

Appendix I

Laws, Regulations and Guidelines



LOCAL, STATE AND FEDERAL AND LAWS & GUIDELINES

Local ordinances and guidelines are the primary consideration in historic resource protection. There are also state and federal laws and guidelines which support historic resource preservation.

The City's Master Environmental Assessment document provides additional information about the following legislation:

- National Historic Preservation Act, 1966, amended 1992
- National Environmental Policy Act, 1969
- California Environmental Quality Act, 1970
- California Register of Historical Resources, 1992
- Native American Heritage Laws

The City of Santa Barbara Master Environmental Assessment (MEA) states that the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* and the *Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Structures* should be employed for changes to significant historic structures. In addition, the city utilizes the *Secretary of the Interior's Guidelines for Treatment of Cultural Landscapes*.

CITY REGULATIONS

As discussed in the Major Milestones section, the city has a long history of protecting its historic resources, and the Historic Landmarks Commission has played an important role in shaping the development of Santa Barbara's historic preservation program. The city requires a thorough historic assessment for development applications involving alterations to significant and potentially significant historic properties. The city encompasses many historic resources with national, statewide and local significance. These resources are identified with parcel tags in the city's permit tracking system.

Historic Landmarks Commission

The Historic Landmarks Commission and its powers and duties were authorized in the City Charter (Sec. 817) and implemented by the Santa Barbara Municipal Code. Some of the many Historic Landmarks Commission responsibilities are to:

- Carry out the provisions of the Historic Structures Ordinance.
- Review and approve, conditionally approve, or deny all applications for the alteration of any Landmark including landscaping, site plans, exterior paint, and other visual characteristics.
- Review the proposed alterations or demolitions of any structure or real property in landmark districts, historic districts or related to historic properties.
- Recommend to the City Council buildings, structures, natural features, sites or areas having historical, architectural, archaeological, cultural or aesthetic significance that might be designated as Landmarks.
- Designation of Structures of Merit.

Historic Structures Ordinance

The Historic Structures Ordinance details preservation procedures and duties for the Historic Landmarks Commission and prescribes the review process for alterations, relocation, and designation of Landmarks and Structures of Merit. The Ordinance identifies the boundaries and purpose of landmark districts and historic districts and the required architectural styles for any structure altered or constructed within these districts. In addition to regulatory requirements, the ordinance provides for preservation incentives, including use of the California Historical Building Code, preservation easements and Mills Act property tax reduction contracts.

CITY HISTORIC PRESERVATION WORK PROGRAM

A comprehensive historic preservation work program (Preservation Program) is key for the protection of historic resources. City of Santa Barbara Preservation Program staff is responsible for a variety of tasks, including project review, environmental review, Historic Landmarks Commission support, and management of historic and cultural resource surveys. As of 2012, program components consist of:

- Enforcement of Historic Structures Ordinance.
- Staff support of the Historic Landmarks Commission.
- Continuing the Historic Resources Survey Program.
- Applying California Environmental Quality Act (CEQA) historic review and Master Environmental Assessment (MEA) Guidelines to current development applications, including review of Archaeological Reports and Historic Structures Reports.
- Initiation of Landmark and Structure of Merit Designations.
- Initiate historic district designations.
- Updating local list of potential historic resources.
- Developing historic district and resource design guidelines.
- Creating incentives for historic property owners and eligible properties.
- Coordinating Historic Resources Element updates.
- Demolition review regulations implementation.

A major part of the Preservation Program was initiated by City Council in 2002, with the adoption of MEA Guidelines, discussion involving demolition control regulations, and the establishment of funding for future historic resource surveys citywide. Demolition regulations were strengthened in 2004 after it was discovered that certain older buildings that may have had historic significance obtained only ministerial approval for demolition permits.

Creating support for historic preservation requires public understanding of the significant contributions of historical resources to the quality and vitality of life, aesthetic appeal, and cultural environment of the city. In order to better inform and educate the public on the merits of historic preservation, information on the resources themselves, as well as the purpose and objectives of the Preservation Program, must be developed and widely distributed.