

**ADMINISTRATIVE REGULATIONS**  
**FOR THE IDENTIFICATION AND PROTECTION**  
**OF POTENTIALLY SIGNIFICANT HISTORIC**  
**STRUCTURES**

Adopted By City Council  
On \_\_\_\_\_

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<b>EXHIBITS:</b>	A.	Historical Survey Study Areas Map
	B.	Survey Study Area Maps; B-1 through B-9
	C.	2004 Demolition Review/Historic Survey Study Area Map
	D.	Demolition Review Process Flow Chart For Unlisted Structures

## **I. PURPOSE OF ADMINISTRATIVE REGULATIONS**

This document contains the regulations City Staff and the Historic Landmarks Commission (HLC) will utilize in the identification and protection of potentially significant historic structures. The purpose of these regulations is to provide procedures to administratively carry out the provisions of Santa Barbara Municipal Code (SBMC) Section 22.22.010, which states that the purpose of the Historic Structures Ordinance is for:

“the recognition, preservation, enhancement, perpetuation and use of structures, natural features, sites, and areas 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...”

These Regulations also further goals contained in the City’s Conservation Element that call for, wherever feasible, the preservation and protection of sites of significant historic or architectural resources and the preservation of structures which are representative of architectural styles of fifty or more years ago.

Staff shall follow the administrative regulations set forth in this document in order to assist the HLC in the completion of historical surveys and identification of historic resources. These regulations also set forth procedures which Staff will follow in working with the HLC to review permit applications for demolition or alteration and in complying with the California Environmental Quality Act (CEQA) and CEQA Guidelines and the City’s Master Environmental Assessment Guidelines for Archaeological Resources and Historic Structures and Sites (MEA Historic Resources Guidelines) in order to avoid or reduce impacts to historic resources.

## **II. COMPLETION OF HISTORIC RESOURCE SURVEYS**

The City organizes and conducts on-going historic resource surveys of structures and sites to determine their potential historic or architectural significance and to ensure that these historic resources are identified and protected. The primary intended purpose of these survey efforts is to identify and initiate designations of the City’s historic resources, which are worthy of additional protection. Over the last several decades, historic resource surveys were completed as funds became available, in 1978, 1980, and 1990. These historic resource surveys were primarily focused on the commercial core and downtown neighborhoods. These survey efforts have led to the creation of a historic resource survey records database and to numerous historic designations; however, the majority of the structures in the City remain unsurveyed. The City Council, Planning Commission, HLC and the Architectural Board of Review have all recognized the need to conduct additional surveys to identify potentially significant historic structures. Additional survey study areas have been identified and are expected to be completed in the future as funding is allocated (see Exhibit A).

Trained citizen volunteers along with professional historians conduct the City’s intensive level historical surveys. The City provides funds and enters into a contract with a qualified firm or individual to work with volunteers by coordinating data collection and surveying

efforts. Professional historians are responsible for completion and accuracy of the survey forms and assessment. The professionals provide architectural descriptions and determine significance statements from data collection forms completed by the volunteers. All completed survey forms to date are available for review at the City Community Development Department, Planning Division.

The information obtained from the surveys is then presented to the HLC Survey Subcommittee for the purpose of determining which structures/sites should be regarded as potentially significant historic structures/sites. In most cases, research performed during the City's surveys has provided previously unknown information about the age, background, and history of individual buildings and sites. The completed site records and historic assessment findings are presented to the City's HLC for consideration of the placement of these structures/sites on the City's Potential Historic Resources List (Potential List). The City's Potential List is a means to identify and list the City's resources that appear eligible for possible designation as a Structure of Merit, or as a City Landmark following the process outlined in SBMC §22.22. In some cases, recommendations are also made regarding a grouping of properties that may qualify collectively as a possible Historic District. A Historic District could contain both contributing and non-contributing resources. A contributing resource is a building or structure that contributes to the designation of an area as a Historic District.

The HLC Designations Subcommittee also interacts with Staff by directing that additional research be completed on structures or sites identified as potentially eligible for historic designation purposes. Based on the review of the research reports prepared by Staff, the Designations Subcommittee will make recommendations to the full Commission about which structures and sites are worthy of designation status as a City Landmark or as a Structure of Merit. Although not required, the City and the Commission work to gain a property owner's consent prior to commencing the designation process. If the HLC denies a request for a substantial alteration or demolition of a structure on the City's Potential List, then the HLC must initiate and complete the designation of the structure as a Structure of Merit or adopt a resolution recommending the designation of the structure as a City Landmark to the City Council pursuant to SBMC §22.22.037.B.

Staff and the HLC Survey Subcommittee have identified the following survey study areas that have yet to be surveyed that most likely contain potentially significant historic structures. The scheduling of future historic resource survey work is determined by the availability of citizen volunteers and amount of funding allocated by City Council. (See Survey Study Area Maps, Exhibit B):

1. Downtown Area (Completed 1978, 1980, 1990)
2. Upper Westside
3. Lower Westside
4. Waterfront (Survey completed 2001, recommendations pending)
5. Lower Eastside
6. Upper Eastside/Lower Riviera
7. Upper Riviera
8. Eucalyptus Hills
9. San Roque

10. Other not yet surveyed areas<sup>1</sup>

### **III. STAFF'S AND HLC ROLES IN THE IDENTIFICATION AND LISTING OF POTENTIAL HISTORIC RESOURCES**

The historic and architectural survey of structures and properties is crucial to the community as a planning tool. Collection of information on the heritage of Santa Barbara allows the City to make informed decisions to protect and enhance its character and livability. Planning Staff plays an important role in collecting and organizing data on the City's historic resources in order to evaluate development proposals. The following explains procedures which are to be followed by Planning Staff in the identification and listing of potential historic resources:

- A. Staff shall organize and oversee the completion of survey areas as directed by the HLC. The City shall train and use volunteers to assist in the completion of site surveys and record forms. Contracted professional historians shall monitor the accuracy of data entered into survey forms and review the historic assessment findings once completed. Staff and Historic Landmarks Commissioners shall review completed research and data forms, architectural descriptions, and statements of significance and make informed decisions about the historical and architectural quality of each site. Properties containing structures deemed potentially significant to the community's heritage shall be placed on the City's Potential List by the HLC, pursuant to SBMC §22.22.030.
- B. The City considers the City's Potential List a working inventory of properties that may be eligible for Structure of Merit or Landmark designation. Upon final completion of the historical survey and assessment period, Staff shall forward the list of properties identified as potentially significant historic resources to the HLC for possible inclusion on the City's Potential List. The HLC shall consider the proposed additions to the City's Potential List at a regularly scheduled meeting and provide mailed notice to all owners of properties that are proposed for listing, as specified in SBMC §22.22.030.
- C. Additionally, based upon their collective expertise regarding the history of the City and its neighborhoods, Commissioners may select and recommend properties not yet surveyed for placement on the City's Potential List, as specified in SBMC Chapter 22.22. A Commissioner's recommendation shall be made in writing and shall include reasons such listing may be appropriate. Staff shall refer these selected properties to the HLC Designation Subcommittee, which will make a recommendation to the full Commission. Authority to select such properties stems from Section 817(d) of the City Charter.
- D. During the review and acceptance of a Historic Structures/Sites Report, Staff shall assist the HLC in the identification of potentially significant historic structures eligible for inclusion on the City's Potential List by using the criteria outlined in the MEA's Historic Resources Guidelines, which are utilized for local designation

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<sup>1</sup> Additional survey study areas or thematic surveys may be added in the future as the need arises.

purposes. The HLC shall consider if the historic resource should be added to the City's Potential List as part of a regularly scheduled meeting and provide mailed notice to the property owner.

- E. The HLC has the following role relative to the identification of historic structures:
1. Assists staff in conducting a continuing survey of all structures, natural features, sites, and areas in the City of Santa Barbara having historical, architectural, archaeological, cultural, or aesthetic significance and which may be eligible for designation as a City Landmark or a Structure of Merit.
  2. Reviews and evaluates the accuracy of Historic Structures/Sites Reports which have been prepared to identify and assess the significance of historic structures/sites or archaeological resources.
  3. Considers recommendations for listing structures, sites, or natural features on the City's Potential List.
  4. Reviews and evaluates proposals for the designation of City Landmarks and Structures of Merit.
  5. Recommends Landmark designations to City Council for final action.
  6. Designates Structures of Merit.
- F. The HLC has the following role relative to the protection of historic structures:
1. Enforces SBMC Chapter 22.22 (Historic Structures Ordinance), which provides approval authority to the Commission for all exterior alterations to designated City Landmarks and Structures of Merit and building/demolition permit applications for properties listed on the City's Potential List.
  2. Assists in historic resource survey efforts to identify all potentially significant historic properties which have not yet been surveyed and which merit additional protection from demolition or incompatible alterations.
  3. Reviews and evaluates the accuracy of Historic Structures/Sites Reports which have been prepared to identify and assess the significance of historic structures/sites or archaeological resources. Develops mitigation measures that avoid or reduce project impacts.
  4. Reviews demolition permit applications for structures located within the "2004 Demolition Review/Historic Resources Survey Study Area" that are over fifty years of age, have not been surveyed within the last 10 years, and have been determined by the City's Urban Historian to be potentially historically significant.

#### **IV. PROCESS FOR PROPERTIES PROPOSED FOR LISTING ON THE CITY'S POTENTIAL HISTORIC RESOURCES LIST**

- A. Structures, sites, and natural features can be added to the City's Potential List three ways:

### 1. City's Historic Resource Survey Process

The historical survey findings are presented to the HLC Designation Subcommittee for a recommendation to the full Commission on the possible placement of structures/sites identified as being potential historic resources on the City's Potential List, designation as a Structure of Merit, or designation as a City Landmark. If the HLC Designation Subcommittee recommends that the Commission place a structure, site, or natural feature on the City's Potential List as a result of the City's on-going historic resource survey's, the placement shall be considered by the HLC at a noticed public hearing within one year of the completion of the area survey process.

### 2. Historic Landmarks Commissioner's recommendation

An individual Historic Landmarks Commissioner may request in writing that a particular structure, site, or natural feature be placed on the City's Potential List. The request shall state the reason that the Commissioner believes such listing is appropriate. In response to this request, Staff will research the particular structure, site, or natural feature believed to be potentially eligible for inclusion on the City's Potential List and present the results of the research to the HLC Designation Subcommittee for a recommendation to the full Commission. If the HLC Designation Subcommittee concurs with the recommendation for placement of the structure, site, or natural feature on the City's Potential List, the recommendation will be forwarded to the full Commission for consideration. Structures, sites, and natural features identified as having potential as a City Historic Resource by an individual Commissioner or by the HLC Designation Subcommittee, shall be considered by the HLC for listing on the City's Potential List at a noticed public hearing.

### 3. Project Specific Historic Structures/Sites Reports

The regulatory framework, thresholds of significance, and project impact evaluation procedures for historic resources are contained in the MEA Historic Resources Guidelines. These Guidelines contain the required content and format for Historic Structures/Sites Reports. The purpose of a Historic Structures/Sites Report is to identify historical structures/sites on a project site, assess the significance of identified historic structures and/or sites, evaluate potential project impacts to significant historic resources, and propose mitigation measures as appropriate.

A project specific Historic Structures/Sites Report may conclude that a structure, site, or natural feature is a potential historic resource and recommend that it be placed on the City's Potential List for future research and possible formal designation as a Structure of Merit or City Landmark. Structures, sites, and natural features identified as having potential as a City Historic Resource by a project specific Historic Structures/Sites Report can be considered by the HLC for listing on the City's Potential List at the public meeting scheduled for the acceptance of the Historic Structures/Sites Report. Notice of the hearing for potential listing shall occur as provided in SBMC §22.22.030.

## B. Public Hearing Process

Property owners of affected structures, sites, and natural features proposed for listing on the City's Potential List as a result of the City's Historic Resources Survey process or a Historic Landmarks Commissioner's request shall receive notice of the public hearing no less than 60 days prior to said public hearing, unless the owner consents in writing to less time. If the proposed listing is as a result of a project specific Historic Structures/Sites Report, no mailed notice is required.

The property owner, or owner's representative, may present both oral and written evidence to the Commission to establish whether the structure, site, or natural feature merits placement on the City's Potential List. It is suggested that the written evidence take the form of a Historic Structures/Sites Report. The Historic Structures/Sites Report must meet the requirements of the City's MEA Historic Resources Guidelines and be prepared by a qualified City approved historical consultant at the property owner's expense. The Historic Structures/Sites Report shall assess the significance of the identified historic resource using the criteria of significance provided in the MEA Historic Resources Guidelines.

In order for the property to be not included on the City's Potential List, the oral or written evidence (including the Historic Structures/Sites Report if prepared) shall clearly demonstrate that the property is not eligible for inclusion. The HLC must agree on the conclusions of the report and make appropriate findings to not include the property on the City's Potential List.

**V. PROCESS FOR PROPERTIES PROPOSED FOR REMOVAL FROM THE CITY'S POTENTIAL HISTORIC RESOURCES LIST**

Per Section 22.22.030.B.3, Staff will review the existing City's Potential List to verify the accuracy of all the existing listings within two years of the adoption of the Demolition Review Ordinance. Staff's administrative review will focus on properties that have insufficient survey records or on properties that Staff has received an inquiry from property owners on why their property was included on the list. Staff will develop a brief "Statement of Significance" that would examine the eligibility criteria for each property in question. The Staff administrative review will result in an amended Potential List that would be brought before the HLC Designation Subcommittee for a recommendation to the full HLC. The HLC Designation Subcommittee may suggest further changes or may refer the amended list to full HLC for acceptance. The amended Potential List would then be scheduled for a noticed public hearing before the full HLC pursuant to SBMC 22.22.030.E and F. If a property owner disagrees with a proposed listing at that time, they could provide documentation that the listing was not warranted.

After the initial administrative review of the City's Potential List as required by SBMC §22.22.030.B.3, a property owner may request that their structure, site, or natural feature be removed from the City's Potential List. A property owner may initiate the process for removal of their structure, site, or natural feature from the City's Potential List by submitting a letter to the Community Development Director requesting the removal. The property owner must also submit relevant written evidence establishing why the structure, site, or natural feature should be removed from the City's Potential List. This written



evidence should be in the form of a Historic Structures/Sites Report prepared in accordance with the MEA Historic Resources Guidelines. The HLC may remove a structure, site, or natural feature from the City's Potential List following the completion of environmental review at a duly noticed public hearing if the HLC determines that the property meets one or more of the following:

- A. The building, structure, site, or natural feature has been substantially damaged or destroyed by a catastrophic event such that it no longer meets the criteria for placement on the list;
- B. There has been a loss of the integrity of the building, structure, site, or natural feature, provided the loss of integrity was not the result of any illegal act or willful neglect by the owner or agent of the owner; or,
- C. Discovery of information subsequent to the placement of the building, structure, site, or natural feature on the City's Potential List regarding the potential significance of the building, structure, site, or natural feature such that the criteria for placement on the City's Potential List is not met.

In addition, the approval of the complete demolition of a structure, site, or natural feature by the HLC automatically removes it from the City's Potential List.

## **VI. DEMOLITION REVIEW /HISTORIC RESOURCE SURVEY STUDY AREA**

The City has many buildings older than fifty years of age that are historically significant but not yet identified or "listed" due to incomplete historical surveying efforts. The completion of historic surveys is intended to identify properties which are eligible as potentially significant historic structures, which will either initiate a historic designation process or require placement on the City's Potential List for future research and possible designation. Amendments to SBMC §22.22 and 22.68 (termed the Demolition Review Ordinance) have been made to protect these unlisted structures from ministerial demolition permits until such a time that the historic resource surveys are complete.

The City has identified and mapped a Demolition Review/Historic Resource Survey Study Area (Demolition Review Area), Exhibit C. The Demolition Review Area is tied to the MEA Cultural Resources Sensitivity Zones Map so as to relate to the oldest known parts of the City with the highest potential for containing historic resources. Applications for demolition of structures, including partial demolitions, in this Demolition Review Area would require a Staff determination of potential historical significance prior to the issuance of a demolition permit.

## **VII. DETERMINATION OF WHAT CONSTITUTES A DEMOLITION**

Section 22.22.020.J of Chapter 22.22 of the SBMC defines demolition as:

"The removal of a structure in whole or in part, or the permanent removal from a structure of either a significant component or a character defining element, as may be determined by the HLC or where appropriate, by the Community Development Director. Demolition shall include, but not be limited to, the act of pulling down,

destroying, removing, relocating or razing a structure or commencing the work thereof with the intent of completing the same.”

For purposes of Section 22.22.020.J, a major alteration may be classified as a demolition when, within any continuous twelve (12) month period, such structure is destroyed in whole or in part or is relocated from one lot to another. Destroyed in part means the removal of fifty percent (50%) or more of the enclosing exterior walls or fifty percent (50%) or more of the roof or the removal of major structural components that also result in a significant loss of portions of a building or structure. Raising the overall height of a roof, rebuilding the roof to a different pitch, or adding another story to a building may be determined to constitute a demolition per SBMC §22.22. Additionally, a major alteration that affects the exterior visual qualities of the property such as an incompatible addition or carport or the gutting of a building interior to the point where exterior features (windows, etc.) are impacted may also be determined to be a demolition.

Character of a building refers to the distinctive tangible elements and physical attributes that comprise the appearance of a structure, site or natural feature. Character defining elements include, but are not limited to, massing and shape, roof materials and appendages, fenestration (e.g. doors, windows, etc.), projections and recesses (e.g. porches, bay windows, arcades, recessed galleries, etc.), materials, architectural features (e.g. exposed rafter tails, knee braces, decorative trim, lattice work, etc.), elements demonstrating extraordinary craftsmanship, as well as spatial relationships associated with its site, adjacent streetscape, and environment.

## **VIII. DEMOLITION APPLICATION REVIEW PROCESS**

Pursuant to SBMC §22.22.035, Staff will review all applications for permits located outside a designated Landmark District and within the Demolition Review Area to determine if an unlisted potentially significant historic structure is being proposed for demolition. Staff shall evaluate all unlisted structures older than fifty (50) years of age by utilizing set criteria, standards, or thresholds contained in the MEA Historic Resources Guidelines for determining potential historical or architectural significance. (Refer to Flow-Chart, Exhibit D). The City’s Urban Historian, with the assistance of the City Environmental Analyst, will make these initial determinations.

The Demolition Review Process steps that shall be followed are:

- C. An application for a demolition or building permit is submitted at the Building and Safety Counter. As part of the plan check process, the plans are routed to Zoning Staff. Zoning Staff makes a determination on whether the project site is located within the Demolition Review area (Exhibit C). If the project site is not located within the Demolition Review area, then the application continues in the plan check process following the completion of the zoning plan check. If the project site is located within the Demolition Review area, then a determination is made on whether the project meets the definition of demolition as defined in SBMC Chapter 22.22.
- D. If the project does not meet the definition of demolition, then the application continues in the plan check process following the completion of the zoning plan

check. If the project meets the definition of demolition, then a determination on whether the proposed project site contains any known or potential significant historic structures/sites will be made. Existing City historic resource lists and data would be utilized to the greatest extent feasible.

- E. If the project site contains known or potential significant historic resources, then the project will be referred to the HLC for full discretionary review and the plans will be removed from the plan check process. If the project site does not contain any known or potential significant historic resources, then a determination will be made on the structure's age. If the structure is less than 50 years old, then the application continues in the plan check process following the completion of the zoning plan check. If the structure is more than 50 years old, then a determination is made on whether the neighborhood has been surveyed in the last 10 years.
- F. If the neighborhood has been surveyed in the last 10 years and the structure is determined to be not potentially significant, then the application continues in the plan check process following the completion of the zoning plan check. If the neighborhood has not been surveyed in the last 10 years, then the application is routed to the Urban Historian for an Administrative Historic Resource Evaluation (Refer to Exhibit D).

The purpose of the Administrative Historic Resource Evaluation is to determine whether the project site may have potential historical or architectural value to the community and whether it is appropriate to obtain a Historic Structures/Sites Report to assist the HLC in the determination of historical significance of the affected structure or site. The Administrative Historic Resource Evaluation includes review of City archive plans, street and planning files, other pertinent existing information including the City's adopted MEA, and a site visit. If necessary, Staff may request input from the HLC in making this determination. The Administrative Historic Resource Evaluation shall be completed within 30 calendar days of the date the application for a building/demolition permit was submitted.

- G. If it is determined as a result of the Administrative Historic Resource Evaluation that the project site does not possess historical or architectural value to the community, then the application continues in the plan check process following the completion of the zoning plan check.
- H. If it is determined as a result of the Administrative Historic Resource Evaluation that the project site possesses historical or architectural value to the community, the requested demolition permit will be referred to the HLC for full discretionary review and concurrent determination of the possible designation of the project site a City Historic Resource. Prior to the HLC hearing, a Historic Structures/Sites Report will be required to be prepared by a City qualified historical consultant. The preparation and acceptance of the Historic Resource Structures/Sites Report shall follow the procedures outlined in the City's adopted MEA Historic Resources Guidelines. In cases of projects that involve minor alterations, the Administrative Historic Resource Evaluation may result in the imposition of mitigation measures that are established in the MEA Historic Resources Guidelines. In those instances, a Historic

Structures/Sites Report may not be required. These mitigation measures will be imposed as conditions on the building/demolition permit.

- I. If the Historic Structures/Sites Report concludes the structure or site does not meet the eligibility criteria for designation as a City Historic Resource, the project may be eligible to be placed on the HLC's consent calendar for review or maybe reviewed administratively by Staff once environmental review is complete. If the Historic Structures/Sites Report concludes the structure or site meets the criteria for designation as a Structure of Merit or City Landmark and the project would result in the potential for resource loss, then the Historic Structures/Sites Report will indicate the significance of the loss and identify potential mitigation measures as appropriate. In the case of complete demolitions, this may include a recommendation that the structure or site remain and be designated a Structure of Merit or City Landmark. In cases of partial demolition, this may include revisions to the proposed project or designation of the altered structure, site, or natural feature as a Structure of Merit. The demolition permit will be subject to environmental review and full discretionary review by the HLC. Depending on the recommendations/conclusions of the Historic Resource Structures/Sites Report, the hearing before the HLC on the acceptance of the Report could also include the listing of the structure, site, or natural feature on the City's Potential List, designation of the structure a Structure of Merit, or a recommendation to Council for the designation as a City Landmark.
- J. Once environmental review of the project is complete, the HLC will take action on the project. This action will either be approval, approval with conditions, or denial of the requested permit. If the conclusion of the Historic Resources Structures/Sites Report is that the structure/site is a potential historic resource or meets the criteria for designation as a Structure of Merit or City Landmark, then the action of the HLC will include a decision on the possible listing of the structure/site on the City's Potential List or official designation as a Structure of Merit or City Landmark. In this instance, the notice for the public hearing will meet the requirements of SBMC §22.22.030.
- K. Should the HLC deny the request for the partial demolition of a structure, site, or natural feature, the HLC must concurrently designate the structure, site, or natural feature a Structure of Merit or adopt a resolution recommending the City Council designate the structure, site, or natural feature a City Landmark. If the HLC elects to deny the complete demolition of a structure, site, or natural feature, the HLC must concurrently act to adopt a resolution recommending the City Council designate the structure, site, or natural feature a City Landmark.

**IX. DEMOLITION OR ALTERATIONS OF POTENTIAL HISTORIC RESOURCES**

Any permit to demolish or alter a property on the City’s Potential List, whether or not the property is located within a designated Landmark District, must be reviewed by the HLC unless it has been determined to be a “Minor Design Alteration” by the Community Development Director. As outlined in Section X below, the Community Development Director may authorize Staff to approve Minor Design Alterations.

If the HLC denies a request to partially demolish a structure, site, or natural feature listed on the City’s Potential List, the HLC must concurrently designate the structure, site, or natural feature a Structure of Merit or adopt a resolution recommending the City Council designate the structure, site, or natural feature a City Landmark. If the HLC denies the complete demolition of a structure, site, or natural feature on the City’s Potential List, the HLC must concurrently act to adopt a resolution recommending the City Council designate the structure, site, or natural feature a City Landmark. Failure to designate the structure, site, or natural feature a Structure of Merit or adopt a resolution recommending the City Council designate the structure, site, or natural feature as a City Landmark within 180 days of the application shall be deemed an approval of the permit application.

If a property is composed of multiple structures and one of the structures is included on the City’s Potential List, then any alteration to any of the structures on the project site must be reviewed and approved by the HLC or Staff prior to permit issuance. The HLC or Staff may impose appropriate measures to mitigate any potential for loss or partial destruction of historic resources resulting from the demolition or alteration.

If a Historic Structures/Sites Report indicates that a site or structure no longer qualifies as a potential historic resource, then the HLC could take action to remove the site or structure from the City’s Potential List (see Section V above). In this instance, if the site or structure were not located within a designated Landmark District, review by the HLC would not be required prior to the issuance of a building/demolition permit. However, design review by the Architectural Board of Review may be required. Refer to SBMC §22.68 for a list of projects subject to review by Architectural Board of Review.

**X. MINOR DESIGN ALTERATIONS TO POTENTIAL HISTORIC RESOURCES ELIGIBLE FOR ADMINISTRATIVE APPROVAL**

The following list of minor design alterations to a property on the City’s Potential List may be approved as a ministerial action by the Community Development Director or appointed representative without review by the HLC provided they are compatible with the architectural style or character of the building/site. The Community Development Director shall have the authority and discretion to refer any minor design alteration to the HLC if the alteration cannot be approved administratively and has the potential to have an adverse effect on the historical or architectural integrity of the building, structure, or surrounding property.

- L. Re-roofs with similar materials or which are compatible with the architectural style or character of the building;
- M. Dry rot, termite damage repairs to replace as is, fire damage repairs to replace as is;

- N. Minor paint changes, landscaping and hardscape/paving improvements;
- O. Ground mounted air conditioning units or similar equipment;
- P. Exterior lighting fixtures and electrical metering equipment,
- Q. Fireplace and mechanical equipment venting;
- R. Small decks or stairs, awnings, porches, trellis, gazebo or any other small accessory structure which matches the architectural style of the existing building;
- S. Door, window or skylight additions or alterations if compatible with the architecture.
- T. Fences, gates, trash or water heater enclosure if compatible with the architecture; and
- U. New garage doors if compatible with the architecture.

## **XI. CITY LANDMARKS AND STRUCTURES OF MERIT**

There are established local, state and national eligibility criteria used to identify historic significance levels. The following represents information as a guide to better define distinguishing characteristics between a City Landmark and a Structure of Merit designation. City Landmark eligibility criteria are defined along with the different procedures to be followed for both types of designations (SBMC §22.22.040 through 22.22.055). The key differences between the two types of designation levels are explained below and primarily involve the degree to which a structure or site qualifies under all the eligibility criteria.

### **V. CITY LANDMARK**

A City Landmark is any structure, natural feature, site or area found by the City Council to have historic, architectural, archaeological, cultural or aesthetic significance under the provisions of SBMC Chapter 22.22. A "Structure" is defined as any building or any other man-made object affixed on or under the ground.

The HLC carefully considers all the eligibility criteria contained in SBMC §22.22.040 when making a determination to recommend the designation of a structure, site, natural feature, or area as a City Landmark to City Council. The determining factors in the appropriateness of a City Landmark Designation are: the quantity of eligibility criteria met and the importance of the resource to the community, the level of integrity of the resource, and its degree of rarity. The significance determination and recommendation of the HLC is forwarded to the City Council for consideration of the adoption of a City Council Resolution designating the structure, site, or natural feature a City Landmark. Refer to MC. Sections 22.22.040 through 22.22.055.

The City Landmark designation provides additional protection from major alterations or demolition. All exterior alterations must be approved by the HLC and determined to not cause a substantial adverse change in the historical significance of the resource. The HLC, or City Council on appeal, may approve additions or alterations to a City Landmark if they are compatible with the existing structure and if essential features that make the structure historically significant are retained. Demolition or relocation of a City Landmark is prohibited, except under certain conditions, as outlined in MC Section 22.22.080.

A proposal for designation of a City Landmark may begin with action initiated by the HLC, with a letter written to the Commission by the property's owner or an interested person, or as

a result of a full demolition or partial demolition permit request. Except for those structures designated a City Landmark pursuant to the demolition review regulations of Section 22.22.035 and 22.22.037, the first step in the Landmark designation process is the adoption of a resolution of intention to consider recommending the structure, site, natural feature, or area for City Landmark designation to the City Council. If necessary, the proposal may be referred to the HLC's Designations Subcommittee for comment. The HLC must hold a public hearing on the proposed designation within 35 days of the adoption of the resolution of intention. At least ten (10) days prior to the public hearing, notice is put in the newspaper and is sent to the applicant, to the property owner, and to owners of abutting properties. At this public hearing, both oral and written comments are received. If the Commission determines the structure, site, natural feature, or area meets the eligibility criteria, it adopts a resolution to recommend the designation to the City Council. The Commission's written report and resolution are sent to the City Council, and the Council considers them at a public hearing. At least ten (10) days prior to Council's public hearing, notice is put in the newspaper and is sent to the applicant, to the property owner, and to owners of abutting properties. If the Council decides to designate the structure, site or natural feature a City Landmark, it adopts a resolution within ninety days after receipt of HLC's recommendation. The designation becomes effective with adoption of the City Council resolution, and the designation is then recorded with the County Recorder within 60 days of Council's action.

If the HLC denies an application for the complete demolition of a structure, site, natural feature, or area, the HLC must concurrently adopt a resolution recommending Council designate the structure, site, natural feature, or area a City Landmark. The HLC need not adopt a resolution of intention. The resolution recommending the City Landmark designation is forwarded to the Council for action on the City Landmark designation. If there is an appeal on the HLC's denial of the demolition application, the public hearing for the Landmark designation could be scheduled concurrently with the public hearing on the appeal of the HLC's decision.

If the HLC denies an application for the partial demolition of a structure, site, natural feature, or area, the HLC must concurrently act to designate the structure, site, natural feature, or area a Structure of Merit or adopt a resolution recommending Council designate the structure, site, natural feature, or area a City Landmark. The HLC need not adopt a resolution of intention in either instance. The resolution recommending the City Landmark designation is forwarded to the Council for action on the City Landmark designation. If there is an appeal on the HLC's denial of the demolition application, the public hearing for the Landmark designation could be scheduled concurrently with the public hearing on the appeal of the HLC's decision. The Council may act to deny the Landmark designation and approve the requested permit with conditions which may include the designation of the altered structure, site, natural feature, or area a Structure of Merit.

## W. STRUCTURE OF MERIT

Structures not eligible for City Landmark designation can be deemed to have some level of historic significance and receive benefits and incentives for preservation. The Structure of Merit designation status was established to encourage the preservation of our City's streetscapes and building fabric, and to acknowledge historic structures or sites that have some historic significance but that may not rise to the level of a City Landmark.

Designation as a Structure of Merit is subject to careful consideration of the same eligibility criteria as that required of a City Landmark. Structures of Merit are historically significant, but to a lesser degree than a City Landmark. Some of the determining factors in the appropriateness of a Structure of Merit designation rather than a City Landmark designation are the following: the amount of eligibility criteria met, the level of integrity of the historic resource and, the quality or number of resources of this type remaining in the City. A final significance determination is made by the HLC (SBMC §22.22.085).

The Structure of Merit designation provides additional protection from major alterations. All exterior alterations must be approved by the HLC and determined to not cause a substantial adverse change in the historical significance of the resource. Additions or alterations may be approved by the HLC, or City Council on appeal, to a Structure of Merit if they are compatible with the existing structure and if essential features that make the structure historically significant are retained. Demolition or relocation of a Structure of Merit may only be approved under limited circumstances, if acceptable mitigation measures are approved to reduce the impact of demolition (SBMC §22.22.09).

A proposal for designation of a structure, site, natural feature, or area as a Structure of Merit may begin with action initiated by the HLC, with a letter written to the Commission by the property's owner or an interested person, or as a result of a partial demolition permit request. Except for those structures designated a Structure of Merit pursuant to the demolition review regulations of Section 22.22.035 and 22.22.037, prior to taking action on the proposed Structure of Merit designation, the HLC shall adopt a resolution of intention announcing its intention to consider designating the structure, site, natural feature, or area a Structure of Merit. A hearing on the designation must be held before the HLC not less than 75 days after the adoption of the resolution of intention, unless the owner consents in writing to less time. The proposed designation may be referred to the HLC designations subcommittee for a recommendation to the full HLC. No less than sixty days prior to the hearing before the full HLC (the owner may request a shorter notice period in writing), a copy of the resolution of intention and public notice is sent to the property owner. At the public hearing before the HLC on the proposed designation, both oral and written comments are received. At the conclusion of the public hearing, the Commission may designate a structure as a Structure of Merit by adoption of a resolution by majority vote. The designation is then recorded with the County Recorder.

## XII. CITY HISTORIC DISTRICTS AND SPECIAL DESIGN DISTRICTS

There are established state and national eligibility criteria used to identify historic districts. The following represents information as a guide to define local eligibility criteria and rules for City Historic District nomination and designation. In addition, a Special Design District



can also be placed on selected areas or properties where a Historic Resource survey is underway or upon properties surrounding a proposed Historic District. The purpose of this Special Design District is to define an area that forms a distinct neighborhood boundary where architectural style(s) would be regulated to ensure compatibility with the Historic District. These Special Design Districts would have adopted design guidelines to guide new development to be compatible with the Historic District.

#### A. CITY HISTORIC DISTRICTS

A historic district is a geographically defined area within Santa Barbara that has significant concentration of historic resources that represent themes important in local history. An area may be distinct for the quality of architecture and/or for the story it tells about Santa Barbara's growth and development. A City Historic District and properties can be designated by resolution by City Council in accordance with SBMC Chapter 22.22 and be subject to design review by the Historic Landmarks Commission. Non-contributing resources located within a City Historic District may not require design review by the HLC so long as minor maintenance, repairs or additions are proposed involving no major expansions.

Historic Districts proposed for nomination are usually identified and evaluated as a result of a historic resource survey prepared by professional historians. A Historic District must retain integrity as a whole. The majority of components that make up the proposed district's historic character must possess integrity collectively even if individually they may not meet historic significance eligibility criteria. A proposed City Historic District shall have sufficient integrity to meet guidelines established by the National Register of Historic Places for designation as a historic district. All relevant aspects of integrity shall be evaluated such as: location; design; setting; workmanship, feeling (expression of particular place and time) and association (the link between a significant event or person and the property.)

Properties within the Historic District shall be classified as contributing resources or non-contributing resources. The character and integrity of the proposed Historic District boundaries must also be carefully evaluated and determined so as to retain cohesiveness and to limit the level of intrusions from non-contributing resources. The boundaries of a proposed historic district shall be contiguous and retain a high degree of overall integrity rating. The proposed boundaries of a Historic District shall be reviewed and evaluated by the Historic Landmarks Commission to limit the number of non-contributing resources it contains and to ensure that there are not so many alterations or new intrusions that it no longer conveys the sense of historic environment.

#### B. PUBLIC PARTICIPATION IN CITY DISTRICT DESIGNATION PROCESS

Public participation in the Historic District Designation process is required and encouraged. Meetings shall be held in the neighborhood where the concept of a district designation is being proposed. City Planning Staff shall provide notice and information to all property owners explaining the designation process and benefits and obligations of the residents and property owners within a Historic District.

The HLC shall carefully consider all eligibility criteria and guidelines established by the National Register of Historic Places for designation of a historic district when making a determination to recommend the designation of a City Historic District to City Council. The determining factors in the appropriateness of a City Historic District Designation are: the concentration of historic resources that represent themes and the importance of the resources to the community, the level of integrity of the resources, and their collective degree of streetscape integrity. The significance determination and recommendation of the HLC shall be forwarded to the City Council for consideration of the adoption of a Council Ordinance designating the area a City Historic District.

#### **X. SPECIAL DESIGN DISTRICTS**

Special Design Districts can also be placed on selected areas or properties where a Historic Resource Survey is planned or underway in order to further protect existing structures from demolition and to ensure proposed new development proposals maintain existing neighborhood character. Applicants with new development proposals within this Special Design District would need to evaluate how their proposed development might impact the cohesiveness of a potential historic neighborhood. The Special Design District would be placed on the specified area on either an interim or permanent basis based on various factors involving, the completion of historic resource surveys, identification of Historic Districts or boundaries and the development of design guidelines. The Special Design District would be removed or modified once the historic resource surveys are completed in the neighborhood.

The purpose of a Special Design District is to define an area that forms a distinct neighborhood boundary where architectural style(s) should be regulated to ensure compatibility with a surrounding Historic District. These Special Design Districts are also established to encourage the preservation of the City's streetscapes and fabric. In most instances, it will be necessary to adopt architectural design guidelines to guide new development in the Special Design District to be compatible with a nearby City Historic District. Properties within a Special Design District may be subject to new design review requirements by the Architectural Board of Review established by Council Ordinance based on SBMC §22.68.040.

#### **XIII. PROJECT IMPACT EVALUATION PROCEDURES FOR CEQA REVIEW**

City Staff shall follow the MEA Historic Resource Guidelines for determining the significance of impacts to historic structures. These Guidelines provide detailed guidance on how to evaluate project impacts in order to complete environmental review. They also provide direction on the content and format for Archaeological Resource Reports and Historic Structures/Sites Reports. Lastly, they describe mitigation measures for avoiding or reducing project impacts, including mitigation measure limitations and standard mitigation measure language.