

## **HISTORIC RESOURCES ORDINANCE**

**(DRAFT AUGUST 28, 2020)**

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**CHAPTER 30.157**  
**HISTORIC RESOURCES**

**30.157.010 Purpose and Intent.**

**A. Purpose.** It is hereby declared as a matter of public policy that the recognition, preservation, enhancement, perpetuation and use of structures, site and natural features, within the City of Santa Barbara having historic, architectural, archaeological, cultural or aesthetic significance is required in the interest of the health, economic prosperity, cultural enrichment and general welfare of the people. The purpose of this Chapter is to implement the City Charter and Historic Resources Element of the General Plan by protecting and preserving historic resources as defined herein. This Chapter also implements the powers and duties of the Historic Landmarks Commission (“Commission”) as prescribed in the Santa Barbara 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 intent of this Ordinance is the following:

1. To safeguard the City’s heritage by protecting historic resources representing significant elements of its history;
2. To protect and enhance the City’s visual character by encouraging and regulating architectural styles within Landmark, Structures of Merit, and Historic Districts, that reflect the City’s unique and established architectural, cultural and landscaping traditions;
3. To foster public appreciation of, and civic pride in, the beauty of the City and the accomplishments of its cultural past;
4. To strengthen the economy and vitality of the City by protecting and enhancing the City’s attractions to residents and visitors;
5. To promote the private and public use of Landmarks, Structures of Merit, and Historic Districts for the education, prosperity, and general welfare of the people;
6. To stabilize and improve property values within the City;
7. To undertake the identification, inventory, and consideration of structures, sites, and features that may merit designation as a Historic Resource in accordance with

the 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 and to allow all who are involved to participate in the process.

### **30.157.010 Historic Landmarks Commission**

**Commission Chair and Quorum.** The members of the Historic Landmarks Commission shall elect from their own members a Chair and Vice-Chair. The Community Development Director or his or her delegate 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.

#### **30.157.020 "A"**

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

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

**Advisory Member.** An Honorary Member of the Commission of the City Of Santa Barbara appointed under the provisions of the City Charter.

**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 visible from the public right-of-way; relocation and demolition of structures, sites or features.

**2. Minor Alteration.** 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.

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

### ***30.157.020 “B”***

**Buffer Zone.** An area of land, developed or undeveloped, that serves to soften, mitigate, protect or resolve potential conflict or incompatibility with an historic resource. The size or area of coverage of any buffer zone should relate to, or otherwise be comparable with, the size or area of coverage of the historic resource it is trying to protect.

### ***30.157.020 “C”***

**California Historical Building Code (CHBC).** Provides regulations for the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical buildings or properties. The CHBC is intended to provide solutions for the preservation of qualified historical buildings or properties, to promote sustainability, to provide access for persons with disabilities, to provide a cost-effective approach to preservation, and to provide for the reasonable safety of the occupants or users. The CHBC requires enforcing agencies to accept solutions that are reasonably equivalent to the regular code when dealing with qualified historical buildings or properties.

**California Register of Historical 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 the State of California.

**CEQA.** The “California Environmental Quality Act” as codified in California Public Resources Code, Division 13, Section 21000, *et seq.*

**CEQA Guidelines.** California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000, *et seq.*

**Certificate of Appropriateness.** The administrative approval document issued by the City’s Architectural Historian to approve a minor alteration to a Historic Resource.

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

**Commission.** The Historic Landmarks Commission.

**Commission Guidelines.** The most recent revision of the “Historic Landmarks Commission (HLC) Guidelines & Meeting Procedures” adopted by City Council.

**Community Development Director.** The Community Development Director of the City of Santa Barbara or his or her designee.

**Context Statement.** Describe the broad patterns of historical development of a community or region that are represented by the physical development and character of the built environment. Context statements identify important associated property types and establish eligibility criteria and integrity thresholds.

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

**County Assessor.** The Tax Assessor of the County of Santa Barbara.

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

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

**Cultural Resource.** Districts, sites, buildings, structures, and objects that has acquired significant associations with human activities and human events.

***30.157.020 “D”***

**Demolition.** The permanent removal of a structure or 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, or razing a structure or commencing the work thereof with the intent of completing the same.

**Demolition by Neglect.** The act of allowing a historic resource to fall into such a state of disrepair as it becomes necessary to demolish it to protect the health and safety of the public

***30.157.020 “E”***

**Elevation.** The flat scale orthographically projected architectural drawings of all exterior vertical elements of a building facade.

***30.157.020 “F”***

**Façade.** The front of a building or that part of the building visible from the public right-of-way.

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

***30.157.020 “H”***

**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 and may include buffer zones as authorized by the Commission. A Historic District derives its importance from being a unified entity conveying a visual sense of the overall historic environment.

**Historic District Overlay Zone (“HDOZ”).** A Historic District, the geographic area of which is depicted on a recordable map, which is applied over one or more base zoning districts

creating additional or stricter standards for covered properties in addition to those of the underlying zoning district.

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

**Historic Resource.** Any property eligible to be designated historically significant based on the criteria in this Chapter or a resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code Section 5024.1, Title 14 Cal. Code of Regs. Sections 4850, et seq. Historic Resources include, but are not limited to, a City-designated Landmark or Structure of Merit, a State or National Historic Landmark listed in the State Register of Historic Resources or National Register of Historic Resources, a City-designated Historic District, a State-designated or National Register Historic District; any resource listed in the City’s Historic Resources Inventory, ,, or any Cultural Landscape as defined herein.

**Historic Resource Significance Report (Significance Report).** A written evaluation of a nominated structure, site, or feature (including natural features, roads and signage found historically significant) 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.

**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.

**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”).

**Historical Significance.** The degree of importance for which a property has been evaluated and found to be historical as determined by the Commission, City Council, the California

Office of Historic Preservation, or Keeper of the National Register of Historic Places based on meeting specified local, state and national criteria;

**30.157.20 “I”**

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

**30.157.020 “L”**

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

**Landmark District.** See, “Historic District” definition.

**Landmark Tree.** See, “Historic Tree” found at SBMC Section 15.24.010.

**30.157.020 “M”**

**Member.** A member of the Historic Landmarks Commission of the City of Santa Barbara appointed under the provisions of the City Charter.

**30.157.020 “N”**

**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).

**Neighborhood.** For purposes of this Chapter only, a neighborhood is defined as an area possessing a sense of cohesiveness, because of physical features suggesting boundaries and/or concentrations of shared architectural, historic, or cultural characteristics.

**Nomination.** The preparation of documentation by a qualified historian or architectural historian, setting forth certain facts to support the designations of a Historic Resource as a Landmark, Structure of Merit or Historic District.

**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.

**30.157.020 “O” 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.

**30.157.020 “Q”**

**Qualified Professional Staff:** Staff meeting the Professional Qualification standards in History, Architectural History, or Historic Architecture in education and experience required to perform the identification, evaluation, registration, and treatment of historic resources.

**30.157.020 “P”**

**Period of Significance.** The period of time when a qualified historical building or property was associated with important events, activities or persons, or attained the characteristics for its listing or registration.

**Preservation.** The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a qualified historical resource. Preservation work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials, and features rather than extensive replacement and new construction. New exterior additions are specifically not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical and plumbing systems and other code-related work to make properties functional is deemed to be appropriate preservation work.

**Project Design Approval (“PDA”).** The review and approval of an application on its merits where the application has been filed with the appropriate City design review body and where the minutes of that body designate the approval as “Project Design Approval.” For the purposes of the California “Permit Streamlining Act” (Government Code Section 65950, *et seq.*), PDA is the substantive approval of the project on its design merits.

**30.157.020 “R”**

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

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

**Relocation.** The act or process of moving any qualified historical building or property or a portion of a qualified historical building or property to a new site, or a different location on the same site.

**Repair.** Renewal, reconstruction or renovation of any portion of an existing property, site or building for the purpose of its continued use.

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

### **30.157.020 “S”**

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

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

**Site Plan.** A flat scale architectural or engineering drawing of all horizontal features of a property that include structures, landscaping, streets, easements, utilities, and other similar features.

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

**Structure.** See, SBMC Section 30.300.190 “S.”

**Structure of Merit.** A historic resource designated by the Commission 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 by the Commission:

- A. An alteration, relocation, or demolition, including demolition by neglect, to a structure, site, or feature developed with or containing any of the following:
  - 1. A Historic Resource as defined in this Chapter; or
  - 2. An un-surveyed structure or feature over 50 years old not yet identified as a historic resource, the alteration, relocation, or demolition of which is part of a project subject a discretionary permit under this Title and which is identified as an eligible historic resource during environmental review under Santa Barbara Municipal Code Chapter 22.100 for the project by the Commission, the Commission's Architectural Historian, or the staff Architectural Historian as an eligible historic resource; or
  - 3. Any property that has been found significant pursuant to 30.157.050 B 2. .
- B. An alteration, relocation, or demolition of a structure, site or feature located within El Pueblo Viejo Landmark District.
- C. An alteration, relocation, or demolition of a structure, site or feature located within a Historic District.
- D. An alteration, relocation, or demolition of a structure, site or feature that is:
  - 1. listed in the National Register of Historic Places; or
  - 2. listed or eligible to be listed in the California Register of Historical Resource.

**TABLE 30.157.030: DESIGNATION OF HISTORIC RESOURCES**

Resource	Nomination by Commission, owner, interested person or entity	Designation Authority
Landmark	x	City Council upon Historic Landmarks Commission Recommendation
Structure of Merit	x	Historic Landmarks Commission
Historic Resources Inventory	x (or by Survey or permit application)	Architectural Historian
Historic District (may include buffer zones)	x	City Council upon Historic Landmarks Commission & Planning Commission Recommendations

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

D. It yields, or may be likely to yield, information important in prehistory or history

### **30.157.040 Procedure for Designating a Landmark**

**A. Nomination for Designation.** A nomination for designation of a Landmark shall be submitted to the City for initial review by the City Architectural Historian. Any structure, site or feature having potential historic, architectural, archeological, cultural, or aesthetic significance may be proposed to the Commission for recommendation to City Council for designation as a Landmark by:

1. the Commission's own initiative;
2. a recommendation found in a professional historic resource survey or Historic Structures/Sites Report accepted by the Commission at a public hearing;
3. a property owner on which the proposed Landmark is located; or
4. any interested person or entity.

**B. Initial Administrative Evaluation.** The City's Architectural Historian shall initially evaluate the proposed Landmark nomination and prepare a Significance Report either recommending or denying the proposed Landmark nomination for consideration by the Commission pursuant to the criteria of this Chapter. As part of this initial evaluation, and in those cases where such designation is sought by the Commission on its own initiative, pursuant to a professional survey or Historic Structures/Site Report, or by an applicant who is not the property owner of a parcel of real property upon which the proposed Landmark is located, the City shall provide written notice of the Significance Report's conclusion that recommends designation of a proposed Landmark by first class mail to the owner(s) of the property on which the proposed Landmark is located, and to the owners of directly abutting properties, as listed on the County of Santa Barbara's most recent property ownership assessment roll. Within 90 calendar days of completion of a Significance Report recommending Landmark designation, a public hearing shall be scheduled for its consideration before the Commission. No public hearing review shall be scheduled for a Significance Report recommending denial of a proposed Landmark designation.

**C. Notice of Public Hearing.** Prior to the Commission's public hearing on the proposed Landmark designation, public notice shall be given as follows:

1. At least 30 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; unless the owner of the property proposed for designation consents in writing to a lesser period of notice.
2. 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.

**D. Commission Public Hearing.** As a result 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. The Commission's decision to approve or disapprove the Landmark nomination shall be based on written findings referencing specific supporting factual evidence that the nomination does, or does not, meet this required criteria and shall be deemed final unless appealed by the nominating party or some other interested party or entity to the City Council.

**E. Appeal of Commission's Decision.** Any appeal of a decision rendered by the Commission under Section D of this Section may be heard pursuant to the procedure outlined in Section 30.157.150 (F).

**F. Notice to City Clerk.** Within 30 calendar days of the decision by the Commission recommending a proposed Landmark designation, 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. A copy of the Resolution of Recommendation from the Commission approving or denying the proposed Landmark nomination; and
2. A copy of its Significance Report.

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.

**G. Notice of Council Public Hearing.** Notice of the time, place, and purpose of the hearing shall be given a least 10 calendar days before 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.

- H. Council Public Hearing.** A public hearing to consider the recommendation of Landmark designation, or appeal of a denial, by the Commission shall be held in accordance with Santa Barbara Municipal Code Chapter 30.205. The hearing shall not constitute a “de novo” review of the Commission’s action and, except for additional public comment, any evidence presented during the hearing shall be limited to the record of those proceedings considered by the Commission in its earlier determination including those documents submitted to the City Clerk under Section “F.” The City Council may, however, at its sole discretion, consider any newly discovered evidence not originally presented to the Commission to the extent it feels such consideration is necessary to make a fair determination. The City Council may approve, modify, or disapprove the Landmark Designation. The City Council’s approval, modification, or denial of the Commission’s recommendation shall be based on the finding that the Landmark meets, or does not meet, the criteria for designation as specified in this Chapter.
- I. Resolution of Designation.** Upon the City Council’s approval of a proposed Landmark designation, it shall adopt a Resolution of Landmark Designation, and the City Clerk shall record the resolution against the property in the Office of the Recorder, County of Santa Barbara, within 30 calendar days of the City Council’s adoption mailing such notice to the property owner.
- J. Council Denial of Landmark.** Upon the City Council’s denial of a proposed Landmark designation, the Architectural Historian’s may maintain a list of properties that have been denied a Landmark designation which there is substantial evidence that the resource may nevertheless meet a threshold of significance. .

**30.157.045 Procedure for Designating a Structure of Merit.**

- A. Nomination for Designation.** A nomination for designation of a Structure of Merit shall be submitted to the City for initial review by the City Architectural Historian. Any structure, site or feature having historic, architectural, archeological, cultural, or aesthetic significance may be proposed to the Commission for designation as a Structure of Merit by:

1. the Commission's own initiative;
2. a recommendation found in a professional historic resource survey or Historic Structures/Sites Report accepted by the Commission at a public hearing;
3. a property owner;
4. or an interested person or entity.

**B. Initial Administrative Evaluation.** The City's Architectural Historian shall initially evaluate the proposed Structure of Merit nomination and prepare a Significance Report either recommending or denying the proposed Structure of Merit designation based upon the criteria of this Chapter for consideration by the Commission. In those cases where the property owner upon which the proposed Structure of Merit is located did not nominate the designation, the City shall provide written notice of the proposed Structure of Merit by first class mail to the applicant and to the owner or owners of the property. Within 90 days of completion of a Significance Report recommending approval of a Structure of Merit designation, a public hearing to consider this recommendation shall be scheduled before the Commission. No public hearing review shall be scheduled for a Significance Report recommending denial of a proposed Structure of Merit designation.

**C. Notice of Public Hearing.** Prior to the Commission's public hearing on the proposed designation, public notice shall be given as follows:

1. At least 30 calendar days prior to the date of the hearing, notice of the proposed Structure of Merit designation shall be provided by first class mail to the applicant and to the owner or owners, unless the owner submits in writing a waiver the noticing period.

**D. Commission Public Hearing.** As a result of the public hearing, the Commission shall adopt a resolution, pursuant to the criteria of Section 30.157.035, to designate, or not to designate, the property as a Structure of Merit. approving or denying designation of the property as a Structure of Merit. The Commission's Resolution for Designation shall be based on written findings, referencing specific supporting factual evidence, that the Structure of Merit meets, or does not meet, the criteria for designation as specified in this Chapter. The Commission's decision shall be deemed final unless appealed by the nominating party (in the case of a denial) or some other interested party or entity to the City Council.

- E. Appeal of the Commission’s Decision.** A final decision rendered by the Commission pursuant to the provisions of this Section may be appealed to the City Council pursuant to the requirements of Section 30.157.080 (F). Upon receipt of an appeal for denial of Structure of Merit designation by the Commission, the City Clerk shall schedule a hearing for the City Council.
- G. Council Public Hearing.** A public hearing to consider an appeal shall not constitute a “de novo” review of the Commission’s action and, except for additional public comment, any evidence presented during the hearing shall be limited to the record of those proceedings considered by the Commission in its earlier determination. The City Council may, however, at its discretion, consider any newly discovered evidence not originally presented to the Commission to the extent it feels such consideration is necessary to make a fair determination. The City Council may sustain or overturn the Commission’s previous denial, however, such action taken by the Council must be based on a finding that the Structure of Merit meets, or does not meet, the criteria for designation as specified in this Chapter.
- H. 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, County of Santa Barbara, within 30 calendar days of the Commission’s adoption or the City Council’s final action.
- I. Denial of Structure of Merit Designation.** Upon the Commission’s denial of a proposed Structure of Merit designation, or the Council’s sustaining of the Commission’s decision to deny following an appeal, the Architectural Historian’s may maintain a list of properties that have been denied a structure of merit designation which there is substantial evidence that the resource may nevertheless meet a threshold of significance for CEQA purposes and then have that threshold of significance adopted under Chapter 22.100.

**30.157.050 Procedure for 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 (hereinafter "Inventory"), identifying historic resources as defined by this Chapter by name, location, address, and 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.

**B. Procedure for Listing Historic Resources on the Inventory.**

1. *Identification of Potential Historic Resources.* Properties may be proposed for inclusion in the Inventory in one of the following ways:

a. *Application.* The subject property owner, the Commission, the City Architectural Historian, or any interested person or entity, may submit an application with all required supporting documentation for listing the nomination on to the Inventory, as defined by this Chapter. If the applicant is not the property owner, the City's Architectural Historian shall, within 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 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 based upon 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. The permit application will be processed as a historic resource as outlined in this Chapter. If the City's Architectural Historian finds no historic significance, the property shall not be listed on the Inventory and the building permit/demolition permit

application shall continue to be processed, provided the applicant has otherwise complied with all necessary City 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 property owner in writing whether the structure, site, or feature will be added onto the Inventory.

3. *Appeal of Significance Determination.* The applicant or property owner may appeal the City Architectural Historian's determination of significance to the Commission within 10 calendar days of receipt of this 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 historic resource from the Inventory may be proposed by the property owner, the Commission, or any interested party or entity based on physical evidence that the property does not possess, or no longer possesses, any historical significance.

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 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 new evidence demonstrating that the building, site or feature is not historically or culturally significant;
  - b. Destruction of the historic resource through a catastrophic event has rendered the resource a hazard to the public health, safety, or welfare; or
  - c. The historic resource has been altered, demolished, or relocated utilizing all necessary permits.
3. *Notice of Removal.* Notice of the removal of a historic resource from the Inventory shall be mailed to the owner.

**30.157.060 Criteria for Designating a Historic District.**

The zoning regulations applicable in a Historic District shall be as prescribed by a Historic District Overlay Zone (“HDOZ”), depicting a geographic area on a recorded map and applied over one or more base zoning districts within which the Historic District is located. The HDOZ creates additional or stricter standards for covered properties of historical, architectural, archeological, and cultural significance. Where conflicts arise between base zoning requirements and those of the HDOZ, the HDOZ requirements shall govern. **Criteria.** For purposes of this Chapter, the criteria for designating an area within the City as a Historic District shall utilize some or all of the following criteria and considerations of historical significance (hereinafter “Significance Criteria”):

- 1. It is associated with events that have made a significant contribution in our past;
- 2. It is associated with the lives of persons significant in our past;
- 3. It embodies the distinctive characteristics of a type, period, architectural style or method of construction, or represents the work of a master, or possess high artistic or historic value, or represents a significant and distinguishable collection whose individual components may lack distinction;
- 4. It yields, or may be likely to yield, information important in prehistory or history;  
or
- 5. It may include optional buffer zones designating an area of land, developed or undeveloped, that separate historic resource(s) found within the proposed Historic District from incompatible development serving to soften, mitigate, protect or resolve potential conflict or incompatibility with those historic resources. Subject

to Commission approval, any proposed buffer zone area of coverage should also relate to, or otherwise be comparable with, the size or area of coverage of the historic resource(s) it is trying to protect.

It shall be required that, within the boundaries of a proposed historic district, at least 80% of the structures must be considered “contributing” to the historic significance of the district which gives the area authenticity and historical integrity.

### **30.157.070 Procedure for Designating a Historic District**

**A. Application for Designation.** An application for designation of a Historic District shall be submitted to the City for initial review by the City’s Architectural Historian. The application may be submitted by the Commission itself on its own motion or one or more property owners from within the proposed district. The application shall include:

1. Documentation by letter or petition establishing that a majority of property owners in the proposed district support the designation. A majority constitutes over 50% of the property owners listed on the County of Santa Barbara’s most recent property ownership assessment roll in the proposed district by affixing their signatures to the letter or petition; and
2. A map proposing a HDOZ depicting the boundaries of the proposed historic district; and
3. An inventory listing (and photographs where possible) of all properties in the proposed historic district identifying both contributing and non-contributing properties. At least 80% of these properties must be deemed by the Architectural Historian as “contributing.”

Within sixty (60) calendar days of the Architectural Historian’s determination that the historic district application is complete, the City’s Architectural Historian shall schedule a noticed public hearing before the Commission and prepare a Significance Report for the Commission’s review at the hearing addressing the issue of whether the proposed historic district meets, or does not meet, some or all of the Significance Criteria set forth in in Section 37.157.060A.

**B. Notice of Public Hearing.** Prior to the Commission’s public hearing on the proposed historic district designation, notice of the time, place and purpose of the hearing shall be given at least thirty (30) calendar days prior to the date of the hearing, by first class mail,

to the applicant and to all property owners within the boundaries of the proposed historic district. = In addition, within this same thirty (30) calendar day period, notice of the time, place and purpose of the hearing shall be made to all other members of the general public (who do not own property within the proposed district) by publication in a newspaper of general circulation within the City.

**C. Commission Public Hearing.** At the hearing, the Commission shall identify and evaluate the Significance Criteria presented, assess the historical significance of those contributing resources identified in the proposed district, evaluate the positive and negative effects upon the surrounding neighborhood, and otherwise exercise its sound judgment in determining whether the proposed historic district will benefit the community. As a result of the public hearing, the Commission shall adopt a resolution, pursuant to the Significance Criteria of Section 30.157.060A, to either recommend, or deny, the designation of the Historic District to the City's Planning Commission. The resolution of the Commission, whether to approve or disapprove the proposed historic district application, shall be based upon written findings, referencing specific supporting factual evidence, addressing the significance criteria set forth in Section 37.157.060A. If the Commission's resolution is for approval, it shall be forwarded onto the Planning Commission for HDOZ review. If the Commission's resolution is for denial, its decision shall become final within ten (10) calendar days unless appealed directly to the City Council-

**D. Planning Commission Review; Historic District Overlay Zone ("HDOZ").** Following the Commission public hearing resulting in its recommendation approving a proposed Historic District, this recommendation shall be forwarded to the City's Planning Commission. The Planning Commission shall hold a noticed public hearing on the Commission's recommendation of approval which shall be limited solely to the formation of the proposed Historic District Overlay Zone ("HDOZ") for the district. This review shall be limited in scope by addressing the land use designation only consistent with the Planning Commission's City Charter authority. No review of the Significance Criteria, or any other historical significance determination, made by the Historic Landmarks Commission shall take place. The public hearing shall be held no later than ninety (90) calendar days after the Commission's recommendation of approval was issued. The Planning Commission's review for implementing a HDOZ may, at its discretion, include

public comment, however, it shall only review the following written materials at this hearing:

1. The proposed HDOZ map depicting the boundaries of the proposed historic district including any proposed buffer zones;
2. A legal description of the proposed historic district; and
3. An inventory of all historic resources in the proposed historic district including contributing and non-contributing resources and structures to confirm that the mandatory 80% contributing resources threshold has been met;
4. A copy of the Commission's recommendation approving the proposed district.

Notice of the Planning Commission's public hearing shall be provided. The Planning Commission's decision, whether to approve or deny the formation of a HDOZ, shall be in writing and shall include specific findings, supported by specific factual evidence. If the Planning Commission approves the formation of a HDOZ, it shall forward its written recommendation, along with the Commission's recommendation of approval, on to the City Council for its review. If the Planning Commission denies the formation of a HDOZ, the historic district application shall be returned to the Commission for its further consideration and review.

**E. Notice to City Clerk.** Within 30 calendar days of the decision by the Planning Commission approving the proposed HDOZ in conjunction with the Commission's recommendation of approval of the district application, the City's Architectural Historian shall notify the City Clerk of the Planning Commission's approval and the Commission's recommendation, request that the City Clerk schedule a public hearing by the City Council.

to consider the proposed Historic District and HDOZ designations. -.

**F. Notice of Council Public Hearing.** Notice of the time, place and purpose of the hearing shall be given at least thirty (30) calendar days prior to the date of the hearing by first class mail to all property owners within the proposed Historic District, and by publication in a newspaper of general circulation within the City to all other members of the general public.

**G. Council Public Hearing.** At the public hearing, the City Council shall consider whether to approve, modify, or disapprove the Commission's recommendation approving the Historic District Designation. Approval by the City Council shall be based on a finding

that the Historic District establishes the Significance Criteria for designation as specified in this Chapter. Disapproval shall be based on the finding that the Historic District does not establish the Significance Criteria for designation as specified in this Chapter. Approval or disapproval of the Planning Commission's HDOZ determination shall be separately considered.

- H. 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 to be recorded against the properties in the Historic District in the Office of Recorder of the County of Santa Barbara within 30 calendar days of the City Council's adoption of the resolution and shall mail written notice to all property owners within the district.
- I. City Council Denial of a Historic District.** Upon the City Council's denial of a Historic District designation. If Council denies the designation, then 2 years must elapse before the submittal of another application to consider Historic District Designation for that same area.

**30.157.075 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 same procedures identified within this Chapter for its designation.

**30.157.080 Repair and Maintenance of Historic Resources.**

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

**30.157.085 Exterior Alterations, Relocation, or Demolition of a Historic Resource.**

The Commission, or City Architectural Historian, shall not approve an exterior alteration, relocation, or demolition of a Historic Resource, including landscape

features, unless they have first made the applicable findings and determinations specified below:

**A. Major Exterior Alterations.** It shall be unlawful to alter a Historic Resource on the exterior unless the Commission has made the following findings:

1. The exterior alterations are being made to restore the Historic Resource to its original appearance or in order to substantially aid its preservation or enhancement as a historic resource; and
2. The exterior alterations are consistent with the Secretary of the Interior's Standards.

**B. Minor Exterior Alterations.** It shall be unlawful to alter a Historic Resource 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 Historic Resource to its original appearance; and
2. The alterations are consistent with the Secretary of the Interior's Standards.

Minor exterior alterations to a Historic 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 resource or the parcel of real property on which the resource is located. The issuance of the Certificate of Appropriateness by the City's Architectural Historian is an administrative action, does not require a noticed public hearing, and is otherwise final and not appealable.

**C. Relocation.** It shall be unlawful to relocate a Historic Resource, including a landscape feature, unless the Commission has made all 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 as a historic resource;
3. The relocation will substantially aid in its long-term preservation or enhancement as a historic resource; and
4. The relocation is consistent with the Secretary of the Interior's Standards.

D. **Demolition of a Landmark.** 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.

E. **Demolition of Historic Resources other than Landmarks.** Part of the application to the Historic Landmarks Commission's consideration of a request to demolish a historic resource, other than a Landmark, the development proposal shall present preservation alternatives such as adaptive reuse, rehabilitation or relocation in the form of an Environmental Impact Report as per the procedure outlined by the California Environmental Quality Act. It shall be unlawful to demolish a Historic Resource under this Section 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 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 is not economically feasible or practical or no viable measures could be taken to adaptively use, rehabilitate, or restore the Historic Resource as supported by substantial evidence provided by at least one qualified historic preservation specialist, structural engineer (qualified in historic preservation), or architect (qualified in historic preservation) sufficient to warrant 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.

**F. Appeal to City Council.** Any ruling made by the Commission under this Section may be appealed to the City Council pursuant to the requirements of Chapter 1.30. Upon the filing of an appeal, the City Council shall hold a noticed public hearing on the appeal within sixty (60) calendar days. The appeal shall not constitute a “de novo” review by the Council of the Commission’s ruling as the evidence presented on appeal shall be limited to the record of those proceedings considered by the Commission in its earlier determination. Other than additional public comment, no new evidence, either oral or written, shall be heard by the Council unless it determines, at its own discretion, that compelling facts or circumstances exist justifying its consideration at the hearing of new evidence not previously considered by the Commission. The City Council’s determination on the appeal shall constitute a final action.

**30.157.089 El Pueblo Viejo (“EPV”) Landmark District**

**A. 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 California Adobe, Spanish Colonial Revival and Mediterranean styles of architecture.

**B. Description.** The following described area within the City of Santa Barbara constitutes the El Pueblo Viejo Landmark District (depicted in Figure No. 1 incorporated herein, and made a part hereof including all notations, references, and other information shown therein. In the event of any variance between the maps and the written descriptions contained in this Section, the written descriptions shall prevail):

1. *El Pueblo Viejo Landmark District--Part I*

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

2. *El Pueblo Viejo Landmark District--Part II*

Beginning at the intersection of Los Olivos Street and Laguna Street; thence southwesterly along Los Olivos Street to its intersection with Garden Street; thence northwesterly along Garden Street to its intersection with the southerly prolongation of a line bearing N. 03°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:

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

**C. Architectural Styles and Natural Features Within El Pueblo Viejo Landmark District.**

1. *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:
  - a. Hill-Carrillo Adobe, 11-15 East Carrillo Street, (California Adobe).
  - b. Santiago De la Guerra Adobe, 110 East De La Guerra Street, (California Adobe).
  - c. Covarrubias Adobe, 715 Santa Barbara Street, (California Adobe).

- d. Mihran Studios, 17-21 East Carrillo Street, (Monterey Colonial Subset of the Spanish Colonial Revival).
  - e. Arlington Theatre, 1317 State Street (Spanish Colonial Revival).
  - f. Santa Barbara County Courthouse, 1120 Anacapa Street (Spanish Colonial Revival).
  - g. El Paseo, 813 East Anacapa and 25 East De La Guerra Streets, (Spanish Colonial Revival).
  - h. Lobero Theatre, 33 East Canon Perdido Street, (Spanish Colonial Revival)
2. *Procedure for Designating Contributing Resources Within the El Pueblo Viejo Landmark District:* The City's Architectural Historian is hereby authorized to submit to the Commission a list of one or more properties from the Historic Resources Inventory or identified through a professional survey that are located within the El Pueblo Viejo Landmark District for designation as Contributing Resources. Upon such submission, a noticed public hearing will be scheduled and the procedures for such Contributing Resources designation within the EPV shall be the same as those delineated for designation of Structures of Merit utilizing, by reference, Section 37.157.045, subsections C through I. The Architectural Historian shall exercise his or her discretion as to when to submit the list of proposed Contributing Resources for Commission review and how many properties from the Inventory are to be considered at the hearing.

**D. Alterations Within El Pueblo Viejo.** Notwithstanding Section A, above, alterations to existing structures within the El Pueblo Viejo Landmark District may also be permitted by the Commission under the following circumstances:

- 1. The Commission determines that the owner of the existing structure is proposing alterations or additions to the structure that match the original architectural style of a historic resource and such alterations or additions do not significantly alter the structure; and
- 2. The Commission determines that the alteration or addition would be more compatible with the existing structure by matching and maintaining the existing architectural style which demonstrates outstanding attention to architectural design, detail, material, or craftsmanship.

**30.157.090 Designated Historic Districts**

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

1. Brinkerhoff Avenue Historic District (formerly “Brinkerhoff Avenue Landmark District”);
2. Riviera Campus Historic District; and
3. El Encanto Historic District.

**B. Maps of Historic Districts.** The designated Historic Districts described in this Section are depicted in Figure Nos. 1 through 5 incorporated herein, and made a part hereof including all notations, references, and other information shown therein. In the event of any variance between the map(s) and the written descriptions(s) contained in this Section, the written description(s) shall prevail.

**C. 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:
  - 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)

**D. 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)

**E. 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 20<sup>th</sup> 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 SBMC Chapters 28.85 & 30.170 (Nonresidential Growth Management Program);
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 Property**

- 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 a historic tree, a 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.W.

**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 “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 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 a 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 a historic and unique City resource which is threatened by possible abandonment, deterioration, or conflicting regulations, and it will enhance opportunities for maintaining or creating affordable housing, or it will facilitate the preservation and maintenance of a property in cases of economic hardship.
  - ii. The plan will support substantial reinvestment in a historic resource and rehabilitation of a historic structure in the expanded State Enterprise Zone and other areas where the City is concentrating resources on facade improvements, home rehabilitation, or similar revitalization efforts.
  - iii. The Community Development Director has certified that the property does not now consist of any unpermitted or unsafe construction or building elements, is not the subject of a pending City code enforcement matter, and is current on the payment of all property taxes.
  - iv. Any new construction will not impact the eligibility for the structure to qualify as a Qualified Historic Resource, as that term is used in the Mills Act.
- h. Upon completion of the Commission review of the application and plan, the Commission shall make a recommendation to the Community Development Director for City approval or disapproval of the contract.

- i. If an application is recommended for approval by the Commission, the City shall prepare a contract according to its standard contract form, which shall be deemed to have all provisions necessary for a Historic Property Contract with the City.
- j. Additional provisions in the Contract desired by the owner shall be subject to approval by the Community Development Director or, when determined appropriate by the Community Development Director, by the City Council and as to form by the City Attorney in all cases.
- k. The City Finance Director shall determine that the proposed contract does not cause the total annual revenue loss to the City to exceed the amounts established by resolution for this program by the City Council, both collectively and for individual properties.
- l. Upon approval of the contract by the Finance Director, the contract signed by the property owners shall be submitted to the City Clerk/City Administrator and City Attorney for execution of the contract on behalf of the City and for recordation by the City Clerk's Office.
- m. Historic Property Contracts that exceed the limits identified in this Section shall only be approved and executed after and upon the express approval of the City Council.

**30.157.170 Enforcement and Penalties.**

- A. Misdemeanor.** Any person who violates a requirement of 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, demolition by neglect or demolition of a designated Landmark, Structure of Merit, Contributing Resource, historic resource listed on the City's Historic Resources Inventory or historic resources being reviewed in a Survey, or historic resources located within a Landmark or Historic District in violation of 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 as it existed prior to the violation. In the case of alteration, demolition by neglect or demolition of any historic resource described herein, the Community Development Director is hereby authorized to issue a temporary moratorium for the development of the subject property upon which such historic 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 alters, demolishes by neglect or demolishes those items stated in Subsection B, above, in violation of this Chapter, shall be liable for a civil penalty. In the case of demolition or demolition by neglect, the civil penalty shall be equal to one-half the fair market value of the 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 a new and separate offense subject [to a maximum civil penalty of \$250 for each and every offense.

[SEE ATTACHED FIGURES NOS. 1 THROUGH 5 INCORPORATED  
HEREIN BY THIS REFERENCE]





Figure 1. El Pueblo Viejo Landmark District Part I

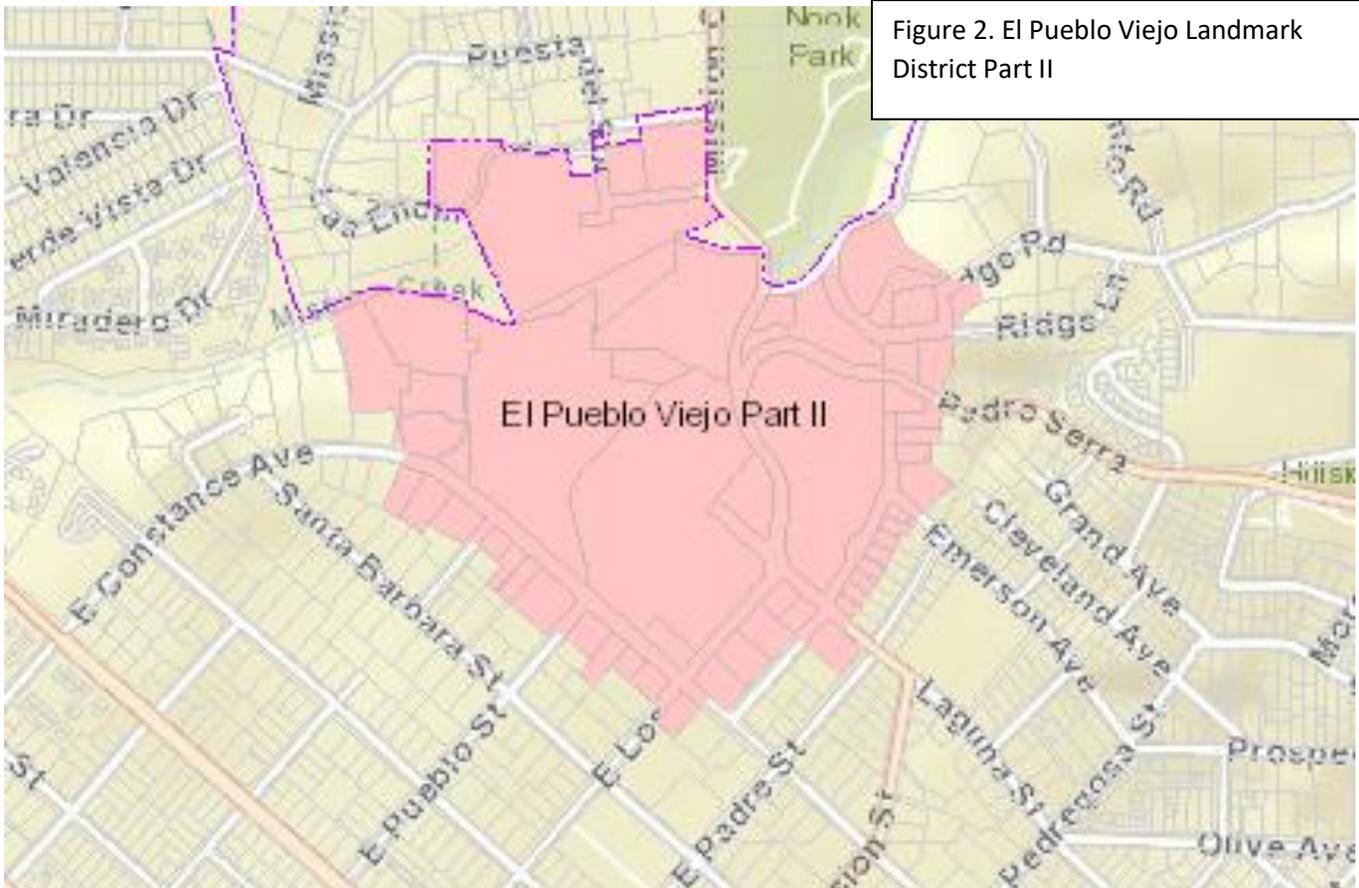


Figure 2. El Pueblo Viejo Landmark District Part II

Figure 3. Brinkerhoff Historic District





Figure 5. El Encanto Hotel Historic District

### El Encanto Hotel Historic District

Assessor's Parcel No. 019-170-022

