CITY OF MANHATTAN BEACH
PLANNING COMMISION
MINUTES OF REGULAR MEETING
APRIL 29, 2015

A Regular Meeting of the Planning Commission of the City of Manhattan Beach, California, was held on the 29th day of April, 2015, at the hour of 6:30 p.m., in the City Council Chambers, at 1400 Highland Avenue, in said City.

1. ROLL CALL

Present: Andreani, Bordokas, Conaway, Hersman, Chairperson Ortmann
Absent: None
Staff Present: Marisa Lundstedt, Community Development Director
Mike Estrada, Assistant City Attorney
Joe Parco, City Engineer
Laurie Jester, Planning Manager
Angelica Ochoa, Associate Planner
Rafael Garcia, Assistant Planner
Debi Howell-Ardilla, SWCA (City Historical Preservation consultant)
Rosemary Lackow, Recording Secretary

2. AUDIENCE PARTICIPATION – None

3. APPROVAL OF MINUTES – March 25, 2015

A motion was MADE and SECONDED (Andreani /Hersman) to **APPROVE** the minutes of March 25, 2015, with the following requested changes:

Commissioner Andreani: Page 1, Roll Call: add "Andreani" to the Commissioners present; Page 3: Planning Commission Items, second paragraph, second line: add "s" to "meeting" to read: "…..Commission meetings to occur…" ; and in line 2 at the end, delete "it" to read "Two Commissioners indicated that ~~it~~ this….".

Commissioner Hersman: In the fifth paragraph from the top of Page 2, second line down, in the first full sentence: strike "Commissioner" and replace with "Director" as follows: "~~Commissioner~~ Lundstedt explained that….."

AYES: Andreani, Bordokas, Conaway, Hersman, Chairperson Ortmann
NOES: None
ABSENT: None
ABSTAIN: None

4. GENERAL BUSINESS

04/29/15-2. Determination of Consistency of the Proposed Fiscal Year 2015-2016 Capital Improvement Plan with the Manhattan Beach General Plan

Joe Parco, City Engineer presented the staff report with aid of a powerpoint presentation. He explained that the purpose of the Commission's review is, per state law, to determine that the Capital Improvement Plan (CIP) projects are consistent with the City's General Plan.

Staff received comments and responded to questions from the Commission.

Commissioner Andreani pointed out typographical errors in the report, and questioned how public involvement will occur , noting concern regarding possible toxicity of synthetic turf materials used for athletic fields. Mr. Parco responded that the Public Works Department will seek public input for approved projects and will also be working with the schools and the City's Environmental Programs Manager, and

any concern about synthetic turf will be considered and evaluated.

Commissioner Hersman requested that the Public Works Department also consider how synthetic grass will perform in flood conditions. Commissioner Hersman complimented staff on a nicely laid out report, but pointed out some format issues and made some suggestions: would be helpful if the three asphalt pavement projects could be broken out in their funding amounts; the heading in first column of the summary sheets shows funding year 2014 -15 instead presumably 2015-16; that there some blanks under "funding source(s)" for Begg Field and the energy efficiency study in the summary sheets. Mr. Parco responded that the funding source for the Begg field turf and the energy efficiency study is the CIP Fund and is indicated on the detail sheets.

Commissioner Conaway posed three questions which were responded to by Mr. Parco as follows: 1) Although Oak Avenue is listed for repaving, is there any comprehensive plan to address traffic, such as possible traffic calming measures? Response: These projects listed are physical maintenance improvements but staff could address possible traffic congestion relief measures with the City Traffic Engineer; 2) When was a Park Master Plan last brought up with Staff? Response: it has been a long time, but staff can bring this topic back to look at more closely; 3) Regarding synthetic turf and environmental concerns; what kind of materials are to be used? Response: this hasn't been determined at this stage, but it can be assured that the City will look carefully at this and will not use any material that would cause health concerns. Mr. Parco also responded that he would have to check on whether "purple pipes" (reclaimed water) is being used currently in all of the parks.

In response to Commissioner Hersman's question as to whether the park related projects were approved in a former Park Master Plan, Mr. Parco explained that there are a number of different ways a CIP project can come forward. They can arise from the community or from a City department which might include a project from a former master plan. The CIP program is set up to provide a logical way for prioritizing projects. He gave the example that the synthetic turf projects came from a City department and Little League.

Chairperson Ortmann commented that the annual program overall seemed lacking and asked what the process has been so far. Mr. Parco responded with a description of the way projects get listed and funded by the City Council and the report before the Commission now addresses only new projects and their total amount $4 million plus is only the cost of new projects that have not been previously approved by City Council being added this fiscal year.

Further comments and questions followed from the Commission as follows:
Regarding an inquiry from Commissioner Bordokas regarding funding for the Begg Pool, Mr. Parco responded that actual funding is determined by the City Council during the CIP and budget process.

Regarding a comment from Commissioner Conaway that information on the City's long range budget plan would be helpful, Mr. Parco responded that while he could provide the Commission with a five year plan, it should be understood that the plan is used as a planning tool.

Community Development Director Lundstedt reminded that the purpose of tonight's review is for the Commission to determine consistency of the current year CIP projects with the City's General Plan, but that all comments from the Commission will be considered in the Public Works Department's budget process with Council.

Chairperson Ortmann reiterated that he felt it would be helpful for the Commission to see a longer range spending plan.

In response to Commissioner Conaway, Director Lundstedt stated that a determination tonight by the Commission that the annual CIP program is not consistent with the General Plan would negatively impact the timing of the CIP process.

A brief discussion followed in which Commissioner Andreani and Chair Ortmann stating that they feel that the Planning Commission has not been involved in the planning process and there is a vacuum. Some of the Commissioners felt that Begg Pool should be a high priority in the CIP, as the community survey

indicated this improvement and the new Library were at the top of the list for desired facilities. Commissioner Conaway noted that he has difficulty making the finding that the projects are consistent with the General Plan, knowing that there are other projects that he believes the community feels are badly needed and which are not being addressed.

A motion was MADE and SECONDED (Andreani/Bordokas) to **APOPT THE DRAFT RESOLUTION FINDING THE 2015-16 CIP CONSISTENT** with the Manhattan Beach General Plan.

AYES: Andreani, Bordokas, Ortmann
NOES: Conaway, Hersman
ABSENT: None.
ABSTAIN: None

5. PUBLIC HEARING

04/29/15-3. Amendments to Title 10 Planning and Zoning, Other Portions of the Manhattan Beach Municipal Code (MBMC), and the Local Coastal Program (LCP) Revising the Historic Preservation Provisions

Commissioner Andreani announced that she has been a member of Jan Dennis' MB Cultural Heritage Conservancy but as such has not participated in the preparation of the subject proposed Ordinance, and was advised by the Assistant City Attorney that she would have no conflict of interest.

Planning Manager Laurie Jester made introductory remarks and introduced Assistant Planner Rafael Garcia who gave the background and overview of the staff report using a powerpoint presentation. Mr. Garcia emphasized that part of the City Council direction in December, 2014 was, in addition to consideration of key policy issues, that staff would continue to do outreach and research some topics and bring back more information on historic preservation policies. One topic being further researched was regarding the formulas or percentages of owner signatures that would be required when applying for district status.

Mr. Garcia responded to Commissioner Hersman that, besides the local conservancy group, opportunities for input by the public have been at City Council meetings when this subject has been on the agenda. He also noted that staff has fielded a number of public inquiries at the public counter. Mr. Garcia responded to Commissioner Andreani that "the local preservation group" at the bottom of page 2 is intended to be open ended to also include any future preservation group that may form and want to participate.

Debi Howell-Ardilla, the City's historic preservation consultant, made a presentation addressing the more technical content of the staff report. She emphasized that every city can take an approach suited to its specific needs and went over cities that have been surveyed, the state guidelines and elements needed to make an ordinance legally defensible and the overall benefits of an ordinance. Ms. Howell-Ardilla covered key terms and definitions.

Ms. Howell-Ardilla confirmed to Commissioner Andreani that character defining features usually apply to a building exterior but the term "interior features" in the ordinance can be applicable when the public has access to the inside of a building as in the case of a theater lobby. Mrs. Howell-Ardilla stated the ordinance would not normally contain a reference where more information can be obtained – such information would be commonly provided in a staff report or public handout. Director Lundstedt noted a link to the State Office of Historic Preservation in the Staff Report.

Planning Manager Laurie Jester presented the proposed Code requirements, covering several topics including the role and duties of a Historic Preservation Commission, designation criteria for landmarks and districts (must meet one or more), general designation procedures, the nomination process, certificate of appropriateness and alterations and demolition of designated properties. She emphasized that the purpose this evening is to present an introduction and overview, provide an opportunity for public input and that

staff has had consultations with the City's historical consultant, the LA Conservancy and representatives of the Manhattan Beach Cultural Heritage Conservancy (MBCHC), who are here tonight.

In discussing the content of the Ordinance, Ms. Jester emphasized that while parties other than an owner can initiate the designation process, actual designation cannot occur without owner consent, but the City Council can designate a property without owner consent in an extraordinary circumstance. Ms. Jester also noted that staff is looking for Commission and public input on the approach to be taken to form districts. It is clear with a single property that only one owner is needed for consent, however the situation is more complicated with multiple properties and owners.

In response to a question from Commissioner Bordokas, Planning Manager Jester explained that an application for a certificate of appropriateness for a demolition would be subject to a 30-day waiting period, during which Director of Community Development would post notice and explore alternatives.

Associate Planner Angelica Ochoa gave a slide presentation of six properties that currently have voluntary landmark status under the existing ordinance: 1220 N. Ardmore (early 1900's Victorian), 2500 Pine Avenue (adobe), 3004 The Strand (1960 steel framing), 133 13th Street (California bungalow), 669 33rd Street (1930's French Normandy Tudor), 132 11th Street/1025 Manhattan Avenue (Becker's Bakery). All but two which are on the California Historic register would need to apply for protection under the new proposed ordinance if adopted. Ms. Ochoa announced that the recommendation is for the Commission to accept the staff presentation, receive input, discuss and continue to a date certain.

Staff responded to questions from the Planning Commission as follows:

To Commissioner Bordokas, who had questions regarding Mills Act tax reductions and historic districts Planning Manager Jester and consultant Howell-Ardilla, respectively explained that the Mills Act Program allows a reduction in property taxes that is based on a formula and various factors. The LA County Tax assessor would calculate the savings and enter into an agreement with the owner and lock in a lower property tax. It generally applies to newer owners who are not under Prop 13 as they would have a very high tax, based on current market value. Ms. Howell-Ardilla stated that she would be reluctant to suggest examples of potential historic districts prior to a survey, but stated that prior to adopting an ordinance there should be agreement on a framework for criteria, and it might be that after a survey is completed, there may not in fact be any areas that seem to be good candidates for a district. There is a process in the proposed ordinance for the removal of a designation. It was emphasized that the drafting of an ordinance should be independent of Mills Act considerations – that the historical criteria needs to be well founded apart from any financial benefit.

Commissioner Andreani inquired whether the gaslight district and Liberty Village, a post-war tract designed for employees of nearby aerospace firms, may be good candidates for historic districts to which Ms. Howell-Ardilla responded that she would need to see the criteria that is established and how such areas match up to those criteria. Commissioner Andreani asked if the new ordinance could retain a landmark designation program that is voluntary and mirrors the current culturally significant landmarks ordinance (10.86), thereby retaining the current landmark recognition program, as well as providing more protections as described in the new ordinance. She also asked if the Planning Commission could take on the role of the Historic Commission, to which Ms. Howell-Ardilla responded that it is not the intent of the proposed ordinance to continue the existing program and Ms. Jester explained the Council considered the Commission makeup, but proposed that the new Commission be separate from the Planning Commission to make the City eligible for CLG status and CLG state grants.

Commissioner Hersman stated her impression that the proposal feels like "bigger government" that would be creating more work for staff and questioned the benefit, and asked why can't the current ordinance be just tweaked? Planning Manager Jester and Director Lundstedt explained that this is the direction from City Council based on public input requesting that more protection be codified to preserve our historical and architectural resources.

Commissioner Conaway inquired regarding the scope of the Historical Preservation Commission as to whether that body can look at criteria other than the physical aspects – for example can oral history and events, or the relationship of a place to a person, define a building as having historical significance? Ms.

Howell-Ardilla explained affirmatively, that landmark criteria can be interested in other than physical attributes – e.g. patterns of development can be among the criteria.

Chair Ortmann opened the public hearing and invited public input.

PUBLIC INPUT

Jan Dennis, local historian stated that she has studied the history of Manhattan Beach and researched its buildings for 30 years and has written six books. She believes that here are many opportunities in the City for historic landmarks and some districts although the districts are more unlikely to be formed. She would like to see the Manhattan Beach Cultural Heritage Conservancy group continue to work with staff and have the ability to nominate buildings under a new ordinance. She distributed some basic informational pamphlets to the Commission from the State Office of Historic Preservation.

In response to a question from Chairperson Ortmann, **Ms. Dennis** explained she thought it would be hard to form an historic district because if neighborhoods are more than 50% developed now with new vs. the original type of home, it's unlikely the residents of such areas would appreciate the value of the historically intact homes and would decline to participate. Her purpose in supporting a Historic Preservation Ordinance is to preserve some heritage for the City and what the City is so proud of. There is urgency because once buildings are gone, that opportunity to preserve the past is gone.

Ms. Dennis clarified to Commissioner Andreani that in her remarks about retaining the Conservancy she meant that she would like to have the ability for homes to have a plaque honoring their significance even if they don't have much interested in Mill Act tax benefits.

Jane Guthrie, gaslight district resident and member of the MBCHC, believes that a survey will be very helpful, giving the new Commission needed resources. She suggested checking the ordinance in how it states how often the Historic Preservation Commission would meet, suggesting it should meet at least quarterly. Ms. Guthrie noted that while having the ordinance may not prevent a historic building from being torn down, it can make it demolition less attractive. She supports the Mills Act program but noted tax incentives are very independent from the heart of the ordinance.

Marcello Vavala, LA Conservancy, which works with many communities. He supports the proposed ordinance because it affords much more protection than the current honorary and voluntary code and it would give the City authority to maintain community character and help it manage change, while following national models of codes. Regarding the concern of property rights infringement, that someone other than an owner could landmark someone's property, he pointed out that other than very rare and exceptional cases, in which the City Council can designate property, an owner's consent is required to designate a historic landmark. Regarding historic district procedures (page 11 of staff report) and percentages for establishing, options are still being looked at and he suggested a 2-tiered process as used by Burbank and Glendale, whereby first a petition is distributed, which has a relatively low percentage (25%) threshold of property owner signatures. The first step will reveal the degree of neighborhood interest, and then if this is strong, in the second step, 50% owners' signatures is used as the threshold. He emphasized that the citywide survey is very important.

John Scott, owner 3004 The Strand which his wife designed and they built in the sixties using steel framing which was very unusual at the time. Mr. Scott stated he believes that a new awareness by all of the City could be a big benefit. He has learned so much from being involved with the Manhattan Beach Conservancy and encourages all to participate in this as a new adventure.

PLANNING COMMISSION DISCUSSION

Commissioner Hersman stated she is not against historic preservation, but believes that whenever a code is considered, with more proposed regulations, there needs to be careful consideration and evaluation.

Commissioner Conaway stated his strong support and that this effort is long overdue, with many small scale homes already torn down. He believes that as "maintaining small town atmosphere" is one of the City's General Plan policy goals, the preservation of our older buildings that contribute to this character is

very important and even though there have been zoning changes intended to help preserve structures there are now just a few pockets, like the beach cottages on the walk streets, that reflect a small beach town atmosphere. He voiced concerns about how the ordinance can be crafted to be effective in preserving structures and asked whether some incentives are needed, for example by adjusting the demolition hold period, and keeping percentages low for historic districts.

Commissioner Bordokas stated that she does not see how the proposed ordinance can really make an effective change and is very concerned about the possibility that a group could dictate how a person can use their own home and space? She believes that the current landmark provisions work and are appropriate.

Commissioner Andreani echoed Commissioner Conaway's comments. When she first looked at the draft ordinance she thought it was proposing a very daunting process. She sees that the City would not be dictating property use but rather giving people an opportunity to retain their homes and believes that the property tax benefit will give an incentive to retain homes. She believes communities that adopt historic preservation ordinances see their home values are raised. Recognizing the success that the MBCHC organization has had in having 18 properties becoming landmarks, she wondered if a less daunting program can also be retained that would preserve the existing voluntary landmark designation as it exists. She thanked everyone for their hard work.

Chairperson Ortmann stated that he believes this is a wonderful idea and great start - it is important to understand the past to know where we are going in the future. The pace of change in Manhattan Beach is extraordinary and unchecked. In his mind this is a tool, small and simple, but there is a perception that it will compromise property rights significantly which needs to be addressed during this ordinance process. The language of the Ordinance needs to be simplified and more user-friendly.

Commissioner Hersman requested more information about Conservation Districts. Planning Manager Jester explained that a conservation district is an area that doesn't quite rise to level of a historic district but that has some special or unique characteristics and by designating as such, that area can have a plan for future development. Ms. Howell-Ardilla also explained that having a conservation plan signals that this neighborhood is of planning interest and the conservation plan can inform and give suggestions as to how development projects in such an area should be evaluated.

Commissioner Bordokas stated that because potentially more restrictive codes are forthcoming, the public should be broadly engaged in the process, so that there is eventually a broad community-wide buy-in. She expressed concern that the City would be sued for causing economic harm.

Commissioner Andreani suggested that definitions (page 3 of Ordinance) include "owner of record", "publicly owned" and "removal of designation"; and that under the "Certificate of Appropriateness" definition, titles should be made more specific (" by the **City's** Historic Preservation Commission" "Director **of Community Development**" and "**State** Secretary's Standards). Commissioner Andreani also agreed that percentages for forming historic districts should be low possibly below 25%, however a 25% / 50% two-tiered procedure would be agreeable.

In response to questions from Commissioner Hersman, Ms. Howell-Ardilla stated that "prehistory" refers to the period when Native American Indians flourished and as to including designation procedures and how to get owner consent within the ordinance, Director Lundstedt suggested including a cross-reference to those procedures in the ordinance. Commissioner Hersman also requested that there be some discussion regarding the Certificate of Economic Hardship to which Planning Manager Jester explained that this is a process that provides a clearance to demolish an existing designated property.

Assistant City Attorney Estrada addressed the question as to whether the City would be sued for economic loss if it adopts the ordinance, stating that the ordinance is being drafted with City Attorney review so it will be legally defensible. The goal is to make it both legally defensible, but to not make it so flexible that the City would lose the benefit it is intended to provide.

In response to a question from Commissioner Hersman regarding the appeal process (Sec. 10.86.210), Ms. Howell-Ardilla explained that the appeals process needs to be worked out in tandem with the historic district procedures. Commissioners Hersman and Chair Ortmann requested that the appeals section be

written so it is easily understood.

There being no further comments, Chairperson Ortmann re-opened the public hearing and continued it to June 10 2015 with no opposition.

6. DIRECTOR'S ITEMS

a. Suggested Work Plan Items

Director Lundstedt asked for ideas for Work Plan topics in addition to CEQA and CIP, and that she anticipates no more than 5-7 items per year. Commissioner Hersman suggested signage and an overview of the City's Sign Ordinance. Director Lundstedt encouraged the Commission to contact her for any additional topics.

Director Lundstedt responded to Commissioner Conaway that she believes a joint Council/Commission meeting is intended to be scheduled after new Commissioners are seated, but she will look into this.

7. PLANNING COMMISSION ITEMS

Commissioner Andreani raised the issue of protocol for the Planning Commission and how to respond to email it receives from the public. She suggested that the Chair respond for the Planning Commission. Director Lundstedt suggested that this discussion be continued to the next meeting.

Commissioner Hersman informed that she will not be present for the last meeting in May.

8. TENTATIVE AGENDA May 13, 2015

9. ADJOURNMENT

The meeting was adjourned at 9:51 pm to Wed May 13, 2015 in the City Council Chambers, City Hall, 1400 Highland Avenue.

ROSEMARY LACKOW
Recording Secretary

ATTEST:

MARISA LUNDSTEDT
Community Development Director