



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: July 26, 2016

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

SUBJECT: Proposed Ordinance Amendments To Establish Historic And Special Design Districts

RECOMMENDATION:

That the Ordinance Committee receive a report from staff regarding the differences between Historic Districts and Special Design Districts and provide direction to staff regarding proposed criteria to designate Historic Districts and Special Design Districts.

DISCUSSION:

Background

In October 2012, the City Council adopted the Historic Resources Element (HRE) of the City's General Plan. In February 2013, the Council directed staff to implement a "Five-Year Historic Resources Work Program" (5-Year HRWP) and return to the Council Ordinance Committee to work on the following ordinance amendments included in the 5-Year HRWP, generally in this order:

1. Develop a Historic and Special Design Districts ordinance;
2. Develop a historic districts implementation program, using existing historic resources survey data;
3. Initiate Municipal Code amendments to support preservation of historic resources; and
4. Simplify and better organize the existing Municipal Code provisions, where possible.

On June 21, 2016, staff updated the Ordinance Committee on the status of the City's 5-Year HPWP and provided an overview of the proposed ordinance amendments for historic resource protection and possible designation of future Historic Districts and Special Design Districts. The Ordinance Committee supported staff's objective to reorganize Santa Barbara Municipal Code (SBMC) Chapter 22.22 (Historic Structures) into three distinct chapters in order to provide more clarity to the City's review processes. The Ordinance Committee also reviewed a proposed timeline for future public hearings to ensure that the scope of

amendments, related design guidelines, and administrative procedures were fully discussed and vetted.

On June 21, the Ordinance Committee also confirmed the need for additional discussions to understand how special design districts are distinct from historic districts, and to receive additional information about post-disaster regulations for historic resources.

Historic Districts

It is common for communities in the United States to designate historic districts. According to the National Park Service, historic districts are one of the oldest forms of protection for historic properties; there are more than 2,300 local historic districts in the United States. The City of Charleston, South Carolina, for example, is credited with beginning the modern day historic districts movement. In 1931 Charleston enacted an ordinance which designated an "Old and Historic District" administered by a Board of Architectural Review. The regulatory authority of local commissions and historic districts has been consistently upheld as a legitimate use of government police power, most notably in *Penn Central Transportation Co. v. City of New York* (1978). The Supreme Court case validated the protection of historic resources as "an entirely permissible governmental goal."

Other California cities have either adopted historic and landmark districts as a preservation tool or have established design overlay zones to ensure historic neighborhoods are protected from incompatible development. San Francisco, Pasadena, Glendale, Anaheim, Riverside, Sacramento, Los Angeles are cities that all have designated Historic Districts.

The Secretary of Interior has established historic district criteria commonly in use by various cities throughout the United States. Some cities established an alternative form of historic protection with the creation of "Landmark Districts," including Santa Barbara, which was an early form of historic district designation and was intended to create a delineation for areas with a concentration of Landmark-designated buildings.

Criteria for Historic Districts

The National Register of Historic Places defines a historic district per U.S. federal law, last revised in 2004 as the following:

"A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history."

In response to Ordinance Committee direction, staff reviewed and evaluated historic district criteria used by selected California cities to ensure that the City's criteria is consistent with common practices. Staff proposes to use a combination of the criteria used by the City of Los Angeles and Sacramento, and other factors used in the City of

Pasadena (Attachment 1 - Proposed Historic District Criteria). Also included in Attachment 1 are references to the National Register criteria and criteria from several other communities.

El Pueblo Viejo Landmark District

El Pueblo Viejo (EPV) Landmark District was first established in 1960, encompassing 16 square blocks, to protect the oldest core part of the City where the El Presidio de Santa Barbara and other adobe landmark structures are located. In 1977 & 1982, the EPV boundaries were redrawn to include the business core of the City and the principal streets providing access to the City from Highway 101. The expanded areas included the Waterfront along Cabrillo Blvd, and Carrillo and Castillo Streets. The original intent of the EPV Landmark District was to protect these downtown historic resources, but also to establish a review process to maintain Spanish architectural styles and the historic character of Santa Barbara.

As part of the proposed historic preservation ordinance amendments, Staff believes it would be clearer if the City had only historic district and special design district area classifications. The "landmark district" terminology is confusing and will be unnecessary once a "historic district" definition is added to the ordinance.

EPV is currently defined by two areas: Part I (downtown core) and Part II (surrounding the historic Mission). Staff proposes to reclassify EPV Landmark District Part I as a Special Design District since only 112 (7.6%) of the 1,475 parcels contain designated structures (See Attachment 2 - El Pueblo Viejo Landmark District Map). Staff is in the process of assessing EPV Landmark District Part II to determine the appropriate boundary for a proposed historic district since that area has a higher concentration of contributing properties. The requirement that all exterior changes on properties within the existing boundaries of EPV be reviewed by the Historic Landmarks Commission is not proposed to be changed.

Brinkerhoff Avenue Landmark District

The Brinkerhoff Avenue Landmark District was designated in 1977 to preserve and enhance the historic and architectural character of the Brinkerhoff Avenue area where a concentration of 19th century and early 20th century Victorian structures had developed. The purpose of this district was also to regulate the compatibility of architectural styles used in construction of new structures and to maintain the significant architectural features by reviewing all proposed exterior alterations of existing structures.

Staff believes this area would qualify as a historic district since all structures are contiguous and contribute to its overall historic character, and all were originally designated Structures of Merit, and not City Landmarks (See Attachment 3 – Brinkerhoff Avenue Landmark District Map). The current designation as a "Landmark" district is, therefore, inconsistent and confusing with the actual historic designations. In addition, architectural design guidelines were not adopted for this "Landmark" district.

Special Design Districts

All cities use relatively standard planning tools to implement their respective community's general plan and land use zoning. The most common approaches to ensure architectural compatibility, convey community policies, and achieve historic preservation is to adopt architectural design standards or design guidelines, specific plans, special design districts, preservation overlay zones or historic districts. Design guidelines may apply city-wide; however, many are directed to specific areas or neighborhoods.

The City of Santa Barbara has a long history of establishing Special Design Districts and adopting design guidelines for specific areas of the City. El Pueblo Viejo, Hillside Design District, Mission Area, Urban Design, Upper State Street, Waterfront Area and the Haley-Milpas area are all examples of defined districts with adopted guidelines. These design guidelines typically outline preferred design principles and aesthetic standards to achieve specific community character goals, resource protection, and neighborhood preservation, or to better ensure compatible development.

Use of Special Design Districts

Establishing a clear definition for a special design district is important to understand its main intent and necessity. Equally important is to explain the applicable design guidelines or "rules" that apply to development proposed within these special design districts. Special design districts are typically delineated for non-historic neighborhoods to achieve architectural compatibility for new or altered structures in close proximity to historic districts or resources. Special design districts can also provide protection for other resources, such as the City's Hillside Design District, which provides an additional protection for design review of exterior alterations on properties with steep slopes. The proposed definition below could be applied to defined neighborhoods to provide additional protection, or as buffer area for surrounding historic districts or other sensitive resources.

"SPECIAL DESIGN DISTRICT. A defined area of the City of Santa Barbara selected for the purposes of maintaining design standards for neighborhoods, visual corridors, cultural landscapes, and/or major hillsides in order to promote architectural compatibility of buildings and structures, neighborhood preservation goals, sensitive grading design and/or appropriate levels of landscaping."

A typical threshold for requiring design review within a special design district might be when a building permit is required for an exterior alteration. The City's extensive architectural design review process serves as the primary mechanism to review development projects to achieve these architectural and neighborhood compatibility goals.

The following provides some background on the existing special design districts and proposed historic districts and how they might continue to function together in the future.

Lower Riviera Special Design District

The Lower Riviera Special Design District was established in 2006 as an interim mechanism to protect the potential historic bungalow district from incompatible development. The original size of the special design district was approximately 314 parcels and its proposed boundary was selected by the neighborhood residents to capture all historic bungalows in the neighborhood (See Attachment 4 - Lower Riviera Special Design District Map).

Upon review of the properties within the Special Design District, staff suggests establishing a Historic Bungalow District including only approximately 121 of the 314 parcels, and allow the Lower Riviera Special Design District designation to remain in place for the remaining properties. The Special Design District designation would continue to require all applications for building permits to construct, alter, or add to existing structures to be subject to either Single Family Design Board (SFDB) or Architectural Board of Review (ABR) review based on the number of units on the property.

Mission Area Special Design District

The Mission Area Special Design District was created in 1974 as a mechanism to protect the "Old Mission" and the surrounding residential neighborhoods from incompatible development. The design district was defined by all parcels located within 1,000 feet of the "Old Mission," which created an additional buffer for protection and preservation beyond the boundaries of El Pueblo Viejo Part II. The Mission Area Special Design District was formed with approximately 314 parcels (See Attachment 5 - Mission Area Special Design District Map). Staff intends to further evaluate the extent of the Mission Area Special Design District in light of its original purpose, and recommend whether or not the boundary should be adjusted in the future.

Post-Disaster Ordinance Provisions

On June 21, 2016, staff introduced the concept of protecting historic resources after a damaging disaster. Development of a post-disaster contingency plan is another regulatory tool to consider when adopting a historic preservation ordinance, in order to provide a careful and reasoned approach should a natural disaster significantly damage historic resources beyond repair. Such provisions could allow demolition of historic structures if they are considered unsafe and would prevent potentially hasty decisions to destroy buildings without proper consideration of preservation alternatives.

To address this issue, staff recommends incorporating post-disaster provisions, consistent with those found in other communities, in the proposed ordinance amendments and administrative procedures. The California Preservation Foundation has a model ordinance to address post-disaster alteration, repair, restoration, reconstruction and demolition of historic and cultural resources, which staff will review and further discuss with the Ordinance Committee at a future meeting.

- ATTACHMENTS:**
1. Proposed Historic District Criteria
 2. El Pueblo Viejo Landmark District Map
 3. Brinkerhoff Avenue Landmark District Map
 4. Lower Riviera Special Design District Map
 5. Mission Area Special Design District Map

PREPARED BY: Jaime Limon, Senior Planner II

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA**PROPOSED CRITERIA FOR DESIGNATION AS A HISTORIC DISTRICT**

(Following the National Register Criteria and that of Los Angeles and City of Sacramento)

The District must exemplify at least one of the following criteria. Indicate which of the criteria best represents the historic and/or cultural character of the district. Each selected criteria must be fully addressed and explained in the Narrative Statement of Significance and substantiated.

1. It is associated with events that have made a significant contribution to the broad patterns of the history of the nation, State, County, or community. *City of Los Angeles*
2. It is associated with the lives of persons who are significant in the history of the nation, State, County, or community.
3. It embodies the distinctive characteristics of a type, architectural style, period, or method of construction, or represents the work of an architect, designer, engineer, or builder whose work is of significance to the nation, State, County, or community, or possesses artistic values of significance to the nation, State, County, or community.
4. It has yielded, or may be likely to yield, information important locally in prehistory or history.
5. It is listed or has been formally determined eligible by the National Park Service for listing on the National Register of Historic Places, or is listed or has been determined eligible by the State Historical Resources Commission for listing on the California Register of Historical Resources.

Additional Factors to be Considered: *(Consistent with Los Angeles and Sacramento)*

1. It exhibits a concentration of historic, scenic or thematic sites, which contribute to each other and are unified aesthetically by plan, physical development or architectural quality;
2. It exhibits significant geographical patterns, associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of parks or community planning.
3. It exhibits integrity of design, setting, materials, workmanship and association.
4. The collective historic value of the buildings and structures in a historic district taken together may be greater than the historic value of each individual building or structure. Within its boundaries, a minimum of 60 percent of the properties qualify as contributing to the district. *(Consistent with City of Pasadena).*

Types of Features

A district can comprise both features that lack individual distinction and individually distinctive features that serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.

A district can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the district. The number of noncontributing properties a district can contain yet still convey its sense of time and place and historical development depends on how these properties affect the district's integrity. Within its boundaries, a minimum of 60 percent of the properties qualify as contributing.

Geographical Boundaries

A district must be a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations. It is seldom defined, however, by the limits of current parcels of ownership, management, or planning boundaries. The boundaries must be based upon a shared relationship among the properties constituting the district.

Concentration, Linkage, & Continuity of Features: A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties.

Definition: A historic district is a formally designated group of buildings, structures, sites, and spaces that relate to one another historically, architecturally, and/or culturally. A district can span part or all of a neighborhood. It can be large or small, can represent any architectural style(s), and can include streetscape and landscape elements. Individual buildings within a district don't need to be highly significant on their own. The area's overall cohesiveness, uniqueness, and architectural integrity are what matters.

NATIONAL REGISTER CRITERIA FOR EVALUATION

(For Reference Only)

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of significant persons in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded or may be likely to yield, information important in history or prehistory.

Definition of a Historic District: **A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.**

Concentration, Linkage, & Continuity of Features: A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. For example, a district can reflect one principal activity, such as a mill or a ranch, or it can encompass several interrelated activities, such as an area that includes industrial, residential, or commercial buildings, sites, structures, or objects. A district can also be a grouping of archeological sites related primarily by their common components; these types of districts often will not visually represent a specific historic environment.

Significance

A district must be significant, as well as being an identifiable entity. It must be important for historical, architectural, archeological, engineering, or cultural values. Therefore, districts that are significant will usually meet the last portion of Criterion C plus Criterion A, Criterion B, other portions of Criterion C, or Criterion D.

**CRITERIA FROM OTHER CALIFORNIA CITIES FOR
HISTORIC DISTRICTS
(For Reference Only)**

Los Angeles: Historic District Criteria

Applicable County of Los Angeles Criteria The property must exemplify at least one of the following criteria (Section 22.52.3060.A). Indicate which of the criteria best represents the historic and/or cultural character of the district. Each selected criteria must be fully addressed and explained in the Narrative Statement of Significance and substantiated.

(A.1) It is associated with events that have made a significant contribution to the broad patterns of the history of the nation, State, County, or community.

(A.2) It is associated with the lives of persons who are significant in the history of the nation, State, County, or community.

(A.3) It embodies the distinctive characteristics of a type, architectural style, period, or method of construction, or represents the work of an architect, designer, engineer, or builder whose work is of significance to the nation, State, County, or community, or possesses artistic values of significance to the nation, State, County, or community.

(A.4) It has yielded, or may be likely to yield, information important locally in prehistory or history.

(A.5) It is listed or has been formally determined eligible by the National Park Service for listing on the National Register of Historic Places, or is listed or has been determined eligible by the State Historical Resources Commission for listing on the California Register of Historical Resources.

(A.6) It is one of the largest or oldest trees of the species located in the County.

(A.7) It is a tree, plant, landscape, or other natural land feature having historical significance due to an association with a historic event, person, site, street, or structure, or because it is a defining or significant outstanding feature of a neighborhood.

In addition to at least one of the above criteria, a proposed district must exemplify at least one the following criteria (Section 22.52.3060.D): **(D.1) It exhibits a concentration of historic, scenic or thematic sites, which contribute to each other and are unified aesthetically by plan, physical development or architectural quality, or (D.2) It exhibits significant geographical patterns, associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of parks or community planning.**

Types of Features

A district can comprise both features that lack individual distinction and individually

distinctive features that serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.

A district can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the district. The number of noncontributing properties a district can contain yet still convey its sense of time and place and historical development depends on how these properties affect the district's integrity. In archeological districts, the primary factor to be considered is the effect of any disturbances on the information potential of the district as a whole.

Geographical Boundaries

A district must be a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations. It is seldom defined, however, by the limits of current parcels of ownership, management, or planning boundaries. The boundaries must be based upon a shared relationship among the properties constituting the district.

Sacramento: Historic District Criteria

Historic District and Contributing Resources Eligibility Criteria Historic Districts (refer to City Code Section 17.604.210 (B))

A geographic area nominated as a historic district shall be listed in the Sacramento Register as a historic district if the City Council finds, after holding the hearing(s) required, that all of the requirements set forth below are satisfied:

A. The area is a geographically defined area;

B. The area possess either: 1. A significant concentration or continuity of buildings unified by a) past events; or b) aesthetically by plan or physical development 2. The area is associated with an event, person, or period significant or important to city history; or c) The designation of the geographic area as a historic district is reasonable, appropriate and necessary to promote, protect and further the goals and purposes of the City Code and is not inconsistent with other goals and policies of the city.

Additional Factors to be considered: A. A historic district should have integrity of design, setting, materials, workmanship and association, and B. The collective historic value of the buildings and structures in a historic district taken together may be greater than the historic value of each individual building or structure.

City of San Luis Obispo: Historic District Criteria

Review Criteria. When considering a historic preservation district application, the reviewing body shall consider both of the following criteria:

1. Environmental Design Continuity. The inter-relationship of structures and their relationship to a common environment; the continuity, spatial relationship, and visual character of a street, neighborhood, or area. Environmental design continuity is comprised of:

a. Symbolic importance to the community of a key structure in the area and the degree to which it serves as a conspicuous and pivotal landmark (e.g., easily accessible to the public, helps to establish a sense of time and place); or

b. Compatibility of structures with neighboring structures in their setting on the basis of period, style (form, height, roof lines), design elements, landscapes, and natural features; and how these combine together to create an integral cultural, historic, or stylistic setting; or

c. Similarity to and/or compatibility of structures over fifty years of age which, collectively, combine to form a geographically definable area with its own distinctive character.

2. Whether the proposed district contains structures which meet criteria for inclusion on the city's list of historic resources. (Ord. 1557 § 3 (part), 2010)

San Francisco: Historic District Criteria

Criterion A: That are associated with events that have made a significant contribution to the broad patterns of our history; or

Criterion B: That are associated with the lives of persons significant in our past; or

Criterion C: That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

Criterion D: That have yielded or may be likely to yield, information important in prehistory or history. Both the local preservation priorities and the National Register criteria are utilized when reviewing requests for local landmark or historic district designation.

City of Pasadena: Historic District Criteria

1. A landmark district shall include all landmark districts previously designated before adoption of this Chapter and any grouping of contiguous properties that also meet the following criteria:
 - a. Within its boundaries, a minimum of 60 percent of the properties qualify as contributing; and
 - b. The grouping represents a significant and distinguishable entity of Citywide importance and one or more of a defined historic, cultural, development and/or architectural context(s) (e.g., 1991 Citywide historic context, as amended, historic context prepared in an intensive-level survey or historic context prepared specifically for the nominated landmark district).
2. When determining the boundaries of a landmark district, the Historic Preservation Commission shall use the National Register of Historic Places Bulletin #21: "Defining Boundaries for National Register Properties".





