



CITY OF SANTA BARBARA

ORDINANCE COMMITTEE AGENDA REPORT

AGENDA DATE: March 28, 2017

TO: Ordinance Committee

FROM: Planning Division, Community Development Department

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

RECOMMENDATION: That the Ordinance Committee:

- A. Review and consider a draft outline to restructure and amend Santa Barbara Municipal Code Chapter 22.22 (Historic Structures) relating to the designation and preservation of historic resources, establishment of Historic and Special Design Districts, and purpose and functions of the Historic Landmarks Commission; and
- B. Confirm that the major elements of the proposed ordinance amendments are consistent with previous direction.

EXECUTIVE SUMMARY:

This report introduces an outline of a reorganized and amended Title 22 of the Santa Barbara Municipal Code (SBMC), which incorporates previous direction provided by the Ordinance Committee. The overall objective of this work effort is to separate distinct aspects of designating and protecting historic resources into their own chapters, combine closely related ordinance provisions, and add a process to designate Historic and Special Design Districts. A summary of major elements within each chapter is listed. In addition, related topics are introduced for discussion in order to confirm that the final draft ordinance is on target with the Ordinance Committee's expectations.

DISCUSSION:

Background

On July 26, 2016, the Ordinance Committee discussed proposed ordinance amendments for historic resource protection and designation of future Historic Districts and Special Design Districts. 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. The Ordinance Committee also confirmed the need for additional discussions to review post-

disaster regulations for historic resources. Given the scope of the reorganization and amendments proposed for SBMC Chapter 22.22, the Ordinance Committee asked that staff return with an ordinance outline before drafting the actual amendments.

Post-Disaster Ordinance Provisions

On February 14, 2017, staff returned to the Ordinance Committee to review key questions related to further protecting historic resources after an earthquake or natural disaster. The proposed provisions would specify procedures for evaluating the condition of damaged historic resources after a disaster with the purpose of preserving the historic resources as much as is reasonably possible. The goal of the provisions is to avoid hasty decisions to destroy buildings without proper consideration of preservation alternatives.

The Ordinance Committee unanimously supported an approach that would maximize historic preservation and agreed that post-disaster provisions, consistent with those found in other communities, should be included in the proposed amendments (Attachment 1 – Ordinance Committee Minutes). Due to time constraints and the legal issues involved, discussion of possible penalties for unauthorized demolition of historic resources was continued to a future discussion.

Structure of Amended Title 22

SBMC Chapter 22.22 currently contains a significant amount of information related to the designation and protection of historic structures, and also includes the purpose and review authority of the Historic Landmarks Commission (HLC), procedures and criteria for reviewing alterations or demolitions of historic resources, and delineates existing special districts. The objective of this work effort is to separate distinct provisions into their own chapters, combine closely related provisions, and add a process to designate Historic and Special Design Districts (Attachment 2 – Outline). The proposed chapters would be divided as follows:

- 22.22: Designation and Preservation of Historic Resources
- 22.23: Historic Districts and Special Design Districts
- 22.24: Post-Disaster Protection of Historic Resources
- 22.67: Historic Landmarks Commission

In addition, this work effort seeks to implement several items in the Historic Resources Element of the City's General Plan. For example, Implementation Action HR 1.3 directs the City to "*adopt user-friendly codes and regulatory procedures*" to make them more understandable, and HR 2.7 seeks to "*secure permanent protection*" for historic resources through the establishment of Historic Districts. This comprehensive review of Chapter 22.22 also allows staff to verify if any of the existing provisions are outdated or in need of further clarification.

Major Elements of the Proposed Amendments

The following list provides a brief summary of amendments proposed as part reorganizing SBMC Chapter 22.22.

- Provide eligibility and designation criteria for Historic Districts and Special Design Districts
- Include a process for the initiation, nomination, and designation of Historic Districts and Special Design Districts
- Clarify the design review thresholds for Historic District properties
- Clarify distinctions between minor and substantial alterations to Historic Resources
- Develop a Certificate of Appropriateness to review and approve minor alterations more readily
- Address the post-disaster protection of historic structures
- Amend Chapters 22.68 (ABR) and 22.69 (SFDB) to address review authority in Special Design Districts
- Add a provision to allow the City Planner, in consultation with the Urban Historian, to initiate and recommend listing/de-listing and designation of significant historic structures
- Establish a new threshold for reviewing demolition applications for buildings constructed prior to 1941 instead using “older than 50 years of age”
- Classify El Pueblo Viejo as a Special Design District
- Classify Brinkerhoff Landmark District as a Historic District
- Provide for the future elimination of the Interim Lower Riviera Bungalow Special Design District and adopted Design Guidelines
- Revise provisions regarding a minimum HLC quorum if vacancies exist
- Add new definitions
- Remove outdated ordinance provisions that are considered unnecessary

Proposed Chapter 22.22: Designation and Preservation of Historic Resources

This chapter will include: identification of potential historic resources; criteria and procedures to designate City Landmarks and Structures of Merit; and demolition protection provisions.

Update Demolition Protection Provisions

In 2004, the City adopted provisions that require the review of all ministerial permit applications involving buildings over 50 years of age for their potential to substantially alter or demolish a historic resource. Staff proposes to change the review trigger to a specific date of 1941, rather than a rolling 50-year period. This new threshold will reduce unnecessary process and scrutiny of buildings constructed in the post-World War II period of 1942 to 1966 and ensure protection of only the most historically significant properties, which tend to have been constructed prior to 1941.

Proposed Chapter 22.23: Historic Districts and Special Design Districts

This chapter will include criteria to nominate and procedures to create Historic Districts and Special Design Districts. It will also include detailed explanation of the location, extent, and purpose of all designated districts, and mandatory compliance with Historic Resource design guidelines or other applicable guidelines for properties within these districts.

At the July 26, 2016 Ordinance Committee meeting, staff explained the difference between Historic Districts and Special Design Districts. Staff also expressed the importance of substantiating the need and criteria to designate a Special Design District, particularly since the City already has several districts established. Critical to both types of districts is the need to complete a professional survey of properties to support a nomination and eventual formation. The end result will include sufficient mechanisms to ensure preservation tools are available for neighborhoods (where supported by facts) and that a review process allows for property owners to make improvements and repairs to their historic property.

Staff also looked to common practices followed by other cities and standard types of designation criteria and terminology used in the designation of Historic Districts, which will be incorporated into this new chapter, as applicable.

Proposed Chapter 22.24: Post-Disaster Protection of Historic Resources

This chapter will include: damage assessment procedures; shoring and stabilizing requirements; review process for repairs, alterations, and reconstruction work; and penalties for demolition work without approvals.

The chapter would clarify the steps involved for the shoring and stabilization of damaged historic buildings, and would set standards and procedures for demolition permits and the review process for any repair and reconstruction work. Potential financial penalties would be defined, including possible prohibition on building permit for redevelopment if unpermitted demolition violations occur. Additional discussion is required to understand the parameters and consequences involved with enacting the different potential penalties available.

Proposed Chapter 22.67: Historic Landmarks Commission

The primary purpose of this chapter is to explain the review authority of the Historic Landmarks Commission. It will also include: procedures for the demolition, relocation, or alteration of Landmarks, Structures of Merit, and un-surveyed structures; and removal or pruning of historic trees.

Very few changes are proposed for this chapter, as it primarily involves relocating existing provisions found in Chapter 22.22. However, staff intends to clarify the distinction between a minor and major alteration to a historic resource, and related review processes.

A major alteration typically involves removing or modifying character-defining features of the resource.

A Certificate of Appropriateness will be introduced as a compliance tool, which will allow the City's Urban Historian to approve minor exterior alterations that may or may not require a building permit to ensure improvements to historic resources follow adopted design guidelines. This will facilitate expedient approvals and provide documentation of allowed minor exterior alterations and repairs for properties in Historic Districts.

Conclusion and Next Steps

Staff is seeking Ordinance Committee confirmation that the proposed ordinance outline and content of the three chapters are consistent with previous direction. Staff intends to seek additional input from the Historic Landmarks Commission on the draft ordinance amendments and conduct public outreach to potentially affected property owners. Staff will then return to the Ordinance Committee with an updated and complete draft ordinance in early summer of this year.

ATTACHMENTS:

1. Ordinance Committee Draft Minutes, February 14, 2017
2. Outline of reorganized SBMC Chapter 22.22, and new SBMC Chapters 22.23, 22.24 and 22.67

PREPARED BY: Jaime Limon, Senior Planner II

SUBMITTED BY: George Buell, Community Development Director

APPROVED BY: City Administrator's Office

CITY OF SANTA BARBARA

ORDINANCE COMMITTEE MEETING

DRAFT MEETING MINUTES

DATE: February 14, 2014
TIME: 12:30 p.m.
PLACE: Council Chambers

√ Randy Rowse, Chair
√ Frank Hotchkiss
√ Cathy Murillo

Office of the City
Administrator

Office of the City
Attorney

Nina Johnson (Absent)
Senior Assistant to the City Administrator

Ariel Pierre Calonne (Absent)
City Attorney

√ Nicole Grisanti
Administrator's Office Supervisor

√ Scott Vincent
Assistant City Attorney IV

√ Jaime Limon (Presenter)
Senior Planner II, Community Development

√ Andrew Stuffer
Chief Building Official
Community Development

ITEMS FOR CONSIDERATION

1. **Subject: Proposed Ordinance Amendments To Establish Post-Disaster Regulations For Historic Districts**

Recommendation: That the Ordinance Committee review and consider staff recommendations on the preferred ordinance provisions for post-disaster alteration, repair, restoration, reconstruction, or demolition of historic resources.

ACTION: The Ordinance Committee received a staff presentation to consider recommendations on the preferred ordinance provisions for post-disaster regulations.

In general, the Subcommittee members supported an overall approach that would maximize the protection of designated historic resources. Acceptance of staff's recommendations to incorporate ordinance components except for listed item #4 for not authorizing the ability for property owners or tenants to enter damaged

buildings for the recovery of private property due to liability and public safety concerns.

Key Questions:

Should the City require property owner to shore up or stabilize a damaged historic resource? Yes, as determined feasible by orders of Chief Building Official based also on extent of damage and significance of building.

If yes, what qualifications are required?

Recommendations from Licensed Architects and Engineers, Qualified Contractors, Historic Landmarks Commission and as determined by Chief Building Official would be acceptable.

Should the Ordinance authorize the City to shore up or stabilize the building if the owner is unwilling or unable to do so?

Committee voted in favor by authorization of City Council and Historic Landmarks Commission.

Should the Ordinance require the property owner to explore alternatives to demolition?

Committee voted in favor

What information should an owner submit for an application to demolish or significantly alter a historic resource damaged by disaster?

Is experience with historic resources required?

Yes. The Committee supported approach requiring prior professional expertise with historic resources. Including architects with experience in Historic Preservation or Rehabilitation.

If the plan is not preservation-sensitive, should the property owner be required to submit a second opinion?

Yes. Committee voted in favor for a second professional opinion requirement that would only apply to City Landmarks seeking a demolition permit.

Should there be a check-in with Council to explain demolition decisions

Committee voted in favor only where City funds are involved exceeding City Administrator authority limits. Otherwise, possible appeals of HLC decisions would likely bring forward any demolition questions to Council.

Should the Ordinance authorize fee waivers?

Committee voted in favor for some support on possible consideration of fee waivers for certain types of repair applications. Develop more specifics on proposals.

Should potential financial penalties be included in Ordinance for demolitions done without permit?

Committee voted in favor to continue the discussion on potential penalties to a later date.

Committee directed staff to return to Ordinance Committee with outlined recommendations.

3 Public Speakers spoke in support of staff proposed recommendations.

DRAFT ORDINANCE OUTLINE

Chapter 22.22

Designation and Preservation of Historic Resources

- 22.22.010 Purpose.
- 22.22.020 Definitions.
- 22.22.025 Add definition for Cultural Landscapes to be treated as a [Landmark] or [Structure of Merit].
- 22.22.030 The Preparation and Use of Historic Resource Surveys; Identification of Potential Historic Resources for Possible Designation as a City Landmark or a Structure of Merit.
- 22.22.035 Add provision that would authorize the City's Urban Historian to initiate a designation of a Landmark or Structure of Merit based on survey data or other appropriate evidence.
- 22.22.040 Criteria for Designation of Landmarks and Structures of Merit.
- 22.22.050 Procedure for Designation of a Landmark.
- 22.22.060 Procedure for Resolution of Designation of a Landmark by City Council.
- 22.22.070 Designation of Structures of Merit.
- 22.22.070 Repair and Maintenance Requirements for Landmarks and Structures of Merit.
- 22.22.150 Preservation Easements.
- 22.22.160 Incentives for Preserving Historic Resources.

Chapter 22.23

Historic Districts and Special Design Districts

- 22.23.010 Procedures for Initiating the Designation of New Districts.
- 22.23.020 Criteria for Designation of Historic and Special Design Districts.
- 22.23.030 Procedure for Designation of Historic and Special Design Districts.

- 22.23.xxx El Pueblo Viejo **Special Design** District.
- A. Purpose
 - B. Designation of Boundaries
 - C. Map
 - D. Architectural Styles, Sensitivity Requirements
 - E. Review Procedures

- 22.23.xxx Brinkerhoff Avenue **Historic** District.
- A. Purpose
 - B. Designation of Boundaries
 - C. Map
 - D. Architectural Styles, Sensitivity Requirements
 - E. Review Procedures

- 22.23.xxx Riviera Campus Historic District.
- A. Purpose
 - B. Designation of Boundaries
 - C. Map
 - D. Architectural Styles, Sensitivity Requirements
 - E. Review Procedures

- 22.23.xxx El Encanto Hotel Historic District.
- A. Purpose
 - B. Designation of Boundaries
 - C. Map
 - D. Architectural Styles, Sensitivity Requirements

- E. Review Procedures
- 22.23.xxx Mission Area Special Design District.
- A. Purpose
 - B. Designation of Boundaries
 - C. Map
 - D. Architectural Styles, Sensitivity Requirements
 - E. Review Procedures
- 22.23.xxx Lower Riviera Bungalow Special Design District.
- A. Purpose
 - B. Designation of Boundaries
 - C. Map
 - D. Architectural Styles, Sensitivity Requirements
 - E. Review Procedures
- 22.23.xxx Highway 101 Santa Barbara Coastal Parkway Special Design District.
- A. Purpose
 - B. Designation of Boundaries
 - C. Map
 - D. Architectural Styles, Sensitivity Requirements
 - E. Review Procedures

Chapter 22.24

Post-Disaster Protection of Historic Resources

- 22.24.010 Purpose and Intent.
- 22.24.020 Application of Provisions.
- 22.24.030 Definitions.
- 22.24.040 Natural Disaster Damage; Demolition or Alteration of Historic Resources (implements the provisions of Public Resources Code Section 5028).
- 22.24.050 Designation of Review Committee (likely HLC).
- 22.24.060 Damage Assessment Procedures.
- 22.24.070 Shoring and Stabilization Requirements.
- 22.24.080 Review Process for Minor/Preservation-Sensitive Repairs.
- 22.24.090 Review Process for Major Alterations, Repairs, Reconstruction.
- 22.24.100 Emergency Demolition Procedures.
- 22.24.110 Review Process for Non-Imminent Threat Demolitions.
- 22.24.120 Review Procedures for Replacement Construction.
- 22.24.130 Severe Economic Hardship Exemption.
- 22.24.140 Appeals.
- 22.24.150 Penalties.

Chapter 22.67

Historic Landmarks Commission

- 22.67.010 Historic Landmarks Commission.
- 22.67.020 Definitions.
- 22.67.020 Quorum Requirements
- 22.67.030 Application Subject to Review by the Historic Landmarks Commission.
- 22.67.040 Procedures for Review of Proposed Demolition, Relocation, or Alteration of a Landmark.
 - A. Substantial Alterations – Actions that would demolish, relocate, or alter the character-defining elements of a historic resource to a degree that the action

would affect the historic significance of the resource. Requires review and approval by the Historic Landmarks Commission.

B. Minor Alterations – Actions that would demolish or alter portions of the exterior of a historic resource that do not affect the character-defining elements of a historic resource or that do not affect the historic significance of the resource. Subject to review and approval of an Administrative Certificate of Appropriateness.

22.67.050 Procedures for Review of Proposed Demolition, Relocation, or Alteration of a Structure of Merit.

22.67.060 Procedure for Review of a Proposed Demolition, Alteration, or Relocation of a Structure Listed on the City’s Potential Historic Resources List.

22.67.xxx Procedure for Review of a Proposed Demolition, Alteration, or Relocation of a Contributing Property within a Historic or Special Design District.

22.67.xxx Procedure for Review of a Proposed Demolition, Alteration, or Relocation of a Non-Contributing Property within a Historic or Special Design District.

22.67.070 Procedures for Review of Proposed Demolition, Alteration, or Relocation of an Older Un-Surveyed Structure, Feature, or Site.

Consider revising the threshold of significance from structures more than 50 years old to structures constructed prior to 1941.

22.67.080 Procedures for Review of Proposed Significant Pruning or Removal of A Historic Tree.

22.67.090 Review of Single Family Residential Units.

22.67.100 Historic Landmarks Commission Notice and Hearing.

22.67.110 Historic Landmarks Commission Referral of Residential Projects to Planning Commission.

22.67.120 Application Fee.

22.67.130 Publicly Owned Property.

22.67.140 Project Compatibility Analysis.

22.67.150 Appeal from Commission to City Council.

22.67.160 Expiration of Project Design Approvals.