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ORDINANCE NO. 2143

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH AMENDING TITLE 10, CHAPTER 10.86, CULTURAL SIGNIFICANT LANDMARKS OF THE MANHATTAN BEACH MUNICIPAL CODE (MBMC) FOR REMOVAL OF A REQUIRED PUBLIC HEARING FOR PROPERTIES TO BE DESIGNATED CULTURALLY SIGNIFICANT LANDMARKS

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. The City Council adopted Historical Ordinance No. 2089 on September 6, 2006 to recognize properties of local, historical or architectural significance; and,
- B. The City Council established a procedure to designate culturally significant landmarks by the owner of record of any property within City boundaries which requires a public hearing prior to designation; and,
- C. The City Council directed staff to amend Chapter 10.86, Section 10.86.040, Procedure for Designation of Culturally Significant Landmarks, of Title 10 of the Municipal Code to eliminate the need for a required public hearing prior to designating a property culturally significant as part of the 2011-2012 City Council Work Plan and,
- D. The Planning Commission held a public hearing on April 13, 2011 to review amendments to Chapter 10.86, Section 10.86.040, Procedure for Designation of Culturally Significant Landmarks of Title 10 of the Municipal Code to remove the need for a required public hearing for designating a property culturally significant and adopted Resolution No. PC 11-05 recommending approval to the City Council. All future property designations would be considered at a public meeting held by the City Council where the public would have the opportunity to comment.
- E. On May 17, 2011, the City Council held a public hearing, considered the Planning Commission Recommendation and introduced Ordinance No. 2143 for approval of the Amendments.
- F. Pursuant to 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.

SECTION 2. The City Council of the City of Manhattan Beach hereby modifies Chapter 10.86, Section 10.86.040 of the Manhattan Beach Municipal Code by revising as follows:

Section 10.86.040 Procedure For Designation of Culturally Significant Landmark

The owner of record of any property (or, with regard to publicly owned properties, any Manhattan Beach resident) within City boundaries may apply to the Director of Community Development or his or her designee for that property to be designated as a Culturally Significant Landmark on a form developed by the Community Development Department for the purpose. The application shall identify the property, shall contain a brief description of the site, building structure or significant horticultural development, the reasons why the site is considered culturally significant and a discussion of any request for signage



Certified to be a true copy of said document on file in my office.

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City Clerk of the City of Manhattan Beach

memorializing the designation. A copy of any such application shall be forwarded to the Manhattan Beach Historical Society and Manhattan Beach Cultural Heritage Conservancy, or the current local historical group recognized by the City, which shall be invited to formally comment on the application. Within ninety (90) days of receipt of the application City staff shall schedule a public meeting by the City Council to consider any such application. The decision of the City Council shall be final with regard to any such application.

SECTION 3. The City Council of the City of Manhattan Beach hereby modifies Chapter 10.88, Section 10.86.080 of the Manhattan Beach Municipal Code by revising as follows:

Section 10.86.080 Removal of Designation As A Culturally Significant Landmark

The owner of a designated culturally significant site may, at any time, apply to have the designation removed. The property owner shall file a written statement with the Director of Community Development or his or her designee setting forth the reasons for the request for removal. Any such removal shall require an action by the City Council at a public meeting.

SECTION 4. 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 5. 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 6. 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 7. 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 7th day of June, 2011.

Ayes: Cohen, Ward, Telf and Mayor Montgomery.
Noes: None.
Abstain: Powell.
Absent: None.

/s/ Richard Montgomery
Mayor, City of Manhattan Beach, California

ATTEST:

/s/ Liza Tamura
City Clerk



Confirmed to be a true copy of the original of said document on file in my office.

[Signature]
City Clerk of the City of Manhattan Beach, California