

ORDINANCE NO.U 14-0011

AN INTERIM ORDINANCE OF THE CITY OF MANHATTAN BEACH PROHIBITING THE CONVERSION OF ANY COMMERCIAL USE TO A DIFFERENT COMMERCIAL USE CLASSIFICATION IN THE DOWNTOWN AREA, AND DECLARING THE URGENCY THEREOF

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

SECTION 1. Notwithstanding any other ordinance or provision of the Manhattan Beach Municipal Code, except as permitted by this Ordinance, no application for a business license, building or related permit, use permit, plan review, subdivision map or any other land use entitlement shall be approved to allow the conversion of any commercial use to a different commercial use classification in the area zoned CD Downtown Commercial District, and is depicted on Exhibit A, which is hereby incorporated by this reference. Notwithstanding the foregoing, this Ordinance does not apply to uses that have received use permit approvals as of the date of adoption of this Ordinance.

SECTION 2. This Ordinance shall expire, and the prohibition established in Section 1 shall terminate, 45 days after the date of adoption of this Ordinance, unless extended by the City Council at a regularly noticed public hearing, pursuant to California Government Code Section 65858.

SECTION 3. Hardship Exemption. An application for a business license, building or related permit, use permit, plan review, subdivision map or any other land use entitlement for a change in commercial use classification may be approved if the applicant has obtained a hardship exemption from the City Council. Hardship exemption applications shall be filed in writing with the Director of Community Development and shall contain all documentation relied upon to support the hardship claim. A hardship exemption application must be filed no later than 10 days in advance of a regular meeting of the City Council in order to be considered at such meeting; otherwise the application shall be considered at the following regular meeting. The City Council shall grant a hardship exemption upon making a finding that denial of the exemption and enforcement of this Ordinance against the applicant's property would result in the applicant being deprived of all economically viable use of the property. The City Council may consider other factors in order to determine hardship.

SECTION 4. CEQA Finding. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment, because the prohibition contained herein will merely maintain the status quo. It is therefore exempt from

California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

**SECTION 5. Penalty.** Violation of any provision of this Ordinance shall constitute a misdemeanor and shall be punishable by a fine not to exceed \$1,000 or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment. Each and every day such a violation exists shall constitute a separate and distinct violation of this Ordinance. In addition to the foregoing, any violation of this Ordinance shall constitute a public nuisance and shall be subject to abatement as provided by all applicable provisions of law.

**SECTION 6. Legislative Findings.** The City is currently studying land uses in the Downtown Area, which may require amendments to the City's General Plan and Zoning Ordinance. The City Council finds that property owners are likely to submit applications for land use entitlements for property within the Downtown Area. Due to the recent proliferation of changed commercial use classifications in the Downtown Area, the City needs to adopt this Ordinance to give the City time to study whether changed uses may conflict with future General Plan provisions or Zoning Code regulations.

The City intends to study, within a reasonable time, the adequacy of its existing General Plan provisions and Zoning Ordinance as they apply to property within the Downtown Area, and has distributed a request for proposals to consultants to perform a study of the area. The Planning Commission, the City Council and the people of Manhattan Beach require a reasonable, limited, yet sufficient period of time to consider and study legally appropriate and reasonable policies regulating commercial uses in the Downtown Area. Given the time required to undertake adequate study and planning, the City Council finds that this Ordinance is necessary to prevent the conversion of existing commercial uses to any other commercial use classifications that might conflict with the City's possible new policies. The City Council has the authority to adopt an interim ordinance pursuant to Government Code Section 65858 in order to protect the public health, safety, or welfare.

Accordingly, the City Council finds that there is a current and immediate threat to the public health, safety and welfare presented by the conversion of existing commercial uses on property within the Downtown Area to other commercial use classifications. In the absence of immediate effectiveness, the approval of a business license, building or related permit, use permit, plan review application, subdivision map or any other land use entitlement for property within the Downtown Area, which allows a change to any other commercial use classification, will result in a threat to the public health, safety and welfare. Due to the foregoing circumstances, it is necessary for the preservation of the public health, safety and welfare that this Ordinance take effect immediately. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Sections

65858 and 36937(b) and therefore shall be passed immediately upon its introduction and shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the Manhattan Beach City Council on July 15, 2014.

AYES: D'Errico, Burton, Powell and Mayor Howorth


NOES: Lesser

ABSTAIN: None

ABSENT: None

  
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Amy Thomas Howorth  
MAYOR

ATTEST:

  
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Liza Tamura  
CITY CLERK

# EXHIBIT A

## ORD-U 14-0011

### July 15, 2014

