

TO: JAMES L. APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: DETERMINATION OF HISTORIC OR ARCHITECTURAL SIGNIFICANCE OF AN SEVERELY DAMAGED COMMERCIAL BUILDING 801-807 12th STREET / 1214-1220 PARK STREET AND A REQUEST TO PROCESS A PENDING DEMOLITION PERMIT APPLICATION (BLACKBURN / CLOCK TOWER / ACORN BUILDING; APPLICANT: MARK MASTAGNI)

DATE: FEBRUARY 3, 2004

Needs: For the City Council to consider making a determination as to the historic or architectural significance or non-significance of a building that collapsed as a result of the December 22, 2003 earthquake.

Facts:

1. A request to demolish the remains of a commercial building that was located at the northeast corner of 12th and Park Streets has been filed with the City. The subject building was severely damaged and collapsed as a result of the December 22, 2003 earthquake.
2. The building that stood at that location and which is proposed for demolition is listed in both the City Inventory of Historic Resources and the State of California Historic Properties Directory. In the City's inventory the structure has been referred to as the Blackburn Building. It is more popularly known as the Clock Tower or Acorn Building.
3. The City Council will be asked to find and determine that the building is no longer a historic resource and is therefore not subject to Section 15064.5 of the Guidelines for implementing the California Environmental Quality Act (CEQA), and that a Categorical Exemption under Section 15301(l)(3) would apply.
4. Per Chapter 17.16 (Demolition of Buildings and Structures) of the Zoning Ordinance, the City Council is being asked to make a determination as to whether or not the building is of historic or architectural significance.

Analysis
And

Conclusions: The Council has the discretion to make a final determination as to the subject building's historic or architectural significance or non significance prior to the processing of the demolition permit. The evaluation/determination of significance is to be based on Federal, State, or Local Criteria. Since the subject building has collapsed, its historic and architectural significance have been eliminated.

Although the subject building is in the City's Historic Resources Inventory and the State's Historic Properties Directory, it is not on any local or State Register of historic structures. Since it is not on a Register, it is not subject to review other than that provided by the City Council.

In its present state, the remains of the building present an imminent threat to the public of bodily harm and damage to adjacent property (in the context of State Resources Code Section 5028). The condition of the building remains are a threat to use of the public street, sidewalk, and occupancy of adjacent properties.

A timely demolition of the remains of the building would facilitate plans for reuse of the subject property. The only grounds for delay in demolition would be to allow adequate time for the former business occupants of the structure to remove any of their inventory, fixtures or possessions.

The manner in which a new building would be designed for the subject property will be the subject of a future Planned Development application and would be subject to whatever public policy requirements as may apply at the time of a request for a project approval.

Policy

Reference: Paso Robles General Plan, Paso Robles Zoning Ordinance, Title 17 (Building and Construction) of Paso Robles Municipal Code relating to demolition of buildings or structures

Fiscal

Impact: None.

Options: After considering the information and analysis presented and the public testimony received, the City Council will be asked to select one of the following options:

a. Determine (1) that the building in its present condition is no longer a historic resource and is therefore not subject to Section 15064.5 of the Guidelines for implementing the California Environmental Quality Act (CEQA), and that a Categorical Exemption under Section 15301(l)(3) would apply, and (2) that the existing building is also not a historic resource by virtue of not being eligible for inclusion in the National Register and (3) that the subject building presents an imminent threat to the public of bodily harm and damage to adjacent property (in the context of State Resources Code Section 5028). Based on the foregoing, direct that the demolition permit application be processed, subject to the property owner providing a three (3) week opportunity from the date of Council approval of the Demolition Permit for businesses that formerly occupied the structure to remove any of their inventory, fixtures or possessions that can be accomplished in a manner that would preserve public health and safety. Any replacement structure will be the subject of a future Planned Development application and would be subject to whatever public policy requirements as may apply at the time of a request for a project approval..

b. Amend, modify, or reject the above option.

Attachments:

1. Application for Demolition and related materials
2. Municipal Code Excerpt

**INFORMATION PERTAINING TO APPLICATION FOR BUILDING PERMIT,
CITY OF PASO ROBLES**

The following information should be filled out as completely as possible. Failure to do so may impede the permit process

PLEASE PRINT:

OWNER (S): Mastagni Children's Trust
Mastagni Survivor's Trust-Mary E. Mastagni PHONE: (805) 238-4574
Trustee
OWNER (S) ADDRESS: 933 Saint Ann Dr., PR, CA 93446 E-MAIL: 805-238-3600 Fax
AGENT FOR OWNER: Mark Mastagni PHONE: (805) 238-9606
AGENTS' ADDRESS: 509 Larkfield Pl., PR, CA 93446 E-MAIL: N/A
PROJECT ADDRESS: # 801-807 STREET 12 TH. Street LOT 11 & 12 TRACT 30 (Block)
1214-1220 Park Street
ARCH./DRAFTSMAN: Darin Traverso R.C.E. PHONE: (805) 434-2950
Structural Engineer
ARCH./DRAFTSMAN ADDRESS: 1155 Rolfe Lane, Templeton E-MAIL: _____
CA, 93465
GENERAL CONTRACTOR: Portney Construction PHONE: (805) 237-9969
ADDRESS: P.O. Box 1980, 1140 Railroad ST. #B E-MAIL: portneyconst@charterinternet.com
Paso Robles, CA 93447, Paso Robles, CA 93446
ELECTRICAL CONTRACTOR: N/A PHONE: ()
ADDRESS: _____ E-MAIL: _____
PLUMBING CONTRACTOR: N/A PHONE: ()
ADDRESS: _____ E-MAIL: _____
CONTRACTORS' LICENSE NUMBER: 598414 LICENSE CLASS: A,B,C-21 EXPIRATION DATE: 4/30/04
ASB./HAZ.

PROJECT INFORMATION: PROPOSED USE: Demolition Earth- VALUE OF PROJECT: \$ N/A
quake damaged Bldg.
PERMIT REQUESTED: BUILDING DEMOLITION CURB,GUTTER,SIDEWALK MECHANICAL
PLUMBING ELECTRICAL SWIMMING POOL/SPA FIRE SPRINKLER OTHER _____
TOTAL SQUARE FEET OF BUILDING: 7200 sq. ft. GARAGE: _____ PATIO/DECK: _____
SETBACKS: FRONT: 0 FT. per story SIDES: 0 0 FT. REAR: 0 FT.
NUMBER BEDROOMS: _____ NUMBER BATHROOMS: 4 NUMBER OF STORIES: 2

B04- 0050

PLEASE COMPLETE THE REVERSE SIDE

WORK PLAN

CLOCK TOWER BUILDING

801 - 807 12th Street, 1214 - 1220 Park Street, Paso Robles

- A. See attached drawing.
- B. Equipment to be utilized in demolition: 44-foot reach lift, 85-foot straight boom, three-yard loader and track excavator.
- C. 801 - 807 12th Street is a two-story, unreinforced masonry bearing wall structure with a wood-framed roof and floor, measuring approximately 120'x65'x25'. 1220 Park Street measures approximately 18'x45'x15'.
- D. The demolition of this structure will required approximately 10 working days.
- E. Owner's information: Mastagni Children's Trust
Mastagni Survivor's Trust
933 Saint Ann Drive
Paso Robles, CA 93446
- F. Letter of Intent to retain services of Portney Construction attached.
- G. Conventional demolition. Removal of materials will be staged so that if there is an uncontrolled shifting of building materials, the building will collapse inward upon itself.

MARY E. MASTAGNI
933 St. Ann Drive
Paso Robles, California 93446

Portney Construction
Attn: Doug Portney
1140 Railroad Street
Suite B
Paso Robles, CA 93446

VIA HAND DELIVERY

Re: Acorn Building and Marlow Building

Dear Mr. Portney:

Pursuant to the request of Kate of Portney Construction, the Mastagni Children's Trust and I hereby grant authorization to Portney Construction to work with the City of Paso Robles to process the demolition permits for the Acorn Building and the Marlow Building. As you are aware, the Mastagni family and I desire to work with the tenants of those two buildings to let them have ample opportunity to recover their possessions in their respective stores.

This will also state the intent of me and the Mastagni Children's Trust to work with Portney Construction on the demolition of the two buildings. Of course, any demolition will be pursuant to written contract executed by Portney Construction and the Mastagni Children's Trust and me.

We look forward to working with you.

Sincerely,


Mary E. Mastagni

Chapter 17.16

DEMOLITION OF BUILDINGS AND STRUCTURES

Sections:

- 17.16.010 Purpose and intent.
- 17.16.020 Permit required.
- 17.16.030 Application for permit.
- 17.16.040 Determination of historic or architectural significance.
- 17.16.050 Processing procedures.
- 17.16.060 Exception.

17.16.010 Purpose and intent.

The purpose of this chapter is to protect buildings, structures, and features which reflect special elements of the city's heritage and to seek alternatives to demolition for important historical resources. The protection and preservation of cultural resources are required in the interest of the health, prosperity, social and cultural enrichment, and general welfare of the people. (Ord. 586 N.S. Exh. A (part), 1989)

17.16.020 Permit required.

No person shall demolish any building or structure until a permit has been issued by the building official in accordance with the provisions set forth in this chapter. (Ord. 586 N.S. Exh. A (part), 1989)

17.16.030 Application for permit.

An application for a permit to wreck, demolish, or raze a building or structure shall be submitted to the building official. An application shall state:

A. The precise location of the building or structure to be demolished identifying the building or structure to be removed and distances to the neighboring buildings, property lines, streets or right of ways, and public utilities;

B. The type of equipment to be used to demolish the building or structure;

C. The length, width, height, and principal materials or construction of the building or structure;

D. The length of time required to complete the proposed demolition work;

E. The name and address of the owner(s) of the building or structure;

F. Proof of permission from the owner(s) and other vested interests to do the proposed work;

G. Method(s) of proposed demolition; and

H. Any other information deemed necessary by the building official. (Ord. 586 N.S. Exh. A (part), 1989)

17.16.040 Determination of historic or architectural significance.

Upon receipt of an application for a permit to demolish a building or structure, the building official shall forward the application to the planning division of the community development department. The city planner shall determine whether the building or structure is a potential historic or architectural resource, using the following criteria:

A. Inclusion on any list of historic and cultural resources, including, but not limited to, the National Register of Historic Buildings, the state list of significant historic buildings, the 1981-1984 Historic Resources Survey conducted by the community development department or any other recognized source of historic and cultural resources for the City of El Paso de Robles; and

B. An evaluation of the building or structure based upon the following criteria:

1. Whether the building or structure reflects special elements of the city's historical, archaeological, cultural, social, economic, aesthetic, engineering, or architectural development; or

2. Whether the building or structure is identified with persons or events significant in local, state, or national history; or

3. Whether the building or structure embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or whether the building or structure represents an established and familiar visual feature of a neighborhood or community of the city.

The city planner shall make his/her determination within thirty days from the date the application for demolition is submitted. (Ord. 586 N.S. Exh. A (part), 1989)

17.16.050 Processing procedures.

A. Nonsignificant Buildings or Structures. If the building or structure to be demolished is determined by the city planner as having no historic, architectural or aesthetic significance to the city, the city planner shall refer the matter back to the building official with recommendation to issue the demolition permit. When in doubt, the city planner may seek the review and advice from the architectural review committee/historic preservation commission. The demolition permit shall be effective on the date of issue.

B. Significant Buildings or Structures.

(1) If the building or structure proposed to be demolished is determined by the city planner to have historic, architectural, or aesthetic significance to the city, the city planner shall schedule the request for demolition to the council for final determination at the next available hearing.

(2) The community development department shall place a legal notice in a newspaper of general circulation in the city, announcing the proposed demolition. The notice shall be given in a manner consistent with city policies and procedures and state law. The notice shall show the location of the building or structure on a vicinity map with the street address. The community development department shall also notify by first class mail all property owners within a three-hundred-foot radius of the proposed demolition and any persons or organizations that have asked to be notified of the application for demolition permits. The applicant for the demolition permit shall be responsible for providing a set of mailing labels containing the property owners and addresses based upon the latest county assessor's tax roll.

C. Findings Required.

(1) The council may, upon finding that the building or structure is of significant historical character, require a six month continuance in consideration of

the demolition permit request with an option to extend the continuance for an additional six month period should that become necessary. The purpose of the continuance, and the possible extension, is to provide adequate time to investigate alternatives to demolition.

(2) Upon making the determination that there are no feasible alternatives to demolition, the council may direct the building official to issue the permit.

(3) The demolition of all buildings and structures shall be conducted in accordance with all conditions outlined in Chapter 44 and subsection 4409 of the Uniform Building Code as adopted by council. (Ord. 586 N.S. Exh. A (part), 1989)

17.16.060 Exception.

Upon determination by the building official that the building or structure to be demolished poses a threat to the health and safety of persons in the area surrounding the subject structure, the building official may, with the community development director's concurrence, issue the demolition permit without city council review and the findings set forth in this chapter. The building official may also require fencing or other appropriate measures to secure the site pending review by staff and/or council. (Ord. 586 N.S. Exh. A (part), 1989)