



CITY OF MANHATTAN BEACH

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STAFF REPORT

Agenda Date: 10/17/2023

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

Talyn Mirzakhonian, Community Development Director
Adam Finestone, Planning Manager
Elizabeth Yee, Contract Associate Planner

SUBJECT:

Conduct Public Hearing to Consider Introduction of an Ordinance Amending Zoning Code Text in Title 10, Part V, Chapter 10.86 (Historic Preservation) of the Manhattan Beach Municipal Code Consistent with the City's Intended Historic Preservation Goals (Community Development Director Mirzakhonian).

(Estimated Time: 30 Mins.)

A) CONDUCT PUBLIC HEARING

B) INTRODUCE ORDINANCE NO. 23-0010

RECOMMENDATION:

Staff recommends that the City Council introduce an ordinance amending zoning code text in Title 10 (Planning and Zoning), Part V (Administrative Regulations), Chapter 10.86 (Historic Preservation) of the Manhattan Beach Municipal Code to update the City's Historic Preservation Ordinance in accordance with City Council's previous direction and the associated Department Work Plan item.

FISCAL IMPLICATIONS:

The fiscal implications associated with this item are limited to expenditure of staff time in drafting the staff report and the proposed amendments. Costs associated with any future application processing would be off-set by cost recovery fees.

BACKGROUND:

During the 2021 calendar year, the City received several inquiries on potential demolition of properties falling within the definition of historic resources, as they were potentially eligible for historic designation. The Ordinance at the time required a Certificate of Appropriateness,

environmental review, and a 60-day waiting period for proposed demolitions of all historic resources, which included designated resources and eligible resources.

On November 2, 2021, the City Council requested a discussion on the City's existing historic preservation ordinance, seeking clarity as to what portions of the ordinance were subject to property owner consent.

On December 7, 2021, staff presented the requested information to City Council, including explanations of key requirements in the ordinance. At that meeting, the City Council conducted a discussion and 1) concurred that the ordinance text differs from the intended policy direction during the 2016 adoption; 2) confirmed that the requirements in the ordinance and policy direction were intended to be voluntary; and 3) directed staff to take action(s) to amend the ordinance. As an immediate course of action, the City Council adopted a series of Urgency Ordinances to clarify portions of the ordinance as it relates to the need for property owner consent. The following Urgency Ordinances were adopted pertaining to this matter:

- January 18, 2022: Urgency Ordinance No. 22-0002-U was adopted to clarify the provisions in Chapter 10.86 to meet the true intent of the ordinance by narrowing the applicability of the Certificates of Appropriateness, 60-day waiting period for demolition, and environmental review of historical landmarks and contributing resources to historic districts only.
- March 1, 2022: Urgency Ordinance No. 22-0004-U was adopted to extend the interim Ordinance No. 22-0002-U for an additional 10 months and 15 days to allow staff additional time to study and draft a permanent ordinance.
- January 17, 2023: Urgency Ordinance No. 23-0001-U was adopted to extend the interim Ordinance No. 22-0002-U for an additional year, which is set to expire on January 17, 2024.

As the Urgency Ordinance No. 23-0001-U is set to expire on January 17, 2024, with no further opportunities to extend, staff prepared the proposed draft ordinance for City Council's consideration.

On September 27, 2023, the Planning Commission conducted a public hearing to review the proposed amendments to Chapter 10.86 and unanimously recommended adoption of the proposed amendments to the City Council, with one modification to staff's proposed text.

DISCUSSION:

As stated in the Planning Commission staff report (attached), the proposed amendments primarily focus on incorporating language to clarify the voluntary nature of various designations including historic resources, historic landmarks, and historic districts. Additional sections would be amended to supplement and update the existing ordinance for consistency with City Council intent; conformance with current environmental review standards; and alignment with State and Federal Law. It should be noted that the draft ordinance is based on the Urgency Ordinance No. 23-0001-U adopted in January 2022, which already incorporated some of the necessary amendments the City was seeking. Specific provisions added or modified to Urgency

Ordinance No. 23-0001-U in the draft ordinance are summarized below:

1. **Owner Consent:** The amendment proposes to make significant changes to ensure owner consent at all stages of the historic preservation process is required, including language to clarify procedure of nomination, evaluation, and withdrawal.
2. **Environmental Review:** The amendment intends to incorporate the requirements and applicability of the California Environmental Quality Act (CEQA) in terms of the designation and revocation of historic landmarks and districts.
3. **State and Federal Law:** The amendments propose advisory changes to Mills Act procedures, Inventory of Historic Resources Survey requirements, and Accessory Dwelling Unit (ADU) and Junior Accessory Dwelling Unit (JADU) development in accordance with governing State and Federal laws.
4. **Intentions and Definitions:** The amendments also include updates to the definitions by adding clarifying language and deleting unclear or verbose language. The most notable changes include the following:
 - a. Removal of 'Conservation Districts', as the number of qualifying properties in the City that would meet the criteria are insufficient.
 - b. Additional clarification of the varying levels of "alteration" permitted on a historically designated site when applying for a Certificate of Appropriateness.

At the Planning Commission public hearing on September 27, 2023, Commission discussion centered on the proposed amendments, which as proposed by staff, included a change to the age of properties eligible for historic resource designation. The Planning Commission unanimously voted to recommend to the City Council approval of the proposed amendments, with the exception of the change in the age of properties potentially eligible for historic resource designation. On this issue, the Planning Commission recommended maintaining the 45-year minimum age for designation eligibility rather than increasing the age minimum as proposed by staff. The draft ordinance included herein incorporates the amendments as recommended by the Planning Commission.

POLICY ALTERNATIVES:

The City Council may elect to proceed with any of the following policy alternatives:

ALTERNATIVE #1:

Let the urgency ordinance lapse, at which point the 2016 Historic Preservation Ordinance would go into effect.

ALTERNATIVE #2:

Introduce the draft ordinance as recommended by the Planning Commission.

ALTERNATIVE #3:

Introduce the draft ordinance, with any modifications.

PUBLIC OUTREACH:

The Planning Commission public hearing held on September 27, 2023 was noticed and posted at City Hall and other City locations, and published in The Beach Reporter on September 14, 2023. The public was encouraged to provide comments during the commenting period and no comments were received by staff. No members of the public spoke at the Planning Commission hearing.

The notice related to this public hearing was posted at City Hall and other City locations, and published in The Beach Reporter on October 5, 2023. The public was encouraged to provide comments during the commenting period from October 5, 2023 to October 16, 2023. As of the writing of this report, staff has received no comments.

ENVIRONMENTAL REVIEW:

The proposed zoning text amendment is exempt from environmental review under CEQA Guidelines (14 California Code of Regulations §§ 15000, et seq.). This Ordinance is not subject to CEQA because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, thus, the Ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3).

LEGAL REVIEW:

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

ATTACHMENTS:

1. Ordinance No. 23-0010
2. Chapter 10.86 Historic Presentation (Redlined Version)
3. Summary of Amendments
4. Planning Commission Staff Report - September 27, 2023 (Web-Link Provided)
5. PowerPoint Presentation