

ORDINANCE 1709

AN ORDINANCE OF THE CITY OF SEAL BEACH ADOPTING SPECIFIC PLAN AMENDMENT 24-1 TO AMEND PORTIONS OF THE MAIN STREET SPECIFIC PLAN TO CREATE AN ADMINISTRATIVE PROCESS PERTAINING TO MAIN STREET OUTDOOR USES, ENHANCEMENTS, LIMITED OUTDOOR DINING, AND LIMITED OUTDOOR DISPLAY OF MERCHANDISE ON THE PUBLIC RIGHT-OF-WAY AND FINDING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE CITY COUNCIL OF THE CITY OF SEAL BEACH DOES ORDAIN AS FOLLOWS:

Section 1. Pursuant to California Government Code Section 65453(a), a specific plan may be adopted by resolution or by ordinance and may be amended as often as deemed necessary by the legislative body; and pursuant to Seal Beach Municipal Code 11.5.15.005, the City Council shall adopt specific plans and amendments to specific plans by ordinance.

Section 2. The City Council of the City of Seal Beach does hereby find, determine, and declare that:

- A. On July 22, 1996, the City Council Adopted Resolution 4490, 4491, 4492, and 4493 to approve Revision 96-1 of the Main Street Specific Plan, General Plan Amendments 96-IA and 96-IB for consistency with the Specific Plan and General Plan, and to adopt the associated Negative Declaration.
- B. On August 12, 1996, the City Council adopted Ordinance Nos. 1406 and 1407 creating the Main Street Specific Plan zone.
- C. On April 15, 2024, the Planning Commission considered this Ordinance at a duly noticed public hearing, as prescribed by law, at which time City staff and interested persons had an opportunity to and did testify either in support of or against this matter.
- D. At the conclusion of the Planning Commission hearing and after due consideration of the testimony, the Planning Commission adopted Resolution No. 24-05, recommending approval of this Ordinance by the City Council with modifications.
- E. The City Council, at a regular meeting, considered this Ordinance on May 13, 2024, at a duly noticed public hearing, as prescribed by law, at which time City staff and interested persons had an opportunity to and did testify either in support of or against this matter.

- F. Following the public hearing, the City Council considered the entire record of information received at the public hearings before the Planning Commission and City Council.

Section 3. In accordance with Section 11.5.15.025 (Required Findings) of the Municipal Code, no findings are required for legislative acts. Notwithstanding this general rule, the Council shall determine whether the proposed action is consistent with the General Plan. The City Council hereby makes the following findings of General Plan consistency, as supported by substantial evidence on the record including and incorporating all facts and evidence in the staff report and its attendant attachments, in support of approval of Specific Plan Amendment 24-1:

Finding: The proposed amendment is consistent with the following General Plan Goals and Policies:

Land Use Element

1. Main Street Specific Plan: The General Plan states that the City Council adopted the Main Street Specific Plan to provide a vision document to preserve and enhance the downtown area of Seal beach. The Main Street Specific Plan provides specific direction regarding allowed land uses and operations, building and design provisions, and parking standards and management, to ensure compatibility between land uses and preservation of the area's small-town character.

2. Features of the Community: A goal of the City is to maintain and promote those social and physical qualities that enhance the character of the community and the environment in which we live.

3. Commercial: The City should explore available means to support, encourage, and balance commercial development within the city.

Section 4. The City Council determines that this ordinance is exempt from environmental review under CEQA and the City's CEQA Guidelines under Class 1 (Existing Facilities), Class 4 (Minor Alterations to Land), and Class 5 (Minor Alterations in Land Use Limitations) pursuant to CEQA Guidelines Section 15301(c) and (e), Section 15304(e), and Section 15305, as the amendments do not authorize new uses or development beyond those that the existing Specific Plan allows and only authorize the temporary placement and/or encroachment of objects outdoors such as chairs, tables, outdoor merchandise displays, benches, potted plants, and portable sidewalk signs as part of the normal operations of existing Main Street businesses. The City has determined none of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2).

Section 5. Based on the foregoing, the City Council hereby adopts Specific Plan Amendment 24-1 to amend the Main Street Specific Plan as shown in Exhibit A (Amended Main Street Specific Plan) of this Ordinance, incorporated herein by this reference as though set forth in full.

Section 6. The City Clerk shall make such conforming amendments to the Zoning Code as are necessary to codify the changes to the Main Street Specific Plan enacted pursuant to this Ordinance.

Section 7. The Community Development Director shall submit a copy of the Ordinance to the Department of Housing and Community Development within 60 days after adoption of this Ordinance.

Section 8. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of 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 adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

Section 9. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted in the manner required by law.

Section 10. This Ordinance shall take effect thirty (30) days after passage.

Section 11. The City Council shall be provided a report on the outdoor use program within 6 months of the adoption of this ordinance.

INTRODUCED at a regular meeting of the City Council of the City of Seal Beach held on the 13th day of May, 2024.

PASSED, APPROVED and ADOPTED by the Seal Beach City Council at a regular meeting held on the 28th day of May, 2024.

AYES: Council Members: Kalmick, Moore, Steele, Sustarsic

NOES: Council Members: _____

ABSENT: Council Members: _____

ABSTAIN: Council Members: Landau

Schelly Sustarsic
Schelly Sustarsic, Mayor

ATTEST:

[Signature]
Gloria D. Harper, City Clerk

APPROVED AS TO FORM:

[Signature]
Nicholas Ghirelli, City Attorney



STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS
CITY OF SEAL BEACH }

I, Gloria D. Harper, City Clerk of the City of Seal Beach, do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Seal Beach held on the 13th day of May, 2024, and was passed, approved, and adopted by the City Council at a regular meeting on the 28th day of May, 2024.

[Signature]
Gloria D. Harper, City Clerk