



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: January 26, 2016

TO: Mayor and Councilmembers

FROM: Planning Division, Community Development Department

SUBJECT: Appeal Of Historic Landmarks Commission Listing Of Building Located At 29-37 E. Victoria Street On The Potential Historic Resource List

RECOMMENDATION:

That Council deny the appeal of Virginia Rehling and uphold the Historic Landmarks Commission's (HLC) decision to place the building at 29-37 E. Victoria Street on the City's Potential Historic Resources List.

DISCUSSION:

On November 16, 2015, an appeal was filed by Virginia Rehling, who lives adjacent to the subject property under appeal. The one-story Spanish Colonial Revival building designed by noted architects Soule, Murphy, and Hastings in 1922 is located on the corner of E. Victoria Street and Anacapa Street. The appellant asserts that the City did not follow the processing steps outlined in the Santa Barbara Municipal Code (SBMC) for listing the property on the City's Potential Historic Resources List (City's Potential List) (Attachment 1 – Appellant's Letter).

Furthermore, the appellant states that the Historic Structures Ordinance (SBMC Chapter 22.22) does not specifically grant the City's Urban Historian the authority to recommend that properties be placed on the City's Potential List. Staff does not agree with these statements and believes the HLC had sufficient basis for listing the structure on the City's Potential List.

Background

The current appeal is the second appeal filed regarding the HLC's decision to list this structure on the City's Potential List. On August 26, 2015, the HLC (at the request of the property owner) took its first action to place this structure on the City's Potential List. Ms. Rehling subsequently filed an appeal on September 8, 2015, citing process concerns that the property at 29-37 E. Victoria St. was not reviewed first by the HLC Designations Subcommittee before being placed on an HLC agenda for listing. In an attempt to address

Ms. Rehling's concerns regarding failure to follow procedural steps, the City Attorney's office recommended that the pending appeal to Council not move forward until Planning staff restarted the listing process by referring the item to the HLC Designations Subcommittee.

On October 21, 2015, the HLC Designations Subcommittee held a meeting and confirmed that the building was eligible for listing and recommended it be considered by the HLC to be added to the City's Potential List. At the HLC Designations Subcommittee meeting, Ms. Rehling did not present information disputing the historic significance of the property. On November 4, 2015, the HLC considered the recommended listing and unanimously voted again to add the property to the City's Potential List. On November 16, 2015, Ms. Rehling withdrew her first appeal and filed a new appeal of the HLC's most recent action, citing similar concerns regarding the listing process (Attachment 2 – Letter Withdrawing Appeal).

Appeal Issue

Compliance with Municipal Code Chapter 22.22 - Historic Structures Ordinance

SBMC Section 22.22.030 describes three methods whereby Historic properties may be identified by the City for listing purposes. Listings may be initiated through: 1) the use of a historic resource survey, 2) the request of a HLC Commissioner, or 3) the use of a Historic Structure/Site Report obtained in connection with HLC review. Based on reading of this particular code section, the appellant claims that there is no ordinance authority for the City's Urban Historian to initiate and recommend listing of an eligible building on the City's Potential List on a case by case basis.

In the case at hand, the owners of the building located at 29-37 E. Victoria Street sought to use the California Historical Buildings Code (CHBC) in order to obtain relief from certain building code requirements in the course of their proposed tenant improvements. City staff told the property owners that the building must be on the City's Potential List in order to be considered a Qualified Historical Building for purposes of the CHBC.

Therefore, the property owner requested that their property be presented to the Historic Landmarks Commission in order to be considered for addition to the City's Potential List. Although the subject property is located within an area of the City that was surveyed in 1978, due to the passage of time, City staff determined that further evaluation of the building was required in order to confirm whether the current condition of the building warranted its addition to the City's Potential List. Staff used this current evaluation in order to update the prior survey and presented the property to the HLC for consideration pursuant to SBMC Section 22.22.030.B. (Attachment 3 – Staff Memorandum) As part of the early historic resource surveys, the Landmarks Committee only selected the best candidates for designation as potential landmarks which formed the basis for the development of the original "Potential List" inventory.

The Municipal Code and “Administrative Regulations for the Identification and Protection of Potentially Significant Historic Structures” adopted by City Council in 2004 explain the role of City staff in the conduct of historical surveys and the identification of historical resources. (Attachment 4 – Administrative Regulations). Staff does not agree with the Appellant’s assertion that these documents foreclose a staff role in assisting the HLC in considering the eligibility of a potential historical resource that was previously surveyed.

Following the first appeal, the HLC Designations Subcommittee and the HLC followed the procedures specified for surveyed structures in SBMC Section 22.22.030.B and the Administrative Regulations for the Identification and Protection of Potentially Significant Historic Structures. The HLC determined that the listing process for this structure was consistent with standard procedures for identification of historic properties. Staff believes there is sufficient clarity in the current ordinance and administrative regulations to ensure a fair and open process for the listing of potentially historic and significant structures.

Other Issue Raised by the Appellant

In other correspondence to staff and the HLC, the appellant has questioned why the structure at 29-37 E. Victoria Street was not subsequently designated a Structure of Merit after listing it on the City’s Potential List, as requested by the HLC at the November 4, 2015 meeting (Attachment 5 - HLC Minutes). Although the HLC requested that staff proceed with a Structure of Merit designation, the property owner has not agreed to it. It is the HLC’s preference to first obtain the property owner’s consent prior to pursuing designations of historically significant structures. It is rare for the HLC to proceed with a historic designation without the owner’s consent. Since the site is located in the El Pueblo Viejo Landmark District, there is less concern regarding future oversight, given that all proposed exterior alterations to the building would still require HLC review.

In this case, the property owner requested the structure be placed on the City’s Potential List in order to take advantage and use alternative code provisions allowed in the State Historic Building Code. Some property owners are reluctant to pursue a historic designation, believing it may complicate their ability to make future alterations to their building. The HLC and staff continue to work with property owners to educate them about the benefits and incentives available for designated structures.

- ATTACHMENTS:**
1. Appellant’s letter, dated November 16, 2015
 2. Appellant’s letter withdrawing prior appeal, dated November 16, 2015
 3. Staff Historic Assessment Memorandum and photos dated August 26, 2015
 4. Administrative Regulations for the Identification and Protection of Potentially Significant Historic Structures (excerpt)
 5. Summary of HLC Meeting Minutes

Council Agenda Report

Appeal Of Historic Landmarks Commission Listing Of Building Located At 29-37 E.
Victoria Street On The Potential Historic Resource List

January 26, 2016

Page 4

PREPARED BY: Jaime Limón, Senior Planner II

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

11/16/2015 Initial Appeal Letter

RECEIVED

2015 NOV 16 PM 5:31

CITY OF SANTA BARBARA
CITY CLERK

Virginia Rehling
1305 Anacapa Street
Santa Barbara, CA 93101-2011
(805) 966-9090
virginiarehling@gmail.com

November 16, 2015

Mayor and City Council
c/o City Clerk
City of Santa Barbara
City Hall
735 Anacapa Street
Santa Barbara, CA 93101

Mayor Schneider and Members of the City Council:

APPEAL

I hereby appeal the vote of the HLC on November ⁴16, 2015 to approve Agenda Item 2, thereby amending the City's Master Environmental Assessment--Guidelines For Archeological Resources and Historic Structures And Sites ("MEA") by adding to Appendix C of the MEA, the structure at A.P.N. 039-133-009, 29-37 E. Victoria Street.¹

LEGAL AUTHORITY

In Agenda Item 2 on ~~August 26~~ ^{NOVEMBER 4,} 2015, the HLC did not comply with Ordinance 5333 (2004), as codified in Santa Barbara Municipal Code ("SBMC") Chapter 22.22.030. Therefore my appeal is pursuant to SBMC Section 22.22.030 (F):

"A decision by the Commission to list a structure, site, or feature on the City's Potential Historic Resources List may be appealed to the

¹ Appendix C of the MEA is commonly known as the City's "Potential Historic Resources List."

City Council in accordance with the appeal procedures established in [SBMC] Chapter 1.30.”

RIGHT TO SUPPLEMENT

This is my initial appeal letter. I reserve the right to submit written evidence and argument, and will do so sufficiently in advance for it to be included in any City Council Agenda Report on this appeal.

STANDING

I appeal as an interested citizen of Santa Barbara who desires to promote historic preservation without sacrificing respect for the law.

I also appeal as an interested adjacent property owner who has lost, and will lose, property, and quality of life, as a result of the decision appealed from.

I am the owner of the adjacent, slightly larger parcel, 039-133-008. My property shares a 100 foot property line with 29-37 E. Victoria Street.

SITE VISIT

I request a hearing before the City Council, and a site visit to 29-37 E. Victoria Street on the day before the hearing.

SUMMARY OF GROUNDS FOR APPEAL

Grounds I:

Pursuant to CEQA Guidelines, 14 Cal. Code Regulations § 15169, the City has adopted a Master Environmental Assessment (“MEA”). The current MEA was adopted on February 12, 2002, as Resolution 02-025.

Appendix C of the MEA is the City’s Potential Historic Resources List. Rather than have every modification to Appendix C return to the City

Council for an amendment of the MEA, in 2004 the City created a limited authority for the HLC to amend Appendix C directly. Ordinance 5333 was enacted on October 19, 2004. The part of the Ordinance defining the limited delegation of authority, and the required procedures through which the HLC could amend MEA Appendix C, was codified as SBMC Chapter 22.22.030.

In Ordinance 5333, the 2004 City Council authorized the HLC to add a site or structure to Appendix C if, and only if, the process was initiated in one of three ways:

1. If one of the periodic neighborhood surveys contemplated and required by Ordinance 5333 identified the site or structure as historically significant, and the HLC acted within one year of the neighborhood survey. SBMC 22.22.030(D)(1).
2. If a single HLC Commissioner submitted a request in writing for the addition to be considered. SBMC 22.22.030(D)(2).
3. If a Historic Structures Report accepted by the HLC identified the site or structure as historically significant. SBMC 22.22.030(D)(3).

None of the above applied here. The HLC had no legal authority to make the decision appealed from.

On October 19, 2004, the City Council also adopted Administrative Regulations to implement the Council's limited delegation of authority to the HLC. The Administrative Regulations were adopted as Resolution 04-083.

The Administrative Regulations, further clarify the intent of the City Council in Ordinance 5333 was not to provide for direct owner request as a mechanism for adding properties to the list.

11/16/2015 Initial Appeal Letter
Page 4

Grounds No. II:

I believe that Grounds No. 1 is legally conclusive. If however, a hearing must go forward before the City Council, then I assert as grounds No. II of my appeal, that this case demonstrates the wisdom of the City's policy decision in enacting Ordinance 5333 and Resolution 04-083.

As the owner of this property has amply demonstrated, here, an owner's request to be added to the list has served a means to seek cover for past acts which violated the law, and prospectively, to allow public safety to be endangered. If the City reaches the discretionary decision of whether to add this property to this list at all, it should decline to do so, as this is an unusual circumstance of a resource which needs protection from its owner. This resource can best be protected by declining this owner's request.

Thank you for consideration of my appeal.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Virginia Rehling".

Virginia Rehling

MISCELLANEOUS ACTION ITEM

**2. CITY'S POTENTIAL HISTORIC STRUCTURES/SITES LIST
29-37 E VICTORIA ST**

C-2 Zone

(2:05) Assessor's Parcel Number: 039-133-009

Owner: Radius Group Commercial Real Estate

(Hold a Public Hearing to consider adding the Spanish Colonial Revival commercial building designed by noted architects Soule, Murphy and Hastings in 1922. The structure is eligible as a Structure of Merit.)

Actual time: 2:13 p.m.

Public comment opened at 2:15 p.m.

- 1) Roy Harthorn, historical consultant, commented that the building was associated with a historical figure, Franklin Pierce Knot, a world famous photographer, who published colored works in the National Geographic as early as 1916.
- A Staff Memo outlining the significance of the building from the Urban Historian was provided to the Commission.

A letter with expressed concerns from Virginia Rehling was acknowledged.

Public comment closed at 2:19 p.m.

Commissioner Drury mentioned the significance of Dana's Toy Town to the history of that structure.

- Motion:** To add the structure located at 29-37 East Victoria Street on the City's List of Potential Historic Resources as it was found to be eligible as a Structure of Merit.
- Action:** Shallenberger/La Voie, 7/0/0. (Mahan and Murray absent.) Motion carried.

**** THE COMMISSION RECESSED FROM 2:26 P.M. TO 2:33 P.M. ****

Attachment 2 to 11/16/2015 appeal transfer letterRECEIVED
Initial Appeal Letter

2015 SEP -8 PM 5: 30

CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

Virginia Rehling
1305 Anacapa Street
Santa Barbara, CA 93101-2011
(805) 966-9090
viriniarehling@gmail.com

September 8, 2015

Mayor and City Council
c/o City Clerk
City of Santa Barbara
City Hall
735 Anacapa Street
Santa Barbara, CA 93101

Mayor Schneider and Members of the City Council:

With a heavy heart, I appeal a decision of a City Advisory Commission which I have admired and supported for years--the Historic Landmarks Commission ("HLC").

This is not a situation where the expertise or judgment of the HLC is being second-guessed by a citizen. It is a situation where, surely out of inadvertence and incorrect advice by staff, there has been a clear cut failure to comply with mandatory provisions of law.

It is my hope, in filing this appeal, that perhaps a hearing will not be necessary. Perhaps in consultation with the City Attorney's office, the HLC will realize that a legal error has been made, and will entertain a motion to reconsider the decision. The decision appealed from could then be vacated by the HLC. In a subsequent "do-over," it could proceed in a manner authorized by law. Because it would then be complying with the legal requirements in subsequent decisions going forward, the HLC would retain the legitimacy and the respect it richly deserves.

If that is not to be, then the City Council has no legal option other than to uphold this appeal. Neither the HLC, nor the City Council,

Note: The material submitted by the Appellant was received in this form, with the remaining page(s) of the September 8, 2015 letter omitted.

Attachment 3 to 11/16/2015 appeal transfer letter

MISCELLANEOUS ACTION ITEM

**2. CITY'S POTENTIAL HISTORIC STRUCTURES/SITES LIST
29-37 EAST VICTORIA ST**

C-2 Zone

(2:05)

Assessor's Parcel Number: 039-133-009

Owner: Radius Group Commercial Real Estate

(Hold a Public Hearing to consider adding the Spanish Colonial Revival commercial building designed by noted architects Soule, Murphy and Hastings in 1922 based on the recommendation of the HLC Designation Subcommittee. The structure is eligible as a Structure of Merit.)

Actual time: 1:47 p.m.

Present: Nicole Hernández, Urban Historian, City of Santa Barbara

Staff comments:

1. Ms. Hernández stated that the item was reprocessed according to the Administrative Regulations. The Designation Subcommittee reviewed the item on October 21 and recommends, along with staff, that it be added to the City's Potential Historic Structures/Sites List, as it is eligible as a Structure of Merit under Criteria D and F.
2. Mr. Limón wished to clarify points raised by the appellant Virginia Rehling. The City follows a process that was created partly by the Demolition Review Ordinance, which requires staff to assess the historical significance of every structure that comes forward for review in the downtown Demolition Review area. On occasion, the Urban Historian makes a recommendation for a property to be added to the City's Potential Historic Structures/Sites List, and/or a property owner may request a review, as in this case. As this structure is eligible, it was placed on the list. The technicality raised by Ms. Rehling is that the ordinance does not specify that individual properties may be processed in this manner. Rather, the ordinance refers to Administrative Regulations that specify a method of group surveys, whereby the HLC receives a recommendation for inclusion from the Designation Subcommittee. To prevent placing an undue burden on the Designation Subcommittee, staff believes it is prudent that the HLC review single properties based on the Urban Historian's recommendation. Staff intends to change the Administrative Regulations to clarify this process. Mr. Limón expressed the hope that the HLC will act today to confirm its understanding of this process going forward.

Public comment opened at 1:55 p.m.

1. Roy Harthorn, historian, made comments about the historical importance of the owners, architect, and builders of this structure. On these grounds, he believes the structure should be added to the list.
2. Vice-Chair Winick acknowledged public comment in opposition from Virginia Rehling.

Public comment closed at 1:58 p.m.

Commissioner comments:

1. Commissioner Shallenberger voiced support for the proposed process of the Urban Historian making recommendations directly to the HLC for the inclusion of individual properties on the list.
2. Commissioner La Voie also voiced support, noting that the Urban Historian puts great effort into providing sufficient information on such properties to the HLC.
3. Commissioner Mahan emphasized that it is important to protect single-story buildings on corners, such as this one, in the El Pueblo Viejo area.

Motion: To add the structure located at 29-37 East Victoria Street to the City's Potential Historic Structures/Sites List and proceed with Structure of Merit designation.

Action: La Voie/Mahan, 5/0/0. (Drury, Murray, Orías, and Suding absent.) Motion carried.

The ten-day appeal period was announced.

**** THE COMMISSION RECESSED FROM 2:03 P.M. TO 2:15 P.M. ****

Attachment 4 to 11/16/2015 appeal transfer letter



Virginia Rehling` <virginiarehling@gmail.com>

RE: appeal fee

1 message

Peirce, Gwendolynn <gpeirce@santabarbaraca.gov>

Mon, Nov 16, 2015 at 4:08
PM

To: Virginia Rehling` <virginiarehling@gmail.com>

Cc: "Applegate, Deborah" <dapplegate@santabarbaraca.gov>

Ms. Rehling,

Yes, I am confirming that if you withdraw your initial appeal and file a new appeal, you would need to submit payment for \$96 for the new appeal. We close at 5:30 today.

Thank you,

Gwen Peirce, CMC

City Clerk Services Manager

City of Santa Barbara

PO Box 1990

Santa Barbara, CA 93102

Direct: 805.564.5310 s Fax: 805.897.2623

Virginia Rehling
1305 Anacapa Street
Santa Barbara, CA 93101
virginiarehling@gmail.com

RECEIVED

2015 NOV 16 PM 5:30

CITY OF SANTA BARBARA
CITY CLERK

November 16, 2015

City Clerk
City of Santa Barbara
City Hall, 735 Anacapa Street
Santa Barbara, CA 93101

RE: Withdrawal of Appeal and Transfer of Appeal Fee

Dear Clerk of the City of Santa Barbara:

On August 26, 2015, the Historic Landmarks Commission ("HLC") passed a motion "[t]o add the structure located at 29-37 East Victoria Street on the City's List of Potential Historic Resources as it was found to be eligible as a Structure of Merit." See Attachment 1.

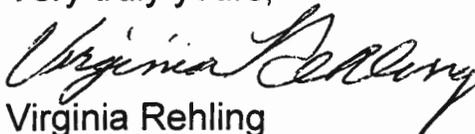
On September 8, 2015, I filed a timely appeal. See Attachment 2.

On November 4, 2015, the HLC passed a motion "[t]o add the structure located at 29-37 East Victoria Street to the City's Potential Historic Structures/Sites List and proceed with Structure of Merit designation." See Attachment 3.

I hereby withdraw my September 8, 2015, appeal, and I am filing an appeal concurrently with this letter, an appeal of the November 4, 2015, HLC decision. In my opinion, the City repeated the same decision and so I should be able to transfer my appeal fee in full to my appeal of the November 4th decision. However, the City Clerk Services manager has indicated that I must pay a \$96 fee with my new appeal. See Attachment 4.

I am submitting the \$96 fee with my new appeal letter, but under protest, and I respectfully request a refund if it turns out that I should not have been charged the additional \$96.

Very truly yours,



Virginia Rehling

Encs: Attachments 1 through 4.



City of Santa Barbara
Planning Division

Memorandum

DATE: August 26, 2015

TO: Historic Landmark Commission (HLC)

FROM: Nicole Hernandez, City Urban Historian

SUBJECT: Addition to Potential Historic Resources List

ADDRESS: 29-37 East Victoria Street

The 1922 Spanish Colonial Revival commercial building was designed by the noted Santa Barbara architectural firm of Soule, Murphy and Hastings. The owner requested to have the structure added to the Potential Historic Resources List. In order to qualify to use the State Historic Building code, the City of Santa Barbara requires the building to be listed on the Potential Historic Resources List, or be a designated Structure of Merit or City Landmark. This Listing allows the Historic Landmarks Commission to treat the building as a historic resource.

The City of Santa Barbara establishes historic significance as provided by the Municipal Code, Section 22.22.040. Any historic building that meets one or more of the eleven criteria (Criteria A through K) established for a City Landmark or a City Structure of Merit can be considered significant. In my professional opinion, the commercial building at 29-37 East Victoria Street is eligible to qualify as a Structure of Merit per the following criteria

Criterion D, its exemplification of a particular architectural style or way of life important to the City, the State, or the Nation;

The building embodies distinguishing characteristics of the Spanish Colonial Revival style that is an important architectural style of Santa Barbara. Its smooth stucco walls, arched door entrances, and red clay tile roof are character-defining features of the building's Spanish Colonial Revival style. Between 1922 and 1925, several buildings within the downtown core, were built using the architectural motif of the City's Colonial and Mexican past. As a result, when the earthquake occurred in 1925, the Community Arts Association viewed the disaster as an opportunity to rebuild the downtown in Spanish Colonial Revival, Mediterranean and Mission styles that reflect the heritage of the city. As this building is one of the authentic, original Spanish Colonial Revival buildings in El Pueblo Viejo, it qualifies under criterion D.

Criterion F. Its identification as the creation, design, or work of a person or persons whose effort significantly influenced the heritage of the City, the State, or the Nation;

Soule, Murphy and Hastings was the noted architectural firm of the building. They designed many Spanish Colonial Revival Buildings in Santa Barbara in the 1920s. Through their architectural designs in Santa Barbara, they made a significant contribution to the heritage of the City that qualifies the building under criterion F.

STAFF RECOMMENDATION: Staff recommends that the HLC make a motion to add the 1922 building at 29-37 East Victoria Street to the Potential Historic Resources List.





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

Adopted By City Council
On October 19, 2004

TABLE OF CONTENTS

I.	Purpose of Administrative Regulations	1
II.	Completion of Historic Resource Surveys.....	1
III.	Staff and Historic Landmarks Commission Roles in the Identification and Listing of Potential Historic Resources.....	3
IV.	Process for Properties Proposed for Listing on the City’s Potential Historic Resources List	5
V.	Process for Properties Proposed for Removal from the City’s Potential Historic Resources List	6
VI.	Demolition Review/Historic Resources Survey Study Area.....	7
VII.	Determination of What Constitutes Demolition	8
VIII.	Demolition Application Review Process	8
IX.	Demolition or Alterations of Potential Historic Resources	11
X.	Minor Alterations to Potential Historic Resources Eligible for Administrative Approval.....	12
XI.	City Landmarks and Structures of Merit.....	12
XII.	City Historic Districts/Special Design Districts	15
XIII.	Project Impact Evaluation Procedures	17
EXHIBITS:		
	A. Historical Survey Study Areas Map	
	B. Survey Study Area Maps; B-1 through B-9	
	C. 2003 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 areas¹

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

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

- D. recommendation to the full Commission. Authority to select such properties stems from Section 817(d) of the City Charter.
- E. 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 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.
- F. 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.
- G. 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 "2003 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

HISTORIC LANDMARKS COMMISSION MINUTES

August 26, 2015

MISCELLANEOUS ACTION ITEM

**2. CITY'S POTENTIAL HISTORIC STRUCTURES/SITES LIST
29-37 E VICTORIA ST**

C-2 Zone

(2:05)

Assessor's Parcel Number: 039-133-009

Owner: Radius Group Commercial Real Estate

(Hold a Public Hearing to consider adding the Spanish Colonial Revival commercial building designed by noted architects Soule, Murphy and Hastings in 1922. The structure is eligible as a Structure of Merit.)

Actual time: 2:13 p.m.

Public comment opened at 2:15 p.m.

1) Roy Harthorn, historical consultant, commented that the building was associated with a historical figure, Franklin Pierce Knot, a world famous photographer, who published colored works in the National Geographic as early as 1916.

- A Staff Memo outlining the significance of the building from the Urban Historian was provided to the Commission.

A letter with expressed concerns from Virginia Rehling was acknowledged.

Public comment closed at 2:19 p.m.

Commissioner Drury mentioned the significance of Dana's Toy Town to the history of that structure.

Motion: To add the structure located at 29-37 East Victoria Street on the City's List of Potential Historic Resources as it was found to be eligible as a Structure of Merit.

Action:Shallenberger/La Voie, 7/0/0. (Mahan and Murray absent.) Motion carried.

HISTORIC LANDMARKS COMMISSION MINUTES**November 4, 2015****MISCELLANEOUS ACTION ITEM****2. CITY'S POTENTIAL HISTORIC STRUCTURES/SITES LIST
29-37 EAST VICTORIA ST****C-2 Zone****(2:05)** Assessor's Parcel Number: 039-133-009

Owner: Radius Group Commercial Real Estate

(Hold a Public Hearing to consider adding the Spanish Colonial Revival commercial building designed by noted architects Soule, Murphy and Hastings in 1922 based on the recommendation of the HLC Designation Subcommittee. The structure is eligible as a Structure of Merit.)

Actual time: 1:47 p.m.

Present: Nicole Hernández, Urban Historian, City of Santa Barbara

Staff comments:

1. Ms. Hernández stated that the item was reprocessed according to the Administrative Regulations. The Designation Subcommittee reviewed the item on October 21 and recommends, along with staff, that it be added to the City's Potential Historic Structures/Sites List, as it is eligible as a Structure of Merit under Criteria D and F.
2. Mr. Limón wished to clarify points raised by the appellant Virginia Rehling. The City follows a process that was created partly by the Demolition Review Ordinance, which requires staff to assess the historical significance of every structure that comes forward for review in the downtown Demolition Review area. On occasion, the Urban Historian makes a recommendation for a property to be added to the City's Potential Historic Structures/Sites List, and/or a property owner may request a review, as in this case. As this structure is eligible, it was placed on the list. The technicality raised by Ms. Rehling is that the ordinance does not specify that individual properties may be processed in this manner. Rather, the ordinance refers to Administrative Regulations that specify a method of group surveys, whereby the HLC receives a recommendation for inclusion from the Designation Subcommittee. To prevent placing an undue burden on the Designation Subcommittee, staff believes it is prudent that the HLC review single properties based on the Urban Historian's recommendation. Staff intends to change the Administrative Regulations to clarify this process. Mr. Limón expressed the hope that the HLC will act today to confirm its understanding of this process going forward.

HISTORIC LANDMARKS COMMISSION MINUTES
November 18, 2015

GENERAL BUSINESS:

A. Public Comment:

Chair Suding acknowledged e-mailed comments from Virginia Rehling regarding the motion from Item 2 of the November 4, 2015 Historic Landmarks Commission meeting. Ms. Rehling supports the designation of 29-37 East Victoria Street as a Structure of Merit.

Mr. Limón stated that the applicant is not interested in seeking Structure of Merit designation, and the HLC will need to determine if it will move forward on the designation over the owner's objection.

HISTORIC LANDMARKS COMMISSION MINUTES
December 16, 2015

D. Announcements, requests by applicants for continuances and withdrawals, future agenda items, and appeals.

1. Ms. Kaufman announced that today is Commissioner Winick's last meeting with the HLC.
2. Ms. Hernández announced the appointment of Anthony Grumbine as a new Commissioner to the HLC.
3. Mr. Limón responded to a public comment letter for Item 4 from Virginia Rehling about the process of listing an item on the Potential Historic Resources List. There is a pending appeal of such an item from Ms. Rehling. Ms. Rehling argues that the City is not following the three methods of adding a potential historic resource to the list as described in the ordinance. Mr. Limón explained that there is a fourth method in the ordinance related to demolition applications. The Urban Historian has the authority to assess such applications to identify potential historic significance. The HLC has agreed that the Urban Historian is qualified to make those assessments and offer recommendations to the HLC. The HLC has also agreed that it has the authority to refer designations to the Designation Subcommittee. Lastly, the HLC has the ability to request a full Historic Structures/Sites Report be prepared. Mr. Limón emphasized that these mechanisms are in place to ensure that recommendations are given proper consideration. He assured the HLC that staff has sufficient ordinance basis on which to proceed with the current practice of listing properties and will respond accordingly on the pending appeal.