

URGENCY ORDINANCE NO. 20-0002-U

AN INTERIM ORDINANCE OF THE CITY OF MANHATTAN BEACH
EXTENDING INTERIM ORDINANCE NO. 19-0019-U AMENDING
THE MANHATTAN BEACH MUNICIPAL CODE TO REGULATE
RESIDENTIAL DEVELOPMENT PROJECTS THAT REQUIRE THE
DEMOLITION OF DWELLING UNITS, AND MAKING A
DETERMINATION OF EXEMPTION UNDER CEQA

THE MANHATTAN BEACH CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Ordinance No. 19-0019-U, adopted on December 17, 2019, amends Manhattan Beach Municipal Code Section 10.12.020 to regulate residential development projects that require the demolition, remodel or alteration of legal residential dwelling units. Ordinance No. 19-0019-U is hereby extended in full force and effect, as modified herein, for 10 months and 15 days to and including December 15, 2020.

SECTION 2. Manhattan Beach Municipal Code Section 10.12.020(Q) is amended to read as follows:

“(Q). The City shall not approve a residential development project that will require the demolition of legal residential dwelling units unless the project is consistent with Government Code Section 66300(d), as the same may be amended from time to time. For purposes of this subsection, a residential development project shall include remodels/alterations, as well as the construction of a single-family dwelling.

A junior accessory dwelling unit, as defined in Section 10.74.020 of this Code, may be constructed to comply with this subsection, and the property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the following restrictions on the property, the property owner, and all successors in interest: (i) the property owner shall be an owner-occupant, unless the owner is a government agency, land trust, or housing organization; (ii) the junior accessory dwelling unit is to be rented only for terms of 30 days or longer; (iii) the junior accessory dwelling unit is to be rented only for an “affordable rent” as defined in Health and Safety Code Section 50053; (iv) the junior accessory dwelling unit is not to be sold or conveyed separately from the single-family dwelling; (v) the property owner and all successors in interest shall maintain the junior accessory dwelling unit and the property in accordance with all applicable junior accessory dwelling unit requirements and standards, including the restrictions on the size and attributes of the junior accessory dwelling unit provided in Government Code Section 65852.22; and (vi) that any violation will be subject to penalties as provided in Municipal Code Chapter 1.04. Proof of recordation of the covenant shall be provided to the City at a time deemed appropriate by the Director of Community Development.”

SECTION 3. Alleviation Measures Report. In accordance with California Government Code Section 65858(d), the City Council has issued a written report describing the measures taken to alleviate the condition that led to the adoption of Ordinance No. 19-0019-U.

SECTION 4. Term. This Ordinance is an urgency ordinance for the immediate preservation of the public peace, health and safety within the meaning of Government Code Sections 65858 and 36937(b) and therefore shall be effective immediately upon its adoption. This Ordinance shall expire on December 15, 2020, unless extended by the City Council at a regularly noticed public hearing, pursuant to Government Code Section 65858.

SECTION 5. Legislative Findings. In adopting Urgency Ordinance No. 19-0019-U, the City Council made a number of legislative findings to support to adoption on an urgency basis. The Council hereby extends Ordinance No. 19-0019-U based upon those findings, and the following findings.

The City continues to study the potential land use, public services, parking, traffic, and infrastructure effects of residential development projects that reduce the total number of residential dwelling units in the City. The City is also assessing the ways in which recently adopted State Housing Laws will affect the review and approval of proposed residential development projects. As the Legislature noted in its findings for Senate Bill No. 330, "California is experiencing a housing supply crisis, with housing demand far outstripping supply." The Legislature also found that this housing crisis has resulted in – among other things – increased poverty and homelessness, longer commute times, higher exposure to fire hazard, and increasing greenhouse gas emissions. Residential development projects that reduce the number of dwelling units in the City will exacerbate the housing crisis and its various consequences. Unless the City adopts this interim urgency ordinance, the City may be compelled to approve a residential development project that may have severe negative impacts on the surrounding community or adopt permanent standards without the benefit of an inquiry and study on the appropriate restrictions on the approval of residential development projects in the City and in particular areas. Based upon the foregoing, the City Council hereby finds that there is a current and immediate threat to the public health, safety, or welfare if new residential development projects reduce the number of dwelling units in the City, and that the approval of additional subdivisions, use permits, variances, building permits, or any other applicable entitlement for such projects which is required in order to comply with the City's Zoning Ordinance would result in that threat to public health, safety, or welfare. Due to the foregoing circumstances, it is necessary for the preservation of the public health, safety, and welfare for this Ordinance to take effect immediately.

The City intends to consider the adoption of permanent regulations within a reasonable time. The Planning Commission, the City Council and the people of Manhattan Beach require a reasonably limited, yet sufficient period of time to

establish permanent regulations for residential development projects that require the demolition of dwelling units. Given the time required to schedule and conduct duly noticed public hearings before the Planning Commission and the City Council, the City Council finds that extension of this Ordinance is necessary to prevent the approval of residential development projects with a reasonable potential to conflict with the City's permanent regulations. The City Council has the authority to adopt an interim ordinance pursuant to Government Code Sections 65858 and 36937(b) in order to protect the public health, safety, or welfare.

SECTION 6. California Environmental Quality Act Exemption. The City Council determines that this Ordinance is exempt from environmental review under the California Environmental Quality Act, (California Public Resources Code section 21000, et seq., ("CEQA") and the CEQA Guidelines (14 California Code of Regulations section 15000, et seq.) because this zoning ordinance implements the provisions of Government Code Section 65852.2 and is therefore exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). To the extent that any provisions of this Ordinance are not exempt pursuant to Section 15282(h), the amendments are not subject to CEQA pursuant to CEQA Guidelines Section 15061(b)(3), 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.

SECTION 7. Internal Consistency. Any provisions of the Municipal Code, or any other resolution or ordinance of the City, to the extent that they are inconsistent with this Ordinance are hereby repealed, and the City Clerk shall make any necessary changes to the Municipal Code for internal consistency.

SECTION 8. Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 9. Savings Clause. Neither the adoption of this Ordinance nor the repeal or amendment by this Ordinance of any ordinance or part or portion of any ordinance previously in effect in the City, or within the territory comprising the City, shall constitute a waiver of any license, fee or penalty or the penal provisions applicable to any violation of such ordinance.

ADOPTED on January 21, 2020.

AYES: Napolitano, Stern, Hadley, Montgomery and Mayor Hersman.
NOES: None.
ABSENT: None.
ABSTAIN: None.



NANCY HERSMAN
Mayor

ATTEST:



LIZA TAMURA
City Clerk