

HISTORIC RESOURCES ORDINANCE

(DRAFT MARCH 2020)

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CHAPTER 30.157
HISTORIC RESOURCES

30.157.010 Historic Landmarks Commission.

A. Purpose. The purpose of this Chapter is to implement the City Charter by protecting and preserving historic resources. This Chapter also implements the powers and duties of the Historic Landmarks Commission (“Commission”) as prescribed in the municipal code. This Chapter specifies the procedures and criteria the City will use to regulate the designation, preservation, alteration, or demolition of historic resources.

B. Intent. The City’s intent for historic resources and this Chapter are:

1. To safeguard the heritage of the City by protecting Landmarks representing significant elements of history;
2. To protect and enhance the visual character of the City by encouraging and regulating the compatibility of architectural styles within historic districts reflecting unique and established architectural and landscaping traditions to ensure they are integrated into their specific cultural landscape;
3. To foster public appreciation of, and civic pride in, the beauty of the City and the accomplishments of its 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 City Historic Resource in accordance with the Historic Resource criteria established by California Public Resources Code Section 5024.1, as it is presently enacted or hereinafter amended;
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 to allow all who are involved to participate in the process.

C. Officers Quorum. The members of the Historic Landmarks Commission shall elect from their own members a Chair and Vice-Chair. The Community Development Director shall act as Secretary and record Commission actions and render written reports thereof for the Commission as required by this Chapter. The Commission shall adopt its own rules of procedure. Five (5) members shall constitute a quorum, one (1) of which shall be an architect licensed by the State of California.

30.157.020 Definitions

The words and phrases used in this Chapter are defined as provided in this Section and are incorporated into this Chapter by reference. If a word or phrase is not defined in this Section but is defined in Santa Barbara Municipal Code Chapter 28.04 or Chapter 30.300, the word or phrase shall have the same meaning in this Chapter as the meaning specified in Chapter 28.04 or Chapter 30.300.

- A. Adobe.** An unburnt, sun-dried, clay brick; or a building made of adobe bricks.
- B. Adjacent.** See *Abutting*, as defined in Section 30.300.010.
- C. Advisory Member.** An Honorary Member of the Commission of the City Of Santa Barbara appointed under the provisions of the City Charter.
- D. Alteration.** An exterior change or modification. For the purposes of this Chapter, an alteration shall include, but is not limited to: exterior changes to or modification of a structure, including the architectural details or visual characteristics such as paint color or surface texture; grading; surface paving; new structures or structural additions; cutting or removal of trees and other natural features; disturbance of archeological sites or areas; or the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings, or landscape accessories affecting the exterior visual qualities of the property.
 - 1. Major Alteration.** Visual changes or additions to features and elevations of a building that do not return the elevation to its original appearance, additions to structures, sites or features over 500 feet, over one story and visible from the public right-of-way, relocation and demolition of structures, sites or features.
 - 2. Minor Alterations.** In-kind repair/replacement that match the existing in size, profile, exposure, detail, relief, and dimension or restoration projects that return elements of a

historic resource to its original condition or color changes appropriate for the style of the building.

- E. Archeological.** The scientific study of the life and culture of earlier peoples by excavation of sites and relics.
- F. Architectural.** The science, art, or profession of designing and constructing buildings.
- G. Architectural Historian.** City staff member, locally referred to as Urban Historian, or consultant, who has the qualifications defined by the Secretary of the Interior in education and experience required to perform the identification, evaluation, registration, and treatment of historic resources.
- H. California Register Of Historic Resources.** The register of buildings, sites, structures, objects, and districts significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.
- I. CEQA.** The “California Environmental Quality Act” as codified in California Public Resources Code Section 21000, *et seq.* and the approved CEQA Guidelines as established in the California Code of Regulations, Title 14, Chapter 3, Section 15000, *et seq.*
- J. Certificate Of Appropriateness.** The administrative approval document issued by the City’s Architectural Historian to approve a minor alteration to a Historic Resource.
- K. Commission.** The Historic Landmarks Commission.
- L. Commission Guidelines.** The most recent revision of the “Historic Landmarks Commission (HLC) Guidelines & Meeting Procedures” adopted by City Council.
- M. Community Development Director.** The Community Development Director of the City of Santa Barbara or designee.
- N. Contributing Resource.** A structure, site, or feature within the boundaries of a Historic or 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.
- O. County Assessor.** The Tax Assessor of the County of Santa Barbara.
- P. Cultural.** The concepts, habits, skills, arts, instruments, institutions, etc. of a given people in a given period.
- Q. Demolition.** The permanent removal from a structure of either a significant component or a character defining element, as may be determined by the Commission or where

- appropriate, by the Community Development Director. Demolition shall include, but is not limited to, the act of pulling down, destroying, removing, relocating, or razing a structure or commencing the work thereof with the intent of completing the same.
- R. Elevation.** The flat scale orthographic projected drawings of all exterior vertical surfaces of a building.
- S. Façade.** The front of a building or that part of the building facing onto a public right-of-way, street, alley, or courtyard which may allow for ingress and egress into the building.
- T. 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, and/or historic associations. A Historic District derives its importance from being a unified entity, which conveys a visual sense of the overall historic environment.
- U. Historic Resource.** A City-designated Landmark or Structure of Merit; a State or National Landmark listed on the State Register of Historic Resources or National Register of Historic Resources; a City-designated Historic District; or State or National Register Historic District; any resource listed on the Historic Resources Inventory; or any property eligible to be designated historically significant based on the criteria in this Chapter as defined in the CEQA Guidelines 15064.5 (a).
- V. Historic Resource Significance Report (Significance Report).** A written evaluation of a nominated structure, site, or feature to the criteria for designation as either a Landmark, Structure of Merit, Historic District, or contributing resource to a Landmarks or Historic District as outlined in this Chapter. The Significance Report shall include a map of the property or properties and the proposed boundaries of the historic resource.
- W. Historic Resource Survey.** A field investigation, archival research, and documentation of structures, sites, or features within a certain designated area or neighborhood of the City made by the City for the purpose of identifying Historic Resources.
- X. Historic Resources Inventory.** A list consisting of those structures, sites, or features identified by the Commission or City's Architectural Historian as historically significant and eligible for formal designation as a City Landmark, Structure of Merit, Historic

District, or contributing historic resource to a Historic District (formerly referred to as “Potential Historic Resources List”).

- Y. Landmark.** A structure, site, or feature having historic architectural, archeological, cultural, or aesthetic significance and designated by City Council as a Landmark under the provisions in this Chapter.
- Z. Landmark District.** See *Historic District*.
- AA. Landmark Tree.** See definition of *Historic Tree* Section 15.24.
- BB. Member.** A member of the Historic Landmarks Commission of the City of Santa Barbara appointed under the provision in the City Charter.
- CC. National Register Of Historic Places.** The official inventory of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Preservation Act of 1966 (16 U.S.C. Section 470, *et sec.* and 36 C.F.R. Sections 60 & 63).
- DD. Neighborhood.** A area of the City of Santa Barbara designated as such in the City’s General Plan.
- EE. Non-Contributing Resource.** A structure, site, or feature within the boundaries of a Historic District that does not qualify as a historic resource, but which has been included within the Historic District boundaries because of its geographic location within the Historic District.
- FF. Owner.** A person, association, partnership, firm, corporation, or public entity appearing as the holder of legal title to any property on the last assessment roll of the County Assessor.
- GG. Project Design Approval.** The review and approval of an application on its merits where the application has been filed with the Commission and where the minutes of the Commission (or the Architectural Board of Review or Single Family Design Board, as appropriate) designate the approval as “Project Design Approval.” For the purposes of the California Permit Streamlining Act (Government Code Section 65950, *et seq.*), Project Design Approval is the substantive approval of the project on its design merits.
- HH. Sandstone Construction.** Any and all construction including, but not limited to, curbs, walls, bridges, gardens, buildings, or hitching posts that took place between 1870 through

1940 utilizing local sandstone material quarried in Mission Canyon area of the City and incorporating traditional ashlar stone masonry.

II. Secretary Of The Interior’s Standards. The most recent revision to 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.

JJ. Site Plan. A flat scale drawing of the place where something is, is to be, or was located.

KK. Structure. See *Section 30.300.190*.

LL. Structure Of Merit. A historic resource designated by the Commission that does not rise to the level of importance to the community to qualify as Landmark status but that deserves official recognition as having historic, architectural, archeological, cultural, or aesthetic significance.

30.157.030 Jurisdiction

It is unlawful to undertake any of the following actions without first seeking and obtaining review and approval of the action or actions by the Commission:

A. An alteration, relocation, or demolition to a structure, site, or feature developed with or containing any of the following:

1. A Landmark;
2. A Structure of Merit;
3. A property within El Pueblo Viejo Landmark District (EPV);
4. A Contributing Resource in a Historic District;
5. A property listed on the City’s Historic Resources Inventory;
6. An un-surveyed property over fifty (50) years old not currently identified as a historic resource, that must be evaluated for historic significance for the purposes of CEQA as part of a discretionary review project and identified by the Commission, the Commission’s Architectural Historian, or the City’s Architectural Historian as a historic resource; or
7. Any property listed or determined eligible for listing, on the National Register of Historic Places, California Register of Historic Resources, or California Historic Resources Inventory.

- B. An alteration, relocation, or demolition of a structure, site or feature, located on a parcel or within El Pueblo Viejo Landmark District.
- C. An alteration, relocation, or demolition of a structure, site or feature, located on a parcel or lot within a Historic District.
- D. An alteration, relocation, or demolition of a structure, site or feature, located on a parcel or lot that is: (i) listed in the National Register of Historic Places at the statewide or federal level of significance; or (ii) listed or eligible to be listed in the California Register of Historic Resource.

30.157.035 Criteria for Designation of Landmarks and Structures of Merit

In considering a proposal to recommend to the City Council any structure, site or feature for designation as a Landmark, Structure of Merit, or for inclusion on the Historic Resources Inventory, the Commission must find the property 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*. In making a recommendation, the Commission shall utilize any or all of the following criteria and considerations:

- A. Its character, interest, or value as a significant part of the heritage of the City, State, or Nation;
- B. Its location as a site of a significant historic event;
- C. Its identification with a person or persons who significantly contributed to the culture and development of the City, State, or Nation;
- D. Its exemplification of a particular architectural style or way of life important to the City, State, or Nation;
- E. Its exemplification of the best remaining architectural type in a neighborhood;
- F. Its identification as the creation, design, or work of a person or persons whose effort has significantly influenced the heritage of the City, State, or Nation;
- G. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials, or craftsmanship;
- H. Its relationship to any other Landmark if its preservation is essential to the integrity of that Landmark;

- I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;
- J. Its potential of yielding significant information of archaeological interest; and
- K. Its integrity as a natural environment that strongly contributes to the wellbeing of the people of the City, State, or Nation.

30.157.036 Procedure for Designating a Landmark

Any structure, site or feature (hereinafter referred to as the “property”) having potential historic, architectural, archeological, cultural, or aesthetic significance may be proposed to the Commission for recommendation to City Council for designation as a Landmark by: the Commission’s own initiative; a property owner of a parcel of real property on which the proposed Landmark is located; or an interested person or entity.

- A. **Commission Recommendation To City Council.** The procedure for the Commission to make a recommendation to the City Council regarding a proposed Landmark designation is as follows:
 - 1. ***Administrative Evaluation.*** The City’s Architectural Historian shall evaluate the proposed Landmark and prepare a Significance Report for presentation to the Commission pursuant to the criteria of this Chapter. As part of this evaluation, and in those cases where such designation is sought by the Commission on its own initiative or by an applicant who is not the property owner of a parcel of real property upon which the proposed Landmark is located. Upon completion of the Designation Report, a public hearing to consider the City Architectural Historian’s recommendation shall be scheduled before the Commission within ninety (90) calendar days.
 - 2. ***Notice of Public Hearing.*** Prior to the Commission’s public hearing on the proposed designation, public notice shall be given as follows:
 - a. At least sixty (60) calendar days prior to the date of the hearing, notice of the proposed Landmark designation shall be provided by first class mail to the applicant, to the owner or owners of the property, and to the owners of directly abutting properties, as listed on the County of Santa Barbara’s most recent property ownership assessment roll.

- b. At least ten (10) calendar days prior to the date of the hearing, notice of time, place, and purpose of the hearing shall be given by publication at least once in a newspaper of general circulation within the City.
 3. ***Commission Public Hearing.*** The proposed Landmark designation shall require a public hearing pursuant to Santa Barbara Municipal Code Section 30.205.080. Upon completion of the public hearing, the Commission shall adopt a resolution, pursuant to the criteria of Section 30.157.035, to either recommend the designation or deny the designation of the property as a Landmark to City Council.
 4. ***Appeal of Denial of Landmark Designation.*** An appeal of a decision rendered by the Commission under Subsection (3) of this Section may be filed pursuant to Section 30.157.150.
- B. **City Council Designation.** The City Council may designate a property as a Landmark by adopting a resolution of designation in accordance with the following procedures:
1. ***Receipt by City Clerk.*** Upon receipt of a recommendation for designation from the Commission, or an appeal of a denial by the Commission pursuant to Section 30.157.150, the City Clerk shall schedule a hearing for the City Council to consider the proposed Landmark designation.
 2. ***Notice of Public Hearing.*** Notice of the time, place, and purpose of the hearing shall be given a least ten (10) calendar days prior to the date of the hearing by publication at least once in a newspaper of general circulation within the City and by first class mail to the owner or owners of the property and to the owners of directly abutting properties, as listed on the last equalized assessment roll for the County of Santa Barbara.
 3. ***City Council Public Hearing.*** A public hearing to consider the proposed Landmark designation or appeal of a denial by the Commission shall be held in accordance with Santa Barbara Municipal Code Chapter 30.205.
 4. ***City Council Resolution.*** Upon the City Council's adoption of a resolution of designation as a Landmark, the City Clerk shall record the resolution against the property in the Office of the Recorder of the County of Santa Barbara within sixty (60) calendar days of the City Council's action.

30.157.039 Repair and Maintenance of a Landmark

Landmarks shall be maintained in good repair by the owner thereof, or such other person or persons who may have the legal custody and control thereof, in order to preserve it against decay and deterioration. Nothing in this Chapter shall be construed so as to prohibit ordinary and necessary repair and maintenance of a Landmark.

30.157.040 Exterior Alteration, Relocation, or Demolition of a Landmark

The Commission, or City Architectural Historian, shall not approve an exterior alteration, relocation, or demolition of a Landmark unless it has first made the applicable findings and determinations specified by this Section, after taking into consideration any mitigation measures or other conditions of approval.

- A. **Major Exterior Alterations.** It shall be unlawful to alter a Landmark on the exterior unless the Commission has made the following findings:
1. The exterior alterations are being made primarily for, and will substantially advance, restoration of the Landmark to its original appearance or will substantially aid in the preservation or enhancement of the Landmark; and
 2. The alterations are consistent with the Secretary of the Interior's Standards.
- B. **Relocation.** It shall be unlawful to relocate a Landmark unless the Commission has made the following findings:
1. The relocation does not constitute a "demolition" as defined by this Chapter;
 2. The relocation does not require alterations of the Landmark that would be incompatible with the goal of long-term preservation or enhancement of the Landmark as an historic resource;
 3. The relocation will substantially aid its long-term preservation; and
 4. The relocation is consistent with the Secretary of the Interior's Standards.
- C. **Demolition.** It shall be unlawful to demolish a Landmark unless the Commission has made the following finding:
1. **Damage.** 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) sufficient to warrant a finding of overriding considerations pursuant to CEQA;

The Commission may require, as conditions of approval of a demolition, that the property owner salvage historic materials from the property and /or provide archival-quality photo documentation of the property and /or architectural drawings to the City.

D. **Minor Exterior Alterations.** It shall be unlawful to alter a Landmark on the exterior unless the City Architectural Historian has made the following findings:

1. The exterior alterations are being made primarily for, and will substantially advance, restoration of the Landmark to its original appearance; and
2. The alterations are consistent with the Secretary of the Interior's Standards.

Minor exterior alterations to a Landmark may be approved through the issuance of a Certificate of Appropriateness as an administrative action by the City's Architectural Historian without review by the Commission. The City's Architectural Historian shall have the authority and discretion to refer any proposed minor exterior alteration to the Commission if, in the opinion of the City's Architectural Historian, the alteration has the potential to have an adverse effect on the integrity of the Landmark or the parcel of real property on which the Landmark is located. The issuance of the Certificate of Appropriateness by the City's Architectural Historian does not require a noticed public hearing and is not an appealable action.

E. **Appeal to City Council.** A final decision made by the Commission pursuant to the provisions of this section may be appealed to the City Council pursuant to the requirements of Chapter 1.30. Any decision by the City Council on appeal pursuant to this section shall comply with the finding requirements of subsection (A) through (C) of this section as well as the applicable requirements and provisions of the California Environmental Quality Act.

The City Council shall hold a noticed public hearing within sixty (60) calendar days of the Commission's Action. The appeal shall not constitute a "de novo" review. The evidence presented to the City Council shall be limited to the record of those proceedings considered by the Commission in its earlier determination. No new evidence, either oral

or written, shall be allowed absent compelling, exigent circumstances. The City Council's determination on the appeal shall constitute a final action.

30.157.045 Procedure for Designating a Structure of Merit.

Any property having historic, architectural, archeological, cultural, or aesthetic significance may be proposed to the Commission for designation as a Structure of Merit by: the Commission's own initiative; a property owner of a parcel of real property on which the potential Structure of Merit is located; or an interested person or entity.

A. Commission Designation. The procedure for designation of any Structure of Merit is as follows:

1. **Administrative Evaluation.** The City's Architectural Historian shall evaluate the proposed Structure of Merit application per the criteria of this Chapter and prepare a "Designation Report" for presentation to the Commission. In those cases where such designation is sought by the Commission on its own initiative or by an applicant who is not the property owner of a parcel of real property upon which the proposed Structure of Merit is located, the City shall provide notice of the proposed Structure of Merit by first class mail to the applicant, to the owner or owners of the property, and to the owners of directly abutting properties, as listed on the County of Santa Barbara's most recent property ownership assessment roll. Upon completion of the Designation Report, a public hearing to consider the City Architectural Historian's recommendation shall be scheduled before the Commission within ninety (90) calendar days.
2. **Notice of Public Hearing.** Prior to the Commission's public hearing on the proposed designation, notice of the time, place, and purpose of the hearing shall be given at least sixty (60) calendar days prior to the date of the hearing, by first class mail to the applicant, to the owner or owners of the property as the ownership of such property is listed on the last equalized assessment roll of the County of Santa Barbara.
3. **Commission Public Hearing.** The proposed Structure of Merit designation shall require a public hearing pursuant to Santa Barbara Municipal Code Section 30.205.080. Upon completion of the public hearing, the Commission shall adopt a resolution to either designate or not designate the property as a Structure of Merit.

The resolution shall contain specific findings made by the Commission pursuant to the criteria of Section 30.157.035.

4. **Appeal to City Council.** A final decision made by the Commission pursuant to the provisions of this Section may be appealed to the City Council pursuant to the requirements of Section 30.157.050 (E).
5. **Recordation of Resolution of Designation.** Upon the 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 of the County of Santa Barbara within sixty (60) calendar days of the Commission's adoption or the City Council's final action.

30.157.047 Repair and Maintenance of a Structure of Merit.

Structures of Merit shall be maintained in good repair by the owner thereof, or such other person or persons who may have the legal custody and control thereof, in order to preserve it against decay and deterioration. Nothing in this Chapter shall be construed so as to prohibit ordinary and necessary maintenance and repair of a Structure of Merit.

30.157.050 Exterior Alterations, Relocation, or Demolition of a Structure of Merit.

The Commission, or City Architectural Historian, shall not approve an exterior alteration, relocation, or demolition of a Structure of Merit unless it has first made the applicable findings and determinations specified by this Section.

- A. **Major Exterior Alterations.** It shall be unlawful to alter a Structure of Merit on the exterior unless the Commission has made the following findings:
 1. The exterior alterations are being made to restore the Structure of Merit to its original appearance or in order to substantially aid its preservation or enhancement as an historic resource; and
 2. The exterior alterations are consistent with the Secretary of the Interior's Standards.
- B. **Relocation.** It shall be unlawful to relocate a Structure of Merit unless the Commission has made the following findings:
 1. The relocation does not constitute a "demolition" as defined by this Chapter;

2. The relocation does not constitute alterations that would be incompatible with the goal of long-term preservation or enhancement of the Structure of Merit as an historic resource;
3. The relocation will substantially aid in its long-term preservation or enhancement as an historic resource; and
4. The relocation is consistent with the Secretary of the Interior's Standards.

C. **Demolition.** It shall be unlawful to demolish a Structure of Merit unless the 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 Structure of Merit to a less than significant level;
2. The Structure of Merit 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 sufficient to warrant a finding of overriding considerations pursuant to CEQA;
3. Preservation of the Structure of Merit is not economically feasible or practical or no viable measures could be taken to adaptively use, rehabilitate, or restore the Structure of Merit 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 a finding of overriding considerations pursuant to CEQA;
4. A compelling public interest justifies demolition to warrant a finding of overriding considerations pursuant to CEQA.

D. **Minor Exterior Alterations.** It shall be unlawful to alter a Structure of Merit on the exterior unless the City Architectural Historian has made the following findings:

1. The exterior alterations are being made primarily for, and will substantially advance, restoration of the Structure of Merit to its original appearance; and
2. The alterations are consistent with the Secretary of the Interior's Standards.

Minor exterior alterations to a Structure of Merit may be approved through the issuance of a Certificate of Appropriateness as an administrative action by the City's Architectural Historian without review by the Commission. The City's Architectural Historian shall

have the authority and discretion to refer any proposed minor exterior alteration to the Commission if, in the opinion of the City's Architectural Historian, the alteration has the potential to have an adverse effect on the integrity of the Structure of Merit or the parcel of real property on which the Structure of Merit is located. The issuance of the Certificate of Appropriateness by the City's Architectural Historian does not require a noticed public hearing and is not an appealable action.

- E. **Appeal to City Council.** A final decision made by the Commission pursuant to the provisions of this section may be appealed to the City Council pursuant to the requirements of Chapter 1.30. Any decision by the City Council on appeal pursuant to this section shall comply with the finding requirements of subsection (A) through (C) of this section as well as the applicable requirements and provisions of the California Environmental Quality Act.

The City Council shall hold a noticed public hearing within sixty (60) calendar days of the Commission's Action. The appeal shall not constitute a "de novo" review. The evidence presented to the City Council shall be limited to the record of those proceedings considered by the Commission in its earlier determination. No new evidence, either oral or written, shall be allowed absent compelling, exigent circumstances. The City Council's determination on the appeal shall constitute a final action.

30.157.060 Procedure of Listing on the Historic Resources Inventory.

The Commission, through the City's Architectural Historian, shall maintain for public review, and periodically update, a Historic Resources Inventory, identifying historic resources as defined by this Chapter by name, location, address, or narrative description.

- 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, as outlined in Section 30.157.035 or 03.157.080.
- B. **Procedure for Listing Historic Resources on the Inventory.**
1. **Identification of Potential Historic Resources.** Properties may be proposed for inclusion on the Historic Resources Inventory in one of the two following ways:

- a. *Application.* The subject property owner, the Commission, the City Architectural Historian, or any interested person who resides within the City may submit an application and supporting documentation for listing on to the Inventory, as defined by this Chapter. If the applicant is not the property owner, the City's Architectural Historian shall, within ten (10) calendar days of receipt of the application, notify the affected property owner in writing of the application submittal. The City's Architectural Historian shall determine if the application is complete and shall prepare a Significance Report.
 - b. *Administrative Listing.* Any building permit application to alter or demolish a structure, site, or feature that is fifty (50) years old or older shall be referred to the City's Architectural Historian for a determination of whether the property may be eligible for inclusion on the Inventory in accordance with the criteria established in this Chapter. If the City's Architectural Historian finds that the structure, site, or feature meets the criteria for historic significance, the Architectural Historian will prepare a Significance Report and add the property to the Inventory. If the City's Architectural Historian finds no historic significance, the property shall not be listed on the Inventory and the application shall continue to be processed, provided the applicant has otherwise complied with all necessary City building/demolition permit submittal requirements.
 - c. *Results of a Professional Historic Resources Survey.* Any individual historic resources or historic districts found historically significant in a Historic Resources Survey conducted by a qualified professional and accepted by the Commission at a public hearing shall be added to the Inventory
2. *Notice.* The City's Architectural Historian shall notify the applicant and/or property owner in writing whether the structure, site, or feature will be added onto the Inventory.
 3. *Appeal of Significance Determination.* The applicant and /or property owner may appeal the City Architectural Historian's decision to the Commission within

ten (10) calendar days of receipt of Notice. On appeal, the Commission shall review the Significance Report evaluating the resource to the criteria listed in Section 30.157.035 for which the property was found significant at a noticed public hearing conducted in compliance with this Chapter.

C. Procedure for Removing Historic Resources from the Inventory. Removal of a listing of a historic resource from the Inventory may be proposed by the property owner, Commission or any interested party based on physical evidence that the property is not historically significant.

1. **Notice of Public Hearing.** A proposal to remove a property from the Inventory shall be considered by the Commission at a noticed public hearing pursuant to this Chapter.
2. **Commission Public Hearing.** The City's Architectural Historian shall prepare a Significance Report evaluating the historical integrity and ability of the property to meet the criteria outlined in this Chapter. In order to remove the listing of an historic resource from the Inventory, the 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 evidence demonstrating that the building 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 utilizing all necessary permits.
2. **Notice of Removal.** Notice of the removal of a listing of an historic resource from the Inventory shall be mailed to the owner of record of the property.

30.157.064 Maintenance and Repair of Resources on the Inventory.

Resource listed on the Inventory shall be maintained in good repair by the owner thereof, or such other person or persons who may have the legal custody and control thereof, in order to preserve it against decay and deterioration. Nothing in this Chapter shall be construed so as to prohibit ordinary and necessary maintenance and repair of a Resource listed on the Inventory.

30.157.065 Exterior Alterations, Relocations, or Demolition of Resources on the Inventory.

The Commission, or City Architectural Historian, shall not approve an exterior alteration to a resource on the Inventory unless it has first made the applicable findings and determinations specified by this Section.

- A. **Major Exterior Alterations.** It shall be unlawful to alter a historic resource listed on the Inventory on the exterior unless the Commission has made the following findings:
1. The exterior alterations are being made to restore the historic resource listed on the Inventory to its original appearance or in order to substantially aid its preservation or enhancement as an historic resource; and
 2. The exterior alterations are consistent with the Secretary of the Interior's Standards.
- B. **Relocation.** It shall be unlawful to relocate a historic resource listed on the Inventory unless the Commission has made the following findings:
1. The relocation does not constitute a "demolition" as defined by 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 listed on the Inventory as an historic resource;
 3. The relocation will substantially aid in its long-term preservation or enhancement as an historic resource; and
 4. The relocation is consistent with the Secretary of the Interior's Standards.
- C. **Demolition.** It shall be unlawful to demolish a historic resource listed on the Inventory unless the 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 listed on the Inventory 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 sufficient to warrant a finding of overriding considerations pursuant to CEQA;

3. Preservation of the historic resource listed on the Inventory is not economically feasible or practical or no viable measures could be taken to adaptively use, rehabilitate, or restore the historic resource listed on the Inventory 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 a finding of overriding considerations pursuant to CEQA;
4. A compelling public interest justifies demolition to warrant a finding of overriding considerations pursuant to CEQA.

D. **Minor Exterior Alterations.** It shall be unlawful to alter a resource on the Inventory on the exterior unless the City Architectural Historian has made the following findings:

1. The exterior alterations are being made primarily for, and will substantially advance, restoration of the resource to its original appearance; and
2. The alterations are consistent with the Secretary of the Interior's Standards.

Minor exterior alterations to a resource listed on the Inventory may be approved through the issuance of a Certificate of Appropriateness as an administrative action by the City's Architectural Historian without review by the Commission. The City's Architectural Historian shall have the authority and discretion to refer any proposed minor exterior alteration to the Commission if, in the opinion of the City's Architectural Historian, the alteration has the potential to have an adverse effect on the integrity of the resource listed on the Inventory or the parcel of real property on which the resource listed on the Inventory is located. The issuance of the Certificate of Appropriateness by the City's Architectural Historian does not require a noticed public hearing and is not an appealable action.

E. **Appeal to City Council.** A final decision made by the Commission pursuant to the provisions of this section may be appealed to the City Council pursuant to the requirements of Chapter [1.30](#). Any decision by the City Council on appeal pursuant to this section shall comply with the finding requirements of subsection (A) through (C) of this section as well as the applicable requirements and provisions of the California Environmental Quality Act.

The City Council shall hold a noticed public hearing within sixty (60) calendar days of the Commission's Action. The appeal shall not constitute a "de novo" review. The evidence presented to the City Council shall be limited to the record of those proceedings considered by the Commission in its earlier determination. No new evidence, either oral or written, shall be allowed absent compelling, exigent circumstances. The City Council's determination on the appeal shall constitute a final action.

30.157.080 Criteria for Designating a Historic District.

The zoning regulations applicable in a Historic District shall be as prescribed for the base zoning district within which the Historic District is located, provided that the requirements of the Historic District shall govern where conflicts arise.

- A. **Criteria.** For purposes of this Chapter, the criteria for designating an area within the City as a Historic District shall utilize any or all of the following criteria and considerations:
1. Associated with events that have made a significant contribution in our past;
 2. Associated with the lives of persons significant in our past;
 3. Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic value, or represent a significant and distinguishable entity whose components may lack individual distinction;
 4. Yield or may be likely to yield, information important in prehistory or history; or
 5. Within the boundaries of a historic district, most (at least ___%?) of the structures must be considered "contributing" to the historic significance of the district which give the area authenticity and historical integrity.

30.157.085 Procedure for Designating a Historic District

- A. **Application for Designation.** An application for designation of an Historic District shall be submitted to the Community Development Department for initial review by the City's Architectural Historian. The application may be submitted by the Commission itself, on its own motion based on the results of a Survey, a neighborhood organization with at least ___%? of its members consisting of property owners located in the proposed district, or one or more property owners within the proposed district. The application shall include:

1. Documentation by letter or preliminary petition that a majority of the property owners, a minimum of __%, in the proposed district support the designation;
2. A map with the boundaries of the proposed district; and
3. An inventory and photographs of all properties in the proposed district including both contributing and non-contributing properties.

Within sixty (60) calendar days of the determination that the application is complete, the City's Architectural Historian shall prepare a Significance Report, establishing in the record that the district meets, or does not meet, some or all the criteria for designation, and shall schedule a noticed public hearing before the Commission.

- B. Notice of Commission Public Hearing.** Prior to the Commission's public hearing on the proposed historic district designation, notice of time, place and purpose of the hearing shall be given at least ten (10) calendar days prior to the hearing by publication at least once in a newspaper of general circulation within the City, and at least sixty (60) calendar days prior to the date of the hearing, by first class mail to all to property owners within the boundaries of the proposed district as the ownership is listed on the last equalized assessment roll for the County of Santa Barbara.
- C. Commission Public Hearing.** At the scheduled public hearing, the Commission shall review the application and designation report and recommend approval or denial of the designation application to the City Council. A decision by the Commission to disapprove the designation application based on findings that it does not meet the required criteria is final unless appealed by the applicant to the City Council. The Commission's recommendation for approval shall be based on written findings, referencing specific supporting factual evidence, that the historic district meets the criteria for designation as specified in this Chapter. Upon completion of the public hearing, the Commission shall adopt a resolution that contains the specific findings made by the Commission to recommend the designation to City Council.
- D. Notice to City Clerk.** Within thirty (30) calendar days of the decision by the Commission, the City's Architectural Historian shall notify the City Clerk of the Commission's decision, request that the City Clerk schedule a public hearing by the City Council, and submit the following documentation to the City Clerk:
1. Resolution of Recommendation from the Commission;

2. Designation Report; and
 3. Map with the boundaries of the proposed district.
- E. Notice of Council Public Hearing.** Notice of the time, place and purpose of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing by publication at least once in a newspaper of general circulation within the City and by first class mail to property owners within the proposed Historic District as such ownership is listed on the last equalized assessment roll for County of Santa Barbara.
- F. Council Public Hearing.** A public hearing on the recommendation of designation shall be held on the date designated. The City Council may approve, modify, or disapprove the Historic District Designation. Approval by the City Council shall be based on the finding that the Historic District meets the criteria for designation as specified in this Chapter. Disapproval shall be based on the finding that the Historic District does not meet the criteria for designation as specified in this Chapter.
- G. Resolution of Designation.** Upon the City Council's adoption of a resolution of designation as a Historic District, the City Clerk shall cause such resolution of designation to be recorded against the properties in the Historic District in the Office of Recorder of the County of Santa Barbara within sixty (60) calendar days of the City Council's adoption of the resolution of designation.

30.157.086 Procedure for Rescission or Amendment of City Council Resolution of Historic District Designation.

Rescission of a historic district and/or amendments to the boundaries of an existing Historic District shall follow the procedures as identified within this Chapter for its designation 30.157.080.

30.157.087 Maintenance and Repair of Contributing Resources in a Historic District

Any contributing historic resource or landscape feature located within a historic district shall be preserved and maintained by owners of properties thereof in good condition and repair. Contributing historic resources may be repaired and altered on the exterior for purposed of restoring its original appearance, or to substantially aid in its preservation or enhancement (especially with respect to its particular architectural style), with the prior issuance of a

Certificate of Appropriateness by the City's Architectural Historian for minor alterations or written approval of the Commission for major alterations.

30.157.088 Exterior Alterations, Relocation, or Demolition of a Contributing Resource in a Historic District.

The Commission, or City Architectural Historian, shall not approve an exterior alteration, relocation, or demolition of a contributing resource in a historic district, unless it has first made the applicable findings and determinations specified by this Section.

- A. **Major Exterior Alterations.** It shall be unlawful to alter a contributing resource in a historic district on the exterior unless the Commission has made the following findings:
1. The exterior alterations are being made to restore the contributing resource in a historic district to its original appearance or in order to substantially aid its preservation or enhancement as an historic resource; and
 2. The exterior alterations are consistent with the Secretary of the Interior's Standards.
- B. **Relocation.** It shall be unlawful to relocate a contributing resource in a historic district unless the Commission has made the following findings:
1. The relocation does not constitute a "demolition" as defined by this Chapter;
 2. The relocation does not constitute alterations that would be incompatible with the goal of long-term preservation or enhancement of the contributing resource as an historic resource;
 3. The relocation will substantially aid in its long-term preservation or enhancement as an historic resource; and
 4. The relocation is consistent with the Secretary of the Interior's Standards.
- C. **Demolition.** It shall be unlawful to demolish a contributing resource in a historic district unless the 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 contributing resource to a less than significant level;
 2. The contributing 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 sufficient to warrant a finding of overriding considerations pursuant to CEQA;

3. Preservation of the contributing resource is not economically feasible or practical or no viable measures could be taken to adaptively use, rehabilitate, or restore the contributing resource in a historic district 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 a finding of overriding considerations pursuant to CEQA;
4. A compelling public interest justifies demolition to warrant a finding of overriding considerations pursuant to CEQA.

D. **Minor Exterior Alterations.** It shall be unlawful to alter a contributing resource in a historic district on the exterior unless the City Architectural Historian has made the following findings:

1. The exterior alterations are being made primarily for, and will substantially advance, restoration of the contributing resource to its original appearance; and
2. The alterations are consistent with the Secretary of the Interior's Standards.

Minor exterior alterations to a contributing resource may be approved through the issuance of a Certificate of Appropriateness as an administrative action by the City's Architectural Historian without review by the Commission. The City's Architectural Historian shall have the authority and discretion to refer any proposed minor exterior alteration to the Commission if, in the opinion of the City's Architectural Historian, the alteration has the potential to have an adverse effect on the integrity of the contributing resource, the parcel of real property on which the contributing resource is located, or the historic district. The issuance of the Certificate of Appropriateness by the City's Architectural Historian does not require a noticed public hearing and is not an appealable action.

E. **Appeal to City Council.** A final decision made by the Commission pursuant to the provisions of this section may be appealed to the City Council pursuant to the requirements of Chapter [1.30](#). Any decision by the City Council on appeal pursuant to

this section shall comply with the finding requirements of subsection (A) through (C) of this section as well as the applicable requirements and provisions of the California Environmental Quality Act.

The City Council shall hold a noticed public hearing within sixty (60) calendar days of the Commission's Action. The appeal shall not constitute a "de novo" review. The evidence presented to the City Council shall be limited to the record of those proceedings considered by the Commission in its earlier determination. No new evidence, either oral or written, shall be allowed absent compelling, exigent circumstances. The City Council's determination on the appeal shall constitute a final action.

30.157.089 Designated Historic Districts

A. **Existing Historic Districts.** The following Historic Districts have been designated by the City Council:

1. El Pueblo Viejo Landmark District;
2. Brinkerhoff Avenue Historic District (formerly "Brinkerhoff Avenue Landmark District");
3. Riviera Campus Historic District; and
4. El Encanto Historic District.

B. **Maps of Historic Districts.** The designated Historic Districts described in this Section are depicted in 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 description(s) contained in this Section, the written description(s) shall prevail.

C. **El Pueblo Viejo ("EPV") Landmark District**

1. **Purpose.** The purpose of El Pueblo Viejo Landmark District 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 contributing historic resources as provided in this Chapter that 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 Spanish Colonial Revival and Mediterranean styles of architecture.

2. **Description.** The following described area within the City of Santa Barbara constitutes the El Pueblo Viejo Landmark District:

- a. *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.

b. *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°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.

The 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:

1. Stearns Wharf;
 2. Areas located within the Brinkerhoff Avenue Landmark District; and
 3. 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.
3. *Architectural Styles and Natural Features Within El Pueblo Viejo Landmark District.*

- a. *Generally.* Any structure 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 the early 19th century California Adobe styles, and the Spanish Colonial Revival/Mediterranean styles of the period from 1915 to 1930. Examples of these styles are:
- i. Hill-Carrillo Adobe (California Adobe).
 - ii. De la Guerra Adobe (California Adobe).
 - iii. Covarrubias Adobe (California Adobe).
 - iv. Mihran Studios (Spanish Colonial Revival).
 - v. Arlington Theatre (Spanish Colonial Revival).
 - vi. Santa Barbara County Courthouse (Spanish Colonial Revival).
 - vii. El Paseo (Spanish Colonial Revival).
 - viii. Lobero Theatre (Spanish Colonial Revival).
- b. *Placement, Alteration, Or Removal Of Natural Features (Including Trees) On Private Property.* No natural features affecting the exterior visual qualities of private property located in the EPV (excluding trees listed in Santa Barbara Municipal Code Section 15.24.020 which are processed pursuant to Chapter 15.24) shall be placed, altered, or removed without the approval of the Commission or City Council upon appeal. Minor alterations may be allowed subject to staff administrative approval.

D. Brinkerhoff Avenue Historic District

1. *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. That 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.

2. **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 Landmark 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 the attached map labeled Brinkerhoff Avenue Landmark District.

3. **Architectural Styles Within Brinkerhoff Avenue Historic District.** 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, Colonial Revival, and Queen Anne, Queen Anne Free Classic and Craftsman styles. Examples of these styles are:

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- a. Hernster House, 136 W. Cota Street (Italianate)
 - b. Tallant House, 528 Brinkerhoff Avenue (Eastlake/ Stick)
 - c. Ross House, 514 Brinkerhoff Avenue (Queen Anne Free Classic)
 - d. 501 Chapala Street (Queen Anne)

E. Riviera Campus Historic District.

1. **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. That 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.

2. **Description.** The area within Specific Plan No.7 (Riviera Campus) within the City of Santa Barbara shall be known as Riviera Campus Historic District ("Riviera"). Riviera shall include all properties located within the above-described area and those portions of streets fronting on those parcels as shown on the map labeled Riviera Campus Historic District identified under Section 30.157.089.E.
3. **Architectural Styles Within Riviera Campus Historic District.** 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 and Spanish Eclectic architecture of the extant buildings on the Riviera Campus. Examples of these styles are:
 - a. The Quadrangle Building, 2030 Alameda Padre Serra (Spanish Eclectic)
 - b. The Grand Stairway, 2030 Alameda Padre Serra (Spanish Eclectic)
 - c. Furse Hall, 2040 Alameda Padre Serra (Spanish Colonial Revival)
 - d. Ebbets Hall, 2020 Alameda Padre Serra (Spanish Colonial Revival)

F. **El Encanto Hotel Historic District.**

1. **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. That 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.

2. **Description.** The El Encanto Hotel Historic District shall include all the properties located within the above-described area and those portions of streets fronting on the parcel shown on the map labeled El Encanto Hotel Historic District identified under Section 30.157.089.F.
3. **Architectural Styles Within El Encanto Hotel Historic District.**
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 the El Encanto Hotel Historic District.

30.157.098 Reconstruction of Historic Resources within Conejo Slide Area.

- A. **Slide Mass “C”.** Designated City historic resources located within the Slide Mass “C” Area 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:
 1. In a manner which follows the Secretary of the Interior’s Standards;
 2. In a manner consistent with appropriate historic design review where design approval of the historic resource is obtained from the Commission as required by this Chapter; and
 3. 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 Commission.

30.157.100 Commission Hearing and Notice Requirements.

- A. **Projects That Require Public Hearing.** The Commission review of the following projects must be preceded by a noticed public hearing:
 1. New single residential units, two-unit residential duplexes, multiple residential units, mixed use (residential and non-residential) buildings or nonresidential buildings;
 2. The addition of over 500 square feet of net floor area to a single-unit residential or two-unit residential duplex;

3. An addition of a new second or higher story to an existing single-unit residential or two-unit residential duplex;
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 duplex;
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 unit;
6. Small nonresidential additions as defined in Section 30.295.020;
7. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') 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 Santa Barbara Municipal Code Section 28.90.100.G.1.c.; or
11. Projects involving an application of a Minor Zoning Exception as specified in Section 30.245.060 of this Code.

30.157.110 Commission Referral of Residential Projects to Planning Commission.

- A. **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 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 for use by the Historic Landmarks Commission in its deliberations.
- B. **Planning Commission 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 Section 30.205.070.

30.157.120 Application Fee

Applications submitted pursuant to this Chapter shall be accompanied by an application fee in the amount established by resolution of the City Council.

30.157.130. Publicly Owned Buildings

- A. **Generally.** Except as provided in Subsections B and C 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, Structure of Merit, or located within any Landmark or Historic District, shall not be subject to the provisions of this Chapter.
- B. **Exception for City Facilities.** The alteration, construction, or relocation of any structure, natural feature, site, or area owned or leased by the City and designated as a Landmark, Structure of Merit, or located within any Landmark or Historic District, shall be reviewed by the Commission unless the City Council deems that said review would not be in the public interest.
- C. **Exception for Improvements Within the Highway 101 Santa Barbara Coastal Parkway Special Design District.** The alteration, construction, or relocation of any structure, 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 pursuant to Chapter 28.44 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 Commission.
- D. **Exception for Street Trees, City Trees, Historic Trees, and Specimen Trees.** Notwithstanding Subsection B of this Section, the placement, alteration, or removal of the following trees shall be processed and regulated as follows:
 - 1. Any tree planted in a parkway strip, tree well, public area, or street right-of-way owned or maintained by the City is processed and regulated pursuant to Santa Barbara Municipal Code Chapter 15.20.

2. Any tree designated by a resolution of the City Council as an historic tree, an historic landmark tree, or a specimen tree is processed and regulated pursuant to Santa Barbara Municipal Code Chapter 15.24.

30.157.135 Review of Minor Zoning Exceptions.

For projects subject to design review by the Commission, the Commission shall, in addition to any review required pursuant to this Chapter, review applications for a Minor Zoning Exception pursuant to Santa Barbara Municipal Code Section 30.245.060.

30.157.136 Review of Alternative Open Yard Design.

For projects subject to design review by the Commission, the Commission shall, in addition to any review required pursuant to this Chapter, review applications for an Alternative Open Yard Design on multi-unit residential or mixed-use projects pursuant to Santa Barbara Municipal Code Section 30.140.150.

30.157.137 Review of Outdoor Sales and Display.

For projects subject to design review by the Commission, the Commission shall, in addition to any review required pursuant to this Chapter, review all proposals for Outdoor Sales and Display pursuant to Santa Barbara Municipal Code Section 30.295.040.V.

30.157.140 Project Compatibility Analysis.

- A. **Purpose.** The purpose of this Section is to promote effective and appropriate communication between the Commission and the Planning Commission (or the Staff Hearing Officer) in the review of development projects and in order to promote consistency between the City land use decision-making process and the City design review process as well as to show appropriate concern for preserving the historic character of certain areas of the City.
- B. **Project Compatibility Considerations.** In addition to any other considerations and requirements specified in this Code, the six (6) “Project Compatibility Considerations” identified in the Commission Guidelines shall be considered by the 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 Santa Barbara Municipal Code Section 30.157.100.

C. Procedures For Considering Project Compatibility.

1. ***Projects with Design Review Only.*** If a project only requires design review by the Commission pursuant to the provisions of this Chapter and does not require discretionary land use approval, the Commission shall consider the criteria listed in Subsection (B) above during the course of its review of the project's design prior to the issuance of the preliminary design approval for the project.
2. ***Projects with Design Review and Other Discretionary Approvals.*** If, in addition to design review by the Commission, a project requires a discretionary land use approval (either from the Staff Hearing Officer, the Planning Commission, or the City Council), the Commission shall review and discuss the criteria listed in Subsection (B) above during its conceptual review of the project and shall provide its comments on those criteria as part of the minutes of the Commission decision forwarded to the Staff Hearing Officer, the Planning Commission, or the City Council (as the appropriate case may be) and as deemed necessary by the Commission.

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 Landmark or Historic Districts (or Districts listed in the National Register) as determined appropriate by the City Council.

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 Land Use Element of the City General Plan concerning the preserving 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 adopted concurrently with the enactment of this Chapter, 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 adopted concurrently with the enactment of this Chapter. 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 concurrent 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. Notice to State. The City shall provide written notice of the contract to the State of California Office of Historic Preservation within one hundred eighty (180) calendar days of entering into the contract.

vii. 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.)

viii. 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.

ix. 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 these reasons, the owner shall pay the State of California a cancellation fee of 12 1/2% 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 into an Historic Property Contract with the City.

b. Each application shall be accompanied by a complete legal description of the property; and

- 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, either by mailing or published notices, 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 mailed 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 sixty (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 utilize 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 sixty (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 an 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 this Chapter, fails to obey an order issued by the Commission or City Council pursuant to this Chapter, or fails to comply with a permit condition of approval issued under this Chapter shall be guilty of a misdemeanor.

B. Nature of Violation/Moratorium. Any substantial alteration or demolition of a designated Landmark, Structure of Merit, Contributing Resource, historic resource listed on the City's Inventory or historic resources being reviewed in a Survey, un-surveyed properties found to have potential historic significance, and/or historic resources located within a Landmark or Historic District in violation of this Chapter, 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 prior to the violation. In the case of 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 resources, prior to its demolition, was located for a period not to exceed sixty (60) months (5 years).

C. Civil Penalties. Any person or entity who demolishes or substantially alters or causes substantial alteration or demolition of those items stated in Subsection B, above, in violation of this Chapter, shall be liable for a civil penalty. In the case of demolition, the civil penalty shall be equal to one-half the fair market value of the property 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 this Chapter. 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 Santa Barbara Municipal Code Section 1.28.050, violations of this Chapter are deemed continuing violations and, each and every day a violation continues, is deemed to be anew and separate offense subject to a maximum civil penalty of \$250 for each and every offense.

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