

ORDINANCE NO. 6006

AN ORDINANCE OF THE COUNCIL OF THE CITY
OF SANTA BARBARA AMENDING THE SANTA
BARBARA MUNICIPAL CODE BY ADDING
CHAPTERS 30.57, 30.157, AND 30.237; ADDING
SECTIONS 30.200.080, 30.220.020, 30.220.030,
30.220.040; AND 30.300.080 SUBSECTION H TO
ESTABLISH PROCEDURES FOR PROTECTING
HISTORIC RESOURCES

WHEREAS, historic preservation is a defining community value for the City of Santa Barbara; and

WHEREAS, the value reflects the community's consensus that the City's unique identity and character springs from its long and rich history; and

WHEREAS, retention and preservation of historic resources also promotes the public health, safety and welfare by revitalizing neighborhoods and business districts, enhancing the City's economy, improving local aesthetics, and enriching the City's culture and aesthetic standing; and

WHEREAS, the Historic Structures Ordinance was adopted in 1977, to promote protection of historic, cultural, and natural resources in the City of Santa Barbara of special historic or aesthetic character or interest; and

WHEREAS, a series of public meetings were held seeking input regarding amending the Ordinance;

WHEREAS, the Architectural Historian, who meets the Secretary of the Interior's Professional Qualification Standards, completed a review of the current Historic Resources Ordinance and prepared a draft revised ordinance that addressed possible legal issues, antiquated content, and inconsistent language; and

WHEREAS, the amended Historic Resources Ordinance includes historic district overlay zones to encourage historic preservation and complementary new development; and

WHEREAS, with the adoption of the Amended Historic Resources Ordinance and the Historic Resource Design Guidelines, the Administrative Regulations for the Identification and Protection of Potentially Significant Historic Structures dated October 12, 2004 will be repealed and will no longer be in effect; and

WHEREAS, as Lead Agency, the California Environmental Quality Act (CEQA) Guidelines Section 15064.5 requires the City to determine the historic significance of potential and designated historic resources and identify potential feasible measures to mitigate significant adverse changes in the significance of an historical resource. The proposed amendments to the Historic Resources Ordinance will continue to allow the City to identify and protect historic resources pursuant the requirements of CEQA; and

WHEREAS, the proposed amendments are consistent with and further implement the Goals and Policies of the City of Santa Barbara General Plan; and

WHEREAS, the proposed amendments are consistent with Local Coastal Program Land Use Plan Policy 4.3-3, which requires design review of projects in accordance with established rules and procedures, and Policy 4.4-1, which requires protection of the City's historic and pre-historic past; and

WHEREAS, on November 11, 2020, the Historic Landmarks Commission held a public hearing, reviewed the proposed amendments and incentive program and recommended approval of the amendments to the City Council; and

WHEREAS, on December 17, 2020, the Planning Commission considered the proposed ordinance amendments at a public hearing and recommended approval to the City Council.

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Title 30 of the Santa Barbara Municipal Code is amended by adding Chapters 30.57, 30.157, and 30.237; SECTIONS 30.200.080, 30.220.020, 30.220.030, 30.220.040; and 30.300.080 SUBSECTION H which reads as follows:

Proposed New Chapter

Chapter 30.57

LANDMARK DISTRICT (LD) AND HISTORIC DISTRICT (HD) OVERLAY ZONES

Sections:

- 30.57.010 Purpose.**
- 30.57.020 Applicability.**
- 30.57.030 Design Review Standards for El Pueblo Viejo Landmark District.**
- 30.57.040 Design Review Standards for Brinkerhoff Historic District.**
- 30.57.050 Design Review Standards for Riviera Campus Historic District.**
- 30.57.060 Design Review Standards for El Encanto Hotel Historic District.**

30.57.010 Purpose.

The purpose of this chapter is to protect and enhance the City's visual character by encouraging and regulating architectural styles within Landmark District (LD) and Historic District (HD) Overlay Zones that reflect the City's unique and established architectural, cultural and landscaping traditions. The Landmark District (LD) and Historic District (HD) Overlay Zones use the Design Standards listed for each district and the Secretary of the Interior's Standards for contributing properties of historical, architectural, archeological, and

cultural significance.

30.57.020 Applicability.

The provisions of this chapter apply citywide and specifically to properties located within or proposed to be located within the LD or HD Overlay Zones mapped on the Official Zoning Map. The designated Historic Districts described in this Section are depicted in attached figures incorporated herein, and made a part hereof including all notations, references, and other information shown therein. In the event of any variance between the map(s) and the written descriptions(s) contained in this Section, the written description(s) shall prevail.

30.57.030 Design Review Standards for El Pueblo Viejo Landmark District Overlay Zone.

A. Purpose. The purpose of El Pueblo Viejo LD Overlay Zone (EPV) is to preserve and enhance the unique historic and architectural character of the central core area of the City of Santa Barbara, which developed around the Royal Presidio, founded in 1782, and which contains many of the City's important historic and architectural Landmarks, Structures of Merit, and historic resources listed in the Inventory that contribute to the historic importance of EPV Landmark District as provided in this chapter. This purpose is to be achieved by regulating the compatibility of architectural styles used in the construction of new structures and the exterior alteration of existing structures within a designated area, which includes the scenic entrances to the central core area of the City, in order to continue and perpetuate the City of Santa Barbara's renowned tradition of California Adobe, Mission Revival, Spanish Colonial Revival, Monterey and Italian Mediterranean, and subsets of those styles of architecture.

B. Alterations within El Pueblo Viejo LD Overlay Zone.

1. ***Spanish Colonial Revival/Mediterranean Style Required.*** Any structure, site or feature hereafter constructed or altered as to its exterior appearance and located within El Pueblo Viejo Landmark District shall, as to its exterior architecture, be compatible with the Spanish Colonial Revival/Mediterranean tradition as it has developed in the City of Santa Barbara from the later 18th century to the present, with emphasis on early 19th century California Adobe styles, and Spanish Colonial Revival/Mediterranean styles of the period from 1915 to 1930. Examples of these styles are:
 - a. *Hill-Carrillo Adobe*, 11-15 East Carrillo Street, (California Adobe).
 - b. *Casa De la Guerra Adobe*, 9-15 East De La Guerra Street, (California Adobe).
 - c. *Covarrubias Adobe*, 715 Santa Barbara Street, (California Adobe).
 - d. *Mihran Studios*, 17-21 East Carrillo Street, (Monterey Subset of the Spanish Colonial Revival).
 - e. *Arlington Theatre*, 1317 State Street (Spanish Colonial Revival).
 - f. *Santa Barbara County Courthouse*, 1120 Anacapa Street (Spanish Colonial Revival).
 - g. *El Paseo*, 813 Anacapa and 25 East De La Guerra Streets, (Spanish Colonial Revival).

h. *Lobero Theatre*, 33 East Canon Perdido Street, (Spanish Colonial Revival).

2. ***Other Compatible Styles May Be Allowed.*** Notwithstanding Subsection A above, alterations to existing structures within El Pueblo Viejo Landmark District may also be permitted by the Historic Landmarks Commission under the following circumstances:

a. The alterations or additions to the structure match the original architectural style of a historic resource and such alterations or additions do not significantly alter the structure; and

b. The alteration or addition would be more compatible with the existing structure by matching and maintaining the existing architectural style, which demonstrates outstanding attention to architectural design, detail, material, or craftsmanship.

C. **Description.** The following described area within the City of Santa Barbara constitutes El Pueblo Viejo LD Overlay Zone (depicted in Figures 1 and 2) incorporated herein, and made a part hereof including all notations, references, and other information shown therein. In the event of any variance between the maps and the written descriptions contained in this Section, the written descriptions shall prevail):

1. El Pueblo Viejo Landmark District--Part I

Beginning at the intersection of State Street with Mission Street; thence southeasterly along State Street to its intersection with Sola Street; thence northeasterly along Sola Street to its intersection with Laguna Street; thence southeasterly along Laguna Street to its intersection with Ortega Street; thence southwesterly along Ortega Street to its intersection with State Street; thence southeasterly along State Street to its intersection with East Cabrillo Boulevard; thence northeasterly along East Cabrillo Boulevard to its intersection with Santa Barbara Street; thence northwesterly along Santa Barbara Street to its intersection with the extension of Garden Street; thence northwesterly along the extension of Garden Street to U.S. Highway 101; thence returning southwesterly along Garden and Santa Barbara Streets to the intersection of Santa Barbara Street with East Cabrillo Boulevard; thence northeasterly along East Cabrillo Boulevard to its intersection with U.S. Highway 101; thence returning along Cabrillo Boulevard to its intersection with Castillo Street; thence northwesterly along Castillo Street to its intersection with U.S. Highway 101; thence returning southeasterly along Castillo Street to its intersection with Cabrillo Boulevard; thence returning northeasterly along West Cabrillo Boulevard to its intersection with Chapala Street; thence northwesterly along Chapala Street to its intersection with Carrillo Street; thence southwesterly along Carrillo Street to its intersection with U.S. Highway 101; thence northeasterly along Carrillo Street to its intersection with Chapala Street; thence northwesterly along Chapala Street to its intersection with Sola Street; thence northeasterly along Sola Street to its intersection with State Street; thence northwesterly along State Street to its intersection with Mission Street; said intersection being the point of beginning.

2. El Pueblo Viejo Landmark District--Part II

Beginning at the intersection of Los Olivos Street and Laguna Street; thence southwesterly along Los Olivos Street to its intersection with Garden Street; thence northwesterly along Garden Street to its intersection with the southerly prolongation of a line bearing N. $03^{\circ}16'40''$ W. as shown in Assessor's Map

Book 51, page 15, County of Santa Barbara, dated 1960; thence northerly along said line to its intersection with a line bearing N.29°11'W.; thence northwesterly along said line to its intersection with the boundary line of the City of Santa Barbara; thence beginning northeasterly and continuing along said boundary line to its intersection with the northerly prolongation of Mission Ridge Road; thence southerly and westerly along Mission Ridge Road to a line bearing N.03°W., said line being the westerly line of Mission Ridge Road and the easterly boundary line of Parcel 19-071-10 shown in Assessor's Map Book 19, page 07, County of Santa Barbara, dated 9/73; thence along a straight line southwesterly to the intersection of Plaza Rubio and Emerson Avenue; thence southwesterly along Plaza Rubio to its intersection with Laguna Street; thence northeasterly along Laguna Street to its intersection with Los Olivos Street, said intersection being the point of beginning.

El Pueblo Viejo Landmark District shall include all properties located within the area described in this Section, and all properties fronting on either side of any street or line forming the boundary of such area; except that the following areas shall be excluded:

- a. Stearns Wharf;
- b. Areas located within the Brinkerhoff Avenue Landmark District; and
- c. That area south of West Cabrillo Boulevard and to the west of a point 150 feet east of an imaginary extension of Bath Street at its same course.

30.57.040 Design Review Standards for Brinkerhoff Avenue Historic District.

- A. **Purpose.** The purpose of the Brinkerhoff Avenue Historic District is to preserve and enhance the historic and architectural character of the Brinkerhoff Avenue area of the City of Santa Barbara, which is a unique neighborhood of late 19th century and early 20th century structures. This purpose is to be achieved by regulating, within a designated area, the compatibility of architectural styles used in the construction of new structures, and the exterior alteration of existing structures in conformance with their original, significant architectural qualities, in order to continue and perpetuate examples of this important era in Santa Barbara's history.
- B. **Required Architectural Styles.** Any structure hereafter constructed or altered as to its exterior appearance and located within Brinkerhoff Avenue Historic District shall, as to its exterior architecture, be compatible with the late 19th century and early 20th century tradition as it developed in the Santa Barbara area, with emphasis on the Italianate, Eastlake, Queen Anne, Queen Anne Free Classic and Craftsman styles. Examples of these styles are:
 1. ***Hernster House***, 136 W. Cota Street (Italianate)
 2. ***Tallant House***, 528 Brinkerhoff Avenue (Eastlake/ Stick)
 3. ***Ross House***, 514 Brinkerhoff Avenue (Queen Anne Free Classic)
 4. ***Frank B. Smith Residence***, 501 Chapala Street (Queen Anne)

5. 507 Brinkerhoff Avenue (Craftsman Style)

- C. **Description.** The following described area within the City of Santa Barbara is hereby designated as a Historic district and shall be known as Brinkerhoff Avenue Historic District: Assessor's Parcel Nos. 37-122-09, 37-122-17, 37-123-12, 37-123-13, 37-162-01 through 37-162-12, 37-163-01, 37-163-02, 37-163-09 through 37-163-20, 37-203-02 and 37-203-03 as shown on pages 12 (3/72), 16 (3/70) and 20 (L/D) in Assessor's Map Book 37 for the County of Santa Barbara. The Brinkerhoff Avenue Historic District shall include all properties located within the above described area and those portions of streets fronting on those parcels as shown on Figure 3 labeled Brinkerhoff Avenue Landmark District.

30.57.050 Design Review Standards for Riviera Campus Historic District.

- A. **Purpose.** The purpose of the Riviera Campus Historic District is to preserve and enhance the historic and architectural character of the Riviera Campus in the City of Santa Barbara, which is comprised of the historic campus of the Santa Barbara Normal School of Manual Arts and Home Economics, which later became the University of California at Santa Barbara. This purpose is to be achieved by regulating, within a designated area, the compatibility of architectural styles used in the construction of new structures, and the exterior alteration of existing structures in conformance with their original, significant architectural qualities, in order to continue and perpetuate the preservation of this valued feature of the City's built environment.
- B. **Required Architectural Styles.** Any structure hereafter constructed or altered as to its exterior appearance and located within Riviera Campus Historic District shall, as to its exterior architecture, be compatible with the Spanish Colonial Revival or Spanish Eclectic architecture of the extant buildings on the Riviera Campus. Examples of these styles are:
1. ***The Quadrangle Building***, 2030 Alameda Padre Serra (Spanish Eclectic)
 2. ***The Grand Stairway***, 2030 Alameda Padre Serra (Spanish Eclectic)
 3. ***Furse Hall***, 2040 Alameda Padre Serra (Spanish Colonial Revival)
 4. ***Ebbets Hall***, 2020 Alameda Padre Serra (Spanish Colonial Revival)
- C. **Description.** Beginning at the intersection of the center line of Mission Ridge Road and the Northerly prolongation of the Westerly line of Alvarado Place; thence South 1 Degrees 10' 5 4" West along the Westerly line of Alvarado Place 5 35 .20 feet to the center line of Lasuen Road; thence South 80 Degrees 39' 36" West along the center line of Lasuen Road 312.7 6 feet to a survey monument by the Santa Barbara City Engineer; thence South 7 9 Degrees 11'06" West continuing along the center line of Lasuen Road 18 9.01 feet to the intersection of said center line with the center line of Alameda Padre Serra from which a survey monument set by the Santa Barbara City Engineer bears South 3 Degrees 34'43" East 25 .20 feet; thence North 86 Degrees 26' 30" West along the center line of Alameda Padre Serra 300.5 0 feet; thence North 0 Degrees 05 '05 " West leaving the center line of Alameda Padre Serra 333.29 feet to a 1/2 inch survey pipe; thence South 8 9 Degrees 5 5 ' 47 " East 110.61 feet to a 1/2 inch survey pipe; thence North 0 Degrees 02' 27 " West 306.43 feet to the center line of Mission Ridge Road; thence South 29 Degrees 39' 13" East along the center line of Mission Ridge Road 27 .5 0 feet; thence South 8 6 Degrees 45' East continuing along the center line

of Mission Ridge Road 5 97 .8 3 feet; thence North 7 3 Degrees 42' 25" East continuing along the center line of Mission Ridge Road 67.41 feet to the point of beginning.

Except all right, title and interest in and to any and all deposits of minerals, including oil and gas and other hydrocarbon substances which may exist at or below a level of 5 00 feet below the surface of said land together with a right of access to extract and remove said deposits by means of slant drilling or any other accepted methods of drilling process originating on adjacent lands, as excepted and reserved in the deed from the Regents of the University of California, a Corporation, to the Santa Barbara High School District, recorded October 2, 1962 as Instrument No. 4128 4, in Book 195 4, Page 1162 of Official Records.

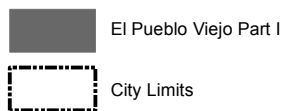
Said land is also shown on a map of survey filed January 17, 1964 in Book "B", Page 43 of Santa Barbara City Lot Splits in the office of the County Recorder of said County.

Riviera Campus Historic District shall include all properties located within the above-described area and those portions of streets fronting on those parcels as shown on Figure 4.

30.57.060 Design Review Standards for El Encanto Hotel Historic District.

- A. **Purpose.** The purpose of El Encanto Hotel Historic District is to preserve and enhance the historic and architectural character of the historic El Encanto Hotel Landmark site in the City of Santa Barbara, which is a unique complex of early 20th century structures and landscape features. This purpose is to be achieved by regulating, within a designated area, the compatibility of architectural styles used in the construction of new structures, and the exterior alteration of existing structures, in conformance with their original, significant architectural qualities in order to continue and perpetuate examples of this important era in Santa Barbara's history.
- B. **Required Architectural Styles.** Any structure hereafter constructed or altered as to its exterior appearance and located within El Encanto Hotel Historic District shall, as to its exterior architecture, be compatible with the currently existing Craftsman/Vernacular and Spanish Colonial Revival architecture of the contributing resource buildings within El Encanto Hotel Historic District.
- C. **Description.** El Encanto Historic District shall include all the properties located within the area shown in figure 5 and those portions of streets fronting on the parcel shown on the map labeled El Encanto Historic District identified as Figure 5. All the contributing historic resources are identified in the Council Resolution of Designation.

Figure 1. El Pueblo Viejo LD Overlay Zone Part I



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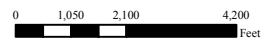
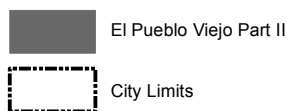
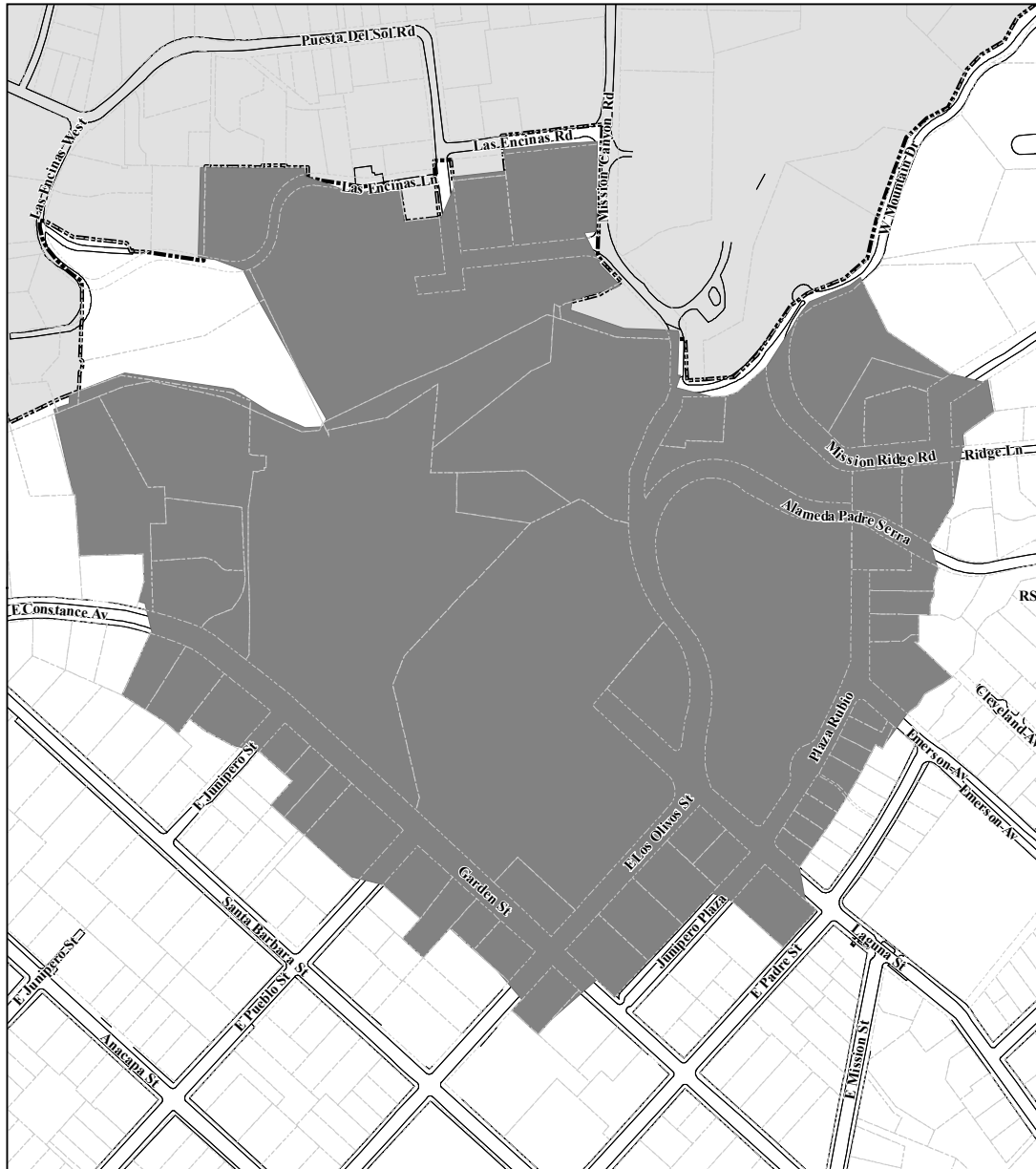


Figure 2. El Pueblo Viejo LD Overlay Zone Part II



2

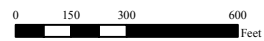
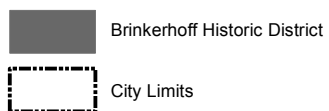


Figure 3. Brinkerhoff HD Overlay Zone



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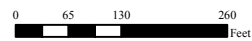
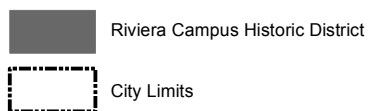
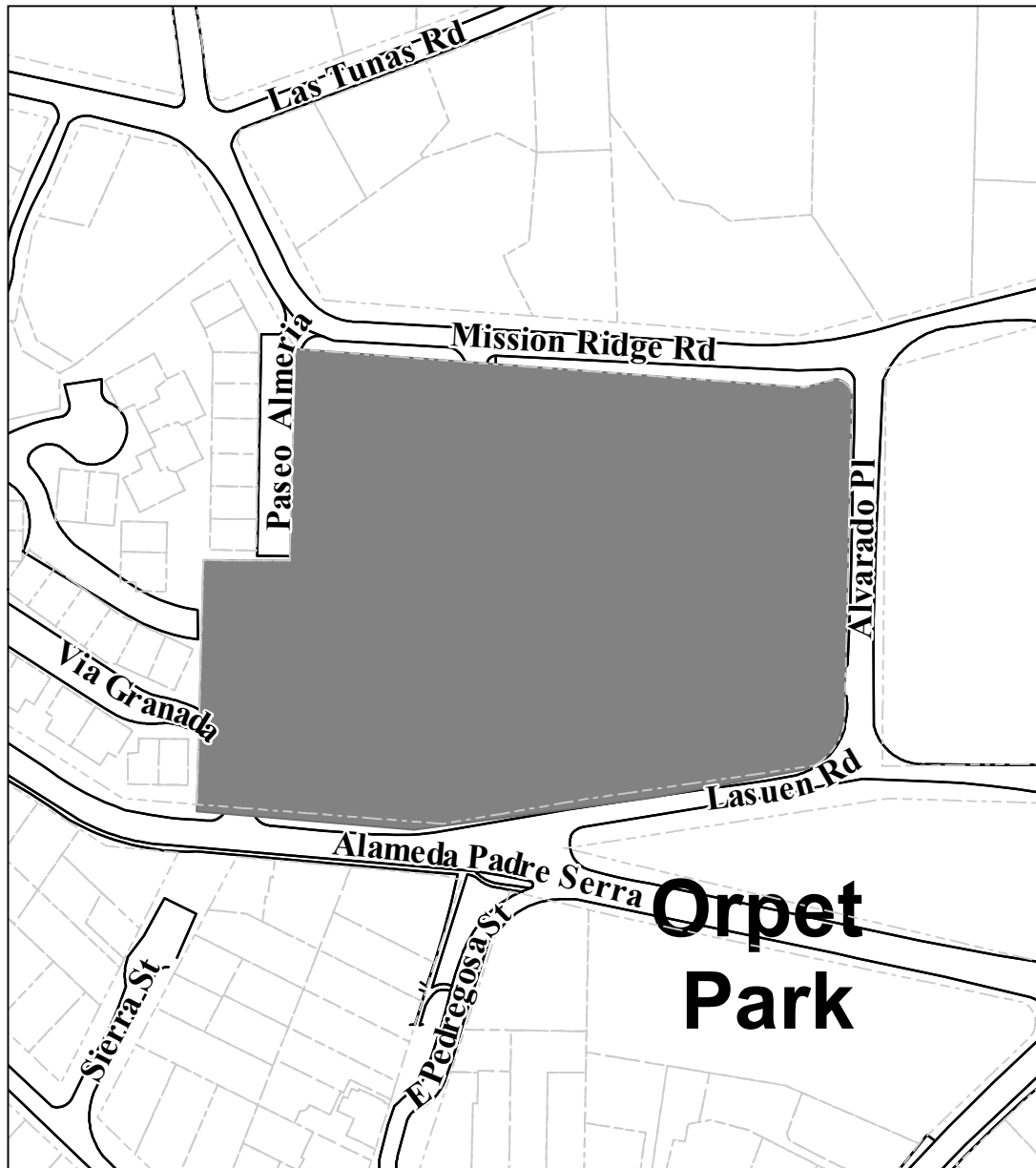


Figure 4. Riviera Campus HD Overlay Zone



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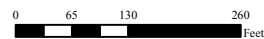
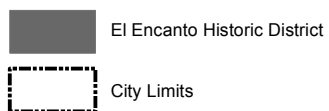
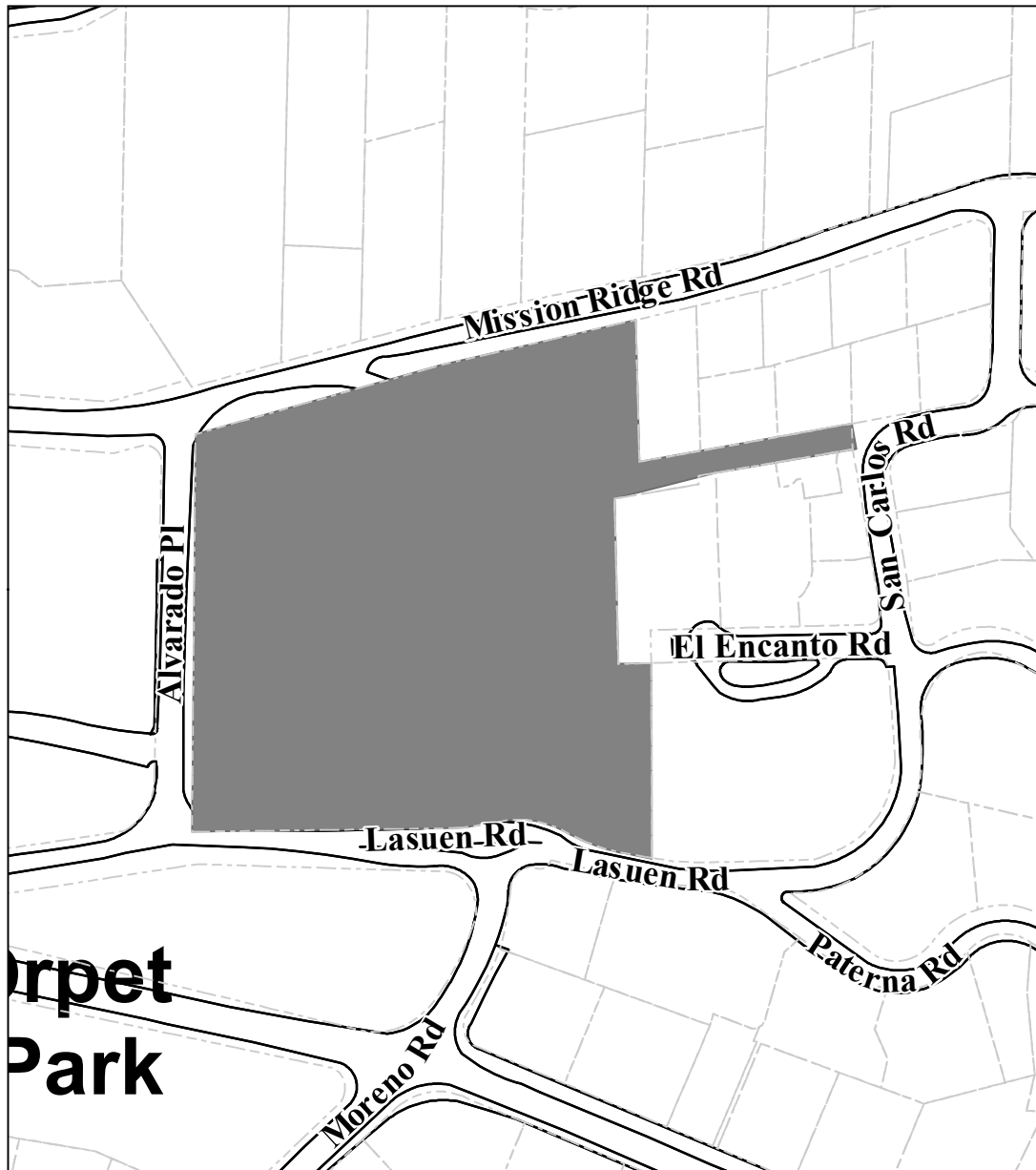
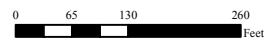


Figure 5. El Encanto Hotel HD Overlay Zone



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Proposed New Chapter

Chapter 30.157 HISTORIC RESOURCES

30.157.010	Purpose
30.157.020	Application Requirements.
30.157.025	Significance Criteria.
30.157.030	Procedure for Designating a Landmark or Structure of Merit.
30.157.050	Procedure for Listing on the Historic Resources Inventory.
30.157.098	Reconstruction of Historic Resources within Conejo Slide Area.
30.157.100	Repair and Maintenance of Historic Resources.
30.157.110	Required Findings for Alterations and Demolition of Historic Resources.
30.157.145	Incentives for Preserving Historic Resources; Mills Act.
30.157.170	Enforcement and Penalties.

30.157.010 Purpose.

This chapter specifies the procedures and criteria that apply citywide and where the City will use to regulate the designation of individually significant historic resources as defined in Section 30.300.080 “H” Definitions related to Historic Resources and the design review standards for historic resources.

30.157.020 Application Requirements.

Applications for a designation of a historic resource shall be accepted and processed pursuant to Chapter 30.205, Common Procedures, and the specific requirements of this chapter. In addition to any other application requirements, the application for a designation shall include data or other evidence in support of the applicable findings required by Section 30.157.110, Required Findings.

30.157.25 Significance Criteria.

In considering a proposal to designate or recommend designation of any structure, site or feature as a Landmark, Structure of Merit or for inclusion on the Historic Resources Inventory, any structure, site or feature must be at least 50 years of age, meet one or more of the criteria outlined below, and retain historic integrity. The designating authority must find that the structure, site or feature retains enough historic integrity of location, design, setting, materials, workmanship, feeling, and association that it conveys its historic significance in accordance with the most recent National Register of Historic Places Bulletin *How to Apply the National Register Criteria for Evaluation*. The designating authority must find that the structure, site or feature meets one or more of the following Significance Criteria:

1. It is associated with events that have made a significant contribution in our past;
2. It is associated with the lives of persons significant in our past;
3. It embodies the distinctive characteristics of a type, period, architectural style or method of construction, or represents the work of a master, or possesses

high artistic or historic value, or represents a significant and distinguishable collection whose individual components may lack distinction;

4. It yields, or may be likely to yield, information important in prehistory or history; or
5. Its unique location or singular physical characteristic represents an established and familiar visual feature of a neighborhood.

30.157.030 Procedure for Designating a Landmark or Structure of Merit.

- A. Nomination for Designation.** A nomination for designation of a Landmark or Structure of Merit shall be submitted to the Community Development Department's Planning Division for initial review by the City Architectural Historian. Any structure, site or feature having potential historic, architectural, archeological, cultural, or aesthetic significance may be proposed to the Historic Landmarks Commission for designation as a Landmark or Structure of Merit by:
 1. *The Historic Landmarks Commission;*
 2. *Professional Survey.* A recommendation found in a professional historic resource survey or Historic Structures/Sites Report accepted by the Historic Landmarks Commission at a public hearing;
 3. *Owner.* The owner(s) of the property on which the proposed Landmark or Structure of Merit is located; or
 4. *Any interested person or entity.*
- B. Preparation of a Significance Report.** Prior to a public hearing, the City's Architectural Historian shall evaluate the proposed Landmark or Structure of Merit nomination and prepare a Significance Report either recommending or denying the proposed Landmark or Structure of Merit nomination for consideration by the Historic Landmarks Commission pursuant to the criteria of this chapter.
 1. *Recommendation for Designation.* If the Significance Report recommends designation, within 90 calendar days of completion of the report, the proposal will be scheduled for a noticed public hearing at the Historic Landmarks Commission.
 2. *Denial.* If the Significance Report denies the proposed nomination, no further review will occur.
- C. Property Owner Notification.** If the nomination for designation is by anyone other than the property owner, the City shall provide a notice to the property owner if there is a recommendation for designation. The written notice shall be by first class mail to the owner of the property on which the proposed Landmark or Structure of Merit is located, as shown on the latest available records of the County Assessor.
- D. Historic Landmarks Commission Action.** All proposals to designate a Landmark or Structure of Merit shall require a public notice and hearing pursuant to Chapter 30.205, Common Procedures.

- E. Resolution.** When making a decision to approve or deny a designation of a Structure of Merit or a recommendation to designate a Landmark to City Council, the Historic Landmarks Commission shall issue a written Resolution and make findings of fact as required by this chapter.
1. **Landmark:** If the Historic Landmarks Commission recommends designation as a Landmark, the Historic Landmarks Commission shall adopt a Resolution of Recommendation that shall be forwarded to the City Council for review of the proposed designation. If denied, the decision shall become final within 10 calendar days unless appealed directly to the City Council.
 2. **Structure of Merit:** If the Historic Landmarks Commission approves designation as a Structure of Merit, the Historic Landmarks Commission shall adopt a Resolution of Designation or deny the designation, the decision shall become final within 10 calendar days unless appealed directly to the City Council.
- F. Appeals.** Appeals of a decision of the Historic Landmarks Commission to deny the designation of a City Landmark, or approve or deny a designation of a Structure of Merit may be made to the City Council in accordance with the requirements of Section 30.205.150, Appeals.
- G. City Council Public Action.** All applications to consider the recommendation of Landmark designation, or appeal of a denial, or appeal of an approval or denial of a Structure of Merit, shall require public notice and hearing pursuant to Chapter 30.205, Common Procedures. The City Council may approve, modify, or disapprove the Landmark or Structure of Merit Designation. The City Council's approval, modification, or denial of the Commission's recommendation shall be based on the finding that the Landmark meets, or does not meet, the required findings for designation as specified in Section 30.157.025, above.
1. **Limits on New Evidence.** The City Council will decide the appeal in the exercise of its independent judgment based upon the record of the proceedings of the Historic Landmarks Commission. New evidence will not be considered unless the City Council determines that relevant evidence exists that, in the exercise of reasonable diligence, could not have been produced or was improperly excluded at the hearing before the Historic Landmarks Commission.
- H. Resolution of Designation of City Landmark.** Upon the City Council's approval of a proposed Landmark designation, it shall adopt a Resolution of Landmark Designation, and the City Clerk shall record the resolution against the property in the Office of the Recorder, County of Santa Barbara, within 30 calendar days of the City Council's adoption, mailing a copy of the final recorded resolution to the property owner(s).
- I. Resolution of Designation of Structure of Merit.** Upon the Historic Landmarks Commission's adoption of a Resolution of Designation as a Structure of Merit (or upon a final decision of the City Council on an appeal resulting in such designation), the City's Architectural Historian shall record the Resolution of Designation in the

Office of the Recorder, County of Santa Barbara, within 30 calendar days of the Historic Landmarks Commission's adoption or the City Council's final action, mailing a copy of the final recorded resolution to the property owner(s).

- J. A Buffer Area**, as defined in Section 30.300.080.H. "B" will serve to alert owners, planners and design review boards during the planning and design review process of the necessity to plan to mitigate any negative impacts a new project may have on a historic resource. The buffer area notification will be documented on the affected properties by the Community Development Department.

30.157.050 Procedure for Listing on the Historic Resources Inventory.

The Historic Landmarks Commission, through the City's Architectural Historian, shall maintain for public review, and periodically update, a Historic Resources Inventory, as defined by Section 30.300.080 "H" hereinafter "Inventory", identifying historic resources that are not designated as Landmarks, Structures of Merit or contributing to a Historic District Overlay Zone, yet qualify for historic designation as defined by this chapter. The Inventory is maintained for the purpose of clearly identifying historic resources not officially designated, yet whose preservation is important to the heritage of the community.

- A. Criteria for Inclusion.** Historic resources in the Inventory shall be identified through either a professional historical resource survey or individual historic resource evaluation and be found historically significant and eligible for designation as a Landmark, Structure of Merit, or Contributing Resource to a Historic District under the criteria outlined in this chapter.

B. Listing Historic Resources on the Inventory.

1. ***Identification of Historic Resources.*** Properties may be proposed for inclusion in the Inventory in one of the following ways:
 - a. ***Administrative Listing.*** Buildings that are 50 years old or older shall be referred to the City's Architectural Historian, or his/her qualified designee for a determination of whether the structure, site, or feature may be eligible for inclusion on the Inventory list based upon the criteria established in this Chapter whenever an application for a discretionary action, ministerial action, or building permit application is submitted to demolish a structure or to complete exterior alterations visible from the public right-of-way. Exterior alterations exempt under this section include repairs that match existing and the installation of a utility.
 - i. ***Historic Significance.*** If the City's Architectural Historian finds that the structure, site, or feature meets the criteria for historic significance, the City's Architectural Historian will prepare a Significance Report and add the structure, site or feature to the Inventory. The permit application will be processed as a historic resource as outlined in this chapter.
 - ii. ***No Historic Significance.*** If the City's Architectural Historian finds no historic significance, the structure, site or feature shall not be listed on the Inventory and the building

permit/demolition permit application shall continue to be processed, provided the applicant has otherwise complied with all necessary City permit or approval submittal requirements.

- b. *Results of a Professional Historic Resources Survey or Historic Structures/Sites Report.* Any individual historic resources or historic district overlay zones found historically significant in a Historic Resources Survey or Historic Structures/Sites Report conducted by a qualified professional and accepted by the Historic Landmarks Commission at a public hearing shall be added to the Inventory.

2. **Notice.** The City's shall notify the applicant and property owner(s) in writing whether the structure, site, or feature will be added onto the Inventory.

C. Procedure for Removing Historic Resources from the Inventory. The property owner(s) may request to be removed from the Inventory pursuant to the process outlined below. Removal of a historic resource from the Inventory may be proposed by the property owner(s), the Historic Landmarks Commission, or any interested party or entity based on evidence that the structure, site or feature does not possess, or no longer possesses, any historical significance as determined by section 30.152.025.

1. **Notice of Public Hearing.** All applications to remove a property from the Inventory shall require public notice to the owner of the property only and hearing pursuant to Chapter 30.205, Common Procedures. A proposal to remove a structure, site or feature from the Inventory shall be considered by the Historic Landmarks Commission at a noticed public hearing pursuant to this chapter.
2. **Historic Landmarks Commission Public Hearing.** The City's Architectural Historian shall prepare a Significance Report evaluating the historical integrity and ability of the structure, site or feature to meet the criteria outlined in this chapter. To remove the historic resource from the Inventory, the Historic Landmarks Commission shall determine that the historic resource no longer meets the designation criteria due to a factual finding that:
 - a. There is a preponderance of new evidence demonstrating that the building, site or feature is not historically or culturally significant;
 - b. Destruction of the historic resource through a catastrophic event has rendered the resource a hazard to the public health, safety, or welfare; or
 - c. The historic resource has been altered, demolished, or relocated in conformance with all necessary permits.
3. **Notice of Removal.** Notice of the removal of a historic resource from the Inventory shall be mailed to the owner(s).

30.157.098 Reconstruction of Historic Resources within Conejo Slide Area.

Slide Mass "C". Designated City historic resources located within the Slide Mass "C" Area, as identified in Section 22.90.050 of this Code, may be reconstructed in accordance with the

latest edition of the California Historical Building Code as amended by the State of California, provided that such reconstruction is accomplished as follows:

- A. In a manner which follows the Secretary of the Interior's Standards;
- B. In a manner consistent with appropriate historic design review where design approval of the historic resource is obtained from the Historic Landmarks Commission as required by this chapter; and
- C. The structure constituting the historic resource is never expanded in size except for a one-time expansion not to exceed 150 net square feet provided that such expansion is first reviewed and approved by the Historic Landmarks Commission.

30.157.100 Repair and Maintenance of Historic Resources.

Historic resources, including landscape features, shall, at all times, be preserved and maintained in good condition and repair by the property owner, in order to preserve the historic resource or feature against decay and deterioration. Failure to maintain or repair such resources shall constitute a public nuisance enforceable against the property owner under this chapter.

30.157.110 Required Findings for Alterations, Maintenance, Relocation, and Demolition of Historic Resources.

In addition to any other application requirements, an application to demolish a historic resource shall include evidence in support of the applicable findings required below. This may include presenting preservation alternatives such as adaptive reuse, rehabilitation, reconstruction or relocation.

- A. Major Alterations.** A Major Alterations, as defined in Section 30.300.080 "H", may only be approved if the Historic Landmarks Commission finds that:
 - 1. The exterior alterations are being made to restore the historic resource to its original appearance or in order to substantially aid its preservation or enhancement as a historic resource; and
 - 2. The exterior alterations are consistent with the Secretary of the Interior's Standards.
- B. Minor Alterations for Landmarks, and Structures within El Pueblo Viejo Landmark District.** A Minor Alteration, as defined in Section 30.300.080 "H" may only be approved for Landmarks, and structures within El Pueblo Viejo Landmark District, if the Historic Landmarks Commission finds that:
 - 1. The exterior alterations are being made primarily for, and will substantially advance, restoration of the Historic Resource to its original appearance; and
 - 2. The alterations are consistent with the Secretary of the Interior's Standards.
- C. Minor Alterations for Structures of Merit, and Resources on the Historic Resource Inventory or Within a Historic District Overlay Zone.** A Minor Alteration, as defined in Section 30.300.080 "H" may only be approved for Structures of Merit, and resources on the Historic Resource Inventory or within a Historic District Overlay Zone, if the Historic Landmarks Commission finds that:

1. The exterior alterations are being made primarily for, and will substantially advance, restoration of the Historic Resource to its original appearance; and
 2. The alterations are consistent with the Secretary of the Interior's Standards.
- D. Ordinary Maintenance.** Ordinary Maintenance as defined in Section 30.300.080 "H" Historic Resources Related Definitions under *Ordinary Maintenance* to a historic resource shall be approved by the City's Architectural Historian only if he or she finds that:
1. The Ordinary Maintenance is being made primarily for, and will substantially advance, restoration of the Historic Resource to its original appearance; and
 2. The Ordinary Maintenance is consistent with the Secretary of the Interior's Standards.
- E. Relocation.** A proposal to relocate a historic resource, including a landscape feature, may only be approved if the Historic Landmarks Commission finds that:
1. The relocation does not constitute a "substantial redevelopment" or "demolition" as defined this chapter;
 2. The relocation does not constitute alterations that would be incompatible with the goal of long-term preservation or enhancement of the Historic Resource;
 3. The relocation will substantially aid in its long-term preservation or enhancement as a historic resource; and
 4. The relocation is consistent with the Secretary of the Interior's Standards.
- F. Substantial Redevelopment or Demolition of a Landmark.** A proposal to substantially redevelop or demolish a Landmark may only be approved if the Historic Landmarks Commission finds that the Landmark has been damaged by an earthquake, fire, or other similar natural casualty such that its repair or restoration is not reasonably practical or feasible as supported by substantial evidence provided by at least one qualified structural engineer or architect qualified in historic preservation. The Historic Landmarks Commission may require, as conditions of approval of a demolition, that the property owner(s) salvage historic materials from the property and /or provide archival quality photo documentation of the remaining historic materials of the structure, site or feature to the City.
- G. Demolition of Historic Resources other than Landmarks.** A proposal to demolish a historic resource other than a Landmark may only be approved if the Historic Landmarks Commission has made at least one of the following findings:
1. Specific measures have been incorporated into the project scope to mitigate the loss of the Historic Resource to a less than significant level;
 2. The historic resource has been damaged by an earthquake, fire, or other similar casualty such that its repair or restoration is not reasonably practical or economically feasible as supported by substantial evidence provided by at least one qualified structural engineer or architect qualified in historic preservation. The Historic Landmarks Commission may require, as conditions of approval

of a demolition, that the property owner(s) salvage historic materials from the property and /or provide archival quality photo documentation of the remaining historic materials of the structure, site or feature to the City;

3. Preservation of the historic resource is not economically feasible or practical, or no viable measures could be taken to adaptively use, rehabilitate, or restore the historic resource as supported by substantial evidence provided by at least one qualified historic preservation specialist, structural engineer (qualified in historic preservation), or architect (qualified in historic preservation) sufficient to warrant demolition; or
4. A compelling public interest justifies demolition.

30.157.145 Incentives for Preserving Historic Resources; Mills Act.

- A. **Legislative Intent; Administrative Regulations.** In enacting this Section, the City Council seeks to adopt a City program of incentives to encourage the maintenance and preservation of historic resources within the City of Santa Barbara. In order to carry out this program more effectively and equitably and to further the purposes of this Section, the Council may also, by resolution, supplement these provisions by adopting administrative regulations and standardized forms for a broad City program of economic and other incentives intended to support the preservation, maintenance, and appropriate rehabilitation of the City's significant historic resources.
- B. **Preservation Incentives Under the State Mills Act - Government Code Sections 50280-50290.** Preservation incentives may be made available by the City to owners of properties that are Qualified Historic Properties (as that term is used by *Government Code* Section 50280.1) such as individually designated City Landmarks or Structures of Merit or those properties that are deemed to contribute to designated City Landmarks or Historic Districts (or Districts listed in the National Register).
- C. **Qualified Historic Property Mills Act Contracts.**
 1. **Purpose.**
 - a. The purpose of this Section is to implement state Government Code Sections 50280 through 50290 in order to allow the City approval of Qualified Historic Property Contracts by establishing a uniform City process for the owners of qualified historic resource properties within the City to enter into Mills Act contracts with the City.
 - b. The City Council finds and determines that entering into Qualified Historic Property Contracts, as hereinafter provided, is an incentive for owners of designated historic resources to rehabilitate, maintain, and preserve those properties.
 - c. The City Council further finds that, in some instances, the preservation of these properties will assist in restoring, maintaining, and preserving the City's existing stock of affordable housing and support the goals and objectives in the Historic Resources Element of the General Plan

concerning the preservation of historically and architecturally significant residential structures.

2. *Limitations on Eligibility for a Mills Act Contract.*

- a. In approving this program, it is the intent of the City Council that unrealized revenue to the City from property taxes not collected due to executed Qualified Historic Property Contracts shall not exceed a total annual amount (including total individual amounts for any one historic property), as such amounts are established by a resolution of the City Council, unless exceeding this limit is specifically approved by the Council.
- b. In furtherance of this policy, Qualified Historic Property Contracts shall be limited to a maximum number of contracts each year consisting of a certain number of residential properties each year and a certain number of commercial or industrial properties each year, unless the City Council approves additional contracts beyond the established limits as such amounts are established by a resolution of the City Council. In addition, no single-unit residence approved for a City contract pursuant to this Section may have an assessment value in excess of an amount established by the City Council nor may the assessed value of any non-single-unit residential property (i.e., a multi-unit residential, or nonresidential property) exceed an amount established in the City Council's resolution.
- c. For the purpose of this paragraph 2, assessed valuation does not include any portion of the value of a mixed-use structure which is already exempt from payment of property taxes by a determination of the County Assessor in compliance with Sections 4(b) and 5 of Article XIII of the California Constitution, and Sections 214, 254.5, and 259.5 of the Revenue and Taxation Code.

3. *Required Provisions of Qualified Historic Property Contracts.*

- a. *Mills Act Provisions Required.* The required provisions of a Qualified Historic Property Contract between the City and the property owner shall be those required by State law (Government Code Sections 50281 and 50286) expressly including the following specifications:
 - i. Term. The contract shall be for the minimum 10-year term, with automatic renewal by either the City or the property owner on the anniversary of the contract date in the manner provided in Government Code Section 50282.
 - ii. Restoration and Maintenance Plan; Standards. The fundamental purpose of the contract will be an agreement to assist the property owner in the owner's restoration, maintenance, and preservation of the qualified historic resource; therefore, the plan for restoration and maintenance of the property required by the contract shall conform to the rules and regulations of the State of California Office of Historic Preservation (California

Department of Parks and Recreation), the Secretary of the Department of the Interior's Standards, and the State Historical Building Code.

- iii. Verification of Compliance with Plan. The real property owner will expressly agree in the contract to permit periodic examination of the interior and exterior of the premises by the County Assessor, the City Community Development Director, the State Department of Parks and Recreation, and the State Board of Equalization, as may be necessary to verify the owner's compliance with the contract agreement, and to provide any information requested to ensure compliance with the contract agreement.
 - iv. Property Visible from Street. The real property owner will expressly agree and the plan shall provide that any fencing or landscaping along the public right-of-way frontages of the real property will be placed such that it allows the home or building to be visible to the public from the public rights-of-way.
 - v. Recordation of Contract. The contract shall be recorded by the Santa Barbara County Recorder's Office and shall be binding on all successors-in-interest of the owner with respect to both the benefits and burdens of the contract.
 - vi. Procedure for Non-Renewal. The procedure for notice of non-renewal by the owner or the City shall be as identified in State law (Government Code Section 50282 (a), (b), and (c), and Section 50285).
 - vii. Annual Report Required. The contract shall require the real property owner to file an annual report, initially, on the program of implementing the plan or restoration or rehabilitation until that has been completed to the satisfaction of the Community Development Director, and thereafter, on the annual maintenance of the property, which report may require documentation of the owner's expenditures in restoring, rehabilitating, and maintaining the Qualified Historic Property.
 - viii. Cancellation of Contracts. The contract shall expressly provide for the City's authority to cancel the contract if the City determines that the owner has breached the contract either by his or her failure to restore or rehabilitate the property in accordance with the approved plan or by the failure to maintain the property as restored or rehabilitated. The manner of cancellation shall be as set forth in Government Code Sections 50285 and 50286.
- b. *Breach of Contract.* Additionally, the contract shall state that the City may cancel the contract if it determines that the owner has breached any of the other substantive provisions of the contract or has allowed

the property to deteriorate to the point that it no longer meets the significance criteria under which it was originally designated.

- c. *Cancellation Fee.* The contract may also provide that if the City cancels the contract for any of the reasons outlined in this chapter, the owner shall pay the State of California a cancellation fee of 12.5% of the full value of the property at the time of cancellation, as determined by the County Assessor, without regard to any restriction on the property imposed by the Historic Property Contract.
- d. *Force Majeur Cancellations.* The contract shall require that in the event preservation, rehabilitation, or restoration of the Qualified Historic Property becomes infeasible due to damage caused by natural disaster (e.g., earthquake, fire, flood, etc.), the City may cancel the contract without requiring the owner to pay the State of California the above-referenced cancellation fee as a penalty. However, in this event, a contract may not be cancelled by the City unless the City determines, after consultation with the State of California Office of Historic Preservation, in compliance with Public Resources Code Section 5028, that preservation, rehabilitation, or restoration is infeasible.
- e. *Standard Contract.* The City Community Development Department shall prepare and maintain a sample Historic Property Contract with all required provisions specified by this paragraph 3.

4. *Procedures for Application for and Approval of Historic Property Contracts.*

- a. An owner of a qualified historic property (as listed in Subsection B of this Section) may file an application for entering a Historic Property Contract with the City.
- b. Each application shall be accompanied by a complete legal description of the property.
- c. Each application shall be accompanied by a scope of work for the restoration or rehabilitation of the property.
- d. In January of each year, the City may notify the owners of qualified historic properties of the period of application for and process for City Historic Property Contracts for that calendar year.
- e. Application forms, as prescribed by the City, shall be provided to any property owner who requests the application forms.
- f. Upon submission of an application and the plan for restoration or rehabilitation of the property, the application and plan shall be reviewed for completeness by the City's Architectural Historian within 60 calendar days of the submission. In connection with this review, the Architectural Historian shall complete an initial inspection of the Qualified Historic Property, obtain photo documentation of the existing condition of the property, and use the inspection information to revise the plan for restoration or rehabilitation where necessary.

- g. All applications and plans for restoration or rehabilitation deemed complete and acceptable to the City's Architectural Historian shall, within 60 calendar days of being deemed complete, be submitted to the Commission. Such application and plans shall be evaluated by both the City's Architectural Historian and the Commission for compliance with established City criteria that will include, but not be limited to, the following findings:
 - i. The plan will substantially contribute to the preservation of a historic and unique City resource which is threatened by possible abandonment, deterioration, or conflicting regulations, and it will enhance opportunities for maintaining or creating affordable housing, or it will facilitate the preservation and maintenance of a property in cases of economic hardship.
 - ii. The plan will support substantial reinvestment in a historic resource and rehabilitation of a historic structure in the expanded State Enterprise Zone and other areas where the City is concentrating resources on facade improvements, home rehabilitation, or similar revitalization efforts.
 - iii. The Community Development Director has certified that the property does not now consist of any unpermitted or unsafe construction or building elements, is not the subject of a pending City code enforcement matter, and is current on the payment of all property taxes.
 - iv. Any new construction will not impact the eligibility for the structure to qualify as a Qualified Historic Resource, as that term is used in the Mills Act.
- h. Upon completion of the Commission review of the application and plan, the Commission shall make a recommendation to the Community Development Director for City approval or disapproval of the contract.
- i. If an application is recommended for approval by the Commission, the City shall prepare a contract according to its standard contract form, which shall be deemed to have all provisions necessary for a Historic Property Contract with the City.
- j. Additional provisions in the Contract desired by the owner shall be subject to approval by the Community Development Director or, when determined appropriate by the Community Development Director, by the City Council and as to form by the City Attorney in all cases.
- k. The City Finance Director shall determine that the proposed contract does not cause the total annual revenue loss to the City to exceed the amounts established by resolution for this program by the City Council, both collectively and for individual properties.
- l. Upon approval of the contract by the Finance Director, the contract signed by the property owners shall be submitted to the City Clerk, City

Administrator and City Attorney for execution of the contract on behalf of the City and for recordation by the City Clerk's Office.

- m. Historic Property Contracts that exceed the limits identified in this Section shall only be approved and executed after and upon the express approval of the City Council.

30.157.170 Enforcement and Penalties.

- A. **Misdemeanor.** Any person who violates a requirement of Chapters 30.220, 30.157, and 30.57, 30.237, fails to obey an order issued by the Historic Landmarks Commission, or City Council pursuant to these chapters, or fails to comply with a permit condition of approval issued under these chapters shall be guilty of a misdemeanor.
- B. **Nature of Violation/Moratorium.** Any substantial alteration, demolition by neglect or demolition of a designated Landmark, Structure of Merit, Contributing Resource, historic resource listed on the City's Historic Resources Inventory or historic resources being reviewed in a Survey, or historic resources located within a Landmark or Historic District in violation of these chapters, is expressly declared to be a public nuisance and, to the fullest extent possible, shall be abated by restoring or reconstructing the historic resource to its original condition as it existed prior to the violation. In the case of alteration, demolition by neglect or demolition of any historic resource described herein, the Community Development Director is hereby authorized to issue a temporary moratorium for the development of the subject property upon which such historic resource, prior to its demolition, was located for a period not to exceed 60 months (5 years).
- C. **Civil Penalties.** Any person or entity who alters, demolishes by neglect or demolishes those items stated in Subsection B, above, in violation of these chapters, shall be liable for a civil penalty. In the case of demolition or demolition by neglect, the civil penalty shall be equal to one-half the fair market value of the structure prior to the demolition. In the case of alteration, the civil penalty shall be equal to one-half the cost of restoration of the altered portion of the historic resource based on an estimate obtained by the City at the cost of the offender. Once the civil penalty has been paid, building and construction permits and/or a Certificate of Occupancy may be issued. This penalty is in addition to, and not in lieu of, the moratorium set forth in Subsection B, above.
- D. **Other Remedies.** The City Attorney may maintain an action for injunctive relief to restrain a violation or cause, where possible, the complete or partial restoration, reconstruction, or replacement of the historic resource demolished, partially demolished, altered, or partially altered in violation of this chapter. The City Attorney may also pursue any other action or remedy authorized under the Santa Barbara Municipal Code, State law, and/or in equity for any violation of chapters 30.220, 30.157, and 30.57, 30.237. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty or other remedy provided by law.
- E. **Continuing Violation.** In accordance with Section 1.28.050, violations of Chapters 30.220, 30.157, and 30.57, 30.237 are deemed continuing violations and, each and

every day a violation continues, is deemed to be a new and separate offense subject to a maximum civil penalty for each and every offense.

Proposed New Section 30.200.080

Chapter 30.200 PLANNING AUTHORITIES

Sections:

- 30.200.010 Purpose.**
- 30.200.020 City Council.**
- 30.200.030 Planning Commission.**
- 30.200.040 Staff Hearing Officer.**
- 30.200.050 Community Development Director.**
- 30.200.060 Public Works Director.**
- 30.200.080 Historic Landmarks Commission.**

30.200.080 Historic Landmarks Commission.

- A. The Historic Landmarks Commission is established and organized pursuant to Section 817 of Article VIII of the City Charter. The powers and duties of the Historic Landmarks Commission under this Title include, but are not limited to, the following:
 - 1. Recommend to the City Council that certain structures, natural features, sites or areas having historic, architectural, archaeological, cultural or aesthetic significance be designated as a Landmark;
 - 2. Designate certain structures or objects having historic, architectural, archaeological, cultural or aesthetic significance as Structures of Merit;
 - 3. Review and approve, disapprove, or approve with conditions, plans for exterior alteration, demolition, relocation, moving, or construction of or on: (1) any structures or real property within El Pueblo Viejo Landmark District, (2) any structures or real property within any designated Landmark District, (3) any additional property authorized by action of the City Council; (4) a designated Landmark.
 - 4. Perform such other functions or duties, not inconsistent with the City Charter, as may be prescribed by ordinance.

Proposed Amendments to Existing Chapter

Chapter 30.220

DESIGN REVIEW

- 30.220.010 Architectural Board of Review.**
- 30.220.020 Historic Landmarks Commission.**
- 30.220.030 Sign Committee.**
- 30.220.040 Single Family Design Board.**

30.220.010 Architectural Board of Review.

Design review is as required by Chapter 22.68 Architectural Board of Review.

30.220.020 Historic Landmarks Commission.

- A. Purpose.** The recognition and preservation of structures, sites, and natural features having historic, architectural, archaeological, or cultural significance is in the interest of the health, economic prosperity, and general welfare of the community. This chapter implements the City Charter and Historic Resources Element of the General Plan by protecting and preserving historic resources and implements the powers and duties of the Historic Landmarks Commission. The specific purposes of this chapter are the following:
1. To safeguard the City's heritage by protecting historic resources representing significant elements of its history;
 2. To protect and enhance the City's visual character by encouraging and regulating architectural styles within Landmark and Historic Districts, that reflect the City's unique and established architectural, cultural and landscaping traditions;
 3. To foster public appreciation of, and civic pride in, the beauty of the City and the accomplishments of its cultural past;
 4. To strengthen the economy and vitality of the City by protecting and enhancing the City's attractions to residents and visitors;
 5. To promote the private and public use of Landmarks, Structures of Merit, and Historic Districts for the education, prosperity, and general welfare of the people;
 6. To stabilize and improve property values within the City;

7. To undertake the identification, inventory, and consideration of structures, sites, and features that may merit designation as a historic resource;
8. To promote high standards in architectural and landscape design and the construction of aesthetically pleasing structures;
9. To promote neighborhood compatibility; and
10. To ensure that the review process is fair and consistent both in policy and implementation, and to allow all who are involved to participate in the process.

B. Applicability.

1. ***Exterior Alterations, Relocation and Demolition.*** Approval by the Historic Landmarks Commission is required for any exterior alteration, relocation, or demolition, including demolition by neglect of a structure, site, or feature developed with, containing, or located within any of the following:
 - a. *City-Owned or Leased Property.* If the alteration, construction or relocation of any structure, natural feature, site or area owned or leased by the City has a historic resource on the lot, the entire property is under Historic Landmarks Commission jurisdiction, except for the Airport Property due to the size of the property and demand for air use and the Historic Landmarks Commission purview will be over historic resources on the site only.
 - b. *El Pueblo Viejo Landmark District.* As defined in Section 30.57.030.
 - c. *Historic Resource.* A historic resource as defined in Section 30.300.080 “H” Historic Resources Related Definitions.
 - d. *Historic District (HD) Overlay Zones.* All properties, contributing and non-contributing, within a HD Overlay Zone.
 - e. *Publicly Owned Buildings Generally.* Except as provided in subsections f. and g. below, any structure, natural feature, site or area owned or leased by any public entity other than the City of Santa Barbara and designated as a Landmark or Structure of Merit, or located within any landmark district, shall not be subject to the provisions of this chapter.
 - f. *Public Interest Exception for City Facilities.* The City Council shall first make a public interest determination on whether the alteration, construction or relocation of any structure, natural feature, site or area owned or leased by the City and designated as a Landmark or Structure of Merit, or located within any Landmark or Historic District, is exempt from review by the Historic Landmarks Commission.
 - g. *Highway 101 Santa Barbara Coastal Parkway Special Design District.* A natural feature, site or area owned or leased by a public entity within the Highway 101 Santa Barbara Coastal Parkway Special Design District as defined by Section 22.68.060.C, which requires a Coastal Development Permit and which is designated as a Landmark, Structure

of Merit, or which is located within any Landmark or Historic District shall be reviewed by the Historic Landmarks Commission.

2. ***Minor Zoning Exceptions and Other Approvals.*** In addition to any review required pursuant to this chapter, the Historic Landmarks Commission shall review all applications for Minor Zoning Exceptions.
3. ***Exception for Certain Trees.*** Notwithstanding the above, the placement, alteration, or removal of trees shall be processed in accordance with Chapter 15.20 or 15.24, as applicable.

C. Review Authority. The Review Authority shall approve, conditionally approve, revise or deny all applications for design review based on consideration of the requirements of this chapter.

1. ***Historic Landmarks Commission.*** The Historic Landmarks Commission shall review all applications as required by this Chapter, including minor alterations on Landmarks and in El Pueblo Viejo Landmark District, and alterations contributing to a historic resources in a historic district overlay zone and properties listed on the Historic Resources Inventory.
2. ***City Architectural Historian (as defined under Qualified Professional Staff in Historic Preservation).*** Shall review ordinary maintenance contributing to historic resources in a historic district overlay zone and properties listed on the Historic Resources Inventory (as defined in Section 30.300.080”H”). Ordinary maintenance done to a Historic Resource may be approved through the issuance of a Certificate of Appropriateness as a ministerial action by the City’s Architectural Historian without review by the Historic Landmarks Commission.
 - a. ***Referrals to Historic Landmarks Commission.*** The City’s Architectural Historian may refer any proposed ordinary maintenance to the Historic Landmarks Commission if the City’s Architectural Historian finds that the maintenance has the potential to have an adverse effect on the integrity of the historic resource because it does not meet the Secretary of the Interior Standards.
 - b. ***Administrative Review.*** The issuance of the Certificate of Appropriateness by the City’s Architectural Historian is a ministerial action and does not require a noticed public hearing, and is otherwise final and not appealable.

D. Referrals to Planning Commission.

1. ***Planning Commission Comments.*** When the Historic Landmarks Commission determines that a development is proposed for a site which is highly visible to the general public, the Historic Landmarks Commission may, prior to granting project design approval of the application, require presentation of the application to the Planning Commission solely for the purpose of obtaining comments from the Planning Commission regarding the application. Planning Commission comments would be considered by the Historic Landmarks Commission in its deliberations.

2. ***Public Notice and Hearing.*** Prior to making any comments regarding an application pursuant to this Section, the Planning Commission shall hold a noticed public hearing. Notice of the hearing shall be provided in accordance with the requirements of Chapter 30.205, Common Procedures.

E. Public Notice and Hearing. Projects That Require Public Notice. Applications for the following projects shall require public notice and hearing pursuant to Chapter 30.205, Common Procedures:

1. New single residential units, two-unit residential units, multiple residential units, mixed-use buildings or nonresidential buildings located in El Pueblo Viejo Landmark District or a Historic District;
2. The addition of over 500 square feet of net floor area to a single-unit residential or two-unit residential unit;
3. An addition of a new second or higher story to an existing single-unit residential or two-unit residential housing type;
4. An addition of over 150 square feet of net floor area to an existing second or higher story of a single-unit residential or two-unit residential housing type;
5. The addition of over 500 square feet of net floor area or any change that will result in an additional residential unit to a multi-unit residential housing type;
6. Whenever approval of a Development Plan is required pursuant to Chapters 28.85 or 30.170. (Nonresidential Growth Management Program);
7. Projects involving more than 250 cubic yards of grading outside the footprint of any main building (soil located within 5 feet of an exterior wall of a main building that is excavated and re-compacted shall not be included in the calculation of the volume of grading outside the building footprint);
8. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels;
9. Projects involving the placement or removal of natural features with the apparent potential to significantly alter the exterior visual qualities of real property;
10. Projects involving an application for an exception to the parking requirements for a single residential unit as specified in Section 28.90.100.G.1.c. or Section 30.175.030.N.1a.;
11. Projects involving an application for a Minor Zoning Exception as specified in Section 30.245.060; or
12. All proposals to designate a City Landmark or Structures of Merit.

F. Project Compatibility.

1. ***Project Compatibility Findings.*** In addition to any other considerations and requirements specified in this Code, the applicable findings identified below shall be considered by the Historic Landmarks Commission when it reviews and approves or disapproves the design of a proposed development project in a noticed public hearing pursuant to the requirements of Section 30.157.100.

- a. *Consistency with Design Guidelines.* The design of the project is consistent with design guidelines applicable to the location of the project within the City;
- b. *Compatible with Architectural Character of City and Neighborhood.* The design of the project is compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project;
- c. *Appropriate size, mass, bulk, height, and scale.* The size, mass, bulk, height, and scale of the project is appropriate for its location and its neighborhood;
- d. *Sensitivity to Adjacent Landmarks and Historic Resources.* The design of the project is appropriately sensitive to adjacent Federal, State, or City Landmarks or other nearby designated historic resources, including City structures of merit, sites, or natural features;
- e. *Public Views of the Ocean and Mountains.* The design of the project responds appropriately to established scenic public vistas; or
- f. *Use of Open Space and Landscaping.* The project includes an appropriate amount of open space and landscaping.

2. ***Review Procedures.***

- a. *Projects with Design Review Only.* If a project only requires design review by the Historic Landmarks Commission pursuant to the provisions of this chapter and does not require discretionary land use approval, the Historic Landmarks Commission shall consider the applicable Project Compatibility Findings during the course of its review prior to granting an approval, denial or continuance of project design approval for the project.
- b. *Projects with Design Review and Other Discretionary Approvals.* If, in addition to design review by the Historic Landmarks Commission, a project requires a discretionary land use approval (either from the Staff Hearing Officer, the Planning Commission, or the City Council), the Historic Landmarks Commission shall review and discuss the applicable Project Compatibility Findings during its conceptual review of the project and shall provide its comments on those findings as part of the minutes of the Historic Landmarks Commission hearing which would then be forwarded to the Staff Hearing Officer, the Planning Commission, or the City Council (as applicable).

G. Appeals. Appeals of any decision of the Historic Landmarks Commission to the City Council may be made in accordance with the requirements of Section 30.205.150, Appeals.

- 1. ***Limits on New Evidence.*** The City Council will decide the appeal in the exercise of its independent judgment based upon the record of the proceedings of the Historic Landmarks Commission. New evidence will not be considered

unless the City Council determines that relevant evidence exists that, in the exercise of reasonable diligence, could not have been produced or was improperly excluded at the hearing before the Historic Landmarks Commission.

30.220.030 Sign Committee.

Design review is as required by Chapter 22.70 Sign Regulations.

30.220.040 Single Family Design Board.

Design review is as required by Chapter 22.69 Single Family Design Board.

**Proposed New
Chapter Chapter**

30.237

HISTORIC DISTRICT (HD) ZONE AMENDMENTS

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30.237.010 Purpose.

This Chapter establishes a process for consideration and review of Zoning Amendments throughout the City. More specifically, the purpose of this Chapter is to establish procedures for making changes to the text of this Title and to the Zoning Map whenever a new HD Overlay Zone is established.

30.237.020 Applicability.

The procedures in the Chapter shall apply to all proposals to change the text of this Title or to revise a zoning district classification or zoning district boundary line shown on the Zoning Map.

30.237.030 Eligibility.

Within the boundaries of a proposed HD Overlay Zone, at least 80% of the structures must be considered “contributing” to the historic significance of the district which gives the area authenticity and historical integrity.

30.237.040 Nomination.

Application for a classification as an HD Overlay Zone may be made by either the Historic Landmarks Commission upon its own motion, or by the Historic Landmarks Commission upon the verified application of one or more property owners from within the proposed

district following a public hearing.

30.237.050 Significance Criteria.

An application for a classification as an HD Overlay Zone shall include some or all of the following criteria and considerations of historical significance:

- A. It is associated with events that have made a significant contribution in our past;
- B. It is associated with the lives of persons significant in our past;
- C. It embodies the distinctive characteristics of a type, period, architectural style or method of construction, or represents the work of a master, or possess high artistic or historic value, or represents a significant and distinguishable collection whose individual components may lack distinction; or
- D. It yields, or may be likely to yield, information important in prehistory or history.

30.237.060 Zoning Amendment Required.

An application for a classification as an HD Overlay Zone shall be processed as an amendment to the Zoning Map, according to the procedures of Chapter 30.235, General Plan and Zoning Amendments. Except as otherwise outlined in this chapter.

30.237.070 Special HD Zone Requirements and Procedures.

The following procedures describe the process for establishing a new historic district with a Historic District (HD) Overlay Zone classification.

A. Application Requirements.

- 1. ***Evidence of Property Owner Support.*** Documentation by letter or petition establishing that a majority of property owners in the proposed district support the designation. A majority constitutes over 50% of the property owners listed on the County of Santa Barbara's most recent property ownership assessment roll in the proposed district by affixing their signatures to the letter or petition;
- 2. ***A Map.*** A map depicting the boundaries of the proposed HD Overlay Zone;
- 3. ***A Property Inventory.*** A professional historic resources survey of properties, including photographs of all properties in the proposed historic district identifying both contributing and non-contributing properties. At least 80% of these properties must be deemed by the City's Architectural Historian as "contributing."

B. Historic Landmarks Commission Action. Within 60 calendar days of the determination that the HD Overlay Zone application is complete, all applications for a HD Overlay Zone classification shall require public notice and a hearing pursuant to Chapter 30.205, Common Procedures.

- 1. ***Significance Report.*** The City's Architectural Historian shall prepare a Significance Report addressing the issue of whether the proposed historic district meets, or does not meet, some or all of the Significance Criteria.
- 2. ***Required Findings.*** At the hearing, the Historic Landmarks Commission shall identify and evaluate the Significance Criteria presented, assess the historical significance of those contributing resources identified in the

proposed district, evaluate the positive and negative effects upon the surrounding neighborhood, and otherwise exercise its sound judgment in determining whether the proposed historic district will benefit the community.

3. **Resolution.** When making a decision to approve, approve with conditions, revise, revoke or deny the initiation of the HD Overlay Zone, the Historic Landmarks Commission shall issue a written Resolution and make findings of fact as required by this chapter. If approved, it shall be forwarded onto the Planning Commission for a zoning amendment according to the procedures of Chapter 30.235, General Plan and Zoning Amendments. If denied, the decision shall become final within 10 calendar days unless appealed directly to the City Council.

C. **Planning Commission Action.** No later than 90 calendar days after the Historic Landmarks Commission's recommendation of approval was issued, or 90 days after the City Council's recommendation of approval on appeal, the Planning Commission shall conduct a public hearing and a public notice pursuant to Chapter 30.205, Common Procedures. Recommendations to City Council shall be conducted according to the procedures of Chapter 30.235, General Plan and Zoning Amendments. A denial shall be returned to the Historic Landmarks Commission for its further consideration and review.

1. **Scope of Planning Commission Review.** The Planning Commission hearing shall be limited solely to the formation of the proposed HD Overlay Zone. No review of the Significance Criteria, or any other historical significance determination made by the Historic Landmarks Commission, or City Council on appeal, shall take place. The Planning Commission's review for implementing HD Overlay Zone may, at its discretion, include public comment; however, it shall only review the following written materials at this hearing:

- a. *The Proposed Zone Map*, depicting the boundaries of the proposed HD Overlay Zone including any proposed buffer zones;
- b. *A Legal Description*, of the proposed HD Overlay Zone;
- c. *An Inventory of All Historic Resources*, including contributing and non-contributing resources and structures to confirm that the mandatory 80% contributing resources threshold has been met; and
- d. *A Copy of the Historic Landmarks Commission's Recommendation*, Approving the proposed district, or the City Council's recommendation on appeal.

2. **Recommendation.** A recommendation for approval or denial of the Historic District Overlay Zone shall be forwarded to City Council for a final decision.

D. **City Council Action.** Within 30 calendar days of a recommendation for approval or denial by the Planning Commission to City Council of the proposed classification as an HD Overlay Zone, the City Council shall conduct a public hearing and a public notice pursuant to Chapter 30.205, Common Procedures.

1. **Decision.** At the public hearing, the City Council shall consider whether to approve, modify, or disapprove the Planning Commission's and Historic Landmarks Commission's recommendations approving the HD Overlay Zone according to the procedures of Chapter 30.235, General Plan and Zoning Amendments. Approval by the City Council shall be based on a finding that the HD Overlay Zone establishes the Significance Criteria for designation as specified in this chapter. Disapproval shall be based on the finding that the HD Overlay Zone does not establish the Significance Criteria for designation as specified in this chapter.
2. **Post Approval Procedures.** Post approval procedures shall be conducted according to the procedures of Chapter 30.235, General Plan and Zoning Amendments; and
 - a. A Buffer Area, as defined in Section 30.300.080.H. "B" will serve to alert owners, planners and design review boards during the planning and design review process of the necessity to plan to mitigate any negative impacts a new project may have on a historic resource. The buffer area notification will be documented on the affected properties by the Community Development Department.
3. **Limits on New Applications After Denial.** If the City Council denies the proposed classification as an HD Overlay Zone, then 24 months must elapse before the submittal of another application to consider HD Overlay Zone for that same area.

30.267.080 Rescissions or Amendments.

Rescission of an HD Overlay Zone or amendments to the boundaries of an existing HD Overlay Zone shall follow the same procedures identified within this chapter for its designation.

The following definitions will be added to Division V, General Terms, Chapter 30.300, Definitions, and Section 30.300.080 "H" and entitled: "Historic Resources Related Definitions".

30.300.080 "H" Historic Resources Related Definitions. The following terms are related to the rules and regulations applicable only to historic resources.

Adobe. An unburnt, sun-dried, clay brick; or a building made of adobe bricks.

Adjacent. See *Abutting*, as defined in Section 30.300.010.

Archaeological site. The location of a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses archaeological value regardless of the value of any existing buildings or structures. (For the protection of significant archaeological and paleontological resources within the City, please refer to SBMC Chapter 22.12, Archaeological and Paleontological Resources).

Buffer Area. An area of land, developed or undeveloped surrounding a historic resource, El Pueblo Viejo Landmark District or Historic District Overlay Zones, that serves to notice owners, planners and design review boards during the

planning and design review process of the necessity to plan to mitigate any negative impacts a new project may have to the historic resource. The distance requirements of the buffer area are the following: 250 feet from the outline of the structure of an original adobe, El Presidio de Santa Barbara State Historic Park and areas inclusive of the original footprint of the Presidio, or a Landmark; 100 feet from the outline of the structure around a Structure of Merit; and at least a radius of one-half block from the boundary line surrounding El Pueblo Viejo Landmark District or a historic district and shall include properties on the opposite side of the street from the district.

Certificate of Appropriateness. The administrative approval document issued by the City's Architectural Historian to approve a minor alteration to a historic resource.

Character-Defining Feature or Element. A visible physical part or aspect of a structure or site that contributes to its identification, understanding or interpretation as an example of architecture or architectural style, as an artifact attributable to a particular period of historical significance, or as a unique entity.

Compatibility. Respect for distinctive character, identity and history of a streetscape and neighborhood through historic materials, features, size, scale and proportion, and massing to protect the integrity of the environment.

Contributing Resource. A structure, site, or feature within the boundaries of a Historic District, or El Pueblo Viejo Landmark District, which reflects the significance of the district as a whole, either because of historic associations, historic architectural qualities, archeological features, or historic integrity, and is considered a historic resource.

Cultural. The concepts, habits, skills, arts, instruments, institutions, etc. of a given people in a given period.

Cultural Landscape. A geographic area (including both cultural and natural resources and the wildlife or domestic animals therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Refer to the Secretary of Interior's Standards for Treatment of Cultural Landscapes for further definition of this term.

Cultural Resource. Districts, streetscapes, neighborhoods, sites, buildings, structures, view corridors, vistas and objects that have acquired significant associations with human activities and human events.

Demolition. Removal or destruction. Whenever the term demolition is used in this Title it shall also be considered a substantial redevelopment. See Section 30.140.200, Substantial Redevelopment. With regard to a historic resource, the term "demolition" shall also include the removal of a significant component or a character defining element.

Demolition by Neglect. A situation in which a property owner(s) through neglect and lack of maintenance allows a historic resource or character defining feature of a historic resource to suffer severe deterioration, potentially beyond the point of repair.

Elevation. The flat scale orthographically projected architectural drawing of all

exterior vertical elements of a building facade.

Features. Natural or man-made elements on a site, examples of which include trees, fountains, walls, and designed landscapes.

Historic District. A geographically definable area in the City possessing a significant concentration, linkage, or continuity of structures, sites or features united by past events or aesthetically by plan or physical development. Historic Districts consist of contributing and non-contributing properties, thematically linked by architectural style or designer, date of development, distinctive urban plan, or historic associations and may include buffer zones as authorized by the Historic Landmarks Commission. A Historic District derives its importance from being a unified entity conveying a visual sense of the overall historic environment.

Historic Fabric or Material. Original and later-added historically significant construction materials, architectural finishes or elements in a particular pattern or configuration which form a qualified historical property, as determined by the Historic Landmarks Commission.

Historic Resource. A structure, site, cultural landscape or feature designated or eligible to be designated historically significant based on the criteria in Section 30.157.025 Historic resources may also include, but are not limited to:

1. City-designated Landmark or Structure of Merit;
2. California Historical Landmark;
3. National Historic Landmark;
4. Listed on the State Register of Historical Resources;
5. Listed on the National Register of Historic Places;
6. Contributing historic resources in a City-designated Historic District Overlay Zone;
7. State or National Register Historic District;
8. A resource listed in the City's Historic Resources Inventory; or
9. A Cultural Landscape as defined herein.

Historic Resource, Exception. A property where only a small feature such as a sandstone wall, hitching post or tree is significant, as long as the feature is protected in the project. The determination of what constitutes a small feature shall be made by the staff Architectural Historian.

Historical Integrity. Authenticity of a building or property's historical identity evidenced by the survival of physical characteristics that existed during the property's historical or pre-historical period of significance.

Historic Resources Inventory. A list consisting of those structures, sites, or features identified by the Historic Landmarks Commission or City's Architectural Historian as historically significant and eligible for formal designation as a Landmark, Structure of Merit, Historic District, or contributing historic resource to a Historic District (formerly referred to as "Potential Historic Resources List").

Historical Significance. The degree of importance for which a property has been evaluated and found to be historical as determined by the Historic Landmarks Commission, City Council, the California Office of Historic Preservation, or Keeper of the National Register of Historic Places based on meeting specified local, state and national criteria.

Landmark. A structure, site, cultural landscape or feature having historic, architectural, archeological, cultural, or aesthetic significance and designated by City Council as a Landmark under the provisions in this chapter.

Landmark Tree. See *Historic Tree* in Section 15.24.010.

Major Alteration. Any physical modification or change to the exterior of a building, structure, site, object or designated interior that may have a significant effect on character-defining features of a Historic Resource. A Major Alteration shall also include construction of additions.

Minor Alteration. Any physical modification or change to insignificant exterior features of a Historic Resource, including additions, windows, doors, and exterior siding material that is non-original or otherwise lacking in historic integrity.

Nomination. The documentation by a qualified historian or architectural historian setting forth certain facts to support the designation of a historic resource as a Landmark, Structure of Merit, or HD Overlay Zone.

Neighborhood. For purposes of this chapter, a neighborhood is defined as an area possessing a sense of cohesiveness due to of physical features suggesting boundaries or concentrations of shared architectural, historic, or cultural characteristics.

Non-contributing Resource. A structure, site or feature within the boundaries of a HD Overlay Zone that does not qualify as a historic resource, but which has been included within the Historic District boundaries because of its geographic location with the HD Overlay Zone.

Ordinary Maintenance. The maintenance, painting, landscaping or repair of any exterior feature in or upon any historic resource that does not involve a change in design, material, or the external appearance thereof, except that the removal of trees or the change of paint color shall not be considered ordinary maintenance.

Period of Significance. The period of time when a qualified historic structure, site or feature was associated with important events, activities or persons, or attained the characteristics for its listing or registration.

Preservation. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a qualified historic resource. Preservation work, including preliminary measures to protect and stabilize the structure, site or feature, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

New exterior additions are specifically not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-related work to make properties functional is deemed to be appropriate preservation work.

Qualified Professional Staff in Historic Preservation. Staff meeting the Professional Standards in Historic Preservation outlined in the Secretary of the Interior's Guidelines and Qualifications in History, Architectural History, or Historic Architecture in education and experience required to perform the identification, evaluation, registration, and treatment of historic resources. Referred to in this chapter as Architectural Historian.

Reconstruction. The act or process of depicting, by means of new construction, the form, features and detailing of a non-surviving site, landscape, building, property or object for the purpose of replicating its appearance from a specific period of time

Rehabilitation. The act or process of making possible a compatible use for a qualified historic resource through repair, alterations and additions while preserving those portions or features which convey its qualified historical, cultural or architectural values.

Relocation. The act or process of moving any qualified historic resource or a portion of a qualified historic resource to a new site, or a different location on the same site.

Restoration. The act or process of accurately depicting the form, features and character of a qualified historic resource as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Sandstone Construction. A sedimentary rock (usually consisting of quartz sand particles united by some bonding agent such as silica or calcium carbonate) hewed into building materials by a skilled mason or carver and for purposes of this chapter, incorporating traditional, stone masonry including, but not limited to, curbs, walls, railings, bridges, gardens, buildings, steps or hitching posts using local sandstone material quarried in the Santa Barbara area.

Secretary of The Interior's Standards. The current version of the "Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Restructuring Historic Buildings" published by the U.S. Department of the Interior.

Streetscape. The design quality of the street and its visual effect and pedestrian experience.

Structure of Merit. A historic resource designated by the Historic Landmarks Commission that deserves official recognition as having historic, architectural, archeological, cultural, or aesthetic value but does not rise to the level of Landmark status.