

URGENCY ORDINANCE NO. 23-0002-U

AN URGENCY ORDINANCE OF THE CITY OF
MANHATTAN BEACH AMENDING TITLE 1 (GENERAL
PROVISIONS) OF THE MANHATTAN BEACH MUNICIPAL
CODE TO ADD CHAPTER 1.14 REGARDING
REHEARINGS AND DECLARING THE URGENCY
THEREOF

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. The City Council hereby amends Title 1 (“General Provisions”) of the Manhattan Beach Municipal Code by adding Chapter 1.14 to read as follows:

“1-14 - REHEARINGS

1.14.010 - Rehearings on Certain Housing Projects.

Notwithstanding any other provision of the Municipal Code or City’s Local Coastal Program, the City Council has complete authority to rehear or consider again any action taken on an application for a housing development project, as defined in Section 65589.5 of the Government Code, or any amendment thereto, if both of the following circumstances apply:

- A. The application requires a precise development plan or site development permit; and
- B. The action is the subject of pending litigation or a notice of violation by the California Department of Housing and Community Development, other state agency, or federal government.

Any proceeding authorized under this section shall be conducted in the same manner and with the same public notice provided for the proceeding in which the decision was initially rendered.”

Section 2. On October 18, 2022, the City Council denied an application for a precise development plan and related entitlements for a housing development. Subsequently the applicant filed a lawsuit challenging the denial and the California Department of Housing and Community Development filed a notice of violation stating that the denial violated state housing laws. The notice states that if the City does not reconsider the Project, the state “may move forward with any of the actions authorized by California Government Code section 65585, subdivision (j), including, but not limited to, referral to the California Office of the Attorney General.” Based upon the foregoing facts, the City Council finds and determines that it is necessary to adopt this Ordinance on an urgency basis for the immediate preservation of the public peace, health or safety. For these reasons, the public peace, health, safety and welfare require that this

Ordinance take effect immediately. This is an urgency ordinance within the meaning of Government Code Section 36937(b) and shall take effect immediately.

Section 3. The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption of this Ordinance will have a significant effect on the environment. It is therefore exempt from California Environmental Quality Act review pursuant to Section 15061(b)(3) of the CEQA Guidelines (California Code of Regulations, Title 14, §§ 15000 *et seq.*).

ADOPTED on January 9, 2023.

AYES:
NOES:
ABSENT:
ABSTAIN:

STEVE NAPOLITANO
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney