



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: April 9 and 16, 2013

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

SUBJECT: Historic Resources Ordinance Amendments

RECOMMENDATION: That Ordinance Committee consider Historic and Special Design District criteria options by reviewing:

- A general proposal to amend Santa Barbara Municipal Code (SBMC) Chapter 22.22, "Historic Structures Ordinance";
- A general proposal to create a new SBMC Chapter 22.67, "Historic Landmarks Commission."

EXECUTIVE SUMMARY:

On October 2, 2012, the Council adopted the Historic Resources Element (HRE). On February 5, 2013, the Council directed staff to implement a "Five-Year Historic Resources Work Program" (5-Year HRWP) and to return to the Council Ordinance Committee to work on the following major projects included in the 5-Year HRWP implementation, generally in this order:

1. A possible historic and special design districts ordinance
2. Historic districts implementation program, using existing historic survey data
3. Possible Municipal Code zoning amendments to support historic structures preservation. [This topic is proposed to be discussed after Ordinance Committee feedback regarding the historic and special design districts designations has been given.]

Staff plans to bring a series of historic districts to the Ordinance Committee and Council for adoption consideration, generally, one district at a time following extensive neighborhood outreach. Revisions to SBMC Chapter 22.22 and a new Chapter 22.67 are proposed to facilitate district implementation and to better organize the existing Municipal Code provisions. Staff seeks Ordinance Committee specific guidance on a list of topics (as described in Attachments 1 and 2): 1. basic ordinance provisions, 2. historic district nominations, 3. historic district boundary criteria, 4. property owner approval process, and 5. natural disaster provisions. Once direction is received on these topics, the City Attorney's Office will draft ordinances to be brought back to the Ordinance Committee for its final review.

DISCUSSION:

Background

On October 2, 2012, the Council adopted a Historic Resources Element (HRE) of the City's updated General Plan. The new HRE incorporates both the December 2011 General Plan Historic Resources Goals, Policies and Implementation Actions, and replaces the Cultural and Historic Resources section of the Conservation Element. The HRE includes 47 "possible implementation items to be considered" organized under ten policies. On February 5, 2013, the Mayor and Council directed staff to begin to implement a "Five-Year Historic Resources Work Program" (5-Year HRWP) and to return to the Ordinance Committee to obtain direction on this implementation. The 5-Year HRWP includes three major projects which require Ordinance Committee discussion and review. Staff's proposal as to how to schedule discussion of these projects is as follows.

- **Historic districts implementation.** To begin Ordinance Committee review on April 9, Staff will provide background information regarding how individual historic districts proposals can be considered and approved.
- **Historic and special design districts ordinance.** The bulk of the immediate discussion is proposed to be regarding the new Municipal Code components needed to facilitate future historic districts designations. Staff proposes two Ordinance Committee hearings on this topic, the first taking the majority of discussion time on April 9, and then a continued discussion on April 16 in order to allow sufficient discussion time.
- **Municipal code provisions for individual historic structures.** HRE implementation item 4.1 (HRE 4.1) proposes to provide incentives for the adaptive reuse of historic buildings. HRE 4.1 specifies to support zoning modification approvals for parking and setbacks to allow more change of uses for historic properties and allow more flexible building code compliance alternatives. For example, the California State Historical Building Code could be specially employed to allow more flexibility in compliance with our local Municipal Code requirements. This topic, although important, is proposed to be discussed at a later Ordinance Committee hearing sometime in the next five years, after Ordinance Committee feedback regarding the historic and special design districts designations has been given. In addition, other City Zoning Ordinance amendments to further facilitate neighborhood historic preservation in accordance with HRE implementation item 5.5 are expected to be brought to the Ordinance Committee during the extended general plan implementation time-frame.

I. Historic Districts Implementation

As reported to the Council on February 5, 2013, detailed historic property survey data is available for three major geographic areas of the City with the potential for historic districts (West Downtown, Lower Riviera and West Beach.) The data has been the basis for preliminary consultant recommendations for possible historic district designations. The key components for this program include the following:

- survey data completion and compilation
- mapping district proposals
- outreach programs to neighborhoods to explain districting
- hearings before the HLC and Council
- ordinance amendment for each district as it is adopted

The proposed general historic district ordinance amendments will allow this project to be completed efficiently. Proposed historic district guidelines work will also complement achievement of this project.

The first district proposed for adoption by Staff is the El Encanto Hotel Historic District. It would be adopted under the current regulations, due to its adoption requirement being part of a recent project approval for the new El Encanto Hotel.

Among all the surveyed areas of the City awaiting districting proposals, the survey data for West Beach is oldest and most at risk of becoming outdated. Therefore, West Beach is the first area where staff would propose a historic district be adopted under the new ordinance requirements. Staff proposes that districts would be implemented sequentially in one area of the City at a time. Following are potential historic district areas with existing survey data, which would be proposed individually after extensive neighborhood outreach.

District to be adopted in 2013 per current regulatory framework: El Encanto

Districts with existing survey data to be proposed for adoption under new ordinance

1. West Beach
2. West Downtown (2 districts)
3. Lower Riviera Bungalow Haven

Districts which may be subsequently adopted, depending upon community interest and survey data to be completed

- Diana Lane
- East Cabrillo Boulevard
- Plaza Bonita
- Plaza Rubio
- Rosemary Lane

Later “clean up” historic district items

- Adopt official historic districts within the existing EPV district, while keeping the current EPV design district boundaries.
- Revise Brinkerhoff Landmark District to be a historic district.

Certain procedures and regulations will need to be put in place in order to ensure these possible district designations have a standard public review process.

II. Historic & Special Design Districts Ordinance

The City also needs to adopt a process, criteria and procedures for evaluating proposals to form an historic district. Staff proposes Municipal Code changes to achieve a simple regulatory process, as well as set criteria and procedures for the future designation of historic and special design districts. An amended Chapter 22.22, [to be named Historic Resources Ordinance, combined with new administrative guidelines] is proposed in order to establish legal noticing procedures and steps involved with nomination, application, initiation, and research criteria which can lead to the designation of potential new districts.

Existing Historic Resources Municipal Code Discussion

The City's current Historic Structures Ordinance provides authority to create lists of potential historic resources and a process to designate historically significant structures as Structures of Merit or City Landmarks. All designated historic resources have existing Municipal Code provisions and findings which guide any proposal to demolish, alter, repair or maintain a Historic Structure. Staff is aware of many cities that have ordinances that outline how historic district nominations and designations are processed. Currently, the City of Santa Barbara does not have a comprehensive district ordinance and must initiate special ordinance amendments each time an historic district is formed. That special ordinance process was followed in 2004 when the Riviera Campus Historic District was created, and will need to be followed to adopt the pending proposed El Encanto Hotel Historic District.

During recent discussions as part of the Historic Resources Element (HRE) Update process, implementation strategies were further developed by the HRE Task Force that recommended the City simplify the Municipal Code in order to make it easier for the public to understand. For example, in 2004, extensive amendments were made to the Historic Structures Ordinance Chapter to establish the Demolition Review Study Area which lengthened and further complicated the existing ordinance. Staff is recommending that the Ordinance Committee consider revisions to the Municipal Code to better organize the regulations into two distinct chapters resulting in clearer regulations.

Current Historic and Landmark Districts

The City began identification of historic areas with the use of the Landmark District beginning in the 1970's for areas with a high concentration of historic structures. Chapter 22.22 has regulations for two Landmark Districts, specifically El Pueblo Viejo (EPV) and Brinkerhoff Avenue.

The EPV Landmark District has been expanded over time and is now more of a combination of an architectural special design district and a historic landmark district. The EPV Landmark District primarily focuses on required architectural styles and appearance rather than specific historic resource locations, although there is some overlap when considering these topics. Since SBMC Chapter 22.22 is proposed to have a focus on historic districts, it is proposed to move the HLC design review ordinance language and EPV ordinance structure into a new Municipal Code Chapter.

The Brinkerhoff Avenue Landmark District was the city's first authentic historic district in that all properties within the District were identified as "contributing properties." The "Landmark District" designation is misleading since all the structures within the area are Structures of Merit not Landmarks. Staff recommends that the Brinkerhoff Avenue Landmark District title be revised to a "historic district" in order to better reflect how the area should be evaluated. In addition, Staff recommends that formal design guidelines for the historic district be adopted. In anticipation of the future need to refer to "historic districts" rather than "landmark districts," a new definition of "historic districts" was already added to the City's Historic Structures Ordinance in 2007. The Brinkerhoff Historic District would remain in Chapter 22.22 since it is essentially a "historic district."

Discussion Item 1: General Historic Resources Municipal Code Approaches. Ordinance Committee confirmation that the five general approaches detailed in Attachment 1 are acceptable is needed so that the City Attorney's Office can begin drafting the required ordinances. The Ordinance Committee would then review specific proposed ordinance text at a future meeting.

Discussion Item 2: Historic District Formation Procedure Options for Consideration. Attachment 2 lists specific discussion questions regarding the following four topics, followed by applicable background information and staff recommendations. A chart compares how other jurisdictions approach items 1 – 3 in Attachment 2.

1. Who may initiate potential historic district designations.
2. Criteria to determine district boundaries.
3. Whether property owner approval is advisable or needed.
4. Natural disaster provisions.

BUDGET/FINANCIAL INFORMATION:

On February 5, 2013, in consideration of the 5-Year Historic Resources Work Program, the Mayor and Council supported approximately \$30,000 of funding for the Program for scanning and uploading information to websites, guidelines printing, and obtaining, reviewing and mapping data. The funding approval will be considered when Council acts on the two-year financial plan for fiscal years 2014 and 2015 and associated budget for the Community Development Department.

ATTACHMENTS:

1. Discussion Item 1: General Historic Resources Municipal Code Approaches
2. Discussion Item 2: Historic District Formation Procedure Options for Consideration and Comparison Table: Other Jurisdictions' Historic District Regulations
3. National Register Guidance on Historic District Designations

NOTE: The documents listed below have been separately delivered to the City Council and are available for public review in the Mayor and Council Office and City Clerk's Office.

1. Historic Resources Element, adopted 10/2/12. The Historic Resource Element is also available on-line at: www.santabarbaraca.gov/Government/General_Plan/index.htm
2. 5-Year Historic Resources Element Work Program Council Agenda Report, 2/5/13
3. City of Santa Barbara Master Environmental Assessment criteria for historic significance
4. Historic district ordinance examples from other jurisdictions

PREPARED BY: Jaime Limon, Senior Planner II
Heather Baker, AICP Project Planner
Nicole Hernandez, Urban Historian

SUBMITTED BY: Paul Casey, Assistant City Administrator / Community Development Director

APPROVED BY: City Administrator's Office