

Exhibit 5 – Comparative Matrix of Ordinance Issue Areas to Explore

| Potential Policy Change | Rationale | Challenges/Implications | Jurisdictional Comparison |
|--|--|--|---|
| <p>1. Make the issuance of a Certificate of Appropriateness (COA) a discretionary action.</p> | <p>The current COA review process involves issuance of an authorization by the Cultural Heritage Board or Cultural Heritage Board staff and is considered a ministerial action. A definitive rule in environmental review is such that CEQA does not apply to any ministerial approvals, period, regardless of potential impacts to environmental resources, historic or otherwise. The County’s current historic preservation review process merely delays the issuance of an otherwise ministerial demolition permit, which does not render an otherwise ministerial permitting process discretionary and thus subject to CEQA review. Based on this, the Cultural Heritage Board’s actions regarding a Certificate of Appropriateness are generally advisory in nature.</p> <p>In identifying this issue, the Cultural Heritage Board noted the desire to strengthen the Cultural Heritage Ordinance’s enforcement provisions by enabling the Cultural Heritage Board to adopt enforceable conditions on discretionary projects as opposed to recommendations.</p> | <p>Converting the ministerial COA process into a discretionary one subject to CEQA environmental review would increase the regulatory requirements for owners of historic properties and would extend the County’s development review process resulting in time and cost impacts (in terms of application materials and technical study) to residents and businesses. Further, increasing the regulatory burden required for project reviews may have the effect of discouraging property owners from pursuing designation of their properties as Cultural Heritage Sites.</p> <p>Changes to the County’s development review process would require an increase in Planning Division staff resources to accommodate the additional level of review.</p> | <p>Many jurisdictions have variations of the education, delay, and project partnership approach outlined in the Cultural Heritage Ordinance, while others have a different, more discretionary process. However, it should be noted that the historic commission and/or historic commission staff review process for many jurisdictions is typically limited to designated landmarks and districts.</p> |
| <p>2. Remove the 180-day delay following denial of a Certificate of Appropriateness (COA).</p> | <p>As provided by Cultural Heritage Ordinance Section 1366, a COA is required only for the following categories of sites: 1. Landmarks, 2. Points of Interest, 3. Demolition of Sites of Merit, 4. Demolition of Potential Sites, and 5. Designated Cultural Heritage Sites seeking a Planned Development Permit pursuant to Section 8107-37 of the Non-Coastal Zoning Ordinance. Section 1366-8 of the Cultural Heritage Ordinance states, in pertinent part, “If the request for a Certificate of Appropriateness for a specific project proposal is denied by the Cultural Heritage Board or staff, the property owner of a designated Cultural Heritage Site shall be prohibited from taking action 180 days from the date of the disapproval.” This has been interpreted to mean after 180 days has lapsed, the Cultural Heritage Ordinance no longer protects the Cultural Heritage Site.</p> <p>This waiting period is intended to allow for project partnership and collaboration between the Cultural Heritage Board, community stakeholders, County representatives, and project applicants to preserve important resources or implement project</p> | <p>The current education, delay, and project partnership approach outlined in the Cultural Heritage Ordinance merely delays the issuance of an otherwise ministerial permit, which does not render an otherwise ministerial permitting process discretionary and thus subject to California Environmental Quality Act (CEQA) review. For discretionary projects, potential impacts to historic resources are currently reviewed pursuant to the County’s adopted Initial Study Assessment Guidelines.</p> <p>Such a change would apply to all projects currently subject to a COA including: demolition of potentially historic structures, demolition of designated Sites of Merit, any project at a Landmark or Point of Interest, and any application for a Planned Development Permit at a Designated Cultural Heritage Site pursuant to Section 8107-37 of the Non-Coastal Zoning Ordinance. This would replace the current COA framework with a discretionary permit framework for all COAs that could not be approved at a staff level. It would increase the regulatory requirements for owners of historic or potentially historic properties and extend the County’s development review process resulting in time and cost</p> | <p>Many jurisdictions have variations of the education, delay, and project partnership approach outlined in the Cultural Heritage Ordinance, while others have a different, more discretionary process. However, it should be noted that the historic commission and/or historic commission staff review process for many jurisdictions is typically limited to designated landmarks and districts.</p> <p>For some jurisdictions (Los Angeles County and Sonoma County, for example), a 180-day waiting period is provided in order to allow for the investigation of project alternatives. Other historic commissions (Santa Barbara County and San Diego County, for example) exist to provide recommendations regarding proposed projects at historic properties and function in a largely advisory role. Some jurisdictions (Kern County, for example) do not have a historic preservation ordinance or commission. However, in other jurisdictions (City of Pasadena, for example) COA applications may be approved or denied with no waiting period, and are therefore considered discretionary and subject to CEQA.</p> |

| | | | |
|--|--|---|--|
| | <p>modifications. The practical effect is the Cultural Heritage Ordinance delays inappropriate alterations and even demolition but does not prevent alteration or demolition.</p> <p>In identifying this issue, the CHB noted their recommendations were simply not strong enough. This revision was requested in order to eliminate the current 180-day delay provision following denial of a COA in order to prevent the loss of cultural resources from inappropriate alteration or demolition activities.</p> | <p>impacts (in terms of application materials and technical study) to residents and businesses. Changes to the County’s development review process would require an increase in Planning Division staff resources to accommodate the additional level of review.</p> <p>It should be noted that since 2010, approximately 90 projects have been reviewed by the CHB. Of these, approximately six cases involved situations wherein CHB recommendations were not followed and approximately three consisted of cases wherein a designated or potentially eligible Cultural Heritage Site was demolished after an applicant waited out the 180-day delay period.</p> | |
| <p>3. Create a Discretionary Demolition and Substantial Alteration Permit for Cultural Heritage Sites.</p> | <p><i>See the information provided previously for Potential Policy Changes #1 and #2.</i></p> <p>The current COA review process is considered a ministerial action. The result is that denial of a COA (where a project fails to meet the Secretary of Interior Standards) merely delays the issuance of an otherwise ministerial permit.</p> <p>In identifying this issue, the CHB noted the desire to strengthen the CHO’s enforcement provisions by enabling the CHB to adopt enforceable conditions on some types of projects as opposed to recommendations, which could be accomplished through a discretionary environmental permit process.</p> | <p><i>See the information provided previously for Potential Policy Changes #1 and #2.</i></p> <p>Converting the ministerial COA process into a discretionary one subject to CEQA environmental review, even for some types of projects, would increase the regulatory requirements for owners of historic properties and would require an extend the County’s development review process resulting in time and cost impacts (in terms of application materials and technical study) to residents and businesses. additional level of review. Further, increasing the regulatory burden required for project reviews may have the effect of discouraging property owners from pursuing designation of their properties as Cultural Heritage Sites. It would also impact many property owners who do not have designated Landmarks or Sites of Merit and don’t realize that their properties contain potentially eligible historic resources that may be subject to the Ordinance.</p> <p>Changes to the County’s development review process would require an increase in Planning Division staff resources to accommodate the additional level of review.</p> <p>In conjunction with this change, the current Ordinance sections that establish the delay provision for issuance of a COA following denial (Section 1366-1(c) and Section 1366-8) would require revision in order to establish that they do not apply in the case of demolition or substantial alteration of a Cultural Heritage Site. In addition, the Ordinance would need to be revised to establish what constitutes a substantial alteration.</p> | <p><i>See the information provided previously for Potential Policy Changes #1 and #2</i></p> |

| | | | |
|---|--|---|--|
| <p>4. Create a Downgrading/Delisting Mechanism for Cultural Heritage Sites.</p> | <p>The Cultural Heritage Ordinance establishes criteria for the following types of Cultural Heritage Sites in Ventura County: Landmarks, Sites of Merit, Points of Interest, and Districts. The criteria for a Site of Merit, for example, is a lower threshold than that of a Landmark. Moreover, certain land use incentives exist for property owners of County Landmarks.</p> <p>There are instances, such as fires or alterations, when a Ventura County Landmark or Site of Merit is damaged and is no longer eligible for listing at its current designation level. Section 1365-4 of the Cultural Heritage Ordinance contains provisions which allow for the removal of a designation in instances where the Cultural Heritage Site is defaced, demolished, added to, altered or moved, and the Cultural Heritage Board determines the site's integrity has been significantly impacted.</p> <p>In certain cases, it may be appropriate to downgrade a property from a Landmark to a Site of Merit or Point of Interest. This would potentially incentivize property owners to better maintain their property and avoid disrepair or loss of integrity, as certain land use incentives are only available for property owners of County Landmarks.</p> <p>In identifying this issue, the CHB noted the desire to provide for a process for Cultural Heritage Sites to be downgraded.</p> | <p>This potential revision was identified by Planning Division staff as feasible and has already been incorporated into proposed Sec. 1368 of the Draft Cultural Heritage Ordinance (Exhibit 2).</p> <p>Identifying Cultural Heritage Sites which should be downgraded and/or delisted, and bringing those cases before the Cultural Heritage Board, is anticipated to be addressed on a case-by-case basis if the ordinance amendments are approved. Based on a review of CHB Staff time spent related to recent Cultural Heritage Site designation requests, each downgrade and/or delist request is anticipated to require approximately 5-8 hours of CHB Staff time. There is no current Planning Division fee for Cultural Heritage Site designation requests.</p> | <p>Of jurisdictions reviewed, many provide for historic resource designations to be amended (to include new or additional information, for example) or rescinded in the same manner and procedure as designation. A similar downgrade mechanism could not be identified.</p> |
|---|--|---|--|