

ORDINANCE NO. 2155

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH
ESTABLISHING REGULATIONS FOR BODY ART STUDIOS (TATTOO)
WITHIN THE CITY AND AMENDING THE MANHATTAN BEACH
MUNICIPAL CODE

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

SECTION 1. Findings.

The City Council finds and determines as follows:

- A. The City Council's 2011-2012 Work Plan provides for the adoption of an ordinance to regulate tattoo establishments in the City.
- B. At the City Council July 19, 2011 regular meeting, the City Council adopted Ordinance No. 2148U establishing a 45 day moratorium for tattoo studios. The ordinance was enacted to maintain the status quo by prohibiting the approval of tattoos studios while the City expeditiously developed regulations that will allow the operation of such uses. On August 2, 2011, through Ordinance No. 2151U, the City Council extended the moratorium and directed that the Planning Commission make a recommendation on an expedited schedule.
- C. At regular meetings held on August 24 and September 28, 2011, the Planning Commission held duly noticed public hearings and considered a variety of zoning approaches regarding the regulation of tattoo studios and ultimately recommended a zoning text amendment to allow and regulate body art studios within the City. At the September 28, 2011 meeting, the Planning Commission reviewed amendments to Title 10 and approved Resolution PC 11-12, and recommended that the City Council adopt the zoning text amendments therein.
- D. In accordance with state law, all of the public hearings before the Planning Commission were noticed in *The Beach Reporter*, a newspaper of general circulation in Manhattan Beach.
- E. The City Council held a duly noticed public hearing on the matter at the October 18, November 15, and December 6, 2011 and January 17, 2012 City Council meetings. Evidence, both written and oral, was presented during the hearing.
- F. The City Council finds that it can be seen with certainty that there is no possibility the adoption and implementation of this Ordinance may have a significant effect on the environment. The Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b) (3) of Title 14 of the California Code of Regulations.
- G. The proposed amendments to Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code are consistent with and will advance the following goals and policies of the Manhattan Beach General Plan:
 - Goal LU-6: Maintain the viability of the commercial areas of Manhattan Beach.
 - Goal LU-6.1: Support and encourage small businesses throughout the City.
 - Goal LU-6.2: Encourage a diverse mix of businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.
 - Goal LU-6.3: Recognize the need for a variety of commercial development types and designate areas appropriate for each. Encourage development proposals that meet the intent of these designations.

SECTION 2. Section 10.04.030 (Definitions) of Chapter 10.04 (Definitions) of Part I (General Provisions) of Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code is hereby amended to add the following definitions to read as follows:

“**Body Art:** Term for any activity or combination of activities defined herein as tattooing and/or body piercing. It shall not include activities such as, or similar to, cutting of the skin or subcutaneous tissue, cutting or modification of cartilage or bone, implantation, branding, deep tissue penetration, threading, stapling or any other invasive procedure, which constitutes the practice of medicine requiring license as a physician and a business operated as a medical clinic.

Body Art Studio: A business located on permanent premises or facility used or operated in whole or in part as a tattoo or body piercing studio. This use excludes “body piercing, incidental,” as defined in this Section 10.04.030.

Body Piercing: Penetration of the skin to make, generally permanent in nature, a hole, mark, or scar.

Body Piercing, Incidental: The provision of ear-piercing or similar services as an incidental part of a retail sales establishment, with majority of the business consisting of related retail sales.

Tattoo: An art form in which pigments are inserted under the surface of the skin of a human being by pricking with a needle or otherwise to produce an indelible mark or figure visible through the skin. Tattooing does not include application of permanent make-up that is performed as an incidental service in a beauty shop, day spa, or other retail or service establishment.”

SECTION 3. Section 10.08.050 (Commercial Use Classifications) of Chapter 10.08 (Use Classifications) of Part I (General Provisions) of Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code is hereby amended to add the following commercial use classification to read as follows:

“AA. Body Art Studios. Establishments providing body art services such as tattoos and/or body piercing. This use excludes “body piercing, incidental,” as defined in Section 10.04.030.”

SECTION 4. The “Commercial Uses” section of the Table in Section 10.16.020 (CL, CC, CG, CD, CNE Districts: land use regulations) of Chapter 10.16 (C Commercial Districts) of Part II (Base District Regulations) of Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code is hereby amended to read as follows:

“10.16.020—CL, CC, CG, CD, 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. The letters "P/U" for an accessory use mean that the use is permitted on the site of a permitted use, but requires a use permit on the site of a conditional use. 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.

CL, CC, CG, CD, and CNE DISTRICTS: LAND USE REGULATIONS				P — Permitted U — Use Permit L — Limited, (See Additional Use Regulations) - — Not Permitted		
	CL	CC	CG	CD	CNE	Additional Regulations
Commercial Uses						(B)(K)(L)
Adult Businesses	-	-	L-5	-	-	(C)
Ambulance Services	-	-	U	-	-	
Animal Sales & Services						
Animal Boarding	-	-	U	U	-	
Animal Grooming	P	P	P	P	P	
Animal Hospitals	-	-	U	U	-	
Animals						
Retail Sales	P	P	P	P	P	
Artists' Studios	P	P	P	P	P	
Banks and Savings & Loans	P	P	P	P	P	
With Drive-Up Service	-	U	U	U	-	
<u>Body Art Studios</u>	-	<u>U</u>	<u>U</u>	-	-	<u>(N)</u>
Building Materials and Services	-	-	P	-	-	
Catering Services	P	P	P	P	P	
Commercial Filming	U	U	U	U	U	
Commercial Recreation and Entertainment	-	P	P	L-7	L-7	(D)
Communication Facilities	-	P	P	P	P	
Eating and Drinking Establishments	U	U	U	U	U	(E)
w/ Fast-Food or Take-Out Service	U	U	U	L-7	L-7	
Drive-Through	-	U	U	-	-	
Food & Beverage Sales	L-9	P	P	L-9	L-9	
Funeral & Interment Services	-	-	L-5	-	-	
Laboratories	-	-	U	-	-	
Maintenance and Repair Services	P	P	P	P	P	
Nurseries	P	P	P	-	-	
Offices, Business & Professional	P	P	P	L-24	L-24	
Pawn Shops	-	-	U	-	-	
Personal Improvement Services	P	P	P	P	P	
Personal Services	P	P	P	P	P	
Psychic Advisor	-	-	P	-	-	
Research and Development Services	-	-	U	-	-	
Retail Sales	P	P	P	P	P	
Secondhand Appliances/Clothing						
Swap Meets, Recurring Travel Services	-	-	P	U	U	
Vehicle Equipment/Sales & Services	P	P	P	P	P	

	CL	CC	CG	CD	CNE	Additional Regulations
Automobile Rentals						
Automobile Washing	-	P	P	-	-	
Commercial Parking	-	-	L-8	-	-	
Service Stations	-	U	U	U	U	
Vehicle Equip. Repair	U	U	U	U	-	(F)
Vehicle Equip. Sales & Rentals	-	-	L-6	L-6	-	
Vehicle Storage	-	P	P	-	-	
Visitor Accommodations	-	-	U	-	-	
Hotels & Motels and Time Shares						
Residential Hotels	-	U	U	U	U	
Warehousing and Storage, Ltd.	-	-	U	-	-	

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 Single-family residential permitted if located (1) on a site which fronts on Crest Drive; or (2) on the rear half of a site which fronts on Highland Avenue; or (3) on a site which fronts on the east side of Highland Avenue between 38th Place to the south and Moonstone Street to the north; or (4) on a site which does not abut Rosecrans Avenue or Highland Avenue; otherwise a use permit is required.

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 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.

(A) 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 10.28.020: PS District Applicability.

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

(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 10.56.050: Game centers.

(E) See Section 10.56.020: 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 10.56.030, Service stations, vehicle/equipment repair, and automobile washing.

(G) See Section 10.84.110, Temporary use permits.

(H) See Chapter 10.68, 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 10.04.020) 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 Section 6.08.020 MBMC).
- (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) Certain commercial businesses, such as eating and drinking establishments and visitor accommodations, with use permits and other discretionary zoning approvals that limit the hours of operation may operate for extended hours for New Year's Eve as designated in Section 6.01.330 of the Businesses, Professions and Trades Code.
- (N) A use permit shall be required for any new body art studio use as set forth in Section 10.56.070: Body Art Studios. In addition, body art studios shall comply with the regulations set forth therein. Body art studios are not permitted in CG zoned parcels that are adjacent to RS-D6 (Oak Avenue Overlay District) zoned parcels.

SECTION 5. The "Commercial Uses" section of the Table in Section 10.20.020 (IP District: land use regulations) of Chapter 10.20 (I Industrial Districts) of Part II (Base District Regulations) of Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code is hereby amended to read as follows:

"10.20.020—IP District: Land Use Regulations.

In the following schedule, the letter "P" designates use classifications permitted in the IP district. The letter "L" designates use classifications subject to certain limitations prescribed by the "Additional Use Regulations" which follow. The letter "U" designates use classifications permitted on approval of use permit. The letters "P/U" for an accessory use mean that the use is permitted on the site of a permitted use, but requires a use permit on the site of a conditional use. 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.

IP DISTRICT LAND USE REGULATIONS		P — Permitted U — Use Permit L — Limited (See Additional Use Regulations) - —Not Permitted
	IP	Additional Regulations
Commercial Uses		
Banks and Savings and Loans	P	
<u>Body Art Studios</u>	<u>U</u>	(F)
Clubs, Private	U	
Commercial Filming	P	
Communication Facilities	P	
Eating & Drinking Establishments	L-13	
Food & Beverage Sales	P	
Hospitals and Medical Clinics	U	
Laboratories	U	
Maintenance & Repair Services	P	
Offices, Business & Professional	P	
Personal Services	L-13	
Research & Development Services	P	
Travel Services	L-13	
Warehousing & Storage, Limited	P	

IP Districts: Additional Land Use Regulations

- L-12 A use permit and heliport permit from California Department of Transportation, Division of Aeronautics are required. Applicants shall submit a noise analysis based on likely approach-departure routes, including a map showing existing day/night average noise levels in decibels and future day/night average noise levels with the proposed facility and anticipated flight operations, and single-event maximum noise levels associated with the types of helicopters expected to use the facility. Conditions may be imposed to limit the maximum number of flights per day or week and the hours of operation.
- L-13 Permitted as a secondary use in a building, or in a free-standing structure, provided that no more than 20 percent of buildable floor area is occupied by such uses.
- (A) 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 10.28.020: PS District Applicability.
- (B) See Section 10.52.050: Accessory structures.
- (C) See Chapter 10.68: Nonconforming uses and structures.
- (D) See Section 10.56.040: Hazardous materials storage.
- (E) See Section 10.84.110: Temporary use permits.
- (F) A use permit shall be required for any new body art studio use as set forth in Section 10.56.070: Body Art Studios. In addition, body art studios shall comply with the regulations set forth therein.

SECTION 6. Section 10.44.040 (Building permits to conform to overlay district regulations) of Chapter 10.44 (D Design Overlay District) of Part III (Overlay District Regulations) of Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code is hereby amended to read as follows:

“10.44.040 - Building permits to conform to overlay district regulations.
Applications for building permits for projects within a D overlay district shall be accepted only if project plans are consistent with the development regulations of this chapter and with all other applicable requirements of this Code. The regulations imposed by this section shall apply to any new structures or improvements, intensification of use, or enlargement of an existing structure.

D DESIGN OVERLAY DISTRICT: DEVELOPMENT REGULATIONS							
D1—Rosecrans west of Laurel Avenue	D4—Traffic Noise Impact Areas						
D2—11th and Aviation Boulevard	D5—North End Commercial						
D3—Gaslamp Neighborhood	D6—Oak Avenue Overlay						
	D7—Longfellow Drive Area Overlay						
Subdistricts	D-1	D-2	D-3	D-4	D-5	D-6	D-7
Minimum Site Area	-	-	-	-	-	(o)	
Minimum Lot Area							(q)
Maximum Building Height (ft.)	-	26	26 ^(c)	-	30 ^(g)	26	
Minimum Lot Area per Dwelling Unit (sq. ft.)	-	1,800	-	-	-	-	
Maximum Fence Height (ft.)	6 ^(a)	-	-	8 ^(b)	-	-	
Public Hearing and Environmental Review	-	-	(d)	-	-	-	
Landscaped Buffer Adjacent to Street (Required width in ft.)	-	-	-	-	(k)	5 ^(m)	
Minimum Front Setback, Upper Story (ft.)	-	-	(e)	-	(h)	-	
Minimum Side Setback (ft.)	-	-	-	-	-	5	
Required Roof Design	-	-	(f)	-	-	(f)	
Required Building Design	-	-	-	-	-	(n)	
Vehicular Access	-	-	-	-	(i)	(m)	
Reduced Parking	-	-	-	-	(j)	-	
Use Permit Required	-	-	-	-			
Body Art Studios	-	-	-	-	-	(r)	-

D Design Overlay District: Development Regulations Additional Requirements

- a. A six-foot (6') fence shall be set back three feet (3') from a front or street side property line and twenty feet (20') from a driveway crossing a public sidewalk.
- b. Increased fence height is permitted for the following areas: (1) Wendy Way between Marine Avenue and 12th Street: eight feet (8') in rear yard; (2) Marine Avenue between Meadows and Cedar Avenue: eight feet (8') in rear yard; (3) Marine Avenue between Pacific Avenue and Sepulveda Boulevard: eight feet (8') in rear or side yards fronting Marine Avenue.
- c. No building shall exceed two (2) stories.
- d. Required for demolition of dwellings or accessory buildings located on a site with two (2) or more lots. No demolition permit may be issued until an environmental assessment is complete and the Planning Commission or Board of Zoning Adjustment has held a public hearing. Notice shall be sent ten (10) days prior to the hearing to all property owners within five hundred feet (500') of the project site.
- e. Minimum depth: Ten percent (10%) of the buildable depth of the lot;
Minimum area: Ten (10) times the lot width in square feet;
Exceptions: one (1) architectural projection no more than eight feet (8') wide may extend four feet (4') into the setback area, and eaves may project four feet (4') into the setback area.
- f. A minimum roof pitch of a three-foot (3') rise in twelve feet (12') of run is required unless the building does not exceed twenty-two feet (22') in height.
- g. No increase over the maximum building height measured from the street property line is permitted for buildings fronting on Highland Avenue, and the twenty percent (20%) allowance of Section 10.60.050(B) does not apply in this subdistrict.
- h. The third story shall be set back ten feet (10') from the front setback line.
- i. Residential projects on the west side of Highland Avenue are not permitted to have vehicular access from Highland Avenue; commercial projects on the east side of Highland Avenue are not permitted to have vehicular access from Crest Drive.

- j. The Planning Commission may allow reduced parking with a use permit for neighborhood-oriented uses such as small retail stores, personal services, and eating and drinking establishments open for breakfast and lunch, subject to the requirements of Section 10.64.050(B).
- k. Residential projects shall include planter boxes at the pedestrian level involving lots of two thousand five hundred (2,500) square feet (or more) along Highland Avenue.
- l. A use permit is required for all new construction and major alterations and additions of two thousand five hundred (2,500) square feet or more except construction of or alterations or additions to single-family dwellings fronting on Crest Drive.
- m. A twenty-foot (20') landscaped setback is required along Oak Avenue for any commercial structures, and no vehicular ingress or egress to Oak Avenue is allowed. Until such time that a new project is initiated, existing development with nonconforming access on Oak Avenue, when developed for commercial parking purposes used in conjunction with business fronting upon and having vehicular access to Sepulveda Boulevard shall not utilize vehicular access to Oak Avenue between the hours of 10:00 p.m. to 6:00 a.m. daily.
- n. All commercial structures shall incorporate bay windows, decks, large roof overhangs, and breaks in building facia, as may be needed to reflect a design of residential character.
- o. Sites which utilize RS zoned Oak Avenue properties exclusively for commercial purposes shall be a minimum of twenty-five thousand (25,000) square feet in area. Where the site has multiple owners, the City may permit development on sites containing less than twenty-five thousand (25,000) square feet provided there is a conceptual plan for the whole site showing the relationships between existing and future buildings, landscaping, and the location of parking and tentative phasing of development. All owners must join in application for a D-6 zoning designation and indicate support of the conceptual plan for development of the site.
- p. The uses and related facilities permitted within the CG district may be permitted on RS-D6 zoned Oak Avenue properties, if fronting upon Sepulveda Boulevard, subject to the requirements of this chapter and Chapter 10.16, upon approval of a use permit.
- q. A minimum lot area of seventeen thousand (17,000) square feet (with the exception of 1190 Duncan Drive 1127 Ronda Drive and 1131 Ronda Drive) is required, and further subdivision of any lot within the district is prohibited. The foregoing restrictions shall not prohibit a lot-line adjustment between contiguous parcels pursuant to Section 11.08.010, provided that such lot-line adjustment (1) complies with all of the requirements in Section 11.08.010 and is otherwise exempt from the requirements of the Subdivision Map Act and (2) would not result in any parcel having a lot area of less than seventeen thousand (17,000) square feet.
This overlay applies to properties described as Lots 23 through 30, inclusive, and 32 through 39, inclusive, in Tract 14274 and located on Longfellow Drive, Ronda Drive, Terraza Place, Duncan Drive and Kuhn Drive.
- r. Body art studios are not permitted in the D6 Oak Avenue Overlay District or on CG zoned parcels adjacent to D6 Oak Avenue Overlay parcels.

SECTION 7. A new Section 10.56.070 (Body Art Studios) is hereby added to Chapter 10.56 (Site Regulations – Nonresidential Districts) of Part IV (Site Regulations) of Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code to read as follows:

“10.56.070 — Body Art Studios.

- A. Use Permit. Body art studios shall obtain a use permit pursuant to the procedures set forth in Sections 10.84.030, 10.84.040, 10.84.050, 10.84.080, 10.84.090 and 10.84.100. A use permit shall be granted by the Planning Commission, or the City Council on appeal, unless the information submitted by the applicant and/or the evidence presented at the public hearing substantiates that there are any grounds for denial.
- B. Grounds for Denial. The following circumstances constitute grounds for denial of a use permit for a body art studio:
 - 1. The applicant has failed to complete the application.
The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application.
 - 3. The applicant is under eighteen (18) years of age.

4. The proposed body art studio does not comply with the standards of this Section.
5. The applicant has had use permit for a body art studio revoked by the City within the previous twelve (12) month period.

C. Conditions. The Planning Commission, or the City Council on appeal, may impose conditions on a use permit for a body art studio to mitigate secondary impacts that are reasonably foreseeable based on evidence at the public hearing. As used in this Section, the term "secondary impacts" means disturbances of the peace, illegal drug activity, public drunkenness, drinking in public, harassment of passersby, gambling, prostitution, public urination, theft, assaults, batteries, acts of vandalism, loitering, excessive littering, illegal parking, loud noises (particularly in late night or early morning hours), traffic violations, curfew violations, lewd conduct or police detentions and arrests.

D. Hours of Operation. Body art studios' hours of operation shall be between the hours of 10:00 a.m. to 10:00 p.m., unless the Planning Commission, or the City Council on appeal, provides for alternative hours of operation as part of use permit approval. More restrictive hours of operation may be imposed if a proposed body art studio location is adjacent to a bar, nightclub, or other uses involving on-site alcoholic beverage consumption, or if evidence of secondary impacts is presented at the public hearing. More expansive hours of operation may be permitted if a proposed body art studio location is insulated from adjacent uses by topography or other features of the site.

E. Location Criteria. Body art studios shall not be established or located within 200 feet of any other body art studio or within 600 feet of any school or park. For purposes of measuring this distance requirement, all distances shall be measured (without regard to intervening structures) in a straight line between the property line where the body art establishment is, or will be located, and the nearest property line of any land use identified above.

F. Health and Safety. The operator of the body art studio shall obtain all permits required by Los Angeles County Department of Public Health and adhere to the applicable provisions of Chapter 5.44 (Health and Safety Code) of this Code.

G. Additional Standards.

1. Body art studios shall provide a separate lobby or waiting area for patrons waiting for services.
2. Body art studios shall not display services in progress visible from either the exterior or interior of the establishment at any time.

H. Temporary or mobile body art studios are not permitted by this Section."

SECTION 8. The "Commercial" section of the Table in Section 10.64.030 (Off-street parking and loading spaces required) of Chapter 10.64 (Off-Street Parking and Loading Regulations) of Part IV (Site Regulations) of Title 10 (Planning and Zoning) of the Manhattan Beach Municipal Code is hereby amended to read as follows:

"10.64.030—Off-Street Parking and Loading Spaces Required.

Off-street parking and loading spaces shall be provided in accord with the following schedules. For off-street loading, references are to Schedule B which sets space requirements and standards for different groups of use classifications and sizes of buildings. References to spaces per square foot are to be computed on the basis of buildable floor area unless otherwise specified, and shall include allocations of shared restroom, halls and lobby area, but shall exclude area for vertical circulation, stairs or elevators. Where the use is undetermined, the Community Development Director shall determine the probable use and the number of parking and loading spaces required. In order to make this determination, the Community Development Director may require the submission of survey data from the applicant or collected at the applicant's expense.

OFF-STREET PARKING AND LOADING SPACES REQUIRED		
Use Classification	Off-Street Parking Spaces: Schedule A	Off-Street Loading Spaces: Schedule B Group Number
Commercial		
Adult Businesses	1 per 250 sq. ft.	1
Ambulance Services	1 per 500 sq. ft.; plus 2 storage spaces.	-
Animal Sales and Services:		
Animal Boarding	1 per 400 sq. ft.	-
Animal Grooming	1 per 400 sq. ft.	-
Animal Hospitals	1 per 400 sq. ft.	1
Animals, Retail Sales	1 per 250 sq. ft.	1
Artists' Studios	1 per 1,000 sq. ft.	-
Banks and Savings & Loans:	1 per 300 sq. ft.	2
Drive-Up Service	Queue space for 5 cars per teller.	-
<u>Body Art Studios</u>	<u>1 per 300 sq. ft.</u>	<u>1</u>
Building Materials and Services	1 per 1,000 sq. ft. of lot area	1
Catering Services	1 per 400 sq. ft.	1

SECTION 9. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Chapter, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Chapter, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION 10. The City Clerk shall cause a summary of this ordinance to be published in accordance with Section 36933 of the Government Code, and shall certify to the adoption of this ordinance.

SECTION 11. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED, APPROVED and ADOPTED this 17th of January, 2012.

Ayes: Lesser, Howorth, Montgomery, Powell and Mayor Tell.
Noes: None.
Absent: None.
Abstain: None.

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk