



Agenda Item #: \_\_\_\_\_

# Staff Report

## City of Manhattan Beach

**TO:** Honorable Mayor Ward and Members of the City Council

**FROM:** Robert V. Wadden Jr., City Attorney

**DATE:** September 5, 2006

**SUBJECT:** Adoption of Ordinance No. 2089 Implementing A City Council Work Plan Item To Create A Recognition Process For Culturally Significant Landmarks.

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**RECOMMENDATION:**

Staff recommends that the City Council adopt Ordinance No. 2089 which adopts a recognition process for culturally significant landmarks within the City.

**FISCAL IMPLICATION:**

Adoption of this ordinance may require an unknown amount of staff time from the Community Development Department which could impact work load in that Department. Administering this ordinance is expected to be accommodated with current staffing and resources.

**BACKGROUND:**

On August 15, 2006 the City Council introduced Ordinance 2089. This implements a program which for the past two years the City Council has included as an item on its annual work plan. A program which would acknowledge properties of historical or cultural significance without depriving property owners of their rights to develop or transfer their properties free of encumbrance. The proposed ordinance is intended to accomplish this.

On July 12, 2006, the Planning Commission considered the proposed ordinance and adopted Resolution PC 06-08 recommending that the City Council adopt it. The Planning Commission also discussed and supported the Mills Act program to supplement this ordinance, because it provides financial incentives to property owners. The Commission recommended that the City Council carefully evaluate the costs and benefits of adopting a Mills Act program.

**DISCUSSION:**

There are a number of legal methodologies available to encourage or require historic preservation which varies considerably in their restriction of property rights. It is also possible to have voluntary preservation programs.

**Federal & State Historic Preservation Laws**

The National Historic Preservation Act (16 USC sections 470 et seq.) establishes the National Register of Historic Places which extends recognition to historically significant sites. Designation

of sites for inclusion in the list is determined by Federal administrative action. Application for inclusion may be made by property owners or local agencies. Criteria for inclusion are set forth in the regulations for the Act.

The State of California has a similar law (Public Resources Code sections 5020 et seq.) which establishes a California Register of Historical Places. A State Commission governs the administration of the register and determines which sites are included on the Register.

Neither the Federal nor State law restricts the property rights of owners of designated properties including the right to demolish. However, designation of a site under either law creates certain presumptions which may be significant for purposes of environmental review.

### **Historic Districts**

Wherever there is a concentration of historic buildings a district may be established to encourage or require their preservation. This may be done through building codes, or restrictive zoning (essentially establishing a type of overlay zone). As an alternative a district may merely be symbolic with no restrictions on replacement or alteration of historic buildings within its boundaries.

### **Zoning Restrictions**

The most restrictive types of historical preservation ordinances limit the ability of a property owner to replace or alter properties designated as historically significant. A city does have the power, as the local land use authority, to pass a local historical preservation ordinance which would prevent any designated historical property from being demolished or significantly altered.

The City would be free to set its own criteria for historical designation or to adopt State or Federal criteria. Landmarks may be designated individually (as a kind of "floating" zone) or districts may be created where aesthetic criteria may be imposed not only on existing historical buildings but non historical structures and new development as well.

Such severe restrictions on property use raise a question of inverse condemnation. However, they have consistently been upheld by courts who have noted that such legislation serves an important public purpose by preserving culturally valuable buildings and upholding community aesthetic standards while still allowing some economically viable use of property even though it may not be the highest and best use. (*Penn Central Transportation Co. v. City of New York* (1978) 98 S.Ct. 2646; *Bohannon v. City of San Diego* (1973) 30 Cal.App.3d 416; See Also: Government Code section 37361.) The *Bohannon* court upheld an exceptionally severe San Diego ordinance which established strict architectural limitations on all buildings (including new buildings) in the Old Town area which was designated as a historical district.

Obviously the degree to which use and alteration of designated historical sites is restricted may vary. Some jurisdictions may prohibit demolition altogether and strictly limit renovation while other jurisdictions may simply require a use permit or review of the proposed demolition or renovation by a historical commission or other reviewing body.

### **Nonrestrictive Designations**

Some jurisdictions which desire to recognize historically significant properties but do not wish to restrict owners' property rights establish designations to honor and identify properties which do not restrict alteration or demolition. Such local laws serve much the same purpose as the previously mentioned State and Federal designations in providing recognition of historical resources even though local criteria for recognition may be different. Designation under such a local ordinance may trigger a need for environmental review just as State and Federal designations would. Sometimes such ordinances will involve a local historical commission which will determine if a site qualifies for inclusion under the criteria established by the local ordinance. A city council confirmation may or may not be a part of the process. Such a designation may assist a property owner in obtaining a low interest loan under the Historical Rehabilitation Act of 1976 or even getting preferential income tax treatment under Revenue and Taxation Code sections 17211.4 and 17228.5

### **Voluntary Restrictions -Mills Act**

State law provides for voluntary restrictions on historically significant property in exchange for reduced property tax. The legislation, known as the "Mills Act" (Government Code section 50280 et seq.), requires the City to adopt a local ordinance establishing historical criteria (or adopting State or Federal standards) and authorizes the City to enter into contracts with the owners of properties meeting those criteria. The contracts would limit an owners' ability to replace or alter the appearance of the property during the term of the agreement which must be for a minimum of ten years. The contract must be binding on the successors and heirs of the property owner and must therefore be recorded. The agreement would entitle the property owner to a lower valuation for property tax purposes during the term of the agreement. However, the agreement would also likely impact the marketability and price of the property it affects because of its restriction on future development. Nothing in the Mills Act requires the owner of a historically significant property to enter into such a contract, participation is strictly voluntary. When it considered the proposed ordinance the Planning Commission unanimously recommended that the council seriously consider a Mills Act ordinance for Manhattan Beach because it provides meaningful financial incentives to property owners to preserve their properties over the term of the agreement. Locally Redondo Beach has such an ordinance and has a significant number of contracts restricting alteration or development of historic properties. Such an ordinance would impact staff work load by requiring not only that staff certify eligibility and prepare and administer Mills Act contracts but also monitor any future alterations to Mills Act properties however minor.

### **The Proposed Ordinance**

The proposed ordinance takes the voluntary approach to designation. Properties (other than publicly owned properties which may be nominated by any resident) may only be nominated by the property owner (this differs from the State and Federal recognition programs which allow any one to nominate a property for designation). There are no restrictions on an owners' ability to alter or demolish a designated property. The City Council ultimately determines whether or not a property

will qualify as a "culturally significant landmark." The criteria are set forth in the ordinance and are very broad. Included are architectural significance, association with locally significant events, association with a significant designer and unique locations which are visually associated with the City. Any property designated as significant under Federal or State law would qualify under the proposed ordinance. Buildings, sites or even trees may be eligible for designation. The ordinance provides that signage may be approved to memorialize the designation status of a property. A procedure for removal of the designation is provided. The Council is authorized to appoint a Task Force to assist in gathering information and promoting education related to the community's historic resources.

#### **Notice**

A display notice was published in the Beach Reporter for the Planning Commission meeting and the City Council hearing on August 15. The proposed ordinance had been sent to the Historic Society and Jan Dennis for comments.

#### **Conclusion**

Staff supports the proposed ordinance because it satisfies the City Council direction as a first step toward acknowledging culturally significant landmarks in the city. It provides a process to identify the number of properties that may also qualify for a Mills Act type of designation with current staffing levels. Furthermore the ordinance would not preclude the adoption of a more restrictive type of ordinance in the future.

Attachments: A. Planning Commission minutes and staff report dated July 12, 2006  
B. Planning Commission Resolution No. PC 06-08  
C. Ordinance No. 2089

cc: Geoff Dolan, City Manager

**CITY OF MANHATTAN BEACH  
MEMORANDUM**

**TO:** Planning Commission  
**FROM:** Robert V. Wadden Jr., City Attorney  
**DATE:** July 12, 2006  
**SUBJECT:** Consideration To Approve a Culturally Significant Landmark Ordinance

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**RECOMMENDATION**

Staff recommends that the Planning Commission review and adopt the attached resolution proposing adoption of an ordinance to designate culturally significant landmarks within the City.

**BACKGROUND**

For the last two years the Manhattan Beach City Council has identified on their "Work Plan" a project to adopt an ordinance which would provide a procedure for recognition of those places within the City which have historical or cultural significance. However, the Council cautioned that it did not wish to overly burden the rights of property owners but hoped that designation and recognition might aid the voluntary preservation of such sites. The proposed ordinance was shared with the Manhattan Beach Historical Society and local historian and writer Jan Dennis to solicit their input and comments. While a publicly noticed hearing is not legally required the City did publish notice in hopes of attracting any one who might have an interest in this subject.

**DISCUSSION**

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cc: Geoff Dolan, City Manager



RESOLUTION PC 06-

RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF MANHATTAN BEACH  
RECOMMENDING ADDING A NEW CHAPTER 10.86  
TO TITLE X OF THE MANHATTAN BEACH  
MUNICIPAL CODE REGARDING DESIGNATION OF  
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. 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 Planning Commission of the City of Manhattan Beach hereby recommends that a new Chapter 10.86 be added 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.

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*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.

*Culturally significant* - historical, architectural or aesthetic uniqueness or a special connection with Manhattan Beach history, values or way of life.

*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, site or landscaping element 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.

*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

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

- (a) It is one of the largest or oldest trees of the species located in the City;
- (b) It has historical significance due to an association with a historic event, person, site, street, or structure; or
- (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

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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:

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

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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 ----- and that said Resolution was adopted by the following votes:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

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**RICHARD THOMPSON**  
Secretary to the Planning Commission

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**SARAH BOESCHEN**  
Recording Secretary

**CITY OF MANHATTAN BEACH**  
**MINUTES OF THE REGULAR MEETING OF THE PLANNING COMMISSION**  
**JULY 12, 2006**

1 A regular meeting of the Planning Commission of the City of Manhattan Beach was held on  
2 Wednesday, July 12, 2006, at 6:30 p.m. in the City Council Chambers, City Hall, 1400 Highland  
3 Avenue.

4  
5 **ROLL CALL**

6  
7 Chairman Schlager called the meeting to order.

8  
9 Members Present:               Bohner, Cohen, Lesser, Powell, Chairman Schlager  
10 Members Absent:               None  
11 Staff:                           Richard Thompson, Director of Community Development  
12                                   Robert Wadden, City Attorney  
13                                   Daniel Moreno, Associate Planner  
14                                   Sarah Boeschen, Recording Secretary  
15

16 **APPROVAL OF MINUTES**               May 24, 2006

17  
18 Commissioner Bohner requested that page 8, line 10, of the May 24 minutes be revised to read:  
19 "He complemented staff with the method they have used to control and the input they have on  
20 the project."  
21

22 A motion was MADE and SECONDED (Lesser/Bohner) to APPROVE the minutes of May 24,  
23 2006, as amended.  
24

25 AYES:               Bohner, Lesser, Chairman Schlager  
26 NOES:               None  
27 ABSENT:            None  
28 ABSTAIN:          Cohen, Powell  
29

30 **AUDIENCE PARTICIPATION**   None

31  
32 **BUSINESS ITEMS**

33  
34 **A.     Consideration to Adopt a Culturally Significant Landmarks Ordinance**  
35

36 City Attorney Wadden stated that the item has been on the City Council's work plan for two  
37 years. He stated that the Council was very clear that they did not want any property rights to be  
38 restricted or for any burdens to be placed on property owners that would prohibit them from  
39 demolishing or altering their properties. He indicated that the direction from the Council for the  
40 Ordinance was to focus on providing official recognition and noting the cultural significance of  
41 properties. He indicated that the Historical Society and Jan Dennis were notified of the hearing

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1 and were provided an opportunity to review the Ordinance. He commented that the item was  
2 noticed and letters were sent to the president of the City's Historical Society and to Jan Dennis.  
3 He stated that there are a wide range of legal options to implement historical preservation,  
4 including restrictive zoning to prohibit or limit alterations to structures and to limit the design of  
5 new buildings in historical districts. He indicated that the Mills Act is a voluntary program  
6 which allows property owners to enter into a 10 year contract and receive a property tax discount  
7 in exchange for restrictions on the development of their property. He stated that such legislation  
8 is available for any City to adopt, and the State law has the criteria for the types of properties that  
9 are eligible. He pointed out that the Council's focus in adopting the subject Ordinance was  
10 simply in granting recognition and to be broad in scope. He indicated that the proposed  
11 Ordinance provides for a culturally significant landmark status with no age requirement rather  
12 than a historical landmark status which does include an age requirement. He said that the request  
13 for a property to be designated may only be initiated by the property owner unless the property is  
14 publicly owned. He stated that the designation is meant to include local landmarks that are  
15 locally significant.

16  
17 City Attorney Wadden commented that Jan Dennis suggested creating a task force to research  
18 potential grants and special programs that may be available to the City at the State or Federal  
19 level as well as to provide local education. He commented that if the Ordinance is adopted, the  
20 City would not be precluded from adopting a more intensive program for the preservation of  
21 historical sites in the future. He said that staff hopes that the Ordinance will help develop an  
22 inventory of culturally and historically significant sites, which the City currently does not have.

23  
24 In response to a question from Commissioner Bohner, City Attorney Wadden commented that  
25 there has not been any comments regarding the proposal from the City's Historical Society.

26  
27 In response to a question from Commissioner Bohner, City Attorney Wadden commented that  
28 the task force would be strictly advisory and would not have any formal power to designate sites  
29 as landmarks.

30  
31 Commissioner Bohner said that he understands that the City Council provided direction that the  
32 rights of property owners cannot be restricted; however, the Mills Act is a voluntary procedure by  
33 which a property owner can decide that they will not tear down their property in exchange for a  
34 financial incentive.

35  
36 City Attorney Wadden indicated that the Commission can make a recommendation to the City  
37 Council if they feel it would be appropriate to enact the Mills Act. He indicated that it would  
38 take an action by the City Council to enact the Mills Act, however it is outside of the direction  
39 staff received. He indicated that if such an Ordinance is enacted by a City, the State is required  
40 to provide a discount on property taxes for designated properties.

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1  
2 Commissioner Lesser commended staff for all of their work and for finally drafting such an  
3 Ordinance. He said that he is concerned that the proposed Ordinance does not provide incentive  
4 for property owners to voluntarily preserve their properties in absence of the property tax  
5 discount offered by the Mills Act.

6  
7 In response to a question from Commissioner Lesser, City Attorney Wadden commented that the  
8 Mills Act provides for a contract to be entered into between the City and a property owner which  
9 severely restricts the changes that may be made to the property in exchange for a discount rate on  
10 property taxes. He stated that the proposed Ordinance is much more inclusive than the Mills Act.  
11 He indicated that the Ordinance would allow staff the opportunity to identify culturally  
12 significant sites in the City, and the Council may wish to take further steps in the future once  
13 more information is received regarding such sites. He said that if enacted, the Mills Act could  
14 coexist with the proposed Ordinance, and there may be properties not eligible for the Mills Act  
15 that would still deserve recognition under the subject Ordinance.

16  
17 Commissioner Lesser commented that he would imagine that it would take a large amount of  
18 staff time to implement a Mills Act type of Ordinance, which may end up only benefiting a few  
19 property owners. He asked whether the amount of staff time that would be involved could be  
20 quantified.

21  
22 City Attorney Wadden commented that staff can request further information from Redondo  
23 Beach which does have a Mills Act program as well as a historical district and Historical  
24 Commission. He indicated that Redondo Beach has a staff planner who is assigned about half  
25 time to historical preservation.

26  
27 Commissioner Cohen commented that she understands why the City would not want financial  
28 incentives to be the main focus; however, the proposed Ordinance has a lack of any incentive  
29 unless a property owner has a particular interest in having their property designated. She asked  
30 regarding the ability of a task force to create an inventory of culturally significant sites when they  
31 have no ability to designate private properties.

32  
33 City Attorney Wadden indicated that the Ordinance was written to reflect the direction of the  
34 Council, and the Council has the ability to expand its scope if they feel appropriate. He pointed  
35 out that beyond simply having a culturally significant property recognized, there are certain types  
36 of low interest loans and income tax credits that may be available for such properties. He  
37 commented that he does feel that such voluntary programs are successful.

38  
39 In response to a question from Commissioner Powell, City Attorney Wadden indicated that there  
40 are no inconsistencies between the Tree Ordinance and the proposed Ordinance. He said that the



## PLANNING COMMISSION MINUTES

July 12, 2006

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1 subject Ordinance is purely for recognition of cultural significance and the trees are protected  
2 regardless of whether they are so designated.  
3

4 **Suzanne Bailey**, a resident of the 100 block of 13<sup>th</sup> Street, indicated that she is speaking in place  
5 of Jan Dennis who was unable to attend. She stated that they have prepared a list of properties  
6 that they think would fit under the Ordinance. She said that they do not have a complete list  
7 because they are not certain regarding the degree to which many of the properties have been  
8 changed.  
9

10 **Jim Fasola** a resident of the 700 block of Crest Drive, stated that he feels the Ordinance has no  
11 incentive for owners to nominate their properties, and he was hoping that it would be more  
12 effective. He suggested that in order to more effectively create an inventory of significant  
13 landmarks, anyone should have the ability to nominate a private property as well as a public  
14 property.  
15

16 **Bill Solomon**, a resident of the 600 block of 33<sup>rd</sup> Street, commented that they cannot replace  
17 their roof with another wooden roof to match their existing roof with current regulations. He  
18 said that he would like for his area to possibly become a historical district to allow for his roof to  
19 be replaced to maintain its existing appearance.  
20

21 Director Thomson commented that the proposed Ordinance would not have any effect on the  
22 existing building requirements. He suggested that Mr. Solomon contact him regarding his  
23 concerns of repairing his roof.  
24

25 Commissioner Powell said that he likes the Ordinance as an incremental approach in providing  
26 incentives for property owners to maintain and preserve their existing culturally and historically  
27 significant homes. He said that there is a lot of concern that the small town atmosphere is being  
28 lost in the City. He pointed out that the proposed Ordinance is for a landmark designation rather  
29 than preservation. He commented that Redondo Beach and Hermosa Beach currently have  
30 historic preservation ordinances. He said that the Mills Act is a voluntary program where owners  
31 also enter into a 10-year contract for any improvements to be in keeping with the original style of  
32 the period of the home and receive a property tax discount in return. He commented that the  
33 home remains under the existing contract if it is sold. He said that the Mills Act has been  
34 effective in other cities. He commented that the proposed Ordinance is a first step, but he would  
35 encourage the Council to enact a true preservation ordinance.  
36

37 Commissioner Cohen indicated that she supports the Ordinance and likes that it is very broad.  
38 She said that she is skeptical of its effectiveness if it is purely voluntary; however it is clear that  
39 the City Council does not want to infringe on property rights.  
40

## PLANNING COMMISSION MINUTES

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1 Commissioner Bohner said that the Ordinance is a good first approach; however, it would not be  
2 effective in providing any incentives to preserve properties. He said that he would suggest the  
3 City Council consider enacting the Mills Act. He said that the Mills Act is done on a voluntary  
4 basis and provides financial incentives for properties to be designated. He said, however, that he  
5 recognizes that enacting the Mills Act would require the allocation of staff time. He said that he  
6 would support the Ordinance as a first step and would recommend the Council consider the costs  
7 and benefits of a Mills Act type of Ordinance.

8  
9 Commissioner Lesser said that he agrees with the comments of the other Commissioners. He  
10 stated that the goal is to encourage property owners of the few remaining historic properties in  
11 the City to voluntarily preserve their homes, which can be done by enacting the Mills Act. He  
12 stated that the amount of staff time that would be involved in enacting such a program can be  
13 quantified, and it should be enacted if the Council decides it is worth expending the City  
14 resources. He indicated that adopting the proposed Ordinance instead of a Mills Act would not  
15 result in the amount of participation that the City would like if the objective is to encourage  
16 property owners to preserve the remaining historic properties. He said that the Mills Act would  
17 provide a savings in property taxes of up to 60 percent for owners who voluntarily agree to  
18 preserve their properties. He indicated that he feels it would benefit the City to have such an  
19 Ordinance to provide property owners with such an option. He said that he also would support  
20 the Ordinance subject to a review by staff of the costs of establishing the Mills Act.

21  
22 Chairman Schlager commented that it appears the Commissioners unanimously support urging  
23 the Council to consider enacting the Ordinance as well as enacting the Mills Act. He said that it  
24 is clear that Council does not want to overly burden the rights of property owners but does want  
25 recognition of culturally significant properties which may help the voluntary preservation of such  
26 sites.

27  
28 Director Thompson pointed out that the City Council has 32 work plan items that are all very  
29 important and have been prioritized. He said that staff would support enacting the Mills Act;  
30 however, there are many other items on the work plan that also would require additional staff  
31 time. He said that the Council must evaluate the impact to staff resources. He indicated that  
32 staff will forward the Commission's recommendation to the Council.

33  
34 Commissioner Bohner said that he realizes the Council will receive additional input regarding  
35 staffing requirements; however, he does feel there is a benefit in at least suggesting that the  
36 Council consider enacting the Mills Act.

37  
38 Commissioner Lesser asked whether there may possibly be grant money available to help provide  
39 funds for hiring a staff member to oversee such a program.

40

**PLANNING COMMISSION MINUTES**

July 12, 2006

Page 6

1 A motion was MADE and SECONDED (Lesser/Bohner) to ADOPT the draft Resolution for a  
2 Culturally Significant Landmarks Ordinance

3  
4 AYES: Bohner, Cohen, Lesser, Powell, Chairman Schlager  
5 NOES: None  
6 ABSENT: None  
7 ABSTAIN: None

8  
9 A motion was MADE and SECONDED (Lesser/Bohner) recommending that the City Council  
10 carefully evaluate the costs and benefits of adopting a Mills Act program to supplement the  
11 Culturally Significant Landmark Ordinance.

12  
13 AYES: Bohner, Cohen, Lesser, Powell, Chairman Schlager  
14 NOES: None  
15 ABSENT: None  
16 ABSTAIN: None

17  
18 **PUBLIC HEARINGS**

19  
20 **06/0712.1 Consideration of a USE PERMIT to Allow a Proposed New 5,800 Square**  
21 **Foot Retail Center Which Includes a Convenience Store With 24 Hour**  
22 **Operation and Alcohol Beverage License, and an Initial Study and Negative**  
23 **Declaration of Environmental Impacts at 1727 Artesia Boulevard**

24  
25 Associate Planner Moreno summarized the staff report. He said that staff has worked with the  
26 property owner and architect to arrive at a project that is a compatible use for the property; that  
27 provides a unique design for the site; and that mitigates impact to neighboring residential  
28 properties. He commented that the proposal would replace a previous gas station and mini mart  
29 with a new 5,800 square foot retail center. He indicated that Famima has been identified as one  
30 of the tenants of the center, and the remaining two tenant spaces have not been identified. He  
31 commented that the proposed structure would be located on the back side of the site which is  
32 away from the street which would mitigate the impact to the residential properties to the north.  
33 He commented that the Famima convenience store is requesting 24 hour operation and the sale of  
34 beer and wine between the hours of 6:00 a.m. and 2:00 a.m. He indicated that 28 parking spaces  
35 are required for the site, and 29 are proposed. He indicated that the Engineering Division is  
36 requiring an 8 foot dedication to be provided adjacent along Aviation Boulevard to allow for a  
37 future right hand turn pocket onto westbound Artesia Boulevard. He said that 8 percent of the  
38 site is required to provide landscaping, and 10 percent is proposed. He indicated that two of the  
39 four existing driveways to the site would be eliminated with the proposal which would help to  
40 increase traffic flow. He commented that the trash enclosure would be housed within the

RESOLUTION PC 06-08

RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF MANHATTAN BEACH  
RECOMMENDING ADDING A NEW CHAPTER 10.86  
TO TITLE X OF THE MANHATTAN BEACH  
MUNICIPAL CODE REGARDING DESIGNATION OF  
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. 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 Planning Commission of the City of Manhattan Beach hereby recommends that a new Chapter 10.86 be added 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.

**EXHIBIT**  
" B "

*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.

*Culturally significant* - historical, architectural or aesthetic uniqueness or a special connection with Manhattan Beach history, values or way of life.

*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, site or landscaping element 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.

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

- (a) It is one of the largest or oldest trees of the species located in the City;
- (b) It has historical significance due to an association with a historic event, person, site, street, or structure; or
- (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:

- (a). Researching the availability of historical materials related to Manhattan Beach and creating an inventory list of possible sites, districts and structures;
- (b). Researching funding sources for large and small scale historic preservation, restoration, renovation and identification projects;
- (c). Providing educational opportunities to increase public awareness and appreciation of Manhattan Beach's unique heritage.
- (d). 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.** 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

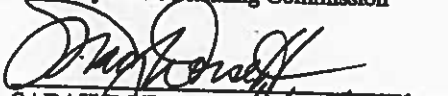
irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

**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 July 12, 2006 and that said Resolution was adopted by the following votes:

AYES: Bolner, Cohen, Lesser, Powell, Schlager  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
RICHARD THOMPSON  
Secretary to the Planning Commission

  
SARAH BOESCHEN  
Recording Secretary



ORDINANCE NO. 2089

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
MANHATTAN BEACH, CALIFORNIA ADDING A NEW CHAPTER 10.86  
TO TITLE 10 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 10 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;
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#### **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.

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- (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;

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

- (a) It is one of the largest or oldest trees of the species located in the City;
- (b) It has historical significance due to an association with a historic event, person, site, street, or structure; or
- (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:

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

- (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."

**10.88.100 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:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Mayor, City of Manhattan Beach, California

ATTEST:

\_\_\_\_\_  
Acting City Clerk

**RESOLUTION NO. 6056**

**RESOLUTION OF INTENTION TO APPROVE AN  
AMENDMENT TO CONTRACT BETWEEN THE BOARD  
OF ADMINISTRATION CALIFORNIA PUBLIC  
EMPLOYEES' RETIREMENT SYSTEM AND THE CITY  
COUNCIL CITY OF MANHATTAN BEACH**

City Attorney Robert Wadden read aloud Ordinance No. 2090.

06/0815.15 *Consideration of Ordinance No. 2089 Implementing A City Council Work Plan  
Item To Create A Recognition Process For Culturally Significant Landmarks*

Responding to Mayor Ward's statement that he understood the Work Plan Item to be a preservation ordinance as opposed to one for identifying landmarks, City Manager Dolan explained that the various alternatives will be discussed this evening, with input from both City Attorney Robert Wadden and Community Development Director Richard Thompson. City Attorney Wadden iterated that Council had asked for a historical preservation ordinance at the City's Work Plan meeting two years ago. While cautioning staff not to put restrictions on property owners and their property rights, he explained that the proposed ordinance focuses on recognition of culturally significant properties and attempts to preserve them by drawing attention to their importance, and noted there a wide variety of tools is available if the Council would like to be more restrictive. He pointed out that the Planning Commission wanted to implement a voluntary Mills Act Ordinance, which would act as an incentive for property owners to voluntarily restrict modifications to their property for a period of at least ten years in exchange for a re-evaluation of the property and a reduction in property taxes during that period of time, and although this type of ordinance is legal and within the power of Council, it was not the direction given by Council during the Work Plan meeting. City Attorney Wadden explained how the proposed ordinance provides for recognition of private property only if is initiated by the property owner, and that any Manhattan Beach resident may nominate a publicly owned property for recognition. He further explained that the cultural criteria are broader than simply historical criteria, allowing for recognition of properties that have local and/or cultural significance but not necessarily have historical significance. City Attorney Wadden emphasized that the ordinance does not place restrictions on the use or demolition of the property, but simply allows a designation to be placed on the property with appropriate signage to memorialize the recognition. He stated that several suggestions from local historian Jan Dennis have been incorporated into the proposed ordinance, including the establishment of a task force to assist the City by providing local education, evaluate and review proposals and various other tasks, which the Community Development Department feels may be a good resource to assist is providing services associated with this ordinance and future local historical education.

In response to questions from Council regarding amount of staff time required to implement this ordinance versus a Mills Act ordinance, Community Development Director Richard Thompson explained that with assistance from the task force to evaluate and review proposals,

staff believes they can accommodate the proposed ordinance by using current staffing but estimate that it would take approximately a year for a full-time person to develop steps to make an effective Mills Act program, which entails each participating property owner entering into a contract requiring City authorization for any alterations to their house.



In response to questions from Council regarding the method of appointing the task force and whether the task force would approach property owners to suggest they apply for recognition, Community Development Director Thompson stated that while the Council would have ultimate authority to approve the members of the task force, it is his understanding that Jan Dennis already has a list of community members ready to serve on such a committee and that they may choose to ask property owners if they would like to participate.

In response to Mayor Ward's inquiry regarding the process if a property owner who had received designation later changed their mind, City Attorney Wadden stated that there is a process for them to come back to the City and ask for the designation to be taken away, but they couldn't just un-designate it themselves.

**The following individual spoke on this item:**

**Jan Dennis, No Address Provided**

Responding to Councilmember Aldinger's inquiry regarding the amount of work required if the City were to approve a Mills Act and whether she felt the committee could do the work, Jan Dennis stated: the City would maintain the contract but the committee would do a lot of the work; Federal money is available for administration of the Mills Act; all participating cities have committees or commissions that do the work and many have a historical society; and she emphasized that an owner cannot apply for the Mills Act unless the City is a participant in the program.

In response to Mayor Pro Tem Tell's concern that people wouldn't voluntarily ask for recognition unless there is an incentive, Jan Dennis assured Council that the committee could help find properties that would like to be involved in the Mills Act.

In response to Councilmember Aldinger's inquiry whether the Mills Act spells out what the actual property tax relief is, City Attorney Wadden explained that it is a re-evaluation of property taxes based on a formula. He stated that he does not believe the Mills Act is something that volunteers can do, noting that there is a lot of work involved when a property owner wants to do a remodel on the property.

**The following individuals spoke on this item:**

**Jim Fucil, No Address Provided** commented that the proposed ordinance is the bare minimum the City should do, and asked Council to amend the ordinance to allow properties to be nominated by someone other than the owner and bring it to the Planning Department Staff's attention.

In response to Councilmember Montgomery's concern about nominating properties against the property owner's wish, Councilmember Aldinger pointed out that all requests would come to the Council before being designated and at that time the property owner could request not to be designated.

**Wayne Powell, 100 block of 36<sup>th</sup> Street** spoke as a former member of the Redondo Beach Preservation Commission said a landmark designation does nothing for preservation and suggested using the voluntary Redondo Beach ordinance as a model and making it a turn-key program. He argued that the proposed ordinance does nothing for preservation and pointed out that the Work Plan Item was supposed to do something to preserve our historic homes.

Councilmember Aldinger agreed that the Work Plan item refers to a Historical Preservation Ordinance, adding that he would like to try to find some volunteers to work on the Mills Act,





determine the cost, and perhaps work towards preserving some of the historical beach houses.

Councilmember Montgomery conveyed his strong reluctance to implement the Mills Act due to the fact that it would require a 10-year contract that would be binding on heirs and have an impact on the market value of the home. He expressed support for starting off slow by identifying the properties and working with the property owner to determine if they want to go forward, pointing out that the proposed ordinance can be implemented without additional staff and meets Council's intent, while not enforcing the Mills Act.

Mayor Pro Tem Tell stated there is a need to figure out what volunteer incentives are needed, as well as determining the true impact on staff time of the Mills Act. He agreed that the proposed ordinance is a good first step; expressed hope that the task force would work on the educational role to help determine the number of residents interested in participating; and emphasized that staff should not consider the Work Plan Item satisfied by the adoption of this ordinance.

Mayor Ward recalled a strong desire to not tie the hands of the property owners and offered this as a good step toward recognizing some significant properties in town. He noted that without sufficient information as to how the Mills Act will affect the rights of the property owner, he cannot support it at this time, adding that he supports the proposed ordinance which is a simple, totally voluntary program and will allow the city to determine how many properties will be affected by this ordinance and what level of demand there is for it.

Councilmember Aldinger thanked Jan Dennis for the education regarding the Mills Act; said he would like to move toward the Mills Act, noting that the proposed ordinance does not address historical preservation; acknowledged that staff time is an issue but emphasized that as long as the program is voluntary on the part of the property owner, he does not have a problem offering a program that would give property owners tax relief for the ten-year contracted period.

**MOTION:** Councilmember Aldinger moved to waive further reading and introduce Ordinance No. 2089. The motion was seconded by Councilmember Montgomery and approved by the following unanimous roll call vote:

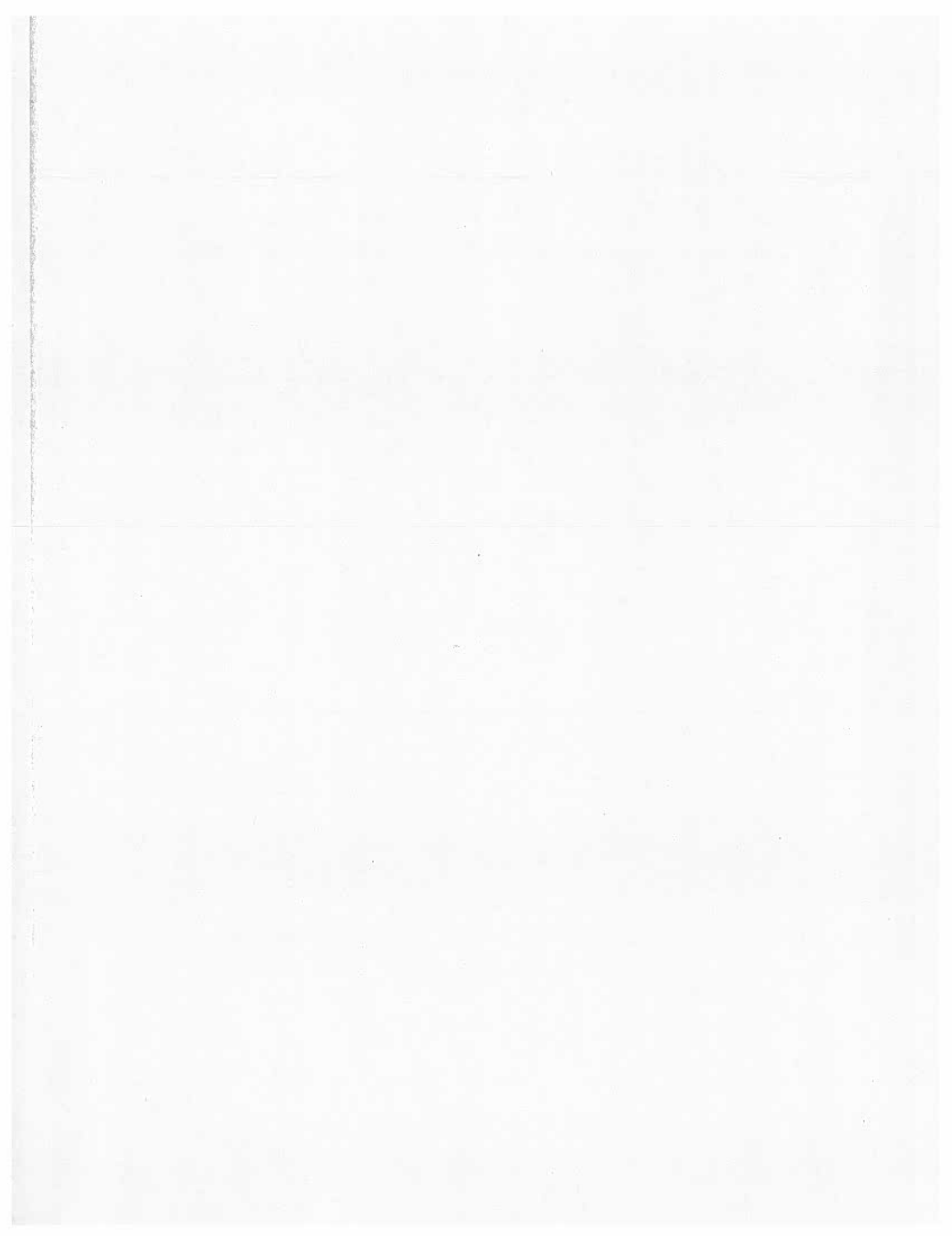
Ayes: Aldinger, Montgomery, Tell and Mayor Ward.  
Noes: None.  
Absent: Fahey.  
Abstain: None.

City Attorney Robert Wadden read aloud Ordinance No. 2089.

06/0815.16 Update of City Council's Work Plan Item Regarding Bicycle Safety Awareness and Consideration of Ordinance Prohibiting Luge and Destructive Skateboarding Throughout the City

City Manager Geoff Dolan introduced Lieutenant Derrick Abel who addressed Council regarding a City Council Work Plan item aimed at prohibiting luge and destructive skateboarding throughout the City. He defined "luge" skateboarding as a gravity-powered activity that involves riding a skateboard in a seated, lying or prone position down a paved road, sidewalk or organized course that has more than a 3% grade; noted that Manhattan Beach has many streets that exceed the 3% grade with some as high as 19%; that skateboarders are allowed to ride in any area that has not been designated by the Chief of Police as being closed to such activities; and that presently there are no restrictions on luge or destructive skateboard

City Council Meeting Minutes of August 15, 2006



**ORDINANCE NO. 2090**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM TO PROVIDE SECTION 20965, CREDIT FOR UNUSED SICK LEAVE FOR LOCAL MISCELLANEOUS MEMBERS**

06/0815.15-3 Adoption of Ordinance No. 2089 Implementing A City Council Work Plan Item To Create A Recognition Process For Culturally Significant Landmarks

The Council adopted Ordinance No. 2089.

**ORDINANCE NO. 2089**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA ADDING A NEW CHAPTER 10.86 TO TITLE 10 OF THE MANHATTAN BEACH MUNICIPAL CODE REGARDING DESIGNATION OF CULTURALLY SIGNIFICANT LANDMARKS**

06/0815.16-4 Adoption of an Ordinance Regarding the Prohibition of Luge and Destructive Skateboarding Throughout the City

The Council adopted Ordinance No. 2091.

**ORDINANCE NO. 2091**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, AMENDING SECTION 14.28.160 OF CHAPTER 14.28 OF TITLE 14 OF THE MANHATTAN BEACH MUNICIPAL CODE TO PROHIBIT LUGE AND OTHER DESTRUCTIVE SKATEBOARDING**

06/0905.5 Consideration of Compensation Adjustments for City Manager and City Attorney

Item No. 5 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

06/0905.6 Consideration of a Resolution Adopting the 2006 Conflict of Interest Code for the City of Manhattan Beach

The Council adopted Resolution No. 6057.



05/17/11-31. Consideration of City Council 2011-2012 Work Plan Item to Amend the Zoning Code to Remove a Required Public Hearing for Properties to be Designated as Culturally Significant Landmarks as Recommended by the Planning Commission

Councilmember Powell recused himself from this discussion because he served on the Cultural Heritage Conservancy and this request comes from the Conservancy.

Mayor Montgomery introduced the subject item and Assistant Planner Angelica Ochoa provided the staff presentation.

Mayor Montgomery opened the Public Hearing at 7:28 p.m.

The following individual spoke on this item:

- Jan Dennis, 900 Block of Highview
- Jacque May, Manhattan Beach Resident

Mayor Montgomery closed the Public Hearing at 7:30 p.m.

Interim City Attorney Leland Dolley read aloud the title of Ordinance No. 2143.

**MOTION:** Councilmember Lesser moved to waive further reading and introduce Ordinance No. 2143 to amend the Zoning Code to remove a required public hearing for properties to be designated as Culturally Significant Landmarks. The motion was seconded by Mayor Pro Tem Tell and passed by the following roll call vote:

Ayes: Lesser, Tell and Mayor Montgomery.  
Noes: None.  
Absent: Howorth.  
Abstain: Powell.

**GENERAL BUSINESS**

05/17/11-32 Introduction of Fiscal Year 2011-2012 Proposed Operating Budget and 2011-2016 Capital Improvement Project (CIP) Plan; Consideration of Budget Adjustment in Fiscal Year 2010-2011 to Recoup Fleet Fund Rental Charge-outs Previously Suspended in Order to Balance the General Fund Budget in Fiscal Years 2010 and 2011

Mayor Montgomery introduced the subject item and Finance Director Bruce Moe provided the PowerPoint presentation.

Finance Director Bruce Moe and Public Works Director Jim Arndt responded to Council's questions.

The following individual spoke on this item:

- Lillian Light, Manhattan Beach Resident & Environmental Task Force Member
- Paul Beswick, Manhattan Beach Resident & Environmental Task Force Member
- Stacia Costa, Manhattan Beach Resident & Environmental Task Force Member
- Wendy Phillips, Manhattan Beach Resident & volunteer
- Craig Cadwallader, Manhattan Beach Resident & former Chair of the Manhattan Beach Chapter of the Surfrider Foundation
- Brian Shaney, Hermosa Beach Resident & Green Task Force Member



06/07/11-7. Adoption of an Ordinance to Amend the Zoning Code to Remove a Required Public Hearing for Properties to be Designated as Culturally Significant Landmarks

The Council adopted Ordinance No. 2143.

06/07/11-8. Consideration of the Re-Appointment of Doug Herbst to the South Bay Workforce Investment Board

Item No. 8 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

06/07/11-9. Consideration of Award of Contract to Creative Management Solutions to Provide Consultation Services to the City for City Wide Classification, Compensation and Benefits Study (Not-to-Exceed \$50,000)

Item No. 9 was pulled from the "CONSENT CALENDAR". Please refer to "ITEMS REMOVED FROM THE CONSENT CALENDAR."

06/07/11-10. Consideration of Financial Report: Ratification of Demands - May 26, 2011

The Council approved with no exception Warrant Register No. 25B in the amount of \$2,274,207.98 in payment of ratification of demands and claims as prepared by the Director of Finance, together with the original demands and claims as prepared by said Warrant Register.

06/07/11-11. Consideration of Ratification of Motor Fuel Purchase from Merrimac Energy Group in the Amount of \$29,385.06

The Council approved ratifying the subject purchase.

06/07/11-12. Consideration of Resolutions Approving the Assessment Engineer's Report for the Annual Levy of Street Lighting Assessment for Fiscal Year 2011-2012, Declaration of City Council's Intention to Provide for the Annual Levy and Collection of Assessments for Street Maintenance, and Setting of the Public Hearing for July 5, 2011

The Council adopted Resolution No. 6309 approving the Assessment Engineer's report for the annual levy of Street Lighting Assessments for the Fiscal Year 2011-2012; adopted Resolution No. 6310 declaring City Council's intention to provide for the annual levy and collection of assessments for the Street Lighting and Landscaping Maintenance Fund; and set the Public Hearing for July 5, 2011.

06/07/11-13. Consideration of Entering Into an Agreement with CommCinema to Provide Six Movies in Polliwog Park and One Movie on the Beach at Minimal Cost to the City

Item No. 13 was pulled from the "CONSENT CALENDAR" and continued to a future City Council meeting.

