

ORDINANCE NO. 17-0008

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING THE APPEALS AND COUNCIL REVIEW SECTIONS OF THE MANHATTAN BEACH ZONING CODE

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH DOES ORDAIN AS FOLLOWS:

SECTION 1. Municipal Code Section 10.100.010 is hereby amended to read as follows:

“10.100.010 - Appeals.

A. Decisions of the Community Development Director may be appealed to the Planning Commission, and decisions of the Planning Commission may be appealed to the City Council. The decisions of the Planning Commission will be placed on a City Council agenda within the time period specified below for Council review.

B. Anyone wishing to appeal pursuant to this chapter must timely file with the Community Development Department a written notice of appeal, on a form provided by the Community Development Department, and with the applicable required appeal fee set by City Council resolution. The notice of appeal shall specify the basis for the appeal.

C. The appeal period ends at the close of the business day for City Hall on the 15th day following the decision. If the 15th day falls on a weekend or City holiday, the appeal period ends at the close of business on the next working day.

D. The appeal shall be heard within 60 days of the City Clerk's receipt of the appeal, unless the applicant and appellant consent to a later date. An appeal shall be heard at a public hearing *de novo* if the decision being appealed required a public hearing. Notice of such a public hearing shall be given in the same manner required for the decision being appealed.

E. The decision subject to appeal shall be stayed pending a final decision on the appeal or withdrawal of the appeal.”

SECTION 2. Municipal Code Section 10.100.020 is hereby amended to read as follows:

“10.100.020 - Council review.

A. The City Council shall review a Planning Commission decision if two Councilmembers file a Council review form with the City Clerk on or before the 15th day following the decision. For all requests for review, it shall be presumed that the reason for the request is that the decision may have significant and material effects on the quality of life within the City, or that the subject matter of the decision may have City-wide importance warranting review and

determination by City's elected officials. Bias shall not be presumed or inferred due to a request for review.

The City Clerk shall prescribe a review form, which shall be available free of charge. The City Clerk shall schedule the review hearing for commencement within 60 days of the request for review. The review shall otherwise follow the same procedures as appeals in this Chapter.

B. Public notice of the hearing shall be provided in the same manner, if any, as was provided in connection with the consideration by the Planning Commission.

C. The Council review hearing shall be conducted as a hearing de novo.

D. The effectiveness of a decision subject to Council review shall be stayed pending completion of the Council review proceedings.”

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION.

The City Council determines that this ordinance is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and the regulations promulgated thereunder (14 California Code of Regulations §§ 15000, et seq., the “CEQA Guidelines”). It can be seen with certainty that there is no possibility that the adoption of this Ordinance, and the regulations established hereby, may have a significant effect on the environment. In addition, the action taken herein is not a “project” within the meaning of CEQA.

SECTION 4. 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 5. 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 ON JULY 5, 2017.

AYES:

NOES:

ABSENT:

ABSTAIN:

DAVID LESSER
Mayor

ATTEST:

LIZA TAMURA
City Clerk

APPROVED AS TO FORM:

QUINN M. BARROW
City Attorney