



Ksen' SKu' Mu' Chumash

Ksen~Sku~Mu
Frank Arredondo ~Chumash MLD
Po Box 161
Santa Barbara Ca, 93102

October 22, 2021

Honorable Chair Maynard, and Commissioners,

City of Goleta
130 Cremona, Suite B, Goleta, CA 93117

Re: Archaeological and Tribal Cultural Resources Preliminary Regulations

Honorable Chair Maynard and Commissioners

Thank you for the opportunity to comment on the above referenced project. My name is Frank Arredondo. I am of Chumash decent. I am a member of the Native American Heritage Commission Most Likely Descendants List (MLD) for the Chumash Territory and listed on the Native American Contact list for Santa Barbara County. I also hold a MA. degree in Archaeology and have been working in Cultural Resource management for over 15 yrs. now. My comments today are of my own.

Being of Native American descendant, from the Chumash territory, I have a strong vested interest in the activities that take place in my ancestral homeland. Over the years I have provided comments on several projects in the surrounding areas that have/or have the potential to impact cultural resources. I've been an advocate for the preservation of those Cultural Resources as well as placing an emphasis on local governments adhering to policies and procedures and laws that have been established by all forms of Government. To this end, with my education and vast experience I've acquired under the subject, I have become a bit of an expert. I hope that you will take my comments seriously.





Extended phase I.

The document before you for review appears to cover the actions required by an applicant before their development is subject to a Minor CUP. It provides a detailed description of the purpose and process of a PAA but does not elaborate the purpose of an Extended phase I.

Both exempt and non-exempt project types are subject to the regulation and reporting requirements of chapter 17.43.020 Applicability. Under proposed section 17.43.030 site assessment and permit requirements for non-exempt development include 3 proposed report types to be submitted to the City of Goleta for review and determination if the proposal is subject to a Minor CUP. A PAA, Phase I report, Extended Phase I are listed. The outcomes of a PAA and Phase I defer to either exempt status or to carry out an Extended phase I report. However, the whole document lacks any clarity as to what the purpose of an Extended Phase I is used for.

Currently the field of Archaeology takes its direction for complying with the federal government Section 106, under the National Historic Preservation Act of 1966. The state of California Office of Historic Preservation (OHP) in 1990 publicized the "Archaeological Resource Management Reports (ARMR), and the Department of Parks and Recreation follows suit with the release of "The Guidelines for Archaeological Research Designs" 1991, by the Resources Agency.

All these documents follow the same process of regulatory fulfillment by caring out site assessments under the directive of Section 106 (NHPA). The industry standard has been to use Phase I for site discovery, a phase II for evaluation of significance, and a phase III for Data recovery and Site Mitigation.

The use of a PAA or the Extended Phase I is not defined under the any of the regulatory agencies or documents listed above. Therefore, if the city is planning to adopt these two processes, then the purpose of an Extended phase I should be cited. In addition, focus on how they will comply with regulatory fulfillment.

Over the years the use of an extended phase I has been an informal way to determine the presence or absence of buried resources. Conducted with shovel test pits, randomly placed and excavated to depths of potential disturbance by development. Extended Phase I reports can be helpful to determine the areas for further investigations such as a phase II study. But they are not adequate for evaluation of significance. That is what a Phase II study is used for. A simple fix would be to add the wording that "...an Extended phase I is used to determine presence or absence of cultural resources." If the presence of resources is found then the next logical step is the determination of significance. Which is carried out during a Minor CUP.

A greater question to answer is, does this type of report (Extended phase I) meet regulation and reporting requirements?





Native American Monitor Site Assessment

Another issue of mention is that Native American consultant/monitors are not required until the project is subject to a Minor CUP. An activity such as a sub-surface excavation carried out during an Extended Phase I should also be monitored by a Native American consultant/monitor. Any time an archaeologist is required a Native American consultant/monitor should also be required if the city wishes to be transparent like neighboring local government agencies do. Part of the site assessment process is to identify archaeological and/or Tribal Cultural Resources. Archaeologists are not currently tasked with identifying Tribal Cultural Resources, Native American consultant/monitors are. Requiring a Native American consultant/monitor on-site during all ground disturbances will help to identify Tribal Cultural Resources.

City- Qualified

Since, the process of site assessment is outside the direct oversight of the City of Goleta Planning department, and takes place before an applicant submits an application for approval, the city requires that a “City-qualified Archaeologist” and/or “qualified Archaeologist participate in site assessments and produce a report. The text of this document contains conflicting terms. It is unclear as to what the difference is between a “city-qualified archaeologist” and just “qualified archaeologist”? This should be clarified.

The document location of where these terms shows up is listed below:

- 17.43.020 Applicability A.10 ... Qualified Archaeologist
- 17.43.030 Site Assessment and Permit Requirements A.3 ... Qualified Archaeologist
- 17.43.040 Development Standards A.1 ... City-Qualified Archaeologist
- Section J section 17.50.060(A)(15) of Title 17 is amended as follows. A.15.a) qualified archaeologist.
- Section J section 17.50.060(A)(15) of Title 17 is amended as follows. A.15.c) qualified archaeologist

List of Terms

- Phase 1 study report #24 ... City-Qualified Archaeologist
- Phase 2 study report Extended #25 ... Qualified Archaeologist
- PAA Study report #27 ... city-qualified Archaeologist.
- Qualified Archaeologist #29.
- Qualified Archaeological Monitor # 30 ... City-Qualified Archaeologist

If the choice is to use “City-Qualified” archaeologist then the criteria for “City-Qualified” needs to be added to the list of terms. If the alternative then correction to the Text should remove the word “City” from “City-qualified”.

When it comes to Native American monitor, the document does not state if the Native American monitor is “qualified” or “City qualified”?





Native American Consultant/Monitor

This topic requires some clarification in order to understand the impact of some specific term usage.

The document under review has a “List of Terms”,

- 20. Native American Consultant/Monitor. A person who has been designated or authorized by a Chumash Native American Tribe to monitor construction activities and to serve as an on-site representative of the Tribe; has been trained to work around construction equipment; and has been trained to recognize potential Tribal Cultural Resources.

This section 20. Native American Consultant/Monitor has been revised and is listed at the end of this document.

This section would indicate that the city would have either a list of “designated or Authorized” persons to monitor construction activities on behalf of a tribe or identifies a list of Native American consultant/monitors through the process of “consultation”. Unfortunately, the only time the city would enter into “consultation” or notify any of the tribal groups on the AB52 list is if the project is subject to a Minor CUP. The logistics of this approach do not address the current ability of applicants/development to find and contract with a Native American consultant/monitor. Since all the site assessment reports require the identification of Tribal Cultural resources which a Native American consultant/monitor is specifically designated to do. A Native American consultant/monitor list that is pre-approved by the City of Goleta would fulfill this need.

If the City will continue to engage in defining the process of when a Native American consultant/monitor will be used during a Minor CUP they should also include a Native American monitor to be present during any and all ground disturbances as they do for and Archaeologist during extended phase I studies.

To properly apply the construction of a Native American consultation/ monitor list requires the understanding of the history of Native American monitoring of the area. A major misunderstanding is the participation process that has taken place between local Tribal groups and the Independents who have been carrying out on-site monitoring work. Another issue is the current industry availability of qualified Native American consultant/monitors.

The local area industry of Native American consultant/monitoring has been driven by the “independent contractor” since the start of monitoring. There have been very few occasions in the last 20 years that any local Chumash tribal group (the Barbareño, Coastal, Santa Ynez, and Ventureño Bands of Chumash Indians) has put forward any qualified Chumash monitors that speak on their behalf or to be their “onsite representative”. One would have to go back to the mid-80s to find the UCC presenting Chumash monitors as on-site Tribal representatives. The past 15 years of my experience in this specific industry has shown that the groups that have shown consistent participation has been the Santa Ynez, and Ventureño Bands of Chumash





Ksen' SKu' Mu' Chumash

Indians. Santa Ynez is a Federally recognized Chumash tribe they do not represent all of the Chumash territory. They have had the financial ability to offer native American monitors to various development projects over the years. They tend to stay within the Santa Ynez Valley when it comes to participation of monitoring for cultural resources. The Ventureño Bands of Chumash Indians has maintained focus with South Santa Barbara County, south of the City of Santa Barbara boundaries to the eastern edge of Ventura County.

A quick review of local governments that currently use a list for Native American consultant/monitors can be found with the City of Santa Barbara and County of Santa Barbara.

The City of Santa Barbara maintains a Barbareño Chumash Archaeological Site Monitors list that contains 16 individuals that descend directly from villages located within the Cities boundaries. Inclusion to this list only requires a person to show descent from within the city boundaries. Unfortunately, only half of the individuals listed contact information is no longer valid either due to address changes or the individual has deceased. Of those left 5 carry out monitoring work for the Barbareño group off and on. Of those 5 only 1 lives in Santa Barbara and is familiar with the area sites and past development progress. The use of this list depends on the knowledge of the City staff planners knowledge of the list. The only repercussion for not using the monitors on the list comes from anyone submitting a complaint that the list was not used after the fact.

The only other agency that maintains a Native American consultants list is the County of Santa Barbara. It contains 2 parties; one is the Santa Ynez Federally recognized tribe and a local Barbareño Chumash monitor. Unfortunately, due to a lack of staff training this list is not offered on a consistent bases to developers but rather they suggest the applicant seek out a Native American monitor from listed approved Archaeologist and CRM firms since they often work together. The County does not currently provide any repercussions for using a native American monitor not on its Native American consultants list.

The City of Goleta does not currently have a monitors list. The City of Goleta is part of the South County of Santa Barbara, and the parties on the County of Santa Barbara consultants list would be applicable. The City of Santa Barbara Monitors list would apply if the mechanism is to use historical nomenclature to define who qualifies. The whole coastal area from Gaviota to Rincon Pt is named for the Santa Barbara Spanish Mission lands and therefore the Chumash that descend from the coast line are called “Barbareño Chumash” so therefore the County of Santa Barbara and City of Santa Barbara both apply. The reason the city has 4 tribal groups listed for “consultation” is that they all have descendants from the Coastal region. The Barbareño, Coastal, Santa Ynez, and Ventureño Bands of Chumash Indians. Not all Chumash Monitors have descentance from the boundaries of the City of Santa Barbara but do have descent to the South County of Santa Barbara. The federally recognized tribe does not fall under historical nomenclature of the Santa Barbara mission lands, they fall under the Santa Ynez. A simple answer to define the mechanism for identifying which Chumash consultant/monitor is to use “of Chumash descent” like the City of Malibu does. This is clarified further on.



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Since the current supply of qualified Chumash Descent monitors/consultants are limited, it would only make sense to have the city create its own City-Qualified Native American consultant/monitor list.

Creation of a Native American consultation/monitors list.

To create a Native American consultant/monitors list would be very simple. The Native American Heritage Commission (NAHC) of California created a qualification list which is included at the end of this document. This document outlines all the needed requirements for inclusion to a Native American consultant/monitors list except for one. Chumash Descendancy would need to be clarified in order to maintain authentic qualifications to carry out monitoring services. This can be done by way of genealogical records, blood quantum test results, or verified historical documentation which is all used when determining in federal repatriation regulations. The city can also defer to other established organizations that have already verified descendants like the NAHC Most likely descendants list. (AB52 & SB18 list do not ask for genealogical records, blood quantum, or historical records. The city would be wise NOT to make Chumash descendancy mandatory to be from a specific geographical area like the City of Santa Barbara did by requiring descendants be from within the City boundaries. The reason for this is the last descendant from any Chumash Village within the City of Goleta Boundaries passed away in 2012. All other coastal Chumash descendants originate to villages outside of the City of Goleta's boundaries. In order to maintain local Native American consultant/monitors and long-term viability the best term to use would be "of Chumash Descent". This maintains cultural specification to just the Chumash community.

Once a Native American consultant/monitor has met the qualifications for inclusion to a "list" then the City can provide applicants/developers a list of City-Qualified Native American consultant/monitors of Chumash descent as many other government agencies do for other specialist groups like Biologist, or archaeologist. The Native American consultant/monitor then can contract directly with the applicant/developer as the on-site Native American consultant/monitor of Chumash descent. This also prevents circumvention of CRM firms collecting a profit for overhead by providing the archaeological survey work and including their favorite native American monitors as part of their bids for work.

The on-site Native American consultant/monitor of Chumash descent will be required to maintain daily field notes, photo logs and a final report for each project they are contracted for. All communications and documents of the on-site Native American consultant/monitor should be required to send copies to all the Tribal Groups above. This should be a requirement and condition for future inclusion to any "approved monitors list".

This will allow for proper coverage of Native American consultant/monitors and keep those who have documented records of Chumash Descent and qualifications to carry out the task of on-site work. Native American consultant/monitoring and the process of consultation will remain separate as it has always been and create a measure of accountability and transparency in the industry. The "consultation" tribes will work with the local government to create mitigation monitoring requirements and the on-site monitor will provide the on-site monitoring services to



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carry out the mitigation measures decided upon. Transparency is derived from this process and accountability to all Tribal groups.

Revision of "List of Terms",

- 20. Native American Consultant/Monitor. A person who is of Chumash Descent and is authorized to monitor construction activities and to serve as an on-site representative of the Chumash Community; has been trained to work around construction equipment; and has been trained to recognize potential Tribal Cultural Resources; maintains daily field notes, photo logs and preparation of a final report that will be distributed to local tribal groups.

As mentioned over the past 40 years most of the monitoring work has been conducted by a select few individuals who were not affiliated with any "tribal group". One of them passed away in 2012 and the other moved away making contracting a limited effort. Since then, most of the work conducted by Native American monitors have been done so as "independents". Individuals not affiliated with any Tribal group or on behalf of any tribal group, have carried out the much-needed work of providing the Monitoring services to CRM companies, development projects and residential home owners in order to preserve the resource. They have established contracts directly with developments while others have worked under CRM firms. Much like Archaeologist do, coastal Native American Chumash monitors carry out the specialist work for the discipline and preservation of the culture.

Thank you for your time and efforts in this matter.

*Best wishes, Frank Arredondo
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Native American Heritage Commission

Guidelines for Monitors/Consultants Native American Cultural, Religious and Burial Sites.

When developers and public agencies assess the environmental impact of their projects, they must consider "historical resources" as an aspect of the environment in accordance with California Environmental Quality Act (CEQA) Guidelines section 15064.5. These cultural features can include Native American graves and artifacts; traditional cultural landscapes; natural resources used for food, ceremonies or traditional crafts; and places that have special significance because of the spiritual power associated with them. When projects are proposed in areas where Native American cultural features are likely to be affected, one way to avoid damaging them is to have a Native American monitor/consultant present during ground disturbing work. In sensitive areas, it may also be appropriate to have a monitor/consultant on site during construction work.

A knowledgeable, well-trained Native American monitor/consultant can identify an area that has been used as a village site, gathering area, burial site, etc. and estimate how extensive the site might be. A monitor/consultant can prevent damage to a site by being able to communicate well with others involved in the project, which might involve:

1. Requesting excavation work to stop so that new discoveries can be evaluated;
2. Sharing information so that others will understand the cultural importance of the features involved;
3. Ensuring excavation or disturbance of the site is halted and the appropriate State laws are followed when human remains are discovered;
4. Helping to ensure that Native American human remains and any associated grave items are treated with culturally appropriate dignity, as is intended by State law.

By acting as a liaison between Native Americans, archaeologists, developers, contractors and public agencies, a Native American monitor/consultant can ensure that cultural features are treated appropriately from the Native American point of view. This can help others involved in a project to coordinate mitigation measures. These guidelines are intended to provide prospective monitors/consultants, and people who hire monitors/consultants, with an understanding of the scope and extent of knowledge that should be expected.





DESIRABLE KNOWLEDGES AND ABILITIES:

1. The on-site monitor/consultant should have knowledge of local historic and prehistoric Native American village sites, culture, religion, ceremony, and burial practices.
2. Knowledge and understanding of Health and Safety Code section 7050.5 and Public Resources Code section 5097.9 et al.
3. Ability to effectively communicate the meaning of Health and Safety Code section 7050.5 and Public Resources Code section 5097.9 et al. to project developers, Native Americans, planners, landowners, and archaeologists.
4. Ability to work with local law enforcement officials and the Native American Heritage Commission to ensure the return of all associated grave goods taken from a Native American grave during excavation.
5. Ability to travel to project sites within traditional tribal territory.
6. Knowledge and understanding of CEQA Guideline, Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines, and Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended.
7. Ability to advocate for the preservation in place of Native American cultural features through knowledge and understanding of CEQA mitigation provisions, as stated in CEQA Guidelines section 15126.4(b)(A)(B), and through knowledge and understanding of Section 106 of the NHPA.
8. Ability to read a topographical map and be able to locate sites and reburial locations for future inclusion in the Native American Heritage Commission's (NAHC) Sacred Lands Inventory.
9. Knowledge and understanding of archaeological practices, including the phases of archaeological investigation. Knowledge and understanding of archaeological practices, including the phases of archaeological investigation.

REQUIREMENTS:

1. Required to communicate orally and in writing with local Native American tribes, project developers, archaeologists, planners and NAHC staff, and others involved in mitigation plans.
2. Required to maintain a daily log of activities and prepare well written progress reports on any "findings" at a project site (i.e., human remains, associated grave goods, remains, bone fragments, beads, arrow points, pottery and other artifacts).
3. Required to prepare a final written report describing the discovery of any Native American human remains and associated grave goods, and their final disposition. This report shall contain at a minimum the date of the find, description of remains and associated grave goods, date of reburial, and the geographical location of reburial, including traditional site name if known. The report shall include a discussion of mitigation measures taken to preserve or protect Native American cultural features and, if applicable, a comparison with mitigation measures described in the environmental impact report. This report shall be submitted to NAHC after the completion of the project. Information from the report may be included in the NAHC Sacred Lands Inventory.
4. Ability to identify archaeological deposits and potential areas of impact.





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EXPERIENCE:

It is recommended that each monitor/consultant have experience working with Native American cultural features under the guidance of an archaeologist that meets the professional qualifications, as defined in the in the Secretary of the Interior's Standards and Guidelines for archaeology. Letters from an on-site archaeologist should be submitted with a copy of the archaeologist's resume.

Experience and knowledge regarding cultural, traditional, and religious practices can be gained by training from tribal elders. This experience and knowledge may be verified by the submission of such things as copies of contracts, reports, and letters from elders.

Formal education in an appropriate field, such as anthropology, archaeology, or ethnology, may be substituted for experience.

PREFERENCE:

It is recommended that preference for monitor/consultant positions be given to California Native Americans culturally affiliated with the project area. These Native Americans will usually have knowledge of the local customs, traditions, and religious practices. They are also aware of the local tribal leaders, elders, traditionalists, and spiritual leaders. Since it is their traditional area being impacted, culturally affiliated Native Americans have a vested interest in the project.



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October 24, 2021

From: Fermina B. Murray
442 Danbury Court
Goleta, CA 93117

To: Goleta City Planning Commission
130 Cremona Drive, Suite B
Goleta, CA 93117

Subject: Historic Preservation Ordinance - Project Materials

Dear Chair Katie Maynard and Commissioners:

First of all, I want to sincerely thank the Staff and the Planning Commission for all the long months of shaping this Ordinance. We are nearly at the finish line, and it is ever more important that you receive comments from the public. I request that you please kindly read my letter addressing concerns and questions about the Ordinance.

The City's first and highly anticipated Preservation Ordinance dealing with both Historic and Archaeological and Tribal Cultural Resources was sent out to the public four days ago, on Wednesday, October 20, 2021. The Ordinance materials are contained in large electronic files of more than 440 pages of regulations, processes, charts, diagrams, and historical context statements.

How can the City of Goleta in good conscience expect lay citizens of Goleta to read, digest, understand these materials in legalese language, and make useful comments within three business days and a weekend before the Planning Commission meeting on Monday, October 25, 2021?

This Preservation Project is being rushed through by Staff, where the Planning Commission is expected on Monday night to make final recommendations to the City Council for adoption of the Ordinance. It makes a mockery of the notion of citizen review and input when the meeting is virtually conducted and a speaker is given only 3 minutes to speak. There is not enough time to ask questions and clarifications from Staff prior the Planning Commission review.

Public Input

I am sorry to say that some of the most important public comments from historian Ronald Nye in his letter dated March 28, 2021 and my own letter dated, March 27, 2021 to the Planning Commission have not been incorporated into the Ordinance.

For example:

Staff report lacks any response or explicit reasons why a Goleta Historic Preservation Commission should be an Advisory Only Commission, rather than a stand-alone

Commission with real authority to administer the protection and preservation of both Historic and Archaeological and Tribal Cultural Resources, as spelled out in the Ordinance provisions.

As I have advocated in my previous letters to you, a strong Preservation Ordinance, such as the one before you, requires an equally strong Historic Preservation Commission to enforce its goals and policies, if the City is truly committed and seriously intends to protect and preserve its historic, archeological, and tribal cultural resources.

After all the long months of hard work of initiating the Historic Preservation Ordinance, why does the City turn around and weaken its bold accomplishments by creating an Advisory HPC that meets only once every two months? In considering the potential workload of the HPC, it is vital to recognize that huge numbers of the tract homes erected in Goleta in the 1950s, 60s, and 70s have achieved an age of 50 years or more. This means that major changes proposed to them have to be evaluated *by the HPC* in accordance with the terms of the Secretary of Interior's standards. These standards are indeed mentioned in the Ordinance because they are an important tool for treatment of historic resources.

Further, the Ordinance poses a grave problem for individual historic resources that are not eligible to become landmarks or contributors in a historic district. That is why historian Dr. Ronald Nye in his letter of 28 March 2021 to the Planning Commission states:

“Place of Historic Merit (PHM) Designation. This status would designate a property that is not as significant as a Landmark and would not offer the same protections as a Landmark designation [like the Stow House], but would nonetheless highlight a property that is worthy of recognition for its lesser but nonetheless important contribution as a visual, architectural, or biographical resource to the community.”

I would add that most of the 29 resources listed in the Historic Inventory meet the eligibility for Place of Merit status, rather than a Landmark, and certainly most of them are not clearly part of potential Historic Districts. These are rarified categories that are difficult to attain. The City would be leaving itself without a middle way category of designation that is commonly used in other communities.

Archaeology and Tribal Cultural Resources Section

The make-up of the Historic Preservation Commission in the Ordinance includes a Tribal Chumash member – so why do provisions regarding Archeological and Tribal Cultural Resources come under the control of the “Director” rather than the HPC with a qualified Chumash expert?

Protection of Trees is not in the Ordinance:

What happened to the protection of specimen trees and cultural landscapes? They are not found in the Ordinance.

Examples of significant specimen trees that need protection are The Daniel Hill Sycamore Witness Tree, dating to the 1850s, in Kellogg Square, Old Town Goleta. This tree should be given formal protection. There are also two Sycamores called “the Sisters” near the Witness Tree that Ken Knight, of Goleta Beautiful, identified as dating to the same era.

Definitions of Terms and Concepts

More thought should be given to providing definitions or explanations of technical and specialized words or terms used in the Ordinance. Examples of these would include:

Demolition-by-Neglect

The Secretary of Interior’s Standards for Treatment of Historic Resources

Major and minor soil disturbance

Minor Alteration

Major Alteration

Period of Significance

In closing, I request that the Planning Commission take its time to review the Ordinance materials and let the public have more time to review the complicated documents, and ask questions and clarifications from Staff and Consultants, with the intent that the final Ordinance be user-friendly, and that regular citizens wanting to improve their historic properties and better understand the importance of protecting archaeological and tribal cultural resources receive appropriate and comprehensible regulations containing clear guidance for them to proceed.

Thank you,

Fermina B. Murray

cc: Mayor Paula Perotte and City Council Members
 Lisa Prasse, Planning Manager
 Peter Imhof, Planning and Environmental Review Director
 The Goodland Coalition
 Ronald L. Nye

From: [Lisa Prasse](#)
To: [Kim Dominguez](#)
Subject: FW: Historic Preservation Ordinance
Date: Monday, October 25, 2021 9:30:46 AM

FYI

From: George Relles <grelles@gmail.com>
Sent: Monday, October 25, 2021 9:21 AM
To: Katie Maynard <kmaynard@cityofgoleta.org>; Jennifer Fullerton <jfullerton@cityofgoleta.org>; Sam Ramirez <sramirez@cityofgoleta.org>; asmith@cityofgoleta.org; Jennifer Smith <jsmith@cityofgoleta.org>
Cc: Paula Perotte <pperotte@cityofgoleta.org>; Peter Imhof <pimhof@cityofgoleta.org>; Lisa Prasse <lprasse@cityofgoleta.org>; Fermina Murray <ferminamurray@gmail.com>; Michelle Greene <mgreene@cityofgoleta.org>
Subject: Historic Preservation Ordinance

Dear Planning Commissioners,

I am writing to express my agreement with and support for all the comments Fermina Murray submitted to you regarding Goleta's proposed Historic Preservation Ordinance. Please consider continuing this item until you and the public have a greater opportunity to review the draft ordinance itself, especially in light of Fermina Murray's excellent observations and suggestions.

Thank you.

October 25, 2021

Subject: Public Comment on Historic Preservation Ordinance (Case Number 2016-092 OA)
City of Goleta Planning Commission
Hearing Date: October 25, 2021
Agenda Item: B.2

Dear Planning Commission Chair Katie Maynard, Vice Chair Jennifer Fullerton, Commissioner Sam Ramirez, Commissioner Alfred Smith, and Commissioner Jennifer Smith:

I am writing to provide comments on the subject Ordinance for your consideration. This is my first opportunity to comment on the ordinance publicly, as a resident of the City of Goleta (City), as I had been working as a Planner for the City of Goleta previously and recently accepted a Senior Planner position at another jurisdiction.

I am available to both City Staff and the Planning Commission if anyone desires to discuss these comments.

Section 1: Overview

In general, I encourage the protection of our historic, cultural, and tribal cultural resources; once these resources (particularly archaeological and tribal cultural resources) are lost, it is likely impossible to get them back. The City of Goleta has a rich tribal cultural history, and due to development completed decades ago, much of these resources have been lost. We must carefully protect those resources that remain.

With that said, protections must be prudently considered, and Ordinance language must be carefully crafted in a manner easily understood by the layperson, to prevent creating an undue burden on property owners - particularly the "every-day" residential and business property owner. Failure to do so will create wholly unnecessary frustration among our citizens, extensive additional work for City Staff, and directly encourage property owner non-compliance with the Ordinance.

Section 2: Chapter 17.43, Archaeological and Tribal Cultural Resources

Text Clarity and Native vs Disturbed Soil

It is absolutely critical that Section 17.43.020, Applicability, be clear and understandable to the layperson, not just City staff and those with knowledge of how to read an ordinance. Please consider the following examples:

1. Both 17.43.020(A)(2) and 17.43.020(A)(8) end in incomplete sentences. For each sub-paragraph, either a list that is supposed to follow is missing or the sentence is incorrect.
2. 17.43.020(A)(2) and 17.43.020(A)(6) appear to contradict one another. Subparagraph (A)(2) indicates that earth-disturbing work in non-native soil is exempt (completely, unless located within a documented resource), regardless of depth; Subparagraph (A)(6) instead indicates that

the applicant must demonstrate that the site is previously disturbed (e.g., by providing grading plans) and is exempt only to the depth of previous disturbance.

3. Regardless, the Ordinance must make it clear what must be done to demonstrate that a site is not native soil. (This is also discussed in the next section.) E.g.:
 - a. Will a photograph showing existing landscaping in a front or rear yard suffice?
 - b. At what point is a grading plan required?

On the Difficulty of Obtaining Grading Plans

In my experience, grading plans for most residences are not available, and if they are available, then finding them frequently requires a large amount of time by staff, specialized knowledge on how to perform permit history research, and access to all available all available tools. For example:

- The City frequently does not have approved Grading Plans for past projects.
 - For single-family dwelling projects approved by the County, there are virtually no such plans for single-family residential development at City Hall.
 - Even large, non-residential projects approved by the City in the last 10 years, including one at 909 S. Kellogg Avenue and another at 1 S. Los Carneros, do not have approved grading plans available at City Hall. These appear to have been “oversights” and it is not clear how many such “oversights” have occurred since City incorporation.
- Large-format sheets at the Santa Barbara American Institute of Architects (AIA) Archives are not available electronically, may not be available at all, and can cost hundreds of dollars to copy.

Additional Exemptions Must be Provided

The existing exemptions are far too narrow and additional exemptions must be provided. For example, as currently written, the Ordinance could be interpreted as requiring a property owner/applicant to provide a Grading Plan to demonstrate the depth to which existing soil has been disturbed. If this cannot be done, it could be assumed that existing soil is “native” and the property owner/applicant would be subject to the “Four Cubic Foot” rule. In this instance, planting a single medium-sized tree, installing new irrigation lines in a landscaped yard, and/or installing 2-4 5-foot tall fence posts would require a permit, which in turn would require a Preliminary Archaeological Assessment (PAA) (at a minimum).

The above scenario – requiring a permit prior to installing an otherwise exempt fence, irrigation line, or tree in an existing single-family residence’s front or back yard if grading plans are not available – is what staff were informed would indeed be the requirement during a staff meeting several months ago. Given staff’s response at the time, I was hopeful that the language in this revised Draft Ordinance would eliminate this possibility. Unfortunately, what is being proposed is far from clear.

In short: additional, common-sense exemptions must be provided, and language in the proposed ordinance changed, to prevent overburdening the “existing, everyday” homeowner attempting to complete both minor projects (e.g., fence, irrigation, and/or tree installation) and small projects (e.g., residential additions that involve foundation work). Please consider the following ideas, subject to input by subject matter experts and tribal leaders as it may be appropriate to strike, or add exceptions to, some of the following:

1. One person with knowledge on the matter has suggested that any tribal cultural resource located within a typical, existing lot previously developed for single-family use would be buried

at least six feet deep. If this is accurate, perhaps all ground-disturbing activities on such lots within the first three, four, or five feet should be considered exempt.

2. 17.43.030(A)(2) reads (in part, with emphasis added), “A Phase 1 Report shall be required when the proposed earth disturbing area is located within an area that is not paved, developed, or is not located in an ornamental landscaped area. *This applies even if the earth surface has sustained previous disturbances from grading, vegetation clearance, or other modifications.*” I believe this is going too far. For example (and while relatively rare in the City): if a property owner has a large lot and the back half has been graded but not otherwise developed, the property owner should not be required to get a permit or perform studies to plant a small number of trees in this generally undeveloped (but graded) area.
3. All exempt development listed in Section [17.53.020](#), Exempt Development, should be specifically included as exempt in Section 17.43.020(A) (One possible exception: if the project is located within an area containing documented resources.)

Note: some may suggest that development exempt under Section [17.53.020](#) would also be exempt from the requirements of Chapter 17.43, but this is not clear given the second sentence in Section [17.53.020](#):

Exempt development must still comply with all applicable regulations of this Title, all associated policies of the General Plan, all State or Federal laws and codes, as well as any applicable conditions of a previously approved permit for the subject property.

In conclusion, additional common sense is needed and must be explicitly and carefully described in the proposed Ordinance so that there is no room for confusion, misinterpretation, or misapplication of the exemptions or the requirements of non-exempt projects to avoid creating unexpected, undue, unnecessary, and significant burdens on property owners and applicants.

A Depth Exception to the City Exemption Should be Included

One exemption – sub-paragraph 17.43.020(A)(4), which reads “A city infrastructure project that does not involve earth disturbance beyond the footprint of the existing facility” – should include a reference to a maximum depth. Both sub-paragraphs (A)(5) and (A)(6) limit the exemption based on depth (emphasis added):

- (A)(5): A utility project within an existing road right-of-way *that does not exceed the depth of the lowest utility line found within the affected block of road right-of-way were* [sic] the project is located.
- (A)(6): The proposed earth disturbing area is located within a previously disturbed area where evidence, as documented in as-builts plans, previous grading plans, or other documentary evidence, is provided that *the previous earth disturbance affected depths equal to or greater than the development being considered.*

City Hall was constructed as one of five buildings in an office complex in the 1980s. There is a desire to add an elevator to City Hall someday, and all such projects (including one at one of the other four “sister” buildings) by private property owners have been required to comply with the site’s development plan and either perform the required studies, monitor the construction, and/or design the project to not exceed the existing depth of disturbance.

Similarly, some City roads traverse areas containing documented resources. It is not clear why future projects under existing City buildings and roads are not limited to a maximum depth of disturbance like any other project.

It is understandable that the City, particularly Public Works, will object to such a standard. However, given how much rich history has already been lost, I believe the City must not only abide by the same rules as everyone else but also set the example for this type of work.

Section 3: Include Consequences for Unpermitted, Non-Exempt Work

It is unclear to me what would happen in the event that a property owner performs unpermitted and non-exempt work. I strongly recommend that the language in the Ordinance identify penalties for such work that are robust enough to deter bad behavior. Unlike biological habitat, once archaeological/tribal cultural resources (and historic resources, to a lesser extent) are lost, they cannot be restored or recovered. Do not make it easy for people to disregard the requirements.

Similarly, the ordinance should also include provisions for public notification to help spread the word among residents and business owners. While “I didn’t know about the Ordinance” is not acceptable justification for not following the City’s Municipal Code, the City should also make regular public education efforts. For example:

- Staff preparation of a brochure within a specified period of time (perhaps three months) following adoption of the Ordinance. Post, and advertise, the brochure on the City’s website and at all public counters at City Hall.
- Annual publication (e.g., a “Did you know?” type article) in the City’s Monarch Press.
- Social Media and other standard information-spreading techniques regularly used by the City’s Public Information Officer.

Section 4: Attachment 5, Archaeological and Tribal Cultural Resources Decision Tree/Flow Chart

The Archaeological and Tribal Cultural Resources Decision Tree/Flow Chart is intended to make it easy to understand the process but instead is difficult to follow and makes the proposed Ordinance less comprehensible. For example:

1. Decision-making trees should have a single starting point. Attachment 5, however, appears to have three starting points: “Will the project result in earth-disturbing activities?”, “Is the project exempt per 17.43.020(A)?”, and “Is the earth-disturbing activity located in an area (including depth) that is not paved, developed, or ornamentally landscaped, and/or is an Extended Phase I Report recommended by a professional?”
→ Recommendation: Revise the tree to begin with a single box labeled “Start Here”.
2. End-points on Decision-Making trees should be immediately clear and text should identify how a project can, or must, proceed. In Attachment 5, none of the end-points are clearly differentiated and one apparent end-point concludes with a vague statement to “Proceed with the identified review process in Title 17 for the project.” Furthermore, end-state boxes should not overlap; instead, two apparent end-state boxes begin with “No further review [for archaeological and/or tribal cultural resources] is needed.”

→ Recommendations:

- Color-code all end-state boxes with the same shading.
 - Ensure the shading of the end-state boxes is different from all other non-end-state boxes.
 - Include a legend so the purpose of the shading is clear to the reader.
 - Consolidate, or differentiate, end-state boxes such that content is not duplicated.
 - It would also be helpful if the various “Prepare a [PAA/Phase I/Extended Phase I] Report” boxes were also shaded with a unique “Prepare a Report” color.
 - Likewise, boxes with Yes/No responses following could also have a collective and unique color, as could the Yes/No answers.
3. All non-end-state boxes that involve a yes or no decision must have both a “yes” and a “no” response. It appears three such boxes have only a “yes” or a “no” response (not both) following them: “Will the project result in earth-disturbing activities?”, “Is the project exempt per 17.43.020(A)?”, and “Is the earth-disturbing activity located in an area (including depth) that is not paved, developed, or ornamentally landscaped, and/or is an Extended Phase I Report recommended by a professional?”
- Recommendation: Ensure that each box that involves a “yes” or a “no” response has leads for both “yes” and “no.”
4. “And/or” must only be used when appropriate. For example, it seems the intent in “Is the earth-disturbing activity located in an area (including depth) that is not paved, developed, or ornamentally landscaped, and/or is an Extended Phase I Report recommended by a professional?” was for it to be an “or.” Using “and/or” introduces unnecessary ambiguity.
- Recommendation: Review every use of “and,” “or,” and “and/or” to ensure the appropriate word choice is used.
5. The direction of flow should be immediately apparent without having to read and understand the text in the boxes.
- Recommendation: Add arrows to clarify the direction into and out of every box. For example, an arrow pointing down into “Prepare a Phase I or Extended Phase I Report” and another arrow moving down into the next box in the chain.
6. Section references are helpful. Ideally, however, the reader would not have to refer to the cited Ordinance. For example, one box states “Is the project considered non-exempt development per 17.43.020(B)?”. Answering this question requires review of the ordinance.
- Recommendation: Add additional layers, as needed, to the tree to prevent the user from having to read the cited section of the ordinance.
7. Something seems to be missing from portions of the tree. For example, a “Yes” response following “Is the earth-disturbing activity located within a paved, developed, or ornamental landscaped area” flows to “Prepare a Preliminary Archaeological Assessment (PAA) or Extended Phase I Report”, which then immediately flows to “Does the PAA reveal that the proposed area

of disturbance contains or partially contains archaeological and/or tribal cultural resources and/or is an extended Phase I report recommended by a professional?”

→ Questions to be resolved:

- Given the proposed code, as well as the recommended changes above, is it appropriate for the second box referenced above to reference an Extended Phase I? Should the second box in the above series instead solely reference a PAA?
- Under what circumstances would a project that is located within a paved, developed, or ornamental landscaped area go straight to an extended Phase 1 study? This should be included in the tree, likely as additional yes/no questions.
- Given both PAAs and Extended Phase 1 studies are included, why is a standard Phase I not included? Is there any scenario in which a Standard Phase I study would be the appropriate result from a “yes” response in this series? If so, add it to the tree.

Section 5: Chapter 17.33, Historic Resources

Given the time allowed for public review, the only comment I can provide regarding Chapter 17.33 is this:

Most of the City’s single family housing stock is over 50 years old. Historic resource protections must not be imposed upon the property owners of relatively standard, 1960s and 1970s-era track developments in the City without the consent of the property owner. If there is any way to construe the language in the proposed Ordinance to require protections for such standardized track homes, it should be revised.

Section 6: Project Process

Public Notification

I believe the public notification process followed the requirements enumerated in Section [17.52.050](#), Public Notification, of the Goleta Municipal Code. However, I do not think the process meant the intent of Public Notification. For example:

- The City Council requires that large packets be released early to allow for additional public review. The packet for this Planning Commission hearing is nearly 450 pages and appears to have the potential to significantly impact even minute development (installing a fence or irrigation lines, or planting trees) on every property in the City. This packet was released late in the day on Thursday, 10/21/2021, giving residents only two business days and two weekend days to review and provide comment.
- Staff were out of the office on Thursday and Friday, 10/21-22/2021, and no replacement able to discuss the project was identified. This made it impossible to discuss questions with staff ahead of preparing these comments over the weekend.
- The City’s website identifying all public hearings for this project was not updated; it continues to reference the August 23, 2021 hearing as the latest: <https://www.cityofgoleta.org/projects-programs/historic-preservation/news-outreach/meetings-workshops>.

- On several occasions, the City's Public Information Officer (PIO) has offered to Planning Staff to help spread the word on public hearings that may be of particular interest to the public, including the questions, issues, and/or consequences (refer to the next section – Staff Report Content) at hand. Planning Staff should accept her offer of support so that the public can provide input on the proposed Ordinance proactively, instead is reactively after the Ordinance is adopted.

Staff Report Content

Additionally, the Staff Report must describe the potential consequences of adopting the ordinance as proposed. For example:

- What types of documented resources might still be impacted?
- Can anything be said to characterize the potential risk of impacting undocumented resources?
- If the intent is indeed to require a permit prior to installing an otherwise exempt fence, irrigation line, or tree in an existing single-family residence's front or back yard if grading plans are not available, this must be clearly stated and the consequences carefully considered. For example:
 - How many properties existing in the City, by zoning type?
 - How many of these properties (by zoning type) does the City have Grading Plans?

I recognize that the answer to the last question (i.e., how many properties have grading plans) above would require an unfathomable amount of Staff time to thoroughly research. In lieu of answering that question, the following process should be used to characterize the level of effort that would be required of a property owner to proceed with an otherwise minor project such as planting a tree. (Note: If this process seems overly burdensome for professional staff prior to adopting the ordinance, consider how burdensome it would be for every property owner to go through the required process on their own):

- For each zoning type, randomly choose at least 10 properties developed during each decade (1960s to today). This represents a tiny fraction of the properties in the City.
 - For each property, document how much time it takes to thoroughly perform all permit history research utilizing only the resources that are publicly available (e.g., as if a property owner were to perform the permit history research). State the amount of time spent searching and whether the necessary documents/plans were found.
 - If the necessary documents/permits are not found during the preceding step, continue the search using all available resources available to staff. Report how much time is spent for each property and whether the necessary documents/permits are were found.
- The Staff Report should also make it clear whether Property Owners/applicants will be charged staff time for performing this permit history research. (Note: typically, staff time must be paid (at a rate of over \$230 per hour) by the interested party for extended permit history research.)
 - Assuming staff time would be charged, the Staff Report should then identify the average amount a property owner or applicant would be charged (by zoning designation and decade in which the property was developed) to perform permit history research
 - The report should also identify the % chance of successfully finding the necessary documentation/grading plans.

- The report should also identify:
 - The average cost (based on estimates from at least three professional archaeologists) to have a professional archaeologist prepare the necessary studies in the event that the permit history research is unsuccessful.
 - The average cost (based on estimates from at least three professional archaeologists and three tribal cultural monitors) to have monitoring performed in lieu of performing studies. (Note: for one project at 1 S. Los Carneros Road, it was suggested that applicant simply have the minor earthwork monitored in lieu of preparing a report as this was likely the most cost-effective way to abide by Development Plan Conditions of Approval given that no Grading Plans were available).

Providing the above analysis should help paint a relatively clear picture of how much it would cost a property owner/applicant to perform permit history research or have the necessary studies (or monitoring in lieu of studies) to complete a minor project.

Last, I would like to specially request that Staff ensure at least one property within the Second University Village HOA and east of Tecolote Creek (i.e., Evanston Place, Fordham Place, and Georgetown Road) be included in the above permit history research. With all the knowledge about how to perform permit history research, and with access to every tool available, I was unable to find the Development Plan (or any associated plans) for these properties despite intense search effort (on personal time) during the four years I served as a City Planner.

Section 7: Additional Time is Needed for Public Review

The comments provided herein are based on a brief review of small portions of the 448-page project packet. Comments are also provided without the benefit of reviewing the history of the project to date. The situation is further hampered by other issues noted in the “Project Process” section above. As such, this is the best that I can offer at this time and it is possible that a more complete review, and/or a deeper understanding the project’s history, would resolve some of the issues identified herein. However, it seems unlikely that this would resolve all issues identified above.

Furthermore, given the limited time available for public review and comment, it should be noted that I chose to focus my effort on a small portion (approximately four pages) of Chapter 17.44 (the Archaeological and Tribal Cultural Resources Ordinance). Given the number of issues identified in this relatively small, and critically important, section of Chapter 17.44, I am very concerned that there may be additional issues yet to be identified and resolved in the remainder of the nearly 450-page packet, including Chapter 17.33, Historic Resources.

For the reasons above, additional time should be allowed for public review.

Section 8: Conclusion

It is fantastic that the City is working to develop an ordinance to protect both historic and archaeological/tribal cultural resources, and the effort to date has been extensive. This project is a truly “heavy lift” and staff are to be commended for bringing it this far.

Moving forward, I encourage the Planning Commission to continue working through the process to resolve the issues identified above. Furthermore, I encourage staff to utilize a more inclusive – and

thorough – process to provide sufficient analysis of the proposed Ordinance, eliminate even the appearance of an oversight, and allow sufficient time for meaningful public comment. If this is done, and if the proper “carrots” (e.g., exemptions) and “sticks,” (e.g., consequences for bad behavior) are included, I believe the proposed ordinance amendments will do what they are intended to do and will be ready for approval by the City Council.

Respectfully,

Chris Noddings

City of Goleta Resident

*pdf follows with highlights and comments

From: Wendy Teeter <WTeeter@santaynezhumash.org>

Sent: Saturday, October 23, 2021 7:24 PM

To: Lisa Prasse <lprasse@cityofgoleta.org>

Cc: Kelsie Shroll <kshroll@santaynezhumash.org>; Helen Rubio <hrubio@santaynezhumash.org>; Sam Cohen

<scohen@santaynezhumash.org>; Nakia Zavalla <NZavalla@santaynezhumash.org>; Kim Dominguez <kdominguez@cityofgoleta.org>

Subject: RE: Amendments Title 17 Establish Historic Preservation Archaeological and Tribal Cultural Resource Ordinance-

Case No. 16-092-OA

Dear Lisa,

Thank you for these documents. I have attached my suggestions and comments so they are documented before the meeting. I look forward to speaking with you as well.

Sincerely,

Wendy Giddens Teeter, PhD, RPA

Cultural Resources Archaeologist | Elders' Council and Culture Department

Santa Ynez Band of Chumash Indians

wteeter@santaynezhumash.org

ORDINANCE NO. 21-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, ADDING CHAPTER 2.16, ENTITLED HISTORIC PRESERVATION COMMISSION, CHAPTER 17.33, ENTITLED HISTORIC RESOURCE PRESERVATION, CHAPTER 17.43, ENTITLED ARCHAEOLOGICAL AND TRIBAL CULTURAL RESOURCES, AND VARIOUS AMENDMENTS TO TITLES 12 AND 17 OF THE GOLETA MUNICIPAL CODE; CASE NO. 16-0920A

SECTION A. RECITALS

1. California Government Code Sections 65850 and 37361 enable city legislative bodies to provide for “the protection, enhancement; perpetuation, or use of places, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value”; and
2. Historic and cultural resources are important to the City of Goleta as encapsulated within the Visual and Historic Resources Element of the City’s General Plan/Coastal Land Use Plan; and
3. The City has conducted 15 public workshops and public hearings over the course of three years in the development of an ordinance to preserve historic resources (“Ordinance”) and associated Historic Context Statement; and
4. On December 14, 2020, March 29, 2021, June 21, 2021, August 23, 2021, and October 25, 2021, the Planning Commission of the City of Goleta conducted noticed public hearings, at which time all interested parties were heard, and the Planning Commission recommended that the City Council of the City of Goleta adopt the Ordinance; and
5. On _____, 2021, the City Council of the City of Goleta conducted a noticed public hearing, at which time all interested parties were heard.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GOLETA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION B. Recitals

The City Council hereby finds and determines that the foregoing recitals, which are incorporated herein by reference, are true and correct.

SECTION C. Findings for Ordinance

Pursuant to subsection 17.66.050(B) of the Goleta Municipal Code, the City Council makes the following findings:

1. The amendment is consistent with the General Plan, the requirements of State planning and zoning laws, and Title 17 of the Goleta Municipal Code.

The Ordinance, which amends the Goleta Municipal Code Title 17, is consistent with all applicable provisions of the City's General Plan for the preservation of historic and cultural resources throughout the City. Furthermore, the provisions of this Ordinance will implement many of the policies and implementation measures of the Visual and Historic Resources Element. The processing of the Ordinance was conducted in compliance with the codified regulations of Title 17 Chapter 17.66 (Amendments to Zoning Regulations and Zoning Map) of the Goleta Municipal Code. Therefore, this finding can be made.

2. The amendment is in the interests of the general community welfare.

The Ordinance A, which amends Goleta Municipal Code Title 17, will allow the City to continue to effectively exercise its police power rights over privately-owned real property. These police power rights ensure the City's ability to implement the goals, objectives, and policies of the General Plan, which protect the health, safety, and general welfare of the community. Therefore, the Ordinance is in the interest of the general community welfare and this finding can be made.

3. The amendment is consistent with good zoning and planning practices.

The Ordinance A, which amends Goleta Municipal Code Titles 2 and 17, will help the City continue to implement the community goals, objectives, and policies of the General Plan. Furthermore, the Ordinance will enable the City to have better control over existing and future land uses and development on real property in regard to historic and cultural resources throughout Goleta and ensure full compliance with State law controlling the review of certain types of development. Therefore, the Ordinance is consistent with good zoning and planning practices and this finding can be made.

SECTION D. Environmental Assessment

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 Ordinance proposed do not, by itself, 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 proposed Ordinance is exempt from CEQA review.

SECTION E. Title 2 of the Goleta Municipal Code, Administration and Personnel is amended to add Chapter 2.16 entitled Historic Preservation Commission, to read in its entirety:

Chapter 2.16 Historic Preservation Commission

Sections:

2.16.010	Purpose
2.16.020	Created
2.16.030	Members
2.16.040	Appointment
2.16.050	Qualifications of Members
2.16.060	Term of Office
2.16.070	Removal from Office
2.16.080	Vacancy
2.16.090	Organization
2.16.100	Meetings
2.16.110	Compensation
2.16.120	Responsibilities

2.16.010 Purpose.

The purpose of the Historic Preservation Commission is to act as an advisory body to the staff, the Design Review Board, and City Council on all matters pertaining to historic preservation.

2.16.020 Created.

A Historic Preservation Commission for the City is created.

2.16.030 Members.

The Historic Preservation Commission shall consist of five members.

2.16.040 Appointment.

The Mayor shall, in his or her discretion and subject to City Council approval, appoint the members.

2.16.050 Qualification of Members.

- A. The Historic Preservation Commission shall be composed of professional and lay members with demonstrated interest, competence, or knowledge in historic preservation. Historic Preservation Commission members may be appointed from among the disciplines of architecture, history, architectural history, planning, archaeology, or other related disciplines, such as American studies, landscape architecture, cultural geography, or cultural anthropology, to the extent that such professionals are available in the community. Historic Preservation Commission membership may also include lay members who have demonstrated special interest/expertise, competence, experience, or knowledge of Goleta history and historic preservation, and/or are members of local Chumash tribal group(s).
- B. A majority of the members shall be residents of the City during incumbency.

2.16.060 Term of Office.

- A. The members of the first appointed Historic Preservation Commission shall so classify themselves by lot that one of their number shall term out of office on June 30, 2021, two on June 30, 2022, and two on June 30, 2023.
- B. Terms shall be for four years thereafter, with no limit on the number of terms to which members may be appointed.
- C. Members shall serve until their successor has been appointed.

2.16.070 Removal from Office.

A Historic Preservation Commission member is automatically removed from office if the member is absent from three consecutive regular meetings of the Historic Preservation Commission. A member shall serve at the pleasure of the Mayor and may be removed by the Mayor at any time without cause. The member may also be removed by a majority vote of the City Council at any time and for any reason.

2.16.080 Vacancy in Office.

Vacancies, other than by expiration of a term, shall be filled by appointment by the Mayor subject to City Council approval and shall serve the remainder of the previous term.

2.16.090 Organization.

- A. Each calendar year, at its first regular meeting or as soon as practicable thereafter, the Historic Preservation Commission shall elect from its membership a Chair and a Vice-Chair.
- B. The Historic Preservation Commission shall adopt rules for the transaction of its business. It shall also keep a public record of its resolutions, transactions, findings, and determinations.
- C. The Planning and Environmental Review Director or designee shall serve as the Secretary to the Historic Preservation Commission and shall have no vote.

2.16.100 Meetings.

The Historic Preservation Commission shall hold at least one regular meeting every other month subject to the agenda calendar.

2.16.110 Compensation.

The City Council may establish by resolution the compensation to be paid to members of the Historic Preservation Commission.

2.16.120 Responsibilities.

The Historic Preservation Commission shall have such duties as are prescribed in Section 17.50.080.

SECTION F. Chapter 17.29, entitled Demolition, Relocation and Loss of Dwelling Units of Title 17, is amended as follows:

17.29.010 Applicability

No structure in the City may be demolished, removed, or relocated, except as authorized under the provisions of this chapter and no dwelling units may be lost except in compliance with Section 17.29.030.

- A. **Removal Considered Development.** For purposes of this chapter, the removal of a structure for relocation to another lot is considered a demolition on the origin site and new development on the receiving site. Structures may be relocated subject to the requirements of Section 17.29.050, Relocation of Structures.
- B. **Exemptions.** The following structures are exempt from the provisions of this chapter, except for subsection 17.29.030 (B):

1. Any building, structure, object, or site that is less than 50 years old that is not:
 - a. Located within the Coastal Zone or within the Old Town Heritage Overlay District; or
 - b. A historic resource; or
 - c. Identified as a historical resource under the California Environmental Quality Act (CEQA).
2. Any building structure, object, or site that is 50 years or more in age that is not a historic resource
3. Notwithstanding anything to the contrary, if a building, structure, or object is determined by the City's Building Official to be unsafe, presents a public hazard, is not securable, or is in imminent danger of collapse so as to endanger persons or property, it must be demolished. The Building Official's determination in this matter will be governed by applicable law.

17.29.020 Permit Requirements

Demolition or relocation of historic resources subject to this chapter must obtain the following permit types:

- A. **Coastal Zone.** All buildings, structures, or objects proposed for demolition or relocation that are located on property within the Coastal Zone of the City are subject to the permit requirements of Chapter 17.61., Coastal Development Permits.
 1. **Exception.** Demolition or relocation of any historic resource requires the approval of a Major Conditional Use Permit.
- B. **Inland Area.** All buildings, structures or objects proposed for demolition or relocation that are located on property within the Inland Area of the City are subject to the following:
 1. **Zoning Clearance.** Any demolition of a structure that is 50 years or more in age and is neither a historic resource nor within a buffer of any other protected resource (e.g., ESHA, Cultural, oak tree CRZ, etc.) and structures less than 50 years in the Old Town Heritage Overlay District.
 2. **Land Use Permit.** Any demolition of a structure that is 50 years or more in age and is not a historic resource but is within the buffer area of a protected resource.
 3. **Discretionary Action.** A discretionary action is required under the following circumstances:
 - a. Any demolition associated with a permit application that involves other development that requires discretionary review and approval. The demolition must be concurrently processed as part of the overall project.
 - b. Historic Resources. Demolition or relocation of any historic resource requires the approval of a Major Conditional Use Permit.

17.29.030 Loss of Dwelling Units

- A. **Demolition of Multi-Unit Dwellings.** The City will not allow the demolition of any multiple unit dwelling structures unless the project will create at least as many residential dwellings as will be demolished, or the building or structure is exempt from this requirement pursuant to Section 17.29.010, Applicability.
- B. **Loss of Residential Units.** In accordance with Government Code Section 66300(d), no housing development project, as defined by California Government Code Section 65589.5(h)(2), that will require the demolition or other loss of legally established residential dwelling units shall be approved unless the project will create at least as many residential dwellings as will be demolished or otherwise lost. When this subsection applies, all applicable requirements of Government Code Section 66300(d) must be met.
- C. **Timing of Replacement.** The City shall not issue a Certificate of Occupancy for any other Building Permits for the project until all Certificates of Occupancy have been issued for the replacement unit(s). (Ord. 20-09 § 5; Ord. 20-03 § 6)

17.29.040 Relocation of Structures

Structures may be relocated within the City if the following requirements are met:

- A. The relocated structure must comply with all regulations of this Title, including all applicable development standards for the base zoning district of the property upon which the structure is proposed to be relocated.
- B. Prior to relocating oversized structures using the public roadway, the approval of a City Encroachment Permit or a Single Trip Transportation Permit is also required by the Public Works Department. (Ord. 20-09 § 5; Ord. 20-03 § 6)

SECTION G. Chapter 17.33 Historic Resource Preservation of Title 17 is added as follows:

Chapter 17.33 Historic Resource Preservation

Sections:

- 17.33.010 Purpose
- 17.33.020 Applicability
- 17.33.030 Historic Resources Inventory
- 17.33.040 Historic Landmarks
- 17.33.050 Amendment to or Rescission of the Status of an individual Historic Resource
- 17.33.060 Historic Districts
- 17.33.070 Points of Historical Interest
- 17.33.080 Design Review of Alterations to Historic Resources
- 17.33.090 Demolition of Historic Resources
- 17.33.100 Review of Projects Affecting City-Owned Historic Resources
- 17.33.110 Mills Act Property Tax Abatement Program
- 17.33.120 Maintenance of Historic Resources

17.33.010 Purpose

The purpose of this Chapter is to provide for the recognition and preservation of historic resources that reflect the social, cultural, historical, and architectural heritage of the City by establishing procedures and regulations that are necessary to:

- A. Assist the City in identifying and protecting its historic resources;
- B. Encourage public education and appreciation of the City's heritage;
- C. Ensure that new development maintains continuity with the City's historic character and scale;
- D. Maintain historic resources as community assets;
- E. Integrate the preservation of historic resources into the public and private development process;
- F. Implement the goals and policies of the Visual and Historic Resources Element of the General Plan; and
- G. Fulfill the City's responsibilities under applicable state and federal laws, including the California Environmental Quality Act (CEQA), and Section 106 of the National Historic Preservation Act (NHPA).

17.33.020 Applicability

The provisions of this Chapter apply to historic resources located within the City.

17.33.030 Historic Resources Inventory

- A. **Establishment.** The City shall create and maintain a list of properties known as the Historic Resources Inventory (HRI) adopted by City Council Resolution. The HRI shall collectively consist of buildings, structures, objects, or sites that satisfy one or more of the following:
 - 1. Are identified as potentially eligible for designation through historic resources survey or other evaluation conducted by a Qualified Preservation Professional using accepted professional practices and formally adopted for inclusion on the HRI by the City Council; or
 - 2. Are listed in or formally determined eligible for listing in the National Register of Historic Places or the California Register of Historical Resources, either individually or as a Contributor to a designated Historic District; or
 - 3. Are designated as a County of Santa Barbara Landmark or County of Santa Barbara Place of Historic Merit; or
 - 4. Are designated Historic Landmarks or contributors to designated Historic Districts by the City Council.
- B. **Purpose.** The HRI may be used for reference for future determinations for the designation of Historic Landmarks or Historic Districts, and for evaluating proposed alterations to or demolition of historic resources.

17.33.040 Historic Landmarks

- A. **Criteria for Designating a Historic Landmark.** A building, structure, object, or site shall be designated a Historic Landmark, if the City Council finds that the following criteria are met:
1. The proposed Historic Landmark is at least 50 years old or exhibits Exceptional Importance; and
 2. The proposed Historic Landmark meets one or more of the following:
 - a. The proposed Historic Landmark 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; or
 - b. The proposed Historic Landmark is associated with persons significant in local, State, or national history; or
 - c. The proposed Historic Landmark embodies distinctive characteristics of a style, type, period, or method of construction, or is an example of the use of indigenous materials or craftsmanship, or it is a significant example of the work of a notable builder, designer, or architect; or
 - d. The proposed Historic Landmark has yielded or has the potential to yield, information important to the history or prehistory of the City, State, or nation.
 3. The proposed Historic Landmark retains those aspects of historic integrity that convey the reason for its significance.
- B. **Procedure for Designating a Historic Landmark.** The designation of Historic Landmarks shall be processed in the following manner:
1. ***Application.*** A nomination for designation as a Historic Landmark may be initiated by any resident of the City. If the Applicant is not the Property Owner, the Director shall, within 10 days of receipt of the nomination, notify the Property Owner in writing that a nomination for designation has been submitted.
 2. ***Historic Preservation Commission Hearing.*** The Director shall schedule a public hearing before the Historic Preservation Commission on nominations for Historic Landmark designation within 90 days of the application being deemed complete, or as reasonable. The Historic Preservation Commission shall make a recommendation to the City Council on the listing of the property for Historic Landmark designation based on the criteria for designating a Historic Landmark.
 3. ***Interim Protection.*** No on-site activities, other than routine maintenance and repair, that could affect any character-defining feature or the historic integrity of the proposed Historic Landmark, shall be permitted during the time period from nomination submittal through City Council consideration.
 4. ***City Council Hearing.*** As soon as is feasible after receiving the recommendation of the Historic Preservation Commission, the City Council shall consider the proposed Historic Landmark

designation. Within 180 days from the application being deemed complete, the City Council must decide on the proposed designation. Failure by the City Council to act within 180 days will result in the nomination request being automatically denied without prejudice.

5. **Notice of Designation.** If the City Council approves a proposed Historic Landmark designation, notice of the City Council's decision shall be sent to the Applicant and Property Owner.

- C. **Automatic Designation of Historic Landmarks.** Any property in the City listed in the National Register of Historic Places, the California Register of Historical Resources, or as a County of Santa Barbara Historic Landmark or County of Santa Barbara Place of Historic Merit as of January 1, 2021, shall be automatically designated a City Historic Landmark.

17.33.050 Amendment to or Rescission of the Status of an individual Historic Resource

- A. **Procedure.** Amendment to or rescission of the status of an individual historic resource shall be processed in the same manner as provided for in Section 17.33.040(B).
- B. **Required Findings.** In order to amend or rescind a Historic Landmark designation, or remove or amend a historic resource listed in the HRI, the City Council must make the finding that the historic resource no longer meets the finding for designation or inclusion in the HRI due to:
 1. New information that was not available at the time of the evaluation or historic designation that compromises the historic significance of the property; or
 2. Destruction of the historic resource through a catastrophic event that has rendered the building, structure, or object a hazard to public health, safety, or welfare; or
 3. Demolition of the historic resource.

17.33.060 Historic Districts

- A. **Criteria for Designating a Historic District.** A contiguous grouping of properties that relate to each other in a distinguishable way or in a geographically definable area shall be designated as a Historic District, if the City Council finds that the grouping of properties meets the following criteria:
 1. It possesses a significant concentration of properties united historically or aesthetically by plan or physical development; and
 2. It meets one or more of the criteria for designation in Section 17.33.040(A)(2); and
 3. A minimum of 60 percent of the properties within the proposed Historic District are identified as Contributors to the Historic District's significance; and
 4. The Historic District collectively retains those aspects of historic integrity that convey the reason for its significance.

- B. **Criteria for Identifying Contributors to a Historic District.** The City Council designation of a Historic District shall include a list of contributing properties within the Historic District. All contributors must satisfy the following three requirements:
1. The property adds to the historic associations or historic architectural qualities for which the Historic District is significant; and
 2. The property was present during the period of significance for the Historic District; and
 3. The property retains sufficient historic integrity to convey its significance.
- C. **Procedure for Designating a Historic District and Contributors.** The designation of Historic Districts and contributors shall be processed in the following manner:
1. **Application.** A nomination for designation of a Historic District may be initiated by any resident of the city.
 2. **Owner Consent.** At the time the nomination is submitted, the Applicant shall submit documentation by letter or petition that a minimum of 51 percent of the Property Owners within the proposed Historic District support the nomination.
 3. **Owner Notification.** The Director shall, within 10 days of receipt of a nomination, notify all Property Owners within the proposed Historic District in writing that a nomination for designation has been submitted.
 4. **Historic Preservation Commission Hearing.** The Director shall schedule a public hearing before the Historic Preservation Commission on nominations for Historic District designation within 90 days of the nomination being deemed complete, or as reasonable. The Historic Preservation Commission shall make a recommendation to the City Council on the eligibility of the potential Historic District and the list of contributors for historic designation based on the criteria for designating a Historic District and the criteria for identifying contributors.
 5. **Interim Protection.** No on-site activities, other than routine maintenance and repair, that could affect any character-defining feature or the historic integrity of any property within the potential Historic District, shall be permitted during the time period from nomination submittal through City Council consideration.
 6. **City Council Hearing.** As soon as is feasible after receiving the recommendations of the Historic Preservation Commission, the City Council shall consider approval of the Historic District and the specific contributors within the Historic District. Within 180 days from the nomination being deemed complete, the City Council must decide on the proposed designation. Failure by the City Council to act within 180 days will result in the nomination request being automatically denied without prejudice.
 7. **Notice of Designation.** If the City Council approves a proposed Historic District designation, notice of the City Council's decision shall be sent to the Applicant and all Property Owners within the Historic District.
- D. **Amendment or Rescission of a Historic District Designation.**

1. **Procedure.** Amendment to or rescission of the status of a Historic District shall be processed in the same manner as provided for in Section 17.33.060(C).
2. **Required Finding.** In order to rescind or amend the designation of a Historic District or a contributor, the City Council must make at least one of the following findings:
 - a. New information that was not available at the time of the historic designation compromises the historic significance of the Historic District or the contributor; or
 - b. Destruction of the Historic District or contributor through a catastrophic event has rendered it a hazard to public health, safety, or general welfare; or
 - c. A contributor has been demolished or relocated outside of the Historic District.

17.33.070 Points of Historical Interest

- A. **Criteria for Identifying a Point of Historical Interest.** A building, structure, object, or site may be identified as a Point of Historical Interest, which is not a historic resource, 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 or has been altered, but was associated with historic events or important persons, or otherwise has significant cultural or historic significance; or
 2. It is the site of a historic event which has no distinguishable physical characteristics.
- B. **Procedure for Identifying a Point of Historical Interest.** A Point of Historical Interest shall be identified by the Historic Preservation Commission in the manner identified in Section 17.33.0470(A)(1-2) and adopted by the City Council. The Historic Preservation Commission shall maintain the listing of identified Points of Historical Interest.
- C. **Rescission of a Point of Historical Interest.** Rescission of the listing of a Point of Historical Interest shall be processed in the same manner as the original identification and shall be based on a determination that the criterion of original identification is no longer met.

17.33.080 Design Review of Alterations to Historic Resources

This Section establishes the review process for proposed alterations to historic resources.

- A. **Compliance with Section.** It shall be unlawful for any person, Property Owner, or entity to alter any historic resource directly or indirectly except as provided herein. Alterations to historic resources to add an attached Accessory Dwelling Unit are subject to the requirements of Section 17.41.030(F)(8) only.
- B. **Alterations that are Exempt from Design Review.** The provisions for the Design Review of proposed alterations to historic resources shall not be construed to prevent ordinary maintenance and repair which does not change the design, materials, architectural features, or character-defining features of

a historic resource. The exemptions outlined in Section 17.58.020 apply to historic resources, with the following exceptions:

1. The proposed alteration will affect an identified character-defining feature of the historic resource.
2. All proposed additions to historic resources are subject to Design Review.

C. Criteria and Procedure for Director Review of Alterations.

1. **Required Findings.** The Director shall approve the plans and Design Review Board review is not required if the following findings are made:
 - a. The proposed alteration is minor and clearly meets any applicable design guidelines adopted by the City Council; or
 - b. In the absence of applicable design guidelines, the proposed alteration is minor and clearly meets the relevant Secretary of the Interior's Standards for the Treatment of Historic Properties; and
 - c. The proposed alteration will not diminish, eliminate, or adversely affect the character, character-defining features, or historic integrity of the historic resource; and
 - d. Any changes to the proposed alteration requested by the Director are agreed to by the Applicant.
2. **Changes to the Plans.** No changes shall be made to the project once the Director has approved the plans without resubmitting to the Director for approval of the changes.

D. Criteria and Procedure for Historic Preservation Commission and Design Review Board Review of Alterations.

1. **Historic Preservation Commission Review.** The review and decision on the design review for projects involving historic resources will be undertaken by the Design Review Board as outlined in Section 17.58.060, with a recommendation from the Historic Preservation Commission. The Historic Preservation Commission will review the application materials and make a recommendation to the Design Review Board for consideration prior to Preliminary Review as outlined in subsection 17.58.060(B).
2. **Required Findings.** The Historic Preservation Commission shall make recommendations, and the Design Review Board shall decide based on one of the following findings:
 - a. The proposed alteration is found to be consistent with any applicable design standards or guidelines adopted by the City Council; or
 - b. In the absence of applicable design standards or guidelines, the proposed alteration is found to be consistent with the relevant Secretary of the Interior's Standards for the Treatment of Historic Properties; or
 - c. There is sufficient evidence, including evidence provided by the Applicant, that denial of the proposed alteration would cause an immediate hardship because of conditions unique to the specific property.

17.33.090 Demolition of Historic Resources

- A. **Process.** Demolition of a historic resource may be permitted only with the issuance of a Major Conditional Use Permit unless determined necessary by the Building Official as outlined in subsection 17.29.010(B)(3).
- B. **Additional Requirements.** The Applicant shall submit a cost analysis for the rehabilitation and reuse of the property and a report by a structural engineer on the feasibility of relocation.
- C. **Findings.** The findings of Section 17.52.070 are not applicable for the demolition of a historic resource. In order to approve the demolition of a historic resource, the Historic Preservation Commission must make a recommendation, and the Planning Commission must decide, based on the following findings:
1. The proposed action is consistent with the intent of this Ordinance and is supportive of the identified goals and policies of the General Plan; and
 2. Any significant environmental impacts are mitigated to the maximum extent feasible; and
 3. The demolition will not have a significant negative effect on the achievement of the purposes of this Title; and
 4. One of the following:
 - a. The potential negative effects are outweighed by the benefits of the associated replacement project, as applicable; or
 - b. There is sufficient evidence, including evidence provided by the Applicant, that the historic resource retains no reasonable economic use and retention of the historic resource would cause undue economic hardship, considering the historic resource's condition, location, the current market value, and the costs of rehabilitation to meet the requirements of the building code or other City, state, or federal law; or
 - c. There is sufficient evidence, including evidence provided by the Applicant, that relocation of the historic resource is infeasible; or
 - d. The demolition is necessary to protect or promote the health, safety, or welfare of the residents of the city, including the need to eliminate blight or nuisance, or correct an unsafe or dangerous condition of the property.
- D. **Demolition of Potential Historic Resources.** If structure is more than 50 years old but not listed in the HRI is proposed for demolition, the Director may require a historic resources assessment report prepared by a Qualified Preservation Professional to determine whether the real property should be considered for potential inclusion in the HRI and therefore subject to the provisions of 17.33.040(A-C).
- E. **Demolition Permits.**
1. Zoning Permit associated with the demolition of a historic resource shall not be issued until development plans for that site have secured plan check approval unless the demolition is approved to abate an unsafe or dangerous condition.
 2. If a historic resource is demolished without approval of both a Zoning Permit and demolition permit, no building or construction-related permits

shall be issued and no permits or use of the property shall be allowed from the date of demolition for a period of three years for residential properties, and five years for non-residential properties.

17.33.100 Review of Projects Affecting City-Owned Historic Resources

The Historic Preservation Commission shall review projects affecting City-owned historic resources and make an advisory recommendation to City Council.

17.33.110 Mills Act Property Tax Abatement Program

In addition to any other incentive of federal or State law, Property Owners of designated Historic Landmarks or contributors to a designated Historic District may apply for a Mills Act contract under Government Code Sections 50280-50290.

- A. **Historic Preservation Commission Review.** The Historic Preservation Commission will review Mills Act applications and make recommendations to the City Council.
- B. **City Council Authorization.** The City Council may, in its sole discretion, authorize the execution of all Mills Act contracts.
- C. **Cancellation or Modification.** A Mills Act contract may be cancelled or modified if the City Council finds, after written notice to the Property Owner, either of the following conditions:
 - 1. The Property Owner is responsible for noncompliance with any terms or conditions in the contract, or any provision in this Chapter, or misrepresentation or fraud was used in the process of obtaining the contract; or
 - 2. The property has been destroyed by fire, earthquake, flooding, or other calamity, or it has been taken by eminent domain.
- D. **Penalty for Cancellation Due to Noncompliance.** If a Mills Act contract is cancelled due to Section 17.33.110(C)(1), the Property Owner shall be liable to the City for a cancellation fee equal to 12.5 percent of the current fair market value of the property or as provided for in applicable State law.

17.33.120 Maintenance of Historic Resources

- A. **Maintenance Requirements.** Historic resources shall be maintained in a state that clearly furthers the continued availability of the historic resource for lawful reasonable uses and prevents deterioration, dilapidation, decay, and neglect of such resource, including demolition by neglect.
- B. **Failure to Meet the Maintenance Requirements.** In addition to any other penalty authorized by law, failure to maintain a historic resource as specified in this Section shall constitute a public nuisance pursuant to Chapter 12.13 of the GMC.
- C. **Economic Hardship.** The Director may delay the enforcement of the maintenance requirements in this Section if the following conditions are met:
 - 1. There is sufficient evidence provided by the Property Owner that the maintenance requirements would cause an undue hardship, considering

- the property's condition, current market value, and the costs of maintenance; and
2. The delay in enforcing the maintenance requirements will not result in the loss of character-defining features of the property; and
 3. The delay in enforcing the maintenance requirements will not result in an unsafe or dangerous condition or create a blight or nuisance.

SECTION H. Chapter 17.43 Archaeological and Tribal Cultural Resources is added to Title 17 as follows:

Chapter 17.43 Archaeological and Tribal Cultural Resources

Sections:

- 17.43.010 Purpose and Intent
- 17.43.020 Applicability
- 17.43.030 Site Assessment and Permit Requirements for Non-Exempt Development
- 17.43.040 Development Standards
- 17.43.050 Native American Communication

17.43.010 Purpose and Intent

The purpose of this Chapter is to establish standards for new development that is subject to discretionary or ministerial review and that could impact sensitive and protected Archaeological and/or Tribal Cultural Resources including sites, places, and landscapes of documented traditional cultural significance, within the City. This Chapter outlines the procedures and criteria for the identification and protection of these resources. Specifically, this Chapter is intended to:

- A. **Preserve and protect Archaeological and/or Tribal Cultural Resources in accordance with PRC § 21084.3(b)(2), including:**
 1. **Protect the cultural character and integrity of the Archaeological and/or Tribal Cultural Resource.**
 2. **Protect the traditional use of the Archaeological and/or Tribal Cultural Resource.**
 3. **Protect the confidentiality of the Archaeological and/or Tribal Cultural Resource.**
- B. Foster awareness, recognition, and stewardship of the City's Archaeological and/or Tribal Cultural Resources; and
- C. Protect, restore, and enhance significant Archaeological and/or Tribal Cultural Resources, such as native villages; seasonal campsites; burial sites; stone tool quarry sites; hunting sites; traditional trails; sites with rock carvings or paintings; documented sacred sites and places of traditional cultural value, as identified by local Tribes including areas traditionally used to gather plants for food, medicinal, or economic purposes; and objects, features, and artifact scatters, including agricultural, ranching, mining, irrigation, utility, and

Summary of Comments on Title

Page: 16

 Number: 1 Author: Wendy Teeter Subject: Highlight Date: 10/22/2021 11:46:05 PM

transportation-related features (e.g., canals, fences, roads, refuse scatters, etc.).

17.43.020 Applicability


Unless exempted, new development that requires earth-disturbing activities shall be subject to the regulations and reporting requirements of this Chapter. This Section outlines the Exempt and Non-Exempt project types.


A. Exempt Development. The following development is exempt from the requirements of this Chapter unless development is determined to be subject to 17.43.020(B):

1. Earth-disturbing activities affecting four cubic feet or less of native soils unless located within a documented archaeological site and/or Tribal Cultural Resource.
2. Earth-disturbing activities that will not disturb native soils unless located within a documented archaeological site and/or Tribal Cultural Resource, including:
3. Ongoing, active agricultural operations in areas continuously used for crop cultivation.
4. A city infrastructure project that does not involve earth disturbance beyond the footprint of the existing facility.
5. A utility project within an existing road right-of-way that does not exceed the depth of the lowest utility line found within the affected block of road right-of-way where the project is located.
6. The proposed earth disturbing area is located within a previously disturbed area where evidence, as documented in as-builts plans, previous grading plans, or other documentary evidence, is provided that the previous earth disturbance affected depths equal to or greater than the development being considered; or
7. Interior alterations and improvements to existing structures that do not involve earth disturbing activities.
8. Proposed areas of earth disturbance of more than 4 cubic feet of native soils that meet at least one of the following criteria:
9. Emergency Projects as defined by Public Resources Code §21060.3 undertaken by the city, another public agency, or utility.
10. A previous Preliminary Archaeological Assessment (PAA) or a Phase 1 Report was prepared by a Qualified Archaeologist that includes the proposed disturbance area and documents that there are no documented resources within the proposed earth disturbing area and the proposed earth-disturbing area has little to no potential to contain subsurface Archaeological and/or Tribal Cultural Resources.


B. Non-Exempt Development. The following development is not exempt and shall comply with the requirements of this Chapter.


1. Earth disturbing activities of any depth or size that is located within a documented archaeological site and/or Tribal Cultural Resource; and

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I would still want a monitor there as inadvertent discoveries happen all the time as the project changes last minute.

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This needs an expiration date, such as not more than 5 years prior than the application for the project.


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2. Earth disturbing activities of more than four (4) cubic feet of native soils that is not located within a documented archaeological site and/or Tribal Cultural Resource and do not meet the exemptions listed above in subsection 17.43.020(A).

17.43.030 Site Assessment and Permit Requirements for Non-Exempt Development

A. Assessment Level Requirements. Non-exempt developments are subject to the following:

1. A PAA shall be required when the proposed earth disturbing area is located within a paved, developed, or ornamental landscaped area.
 - a. If the PAA reveals that the proposed disturbance area does not contain a documented Archaeological and/or Tribal Cultural Resource and the proposed area where earth disturbing activities are proposed **has little or no potential to contain subsurface Archaeological and/or Tribal Cultural Resources**, no further review is necessary, and the development is subject to the permit outlined in subsection 17.43.030(B)(1).
 - b. If the PAA reveals that the proposed area where earth disturbing activities are proposed contains or potentially contains Archaeological and/or Tribal Cultural Resources, then the development shall be subject to the requirements outlined in subsections 17.43.030(A)(3) and (B)(2).
2. A Phase 1 Report shall be required when the proposed earth disturbing area is located within an area that is **not paved, developed, or is not located in an ornamental landscaped area**. This applies even if the earth surface has sustained previous disturbances from grading, vegetation clearance, or other modifications.
 - a. If the Phase 1 report reveals that the proposed earth disturbance area does not contain a documented Archaeological and/or Tribal Cultural Resource and the proposed earth disturbance area has little or no potential to contain subsurface Archaeological and/or Tribal Cultural Resources, no further review is necessary and subject to the permit outlined in subsection 17.43.030(B)(1).
 - b. If the Phase 1 report reveals that the proposed earth disturbance contains or potentially contains Archaeological and/or Tribal Cultural Resources, then the development shall be subject to the requirements outlined in subsections 17.43.030(A)(3) and (B)(2).
3. An Extended Phase 1 Report shall be required, if it is determined in the judgment of Qualified Archaeologist when preparing a PAA or Phase 1 report, that Archaeological and/or Tribal Cultural Resources could be present.
 - a. If the Extended Phase 1 report reveals that the proposed earth disturbance area does not contain a documented Archaeological and/or Tribal Cultural Resource and the proposed earth disturbance area has little or no potential to contain subsurface Archaeological

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Who makes this determination

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If development has capped the site and no prior study was done, how do we know that there are no resources right under the surface?

and/or Tribal Cultural Resources, no further review is necessary, and the development is subject to the permit outlined in subsection 17.43.030(B)(1).

- b. If the Extended Phase 1 report reveals that the proposed earth disturbance area contains or potentially contains Archaeological and/or Tribal Cultural Resources, then the development shall be subject to the permit requirements outlined in subsection 17.43.030(B)(2).

B. **Permit Requirements.** In addition to any other permits/approval needed pursuant to the provisions of Title 17, the following permits are required of non-exempt development:


1. Zoning Clearance. A Zoning Clearance shall be required for development subject to the site assessment provisions of 17.43.030(A)(1)(a), 17.43.030(A)(2)(a), 17.43.030(A)(3)(a)
2. Minor Conditional Use Permit. A Minor CUP is required for development on a site that has Archaeological and/or Tribal Cultural Resources as identified in subsection 17.43.030(A)(1)(b), 17.43.030(A)(2)(b), and 17.43.030(A)(3)(b).

17.43.040 Development Standards

A. The following standards are applicable to all permits issued under this chapter:

1. If unanticipated discovery of Archaeological and/or Tribal Cultural Resources occurs during earth disturbing activities, earth disturbing activities must be stopped immediately until a City-Qualified Archaeologist can evaluate the significance of the Archaeological and/or Tribal Cultural Resource, with input from the local Chumash Native American consultant/monitor on the interpretation and importance of the find, pursuant to standards set forth in the Council Resolution No. 08-40, Environmental Thresholds and Guidelines Manual as amended.
2. If human remains are uncovered as a result of earth-disturbing activities, work must stop immediately and the Planning and Environmental Review Department must be contacted, and the Applicant must follow the procedures identified by Public Resources Code § 5097.98.
3. As applicable, recommendations identified in the Preliminary Archaeological Assessment, Phase 1 report, or Extended Phase 1 report and agreed upon by the City, must be implemented and printed on the approved building plans.

B. For development that is subject to the Minor CUP requirement of subsection 17.43.030(B)(2), on-site monitoring by a qualified Archaeological Monitor and local Chumash Native American consultant/monitor shall be required for all grading, excavation, and site preparation that involves earth disturbing activity.

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until a city-qualified archaeologist and a Chumash tribal representative can evaluate the significance of the...

17.43.050 Native American Communication

Development that is subject to the requirements of this Chapter shall be subject to the following requirements.

- A. For all development requiring a Minor CUP and subject to California Environmental Quality Act review, the City shall consult with California Native American Tribes in accordance with Public Resources Code § 21080.3.1.
- B. For all development requiring ministerial approval for which a Preliminary Archaeological Assessment or a Phase 1 Report is prepared, the City will make the studies available to Native American Tribes upon request.

SECTION I. Chapter 17.50 Review Authorities of Title 17 is amended as follows:

- A. Section 17.50.030 is hereby amended to add subsections I and J:
 - I. Acts as the Review Authority to designate eligible properties as Historic Landmarks, Historic Districts, and Points of Historical Interest within the City. Also acts as the Review Authority for rescission of or amendment to a historic designation.
 - J. Acts as Review Authority to grant Mills Act Contracts.
- B. Section 17.50.070 is hereby amended to add subsection D:
 - D. Act as the Review Authority to grant Design Review to Historic Resources upon recommendation of the Historic Preservation Commission.
- C. Section 17.50.080 is hereby added to read as follows:

The Historic Preservation Commission has the following powers and duties under this Title in addition to the responsibilities established in Title 2 of the Goleta Municipal Code. The Historic Preservation Commission shall 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 Historic Preservation Commission shall have the power and it shall be its duty to perform the following acts:

 - 1. Review historic resources surveys and make recommendations to the City Council on periodic updates to the City's Historic Resources Inventory.
 - 2. Review nominations for historic designations and make recommendations to the City Council that certain sites, buildings, structures, objects, or districts meeting one or more of the eligibility criteria in Sections 17.33.040 and 17.33.060 be designated as Historic Landmarks or Historic Districts.
 - 3. Review properties identified for listing as Points of Historical Interest and make recommendations to the City Council.
 - 4. Review and make recommendations on any proposed design guidelines that may be developed by the city for project review or review of appropriate alterations or new construction within Historic Districts.

5. Review and recommend to the City Council the amendment or rescission of any historic designation.
6. Make recommendations to the Design Review Board on projects involving alterations to historic resources.
7. Review and make advisory recommendations on projects affecting City-owned historic resources.
8. Review Mills Act applications and make recommendations to the City Council.
9. Make recommendations to the Planning Commission and the City Council on policies related to historic preservation in the General Plan.
10. Advise the City Council and other commissions, as requested, on historic preservation issues.
11. Perform any other functions as may be designated by the City Council.

SECTION J. Section 17.50.060(A)(15) of Title 17 is amended as followings

- A. The following tasks is added to the Director's duties and responsibilities:
15. Develop a listing and map of parcels within the city that are known to contain all or a portion of a documented Archaeological and/or Tribal Cultural Resource. This list and map shall:
 - a) Be used by the city to advise applicants and their qualified archaeological consultants whether the site of a proposed development is within an area that has been identified as sensitive for Archaeological and/or Tribal Cultural Resources. The list and map of documented resources shall be kept confidential, only used by the city, local tribal members, and qualified archaeologists, and shall not be released to the public or individual landowners/applicants/developers.
 - b) Include information available from the appropriate Information Center (IC) for Santa Barbara County and other relevant sources.
 - c) Be developed in consultation with the Tribal Chair of the Barbareño, Coastal, Santa Ynez, and Ventureño Bands of Chumash Indians, and a Qualified Archaeologist.
 - d) Be updated as the city receives new relevant information from archaeological studies, monitoring reports, and other related communications and consultations.

SECTION K. Chapter 17.73 List of Terms and Definitions of Title 17 is amended as follows:

The following terms are added to the List of Terms (Section 17.73.010) and to Definitions (17.73.020):

1. **Archaeological Resource.** An artifact, object, or site constituting material remains of past human life or activities.

2. **California Historical Resources Information System (CHRIS).** A system of records that consists of data from the California Office of Historic Preservation (OHP), Information Centers (ICs), and the State Historical Resources Commission (SHRC).
3. **California Register of Historical Resources (CRHR).** A State register that includes buildings, sites, structures, objects, and districts significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California that meet the criteria for designation in the CRHR as defined in Public Resources Code § 5020.1, as amended.
4. **California State Historical Building Code (SHBC).** Title 24, Building Standards, Part 8, California Code of Regulations.
5. **California Register of Historical Resources.** Buildings, sites, structures, objects, and districts significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California that meet the criteria for designation in the California Register as defined in California Public Resources Code Section 5020.1, as it may be amended.
6. **Character-Defining Features.** The essential physical features that convey why a building, structure, object, site, or Historic District is socially, culturally, or architecturally significant based on the applicable criteria for designation and when it was significant (period of significance).
7. **Contributor.** Any property located within a Historic District, which adds to the historic associations or historic architectural qualities for which the Historic District is significant; was present during the period of significance for the Historic District; and retains sufficient historic integrity to convey its significance. Contributors to designated Historic Districts are considered historic resources, as is the Historic District overall.
8. **Demolition.** When either: (1) more than 50 percent of the exterior walls of a building or structure are removed or are no longer necessary and integral structural components of the overall building; or (2) more than 50 percent of the exterior wall elements are removed, including, without limitation, the cladding, columns, studs, cripple walls, or similar vertical load-bearing elements and associated footings, windows, or doors. Existing exterior walls supporting a roof that is being modified to accommodate a new floor level or roofline will continue to be considered necessary and integral structural components, providing the existing wall elements remain in place and provide necessary structural support to the building upon completion of the roofline modifications. Demolition as specifically applied to historic resources is destruction or alteration that is so extensive that significant character-defining features are lost, the historic character of a historic resource is completely removed and cannot be repaired or replaced, and the resource no longer retains sufficient integrity to convey its significance.
9. **Discretionary Review.** The review of a project that requires the exercise of judgment or deliberation and as distinguished from situations where the City merely has to determine whether there has been conformity with objective

standards in applicable statutes, ordinances, or regulations. Discretionary Review includes review by a Review Authority on any of the following: Coastal Development Permits within the Appeals Jurisdiction, Conditional Use Permits, Demolition of a historic resource, Design Review and Overall Sign Plans reviewed by the Design Review Board, Development Plans, General Plan Amendments, Modifications, Government Code Consistency Determination, Specific Plans, Time Extensions, Variances, Zoning Ordinance Amendments, and Zoning Map Amendments.

10. **Earth-Disturbing Activities.** All activities that require disturbance of earth, dirt, ground, or soils (native and non-native soils), including but not limited to grading, grubbing, trenching, post-hole digging, and excavation for foundations, fencing, utilities, and other infrastructure.
11. **Exceptional Importance.** A measure of a property's importance within the appropriate historic context. The term may be applied to the extraordinary importance of an event or to an entire category of resources so fragile that survivors of any age are unusual. A property that has achieved significance within the past fifty years can be evaluated only when sufficient historical perspective exists to determine that the property is exceptionally important. The necessary perspective can be provided by scholarly research and evaluation and must consider both the historic context and the specific property's role in that context. In justifying exceptional importance, it is necessary to identify other properties within the geographical area that reflect the same significance or historic associations and to determine which properties best represent the historic context in question.
12. **Historic District.** A significant concentration, linkage, or continuity of properties united historically or aesthetically in a distinguishable way or in a geographically definable area that meet the criteria for designation. Historic Districts are composed of contributors and non-contributors.
13. **Historic Integrity.** The ability of an individual historic resource or Historic District to convey its significance, with consideration of the following aspects of historic integrity as defined by the National Park Service: location, design, setting, materials, workmanship, feeling, and association as defined below.
 - a. **Location** is the place where the historic property was constructed or the place where the historic event occurred.
 - b. **Design** is the combination of elements that create the form, plan, space, structure, and style of a property.
 - c. **Setting** is the physical environment of a historic property.
 - d. **Materials** are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
 - e. **Workmanship** is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
 - f. **Feeling** is a property's expression of the aesthetic or historic sense of a particular period of time.
 - g. **Association** is the direct link between an important historic event or person and a historic property.

14. **Historic Landmark.** A building, structure, object, or site that has been officially designated through City Council action.
15. **Historic Resource.** A Historic Landmark designated by the City Council, a Historic District and the identified contributors designated by the City Council, and any building, structure, object, or site listed in the City Historic Resources Inventory as adopted by the City Council.
16. **Historic Resources Inventory (HRI).** The list of buildings, structures, objects, sites, Historic Districts and their contributors that are formally adopted by City Council Resolution.
17. **Historic Resources Survey.** The systematic and standardized process conducted by a Qualified Preservation Professional, including historical research and field work, for identifying and gathering data on the City's potential historic resources for the purpose of evaluating the resources per City, State, and/or federal criteria.
18. **Information Centers (ICs).** The official repository for a given county for cultural resources reports and site records as part of CHRIS.
19. **National Register Of Historic Places.** The nation's official inventory of districts, sites, buildings, structures and objects significant in American history, architecture, archeology and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq., 36 C.F.R. Sections 60, 63).
20. **Native American Consultant/Monitor.** A person who has been designated or authorized by a Chumash Native American Tribe to monitor construction activities and to serve as an on-site representative of the Tribe; has been trained to work around construction equipment; and has been trained to recognize potential Tribal Cultural Resources.
21. **Native Soils.** The original (i.e., non-fill) sediments that have not been previously disturbed from past grading or excavation activities.
22. **Non-Contributor.** Any property located within a Historic District which does not add to the historic associations or historic architectural qualities for which the Historic District is significant; was not present during the period of significance for the Historic District; or does not retain sufficient historic integrity to convey its significance. Non-contributors to designated Historic Districts are not considered historic resources.
23. **Period Of Significance.** The length of time during which a property was associated with important events, activities, or persons, or attained the characteristics which qualify it for designation. A period of significance usually begins with the date when significant activities or events began at the property; this is often the date of construction. A historic place may have multiple periods of significance, but those periods must be strictly demarcated by year.
24. **Phase 1 Report.** A study prepared by a city-Qualified Archaeologist, that consists of an analysis of the property's potential for surface and buried Archaeological and Tribal Cultural resources and identification of the location, boundaries, and extent of any cultural resources located on the property, and

a review of all of the following for the subject parcel and surrounding area: (1) city-wide archaeological sensitivity map; (2) environmental factors including geology; geomorphology; ecotones; water sources; availability and types of potentially exploited or used resources; and potential for caves, rock shelters, and mountain peaks; and (3) aerial photographs and historic maps to determine presence of other potential factors affecting the presence or absence of either a prehistoric or historical site (e.g., parcel is in a river bottom). A Phase 1 Report requires a records search with the appropriate IC for Santa Barbara County to identify documented Archaeological Resources and previous studies in and near the project site and requires on-site examination of the property by the Archaeologist, including a surface survey on foot.

25. **Phase 1 Report, Extended.** A report that includes all of the components of a Phase 1 Report, along with excavation of limited shovel test pits or other subsurface survey, as determined necessary by the Qualified Archaeologist for a complete analysis of the property to contain buried archaeological resources.
26. **Point Of Historical Interest.** A building, structure, object, or site that no longer exists or has been altered and therefore does not meet the criteria for designation as a Historic Landmark, but which was associated with historic events or important persons, or otherwise has significant cultural or historic associations; or is the site of a historic event which has no distinguishable physical characteristics.
27. **Preliminary Archaeological Assessment.** A site-specific report prepared by a city-qualified Archaeologist to assess the potential for the project area to contain Archaeological and Tribal Cultural resources and will determine the necessity for a Phase 1 Report. The assessment includes a review of all of the following for subject parcel and surrounding area: (1) prior archaeological survey(s) and reports; (2) resources listed on or eligible for listing on the National Register of Historic Places and/or the CRHR; (3) known archaeological site(s) including distance to subject parcel, nature, and type; (4) city-wide archaeological sensitivity map; (5) environmental factors including geology; geomorphology; ecotones; water sources; availability and types of potentially exploited or used resources; and potential for caves, rock shelters, and mountain peaks; (6) known and potential historical resources including distance to subject parcel; nature; location relative to historical town core and historical transportation routes, including rail, road, and trails; potential for privies based on date of sewer line installation; and locations of structures and infrastructure assessed by inspection of historical map; and (7) aerial photographs and historic maps to determine presence of other potential factors affecting the presence or absence of either a prehistoric or historical site (e.g., parcel is in a river bottom).
28. **Preservation.** The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic resource.
29. **Qualified Archaeologist.** A person who meets the minimum education and qualifications in archaeology, anthropology, or closely related field to qualify

as a Principal Investigator for Archaeology, as outlined in the Code of Federal Regulations, 36 CFR Part 61, has at least five years of professional archaeology experience in Santa Barbara County, and is familiar with the local Chumash culture.

30. **Qualified Archaeological Monitor.** A person who has a bachelor's degree in Anthropology, Archaeology, or related field; has at least one year of experience in conducting archaeological fieldwork in California and is experienced in the recognition of prehistoric and historic-age archaeological materials; has been trained to work around construction equipment; and who is actively supervised by a city-qualified Archaeologist.
31. **Qualified Preservation Professional.** A person who meets the minimum qualifications in history, archaeology, architectural history, architecture, or historic architecture as outlined in the Code of Federal Regulations, 36 CFR Part 61.
32. **Rehabilitation.** As it applies to historic resources, the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.
33. **Traditional Cultural Significance.** This refers to the value of a place or object for its aesthetic, historic, social, or spiritual value for past, present, or future generations. Traditional cultural significance is embodied in the place or object, its fabric, setting, use, association, and meaning and differs from scientific value.
34. **Tribal Cultural Resource.** Cultural Resources include Native American archaeological sites and area of natural landscape that have traditional cultural significance. Further, pursuant to Public Resources Code § 21074(a), a resource that consists of unique or non-unique sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe and that are:
 - a. Included in or determined to be eligible for inclusion in the California Register of Historical Resources (CRHR);
 - b. Included in a local register of historical resources; or
 - c. Determined by the lead agency, in its discretion and supported with substantial evidence, to be significant on the basis of criteria for listing in the CRHR after the lead agency takes into consideration the significance to the Tribe(s).

SECTION L. Amendment to Section 12.13.030 Public Nuisance Designated.

- A. Section 12.13.030 is hereby amended to add Subsection Q as follows:

Q. Failure to adequately maintain a designated historic resource as specified in Chapter 17.33 shall constitute a public nuisance.

SECTION M. Effect of Amendment

To the extent any provision of this Ordinance repeals, amends, or supersedes any previous approvals, such repeal or replacement will not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed or superseded part of previous approvals will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION N. Severability

If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION O. Codification

The City Clerk shall cause these amendments to be appropriately renumbered and codified in Titles 2, 12 and 17 of the Goleta Municipal Code on the effective date of this Ordinance.

SECTION P. Certification of City Clerk

The City Clerk shall certify to the adoption of this ordinance and, within 15 days after its adoption, shall cause it to be published in accord with California Law.

SECTION Q. Effective Date

This ordinance shall take effect on the 31st day following adoption by the City Council.

INTRODUCED ON the ____ day of _____, 2021_.

PASSED, APPROVED, AND ADOPTED this _____ day of _____ 2021.

PAULA PEROTTE
MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH S. LOPEZ
CITY CLERK

MEGAN GARIBALDI
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH S. LOPEZ, City Clerk of the City of Goleta, California, do hereby certify that the foregoing Ordinance No. 21-__ was introduced on _____, and adopted at a regular meeting of the City Council of the City of Goleta, California, held on the _____, by the following roll-call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

(SEAL)

DEBORAH S. LOPEZ
CITY CLERK

From: [Wendy Teeter](#)
To: [Lisa Prasse](#)
Cc: [Kelsie Shroll](#); [Helen Rubio](#); [Sam Cohen](#); [Nakia Zavalla](#); [Kim Dominguez](#); evy.chandler@gmail.com
Subject: RE: Amendments Title 17 Establish Historic Preservation Archaeological and Tribal Cultural Resource Ordinance- Case No. 16-092-OA
Date: Monday, October 25, 2021 5:07:03 PM

Dear Lisa,

I want to thank you for a great conversation about the proposed ordinance and accepting of some of our proposed language clarifications.

I wanted to reaffirm that we appreciate the hard work that was put into this new ordinance and opportunity it provides for Chumash tribes to support the care of their non-renewable cultural heritage in balance with land use projects. In particular we appreciate the definition of an archaeologist that requires them to have working knowledge and experience working in the traditional Chumash homelands and the definition of the Native American monitor that protects the sovereignty and responsibility of individual Chumash tribes to designate their own representative. We look forward to continuing to work with your office on cultural heritage projects.

Sincerely,

Wendy

Wendy Giddens Teeter, PhD, RPA
Cultural Resources Archaeologist | Elders' Council and Culture Department
Santa Ynez Band of Chumash Indians
wteeter@santaynezchumash.org

From: Wendy Teeter
Sent: Saturday, October 23, 2021 7:24 PM
To: Lisa Prasse <lprasse@cityofgoleta.org>
Cc: Kelsie Shroll <kshroll@santaynezchumash.org>; Helen Rubio <hrubio@santaynezchumash.org>; Sam Cohen <scohen@santaynezchumash.org>; Nakia Zavalla <nzavalla@santaynezchumash.org>; Kim Dominguez <kdominguez@cityofgoleta.org>
Subject: RE: Amendments Title 17 Establish Historic Preservation Archaeological and Tribal Cultural Resource Ordinance- Case No. 16-092-OA

Dear Lisa,

Thank you for these documents. I have attached my suggestions and comments so they are documented before the meeting. I look forward to speaking with you as well.

Sincerely,

Wendy Giddens Teeter, PhD, RPA
Cultural Resources Archaeologist | Elders' Council and Culture Department
Santa Ynez Band of Chumash Indians
wteeter@santaynezchumash.org

From: Lisa Prasse [<mailto:lprasse@cityofgoleta.org>]

Sent: Tuesday, October 19, 2021 8:13 PM

To: Wendy Teeter <WTeeter@santaynezchumash.org>

Cc: Kelsie Shroll <kshroll@santaynezchumash.org>; Helen Rubio <hrubio@santaynezchumash.org>

Subject: FW: Amendments Title 17 Establish Historic Preservation Archaeological and Tribal Cultural Resource Ordinance- Case No. 16-092-OA

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dr. Teeter, Ms. Shroll, and Ms. Rubio:

I would like to set up a virtual meeting with you to talk about the proposed Historic Preservation and Archaeological Tribal Cultural Resources Ordinance . Please let me know when you are available to meet to discuss this matter. The City values participation from the local Tribal groups; the proposed Archaeological and Tribal Cultural Resources regulations and the Historic Context Statement have been prepared with input from the local Tribal groups and Tribal individuals. In fact, the Barbareno Band of Chumash Indians words set the tone for the Cultural Resources Chapter of the Context Statement. We welcome the Santa Ynez's band engagement in this project and have been disappointed that the Santa Ynez Band had not responded to our previous emails and notices about this project.

For your assistance to get up to speed, here is the link to the general Historic Preservation project webpage <https://www.cityofgoleta.org/projects-programs/historic-preservation> along with the News and Outreach page for the Historic Preservation Project: <https://www.cityofgoleta.org/projects-programs/historic-preservation/news-outreach/project-updates>. This second page has all of the links to the meetings held during the last 10 months including the Planning Commission meeting of August 23rd where the currently available version of the proposed Chapter 17.43 regulations can be found. However, this version will be out of date as soon as tomorrow when the Planning Commission packet is released for public review. Based on the comments made at the August 23rd meeting, these regulations were refined to incorporate the comments received from David Stone and from Barbara Lopez of the Barbareno Band of Chumash Indians. In addition, Frank Arrendondo commented at June 28th meeting and his input was also incorporated.

The agenda and the materials for the October 25, 2021 meeting will be posted at this link sometime tomorrow (October 20th) <https://www.cityofgoleta.org/i-want-to/news-and-updates/government-meeting-agendas-and-videos>.

As a quick summary of the provisions of Chapter 17.43, most earth disturbing activities that disturb

native soils or are located within a documented Archaeological or Tribal Cultural area (except those determined to be exempt) will be required to prepare either a Preliminary Archaeological Assessment or a Phase 1 report. An extended Phase 1 report may also be required depending on the circumstances. Depending on the results of the PAA or Phase 1/Extended Phase 1 will determine the review process for the earth disturbing activity. I have provided the decision tree flow chart for your reference that encapsulates the regulations and the general process.

As I indicated above, I would be happy to discuss the materials with you at your convenience.

Sincerely,

*Lisa Prasse, AICP
Current Planning Manager
City of Goleta
130 Cremona Drive, Suite B
Goleta CA 93117
805-961-7542*

From: Helen Rubio <h Rubio@santaynezchumash.org>

Sent: Tuesday, October 19, 2021 11:43 AM

To: Lisa Prasse <lprasse@cityofgoleta.org>

Cc: Kelsie Shroll <kshroll@santaynezchumash.org>; Wendy Teeter
<WTeeter@santaynezchumash.org>

Subject: Amendments Title 17 Establish Historic Preservation Archaeological and Tribal Cultural Resource Ordinance- Case No. 16-092-OA

Good Morning,

Please find attached a formal letter of consultation regarding the above-mentioned project. We apologize for the delay in our response.

Sincerely Yours,

Helen Rubio

Administrative Assistant | Culture Resource Management

Santa Ynez Band of Chumash Indians | Tribal Hall

h Rubio@santaynezchumash.org