



## Legislation Text

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**File #:** 20-0304, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Stephanie Katsouleas, Public Works Director

Prem Kumar, City Engineer

Michael A. Guerrero, Principal Civil Engineer

**SUBJECT:**

Consider Second Reading to Adopt Ordinance Nos. 20-0020, 20-0021 and 20-0022 Amending Manhattan Beach Municipal Code Chapter 7.16 - Excavations - Street, Alleys, Sidewalks and Public Places; Chapter 7.40 - Construction Site Temporary Encroachment Permit; and Chapter 9.72 - Street Improvements, respectively (Public Works Director Katsouleas).

a) **ADOPT ORDINANCE No. 20-0020 AMENDING 7.16**

b) **ADOPT ORDINANCE No. 20-0021 AMENDING 7.40**

c) **ADOPT ORDINANCE No. 20-0022 AMENDING 9.72**

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**RECOMMENDATION:**

Staff recommends that City Council conduct a second reading and adopt Ordinance Nos. 20-0020, 20-0021 and 20-0022 amending Manhattan Beach Municipal Code (MBMC) Chapter 7.16 Excavations - Streets, Alleys, Sidewalks and Public Places; Chapter 7.40 Construction Site Temporary Encroachment Permit; and Chapter 9.72 Street Improvements, respectively.

**FISCAL IMPLICATIONS:**

There are no fiscal implications associated with adopting Ordinance Nos. 20-0020, 20-0021, and 20-0022.

**BACKGROUND:**

The attached ordinances amending Chapters 7.16, 7.40, and 9.72 of the MBMC were introduced on October 6, 2020. The provisions of Chapter 7.16 address permitting, construction standards and inspection for construction work in the public right of way. The provisions of Chapter 7.40 address permitting, standards and inspection for installing and maintaining a temporary encroachment in the public right of way. The provisions of Chapter 9.72 establish the guidelines for public improvements in the public right of way associated with adjacent private development.

**DISCUSSION:**

The proposed amendments to Chapter 7.16 primarily serve to provide flexibility in the permitting process and bring this Code up to the City's current standards.

The proposed amendments to Chapter 7.40 serve to allow for adjustments to permitting costs through periodic adoption of fees by City Council rather than having those specific cost individually referenced in this section of the Code.

The proposed amendments to Chapter 9.72 primarily serve to provide additional flexibility in requiring public improvements associated with adjacent private development, and to improve consistency with other associated sections of the Code.

Staff recommends that the City Council adopt Ordinance No. 20-0020 amending Chapter 716; Ordinance No. 20-0021 amending Chapter 7.40; and Ordinance No. 20-0022 amending Chapter 9.72 of the MBMC

#### **PUBLIC OUTREACH:**

A comprehensive public outreach program was undertaken during the Mobility Plan update that included a public workshop, stakeholder meetings, and various public meetings, including Planning Commission and City Council meetings related to the proposed changes to Section 9.72 - Street Improvements. No public outreach has been conducted for the amendments to Section 7.16 - Excavation - Streets, Alleys, Sidewalks and Public Places and Section 7.40 - Construction Site Temporary Encroachment Permit.

#### **ENVIROMENTAL REVIEW:**

The City has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is necessary.

#### **LEGAL REVIEW:**

The City Attorney has approved the ordinances as to form.

#### **ATTACHMENTS:**

1. Ordinance No. 20-0020 Amending 7.16
2. Ordinance No. 20-0021 Amending 7.40
3. Ordinance No. 20-0022 Amending 9.72