

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING CHAPTERS 22.22, 22.68, 27.07, 28.05 AND 28.06 OF TITLE 28 OF THE SANTA BARBARA MUNICIPAL CODE FORMALIZING THE PROJECT COMPATIBILITY ANALYSIS PROCESS FOR THE CITY NON-RESIDENTIAL DESIGN REVIEW BOARDS.

THE COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

**SECTION 1.** Chapter 22.22 of Title 22 of the Santa Barbara Municipal Code is amended by adding a new section, Section 22.22.145, (entitled "Project Compatibility Analysis") which reads as follows:

**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.

**SECTION 2.** Chapter 22.68 of Title 22 of the Santa Barbara Municipal Code is amended by adding a new section, Section 22.68.045 (entitled "Project Compatibility Analysis") which reads as follows:

**22.68.045 Project Compatibility Analysis.**

**A. PURPOSE.** The purpose of this section is to promote effective and appropriate communication between the Architectural Board of Review 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 Architectural Board of Review when it reviews and approves or disapproves the design of a proposed development project in a noticed public hearing pursuant to the requirements of Chapter 22.68:

**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, and City Landmarks and 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 Architectural Board of Review pursuant to the provisions of this Chapter and does not require some form of discretionary land-use approval, the Architectural Board of Review shall consider the criteria listed in Subsection (B) above during the course of its review of the project design prior to the issuance of a preliminary design approval for the project.

**2. Projects with Design Review and Other Discretionary Approvals.** If, in addition to design review by the Architectural Board of Review, a project requires a discretionary land-use approval (either from the Staff Hearing Officer, the Planning Commission, or the City Council), the Architectural Board of Review 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 Board decision forwarded to the Staff Hearing Officer, the Planning Commission, or the City Council (as the

appropriate case may be) as deemed necessary by the Architectural Board of Review.

**SECTION 3.** Chapter 27.07 of Title 27 of the Santa Barbara Municipal Code is amended by adding a new subsection (B) ("Compatibility Criteria") to Section 27.07.080 which reads as follows:

**Section 27.07.080 Advisory Agency Action.**

**A. PUBLIC HEARING.** Prior to taking any action on an application for a tentative map, the Advisory Agency shall conduct a public hearing at which time the Advisory Agency shall: (1) receive a report on the design and improvement of the proposed subdivision from the Community Development Department with staff recommendations, (2) at the election of the applicant, receive a presentation regarding the proposed subdivision, and (3) receive public comment from interested persons. Following the close of the public hearing, the Advisory Agency shall approve, conditionally approve or disapprove the tentative map for the proposed subdivision.

**B. COMPATIBILITY CRITERIA.** In the course of taking action on an application for a tentative map, the Advisory Agency shall take into consideration the comments of the Architectural Board of Review provided pursuant to the requirements of section 22.68.045 or the comments of the Historic Landmarks Commission provided pursuant to section 22.22.145 (as the appropriate case may be) and, in issuing a decision on the application for a tentative map, the Advisory Agency shall provide a written indication on how the ABR or HLC comments affected the Advisory Agency's decision.

**C. TIME FOR CONSIDERATION.** The time limits for reporting and acting on tentative maps shall be consistent with the Subdivision Map Act and any other pertinent state law. The time limits specified in this Section for reporting and acting on tentative maps may be extended by mutual consent of the subdivider and the Advisory Agency. In the event the Advisory Agency continues its consideration of a map beyond such time limit, the consent of the subdivider to such extension shall be presumed when the subdivider has notice of the continuance and fails to file a timely protest.

**D. AUTHORITY.** The Advisory Agency is authorized to require dedications or reservations of land within the subdivision for public uses such as streets, highways, parks, schools, drainage, flood control, access easements or

other uses as a condition for the approval of the tentative map.

**SECTION 4.** Chapter 27.07 of Title 27 of the Santa Barbara Municipal Code is amended by amending paragraph (A)(2) of Section 27.07.090 to read as follows:

**27.07.090 Appeals and Suspensions.**

**A. FROM DECISIONS OF THE STAFF HEARING OFFICER.**

**1. Suspensions.** The Chairperson, Vice Chairperson or other designated member of the Planning Commission may take action to suspend any decision of the Staff Hearing Officer serving as the Advisory Agency and to schedule a public hearing before the Planning Commission to review said decision. The notice of suspension must be filed with the Community Development Department within ten (10) calendar days of the date of the Staff Hearing Officer's decision. The Community Development Department shall prepare a report to the Planning Commission with Staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Staff Hearing Officer's decision. In the case of such suspension and review of the Staff Hearing Officer's decision, the Planning Commission shall serve as the Advisory Agency. The Planning Commission shall affirm, reverse, or modify the decision of the Staff Hearing Officer after conducting a public hearing. Notice of the time and place of the public hearing shall be given in accordance with the notice required for the public hearing before the Staff Hearing Officer.

**2. Appeals.** The decisions of the Staff Hearing Officer serving as the Advisory Agency may be appealed to the Planning Commission serving as the Appeal Board by the applicant or any interested party adversely affected by the decision of the Advisory Agency. The appeal must be filed with the Community Development Department within ten (10) calendar days of the date of the Staff Hearing Officer's decision unless a longer appeal period is allowed for other actions taken concurrently with the decision on the application, in which case the longer appeal period shall prevail. The appellant shall state specifically in the appeal how the decision of the Staff Hearing Officer is not in accord with the provisions of this Title or the Subdivision Map Act or how it is claimed that there was an error or an abuse of discretion by the Staff Hearing Officer. The Community Development Department shall prepare a report to the Planning Commission with staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Staff Hearing Officer's decision. The Planning Commission shall affirm,

reverse, or modify the decision of the Staff Hearing Officer following a public hearing. When acting as the Appeal Board, the Planning Commission shall comply with the requirements of Subsection B of Section 27.07.080 of this Code regarding the consideration of compatibility criteria in the course of its action on the application. Notice of the time and place of the public hearing shall be given in accordance with the notice required for the public hearing before the Staff Hearing Officer; however, in addition to any other required notice, written notice shall be sent by first-class mail to the appellant.

**B. FROM DECISIONS OF THE PLANNING COMMISSION.** The decisions of the Planning Commission, including decisions on suspensions or appeals from decisions of the Staff Hearing Officer, may be appealed to the City Council serving as the Appeal Board by the applicant or any interested party adversely affected by the decision of the Planning Commission. The appeal must be filed with the City Clerk within ten (10) calendar days of the date of the Planning Commission's decision unless a longer appeal period is allowed for other actions taken concurrently with the decision on the application, in which case the longer appeal period shall prevail. The appellant shall state specifically in the appeal how the decision of the Planning Commission is not in accord with the provisions of this Title or the Subdivision Map Act or how it is claimed that there was an error or an abuse of discretion by the Planning Commission. Prior to the hearing on said appeal, the City Clerk shall inform the Community Development Department that an appeal has been filed thereon, and the Community Development Department shall prepare a report to the City Council with staff recommendations, including all maps and data and a statement of findings setting forth the reasons for the Planning Commission's decision. The City Council shall affirm, reverse, or modify the decision of the Planning Commission following a public hearing. Notice of the time and place of the public hearing shall be given in accordance with the notice required for the public hearing before the Planning Commission; however, in addition to any other required notice, written notice shall be sent by first-class mail to the appellant.

**C. TIME FOR CONSIDERATION.** The time limits for acting on appeals from decisions of the Advisory Agency regarding tentative maps shall be consistent with the Subdivision Map Act and any other pertinent state law. The time limits for acting on suspensions shall conform with the time limits for appeals. The time limits specified in this Section for reporting and acting on tentative maps may be extended by mutual consent of the subdivider and the Appeal Board.

**D. FEES.** Each appeal shall be accompanied by the appeal fee in the amount established by resolution of the City Council. No fee shall be charged for a suspension of a Staff Hearing Officer action by the Chairperson, Vice Chairperson or other designated member of the Planning Commission.

**SECTION 5.** Chapter 28.05 of Title 28 of the Santa Barbara Municipal Code is amended by adding a subsection (B) to Section 28.05.010 to read as follows:

**28.05.010 Staff Hearing Officer; Project Compatibility Criteria.**

**A. STAFF HEARING OFFICER AUTHORITY.** The Staff Hearing Officer means the Community Development Director or his or her designee. For purposes of this Title 28, the Staff Hearing Officer shall have the authority to investigate, approve, approve with conditions, or deny applications for development as specified in this Title 28. Notwithstanding any provision of this Code designating the Staff Hearing Officer as the reviewing body, if an application requires review by the Planning Commission under any provision of this Code, then all discretionary review of the application shall be conducted by the Planning Commission.

**B. COMPATIBILITY CRITERIA.** In making those land-use decisions authorized for the Staff Hearing Officer by Title 28 of the Municipal Code, the Staff Hearing Officer shall take into consideration the comments of the Architectural Board of Review provided pursuant to the requirements of section 22.68.045 or the comments of the Historic Landmarks Commission pursuant to section 22.22.145 (as the appropriate case may be) and, in issuing a project approval or a project denial, the Staff Hearing Officer shall provide written comments on how the ABR or HLC comments affected the Staff Hearing Officer's land use decision.

**SECTION 6.** Chapter 28.06 of Title 28 of the Santa Barbara Municipal Code is amended by Section 28.06.010 to read as follows:

**Section 28.06.010 Powers and Duties.**

The Planning Commission of the City shall exercise the following functions:

1. All actions provided by the Zoning Ordinance to be performed by the Planning Commission in connection with applications for modifications, variances, special use permits, conditional use permits, site plans, plot plans, development plans and planned residence developments.
2. Make recommendations to the City Council for amendments

to the text of the Zoning Ordinance.

3. Act as Advisory Agency for subdivisions as provided for in Title 27 of this Code.

4. In making those land-use decisions authorized for the Planning Commission by Title 28 of the Municipal Code, the Commission shall take into consideration the comments of the Architectural Board of Review provided pursuant to the requirements of section 22.68.045 or the Historic Landmarks Commission pursuant to section 22.22.145 (as the appropriate case may be) and, in issuing a project approval or a project denial, the Commission shall provide written comments on how the ABR or HLC comments affected the Commission's decision

5. Such other functions as may be assigned by the City Council.

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September 30, 2008