

URGENCY ORDINANCE NO. 23-0001-U

AN INTERIM ORDINANCE OF THE CITY OF MANHATTAN BEACH EXTENDING URGENCY ORDINANCE NO. 22-0002-U, WHICH AMENDED THE MANHATTAN BEACH MUNICIPAL CODE TO CLARIFY PROVISIONS FOR THE PRESERVATION OF HISTORIC RESOURCES, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

Section 1. Extension of Interim Ordinance. Ordinance No. 22-0002-U, adopted on January 18, 2022, amended the Manhattan Beach Municipal Code to clarify provisions for the preservations of historic resources. Ordinance No. 22-0002-U, as extended by Ordinance No. 22-0004-U, is effective until January 17, 2023. Ordinance No. 22-0002-U is hereby further extended in full force and effect 12 months to and including January 16, 2024.

Section 2. Effective Date. This Ordinance, adopted as an urgency measure for the immediate protection of the public safety, health, and general welfare, containing a declaration of the facts constituting the urgency, and passed by a minimum 4/5 vote of the City Council, shall take effect immediately upon its adoption and shall extend the effect of Ordinance No. 22-0002-U for a period of 12 months.

Section 3. Alleviation Measures Report. In accordance with California Government Code Section 65858(d), the City Council issued a written report on December 20, 2022, describing the measures taken to alleviate the condition that led to the adoption of Ordinance No. 22-0002-U.

Section 4. Authority and Legislative Findings. Pursuant to Government Code Section 65858, the City Council may, to protect the public safety, health, and welfare, adopt, as an urgency measure, an interim ordinance that regulates certain developments that may be in conflict with a contemplated zoning proposal that the City Council is considering, studying or intends to study within a reasonable period of time. In adopting Ordinance Nos. 22-0002-U and 22-0004-U, the City Council made a number of findings to support the Ordinances' adoption on an urgency basis. The Council hereby extends Ordinance No. 22-0002-U based upon those findings, which are incorporated by this reference, and the following findings. There is a potential for an immediate threat to public health, safety, and welfare from the continued implementation and enforcement of the Municipal Code's existing historic preservation regulations, as a large number of properties without a historic landmark designation will remain subject to the complicated procedures that delay redevelopment of such properties and impose additional costs on property owners. Therefore, under the authority of Government Code Section 65858 and 36937(b), the City Council seeks to establish interim objective standards to protect the public

health, safety, and welfare, while the City continues to study the potential land use and public service impacts of more streamlined historic preservation regulations.

Section 5. California Environmental Quality Act Findings. The City Council determines that this Ordinance is exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code §§ 21000, et seq., (“CEQA”) and the CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.). This Ordinance is not a “Project” as defined under Section 15378 of the State CEQA Guidelines, as the proposed changes pertain to applicability for administrative processes and do not permit any development; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, this Ordinance is not subject to CEQA, because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

PASSED, APPROVED and ADOPTED on _____, 2023.

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

STEVE NAPOLITANO
Mayor

LIZA TAMURA
City Clerk

APPROVED AS TO FORM

QUINN M. BARROW
City Attorney