

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. In addition, all properties on the HRI are subject to provisions of this Chapter including and for evaluating the standards and review processes associated with proposed alterations to or demolition of historic resources. All properties on the HRI are considered historical resources as defined by the California Environmental

Quality Act and may be eligible to use alternative building code provisions as determined by the Building Official.

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 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:
 - a. Ongoing, active agricultural operations in areas continuously used for crop cultivation.
 - b. A city infrastructure project that does not involve earth disturbance beyond the footprint of the existing facility.
 - c. 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.
3. 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
4. Interior alterations and improvements to existing structures that do not involve earth-disturbing activities.
5. Proposed areas of earth disturbance of more than 4 cubic feet of native soils that meet at least one of the following criteria:
 - a. Emergency Projects as defined by Public Resources Code §21060.3 undertaken by the city, another public agency, or utility.
 - b. A previous Preliminary Archaeological Assessment (PAA) or a Phase 1 Report was prepared within the last five years 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
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 as determined by the Qualified Archaeologist, 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 as determined by the Qualified Archaeologist, 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 local Chumash monitor shall be invited to observe the Extended Phase 1 field work at the applicant's expense.

- 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 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 Qualified Archaeologist can evaluate the significance of the Archaeological and/or Tribal Cultural Resource pursuant to standards set forth in Council Resolution No. 08-40, Environmental Thresholds and Guidelines Manual as amended, and local Chumash Tribal Representative(s) can evaluate the importance of the find.
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.

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 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 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 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