



December 23, 2015

**Submitted electronically**

Manhattan Beach Planning Department  
Attention: Marisa Lundstedt  
1400 Highland Avenue  
Manhattan Beach, CA 90266  
Email: [mlundstedt@citymb.info](mailto:mlundstedt@citymb.info)

523 West Sixth Street, Suite 826  
Los Angeles, CA 90014

213 623 2489 OFFICE  
213 623 3909 FAX  
[laconservancy.org](http://laconservancy.org)

**RE: Draft Manhattan Beach Historic Preservation Ordinance**

Dear Ms. Lundstedt,

On behalf of the Los Angeles Conservancy, thank you for the opportunity to review and provide comments on the latest draft Historic Preservation Ordinance for Manhattan Beach.

The Conservancy applauds the Manhattan Beach City Council for their leadership in directing the preparation of a new historic preservation ordinance for the city. The Council's, Planning Commission's, and planning staff's leadership and dedication has resulted in an ordinance tailored to suit Manhattan Beach and its unique character.

This new ordinance will give Manhattan Beach a true preservation program—allowing the city to protect its irreplaceable architectural legacy while giving property owners preservation incentives and certainty in the development review process.

We provide the following comments and recommendations for text amendments to ensure that the final adopted version of the historic preservation ordinance adheres to best practices and maintains the goal of enabling Manhattan Beach to achieve Certified Local Government status—which opens the door for grant funding for the City's preservation program.

**A. Provision allowing property owners within pending historic district boundaries to opt out**



This provision, which was suggested by the Manhattan Beach Planning Commission at their October 8 meeting, is problematic and contrary to established best practices for the designation of local historic districts.

Of primary concern is that such a provision goes against the goals of establishing a historic district, whereby a design review process applies to *all* properties within a designated boundary. This ensures that the entire neighborhood will benefit from this process rather than a piecemeal approach that will inevitably allow and create a “Swiss cheese” outcome. The eligibility of a potential historic district is directly related to its high percentage of contributing structures; the high concentration of intact structures gives a district the ability to convey a cohesive historic character. Any reduction in the percentage of district contributors would compromise that ability and could easily render the potential district ineligible for designation.

To bring the draft ordinance into compliance with best practices for the designation of local historic districts, which would also satisfy requirements for jurisdictions seeking Certified Local Government status, we strongly recommend that this subsection be removed from the ordinance:

~~**10.86.110 Designation Procedures—Historic Districts. Subsection D.4:** At any time prior to the designation of the historic district by the City Council, a property owner may elect not to be included with the proposed district, by written notice to the Director. The property of the person so notifying the Director shall not be included within the proposed district.~~

## **B. Omission of any procedural or design review for historic district non-contributors**

As currently written, the draft ordinance contains no language for the treatment of non-contributing structures in historic districts; by omission of any such language, the draft ordinance essentially permits non-contributing structures to adhere to the city’s standard zoning and design regulations, rather than to those prescribed for the historic district within which they are located.

It is standard for local historic district design procedures to address non-contributors, though with a greater level of flexibility than contributing structures. Generally preservation guidelines and/or a plan are created for a historic district once established, where residents and City staff work together to outline what items will be reviewed for both contributing and non-contributing properties. This ensures that the character of the pending or established historic district overall is not further compromised by modifications of incompatible materials, size, scale or massing.



To bring the draft ordinance into compliance with best practices for design review associated with local historic districts, which would also satisfy requirements for jurisdictions seeking Certified Local Government status, we recommend the following four text amendments:

**10.86.180 Work Moratorium. Subsection B.** Pending Historic District Designation. Except as necessary to correct an unsafe or dangerous condition pursuant to Section 10.86.210, it shall be unlawful for any person to carry out or cause to be carried out any activity requiring a Certificate of Appropriateness for any ~~proposed contributing resource~~ property within the boundaries of a proposed historic district while a submitted application for designation is pending, without first having obtained a Certificate of Appropriateness, if the activity is one for which a Certificate of Appropriateness would be required for a contributing resource.

**10.86.110 Designation Procedures – Historic Districts. Subsection D.2.** The Director or Commission may also prepare or cause the preparation of design guidelines for the historic district, which will establish general recommendations to guide subsequent new construction, and alterations and additions to contributors and non-contributors, that will avoid significant adverse indirect impacts to the historic district, its contributors, and setting. Any such guidelines require Council approval.

**10.86.150 Certificate of Appropriateness – Requirement. Subsection A.** *Certificate Required.* No person shall carry out or cause to be carried out any alteration, restoration, rehabilitation, construction, removal, relocation, or demolition of any historic landmark or contributing resource in a historic district listed on the Register of Historic Resources, or any alteration to a non-contributing resource in a historic district listed on the Register of Historic Resources, unless the City has first issued a Certificate of Appropriateness in accordance with the requirements of this Chapter. No person shall carry out or cause to be carried out demolition of any historic resource included in the Inventory of Historic Resources unless the City has first issued a Certificate of Appropriateness in accordance with the requirements of this Chapter. See also Section 10.86.180 regarding pending applications.

**10.86.150 Certificate of Appropriateness – Requirement. Subsection C.** Administrative Review. A Certificate of Appropriateness may be issued by the Director for work that requires issuance of a permit but does not involve a change of design, material, or appearance to character-defining features, nor the removal or obstruction of a character-defining feature, of a designated historic landmark or contributing property or non-contributing property of a designated historic district. The Director shall approve, conditionally approve, or deny any application for a Certificate of Appropriateness for any of the following types of alterations

### **C. Procedural Gap with Council Review and Action of Nominations Without Owner Consent Requires a Text Amendment**



As currently written, the draft historic preservation ordinance provides language giving City Council the authority to “consider the designation of a historic landmark without the owner’s consent, and may designate a historic landmark without the owner’s consent.”

However, a procedural gap currently exists, as the ordinance language does not provide a path forward for a nomination without owner consent to proceed to the City Council for their review.

This procedural gap can be addressed through either of the following text amendments, of which we suggest the first as providing greater clarity:

**10.86.090 Owner Consent for Landmark Designation. Subsection A.** Landmark applications can be recommended, initiated, prepared, and considered by the Commission without owner consent. ~~The public hearing before the City Council required by subsection E of Section 10.86.080 shall not be held unless the owner has consented to the application.~~ Owner consent is required for a property to be designated as a historic landmark.

**10.86.090 Owner Consent for Landmark Designation. Subsection A.** Landmark applications can be recommended, initiated, prepared, and considered by the Commission without owner consent. ~~The public hearing before approval or conditional approval by~~ the City Council required by subsection E of Section 10.86.080 shall not ~~be held~~ take place unless the owner has consented to the application. Owner consent is required for a property to be designated as a historic landmark.

#### **D. Additional Recommendations and Clarifications**

Three additional sections of the draft historic preservation ordinance can be further clarified to ensure that certain policies set forth within the ordinance align with the General Plan Goals and Policies and the Purpose outlined in Section 10.86.020.

- a. As currently worded, Section 10.86.170.B3 suggests that either restoration or rehabilitation could be detrimental to the resource, whereas it appears the intended meaning is actually regarding potential infeasibility. We suggest the following text amendment:

**10.86.170 Certificates of Appropriateness – Findings. Subsection B.3** Restoration or rehabilitation would require extensive alterations that would render the resource ~~unworthy~~ infeasible of preservation.

- b. We recommend that Section 10.86.170.B4 be removed in its entirety, as that provision appears to be a subjective form of nuisance abatement that is contradictory to the General Plan Goals and Policies and the Purpose set forth for in the Historic



Preservation Ordinance. Section 10.86.140 Duty to Maintain Historic Resources appears to suitably address the intent without facilitating the potential loss of a resource.

~~10.86.170 Certificates of Appropriateness—Findings. Subsection B.4 Failure to demolish the resource would adversely affect or detract from the character of the neighborhood.~~

- c. We recommend that the latter half of 10.86.210.C be omitted as it appears to stray from the purpose of abating unsafe or dangerous conditions for structures that fall under the third tier of review.

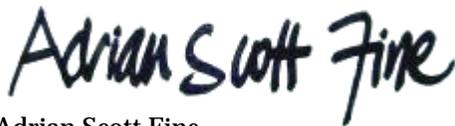
**10.86.210 Unsafe or Dangerous Conditions. Subsection C.** If work authorized by the Building Official pursuant to this Chapter is not immediately necessary to correct the unsafe or dangerous condition, the Commission may advise the Building Official of the historic significance of the building and recommend a reasonable period of postponement for the purpose of arranging for rehabilitation, ~~relocation, documentation, and/or salvage~~ of the historic resource or contributing resource. ~~Notwithstanding the foregoing, if no arrangements have been made for rehabilitation, relocation, or salvage within 60 days of an order to abate a nuisance, or an earlier time if determined to be necessary by the Building Official, the Building Official may proceed with the abatement action.~~

**About the Los Angeles Conservancy:**

The Los Angeles Conservancy is the largest local historic preservation organization in the United States, with nearly 6,500 members throughout the Los Angeles area. Established in 1978, the Conservancy works to preserve and revitalize the significant architectural and cultural heritage of Los Angeles County through advocacy and education.

Please do not hesitate to contact me at (213) 430-4203 or [afine@laconservancy.org](mailto:afine@laconservancy.org) or Marcello Vavala at [mvavala@laconservancy.org](mailto:mvavala@laconservancy.org) should you have any questions and if we can be of assistance.

Sincerely,



Adrian Scott Fine  
Director of Advocacy

