



## Legislation Details (With Text)

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**Title:** Discussion of Historic Preservation Commission and Ordinance; Parking and Public Improvements Commission - Possible Name Change and Duties; Board of Building Appeals - Number of Members and Required Qualifications (Community Development Director McIntosh).  
DISCUSS AND PROVIDE DIRECTION

**Sponsors:**

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6/20/2017	1	City Council Regular Meeting	approved	Pass
6/20/2017	1	City Council Regular Meeting	accept	Pass
6/20/2017	1	City Council Regular Meeting	accept	Pass

**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Mark Danaj, City Manager

**FROM:**

Anne McIntosh, Community Development Director

**SUBJECT:**

Discussion of Historic Preservation Commission and Ordinance; Parking and Public Improvements Commission - Possible Name Change and Duties; Board of Building Appeals - Number of Members and Required Qualifications (Community Development Director McIntosh).

**DISCUSS AND PROVIDE DIRECTION**

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**RECOMMENDATION:**

Staff recommends that the City Council take the following actions (by issue area):

*Historic Preservation*

- 1) Assign the duties of the Historic Preservation Commission to the Planning Commission, amend the qualifications requirements as necessary, and reduce the budget by \$1,200 for the recording secretary;
- 2) Defer the preparation of a Historic Resources survey until the budget discussion for Fiscal Year 2018/2019 and direct staff to prepare or have prepared by a local volunteer or preservation consultant, a Historic Context Statement for the City of Manhattan Beach thereby

reducing the budget from \$100,000 to \$20,000 for this purpose;

- 3) Reduce the \$75,000 for historic preservation consulting to \$10,000, acknowledging that the Community Development Director has the expertise required to implement the program, but that resources may be required for some specific technical expertise related to historic landmark designations and/or Mills Act implementation;
- 4) Direct staff to prepare necessary forms and documents for historic landmark application, certificate of appropriateness, and the Mills Act, as well as any other forms needed to implement the ordinance;
- 5) Direct staff to update the City's website with new historic preservation content.
- 6) Maintain the budget for conferences, training, advertising and printed materials so that staff and commissioners can obtain needed skills to implement the ordinance.
- 7) Defer the application for Certified Local Government until more discussion about the merits of the program can be determined.

#### *Parking and Public Improvement Commission*

- 8) Discuss name change of Parking and Public Improvement Commission to "Traffic and Parking Commission" and reassign duties of encroachment permit appeals to the Planning Commission.
- 9) Discuss whether the Commission should make decisions, instead of recommendations.

#### *Board of Building Appeals*

- 10) Discuss whether to reduce the Building Board of Appeals from five to three members and/or whether to amend the qualification requirements and term.

#### **FISCAL IMPLICATIONS:**

The staff recommendation implementing a scaled back historic preservation program would reduce the City's General Fund expenditures by up to \$156,200. There are no fiscal impacts to the changes recommended to either the Parking and Public Improvement Commission or to the Board of Building Appeals.

#### **EXECUTIVE SUMMARY:**

At the City Council meeting of April 18, 2017, during the discussion of the Commissions and Boards Handbook, the City Council directed staff to evaluate the adopted historic preservation program and provide alternatives for implementation that reflect the specific role of historic preservation in Manhattan Beach as well as an analysis of the budget to implement the program. In addition, questions were raised about the Parking and Public Improvements Commission "PPIC" (name change, possible reassignment of duty) and the Board of Building Appeals "BBA" (number of members, qualifications and terms.)

This report provides a background of the City's role in historic preservation including the actions that led to the adoption of the current ordinance. The City Council can also discuss and provide direction on the PPIC and BBA items.

#### **BACKGROUND (HISTORIC PRESERVATION):**

The first Landmark Ordinance was adopted by the City Council in 2006. In June 2014, the City Council directed staff to research the feasibility of implementing the Mills Act to provide property tax incentives to property owners to preserve, maintain, and rehabilitate historic properties in the City. In October 2014, the City Council approved a Mills Act Resolution and Pilot Program and directed staff to retain a Historic Preservation Consultant. Staff contracted with SWCA Environmental Consultants to assist with development of a revised Historic Preservation Ordinance.

On December 16, 2014, the City Council requested that staff further research the following key policy issues:

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

On February 17, 2015, staff provided City Council with an update on these key policy issues, and the Council provided direction as follows:

- **Commission**-Establish a separate stand-alone Historic Preservation Commission, with five members, two having architect/historic expertise, and quarterly meetings.
- **Certified Local Government (CLG) status**- Pursue State CLG status to be eligible for annual Federal grants up to \$40,000, with a 40% local match, as discussed in more detail later in this report.
- **Designation Process - Limited Voluntary** - City Council, Historic Preservation Commission, Director, the local preservation group, or the property owner may initiate an application to request a historic designation, but the property owner's agreement is required to actually designate a property, except in exceptional situations the Council may designate; and,
- **Demolition/Alteration Permits** - Establish a process and review for protection of potential historic resources prior to their actual designation.

Staff determined that the implementation of the Mills Act Program and Historic Preservation Ordinance would require additional staff time and resources, as well as the services of a historic preservation consultant. Staff prepared a cost estimate for the Historic Preservation Program, which was anticipated to be approximately \$250,000 for an initial launch of the program. This included the establishment of a Historic Preservation Commission, consultant fees, training/education, noticing costs, as well as conducting a Citywide survey to research and evaluate potential historic properties.

On October 7, 2014, the Council approved a \$50,000 contract for a Historic Preservation Consultant to assist staff with the historic preservation process. These fees were used to draft the ordinance.

In 2016, the City Council adopted an Ordinance establishing the Historic Preservation program in the City of Manhattan Beach.

Key components of the Ordinance include:

- Voluntary designation of landmarks rather than mandatory, (more commonly described as an owner consent policy.)
- Designation criteria for individual landmarks and Districts consistent with National and State historic preservation practices.
- Procedures for review of alterations and demolition of landmarks (Certificates of Appropriateness) consistent with National and State practices.
- Establishment of a Historic Preservation Commission and associated duties.

## DISCUSSION:

### HISTORIC PRESERVATION

The City of Manhattan Beach has a committed group of residents that convene as the Manhattan Beach Conservancy. There is a vital community engagement and education component of highlighting the City's history that is best conducted by residents and community stakeholders themselves. The City's role in historic preservation is one that is typically regulatory in nature. A preservation ordinance is akin to zoning, where properties are identified as landmarks and are protected through a similar review process that is used for development projects and use permit requests. There is no legal requirement that a City undertake preservation activities. It is left to the local jurisdiction to determine how far it wants to go in regulating private property based on community values and land use policies.

Staff believes that there is enough interest among residents in Manhattan Beach to warrant having a preservation ordinance and program. However, this may not rise to a level of priority that was contemplated in the 2016 ordinance at this time. Therefore, we are offering some alternatives that keep the basic features of the program intact, but scale back some of the more aggressive components, such as the establishment of a new Commission and the preparation of a citywide Survey. These activities can always be included in a future work plan and funded at that time. As the program evolves, it can build.

Specific recommendations are as follows:

Historic Preservation Provisions (page 2-4)

Staff recommends that the 1) *Purpose*, 2) *Definitions*, 4) *Historic Landmarks*, 5) *Historic Districts* and 6) *Certificates of Appropriateness* sections of the Ordinance remain unchanged. In order to reduce impacts on City staffing and financial resources, the following alternatives can be considered.

*3 - Historic Preservation Commission - Proposed Alternative*

The Ordinance established a 5-member Historic Preservation Commission to implement the policies in the Ordinance, make recommendations to City Council regarding applications for historic designation, and to render decisions regarding requests to rehabilitate, alter or demolish historic resources.

In the sixteen months since the Ordinance was adopted, the program was put on the "back burner" due to the staff resources being directed to the Downtown Specific Plan. In the absence of program implementation, including no presence on the City's website, no one has come forward to request a position on a historic preservation commission, including the recent noticed commission application period. Further, City Council has expressed some concern about the cost attributed to supporting a new commission for this purpose.

The nature of the work authorized by the Ordinance is largely regulatory in nature and applies mainly to private property. Many planning professionals consider preservation to be "zoning." Historic properties are treated like a "land use" and the process of regulating historic landmarks is much the same and the process used for development review, use permits and variances.

Therefore, as a way to reduce the cost of the program and the staff time required to implement it, it is recommended that the historic preservation work be handled by the Planning Commission. The nature of the preservation work is similar to the land use matters that come before the Planning Commission. Most candidates for landmark status are structures, often deemed worthy due to architecture and/or location in the City. Requests for 'certificates of appropriateness' are similar to the review conducted for use permits and variances. By assigning these duties to the Planning

Commission, there is minimal cost to implementing these aspects of the preservation ordinance, primarily in training. The Ordinance may need to be written to adjust the qualifications of the commissioners.

#### *7 - Plan, survey, and register of historic resources - proposed alternative*

The Ordinance includes an extensive list of duties for the Commission. Some of these are permit driven - review designation requests, review certificates of appropriateness, etc. Some of these are work program items - compile and inventory of historic resources, participate in educational programs. Staff does not believe that any of these items need to be removed from the duties list. However, the City Council should discuss the funding of these activities from year to year. Staff feels that a Historic Context Statement would be valuable. This could be drafted by staff or a community volunteer based on the extensive written history of the City's development.

#### ***PUBLIC AND PARKING IMPROVEMENTS COMMISSION***

The primary activity of the PPIC is to review traffic and parking requests from the community and consider recommendations by the traffic engineer for better parking and circulation solutions. Therefore, staff is recommending that the name of the Commission be changed to Traffic and Parking Commission. Although there is rarely an occasion when encroachment permits are appealed, staff recommends that this duty be reassigned to the Planning Commission.

Also, in other cities, the Commission makes decisions which can be appealed to the City Council. Here, the Commission can only make recommendations, which means every matter considered by the Commission, regardless of how minor, automatically goes to the City Council. The preferable approach is to delegate to the Commission the authority to make decisions (similar to the Planning Commission); all such decisions can be called up for review or appealed.

#### ***BOARD OF BUILDING APPEALS***

The Board of Building Appeals (BBA) hears appeals from the public regarding Building Official decisions. Due to the irregularity of board meetings and lack of applicants with the training and expertise required by the code to conduct the work of the Board, staff proposes to reduce the number of members from five seats to three seats, and revise the term limits to an indefinite term. The proposed changes will maintain adherence to the California Building Code requirement that all board members have technical knowledge in order to serve in this capacity.

#### **POLICY ALTERNATIVES:**

City Council may choose to make no changes to any or all of the Board and Commissions or to make more changes than staff is recommending.

#### ***ALTERNATIVE 1:***

No changes

#### **PROS:**

Staff would proceed with the establishment of a Historic Preservation Commission, and undertake the tasks as described in the City Council report of February 2016, including the preparation of a historic resources survey. The budget for the program would remain intact. The BBA and PPIC would continue their work as usual causing no interruption to operations.

#### **CONS:**

By not making any changes to the preservation program, the City Council would not be responsive to

a concern that the current work plan of the preservation program goes beyond the level of community interest in the program, thereby directing fiscal resources away from other priorities. Leaving the BBA and PPIC as is does not adapt to the evolving needs of these bodies in doing the most effective work for the City.

**ALTERNATIVE 2:**

Making greater changes. The City Council could eliminate the preservation program altogether thereby getting out of the regulatory business as it pertains to historic properties. The Board of Building Appeals could also be eliminated putting the Council in charge of hearing building appeals. Finally, the Council could invite a greater discussion of the PPIC, considering re-establishing the Commission as a public works commission and assigning more duties.

**PROS:**

Additional changes to the Board and Commissions under Community Development could result in a better alignment of City resources to current needs and goals. However, by eliminating the preservation program altogether, the burden would fall entirely to community advocacy groups (Manhattan Beach Conservancy) to educate the community and property owners on the merits of preservation.

**CONS:**

There is demonstrated support for engaging in some regulatory activities regarding preservation. The BBA and PPIC are useful to the City, aiding the work of staff and the Council, as well as a beneficial resource to the community, as is. The minor changes proposed as the least impactful alternative.

**PUBLIC OUTREACH/INTEREST:**

The City Council has had discussions about Boards and Commissions at the meeting of April 18, 2017. In addition, the issues raised in this report were discussed at one or more budget study sessions. Staff has met with the Chair of the Manhattan Beach Conservancy to discuss the alternatives on several occasions.

**ENVIRONMENTAL REVIEW**

The project is exempt from further environmental review pursuant to CEQA Guidelines Section 15061 (b)(3). The activity is covered by the general rule which exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. No development activity is proposed in conjunction with this project.

**LEGAL REVIEW**

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