

**CITY OF MANHATTAN BEACH  
DEPARTMENT OF COMMUNITY DEVELOPMENT**

**TO:** Planning Commission

**FROM:** Marisa Lundstedt, Director of Community Development

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**DATE:** April 29, 2015

**SUBJECT:** Amendments to Title 10 Planning and Zoning, other portions of the Manhattan Beach Municipal Code (MBMC), and the Local Coastal Program (LCP) revising the Historic Preservation provisions

**RECOMMENDATION**

Conduct the public hearing, take public comment, review, discuss and provide direction on the proposed Historic Preservation amendments. This staff report, presentation and overall Planning Commission meeting is intended as background and an introduction for the Commission and the public to Historic Preservation and will provide a starting point for discussion and input. Further meetings will refine the draft Code language and will provide the opportunity for more detailed discussion of the Code provisions. After these discussions staff will incorporate any revisions necessary and return with a final draft Resolution for the Planning Commission's approval to be forwarded to the City Council for review and action through the public hearing process.

**BACKGROUND:**

The City Council had several meetings in mid to late 2014, which included discussions on the Mills Act and amending the current provisions of the local Historic Preservation regulations.

The existing Landmark Ordinance No. 2143 was adopted by the City Council on September 5, 2006, establishing Chapter 10.86 Culturally Significant Landmarks in the Municipal Code. This ordinance only recognizes properties of cultural significance without limiting or prohibiting any development rights. This designation process is only honorary and is voluntary on behalf of the property owner.

The proposed Historic Ordinance requires owner's consent for landmark designation but will limit the alteration, improvements and demolition of the existing structure. The intent of the proposed historical ordinance is to preserve and protect historic resources in the City, foster civic and neighborhood pride in the City's history and culture, preserve our heritage for future generations, promote public education, participation and

appreciation of historic preservation, and preserve diverse and significant architectural styles while balancing historic preservation objectives with property owners' rights.

### **City Council meetings**

On June 17, 2014, the City Council directed staff to research the feasibility of implementing the Mills Act to provide property tax incentives to property owners to preserve, maintain, and rehabilitate historic properties in the City. Staff met with various stakeholders, regarding the potential reduction of revenue from the Mills Act program and all agreed the financial impact would be minimal to their agencies.

On October 7, 2014, the City Council approved a Mills Act Resolution and Pilot Program. Also, the City Council directed staff to retain a Historic Preservation Consultant to develop Historic Preservation Code Amendments to conserve historically significant landmarks throughout the City. Staff was also directed to continue outreach efforts and work with the local preservation groups, including the Manhattan Beach Cultural Heritage Conservancy (MBCHC) and the Los Angeles Conservancy.

On December 16, 2014, staff provided the City Council a status update on Historic Preservation, the contract with the Historic Preservation Consultant and requested direction on key policy issues. The City Council approved the contract and requested that staff further research the following key policy issues and report back:

- Options for establishing a Historic Preservation Commission,
- Designation process for Historic Resources; and,
- Demolition and Alteration Permits Process of Historic Resources

On February 17, 2014, staff returned to the City Council with an update on the three main key policy issues. The City Council provided direction to staff to incorporate the following policy issues in the Historic Preservation standards:

- **Commission-** Establish a separate stand-alone Historic Preservation Commission,
- **Designation Process - Limited Voluntary** – City Council, Historic Preservation Commission, Director, the local preservation group, or the property owner of the subject property or their authorized agents may initiate an application to request a historic designation, but the property owners agreement is required to actually designate a property except in exceptional situations; and,
- **Demolition/Alteration Permits** – Establish a process and review for protection of potential historic resources.

To date, staff has retained a historic preservation consultant (SWCA Environmental Consultants) and has been working closely with the City Attorney, the local preservation group, the MBCHC, and the Los Angeles Conservancy in developing a Historic Preservation Ordinance. The proposed ordinance is based on all of this input, as well as input and examples from other Southern California cities.

A draft Historical Preservation Resolution is attached for the Planning Commission's review and consideration as attachment A. This draft would be codified in the City's Municipal Code, replacing the existing landmark ordinance, Chapter 10.86, Culturally Significant Landmarks. Overall, the provisions establish processes through which the City would implement and engage in historic preservation activities in order to conserve and preserve historically significant structures, places and sites. Also, the draft Resolution has been developed with the intention of the City obtaining "Certified Local Government" (CLG) status through the State Office of Historic Preservation.

**DISCUSSION:**

As mentioned, the intent of this report is an introduction and overview on the implementation and impacts of Historical Preservation regulations. As a part of this work effort, staff had numerous meetings with the Historical Consultant, the Los Angeles Conservancy and representatives from the MBCHC. Staff also worked closely with the City Attorney's office on developing the provisions for consistency with other City ordinances and code language.

**Research**

In order to compile important comparative information, the City's historical consultant SWCA, conducted research and collected comparative data on other historic preservation programs used in numerous cities throughout California, with a focus on Southern California. Staff also consulted several other cities for purposes of benchmarking and evaluating best practices. The various cities included Beverly Hills, Monrovia, Pasadena, South Pasadena, Redondo Beach, Santa Ana, Ontario, Fresno, Brea, Auburn and Glendale.

The analysis and options presented here combine that research information, the State Office of Historic Preservation (OHP) guidelines as provided in their document "Drafting Effective Historic Preservation Ordinances", as found on their website at <http://ohp.parks.ca.gov/pages/1072/files/tab14hpordinances.pdf>, as well as the consultant's experience in historic preservation at the local level.

It is important to note that historic preservation ordinances vary widely and there is no one accepted way of designing and implementing an effective, balanced preservation program. A variety of options can be considered in order to design a preservation program tailored to the specific needs and situation of the City of Manhattan Beach.

**Historic Preservation Provisions**

The following section provides summary information on the key aspects of the draft historic preservation regulations. The presentation at the Planning Commission meeting will provide an overview of these items, as well a context on the purpose of the Code and how the definitions within the regulations fold into the Code requirements.

## Main Topics

- *Historic Preservation Commission*
- *Historic Landmarks-* Nomination/Designation Criteria and Procedures
- *Historic Districts-* Nomination/Designation Criteria and Procedures
- *Certificates of Appropriateness-* Alterations (of Designated Landmarks and Historic District Contributing Properties) and Demolition (of Potential Historic Resources)
- *Plan, Survey, Inventory and Register of Historic Resources*

### **Historic Preservation Commission**

#### **Section 10.86.040 - Establishing a Historic Preservation Commission**

A new Historic Preservation Commission will be established to oversee the City's Historic Preservation Program. The Commission would be an advisory board and the City Council directed that the Commission meet quarterly. The Commission will consist of five (5) members, of which, at least two (2) members would be professionals from the following fields: architecture, history, planning, land economics, real estate or related discipline. The Historic Preservation Commission would be tasked with the following:

#### Summary of Duties

- Administer the provisions of this Chapter;
- Advise the Council in all matters pertaining to historic preservation in the City;
- Compile and maintain for public use and information the Register of Historic Resources;
- Compile, maintain, and periodically update the Inventory of Historic Resources;
- Recommend the designation of, and nominate historic landmarks and districts;
- Approve or disapprove in whole or in part applications for Certificates of Appropriateness for the demolition, alteration, or relocation of designated landmarks, including individual landmarks, historic districts, sites, and their contributing improvements and natural features;
- Review and comment on the decisions and documents, including but not limited to environmental assessments, Environmental Impact Reports, and Environmental Impact Statements, prepared by the City or other public agencies when such decisions or documents might affect designated or eligible historical resources within the City;
- Participate in, promote, and conduct public informational, educational, and interpretive programs pertaining to historic preservation;
- Recommend and encourage the protection, enhancement, appreciation, and use of properties of historical, cultural, architectural, community or aesthetic value that have not been designated as historical resources but are deserving of recognition;

- Review applications and make recommendations to the City Council on Mills Act Tax Abatement program contracts;
- Upon request, make recommendations to the Planning Commission on zoning and general plan amendment related to historic preservation goals and policies; and
- Perform any other functions that may be designated by the City Council.

### **Historic Landmarks**

#### **Section 10.86.070 - Designation Criteria for Historic Landmarks**

All properties seeking to obtain the Landmark Designation from the City must conform to specific criteria. Detailed information prepared by a qualified expert would need to be submitted by the applicant to assist in determining whether the structure has any historical significance.

Historic landmarks must be at least 45 years of age unless the Council determines that a resource that is less than 45 years old is an exceptional resource. Landmarks must retain sufficient historic integrity of the seven aspects including location, design, setting, materials, workmanship, feeling, and association. Additionally, historic landmarks must meet at least one of the following criteria:

1. Is associated with important events or broad patterns of development that have made a significant contribution to social, political, cultural, or architectural history.
2. Is associated with important person(s) who made a significant contribution to history, development, and/or culture.
3. It embodies the distinctive characteristics of a style, type, period, or method of construction.
4. It represents the work of a master, or possesses high artistic or aesthetic values.
5. It represents a significant and distinguishable entity whose components may lack individual distinction.
6. It represents the last, best remaining example of an architectural type or style in a neighborhood or the city that was once common but it increasingly rare.
7. It yields information important to prehistory or history.

#### **Section 10.86.090 – Designation Procedures - Historic Landmarks**

The City Council, Historic Preservation Commission, Director, or owners of the subject property may apply for historic landmark designation. The City Council can designate a property as a historic landmark if it meets the findings and

criteria in Section 10.86.070 above. The designation of Historic landmarks requires a public hearing by the Historic Preservation Commission. The Historic Preservation Commission recommendation is forwarded to the City Council. If the City Council takes action on the designation, after a public hearing is conducted, and if the property is designated it is included as part of the City's Register of Historic Resources.

**Section 10.86.110 – Owners Consent- Landmark Nominations/Designation**

Landmark nominations, basically the application to request landmark designation, can be recommended, initiated, and prepared without owner consent. However, owner consent is required for a property to actually be designated as a historic landmark. The City Council may designate a historic landmark or contributing resource of a historic district without the owner's consent, if the Council makes both of the following findings:

1. The property possesses exceptional architectural, historical, aesthetic, or cultural significance; and,
2. Designation will facilitate the preservation, rehabilitation, or protection of the property.

**Historic Districts**

**Sections 10.86.080 and 100– Designation Criteria and Procedures  
Historic Districts**

The procedures and process for designating historic districts will be the same as for Historic Landmarks with the exception that a petition is required from neighbors to complete the application process. Based on staff's research, there are a variety of ways on how to incorporate the petition requirement. Staff is still in the process in determining what approach would be best for the City of Manhattan Beach and be consistent with the City Council direction, and input from the Planning Commission and public will further refine this Code section.

Some cities require petition signatures from at least 51 percent of the property owners in a proposed historic district prior to a public hearing. However, other cities require petition signatures from 25 percent of the property owners within 90 days of the application being deemed complete or prior to authorizing the preparation of a historic resources survey for the proposed district. These cities also require petition signatures from at least 51 percent of the property owners prior to a public hearing. The 25 percent requirement is utilized in order to assure that there is some level of property owner interest and support for the creation of the historic district at an early stage in the process. Other cities require owners consent to be included within the district. Several cities appear to have processes which are unique to their own city's individual needs. Staff will continue to research this item in order to identify a standard that is appropriate for our city's needs.

Properties that contribute to a districts historical, cultural or architectural significance and are eligible as a historic resource are referred to as a “contributing resource” and will be subject to specific criteria as designated in a Plan with design guidelines that is approved with the approval of the Historic District. Other properties within a district that do not contribute to the district due to lack of historic integrity or other reasons, are considered non-contributing resources and are generally subject to very minimal limitations within a district. If the City Council approves the designation, the District will be included as part of the City’s Register of Historic Resources.

***Certificates of Appropriateness- Alterations and Demolition***

Properties which are Designated Landmarks and Contributing Properties within historic districts would be eligible to use the proposed incentives (i.e. Mills Act Property Tax reduction). Also, any work (replacement in kind of deteriorating materials, alterations, additions and other work requiring a building permit) proposed on a property listed as a historic resource would require a Certificate of Appropriateness.

***Section 10.86.140 - Certificates of Appropriateness - Requirement***

A certificate of appropriateness will be required for any major work on a historic resource that requires a building permit. Certificates of Appropriateness would either be reviewed by the Director (administrative review), or by the Historical Preservation Commission. Work to a historic resource that would be eligible for administrative review includes minor repairs and maintenance. Commission review would be required when the scope or breath of work proposed is greater than what is eligible as part of the administrative approval.

***Section 10.86.150– Certificate of Appropriateness - Demolition of Potentially Historic Resources***

Applications for a certificate of appropriateness for demolition of a historic resource will be subject to a 30-day waiting period. During this period, the Director will post a notice of the pending demolition permit on the property and shall explore alternatives to demolition, including adaptive re-use and/or rehabilitation in accordance with the Secretary of the Interior’s Standard for the Treatment of Historic Property’s, application of the State Historic Building Code to allow for flexibility in code requirements in cases of adaptive reuse or rehabilitation, possible use of financial incentives such as the Mills Act Tax Abatement program, relocation, resale, or other provisions as appropriate.

***Plan, Survey, Inventory and Register of Historic Resources***

A comprehensive historic resources survey is anticipated to be completed in the future. Currently, the MBCHC is researching and identifying properties within the City that may possess historically significant attributes and features. The Conservancy has indicated that they have almost completed this preliminary survey and it contains about 175 potential Historic Resources. This valuable research will act as a baseline for the preparation of a formal Historic Resources Survey, and then ultimately the Inventory of Historic Resources. All properties in the City will periodically be reviewed for their potential as a Historic Resource.

### **Section 10.86.050 – Survey and Inventory of Historic Resources**

The following summarizes the process:

- 1- **Plan**- Historic Preservation Commission develops a Plan for City Council approval for preparation of the comprehensive citywide Historic Resource Survey.
- 2- **Survey**- The MBCHC informal Historic Resource Survey will serve as a baseline for the formal Historic Resource Survey prepared by a qualified historical consultant. A survey is a systematic and standardized process for identifying and gathering data on the City's potential Historic Resources.
- 3- **Inventory**-The formal survey will then be used as a baseline for the Inventory of Historic Resources. This inventory is then reviewed, compiled and approved by the Historic Preservation Commission. This is an Inventory of potential historic landmarks.
- 4- **Register**- The Register of Historic Resources is a list of all the historic landmarks, historic districts and contributing resources with historic districts that have been approved by the City in accordance with Section 10.86.060. Landmarks in the City that are already on the State or National Register are automatically designated as local historic landmarks.

### **Certified Local Government Program (CLG)-Benefits and Requirements**

This Program is jointly administered by the National Park Service and the State Office of Historic Preservation, and seeks to encourage preservation through partnership. The program was designed to encourage local governments to establish policies and procedures for the identification, registration, and preservation of historic properties. A local government becomes a CLG by developing and implementing a local historic preservation program based on Federal and State standards.

The benefits to being a CLG include eligibility for annual federal grants up to \$40,000 (with a 40% match required from the local agency) from the Historic Preservation Fund, which is administered by OHP; technical expertise and assistance in preservation-related initiatives, including the nomination of historic properties to the National Register of Historic Places; special assistance and training for local preservation commission members and staff from OHP; and potential for participation in the review of building rehabilitation plans for Federal investment tax credits.

In order to qualify as a CLG, each city must meet the following minimum requirements:

1. Establish a Historic Preservation Commission including 5 members with interest in historic preservation and at least 2 members who are professionals in history, architecture or planning.

2. Establish process and procedures for the designation and protection of historic properties; including enforcing relevant state and local laws pertaining to historic resources;
3. Maintain a survey and inventory of historic properties
4. Provide the opportunity for public participation in the Local Historic Preservation program;
5. Perform the responsibilities designated by the State Office of Historic Preservation in their CLG procedures (the main task is preparation of an annual report).

Advantages:

1. **Grants**- Ability to apply for grants to carry out citywide surveys, preparation of a focused Manhattan Beach historic context statement, feasibility studies, Walking Tour brochures, training, educational plans, and/or specialized preservation projects or nominations. According to the State Office of Historic Preservation, approximately 12 grant applications are received each year from approximately 66 CLGs across California, therefore, chances of receiving a grant are good.
2. **Technical assistance** - The State Office of Historic Preservation would be an active partner in providing advice and support for the City's preservation program.
3. **Preservation prestige** - This is the fastest way to improve Los Angeles Conservancy report card grade which the City's current grade is an "F".

Disadvantages:

City staff throughout California report few disadvantages to having CLG status. The annual reporting requirement entails some staff time and coordination; but, as one city planner explained, the ongoing record-keeping throughout the year lends itself easily to preparation of an annual report.

**Public Outreach**

Staff had numerous meetings with the Manhattan Beach Cultural Heritage Conservancy (MBCHC) and the Los Angeles Conservancy. All of their comments have been incorporated into the attached draft Resolution.

**Public Comments**

A ¼ page public notice was published in the Beach Reporter newspaper on April 16, 2015. Staff has not received any comments from interested parties.

**CONCLUSION:**

Staff recommends that the Planning Commission conduct the public hearing, accept public testimony, discuss the Code Amendments, and provide direction on the proposed Historic Preservation amendments.

Attachments:

- A. Draft Resolution No. PC \_\_-\_\_

**RESOLUTION NO. PC 15-\_\_\_\_\_**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MANHATTAN BEACH RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO CHAPTER 10.86 (HISTORIC PRESERVATION), TITLE 10 (PLANNING AND ZONING) OF THE MANHATTAN BEACH MUNICIPAL CODE (MBMC) TO ESTABLISH PROVISIONS FOR THE PRESERVATION OF HISTORIC RESOURCES**

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. On April 29, 2015 the Planning Commission conducted a public hearing, and reviewed proposed text amendments to Chapter 10.86 of the Municipal Code, part of the City's Zoning Ordinance.

B. On \_\_\_\_\_, 2015, the Planning Commission again reviewed the draft Code amendments.

C. All of the Planning Commission public hearings included public notices published in *The Beach Recorder*, a newspaper of general circulation in Manhattan Beach.

D. The proposed amendments have been prepared in accordance with the provisions of Title 7, Division 4, Section 65853, et seq., of the State of California Government Code.

E. The Planning Commission finds that adoption of the proposed amendments is exempt from the requirements of the California Environmental Quality Act, pursuant to the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment, and that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

F. The Planning Commission finds that the proposed amendments will not individually nor cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Section 2. The Planning Commission of the City of Manhattan Beach hereby recommends deleting Chapter 10.86 (Culturally Significant Landmarks) of the Manhattan Beach Municipal Code and replacing it with the following:

**“Chapter 10.86  
HISTORIC PRESERVATION**

10.86.010	Title.
10.86.020	Purpose.
10.86.030	Definitions.
10.86.040	Historic Preservation Commission.
10.86.050	Inventory of Historic Resources.
10.86.060	Register of Historic Resources.
10.86.070	Designation Criteria for Historic Landmarks.
10.86.080	Designation Criteria for Historic Districts.
10.86.090	Designation Procedures – Historic Landmarks.
10.86.100	Designation Procedures – Historic Districts.
10.86.110	Owner Consent.
10.86.120	Landmark Designation – Amendment or Rescission.
10.86.130	Duty to Maintain Historic Resources.
10.86.140	Certificates of Appropriateness – Requirement.
10.86.150	Certificates of Appropriateness – Procedures.
10.86.160	Certificates of Appropriateness – Findings.
10.86.170	Work Moratorium.
10.86.180	Certificate of Economic Hardship.
10.86.190	Unsafe or Dangerous Conditions.
10.86.200	Environmental Review.
10.86.210	Appeals.
10.86.220	Preservation Incentives.
10.86.230	Historic Variance.
10.86.240	Application Filing Fees.
10.86.250	Enforcement and Penalties.
10.86.010	Title.

This Chapter shall be known as the “Historic Preservation Ordinance” of the City of Manhattan Beach.

**10.86.020 Purpose.**

The purpose of the Historic Preservation Ordinance is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of improvements, buildings, structures, objects, sites, features and that represent the City’s architectural, cultural, social, historical, and political heritage. The standards and requirements in this Chapter are intended to balance historic preservation objectives and property owners’ rights. Further, it is the intent and purpose of the Manhattan Beach City Council in passing this Chapter to:

A. Safeguard the City’s heritage by encouraging the identification, recognition, and 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 our heritage for future generations;
- D. Encourage public education and participation in the City's historic preservation program;
- E. Encourage public knowledge, understanding, and appreciation of our cultural, social, and architectural history and heritage;
- F. Preserve diverse and significant architectural styles and property types reflecting phases of the City's history and encourage complementary contemporary design and construction;
- G. Establish criteria for a comprehensive survey of historic resources within the boundaries of the City and publicize and periodically update survey results; and
- H. Adopt incentives that promote the preservation and rehabilitation of historic properties.

**10.86.030 Definitions.**

The following terms when used in this Chapter shall have the meaning set forth in this Section, unless a different meaning clearly appears from the context:

“Alteration” means any act or process that modifies a historic landmark or contributing resource that either: (1) requires a building or other permit and changes one or more of the features of a landscape or structure including, without limitation, the setting of the resource or the erection, construction, reconstruction, or relocation of any structure or any part of a structure; or (2) significantly changes the setting and/or any character-defining feature of a landscape or exterior of a structure that relates to its status as a historic landmark or contributing resource, regardless of whether such act or process requires a building or other permit.

“Certificate of Appropriateness” means the permit granted on the finding by the Historic Preservation Commission or Director that an application to demolish, alter, or relocate a historic resource as defined by this ordinance is in accordance with the Secretary's Standards and other applicable criteria as provided in this Chapter.

“Certificate of Economic Hardship” means the permit granted to a property owner or applicant by the Historic Preservation Commission or Director to approve an application for a Certificate of Appropriateness for a project that, due to undue economic hardship on the owner, does not comply with the Secretary's Standards.

“Character-Defining Feature” means the physical elements and characteristics through which a historically significant property expresses its significance. Character-defining features

include but are not limited to overall form and massing, materials, finishes, architectural style, decorative detailing, site features and relationship to neighboring properties, landscaping, and interior features.

“Community Development Director” or “Director” means the Community Development Director or his or her designee.

“Conservation District” means an area that contains, within defined geographic boundaries, buildings, structures, sites, objects, or natural features with unifying characteristics or qualities. A conservation district might not retain sufficient integrity to qualify as a historic district, but it is of interest to local planning due to its concentration of related properties and features.

“Contributing Resource” (or “Contributor”) means any building, structure, object, site, sign, area, place, or natural feature within a historic district that is either a separately designated historic landmark or designated as a resource that contributes to the district’s historic, cultural, or architectural significance.

“Demolition” means any act or process that destroys, in whole or in part, a building, structure, or site or permanently impairs its structural integrity.

“Historic District” means a geographic area having a significant concentration, linkage, or continuity of buildings, structures, objects, sites, and other features united historically or aesthetically by plan or physical development that has been designated pursuant to the provisions in this Chapter.

“Historic Integrity” means a property retaining enough of the important physical characteristics from its period of significance that it can still convey the reasons for its significance. As defined by the National Parks Service and in accordance with the accepted standards of professional preservation practice, Historic Integrity is the composite of seven aspects of integrity: location, design, setting, materials, workmanship, feeling and association.

“Historic Landmark” means any building, structure, object, site, sign, area, place, or natural feature designated as a historic landmark pursuant to this Chapter.

“Historic Preservation Commission” or “Commission” means the Historic Preservation Commission established pursuant to this Chapter.

“Historic Resource” means a property listed, nominated, or eligible for listing in the Register of Historic Resources, including historic landmarks, historic districts, and contributing resources to historic districts.

“Inventory of Historic Resources” means the inventory of buildings, structures, objects, sites, historic districts, signs, areas, places, and natural features determined potentially eligible for local landmark listing in the City, prepared and approved in accordance with Section 10.86.050.

“Manhattan Beach Preservation Organization” or “MBPO” means a group comprised of voluntary members of the community, recognized by the City of Manhattan Beach, such as the Manhattan Beach Cultural Heritage Conservancy (MBCHC) or the Manhattan Beach Historical Society, that assists in increasing public awareness and community appreciation of Manhattan Beach history.

“Major alterations” means any work to a property that includes the alteration, removal, or obstruction of character-defining features, elevations, and spaces, or additions to a property that are visible from the public right-of-way.

“Minor alterations” means any work to a property that does not include changes/removal of character-defining features. Minor alterations generally includes the following, to the extent they do not include changes/removal of, or do not affect, character-defining features: (1) paint color; (2) roofing; (3) repairs to foundations; (4) construction, demolition, or alteration of side, rear, and front yard fences; (5) ordinary maintenance and repair; (6) landscaping, including sprinkler system work; (7) paving work; (8) all alterations that are entirely interior and do not affect the exterior of property, except for interior features that are specifically mentioned as being important in a landmark designation; and (9) replacement of existing screens and awnings with the same or substantially consistent materials, form and shape.

“Ordinary maintenance and repair” means work on a historic resource that (i) does not, by law, require issuance of a permit; (ii) involves regular, customary, or usual care of an existing building, structure, object, or site, for the purposes of preserving the property and maintaining it in a safe and sanitary condition; and (iii) does not involve a change of design, material, or appearance of the property.

“Qualified Professional(s)” shall mean any of the following professions/occupations:

- “Architectural Historian” shall refer to an architectural historian who meets the Secretary of the Interior’s Professional Qualifications Standards in architectural history, as defined by the National Park Service.
- “Historian” shall refer to a historian who meets the Secretary of the Interior’s Professional Qualifications Standards in history, as defined by the National Park Service.
- “Historic Architect” shall refer to a licensed architect who meets the Secretary of the Interior’s Professional Qualifications Standards in historic architecture, as defined by the National Park Service.
- Structural Engineer means any individual registered by the State of California to practice structural engineering and to use the title Structural Engineer pursuant to the State of California Business and Professions Code, Chapter 7, Section 6701. When working with historic buildings and structures for the City of Manhattan Beach, the Structural Engineer shall have experience in historic preservation.

“Register of Historic Resources” means the register of historic landmarks, historic districts, and contributing resources to historic districts prepared and approved in accordance with the provisions of this Chapter.

“Rehabilitation” means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural significance.

“Restoration” means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period, which may include the limited and sensitive upgrade of mechanical, electrical, and plumbing systems and other code-required work to make the property functional and safe.

“Secretary of the Interior’s Standards for the Treatment of Historic Properties” or “Secretary’s Standards” means both the Standards and Guidelines developed by the Department of the Interior, National Park Service, for the preservation, rehabilitation, restoration, and reconstruction of historic resources.

#### **10.86.040 Historic Preservation Commission.**

A. Establishment of Commission. There is hereby created the Manhattan Beach Historic Preservation Commission. The Commission shall have and exercise the powers and perform the duties set forth in this Chapter. Except as otherwise specified in this Chapter, the Commission shall be subject to the provisions of Chapter 2.44 of this Code.

B. Composition and Appointment of Members. Commissioners shall be appointed pursuant to Chapter 2.44 of this Code. All members shall have an expressed special interest, experience, or knowledge of the history, architecture, or cultural heritage of the City.

To the extent possible, at least two members shall be chosen from among professionals in the disciplines of architecture, history, planning, land economics, real estate or a related discipline, to the extent that such professionals are available in the community.

C. Meetings and Record of Proceedings. The Commission shall meet at least quarterly. All meetings of the Commission shall be open to the public and held in compliance with the provisions of the state’s Ralph M. Brown Act. The Commission shall keep a record of minutes of all of its proceedings and actions, which shall be available for public inspection.

D. Powers and Duties. The Commission shall have the following powers and duties, in addition to any other duties specified in this Chapter:

1. General Powers. The Commission shall be an advisory board to the City Council, Planning Commission, and all City departments and staff on all matters relating to the identification, protection, retention, preservation, and registration of historic resources in the City, as directed by the City Council.

2. Enumerated Powers. The Commission shall:

- a. Administer the provisions of this Chapter;
- b. Advise the Council in all matters pertaining to historic preservation in the City;
- c. Compile and maintain for public use and information the Register of Historic Resources;
- d. Compile, maintain, and periodically update the Inventory of Historic Resources;
- e. Recommend the designation of and nominate historic landmarks and districts;
- f. Approve or disapprove in whole or in part applications for Certificates of Appropriateness for the demolition, alteration, or relocation of designated landmarks, including individual landmarks, historic districts, sites, and their contributing improvements and natural features;
- g. Review and comment on the decisions and documents, including but not limited to environmental assessments, Environmental Impact Reports, and Environmental Impact Statements, prepared by the City or other public agencies when such decisions or documents might affect designated or eligible historical resources within the City;
- h. Participate in, promote, and conduct public informational, educational, and interpretive programs pertaining to historic preservation;
- i. Recommend and encourage the protection, enhancement, appreciation, and use of properties of historical, cultural, architectural, community or aesthetic value that have not been designated as historical resources but are deserving of recognition;
- j. Review applications and make recommendations to the City Council on Mills Act Tax Abatement program contracts;
- k. Upon request, make recommendations to the Planning Commission on zoning and general plan amendments related to historic preservation goals and policies; and
- l. Perform any other functions that may be designated by resolution or action of the City Council.

3. Secretary. The Director shall act as Secretary of the Commission and shall be custodian of its records, conduct official correspondence, and generally coordinate the clerical and technical work of the Commission in administering this Chapter.

4. Subcommittee. In order to permit the Commission flexibility in performing its duties in as efficient a manner as possible, the Commission may adopt criteria under which a subcommittee of the full Commission may implement and administer the policies of the Commission on a case-by-case basis.

**10.86.050 Inventory of Historic Resources.**

The Commission shall compile, maintain, and periodically update the Inventory of Historic Resources. Within six months of the Commission's first meeting, the Commission shall forward a plan to the City Council recommending a comprehensive historic resources survey, which will provide the baseline data for the Inventory. Based upon the results of the survey, the Commission shall compile the Inventory.

**10.86.060 Register of Historic Resources.**

A. Register Established. There is hereby established the Manhattan Beach Register of Historic Resources, a register of locally designated historic landmarks and historic districts, as well as of properties designated on the National Register of Historic Places and California Register of Historical Resources.

B. Automatic Designation. Any property within the City that is listed in the National Register of Historic Places or the California Register of Historical Resources is automatically designated as a historic landmark for purposes of this Chapter.

C. Prior Designations. Any historic landmark designated as a culturally significant landmark or as a historic landmark by the City on or before the effective date of this Chapter shall not automatically be designated a historic landmark for purposes of this Chapter, but shall require review to determine if the designation is consistent with the provisions of this Chapter.

D. New Designations. New historic landmark designations can be initiated in accordance with the criteria and procedures set forth in this Chapter.

**10.86.070 Designation Criteria for Historic Landmarks.**

A. The Council may designate a property as a historic landmark and add it to the Register of Historic Resources if it meets the requirements of paragraphs B, C, and D of this Section.

B. In order to be eligible for consideration as a landmark, a property must be at least 45 years old. A historic property less than 45 years of age may qualify for local listing if the Director, Commission, and/or City Council determine that the resource is of exceptional architectural, cultural, social, and/or historical importance to the City, as verified by a qualified architectural historian or historian.

C. Historic landmarks must retain integrity from their period of significance, as determined by a qualified architectural historian or historian. A proposed landmark need not retain all seven aspects of historic integrity (location, design, setting, materials, workmanship, feeling, and association), but it must retain sufficient integrity to convey the reasons for its historic, cultural, or architectural significance.

D. Historic landmarks must meet at least one of the following criteria:

1. It is or was once associated or identified with important events or broad patterns of development that have made a significant contribution to the social, political, cultural, or architectural history of the city, region, state, or nation.

2. It is or was once associated with an important person or persons who made a significant contribution to the history, development, and/or culture of the city, region, state, or nation.

3. It embodies the distinctive characteristics of a style, type, period, or method of construction

4. It represents the work of a master, or possesses high artistic or aesthetic values.

5. It represents a significant and distinguishable entity whose components may lack individual distinction.

6. It represents the last, best remaining example of an architectural type or style in a neighborhood or the city that was once common but is increasingly rare.

7. It has yielded or has the potential to yield information important to the prehistory or history of the city, region, state, or nation.

E. Neither the deferred maintenance of a proposed landmark nor its dilapidated condition shall, on its own, be equated with a loss of integrity. Integrity shall be judged with reference to the particular characteristics that support the property's eligibility under the appropriate criteria and theme of significance.

**10.86.080 Designation Criteria for Historic Districts.**

A. In addition to satisfying the criteria in Section 10.86.070, when recommending the approval of the nomination of a historic district, the Commission must also find:

1. That the historic district is an identifiable and distinct entity with clear boundaries and that it possesses a significant concentration of buildings, structures, and related features sharing common historical, visual, aesthetical, cultural, archaeological, or architectural plan or physical development; and

2. That the historic district retains integrity from its period of significance. Not all properties or features within a proposed district need to retain all aspects of integrity (location, design, setting, materials, workmanship, feeling, and association), but a substantial number of such properties and structures must retain sufficient integrity to convey the historic, cultural, or architectural significance of the district.

B. In recommending approval of a historic district, the Commission may recommend the adoption of district-specific design guidelines to guide subsequent new construction and in-fill, alterations and additions, and to further the purpose of this Chapter.

C. Neither deferred maintenance within a proposed district nor the dilapidated condition of its constituent buildings and landscapes shall, on its own, be equated with a loss of integrity. Integrity shall be judged with reference to the particular characteristics that support the district's eligibility.

### **10.86.090 Designation Procedures – Historic Landmarks.**

A. Application. The City Council, Historic Preservation Commission, Director, a MBPO, or the owners of the subject property or their authorized agents, may apply for historic landmark designation. In the event the Council or Commission initiates the application, the Director shall oversee and cause the completion of the required application. All applications shall be made on a form prescribed by the Director and shall include the following data:

1. The assessor's parcel number and legal description of the site.
2. A description of the historic property and statement of how it qualifies under the criteria described in Section 10.86.070 or 10.86.080.
3. A detailed architectural description, enumerating the property's character-defining features, elevations, and spaces.
4. Construction chronology of the property, including history of major alterations/additions.
5. Ownership history.
6. Statement of significance describing the area of significance, theme, and period of significance.
7. Current photographs and (if available) historic photographs, maps, sketches, drawings, or other descriptive material as available to support the nomination.
8. The signature of the property owner(s) or their authorized agents, if the owner is the applicant.
9. Such other information as requested by the Commission or Director.

B. Evaluation. Within 90 days after the date a designation application is deemed complete, the Director shall prepare, or cause to be prepared, a historic resources evaluation to confirm the eligibility of the property and to document all potentially historic features of the subject property and prepare a report to the Commission. Such survey shall be conducted by a qualified architectural historian or historian.

C. Commission Review and Recommendation. The Commission shall conduct a public hearing on the application. After the close of the hearing, the Commission shall adopt a resolution recommending to the Council the approval, conditional approval, or denial of the application.

D. Council Determination. After receiving the Commission's recommendation, the Council shall conduct a public hearing on the landmark nomination application. The Council shall adopt a resolution approving, conditionally approving, or denying the application. If the Council has not taken action on the application within 180 days of the Commission's recommendation, then the application shall be deemed denied.

E. Designation.

1. Upon designation by the Council, the Director shall forward a copy of the resolution approving the designation of a historic landmark to any department or agency that the Director deems appropriate, and shall record or cause to be recorded the location, characteristics, and significance of the historic landmark on a California Department of Parks and Recreation Historic Resources Inventory Form 523, or current equivalent form, in accordance with the practices specified by the State Office of Historic Preservation for the recordation of historic resources.

2. A designated historic landmark may be identified by an approved City marker, but such a marker is not required.

**10.86.100 Designation Procedures – Historic Districts.**

A. Applicable Historic Landmark Procedures. Procedures for the application and designation of historic districts shall be the same as those applicable to historic landmarks, except as modified by this Section.

B. Applications. In addition to all other information and materials described in Section 10.86.090, all applications for designation of historic districts shall include a depiction of the proposed district that includes a clear and distinct description of its boundaries and a report describing all contributing and non-contributing resources within the district.

C. Petition Required. Prior to the hearing before the Commission, a petition in support of the application, that is signed by at least [ ] percent of the owners of the parcels within the proposed district, must be submitted to the Director. For purposes of the petition requirement, each parcel must have the signatures of all of the owners of that property but only one signature shall be counted per parcel for purposes of calculating the [ ] percent required.

D. Commission and Council Action.

1. Whenever the Council designates a historic district, it shall also adopt: (1) a written description and clear depiction of the district boundaries; and (2) a detailed report that identifies and describes the contributing resources and elements of the district, as well as those resources and elements that are not a contributing resource.

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 in-fill, new construction/additions, and alterations that will avoid significant adverse indirect impacts to the historic district, its contributors, and setting.

E. Conservation Districts.

1. While conservation districts do not qualify for landmark designation on the Register of Historic Resources, generally due to a lack of historic integrity, this Chapter provides for the identification of conservation districts, and for the recognition of such districts by the Commission.

2. Upon the recommendation of the Director, a MBPO or     % of the property owners within the district, subject to the criteria and procedures in Section 10.86.100 B.1, and as verified by a qualified architectural historian or historian the Commission may include on a list maintained by the Director a collection of properties as a conservation district, if the proposed district has either:

a. A distinctive, cohesive, and identifiable setting, architectural style, scale, or character, and/or association that makes it unique and an integral part of the City's identity; or

b. A recognized neighborhood identify with a definable physical character whose retention would contribute to the overall historic character and setting of the City.

3. The recognition of a qualifying conservation district may be accompanied by a plan and guidelines for alterations and in-fill within the boundaries of the conservation district.

**10.86.110 Owner Consent.**

A. Landmark nominations can be recommended, initiated, and prepared without owner consent.

B. Owner consent is required for a property to be designated as a historic landmark. The Council may designate a historic landmark without the owner's consent, if the Council makes both of the following findings:

1. The property possesses exceptional architectural, historical, aesthetic, or cultural significance to the city, region, state, or nation, as determined by a qualified professional; and

2. Designation will facilitate the preservation, rehabilitation, or protection of the property.

**10.86.120 Landmark Designation – Amendment or Rescission.**

A. Criteria for Rescission. Once a landmark or historic district designation or contributing property to a historic district is made, it shall not be repealed by the City Council unless it is determined that: (1) the evidence used to establish the designation was erroneous, or that material procedural errors were made during the designation process; or (2) the historic

landmark or historic district no longer meets the criteria for designation under Section 10.86.070 or 10.86.080.

B. Amendment or Rescission. The Council may amend or rescind the designation of any designated historic landmark, historic district, or contributing property to a historic district in the same manner that is followed for designation.

**10.86.130 Duty to Maintain Historic Resources.**

Every owner of a historic landmark or contributing resource to a historic district shall maintain and keep such resources in good repair, in a manner that clearly ensures the continued availability of such premises for lawful and reasonable uses, and which prevents deteriorating, dilapidation and decay of any portion of such resource.

**10.86.140 Certificate of Appropriateness – Requirement.**

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 listed on the Register of Historic Resources unless the City has first issued a Certificate of Appropriateness or a Certificate of Economic Hardship in accordance with the requirements of this Chapter.

B. Exemptions. A Certificate of Appropriateness shall not be required for ordinary maintenance or repair or minor alterations or for projects that do not, by law, require issuance of a permit and do not involve a change of design, materials, or exterior appearance of the property.

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 of a designated historic district.

1. The following considerations shall guide the review and issuance of Certificates of Appropriateness at the Administrative Review level:

a. If the Director determines that the proposed work would not result in a change of design, material, or appearance of the property's character-defining features, and all elements of the project comply with the Secretary's Standards, the Director shall approve the Certificate of Appropriateness.

b. If the Director determines that the proposed work may result or would result in a change of design, material, or appearance of the property's character-defining features, or has the potential to conflict with the Secretary's Standards, the Director may deny the Certificate of Appropriateness or refer the Certificate of Appropriateness to the Commission for review.

2. Work that may be approved through Administrative Review includes but is not limited to:

a. Alterations previously identified in an adopted design guidelines plan for a historic district and designated in such guidelines for review through the plan check process and approved accordingly.

b. Alterations or actions for which a Certificate of Economic Hardship has been approved.

D. Commission Review.

Work that involves major alterations shall be referred to the Commission for a Certificate of Appropriateness.

**10.86.150 Certificate of Appropriateness – Procedures.**

A. Application. An application for a Certificate of Appropriateness shall be filed with the Community Development Department upon the prescribed form and shall contain the following data:

1. A description of the proposed work and an explanation of how it is compatible with the Secretary's Standards and other applicable standards as appropriate.

2. Detailed architectural plans, including floor plans and scaled elevations and drawings, illustrating the scale, massing, and appearance of the proposed work, including existing and proposed elevations and plans. Information on the specifications and appearance of existing and proposed replacement materials and features should also be included.

3. A site plan showing all existing buildings and structures and the relationship of the proposed work to the surrounding environment.

4. Relationship to the existing scale, massing, architectural style, site and streetscape, landscaping and signage, for new construction in historic districts.

5. Other information deemed necessary by the Director.

B. Thirty-Day Waiting Period for Demolition. Applications for a certificate of appropriateness for demolition of a historic resource shall be subject to a 30-day waiting period. During this period, the Director shall post a notice of the pending demolition permit in a location on the property that is visible from the nearest street (or in a similarly visible location adjacent to the property) and shall explore alternatives to demolition, including adaptive re-use and/or rehabilitation in accordance with the Secretary's Standards, application of the State Historic Building Code to allow for flexibility in code requirements in cases of adaptive reuse or rehabilitation, possible use of financial incentives such as the Mills Act Tax Abatement program, relocation, resale, or other provisions as appropriate.

C. Commission Review. The Commission shall conduct a public hearing on the application, after which it shall adopt a resolution approving, conditionally approving, or denying the application.

D. Administrative Review. Notwithstanding the previous paragraph, the Director shall approve, conditionally approve, or deny any application for a Certificate of Appropriateness for any of the following types of alterations:

1. Repair or replacement of deteriorated materials with applications or materials of the same kind, type, and texture already in use for roofs, windows, siding material, chimneys and fireplaces, accessory structures, or fencing.

2. Addition or deletion of awnings, canopies, and similar incidental appurtenances that do not alter the integrity of the historic landmark or contributing resource.

3. Minor additions of square footage (150 feet or fewer), as determined by the Director, where such additions are on the rear elevation and not visible from the public right-of-way and would not remove, change, or obstruct any of the property's character-defining features.

E. Issuance of Certificate. Upon approval, copies of the Certificate of Appropriateness shall be forwarded to the applicant, the Building Official, the Director, and any other department or agency that requests one.

F. Appeal. Decisions of the Director and Commission regarding a Certificate of Appropriateness are subject to appeal in accordance with Section 10.86.210. No Certificate of Appropriateness shall become effective until the time to appeal its approval has expired.

**10.86.160 Certificates of Appropriateness – Findings.**

A. Standard Findings. A Certificate of Appropriateness shall be approved if the Commission or Director, as appropriate, make all of the following findings:

1. The project will not cause a substantial adverse change in the significance of an historic resource in accordance with the California Environmental Quality Act.

2. The project is consistent with the provisions of this Chapter.

3. The project is consistent with the Secretary's Standards and any applicable design guidelines adopted by the City.

B. Additional Findings for Demolitions. In the case of a Certificate of Appropriateness to allow demolition of part or all of a historic landmark or contributing resource, all of the following additional findings must be made.

1. The mandatory 30-day waiting period has expired.

2. All efforts to restore, rehabilitate, or relocate the resource have been exhausted.

3. Restoration or rehabilitation would require extensive alterations that would render the resource unworthy of preservation.

4. Failure to demolish the resource would adversely affect or detract from the character of the neighborhood.

5. The deterioration of the historic landmark or contributing resource is not the result of the failure of the owner to maintain the property in accordance with Section 10.86.130.

**10.86.170 Work Moratorium.**

A. Moratorium – Pending Historic Landmark Designation. Except as necessary to correct an unsafe or dangerous condition pursuant to Section 10.86.190, it shall be unlawful for any person to carry out or cause to be carried out any activity requiring a Certificate of Appropriateness on a proposed historical landmark for which an application has been filed, until final approval of the designation.

B. Moratorium – Pending Historic District Designation. Except as necessary to correct an unsafe or dangerous condition pursuant to Section 10.86.190, 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 property within the boundaries of a proposed historic district while an application for designation is pending.

**10.86.180 Certificate of Economic Hardship.**

A. Certificate. The Commission may issue a Certificate of Economic Hardship to allow alteration or demolition of a historic landmark or contributing resource where denial of a Certificate of Appropriateness would create an undue hardship upon the owner.

B. Applications. An application for a Certificate of Economic Hardship shall be made on the prescribed form and shall be accompanied by the following information where applicable:

1. The estimated market value of the property in its current condition with supporting documentation.

2. The estimated market value of the property after completion of the proposed alteration or demolition with supporting documentation.

3. Estimates of the costs of proposed alteration or demolition with supporting documentation.

4. In the case of demolition, the estimated market value of the property after renovation of the existing property for continued use and an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional with experience in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

5. A rehabilitation report from a licensed engineer or architect with expertise in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

6. For income-producing properties, information on annual gross income, operating and maintenance expenses, tax deductions for depreciation, and annual cash flow after debt service, current property value appraisals, assessed property valuations, and real estate taxes.

7. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.

8. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.

9. The amount paid for the property if purchased within the previous 36 months, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

10. Any listing of the property for sale, rent, prices asked, and offers received, if any within the previous two years.

11. Any other information the Director may reasonably require in order to determine whether or not the property may yield a reasonable return to the owners.

C. Hearing Required. The Commission shall hold a public hearing on all applications for a Certificate of Economic Hardship; after which it may approve, conditionally approve, or deny the application. Such hearing may be held concurrently with any related application for a Certificate of Appropriateness.

D. Findings. The Commission shall approve a Certificate of Economic Hardship if it makes all of the following findings:

1. Denial of the application would decrease the value of the subject property so as to deprive the owner of any reasonable economic return on the property.

2. Sale or rental of the property is not financially feasible, when looking at the cost of holding such property for uses permitted in the applicable zone.

3. Adaptive reuse of the property for lawful purposes is prohibited or impractical.

4. Denial of the application would damage the owner of the property unreasonably in comparison to the benefit conferred on the community.

E. Approval.

1. Upon approval, copies of the Certificate of Economic Hardship shall be forwarded to the applicant, the Building Official, the Director, and any other department or agency that requests one.

2. No Certificate of Economic Hardship shall become effective until the time to appeal its approval has expired.

**10.86.190 Unsafe or Dangerous Conditions.**

A. None of the provisions of this Chapter shall be construed to prevent any construction, alteration, removal, demolition or relocation of a historic landmark or contributing resource necessary to correct the unsafe or dangerous conditions of any structure, or feature, or part thereof, where the Building Official, with a report from a qualified Structural Engineer or other qualified professional, has declared such condition unsafe or dangerous and the proposed construction, alteration, removal, demolition or relocation necessary to correct the unsafe or dangerous condition. Only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section.

B. The Building Official shall inform the Commission and Director prior to authorizing any work pursuant to this Chapter unless he or she determines that such work is immediately necessary to correct the unsafe or dangerous condition; in which case, the Building Official shall report his or her actions to the Director within 48 hours and to the Commission at its next regular meeting.

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, the Building Official may proceed with the abatement action.

**10.86.200 Environmental Review.**

If any action required or taken pursuant to this Chapter is subject to the provisions of the California Environmental Quality Act, the time in which such action must be taken shall be extended in order to allow time to comply with the Act, subject to the time limits imposed by the Permit Streamlining Act.

**10.86.210 Appeals.**

A. The owner of a property subject to review, or the applicant, if different then the owner, may appeal any decision (other than a decision whether to initiate a historic landmark designation application in accordance with Section 10.86.090) by the Director or Commission under this Chapter pursuant to the limitations and procedures in Chapter 10.100 of this Code.

All appeals brought under this Section shall be accompanied by a filing fee established by the Council.

B. Any decision regarding a Historic Resource by the Director shall become final 10 days following the date of the decision unless an appeal to the Commission is filed.

C. Any decision of the Commission regarding a Historic Resource shall become final 10 days following the date of the decision unless an appeal to the City Council is filed.

**10.86.220 Preservation Incentives.**

To encourage owners to designate, maintain, preserve, rehabilitate, and improve historic landmarks and contributing resources, the City provides the incentives set forth in this Section.

A. Mills Act Contracts. Pursuant to California Government Code Sections 50280 – 502090 (commonly known as the “Mills Act”), the Council is authorized to enter into Mills Act contracts with the owner of a historic landmark for the purpose of preservation, rehabilitation, and maintenance of designated historic resources, which allow the owner to receive a reduction in property taxes in exchange for a commitment to specific repair, restoration, or rehabilitation improvements and satisfactory maintenance of the property in accordance with the Secretary’s Standards and other applicable criteria. The Council shall, by resolution, specify the application process and review procedures for Mills Act contracts.

B. Public Recognition. The Commission may establish a program to publicly recognize historic landmarks, historic districts, and conservation districts with plaques, signage, and other appropriate forms of recognition.

**10.86.230 Historic Variance.**

Historic variances may be applied to historic landmarks and contributing resources in historic districts. The designation as a historic landmark or contributing resource constitutes a property condition for the purposes of determining whether the property owner is denied privileges enjoyed by other property owners in the vicinity and within the same district. Procedures and requirements of Chapter 10.84 of this Code and Section \_\_\_\_\_ of the Coastal Plan Implementing Ordinance must be followed for the variance process.

**10.86.240 Application Filing Fees.**

Before accepting for filing any application described in this Chapter, the Director shall charge and collect such administrative fees as may be set by resolution of the Council.

**10.86.250 Enforcement and Penalties.**

A. Any person who violates a requirement of this Chapter or fails to obey an order issued by the City Council, Commission and/or Director, or fails to comply with a condition of approval of any certificate or permit issued under this Chapter, shall be subject to enforcement actions as set forth in Chapter 1.04 of this Code.

B. In addition to all other remedies available to the City, any alteration or demolition of a historic resource in violation of this Chapter is expressly declared to be a nuisance and may be abated as deemed appropriate by the City.

C. In addition to all other remedies, the City shall have the authority to impose a temporary moratorium on the development of a property for a period not to exceed 60 months from the date the City becomes aware of any alteration or demolition in violation of this Chapter, unless the owner obtains permits to restore or reconstruct the property to its original condition prior to the violation and the work is consistent with the “Secretary Of The Interior’s Standards For The Treatment Of Historic Properties With Guidelines For Preserving, Rehabilitating, Restoring, And Reconstructing Historic Buildings”. The purpose of the moratorium is to provide the City an opportunity to study and determine appropriate mitigation measures for the alteration and/or removal of the historic resource, and to ensure measures are incorporated into any future development plans and approvals for the subject property. Mitigation measures which may be determined by the Commission and/or Director shall be imposed as a condition of any subsequent permit for development of the subject property.

D. The city attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction, or replacement of any historic resource demolished, partially demolished, altered, or partially altered in violation of this Chapter.

E. Any person who constructs, alters, removes, or demolishes a designated landmark or property in a designated historic district without the approval and issuance of a certificate or permit issued pursuant to this Chapter may be required to restore the property to its appearance prior to the violation to the extent such restoration is physically possible, under the guidance of the Director. This civil remedy shall be in addition to, and not in lieu of, any criminal penalties available.

F. In addition to any other remedies provided herein, any violation of this Chapter may be enforced by civil action brought by the City. Remedies under this Chapter are in addition to and do not supersede or limit any and all other remedies or penalties, whether civil or criminal. The remedies provided herein are cumulative and not exclusive. In any such action, the City may seek as appropriate, one or both of the following remedies:

1. A temporary or permanent injunction, or both;
2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey that led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection.”

Section 3. 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 4. 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 on \_\_\_\_\_, 2015 and that said Resolution was adopted by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Marissa L. Lundstedt  
Community Development Director

\_\_\_\_\_  
Rosemary Lackow  
Recording Secretary

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