



**TO:** Planning Commission

**FROM:** Peter Imhof, Planning and Environmental Review Director

**CONTACT:** Lisa Prasse, Current Planning Manager

**SUBJECT:** Historic Preservation Ordinance; Case Number 2016-092 OA; City Wide

### **RECOMMENDATION**

Open the public hearing, commence review of the draft Historic Preservation Ordinance provisions contained in Attachment 1 and the Designation/Eligibility List provided in Attachment 2 and continue the hearing to Monday, January 25, 2021.

### **BACKGROUND**

#### **Project Background**

On June 21, 2016, the City Council approved a contract with Historic Resources Group (HRG) to assist staff with the development of a Historic Preservation program, including the development of a citywide context statement, a historic resources survey, and an ordinance. To assist with the work, Greenwood Associates (an archaeological firm) and Carlberg Associates (horticultural/registered consulting arborist firm) have been included as part of the team.

The development of a Context Statement was the first step in the process. A Context Statement is not a comprehensive history of the community but instead highlights the trends and patterns critical to the understanding of the setting of development within the appropriate historic, social, architectural and cultural resource context. The cultural resource context portion provides insights from the Barbareno Band of Chumash Indians along with input from the scientific community regarding the archaeological importance of Goleta. As the chapters of the Context Statement were completed, each was made available for public comment as follows:

Built Environment:	September 2017
Archaeological Resources:	November 2017
Tree and Landscape Study:	November 2017
Revised Comprehensive Context Statement:	January 2019

The revised Comprehensive Context Statement was reviewed by the Planning Commission in January 2019 and accepted by the City Council Feb. 2019. The Context Statement was purposely not adopted at that time pending development of Eligibility Criteria (a component of the Ordinance).

Following the Council acceptance in February 2019, the Planning Commission held three workshops/study sessions (between April – June 2019) to provide staff with guidance regarding the topics to be covered in the Ordinance. While HRG was able to prepare a draft ordinance following the Planning Commission workshops in the summer/fall of 2019, the assigned City staff for this project was diverted to the Vehicle Miles Traveled California Environmental Quality Act Threshold Project (VMT CEQA Thresholds). The VMT CEQA Threshold project took precedent as it had firm deadline for implementation of July 1, 2020. As the Planning Commission is aware, the City Council adopted the VMT Thresholds in early July 2020.

Information/materials regarding the Historic Preservation project is accessible on the City's website at [www.historicgoleta.org](http://www.historicgoleta.org). Individuals interested in the project can also sign up to be notified of meetings and when new information/materials become available at the same web page ([www.historicgoleta.org](http://www.historicgoleta.org)).

### **Proposed Ordinance Review Schedule**

Staff recognizes that there is a substantial amount of material to consider with this matter. As indicated above, the Context Statement was accepted by the City Council in February 2019. The new information to be considered relative to the Context Statement is the list of properties to be designated as Historic Resources and those properties that could be added to an eligibility list. In addition, the Cultural Resources provisions that are listed as Section 7 in the draft Ordinance are not yet completed but will be shortly.

As such, staff proposes the following schedule to allow adequate time for the public and Planning Commissioners to consider the materials:

- December 14, 2020 – commence review of the Historic Preservation Ordinance provisions proposed as Chapter 17.33 of Title 17 and the proposed Designation/Eligibility list;
- January 25, 2021 – continue discussion on the elements not covered on December 14, 2020 and focus on the Cultural Resource provisions proposed as Chapter 17.43 of Title 17; and
- February 9, 2021- follow up as necessary on topics/issues from the previous meetings.

Additional meetings can be scheduled as needed in order to ensure adequate time for review and input. At such time as the Planning Commission has completed its review, staff will ask the Planning Commission to provide a formal recommendation to Council via Resolution.

## **JURISDICTION**

Final action on the Ordinance Amendment requests is the responsibility of the City Council (Subsection 17.50.030(A)). Chapter 17.66 (Amendments to Zoning Regulations and Zoning Maps) requires the Planning Commission to conduct a noticed public hearing on all proposed Ordinance Amendments and provide a recommendation to the City Council.

## **DISCUSSION**

As mentioned above, attached to this staff report is the draft City Council Ordinance (Attachment 1) and the Resolution (Attachment 2) that would establish and/or implement provisions needed associated with the Historic Preservation project. The Ordinance proposes to add/amend the following Chapters/Section to the Goleta Municipal Code:

- Chapter 2.15: Historic Preservation Commission (Administration and Personnel – Title 2 of the GMC)
- Chapter 17.33: Historic Preservation Resources (Zoning – Title 17 of the GMC)
- Chapter 17.43: Archaeological and Cultural Resources (Zoning – Title 17 of the GMC). This portion is not yet completed and will be provided for review prior to the January 25, 2021 Planning Commission hearing. As such, it is not discussed in this staff report.
- Section 17 50.08 Review Authority: Historic Preservation Commission (Title 17 of the GMC)
- Section 17.73.010 and 020: List of Terms and Definitions (Title 17 of the GMC)

The Resolution formally adopts the Context Statement which has been updated to include the Eligibility Criteria and the Eligibility Lists. These documents are discussed in more detail below.

### **Historic Resource Provisions**

The purpose of Chapter 17.33 is to provide for the recognition and preservation of the historic resources that reflect the cultural, historical, and architectural heritage of Goleta by establishing procedures and regulations. As proposed, a building, structure, object, or site is considered an Historic Resource in the City of Goleta, if it: a) is listed in or determined eligible for listing in the National Register of Historic Places or the California Register of Historical Resources; b) is a designated City of Goleta Historic Landmark or Contributor to a locally designated Historic District; c) is listed in the Goleta Historic Resources Inventory; or d) it meets at least one of the criteria for designating a Historic Landmark.

#### *Designations*

Any potential Historic Resource, or any property that meets at least one of the criteria for designation can be nominated for official designation as a local Historic Landmark or Historic District. Designated Historic Landmarks and Contributors to designated Historic

Districts are eligible for special protection and incentives that non-designated Historic Resources do not receive (Points of Interest and Conservation Zones). The proposed provisions establish four categories of designations namely Historic Landmark, Historic District, Point of Interest, and Conservation Zone.

As proposed, the City of Goleta would have two (2) designation categories to recognize Historic Resources:

- 1) Historic Landmarks
- 2) Historic Districts

The City of Goleta would also have two (2) designation categories to recognize buildings, structures, objects, or sites that do not meet the criteria for designation as a Historic Landmark or Historic District, but have particular social, cultural, or historic significance to the community and therefore may receive recognition and consideration in local planning:

- 1) Point of Interest
- 2) Conservation Overlay Zone

As provided for in the draft provisions, any property in the City of Goleta listed in the National Register of Historic Places, the California Register of Historical Resources, or as a County of Santa Barbara Landmark shall be automatically designated a local City of Goleta Historic Landmark. Any neighborhood or area listed as an historic district in the National Register of Historic Places, the California Register of Historical Resources, or as a County of Santa Barbara Historic Landmark shall be automatically designated a local Historic District.

#### *Criteria and Designation Process*

Each designation category would have differing criteria based on the nature on the category as outlined in (list out the sections).

#### *Historic Landmark Designation (17.33.070)*

For a Historic Landmark designation, a building, structure, object, or site may be designated as a City of Goleta Historic Landmark, if it is at least 50 years old (the age criteria may be waived and if it can be demonstrated that the potential resource is unique and/or exhibits exceptional importance) and meets one or more of the below criteria. For example, the Stow House or the Barnsdall- Rio Grande Gas Station meet the criteria, which include:

- 1) It is associated with important events or broad patterns of development that have made a significant contribution to the historical, archaeological, cultural, social, historical, economic, aesthetic, engineering, or architectural development of the city, state, or nation;
- 2) It is associated with persons significant in local, state, or national history;

- 3) It embodies distinctive characteristics of a style, type, period, or method of construction, or is an example of the use of indigenous materials or craftsmanship, and/or it is a significant example of the work of a notable builder, designer, or architect; or
- 4) It has yielded or has the potential to yield, information important to the history or prehistory of the city, state, or nation.

In order to be eligible for local designation, in addition to meeting one or more of the eligibility criteria as identified in Section 17.33.070 (B), the resource must retain sufficient historic integrity to convey its significance. There are seven aspects of integrity<sup>1</sup> defined by the National Park Service: location, design, setting, materials, workmanship, feeling, and association. A proposed Historic Landmark would not need to retain all seven aspects of integrity in order to be eligible for historic designation; however, it must retain those aspects of integrity that convey the reason for its significance.

The designation process is found in Section 17.33.070 (D). Nominations for Historic Landmark designation may be initiated by any resident of the City of Goleta. If the person nominating the property is not the property owner, then the City would advise the property owner of the nomination request within ten calendar days. Once the application is deemed to be complete, then the City would schedule the nomination for review by the Historic Preservation Commission (HPC). The HPC would then make a recommendation to the City Council as to the merits of the designation request. The City Council at a notice public hearing would determine if a property should be designated as a Goleta Historical Landmark. The maximum time for the Historic designation process is 180 days from the date the application was deemed complete.

#### *Historic District (17.33.080)*

In regard to designating a group of buildings as a Historic District, such buildings, structures, objects, or sites must relate to each other in a distinguishable way or in a geographically definable area. An area may qualify as a Historic District, if it meets one or more of the eligibility criteria in 17.33.080.B, and:

- 1) It possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development; and
- 2) A minimum of 60% of the sites, buildings, structures, or objects within the proposed historic district contribute to the district's significance.

In order to be eligible for local designation, in addition to meeting one or more of the eligibility criteria as identified in 17.33.070.B, a Historic District must retain sufficient historic integrity to convey its significance. A proposed Historic District does not need to retain all seven aspects of integrity in order to be eligible for historic designation; however, it must collectively retain those aspects of integrity that convey the reason for its significance.

---

<sup>1</sup> The same definition of integrity is used throughout for the designation criteria and will not be defined with each category.

The designation process is found in Section 17.33.080 (D). Nominations for Historic Landmark designation may be initiated by any resident of the proposed Historic District as long as a petition from 51% of the property owners of the proposed district support the nomination (Section 17.33.080(D0 (2) (g)). The rest of the nomination is identical to that of Historic Landmark category. Once the application is deemed to be complete, then the City would schedule the nomination for review by the HPC. The HPC would then make a recommendation to the City Council as to the merits of the designation request. The City Council at a notice public hearing would determine if a property should be designated as a Goleta Historical Landmark. The maximum time for the Historic designation process is 180 days from the date the application was deemed complete.

*Point of Interest (17.33.100)*

A building, structure, object, or site can be designated a Point of Interest in the City of Goleta, if it lacks integrity or otherwise does not meet the criteria for designation as a Historic Landmark. It is however significant locally for its association with historic events, important persons, or has other cultural or historic importance to the community. For example, the Ellwood Bluffs/Haskell's Beach area could be designated as a Point of Interest because of the shelling of the area by the Japanese during World War II.

The designation of a Point of Interest is solely honorary and is not listed in the Inventory. A Point of Interest is not considered a Historic Resource under this ordinance or for purposes of CEQA and is therefore not afforded the same protections or incentives as Historic Resources.

A building, structure, object, or site may be designated as a Point of Interest, if it meets at least one of the following criteria:

- 1) It is the site of a building, structure, or object that no longer exists but was associated with historic events or important persons, or otherwise has significant cultural or historic significance;
- 2) It meets designation criteria, but has been altered to the extent that its historic integrity has been substantially compromised;
- 3) It is the site of a historic event which has no distinguishable physical characteristics.

The designation of Points of Interest shall be approved by the City Council upon the recommendation of the Historic Preservation Commission in the manner identified in paragraph 17.33.070 (D) (Procedure for Designating Historic Landmarks), with the exception that there is no hold on work or issuance of permits during the application period.

*Conservation Overlay Zone (17.33.110)*

A Conservation Overlay Zone is a concentration, linkage, or continuity of buildings, structures, objects, or sites united historically or aesthetically by plan or physical

development that does not meet the criteria for designation as Historic District. This is due to low integrity or amount of new construction in the geographical areas, but has unique qualities requiring special treatment and special approaches to development. The commercial core of Old Town would be an example.

The Conservation Overlay Zone designation is intended to protect these areas from incompatible development and to establish development standards which will ensure that new developments will not adversely affect the character of the area. Buildings within a Conservation Overlay Zone are not included on the Inventory (with the exception of any individual buildings, structures, objects, or sites within a Conservation Overlay Zone that are eligible individually for designation as Historic Landmarks). Conservation Overlay Zones could be regulated through separate design guidelines that are adopted by the City Council.

A concentration, linkage, or continuity of buildings, structures, objects, or sites united historically or aesthetically by plan or physical development may be designated as a Conservation Overlay Zone if they meet at least one of the following criteria:

- 1) Has distinctive building features, such as period of construction, style, size, scale, detailing, mass, color and material;
- 2) Has distinctive features associated with the streetscape, such as light fixtures, signs, benches, curbs, and sidewalk;
- 3) Has distinctive site planning and natural features, such as lot platting, street layout, setbacks, alleyways, sidewalks, creek beds, parks and gardens; or
- 4) Has distinctive land uses or land use.

Conservation Overlay Zones could be approved by the City Council upon the recommendation of the Historic Preservation Commission in the manner identified in 17.33.080 (D) (Procedure for Designating Historic Districts), with the exception that there is no hold on work or issuance of permits during the application period and consent of a majority of Owners is not required.

*Historic Preservation Commission and Review Process (17.33.050 and 130)*

As part of this Ordinance, a Historic Preservation Commission (HPC) would be established to act as an advisory body to the City Council on all matters pertaining to historic preservation. The makeup and meeting requirements are provided in Chapter 2.15 of the Goleta Municipal Code and the duties and responsibilities are contained in Section 17.50.080 of the Goleta Municipal Code. The HPC would have five (5) members whose make up would include one Planning Commissioner, one Design Review Board (DRB) member, and three members from the public who have a expertise, knowledge, or special interest in historic preservation and/or archaeological/cultural resources or are a member of a local Chumash Tribal group.

It is proposed that the HPC would be an advisory board to the City Council, Planning Commission, Design Review Board, City Manager, and all City departments on all matters related to historic preservation. The HPC would make recommendations to the City

Council regarding the appropriateness of designations, rescissions, amendments to designations, and Mills Act Contract requests. In addition, the HPC would make recommendations to the DRB on the appropriateness of any proposed alterations/additions to designated historic resources. The existing DRB process would be followed except that alterations/additions to designated historic resources would be required to seek a recommendation from the HPC.

Once a property is designated as a historic resource, it would be subject to the process, standards and criteria outlined in Section 17.33.130. The applicant on a project affecting such a property will need to submit plans and any additional documentation as required by the PER Director, which may include written documentation from a qualified Historic Preservation professional opining on the appropriateness of the proposed alterations.

As stated in Section 17.33.130(A), some minor changes/modifications (e.g., reroofing, replacement of exterior light fixtures with period-appropriate fixtures, etc.) to designated historic resources would be exempt from review. Further, Section 17.33.130(D) also allows other minor work to be approved at staff level, if the Planning and Environmental Review (PER) Director determines that all of the following conditions are met:

- a. The work is minor and clearly meets any applicable City design guidelines and the Secretary of the Interior's Standards for Rehabilitation; and
- b. The proposed work will not diminish, eliminate, or adversely affect the character of the Historic Resource; and
- c. Any modifications to the proposed work requested by the PER Director are agreed to by the Applicant.

If the PER Director determines that the proposed work does not meet the conditions as outlined in 17.33.130(D), then the Historic Preservation Commission shall review the project and make a recommendation to the Design Review Board per the approval process as outlined in 17.33.130(E). The Historic Preservation Commission shall make recommendations to the Design Review Board based on the following findings:

- a. The proposed work is found to be consistent with any applicable Design Guidelines adopted by the City Council.
- b. In the absence of applicable design guidelines, the proposed work is found to be consistent with the Secretary of the Interior's Standards for Rehabilitation.
- c. Any designated Historic Landmark, Contributor to a designated Historic District, and any property listed in the Historic Resources Inventory may, upon request of the applicant, be subject to the provisions of the California Historical Building Code if the work is required to comply with the Secretary of the Interior's Standards.

At the conclusion of the review by the HPC, the HPC will make a recommendation to the Design Review Board to approve, deny, approve with conditions, or continue the application with specific direction for additional information needed to make determination.



*Amendments, Rescissions, and Demolitions (17.33.120 and 17.33.140)*

Section 17.33.120 outlines the process and criteria to remove or change the historic designation of a property when damage occurs to a historic resource. The process is essentially the same as it is designated a process. As proposed, it would be up to the City Council, upon recommendation from the HPC, to amend or remove a designation based on meeting certain criteria (e.g. damage to the structure, new information, etc.).

In regard to demolition requests of designation historic resources, such a request would be subject to review under the California Environmental Quality Act (Section 17.33.140). The impacts of the potential demolition would be analyzed either through a Negative Declaration/Mitigated Negative Declaration or Environmental Impact Report at the property owners'/applicants' cost. Further, if the property is more than 50 years old but is not listed on the Inventory, the PER Director may require a historic resources assessment report prepared by a Qualified Preservation Professional to determine whether it should be treated as a Historic Resource.

*Preservation Incentives (17.33.060)*

Section 17.160 provides for three tools to encourage the preservation of designation historic resources. These are Mills Act Tax Incentives, use of the California Historic Building Code, and adaptive reuse of the property. These tools are in addition to any other incentive of federal or state law.

The Mills Act Property Tax Abatement Program (Mills Act) was enacted in 1972 by the State of California (Government Code Sections 50280-50290), and grants participating local governments the authority to enter into contracts with owners of qualified historic properties who actively participate in the repair, rehabilitation, restoration, and maintenance of the properties to receive property tax relief. If the City Council agrees to this preservation tool, then owners of properties designated as either a Historic Landmark and/or contributor to a designated Historic District may apply to enter into a Mills Act Contract. Mills Act contracts are typically for a rolling 10-year period. The benefit to the property owner is that they receive a reduction in taxes and that amount saved in reduced taxes is then used to repair, restore, and maintain the historic resource. Given the potential financial impacts on the City in the reduction in property taxes, the City can determine on an annual basis how many contracts it will accept and can set a financial cap for the program. The details of the proposed Mills Act process is outlined in Section 17.33.160(A).

A tool available to all designated Historic Landmarks and properties listed in the Inventory is use of the California State Historic Building Code (SHBC) for alterations, restorations, new construction, removal, relocation, or demolition, as long as the City's Building Official determines that such use of the Code does not endanger public health or safety and such action is necessary for the continued preservation of the Historic Resource. Such use of the SHBC is subject to the construction work undertaken for historical resources pursuant

to the Secretary of the Interior's Standards and it already having been reviewed and approved by the Design Review Board.

Lastly, the City will encourage compatible Adaptive Reuse of historic properties. Adaptive Reuse occurs when a building that was constructed for one purpose is then converted to another use but done so in a manner that does not affect the integrity of the historic resource. The conversion of the Goleta Valley Community Center from a school to the Community Center is an example of a historic building that was adaptively reused instead of being demolished and replaced with a new structure. Adaptive Re-use of historic structures also furthers sustainability goals while preserving the important structures that contribute to the economic and social well-being of the community. The City will provide guidance on how properties may be appropriately re-used and technical assistance on local zoning and building regulations.

#### *Maintenance and Repair (17.33.170)*

Section 17.33.170 outlines the standards necessary to preserve, protect, and perpetuate the elements of the historic fabric unique to historic resources and to prevent the need for demolition or destruction due to neglect of important resources in the City's history. This portion of the Ordinance requires that Historic Resources be maintained in good repair and be kept in a watertight condition to preclude decay problems. Further, facades, roofs, and foundations are to be properly maintained through repair, paint or any necessary treatment. Building elements, such as cornices, chimneys, etc., shall be properly maintained to prevent decay, demolition by neglect, loss of historic fabric, and possibility of injury.

In addition to any other Code Compliance penalty the City has, failure to maintain a Historic Resource as outlined in the Ordinance shall constitute a public nuisance, which, if not addressed, entitles the City to cause the maintenance to be performed at the Owner's expense. The goal of these provisions is to prevent/minimize demolition by neglect.

#### **Planning Commission Considerations**

As the Commission considers the materials associated with this item, the Commission should consider the following questions:

1. Are the proposed regulations "right-sized" for the City?
2. Do the proposed Historic provisions/regulations protect the type of resources that were identified to be important in the Context Statement?
3. Is the review process of having the HPC make recommendations to the DRB appropriate or would another format be more appropriate for Goleta? Other options include but are not limited to having Historic Preservation Commission make decisions on projects affecting historic resources similar to the City of Santa Barbara process, or incorporate historic preservation responsibilities into either the DRB or the Planning Commission. Attachment 3 highlights how five cities with Historic Preservation ordinances handle review of projects affecting historic resources.

4. Should the city regulate paint colors on historic resources when a property owner wants to repaint a structure? For reference, DRB currently reviews changes in paint colors for all non-residential projects regardless of historic nature of structures.
5. Should the regulations include an economic hardship process for historic resources similar to the existing provisions in the Goleta Municipal Code regarding Flood Plain and Green Building requirements?
6. While the use of Mills Act contracts are an invaluable tool to foster the preservation of historic resources, should the City encourage these given the reduction in property taxes that the City would receive? If the City supports the use of Mills Act contract, should there be a limit on the number entered into each year?

### **Context Statement**

As the Commission is aware, the City spent more than two years on the Context Statement, which covers the built environment (Historic Resources), archaeological resources (Cultural Resources), and trees and landscapes. The Archaeological Resource Chapter was developed in conjunction with the Barbareno Band of Chumash Indians (BBCI), whose words grace the document. The BBCI thoughts and stories set the tone for the significance of the land and the need to be mindful of cultural resources that may not be readily visible and have been overlooked in the past. The Context Statement has been used as the guiding document in the preparation of the proposed regulations.

In early 2019, the Context Statement was reviewed by the Planning Commission and the City Council. At that time, staff asked that the Council not adopt the Context Statement until the Eligibility Criteria had been developed. These criteria are provided in each of the Sections establishing designation status (please refer to Sections 17.33.070, 17.33.080, 17.33.100 and 17.33.110). These criteria have been incorporated into Appendix A of the Context Statement.

Not only does the proposed Council Resolution adopt the Context Statement, it also adopts the existing properties that are already listed in the National Register of Historic Places or the California Register of Historical Resources or were previously designated by the County of Santa Barbara as an historic landmark as outlined in Appendix B of the Context Statement. These buildings are:

1. Barnsdall-Rio Grande Gasoline Station located at 7825 Hollister Avenue
2. Bishop Ranch located at 96 Glen Annie Road
3. Daniel Hill Adobe located at 33 S. La Patera Road
4. Goleta Depot located at 300 N. Los Carneros Road
5. Sexton House located at 5490 Hollister Avenue
6. Shrode Produce Packing House located at 265 La Patera (partially demolished)
7. Stow House located at 304 N. Los Carneros Road

All other individual properties that are identified as potentially eligible for designation in Appendix B of the Context Statement would be placed on an inventory list and would have to undergo the designation process to be formally designated as a landmark, district designation, or conservation overlay, if/when an application for such designation is

submitted to the City for consideration. Properties on the eligibility list would not be subject to the review requirements nor would they be eligible for the preservation incentives (i.e., use of the Historic Building Code and Mills Act property tax reduction) as outlined in the Chapter 17.33, until such time as they are designated. These properties/structures would, however, be subject to California Environmental Quality Act review, if changes were proposed. For the ease of the public and Commissioners review, Attachment 5 is the list of proposed City of Goleta Historic Resources Inventory (this is the same list found in Appendix B starting on approximately page 255 of the Context Statement).

Most of the properties that are either proposed to be recognized as a Goleta Landmark or are eligible to be recognized as such are already identified as Historic Resources in Table 6-1 of the City Goleta General Plan. There are a few additional properties based the length of time that has passed or architectural style that were not identified 15 years ago when the General Plan was under development.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT REVIEW**

Pursuant to Public Resources Code Section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183, projects that are consistent with the development density of existing zoning, community plan, or General Plan policies for which an Environmental Impact Report (EIR) was certified shall be exempt from additional CEQA analysis except as may be necessary to determine whether there are project-specific significant effects that are peculiar to the project or site that would otherwise require additional CEQA review. There is no new substantial information indicating that the impacts of the project will be more severe than described in the General Plan EIR when the Visual and Historic Resources Element was adopted and there are no cumulative or off-site impacts from the proposed project that were not addressed in the General Plan EIR. As such, the Ordinance is exempt from further CEQA review.

In addition, pursuant to CEQA Guidelines Sections 15061(b)(3) and 15378(b)(5), the proposed Ordinance does not qualify as a "project" for the purposes of CEQA because the Ordinance does not result in direct or indirect physical changes in the environment. The amendments proposed do not, by themselves, have the potential to cause a significant effect on the environment. Any subsequent development project will be separately examined in accordance with CEQA. As such, the adoption of the documents related to the Historic Preservation and Cultural Resource Ordinance are exempt from CEQA review.

A draft of the proposed Notice of Exemption is provided as Attachment 4.

### **PUBLIC NOTICE**

Notice of this public hearing has been provided in the following manner:

- One eighth page advertisement was published in the Santa Barbara Independent in both English and Spanish on December 3, 2020;

- On December 3, 2020, a) mailed notice sent to the property owners whose property may be subject to the provisions of this Ordinance (this was sent again on Dec. 7, 2020); b) Gov Delivery email notice was sent to approximately 3,890 emails address to those on the Planning and Environmental Review, Planning Commission, and Historic Preservation lists in both English and Spanish; c) and the information was shared on various social media platforms (Facebook, Twitter etc.).

**Legal Review by:**

**Approved By:**

\_\_\_\_\_  
Winnie Cai  
Assistant City Attorney

\_\_\_\_\_  
Peter Imhof  
Planning and Environmental Review  
Director

**ATTACHMENTS:**

1. Draft Council Ordinance Amending Title 17 to add Provisions Regarding Historic Resources (Chapter 17.33)
2. Draft Council Resolution Adopting the Historic Context Statement (Context Statement provided as Exhibit A)
3. Historic Preservation Review Process in a Sample of Cities with Historic Preservation Ordinances
4. Draft Notice of Exemption
5. Proposed City of Goleta Historic Resources Inventory (excerpted from Appendix B of Context Statement)