



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
Richard Thompson, Director of Community Development

DATE: August 15, 2006

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

RECOMMENDATION:

Staff recommends that the City Council introduce and waive further reading of Ordinance No. 2089 which adopts a recognition process for culturally significant landmarks within the City.

FISCAL IMPLICATION:

Implementation of this ordinance may require an unknown amount of staff time from the Community Development Department which could impact staffing needs in that Department. Administrating the ordinance as presented is expected to be accommodated with current staffing and resources. If the City Council were to adopt a Mills Act Ordinance additional staff and resources would be necessary to complete an inventory of eligible properties, disseminate and promote the program, process applications, prepare and execute a contract with each property owner, enforce provisions of contract to ensure preservation, and review and approve any proposed alterations during the term of the contract.

BACKGROUND:

For the past two years the City Council has included as an item on its annual work plan adoption of an ordinance 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 both the Planning Commission and City Council hearings. The proposed ordinance was also sent to the Historic Society and Jan Dennis for comments. Jan Dennis recommended several changes which have been incorporated into the ordinance.

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

Agenda Item #: _____

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

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

There are a number of legal methodologies available to encourage or require historic preservation which vary 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

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. Nothing in the Mills Act requires the owner of a historically significant property to enter into such a contract, participation is strictly voluntary.

The Proposed Ordinance

The proposed ordinance takes the voluntary approach to designation. Properties 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.

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.

**RESOLUTION NO. PC 06-
DRAFT**

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

**RESOLUTION NO. PC 06-
DRAFT**

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

**RESOLUTION NO. PC 06-
DRAFT**

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:

RICHARD THOMPSON
Secretary to the Planning Commission

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

PLANNING COMMISSION MINUTES

July 12, 2006

Page 2

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.

PLANNING COMMISSION MINUTES

July 12, 2006

Page 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

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

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

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

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

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

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

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

PLANNING COMMISSION MINUTES

July 12, 2006

Page 4

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 13th 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 33rd 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

July 12, 2006

Page 5

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.

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.



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

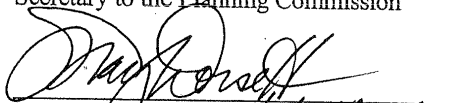
irrespective of the fact that any one or more sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

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: Bohner, 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 X 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 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.

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.

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 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.

(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. 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:

City Clerk