

**CITY OF MANHATTAN BEACH
COMMUNITY DEVELOPMENT DEPARTMENT**

TO: Planning Commission

THROUGH: Richard Thompson, Director of Community Development

FROM: Angelica Ochoa, Assistant Planner

DATE: April 13, 2011

SUBJECT: City Council 2011-2012 Work Plan Item: Zoning Code Amendment For Removal of Required Pubic Hearing For Properties to be Designated as Culturally Significant Landmarks

RECOMMENDATION

Staff recommends that the Planning Commission **CONDUCT** the **PUBLIC HEARING**, **ADOPT** the attached **RESOLUTION** recommending approval to the City Council for a zoning code amendment for the removal of a required pubic hearing for properties to be designated as culturally significant landmarks

BACKGROUND

On September 5, 2006, the City Council adopted Ordinance No. 2089 establishing Chapter 10.86 Culturally Significant Landmarks (Exhibit A), to recognize properties of cultural significance without depriving property owners of their rights to develop. The designation process is voluntary on behalf of the property owner. Per Section 10.86.040 of Chapter 10.86, the procedure to designate a property culturally significant includes an application, brief description of the site, and the reasons why it is culturally significant. Within ninety (90) days, a scheduled public hearing and notice to property owners within five hundred (500) feet is required by City staff for consideration by the City Council. The City Council has designated 10 culturally significant properties in the City of Manhattan Beach since the adoption of the ordinance.

DISCUSSION

The 2011-2012 City Council work plan adopted on March 1, 2011 states that staff will amend the current code to eliminate the need for a public hearing prior to designating a home a historical landmark. Staff is requesting the Planning Commission to consider an amendment to Chapter 10.86, Section 10.86.040 Procedure for Designation of Culturally Significant Landmarks of the Municipal Code to eliminate the need for a required public hearing prior to designating a property a culturally significant landmark. This change is reflected as a redline/strikeout in the attached Draft Resolution and is attached as Exhibit B. In considering future applications for designating properties culturally significant, if the amendment is approved, the application would not require a noticed City Council public hearing. Any future designations would be considered at a public meeting held by the City Council. Thus, the public would still have the opportunity to comment on any property being considered to be designated culturally significant.

Also, the Manhattan Beach Cultural Heritage Conservancy, the Landmark Task Force that has been working to increase public awareness and appreciation of the City's cultural heritage, has been added to Section 10.86.040 to review and comment on applications of properties being considered for historical significance. This revision will provide notice to this group, as well as the Manhattan Beach Historical Society as currently required, or any future local historical group.

A notice to consider the removal of the required public hearing for culturally significant landmarks was published with a ¼ page ad in the Beach Reporter on March 31, 2011.

ENVIRONMENTAL DETERMINATION

Pursuant to California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject amendments are exempt in that they are covered by the general rule that CEQA [Section 15061 (3)] only applies to projects which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment, the activity is not subject to CEQA.

CONCLUSION

Staff recommends that the Planning Commission consider and recommend approval to the City Council of the proposed Zoning Code Amendment of Chapter 10.86, Section 10.86.040 for removal of a required public hearing for properties to be designated as culturally significant landmarks in the City of Manhattan Beach

EXHIBITS:

- A. Ordinance 2089, Cultural Significant Landmark
- B. Draft Resolution PC No.

cc: Jan Dennis, Manhattan Beach Cultural Heritage Conservancy
Manhattan Beach Historical Society

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ORDINANCE NO. 2089

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA ADDING A NEW CHAPTER 10.86 TO TITLE X OF THE MANHATTAN BEACH MUNICIPAL CODE REGARDING DESIGNATION OF CULTURALLY SIGNIFICANT LANDMARKS

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

SECTION 1. The City Council hereby makes the following findings:

- A. Presently the City has no provision to recognize or acknowledge properties of local, historical or architectural significance.
- B. While it is unfair to property owners to unduly burden specific properties with restrictions preventing development of those properties it would be beneficial to have a means by which an owner of a culturally significant property who desires to obtain recognition of their unique property without unduly restricting their property rights.
- C. While the State and Federal governments do have classifications available to historically significant, properties local government is in a unique position to recognize and acknowledge the importance of unique properties within City boundaries.
- D. It is therefore in the best interests of public health safety and welfare to adopt a process to acknowledge the significance of culturally unique properties within the City.

SECTION 2. The City Council of the City of Manhattan Beach hereby adds a new Chapter 10.86 to Title X of the Manhattan Beach Municipal Code as follows:

Chapter 10.86 Culturally Significant Landmarks

Section 10.86.010 Purpose

It is the intent and purpose of the Manhattan Beach City Council in passing this ordinance to:

- (a). Safeguard the City's heritage by encouraging the recognition and voluntary protection of landmarks representing significant elements of the City's history and culture;
- (b). Foster civic and neighborhood pride and a sense of identity based on appreciation of the City's past;
- (c). Strengthen the economy of the City by identifying and recognizing historical and cultural landmarks which may be of interest to both residents and visitors.

Section 10.86.020 Definitions

Architectural significance – means any structure which embodies a particular architectural style or is a distinctive example of a particular school of architectural design or represents the work of an important architect.

Architectural appearance - means the architectural character and general composition of the structure, including but not limited to, the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

Community – means the City of Manhattan Beach and surrounding environs.

Council - means the City Council of the City of Manhattan Beach.

Demolition - means any act or process that destroys in part or in whole a landmark, proposed landmark, monument or point of interest.

Landmark - means a property or structure designated as a "landmark" by resolution of the City Council, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the City.



Certified to be a true copy of said document on file in my office.

[Signature]
City Clerk of the City of Manhattan Beach

EXHIBIT A
PC MH. 4/13/11

Owner of record - means the person, corporation, or other legal entity listed as owner on the records of the County Recorder of Deeds.

Point of interest - means the site of a building, structure, or object which no longer exists but which was associated with historic events or important persons or embodied a distinctive character or architectural style; or has historic significance but has been altered to the extent that the integrity of the original workmanship, materials, or style has been substantially compromised; or is the site of a historic event which has no distinguishable characteristic other than that a historic event occurred there, and the site is not of sufficient historic significance to justify the establishment of a historic landmark.

Publicly owned - shall mean a property which is owned by any governmental entity including, but not limited to, the City, School District, County, State, United States Government or any special district.

Site - shall mean a location or place with or without associated structures or landscaping.

Structure - means anything constructed or erected, the use of which requires permanent or temporary location on or in the ground.

Section 10.86.030 Designation of Culturally Significant Landmarks

At the request of the owner of record the City Council of the City of Manhattan Beach may designate any privately owned property in the City as a culturally significant landmark pursuant to the criteria set forth in this Chapter and issue a Certificate of Cultural Significance with regard to said property in recognition of its unique status in the community. Any Manhattan Beach resident may nominate a publicly owned property as a culturally significant landmark which shall then be reviewed according to the same procedure and criteria set forth in this Chapter for privately owned properties.

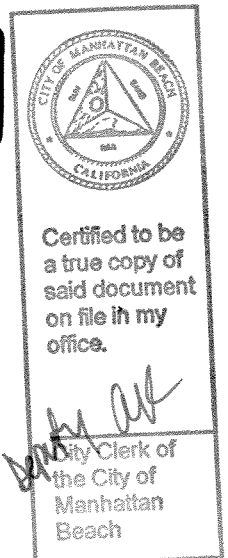
Section 10.86.040 Procedure For Designation of Culturally Significant Landmark

The owner of record of any property (or, with regard to publicly owned properties, any Manhattan Beach resident) within City boundaries may apply to the Director of Community Development or his or her designee for that property to be designated as a Culturally Significant Landmark on a form developed by the Community Development Department for that purpose. The application shall identify the property, shall contain a brief description of the site, building structure or significant horticultural development, the reasons why the site is considered culturally significant and a discussion of any request for signage memorializing the designation. A copy of any such application shall be forwarded to the Manhattan Beach Historical Society which shall be invited to formally comment on the application. Within ninety (90) days of receipt of the application City staff shall schedule a public hearing by the City Council to consider any such application. Notice of such public hearing shall be published at least ten days before the date of the hearing and prior notice shall be mailed to each property owner whose property is within five hundred (500) feet of the designated property. The decision of the City Council shall be final with regard to any such application.

Section 10.86.050 Criteria For Designation of A Culturally Significant Landmark

1. The City Council shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, site, structure, or area meets one or more of the following criteria:

- (a) Its character, interest, or value as part of the development, heritage, or cultural characterization of the community;
- (b) Its identification with a person or persons who significantly contributed to the development of the community;
- (c) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
- (d) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community;
- (e) Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;



- 1 (f) Its embodiment of design elements that make it structurally or architecturally innovative;
- 2 (g) Its unique location or singular physical characteristics that make it an established or familiar visual feature;
- 3 (h) Its suitability for preservation or restoration. Any structure, property, or area that meets one or more
- 4 of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship
- 5 to make it worthy of preservation or restoration;
- 6 (i) It shall have historic, aesthetic, or special character or interest for the general public and not be
- 7 limited in interest to a special group or person;
- 8 (j) Its designation shall not infringe upon the rights of a private owner thereof to make any and all
- 9 reasonable uses thereof which are not in conflict with the purposes of this chapter.
- 10 (k) It has been previously designated in the National Register at the State-wide or Federal level of
- 11 significance (including National Historic Landmarks) and is historic resource that is significant at a City,
- 12 regional, State, or Federal level, and is an exemplary representation of a particular type of historic
- 13 resource.

2. A culturally significant landmark designation may include significant public or semi-public interior spaces and features which otherwise meet the criteria set forth above.

3. A culturally significant landmark may be a tree or other landscaping which shall qualify to be of historic or cultural significance and of importance to the community if it meets any one of the following criteria:

- 12 (a) It is one of the largest or oldest trees of the species located in the City;
- 13 (b) It has historical significance due to an association with a historic event, person, site, street, or structure; or
- 14 (c) It is a defining landmark or significant outstanding feature of a neighborhood.

10.86.060 Signage For Culturally Significant Landmarks

At the time the City Council approves the designation of a property or site as a culturally significant landmark, it may, at the owner's request approve signage for the site which memorialized its designation under this Chapter. The size, presentation, content and location of any such sign shall be presented to the City Council at the time it considers designation of the property or site.

10.86.070 Effect of Designation As A Culturally Significant Landmark

The designation of a property or site as a culturally significant landmark is an honorary designation only. Such designation shall have no effect upon the property rights of the owner of such property nor curtail alteration, development or demolition of such property.

10.86.080 Removal of Designation As A Culturally Significant Landmark

The owner of a designated culturally significant site may, at any time, apply to have the designation removed. The property owner shall file a written statement with the Director of Community Development or his or her designee setting forth the reasons for the request for removal. Any such removal shall require an action by the City Council at a duly noticed public hearing with notice to be published and mailed as provided for in Section 10.86.030 above.

10.86.090 Establishment of 'Landmark Task force'

The City Council may appoint a 'Landmark Task Force' to advise on ways to preserve, celebrate and enhance the City's culturally significant landmarks. The Task Force's mission shall include but not be limited to:

- 27 (a). Researching the availability of historical materials related to Manhattan Beach and creating an inventory list of possible sites, districts and structures;
- 28 (b). Researching funding sources for large and small scale historic preservation, restoration, renovation and identification projects;



Certified to be a true copy of said document on file in my office.

[Signature]
City Clerk of the City of Manhattan Beach

(c). Providing educational opportunities to increase public awareness and appreciation of Manhattan Beach's unique heritage.

(e). Reviewing and commenting on proposed application for designation under this Chapter.

Members of the Task Force shall be appointed by the City Council and must be electors of the City. The City Council shall establish the term and other criteria for appointment of said "Task Force."

10.86.100 Environmental Impacts

The purpose of the program established hereunder is to honor and recognize locally significant landmarks. However, the designation provided for in this Chapter shall not be construed, by itself, to confer a level of significance sufficient that alteration or demolition of a designated property or site can be inferred to be a significant impact on the environment."

SECTION 3. If any sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 4. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other Ordinance of the City, to the extent that they are inconsistent with this Ordinance, and no further, are hereby repealed.

SECTION 5. This Ordinance shall go into effect and be in full force and operation from and after thirty days after its final passage and adoption.

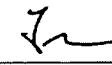
SECTION 6. The City Clerk shall cause this Ordinance or a summary thereof to be published and, if appropriate, posted, as provided by law. Any summary shall be published and a certified copy of the full text of this Ordinance posted in the Office of the City Clerk at least five (5) days prior to the City Council meeting at which this Ordinance is to be adopted. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall cause a summary to be published with the names of those City Council members voting for and against this Ordinance and shall post in the Office of the City Clerk a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against the Ordinance.


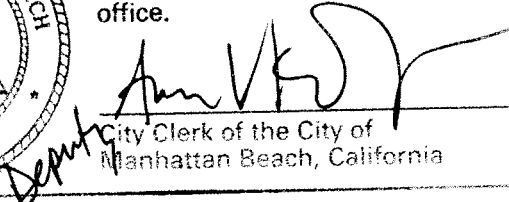
PASSED, APPROVED and ADOPTED this 5th day of September, 2006.

Ayes: Aldinger, Montgomery, Fahey, Tell and Mayor Ward.
Noes: None.
Absent: None.
Abstain: None.


Mayor, City of Manhattan Beach, California

ATTEST:


City Clerk (Acting)


Certified to be a true copy of the original of said document on file in my office.

Deputy City Clerk of the City of Manhattan Beach, California

DRAFT RESOLUTION NO. PC 11-XX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
MANHATTAN BEACH AMENDING TITLE 10, CHAPTER 10.86,
CULTURAL SIGNIFICANT LANDMARKS OF THE MANHATTAN
BEACH MUNICIPAL CODE (MBMC) FOR REMOVAL OF A REQUIRED
PUBLIC HEARING FOR PROPERTIES TO BE DESIGNATED
CULTURALLY SIGNIFICANT LANDMARKS

THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH DOES HEREBY RESOLVE
AS FOLLOWS:

SECTION 1. The Planning Commission hereby makes the following findings:

- A. The City Council adopted Historical Ordinance No. 2089 on September 6, 2006 to recognize properties of local, historical or architectural significance; and,
- B. The City Council established a procedure to designate culturally significant landmarks by the owner of record of any property within City boundaries which requires a public hearing prior to designation; and,
- C. The City Council directed staff to amend Chapter 10.86, Section 10.86.040, Procedure for Designation of Culturally Significant Landmarks, of Title 10 of the Municipal Code to eliminate the need for a required public hearing prior to designating a property culturally significant as part of the 2011-2012 City Council Work Plan and,
- D. The Planning Commission held a public hearing on April 13, 2011 to review amendments to Chapter 10.86, Section 10.86.040, Procedure for Designation of Culturally Significant Landmarks of Title 10 of the Municipal Code to remove the need for a required public hearing for designating a property culturally significant. All future property designations would be considered at a public meeting held by the City Council where the public would have the opportunity to comment.
- E. Pursuant to California Environmental Quality Act (CEQA) and the Manhattan Beach CEQA Guidelines, the subject amendments are exempt in that they are covered by the general rule that CEQA [Section 15061 (3)] only applies to projects which have the potential for causing a significant effect on the environment, and since it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 2. The Planning Commission of the City of Manhattan Beach hereby recommends modifying Chapter 10.86, Section 10.86.040 of the Manhattan Beach Municipal Code by revising as follows:

Section 10.86.040 Procedure For Designation of Culturally Significant Landmark

The owner of record of any property (or, with regard to publicly owned properties, any Manhattan Beach resident) within City boundaries may apply to the Director of Community Development or his or her designee for that property to be designated as a Culturally Significant Landmark on a form developed by the Community Development Department for the purpose. The application shall identify the property, shall contain a brief description of the site, building structure or significant horticultural development, the reasons why the site is considered culturally significant and a discussion of any request for signage memorializing the designation. A copy of any such application shall be forwarded to the Manhattan Beach Historical Society and Manhattan Beach Cultural Heritage Conservancy, or the current local historical group recognized by the City, which shall be invited to formally comment on the application. Within ninety (90) days of receipt of the application City staff shall schedule a public hearing meeting by the City Council to consider any such application. ~~Notice of such public hearing shall be published at least ten days before the date of the hearing and prior notice shall be mailed to each property owner whose property is within five hundred (500) feet of the designated property.~~ The decision of the City Council shall be final with regard to any such application.

SECTION 3. Pursuant to Government Code Section 66499.37, any action or proceeding to attack, review, set aside, void or annul this decision, or concerning any of the proceedings, acts, or determinations taken, done or made prior to such decision or to determine the reasonableness, legality or validity of any condition attached to this decision shall not be maintained by any person unless the action or proceeding is commenced within 90 days of the date of this resolution and the City Council is served within 120 days of the date of this resolution.

SECTION 4. If any sentence, clause, or phrase of this resolution is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this resolution. The Planning Commission hereby declares that it would have passed this resolution and each sentence, clause or phrase thereof irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

SECTION 5. Any provisions of the Manhattan Beach Municipal Code, or appendices thereto, or any other resolution of the City, to the extent that they are inconsistent with this resolution, and no further, are hereby repealed.

I hereby certify that the foregoing is a full, true, and correct copy of the Resolution as adopted by the Planning Commission at its regular meeting of April 13, 2011 and that said Resolution was adopted by the following votes:

AYES:
NOES:
ABSENT:
ABSTAIN:

RICHARD THOMPSON
Secretary to the Planning Commission

SARAH BOESCHEN
Recording Secretary