

City of Santa Cruz

Part 10 Historic Alteration Permit.

24.08.900 Purpose. The purpose of this permit is to ensure that no person shall carry out or cause to be carried out on a designated landmark, or on a building listed in the City of Santa Cruz Historic Building Survey, or on a structure in an historic overlay district, any material change in exterior appearance of any such structure through alteration, construction or relocation without approval of an historic alteration permit by the historic preservation commission. For minor historic alteration projects, approval of an administrative historic alteration permit by the zoning administrator shall be required. This section of the Zoning Ordinance is also part of the Local Coastal Implementation Plan. (Ord. 99-17 § 3, 1999: Ord. 94-33 § 21, 1994: Ord. 86-13 § 2 (part), 1986: Ord. 85-05 § 1 (part), 1985).

24.08.910 General Provisions. The planning department shall maintain a current record of designated landmarks, historic districts and buildings listed on the city's Historic Building Survey. When an application involving such landmark or building indicates a possible material change to the exterior appearance of a building, structure or portion thereof, an historic alteration permit shall be required. For minor historic alteration projects, approval of an administrative historic alteration permit shall be required. (Ord. 99-17 § 4, 1999: Ord. 86-13 § 2 (part), 1986: Ord. 85-05 § 1 (part), 1985).

24.08.920 Procedure. A public hearing shall be held by the historic preservation commission, prior to final action on any application, except for administrative historic alteration permits. (Ord. 99-17 § 5, 1999: Ord. 86-13 § 2 (part), 1986: Ord. 85-05 § 1 (part), 1985).

24.08.930 Findings Required. Prior to approval or modified approval, the historic preservation commission or zoning administrator shall find that:

1. The action proposed is consistent with the purposes of historic preservation as set forth in Section 24.12.400 of this title and in the Cultural Resources Element of the General Plan; and
2. The action proposed retains the historic and/or architectural value and significance of the landmark, Historic Building Survey building or historic district and retains the texture and material of the building or structure in question or its appurtenant fixtures, including signs, fences, parking, site plan, landscaping and the relationship of such features to similar features of other buildings within an historic district; and
3. The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property pursuant to Section 24.08.940; or
4. The applicant has demonstrated that denial of the application will result in immediate and substantial economic hardship. (Ord. 99-17 § 6, 1999: Ord. 99-06 § 2, 1999: Ord. 94-33 § 22, 1994: Ord. 91-13 § 1, 1991; Ord. 86-13 § 2 (part), 1986: Ord. 85-05 § 1 (part), 1985).

24.08.940 Unsafe or Dangerous Conditions. None of the provisions of this part shall be construed to prevent construction, alteration, removal or relocation necessary to correct the unsafe or dangerous conditions of any structure, other feature, or part thereof, when such condition has been declared unsafe or dangerous by the building official or the fire chief, and where the proposed measures have been declared necessary by such official to correct the said condition. However, only such work as is necessary to correct the unsafe or dangerous condition may be performed. In the event any structure or other feature is damaged by fire or other calamity the building official may specify, prior to the commission's review, the amount of repair necessary to correct an unsafe condition. (Ord. 86-13 § 2 (part), 1986: Ord. 85-05 § 1 (part), 1985).

Part 11 Historic Demolition Permit

24.08.1000 Purpose. The purpose of this permit is to ensure that no person shall demolish or cause to be demolished any building listed on the Santa Cruz Historic Building Survey, any designated historic landmark or any building in an historic overlay district without approval of an historic demolition permit. (Ord. 86-13 § 3 (part), 1986: Ord. 85-05 § 1 (part), 1985).

24.08.1010 Demolition of buildings Listed in the Historic building Survey. [Editor's Note: See Sections 24.08.1012 and 24.08.1014.]

24.08.1012 Demolition of buildings Listed in the Historic building Survey - Procedure.

1. Any person desiring to demolish a building listed on the Santa Cruz Historic Building Survey shall first file an application for a historic demolition permit with the planning department. Demolition of any such building may be approved only in connection with an approval of a replacement project. In case of a residential use, Part 14 of this chapter (Residential Demolition/Conversion) shall also apply.
2. The historic preservation commission shall hold a public hearing and shall take one of the following actions:

- a. Approve Permit. The historic preservation commission may approve the historic demolition permit in conformance with the provisions of Part 14 of this chapter.
 - b. Approve Permit, Subject to a Waiting Period of Up to One Hundred Twenty Days to Consider Relocation/Documentation.
 - 1. During the waiting period, the applicant shall advertise the proposed demolition in a paper of general circulation in the city of Santa Cruz, at least twice during the first, thirty days following the action by the historic preservation commission. Such advertisement shall include the address at which the structure proposed for demolition is located, information as to how arrangements can be made for relocation, and the date after which a demolition permit may be issued. Evidence of this publication must be submitted to the zoning administrator prior to issuance of a demolition permit.
 - 2. During the waiting period, the historic preservation commission may investigate preservation alternatives such as photographing the building and gathering related historical data.
 - c. Continue for Up to One Hundred Eighty Days to Consider Designation as Landmark, or Other Alternatives to Demolition.
 - 1. During the continuance period, the historic preservation commission may investigate relocation of the building on site or modification of the building for future uses in a way which preserves the architectural and historical integrity of the building.
 - 2. During the continuance period, the historic preservation commission may initiate an application for a landmark designation for the building and/or site.
 - 3. If the city council fails to designate the structure as an historic landmark within the one hundred eighty days, the demolition permit shall be issued.
 - 4. This continuance may be appealed.
 - d. Deny Permit. (Ord. 91-12 § 1, 1991; Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).
- 24.08.1014 Demolition of buildings Listed in the Historic building Survey - Findings.
- 1. Prior to approval or modified approval, the historic preservation commission shall find that:
 - a. The action proposed is consistent with the purposes of historic preservation as set forth in Section 24.12.400 of this title and in the Cultural Resources Element of the General Plan; or
 - b. The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property pursuant to Section 24.08.1040; or
 - c. The applicant has demonstrated the denial of the application will result in immediate and substantial economic hardship; or
 - d. There are no reasonable alternatives to the demolition as of the time of the hearing.
 - 2. Prior to denial, the historic preservation commission shall find that:
 - a. There are reasonable alternatives to the demolition as of the time of the hearing as demonstrated by specific facts in the record. (Ord. 94-33 § 23, 1994; Ord. 91-12 § 2, 1991; Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).
- 24.08.1020 Demolition of Designated Historic Landmarks. [Editor's Note: See Sections 24.08.1022 and 24.08.1024.]
- 24.08.1022 Demolition of Designated Historic Landmarks - Procedure.
- 1. Any person desiring to demolish a designated historic landmark shall first file an application for a historic demolition permit with the planning department. Demolition of any such building may be approved only in connection with an approval of a replacement, project. In case of residential use, Part 14 of this chapter (Residential Demolition/Conversion) shall also apply.
 - 2. The historic preservation commission shall hold a public hearing and shall take one of the following actions:
 - a. Approve Permit. The historic preservation commission may approve the historic demolition permit in conformance with the provisions of Part 14 of this chapter.
 - b. Approve Permit, Subject to a Waiting Period of Up to One Hundred Twenty Days to Consider Relocation/Documentation.
 - 1. During the waiting period, the applicant shall advertise the proposed demolition in a paper of general circulation in the city of Santa Cruz, at least twice during the first thirty days following the action by the historic preservation commission. Such advertisement shall include the address at which the structure proposed for demolition is located, information as to how arrangements can be made for relocation and the date after which a demolition permit may

- be issued. Evidence of this publication must be submitted to the zoning administrator prior to issuance of a demolition permit.
2. During the waiting period, the historic preservation commission may investigate preservation alternatives such as photographing the building and gathering related historical data.
- c. Continue for Up to One Hundred Eighty Days to Consider Other Alternatives to Demolition.
 1. During the continuance period, the historic preservation commission may investigate relocation of the building on site or modification of the building for future uses in a way which preserves the architectural and historical integrity of the building.
 2. This continuance may be appealed.
 - d. Deny Permit. (Ord. 91-12 § 3, 1991; Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).
- 24.08.1024 Demolition of Designated Historic Landmarks - Findings Required. Same as those set forth in Section 24.08.1014 of this part. (Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).
- 24.08.1030 Demolition of buildings or Structures in the Historic Overlay District. When demolition is proposed for a building or structure that is neither a designated landmark nor a Historic Building Survey building but is in an historic district, the following procedure applies. An historic demolition permit for a building in an historic district shall be approved only in connection with an historic alteration permit for a replacement project. (Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).
- 24.08.1032 Demolition of buildings or Structures in the Historic Overlay District - Procedure. A public hearing shall be held by the historic preservation commission. (Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).
- 24.08.1036 Demolition of buildings or Structures in the Historic Overlay District - Findings Required. Same as those set forth in Section 24.08.1014 of this part. (Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).
- 24.08.1040 Unsafe or Dangerous Conditions. None of the provisions of this part shall be construed to prevent any demolition necessary to correct the unsafe or dangerous conditions of any structure, feature, or part thereof, when such condition has been declared unsafe or dangerous by the building official or the fire chief and where the proposed measures have been declared necessary by such official to correct said condition. However, only such work as is necessary to correct the unsafe or dangerous condition may be performed. In the event any structure or other feature shall be damaged by fire or other calamity, the building official may specify, prior to the commission's review, the amount of repair necessary to correct an unsafe condition. (Ord. 86-13 § 3 (part), 1986; Ord. 85-05 § 1 (part), 1985).
- 24.08.1050 Demolition Appeal.
1. If an application for a landmark alteration permit to demolish a designated landmark is appealed, the city council may continue action on the appeal for a period of up to one hundred eighty days from the date of the council's public hearing. If the city council fails to act in this period of up to one hundred eighty days, the application shall be deemed to have been approved.
 2. If the appeal is for permit approval, the city council during this period may with the advice and assistance of the historic preservation commission take such steps as it determines are necessary to preserve the structure concerned, in accordance with the city's historic preservation purposes (Section 24.12.400). Such steps may include, but shall not be limited to, consultations with civic groups, public agencies, and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features. (Ord. 91-12 § 4, 1991; Ord. 85-05 § 1 (part), 1985).
- 24.08.1060 Reserved. [At the direction of the city clerk, this section, entitled "Unsafe or Dangerous Conditions," was removed from the code at the time of the 1995 republication. See § 24.08.1040.]
- 24.08.1070 Showing of Hardship in Cases of Proposed Material Change Construction. The historic preservation commission may approve a landmark alteration permit to carry out construction, demolition, material change, or relocation of a landmark or in an historic district, if the applicant presents facts clearly demonstrating to the satisfaction of the historic preservation commission at the public hearing that failure to receive such approval will cause an immediate and substantial hardship. If hardship is found to exist under this section, the historic preservation commission shall make a written finding to that effect, and shall also specify in writing the facts relied upon in making such finding. (Ord. 85-05 § 1 (part), 1985).