



City of Santa Barbara

HLC Ordinance (Excerpt)

CHAPTER 22.22 HISTORIC STRUCTURES*

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It is hereby declared as a matter of public policy that the recognition, preservation, enhancement, perpetuation and use of structures, natural features, sites and areas within the City of Santa Barbara having historic, architectural, archaeological, cultural or aesthetic significance is required in the interest of

the health, economic prosperity, cultural enrichment and general welfare of the people. The purpose of this chapter is to:

- A. Safeguard the heritage of the City by providing for the protection of landmarks representing significant elements of its history;
- B. Enhance the visual character of the City by encouraging and regulating the compatibility of architectural styles within landmark districts reflecting unique and established architectural traditions;
- C. Foster public appreciation of and civic pride in the beauty of the City and the accomplishments of its past;
- D. Strengthen the economy of the City by protecting and enhancing the City's attractions to residents, tourists and visitors;
- E. Promote the private and public use of landmarks and landmark districts for the education, prosperity and general welfare of the people;
- F. Stabilize and improve property values within the City;
- G. Undertake the identification, inventory, and consideration of those structures, sites and natural features within the City which may merit designation as a City Historic Resource in accordance with the Historic Resource criteria established by state Public Resource Code Section 5024.1, as it is presently enacted or hereinafter amended. (Ord. 5333, 2004; Ord. 3900 §1, 1977.)

22.22.020 Definitions.

Unless the context requires a different meaning, the words and phrases used in this chapter are defined as follows:

- A. "ADOBE." An unburnt, sun-dried, clay brick; or a building made of adobe bricks.
- B. "ADVISORY MEMBER." An Honorary Member of the Historic Landmarks Commission of the City of Santa Barbara appointed under the provisions of the City Charter.
- C. "ALTERATION." An exterior change or modification. For the purposes of this chapter, an alteration shall include, but not be limited to, exterior changes to or modification of a structure, including the architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, new structures, a structural addition, cutting or removal of trees and other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.
- D. "ARCHAEOLOGICAL." Pertaining to the scientific study of the life and culture of earlier peoples by excavation of sites and relics.
- E. "ARCHITECTURAL." Pertaining to the science, art or profession of designing and constructing buildings.
- F. "CEQA." The "California Environmental Quality Act" as codified at state Public Resources Code §§ 21000 et seq. and the approved Administrative Guidelines related thereto as established in the California Code of Regulation, Title 14, Chapter 3, §§ 15000-15387.
- G. "COMMISSION." Historic Landmarks Commission established by City Charter.
- H. "COUNTY ASSESSOR." The Tax Assessor of the County of Santa Barbara.
- I. "CULTURAL." Pertaining to the concepts, habits, skills, arts, instruments, institutions, etc. of a given people in a given period.
- J. "DEMOLITION." The permanent removal from a structure of either a significant component or a character defining element, as may be determined by the Historic Landmarks Commission or where appropriate, by the Community Development Director. Demolition shall include, but not be limited to, the

act of pulling down, destroying, removing, relocating or razing a structure or commencing the work thereof with the intent of completing the same.

K. “ELEVATIONS.” The flat scale orthographic projected drawings of all exterior vertical surfaces of a building.

L. “FAÇADE.” The front of a building or the part of a building facing a street, courtyard, etc.

M. “HISTORIC DISTRICT.” A delineated geographic area of the City (or a noncontiguous grouping of real properties within the City) where most of the properties within the district are thematically architecturally related and possess historical significance, special character, or aesthetic value, including, but not limited to, a distinct section of the City possessing a significant concentration of cultural resources which are united historically or aesthetically either by plan or by physical development, as such a district is designated by the City Council, acting by resolution or by ordinance, as being worthy of protection under this Chapter.

N. “HISTORIC RESOURCE.” A City designated “Landmark” or a City designated “Structure of Merit.”

O. “HISTORIC RESOURCE SURVEY.” A field investigation of structures, sites, or natural features within a certain designated area or neighborhood of the City made by the City for the purpose of identifying potential City Historic Resources.

P. “LANDMARK.” A structure, natural feature, site or area having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark under the provisions of this chapter.

Q. “LANDMARK DISTRICT.” An area of the City of Santa Barbara containing a number of structures, natural features or sites having historic, architectural, archaeological, cultural or aesthetic significance and designated as a landmark district under the provisions of this Chapter.

R. “MEMBER.” A member of the Historic Landmarks Commission of the City of Santa Barbara appointed under the provisions of the City Charter.

S. “NATURAL FEATURE.” A tree, plant life or geological or other distinctive physical characteristic or natural feature or element present on the real property.

T. “NEIGHBORHOOD.” An area of the City of Santa Barbara designated as such in the City’s General Plan.

U. “OWNER.” A person, association, partnership, firm, corporation or public entity appearing as the holder of legal title to any property on the last assessment roll of the County Assessor.

V. “POTENTIAL HISTORIC RESOURCES LIST.” A list consisting of those structures, real property sites, or real property natural features which have been identified by the Historic Landmarks Commission as being a potentially significant historic resource as such identification process is provided for in Section 22.22.030 hereof.

W. “PRESERVATION EASEMENT.” An interest held by the public in any structure, natural feature, site or area not owned by the public and restricting its use, alteration, relocation or demolition for the purpose of preservation.

X. “SITE PLAN.” A flat scale drawing of the place where something is, is to be, or was located.

Y. “STRUCTURE.” A building or any other man-made object affixed on or under the ground.

Z. “STRUCTURE OF MERIT.” A structure not designated as a landmark but deserving official recognition as having historic, architectural, archaeological, cultural or aesthetic significance and designated as a Structure of Merit under the provisions of this Chapter. (Ord. 5501, 2009; Ord. 5333, 2004; Ord. 4848, 1994; Ord. 3904 §8, 1977; Ord. 3900 §1, 1977.)

22.22.030 The Preparation and Use of Historic Resource Surveys; Identification of Potential Historic Resources for Possible Designation as a City Landmark or a Structure of Merit.

A. POTENTIAL HISTORIC RESOURCES LIST. The Historic Landmarks Commission, acting with the administrative support of Community Development Department staff, shall periodically review, amend, and maintain a master list of potential Historic Resources within the City (The City's "Potential Historic Resources List") as part of the certified Master Environmental Assessment Guidelines for Archaeological Resources and Historic Structures and Sites (hereinafter the "MEA Historic Resources Guidelines") as such Guidelines are defined and provided for in CEQA Guideline Section 15169.

B. SURVEYS AND IDENTIFICATION OF POTENTIAL HISTORIC RESOURCES.

1. Use of Historic Resource Surveys. The Community Development Director shall prepare, administer, and implement regulations for undertaking and completing Historic Resource Surveys within certain designated areas and neighborhoods of the City of Santa Barbara on a regularly scheduled basis for the purposes of identifying possible Historic Resources pursuant to the mandate of Subsection (A) above for the listing of such resources on the Potential Historic Resources List. Such Historic Resource Surveys shall be conducted in a manner consistent with the requirements of the City's MEA Historic Resources Guidelines and with appropriate survey regulations as approved by resolution of the City Council. The Historic Resource Surveys shall also be undertaken in accordance with locational priorities established by the Commission for certain areas and neighborhoods of the City, subject only to the necessary direction and budgetary approval of the City Council.

2. Initial Survey Study Area Designation. The area of the City shown on the "2004 Demolition Review/Historic Resources Survey Study Area" as shown on the map denominated the "2004 Demolition Review/ Historic Resources Survey Study Area," attached hereto as a Chapter exhibit (dated as of the effective date of the ordinance approving this amendment), shall be the first area of the City designated for neighborhood Historic Resource Surveys pursuant to the requirements of Subsection (B)(1) above.

3. Administrative Review of Existing Potential Historic Resources List. Upon the adoption of the ordinance making this amendment to Chapter 22.22, the Community Development Director, acting through the City's Urban Historian or other appropriate designated staff, is hereby directed to undertake an administrative review of each of the properties, buildings, structures, and real property features which were heretofore listed on the City's Potential Historic Resources List, as such List was attached as an appendix to the City's Master Environmental Assessment Historic Resources Guidelines as approved by action of the City Council in January 2002. This administrative review shall be completed within two (2) years of the adoption of the ordinance amending this Chapter and shall, within one hundred twenty (120) days of its completion, result in the submission to the HLC of a proposed revised Potential Historic Resources List consistent with the provisions of this Chapter for consideration and appropriate revisions, and its approval by the HLC at a noticed public hearing conducted in accordance with the processes set forth in subsection (E) and subsection (F) hereof.

C. IDENTIFICATION OF POTENTIAL RESOURCES BY COMMISSION MEMBERS. In addition to the identification of potential Historic Resources through the use of Historic Resource Surveys pursuant to subsection (B) above, a member of the Commission may identify a structure, a real property site, or a natural feature which, in the Commissioner's opinion, may qualify for possible inclusion on the City's Potential Historic Resources List. Any such identification may be made by the filing of a written request for the listing of the structure, site, or natural feature as a Potential City Historic Resource pursuant to the provisions of this Section. Such written request shall state in detail the reasons the Commissioner believes that such a listing is appropriate and shall be made in accordance with the criteria for listing as a Potential Historic Resource established in the MEA Historic Resources Guidelines.

D. LISTING OF STRUCTURES, SITES, AND NATURAL FEATURES ON THE CITY'S POTENTIAL HISTORIC RESOURCES LIST.

1. Use of Survey Identifications. Those structures, real property sites, or natural features identified through the survey process established by Subsection (B) hereof as having potential for designation as a City Historic Resource shall be considered and acted upon by the Commission for official listing on the City's Potential Historic Resources List at a noticed hearing conducted in accordance with subsection (E) below held not more than one year after the identification of the structure, real property site, or feature through the completion of the Survey process for that area of the City.

Pending a hearing on possible listing initiated pursuant to this subsection (D), the Community Development staff may arrange for the preparation of an expert Historic Structure/Site Report regarding the possible Historic Resource significance of the structure, site, or feature. Such report shall be prepared in accordance with the requirements of the MEA Historic Resources Guidelines.

The failure of the Commission to list an identified structure, site or feature within the one year time frame required by this subsection shall constitute a determination by the Commission that the structure, site, or feature is not appropriate for listing on the City's Potential Historic Resources List, unless a delay beyond one year is at the specific written request of the owner of the real property being considered for listing.

2. Commissioner Historic Resource Identification Requests. Those structures, real property sites, or natural features identified as a result of a Commissioner request as having a potential for designation as City Historic Resources pursuant to Subsection (C) above shall be considered and acted upon by the Commission for listing on the Potential Historic Resources List at a noticed hearing conducted in accordance with subsection (E) below held not more than one hundred twenty (120) days after the date of the filing with the Community Development Director of the written request by a Commissioner pursuant to subsection (C) hereof. Pending a hearing on a possible listing initiated pursuant to this subsection, the Community Development staff may request the preparation of a report prepared by the City's Urban Historian regarding the possible Historic Resource significance of the site, structure, or feature.

The failure of the Commission to list a structure, site, or feature identified by a Commissioner as having a potential for designation within the one hundred twenty (120) day time frame required by this subsection shall constitute a determination by the Commission that the structure, site, or feature is not appropriate for listing on the City's Potential Historic Resources List unless a delay beyond one hundred twenty (120) days is at the specific written request of the owner of the real property being considered for listing.

3. Use of Historic Structure/Site Report Obtained in Connection with HLC Review. Those structures, real property sites, or natural features identified as a result of a Historic Structure/Site Report obtained either in connection with HLC review occurring pursuant to the landmark district requirements of Section 22.22.130 or Section 22.22.140 (or obtained in connection with environmental review of a proposed new development conducted in accordance with the requirements of the City MEA Historic Resource Guidelines) as having the potential for designation as City Historic Resources shall be considered and acted upon by the Commission for listing on the Potential Historic Resources List. Such consideration shall occur at a Commission hearing held concurrent and in accordance with the landmark district hearing process required by Section 22.22.130 or concurrent with HLC final comment review of the submitted Historic Structure/Site Report scheduled in accordance with the process established for such HLC comments in the MEA, as the case may be.

E. PUBLIC HEARING PROCESS FOR POSSIBLE LISTING. Prior to conducting the noticed hearing required by subsection (D)(1) or (D)(2) above for the listing of an identified structure, site, or natural feature, the owner(s) of the real property upon which the structure or feature is located (as such ownership is listed on the last equalized County of Santa Barbara Tax Assessment Roll) shall be provided with written notice of the Commission's hearing by depositing a notice thereof in the regular United States Mail not less than sixty (60) days prior to the scheduled hearing date, unless the owner consents in

writing to a lesser period of time. Such notice shall, at a minimum, contain the notice information required by state Government Code Section 65094, [as currently enacted or hereinafter amended].

At the Commission hearing to consider the listing, the property owner [or owner's representative] and City staff shall be entitled to present any relevant evidence, both oral and written, to establish whether the structure, site or natural feature has appropriate potential for designation as a City Historic Resource.

F. APPEAL OF LISTING DETERMINATION TO THE CITY COUNCIL. A decision by the Commission to list a structure, site, or feature on the City's Potential Historic Resources List may be appealed to the City Council in accordance with the appeal procedures established in Santa Barbara Municipal Code Chapter 1.30.

G. ADMINISTRATIVE REGULATIONS RELATING TO THE PRESERVATION OF CITY HISTORIC RESOURCES. The City Community Development Director shall prepare administrative regulations relating to the proper completion of Historic Surveys, the method of listing of Potentially Historic Resources and the appropriate process for evaluating measures intended to protect and preserve identified potentially Historic Resources, and such administrative regulations shall be approved by a resolution of the City Council adopted concurrently with the ordinance effectuating this amendment to Santa Barbara Municipal Code Chapter 22.22. (Ord. 5333, 2004.)

22.22.035 Demolition Applications Within a Survey Area.

A. PROPOSED DEMOLITION OF AN OLDER UNSURVEYED STRUCTURE, FEATURE OR SITE. An application for a building permit to alter a structure, site, or natural feature within the area denominated as the "2004 Demolition Review/Historic Resources Survey Study Area" (or within any other survey area which may subsequently be established by the City Council pursuant to this Chapter) shall be referred to the Community Development Director for a determination of whether the structure, site, or feature may have potential as a City Historic Resource in accordance with the criteria established in this Chapter and for a determination of whether the alteration work proposed in the permit application could constitute a "demolition" as that term is defined by this Chapter.

B. ADMINISTRATIVE RESOURCE EVALUATIONS. If, under Section (A) above, the site, structure, or feature proposed for demolition (as determined by the Community Development Director in accordance with definition in this Chapter) has not yet been surveyed and it is determined, through the use of City records, that the structure or feature is in excess of fifty years of age, the Community Development Director shall request that an administrative historic resource evaluation be prepared by the City Urban Historian (or other appropriate City staff person designated by the Director). This evaluation shall be for the purposes of assessing the potential historic resource significance of the structure, site, or feature prior to its demolition. In addition, the purpose of the administrative historic resource evaluation shall be to determine whether it is appropriate to obtain an Historic Structure/Site Report in order to assist the Commission in determining whether the structure, site, or feature should be considered by the Commission for designation as a City Historic Resource pursuant to this Chapter.

C. COMPLETION OF THE ADMINISTRATIVE EVALUATION - ACTION ON EVALUATIONS.

1. Timeframe for Administrative Evaluation – Failure to Complete. The administrative Historic Resource evaluation required by Subsection (B) above shall be completed within thirty (30) calendar days of the date of an applicant's request for a permit to demolish a structure or natural feature or site within a survey area. Absent the written consent of the property owner, the failure to complete such an administrative evaluation within the required thirty (30) day period shall be deemed a determination that the structure, feature, or site has no potential as a City Historic Resource, and thereafter, the City shall issue the requested demolition permit on a ministerial basis, provided that the applicant/owner has otherwise complied with applicable City building/demolition permit submittal requirements for such a demolition.

2. Determination of No Potential Historic Significance. If the administrative Historic Resource evaluation determines in a timely fashion under this Section that the structure, feature, or site has no significant potential as an Historic Resource, the City shall issue the requested demolition permit on a ministerial basis, provided the applicant has otherwise complied with any other applicable City building/demolition permit submittal requirements for such a demolition.

3. Determination of Potential Historic Significance. If the administrative Historic Resource evaluation determines that a structure, site, or a natural feature has potential as a City Historic Resource, the Community Development Director shall refer the requested demolition permit for full discretionary review by the Commission and for a concurrent determination by the Commission concerning the possible designation of the structure, site, or feature as a City Historic Resource. Such a Commission hearing shall be conducted pursuant to the hearing requirements of subsection (D) below and shall occur within the time frame set forth therein.

Upon completion of an Administrative Evaluation which indicates that the structure, site or feature may have potential as a City Historic Resource, and pending a Commission hearing on the issuance of the demolition permit or the possible designation of the structure, site, or feature, the Community Development Director shall require the applicant, at the applicant's expense, to obtain and submit a professional report on the possible Historic Resource significance of the structure, site, or feature for which the demolition permit application has been made. Such a report shall be prepared in accordance with the requirements of the MEA Historic Resource Guidelines and shall be made available to the Commission for consideration at its scheduled hearing on the permit request and possible designation.

D. COMMISSION PUBLIC HEARING PROCESS FOR DEMOLITION APPLICATIONS AND POSSIBLE LISTING OR DESIGNATION.

1. Complete Demolitions. For those demolition applications referred to the Commission pursuant to the requirements of subsection (C)(3) above which, in the opinion of the Community Development Director, constitute the complete demolition of a possibly historic structure or of a site feature, the demolition permit request shall be scheduled at the Commission for a hearing on the demolition permit application in accordance with this Section concurrently with a duly noticed hearing to allow the Commission to initiate a recommendation to the City Council to designate the structure or feature as a City Landmark pursuant to Section 22.22.050 of this Chapter.

The Commission hearing shall be scheduled within sixty (60) days of the completion of and submission to the City of the owner's Historic Resource Report required by subsection (C)(3) above, as such completion shall be certified in writing by the Community Development Director. The applicant/owner shall be provided with not less than fifteen (15) days prior written notice of the Commission hearing, which notice shall contain the information required by state Government Code Section 65094, as currently enacted or hereinafter amended, provided that such notice period may be less with the owner's specific written consent.

At the Commission hearing, the applicant/owner and City staff shall be entitled to present all relevant evidence, both oral and written, to establish whether a demolition permit should be issued for the structure, site or feature and to establish whether the structure, site, or feature should or should not be recommended for designation as a City Landmark.

In deciding whether to approve the issuance of a demolition permit pursuant to this subsection (D)(1), if the Commission determines that the demolition permit should be issued, the Commission may also impose those historic preservation mitigation measures in connection with the issuance of the demolition permit that the Commission deems appropriate.

If the Commission declines to issue the requested demolition permit, the Commission shall concurrently act to adopt a resolution of intention initiating the possible designation of the structure, site or feature as a City Landmark to the City Council pursuant to the Landmark designation provisions of Section 22.22.050 of this Chapter.

2. Partial Demolitions. For those permit applications referred to the Commission pursuant to the requirements of subsection (C)(3) above which, in the opinion of the Community Development Director, constitute the removal or demolition of a significant component or character-defining element of a possibly historic structure, site, or feature (hereinafter referred to as a “partial demolition”), the permit request shall be scheduled at the Commission for a hearing on the application in accordance with this subsection (D)(2) concurrently with a duly noticed hearing to allow the Commission to also decide among the following options: 1. the listing of the structure, site, or feature as a Potential Historic Resource, or 2. its designation by the Commission as a City Structure of Merit, or 3. a recommendation to the City Council to designate the structure, site, or feature as a City Landmark pursuant to this Chapter.

The Commission hearing shall be scheduled within sixty (60) days of the completion of and submission to the City of the owner’s Historic Resource Report required by subsection (C)(3) above, as such completion shall be certified complete by the Community Development Director. The applicant/owner shall be provided with not less than fifteen (15) days prior written notice of the Commission hearing, which notice shall contain the information required by state Government Code Section 65094, as currently enacted or hereinafter amended provided that such notice period may be less with the owner’s specific written consent.

In deciding whether to approve the City’s issuance of a building permit for a partial demolition pursuant to this subsection (D)(2), if the Commission decides that the permit may be issued, the Commission may impose appropriate historic preservation mitigation measures in connection with the issuance of the permit and may also elect to list the altered structure, site, or feature as a Potential City Historic Resource or to designate it as a Structure of Merit or to recommend its designation as a City Landmark by the City Council pursuant to the designation requirements of this Chapter.

When deciding an application for a permit for a partial demolition pursuant to this subsection (D)(2), if the Commission declines to issue such a permit altogether, it shall concurrently act to either designate the structure, site, or feature as a City Structure of Merit or to adopt a resolution of intention recommending its designation as a City Landmark by the City Council pursuant to the Landmark designation requirements of this Chapter.

In considering whether to designate the structure, site or feature a City Landmark, the City Council, if it elects not to designate the structure, site, or feature as a City Landmark, may approve the issuance of the requested permit with those historic preservation mitigation measures deemed appropriate by the Council, which conditions may include the designation of the altered structure as a Structure of Merit.

E. FAILURE TO ACT WITHIN A TIMELY MANNER. Should the Commission fail to act to designate a structure, site, or feature for which a demolition application has been made and deemed complete and which has been referred to the Commission pursuant to subsection (C)(3) of Section 22.22.035 above as a Structure of Merit, or should the Commission fail to recommend the City Council designate a structure, site or feature as a City Landmark as required by this Section, the demolition application shall be deemed approved and shall be issued by City staff without additional conditions except those related to compliance with other Municipal Code requirements. (Ord. 5333, 2004.)

22.22.037 Demolition of a Listed Historic Structure.

A. GENERALLY. No building permit shall be issued for the demolition (as defined in this Chapter) of a structure, site, or natural feature listed on the City’s Potential Historic Resources List except upon the completion of a review of the application by the Commission and except upon the imposition of appropriate and necessary measures designed by the Commission to mitigate any potential for loss of Historic Resources.

Such Commission review shall be conducted in accordance with the resource preservation criteria and process established in the MEA Historic Resource Guidelines.

B. AUTHORITY TO PROHIBIT THE DEMOLITION OF A POTENTIAL CITY HISTORIC RESOURCE. The Commission may appropriately condition the demolition or partial demolition of a structure, site, or natural feature listed on the Potential Historic Resources List as necessary to mitigate the potential loss of Historic Resources resulting from the demolition or partial demolition. However, the Commission may not deny an application to partially or completely demolish a listed structure, natural feature, or site unless the Commission undertakes one of the following actions: 1. initiates and completes the designation of the structure, natural feature, or site as a City Structure of Merit, or 2. the Commission adopts a resolution of intention recommending the designation of the structure, site, or feature as a City Landmark to the City Council pursuant to the Landmark designation processes and notice requirements established by this Chapter.

C. FAILURE OF THE COMMISSION TO DESIGNATE IN A TIMELY FASHION; STANDARD DEMOLITION CONDITIONS. The failure of the Commission to make a Structure of Merit designation (or to initiate a Landmark designation to the City Council in the case of a Landmark) in connection with the denial of a partial or complete demolition application for a structure, feature, or site covered by this Section within sixty (60) days of the completion of the City’s environmental review of the application shall be deemed an approval of the permit without permit conditions concerning the mitigation of the loss of Historic Resources, except for those standard mitigation measures identified in the MEA Historic Resource Guidelines as being appropriate for the loss of a listed structure, site, or feature, and except for those conditions necessary for compliance with other Municipal Code building permit requirements.

D. MINOR ALTERATIONS TO POTENTIAL HISTORIC RESOURCES. Notwithstanding subsection (A) hereof, nothing herein shall be deemed to require HLC review of all building permit applications for alterations to a property listed on the Potential Historic Resources List except for those alterations which otherwise require the issuance of a building permit and which, in the determination of the Community Development Director, constitute a “demolition” as that term is defined in this Chapter.

In addition, certain exterior alterations to a potentially significant Historic Resource (as listed on the Potential Historic Resources List) which require the issuance of a building permit may be approved by the Community Development Director on an administrative basis pursuant to the processes established in Section 22.22.030(G) [the Historic Resource Administrative Regulations] if, in the prior written determination of the Community Development Director, the proposed alteration will not substantially and adversely alter the structure’s appearance or remove a character-defining feature of the structure, site or natural feature. Such administrative review shall be in the sole discretion of the Community Development Director and, if necessary, may be referred to the HLC for a determination of whether any particular application may constitute a substantial and adverse alteration to the structure, site, or feature necessitating formal review of the application by the HLC. (Ord. 5333, 2004.)

22.22.040 Criteria for Designation of Landmarks and Structures of Merit.

In considering a proposal to recommend to the City Council any structure, natural feature, site or area for designation as a Landmark or, in designating a City Structure of Merit, the Commission shall utilize any or all of the following criteria and considerations:

- A. Its character, interest or value as a significant part of the heritage of the City, the State or the Nation;
- B. Its location as a site of a significant historic event;
- C. Its identification with a person or persons who significantly contributed to the culture and development of the City, the State or the Nation;
- D. Its exemplification of a particular architectural style or way of life important to the City, the State or the Nation;
- E. Its exemplification of the best remaining architectural type in a neighborhood;

F. Its identification as the creation, design or work of a person or persons whose effort has significantly influenced the heritage of the City, the State or the Nation;

G. Its embodiment of elements demonstrating outstanding attention to architectural design, detail, materials or craftsmanship;

H. Its relationship to any other landmark if its preservation is essential to the integrity of that landmark;

I. Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood;

J. Its potential of yielding significant information of archaeological interest;

K. Its integrity as a natural environment that strongly contributes to the well-being of the people of the City, the State or the Nation. (Ord. 5333, 2004; Ord. 4848, 1994; Ord. 3900 §1, 1977.)

22.22.050 Procedure for Designation of a Landmark.

Upon its own initiative or upon the application of any person or entity (hereinafter referred to as the “applicant”) the Commission may recommend to the City Council the designation as a landmark of any structure, natural feature, site or area (hereinafter referred to as the “property”) having historic, architectural, archaeological, cultural or aesthetic significance. The procedure for designation of any landmark is as follows:

A. The Commission may adopt a resolution of intention announcing its intention to consider recommendation of the property to the City Council for designation as a landmark.

B. No later than thirty-five (35) days from the date of such resolution of intention, the Commission shall conduct a public hearing on the proposed designation, at which hearing any interested party shall be provided a reasonable opportunity to be heard. In the absence of timely oral or written objection by any interested party, such public hearing may be continued to subsequent meetings of the Commission.

C. Prior to the Commission’s public hearing on the proposed designation, notice of the time, place and purpose of the hearing shall be given at least ten (10) days prior to the date of the hearing by publication at least once in a newspaper of general circulation within the City, and, at least ten (10) days prior to the date of the hearing, by first class mail to the applicant, to the owner or owners of the property, and to the owners of abutting properties, as the ownership of such properties is listed on the last equalized assessment roll for the County of Santa Barbara.

D. Upon the completion of the properly noticed public hearing on the proposed designation, the Commission shall adopt a resolution to either recommend designation of the property as a landmark or to deny such a designation, no later than the next regularly scheduled meeting following the public hearing. However, in the absence of timely oral or written objection by any interested party, adoption of any such resolution may be continued to subsequent meetings of the Commission. The resolution shall be reduced to writing and shall contain specific findings by the Commission to recommend the designation or to deny the designation, as the case may be. Upon adoption of a resolution to deny recommendation, consideration of the proposal for designation shall terminate in the absence of a timely appeal to the City Council.

E. After receipt of a resolution of recommendation for designation from the Commission, the City Council shall consider the recommendation pursuant to Section 22.22.055.

F. An appeal from a decision rendered by the Commission under Section 22.22.050.D may be filed pursuant to Section 22.22.170. (Ord. 5333, 2004; Ord. 4848, 1994; Ord. 3900 §1, 1977.)

22.22.055 Procedure for Resolution of Designation of a Landmark by City Council.

A. PROCEDURE FOR ADOPTION OF RESOLUTION OF DESIGNATION. Upon receipt of a resolution of recommendation for designation from the Historic Landmarks Commission or an appeal of a

denial in accordance with the requirements of Section 22.22.170, and after completion of a public hearing in accordance with the following procedures, the City Council may designate any structure, natural feature, site or area as a Landmark by adopting a resolution of designation as follows:

1. At its next regular City Council meeting for which an agenda has not been finalized, the City Council shall set a date for a public hearing thereon to consider the Commission's resolution of recommendation or an appeal of a resolution of denial.

2. Notice of the time, place and purpose of the hearing shall be given at least ten (10) days prior to the date of the hearing by publication at least once in a newspaper of general circulation within the City and by first class mail to any applicant, the owner or owners of the property, and to abutting property owner(s) as such ownership is listed on the last equalized assessment roll for Santa Barbara County.

3. A public hearing on the recommendation for designation shall be held on the date designated, at which hearing any interested party shall be provided a reasonable opportunity to be heard.

4. Upon the City Council's adoption of a resolution of designation as a Landmark, the City Clerk shall cause such resolution of designation to be recorded against the property in the Office of the Recorder of the County of Santa Barbara within sixty (60) days of the City Council's adoption of the resolution of designation.

B. FAILURE TO ADOPT WITHIN NINETY (90) DAYS. If the City Council does not act to adopt a resolution of designation within ninety (90) days after a resolution of recommendation of designation from the Historic Landmarks Commission is received by the City Clerk, designation of the property as a landmark shall be deemed to be denied. (Ord. 5333, 2004; Ord. 4848, 1994.)

22.22.070 Repair and Maintenance of Landmarks and Structures of Merit.

A. PRESERVATION OF LANDMARKS AND STRUCTURES OF MERIT. Every Landmark and Structure of Merit shall be maintained in good repair by the owner thereof, or such other person or persons who may have the legal custody and control thereof, in order to preserve it against decay and deterioration. Nothing in this chapter shall be construed so as to prohibit ordinary and necessary maintenance and repair of a Landmark provided that whenever such repair or maintenance would result in an alteration to the exterior of the structure or whenever it would require the issuance of a City building permit, the issuance of such a permit shall be reviewed by the Commission and, if necessary, conditioned in accordance with the requirements of this Chapter, provided that such review shall be consistent with the Landmark alteration review authority granted by Section 817(c) of the City Charter and Section 22.22.080 hereof. Every Landmark or Structure of Merit is hereby determined to be eligible for application of alternative standards for historical structures as provided in the California Building Code as adopted and amended by the City.

B. RECONSTRUCTION OF HISTORIC RESOURCES WITHIN THE CONEJO SLIDE AREA. Designated City Historic Resources located within the Slide Mass C Area may be reconstructed in accordance with the latest edition of the Historical Building Code as adopted by the State of California, as amended by the City of Santa Barbara, provided that such reconstruction is accomplished as follows:

1. in a manner which follows the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995); and

2. in a manner consistent with appropriate historic design review where design approval is obtained from the City's Historic Landmarks Commission as required by Santa Barbara Municipal Code Sections 22.22.080 and 22.22.090; and

3. the structure constituting the Historic Resource is never expanded in size except for a one-time expansion not to exceed one hundred and fifty (150) net square feet provided that such expansion is first

reviewed and approved by the City Historic Landmarks Commission.. (Ord. 5522, 2010; Ord. 5451, Section 5, 2008; Ord. 5333, 2004; Ord. 3900 §1, 1977.)

22.22.080 Demolition, Relocation, or Alteration of a Landmark.

A. ALTERATIONS TO A CITY LANDMARK – REQUIRED FINDINGS. No City Landmark shall be altered on the exterior, relocated, or demolished, except where the Historic Landmarks Commission has determined that one or more of the following findings are applicable to the proposed alteration, relocation, or demolition:

1. The exterior alterations are being made primarily for the purposes of restoring the Landmark to its original appearance or in order to substantially aid in the preservation or enhancement of the Landmark.

2. The relocation of the Landmark will substantially aid its long-term preservation or enhancement.

3. The landmark has been damaged by an earthquake, fire, or other similar natural casualty such that its repair or restoration is not reasonably practical or feasible and specific measures have been imposed as pre-conditions on the demolition, which measures mitigate the loss of the Landmark to a less than significant level or which measures are deemed sufficient to warrant a finding of overriding considerations pursuant to the CEQA.

B. ISSUANCE OF AN APPROVAL FOR THE RELOCATION, DEMOLITION, OR ALTERATION OF A CITY LANDMARK. In issuing an approval for the alteration of a City Landmark pursuant to this Section, the Commission shall make one or more of the findings required by Subsection (A) hereof in addition to imposing mitigation measures as conditions of approval consistent with such findings.

C. ALTERATIONS TO A PROPOSED LANDMARK. No structure, natural feature, or site recommended for designation as a Landmark pursuant to Section 22.22.050 hereof shall be altered on the exterior, relocated, or demolished after adoption by the Commission of a resolution of intention for such designation, except pursuant to the requirements of this Section.

D. APPEALS TO THE CITY COUNCIL. A final decision made by the Historic Landmarks Commission pursuant to the provisions of this Section may be appealed to the City Council pursuant to the requirements of Santa Barbara Municipal Code Chapter 1.30. Any decision by the City Council on appeal pursuant to this Section shall comply with the finding requirements of Subparagraph (A) hereof as well as the applicable requirements and provisions of the California Environmental Quality Act.

E. SIGNIFICANT PRUNING OR REMOVAL OF AN HISTORIC TREE. The significant pruning or removal of an historic tree is processed and regulated in accordance with Chapter 15.24 of this Code. (Ord. 5505, 2009; Ord. 5333, 2004; Ord. 4848, 1994; Ord. 4029, 1979; Ord. 3900 §1, 1977.)

22.22.085 Designation of Structures of Merit.

A. DESIGNATIONS. The City has established the Structure of Merit designation in order to encourage the preservation of the City’s historic and architecturally significant structures, sites, or features under circumstances where such buildings and sites do not rise to the level of a City Landmark. The Commission may designate as a Structure of Merit any structure not designated as a Landmark but deserving of official City recognition as having historic, architectural, archaeological, cultural or aesthetic significance.

B. CRITERIA FOR STRUCTURE OF MERIT DESIGNATION. In considering a proposal for designation of a Structure of Merit, the Commission shall apply the considerations and criteria provided for Landmarks in Section 22.22.040 of this Chapter. Some of the determining factors in the appropriateness of a Structure of Merit designation rather than a City Landmark designation are the

following: 1. the amount of eligibility criteria found applicable; 2. the level of original structural or historical integrity of the Historic Resource; and, 3. the quality or number of resources of this type remaining within the City.

C. NOTICE OF INTENT TO DESIGNATE A STRUCTURE OF MERIT. Except for those structures, sites or features designated Structures of Merit pursuant to the demolition regulations of Section 22.22.035 and Section 22.22.037, prior to taking action to designate a structure as a City Structure of Merit, the Commission shall adopt a resolution of intention announcing its intention to consider such a designation at a hearing to be held not less than seventy five (75) days after the adoption of the Resolution, unless the owner of the property proposed for designation consents in writing to a lesser period of notice. Prior to conducting the public hearing required by this subsection for the designation of an identified structure, site, or feature, the owner(s) of the real property upon which the structure or feature is located (as such ownership is listed on the last equalized County of Santa Barbara Assessment Roll) shall be provided with a copy of the Commission resolution and a written notice of the Commission hearing by depositing a notice thereof in the regular United States Mail not less than sixty (60) days prior to the scheduled hearing date. Such notice shall, at a minimum, contain the notice information required by state Government Code Section 65094, as currently enacted or hereinafter amended.

D. HEARING OF STRUCTURE OF MERIT DESIGNATION. At the scheduled Commission hearing, the property owner or owner's representative and the City staff shall be entitled to present relevant evidence, both oral and written, to establish whether the structure has appropriate potential for possible designation as a City Historic Resource. Upon completion of the public hearing, the Commission shall vote to adopt or to not adopt a resolution of the Commission designating the structure, site or feature as a City Structure of Merit.

E. APPEALS TO THE CITY COUNCIL. A final decision made by the Commission pursuant to the provisions of this Section may be appealed to the City Council pursuant to the requirements of Santa Barbara Municipal Code Chapter 1.30.

F. RECORDATION OF RESOLUTION OF DESIGNATION. Upon the Commission's adoption of a resolution of designation as a City Structure of Merit (or upon a final decision of the City Council on an appeal of such a designation), the Community Development Director shall cause such resolution of designation to be recorded with respect to the real property thereof in the Office of the Recorder of the County of Santa Barbara within sixty (60) days of the Commission's adoption of the resolution of designation. (Ord. 5333, 2004; Ord. 4848, 1994; Ord. 3900 §1, 1977.)

22.22.090 Demolition, Relocation, or Alteration of a Structure of Merit.

A. ALTERATIONS TO A STRUCTURE OF MERIT – REQUIRED FINDINGS. No Structure of Merit shall be altered on the exterior, relocated, or demolished except where the Historic Landmarks Commission has made one or more of the following findings:

1. The exterior alterations are being made for the purposes of restoring the Structure of Merit to its original appearance or in order to substantially aid its preservation or enhancement as a Historic Resource.
2. The relocation of the Structure of Merit will substantially aid in its long-term preservation or enhancement as a Historic Resource.
3. The Structure of Merit has been damaged by an earthquake, fire, or other similar casualty such that its repair or restoration is not reasonably practical or economically feasible and specific measures have been imposed as pre-conditions on the demolition or alterations, which measures mitigate the potential for adverse historic resource impacts resulting from loss of the Structure to a less than significant level or which measures are sufficient to warrant a finding of overriding considerations pursuant to the CEQA.

4. The Commission has determined that the preservation of the Structure of Merit is not economically feasible or that the demolition of a Structure of Merit is warranted in order to avoid or lessen the economic hardship to the Owner, and the Commission has conditioned the issuance of a City demolition permit upon specific measures which will mitigate the potential for adverse historic resource impacts resulting from the demolition of the Structure of Merit to a less than significant level or such measures are sufficient to warrant a finding of overriding considerations pursuant to the CEQA.

5. The Commission has determined that the proposed changes to the Structure of Merit do not constitute a demolition as defined by this Chapter and constitute alterations which are not incompatible with the goal of long-term preservation or enhancement of the Structure as a City Historic Resource.

B. ISSUANCE OF PERMITS FOR RELOCATION, DEMOLITION, OR ALTERATION OF A CITY STRUCTURE OF MERIT. An application for a permit to alter on the exterior, relocate, or demolish any City Structure of Merit shall be referred to the Historic Landmarks Commission for its review, approval, approval with conditions, or denial prior to the issuance of such a permit along with any environmental review deemed appropriate under CEQA. Such Commission review, in addition to determining that the proposed changes are appropriate and compatible with the historic resource, shall be for the purposes of determining the potential for loss of resources of historic significance and be conducted in the manner provided for in the City's MEA Historic Resource Guidelines and the California Environmental Quality Act. In issuing such a permit, the Commission shall make one or more of the findings required by subsection (A) hereof.

Should the Commission deny the issuance of a demolition permit for a Structure of Merit, concurrent with such a denial, the Commission shall initiate the procedures called for in SBMC Section 22.22.050 to adopt a resolution of intention announcing its intention to make a recommendation that the site, structure or feature be designated a City Landmark and forwarding such resolution of recommendation to the City Council for action by the Council in accordance with this Chapter.

C. APPEALS TO THE CITY COUNCIL. A final decision made by the Historic Landmarks Commission pursuant to the provisions of this Section may be appealed to the City Council pursuant to the requirements of Santa Barbara Municipal Code Chapter 1.30. Any decision by the City Council on appeal pursuant to this Section shall comply with the finding requirements of Subparagraph (A) hereof as well as the applicable requirements and provisions of the California Environmental Quality Act.

D. DENIAL OF A DEMOLITION PERMIT BY THE CITY COUNCIL. In the event that the City Council, on an appeal pursuant to subsection (C) hereof, declines to authorize the issuance of a demolition permit for a Structure of Merit (either with or without mitigating conditions), the Council shall, within forty five (45) days of such a Council determination, adopt a Resolution of Intention announcing its intention to designate such Structure of Merit as a City Landmark in accordance with the Landmark designation requirements of this Chapter and, thereafter, to preclude its demolition except under the limited circumstances of Section 22.22.080.

Should the City Council fail to act to designate the structure, site, or feature as a City Landmark within the time period required by Section 22.22.055, a demolition permit shall be issued within thirty (30) days of the expiration of the time within which the Council may act, provided that prior to the Building Official's issuance of such a permit, appropriate mitigation conditions (and as determined by environmental review) may be imposed on the permit by the City Building Official as such conditions may be recommended to the Official by the Commission during the thirty (30) day period. (Ord. 5333, 2004.)

22.22.092 Bed and Breakfast Inns in Designated Historic Structures.

Plans for conversion of an existing Structure of Merit or a Landmark in the R-O Restricted Office Zone into a Bed and Breakfast Inn, or for alterations to such structures for this purpose, or for construction of new structures to be used for this purpose on a lot on which a Structure of Merit or

Landmark used as a Bed and Breakfast Inn is located, shall be submitted to the Historic Landmarks Commission for review and action, in accordance with this chapter. (Ord. 4848, 1994; Ord. 4697, 1991.)

22.22.100 El Pueblo Viejo Landmark District.

A. PURPOSE. The purpose of the El Pueblo Viejo Landmark District is to preserve and enhance the unique historic and architectural character of the central core area of the City of Santa Barbara, which developed around the Royal Presidio, founded in 1782, and which contains many of the City's important historic and architectural landmarks. In addition to the preservation of those landmarks as provided in this chapter, that purpose is to be achieved by regulating the compatibility of architectural styles used in the construction of new structures and the exterior alteration of existing structures within a designated area, which includes the scenic entrances to the central core area of the City, in order to continue and perpetuate the City of Santa Barbara's renowned tradition of Hispanic architecture.

B. DESIGNATION. The following described area within the City of Santa Barbara is hereby designated as a landmark district and shall be known as "El Pueblo Viejo":

Part I

Beginning at the intersection of State Street with Mission Street; thence southeasterly along State Street to its intersection with Sola Street; thence northeasterly along Sola Street to its intersection with Laguna Street; thence southeasterly along Laguna Street to its intersection with Ortega Street; thence southwesterly along Ortega Street to its intersection with State Street; thence southeasterly along State Street to its intersection with East Cabrillo Boulevard; thence northeasterly along East Cabrillo Boulevard to its intersection with Santa Barbara Street; thence northwesterly along Santa Barbara Street to its intersection with the extension of Garden Street; thence northwesterly along the extension of Garden Street to U.S. Highway 101; thence returning southwesterly along Garden and Santa Barbara Streets to the intersection of Santa Barbara Street with East Cabrillo Boulevard; thence northeasterly along East Cabrillo Boulevard to its intersection with U.S. Highway 101; thence returning along Cabrillo Boulevard to its intersection with Castillo Street; thence northwesterly along Castillo Street to its intersection with U.S. Highway 101; thence returning southeasterly along Castillo Street to its intersection with Cabrillo Boulevard; thence returning northeasterly along West Cabrillo Boulevard to its intersection with Chapala Street; thence northwesterly along Chapala Street to its intersection with Carrillo Street; thence southwesterly along Carrillo Street to its intersection with U.S. Highway 101; thence northeasterly along Carrillo Street to its intersection with Chapala Street; thence northwesterly along Chapala Street to its intersection with Sola Street; thence northeasterly along Sola Street to its intersection with State Street; thence northwesterly along State Street to its intersection with Mission Street; said intersection being the point of beginning.

Part II

Beginning at the intersection of Los Olivos Street and Laguna Street; thence southwesterly along Los Olivos Street to its intersection with Garden Street; thence northwesterly along Garden Street to its intersection with the southerly prolongation of a line bearing N. 03°16'40"W. as shown in Assessor's Map Book 51, page 15, County of Santa Barbara, dated 1960; thence northerly along said line to its intersection with a line bearing N.29°11'W.; thence northwesterly along said line to its intersection with the boundary line of the City of Santa Barbara; thence beginning northeasterly and continuing along said boundary line to its intersection with the northerly prolongation of Mission Ridge Road; thence southerly and westerly along Mission Ridge Road to a line bearing N.03°W., said line being the westerly line of Mission Ridge Road and the easterly boundary line of Parcel 19-071-10 shown in Assessor's Map Book 19, page 07, County of Santa Barbara, dated 9/73; thence along a straight line southwesterly to the intersection of Plaza Rubio and Emerson Avenue; thence southwesterly along Plaza Rubio to its intersection with Laguna Street; thence northeasterly along Laguna Street to its intersection with Los Olivos Street, said intersection being the point of beginning.

The El Pueblo Viejo Landmark District shall include all properties located within the area described in this section, and all properties fronting on either side of any street or line forming the boundary of such area; except that the following areas shall be excluded:

1. Stearns Wharf;
2. areas located within the Brinkerhoff Avenue Landmark District; and
3. that area south of West Cabrillo Boulevard and to the west of a point one-hundred-and-fifty (150) feet east of an imaginary extension of Bath Street at its same course. (Ord. 4729, 1991; Ord. 4237, 1983; Ord. 4177, 1982; Ord. 4175, 1982; Ord. 3900 §1, 1977; Ord. 3888, 1977.)

22.22.102 Map.

The areas described in Section 22.22.100 are shown on the map(s) labeled “El Pueblo Viejo Landmark District”. All notations, references and other information shown on said map(s) are incorporated by reference herein and made a part hereof. In the event of variance between the map and the written description contained in Section 22.22.100, the written description shall prevail. (Ord. 4175, 1982; Ord. 3900 §1, 1977.)

22.22.104 Required Architectural Styles.

A. ALTERATIONS TO STRUCTURES WITHIN EL PUEBLO VIEJO.

1. Generally. Any structure hereafter constructed or altered as to its exterior appearance and located within El Pueblo Viejo Landmark District shall, as to its exterior architecture, be compatible with the Hispanic tradition as it has developed in the City of Santa Barbara from the later 18th century to the present, with emphasis on the early 19th century “California Adobe” and “Monterey Revival” styles, and the “Spanish Colonial Revival” style of the period from 1915 to 1930. Examples of these styles are:

- a. Hill-Carrillo Adobe (“California Adobe”).
- b. De la Guerra Adobe (“California Adobe”).
- c. Covarrubias Adobe (“California Adobe”).
- d. Mihran Studios (“Monterey Revival”).
- e. Arlington Theatre (“Spanish Colonial Revival”).
- f. Santa Barbara County Courthouse (“Spanish Colonial Revival”).
- g. El Paseo (“Spanish Colonial Revival”).
- h. Lobero Theatre (“Spanish Colonial Revival”).

2. Alterations Within El Pueblo Viejo. Notwithstanding subsection (A)(1) hereof, alterations to existing structures within the El Pueblo Viejo Landmark District may also be permitted by the Commission under the following circumstances:

- a. The Commission determines that the owner of the existing structure is proposing alterations or additions to the structure that match the original architectural style and such alterations or additions do not significantly alter the structure; and
- b. The Commission determines that the alteration or addition would be more compatible with the existing structure by matching and maintaining the existing architectural style which demonstrates outstanding attention to architectural design, detail, material, or craftsmanship.

B. LANDMARKS AND STRUCTURES OF MERIT. A designated Landmark or Structure of Merit not conforming to any of the architectural styles required in Sections 22.22.100(A.) and 22.22.104(A.) of this Chapter may be altered on the exterior for the purpose of restoration of its original appearance, or to substantially aid its preservation or enhancement, in its particular architectural style, with the prior written approval of the Commission or City Council under Section 22.22.170.

C. OUTDOOR LIGHTING. Any structure hereafter constructed or altered as to its exterior appearance and located within El Pueblo Viejo Landmark District shall comply with the applicable requirements of Chapter 22.75 as to its outdoor lighting, and with the City’s Outdoor Lighting Design Guidelines. (Ord. 5333, 2004; Ord. 5035, 1997; Ord. 4848, 1994; Ord. 4729, 1991; Ord. 4175, 1982; Ord. 3900 §1, 1977.)

22.22.110 Brinkerhoff Avenue Landmark District.

A. PURPOSE. The purpose of the Brinkerhoff Avenue Landmark District is to preserve and enhance the historic and architectural character of the Brinkerhoff Avenue area of the City of Santa Barbara, which is a unique neighborhood of late 19th century and early 20th century structures. That purpose is to be achieved by regulating, within a designated area, the compatibility of architectural styles used in the construction of new structures, and the exterior alteration of existing structures in conformance with their original, significant architectural qualities, in order to continue and perpetuate examples of this important era in Santa Barbara’s history.

B. DESIGNATION. The following described area within the City of Santa Barbara is hereby designated as a landmark district and shall be known as “Brinkerhoff Avenue Landmark District”:

Assessor’s Parcel Nos. 37-122-09, 37-122-17, 37-123-12, 37-123-13, 37-162-01 through 37-162-12, 37-163-01, 37-163-02, 37-163-09 through 37-163-20, 37-203-02 and 37-203-03 as shown on pages 12 (3/72), 16 (3/70) and 20 (L/D) in Assessor’s Map Book 37 for the County of Santa Barbara.

The Brinkerhoff Avenue Landmark District shall include all properties located within the above described area and those portions of streets fronting on those parcels as shown on the attached map labeled “Brinkerhoff Avenue Landmark District.” (Ord. 4237, 1983; Ord. 4175, 1982; §22.22.110 as adopted by Ord. 3900 was renumbered to §22.22.102 by Ord. 4175, 1982; Ord. 3900, §1, 1977; Ord. 3888, 1977.)

22.22.112 Map.

The area described in Section 22.22.110 is shown on the map labeled “Brinkerhoff Avenue Landmark District.” All notations, references and other information shown on said map are incorporated by reference herein and made a part hereof. (Ord. 4175, 1982.)

22.22.114 Required Architectural Styles.

A. BRINKERHOFF ARCHITECTURAL STYLE. Any structure hereafter constructed or altered as to its exterior appearance and located within Brinkerhoff Avenue Landmark District shall, as to its exterior architecture, be compatible with the late 19th century and early 20th century tradition as it developed in the Santa Barbara area, with emphasis on the “Italianate,” “Eastlake,” “Colonial Revival,” and “Queen Anne” styles. Examples of these styles are:

1. Hernster House, 136 W. Cota Street (“Italianate”)
2. Tallant House, 528 Brinkerhoff Avenue (“Eastlake” “Stick”)
3. Ross House, 514 Brinkerhoff Avenue (“Queen Anne/Colonial Revival”)
4. 501 Chapala Street (“Queen Anne”)

B. LANDMARKS AND STRUCTURES OF MERIT. A designated landmark or structure of merit located within Brinkerhoff Avenue Landmark District and not conforming to any of the architectural styles required in Sections 22.22.110(A.) and 22.22.114(A.) of this chapter may be altered on the exterior for the purpose of restoration of its original appearance, or to substantially aid its preservation or enhancement, in its particular architectural style with the prior written approval of the Commission or City Council under Section 22.22.170. (Ord. 4848, 1994; Ord. 4729, 1991; Ord. 4175, 1982.)

22.22.120 Riviera Campus Historic District.

A. PURPOSE. The purpose of the Riviera Campus Historic District is to preserve and enhance the historic and architectural character of the Riviera Campus in the City of Santa Barbara, which is comprised of the historic campus of the Santa Barbara Normal School of Manual Arts and Home Economics, which later became the University of California at Santa Barbara. That purpose is to be achieved by regulating, within a designated area, the compatibility of architectural styles used in the construction of new structures, and the exterior alteration of existing structures in conformance with their original, significant architectural qualities, in order to continue and perpetuate the preservation of this valued feature of the City’s built environment.

B. DESIGNATION. The area within Specific Plan No. 7 (Riviera Campus) within the City of Santa Barbara is hereby designated as a historic district and shall be known as “Riviera Campus Historic District.” The Riviera Campus Historic District shall include all properties located within the above-described area and those portions of streets fronting on those parcels as shown on the attached map labeled “Riviera Campus Historic District.”

C. REQUIRED ARCHITECTURAL STYLES.

1. Any structure hereafter constructed or altered as to its exterior appearance and located within Riviera Campus Historic District shall, as to its exterior architecture, be compatible with the Spanish Colonial Revival and Spanish Eclectic architecture of the extant buildings on the Riviera Campus. Examples of these styles are:

- a. The Quadrangle Building, 2030 Alameda Padre Serra (“Spanish Eclectic”)
- b. The Grand Stairway, 2030 Alameda Padre Serra (“Spanish Eclectic”)
- c. Furse Hall, 2040 Alameda Padre Serra (“Spanish Colonial Revival”)
- d. Ebbets Hall, 2020 Alameda Padre Serra (“Spanish Colonial Revival”)

D. LANDMARKS AND STRUCTURES OF MERIT. A designated landmark or structure of merit located within Riviera Campus Historic District, and not conforming to any of the architectural styles required in Subsections A and C of this Section, may be altered on the exterior for the purpose of restoration of its original appearance, or to substantially aid its preservation or enhancement, in its particular architectural style with the prior written approval of the Commission or City Council under Section 22.22.170. (Ord. 5319, 2004.)

22.22.130 El Pueblo Viejo Landmark District and Brinkerhoff Avenue Landmark District.

A. APPROVAL FOR CONSTRUCTION, DEMOLITION, MOVING OR EXTERIOR ALTERATION. No structure or real property in El Pueblo Viejo Landmark District or Brinkerhoff Avenue Landmark District shall be constructed, demolished, moved or altered on its exterior without the approval of the Commission or City Council upon appeal. Minor alterations specified in the Historic Landmarks Commission Rules and Procedures, adopted from time to time by resolution, may be allowed subject to the review of the Community Development Director or his/her representative.

B. PROCEDURE. Any application for an approval or permit to construct, demolish, move or alter the exterior of any structure or real property located within El Pueblo Viejo Landmark District or Brinkerhoff Avenue Landmark District, together with plans, elevations and site plans therefore, shall be referred to the Commission for review. A permit shall not be issued without the prior written approval of the Commission or City Council upon appeal. Any change of the exterior color or the outdoor lighting of any structure shall be referred to the Commission for review. If a building permit is not required, there shall not be any exterior alteration or change of exterior color unless there has been a final written approval of the Commission, where required, or the City Council upon appeal. The Commission or City Council on appeal shall not approve issuance of such permit unless the plans conform to the provisions of this Chapter. Any application shall be considered and either approved or disapproved by the Commission

at its next regularly scheduled meeting for which an agenda has not been finalized after completion of any required environmental assessment, but may be continued to the next regular meeting. In the absence of timely oral or written objection by the applicant, the Commission may continue consideration of an application to subsequent meetings. In the event an applicant objects to continuance by the Commission and if the Commission takes no action on the application, then the application shall be deemed approved.

C. SIGN PERMITS. Signs which have been approved by the Sign Committee or the Commission or City Council upon appeal and for which a valid permit has been issued by the City shall not require a permit or approval under this section. Applications for permits for signs to be erected or altered within El Pueblo Viejo Landmark District and Brinkerhoff Avenue Landmark District shall be considered by the Commission only upon an appeal filed pursuant to Section 22.70.050.I.

D. PLACEMENT, ALTERATION, OR REMOVAL OF NATURAL FEATURES (INCLUDING TREES) ON PRIVATE PROPERTY. No natural feature affecting the exterior visual qualities of private property located in El Pueblo Viejo Landmark District or Brinkerhoff Avenue Landmark District (excluding trees listed in Section 15.24.020 of this Code, which are processed pursuant to Chapter 15.24) shall be placed, altered, or removed without the approval of the Commission or City Council upon appeal. Minor alterations specified in the Historic Landmarks Commission Rules and Procedures, adopted from time to time by resolution, may be allowed subject to the review of the Community Development Director or his or her representative. (Ord. 5505, 2009; Ord. 5035, 1997; Ord. 4995, 1996; Ord. 4916, 1995; Ord. 4893, 1994; Ord. 4878, 1994; Ord. 4848, 1994; Ord. 4175, 1982; Ord. 4111, 1981; Ord. 4101, 1981; Ord. 4029, 1979; Ord. 3900, §1, 1977.)

22.22.131 Review of Single Family Residential Units.

A. NEIGHBORHOOD PRESERVATION ORDINANCE FINDINGS. If a project is referred to the Historic Landmarks Commission for review pursuant to Section 22.69.030 of this Code, the Historic Landmarks Commission shall, in addition to any review required pursuant to this Chapter 22.22, make the findings required for approval of the project as specified in Section 22.69.050 of this Code prior to approving the project.

B. GREEN BUILDING STANDARD FOR LARGE RESIDENCES. If a project referred to the Historic Landmarks Commission for review pursuant to Section 22.69.030 of this Code proposes 500 square feet or more of new net floor area (new construction, replacement construction, or additions), and the net floor area of all existing and new buildings on the lot resulting from the application will exceed four thousand (4,000) square feet of net floor area as calculated pursuant to Section 28.04.315, all new square footage (new construction, replacement construction, or additions) proposed as part of the project shall meet or exceed a three-star designation under the Santa Barbara Contractors' Association Built Green program or equivalent standards under another green construction program recognized by the City. (Ord. 5518, 2010; Ord. 5416, 2007; Ord. 4995, 1996.)

22.22.132 Historic Landmarks Commission Notice and Hearing.

A. PROJECTS THAT REQUIRE PUBLIC HEARING. Historic Landmarks Commission review of the following projects must be preceded by a noticed public hearing:

1. New single residential units, residential duplexes, multiple residential units, mixed use (residential and non-residential) buildings, or nonresidential buildings,
2. The addition of over 500 square feet of net floor area to a single residential unit or residential duplex,
3. An addition of a new second or higher story to an existing single residential unit or residential duplex,

4. An addition of over 150 square feet of net floor area to an existing second or higher story of a single residential unit or residential duplex,
5. The addition of over 500 square feet of net floor area or any change that will result in an additional residential unit to a multiple residential unit,
6. Small nonresidential additions as defined in Section 28.87.300,
7. Projects involving grading in excess of 250 cubic yards outside the footprint of any main building (soil located within five feet (5') of an exterior wall of a main building that is excavated and recompacted shall not be included in the calculation of the volume of grading outside the building footprint),
8. Projects involving exterior lighting with the apparent potential to create significant glare on neighboring parcels, or
9. Projects involving the placement or removal of natural features with the apparent potential to significantly alter the exterior visual qualities of real property, or
10. Projects involving an application for an exception to the parking requirements for a single family residential unit as specified in Section 28.90.100.G.1.c. of this Code.

B. MAILED NOTICE. Not less than ten calendar days before the date of the hearing required by Subsection A above, the City shall cause written notice of the hearing to be sent by first class mail to the following persons: (1) the applicant and (2) the current record owner (as shown on the latest equalized assessment roll) of any lot, or any portion of a lot, which is located not more than three hundred feet (300') from the exterior boundaries of the lot which is the subject of the action. The written notice shall advise the recipient of the following: (1) the date, time and location of the hearing, (2) the right of the recipient to appear at the hearing and to be heard by the Historic Landmarks Commission, (3) the location of the subject property, and (4) the nature of the application subject to design review.

C. ADDITIONAL NOTICING METHODS. In addition to the required mailed notice specified in Subsection B, the City may also require notice of the hearing to be provided by the applicant in any other manner that the City deems necessary or desirable, including, but not limited to, posted notice on the project site and notice delivered to non-owner residents of any of the ten (10) lots closest to the lot which is the subject of the action. However, the failure of any person or entity to receive notice given pursuant to such additional noticing methods shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

D. PROJECTS REQUIRING DECISIONS BY THE CITY COUNCIL, PLANNING COMMISSION, OR STAFF HEARING OFFICER. Whenever a project requires another land use decision or approval by the City Council, the Planning Commission, or the Staff Hearing Officer, the mailed notice for the first hearing before the Historic Landmarks Commission shall comply with the notice requirements of this Section or the notice requirements applicable to the other land use decision or approval, whichever are greater. However, nothing in this Section shall require either: 1. notice of any hearing before the Historic Landmarks Commission to be published in a newspaper, or 2. mailed notice of hearings before the Historic Landmarks Commission after the first hearing conducted by the Historic Landmarks Commission, except as otherwise provided in the Historic Landmarks Commission Guidelines adopted by resolution of the City Council. (Ord. 5518, 2010; Ord. 5505, 2009; Ord. 5444, 2008; Ord. 5416, 2007; Ord. 5380, 2005; Ord. 4995, 1996.)

22.22.133 Historic Landmarks Commission Referral of Residential Projects to Planning Commission.

A. PLANNING COMMISSION COMMENTS. When the Historic Landmarks Commission determines that a residential development is proposed for a site which is highly visible to the public, the Historic Landmarks Commission may, prior to granting preliminary approval of the application, require

presentation of the application to the Planning Commission solely for the purpose of obtaining comments from the Planning Commission regarding the application for use by the Historic Landmarks Commission in its deliberations.

B. PLANNING COMMISSION NOTICE AND HEARING. Prior to making any comments regarding an application pursuant to this Section, the Planning Commission shall hold a noticed public hearing. Notice of the hearing shall be provided in accordance with the requirements of Section 22.22.132. (Ord. 5444, 2008; Ord. 5380, 2005; Ord. 4995, 1996.)

22.22.135 Application Fee.

Applications submitted pursuant to Section 22.22.130 shall be accompanied by an application fee in the amount established by resolution of the City Council. (Ord. 3955 §7, 1978.)

22.22.140 Publicly Owned Property.

A. PUBLICLY OWNED BUILDINGS GENERALLY. Except as provided in Subsections (B) and (C) below, any structure, natural feature, site or area owned or leased by any public entity other than the City of Santa Barbara and designated as a Landmark or Structure of Merit, or located within any landmark district, shall not be subject to the provisions of Sections 22.22.070, 22.22.080, 22.22.104, 22.22.114, 22.22.130, and 22.22.170 of this Chapter.

B. EXCEPTION FOR CITY FACILITIES. The alteration, construction or relocation of any structure, natural feature, site or area owned or leased by the City and designated as a Landmark or Structure of Merit, or located within any landmark district, shall be reviewed by the Commission unless the City Council deems that said review would not be in the public interest.

C. EXCEPTION FOR IMPROVEMENTS WITHIN THE HIGHWAY 101 SANTA BARBARA COASTAL PARKWAY DESIGN DISTRICT. The alteration, construction or relocation of any structure, natural feature, site or area owned or leased by a public entity within the Highway 101 Santa Barbara Coastal Parkway Special Design District as defined by Municipal Code Section 22.68.060, which requires a Coastal Development Permit pursuant to Municipal Code Chapter 28.44 and which is designated as a Landmark or Structure of Merit, or which is located within any landmark district shall be reviewed by the Commission.

D. EXCEPTION FOR STREET TREES, CITY TREES, HISTORIC TREES AND SPECIMEN TREES. Notwithstanding Subsection B above, the placement, alteration, or removal of the following trees shall be processed and regulated as follows:

1. Any tree planted in a parkway strip, tree well, public area, or street right-of-way owned or maintained by the City is processed and regulated pursuant to Chapter 15.20 of this Code.

2. Any tree designated by a resolution of the City Council as an “historic tree”, an “historic landmark tree” or a “specimen tree” is processed and regulated pursuant to Chapter 15.24. (Ord. 5505, 2009; Ord. 5416, 2007; Ord. 5333, 2004; Ord. 4940, 1996; Ord. 4848, 1994; Ord. 4175, 1982; Ord. 3900 §1, 1977.)

22.22.145 Project Compatibility Analysis.

A. PURPOSE. The purpose of this section is to promote effective and appropriate communication between the Historic Landmarks Commission and the Planning Commission (or the Staff Hearing Officer) in the review of development projects and in order to promote consistency between the City land use decision making process and the City design review process as well as to show appropriate concern for preserving the historic character of certain areas of the City.

B. PROJECT COMPATIBILITY CONSIDERATIONS. In addition to any other considerations and requirements specified in this Code, the following criteria shall be considered by the Historic Landmarks

Commission when it reviews and approves or disapproves the design of a proposed development project in a noticed public hearing pursuant to the requirements of Section 22.22.132:

1. Compliance with City Charter and Municipal Code; Consistency with Design Guidelines. Does the project fully comply with all applicable City Charter and Municipal Code requirements? Is the project's design consistent with design guidelines applicable to the location of the project within the City?

2. Compatible with Architectural Character of City and Neighborhood. Is the design of the project compatible with the desirable architectural qualities and characteristics which are distinctive of Santa Barbara and of the particular neighborhood surrounding the project?

3. Appropriate size, mass, bulk, height, and scale. Is the size, mass, bulk, height, and scale of the project appropriate for its location and its neighborhood?

4. Sensitivity to Adjacent Landmarks and Historic Resources. Is the design of the project appropriately sensitive to adjacent Federal, State, or City Landmarks or other nearby designated historic resources, including City structures of merit, sites, or natural features?

5. Public Views of the Ocean and Mountains. Does the design of the project respond appropriately to established scenic public vistas?

6. Use of Open Space and Landscaping. Does the project include an appropriate amount of open space and landscaping?

C. PROCEDURES FOR CONSIDERING PROJECT COMPATIBILITY.

1. Projects with Design Review Only. If a project only requires design review by the Historic Landmarks Commission pursuant to the provisions of this Chapter and does not require some form of discretionary land use approval, the Historic Landmarks Commission shall consider the criteria listed in Subsection (B) above during the course of its review of the project's design prior to the issuance of the preliminary design approval for the project.

2. Projects with Design Review and Other Discretionary Approvals. If, in addition to design review by the Historic Landmarks Commission, a project requires a discretionary land use approval (either from the Staff Hearing Officer, the Planning Commission, or the City Council), the Historic Landmarks Commission shall review and discuss the criteria listed in Subsection (B) above during its conceptual review of the project and shall provide its comments on those criteria as part of the minutes of the Commission decision forwarded to the Staff Hearing Officer, the Planning Commission, or the City Council (as the appropriate case may be) and as deemed necessary by the Historic Landmarks Commission. (Ord. 5464, 2008.)

22.22.150 Preservation Easements.

Easements restricting the use, alteration, relocation or demolition for the purpose of preservation of the facades or any other portions of designated landmarks or structures of merit may be acquired by the City through gift, devise or purchase. (Ord. 3900 §1, 1977.)

22.22.160 Incentives for Preserving Historic Resources.

A. Legislative Intent; Administrative Regulations. In enacting this section, the City Council seeks to adopt a City program of incentives to encourage the maintenance and preservation of historic resources within the City of Santa Barbara. In order to carry out this program more effectively and equitably and to further the purposes of this section, the Council may also, by resolution, supplement these provisions by adopting administrative regulations and standardized forms for a broad City program of economic and other incentives intended to support the preservation, maintenance, and appropriate rehabilitation of the City's significant historic resources.

B. Preservation Incentives Under the State Mills Act - Government Code Sections 50280-50290. Preservation incentives may be made available by the City to owners of properties that are "Qualified

Historic Properties” (as that term is used by Government Code Section 50280.1) such as individually designated City landmarks or structures of merit or those properties that are deemed to contribute to designated City Historic Districts (or Districts listed in the National Register) as determined appropriate by the City Council.

C. Qualified Historic Property Mills Act Contracts.

1. Purpose.

a. The purpose of this Section is to implement state Government Code Sections 50280 through 50290 in order to allow the City approval of Qualified Historic Property Contracts by establishing a uniform City process for the owners of qualified historic resource properties within the City to enter into Mills Act contracts with the City.

b. The City Council finds and determines that entering into Qualified Historic Property Contracts, as hereinafter provided, is an incentive for owners of designated historic resources to rehabilitate, maintain, and preserve those properties.

c. The City Council further finds that, in some instances, the preservation of these properties will assist in restoring, maintaining, and preserving the City’s existing stock of affordable housing and support the goals and objectives in the Land Use Element of the City General Plan concerning the preserving of historically and architecturally significant residential structures.

2. Limitations on Eligibility For a Mills Act Contract.

a. In approving this program, it is the intent of the City Council that unrealized revenue to the City from property taxes not collected due to executed Qualified Historic Property Contracts shall not exceed a total annual amount (including total individual amounts for any one historic property), as such amounts are established by a resolution of the City Council adopted concurrently with the enactment of this Chapter, unless exceeding this limit is specifically approved by the Council.

b. In furtherance of this policy, Qualified Historic Property Contracts shall be limited to a maximum number of contracts each year consisting of a certain number of residential properties each year and a certain number of commercial or industrial properties each year, unless the City Council approves additional contracts beyond the established limits as such amounts are established by a resolution of the City Council adopted concurrently with the enactment of this Chapter. In addition, no single-family residence approved for a City contract pursuant to this section may have an assessment value in excess of an amount established by the City Council nor may the assessed value of any non-single-family home property (i.e., a multi-family residential, commercial, or industrial property) exceed an amount established in the City Council’s concurrent resolution.

c. For the purpose of this Subparagraph (2), “assessed valuation” does not include any portion of the value of a mixed-use structure which is already exempt from payment of property taxes by a determination of the County Assessor in compliance with Sections 4(b) and 5 of Article XIII of the California Constitution, and Sections 214, 254.5, and 259.5 of the Revenue and Taxation Code.

3. Required Provisions of Qualified Historic Property Contracts.

Mills Act Provisions Required.

a. The required provisions of a Qualified Historic Property Contract between the City and the property owner shall be those required by State law (Government Code Sections 50281 and 50286) expressly including the following specifications:

Term.

(i) The contract shall be for the minimum ten (10) year term, with automatic renewal yearly by either the City or the property owner on the anniversary of the contract date in the manner provided in Government Code Section 50282.

Restoration and Maintenance Plan; Standards.

(ii) The fundamental purpose of the contract will be an agreement to assist the property owner in the owner's restoration, maintenance, and preservation of the qualified historic resource; therefore, the plan for restoration and maintenance of the property required by the contract shall conform to the rules and regulations of the State of California Office of Historic Preservation (California Department of Parks and Recreation), the Secretary of the Department of the Interior's Standards, and the State Historical Building Code.

Verification of Compliance with Plan.

(iii) The real property owner will expressly agree in the contract to permit periodic examination of the interior and exterior of the premises by the County Assessor, the City Community Development Director (or his or her designee), the State Department of Parks and Recreation, and the State Board of Equalization, as may be necessary to verify the owner's compliance with the contract agreement, and to provide any information requested to ensure compliance with the contract agreement.

Property Visible from Street.

(iv) The real property owner will expressly agree and the plan shall provide that any fencing or landscaping along the public right-of-way frontages of the real property will such that it allows the home or building to be visible to the public from the public rights-of-way.

Recordation of Contract.

(v) The contract shall be recorded by the Santa Barbara County Recorder's Office and shall be binding on all successors-in-interest of the owner with respect to both the benefits and burdens of the contract.

Notice to State.

(vi) The City shall provide written notice of the contract to the State of California Office of Historic Preservation within 180 days of entering into the contract.

Procedure for Non-Renewal.

(vii) The procedure for notice of non-renewal by the owner or the City shall be as identified in State law [Government Code Section 50282 (a), (b), and (c), and Section 50285.]

Annual Report Required.

(viii) The contract shall require the real property owner to file an annual report, initially, on the program of implementing the plan or restoration or rehabilitation until that has been completed to the satisfaction of the Community Development Director, and thereafter, on the annual maintenance of the property, which report may require documentation of the owner's expenditures in restoring, rehabilitating, and maintaining the Qualified Historic Property.

Cancellation of Contracts.

(ix) The contract shall expressly provide for the City's authority to cancel the contract if the City determines that the owner has breached the contract either by his or her failure to restore or rehabilitate the property in accordance with the approved plan or by the failure to maintain the property as restored or rehabilitated. The manner of cancellation shall be as set forth in Government Code Sections 50285 and 50286.

Breach of Contract.

b. Additionally, the contract shall state that the City may cancel the contract if it determines that the owner has breached any of the other substantive provisions of the contract or has allowed the property to deteriorate to the point that it no longer meets the significance criteria under which it was originally designated.

Cancellation Fee.

c. The contract may also provide that if the City cancels the contract for any of these reasons, the owner shall pay the State of California a cancellation fee of twelve and one-half percent of the full

value of the property at the time of cancellation, as determined by the County Assessor, without regard to any restriction on the property imposed by the Historic Property Contract.

Force Majeur Cancellations.

d. The contract shall require that in the event preservation, rehabilitation, or restoration of the Qualified Historic Property becomes infeasible due to damage caused by natural disaster (e.g., earthquake, fire, flood, etc.), the City may cancel the contract without requiring the owner to pay the State of California the above-referenced cancellation fee as a penalty. However, in this event, a contract may not be cancelled by the City unless the City determines, after consultation with the State of California Office of Historic Preservation, in compliance with Public Resources Code Section 5028, that preservation, rehabilitation, or restoration is infeasible.

Standard Contract.

e. The City Community Development Department shall prepare and maintain a sample “Historic Property Contract” with all required provisions specified by this Subparagraph (3).

4. Procedures for Application for and Approval of Historic Property Contracts.

a. An owner of a qualified historic property (as listed in Paragraph (B) above) may file an application for entering into an Historic Property Contract with the City.

b. Each application shall be accompanied by a complete legal description of the property; and

c. Within sixty (60) days of the submission of the application, a plan for the restoration or rehabilitation of the property.

d. In January of each year, the City may notify, either by mailing or published notices, the owners of qualified historic properties of the period of application for and process for City Historic Property Contracts for that calendar year.

e. Application forms, as prescribed by the City, shall be mailed to any property owner who requests the application forms.

f. Upon submission of an application and the plan for restoration or rehabilitation of the property, the application and plan shall be reviewed for completeness by the City’s Urban Historian within sixty (60) days of the submission. In connection with this review, the Urban Historian shall complete an initial inspection of the Qualified Historic Property, obtain photo documentation of the existing condition of the property, and utilize the inspection information to revise the plan for restoration or rehabilitation where necessary.

g. All applications and plans for restoration or rehabilitation deemed complete and acceptable to the City’s Urban Historian shall, within sixty (60) days of being deemed complete, be submitted to the City’s Historic Landmarks Commission. Such application and plans shall be evaluated by both the Urban Historian and the Commission for compliance with established City criteria that will include, but not be limited to, the following findings:

(i) the plan will substantially contribute to the preservation of an historic and unique City resource which is threatened by possible abandonment, deterioration, or conflicting regulations, and it will enhance opportunities for maintaining or creating affordable housing, or it will facilitate the preservation and maintenance of a property in cases of economic hardship.

(ii) the plan will support substantial reinvestment in a historic resource and rehabilitation of a historic structure in the expanded State Enterprise Zone and other areas where the City is concentrating resources on facade improvements, home rehabilitation, or similar revitalization efforts.

(iii) the Community Development Director has certified that the property does not now consist of any unpermitted or unsafe construction or building elements, is not the subject of a pending City code enforcement matter, and is current on the payment of all property taxes.

(iv) whether the plan calls for any new construction, in particular new construction or additions which might impact the eligibility for the structure to qualify as a Qualified Historic Resource, as that term is used in the Mills Act.

h. Upon completion of the Historic Landmarks Commission review of the application and plan, the Commission shall make a recommendation to the City Community Development Director for the City approval or disapproval of the contract.

i. If an application is recommended for approval by the Historic Landmarks Commission and the Urban Historian, the City shall prepare a contract according to its standard contract form, which shall be deemed to have all provisions necessary for a Historic Property Contract with the City.

j. Additional provisions in the Contract desired by the owner shall be subject to approval by the Community Development Director or, when determined appropriate by the Community Development Director, by the City Council and as to form by the City Attorney in all cases.

k. The City Finance Director shall determine that the proposed contract does not cause the total annual revenue loss to the City to exceed the amounts established by resolution for this program by the City Council, both collectively and for individual properties.

l. Upon approval of the contract by the Finance Director, the contract signed by the property owners shall be submitted to the City Clerk/City Administrator and City Attorney for execution of the contract on behalf of the City and for recordation by the City Clerk's Office.

m. Historic Property Contracts that exceed the limits identified in this Section shall only be approved and executed after and upon the express approval of the City Council. (Ord. 5501, 2009.)

22.22.170 Appeal from Commission to City Council.

A. APPEAL FROM COMMISSION TO THE CITY COUNCIL. A final decision of the Commission made pursuant to Section 22.22.035, Section 22.22.030(D), Section 22.22.037, Section 22.22.050(D), Section 22.22.080(D), Section 22.22.085, Section 22.22.130, or Section 22.22.132 may be appealed to the City Council by any interested person pursuant to the appeal procedures established by Santa Barbara Municipal Code Chapter 1.30. In deciding such an appeal, the City Council shall make those findings required of the Commission with respect to a Commission determination made pursuant to this Chapter.

B. NOTICE OF APPEAL. In addition to the procedures specified in Chapter 1.30, notice of the public hearing before the City Council on an appeal from a decision of the Commission made pursuant to Subsection A above shall be provided in the same manner as notice was provided for the hearing before the Commission.

C. FEE FOR APPEAL. At the time of filing an appeal, the appellant shall pay a fee in the amount established by resolution of the City Council. (Ord. 5380, 2005; Ord. 5333, 2004; Ord. 4995, 1996; Ord. 4848, 1994; Ord. 3955 §8, 1978; Ord. 3900 §1, 1977.)

22.22.180 Expiration of Approval.

A. CONCEPT REVIEW. Conceptual comments by the Commission are valid for one year from the date of the last conceptual review.

B. PRELIMINARY APPROVAL.

1. One-Year Expiration. A preliminary approval from the Commission or the City Council, on appeal, shall expire by limitation and become null and void if final approval is not granted by the Commission or the City Council, on appeal, within twelve (12) months of the granting of the preliminary approval by the Commission or the City Council, on appeal.

2. Community Development Director Extension. Upon a written request from the applicant submitted prior to the expiration of the preliminary approval, the Community Development Director may grant one (1) twelve-month extension of a preliminary approval.

C. FINAL APPROVAL.

1. Two-Year Expiration. A final approval from the Commission or the City Council, on appeal, shall expire by limitation and become null and void if a building permit for the building or work authorized by the approval is not issued within twenty four (24) months of the granting of the final approval by the Commission or the City Council, on appeal.

2. Community Development Director Extension. Upon a written request from the applicant submitted prior to the expiration of the approval, the Community Development Director may grant one (1) twelve-month extension of the final approval. Extensions of time may be granted by the Community Development Director upon findings that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.69, the Commission Guidelines, and applicable City ordinances, resolutions and other laws.

3. Extensions by the Commission. In addition to the twelve-month extension by the Community Development Director, upon a written request from the applicant submitted prior to the expiration of the approval, the Commission may grant up to two (2) twelve-month extensions of the final approval. Extensions of time may be granted by the Commission upon finding that the applicant has demonstrated due diligence to implement and complete the proposed development as substantiated by competent evidence in the record and that there are no changed circumstances that may affect the consistency of the development with this Chapter 22.22, the Commission Guidelines, and applicable City ordinances, resolutions and other laws.

4. Projects with Multiple Approvals. Notwithstanding the two-year expiration specified in paragraph 1 above, if a project requiring Design Review pursuant to this Chapter also requires discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the expiration date of the final approval of the Historic Landmarks Commission or City Council, on appeal, shall correspond with the expiration date of the longest discretionary approval granted for the project. If a building permit for the building or work authorized by the final approval is not issued before the expiration date of the longest discretionary approval for the project, the final approval shall expire by limitation and become null and void.

D. EXCLUSIONS OF TIME. For projects that do not require discretionary approvals from the Staff Hearing Officer, Planning Commission, or City Council pursuant to Title 27 or 28 of this Code, the time periods specified in this section for preliminary approval or final approval shall not include any period of time during which either 1. a moratorium on the issuance of building permits, imposed after the preliminary or final approval, is in effect; or 2. a lawsuit involving the preliminary or final approval is or was pending in a court of competent jurisdiction. (Ord. 5518, 2010.)

****Note: This is an excerpt of the Historic Structures Ordinance. Study Area and District Maps are not included in this handout. Please refer to the Zoning Ordinance for a copy of the maps.***