



Agenda Item #: \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Fahey and Members of the City Council

**THROUGH:** Geoff Dolan, City Manager

**FROM:** Richard Thompson, Director of Community Development  
Rosemary Lackow, Senior Planner

**DATE:** October 4, 2005

**SUBJECT:** Adoption of an Ordinance Approving a Zoning Code Amendment and Local Coastal Program Amendment Pertaining to Parking Lot Lighting Regulations, and Adoption of a Resolution Transmitting Parking Lot Lighting Regulations to the Coastal Commission

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**RECOMMENDATION:**

Staff recommends that the City Council **ADOPT ORDINANCE NO. 2078** and **RESOLUTION NO. 6001**.

**FISCAL IMPLICATION:**

There are no fiscal implications associated with the proposed ordinance.

**BACKGROUND:**

Staff has prepared Ordinance 2078 which will modify parking lot lighting regulations applicable to commercial sites throughout the City. The regulations to be modified are contained in both the Zoning Ordinance and Local Coastal Program. These changes were prompted because existing regulations are both outdated and do not address significant differences and needs between inland and coastal commercial areas. In particular, the existing 12-foot height limit for all parking lot light poles throughout the City has been found to be very restrictive for the inland commercial districts, resulting in the filing of at least two recent variance applications. Minor changes are proposed for the coastal commercial properties.

The Planning Commission conducted a public hearing regarding this matter on August 24, 2005, and the Commission adopted Resolution PC 05-10, recommending that the City Council approve the Ordinance (4-1, one absence). On September 20, 2005 the City Council conducted a public hearing and introduced proposed Ordinance 2078 (5-0). Upon adoption on this date, Ordinance 2078 will become effective within the non-coastal areas in 30 days, on November 3<sup>rd</sup>, 2005. Staff will then transmit Resolution No. 6001 to the Coastal Commission with a request to amend the City's Local Coastal Program.

**DISCUSSION:**

The following are the major changes applicable to the inland commercial districts, amending

Section 10.64.170 of the zoning code:

- A minimum lighting level of 1 footcandle will be required throughout the parking area.
- A maximum allowed lighting level will be 10 footcandles at any point in the parking areas.
- Low pressure sodium lamps are specifically to be prohibited for parking lots.
- A maximum allowed lighting level of .5 footcandle is to be permitted to spillover to a nearby residential property.
- Light pole height will be limited to: 20 feet, or 12 feet if within 25 feet of a residential property.
- Exceptions allowing additional height up to 30 feet are permitted for large sites, given certain circumstances.

In the coastal zone the following existing standards will be maintained in Section A.64.170 of the Local Coastal Program:

- A maximum allowed lighting level is 3 footcandles within the parking lot.
- A maximum lighting level allowed to spillover to a residential property is .5 footcandle.
- Light pole height will be limited to 12 feet.

All relevant documents and background materials are attached, including Ordinances 2078 and Resolution No. 6001.

Attachments:

- Exhibit A - Ordinance 2078
- Exhibit B - Resolution No. 6001

RESOLUTION NO. 6001

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, SUBMITTING ORDINANCE NO. 2078 TO THE CALIFORNIA COASTAL COMMISSION AMENDING SECTION A.64.170 OF THE CITY OF MANHATTAN BEACH LOCAL COASTAL PROGRAM (LCP) - IMPLEMENTATION PROGRAM, RELATING TO PARKING LOT LIGHTING REGULATIONS

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

SECTION 1. The City Council hereby makes the following findings:

- A. The City Council of the City of Manhattan Beach, conducted a public hearing, pursuant to applicable law, on September 20, 2005 to consider the proposed amendment to the City of Manhattan Beach Local Coastal Program (LCP) - Implementation Plan; and,
- B. The City Council adopted Ordinance No. 2078 at the regular meeting of October 4, 2005; and,
- C. The Manhattan Beach Planning Commission had conducted a public hearing considering the proposed amendment at its regular meeting of August 24, 2005 and adopted Resolution PC 05-10, recommending approval of the subject amendment; and,
- D. The subject amendment is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15061 (b)(3) in that it can be seen with certainty that the proposed project does not have the potential for causing a significant effect on the environment; and
- E. The City Council certifies that the subject amendment will be implemented in a manner fully in conformity with the California Coastal Act of 1976, as amended, and the City of Manhattan Beach Local Coastal Program.

SECTION 2. Pursuant to Government Code Section 65009 and Code of Civil Procedure Section 1094.6, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution. The City Clerk shall send a certified copy of this resolution to the applicant, and if any, the appellant at the address of said person set forth in the record of the proceedings and such mailing shall constitute the notice required by Code of Civil Procedure Section 1094.6.

SECTION 3. The City Clerk shall make this Resolution reasonably available for public inspection within thirty (30) days of the date this Resolution is adopted.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED, and ADOPTED this 4th day of October, 2005.

Ayes:  
Noes:  
Absent:  
Abstain:

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Mayor, City of Manhattan Beach, California

ATTEST:

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ORDINANCE NO. 2078

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, APPROVING AMENDMENTS TO THE CITY ZONING CODE (SECTION 10.64.170) AND LOCAL COASTAL PROGRAM ZONING CODE (SECTION A.64.170) REGARDING PARKING LOT LIGHTING REGULATIONS

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

SECTION 1. The City Council hereby makes the following findings:

- A. Pursuant to applicable law, the Planning Commission conducted a duly noticed public hearing on August 24, 2005 regarding the proposed Code Amendments related to revisions of parking lot lighting regulations, and public testimony was invited and received.
- B. The public hearing held by the Planning Commission was advertised by a one-quarter page display ad published on August 11, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach.
- C. Pursuant to applicable law, the City Council conducted a duly noticed public hearing on September 20, 2005 regarding the Planning Commission's recommendation regarding the proposed Code Amendments (Resolution PC 05-10) related to revisions of parking lot lighting regulations, and public testimony was invited and received.
- D. The public hearing held by the City Council was advertised by a one-quarter page display ad published on September 1, 2005 in The Beach Reporter, a newspaper of general circulation in Manhattan Beach and notice was mailed to interested parties of record.
- E. The applicant for the subject project is the City of Manhattan Beach.
- F. The purpose of the proposed Amendments is to simplify the current commercial parking lot lighting regulations and to address differences between inland and beach area commercial sites and to ensure lighting conditions are effectively designed resulting in a safe environment while minimizing light nuisances to neighboring residential uses or properties.
- G. Pursuant to the California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject Amendments are exempt in that they are covered by the general rule that CEQA [Section 15061 (3)] only applies to projects which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment, the activity is not subject to CEQA; and,
- H. The proposed amendments have been prepared in accordance with the provisions of Title 7, Division 1, Chapter 4, Section No. 65853, et seq., of the State of California Government Code.
- I. The project will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
- J. The proposed amendment to the Title 10 of the Municipal Code (Zoning Ordinance) and Local Coastal Program (Title A, Chapter 2) are consistent with the following goals and policies of the Manhattan Beach General Plan as follows:

Goal LU-5: Protect residential neighborhoods from the intrusion of inappropriate and incompatible uses.

Policy LU-5.1: Require the separation or buffering of residential areas from businesses which produce noise, odors, high traffic volumes, light or glare, and parking through the use of landscaping, setbacks, or other techniques.

Goal LU-6: Maintain the viability of the commercial areas of Manhattan Beach.

Policy LU-6.1: Support and encourage small businesses throughout the City.

Policy 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.

K. The proposed amendments to the Manhattan Beach Local Coastal Program (Title A, Chapter 2) are consistent with the following goals and policies of the City's certified Local Coastal Program:

Policy II.1: Control development within the Manhattan Beach coastal zone.

- Policy II.A.2: Preserve the predominant existing commercial building (development) scale.
- Policy II.A.3: Encourage the maintenance of commercial area orientation to the pedestrian.
- Policy II.A.6: Encourage development of adequate parking facilities.

The above three policies will be facilitated in that the existing height limit of 12-feet (from finished ground level) for light sources and a maximum of 3 footcandle level of illumination will be maintained. These criteria are consistent with lighting engineering standards for low scale commercial development parking lots with orientation to the pedestrian.

SECTION 2. The City Council of the City of Manhattan Beach hereby APPROVES the proposed amendment to Section A.64.170 lighting of the Manhattan Beach Local Coastal Program, Chapter 2, Title A (Coastal Zoning Code) as follows:

Section A.64.170.Lighting.

The purposes of lighting regulations are: to ensure that adequate lighting is provided for personal and traffic safety, to protect nearby residential uses from undue glare and, to ensure that the existing low-scale pedestrian friendly character of commercial areas is maintained. Outdoor parking area lighting shall not employ a light source higher than twelve feet (12'), and shall not directly shine onto an adjacent street or residentially zoned or developed property. Maximum illumination at ground level shall be three (3) footcandles and shall not exceed 0.5 footcandles in an R district.

SECTION 3. The City Council of the City of Manhattan Beach hereby APPROVES the proposed amendment to the Manhattan Beach Municipal Code (Section 10.64.170 Lighting) as follows:

**“Section 10.64.170. Lighting.**

- A. Lighting regulations are intended to ensure that adequate lighting is provided for personal and traffic safety while protecting nearby residential uses from undue glare.
- B. Each plan for the construction, renovation or replacement of an outside parking lot with lighting shall include an exterior photometric lighting plan prepared by an electrical engineer registered in the State of California, consisting of a point-by-point footcandle layout (based on a ten (10') foot grid center extending a minimum of 20 feet outside the property lines.) The lighting plan shall be comprehensive and include all exit and security lighting on the property, and shall cover the entire parking lot plus all loading and service areas.
- C. Standards. The plan shall be designed in compliance with the following:
  - 1. The maximum height of a light source located within 25 feet of a residentially zoned or developed parcel shall be no more than 12 feet and shall be no more than 20 feet in all other areas (measurement from adjoining ground level).
  - 2. The light fixtures shall possess sharp cut-off qualities at all property lines and shielding shall be provided as necessary.
  - 3. The light fixtures and poles shall be properly maintained. Paint covering shall not be of a color or type that is highly reflective.
  - 4. There shall be no low pressure sodium light fixtures.
  - 5. The minimum illumination level shall be 1 footcandle.
  - 6. The maximum intensity of illumination shall be computed based on a four to one (4:1) ratio (average-to-minimum) throughout the parking lot, including loading and service areas.

7. The maximum illumination level within the parking lot including loading and service areas at any location shall be 10 footcandles. The maximum illumination level shall not exceed 0.5 footcandles in an R district.
8. The Director of Community Development may approve lighting that employs a light source up to 30 feet in height, for sites with moderate to high public use, providing such installation meets all other standards in this section and conditions exist which ensure residential light nuisances will be avoided. Such conditions shall include but not be limited to: buffering achieved by difference in ground elevation, the presence of dense mature vegetation or the orientation, location or height/massing of buildings relative to the nearest residential property.
9. A use permit may be approved for lighting on commercial sites containing at least 25,000 square feet that have high intensity public use(s) with light sources that exceed 30 feet in height and produce light that exceeds the average-to-minimum of 10-footcandles if the findings in paragraph 8. of this section and the following additional findings are made:
  - a. The maximum height is 35 feet.
  - b. Illumination levels do not exceed an average of 5 footcandles and a maximum of 18 footcandles at any location on the entire parcel.
  - c. The proposed light poles and fixtures are comparable in scale to the building(s) on the same site.
  - d. The lighting facilities including poles and fixtures do not interfere with nor is their function affected by mature trees or landscaping.”

SECTION 4. Pursuant to Government Code Section 66499.37, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this Ordinance and the City Council is served within 120 days of the date of this Ordinance.

SECTION 5. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 6. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other Ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed.

SECTION 7. This Ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

SECTION 8. The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.

PASSED, APPROVED and ADOPTED this 4th day of October, 2005.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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Mayor, City of Manhattan Beach, California

ATTEST:

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City Clerk