



City Hall 1400 Highland Avenue Manhattan Beach, CA 90266-4795

Telephone (310) 802-5000 FAX (310) 802-5001 TDD (310) 546-3501

TO: Manhattan Beach Residents
FROM: Marisa Lundstedt, Community Development Director
SUBJECT: Rezoning of Former Gelson's Market Parcels for Future Cemetery Use
DATE: April 1, 2017

INFORMATION MEMO

BACKGROUND:

A project was proposed and deliberated through the public review process to affect two sites: the primary project site at 707 N Sepulveda Boulevard and, across 8th Street, an auxiliary employee parking site at 801 N Sepulveda Boulevard, both in the City of Manhattan Beach, Los Angeles County, CA. The project sites consist of unoccupied commercial buildings and surface parking areas. The sites are located in a predominantly commercial area along Sepulveda Boulevard (State Highway 1). Suburban residential development is located to the west. To date, both project sites have been designated as General Commercial under the City's General Plan, and zoned as General Commercial.

DISCOVERY OF REMAINS AND CESSION OF PARCELS:

As noted in prior memoranda from this department and as reported in the local press, there was a recent discovery of human remains in one small area of the primary project site. Archaeologists identified funerary objects, sacred objects and other cultural items along with the remains, enabling researchers to state with high confidence that the remains were of Native American individuals, most likely Tongva people, with an estimated date of burial of approximately 5,000 years ago.

With confirmation of the nature of the discovery, federal law on the subject takes precedence. (Native American Graves Protection and Repatriation Act (NAGPRA), Pub. L. 101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048.) Commercial development of the property is no longer permissible. The owners of the land were required by NAGPRA to cede the parcels to the control of an authorized public entity at the time of application for a repatriation grant or reimbursement. The City of Manhattan Beach is authorized to receive the property for certain designated uses, and the city has now taken formal title.

REZONING OF PROPERTY FOR CEMETERY USE:

As the City of Manhattan Beach takes ownership of the parcels, it faces multiple constraints on permissible use of the land under NAGPRA. Both residential and commercial development are prohibited. Public uses, including for a school or park, would remain possible, but with serious restrictions not normally attending the city's own zoning rules. For

instance, if the modern day descendants of the Tongva people elect to have the human remains stay at the site of discovery, a protective structure must be constructed with appropriate monitoring and signage. One of the least restrictive permissible uses of the parcels under the NAGPRA is for use as a cemetery, consistent with its historic use. City Council, therefore, elected to rezone the property for cemetery use.

City Council enacted Res. 17-0401 to establish a new subcategory of the Open Space (OS) zoning, to be known as OS-C, and to apply this new zoning to the two subject properties. The land will remain public land subject to the new rules attending the zoning. Also, Res. 17-0401 establishes a Cemetery Authority and calls for the city to solicit bids at once to lease and operate the land as a cemetery, selecting a vendor no later than April 1, 2018.

PROJECTED COMMUNITY IMPACTS:

Res. 17-0401 states that cemetery use of these properties provides a “permanent addition to the community.” Redevelopment of the parcels will enhance open space in the city, while providing ties both to the natural environment and to the early human history of the region. Development is anticipated to commence by mid-2018, with operations beginning by April 1, 2019.

The 707 N Sepulveda Boulevard site will host the burial areas, planted with grass and trees and surrounded by secure walls and gates. Mausoleums are permissible on no more than 1/3rd of the total square footage of the land, minus any areas dedicated to Native American sites, and subject to approval in any proposal to be presented to the Cemetery Authority. City Council may approve or disapprove of any final Cemetery Authority plan.

Under the applicable NAGPRA regulations, no access road or parking may exist on the primary interment site. The 801 N Sepulveda Boulevard site is anticipated to host parking and improvements such as an on-site office to conduct the business of the cemetery.

The potential exists for inadequate parking capacity for the cemetery facility. Certain burial events are expected to result in temporary parking impacts in the neighborhood, with a radius of approximately two to five blocks, depending on the size of the service. Such impacts are expected to be limited to no more than 90 minutes per event. Due to the presence of State Highway 1 along the sites, consultation with and approval by Caltrans may be a requirement for certain burial events.

FINANCIAL IMPACTS OF THE REZONING:

Fiscal impacts on the City of Manhattan Beach will vary over time. The city acquired these parcels at no cost, while the owners seek compensation from U.S. government sources due to mandated restrictions on their use. Operations from the first 15-30 years of the cemetery are expected to bring unplanned revenues to the city in the low millions of dollars from the sale of cemetery plots. Within 50-75 years, the city may need to take on full responsibility for maintaining the properties, with unknown future costs.