

ORDINANCE NO. 18-0022

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING MUNICIPAL CODE SECTION 10.16.020, TO REGULATE THE FOLLOWING USES IN THE DOWNTOWN COMMERCIAL ZONE: (A) BANKS, CATERING SERVICES, OFFICES, COMMUNICATION FACILITIES, VETERINARY SERVICES AND OPTOMETRISTS; AND (B) RETAIL SALES FLOOR AREA

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. After conducting a public hearing on the proposed amendments to the zoning ordinance, the Manhattan Beach Planning Commission recommended that the City Council adopt the proposed regulations. After receiving the recommendation from the Planning Commission, the City Council held a duly noticed public hearing on October 16, 2018, regarding the proposed Zoning Code Amendments.

SECTION 2. The proposed Zoning Code Amendments are consistent with the Manhattan Beach General Plan and implement the following General Plan Goals and Policies:

Land Use Element Goal LU-1: Maintain low-profile development and small-town atmosphere of Manhattan Beach.

Land Use Element Goal LU-3: Achieve a strong, positive community aesthetic.

Land Use Element Goal LU-6: Maintain the viability of the commercial areas of Manhattan Beach

Land Use Element Goal LU-7: Continue to support and encourage the viability of the Downtown area of Manhattan Beach.

SECTION 3. Municipal Code Section 10.16.020 (land use regulations for the commercial districts) is hereby amended to modify the following land use regulations applicable to the uses listed below in the CD Downtown Commercial Zone:

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	CL	CC	CG	CD	CNE	Additional Regulations
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Animal Hospitals	-	-	U	L-25	-	
Banks and Savings & Loans	P	P	P	L-26	P	
Communication Facilities	-	P	P	L-27	P	
Offices, Business and Professional	P	P	P	L-24, L-26, L-28	L-24	
Retail Sales	P	P	P	L-29	P	

SECTION 4. The list of additional land use regulations in Municipal Code Section 10.16.020 (land use regulations for the commercial districts) is hereby amended to add the following additional land use regulations applicable to the uses set forth in Section 3 of this Ordinance:

L-25 Animal Hospitals as defined in MBMC 10.08.050 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 permitted 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.

SECTION 5. Ordinance No. 16-0029 is hereby repealed. This Ordinance No. 18-0022 shall supersede Ordinance No. 18-0019-U upon the effective date of the California Coastal Commission's certification of the Local Coastal Program Amendment that is the subject of Ordinance No. 18-0023.

SECTION 6. CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION. The City Council determines that this ordinance is exempt from environmental review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the "CEQA Guidelines"). It can be seen with certainty that there is no possibility that the adoption of this Ordinance, and the regulations established hereby, may have a significant effect on the environment. The adoption of this Ordinance is therefore not a "project" within the meaning of CEQA and is exempt pursuant to CEQA Guidelines Section 15061(b)(3).

SECTION 7. INTERNAL CONSISTENCY. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency. The Council hereby directs the City Clerk to insert the regulations set forth in Section 3 and 4 of this Ordinance in their appropriate locations.

SECTION 8. SEVERABILITY. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or their application and, to this end, the provisions of this Ordinance are severable.

SECTION 9. SAVINGS CLAUSE. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any

ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance

SECTION 10. CERTIFICATION. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this Ordinance to be published within 15 days after its passage, in accordance with Section 36933 of the Government Code.

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

ADOPTED on November 6, 2018.

AYES: Howorth, Lesser, Montgomery and Hersman.
NOES: Mayor Napolitano.
ABSENT: None.
ABSTAIN None.

STEVEN A. NAPOLITANO
Mayor

ATTEST:

LIZA TAMURA
City Clerk