

ORDINANCE NO. 26-0006

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING MANHATTAN BEACH MUNICIPAL CODE SECTION 10.90.060 TO SPECIFY THAT PUBLIC ART FUNDS MAY BE USED FOR THE PERFORMANCE OF ARTS AND OTHER FORMS OF ART, AND MAKING A DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE MANHATTAN BEACH CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1. On February 25, 2026, the Planning Commission conducted a duly noticed public hearing to consider a proposed zone text amendment to Manhattan Beach Municipal Code Section 10.90.060 regarding the use of public art funds during which the Planning Commission received a presentation by staff and testimony from members of the public. The Planning Commission also received and reviewed written testimony received by the City prior to the public hearing. At the conclusion of the hearing, the Planning Commission recommended approval of the zone text amendment by a 3 – 0 vote.

SECTION 2. On March 17, 2026, the City Council held a duly noticed public hearing to consider the proposed zoning text amendment.

SECTION 3. The proposed text amendment has been prepared in accordance with Government Code Sections 65853, et seq.

SECTION 4. The City has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the municipal code amendment is not a project for purposes of CEQA because it is a government funding mechanism or other governmental fiscal activity that does not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment. (See CEQA Guidelines Section 15378(b)(4).) Further, as a separate and independent basis, the amendment is exempt from CEQA pursuant to Section 15061 of the State CEQA Guidelines, as it can be said with certainty that there is no possibility that the activity of using public art funds for various art projects and performances may have a significant effect on the environment. Therefore, the proposed project is exempt from further review under CEQA.

SECTION 5. Manhattan Beach Municipal Code Section 10.90.60 related to the use of funds collected pursuant to the City existing Art in Public Places Program is hereby amended to read as follows:

10.90.060 - Use of funds.

Fees collected pursuant to Chapter 10.90 may be used to fund works of art placed in public places or incorporated into public buildings, including but not limited to sculpture; sound installations; video, film, audio, digital, hybrid, and other emerging art forms; performances presented by professional or amateur performers; art education

programs; art display and exhibition programs; and other works of art approved by the City Council.

SECTION 6. 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.

SECTION 7. 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 8. 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.

ADOPTED _____, 2026.

AYES:
NOES:
ABSENT:
ABSTAIN:

DAVID LESSER
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney