, or that have not yet made sufficient progress towards their portion of the regional housing needs allocation. (Gov. Code § 65913.4(a)(4)(A)). This law applies to eligible sites in the coastal zone. Through the City's 6th Cycle Housing Element, the City has identified 18 sites within the coastal zone on commercially zoned parcels that are appropriate for residential uses. These parcels are intended to allow multi-family residential use in addition to existing allowable uses, while maintaining consistency with the Coastal Act and the certified LCP.

To facilitate development on these sites, this amendment proposes to modify Chapter A.84 of the zoning code to establish a streamlined, administrative review process for qualifying multi-family and mixed-use projects. This includes removing discretionary review for Precise Development Plans (PDPs) and converting the PDP process into a ministerial approval pathway. The amendment also clarifies the distinction between PDPs for qualifying affordable housing projects with six or more units, and Specific Plan Districts (SPDs) for market-rate projects. Due to the new permitting process, the City is proposing to eliminate Use Permit requirements for multi-family residential and mixed-use development in CL, CD, and CNE Zones. However, commercial portions of mixed-use development will still require a Use Permit.

Density Bonuses
To further support the feasibility of affordable housing on commercially zoned parcels, the proposed amendment expands density bonus opportunities through the City's lot consolidation program. Five parcels identified in the City's Housing Element are eligible for this program, which provides up to a five percent (5%) increase in base density when two or more qualifying parcels (as defined in Chapter A.16) are consolidated into a single development site. Eligible projects may also receive incentives such as reduced building setbacks, parking, and open-space requirements, along with refunds of building permit and planning application fees pursuant to Chapter A.94. The objective of this amendment is to create an additional density bonus tool for qualifying commercially zoned sites.

To ensure consistency with current State requirements, the proposed amendment updates Chapter A.94 by establishing a new application procedure and vesting approval authority with the Community Development Director, whose decision would be final and not subject to appeal. These revisions ensure the City remains compliant with state DBL and supports housing opportunities within commercially zoned districts.

The Commission and the City are tasked with encouraging affordable, diverse housing while ensuring that coastal resources and public access are protected. The intent of the proposed amendment is to make the certified LCP consistent with state law by clarifying and expanding provisions for mixed-use and affordable housing projects by removing

subjective development standards for qualifying projects.

B. CONSISTENCY ANALYSIS

As analyzed by Commission staff, the proposed IP amendment, if modified as suggested, would do the following and would thus ensure that the IP is in conformance with and adequate to carry out the provisions of the certified LUP:

Coastal Resource Protection

The policies set forth within the City of Manhattan Beach's LCP protect important coastal resources such as public access policies, visual resources, water quality, marine resource protection, and coastal hazards. The City of Manhattan Beach is located within an urban center of Los Angeles County and has limited lands designated and zoned for natural resources uses. Policies applicable to this amendment include the following:

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

Policy I.A.2: The City shall encourage, maintain, and implement safe and efficient traffic flow patterns to permit sufficient beach and parking access.

Policy I.A.4: The City shall maintain the use of commercial alleys as secondary pedestrian accessways.

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.A.8: The City shall maintain visible signage to El Porto accessways and beach parking along Highland Avenue.

Coastal Locating and Planning New Development
Policy II.1: Control Development within the Manhattan Beach Coastal Zone.

Visual Resources
Policy II.A.2: Preserve the predominant existing commercial building scale of one and two stories, by limiting any future development to a 2-story maximum, with a 30' height limitation as required by Sections A.04.030, A.16.030, and A.60.050 of Chapter 2 of the Implementation Plan.

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

Policy II.B.2: Maintain residential building bulk control established by development standards in Chapter 2 of the Implementation Plan.

Policy II.B.3: Maintain coastal zone residential height limit not to exceed 30' as required by Sections A.04.030 and A.60.050 of Chapter 2 of the Implementation Plan.

Water Quality
Policy III.3: The City should continue to maintain and enforce the City ordinances that prohibit unlawful discharges of pollutants into the sewer system or into the tidelands and ocean. (Title 5, Chapter 5, Article 2; Chapter 8).

Policy III.4: The City should continue to maintain and enforce the City ordinances that prohibit disposal of oils or refuse in the ocean or on beaches. (Title 12, Chapter 6).

Policy III.5: The City should continue to maintain and enforce the City ordinance prohibiting the discharge of sewage or industrial waste on or upon any tidelands or submerged lands or into the waters of the Pacific Ocean within the corporate limits of the City and establishing standards for the effluent of treated sewage and the effluent of industrial waste which may be discharged on or upon said tidelands or submerged lands or into the waters of the ocean. (Ordinance 756, Sections 1 through 10).

Coastal Hazards
Policy IV.C.1: Avoid coastal hazard risks and minimize resource impacts when making redevelopment decisions. New development shall do all of the following:

- Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in a way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.
- Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.

Local governments in the coastal zone are required to comply with both the Coastal Act and other state housing laws, to the extent they do not conflict with Coastal Act requirements.

Density Bonuses

The subject amendment incorporates programs from the City's 6th Cycle Housing Element consistent with state density bonus law and affordable housing review streamlining. The primary concerns regarding density bonus requests are the potential for increased density, incentives, and concessions to adversely affect coastal resources. For example, coastal resource concerns can occur when granting increased density, incentives, concessions, waivers, or reductions would permit a structure that impacts public views, water quality, or public access to and along the coast.

The proposed amendment would facilitate construction of projects with increased density, in compliance with state housing law, but would have allowed projects that, in some cases, could have had adverse coastal resources impacts. To address this, the suggested modifications allow a project seeking a density bonus to not be consistent with all applicable standards of the certified LCP, so long as those standards are not needed to protect coastal resources or public access at a particular site. Rather, the suggested modifications clarify that projects subject to density bonus law must conform with the coastal resource protection development regulations contained in specific LCP provisions in order to ensure there are not significant adverse coastal resource impacts. For example, this will allow an applicant for a density bonus project to request waivers from setback requirements contained in the IP, so long as the setbacks are not necessary to maintain important coastal views or provide necessary protections for coastal resource impacts.

Thus, **Suggested Modifications 18.A, 20, 22, and 23** ensure that all impacts are identified and that a proposed density bonus project will not significantly adversely affect coastal resources by requiring the approving entity make certain findings of consistency with the LCP. **Suggested Modification 22** also requires that an applicant provide an analysis of feasible project alternatives upon requesting a waiver or reduction (or concession or incentive) to ensure that the approving entity can explore the feasibility of a density bonus project that would be fully consistent with the LCP. In addition, **Suggested Modifications 21 and 26** incorporate references to the project alternatives analysis added to Section A.94.045 through **Suggested Modification 22**.

Further, while qualifying affordable housing projects may be eligible for incentives, waivers, or parking reductions similar to Government Code Section 65915(p), these reductions can have lasting impacts on coastal resources if the affordability covenant for the project expires after the minimum 55-year term required under state housing law. At that point, the project could retain parking reductions and other concessions even though it no longer provides affordable housing, thereby perpetuating potential coastal access impacts for the lifetime of the development. This outcome would conflict with LUP public access policies, including Policy I.A.2, which encourages the maintenance and implementation of safe and efficient traffic flow patterns for sufficient beach and parking access.

To avoid this outcome and ensure maximum protection of coastal resources,

Suggested Modification 25 requires that affordability of rental units be maintained for the life of the development unless a different duration is explicitly required by a publicly funded construction or mortgage financing program. By ensuring that the concessions or waivers of standards, such as those in Policy I.A.2 among other LUP policies, are allowed only so long as the units remain affordable, than any incentives, concessions, or waivers granted on the basis of affordability will remain appropriately tied to the project's continued provision of affordable units. Similarly, **Suggested Modification 18B** requires an affordable housing agreement to be recorded prior to the issuance of building permits and specifies that the agreement shall be incorporated into the subject CC&Rs, lease contracts, and purchase agreements for individual units. Together, these modifications ensure consistency with the Coastal Act while supporting the production of affordable housing and ensuring that associated development incentives are provided. Thus, as modified, the amendment would not result in long-term or unmitigated impacts to coastal resources and public access.

Coastal Act Section 30604(f)-(g) encourages the development of affordable housing for low- to moderate-income households and directs permitting agencies to consider such applications in this context. Further, the reviewing agency must allow the density requested by an applicant unless they make specific findings that it cannot feasibly be accommodated on the site in a manner consistent with Chapter 3 of the Coastal Act or the applicable LCP. Accordingly, **Suggested Modification 20** mirrors Section 30604(f) and allows the City to reduce the density bonus if substantial evidence indicates a density bonus proposed under Government Code Section 65915 cannot feasibly be accommodated consistent with the City's LCP and Chapter 3 of the Coastal Act. The proposed language in the above-mentioned suggested modifications is not intended to place limitations on projects that propose higher density and more affordable housing; rather, it ensures coastal resource protection by applying adequate mitigation for potential coastal resource impacts.

Objective Standards

Pursuant to state housing law, the proposed amendment will also incorporate streamlined permit processing (ministerial review) for qualifying housing projects throughout the coastal zone. As of January 1, 2025, state housing laws have created a streamlined ministerial approval process for eligible affordable housing development projects located in jurisdictions that have not met their housing element targets related to regional housing needs or that have not adopted a compliant housing element. Further, Government Code Section 65913.4(t)(2) requires a public agency with coastal development permitting authority to approve a CDP for a qualifying streamlined housing project if it determines that the development is consistent with all objective standards of the local government's certified LCP.

However, the Commission is concerned about the use of only objective standards for multi-family and mixed-use housing projects located within the coastal zone, as the policies and provisions set forth in the LUP and IP contain both subjective and objective standards. While an objective analysis may require multi-family housing projects to

comply with a certain setback or maximum height standard, this minimum setback or maximum height alone may not adequately protect public views as is currently required by the LUP. Furthermore, several IP provisions contain both objective and subjective components, and it's unclear whether those provisions, or at least the objective portions of them, would apply to such projects in situations where only objective standards may be imposed.

To comply with state mandates, the City proposes to update Chapters A.12 and A.16 to establish "objective" design standards for multi-family and mixed-use housing projects. Although the City is adding new "objective" *design* standards as part of this subject amendment, it is not proposing corresponding objective standards for coastal resource protection or hazard minimization. Without such standards, qualifying projects subject only to objective review under state housing law may not fully comply with Coastal Act requirements. For example, Policy IV.C.1 of the City's certified LCP requires new development to minimize risks to life and property in areas of high geologic, flood, fire hazard, and assure stability and structural integrity. This is not an objective standard. However, this policy could be translated into objective standards by, for example. mapping and identifying hazardous areas where certain standards apply – e.g., requirements that applicants acknowledge that development in these areas may be subject to hazards, and requiring specific design, siting, elevation, setback, and other objective requirements to minimize risks.

It will take time for the City to coordinate with CCC staff and develop objective LCP standards that are adequate to protect coastal resources. In order to adequately protect coastal resources, as required by the certified LUP, the suggested modifications do two things. First, to plan for the future, **Suggested Modification 29** requires the City to update its LCP, in coordination with Coastal Commission staff, to incorporate additional objective coastal resource protection standards within three years to bring the IP in closer alignment with the LUP. **Suggested Modification 29** also requires that the City's subsequent amendment incorporates such standards that shall be developed in coordination with Coastal Commission staff.

Second, in the interim, **Suggested Modifications 13 and 16** clarify that, for qualifying projects subject only to objective standards, the City must analyze consistency with the applicable, objective portions of the certified LCP policies, including but not limited to public access, protection of visual resources, and water quality. The above-mentioned modifications will incorporate similar language into Chapters A.16 and A.84, and they distinguish between the standard of review for housing projects that, under state housing law, are limited to objective standards, as opposed to housing projects for which all LCP policies apply. The City could also apply objective standards to the latter type of housing projects after development and certification of objective coastal resource policies and standards as required in **Suggested Modification 29**. **Suggested Modification 15** will ensure objective standards set forth in Chapter A.12 and Chapter A.16 comply with other applicable provisions of the MBLCP.

As proposed, the City's language mainly relies upon external references to various Government Code Sections that could be subject to revision or replacement with future updates to state housing laws. Without a clear reference date, it can be uncertain whether the IP is intended to incorporate those state laws as they existed at the time of Commission certification or as they may be amended afterward. To ensure consistency with the Coastal Act and the certified LUP, **Suggested Modifications 1 and 6** clarify that the state housing laws referenced in Chapters A.12 and A.16 were reviewed and incorporated based on the versions in effect on the date of the Commission's conditional certification. This clarification ensures that City, Commission staff, and the public apply the correct and legally operative version of state law when processing housing projects and CDP applications. It further ensures that any future amendments to state housing statutes do not automatically alter implementation of the certified LCP. Where LCP provisions would directly conflict with the new Government Code provisions or require refinement to be consistent with the new laws, those LCP provisions should be updated to be consistent with state housing laws to the greatest extent feasible.

The amendment ensures that the LCP and other state housing laws are harmonized and will work together to encourage the City to approve an increase in density for affordable housing when such housing can be consistent with the resource protection policies of the certified LCP. Thus, the Commission finds that the IP amendment, if modified as suggested, will conform with and be adequate to carry out the coastal resource protection policies of the City's certified LUP.

Public Access

The following are the relevant Manhattan Beach LUP Policies related to public access and visitor-serving uses:

> **Commercial Development**
> **Policy I.A.6:** The Marine Street and Highland Avenue commercial node shall not be permitted to expand into residentially zoned areas and shall provide on-site parking consistent with the requirements of Section A.64 of Chapter 2 of the Implementation Plan.
>
> **Policy II.A.3**: Encourage the maintenance of commercial area orientation to the pedestrian.
>
> **Policy II.A.4**: Discourage commercial lot consolidations of greater than two standard city lots.
>
> **Policy II.A.7:** Permit mixed residential/commercial uses on available, suitable commercial sites.
>
> **Transit Policies**
> **Policy I.B.1:** The City shall encourage public transportation service to mitigate

excess parking demand and vehicular pollution. All transportation/congestion management plans and mitigation measures shall protect and encourage public beach access.

Policy I.B.2: The City shall work toward a long-range program to provide a shuttle service to the beach at El Porto to alleviate traffic problems through the narrow streets of the El Porto area.

Policy I.B.3: The City shall encourage pedestrian and bicycle modes as a transportation means to the beach.

Parking Policies:
Policy I.C.1: The City shall maintain and encourage the expansion of commercial district parking facilities necessary to meet demand requirements.

Policy I.C.2: The City shall maximize the opportunities for using available parking for weekend beach use.

Policy I.C.3: The City shall encourage additional off-street parking to be concentrated for efficiency relative to the parking and traffic system.

Policy I.C.4: The City shall ensure that future residential and commercial development provides the parking necessary to meet the standards set forth in Section A.64 of Chapter 2 of the Implementation Plan, except that residential parking requirements shall not be reduced for units less than 550 square feet.

Policy I.C.5: The City shall encourage the use of private residential garage spaces for parking rather than storage in order to help mitigate on-street parking pressures.

Policy I.C.6: The City shall require existing residential and commercial buildings to comply with parking standards set forth in Section A.64 of Chapter 2 of the Implementation Plan upon substantial remodeling or expansion, as defined in Sections A.64.020 and A.68.030 of Chapter 2 of the Implementation Plan except that residential parking requirements shall not be reduced for units less than 550 square.

Policy I.C.7: The City shall require, when feasible, that commercial development using on-site ground level parking provide vehicular access from the rear of the lot only, so as not to conflict with pedestrian traffic.

Policy I.C.12: Require surface or on-site parking for commercial uses that exceed 1.5 times the area of the lot as prescribed in Section A.16.030 of Chapter 2 of the Implementation Plan.

Policy I.C.13: Require off-street parking for the Highland commercial strip where feasible.

Policy I.C.15: Continue management of existing parking facilities through enforcement to improve efficiency by keeping on-street spaces available for short-term users and encouraging the long-term parkers to use off-street parking lots.

Policy II.A.5: Commercial development eligible to participate in off-site parking and in lieu fee parking programs under Sections A.64.050 and A.64.060 of Chapter 2 of the Implementation Plan shall participate only if parking spaces required by Section A.64 of Chapter 2 of the Implementation Plan do not exceed the available parking supply.

Policy II.A.6: Encourage the development of adequate parking facilities for future development through ground level on-site parking or a requirement to pay the actual cost of constructing sufficient parking spaces. Maximize use of existing parking facilities to meet the needs of commercial uses and coastal access.

The City is a favorable location to provide public amenities that enhance access to the coast and recreational opportunities for the general public. Manhattan Beach is known for its approximately two miles of wide, sandy beach that includes a portion of the California Coastal Trail for pedestrians and bicyclists, and it is also known for its public pier, which includes the Roundhouse Aquarium that provides free admission to the public. Pursuant to the public access policies of the Coastal Act and the LCP, the Commission has the responsibility to ensure the priority of public access and a range of affordable visitor-serving facilities/uses are provided in new development along the state's coastline.

The LUP policies cited above encourage new development to maintain vertical and horizonal accessways, public transportation, and encourage the promotion of mixed-use development in commercial zones. Through the IP amendment, the City is proposing various incentives such as density bonus, lot consolidation, and permit streamlining to help encourage the construction of affordable housing projects on commercially zoned parcels throughout the City. The City also proposes to bring the residential development standards into parity with non-residential standards for certain mixed-use zones.

Commercial Visitor-Serving Uses

Visitor-serving uses are prioritized under the Coastal Act and LUP because they increase the number of opportunities for the general public to access and enjoy the coastal zone. For example, restaurants allow non-residents to dine with an ocean view or to eat a casual meal without having to interrupt their day at the beach. Additionally, visitor-serving retail shops allow non-residents to purchase supplies for beach use such as sand toys, sunscreen, or beach chairs.

The City's coastal zone contains three commercial zoning districts that support visitor-serving uses. Additionally, the City's commercial zoning districts support businesses serving the needs of the nearby residential communities; accommodate a broad range of community businesses and serve beach visitors; and provide a mix of small, local and visitor-serving commercial, public and semipublic uses.

Through the proposed IP amendment, the City intends to allow multi-family and mixed-use residential development as permitted uses within commercial districts, primarily along Highland Avenue within the coastal zone. The program will allow housing on parcels along major corridors throughout specific sites identified by the City to accommodate density bonus and affordable housing projects without changing the existing zoning or allowed land uses, consistent with AB 2011 and SB 6. The amendment also establishes objective design standards to ensure that qualifying multi-family and mixed-use projects align with recent changes to state housing law.

LUP Policy II.A.7 requires the City to allow mixed residential/commercial uses on suitable commercial sites, and Policy II.A.3 encourages maintaining pedestrian-oriented commercial areas. As proposed, permitting residential redevelopment of commercially zoned parcels may further reduce the already limited supply of land available for new or expanded visitor-serving commercial uses in the Coastal Zone. These outcomes would result in inconsistencies with the City's LUP. In particular, Policy I.A.6 requires that the Marine Street and Highland Avenue commercial nodes do not expand into residential zones and adequate on-site parking be provided. Accordingly, **Suggested Modification 8 and 9** add safeguards for residential uses within commercially zoned districts to preserve higher priority uses on the ground floor of multi-family development. As modified, the IP is consistent with visitor-serving retail uses including office, restaurant, retail, and similar non-residential locations on the ground floor. These modifications ensure that any proposal to reduce or eliminate priority uses must retain, replace, or provide an on-site visitor-serving or functionally equivalent use with comparable capacity and public accessibility. As modified, the amendment will be consistent with the LUP policies referenced above.

Lot Consolidation

The City has identified 18 parcels throughout the coastal zone as opportunities to accommodate moderate- and above-moderate-income housing on commercially zoned parcels. Five of these parcels are included in the City's proposed lot consolidation program. **Suggested Modification 5** adds explicit language stating that lot consolidation is for the purpose of allowing additional residential density. This clarification ensures the program cannot be misinterpreted to allow the loss of density, which would be inconsistent with the LUP. It also reinforces that the City's lot consolidation program serves to manage development within the coastal zone. Further, by requiring consolidated lots to be used specifically for additional residential density, rather than the unrelated intensification of commercial uses or loss of residential density, the IP will remain consistent with LUP Policy II.1.

Additionally, **Suggested Modification 5** will ensure internal consistency of the LCP and removes references to the City's new incentive programs related to lot consolidation contained in Chapter A.12. Since these incentives apply exclusively to commercially zoned parcels, **Suggested Modification 12** places this language into Chapter A.16. This modification clarifies that the lot consolidation program applies only on commercial parcels eligible under AB 2011 and SB 6. This revision accurately reflects how the program is intended to function within the coastal zone and ensures it is aligned with state housing law.

Suggested Modification 12 establishes the City's new lot consolidation density bonus incentives for commercially zoned parcels between 0.3 and 0.49 acres. The modification adds a 5 percent increase in base density, consistent with LUP Policy II.A.4 and state housing law. It also specifies the five eligible coastal-zone parcels by Assessor's Parcel Number (APN), address, and zoning information to ensure no references to uncertified planning documents are carried into the certified IP and zoning references remain accurate as future lot consolidation occurs.

Parking Reductions

Government Code Section 65915(p) (**Exhibit 7**) of state DBL allows an applicant to request reduced parking requirements and applies automatic parking ratios for qualifying projects. In some cases, when a qualifying percentage of affordable units is provided and the project is located within one-half mile of a major transit stop, the law can require the City to allow zero parking spaces. These provisions are intended to support affordable housing development and reduce reliance on automobiles. However, parking is one important component of public coastal access under both the Coastal Act and the City's certified LUP, and lack of sufficient parking can lead to coastal access impacts. For this reason, the LUP requires the City to preserve sufficient parking supply, though it also prioritizes transit, pedestrian, and bicycle modes of travel.

Encouraging denser, affordable housing in infill areas is often consistent with both the City's LUP and Coastal Act Section 30250(a), which generally requires new development to be located within, contiguous with, or in close proximity to, existing developed areas with adequate existing services. Concentrating affordable housing in infill areas, can ensure that lower income residents have access to the opportunities, services, and coastal resources available in these areas. Further, encouraging denser housing in areas with existing public transit services and near jobs and other amenities allows people to drive less because they have access to public transit and shorter commutes and can minimize vehicular pollution and encourage public beach access, consistent with the City's LUP.

When on-site parking is minimized for density bonus projects, it may lead to spillover parking demand on City streets that can reduce the ability for coastal visitors to find parking near the coast, inconsistent with the City's LUP policies. In an effort to preserve on-street parking for public coastal access as required by the City's LUP access policies, **Suggested Modifications 11 and 23** require the City to identify and impose

project-specific conditions for density bonus projects as needed to ensure that adverse impacts to public access are addressed. This will require the City to evaluate density bonus projects on a case-by-case basis to determine appropriate parking mitigation measures, such as encouraging public transportation, providing pedestrian or bicycle improvements, or working toward a long-range program to provide a shuttle service to the beach. As modified, the proposed amendment will remain consistent with the Coastal Access policies in the City's certified LUP.

Coastal Development Permit Requirements

The existing IP, Section A.96.040, requires that a CDP be obtained for any development in the City's coastal zone, unless the development is exempted or excluded under the Coastal Act or the Commission's Regulations. Coastal Act sections 30610(a), (b), and (d) provide that (respectively) certain improvements to existing structures and repair and maintenance activities are exempt from CDP requirements unless the development risks adverse environmental effects.

Under the proposed amendment, the City may process qualifying multi-family residential and mixed-use projects with six or more units through Precise Development Plans (PDPs) or Site Development Plans (SDPs). PDPs are used when projects meet all objective standards set by the City to streamline local permitting consistent with state law and provide affordable housing opportunities. Site Development Permits (SDP) are given to market-rate housing projects. Consistent with state housing law, **Suggested Modification 19** specifies that granting of density bonus or any benefits pursuant to the City's density bonus chapter (A.94) shall not require an LCP amendment.

Local governments in the coastal zone are required to comply with both the Coastal Act and, to the extent they do not conflict with Coastal Act requirements, the requirements of other state housing laws. While PDPs, SDPs, and Use Permits may establish many of the land-use and design parameters for qualifying projects, they may not always include the full range of project-level details needed to evaluate coastal resource impacts. Some provisions of state housing law, such as Government Code Sections 66499.41 and 65852.28 (**Exhibit 3 & 4**), allow ministerial approval requirements for certain types of housing and remove the need for certain use permits. However, a CDP is still needed to provide a comprehensive review of the development as it relates to coastal resource and public access impacts and to incorporate any special conditions necessary to ensure consistency with the certified LCP. Accordingly, **Suggested Modifications 2, 7, and 14** clarify that a CDP shall be processed concurrently for any development within the coastal zone, even when other types of permits are not required pursuant to state housing law. This ensures that all required LCP and Coastal Act Chapter 3 findings are made for qualifying housing projects.

Lastly, in accordance with Section 13156 of the Commission's regulations, **Suggested Modification 28** specifies that affordable housing projects, as defined in Government Code Section 65589.5(o)(2)(D) (**Exhibit 5**), must be commenced within 5 years from

the date the project receives final approval or else the approval will expire.

Internal Consistency

The proposed amendment includes a few other minor corrections and clarifications to maintain internal consistency throughout the City's IP. At the City's request, several suggested modifications improve consistency throughout the City's Implementation Plan. **Suggested Modifications 3 and 4** update references to other sections of the Municipal Code, including Title 10, which does not apply to parcels or areas within the coastal zone. Additionally, **Suggested Modifications 17 and 24** remove references to the City's short-term rental provisions, which are not part of the City's LCP Implementation Plan and were not appropriately placed within those sections of the IP. Additionally, these modifications will update incorrect references to the City's affordable housing agreement requirements and include renumbering subsections of the code in Section A.84.065 of the IP.

Suggested Modification 10 removes references to commercial districts, General Commercial (CG) and Community Commercial (CC), which are located outside the coastal zone and regulated by Title 10 (an uncertified Zoning Code). The City clarified in a letter to Commission staff that removal of these land use designations from the table is purely an administrative clean-up item and has no impact on any property in the City's coastal zone. Therefore, as modified, the certified coastal provisions are focused on commercial districts only within coastal-zone jurisdiction, and the proposed modification keeps the certified coastal provisions focused on coastal-zone jurisdiction only.

Although the Accessory Dwelling Unit (ADU) chapter was excluded from this LCP amendment at the City's request, **Suggested Modification 27** will maintain internal consistency with the City's ADU program and Public Resources Code Section 30610(b) of the Coastal Act, which exempts attached ADUs and JADUs from a CDP unless site-specific criteria apply. This suggested modification is intended to add cross-references to applicable ADU laws throughout relevant IP chapters and to identify any exceptions necessary to ensure clarity and regulatory consistency.

Conclusion

Overall, the proposed amendment seeks to fulfill state housing law requirements and provides additional housing opportunities for low- and moderate-income households. No changes to the City's resource protection measures are proposed or modified with the subject amendment. Therefore, while new housing developments, regulations, and incentives may be permitted, such changes will not result in any significant adverse impacts to coastal resources with the suggested modifications included herein. Without the suggested modifications described above, the proposed submittal would not be sufficient to implement the coastal resource protection and priority use policies of the LUP. However, the proposed IP amendment, if modified as suggested, will ensure that the IP conforms with the goals and policies of the certified LUP and is adequate to carry

it out.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Public Resources Code—within the California Environmental Quality Act (CEQA)—exempts local governments from the requirement of preparing environmental review documentation in connection with its activities and approvals necessary for the preparation and adoption of an LCP. The Commission notes that the City made CEQA findings and adopted a Negative Declaration for their 6th Cycle Housing Element Update. The Negative Declaration indicated that the proposed zone text amendment would not result in any potentially significant environmental impacts.

However, under CCR Section 15251(f), the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. CEQA Section 21080.5 states that the Commission's review process for LCP amendments satisfies CEQA environmental review requirements if the Commission analyzes whether there are feasible alternatives or mitigation measures which would substantially lessen any significant adverse environmental impacts from the proposed LCP amendment. The Commission may only approve an LCP amendment in a manner consistent with CEQA if no such alternatives and/or mitigation measures are feasible for the LCP amendment.

As outlined in the "Consistency Analysis" above, the proposed IP amendment, if modified as suggested, will ensure that the IP is in conformity with, and adequate to carry out, the policies of the certified LUP. The Commission finds that approval of the LCP Amendment will not result in significant adverse environmental impacts under the meaning of CEQA and will be consistent with Section 21080.5(d)(2)(A) of the Public Resources Code. Therefore, there are no other feasible alternatives, or mitigation measures available which would substantially lessen any significant adverse impact which the LCP amendment may have on the environment, as it will not result in any such significant impacts.

In addition, any specific impacts associated with individual development projects would be assessed through the environmental review process required by the Coastal Act and CEQA at the time they are proposed. Therefore, an individual project's compliance with CEQA is assured at the project-level through City or Commission review of applications for coastal development permits.

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

- Local Coastal Program Amendment No. LCP-5-MNB-25-0028-1 and associated file documents.

APPENDIX B – SUGGESTED MODIFICATIONS (IN-TEXT)

For ease of reading, the suggested modifications outlined above have been incorporated into this Appendix B. The same suggested modifications are overlain atop the language submitted by the City per City Council Resolution No. 25-0028 and City Council Ordinance No. 25-0004, resulting in a more fluent format.

Normal Text= Existing unmodified language
Strikethrough Text= Proposed language to be removed (City)
Underline Text= Proposed language to be added (City)
~~Bold Strikethrough Text~~= Proposed language to be removed (Commission)
Bold Underline Text= Proposed language to be added (Commission)

PART II – BASE DISTRICT REGULATIONS

Chapter A.12. Residential Districts

A.12.010. Specific purposes.
A.12.020. Land use regulations: RM and RH districts.
A.12.030. Property development regulations: RM and RH districts.

A.12.010. Specific purposes.

In addition to the general purposes listed in Chapter A.01; the specific purposes of residential districts are to:

A. Provide appropriately located areas for residential development that are consistent with the Local Coastal Plan and with standards of public health and safety established by the City Code.

B. Ensure adequate light, air, privacy, and open space for each dwelling, and protect residents from harmful effects of excessive noise, population density, traffic congestion, and other adverse environmental effects.

C. Protect adjoining single-family residential districts from excessive loss of sun, light, quiet, and privacy resulting from proximity to multifamily development.

D. Encourage reduced visual building bulk with effective setback, height, open space, site area, and similar standards, and provide incentives for retention of existing smaller homes. Include provision for an administrative Minor Exception procedure to balance the retention of smaller older homes while still allowing for flexibility for building upgrades below the minimum allowable square footage.

Note. this Chapter of the Local Coastal Program Implementation Plan reflects relevant California Government Code Sections from the date the Coastal Commission conditionally certifies LCP amendment LCP-5-MNB-25-0028-1.

A.12.020. Land use regulations: RM and RH districts.

In the following schedule, the letter "P" designates use classifications permitted in residential districts. The letter "L" designates use classifications subject to certain limitations prescribed under the "Additional Use Regulations" which follows. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Chapter A.84~~68~~. The letters "P/U" for accessory uses mean that the use is allowed on the site of a permitted use, but requires a use permit on the site of a conditional use. The letters “PDP” and “SDP” designate use classifications permitted on approval of a precise development plan or a site development permit, pursuant to Chapter A.84. Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Regulations" column refer to "Additional Use Regulations" following the schedule. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

LCP Consistency. A Coastal Development Permit pursuant to Section A.96 shall be processed concurrently for any development within the coastal zone.

RM, and RH DISTRICTS LAND USE REGULATIONS			P — Permitted PDP — Precise Development Plan SDP — Site Development Permit U — Use Permit L — Limited, (See additional use regulations) - — Not Permitted
	RM	RH	Additional Regulations
Residential Uses			(A)
Day Care, Small Family Home	P	P	
Day Care, Large Family Home	L-22	L-22	
Group Residential	-	U	
Multi-family Residential			
5 or fewer units	P	P	(B)(C)(L)
6 or more units	PDP/SDP	PDP/SDP	(B)(C)(L)(O)
Residential Care, Limited	P	P	
Single-Family Residential	P	P	(C)
Public and Semipublic			(A)(D)
Clubs and Lodges	-	L-1	
Day Care, General	-	-	
Park and Recreation Facilities	L-2	L-2	
Public Safety Facilities	U	U	

Religious Assembly	L-3	L-3	
Residential Care, General	-	U	
Schools, Public or Private	U	U	
Utilities, Major	U	U	
Utilities, Minor	P	P	
Accessory Uses	P/U	P/U	(A)(E)(F)(G)(H)(I)(J)(M)(N)

Temporary Uses			(H)
Commercial Filming, Limited	U	U	
Marketing/Sales Office	U	U	
Personal Property Sales	P	P	(K)
Street Fairs	U	U	
Nonconforming Uses			(I)(J)

RM and RH Districts: Additional Use Regulations

L-1 Use permit required and only neighborhood-oriented uses occupying less than 2,500 square feet are permitted.

L-2 Public facilities permitted, but a use permit is required for private noncommercial facilities, including swim clubs and tennis clubs.

L-3 A use permit is required, except for legally existing church facilities, including private schools and day-care contained therein, which do not exceed an overall floor area factor greater than half of the maximum floor area factor permitted by the development standards of the base district.

L-22 Application for an Administrative Large Family Day Care permit to the Director of Community Development is required and shall be made on forms provided by the City and shall include such information as may be reasonably required by the Director for a complete understanding of the request. The application shall be accompanied by a filing fee and a notification packet including all properties within a 100 foot radius of the subject property. Said notification shall be completed not less than 10 days prior to the date on which the decision will be made on the application.

No hearing on the application for a permit shall be held before the decision is made by the Director unless a hearing is requested by the applicant or other affected person. The Director's decision shall be based on whether or not the proposed use would be compatible with the surrounding neighborhood. The applicant or other affected person may appeal the decision and the appellant shall pay the cost of the appeal. Said appeal shall be made to the Planning Commission by filing a written appeal, on forms provided by the Department of Community Development accompanied by the necessary notification packet (described above). Any such appeal shall suspend the permit until resolution of the appeal by the Planning Commission. Use of a single family dwelling for these purposes shall not constitute a change of occupancy per the State Housing Law or local building ordinances.

Large family day care homes shall be considered as single family residences per

State and local building and fire codes.

Each home used in this manner shall meet the fire and life safety standards adopted by the Community Development Department and Fire Department.

The property to be used in this manner shall conform to all applicable development standards as stated in the Manhattan Beach Municipal Code.

(A) See Section A.52.020: Exterior materials in R districts.

(B) A use permit is required for condominium development or conversion of three (3) or more units; see Chapters A.84 and A.88. Condominium development, or conversion, of two (2) units are exempt from the use permit requirement. An application to create 10 or fewer parcels with 10 or fewer units that meets the requirements of California Government Code Sections 66499.41 and 65852.28 shall not require a use permit. Any addition or modification to a condominium unit or development subsequent to the original construction of that unit or development that would result in an increase in the amount of livable space, or a significant exterior structural or architectural alteration, shall require an amendment to the use permit previously obtained. In order for a residential apartment building to qualify for a condominium conversion, a Certificate of Occupancy must have been issued prior to January 1, 1982.

(C) See Section A.52.100: Manufactured homes.

(D) Facilities on sites of 2 acres or more are subject to the regulations of Chapter 10.28 (PS District) precluding those of this chapter. See Section A.28.020: PS District Applicability.

(E) See Section A.52.070: Home occupation in R districts.

(F) See Section A.52.050 Accessory structures, and Section A.52.060 Accessory dwelling units. Secondary residential units are not allowed, but guest houses or accessory living quarters, and caretaker's quarters are permitted.

(G) Repealed.

(H) See Section A.84.110: Temporary use permits.

(I) See Chapter A.68: Nonconforming uses and structures.

(J) See Chapter A.72: Signs.

(K) An administrative permit issued by the Community Development Director is required.

(L) Alternative Parking Plan for Senior Citizen Housing. Applications for a use permit for a senior citizen housing project shall include a contingency plan, addressing what will be done to ensure compliance with parking requirements if occupancy

can not be limited to senior citizens because of market conditions or other factors.

(M) The keeping of domestic animals is permitted including: Dogs and cats not to exceed five (5) for each residential living unit in any combination thereof and the young thereof not exceeding four months in age, and other small domestic household pets such as rabbits, hamsters, guinea pigs, etc. not to exceed five (5) in any combination thereof.

Common varieties of farm animals, livestock, exotic animals or wild animals (as defined in Section A.04.020) are prohibited, EXCEPT for Vietnamese pot-bellied pigs, also known as Pygmy Pigs or Mini-Pigs, as permitted by the Animal Control Department.

(N) A maximum of three (3) garage or lawn sale permits per calendar year, or miscellaneous household items of persona property accumulated by the occupant of the residence as a normal matter of course may he held on any building site occupied by residents, provided a permit has been acquired from the City's Licensing Authority. Each permit shall be valid for a maximum of three (3) consecutive days and may include standard regulations on the Garage Sale Permit (in accordance with the provisions of Section 6.08.020 MBMC).

(O) Residential developments that qualify for a density bonus pursuant to Chapter A.94 of this Code shall apply for an administrative non-discretionary precise development plan. Residential developments ~~of 6 or more units~~ that do not receive a density bonus shall apply for a Site Development Permit.

A.12.030. Property development regulations: RM and RH districts.

The following schedule prescribes development regulations for residential zoning districts in each Area District, as defined in Section A.01.060(A)(2) and designated on the zoning map. The columns establish basic requirements for permitted and conditional uses; letters in parentheses in the “Additional Regulations” column refer to “Additional Development Regulations” following the schedule. This section shall not be amended to increase the Standards for Maximum Height of Structures or Maximum Buildable Floor Area, or to reduce the Standards for Minimum Setbacks, Minimum Lot Dimensions or Minimum Lot Area Per Dwelling Unit, unless the amendment is first submitted to a city-wide election and approved by a majority of the voters.

PROPERTY DEVELOPMENT STANDARDS FOR *AREA DISTRICTS* III AND IV

	Area District III		Area District IV	Additional Regulations
	RM	RH	RH	
Lot Dimensions				

Area (sq. ft.)				(A)(B)(C)(J)(K)
Minimum	2,700	2,700	2,700	
Maximum	7,000	7,000	7,000	
Width (ft.)				
Minimum	30	30	30	
Minimum Setbacks				
Front (ft.)	5	5	5	(A)(B)(D)(G)
Side (percentage-ft.)	10%—3;10	10%-3;10	10%—3;10	(D)(E)(F)
Corner Side (ft.)	1	1	1	(D)
Rear (ft.)	5	5	5	(D)(E)(F)(G)
Maximum Height of Structures (ft.)	30	30	30	(H)(P)
Maximum Buildable Floor Area				
Lot Area (Sq. Ft.)	1.6	1.7	1.7	(I)(U)(V)
Minimum Lot Area per Dwelling Unit (sq. ft.)	1,350	850	850	(A)(J)(T)

Note: See Section A.04.030 Definitions, Floor Area, Buildable for parking, loading and basement areas excluded from Buildable Floor Area.

PROPERTY DEVELOPMENT STANDARDS FOR ALL *AREA DISTRICTS*

	Additional Regulations
Minimum Usable Open Space	(M)
Required Landscaping Adjoining Streets	(O)
Fences, Walls, and Hedges	(P) and A.60.150
Building Separation	(R)

Off-Street Parking and Loading	See Chapter A.64 (Q)
House Moving	(S)
Underground Utilities	See Section A.60.110
Refuse Storage Area	See Section A.60.100
Outdoor Facilities	See Section A.60.080
Screening of Mechanical Equipment	See Section A.60.090
Sustainable Development (Solar Assisted Water Heating, Green Roofs and Decks, Solar Energy Systems, and Small Wind Energy Systems)	See Section A.60.140
Performance Standards	See Section A.60.120

Nonconforming Structures and Uses	See Chapter A.68
Signs	See Chapter A.72
Condominium Standards	See Section A.52.110
Minor Exceptions	See Section A.84.120
Telecommunications Facilities	See Chapter 13.02 of MBMC

RS, RM and RH DISTRICTS:	Additional Development Regulations
Substandard Lots	See Section A.60.020 and 11.32.030 and (J)
Building Projections into Setbacks	See Section A.60.040
Landscaping	See Section A.60.070
Accessory Structures	See Section A.52.050
Exterior Materials	See Section A.52.020
Home Occupation	See Section A.52.070
Tree Preservation	See Section A.52.120

A. See Section A.60.020, Development on substandard lots. The dedication, condemnation, or purchase of land for street or alley widening or opening shall not affect the number of dwelling units permitted in residential *districts* for the site prior to dedication, condemnation, or purchase if the remainder of the site has not less than seventy-five percent (75%) of the land *area* before dedication, condemnation, or purchase.
B. See Section A.60.030, Development on lots divided by district boundaries.
C. The minimum site area shall be twelve thousand (12,000) square feet for general day care, general residential care, and public or private schools.
D. Permitted Projections into Required Yards. See Section A.60.040, Building projections into yards.
E. Setbacks.
   1. Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3′). In the RM and RH Zones side setbacks need not exceed ten feet (10′), and on corner sides setbacks need not exceed five feet (5′).

      Exceptions—Side Setbacks. Existing lots in the RM and RH Zones currently developed as multifamily and greater than fifty feet (50′) in width need not provide side setbacks greater than five feet (5′) when developed with three (3) or more dwelling units.
   2. Reverse Corner Side Setback. Reverse corner lots in Area Districts I and II shall have the following side yards:

      a. On the lot side line which adjoins another lot the side yard shall be determined in the same manner as for an interior lot.

      b. On the street side line, the width of the required side setback shall be the same as for the interior side setback on the lot except that the size and shape of such required side setback nearest the lot rear line shall be increased to include all of that portion, if any, of a triangle formed in the following manner:

         I. On the common lot line of the reverse corner lot and the key lot, a point shall be established where the rear line of the required front yard on the key lot intersects such common lot line;

         II. On the street side line of the reverse corner lot, a point shall be established distant from the common street corner of the key lot and the reverse corner lot equal to the depth of the required front yard on the key lot;

         III. The third side of the triangle shall be a straight line

connecting points (i) and (ii) of this section. If an alley intervenes between the key lot and the reverse corner lot, the width of the alley shall be included in determining the length of the line on the street side line of the reverse corner lot.

3. Rear Setback:

~~a. In Area Districts I and II, the rear setback (RS) shall be determined as follows: RS = 0.3 × (lot depth in feet) 20; provided that the minimum setback is twelve feet (12′).~~

~~b.~~ a. In Area District III, RS District, non-alley lots abutting residential at the rear with two thousand seven hundred (2,700) square feet or more in lot area, the rear setback shall be ten feet (10′).

F. Building Height and Required Yards. Except as provided below, the width of a required interior side, corner side or rear yard adjoining a building wall exceeding twenty-four feet (24′) in height, excluding any portion of a roof, shall be increased three feet (3′) over the basic requirement.

1. Exceptions. If the lot width is less than thirty-five feet (35′), no increase in the side yard is required.

G. Rear Alley Setback Exceptions: Area Districts III and IV: The width of a required rear yard adjoining an alley, or a required front yard where the front yard adjoins an alley, may be reduced to two feet (2′) at height elevations not less than eight feet (8′) above the street grade at the rear, or front, property line. See Section ~~10~~A.64.110; Aisle Dimensions.

H. Maximum Height of Structures. See Section A.60.050, Measurement of height, and Section A.60.060, Exceptions to height limits. The maximum number of stories permitted shall be three (3) where the height limit is thirty feet (30′) and two (2) where the height limit is twenty-six feet (26′). A floor level may be divided between portions qualifying as a story and portions qualifying as a basement. Any portion of a floor level qualifying as a story shall be considered to have a minimum dimension of twenty feet (20′) measured perpendicular from the outside face(s) of the exterior building wall(s) which defines that *area* as a story (See Graphic Illustration under "Basement" definition—Section A.04.030).

A deck or balcony may be located directly above a second story where the height limit is twenty-six feet (26′) or the third story where the height limit is thirty feet (30′), if the following criteria are met. Such decks shall be located adjacent to an interior living space and shall provide additional setbacks as follows; in all Area Districts the interior side setback shall be three (3) times

the minimum side setback: in Area Districts III and IV the rear setback shall be fifteen feet (15′). The surface elevation of any deck or balcony shall be no higher than nine feet (9′) below the height limit.

A green roof or deck may be located only where decks and balconies are allowed. Green roofs that are designed in a manner that prohibits usability may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated [See "Roof, Green or Deck" Sections A.04.030 and A.60.140(C)].

Whenever new construction or alterations and additions to existing structures involves grading or scraping, a survey acceptable to the Director of Community Development is required as a condition of issuance of a demolition or building permit (see Section A.80.010). The Director shall require that survey markers be set.

The Community Development Director shall determine compliance with this subsection by reviewing two (2) vertical cross-sections through the property (front-to back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within five feet (5′) of the property line.

I. Maximum Buildable Floor Area. The maximum buildable floor area on a lot shall be determined by multiplying the lot area times the Floor Area Factor (FAF) shown in the table. If the lot area is equal to, or greater than, a certain threshold in certain zoning districts (seven thousand five hundred (7,500) square feet in Area Districts I and II for RM and RH Districts, four thousand eight hundred (4,800) square feet for the RS District in Area Districts I and II), then a base floor area in square feet is noted in the table and the additional floor area is calculated by multiplying the appropriate FAF times the lot area. Certain space is not included in the definition of buildable floor area; see Section A.04.

That area used for vehicle parking and loading, up to four hundred (400) square feet on lots where two (2) enclosed parking spaces are required and provided, and up to six hundred (600) square feet where three (3) enclosed parking spaces are required and provided.

In all residential districts, seventy percent (70%) of floor area in a basement that is not entirely below local grade, and up to two hundred (200) square feet of basement area used for storage and mechanical equipment purposes, is excluded from the determination of buildable floor area. Basement areas located entirely below local grade, and the related egress wells if they are the minimum size required by the UBC and located outside of the front yard setback, are excluded from the determination of buildable floor area.

J. In Area District IV two (2) units are permitted on preexisting, legal half-lots with a minimum site area of one thousand three hundred fifty (1,350) square feet.

K. Lot Dimensions—Area. Minimum and maximum lot area numbers represent a range of permitted lot areas applicable to new subdivisions and building sites created by merging, and/or the lot line adjustments for lots or portions of lots. When calculating maximum lot sizes, any lot dimensions with fractions shall be rounded down to the nearest whole number prior to calculating the lot size.

Preexisting unmerged developed lots which exceed the maximum lot area may continue to be used as one (1) lot until such time as new structures, enlargements or alterations are proposed, in accordance with the fifty percent (50%) building valuation criteria in Section A.68.030(E), Alterations and enlargements of nonconforming uses and structures. At that time when the fifty percent (50%) building valuation criteria is exceeded then the new lot(s), and new development on those lots, shall comply with the current zoning code property development regulations, and any other applicable Manhattan Beach Municipal Code regulations.

Exceptions.

1. Properties zoned RM, RH and CL in Area Districts III and IV that are located within five hundred feet (500′) of the Local Commercial (CL) or Downtown Commercial (CD) Zones and developed with three (3) or more dwelling units, excluding those located on the Strand, subject to review and approval of a use permit in accordance with Chapter ~~10~~**A**.84.

2. Existing Legally Created Merged Lots. Any building site composed of merged lots in excess of the maximum lot area as prescribed in this section, which has been legally created or approved prior to February 19, 2008.

3. Religious assembly and public or private schools uses, used as a single building site, subject to the Director of Community Developments approval of a certificate of compliance, and in accordance with Section 11.04.050, Certificate of compliance. These lots may continue to be used as one (1) building site without requiring a merger of parcels, and the expansion of existing religious assembly and public or private schools is permitted without the recordation of a merger of the parcels, in accordance with Chapter 11.32, Reversion to Acreage and Mergers.

L. (Reserved)

M. Open Space Requirement. The minimum usable open space (private and shared) in RM and RH Districts shall be provided as follows:

1. For single-family dwellings in Area District III and IV and multifamily dwelling units in all districts, the minimum requirement is fifteen percent (15%) of the buildable floor area per unit, but not less than two hundred twenty (220) square feet. For calculating required open space, basement areas shall be calculated as one hundred percent (100%) buildable floor area, and fifteen percent (15%) open space shall be required for the basement square footage.

2. The amount of a dwelling unit's required open space located above the second story (where permitted by height regulations) shall not be more than one-half (½) of the total required open space.

3. Where new buildable floor area is added to an existing dwelling unit located in Area District III or IV, additional usable open space shall be provided equal to fifteen percent (15%) of the added buildable floor area, until the total open space requirement provided in this section is attained.

N. Semi-Circular Driveways. Semi-circular driveways are permitted within front yards on lots with widths of eighty (80′) feet or more, subject to the following standards:

a. No more than fifty percent (50%) of the front setback area shall be paved, and visible landscaping equal to ten percent (10%) of the front setback (in addition to any other required landscaping) shall be installed between the driveway and the front property line.

b. The semi-circular driveway does not have to provide access to the garage.

O. Required Landscaping Adjoining Streets. At least twenty percent (20%) of all visible portions of a required front or corner side yard adjoining a street shall be a planting area. For additional site landscaping requirements, see Section ~~10~~**A**.60.070, Landscaping, Irrigation and Hydroseeding. Conformance with standards specified in Section ~~10~~**A**.60.070 may result in landscaping that exceeds the minimum requirements of this section.

a. Exceptions for Area Districts III and IV. The Community Development Director may grant an exception for a portion of the amount of required landscaping, not to exceed seventy-five percent (75%) of the total, in order to accommodate driveways and walkways.

P. Fences, Walls, and Hedges. The maximum height of a fence, wall, or hedge shall be six feet (6′) in required side or rear yards, and forty-two inches (42″) in required front yards. In addition, all fences, walls and hedges shall be subject to the driveway visibility requirements of Section A.64.150, and the traffic vision clearance on corner lots of Section A.60.150 (Chapter 3.40).

For the purposes of this section, fence/wall/hedge height shall be measured from the lower adjacent finished grade (which may include a neighboring private or public property's grade) to the top of the fence/wall/hedge, including any attachments. If more than one (1) fence/wall/hedge is located within a required yard, any portion of a fence/wall/hedge that projects above a forty-five degree (45°) daylight plane inclined inward from the top of the lowest adjacent fence/wall/hedge, shall be counted toward the height measurement of the lowest fence/wall/hedge.
Exceptions:

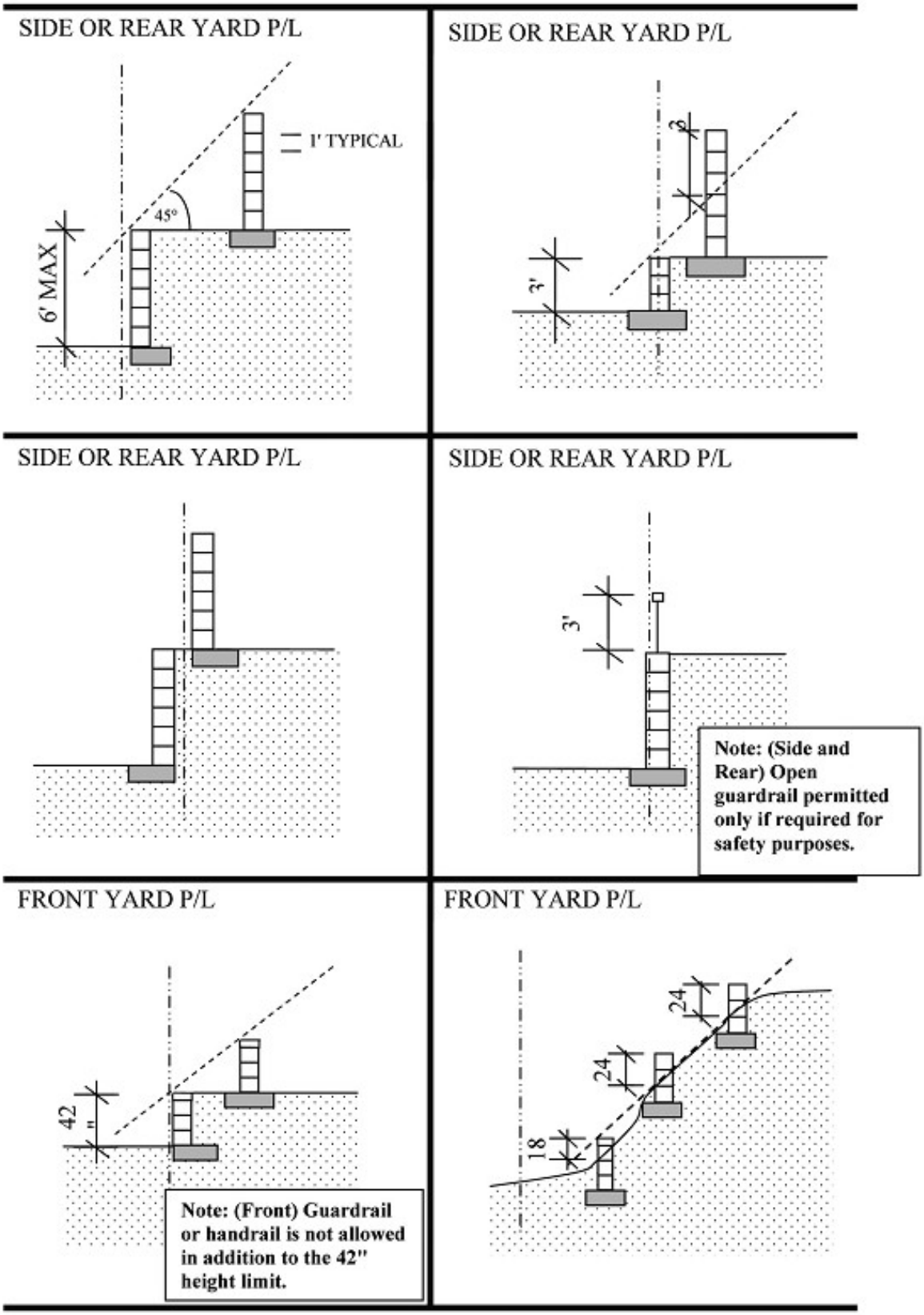
1. A fence, wall or hedge having additional non-retaining height shall be permitted wherever a six foot (6′) fence is allowed, provided such additional height over six feet (6′) meets one (1) of the following criteria.

    a. The additional portion is required, for safety purposes, by the City's Building Official; is constructed of primarily vertical railing that is continuously at least seventy-five percent (75%) open; and, the total combined fence/wall height does not exceed eleven feet (11′).

    b. The additional portion is sloped inward (open or solid) at an angle of not less than thirty degrees (30°) and no more than forty-five degrees (45°) from vertical, and provided, further, that such additional portion shall not make the total height of the fence more than eight feet (8′) and shall not extend closer than three feet (3′) to any part of any building.

    c. The additional portion is approved in writing by each owner of property (the City in cases of public right-of-way) abutting the property line along which the fence is located, and provided, further, that such additional portion shall not make the total height of the fence more than eight feet (8′), or the combined height of adjacent neighboring retaining walls and fences more than twelve feet (12′). If a coastal development permit is required for a fence by Sections A.96.040 and A.96.050 of this title, the additional height of the fence may be approved only if the additional height does impede public views of the ocean, the beach, or to and along the shoreline.

2. Architectural screen walls not to exceed six feet (6′) six inches (6″) in height may be erected in the required front yard in Area Districts I and II provided that such walls are placed not less than fourteen feet (14′) back from the front lot line and not less than the required setback from the side property line, nor extend for more than one-half (½) the lot width.

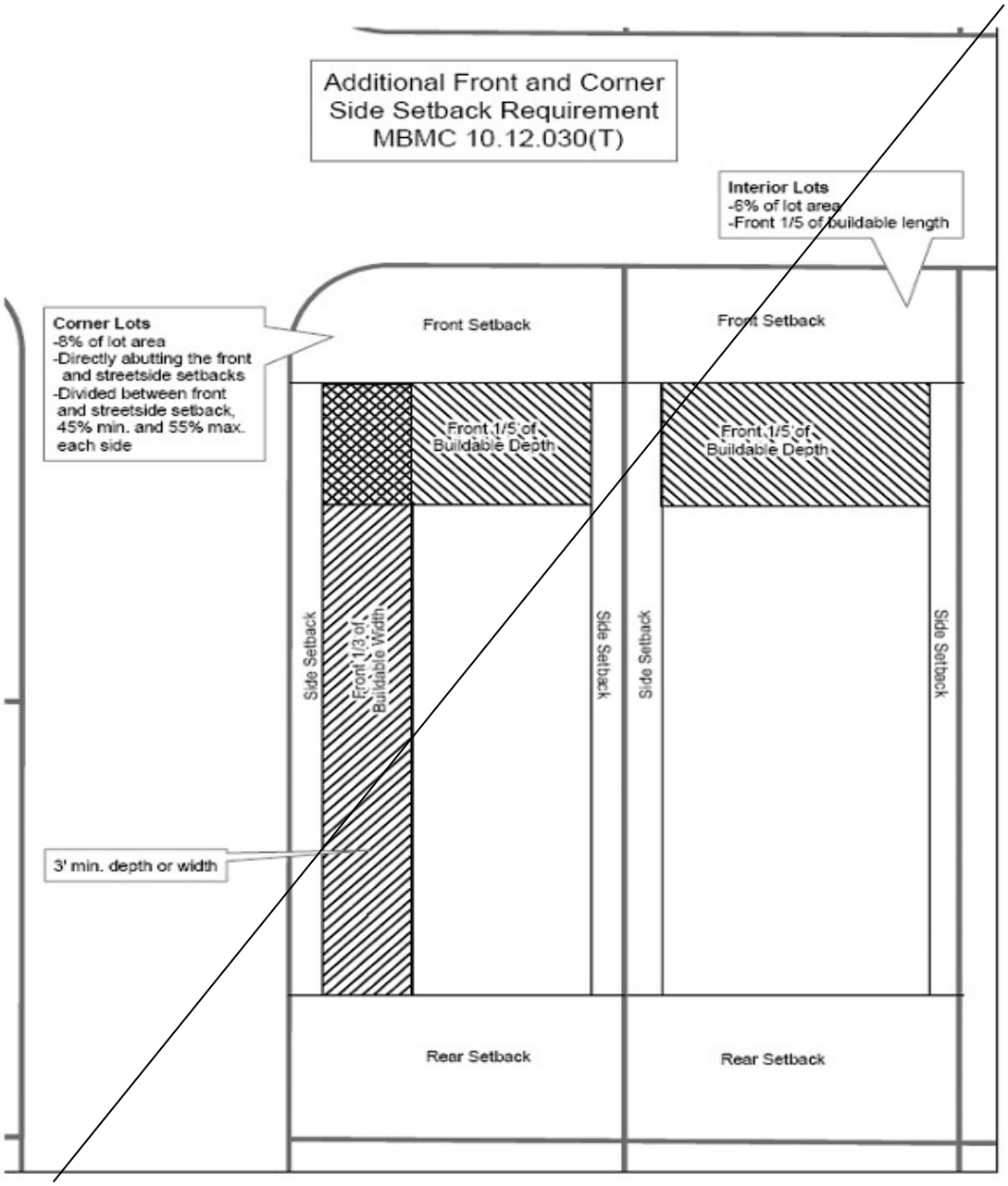


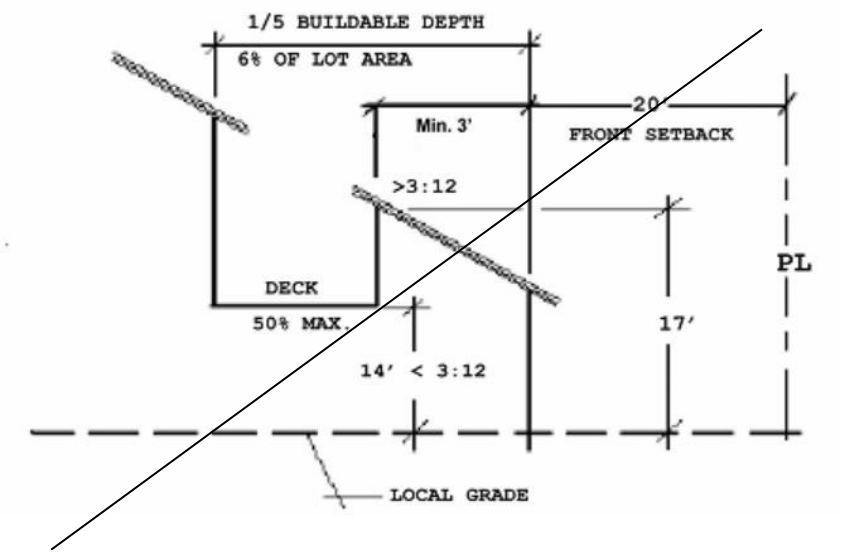
PERMITTED FENCE/WALL/HEDGE HEIGH

Q. (Reserved)

R. Building Separation. The minimum distance between buildings (building separation yard) containing one (1) or more dwelling units on a site shall be ten feet (10′). For permitted projections within said building separation yards, see Section A.60.040, Building projections into yards.

S. House Moving. For the purpose of this chapter, permits required for moving buildings and structures within City limits must comply with Title 9, Chapter 9.08, Building Moving.


Additional Front and Corner Side Setback Requirement MBMC 10.12.030(T)
Interior Lots
-6% of lot area
-Front 1/5 of buildable length
Corner Lots
-8% of lot area
-Directly abutting the front and streetside setbacks
-Divided between front and streetside setback, 45% min. and 55% max. each side
Front Setback
Front Setback
Front 1/5 of Buildable Depth
Front 1/5 of Buildable Depth
Side Setback
Front 1/3 of Buildable Width
Side Setback
Side Setback
Side Setback
3' min. depth or width
Rear Setback
Rear Setback



ADDITIONAL FRONT SETBACK REQUIREMENT
MBMC A.12.030T

T. Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter A.94 shall be granted a lot consolidation bonus incentive when two or more parcels are consolidated into a single building site**, for the purpose of allowing additional residential density,** according to the following formula:

Combined Parcel Size		Base Density Increase
~~**General**~~	~~**Site Inventory Parcels***~~	
Less than 0.50 acres		No increase
	~~**0.30 acres to 0.49 acres 5% increase**~~	
0.50 acres to 0.99 acres	5% increase	
1.00 acre or more	10% increase	

~~***Applicable to sites identified in Appendix E- Site Analysis and Inventory: Tables 8, 9, 10, and 15 of the certified 6th Cycle Housing Element.***~~

This lot consolidation bonus incentive shall be calculated prior to determining any density bonus pursuant to Chapter A.94.

U. Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter A.94 shall be exempt from these maximum lot size limitations.

Chapter A.16. C Commercial Districts

A.16.010. Specific purposes.
A.16.020. CL, ~~CC, CG,~~ CD, CNE districts: land use regulations.
A.16.030. CL, ~~CC, CG,~~ CD, and CNE districts: development regulations.

A.16.010. Specific purposes.

Note, this Chapter of the Local Coastal Program Implementation Plan reflects relevant California Government Code Sections from the date the Coastal Commission conditionally certifies LCP amendment LCP-5-MNB-25-0028-1.

In addition to the general purposes listed in Chapter A.01, the specific purposes of commercial district regulations are to:

A. Provide appropriately located areas consistent with the General Plan and Local Coastal Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the Coastal Zone.

B. Strengthen the city's economic base, but also protect small businesses that serve city residents.

C. Create suitable environments for various types of commercial and compatible residential uses, and protect them from the adverse effects of inharmonious uses.

D. Minimize the impact of commercial development on adjacent residential districts.

E. Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located. Commercial projects involving the combination of three or more lots or on sites exceeding 5,400 square feet shall be approved only if the scale and articulation of the facade of the proposed structure is consistent with this purpose statement.

F. Ensure the provision of adequate off-street parking and loading facilities.

G. Provide sites for public and semipublic uses needed to complement commercial development or compatible with a commercial environment.

H. Encourage commercial buildings that area oriented to the pedestrian, by providing windows and doors accessible from city sidewalks at or near sidewalk level, protecting pedestrian access along sidewalks and alleys and maintaining pedestrian links to parks, open space, and the beach.

I. Carry out the policies and programs of the certified Land Use Plan.

The additional purposes of each district are as follows:

CL Local Commercial District. To provide sites for businesses serving the daily needs of nearby residential areas while establishing development standards that prevent significant adverse effects on residential uses adjoining a CL district.

CD Downtown Commercial District. To provide opportunities for residential, commercial, public and semipublic uses that are appropriate for the downtown area. This district is intended to accommodate a broad range of community businesses and to serve beach visitors.

CNE North End Commercial District. To provide for a mix of small, local and visitor-serving commercial, public and semipublic uses appropriate for the El Porto area and the business district along Highland Avenue and Rosecrans Avenue at the northern end of the City. Residential uses that are consistent with the standards of the RH Residential High-Density District are also permitted, consistent with the General Plan and Local Coastal Plan.

A.16.020. CL, ~~CC, CG,~~ CD, and CNE districts: land use regulations.

In the following schedules, the letter "P" designates use classifications permitted in commercial districts. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" that follow. The letter "U" designates use classifications permitted on approval of a use permit, as provided in Chapter A.84. The letters "P/U" ~~for an accessory use~~ means that the use is permitted on the site of a permitted use, but requires a use permit on the site of a conditional use. The letters “PDP” and “SDP” designate use classifications permitted on approval of a precise development plan or a site development permit, pursuant to Chapter A.84. Use classifications that are not listed are prohibited. Letters in parentheses in the "Additional Regulations" column refer to regulations following the schedule or located elsewhere in this title. Where letters in parentheses are opposite a use classification heading, referenced regulations shall apply to all use classifications under the heading.

LCP Consistency. A Coastal Development Permit pursuant to Section A.96 shall be processed concurrently for any development within the coastal zone.

CL, CD, and CNE DISTRICTS: LAND USE REGULATIONS:

P - Permitted
U - Use Permit
L - Limited, (See Additional Use Regulations)
PDP - Precise Development Plan
SDP - Site Development Permit
\- - Not Permitted

	CL	CD	CNE	Additional Regulations
Residential				
Day Care, Small Family Home	P	U	L-11	
Day Care, Large Family Home	L-23	L-23	L-23	
Single-Family Residential	U	U	L-11	(I)(J)
Multi-Family Residential				(I)(J)(N)**(O)**
5 Units or Less	P	P	P	
6 Units or More	PDP/SDP	PDP/SDP	PDP/SDP	
Mixed-Use				(B)(M)**(O)**
Non-Residential Component	P/U	P/U	P/U	
Residential 5 or Less Units	P	P	P	
Residential 6 or More Units	PDP/SDP	PDP/SDP	PDP/SDP	
Public and Semipublic				(A)
Clubs and Lodges	U	U	U	
Cultural Institutions	U	U	U	
Day Care, General	U	U	U	
Emergency Health Care	U	U	U	
Government Offices	L-10	P	P	
Hospitals	-	-	-	
Park & Recreation Facilities	P	P	P	
Public Safety Facilities	U	U	U	
Religious Assembly	L-21	-	-	
Residential Care, General	-	-	-	
Schools, Public or Private	U	-	-	
Utilities, Major	U	U	U	
Utilities, Minor	P	P	P	
Commercial Uses				(B)(K)(L)
Adult Businesses	-	-	-	(C)
Ambulance Services	-	-	-	
Animal Sales & Services				
Animal Boarding	-	U	-	
Animal Grooming	P	P	P	
Animal Hospitals	-	L-25	-	
Animals				
Retail Sales	P	P	P	

Artists' Studios	P	P	P	
Banks and Savings & Loans	P	L-26	P	
With Drive-Up Service	-	U	-	

Building Materials and Services	-	-	-	
Catering Services	P	P	P	
Commercial Filming	U	U	U	
Commercial Recreation and Entertainment	-	L-7	L-7	(D)
Communication Facilities	-	L-27	P	
Eating and Drinking Establishments	U	U	U	(E)
w/ Fast-Food or Take-Out Service	U	L-7	L-7	
Drive-Through	-	-	-	
Food and Beverage Sales	L-9	L-9	L-9	
Funeral and Interment Services	-	-	-	
Laboratories	-	-	-	
Maintenance and Repair Services	P	P	P	
Nurseries	P	-	-	
Offices, Business and Professional	P	L-24, L-26, L-28	L-24	
Pawn Shops	-	-	-	
Personal Improvement Services	P	P	P	
Personal Services	P	P	P	
Research and Development Services	-	-	-	
Retail Sales	P	L-29	P	
Secondhand Appliances/Clothing	-	U	U	
Swap Meets, Recurring Travel Services	P	P	P	
Vehicle Equipment/Sales and Services				
Automobile Rentals	-	-	-	
Automobile Washing	-	-	-	
Commercial Parking	-	U	U	
Service Stations	U	U	-	(F)

Vehicle Equip. Repair	-	L-6	-	
Vehicle Equip. Sales and Rentals	-	-	-	
Vehicle Storage	-	-	-	
Visitor Accommodations				
Hotels and Motels and Time Shares	-	U	U	
Residential Hotels	-	-	-	
Warehousing and Storage, Ltd.	-	-	-	
Industrial				(B)
Industry, Custom	L-7	L-7	L-7	
Industry, Limited	-	-	-	
Wholesaling, Distribution and Storage	-	-	-	
Accessory Uses				
Accessory Uses and Structures	P/U	P/U	P/U	
Temporary Uses				(G)
Animal Shows	-	-	-	
Christmas Tree Sales/Pumpkin Sales	P	P	P	
Circus and Carnivals	-	U	U	
Commercial Filming, Limited	-	U	U	
Real Estate Sales	P	P	P	
Retail Sales, Outdoor	P	P	P	
Street Fairs	U	U	U	
Trade Fairs	-	-	-	
Nonconforming uses				(H)

C Districts: Additional Land Use Regulations

L-4 Only allowed above ground level with a use permit.

L-5 Only mortuaries are allowed, subject to a use permit.

L-6 A use permit is required, and body and fender shops are permitted only as part of a comprehensive automobile-service complex.

L-7 Only "limited" or "small-scale" facilities, as described in use classifications, are allowed with a use permit.

L-8 Attended facilities permitted; unattended facilities allowed with a use permit.

L-9 A use permit is required for Food and Beverage establishments operating between 10:30 p.m. and 6 a.m.

L-10 Only post offices and other offices occupying less than 2,500 square feet are permitted.

L-11 Permitted except in areas subject to a D5 Design Overlay District where a use permit is required except for single-family residences fronting on Crest Avenue, which are permitted.

L-21 A use permit is required, except for legally existing church facilities, including private schools and day-care contained therein, which do not exceed an overall floor area factor greater than half of the maximum floor area factor permitted by the development standards of the base district.

L-23 See MBMC Section 10.12.020 (L-22): regulations for "Day Care, Large Family Home".

L-24 A Use Permit is required for a project with more than 2,500 square feet of Buildable Floor Area.

L-25Animal Hospitals as defined in A.08.050 require a Use Permit. Veterinary services, as defined as medical treatment for small animals, is a permitted use 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.

L-26 Permitted above ground floor. Use is also permitted if the use exclusively fronts an alley subject to Community Development Director's approval. Other locations require a Use Permit such as ground floor space adjacent to pedestrian areas.

L-27 Permitted above ground floor.

L-28 Optometrist office is 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 office is also permitted above the ground floor.

L-29 In addition to any other applicable regulations regulating square footage or retail floor space, a Use Permit is required for the establishment of any retail use proposed to contain more than 1,600 square feet of sales floor area. For the purposes of this section, "sales floor area" is defined 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.

(A) Facilities on sites of 2 acres or more are subject to the regulations of Chapter A.28 (PS District) precluding those of this chapter. See Section A.28.020: PS District Applicability.

(B) A use permit is required for a single use or tenant project with more than 5,000 square feet of buildable floor area or more than 10,000 square feet of land area. A master use permit is required for a multiple use or tenant project with more than 5,000 square feet of buildable floor area or more than 10,000 square feet of land area. See Section 10.84 for use permit provisions.

Exception: The building floor area or lot area thresholds above shall not apply to mixed-use developments as defined in Section A.08.050(Q).

(C) The exterior walls of an adult business shall be at least two hundred feet (200′) from an R district and a school, and at least one thousand feet (1,000′) from the exterior walls of another adult business.

(D) See Section A.56.050: Game centers.

(E) See Section A.56.020: Eating and drinking establishments with take-out service. An establishment providing group entertainment is subject to Title 4, Article 4, Dances and Cafe Entertainment and must obtain a permit from the City Manager.

(F) See Section A.56.030, Service stations, vehicle/equipment repair, and automobile washing.

(G) See Section A.84.110, Temporary use permits.

(H) See Chapter A.68, Nonconforming uses and structures.

(I) The keeping of domestic animals is permitted including: dogs and cats not to exceed five (5) for each residential living unit in any combination thereof and the young thereof not exceeding four (4) months in age, and other small domestic household pets such as rabbits, hamsters, guinea pigs, etc., not to exceed five (5) in any combination thereof. Common varieties of farm animals, livestock, exotic animals or wild animals (as defined in Section A.04.020) are prohibited except for Vietnamese pot-bellied pigs, also known as pygmy pigs or mini-pigs, as permitted by the Animal Control Department.

(J) A maximum of three (3) garage or lawn sale permits per calendar year, of miscellaneous household items of personal property accumulated by the occupant of the residence as a normal matter of course may be held on any building site occupied by residents, provided a permit has been acquired from the City's Licensing Authority. Each permit shall be valid for a maximum of three (3) consecutive days and may include standard regulations on the garage sale permit (in accordance with provisions of MBMC Section 6.08.020).

(K) Valid discretionary permits approved prior to January 17, 1991 may satisfy the requirement for an individual use permit or master use permit, provided the scope of the project, including use(s) approved and intensity (buildable floor area) of

development, remain in substantial conformance with the approved project, and the project complies with all conditions of approval. The Community Development Director shall approve the conversion of such permits in conformance with this section.

(L) A Use Permit, or Use Permit Amendment, shall be required for any new alcohol license or modification to an existing alcohol license.

(M) The commercial component of a mixed-use development shall be subject to land use regulations in the section.

(N) Residential developments that qualify for a density bonus pursuant to Chapter A.94 of this Code shall apply for an administrative non-discretionary precise development plan. Residential developments of six (6) or more units that do not receive a density bonus shall apply for a site development permit.

(O) Except for qualifying affordable housing projects that qualify for a density bonus in accordance with Chapter A.94, residential uses permitted under this section shall include a visitor-serving, marine-related, public-serving, or recreational use on the ground floor of the proposed development if the project will require the demolition or cessation of any existing commercial use or structure.

A.16.030. CL, CD, and CNE districts: development regulations.

The following schedule prescribes development regulations for the CL, **~~CC, CG,~~** CD, and CNE districts. The first **~~five (5)~~ three (3)** columns prescribe basic requirements for permitted and conditional uses in each district**.** Letters in parentheses in the "Additional Regulations" column reference regulations following the schedule or located elsewhere in the Zoning Ordinance.

CL, **~~CC, CG,~~** CD, and CNE DISTRICTS: DEVELOPMENT REGULATION						
	CL	~~CC~~	~~CG~~	CD	CNE	Additional Regulations
Residential Development						(A)(B)(V)**(AA)**
Minimum Lot Area (sq. ft.)	(Z)			2,700	2,700	(J)(L)
Maximum Lot Area (sq. ft.)	(Z)			7,000	7,000	(J)(L)
Minimum Lot Width	(Z)			30	30	
Minimum Setbacks						
Front (ft.)	5			5	5	(L)(M)

Side (percentage-ft.)	10%-3;			10%-	10%-	(W)(X)
	10			3;10	3;10	
Corner Side (ft.)	1			1	1	
Rear (ft.)	5			5	5	(M)(W)(X)
Maximum Height of Structures (ft.)	30			(F)(G)	30	(H)(Q)
Maximum Floor Area Factor (for entire site)	1.7			1.7	1.7	(Y)
Minimum Lot Area per Dwelling Unit (sq. ft.)	850			850	850 (J)	(R)
Open Space	(S)			(S)	(S)	
Off-Street Parking and Loading	(N)			(N)	(N)	
Screening of Mechanical Equipment	See Section A.60.090					
Fences and Walls	(K)					
Building Projections into Setbacks	See Section A.60.040					
Mixed-Use Development						(A)(B)(P)(T)(V)**(AA)**
Minimum Lot Area	4,000			2,700	2,700	
Minimum Lot Width	(Z)			30	30	
Minimum Setbacks						(C)(U)
Front (ft.)	-			-	-	
Side (ft.)	-			-	-	
Corner Side (ft.)	-			-	-	
Rear (ft.)	-			-	-	
Maximum Height of Structures (ft.)	30			(G)	30	(F)(H)(Q)
Maximum Floor Area Factor (for entire site)	1.7			1.7	1.7	(Y)
Minimum Lot Area per Dwelling Unit (sq. ft.)	850			850	850 (J)	(R)
Open Space	(S)			(S)	(S)	
Minimum Site Landscaping (%)	8					(I)
Off-Street Parking and Loading	(N)			(N)	(N)	
Screening of Mechanical Equipment	See Section A.60.090					
Fences and Walls	(K)			(K)	(K)	

Nonresidential Development						
Minimum Lot Area (sq. ft.)	4,000			2,700	2,700	(B)
Minimum Lot Width (ft.)	40			30	30	(B)
Minimum Setbacks						(B)(C)
Front (ft.)	-			-	-	(D)
Side (ft.)	-			-	-	(E)
Corner Side (ft.)	-			-	-	(D)
Rear (ft.)	-			-	-	(E)
Maximum Height of Structures (ft.)	30			(G)	30	(F)(H)
Maximum Floor Area Factor	1			1.5	1.5	

(FAF)						
Minimum Site Landscaping (%)	8			-	-	(I)
Fences and Walls						(K)
Off-Street Parking and Loading						(N)
Outdoor Facilities	See Section A.60.090					(O)
Screening of Mechanical Equip.	See Section A.60.090					
Refuse Storage Areas	See Section A.60.100					
Underground Utilities	See Section A.60.110					
Performance Standards	See Section A.60.120					
Nonconforming Structures	See Chapter A.68					
Signs	See Chapter A.72					
Telecommunications Facilities	See Chapter 13.02 of MBMC					

CL, CD, and CNE Districts:
Additional Development Regulations

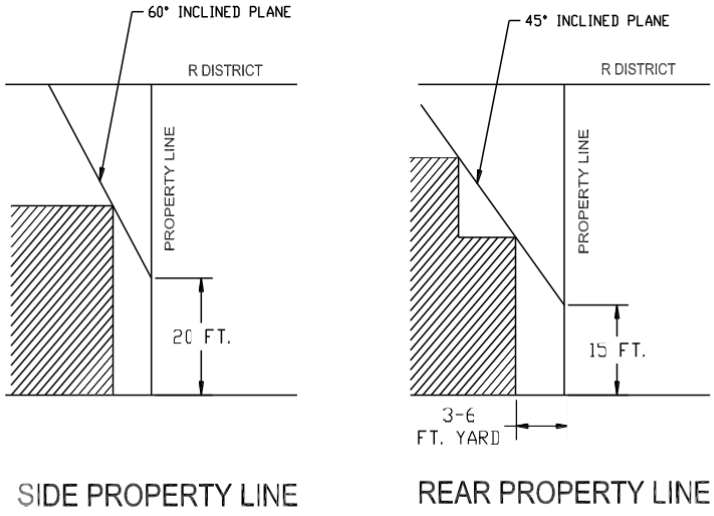
(A) Dwelling units shall be subject to the standards for minimum setbacks, height limits, maximum density, maximum FAR, balconies and bay windows, usable open space and parking for the base zoning district in which the site is located. The setback standards shall apply only to the stories of a building that are intended for residential use.

(1) CD district: the commercial standard for building height shall apply when dwelling units replace commercial use.
(2) CNE district, D-5 overlay: if a base zoning district standard conflicts with an overlay standard (Section A.44.040), the overlay standard shall apply.

(B) See Section A.60.020: Development of substandard lots.

(C) See Section A.60.040: Building projections into yards and required open space. Double-frontage lots shall provide front yards on each frontage.

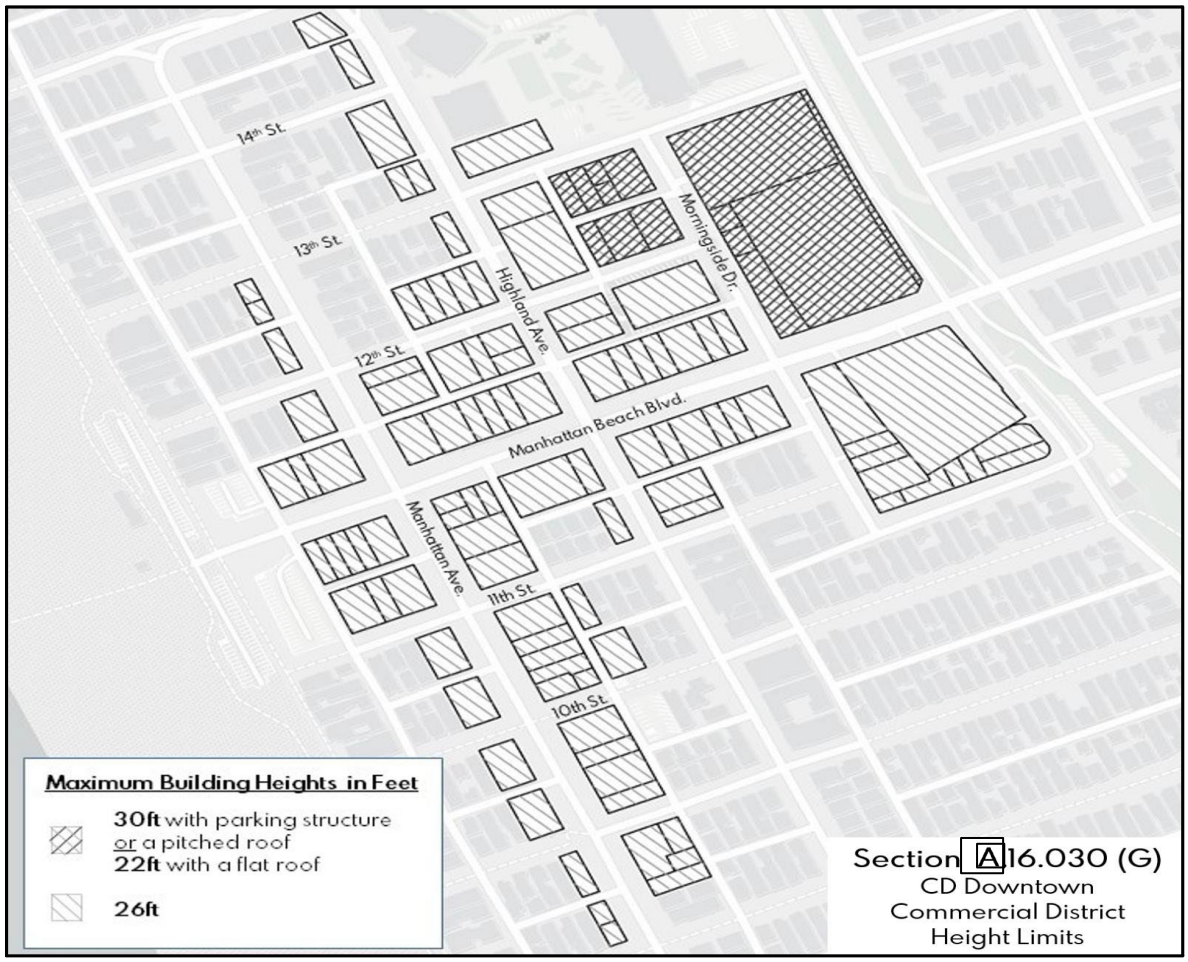
(E) Along a rear property line abutting an R district, structures shall not intercept a l:l or 45-degree daylight plane inclined inward from a height of 15 feet above existing grade at the property line. Along a side property line abutting an R district, structures shall not intercept a 60-degree daylight plane inclined inward from a height 20 feet above existing grade at the property line.



REQUIRED DAYLIGHT PLANE
AT ADJOINING DISTRICTS
(THE DIAGRAM IS ILLUSTRATIVE)

(F) A roof pitch of at least 4 vertical feet for each 12 lineal feet of roof area is required. If the roof pitch is less, the maximum building height is 22 feet unless structure parking is provided at or below the ground level.

(G) Within the CD District, the height limits shown on the accompanying diagram entitled "Section A.16.030 (G): CD Downtown Commercial District Height Limits" shall apply.



(H) See Section A.60.050: Measurement of height, and Section A.60.060, Exceptions to height limits.

(1) Residential projects shall comply with the following requirements.

a. The maximum number of stories permitted shall be three (3) where the height limit is thirty feet (30′) and two (2) where the height limit is twenty-six feet (26′). A floor level may be divided between portions qualifying as a story and portions qualifying as a basement. Any portion of a floor level qualifying as a story shall be considered to have a minimum dimension of twenty feet (20′) measured perpendicular from the outside face(s) of the exterior building wall(s) which defines that area as a story (See Graphic Illustration under "Basement" definition—Section A.04.030).

b. A deck or balcony may be located directly above a second story where the height limit is twenty-six feet (26′) or the third story where the height limit is thirty feet (30′), if the following criteria are met. Such decks shall be located adjacent to an interior living space and shall provide

additional setbacks as follows: the interior side setback shall be three (3) times the minimum side setback and the rear setback shall be fifteen feet (15′). The surface elevation of any deck or balcony shall be no higher than nine feet (9′) below the height limit.

c. A green roof or deck may be located only where decks and balconies are allowed. Green roofs that are designed in a manner that prohibits usability may be approved administratively by the Director of Community Development if safety, maintenance, slope, and access issues are mitigated [See "Roof, Green or Deck" Sections A.04.030 and A.60.140(C)].

d. Whenever new construction or alterations and additions to existing structures involves grading or scraping, a survey acceptable to the Director of Community Development is required as a condition of issuance of a demolition or building permit (see Section A.80.010). The Director shall require that survey markers be set.

e. The Community Development Director shall determine compliance with this subsection by reviewing two (2) vertical cross-sections through the property (front-to back and side-to-side) that show the relationship of each level in a new structure and new levels added to an existing structure to both existing and finished grade on the property and adjacent land within five feet (5′) of the property line.

(I) Planting Areas:

(1) Required yards shall be enclosed by a solid concrete or masonry wall at least 6 feet in height or shall be planting areas, provided that a wall within 15 feet of a street property line shall not exceed 3 feet in height.

(2) For additional site landscaping requirements, see Section A.60.070: Landscaping, irrigation and hydroseeding. Conformance with the design standards specified in Section A.60.070 may result in a total site landscaping requirement that exceeds the minimum site requirements of this Section (~~10~~A.16.030).

(J) ~~(Reserved)~~ Two (2) units are permitted on preexisting, legal half-lots in Area District IV with a minimum site area of one thousand three hundred fifty (1,350) square feet.

(K) Fences and Walls.

(1) Nonresidential. A solid masonry or concrete wall is required for all commercial properties where they abut or adjoin a ground floor residential use or residentially zoned property. The minimum height of a fence or wall is 6 feet as measured from the finished grade of the commercial property. However, a wall within 5 feet of a street property line shall be a minimum of 3 feet in height as measured from the residential property.

The maximum height of a fence or wall shall be 8 feet as measured from the finished grade of commercial property unless a greater height is mutually agreed upon for a common property line by the abutting property owners and approved by the Community Development Department.

(2) Residential. See Section A.12.030(P)

(L) ~~(Reserved)~~ See Section A.60.030, Development on lots divided by district boundaries.

(M) ~~(Reserved)~~ Alley Setback Exceptions.
The width of a required rear yard adjoining an alley, or a required front yard where the front yard adjoins an alley, may be reduced to two feet (2′) at height elevations not less than eight feet (8′) above the street grade at the rear, or front, property line. See Section A.64.110; Aisle Dimensions.

(N) See Chapter A.64: Off-Street parking and loading regulations. For a density bonus project, required parking spaces for residential units shall be provided in accordance with ~~**CA Government Code Section 65915**~~ **Section A.94.050**.

(O) See Chapter A.60.130: Antennas and microwave equipment; and Section A.60.140: Solar-assisted water heating.

(P) In commercial zones, vehicular access to parking shall be from the alley abutting the property. If such alley is not available, access shall be from an east west street. If neither the alley nor the east west street is feasible, access shall be taken from another vehicular street.

(Q) ~~The Highland Marine commercial node shall not expand, nor shall uses such as parking ancillary to commercial uses be established in the adjacent residential zoned district.~~ Height: For all projects, roof mounted mechanical equipment and elevator shafts are allowed to exceed the maximum allowed height limit by up to five (5) feet, so long as they are properly screened, and located in an area that would not be visible from surrounding properties.

(R) Density: When calculating the base density for density bonus projects, any number of units with fractions shall be rounded up to the nearest whole number. When calculating for non-density bonus projects, any number of units with fractions shall be rounded down to the nearest whole number.

(1) Multi-family residential developments meeting the minimum requirements for a density bonus pursuant to Chapter A.94 shall be granted a lot consolidation bonus incentive when two or more parcels

are consolidated into a single building site, for the purpose of allowing additional residential density, according to the following formula:

Combined Parcel Size		**Base Density Increase**
General	**Site Inventory Parcels***	
Less than 0.50 acres	**-**	**No increase**
	0.30 acres to 0.49 acres	**5% increase**
0.50 acres to 0.99 acres		**5% increase**
1.00 acre or more		**10% increase**

***Applicable to sites within the coastal zone are identified below.**

APNs	**Address**	**Zone**
4179020012 4179020001 4179020013	**Manhattan Ave./ Manhattan Beach Blvd.**	**CD**
4175017007 4175017009	**3514 Highland Ave. 3520 Highland Ave.**	**CNE-D5**

(S) Open Space: A minimum of fifty (50) square feet of private open space per residential unit is required. To qualify, open space shall have minimum dimension of five (5) feet in any direction. Common open space shall be provided at equal to or greater than eight percent (8%) of buildable floor area.

(T) For properties along Highland Avenue, Manhattan Avenue, and Manhattan Beach Boulevard, ground floor commercial uses shall be oriented towards the main street.

(U) Daylight Plane: Structures shall not intercept a sixty degree (60°) daylight plane inclined inward from a height of twenty (20) feet above existing grade at the shared property line that abuts a residential property.

(V) The dedication, condemnation, or purchase of land for street or alley widening or opening shall not affect the number of dwelling units permitted in residential districts for the site prior to dedication, condemnation, or purchase if the remainder of the site has not less than seventy-five percent (75%) of the land area before dedication, condemnation, or purchase.

(W) Setbacks.

(1) Side Setbacks. Ten percent (10%) of lot width but not less than three feet (3′). Side setbacks need not exceed ten feet (10′), and on corner sides setbacks need not exceed five feet (5′).

Exceptions - Side Setbacks. Existing lots currently developed as multifamily and greater than fifty feet (50′) in width need not provide side setbacks greater than five feet (5′) when developed with three (3) or more dwelling units.

(2) Rear Setback. In Area District III, non-alley lots abutting residential at the rear with two thousand seven hundred (2,700) square feet or more in lot area, the rear setback shall be ten feet (10′).

(X) Building Height and Required Yards.

Except as provided below, the width of a required interior side, corner side or rear yard adjoining a building wall exceeding twenty-four feet (24′) in height, excluding any portion of a roof, shall be increased three feet (3′) over the basic requirement.

Exceptions. If the lot width is less than thirty-five feet (35′), no increase in the side yard is required.

(Y) Maximum Buildable Floor Area. The maximum buildable floor area (BFA) on a lot shall be determined by multiplying the lot area times the Floor Area Factor (FAF). That area used for vehicle parking and loading is excluded from BFA calculations. Seventy percent (70%) of floor area in a basement that is not entirely below local grade, and up to two hundred (200) square feet of basement area used for storage and mechanical equipment purposes, is excluded from the determination of buildable floor area. Basement areas located entirely below local grade, and the related egress wells if they are the minimum size required by the UBC and located outside of the front yard setback, are excluded from the determination of buildable floor area.

(Z) CL Zone Lot Size and Lot Width Standards

1. Residential Development- Lot Size and Lot Width Regulations

Area District	Minimum Lot Size	Maximum Lot Size	Minimum Lot Width
I	7,500 sq. ft.	15,000 sq. ft.	40 ft.
II	4,600 sq. ft.	10,800 sq. ft.	40 ft.
III	2,700 sq. ft.	7,000 sq. ft.	30 ft.

2. Mixed Use Development- Lot Width Regulations

Area District	Minimum Lot Width
I	40 ft.
II	40 ft.
III	30 ft.

(AA) Consistency with All Objective Standards. In addition to Section A.12.030 and Section A.16.030, multi-family and mixed-use development projects that are mandated under state housing law to comply with all other applicable objective standards and policies shall therefore do so, and they shall further comply with all other applicable objective policies and provisions of the Local Coastal Program, per the certified Land Use Plan and Implementation Plan.

(1) Conflicting Standards. If there is any conflict between the objective standards set forth in this Section and any existing City or State objective standards, the more restrictive objective standards shall apply.

(2) Coastal Resource Protection. Where compliance with only the objective standards of this Local Coastal Program is required under state housing law for a proposed multi-family or mixed-use housing development project and where an applicable coastal resource protection policy or provision of this Local Coastal Program contains objective and subjective components, only the objective portion(s) shall apply.

(3) Discretionary Review. For multi-family and mixed-use housing development projects in the coastal zone that are not strictly limited to the application of objective standards under state housing law, the City shall apply all Local Coastal Program policies in full, at least until such time that additional objective coastal resource protection policies or provisions are developed in the future subject to the requirements of Section A.96.260.

Chapter A.84. Use Permits, Variances and Minor Exceptions

A.84.010. Purposes.
A.84.020. Decision making Authority; appeals.
A.84.030. Application requirement ~~Initiation~~.
A.84.040. Notice and public hearing.
A.84.050. Duties of Planning Commission.
A.84.060. Required findings.
A.84.065 Precise development plan.
A.84.070. Conditions of approval.
A.84.080. Effective date – Appeals.
A.84.090. Lapse of approval – Transferability – Discontinuance – Revocation - Extensions.
A.84.100. Changed plans – New application.
A.84.105. Master use Permits
A.84.110. Temporary use permits.
A.84.120. Minor exceptions.

A.84.010. Purposes.

This chapter provides the flexibility in application of land-use and development regulations necessary to achieve the purposes of the ordinance codified in this title by establishing procedures for approval, conditional approval, or disapproval of applications for use permits, variances, minor exceptions, precise development plans and site development permits.

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.

Variances are intended to resolve practical difficulties or unnecessary physical hardships that may result from the size, shape, or dimensions of a site or the location of existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from street locations or traffic conditions in the immediate vicinity of the site.

Variances may be granted with respect to fences, walls, landscaping, screening, site area, site dimensions, yards, height of structures, distances between structures, open space, off-street parking and off-street loading, and performance standards.

Authorization to grant variances does not extend to use regulations because sufficient flexibility is provided by the use permit process for specified uses and by the authority of the Planning Commission to determine whether a specific use belongs within one (1) or

more of the use classifications listed in Chapter A.08. Further, Chapter A.96 provides procedures for amendments to the zoning map or zoning regulations. These will ensure that any changes are consistent with the General Plan and the land use objectives of the ordinance codified in this title.

Minor exceptions are generally intended to allow certain alterations and additions to certain nonconforming pre-existing structures. Minor Exceptions are also intended to encourage home remodeling and additions to existing smaller older legal non-conforming homes. The provisions strive to balance the Community's desire to maintain smaller older homes while still allowing some flexibility to encourage these homes to be maintained and upgraded, as well as enlarged below the maximum allowed square footage instead of being replaced with larger new homes.

Precise development plans are intended to encourage ~~the~~ multi-family housing development of six (6) or more units that include affordable housing through an administrative non-discretionary review ~~streamlined permitting~~ process. Projects that qualify for a density bonus shall also comply with ~~pursuant to~~ Chapter A.94 ~~be eligible for an administrative non-discretionary precise development plan~~

Site development permits are intended to streamline the permitting process for multi-family housing developments of 6 or more units while preserving discretionary review as to compliance with objective development standards and reasonable conditions, and not reexamining the appropriateness of the use itself.

LCP Consistency. A Coastal Development Permit pursuant to Section A.96 shall be processed concurrently for any development within the coastal zone.

A.84.020. Decision making Authority; appeals.

A. The Community Development Director shall approve conditionally approve, or disapprove applications for minor exceptions and precise development plans.

B. The Community Development Director shall approve or disapprove precise development plans.

~~B~~C. The Planning Commission shall approve, conditionally approve, or disapprove applications for use permits, variances and site development permits.

~~C~~D. Such decisions may be appealed pursuant to Chapter 10.100 of the Manhattan Beach Municipal Code, except that Community Development Director decisions on precise development plans shall be final and not appealable.

A.84.030. Application requirement ~~Initiation~~.

Applications for use permits, variances, precise development plans and site development permits shall be made on electronic forms provided by the City and include all information required by the form and applicable submittal checklist for a complete understanding of the proposal, and a filing fee as established by resolution of the City Council. ~~initiated by~~

submitting the following materials to the Community Development Department:

A. A completed application form, signed by the property owner or authorized agent, accompanied by the required fee, copies of deeds, any required powers of attorney, plans and mapping documentation in the form prescribed by the Community Development Director;

B. A vicinity map showing the location and street address of the development site;

The following additional items shall also be required for use permits, variances and site development permits:

C. A map showing the location and street address of the property that is the subject of the amendment and of all lots of record within five hundred feet (500′) of the boundaries of the property; and

D. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within five hundred feet (500′) of the boundaries of the property. This list shall be keyed to the map required by subsection (C) of this section and shall be accompanied by mailing labels.

A.84.040. Notice and public hearing.

A. Public Hearing Required. The Planning Commission shall hold a public hearing on an application for a use permit, variance or site development permit.

B. Notice. Upon receipt of a complete application, notice of the hearing shall be given in the following manner:

1. Mailed or Delivered Notice. At least ten (10) days prior to the hearing, notice shall be: (1) mailed to the applicant; (2) all owners of property within five hundred feet (500′) of the boundaries of the site, as shown on the last equalized property tax assessment role or the records of the County Assessor, Tax Collector, or the City's contractor for such records and (3) any agency as required by Government Code Section 65091.

2. Posted Notice. Notwithstanding the requirements of Section 1.08.140 of this the Manhattan Beach Municipal Code, notice shall be posted at City Hall.

3. Published Notice. Notice shall be published in a newspaper of general circulation in accordance with Section 65090 and 65091 of the California Government Code.

C. Contents of Notice. The notice of public hearing shall contain:

1. A description of the location of the development site and the purpose of the application;

2. A statement of the time, place, and purpose of the public hearing;

3. A reference to application materials on file for detailed information; and

4. A statement that any interested person or an authorized agent may appear and be heard.

D. Multiple Applications. When applications for multiple use permits, variances or site development permits on a single site are filed at the same time, the Community Development Director shall schedule a combined public hearing. When the application includes a precise development plan, the Planning Commission shall only take action on the discretionary portion(s) of the application.

A.84.050. Duties of Planning Commission.

A. Public Hearing. The Planning Commission shall conduct the public hearing and hear testimony for and against the application. A public hearing may be continued to a definite date and time without additional public notice.

B. Decision and Notice. After the close of the public hearing, the Planning Commission shall approve, conditionally approve, or disapprove of application. Notice of the decision shall be mailed to the applicant and any other party requesting such notice within 7 days of the date of the resolution ratifying the decision.

C. Limits on Conditions of Approval. No conditions of approval of a use permit shall include use, height, bulk, density, open space, parking, loading, or sign requirements that are less restrictive than those prescribed by applicable district regulations.

A.84.060. Required findings.

An application for a use permit, variance, ~~precise development plan~~ or site development permit shall be approved if, on the basis of the application, plans, materials, and testimony submitted, the decision making authority finds that:

A. For All Use Permits.

1. The proposed location of the use is in accord with the objectives of

this title and the purposes of the district in which the site is located;

2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working on the proposed project site or in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city;

3. The proposed use will comply with the provisions of this title, including any specific condition required for the proposed use in the district in which it would be located; and

4. The proposed use will not adversely impact nor be adversely impacted by nearby properties. Potential impacts are related but not necessarily limited to: traffic, parking, noise, vibration, odors, resident security and personal safety, and aesthetics, or create demands exceeding the capacity of public services and facilities which cannot be mitigated.

B. For Variances.

1. Because of special circumstances or conditions applicable to the subject property—including narrowness and hollowness or shape, exceptional topography, or the extraordinary or exceptional situations or conditions—strict application of the requirements of this title would result in peculiar and exceptional difficulties to, or exceptional and/or undue hardships upon, the owner of the property;

2. The relief may be granted without substantial detriment to the public good; without substantial impairment of affected natural resources; and not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare; and

3. Granting the application is consistent with the purposes of this title and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district and area district.

4. OS District Only**.** Granting the application is consistent with the requirements of Section 65911 of the Government Code and will not conflict with General Plan policy governing orderly growth and development and the preservation and conservation of open-space

laws.

C. For ~~Precise Development Plans and~~ Site Development Permits.

1. The proposed project is consistent with the General Plan ~~**and Local Coastal Program;**~~

2. The physical design and configuration of the proposed project are in compliance with all applicable zoning and building ordinances, including applicable physical development standards set forth in Chapter A.12 and Chapter A.16 **and other applicable provisions of the MBLCP**.

D. Mandatory Denial. Failure to make all the required findings in this section ~~under (A), (B), (C) or (D)~~ shall require denial of the application ~~for a use permit, variance, precise development plan or site development permit~~.

A.84.065 Precise development plan.

A. Development standards. The proposed project shall be reviewed in conformance with applicable objective development standards in Chapter A.12 and Chapter A.16.

(1) Consistency with All Objective Standards. In addition to Section A.12.030 and Section A.16.030, multi-family and mixed-use development projects that are mandated under state housing law to comply with all other applicable objective standards and policies shall therefore do so, and they shall further comply with all applicable objective policies and provisions of the Local Coastal Program, per certified Land Use Plan and Implementation Plan.

a) Conflicting Standards. If there is any conflict between the objective standards set forth in this Section and any existing City or State objective standards, the more restrictive objective standards shall apply.

b) Coastal Resource Protection. Where compliance with only the objective standards of this Local Coastal Program is required under state housing law for a proposed multi-family or mixed-use housing development project and where an applicable coastal resource protection policy or provision of this Local Coastal Program contains objective and subjective components, only the objective portion(s) shall apply.

c) Discretionary Review. For multi-family and mixed-use housing development projects in the coastal zone that are not strictly limited to the application of objective standards under state housing law, the City shall apply all Local Coastal Program policies in full, at least until such time that additional objective coastal resource protection policies or provisions are developed in the future subject to the requirements of Section A.96.260.

B. Permit requirements. The applicant shall agree to comply with the standard requirements for approval, as updated from time to time by the Community Development Director, that are publicly available at the time an application is submitted for the project.

1. The standard requirements may include, but are not limited to,

i. Acknowledgement to provide the required number of affordable housing units that shall be available to tenants or owners who meet the eligible income threshold for the required duration of time;

ii. An indemnification clause to indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, actions and so forth concerning the proposed project;

~~**iii. All units in the proposed project shall be subject to Section 4.88.020; and,**~~

~~**iv.**~~ **iii.** An affordable housing agreement per Section ~~**10.94.060.F**~~ **A.94.060.G** shall be recorded as a covenant on the title of the project site.

~~**D.**~~**C.** Coastal Development Permit. Projects in the Coastal Zone shall be subject to a Coastal Development Permit pursuant to Section A.96.260.

A.84.070. Conditions of approval.

A. In approving a ~~precise development plan or~~ site development permit, reasonable conditions may be imposed as necessary to make the required findings.

B. In approving a use permit or variance, reasonable conditions may be imposed as necessary to:

1. Achieve the general purposes of this ordinance or the specific purposes of the zoning district in which the site is located, or to make

it consistent with the General Plan;

2. Protect the public health, safety, and general welfare; or

3. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.

4. Provide for periodic review of the use to determine compliance with conditions imposed, and Municipal Code requirements.

A.84.080. Effective date—Appeals.

Unless appealed in accordance with Chapter 10.100 of the Manhattan Beach Municipal Code, a use permit, variance, minor exception~~, precise development plan~~ or site development permit shall become effective after expiration of the time limits for appeal set forth in Chapter 10.100.

1. The Community Development Director's decision on a precise development plan is final, and not subject to appeal.

A.84.090. Lapse of approval—Transferability—Discontinuance—Revocation - Extensions.

A. Lapse of Approval. A use permit, variance, minor exception, precise development plan or site development permit shall lapse two (2) years or at an alternative time specified as a condition of approval after its date of approval unless:

1. A building permit has been issued and substantial expenditures have been made in reliance on that permit; or

2. A certificate of occupancy has been issued; or

3. The use is established; or

4. The use permit, variance, minor exception, precise development plan or site development permit is renewed.

5. There is litigation associated with the use permit, variance, minor exception, precise development plan or site development permit, in which case there will be a hold on the lapse of approval until the litigation is resolved.

A use permit, variance, minor exception, precise development plan or site development permit also shall lapse upon termination of a project or expiration of a building permit.

B. Transferability. The validity of a use permit, variance, minor exception, precise development plan or site development permit shall not be affected by changes in ownership or proprietorship. ~~provided that the new owner or proprietor applies to the Community Development Director for a transfer which may be comprised of a business license. No notice or public hearing on a transfer shall be required~~

C. Discontinuance. An implemented use permit, variance, minor exception, precise development plan or site development permit shall lapse if the exercise of rights granted by it is discontinued for twelve (12) consecutive months provided that time for plan check, construction or reconstruction activities shall not be counted toward the twelve (12) months.

D. Revocation. A use permit, variance, minor exception, precise development plan or site development permit that is exercised in violation of a condition of approval or a provision of this title may be revoked, or modified, as provided in Section 10.104.030

E. ~~Renewal~~ Extension. A use permit, variance, minor exception, ~~precise development plan~~ or site development permit may be ~~renewed~~ extended by the Community Development Director for periods of time up to one (1) year without notice or public hearing, if the findings required by Section ~~10~~A.84.060 remain valid. Such requests for ~~renewal~~ extensions ~~are~~ shall be ~~subject to the review and approval of the original reviewing~~ limited to two times~~body~~.

A.84.100. Changed plans—New application.

A. Changed Plans. A request for changes in conditions of approval of a use permit, variance, minor exception, ~~precise development plan~~ or site development permit or a change to development plans that would affect a condition of approval, shall be treated as a new application.

B. New Application. If an application for a use permit, variance, minor exception, ~~precise development plan~~ or site development permit, is disapproved, no new application for the same, or substantially the same project, shall be filed within one (1) year of the date of denial of the initial application, unless the denial is made without prejudice.

A.84.105. Master use permits.

A master use permit authorizing multiple uses for a project with more than 5,000 square feet of buildable floor area or more than 10,000 square feet of land area, shall be subject to the provisions applicable to use permits (Chapter A.84 et seq.), with the following exceptions or special provisions:

A. Scope of Approval. Individual uses located in such a project shall not be subject to separate use permits, if otherwise required by the land use regulations of this Title, provided such uses are identified within the scope of development approval.

B. Uses: Parking. The master use permit shall establish a mix of uses by classification, or combinations of use classifications defined in Chapter A.08. The mix of uses shall be the basis for a percentage distribution of building gross leasable floor area by use classification. Parking and loading requirements approved in conjunction with a master use permit shall correspond to the percentage distribution of building gross leasable floor area by use classification.

C. Subsequent Use: Tenant Changes. Subsequent changes in the tenants and / or occupants of the project shall conform to the percentage distribution of leasable square footage by use classification and corresponding parking and loading requirements of the approved master use permit.

D. Subsequent Permits. Applications to establish a new use within a multiple tenant project which has an approved master use permit shall not require either amendment to or filing of a new master use permit, provided that the new use conforms to the approved mix of uses, parking requirements, and conditions imposed on the project.

E. Nonconforming Sites: Permit Requirements. An existing multiple use of multiple tenant project which has a valid use permit and / or individual use permits for specific uses or tenants within the project shall be required to obtain a master use permit when a change is proposed which cumulatively constitutes an increase of 5% of gross leasable area or 10,000 square feet, whichever is less.

A.84.110. Temporary use permits.

A temporary use permit authorizing certain temporary use classifications, as defined in Chapter A.08 and as listed in the land-use regulations for the base districts in which the use will be located, shall be subject to the following provisions:

A. Application and Fee. A completed application form and the required fee shall be submitted to the Community Development Director. The Community Development Director may request any other plans and materials necessary to assess the potential impacts of the proposed temporary use.

B. Duties of the Community Development Director. The Community Development Director shall approve, approve with conditions, or deny a complete application within a reasonable time. No notice or public hearing shall be required.

C. Required Findings. The application shall be approved as submitted, or in modified form, if the Community Development Director finds:

1. That the proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the General Plan and the provisions of this title; and

2. That approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.

D. Conditions of Approval. In approving a temporary use permit, the Community Development Director may impose reasonable conditions necessary to:

1. Achieve the general purposes of this title and the specific purposes of the zoning district in which the temporary use will be located, or to be consistent with the General Plan;

2. Protect the public health, safety, and general welfare; or

3. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.

E. Effective Date; Duration; Appeals. An approved temporary use permit shall be effective on the date of its approval; a disapproved permit may be appealed by the applicant, as provided in Chapter 10.100 of the MBMC. The permit shall be valid for a specified time period not to exceed 30 days. A temporary use permit shall lapse if not used within the dates approved and may be revoked by the Community Development Director effective immediately upon verbal or written notice for violation of the terms of the permit. Verbal notice shall be confirmed by written notice mailed to the permit holder within a reasonable time. The Community Development Director may approve changes in a temporary use permit.

1. Exception: A Christmas Tree / Pumpkin sales temporary use permit may exceed 30 days but shall be valid only during the time period in which the activity is taking place.

A.84.120. Minor exceptions.

The Community Development Director may grant minor exceptions from certain regulations contained in this ordinance for projects as follows:

Valuation No Limitation. Projects that involve new structures or remodels without limits of project valuation [i.e., may exceed fifty percent (50%) valuation provisions of Section A.68.030(E)], as provided below. Notice may be required for exceptions to Sections A.68.030(D) and (E), see Section 10.84.120 A and B below for noticing requirements.

Applicable Section	Exception Allowed
A.12.030	Attachment of existing structures on a site in Area District III or IV which result in the larger existing structure becoming nonconforming to residential development regulations.
A.12.030	Site enlargements (e.g., mergers, lot line adjustments), not exceeding the maximum lot area, which result in existing structures becoming nonconforming to residential development regulations.
A.12.030(M)	Reduction in the 15% open space requirement for dwelling units that are largely 1-story in 2-story zones and for dwelling units that are largely 2-story in 3-story zones.
A.12.030(P)	Construction of retaining walls beyond the permitted height where existing topography includes extreme slopes.
A.12.030(M), and A.12.030(E)	Reduction in percentage of 15% open space requirement, side yard setback, and/or rear yard setback. This may be applied to small, wide, shallow, multiple front yard, and/or other unusually shaped lots or other unique conditions.
A.12—A.68	Non-compliant construction due to Community Development staff review or inspection errors.
A.68.030(D) and (E), A.12.030 and A.12.030(R)	Construction of a first, second or third story residential addition that would project into required setbacks or required building separation yard, matching the existing legal non-conforming setback(s).
A.68.030(D) and (E)	Alterations, remodeling and additions (enlargements) to existing smaller legal non-conforming structures.
A.68.030(E)	Alterations and remodeling to existing legal non-conforming structures.

A. Minor Exception Application Without Notice. All applications for minor exceptions may be approved administratively by the Director of Community Development without notice, except as provided in Section B below. Additionally, a minor exception from Section A.68.030(D) and (E) must meet the following criteria:

1. Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures. The total proposed Buildable Floor Area, as defined in Section A.04.030 which excludes certain garage and basement areas from BFA, does not exceed sixty-six percent (66%) of the maximum allowed (Area Districts III and IV) or three thousand (3,000) square feet, whichever is less.

2. Alterations and remodeling to existing legal non-conforming structures. No limit to the total existing Buildable Floor Area, as defined in Section A.04.030 which excludes certain garage and basement areas from BFA, but no further additions (enlargements) permitted.

B. Minor Exception Application with Notice.

1. Applications for minor exceptions from Section A.68.030(D) and (E) which do not meet the criteria in subsection (A)(1) above, may be approved administratively by the Director of Community Development, with notice. A minor exception from Section A.68.030(D) and (E) must meet the following criteria, and notice as provided in subsection D of this section, must be provided:

a) Alterations, remodeling, additions (enlargements) to existing smaller legal non-conforming structures. The total proposed Buildable Floor Area as defined in Section A.04.030 which excludes certain garage and basement
areas from BFA, does not exceed sixty-six percent (66%) of the maximum allowed (Area Districts III and IV) and the Buildable Floor Area exceeds three thousand (3,000) square feet but does not exceed four thousand (4,000) square feet.

C. Submittal Requirements—All Minor Exceptions Applications. Applications for all minor exceptions shall be initiated by submitting the following materials to the Community Development Department.

1. A completed application form, signed by the property owner or authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.

2. Written statements to support the required findings and criteria of this Code section.

3. A vicinity map showing the location and street address of the development site.

D. Submittal Requirements—Minor Exception Applications with Notice. Applications for minor exceptions with notice shall be initiated by submitting the following materials to the Community Development Department:

1. A completed application form, signed by the property owner or

authorized agent, accompanied by the required fees, plans and mapping documentation in the form prescribed by the Community Development Director.

2. Written statements to support the required findings and criteria of this Code section.

3. A vicinity map showing the location and street address of the development site;

4. A map showing the location and street address of the property that is the subject of the application and of all lots of record within three hundred feet (300′) of the boundaries of the property; and

5. A list, drawn from the last equalized property tax assessment roll or the records of the County Assessor, Tax Collector, or the City's contractor for such records showing the names and addresses of the owner of record of each lot within three hundred feet (300′) of the boundaries of the property. This list shall be keyed to the map required by subsection (4) above and shall be accompanied by mailing labels.

E. Notice to Property Owners—Minor Exception with Notice. After receipt of a completed Minor Exception application, the Community Development Director shall provide notice to surrounding property owners as provided in section D above. Said notice shall include: a project description, information regarding where and when project plans can be viewed, a request for comments regarding said exception, and a commenting deadline date. No public hearing shall be required.

F. Director's Review and Action—All Minor Exceptions.

1. Notice of Decision. After the commenting deadline date, if any, and within thirty
(30) days of receipt of a completed application, the Director shall approve, conditionally approve, or deny the required exception. The Director of Community Development shall send the applicant a letter stating the reasons for the decision under the authority for granting the exception, as provided by the applicable sections of this chapter. The letter also shall state that the Director's decision is appealable under the provisions of subsection (K) below. Notice of the decision also shall be mailed to all those individuals who received the initial notice to property owners described in subsection (E) above.

2. Findings. In making a determination, the Director shall be required to make the following findings:

a) The proposed project will be compatible with properties in the surrounding area, including, but not limited to, scale, mass, orientation, size and location of setbacks, and height.

b) There will be no significant detrimental impact to surrounding neighbors, including, but not limited to, impacts to privacy, pedestrian and vehicular accessibility, light, and air.

c) There are practical difficulty which warrants deviation from Code standards, including, but not limited to, lot configuration, size, shape, or topography, and/or relationship of existing building(s) to the lot.

d) That existing non-conformities will be brought closer to or in conformance with Zoning Code and Building Safety requirements where deemed to be reasonable and feasible.

e) That the proposed project is consistent with the City's General Plan, the purposes of this title and the zoning district where the project is located, the Local Coastal Program, if applicable, and with any other current applicable policy guidelines.

G. Additional Criteria—Sections A.68.030(D) and (E). When making a determination to approve an exception to Sections A.68.030(D) and (E), the Director shall also require the following criteria to be met, in addition to the findings in Section A.84.120 (F)(2), as stated above:

1. New construction must conform to all current Code requirements except as permitted by this Chapter.

2. Structural alterations or modifications, as regulated by Chapter A.68, to existing non-conforming portions of structures shall only be allowed as follows:

a) To comply with Building Safety access, egress, fire protection and other safety requirements (i.e., stairs, windows) as determined to be significant by the Building Official.

b) For architectural compatibility (i.e., roof pitch and design, eave design, architectural features design) as determined to be necessary by the Director of Community Development.

c) Minor alterations to integrate a new 2nd or 3rd floor into an

existing 1st and/or 2nd floor, as determined to be necessary by the Director of Community Development.

d) Architectural upgrades, including those associated with construction of new square footage, as determined to be necessary by the Director of Community Development.

e) Other minor alterations or modifications as determined to be necessary by the Director of Community Development.

3. A minimum of ten percent (10%) of the existing structure, located above the ground-level floor surface, based on project valuation as defined in Section A.68.030, shall be maintained.

4. Parking spaces may remain non-conforming with respect to the number of spaces, except as provided below, as well as the size, consistent with the provisions in Section A.64.090 Exceptions, which allows a one foot (1′) reduction in dimensions. Other minor parking non-conformities, including but not limited to, garage door width, turning radius, driveway width, and driveway visibility, may remain as determined by the Director of Community Development to be impractical to bring into conformance with Code requirements.

5. All existing parking, required in accordance with Chapter A.64, or by the provisions of this Section, shall be retained and shall not be reduced in number or size.

6. Projects under two thousand (2,000) square feet in area per dwelling unit shall provide a minimum one (1) car fully enclosed garage per dwelling unit.

7. Projects two thousand (2,000) square feet in area and up to two thousand eight hundred (2,800) square feet per dwelling unit shall provide a minimum two (2) car off-street parking with one (1) fully enclosed garage and one (1) unenclosed parking space per dwelling unit, which may be located in a required yard subject to Director of Community Development approval.

8. Projects two thousand eight hundred (2,800) square feet in area and up to three thousand six hundred (3,600) square feet per dwelling unit shall provide a minimum two (2) car fully enclosed garage per dwelling unit.

9. Projects three thousand six hundred (3,600) square feet in area per dwelling unit and over shall provide a minimum three (3) car fully enclosed garage per dwelling unit.

10. All development on the site which is existing legal non-conforming development for zoning regulations may remain, however non-conformities shall be brought closer to or in conformance with current zoning requirements to the extent that it is reasonable and feasible.

11. The existing legal non-conforming portions of the structure that remain shall provide a minimum of fifty percent (50%) of the required minimum setbacks, unless there is an unusual lot configuration and relationship of the existing structure to the lot lines for minor portions of the building, then less than fifty percent (50%) of the minimum required setback may be retained.

12. All development on the site which is existing legal non-conforming for Building Safety regulations shall be brought into conformance with current regulations to the extent feasible, as determined by the Building Official.

13. After completion of the project(s) that is subject to the Minor Exception approval(s), no further addition(s) shall be permitted unless the entire structure is brought into conformance with the current Code requirements. This shall not preclude the submittal of multiple Minor Exceptions that meet the Code established criteria.

H. Conditions of Approval. In approving a minor exception permit, the Director may impose reasonable conditions necessary to:

1. Achieve the general purposes of this chapter and the specific purpose of the zoning district in which the minor exception will be located, or to be consistent with the General Plan;

2. Protect the public health, safety, and general welfare; or

3. Ensure operation and maintenance of the minor exception in a manner compatible with existing uses on adjoining properties in the surrounding area.

I. Effective Date—Appeals. Unless appealed in accordance with Chapter 10.100 of the Manhattan Beach Municipal Code, a minor exception decision shall become effective after expiration of the time limits for appeal set forth in Section 10.100.030 of the Manhattan Beach Municipal Code.

Chapter A.94 Affordable Housing Density Bonus and Incentive Program.

A.94.010. General Affordable Housing Provisions
A.94.020. State Affordable Housing Density Bonus.
A.94.030. State Childcare Facility Density Bonus.
A.94.040. Affordable Housing Concessions and Incentives.
A.94.045 Waivers or Reductions of Development Standards.
A.94.050. Parking Reductions
A.94.060. Administration.
A.94.070. Density Bonuses for Housing Developments Accompanied by Land Donation.

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. Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under Government Code Section 65915 et. seq., shall be permitted in a manner that is consistent with that section and, if applicable, the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). **This is carried out through provisions of this Chapter that require compliance with Section 65915 while ensuring that projects do not cause significant adverse coastal resource impacts.** All applicable state and federal laws, including Health and Safety Code Section 17929, shall apply, as may be amended, to the extent that such amendments are not inconsistent with applicable MBLCP requirements.

B. ~~Compatibility. All affordable housing units shall be dispersed within market-rate projects whenever feasible~~ Design of Affordable Units. Affordable housing units within mixed-income development projects shall ~~within market-rate projects shall be comparable with the design and use of~~ include the same materials, finishes, and fixtures as market-rate units~~.in appearance, use of materials, and finished quality. The design and appearance of the affordable housing units shall be compatible with the design of the total housing project and consistent with the surrounding neighborhood. Forms, materials and proportions that are compatible with the character of the surroundings shall be used.~~

C. Availability of Affordable Units. All affordable housing units shall be constructed concurrently with, and made available for qualified occupants at the same time as, the market-rate housing units within the same project ~~unless both the City and the developer agree in the Affordable Housing Agreement to an alternative schedule for development.~~

D. Affordable Housing Agreement. An Affordable Housing Agreement shall be made a condition of the planning permits for all projects granted a density bonus, pursuant to this Chapter. ~~The~~ Prior to recordation of a map, or the issuance of a permit by the Building and Safety Division for any portion of the project other than demolition, whichever comes first, the agreement shall be recorded as a restriction on the parcel or parcels**, CC&Rs, lease contracts, purchase agreement for individual units, and/or other regulatory agreements** ~~on which~~ that are the subject of the ~~affordable~~ housing ~~units will be constructed~~ development application. The Agreement shall be consistent with ~~**A.94.050**D.~~ **A.94.060.G**~~, Affordable Housing Agreement Required~~.

E. Median Income Levels. For the purpose of determining the income levels for Households under this Chapter, the City shall use the Los Angeles County income limits ~~found in Title 25, Section 6932 of the California Code of Regulations, and~~ regularly updated and published by the State Department of Housing and Community Development, or other income limits adopted by the City Council if the State Department of Housing and Community Development fails to provide regular updates.

F. Effect of Granting Density Bonus. The granting of a density bonus or any other benefits pursuant to this chapter shall not, in and of itself, be interpreted to require a general plan amendment, **MBLCP amendment,** zoning change, or other discretionary approval.

G. General Eligibility and Replacement Unit Requirements. An applicant shall not receive a density bonus or any benefit pursuant to this chapter if the housing development would be excluded under Government Code Section 65915. If applicable, the applicant must certify that the proposed project meets the replacement unit requirements identified in subparagraph (c)(3) of Government Code Section 65915 or any comparable requirement in Section 65915 or any comparable requirement in Section 65915, as it may be amended from time to time.

A.94.020. State Affordable Housing Density Bonus.

A. ~~Density Bonus. Pursuant to~~ For housing development qualifying pursuant to the requirements of Government Code Section 65915, the City shall grant a density bonus in ~~the following amounts over the otherwise allowable maximum residential density~~ ~~permitted by this Chapter and the General Plan, and at least 1 or more of the Affordable~~ ~~Housing Incentives, as set forth in Section A.94.040 ("Affordable Housing Concessions and Incentives"), if the applicant agrees or proposes to construct any one of the following:~~ an amount specified by Government Code Section 65915~~**, as that section may be amended from time to time**~~ **unless the City makes a finding, based on substantial evidence in the record, that the density sought by the applicant cannot feasibly be accommodated on the site in a manner that is in conformity with Chapter 3 of the Coastal Act (commencing with Public Resources Code Section 30200) or the**

certified local coastal program.

B. Except as otherwise required by Government Code Section 65915, the density bonus units shall not be included when calculating the total number of housing units that qualifies the housing development for a density bonus.

~~4. Moderate Income Units in Condominium and Planned Unit Developments. A density bonus of 5% if 10% of the total dwelling units in a condominium project, as defined in subdivision (f) of, or in a Planned Development, as defined in subdivision (k) of Section 1351 of the Civil Code, are Target Units affordable to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.~~

~~5. Housing Accompanied by Land Donation. A density bonus of 15% if a housing developer agrees to donate land to the City, subject to the requirements of Section 10.94.060 ("Density Bonuses for Housing Developments Accompanied by Land Donation").~~

~~B. Applicability. The provisions of subsection A shall be applicable to residential projects of 5 or more units, and senior citizen housing developments of at least 35 units.~~

~~C. Calculation of Density Bonuses.~~

B. ~~1. Density Bonus Units.~~ For the purpose of calculating the density bonus, the "maximum allowable residential density" shall have the same definition as found in Government Code Section 65915.

C. When calculating the number of permitted density bonus units and required affordable units, all fractional units shall be rounded up to the next whole number. ~~The density bonus shall not be included when determining the number of target affordable or senior housing units to be provided in a development project;~~

~~Sliding Scale for Greater Density Bonus. An applicant is entitled to receive a bonus larger than the percentages specified in subsection A if the percentage of affordable housing exceeds the percentages specified in subsection A, subject to the following provisions:~~

~~a. Lower Income Dwellings. For each additional 1% increase above 10% in the proportion of units affordable to lower income households, the density bonus shall be increased by 1.5% up to a maximum of 35% of the maximum allowable residential density for the site.~~

~~b. Very Low Income Dwellings. For each additional 1% increase above 5% in the proportion of units affordable to very low~~

~~income households, the density bonus shall be increased by 2.5% up to a maximum of 35% of the maximum allowable residential density for the site.~~

~~c. Condominium and Planned Unit Developments. For each additional 1% increase above 10% in the proportion of units affordable to moderate income households in condominium and planned unit developments, the density bonus shall be increased by 1% up to a maximum of 35% of the maximum allowable residential density for the site.~~

~~d. Housing Accompanied by Land Donation. For each additional 1% increase above the minimum 10% land donation described in Section A.94.060 ("Density Bonuses for Housing Developments Accompanied by Land Donation"), the density bonus shall be increased by 1%, up to a maximum of 35% of the maximum allowable residential density for the site.~~

~~D. Applicant May Request Smaller Density Bonus. Notwithstanding the foregoing, the City may award a smaller density bonus than specified in this section if the applicant so requests.~~

A.94.030. State Childcare Facility Density Bonus.

A. Intent. This section is intended to comply with Government Code Section 65915(h).

B. Density Bonus. When an applicant proposes to construct a housing development that conforms to the requirements of Section A.94.020.A ("Density Bonus"), and includes a childcare facility other than a family day care home that will be located on the premises of, as part of, or adjacent to, the project, the City shall grant either of the following:

1. Additional Density Bonus. A density bonus of additional residential units equal in square footage to the amount of square feet of the childcare facility, or

2. Additional Concession or Incentive. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

C. Conditions of Approval. The City shall require as a condition of approving the housing development that the following occur:

1. Length of Operation. The childcare facility remains in operation for a period of time that is as long as, or longer than, the length of the ~~time during which Section A.94.050.B ("D~~duration of affordability ~~of Rental~~

~~Units") requires that the affordable~~ ~~housing units remain affordable.~~ required by this chapter.

2. Attending Children. The percentage of children of very low, low or moderate income households who attend the childcare facility shall be the same or greater than the percentage ~~of dwelling units in the project that are required for households at each income level, pursuant to~~ by Government Code Section~~A.94.030.A ("Density Bonus").~~65915(h).

D. Exceptions. The City shall not be required to provide a density bonus or concession for a childcare facility if it finds that, based upon substantial evidence, the community has adequate childcare facilities.

A.94.040. Affordable Housing Concessions and Incentives.

A. Number of Incentives or Concessions. ~~In addition to~~ The City shall grant the applicant the number of incentives and concessions required by Government Code Section 65915 and~~. The City shall~~ grant the specific concession(s) or incentive(s) requested by the applicant, unless it makes any of the relevant written findings stated in Government Code Section 65915(d) **or Section A.94.045(C)(5) below.**

B. Senior citizen housing developments that qualify for a density bonus~~, an applicant is entitled to~~ shall not receive any incentives or concessions ~~as follows~~ unless the project qualifies due to the affordability of the project or Government Code Section 65915 is amended to specifically require that local agencies grant incentives or concessions for senior housing developments.

~~1. One incentive or concession for projects that include at least 10% of the total units for lower income households, at least 5% for very low income households, or at least 10% for persons and families of moderate income in a condominium or planned development, or~~

~~2. One incentive or concession for senior citizen housing developments, or~~

~~3. Two incentives or concessions for projects that include at least 20% of the total units for lower income households, at least 10% for very low income households, or at least 20% for persons and families of moderate income in a condominium or planned development, or~~

~~4. Three incentives or concessions for projects that include at least 30% of the total units for lower income households, at least 15% for very low income households, or at least 30% for persons and families of moderate income in a condominium or planned development.~~

~~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:~~

C. A request for a concession or incentive shall be accompanied by documentation demonstrating how the specific request results in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915.

A.94.045 Waivers or Reductions of Development Standards.

A. Except as restricted by Government Code Section 65915, the applicant for a density bonus may submit a proposal for the waiver or reduction of development standards that have the effect of physically precluding the construction of a housing development incorporating the density bonus and any incentives or concessions granted to the applicant.

B. A request for a waiver or reduction of development standards shall be accompanied by documentation demonstrating that the waiver or reduction is physically necessary to construct the housing development with the additional density allowed pursuant to the density bonus and incorporating any incentives or concessions required to be granted.

C. The City shall approve a waiver or reduction **(or concession or incentive, per A.94.040(A))** of a development standard, unless it finds ~~**t h a t**~~ **one or more of the following:**

1. The application of the development standard does not have the effect of physically precluding the construction of a housing development at the density allowed by the density bonus and with the incentives or concessions granted to the applicant;

2. The waiver or reduction of the development standard would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact;

3. The waiver or reduction of the development standard would have an adverse impact on any real property that is listed in the California Register of Historical Resources; ~~**or**~~

4. The waiver or reduction of the development standard would be contrary

to state or federal law~~.~~**; or**

5. The waiver or reduction **(or concession or incentive, per A.94.040(A))** would result in a~~n~~ **significant** adverse impact to a coastal resource**, including but not limited to impacts to sensitive habitat, wetlands, public viewsheds, public access and recreation, and open space. To make such a finding, an analysis of coastal resource impacts associated with the density bonus project and any alternatives shall be provided. If a finding is made that the waiver or reduction of development standards, or requested concession or incentive, would result in significant adverse impacts to coastal resources or public access and recreation, and the project could not be modified to avoid those impacts or such impacts could not be adequately mitigated by imposing reasonable conditions of approval, then the City shall deny the waiver, reduction of development standards, or concession or incentive.**

~~1. The concession or incentive is not necessary in order to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in Government Code Section 65915(c), or~~

~~2. The concession or incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households.~~

~~3. The concession or incentive would be contrary to state or federal law, or~~

~~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.~~

~~B. Types of Incentives. Incentives provided pursuant to this chapter may consist of any combination of the items listed below. In addition to the incentives listed, the City may allow for fast track and priority processing for a project with affordable housing.~~

~~1. Modification of Development Standards. Up to 20% in modification of site development standards or zoning code requirements that exceeds minimum building code standards and fire code standards,~~

~~including, but not limited to:~~

~~a. Reduced minimum lot sizes and/or dimensions.~~
~~b. Reduced minimum building setbacks and building separation requirements.~~
~~c. Reduced minimum outdoor and/or private outdoor living area requirements.~~
~~d. Increased maximum lot coverage.~~
~~e. Increased building height.~~

~~2. Reduced Parking.~~

~~a. Upon the applicant's request, the City shall allow a reduction in required parking, excluding handicapped parking. For a development that receives a density bonus pursuant to this chapter, the City shall not require a parking ratio that exceeds the following:~~

~~i. One on-site space for 0 to 1 bedroom units;~~
~~ii. Two on-site spaces for 2 to 3 bedroom units;~~
~~iii. Two and a half spaces for 4 or more bedroom units.~~

~~b. 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.~~
~~c. At the applicant's request, tandem parking may be counted toward meeting these parking requirements.~~

~~3. Mixed Use Zoning. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and such uses are compatible with the housing project and the surrounding area.~~

~~4. Other Incentives. Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable cost reductions or avoidance.~~

~~D.~~ ~~Additional Incentives. The City may allow for additional affordable housing incentives to be granted on a case-by-case basis, when requested by an applicant when more than 50% of the affordable housing units provided contain 3 or more bedrooms to meet the needs of large families.~~

A.94.050. Parking Reductions.

The applicant may request, and the City shall grant, a reduction in parking requirements in accordance with Government Code Section 65915(p) as that section may be amended from time to time **and in a manner that does not result in adverse impacts**

to public access and is consistent with the MBLCP.

If such reduction or elimination of parking requirements would result in potential adverse impacts to public access, the City is required to identify and require mitigation measures, including by imposing project-specific conditions, that ensure adverse impacts to public access are avoided to the maximum extent feasible. Mitigation measures shall include measures to address automobile traffic, as well as enhancement of pedestrian, bicycle, and public transit operations. Automobile traffic mitigation measures shall minimize vehicle miles traveled and shall not impede or degrade pedestrian or bicycle access or public transit operations.

A.94.0~~5~~60. Administration.

A. Application ~~and Review Process~~. A preliminary review of development projects proposed pursuant to this Chapter is encouraged to identify potential application issues, including proposed modifications to development standards~~. The applicant shall request in~~ In addition to any other review required for a proposed housing development, applications for a density bonus and any benefits pursuant to this chapter shall be filed on a form approved by the director. The application shall be filed concurrently with an application for a development plan review or administrative approval, including a coastal development permit if required pursuant to Chapter A.96.

B. Permit requirements. The applicant shall agree to comply with the standard requirements for approval, as updated from time to time by the Community Development Director, that are publicly available at the time an application is submitted for the project.

1. The standard requirements may include, but are not limited to,

i. Acknowledgement to provide the required number of affordable housing units that shall be available to tenants or owners who meet the eligible income threshold for the required duration of time;

ii. An indemnification clause to indemnify, protect, defend, and hold harmless the City, and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, from any and all claims, demands, lawsuits, actions and so forth concerning the proposed project;

~~iii. **All units in the proposed project shall be subject to Section 4.88.020; and,**~~

~~iv.~~ **iii.** An affordable housing agreement per Section ~~**10.94.060.F**~~ **A.94.060.G** shall be recorded as a covenant on the title of the project site.

C. Processing of Application. Density bonus applications, and concessions and waivers requested pursuant to this chapter shall be approved or

disapproved by the Community Development Director whose decision is final. City staff shall process the application for a density bonus concurrently with the application for the housing development.

D. Application Fee. At the time the application is submitted ~~the incentives~~ the applicant ~~wishes to obtain. The~~ shall pay a density bonus application ~~shall include financial data showing how the incentives are necessary to make the affordable units feasible. Applications shall be reviewed and processed according to the provisions of the Manhattan Beach Local Coastal Program Chapter A.12 ("Residential Districts").~~fee established by resolution of the City Council.

E. Duration of Affordability of Rental Units. All ~~lower income and very low income~~ rental affordable **~~housing~~** units shall be kept affordable **~~for a minimum period of 30 55 years, or a longer period of time if required by a construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, consistent with State law or state or federal law~~ through a recorded restrictive covenant that ensures the continued affordability of all very low-, low-, and moderate-income rental units for the life of the housing development, unless a different duration is required by a publicly funded construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. However, the affordability term shall be for a minimum period of 55 years.**

~~C. Definition of Affordability. Those units targeted for lower income households as defined in Section A.94.020 ("State Affordable Housing Density Bonus"), shall be affordable at a rent that does not exceed 30% of 60% of the area median income. Units targeted for very low income households shall be affordable at a rent that does not exceed 30% of 50% of area median income. Units targeted for moderate income households shall be affordable at a rent that does not exceed 35% of 110% of area median income. Median income levels shall be the income limits for Los Angeles County households as provided for in Section A.94.010.E ("Median Income Levels").~~

F. Duration of Affordability of For-Sale Units. All for-sale affordable housing units shall be made available in accordance with the requirements of Government Code Section 65915**, or a longer period of time if required by programs or state or federal law.**

G~~D~~. Affordable Housing Agreement Required. ~~All affordable housing projects shall be~~ subject ~~to the approval of an affordable housing agreement conforming to the provisions of Title 7, Division 1, Chapter 4, Article 2.5 of the Government Code, which shall be recorded as a covenant on the title to the Property.~~ The terms of the Agreement shall ensure compliance with the requirements of this chapter and state law, and shall be reviewed and revised as appropriate by the Director and/or City Attorney. The City

Manager shall have the authority to sign the agreement ~~who shall formulate a recommendation to the Planning Commission for final approval. This Agreement shall include, but is not limited to, the following:~~

~~1. Number of Units. The total number of units approved for the projects, including the number of affordable housing units.~~

~~2. Target Units. The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units.~~

~~3. Target Group. A description of the household income groups to be accommodated by the project and a calculation of the Affordable Rent or Sales Price, or a commitment to provide a Senior Citizen Housing Development.~~

~~4. Certification Procedures. The party responsible for certifying rents or sales prices of inclusionary units, and the process that will be used to certify renters or purchasers of such units.~~

~~5. Schedule. A schedule for the completion and occupancy of the affordable housing units.~~

~~6. Remedies for Breach. A description of the remedies for breach of the Agreement by either party.~~

~~7. Required Term of Affordability. For lower income and very low income units, duration of affordability of the housing units, pursuant to Section A.94.0560.B ("Duration of Affordability of Rental Units"). Provisions should also cover resale control and deed restrictions on targeted housing units that are binding on property upon sale or transfer, in accordance with the requirements of Government Code Section 65915.~~

~~8. Expiration of Agreement. Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for the City and/or the distribution of accrued equity for for-sale units.~~

~~9. Other Provisions. Other provisions to ensure implementation and compliance with this Chapter and State law.~~

~~10. Condominium and Planned Unit Developments. In the case of condominium and planned unit developments, the Affordable Housing Agreement shall provide for the following conditions governing the initial sale and initial resale and use of affordable housing units:~~

~~a. Target Units shall, upon initial sale, be sold to eligible Very Low, Lower, or Moderate Income Households at an Affordable Sales Price and Housing Cost, or to Qualified Residents as defined by this chapter.~~

~~b. Target Units shall be initially owner-occupied by eligible Very Low, Lower, or Moderate Income Households.~~

~~c. Upon resale, the seller of a Target Unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The City shall recapture its proportionate share of appreciation, which shall be used to promote home ownership opportunities as provided for in Health and Safety Code Section 33334.2. The City's proportionate share shall be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial sale.~~

~~11. Rental Housing Developments. In the case of rental housing developments, the Affordable Housing Agreement shall provide for the following conditions governing the use of Target Units during the use restriction period:~~

~~a. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining Target Units for qualified tenants.~~

~~b. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this Chapter.~~

~~c. Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying Target Units, and which identifies the bedroom size and monthly rent or cost of each Target Unit.~~

H. Notice of Conversions. Notice of conversions of affordable units to market-rate units shall be provided pursuant to the following requirements:

1. General. At least a one year notice shall be required prior to the conversion of any rental units for affordable households to market-rate.

   1) Required Notice. Notice shall be given to the following:

a. The City;

b. The State Housing and Community Development Department (HCD);

c. The Los Angeles County Housing Authority;

d. The residents of the affordable housing units proposed to be converted; and

e. Any other person deemed appropriate by the City.

IF. Conversion of Affordable Rental Units. If an owner of a housing development issues a notice-of-intent to convert affordable housing rental units to market-rate housing, the City shall consider taking one or more of the following actions:

1. Meet with the owner to determine the owner's financial objectives;

2. Determine whether financial assistance to the current owner will maintain the affordability of the rental housing development or whether acquisition by another owner dedicated to maintaining the affordability of the development would be feasible; and

3. If necessary to maintain the affordability of the housing unit or facilitate sale of the rental development, consider the use of assistance in accessing state or federal funding.

A.94.0670. Density Bonuses for Housing Developments Accompanied by Land Donation.

A. An applicant for a tentative subdivision map, parcel map, or other residential development approval that donates land to the City and meets all of the eligibility criteria in Government Code Section 65915(g) shall be entitled to the density bonus identified in Government Code Section 65915(g)**, unless the City makes written findings that the bonus would have impacts as described in Section A.94.045(C)(5).**

B. Except as otherwise required by state law, an applicant that receives a density bonus in exchange for donating land pursuant to this section shall not be entitled to any of the other benefits provided by this chapter.

~~The City shall grant a density bonus pursuant to Section A.94.020 ("State Affordable Housing Density Bonus") to a housing development if the applicant agrees to donate land to the City and the applicant satisfies all of the following requirements:~~

~~A. The applicant donates and transfers the land no later than the date of~~

approval of the final subdivision map, parcel map, or residential development application;

B. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 % of the number of residential units of the proposed development;

C. The transferred land is at least 1 acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure, as determined by the Director;

D. The transferred land has appropriate zoning and development standards to make the development of the affordable units feasible, as determined by the Director;

E. Prior to the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land has all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review if the design is not reviewed by the City prior to the time of transfer;

F. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units meeting the requirements of an affordable housing agreement as set forth in Section A.94.050.D ("Affordable Housing Agreement Required");

G. The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer; and

H. The transferred land is within the boundary of the proposed development or, if the City agrees, within one-quarter mile of the boundary of the proposed development.

Chapter A.96. Coastal Development Permit Procedures

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A.96.010. Specific purpose.

In addition to the general purposes listed in Chapter A.01, the specific purpose of Coastal Development Permit Procedures is to implement the Coastal Act of 1976 (Division 20 of the Public Resources Code) as amended, in accordance with the Local Coastal Program of the City of Manhattan Beach. The regulations of this chapter shall apply in the Coastal Zone, as defined by the Coastal Act and map prepared by the California Coastal Commission.
(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.020. Zoning map designator.

The zoning map shall show all property affected by adding a "-CZ" to the base district

designator. The regulations of this chapter shall apply in addition to the regulations of any district with which the CZ District is combined, and where conflicts arise, the regulations of this chapter shall govern.
(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.030. Definitions.

For the purpose of this chapter, certain terms used herein are defined as follows:

A. "Aggrieved person" means any person who, in person or through a representative, appeared at a public hearing or by other appropriate means prior to action on a Coastal Development Permit, informed the City of his or her concerns about an application for such permit, or who, for good cause, was unable to do either, and who objects to the action taken on such permit and wishes to appeal such action to a higher authority.

B. "Appealable development" means any development project which may be appealed to the Commission in accordance with the adopted regulations of the Coastal Commission and is located within or constitutes any of the following:

1. Approval of a development project located within any appealable area, as follows:

a. All area between the sea and first public road paralleling the sea or within three hundred (300) feet of the inland extent of any beach or the mean, high-tide line of the sea where there is no beach, whichever is the greater distance.

b. All area within one hundred (100) feet of any wetland, estuary, or stream and all area within three hundred (300) feet of the top of the seaward face of any coastal bluff. [30603(a)(1)&(2)]

2. Approval or denial of a development project which constitutes a major public works project or a major energy facility. [30603(a)(5]

C. "Applicant" means the person, partnership, corporation, or state or local government agency applying for a Coastal Development Permit.

D. "Approving Authority" means a City officer, City Council, commission, or board approving a Coastal Development Permit.

E. "Coastal Commission" means the California Coastal Commission.

F. "Coastal Development Permit" means a certificate issued by the City of Manhattan Beach in accordance with the provisions of this chapter, approving development in the Coastal Zone as being in conformance with the Local Coastal Program. A Coastal Development Permit includes all application materials, plans and conditions on which the approval is based. [30101.5]

G. "Coastal Policy Checklist" means a form prepared and completed by the Director of Community Development as a guide for reviewing a Coastal Development Permit application for conformance with the Local Coastal Program. It shall list appropriate application information, all local Coastal Program policies, those policies with which the application does not comply, and recommended conditions, if any, which could be imposed to bring the application into compliance.

H. "Coastal Zone" means that portion of the Coastal Zone, as established by the Coastal Act of 1976 and as it may subsequently be amended, which lies within the City of Manhattan Beach, as indicated on a map on record with the Department of Community Development.

I. "Development" means, on land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any materials; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations. [30106]

As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

J. "Historic Structure" means, in accord with the Health and Safety Code

Section 18955, any structure, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of any area by an appropriate local or state governmental jurisdiction. This definition shall include structures on existing or future national, state, or local historical registers, or official inventories such as the National Register of Historical Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers of inventories of historical or architecturally significant sites, places, historic districts, or landmarks.

K. "Local Coastal Program" means the City's land-use plans, Planning and Zoning Ordinances, zoning maps, and implementing actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

L. "Major Energy Facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal or other source of energy which exceeds one hundred thousand dollars ($100,000.00) in its estimated costs of construction with an automatic increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624. [13012]

"Energy facility" means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal, or other source of energy.

M. "Major Public Works Project" means:

1. a public works project which exceeds one hundred thousand dollars ($100,000.00) in its estimated cost of construction with an automatic increase in accordance with the Engineering News Record Construction Cost Index, except for those governed by the provisions of Public Resources Code Sections 30610, 30610.5, 30611 or 30624.

2. Notwithstanding the criteria in (1), "major public works" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities. [13012(a) and (b)]

"Public works" means the following:

(a) All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.

(b) All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.

(c) All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.

(d) All community college facilities.

N. "Other Permits and Approvals" means permits and approvals, other than a Coastal Development Permit, required by the City of Manhattan Beach Municipal Code before a development may proceed.

O. "Overlay District" means a set of zoning requirements, described in the ordinance text and mapped, which is imposed in addition to the requirements of one or more underlying districts. Development in such districts must comply with the requirements of both the Overlay District and the underlying base zoning district and Area District.

P. "Permittee" means the person, partnership, corporation or agency issued a Coastal Development Permit.

Q. "Principal Permitted Use" means any use representative of the basic zone district allowed without a use permit in that underlying district.

R. "Project" means any development as defined in this section.

S. "Project Appealable to the Coastal Commission" means "Appealable development" as defined in this section. [30603]

T. "Sea" means the Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding nonestuarine rivers, streams, tributaries, creeks, and flood control and drainage

channels.

U. "Sensitive coastal resource areas" means those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity. "Sensitive coastal resource areas" include the following:

(a) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in the coastal plan.

(b) Areas possessing significant recreational value.

(c) Highly scenic areas.

(d) Archaeological sites referenced in the California Coastline and Recreation Plan or as designated by the State Historic Preservation Officer.

(e) Special communities or neighborhoods which are significant visitor destination areas.

(f) Areas that provide existing coastal housing or recreational opportunities for low-and moderate-income persons.

(g) Areas where divisions of land could substantially impair or restrict coastal access.

V. "Special district" means any public agency, other than a local government as defined in this chapter, formed pursuant to general law or special act for the local performance of governmental or proprietary functions within limited boundaries. "Special district" includes, but is not limited to, a county service area, a maintenance district or area, an improvement district or improvement zone, or any other zone or area, formed for the purpose of designating an area within which a property tax rate will be levied to pay for service or improvement benefiting that area.

W. "Zoning ordinance" means an ordinance authorized by Section 65850 of the Government Code or, in the case of a charter city, a similar ordinance enacted pursuant to the authority of its charter.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.040. Requirement for coastal development permit.

Except as provided by Section A.96.050, any person, partnership, or corporation, or state or local government agency wishing to undertake any development, as defined in Section A.96.030, in the CZ District, shall obtain a Coastal Development Permit in

accordance with the provisions of this chapter, in addition to any other permit required by law. Development undertaken pursuant to a Coastal Development Permit shall conform to the plans, specifications, terms and conditions approved or imposed in granting the permit.
(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A coastal development permit is required for any development, including gates, parking controls, new locations for parking meter areas, changes in fee structure, expansion of times and hours in which monthly permits may be offered, or other devices in the coastal zone that change the availability of long and short term public parking, including, but not limited to, changes in the operation of the City parking management program established in §A.64.230. All parking management permits shall be reviewed for consistency with the Local Coastal Program and with the public access and recreation policies of the Coastal Act of 1976.

A.96.050. Exemptions/categorical exclusions.

The projects listed below shall be exempt from the requirement for a Coastal Development Permit. Requirements for any other permit are unaffected by this section:

A. Improvements to Existing Single-Family Residences. Improvements to single-family dwellings and mobilehomes including structures normally associated with a single-family residence such as garages, swimming pools, fences, storage sheds and landscaping are exempt unless classified as one of the following:

1. Guest houses and self-contained second residential units~~,~~ **except that development consisting of accessory dwelling units that are contained within or directly attached to a primary residence are exempt from a Coastal Development Permit unless any of the following in subparts (2) through (7), below, apply.**

2. Improvements to any structure located on a beach, wetland or stream, or where the structure or proposed improvements would encroach within fifty (50) feet of a coastal bluff edge.

3. Improvements to any structure between the sea and first public roadway paralleling the sea, or within three hundred (300) feet of the inland extent of any beach, whichever is the greater distance when such improvements would constitute or result in any of the following:

    a. An increase of 10 percent or more of the internal floor area

of the existing structure(s) on the building site or an additional increase in floor area bringing the aggregate increase to 10 percent or more.

b. The construction of an additional story or loft or increase in building height of more than 10 percent.

c. The construction, placement or establishment of any significant detached structure such as a garage, fence, shoreline protective works or dock.

4. Expansion or construction of a water well or septic system.

5. Improvements in an area which the Coastal Commission has determined to have a critically short water supply that must be maintained for the protection of coastal resources or public recreational use including the construction of any major water using development not essential to residential use such as, but not limited to, swimming pools or the construction or extension of any landscaping irrigation system

6. Any improvement where the coastal development permit issued for the original structure indicates that future additions would require a coastal development permit.

7. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff or stream, or in areas of natural vegetation designated by resolution of the Coastal Commission as a significant natural habitat. [13251]

B. Existing Structures Other than Single-Family Residences or Public Works Facilities. The maintenance and alteration of, or addition to, existing structures other than single-family dwellings and public-works facilities, provided the project does not involve the following:

1. Any improvement to a structure that changes the intensity or use of the structure;

2. Any improvement made pursuant to conversion of an existing structure from a multiple-unit rental use or a visitor serving commercial rental use to a use involving a fee ownership, or long term leasehold, including, but not limited to, a condominium

conversion or stock cooperative conversion;

3. All nonexemptions contained in subsections (1) through (6) of §A.96.050(A) of this chapter.

4. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland or sand dune, or within 100 feet of the edge of a coastal bluff or stream or in areas of natural vegetation designated by resolution of the Coastal Commission as a significant natural habitat.

5. Any improvements to a structure where the development permit issued for the original structure by the Commission indicated that any future improvements would require a development permit. [13252]

C. Repair or Maintenance Activities. Repair or maintenance activities that do not result in an addition to or enlargement or expansion of the object of those repair maintenance activities, unless classified under one of the following:

1. Repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall or similar shoreline work which involves:

   a. Substantial alteration of the foundation including pilings and other surface and subsurface structures.

   b. The placement, whether temporary or permanent, of rip-rap, or artificial berms of sand, or any other form of solid material, on a beach or in coastal waters, streams, wetlands, estuaries, or on shoreline protective works.

   c. The replacement of twenty (20) percent or more of the materials of an existing structure with materials of a different kind.

   d. The presence, whether temporary or permanent, of mechanized construction equipment or materials on any sand area or bluff or within twenty (20) feet of coastal waters or streams.

2. The replacement of twenty (20) percent or more of a seawall

revetment, bluff retaining wall, breakwater, groin, or similar protective work under one ownership, unless destroyed by natural disaster.

3. Any method of routine maintenance dredging that involves the dredging of one hundred thousand (100,000) cubic yards or more within a twelve (12) month period; or in the placement of dredge spoils of any quantity within an environmentally sensitive habitat area, or any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within (20) twenty feet of coastal waters or streams; or the removal, sale, or disposal of dredge spoils of any quantity that would be suitable for beach nourishment in an area the Coastal Commission has declared by resolution to have a critically short sand supply that must be maintained for protection of structures, coastal access, or public recreational use.

4. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within fifty (50) feet of the edge of a coastal bluff or environmentally sensitive habitat area; or within twenty (20) feet of any coastal waters and streams that include:

   a. The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand or other beach materials or any other forms of solid materials.

   b. The presence, whether temporary or permanent, of mechanized equipment or construction materials, except that the use of such equipment solely for routine beach cleaning and park maintenance shall not require a coastal development permit.

D. Utility Connection. The installation, testing and placement in service, or the replacement of any necessary utility connection between an existing service facility and any development.

E. Replacement of Structures Following Disaster. The replacement of any structure, other than a public works facility, destroyed by disaster (any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner), provided such replacement structure:

1. Shall conform to zoning requirement applicable at time of replacement; and

2. Shall be for the same use as the destroyed structure; and

3. Such replacement structure does not exceed the floor area, height or build of the destroyed structure by more than 10 percent and is sited in the same location on the same building site as the destroyed structure.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

F. Categorical Exclusions. Specific types of development may be exempted from coastal permit requirements per the provisions of California Coastal Commission Administrative Regulations Sections 13250 - 13253. Such exemptions shall require approval, per an order of categorical exclusion, from the California Coastal Commission. Records of any future categorical exclusions shall be kept on file with the Community Development Department.

A.96.060. Pre-application conference.

A prospective applicant may request a pre-application conference with the Director of Community Development prior to formal submittal of an application for a Coastal Development Permit. At such conference, the Director of Community Development shall acquaint the property owner with Local Coastal Program policies, plans and requirements as they apply to the site and the proposed project, suggest improvements to the proposed project based on review of plans provided by the property owner, and inform the owner of the steps necessary prior to formal action on the project. The plans provided by the owner should be drawn approximately to scale and should contain in a general manner, the information required by Section A.96.070 for a site plan. The Director of Community Development shall exercise discretion in granting requests for such conferences so as not to infringe upon other staff duties.
(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.070. Application requirements.

Application for a Coastal Development Permit shall be made to the Department of Community Development on forms provided by the Director of Community Development. Where required by this chapter, application for a Coastal Development Permit shall be made prior to or concurrently with application for any other permit or approvals required for the project by the City of Manhattan Beach Municipal Code. The application for a Coastal Development Permit shall be accompanied by:

A. The required fee;

B. A location map showing the site to be developed in relation to nearby lots, streets, highways, and major natural features such as the ocean, beaches, wetlands, and major landforms;

C. A site plan, to scale, showing:

1. Existing and proposed property lines on the sites, including all easements over or adjacent to the site;

2. Existing and proposed topography, at a contour interval appropriate to the size of the site to be developed;

3. All existing and proposed structures, roads, utility lines, signs, fences and other improvements; and

4. Major natural and man-made landscape features, including location, type and size of any trees or other vegetation to be removed or planted;

D. Building elevations showing:

1. All exterior walls;

2. Type of roof and other exterior materials; and

3. Location and design of roof equipment, trash enclosures, fences, exterior lights, signs, and other exterior structures and equipment.

E. Any additional information determined by the Director of Community Development within thirty days of the coastal development permit application submittal, to be necessary for evaluation of the proposed development.

F. A description and documentation of the applicant's legal interest in all the property upon which work would be performed, if the application were approved. [30601.5]

G. A dated signature by or on behalf of each of the applicants, attesting to the truth, completeness and accuracy of the contents of the application, and if the signer is not the applicant, written evidence that the signer is authorized to act as the applicant's representative. [13053.5]

H. In the CL, CD, and CNE zones, written evidence, including drawings, showing consistency with the certified local coastal program, including but not limited to materials showing consistency with policies mandating "pedestrian oriented" design, and compliance with the LCP standards with regard to parking supply and the actual cost of constructing parking spaces.

I. In Area District III, drawings, plans and other information showing consistency with the public parking and walk street protection and density standards of the LCP.

A.96.080. Action on coastal development permit.

A. All development undertaken after November 8, 1972, within the coastal zone as defined in the Coastal Initiative of 1972, or after January 1, 1977, within the coastal zone as defined by the Coastal Act of 1976, shall have a valid coastal development permit issued by the California Coastal Commission or by the City pursuant to this Local Coastal Program.

1. The City's jurisdiction over coastal development permits does not include tidelands, submerged lands, public trust lands as described in Section 30519 of the Public Resources Code.

2. Development authorized by a Commission-issued permit remains under the jurisdiction of the Commission for the purposes of condition compliance, amendment, extension, reconsideration and revocation.

3. Any proposed development within the certified area which the City preliminarily approved before effective certification of the Local Coastal Program but which has not been filed complete with the Commission for approval shall be re-submitted to the City through an application for a permit pursuant to this LCP. Decision on the application shall be based solely on the requirements of this LCP.

4. Any proposed development within the certified area which the City preliminarily approved before effective certification of the Local Coastal Program and for which an application has been filed complete with the Commission may, at the option of the applicant, remain with the Commission for completion of review. Commission review of any such application shall be based upon

the certified LCP. Alternatively, the applicant may re-submit the proposal to the City through an application for a permit pursuant to this LCP. Decision on the application shall be based solely upon this LCP. Projects which elect to obtain a coastal permit from the Coastal Commission will remain under the jurisdiction of the Commission as set forth in (1) above. [13546]

5. Upon effective certification of a certified Local Coastal Program, no applications for development shall be accepted for development within the certified area.

B. Action to approve, conditionally approve, or deny a Coastal Development Permit shall be taken by the Director of Community Development, the Planning Commission, the Public Works Commission, or the City Council, whichever has responsibility for final approval of other discretionary permits, including parcel maps and lot line adjustments, if such discretionary permits are required. To the extent possible, action on a Coastal Development Permit shall be taken concurrently with action on other permits or approvals required for the project.

C. At the time an application for development is submitted, the Community Development Director or his/her designee shall determine and inform the applicant, based on the provisions of this Chapter, and all applicable maps, zoning regulations and specific plan regulations, that the development project is one of the following:

1. Within an area where the Coastal Commission continues to exercise original permit jurisdiction as defined in Section 30519, an applicant must obtain a coastal development permit directly from the Coastal Commission;

2. Appealable to the Coastal Commission and requires a coastal development permit;

3. Non-appealable to the Coastal Commission and requires a coastal development permit;

4. Categorically excluded or exempt and does not require a coastal development permit. [13569]

D. Where an applicant, interested person, or a local government has a question as to the appropriate designation for the development, the following procedures shall establish whether a development is exempt, categorically excluded, non-appealable or appealable:

1. The local government shall make its determination as to what type of development is being proposed (i.e. exempt, categorically excluded, appealable, non-appealable) and shall inform the applicant of the notice and hearing requirements for that particular development. The local determination may be made by any designated local government employee(s) or any local body as provided in local government procedures.

2. If the determination of the local government is challenged by the applicant or an interested person, or if the local government wishes to have a Commission determination as to the appropriate designation, the local government shall notify the Commission by telephone of the dispute/question and shall request an Executive Director's opinion.

3. The Executive Director shall, within two (2) working days of the local government request (or upon completion of a site inspections where such inspection is warranted), transmit his or her determination as to whether the development is exempt, categorically excluded, non-appealable or appealable.

4. Where, after the Executive Director's investigation, the Executive Director's determination is not in accordance with the local government's determination, the Commission shall hold a hearing for purposes of determining the appropriate designation for the area. The Commission shall schedule the hearing on the determination for the next Commission meeting (in the appropriate geographic region of the State) following the local government request. [13569(a)-(d)]

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.090. Public hearing and comment.

A. The appropriate person or body specified in Section A.96.080 shall hold a public hearing prior to any action on a Coastal Development Permit where:

1. Action or recommendation on other permits or approvals required for the project require the holding of a public hearing;

2. The permit is for development appealable to the Commission as

defined in
§A.96.030 and §A.96.160.

B. A public hearing on a Coastal Development Permit may be held concurrently with any other public hearing on the project but all decisions on coastal development permit applications must be accompanied by separate written findings.

C. Any person may submit written comment on an application for a Coastal Development Permit, or on a Coastal Development Permit appeal at any time prior to the close of the applicable public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in the public notice. Written comments shall be submitted to the Director of Community Development who shall forward them to the appropriate person, commission, board, or the Council, and to the applicant.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.100. Notice and Procedures for appealable development.

Notice of development appealable to the Coastal Commission shall be provided as follows:

A. Contents of Notice.

1. A statement that the development is within the Coastal Zone and is appealable to the Coastal Commission;

2. The date of filing of the application and the name of the applicant;

3. The file number assigned to the application;

4. A description of the development and its proposed location;

5. The date, time, and place at which the application will be heard;

6. A brief description of the general procedure concerning the conduct of hearing and local actions; and

7. The system for local and Coastal Commission appeals, including any local fees required.

B. Provision of Notice Prior to Public Hearing. Notice shall be mailed at least 10 days before the first public hearing on the project to the following:

1. Applicant;

2. Owner of the property;

3. All property owners and residents within 100 feet from the perimeter of the subject parcel;

4. All persons who have, within the past calendar year, submitted a written request for notice of all Coastal Permit applications and all persons who at any time have requested to be on the mailing list for that development project; [13565]

5. The Coastal Commission;

6. Public agencies which, in the judgment of the Director of Community Development, have an interest in the project; and

7. A newspaper of general circulation in the Coastal Zone. The notice is to be published once.

C. Notice of Continued Public Hearings. If a decision of an appealable Coastal Development Permit is continued to a time that has not been stated in the initial notice or at the public hearing, notice of the continued hearing shall be provided in the manner prescribed by paragraph (B) above.

D. Finality of Local Government Action. A decision on an application for a development shall not be deemed complete until (1) the decision on the application has been made and all required findings have been adopted, including specific factual findings supporting the legal conclusions that the proposed development is or is not in conformity with the certified LCP and, where applicable, with the public access and recreation policies of Chapter 3 of the Coastal Act, and (2) when all local rights of appeal have been exhausted.

E. Exhaustion of Local Appeals. For appealable development, an appellant must pursue and exhaust local appeals under the City's appeal procedures for purposes of filing an appeal under the Coastal Commission's regulations, except that exhaustion of all local appeals shall not be required if any of the following occur;

1. an appellant is denied the right of the initial local appeal by a local ordinance which restricts the class of persons who may appeal the local decision; or

2. an appellant is denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of the Chapter; or

3. the City charges an appeal fee for the filing or processing of appeals; or

4. where a project is appealed by any two (2) members of the Coastal Commission. [13573]

F. Notice of Final Government Action. Within seven (7) calendar days of a local government completing its review and meeting the requirements of §A.96.100 D, notice of the final local decision, including written findings for approval and conditions (if any) on the project proposal and the procedures for appeal of the decision to the City Council, shall be mailed to the following people and agency: [13571(a)]

1. The applicant;

2. The owner of the subject parcel;

3. All persons who have submitted a written request for notification of action on this specific permit, and have submitted a self-addressed, stamped envelope (or, where required, have paid a reasonable fee to receive such notice); and,

4. The Coastal Commission.

G. Failure to Act - Notice.

1. Notification by Applicant: If a local government has failed to act on an application within the time limits set forth in Government Code Sections 65950-65957.1, the person claiming a right to proceed with the development pursuant to Government Code Sections 65950-65957.1 shall provide the notice required by Government Code Sections 65956. [13571(b)(1)]

2. Notification by Local Government: When a local government determines that the time limits established pursuant to Government Code Sections 65950-65957.1 have expired and that the notice required by law has occurred, the local government shall, within seven (7) calendar days of such determination, notify any person

entitled to receive notice pursuant to §A.96.100 that the application has been approved by operation of law pursuant to Government Code Sections 65950-65957.1 and the application may be appealed to the Commission pursuant to §A.96.160. (This section shall apply equally to a local government determination that the project has been approved by operation of law and to a judicial determination that the project has been approved by operation of law.) [13571 (b)(2)]

H. Local Action -- Effective Date. A final decision on an application for an appealable development shall become effective after the ten (10) working day appeal period to the Coastal Commission has expired unless either of the following occur:

1. an appeal is filed in accordance with the procedures set forth by the Coastal Commission;

2. the notice of final local government action does not meet the requirements of subsections F and G above.

When either of the circumstances in 1 or 2 occur, the Coastal Commission shall, within five (5) calendar days of receiving notice of that circumstance, notify the City and the applicant that the effective date of the local government action has been suspended.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.110. Notice for other projects.

A. Notice of projects for which a public hearing is required but which are not appealable to the Coastal Commission.

1. Contents of Notice.

a. A statement that the development is within the Coastal Zone but is not appealable to the Coastal Commission;

b. The date of filing of the application and the name of the applicant;

c. The file number assigned to the application;

d. A description of the development and its proposed location;

e. The date, time, and place at which the application will be heard;

f. A brief description of the general procedure concerning the conduct of hearing and local actions.

2. Provision of Notice: Notice of developments shall be given at least 10 calendar days before the first public hearing in the following manner:

a. If the matter is heard by a board or commission, notice shall be published in a newspaper of general circulation;

b. Notice by first-class mail to any person who has filed a written request therefore;

c. Notice by first-class mail to property owners within 300 feet; [13568(a)(3)]

d. Notice by first-class mail to the Coastal Commission; and

e. Notice by first class mail to residents within 100 feet of the proposed project. [13568(a)(4)]

B. Notice of projects for which no public hearing is required and which are not appealable to the Coastal Commission.

1. Contents of Notice:

a. A statement that the development is within the Coastal Zone but is not appealable to the Coastal Commission;

b. The date of filing of the application and the name of the applicant;

c. The file number assigned to the application;

d. A description of the development and its proposed location;

e. The date, the application will be acted upon by the local governing body or decision maker;

f. The general procedure concerning the submission of public comments either in writing or orally prior to a decision on the application; and

g. A statement that a public comment period of sufficient time to allow for the submission of comments by mail will be held prior to any decision.

2. Provision of Notice: Notice of these development proposals shall be given within 10 days of acceptance of the application or at least seven days prior to the local decision date to the following people and agencies:

a. The applicant;

b. The owner of the property;

c. All property owners and residents within 100 feet of the perimeter of the subject parcel;

d. All persons who have, within the past calendar year, submitted a written request for notice of all Coastal Permits applications;

e. All persons who have requested, in writing, notices relating to the Coastal Permit in question; and

f. The Coastal Commission.

C. Categorically Excluded Development: A current record of all permits issued for categorically excluded developments shall be available for public and Coastal Commission review, and shall include the following information for each permit: name of applicant, location of the

project, and brief description of the project. Development included in a categorical exclusion area adopted pursuant to the California Coastal Act and approved by the California Coastal Commission, is exempt from other procedures contained in this Chapter except that the City shall provide the Coastal Commission with notification of such permit issuance within five (5) working days. [13248]

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.120. Standards for application review.

The official or body acting on a Coastal Development Permit shall review the project for compliance with: all applicable plans, policies, requirements and standards of the Local Coastal Program; the City's General Plan; requirements of the Planning and Zoning Ordinance; and other provisions of this title. To assist this review, the Director of Community Development shall, as part of the recommendation, complete a Coastal Policy Checklist.
(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.130. Precedence of local coastal program.

Where the plans, policies, requirements or standards of the Local Coastal Program, as applied to any project in the CZ District, conflict with those of the underlying Area District or zoning district or other provisions of this title, the plans, policies, requirements or standards of the Local Coastal Program shall take precedence.
(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.140. Conditions.

Approval of a Coastal Development Permit shall be subject to conditions as necessary to ensure conformance with, and implementation of, the Local Coastal Program. Modification and resubmittal of project plans, drawings, and specifications may be required to ensure conformance with the Local Coastal Program. When modification and resubmittal of plans is required, action shall be deferred for a sufficient period of time to allow the Director of Community Development to prepare his/her recommendation on the modified project.
(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.150. Findings.

All decisions on Coastal Development Permits shall be accompanied by written findings: [13096]

A. That the project, as described in the application and accompanying materials, as modified by any conditions of approval, conforms with the certified Manhattan Beach Local Coastal Program; and

B. If the project is located between the first public road and the sea, that the project is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act of 1976 (Commencing with Section 30200 of the Public Resources Code).

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.160. Appeals.

Development pursuant to an approved Coastal Development Permit shall not commence until the Coastal Development Permit is effective. The Coastal Development Permit is not effective until all appeals, including those to the Coastal Commission, have been exhausted. In the event that the Coastal Commission denies the permit or issues a permit on appeal, the Coastal Development Permit approved by the City is void.

A. Action by the Director of Community Development may be appealed to the Planning Commission. Action by the Planning Commission may be appealed only to the City Council. Any appeal by an aggrieved person, except an appeal by a City Councilperson or the Mayor, must be initiated within 15 days from the date of the decision. The appeal period ends at the close of the business day for City Hall on the first City Hall working day no less than fifteen days after the decision maker's action.

1. The matter shall be scheduled for City Council review at the first regularly scheduled meeting following the decision for which the matter can be legally noticed. The Mayor or any City Council member may appeal the permit at the time of or before the City Council meeting at which the decision is reported to the City Council.

2. An appeal from the decision of the Director of Community Development shall be filed with the Department of Community Development on a form provided by the Director of Community Development. The appeal shall be accompanied by a fee set by resolution of the City Council and a statement of the grounds for the appeal.

3. An appeal from the decision of the Planning Commission shall be filed with the City Clerk on a form provided by the City Clerk. The appeal shall be accompanied by a fee set by resolution of the City Council and a statement of the grounds for the appeal.

a. The Mayor or any member of the City Council may appeal any matter by requesting a public hearing on the appeal within the time limit set forth in Section A.96.160 A. The Mayor or City Council member appealing any matter shall

be disqualified from hearing the appeal unless he or she certifies that the appeal was made in the public interested or welfare.

b. Decisions that are appealed shall not become effective until the appeal has been resolved or withdrawn.

4. It shall be the duty of the Director of Community Development to forward a Coastal Development Permit appeal, together with recommendation thereof, to the appropriate body specified in Paragraph A above for its action.

B. Appeals to the Coastal Commission. Within ten (10) working days from the date of Coastal Commission receipt of the notice of final action, all appealable development, as defined in §A.96.030, may be appealed to the Coastal Commission in accordance with Coastal Commission regulations by a qualified appellant, as defined in §A.96.160 D.

1. The ground for appeal to the Commission of a final local approval shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies of Chapter 3. [30603(b)(1)]

2. The grounds for appeal to the Commission of a denial of a major public works project or major energy facility shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program or the public access policies of Chapter 3. [30603(b)(2)]

C. A final decision on an application for an appealable development shall become effective after the 10th working day appeal period to the Coastal Commission has expired unless either of the following occur:

1. an appeal is filed in accordance with the procedures set forth by the Coastal Commission;

2. the notice of final local government action does not meet the requirements of §A.96.100 F and G above.

D. An appeal pursuant to this chapter may only be filed by the applicant for the Coastal Development Permit in question, an aggrieved person as defined in §A.96.030(a) , or any 2 members of the Coastal Commission.

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.170. Expiration of coastal development permit.

A Coastal Development Permit shall expire on the latest expiration date applicable to any other permit or approval required for the project, including any extension granted for other permits or approvals. Should the project not require City permits or approvals other than a Coastal Development Permit, the Coastal Development Permit shall expire 1 year from its date of approval if the project has not been commenced during that time. The approving authority may grant a reasonable extension of time for due cause. Said time extension shall be requested in writing by the applicant or authorized agent prior to expiration of the one-year period.

Notwithstanding the above, a Coastal Development Permit for an "affordable housing project", shall expire 5 years from the date the project receives "final approval" if the project has not commenced construction during that time. The terms "affordable housing project" and "final approval" shall have the same definition as those included in Government Code Section 65589.5(o)(2)(D).

(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.180. Permit amendment.

Upon application by the permittee, a Coastal Development Permit may be amended by the approving authority. Application for and action on an amendment shall be accomplished in the same manner specified by this chapter for initial approval of Coastal Development Permit. All sections of this chapter shall apply to permit amendments.
(Ord. No. 1832, Amended, 01/17/91; Ord. No. 1838, Renumbered, 07/05/91)

A.96.190. Emergency Coastal Development Permit. [30611,30624,13136-13144]

In the event of a verified emergency, temporary emergency authorization to proceed with remedial measures may be given by the Director of Community Development or his/her designee until such time as a full coastal development permit application shall be filed.

A. Application. Application shall be made to the Director of Community Development by letter if time allows, or in person or by telephone, if time does not allow. The information, to be reported at the time of the emergency or within three days after the emergency, shall include the following:

1. Nature of the emergency;
2. Cause of the emergency, insofar as this can be established;

3. Location of the emergency;

4. The remedial, protective, or preventative work required to deal with the emergency;

5. The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of filing to take action.

B. Limitations. The Director of Community Development shall not grant an emergency coastal development permit for any development that falls within an area in which the Coastal Commission retains direct permit review authority, or for any development that is appealable to the Coastal Commission. In such areas and for such developments, a request for an emergency authorization must be made to the Coastal Commission.

1. In addition, a waiver from coastal development permit requirements may be obtained from the Coastal Commission Executive Director for development that is required to protect life or public property in accordance with Section 30611 of the Coastal Act.

C. Noticing. The Director of Community Development shall provide notice of the proposed emergency action. The extent and type of the notice shall be determined on the basis of the nature of the emergency. If the nature of the emergency does not allow sufficient time for public notice to be given before the emergency work begins, the Director of Community Development shall provide public notice of the action taken, or being taken, as soon as is practical. Public notice of the nature of the emergency and the remedial actions to be taken shall be posted on the site in a conspicuous place and mailed to all persons the Director of Community Development has reason to know would be interested in such action and to the Coastal Commission.

D. Findings and Conditions. The Director of Community Development may grant an emergency coastal development permit upon reasonable terms and conditions, which shall include an expiration date and the necessity for a regular permit application later, if the Director of Community Development finds that:

1. An emergency exists that requires action more quickly than permitted by the procedures for a Coastal Development Permit and the work can and will be completed within thirty (30) days unless otherwise specified by the terms of the permit.

2. Public comment on the proposed emergency action has been reviewed, if time allows.

3. The work proposed would be consistent with the requirements of the Certified Local Coastal Program.

E. Expiration of the Emergency Permit. An emergency permit shall be valid for sixty (60) days from the date of issuance by the Director of Community Development. Prior to expiration of the emergency permit, the permittee must submit a regular coastal development permit application for the development even if only to remove the development undertaken pursuant to the emergency permit and restore the site to its previous condition.

F. Report to City Council and Coastal Commission. The Director of Community Development shall report in writing and orally, the granting of an emergency permit to the City Council at its next scheduled meeting, and to the Coastal Commission. The report shall include a description of the nature of the emergency, the development involved and the person or entity undertaking the development. Copies of the report shall be available at the meeting and shall be mailed to the Coastal Commission and to all persons requesting such notification of local coastal development decisions.

A.96.200. Reapplication.

No application for the granting of a coastal development permit which has been denied shall be filed earlier than one (1) year after the date such denial becomes effective, unless the request for reapplication reflects a major change in circumstances and specific permission to do so has been granted by the Approving Authority.

A.96.210. Revocation.

A. Grounds for revocation of a permit shall include:

1. Intentional inclusion of inaccurate, erroneous or incomplete information where the City finds that accurate and complete

information would have caused additional or different conditions to be required on a permit or denial of an application; or

2. Failure to comply with the notice provisions of this Chapter where the views of the person not notified were not otherwise made known to the City and could have caused the City to require additional or different conditions or deny an application.

B. Initiation of the proceedings to revoke a permit may be made by any person who did not have an opportunity to fully participate in the original permit proceedings because of the reasons stated in Subsection (A) and who applies to the Director of Community Development specifying the particular grounds for revocation. The Director shall review the stated grounds for revocation and, unless the request is patently frivolous and without merit, shall initiate revocation proceedings. The Director may initiate revocation proceedings when the grounds for revocation have been established.

C. Where the Director of Community Development determines that grounds exist for revocation of a permit, the operation of the permit shall automatically be suspended until denial of the request for revocation. The Director shall notify the permittee by mailing a copy of the request for revocation and a summary of procedures contained in this section to the address shown in the permit application. The Director shall advise the applicant in writing that any development undertaken during suspension of the permit may be in violation of the California Coastal Act and subject to the penalties contained therein.

A.96.220. Assignment of Permits.

A. Any person who has obtained a coastal development permit pursuant to the provisions of this Subchapter may assign such permit to another person subject to the following requirements:

1. Submission of an application fee as set by resolution of the City Council; and

2. An affidavit executed by the assignee attesting to the assignee's agreement to comply with the terms and conditions of the permit; and

3. Evidence of the assignee's legal interest in the real property involved and legal capacity to undertake the development as approved and to satisfy the conditions required in the permit; and

4. The original permittee's request to assign all rights to undertake the development to the assignee;, and
5. A copy of the original permit showing that it has not expired.

B. The applicant for assignment shall submit the above documents together with a completed application form to the Director of Community Development. The assignment shall be effective upon written approval of the documentation submitted, and the reassigned permit shall be granted subject to the terms and conditions of the original permit.

A.96.230. Enforcement.

In addition to the provisions contained in this chapter, the provisions of Chapter 9 of Division 20 of the Public Resources Code shall also apply with respect to Judicial Review, Enforcement and Penalties.

A.96.240. Coastal Commission Review of Recorded Documents.

Any legal documents used in complying with required conditions pertaining to public access and open space or conservation easements shall be processed in the following manner:

A. The offer of dedication, together with a copy of the coastal development permit conditions and findings shall be forwarded to the Coastal Commission Executive Director for review and approval.

B. The coastal development permit shall be issued only after mailing such documents to the Executive Director of the Coastal Commission and the Executive Director has notified the Community Development Director that any such legal documents are adequate. [13574]

A.96.250. Local Coastal Program Amendments.

The City Council may amend all or part of the Local Coastal Program, but the amendment will not take effect until it has been certified by the Commission. Any General Plan Element or Specific Plan or ordinance of the City that is applicable to the same areas or matters affected by a Local Coastal Program amendment must be reviewed and amended as necessary to make the General Plan Element or Specific Plan or ordinance consistent with the rest of the Local Coastal Program.

A. Initiation of Amendments to the Local Coastal Program. An amendment to the Local Coastal Program may be initiated by one of the following:

1. A resolution of intention initiated by the Planning Commission.

2. A resolution of intention initiated by the City Council directing the Planning Commission to initiate an amendment.

3. An application from a property owner or his/her authorized agent provided that such application involves the development or modification of property located within the area affected by such amendment.

B. Planning Commission Action on Amendments.

1. Upon receipt in proper form of a completed amendment application or duly adopted resolution of intention, and following any necessary investigation, a public hearing before the Planning Commission must be held and notice of such hearing given consistent with the Coastal Act and California Code of Regulations.

2. The Planning Commission must make a written recommendation on the proposed amendment whether to approve, approve in modified form, or disapprove.

3. Planning Commission action recommending that the proposed Local Coastal Program amendment be approved, or approved in modified form, must be considered for adoption by the City Council. Planning Commission action disapproving a proposed Local Coastal Program amendment, regardless of how such amendment was initiated, may be appealed by any interested person, including a Commissioner or Council member, to the City Council provided such appeal is filed in writing within 14 consecutive calendar days of the Planning Commission's action.

C. City Council Action on Amendments. The recommendation of the Planning Commission to approve a proposed Local Coastal Program amendment, or the appeal from a decision by the Planning Commission to approve or disapprove a proposed Local Coastal Program amendment must be acted upon by the City Council. A public hearing on the amendment shall be conducted after first giving notice of the hearing pursuant to the Coastal Act and California Code of Regulations. The City Council may approve, approve with modifications, or disapprove any amendment.

D. Fees. The City Council by resolution shall establish and from time to time amend a schedule of fees imposed for any amendment to the Local Coastal Program.

E. Coastal Commission Certification of Amendments. Any proposed amendment to the Local Coastal Program shall not take effect until it has been certified by the Coastal Commission. Any amendment approved by the City shall be submitted to the Coastal Commission in accordance with Sections 30512 and 30513 of the Public Resources Code. An amendment to this Local Coastal Plan as certified by the California Coastal Commission shall not become effective after City Council adoption until the amendment is submitted pursuant to the requirements of Section 13551 et seq. of the California Code of Regulations and also certified by the California Coastal Commission pursuant to Chapter 6, Article 2 of the California Coastal Act, as follows:

1. A denial by the City Council on an amendment request shall be final and no appeal to the Coastal Commission shall be allowed except as provided by subsection 2 of this section (below).

2. Pursuant to Section 30515 of the Coastal Act, any person or agency authorized to undertake a public works project or major energy facility development, who was denied a request to amend the Local Coastal Program, may file the request for amendment with the Coastal Commission.

A.96.260. Public hearing waiver for minor development.

Consistent with the provisions of A.B. 1303, effective January 1, 1996, the public hearing requirement for minor development, as defined herein, may be waived subject to the requirements of this section.

A. Minor development means a development which satisfies all of the following requirements:

1. The development is consistent with the City of Manhattan Beach Certified Local Coastal Program;

2. The development requires no discretionary approvals other than a coastal development permit;

3. The development has no adverse effect either individually or

cumulatively on coastal resources or public access to the shoreline or along the coast.

B. The public hearing requirement on a coastal development permit application for a minor development, as defined above, may be waived if all of the following occur:

1. Notice is sent to all persons consistent with the provisions of Section A.96.100 of this Title, as well as all other persons know to be interested in receiving such notice,

2. The notice states that a public hearing will be held upon the request of any person,

3. No request for public hearing is received by the City within 15 working days from the date of sending the notice pursuant to paragraph (1).

C. Requests for hearing must be made in writing to the City Community Development Department. Said request for hearing must identify the reasons for such request. Upon receipt of a request for hearing the matter shall be scheduled for a public hearing.

D. Following receipt of a request for hearing, public notification must be made regarding the scheduled hearing date, consistent with the provisions of Section A.96.100 of this Title.

E. The notice provided pursuant to subdivision (B) shall include a statement that failure by a persons to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a coastal development permit application.

F. An action taken by the initial Approving Authority for an application that is required to be processed ministerially per state law, including but not limited to, California Government Code Sections 65913.4, 66310 – 66342, shall be treated as a Minor Development for purposes of this section **if it also meets the criteria in subsection (A)**.

Where compliance with only the objective standards of this Local Coastal Program is required under state housing law for a proposed multi-family or mixed-use housing development project and where an applicable coastal resource protection policy or provision of this Local Coastal Program contains objective and subjective components, only the objective portion(s) shall apply.

Within three years of the date the Coastal Commission conditionally certifies LCP amendment LCP-5-MNB-25-0028-1 , the City will apply for a Local Coastal Program amendment to incorporate coastal resource protection and hazard minimization development standards that are objective standards to ensure that qualifying projects subject to only the objective standards of this Local Coastal Program under state housing laws, and any other category of housing projects that the city wishes these standards to apply to, are consistent with the Coastal Act. The Local Coastal Program amendment to incorporate such standards shall be developed in coordination with Coastal Commission staff.