

TO: James L. App, City Manager
FROM: Ronald Whisenand, Community Development Director
SUBJECT: Historic Preservation Program
DATE: January 4, 2011

Needs: Consider recommendations from the 2007 County Grand Jury and the City's Planning Commission to adopt a Historic Preservation Program.

Facts:

1. The City Council directed that an update the City's Historic Preservation Program be prepared. The City's current program was established in the 1980's and is out of date.
2. The County Grand Jury recommended:
 - a. The City should review and improve documentation procedures for the Historic Resources Survey and Inventory (i.e. update the City's historic inventory);
 - b. The City should consider creating a Historic Preservation Committee/Commission to aid in the review and protection of historic resources; and
 - c. The City should develop a process to address the treatment of historic properties (i.e. historic preservation ordinance and incentive program).
3. The City hired Historic Resources Group (HRG) to assist with the update effort. With assistance from the Paso Robles Historical Society, HRG has completed a Historic Resources Survey, Historic Preservation Ordinance, and Historic Resource Inventory (attached).
4. The Planning Commission held public workshops on December 9, 2008, March 24, 2009, May 26, 2009, and June 22, 2010. Community and Commission comments at these workshops were incorporated into the final hearing draft which was presented to the Commission on November 9, 2010. At the close of this final public hearing, the Commission recommended that the Council approve the program and its various documents. Details on Commission discussion is contained below.

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Analysis &
Conclusions:

The draft update of the City's Historic Preservation Program is ready for final action. The program consists of the following documents:

- City of Paso Robles Historic Resources Survey (*updated March 2010*)
- Draft Historic Preservation Ordinance (*updated September 2010*)
- Historic Resource Inventory (*new December 2010*)
- Historic Preservation Informational Handouts
 - Historic Resource Survey Update Process (*updated*)
 - Historic Preservation Review Flowchart (*existing*)
 - Permit Processing Flowchart (*new*)
 - Historic Preservation Frequently Asked Questions (*new*)
- Initial Study/Environmental Determination (*new*)

A more detailed description of these documents and the processing requirements for historic structures is contained in the Planning Commission staff report (attached). The Council should provide direction on the following questions:

1. Should the City establish a Historic Preservation Commission? One of the recommendations contained in the County Grand Jury report was for the City to study the feasibility of creating a Historic Preservation Committee/Commission. The draft ordinance is written with a separate Commission advisory to the Council in mind. As an option, the Council could utilize the Planning Commission for this purpose.

The advantages of a separate commission would be that membership could include individuals with training, expertise, and interest in the topic of historic preservation. The disadvantages are that there may not be enough work to keep committee members engaged in meaningful service (as was experienced with the Project Area Committee).

The Planning Commission was split on the issue of whether having a separate Committee would be beneficial.

2. Who should be able to nominate Historic Landmarks and Districts? While the Planning Commission was unified in their recommendation that any citizen should have the right to initiate the landmark listing process, this issue should be reaffirmed by the Council. There have been concerns that allowing any citizen or historic group to nominate any building in town might take away property owner control.

As pointed out in the attached Planning Commission staff report, historic resources are often considered “community resources”; therefore the ordinance has “public benefit” provisions that protect those resources beyond individual property owner interests. While the nomination process can be initiated by any citizen, it is important to note that property owner input is built into the nomination process and would be a factor in any decision made by the City Council (i.e. the Council can choose to not add the property to the City’s list of Historic Landmarks).

There are no requirements in the law that would dictate the nomination process.

3. Should the owner of a “listed Historic Landmark” be required to protect the resource from neglect? The maintenance provisions contained in Section 21.50.180 have had an extensive amount of public and Commission input. While there may have been some confusion as to which buildings were covered by the maintenance provisions (i.e. only those properties where owners request and receive Historic Landmark or District status as opposed to historic resources contained in the inventory), the question simply comes down to:

“If it is a goal of the Council to recognize, preserve, and protect our City’s historic resources as stated in our General Plan, Economic Strategy, and purpose section of the ordinance, then to what degree should the City try to protect those community resources from deterioration by neglect?”

The Planning Commission was split on their recommendation. Some members felt having the ability for the City to come in, perform the necessary work, and lien the property was too heavy handed. Others felt that the maintenance provisions are necessary when all other means fail. However:

- The provision only applies to properties that have achieved landmark status. It is therefore unlikely that a property owner who would go through the effort of having the property listed would not recognize and protect the “value” of that resource with ongoing maintenance.
- One of the benefits of the listing is to obtain economic incentives, such as Mills Act tax breaks. Maintenance guarantees are typically associated with those incentive programs.
- The City’s existing Nuisance Abatement provisions (Chapter 9.06 of the Municipal Code) already provides a similar abatement

process for unsightly, blighted, dangerous, or abandoned buildings and any condition in violation of the Municipal Code.

4. Which properties should be listed in the Inventory?

The survey identified approximately 160 buildings in town that meet the criteria for listing as either Historic Landmarks or contributors to one of three Historic Districts (Survey Appendices A-D). The buildings are all included in the Historic Resources Inventory, proposed for adoption (Attachment 4). The Inventory also includes approximately 420 additional buildings (for a total of approx. 580) with the following status:

- Approximately 240 buildings contained in the 1984 Morehouse Survey no longer meet the eligibility requirements for listing but are listed on the States Historic Resource Inventory (HRI). Following adoption, staff will work with the State Office of Historic Preservation to remove them from the HRI and from our Inventory.
- Approximately 60 buildings that require "further study." The further study classification was assigned to buildings where documentation and access was not available to the consultants to draw conclusions on significance.
- Approximately 110 buildings that are considered contributors to the proposed Central Business District and Vine Street Historic and Architectural "Overlay Zones." Both areas were evaluated as part of HRG's survey efforts and did not meet the criteria for listing as "Historic Districts." The resource conservation overlay zones contain buildings that are not individually significant (i.e. one of the 160+/- buildings referenced above), but do "contribute to the character of the overlay zone." Should the Council wish to not designate these overlay zones, or in the case of the Vine Street zone, make changes to the General Plan to eliminate the current overlay zone, then these buildings could be removed from the historic inventory. Doing so would subject these properties to normal City processes, including any design considerations contained in the draft Uptown/Town Centre Specific Plan.

5. What are the next steps? Once adopted, the ordinance will require a second reading and take effect 30 days thereafter (around February 17, 2011). During that time, staff will develop application forms, informational handouts, and fee estimates to add to the City's Planning Fee Schedule (Council action will be required). In addition, staff has begun the work necessary to initiate a Mills Act program that would be

available to qualified property owners (eligible resources that are granted landmark listing status).

One final question for Council consideration is whether to start the nomination process for any historic buildings or districts in town. The consultants have prepared their recommendation for the most significant historic resources in the City (Attachment 8). The Council could direct staff to work with the individual property owners and pursue these nominations as a kick-off to the City's newly adopted Historic Preservation Program.

6. What happens if the Council fails to adopt a Historic Preservation Program? While the Council directed staff to update the City's historic inventory and develop a historic preservation ordinance, the Council is not required to adopt one. If it doesn't, we would default to our current process, which depending on the type of activity proposed, would require:

- Property owners to hire historic consultants to prepare individual historic evaluations
- Staff preparation of CEQA compliance documentation since State law would still mandate protection of buildings meeting historic criteria as an "environmental resource."
- Schedule decisions for the Planning Commission and City Council, depending on the action being requested.

A decision to not adopt a historic preservation ordinance will also create some disadvantages including:

- Leave 160+/- buildings that may no longer be considered historic resources on the State's list of historic resources requiring protection.
- Eliminate the ability for property owners to take advantage of incentive programs, including use of the Historic Building Code and Mills Act property tax adjustments.
- Put possible undocumented historic resources at risk of demolition, such as was the case with the Farmer's Alliance Building.

Policy
Reference:

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- Housing Element Policy H-2; Action Item 2. – Continue to implement the city's Demolition of Buildings and Structures Code, which serves to protect historic buildings.
- Conservation Element Goal & Policy C-6 – Strive to preserve/protect important historic and archaeological resources.
- Economic Strategy Policy – Encourage adaptive reuse of historic buildings
- Economic Strategy Action – Develop and implement ...historic preservation/reuse standards

Options:

- a. Fulfill a Council Goal by taking the actions listed below:
 1. Adopt the attached Resolution approving the March 2010 Historic Resources Survey and Historic Resources Inventory;
 2. Adopt the attached Resolution adopting the Negative Declaration of Environmental Impact for the Historic Preservation Ordinance;
 3. Introduce the attached Ordinance amending the Zoning Code to establish historic preservation regulations, and set January 18, 2011 for adoption;
 4. Direct staff to work with the State Office of Historic Preservation to update California Historic Resource Status Code information for Paso Robles properties consistent with the updated HRG survey; and
 5. Direct staff to work with the County Tax Collector and develop a Mills Act incentive program for eligible historic properties.
- b. Amend, modify, or reject the above-listed action.

Attachments:

1. Historic Resources Survey
2. Draft Historic Preservation Ordinance
3. Draft Alternative Ordinance Language
4. Historic Resource Inventory
5. Historic Preservation Handouts
6. Initial Study and Environmental Analysis
7. Planning Commission Staff Report
8. Listing of the 17 most historically significant buildings and 10 homes making up the Vine Street Historic District
9. Draft Resolution of Adopting Historic Preservation Program
10. Draft Resolution Adopting Negative Declaration for Historic Preservation Ordinance
11. Draft Ordinance
12. Public Comment Letters

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Attachment 1
Historic Resources Survey



Full document provided to Council. A complete copy has been provided in the library or can be viewed on the City's website: www.prcity.com/government/departments/commdev/preservation.asp

REPORT

City of Paso Robles
Historic Resources Survey
August 2010

HISTORIC RESOURCES GROUP

Attachment 2
Historic Preservation Ordinance



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City of Paso Robles
Historic Preservation Ordinance
September 2010

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Article V. Historic Preservation

Chapter 21.50

HISTORIC PRESERVATION

Sections:

21.50.010	Title
21.50.020	Purpose
21.50.030	Enabling Authority
21.50.040	Definitions
21.50.050	Historic Preservation Commission
21.50.060	Historic Resources
21.50.070	Paso Robles Historic Resources Inventory
21.50.080	Historic Landmarks
21.50.090	Historic Districts
21.50.100	Points of Interest
21.50.110	Conservation Overlay Zone
21.50.120	Amendment or Rescission of Designation
21.50.130	Alteration and Repair of Designated Historic Resources
21.50.140	Demolition of Designated Historic Resources
21.50.150	Undesignated Structures CEQA Review
21.50.160	Review of Projects Affecting City-Owned Historic Resources
21.50.170	Preservation Incentives
21.50.180	Maintenance and Enforcement

21.50.010 - Title.

This article shall be known as the “Historic Preservation Ordinance.”

21.50.020 - Purpose.

The purpose of the Historic Preservation Ordinance is to provide for the recognition, preservation, protection, and use of Historic Resources in the City by establishing procedures and regulations that are necessary to:

- 1) Assist the City in identifying and protecting its Historic Resources;
- 2) Ensure that new development maintains continuity with the City’s historic character and scale;
- 3) Maintain Historic Resources as community assets; and

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- 4) Fulfill the City's responsibilities regarding Historic Resources under applicable State and Federal laws, including the California Environmental Quality Act (CEQA) and Federal Section 106.

21.50.030 - Enabling Authority.

California Government Code Sections 65850 and 37361 enable city legislative bodies to provide for "the protection, enhancement; perpetuation, or use of places, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value."

21.50.040 – Definitions.

For the purposes of this ordinance, the following words and phrases are defined:

ADDITION is an extension or increase in floor area or height of a building or structure.

ALTERATION is any change or modification to a Historic Resource requiring a city permit.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) is California Public Resources Code Section 21000 et seq. and its related guidelines as they may be amended from time to time.

CALIFORNIA HISTORICAL BUILDING CODE (CHBC) is Title 24, Building Standards, Part 8, California Code of Regulations. The intent of the CHBC is to facilitate the preservation and continuing use of qualified historic buildings or properties while providing reasonable safety for the building occupants and access for people with disabilities.

CALIFORNIA HISTORICAL RESOURCE STATUS CODE is the numerical system adopted by the California Office of Historic Preservation to classify Historic Resources that have been identified through a regulatory process or local government survey in the Statewide Historic Resources Inventory database maintained by the California Office of Historic Preservation.

CALIFORNIA REGISTER OF HISTORICAL RESOURCES is a listing of archaeological and Historic Resources that meet the criteria for designation in the California Register as defined in California Public Resources Code Section 5020.1, as it may be amended from time to time.

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CERTIFICATE OF APPROPRIATENESS is an approved certificate issued for work on a Historic Resource.

CHARACTER DEFINING FEATURES are the essential physical features that enable a building, structure, or object to convey why it is significant (applicable criteria and areas of significance) and when it was significant (Period of Significance). It is not necessary for a property to retain all of its historic physical features or characteristics; however, the property must retain sufficient physical features to enable it to convey its historic identity and without which the property can no longer be identified.

CONSERVATION OVERLAY ZONE is a concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development that do not meet the criteria for designation as Historic Landmarks or Historic Districts, but have unique qualities requiring special treatment and special approaches to development.

CONTRIBUTOR is any building, structure, or object located within a designated Historic District which adds to the historical integrity or architectural qualities that make the Historic District significant. Contributors to designated Historic Districts are considered Historic Resources.

CRITERIA FOR DESIGNATION are the local criteria established by the City Council for the designation of Historic Landmarks and Historic Districts.

DEMOLITION is destruction that is so extensive that the historic character of a Historic resource is completely removed and cannot be repaired or replaced.

GOOD REPAIR is the level of Maintenance and Repair which clearly furthers the continued availability of a Historic Resource for lawful reasonable uses and prevents deterioration, dilapidation, decay, and neglect of such resource.

HISTORIC DISTRICT is a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically in a distinguishable way or in a geographically definable area that retain sufficient integrity and meet at least one of the Criteria for Designation.

HISTORIC LANDMARK is building, structure, object, or site that possesses sufficient Character Defining Features, integrity of location, design, setting, materials,

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workmanship, feeling, or association, meets at least one of the Criteria for Designation, and has been officially designated through City Council action.

HISTORIC RESOURCE is any building, structure, object, or site that is listed in or determined eligible for listing in the National Register of Historic Places or the California Register of Historical Resources, either individually or as a contributor to a Historic District; is listed in the Paso Robles Historic Resources Inventory; meets at least one of the Criteria for Designating a Historic Landmark; or is identified as a Contributor to a Historic District.

HISTORIC RESOURCES INVENTORY as defined by Paso Robles is the list of buildings, structures, objects, or sites that are identified as Historic Resources or potential Historic Resources through survey or other evaluation; are included on any list of historic and cultural resources, including, but not limited to, the National Register of Historic Places, the California Register, and the Statewide Historic Resources Inventory (with a California Historic Resource Status Code of 1-5); or are designated Historic Landmarks or Contributors to a Historic District by the City Council.

HISTORIC RESOURCES SURVEY is the systematic and standardized process, including historical research and field work, for identifying and gathering data on the City's potential Historic Resources for the purpose of evaluating the resources per local, State, and/or Federal criteria.

INTEGRITY is the ability of a Historic Resource to convey its significance, with consideration of the following aspects of Integrity: location, design, setting, materials, workmanship, feeling and association.

MAINTENANCE AND REPAIR is any work done to correct or prevent the deterioration, decay of, or damage to a building, structure or lot, or any part thereof, including replacement in-kind where appropriate, and which does not involve a change in the existing design or materials.

NATIONAL REGISTER OF HISTORIC PLACES is the nation's official inventory of districts, sites, buildings, structures and objects significant in American history, architecture, archeology and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966(16 U.S.C. 470 et seq., 36 C.F.R. Sections 60, 63).

NON-CONTRIBUTOR is any building, structure, or object located within a designated Historic District which does not add to the historical integrity or

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architectural qualities that make the Historic District significant. Non-contributors to designated Historic Districts are not considered Historic Resources.

OWNER is any person, association, partnership, firm, corporation or public entity identified as the holder of title on any property as shown on the records of the City Clerk or on the last assessment roll of the County of San Luis Obispo, as applicable. For purposes of this section, the term Owner shall also refer to an appointed representative of an association, partnership, firm, corporation, or public entity which is a recorded Owner.

PERIOD OF SIGNIFICANCE is the span of time that a property was associated with important events, activities, or persons, or attained the characteristics that qualify it for designation.

POINT OF INTEREST is a building, structure, object, or site that does not meet the criteria for designation as a Historic Landmark, but which is associated with historic events, important persons, or embodied a distinctive character or architectural style.

PRESERVATION is the act or process of applying measures necessary to sustain the existing form, Integrity, and materials of a Historic Resource.

PROJECT is work that is proposed to a Historic Resource.

RECONSTRUCTION is the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

REHABILITATION is the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

RELOCATION is the act or process of moving a Historic Resource from one site to another site, or to a different location on the same site.

RESTORATION is the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and Reconstruction of missing features from the restoration period.

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SECRETARY OF THE INTERIOR'S STANDARDS FOR THE TREATMENT OF HISTORIC PROPERTIES are the guidelines prepared by the National Park Service for Preserving, Rehabilitating, Restoring, and Reconstructing historic buildings and the standards for historic preservation projects prepared by the National Park Service with the most current Guidelines for Applying the Standards.

SECTION 106 is Section 106 of the National Historic Preservation Act of 1966 as amended, which requires federal agencies to take into account the effects that federally-funded activities and programs have on historic properties that are included in, or eligible for, the National Register of Historic Places.

STATE HISTORICAL RESOURCES COMMISSION is the nine-member state review board, appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage.

STATEWIDE HISTORIC RESOURCES INVENTORY is the database of Historic Resources that have been identified through a regulatory process or local government survey that is maintained by the California Office of Historic Preservation.

SUBSTANTIAL ALTERATION is a proposed Alteration to a Historic Resource that may cause a change in its Character-Defining Features such that it no longer conveys its historic significance.

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21.50.050 - Historic Preservation Commission.

A. Establishment of a Historic Preservation Commission.

The City shall create a Historic Preservation Commission to act as an advisory body to the City Council on all matters pertaining to historic preservation.

- 1) The Historic Preservation Commission shall consist of five (5) members, comprised of three (3) public members and two (2) Planning Commissioners, all of whom shall be residents of the city during incumbency. The public members shall be appointed by the City Council and the Planning Commissioners shall be appointed by the Planning Commission Chair and affirmed by the City Council.
- 2) The Commission shall be comprised of professional and lay members with demonstrated interest, competence, or knowledge in historic preservation. Commission Members may be appointed from among the disciplines of architecture, history, architectural history, planning, archeology, or other related disciplines such as American studies, landscape architecture, cultural geography, or cultural anthropology, to the extent that such professionals are available in the community. Commission membership may also include lay members who have demonstrated special interest, competence, experience, or knowledge of Paso Robles history and historic preservation.
- 3) The term of the office of each Commissioner shall be three years, or until his or her successor shall qualify. A Commissioner shall not serve for more than two consecutive full terms plus the portion of any unexpired term for which he or she was appointed.
- 4) The Commission shall annually elect a chair and vice-chair from among its Members to serve for terms of one year. No person shall serve as chair for more than two consecutive one-year terms.
- 5) Quorum. Three Members shall constitute a quorum.
- 6) The Commission shall hold at least one regular meeting every other month. All meetings of the Commission shall be open to the public and shall be at City Hall unless another meeting time or place is designated with legally required notice to the Commissioners and the public.
- 7) Commissioners shall serve without compensation. All expenditures shall be submitted to the Community Development Director for City Council approval of necessary reimbursements.

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B. Powers and Duties of the Commission.

The Historic Preservation Commission shall be an advisory board to the City Council, Planning Commission, the City Manager, and all City departments on all matters related to historic preservation. The Historic Preservation Commission shall have the power and it shall be its duty to perform the following acts:

- 1) Recommend to the City Council that certain sites, buildings, structures, objects or districts having a significant historical, cultural, architectural, community or aesthetic value as part of the heritage of the City be designated as Historic Landmarks, Historic Districts or Points of Interest.
- 2) Make recommendations to the Planning Commission and the City Council on issues related to historic preservation in the General Plan.
- 3) Encourage public understanding of and involvement in the unique historic, cultural and architectural heritage of the City through educational and interpretive programs.
- 4) Educate property Owners and the general public about historic preservation policies, procedures, and practices.
- 5) Explore means for the protection, retention and use of any designated or potential Historic Landmark and Historic District including, but not limited to, appropriate legislation and financing, such as encouraging independent funding organizations or private, local, state or federal assistance.
- 6) Pursue or support the designation of individual properties or historic districts in the National Register of Historic Places to enable property Owners to make use of federal tax incentives.
- 7) Make recommendations on design review applications (including applications for demolition) affecting designated Historic Resources.
- 8) In coordination with the Main Street Association, recommend that the City Council confer recognition upon the Owners of designated Historic Landmarks, Points of Interest, or Historic Districts by means of certificates, plaques or markers.
- 9) Recommend that the City Council issue commendations to Owners who have rehabilitated their property in an exemplary manner.
- 10) Recommend and encourage the protection, enhancement, appreciation, and uses of structures of historic, cultural, architectural, community, or aesthetic value which have not been designated as Historic Resources but are deserving of recognition.
- 11) Oversee periodic updates to the Historic Resource Survey.
- 12) Advise the City Council and other Commissions as necessary on historic preservation issues.

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13) Perform any other functions that may be designated by the City Council.

21.50.060 – Historic Resources.

A building, structure, object, or site is considered a Historic Resource in the City of Paso Robles if it is listed in or determined eligible for listing in the National Register of Historic Places or the California Register of Historical Resources; it is listed in the Paso Robles Historic Resources Inventory; or it meets at least one of the criteria for designating a Historic Landmark.

Any Historic Resource or potential Historic Resource can be nominated for official designation as a local Historic Landmark or Historic District. Designated Historic Landmarks and Contributors to designated Historic Districts are eligible for special protection and incentives that non-designated Historic Resources do not receive.

The City of Paso Robles has two (2) designation categories to recognize Historic Resources:

1. Historic Landmarks
2. Historic Districts

The City of Paso Robles has two (2) designation categories to recognize buildings, structures, objects, or sites that do not meet the criteria for designation as a Historic Landmark or Historic District, but have particular social, cultural, or historic significance to the community and therefore shall receive recognition and consideration in local planning:

3. Point of Interest
4. Conservation Overlay Zone

21.50.070 - Paso Robles Historic Resources Inventory.

The Paso Robles Historic Resources Inventory identifies buildings, structures, objects that are designated Historic Resources, appear eligible for historic designation, or are considered Historic Resources for purposes of CEQA. The Historic Resources Inventory may be used for reference for future determinations for the designation of Historic Resources, and for evaluating proposed alterations to or removal of Historic Resources.

The Paso Robles Historic Resources Inventory shall collectively consist of buildings, structures, objects, sites, or districts that:

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- 1) Are identified as Historic Resources or potential Historic Resources through survey or other evaluation;
- 2) Are included on any list of historic and cultural resources, including, but not limited to, the National Register of Historic Places, the California Register, and the State Historic Resources Inventory (with a California Historic Resource Status Code of 1-5); or
- 3) Are designated Historic Landmarks or Contributors to a Historic District by the City Council.

The Historic Resources Inventory shall be kept on file with the Community Development Department, and distributed to the City Clerk, the Public Works Director, the Emergency Services Director, the Paso Robles Historical Society, and the Paso Robles Public Library.

21.50.080 – Historic Landmarks.

A. Description of a Historic Landmark.

A building, structure, object, or site may be designated a Historic Landmark if it has individual historic significance and meets at least one of the Designation Criteria as defined in Paragraph 21.50.080.B. A designated Historic Landmark is eligible for special protection and incentives that non-designated Historic Resources do not receive.

B. Criteria for Designating a Historic Landmark.

A building, structure, object, or site may be designated as a Historic Landmark if it possesses sufficient Character Defining Features, integrity of location, design, setting, materials, workmanship, feeling, or association, and meets at least one of the following criteria:

- 1) It reflects special elements of the City's historical, archaeological, cultural, social, economic, aesthetic, engineering, or architectural development;
- 2) It is identified with persons or events significant in local, state, or national history;
- 3) It 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; or

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- 4) It has yielded or has the potential to yield, information important to the history or prehistory of Paso Robles, California, or the nation.

The interior of a public or semi-public space or feature may be designated as part of a Historic Landmark if it meets all of the following criteria:

- 1) Historically the space has been open to the public;
- 2) The materials, finishes, or detailing are intact, or later additions are reversible;
- 3) The plan, layout, and features of the space are illustrative of its historic function;
- 4) Its form and features articulate a particular concept of design; and
- 5) There is evidence of distinctive craftsmanship.

C. Procedure for Designating a Historic Landmark.

The designation of Historic Landmarks shall be approved by the City Council upon the recommendation of the Historic Preservation Commission in the following manner:

- 1) Nominations for Historic Landmarks may be initiated by the Historic Preservation Commission, by the Owner of the property that is proposed for designation, or by any resident of Paso Robles.
- 2) Applications for designation originating from outside the Historic Preservation Commission shall complete the nomination form provided by the Community Development Department.
- 3) If the applicant is not the Owner of the property, the Community Development Department shall, within ten (10) days of receipt of the nomination, notify the Owner in writing that an application for designation has been submitted.
- 4) Within thirty (30) days of the receipt of a nomination, the Community Development Director shall determine if the nomination form is complete.
- 5) The Historic Preservation Commission shall schedule a public hearing on all nominations, whether originating with the Commission or with another party. If a nomination originates from outside the Commission, the public hearing shall be held within ninety (90) days of the receipt of a complete application for designation.
- 6) There shall be a work moratorium while the Historic Preservation Commission's public hearing or the City Council's decision is pending. During the moratorium, demolition or alteration permits will not be issued. The work moratorium will end upon the earlier of the City Council's decision on

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- the proposed designation, a moratorium termination date designated by the City Council, or one hundred eighty (180) calendar days from the date of commencement of the moratorium.
- 7) Notice of the date, place, time, and purpose of the hearing shall be given by first class mail to the applicants, Owners, and occupants of the property, and to property Owners within three hundred feet of the property, at least ten days prior to the date of the public hearing, and shall be advertised once in a daily newspaper of general circulation at least ten (10) days in advance of the public hearing. The Historic Preservation Commission and City Council may also give other notice as they may deem desirable and practicable.
 - 8) After the public hearing, but in no event more than sixty (60) days from the date set for the public hearing, the Historic Preservation Commission shall recommend approval in whole or in part or disapproval of the application for designation in writing to the City Council, outlining the findings used to make its decision.
 - 9) The City Council, within sixty (60) days of receipt of the Historic Preservation Commission's recommendations concerning proposed designations, shall by resolution approve the recommendations in whole or in part, or shall by motion disapprove them in their entirety. If the City Council approves a proposed designation, notice of the City Council's decision shall be sent to applicants and Owners of a designated property.

21.50.090 - Historic Districts.

A. Description of a Historic District

A Historic District is a significant concentration, linkage, or continuity of buildings, structures, objects, or sites unified historically or aesthetically in a distinguishable way or in a geographically definable area, can be designated a Historic District if it meets at least one of the criteria for designation. A Historic District will typically have both Contributors and Non-contributors within its boundaries. Contributors are considered Historic Resources and are eligible for special protection and incentives that Non-contributors do not receive. Non-contributors are not regulated under this ordinance.

B. Criteria for Designating a Historic District.

Building, structures, objects, or sites that relate to each other in a distinguishable way or in a geographically definable area may be designated as a Historic District by meeting at least one of the following criteria:

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- 1) They are a contiguous grouping of resources that meet at least one of the criteria identified for the designation of a Historic Landmark;
- 2) They are a noncontiguous grouping of thematically related properties;
- 3) They are in a definable area possessing a concentration of historic, scenic, or thematic sites which contribute to each other and are unified by plan, physical development, or architectural quality;
- 4) They reflect significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning; or
- 5) They have a unique location, singular physical characteristics, or are an established and familiar visual feature of a neighborhood, community, or the City.

C. Procedure for Designating a Historic District.

The designation of Historic Districts shall be approved by the City Council upon the recommendation of the Historic Preservation Commission in the following manner:

- 1) Nominations for Historic Districts may be initiated by the Historic Preservation Commission, by the Owner of a property that is included in the proposed district, or by any resident of Paso Robles.
- 2) Applications for designation originating from outside the Historic Preservation Commission shall complete the nomination form provided by the Community Development Department.
- 3) In addition to the nomination form, the applicant shall provide documentation by letter or petition that a majority of the Owners of property within the proposed district support the designation; a map with the boundaries of the proposed district; and an inventory and photographs of all properties in the proposed district, including both Contributing and Noncontributing properties.
- 4) The Community Development Department shall, within ten (10) days of receipt of the nomination, notify all property Owners within the proposed district in writing that an application for designation has been submitted.
- 5) Within thirty (30) days of the receipt of a nomination, the Community Development Director shall determine if the nomination form is complete.
- 6) The Historic Preservation Commission shall schedule a public hearing on all nominations, whether originating with the Commission or with another party. If a nomination originates from outside the Commission, the public hearing shall be held within ninety (90) days of the receipt of a complete application for designation.

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- 7) There shall be a moratorium on the issuance of new demolition or alteration permits from the time the Historic Preservation Commission sets a public hearing until the earlier of the City Council's decision on the proposed designation, a moratorium termination date designated by the City Council, or one hundred eighty (180) calendar days from the date of commencement of the moratorium.
- 8) Notice of the date, place, time, and purpose of the Historic Preservation Commission hearing shall be given by first class mail to the applicants, Owners, and occupants of all properties within the proposed district, and to all property Owners within three hundred feet of the proposed boundary, at least ten days prior to the date of the public hearing, and shall be advertised five consecutive days in a daily newspaper of general circulation at least ten days in advance of the public hearing.
- 9) After the public hearing, but in no event more than sixty (60) days from the date set for the public hearing, the Historic Preservation Commission shall recommend approval in whole or in part or disapproval of the application for designation in writing to the City Council, outlining the findings used to make its decision.
- 10) The City Council, within sixty (60) days of receipt of the Historic Preservation Commission's recommendations concerning proposed designations, shall by resolution approve the recommendations in whole or in part, or shall by motion disapprove them in their entirety. If the City Council approves a proposed designation, notice of the City Council's decision shall be sent to applicants and Owners of a designated property.

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21.50.100 - Points of Interest.

A. Description of a Point of Interest.

A building, structure, object, or site can be designated a Point of Interest in the City of Paso Robles if it lacks integrity or otherwise does not meet the criteria for designation as a Historic Landmark, but is significant locally for its association with historic events, important persons, or has other cultural or historic importance to the community. The designation of a Point of Interest is honorary. A Point of Interest is not considered a Historic Resource, and is therefore not afforded the same protections or incentives as Historic Resources. Points of Interest are not regulated under this ordinance.

B. Criteria for Designating a Point of Interest.

A building, structure, object, or site may be designated as a Point of Interest if it meets at least one of the following criteria:

- 1) It is the site of a building, structure or object that no longer exists but was associated with historic events, important persons, or embodied a distinctive character or architectural style;
- 2) It has historic significance, but has been altered to the extent that the integrity of the original workmanship, materials or style is substantially compromised;
- 3) It is the site of a historic event which has no distinguishable characteristics other than that a historic event occurred there and the historic significance is sufficient to justify the establishment of a historic landmark.

C. Procedure for Designating a Point of Interest.

The designation of Points of Interest shall be approved by the City Council upon the recommendation of the Historic Preservation Commission in the manner identified in paragraph 21.50.080.C (Procedure for Designating Historic Landmarks), with the exception that no work moratorium shall be declared.

21.50.110 - Conservation Overlay Zone.

A. Description of a Conservation Overlay Zone.

A Conservation Overlay Zone is a concentration, linkage, or continuity of buildings, structures, objects, or sites united historically or aesthetically by plan or physical

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development that does not meet the criteria for designation as Historic District, generally due to low integrity or amount of new construction, but has unique qualities requiring special treatment and special approaches to development. The Conservation Overlay Zone designation is intended to protect these areas from incompatible development and to establish development standards which will ensure that new developments will not adversely affect the integrity of the remaining Historic Resources and the character of the surrounding areas. A Conservation Overlay Zone is not considered a Historic Resource (with the exception of any individual buildings or structures within a Conservation Overlay Zone that are eligible individually for designation as Historic Landmarks). Conservation Overlay Zones are regulated through separate design guidelines that are adopted by the City Council.

B. Criteria for Designating a Conservation Overlay Zone.

A concentration, linkage, or continuity of buildings, structures, objects, or sites united historically or aesthetically by plan or physical development may be designated as a Conservation Overlay Zones if it meets at least one of the following criteria:

- 1) Has distinctive building features, such as period of construction, style, size, scale, detailing, mass, color and material;
- 2) Has distinctive features associated with the streetscape, such as light fixtures, signs, benches, curbs, and sidewalk;
- 3) Has distinctive site planning and natural features, such as lot platting, street layout, setbacks, alleyways, sidewalks, creek beds, parks and gardens; or
- 4) Has distinctive land uses or land use.

C. Procedure for Designating a Conservation Overlay Zone.

Conservation Overlay Zones shall be approved by the City Council upon the recommendation of the Historic Preservation Commission in the manner identified in paragraph 21.50.090.C (Procedure for Designating Historic Districts), with the exception that no work moratorium shall be declared.

21.50.120 - Amendment or Rescission of Designation.

The City Council, upon the recommendation of the Historic Preservation Commission, may amend or rescind any designation of a Historic Landmark or Historic District, including the individual Contributors or Non-contributors to a Historic District, in the same manner and procedure as was followed for the original

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designation. Points of Interest and Conservation Overlay Zones are not designated Historic Resources, and therefore amendment or rescission of designation does not apply.

In rescinding or amending the designation of a Historic Landmark or Historic District, the City Council must make the finding that the building, structure, object, or district no longer meets the designation criteria due to:

- 1) New information that compromises the significance of the property; or
- 2) Destruction of the Historic Landmark, Point of Interest or Contributor to a Historic District through a catastrophic event that has rendered the structure a hazard to public health, safety, or welfare; or
- 3) The demolition, relocation, or removal of the Historic Landmark, Point of Interest, or Contributor to a Historic District.

21.50.130 - Alterations or Repairs to Designated Historic Resources.

A. Approval Process for Alterations or Repairs to Designated Historic Resources.

It shall be unlawful for any person, Owner, or entity to directly or indirectly alter, remodel, demolish, grade, remove, construct, reconstruct, or restore any designated Historic Resource or any site, building, structure, object or district listed in the Historic Resources Inventory without first obtaining a Certificate of Appropriateness or Certificate of No Effect.

B. Alterations that are Exempt from Review.

The provisions for the issuance of a Certificate of Appropriateness or a Certificate of No Effect shall not be construed to prevent ordinary Maintenance and Repair which does not change the design, materials, architectural elements, or site features of a designated Historic Resource or a building, structure, object, or site listed in the Historic Resources Inventory. The following activities may be exempted from the review procedures:

- 1) Routine maintenance and minor repairs;
- 2) Exterior painting;
- 3) Replacing deteriorated roofing materials with the same type of material already in use;
- 4) Addition or removal of screens, awnings, canopies and similar incidental appurtenances;

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- 5) Addition or removal of walls and fences;
- 6) Addition or removal of exterior lighting;
- 7) Addition or removal of landscaping;
- 8) Addition or removal of driveways and walkways; and
- 9) Interior alterations (unless a Historic Resource designation includes interior features).

The Community Development Director can issue a Certificate of Appropriateness if it is determined that demolition, removal, or Substantial Alteration of a Historic Resource is immediately necessary to protect the public health, safety, or welfare.

C. Alterations that Require Review.

All proposed alterations or repairs to a designated Historic Resource that are not listed in paragraph 21.50.130.B (Alterations that are Exempt from Review), must receive a Certificate of No Effect from the Community Development Director, or a Certificate of Appropriateness as recommended by the Historic Preservation Commission and approved by the City Council prior to the commencement of any work.

D. Criteria and Procedure for Issuance of a Certificate of No Effect.

The Community Development Director shall issue a Certificate of no Effect if all of the following findings are made:

- 1) The work is minor and clearly meets applicable City design guidelines and the Secretary of the Interior's Standards for Rehabilitation; and
- 2) The proposed work will not diminish, eliminate or adversely affect the character of the Historic Resource; and

No changes shall be made to the approved plans for which a Certificate of No Effect was issued without resubmitting to the Community Development Director for approval of the changes.

If the Community Development Director determines that the proposed work is not eligible for a Certificate of No Effect, then the applicant must apply for and obtain a Certificate of Appropriateness.

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E. Criteria and Procedure for Issuance of a Certificate of Appropriateness.

The review and decision on the issuance of a Certificate of Appropriateness will be undertaken by a recommendation from the Historic Preservation Commission and approval by the City Council. Community Development staff, with approval from the Community Development Director, shall review the application and detailed information (plans, drawings, agreements) as necessary to describe the intended work, deem it complete, and then schedule the item for consideration by the Historic Preservation Commission.

The Historic Preservation Commission shall recommend approval of a Certificate of Appropriateness to the City Council based on the following findings:

- 1) The proposed work is found to be consistent with applicable Design Guidelines adopted by the City Council;
- 2) In the absence of applicable design guidelines, the proposed work is found to be consistent with the Secretary of the Interior's Standards for Rehabilitation;
- 3) If the Project is a demolition or relocation, the Project will not cause a significant adverse effect as defined in the State CEQA guidelines;
- 4) Any designated Historic Landmark or Contributor to a Historic District may, upon request of the applicant for a Certificate of Appropriateness, be subject to the provisions of the California Historical Building Code if the work is required to comply with the Secretary on the Interior's Standards.
- 5) The California Historical Building Code may also apply to a property that has not been designated if the City Council determines that the property qualifies for a historic designation.

Subsequent to a regularly scheduled meeting, the Historic Preservation Commission shall make findings to approve, deny, approve with conditions, or continue the application with specific direction for additional information needed to make a recommendation to the City Council. The City Council shall make the final determination.

A Certificate of Appropriateness shall expire one (1) year from the date of issuance unless work is started within that time. No changes shall be made to the approved plans after the issuance of a Certificate of Appropriateness without resubmittal and determination of the necessary approval process for the proposed changes.

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F. Process for Revocation of Certificate of Appropriateness.

Revocation proceedings may be initiated upon a motion by the Historic Preservation Commission or the City Council. Once revocation proceedings have been initiated, all work being done in reliance upon such certificate or associated permits shall be immediately suspended until a final determination is made regarding the revocation. The decision to revoke a certificate of appropriateness shall be made by the City Council with a recommendation from the Historic Preservation Commission following a noticed public hearing. A certificate of appropriateness may be revoked or modified for any of the following reasons:

- 1) Noncompliance with any terms or conditions of the certificate of appropriateness;
- 2) Noncompliance with any provisions of this chapter; or
- 3) A finding of fraud or misrepresentation used in the process of obtaining the certificate.

21.50.140 - Demolition of Designated Historic Resources.

A. Approval Process for the Demolition of Designated Historic Resources.

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 Municipal Code Chapter 17.16.

Upon receipt of an application for a permit to demolish a building or structure, the building official shall forward the application to the Community Development Department. The Community Development Department shall determine if the building or structure is a designated Historic Resource (a Historic Landmark, Contributor to a Historic District, or included in the Paso Robles Historic Resources Inventory).

B. Process for Issuance of a Demolition Permit for a Designated Historic Resource.

If the Community Development Department determines that the building or structure proposed for demolition is a designated Historic Resource, the Historic Preservation Commission must make a recommendation to the City Council, who will make the final determination per the procedures outlined in Municipal Code 17.16.050.

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The City Council may:

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.

The building or structure shall not be demolished unless the City Council, with a recommendation from the Historic Preservation Commission, makes one or more of the following findings:

- 1) There is sufficient evidence, including evidence provided by the applicant, that the property retains no reasonable economic use, taking into account the condition of the structure, its location, the current market value, and the costs of rehabilitation to meet the requirements of the building code or other City, state or federal law;
- 2) That the Demolition or Relocation of the structure is necessary to proceed with a Project consistent with and supportive of identified goals and objectives of the General Plan, and the demolition of the structure will not have a significant effect on the achievement of the purposes of this division or the potential effect is outweighed by the benefits of the new Project;
- 3) In the case of an application for a permit to relocate, that the structure may be moved without destroying its historic or architectural integrity and importance; or,
- 4) That the demolition or relocation of the structure is necessary to protect or to promote the health, safety or welfare of the citizens of the City, including the need to eliminate or avoid blight or nuisance.

Upon making the determination that there are no feasible alternatives to demolition, the City Council may direct the Building Official to issue the permit.

The demolition of all buildings and structures shall be conducted in accordance with all conditions outlined in Chapter 33 of the California Building Code as adopted by council.

21.50.150 - Undesignated Structures CEQA Review.

Prior to the issuance of a permit pursuant to Municipal Code Chapter 17.16 for the demolition or relocation of any structure that is not a Historic Landmark, Contributor to a Historic District, or included on the Paso Robles Historic Resources Inventory, the Community Development Director, within thirty (30) days of receipt

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of a permit request to demolish or relocate a structure, shall determine whether the structure has potential historic significance based on the criteria for the designation of Historic Landmarks and Historic Districts in this ordinance. If the Community Development Director determines that such potential exists, the structure shall not be demolished or relocated unless and until an environmental assessment is completed pursuant to the provisions of the California Environmental Quality Act (CEQA). This will entail the preparation of an Initial Study to determine the level of environmental review to be prepared by the City in conjunction with any such demolition. The cost of conducting this environmental assessment shall be borne entirely by the applicant for the demolition permit.

If an environmental impact report is completed and findings indicate that demolition of the structure would have a significant effect on the environment, the structure shall not be demolished or relocated unless the City Council subsequent to a consultation with the Historic Preservation Commission makes one or more of the following findings:

- 1) That the Demolition or Relocation of the structure is necessary to proceed with a Project consistent with and supportive of identified goals and objectives of the General Plan, and the demolition of the structure will not have a significant effect on the achievement of the purposes of this division or the potential effect is outweighed by the benefits of the new Project;
- 2) In the case of an application for a permit to relocate, that the structure may be moved without destroying its historic or architectural integrity and importance; or,
- 3) That the demolition or relocation of the structure is necessary to protect or to promote the health, safety or welfare of the citizens of the City, including the need to eliminate or avoid blight or nuisance.

21.50.160 - Review of Projects Affecting City-Owned Historic Resources.

The Historic Preservation Commission shall review major projects affecting City-owned, designated Historic Resources, including changes to public and semi-public interior spaces, and forward its recommendation on these projects for approval by the City Council.

The Community Development Director may also request the Historic Preservation Commission to review major projects affecting City-owned Historic Resources determined eligible for designation and to forward its recommendation for approval by the City Council.

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21.50.170 - Preservation Incentives.

In addition to any other incentive of federal or state law, Owners of properties designated as Historic Landmarks or Contributors to Historic Districts may apply for the following:

- 1) **Use of the California Historic Building Code.** Whenever applicable, the property Owner may elect to use the California Historic Building Code for alterations, restorations, new construction, removal, relocation, or demolition of a designated Historic Resource, in any case which the building official determines that such use of the code does not endanger the public health or safety, and such action is necessary for the continued preservation of an Historic Resource. Such use of the Code is subject to construction work undertaken for historical resources pursuant to the Secretary of the Interior's Standards, and that has already been reviewed and approved by the Historic Preservation Commission and/or City Council in conjunction with a Certificate of Appropriateness.
- 2) **Parking Requirement Reduction.** Addition of floor area to a building designated as a Historic Landmark or a Contributor to a Historic District of up to twenty-five (25) percent shall be exempt from the City's standard parking requirements if such addition is determined by the Community Development Director to preserve or enhance the historical features of the building.
- 3) **Change of Use.** The City will encourage compatible Adaptive Reuse of historic properties.
- 4) **Technical Assistance.** The City will provide technical advice and assistance to Owners of historic properties regarding grants, and state and federal preservation incentives for Historic Resources.
- 5) **Mills Act Historic Property Contracts.** This subparagraph will implement State law (Government Code Sections 50280-50290), allowing the approval of Historic Property Contracts by establishing a uniform procedure for the Owners of qualified historic properties within the City to enter into contracts with the City.

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21.50.180 – Maintenance and Enforcement.

A. Purpose.

The purpose of this section is to preserve, protect, and perpetuate the elements of the historic fabric unique to designated Historic Landmarks and Contributors to Historic Districts, and to prevent the need for demolition or destruction due to neglect of important resources in the City's history.

B. Maintenance Requirements.

- 1) Designated Historic Landmarks and Contributors to Historic Districts shall be maintained in Good Repair.
- 2) Designated Historic Landmarks and Contributors to Historic Districts shall be maintained in watertight condition to preclude decay problems caused by water. Deteriorated, insufficient, or ineffective waterproofing of exterior walls, roofs, foundations, floors, windows, or doors shall be promptly addressed to prevent further decay, deterioration, or possibility of injury to the public and/or the property.
- 3) The façade shall be properly maintained through repair, paint, or any necessary treatment, so as to prevent decay, water or moisture intrusion, damage to the structure, and/or injury to the public. Defective or insufficient weather protection for exterior treatments and facades, including lack of paint or protective covering shall be promptly addressed, and repaired or stabilized to prevent further decay, deterioration, and possibility of injury to members of the public and/or property.
- 4) Roof, foundation, and structure shall be maintained through proper treatment and repair to prevent decay, demolition by neglect, loss of historic materials and features, damage to the structure, and/or injury to the public. Defective materials or deterioration which may cause any or all portions of roofs, foundations, walls, or other structural members to deteriorate shall be promptly addressed, and repaired or stabilized to prevent further decay, deterioration, loss of historic fabric, and possibility of injury to members of the public and/or property.
- 5) The buildings elements such as cornices, chimneys, etc. shall be properly maintained to prevent decay, demolition by neglect, loss of historic fabric, and possibility of injury. Deteriorated or defective building elements shall be promptly addressed, and repaired or stabilized to prevent further decay, deterioration, loss of historic fabric, and possibility of injury to members of the public and/or property.

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C. Failure to Meet the Maintenance Requirements.

In addition to any other penalty authorized by law, failure to maintain a designated Historic Landmark or Contributor to a Historic District as specified shall constitute a public nuisance resulting in the issuance of an order that the Owner perform the maintenance necessary to comply with this section. Any failure to comply with such an order shall entitle the City to cause the maintenance to be performed at the Owner's expense and in addition to the penalties provided by this code for violation thereof, such cost may be recovered of such Owner or occupant by civil action in any court of competent jurisdiction. In addition, any such costs shall become a lien against the property.

D. Penalty for Demolition without a Demolition Permit.

If a designated Historic Landmark or Contributor to a Historic District is demolished without a Demolition Permit as required by this Chapter, no building or construction-related permits shall be issued, and no permits or use of the property shall be allowed, from the date of demolition for a period of three years.

E. Procedure for Applying Penalties.

- 1) For purposes of this Section, the demolition shall be presumed to have occurred on the date the City has actual knowledge of the demolition. The Owner shall have the burden of proving a different date if one is claimed.
- 2) The Community Development Director shall provide notice by certified mail of the applicability of this section to the property Owner and any other person known to have an interest in the property as soon as practicable after having knowledge that the provisions of this Section are applicable to the subject property. The date the City first had actual knowledge of the demolition shall be stated in the notice.
- 3) The Community Development Director's decision may be appealed to the Historic Preservation Commission, which will make a recommendation to the City Council.
- 4) The City Council may grant relief from the requirements of this section if the following findings are made:
 - a) The violation of this section did not involve a Historic Resource, either individually or as a Contributor to a district; or
 - b) New construction serves an overriding public benefit and will not be detrimental or injurious to property or improvements in the vicinity of the project site, or to the public health, safety, or general welfare.

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The City Council shall consider the appeal at a public hearing noticed and conducted in accordance with Chapter 21.23A of the Municipal Code. The City Council's action on the appeal shall be final.

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Attachment 3 Alternative Ordinance Language

Optional Ordinance Language for Council Consideration

I. Nomination Process (i.e. who can file)

Sec. 21.50.080 C. Procedure for Designating a Historic Landmark.

The designation of Historic Landmarks shall be approved by the City Council upon the recommendation of the Historic Preservation Commission in the following manner:

- 1) Nominations for Historic Landmarks may be initiated by ~~the Historic Preservation Commission, by the Owner of the property that is proposed for designation, or by any resident of Paso Robles.~~ the owner of record of the property or structure, the Historic Preservation Commission, the Planning Commission, the City Council, or any other organization with a recognized interest in historical preservation.

Alt. 2. Nominations for Historic Landmarks may be initiated by ~~the Historic Preservation Commission, by the Owner of the property that is proposed for designation, or by any resident of Paso Robles.~~ the owner of record of the property or structure, the Historic Preservation Commission, the Planning Commission, or the City Council.

II Historic Preservation Commission (or Committee) vs. Planning Commission Historic Preservation Ad Hoc Committee

Note: Numerous references to "Historic Preservation Commission" will require change depending on the Council's chosen advisory body responsible for historic resources.

21.50.050 - ~~Historic Preservation Commission~~ Powers and Duties of Planning Commission and Historic Preservation Committee.

~~A. Establishment of a Historic Preservation Commission.~~

~~The City shall create a Historic Preservation Commission to act as an advisory body to the City Council on all matters pertaining to historic preservation.~~

- ~~1) The Historic Preservation Commission shall consist of five (5) members, consisting of three (3) public members and two (2) Planning Commissioners, all of whom shall be residents of the city during incumbency. The public members shall be appointed by the City Council and the Planning Commissioners shall be appointed by the Planning Commission Chair and affirmed by the City Council.~~

- ~~2) The Commission shall be comprised of professional and lay members with demonstrated interest, competence, or knowledge in historic preservation. Commission Members may be appointed from among the disciplines of architecture, history, architectural history, planning, archeology, or other related disciplines such as American studies, landscape architecture, cultural geography, or cultural anthropology, to the extent that such professionals are available in the community. Commission membership may also include lay members who have demonstrated special interest, competence, experience, or knowledge of Paso Robles history and historic preservation.~~
- ~~3) The term of the office of each Commissioner shall be three years, or until his or her successor shall qualify. A Commissioner shall not serve for more than two consecutive full terms plus the portion of any unexpired term for which he or she was appointed.~~
- ~~4) The Commission shall annually elect a chair and vice-chair from among its Members to serve for terms of one year. No person shall serve as chair for more than two consecutive one-year terms.~~
- ~~5) Quorum. Three Members shall constitute a quorum.~~
- ~~6) The Commission shall hold at least one regular meeting every other month. All meetings of the Commission shall be open to the public and shall be at City Hall unless another meeting time or place is designated with legally required notice to the Commissioners and the public.~~
- ~~7) Commissioners shall serve without compensation. All expenditures shall be submitted to the Community Development Director for City Council approval of necessary reimbursements.~~

~~B. Powers and Duties of the Commission.~~

A. Powers and Duties of the Planning Commission.

The ~~Historic Preservation~~ **Planning** Commission shall be an ~~the~~ **advisory board body** to the City Council, ~~Planning Commission, the City Manager, and all City departments~~ on all matters related to historic preservation. The ~~Historic Preservation~~ **Planning** Commission shall have the power and it shall be its duty to perform the following acts:

- 1) Recommend to the City Council that certain sites, buildings, structures, objects or districts having a significant historical, cultural, architectural, community or aesthetic value as part of the heritage of the City be designated as Historic Landmarks, Historic Districts or Points of Interest.
- 2) Make recommendations to the ~~Planning Commission and the~~ City Council on issues related to historic preservation in the General Plan.
- 3) Encourage public understanding of and involvement in the unique historic, cultural and architectural heritage of the City through educational and interpretive programs.
- 4) Educate property Owners and the general public about historic preservation policies, procedures, and practices.

- 5) Explore means for the protection, retention and use of any designated or potential Historic Landmark and Historic District including, but not limited to, appropriate legislation and financing, such as encouraging independent funding organizations or private, local, state or federal assistance.
- 6) Pursue or support the designation of individual properties or historic districts in the National Register of Historic Places to enable property Owners to make use of federal tax incentives.
- 7) Make recommendations on design review applications (including applications for demolition) affecting designated Historic Resources.
- 8) In coordination with the Main Street Association, recommend that the City Council confer recognition upon the Owners of designated Historic Landmarks, Points of Interest, or Historic Districts by means of certificates, plaques or markers.
- 9) Recommend that the City Council issue commendations to Owners who have rehabilitated their property in an exemplary manner.
- 10) Recommend and encourage the protection, enhancement, appreciation, and uses of structures of historic, cultural, architectural, community, or aesthetic value which have not been designated as Historic Resources but are deserving of recognition.
- 11) Oversee periodic updates to the Historic Resource Survey.
- 12) Advise the City Council and other Commissions as necessary on historic preservation issues.
- 13) Perform any other functions that may be designated by the City Council.

B. Historic Preservation Committee.

The City shall create a Historic Preservation Committee to act as an advisory body to the Planning Commission on all matters pertaining to historic preservation. All matters contained in this chapter that requires review and action by the Planning Commission shall first be referred to the Historic Preservation Committee and duly reported to the full Commission. The Historic Preservation Committee shall consist of five (5) members, three (3) public members and two (2) Planning Commissioners. The public members shall be appointed by the City Council and shall have a demonstrated interest, competence or knowledge in historic preservation. The Planning Commission members shall be appointed by the Planning Commission Chair and affirmed by the City Council.

III. Maintenance/Enforcement

21.50.180 – Maintenance and Enforcement.

C. Failure to Meet the Maintenance Requirements.

~~In addition to any other penalty authorized by law, failure to maintain a designated Historic Landmark or Contributor to a Historic District as specified shall constitute a public nuisance resulting in the issuance of an order that the Owner perform the~~

~~maintenance necessary to comply with this section. Any failure to comply with such an order shall entitle the City to cause the maintenance to be performed at the Owner's expense and in addition to the penalties provided by this code for violation thereof, such cost may be recovered of such Owner or occupant by civil action in any court of competent jurisdiction. In addition, any such costs shall become a lien against the property.~~ If the Historic Preservation Commission or City Council has reason to believe that a designated Historic Landmark or Contributor to a Historic District as specified is being neglected and subject to damage from weather or vandalism, the Commission or Council shall direct staff to meet with the owner or other persons having legal custody and control of the resource and discuss with them ways to improve the condition of the property. If no attempt or insufficient effort is made to correct any noted conditions thereafter, the Commission or Council may, at a noticed public hearing, make a formal request that the Community Development Department or other appropriate department or agency take action to require corrections of defects in the subject resource in order that such resource may be preserved in accordance with this Chapter.

Alt. 2

C. Failure to Meet the Maintenance Requirements.

~~In addition to any other penalty authorized by law, failure to maintain a designated Historic Landmark or Contributor to a Historic District as specified shall constitute a public nuisance resulting in the issuance of an order that the Owner perform the maintenance necessary to comply with this section. Any failure to comply with such an order shall entitle the City to cause the maintenance to be performed at the Owner's expense and in addition to the penalties provided by this code for violation thereof, such cost may be recovered of such Owner or occupant by civil action in any court of competent jurisdiction. In addition, any such costs shall become a lien against the property.~~

(all remaining subsections would be re-lettered)

Attachment 4
Historic Resource Inventory

Full document provided to Council. A complete copy has been provided in the library or can be viewed on the City's website at <http://www.prcity.com/government/departments/commdev/preservation.asp>

DRAFT

City of Paso Robles Historic Preservation Frequently Asked Questions

1. What rules and procedures are in place in the City of Paso Robles for historic properties?

The City of Paso Robles has adopted a Historic Preservation Ordinance to implement the local rules and procedures governing Historic Resources. The Ordinance:

- a) Assigns responsibility for a review body (Historic Preservation Committee or Planning Commission) to advise the City Council on all matters pertaining to historic preservation.
- b) Identifies criteria and procedures for the designation of Historic Resources. Four designation categories are identified: Historic Landmark, Historic District, Point of Interest, and Conservation Overlay Zone.
- c) Establishes the procedures for reviewing permit applications for the alteration or demolition of Historic Resources.
- d) Identifies incentives for the reuse of Historic Resources.
- e) Institutes maintenance requirements for Historic Resources and penalties for code violations.

The City of Paso Robles Historic Preservation Ordinance also fulfills the City's responsibilities regarding Historic Resources under the California Environmental Quality Act (CEQA) and Federal Section 106.

2. What is a Historic Resource?

For purposes of CEQA, a Historic Resource is defined as a building, structure, object, or site that is listed in or determined eligible for listing in the National Register of Historic Places or the California Register of Historical Resources; is listed in the City's Historic Resources Inventory with a status code between 1 and 5; or meets at least one of the City of Paso Robles' Criteria for Designating a Historic Landmark.

Any Historic Resource or potential Historic Resource can be nominated for official designation as a local Historic Landmark or Historic District. Designated Historic Landmarks and Contributors to designated Historic Districts are eligible for special protection and incentives that non-designated Historic Resources do not receive.

3. What does this mean?

Historic Resources require special consideration under California environmental law (the California Environmental Quality Act or CEQA). Prior to significantly altering any property that is a Historic Resource under CEQA requires review of the potential impacts on the Historic Resource. This does not mean that you can never make changes to a Historic Resource, but only that the project needs to be reviewed to consider the impacts on the historic features.

4. What are the criteria for designation in the City of Paso Robles?

Historic properties are evaluated using the following criteria, as identified in paragraph 21.50.057B of the Historic Preservation Ordinance:

- a) The property reflects special elements of the City's historical, archaeological, cultural, social, economic, aesthetic, engineering, or architectural development;
- b) It is identified with persons or events significant in local, state, or national history;
- c) It 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; or
- d) It has yielded or has the potential to yield, information important to the history or prehistory of Paso Robles, California, or the nation.

5. My property has important interior features that should be protected. Is this possible?

For non-public spaces, historic designation protects exterior features only. However, historic features in public or semi-public spaces in the City of Paso Robles can be included in a nomination for Historic Landmark status if:

- a) Historically the space has been open to the public;
- b) The materials, finishes, or detailing are intact, or later additions are reversible;
- c) The plan, layout, and features of the space are illustrative of its historic function;
- d) Its form and features articulate a particular concept of design; and
- e) There is evidence of distinctive craftsmanship.

6. What is a Historic District? What does it mean if my property is identified as a "contributor" to the Historic District?

A Historic District is a significant concentration, linkage, or continuity of sites, buildings, structures, or objects that are united historically or aesthetically in a distinguishable way or in a geographically definable area that meet at least one of the Criteria for Designation. Only properties that are identified as contributors to the Historic District are considered Historic Resources.

7. What is a Point of Interest?

A Point of Interest is an honorary designation for properties that do not meet the criteria for designation as Historic Landmarks ("historic resource"), but which have cultural or historic significance to the community. For example, a Point of Interest could be the site of an important historic event, or have an association with an important person in the City's history. Because the Point of Interest designation is an honorary category only, Points of Interest are not considered Historic Resources and therefore are not regulated in

the same way, or receive the same protections or incentives as Historic Landmarks. For more information, see the Historic Preservation Ordinance section 21.50.059.

8. What is a Conservation Overlay Zone?

A Conservation Overlay Zone is applied to areas in the City which do not meet the criteria for designation as Historic Districts, but which have cultural or historic significance, or particular architectural character or scale that is important to the community. Each Conservation Overlay Zone will have specific design guidelines that will help to encourage compatible new design to achieve continuity with the City's historic character and scale. Properties within a Conservation Overlay Zone that have not been determined to have individual historic significance are not considered Historic Resources. For more information, see the Historic Preservation Ordinance section 21.50.060.

9. What is the Historic Resources Inventory?

The Paso Robles Historic Resources Inventory identifies buildings, structures, objects that are designated Historic Resources, appear eligible for historic designation, or are considered Historic Resources for the purposes of CEQA. The Historic Resources Inventory may be used for reference for future determinations for the designation of Historic Resources, and for evaluating proposed alterations to or removal of Historic Resources.

The Paso Robles Historic Resources Inventory consists of buildings, structures, objects, sites, or districts that:

- a) Are identified as Historic Resources or potential Historic Resources through survey or other evaluation;
- b) Are included on any list of historic and cultural resources, including, but not limited to, the National Register of Historic Places, the California Register, and the State Historic Resources Inventory (with a California Historic Resource Status Code of 1-5); or
- c) Are designated Historic Landmarks or Contributors to a Historic District by the City Council.

10. How can I determine if my property is on the Historic Resources Inventory?

The Paso Robles Historic Inventory is located in the Community Development Department at City Hall. Copies are also available at the Paso Robles Historical Society, the Paso Robles Public Library, and on the City's website.

11. If my property is not listed in the Historic Resources Inventory, does that mean that it is not historic?

The historic resources survey and Historic Resources Inventory are important planning tools in the identification of historic properties in Paso Robles. Periodic updates to the

Historic Resources Inventory, as well as individual research efforts may identify Historic Resources that were not previously included on the inventory list. Properties that have social or cultural significance can only be identified by in-depth, site specific research that is beyond the scope of a visual survey. Properties identified as potentially significant through research can be nominated for local designation. In addition, the Planning Department reviews work proposals on a case-by-case basis and may determine that a property is potentially historic under City and state law, which may require further review under state environmental laws.

12. How can I have my property added or removed from the Historic Resources Inventory?

Properties are added to the Historic Resources Inventory through survey work, federal and state environmental reviews, and federal, state, or local designations. If your property is not identified as a Historic Resource on the Inventory but you believe that it has historic significance, you may nominate it for local designation according to the procedures in the Historic Preservation Ordinance (see sections 21.50.057 and 21.50.058).

Properties cannot be removed from the Historic Resources Inventory without evidence that they no longer meet the criteria for historic designation. In order to make this determination, the City Council must find:

- a) That there is new information that compromises the significance of the property; or
- b) The destruction of the Historic Landmark or contributor to a Historic District through a catastrophic event has rendered the structure a hazard to public health, safety, or welfare; or
- c) The Historic Landmark or contributor to a Historic District has been demolished, relocated, or removed.

13. What is the difference between being listed in the Historic Resources Inventory and being a designated Historic Landmark?

If your property is listed in the Historic Resources Inventory, it means that it is considered a Historic Resource under California environmental law (CEQA) and requires review when you apply for a permit to substantially alter or demolish it. If your property is a designated Historic Landmark, or is a contributor to a designated Historic District, then you are eligible for certain incentives and protections that apply only to designated properties.

14. What changes can I make to my property if it is a Historic Resource?

You can still make changes to properties that are identified as Historic Resources. Any substantial change will need to be reviewed by the Planning Commission or Historic Preservation Commission and the City Council, and must meet the Secretary of the Interior's Standards for the Rehabilitation and any local design guidelines. The Secretary

of the Interior's Standards are the federal guidelines for the treatment of historic properties, and can be found online at: <http://www.nps.gov/hps/TPS/tax/rhb/stand.htm>.

Certain alterations not requiring a permit include:

- a) Routine maintenance and minor repairs;
- b) Exterior painting;
- c) Replacing deteriorated roofing materials with the same type of material already in use;
- d) Addition or removal of screens, awnings, canopies and similar incidental appurtenances;
- e) Addition or removal of walls and fences;
- f) Addition or removal of exterior lighting;
- g) Addition or removal of landscaping;
- h) Addition or removal of driveways and walkways; and
- i) Interior alterations (unless a Historic Resource designation includes interior features).

15. What is the process for applying for a permit to alter my Historic Resource?

The permit process is outlined in sections 21.50.062 and 21.50.063 of the Historic Preservation Ordinance.

16. Are there any incentives for historic preservation?

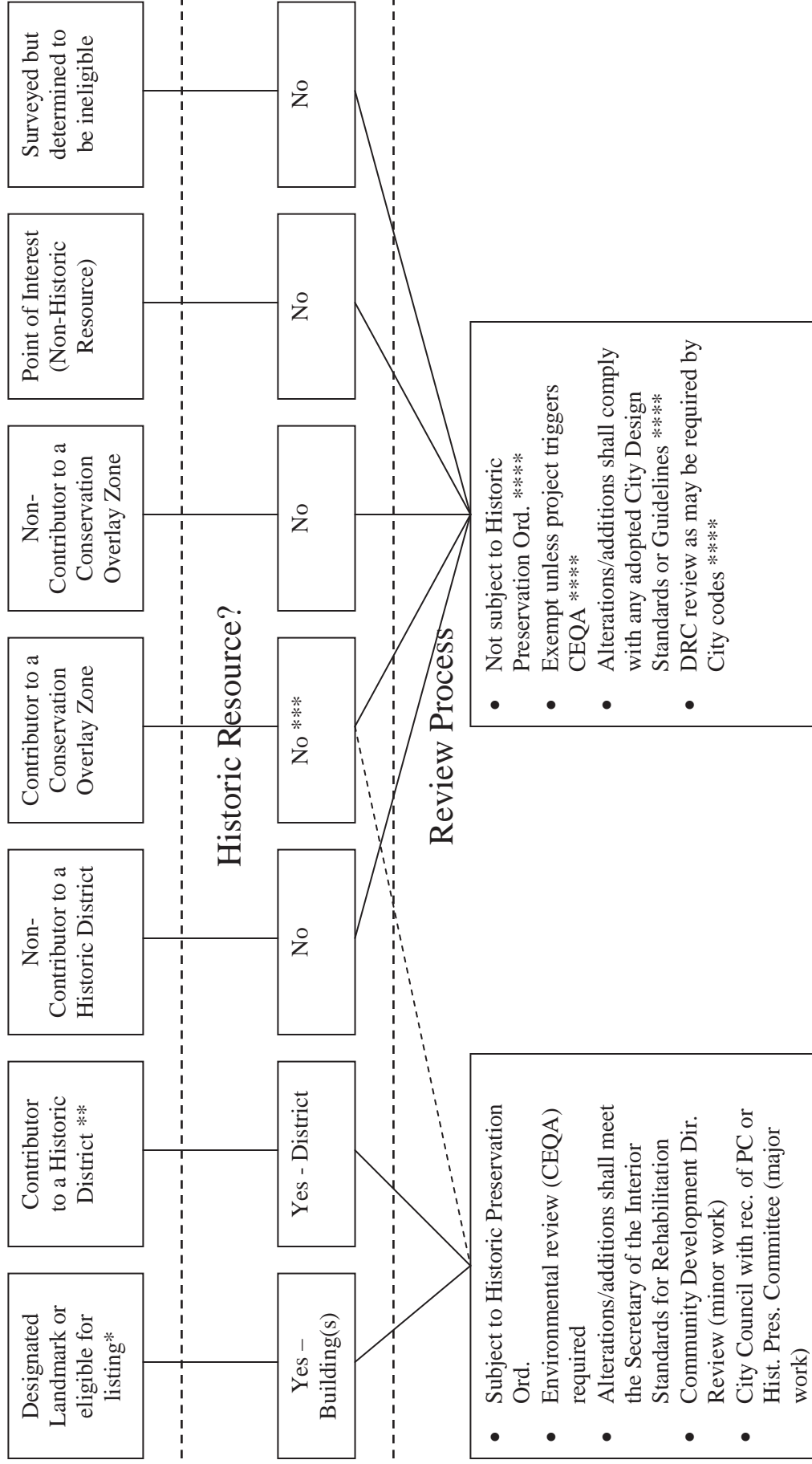
City incentives are outlined in section 21.50.066 of the Historic Preservation Ordinance.

17. Where can I find guidance on how to treat my historic property?

The National Park Service has developed a series of Preservation Briefs that detail appropriate treatments for historic buildings according to the Secretary of the Interior's Standards for Rehabilitation. Preservation Briefs are available online at: <http://www.nps.gov/history/hps/tps/briefs/presbhom.htm>.

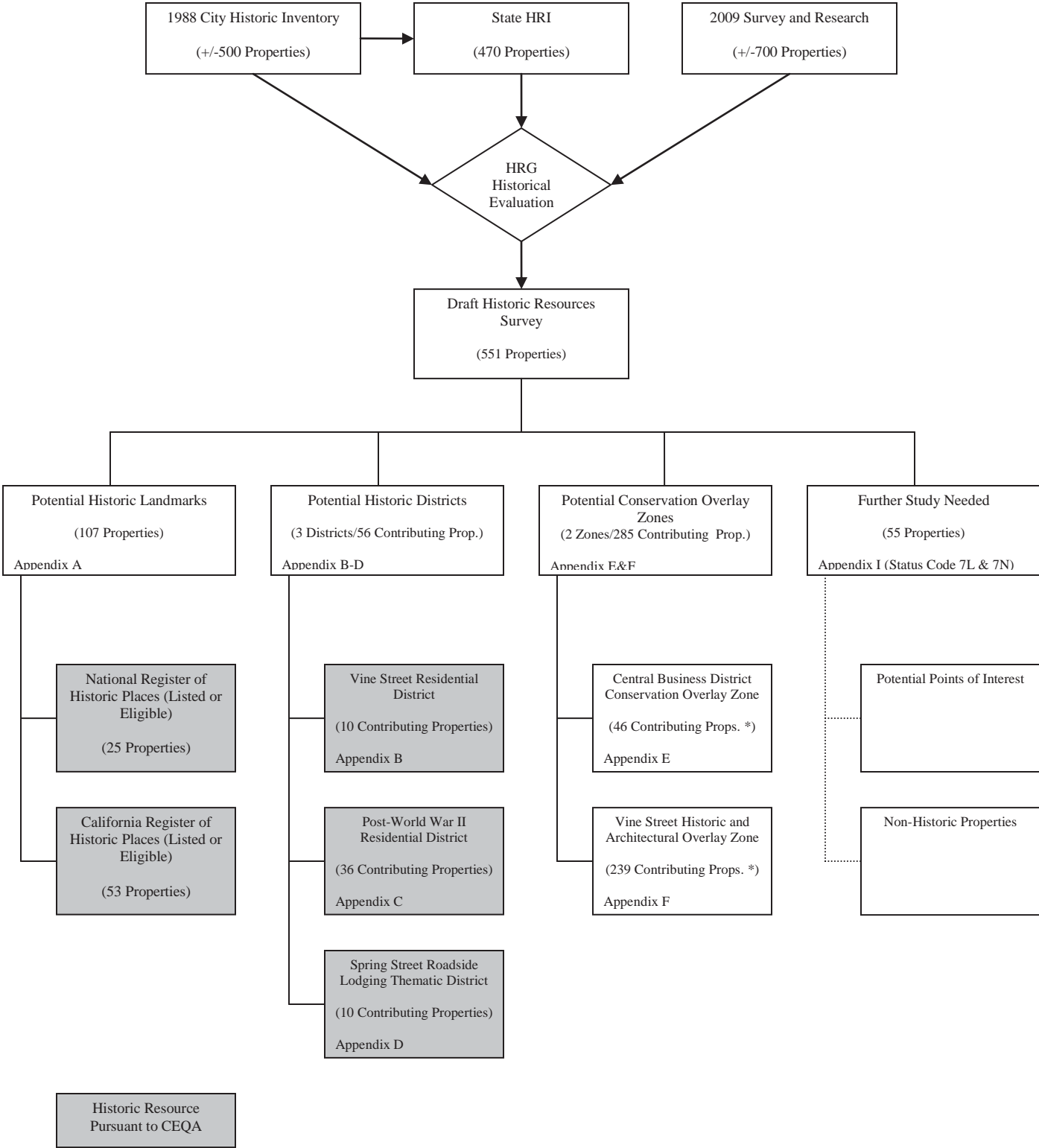
Historic Resource Processing

Historic Survey Classification (Appendix I)



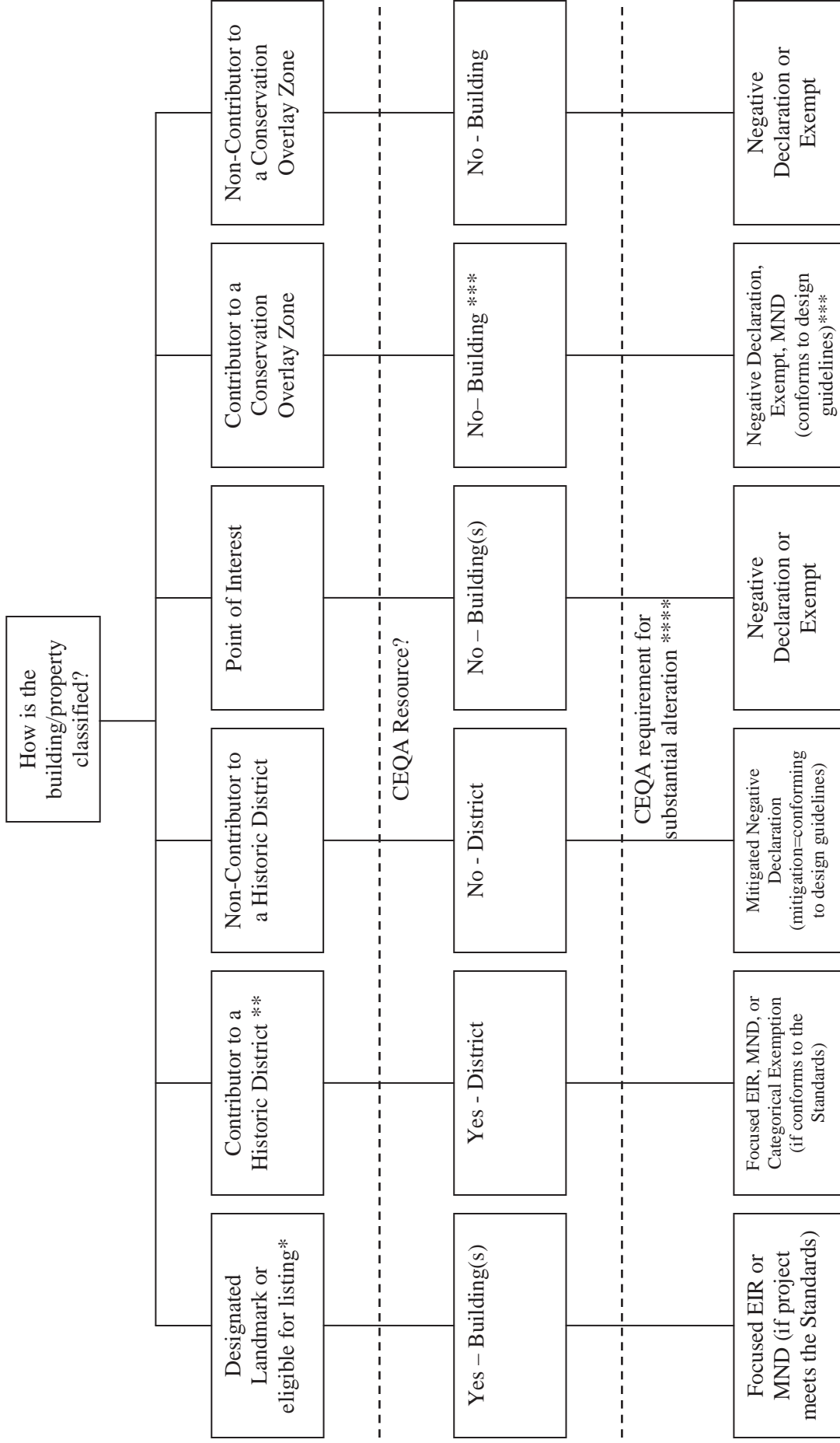
* Includes resources eligible for listing in the local, State, or Nat. Register
 ** May or may not also be eligible individually for landmark designation
 *** Unless eligible individually for landmark designation
 **** Regular City process

2010 Historic Resource Survey Development Process



* Some may be eligible for Historic Landmark Status

Historic Preservation Review



- * Includes resources eligible for listing in the local, State, or Nat. Register
- ** May or may not also be eligible individually for landmark designation
- *** Unless eligible individually for landmark designation
- **** Change resulting in a loss of character defining features or demolition

**ENVIRONMENTAL INITIAL STUDY CHECKLIST FORM
CITY OF PASO ROBLES**

1. PROJECT TITLE: **Historic Preservation Ordinance**

2. LEAD AGENCY: City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

Contact: Susan DeCarli, AICP
Phone: (805) 237-3970
Email: sdecarli@prcity.com

3. PROJECT LOCATION: **Citywide**

4. PROJECT PROPONENT: City of El Paso de Robles

Contact Person: Ron Whisenand
Community Development Director
Phone: (805) 237-3970
Email: rwhisenand@prcity.com

5. GENERAL PLAN DESIGNATION: Not applicable

6. ZONING: Not applicable

7. PROJECT DESCRIPTION:

The Historic Preservation Ordinance is intended to provide for the recognition, preservation, protection, and use of historic resources in Paso Robles. The ordinance will apply to any buildings, structures, objects, or sites considered to be a historic resource if it is listed in or determined to be eligible for listing in the City's Historic Resources Inventory, or if it meets at least one of the criteria for designating it a Historic Landmark. The ordinance is intended to facilitate compliance with CEQA regarding historic resource protection, consistent with State and Federal criteria and requirements.

8. ENVIRONMENTAL SETTING: This ordinance pertains to historic resources within the City limits of El Paso de Robles.

9. OTHER AGENCIES APPROVAL REQUIRED (AND PERMITS NEEDED): None.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature: _____

October 4, 2010
Date

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. “Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
4. “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analyses,” as described in (5) below, may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a. Earlier Analysis Used. Identify and state where they are available for review.
 - b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
8. The explanation of each issue should identify:
 - a. the significance criteria or threshold, if any, used to evaluate each question; and
 - b. the mitigation measure identified, if any, to reduce the impact to less than significance

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

I. AESTHETICS: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|---|--------------------------|
| a. Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
|---|--------------------------|--------------------------|---|--------------------------|

Discussion: Implementation of the Historic Preservation Ordinance will not likely affect designated scenic vistas since the ordinance applies to historic resources within urbanized areas of the City. However, should there be a historic resource (e.g. historic site) within a designated scenic vista, it is the intent of the ordinance to preserve it. Therefore, this ordinance will likely result in less than significant impacts on scenic vistas.

- | | | | | |
|--|--------------------------|--------------------------|---|--------------------------|
| b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
|--|--------------------------|--------------------------|---|--------------------------|

Discussion: The ordinance will apply to historic resources and is intended to preserve them. If there is a historic resource that is part of a scenic resource, the intent would be to not damage or disturb either resource. Should alterations to a historic resource affect a scenic resource the project would be required to go through the CEQA environmental review process, which would identify potential impacts and appropriate mitigations. Therefore, this ordinance will likely result in less than significant impacts on scenic resources.

- | | | | | |
|---|--------------------------|--------------------------|---|--------------------------|
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
|---|--------------------------|--------------------------|---|--------------------------|

Discussion: (See items I.a. & b. above.) The ordinance will likely have a beneficial impact on visual character and quality of visual resources within the City. Potential impacts from implementation of this ordinance would likely be less than significant.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|---|
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources: 1, 2, 10) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
|---|--------------------------|--------------------------|--------------------------|---|

Discussion: Implementation of the ordinance will not create or result in light or glare. Future modifications to historic resources that may require new light sources shall be consistent with the City's Zoning Code which requires that exterior light sources be shielded and downcast to not result in excessive light and glare.

II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|---|
| a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
|--|--------------------------|--------------------------|--------------------------|---|

Discussion: The proposed ordinance could not result in impacts of converting agricultural uses to non-agricultural uses, or impacts to Agricultural Resources in general since preservation of historic resources would not convert agricultural resources to other uses.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract? Discussion: See IIa above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? Discussion: See IIa above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

III. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a. Conflict with or obstruct implementation of the applicable air quality plan? (Source: 11) Discussion: The proposed ordinance would not conflict with or obstruct implementation of the SLO County Clean Air Plan. Future projects proposed for alterations to historic resources would be required to identify and address potential air quality impacts in compliance with applicable standards and thresholds of SLO County APCD, on a case-by-case basis.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 11) Discussion: See III.a. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 11) Discussion: See III.a. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d. Expose sensitive receptors to substantial pollutant concentrations? (Source: 11) Discussion: See III.a. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e. Create objectionable odors affecting a substantial number of people? (Source: 11) Discussion: See III.a. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--	--------------------------------	--	------------------------------	-----------

IV. BIOLOGICAL RESOURCES: Would the project:

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|---|
| a. | Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
|----|---|--------------------------|--------------------------|--------------------------|---|

Discussion: The proposed ordinance would not affect biological resources either directly or through habitat modification since it provides regulations related to historic resource preservation.

Individual projects proposed for alterations to historic resources on sites with biological resources would be required to identify and address potential biological impacts in compliance with applicable local, State and Federal regulations, on a case-by-case basis.

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|---|
| b. | Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
|----|---|--------------------------|--------------------------|--------------------------|---|

Discussion: See IV. a. above.

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|---|
| c. | Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
|----|---|--------------------------|--------------------------|--------------------------|---|

Discussion: See IV. a. above.

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|---|
| d. | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
|----|---|--------------------------|--------------------------|--------------------------|---|

Discussion: See IV. a. above.

- | | | | | | |
|----|--|--------------------------|--------------------------|--------------------------|---|
| e. | Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
|----|--|--------------------------|--------------------------|--------------------------|---|

Discussion: The proposed Historic Preservation Ordinance will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. See IV. a. above.

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|---|
| f. | Conflict with the provisions of an adopted Habitat Conservation Plan, Natural | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
|----|---|--------------------------|--------------------------|--------------------------|---|

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	---	------------------------------------	--------------

Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Discussion: There are currently no applicable community conservation plans in Paso Robles, therefore, the proposed project does not conflict with any approved local, regional, or state habitat conservation plan.

V. CULTURAL RESOURCES: Would the project:

- | | | | | |
|--|--------------------------|--------------------------|---|--------------------------|
| a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
|--|--------------------------|--------------------------|---|--------------------------|

Discussion: The purpose of the Historic Preservation Ordinance is intended to preserve historic cultural resources. Therefore, the ordinance could not result in substantial adverse impacts to historic resources.

Individual projects proposed for alterations to historic resources would be required to identify and address potential impacts in compliance with CEQA, local, State and Federal regulations on a case-by-case basis.

- | | | | | |
|---|--------------------------|--------------------------|---|--------------------------|
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
|---|--------------------------|--------------------------|---|--------------------------|

Discussion: The proposed ordinance would not directly impact archaeological resources. See V.a. above.

- | | | | | |
|---|--------------------------|--------------------------|---|--------------------------|
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
|---|--------------------------|--------------------------|---|--------------------------|

Discussion: The proposed ordinance would not directly impact paleontological resources. See V.a. above.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|---|
| d. Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
|--|--------------------------|--------------------------|--------------------------|---|

Discussion: There are no known human remains located in the City outside of the city cemetery. The proposed ordinance would not directly impact potential human remains/resources. If any are encountered during individual project alteration or demolition, the City would contact the SLO County coroners office per adopted procedures.

VI. GEOLOGY AND SOILS: Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|---|
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (Sources: 1, 2, & 3) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion: The proposed ordinance would not directly impact people or structures due to geological or soils conditions. Individual projects proposed for alterations to historic resources would be required to

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
identify and address potential impacts in compliance with applicable building codes on a case-by-case basis.				
ii. Strong seismic ground shaking? (Sources: 1, 2, & 3) Discussion: See VI. a.i. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
iii. Seismic-related ground failure, including liquefaction? (Sources: 1, 2 & 3) Discussion: See VI. a.i. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
iv. Landslides? Discussion: See VI. a.i. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b. Result in substantial soil erosion or the loss of topsoil? (Sources: 1, 2, & 3) Discussion: See VI. a.i. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Discussion: See VI. a.i. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Discussion: See VI. a.i. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? Discussion: See VI. a.i. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

VII. GREENHOUSE GAS EMISSIONS: Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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Discussion: VII a & b The proposed ordinance would not directly or indirectly impact or result in greenhouse gas emissions, since the ordinance contains procedural regulations on historic resource preservation.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b. Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gasses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: See VII a. above.				

VIII. HAZARDS AND HAZARDOUS MATERIALS: Would the project:

a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Discussion: Implementation of the ordinance will not create or result in significant hazardous materials, or use, transport or dispose of them. Future individual modifications to historic resources may expose existing hazardous materials such as asbestos, which shall require compliance with applicable handling, containment and disposal requirements, on a case-by-case basis.				
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: See VIII a. above.				
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: See VIII a. above.				
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: See VIII a. above.				
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: See VIII a. above.				
f. For a project within the vicinity of a private airstrip, would the project result in a safety	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
hazard for people residing or working in the project area? Discussion: Not applicable. There are no private airstrips in the City.				
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Discussion: Not applicable. The proposed procedural regulations do not affect emergency response related issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? Discussion: No applicable. The proposed procedural regulations do not affect wildland or wildfire related issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a. Violate any water quality standards or waste discharge requirements? Discussion: Not applicable. The proposed procedural regulations do not affect water quality related issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., Would the production rate of pre-existing nearby wells drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Would decreased rainfall infiltration or groundwater recharge reduce stream baseflow? (Source: 7) Discussion: Not applicable. The proposed procedural regulations do not affect water quantity related issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 10) Discussion: Not applicable. The proposed procedural regulations do not affect drainage/erosion/siltation related issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d. Substantially alter the existing drainage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 10)</p> <p>Discussion: Not applicable. The proposed procedural regulations do not affect drainage/flooding related issues.</p>				
<p>e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 10)</p> <p>Discussion: Not applicable. The proposed procedural regulations do not affect runoff related issues.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
<p>f. Otherwise substantially degrade water quality?</p> <p>Discussion: Not applicable. The proposed procedural regulations do not affect water quality related issues.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
<p>g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</p> <p>Discussion: Not applicable. The proposed procedural regulations do not affect flood hazard related issues.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
<p>h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</p> <p>Discussion: See IX. g. above.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
<p>i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</p> <p>Discussion: Not applicable. There are no levees or dams within or near the City.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
<p>j. Inundation by mudflow?</p> <p>Discussion: Not applicable. The proposed procedural regulations do not affect mudflow related issues.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
<p>k. Conflict with any Best Management Practices found within the City's Storm Water Management Plan?</p> <p>Discussion: Not applicable. The proposed procedural regulations do not affect storm water related issues.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
l. Substantially decrease or degrade watershed storage of runoff, wetlands, riparian areas, aquatic habitat, or associated buffer zones?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion: :Not applicable. The proposed procedural regulations do not affect water resource related issues.

X. LAND USE AND PLANNING: Would the project:

a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: As a historic preservation regulatory tool, it would not physically divide an established community.				
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion: The proposed ordinance is consistent with City plans and supports policies related to preserving historic resources and community character in the 2003 General Plan, Draft Uptown/Town Center Specific Plan and Zoning Ordinance.

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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Discussion: There are currently no existing habitat conservation plans applicable in the City.

XI. MINERAL RESOURCES: Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. The proposed procedural regulations do not affect mineral resource related issues.				
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

Discussion: See XI. a. above.

XII. NOISE: Would the project result in:

a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
ordinance, or applicable standards of other agencies? (Source: 1)				
Discussion: Not applicable. The proposed procedural regulations do not affect or nor will it generate noise.				
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. See XII a. above.				
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. See XII a. above.				
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. See XII a. above.				
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources: 1, 4)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. See XII a. above.				

XIII. POPULATION AND HOUSING: Would the project:

a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. The proposed historic preservation ordinance could not result in inducing growth.				
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: See XIII above.				
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: See XIII above.				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIV. PUBLIC SERVICES: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|---|
| a. Fire protection? (Sources: 1,10)
Discussion: XIV a - e, not applicable. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b. Police protection? (Sources: 1,10)
Discussion: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| c. Schools?
Discussion: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| d. Parks?
Discussion: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| e. Other public facilities? (Sources: 1,10)
Discussion: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

XV. RECREATION

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|---|
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
Discussion: XV a & b, not applicable. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?
Discussion: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

XVI. TRANSPORTATION/TRAFFIC: Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|---|
| a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
Discussion: Not applicable. As a historic preservation procedural regulation too, the proposed project could | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
|--|--------------------------|--------------------------|--------------------------|---|

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
not impact transportation related issues.				
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: See XVI a. above.				
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: See XVI a. above.				
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: See XVI a. above.				
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: See XVI a. above.				
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
Discussion: The proposed ordinance will not directly result in parking capacity impacts, however future preservation projects may require a reduction in on-site parking in order to minimize impacts to historic resources. However, this would be determined on a case-by-case basis, and it is not likely that parking capacity will be significantly impacted or otherwise not be mitigated.				
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: The proposed ordinance will not conflict with adopted policies, plans or programs that support alternative transportation.				

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: XVII a – g, not applicable.				
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
environmental effects? Discussion: See XVII a. above.				
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Discussion: See XVII a. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Discussion: See XVII a. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project=s projected demand in addition to the provider=s existing commitments? Discussion: See XVII a. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Discussion: The proposed ordinance will not directly result in waste disposal, however future historic preservation alterations, renovations or demolitions may result in construction related waste. The City's municipal landfill has adequate capacity to accommodate potential landfill waste generated by future modifications resulting from implementation of this plan.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
g. Comply with federal, state, and local statutes and regulations related to solid waste? Discussion: The proposed ordinance complies with local, state and federal regulations related to solid waste.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: The Historic Preservation Ordinance and its implementation of regulatory procedures would not likely result in impacts to the environment, and would not substantially reduce the habitat of fish or wildlife species, cause a decline in fish or wildlife population.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|---|
| b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
|--|--------------------------|--------------------------|--------------------------|---|

Discussion: The Historic Preservation Ordinance would not likely have an impact on the environment and would not result in cumulative impacts.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|---|
| c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
|---|--------------------------|--------------------------|--------------------------|---|

Discussion: The Historic Preservation Ordinance would likely have a beneficial impact on the environment and human beings.

Exhibit:

A – Draft Historic Preservation Ordinance (August 2010)

EARLIER ANALYSIS AND BACKGROUND MATERIALS.

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D).

Earlier Documents Prepared and Utilized in this Analysis and Background / Explanatory Materials

<u>Reference #</u>	<u>Document Title</u>	<u>Available for Review at:</u>
1	City of Paso Robles General Plan	City of Paso Robles Community Development Department 1000 Spring Street Paso Robles, CA 93446
2	City of Paso Robles Zoning Code	Same as above
3	City of Paso Robles Environmental Impact Report for General Plan Update	Same as above
4	2005 Airport Land Use Plan	Same as above
5	City of Paso Robles Municipal Code	Same as above
6	City of Paso Robles Water Master Plan	Same as above
7	City of Paso Robles Urban Water Management Plan 2005	Same as above
8	City of Paso Robles Sewer Master Plan	Same as above
9	City of Paso Robles Housing Element	Same as above
10	City of Paso Robles Standard Conditions of Approval for New Development	Same as above
11	San Luis Obispo County Air Pollution Control District Guidelines for Impact Thresholds	APCD 3433 Roberto Court San Luis Obispo, CA 93401
12	Draft Uptown/Town Center Specific Plan	City of Paso Robles Community Development Department 1000 Spring Street Paso Robles, CA 93446
13	USDA, Soils Conservation Service, Soil Survey of San Luis Obispo County, Paso Robles Area, 1983	Soil Conservation Offices Paso Robles, Ca 93446

Attachment 7
Planning Commission
Staff Report

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: HISTORIC PRESERVATION PROGRAM

DATE: NOVEMBER 9, 2010

Needs: For the Planning Commission to hold a public hearing on the City's Historic Preservation Program and provide recommendations to the City Council.

Facts:

1. The City's original Historic Preservation Program dates back to the 1980's and consists of a historic resources survey (referred to as the Morehouse Survey; 1984) and Municipal Code provisions regulating demolition of structures of historic or architectural significance (Chapter 17.16; est. 1989).
2. The community's desire to protect historic structures is articulated in historic preservation policies contained in both the City's General Plan of 2003 and the Economic Strategy of 2006.
3. The California Environmental Quality Act (CEQA) requires the evaluation of impacts to historic resources with the goal of preservation as "environmental resources" of statewide significance.
4. The City's Historic Preservation Program came under scrutiny in 2007 following the Council's 2005 decision denying a permit to demolish the Farmer's Alliance Building, which was determined to be a historic resource eligible for listing on the State and National Register of Historic Places. The City's process was evaluated by the County Grand Jury and in a report dated May 23, 2007 it was recommended:
 - a. The City should review and improve their documentation procedures specific to their Historic Resources Survey and Inventory (i.e. update the City's historic inventory);
 - b. The City should consider creating a Historic Preservation Committee/Commission to aid in the review and protection of historic resources; and
 - c. The City should develop a process and informational tools to address the treatment of historic properties (i.e. historic preservation ordinance and incentive program).
5. The Council expressed similar concerns over the City's Historic Preservation Program, which is now over 25 years old, and in 2007 directed an update of the City's Historic Preservation Program as a major City goal.
6. The City hired Historic Resources Group (HRG) to assist the City in the research and update effort. HRG has completed a Historic Resources Survey (March 2010), draft Historic Preservation Ordinance (September 2010), and Historic Resource Inventory (August 2010) (all documents attached). The content of these documents was presented and discussed at four Planning Commission workshops on December 9, 2008, March 24, 2009, May 26, 2009, and June 22, 2010.

7. The “Program” is now ready for final review by the Planning Commission and action by the City Council. Adoption of a Historic Preservation Ordinance is a “project” pursuant to CEQA and requires an environmental analysis. A Negative Declaration of Environmental Impact has been prepared (attached), circulated for public review, and will accompany the ordinance when it goes before the Council for action.

Analysis and

Conclusions: The draft update of the City’s Historic Preservation Program is ready for final action. The program consists of the following documents:

- City of Paso Robles Historic Resources Survey (*updated March 2010*)
- Draft Historic Preservation Ordinance (*updated September 2010*)
- Historic Resource Inventory (*new August 2010*)
- Historic Preservation Informational Handouts
 - Historic Resource Survey Update Process (*updated*)
 - Historic Preservation Review Flowchart (*existing*)
 - Permit Processing Flowchart (*new*)
 - Historic Preservation Frequently Asked Questions (*new*)
- Initial Study/Environmental Determination (*new*)

Historic Inventory

The Commission previously reviewed the complete HRG historic “survey” (Appendix I of the Historic Resources Survey). The “inventory” table, which is a newly developed subset of the survey, only includes those properties that are considered “historic resources” (i.e. eligible for Historic Landmark or Contributor to Historic District status). The survey and inventory tables have been corrected based on comments received from property owners at the last hearing.

The “inventory”, which currently lists 570 individual properties, would normally only include properties that are eligible as historic landmarks, potential landmarks, and contributors to historic districts. However, there are 164 properties that are considered historic resources by the State based on the 1984 Morehouse Survey which are ineligible based on the latest research by HRG. They will need to remain on the inventory until we provide the State with the necessary documentation to eliminate them from the list. 62 others will require further review upon development plans being submitted.

The “inventory” will be the document that staff, the Historic Preservation Committee (assuming one is formed), Planning Commission, and City Council use to determine historic status and apply protection measures contained in the draft Historic Preservation Ordinance. All other structures will be handled using the City’s normal development review process.

Historic Preservation Ordinance

The consultants have amended the draft ordinance to incorporate comments made by the Planning Commission at your last hearing. There are three subjects that were discussed extensively that warrant further explanation:

- **Who can nominate?** The Commission expressed concern that the ordinance as currently drafted allows anyone to nominate a building for listing as a historic landmark (with or without property owner consent). The Commission asked whether the authority should be limited to property owners. HRG has advised us that every ordinance they are familiar with across the nation includes the provision that historic resources can be nominated by anyone. The reason being that historic preservation is a “public benefit” type of law where protection of the resource goes beyond the property owner. The issue has been reviewed by the City Attorney who indicates that there is no “legal” requirement that would prevent the city from only having property owners nominate buildings. However, she agrees with HRG’s assessment and has provided the following input on the matter:

“Just limiting nominations to property owners would limit the properties that are nominated and bypass properties that the community at large thinks are important to preserve. Since the purpose of the ordinance is to help protect a community resource, the community should be able to nominate. Limiting nominees to property owners essentially would eviscerate the intent of the ordinance.”

It is important to remember that while anyone can nominate, it doesn’t preclude the property owner from objecting nor does it mean the Council must nominate. In other words, the process is set up to take a property owner’s consideration into mind and will clearly be a factor in any decision by the Council to designate historic resources. Likewise, a decision to not formally “list” a building does not eliminate its status as a historic resource pursuant to CEQA.

One possible option that could be built into the ordinance would be to limit actual nomination to property owners, the Historic Preservation Committee (if one is formed), Planning Commission, and/or City Council. The ordinance could specify that any member of the community could request listing to any one of those bodies and if there is agreement, the nomination process could be initiated.

- **Will the nomination process give the public the ability to stop development?** One concern expressed by the Commission was wording of Section 21.50.057 C 6, which calls for a work moratorium while the landmark designation process is underway. The concern was that project opponents would have the ability to overturn Commission, Council, or Building Permit approvals thereby stopping development. This clearly won’t be the case. First, the approval process will include an evaluation of historic significance and findings of compliance with new ordinance provisions. Second, and more important, the moratorium would only apply to **future permits** and not permits that have already been issued. In other words, once a valid permit has been issued by the City, the property owner has the right to proceed with construction in accordance with the law.
- **Historic Preservation Committee?** The one remaining issue that the Commission needs to weigh in on as part of your recommendation to the City Council is whether the City should consider the formation of a Historic Preservation Committee to administer the ordinance. Feedback in support centers on the ability to have “experts” in the field of historic preservation advising the City Council (as recommended by the 2007 Grand Jury report).

Feedback in opposition centers on the fear that there won't be enough work to keep the Committee busy throughout the year. One option would include setting the ordinance up to form a committee in the future should workload justify one. In the meantime, the Planning Commission could function in that capacity.

Process

One reoccurring question that has come is "how the new ordinance will effect the City's development review process?" The draft ordinance addresses "landmarks", "contributors to historic districts", "conservation overlay zones", and "points of interest." The ordinance discusses the difference between each designation and the criteria for listing. The Commission has asked staff to graphically show how alterations to buildings with these various designations would be processed under the new regulation. A new flow chart titled "Historic Resource Processing" has been prepared (attached) to illustrate how various requests to modify historic resources will be handled. The bottom line is the only "extra layer" of review that the ordinance specifies would apply to "landmarks" or "contributors to districts." This "extra layer" currently exists in CEQA. All other buildings would follow the normal City process.

One other question that has come up is "what would happen if the City chooses not to adopt an ordinance?" Simple answer is our regardless of a local ordinance, CEQA will continue to apply and protect historic resources in the City. However, rather than an ordinance that outlines and streamlines the process, avoids costly historic evaluations, and provides financial incentives to property owners wishing to preserve our community's resources, the review will continue to be on a case by case basis.

Incentives

An important objective of the City's Historic Preservation Program is to open the door for incentives for those wishing to preserve historic buildings. Preservation incentives are contained in Section 21.50.066 of the draft ordinance. The Mills Act has been one incentive explored in detail because of the financial benefits in the form of lower tax bills in exchange for maintaining a building's historic character. The amount of savings depends on a number of factors including the value of the property and how long the individual has owned it (Prop. 13 influence). But for residential structures, the tax savings on the actual "improvement" can be between 30-50%. The City would initiate program discussions with the County Tax Collector and Assessor's Offices once an ordinance is adopted that establish the program. It is also important to note that any ordinance incentive applies only to "Landmarks" or "Contributors to Districts" that have been nominated and successfully listed pursuant to the City's Historic Preservation Program.

Options: The Planning Commission is requested to take one of the actions listed below:

- a. Recommend the City Council:
 1. Adopt the Historic Resources Survey, dated March 2010;
 2. Adopt the Historic Resources Inventory, dated August 2010;
 3. Adopt the Negative Declaration of Environmental Impact;
 4. Introduce the Historic Preservation Ordinance; and

5. Direct staff to work with the State Office of Historic Preservation to update California Historic Resource Status Code information for Paso Robles properties consistent with the updated HRG survey
- b. Amend, modify, or reject the above-listed action.

Attachments:

1. Historic Resources Survey
2. Draft Historic Preservation Ordinance
3. Historic Resource Inventory
4. Historic Preservation Handouts
5. Initial Study and Environmental Analysis

Attachment 8 Most Historically Significant Buildings

POTENTIAL PROPERTIES FOR INDIVIDUAL DESIGNATION

ADDRESS	PROPERTY NAME	DATE	LOCAL	CR	NR
Civic and Institutional Properties					
0 Spring St.	Carnegie Library	1908	✓	✓	✓
0 Spring St.	City Park	1890	✓		
840 11 th St.	Municipal Bathhouse	1906	✓	✓	
623 13 th St.	Fire Station	1940	✓	✓	
800 Pine St.	Train Depot	1887	✓	✓	✓
3700 Spring St.	Hot Springs	1914	✓		
Commercial Properties					
815 12 th St.	Store	1925	✓		
817 12 th St.	Ramona Hotel Gilson Building	1925	✓	✓	
531 32 nd St.	KPRL Radio Station	1947	✓	✓	
1226 Park St.	IIOOF Building	1922	✓		
1245 Park St.	Bank of Italy/ Bank of America	1919	✓	✓	✓
525 Riverside Ave.	Farmer's Alliance Building	1922	✓		
425 Spring St.	The Farmhouse Motel	1947	✓	✓	
939 Spring St.	Melody Ranch Motel	1955	✓	✓	
1103 Spring St.	Paso Robles Inn	1942	✓	✓	✓
1103 Spring St.	El Paso de Robles Hotel Ballroom	1890	✓		
Residential Properties					
1803 Vine St.	Brewster-Dutra Home	1890	✓	✓	✓

ADDRESS	PROPERTY NAME	DATE	DISTRICT STATUS
Vine Street Historic District			
1117 Vine St.	Palmer House	1903	Contributor
1145 Vine St.	House	1890	Contributor
1229 Vine St.	Hanson Home	1890	Contributor
1233 Vine St.	Melgard Home	1892	Contributor
1245 Vine St.	Stevens Home	1892	Contributor
1315 Vine St.	Booth House	1900	Contributor
1337 Vine St.	Liddle House; Eppinger/Lewis Home	1889	Contributor
1345 Vine St.	Lewis Home	1887	Contributor
1405 Vine St.	Beaty House	1888	Contributor
1415 Vine St.	Seideman Home	1892	Contributor

Attachment 9
Draft Resolution of Adoption

RESOLUTION NO. 11-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
APPROVING A HISTORIC PRESERVATION PROGRAM**

WHEREAS, the City directed staff to develop a historic preservation program and appropriated funds to accomplish the update effort; and

WHEREAS, the City's General Plan of 2003 and Economic Strategy of 2006 call for the protection and preservation of historic resources in the City; and

WHEREAS, Council appointed a group of local historians to assist the consultants in historic research; and

WHEREAS, the Planning Commission held workshops on December 9, 2008, March 24, 2009, May 26, 2009, June 22, 2010 and a public hearing on November 9, 2010 in order to gain community input; and

WHEREAS, the City Council held a public meeting on January 4, 2011 to consider the historic preservation program, including the Historic Resources Survey, Historic Preservation Ordinance, Historic Resources Inventory, and environmental analysis, and to take public input.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, by the City Council of the City of El Paso de Robles that the Historic Preservation Program, containing the following components is hereby approved:

- Historic Resources Survey dated March 2010
- Historic Resources Inventory dated December 2010
- Historic Preservation Ordinance dated September 2010 (separate Council action to be taken)

BE IT FURTHER RESOLVED AND ORDERED that Council directs staff to develop the necessary forms, procedures, and fees to implement Ordinance provisions.

BE IT FURTHER RESOLVED AND ORDERED that Council directs staff to work with the County Tax Collector and develop a Mills Act incentive program for qualified and listed historic buildings.

PASSED AND ADOPTED THIS 4th day of January, 2011, by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

RESOLUTION NO: 11-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
ADOPTING A NEGATIVE DECLARATION FOR AN ORDINANCE ESTABLISHING
STANDARDS FOR THE TREATMENT OF HISTORIC RESOURCES
(HISTORIC PRESERVATION ORDINANCE)**

WHEREAS, the City directed that an update to the City's Historic Preservation Program be prepared, including the adoption of a Historic Preservation Ordinance (the "Ordinance"); and

WHEREAS, the Ordinance establishes the procedures and regulations that are necessary to identify, preserve, designate, and maintain historic resources as well as fulfill the City's responsibility under applicable State and Federal laws, including the California Environmental Quality Act (CEQA) and Federal Section 106; and

WHEREAS, an Initial Study was prepared pursuant to the California Environmental Quality Act (CEQA) to evaluate whether the Ordinance would result in significant environmental impacts, and the City has determined that the adoption of this Ordinance will not result in significant environmental impacts; and

WHEREAS, pursuant to CEQA, the CEQA Guidelines, and the City's Procedures for Implementing CEQA, an Initial Study and a Draft Negative Declaration were prepared and circulated for public review and comment; and

WHEREAS, a Public Notice of the proposed Draft Negative Declaration was posted as required by Section 21092 of the Public Resources Code; and

WHEREAS, a public hearing was conducted by the Planning Commission on November 9, 2010 and by the City Council on January 4, 2011, to consider the Initial Study, the proposed Negative Declaration prepared for the proposed project, and to accept public testimony on the Historic Preservation Ordinance, and environmental determination; and

WHEREAS, based on the information and analysis contained in the Initial Study prepared for this project and testimony received as a result of the public notice, the City Council finds that there is no substantial evidence that there would be a significant impact on the environment as a result of the adoption of said Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, based on its independent judgment, does hereby adopt a Negative Declaration for the Historic Preservation Ordinance, attached hereto as Exhibit A and incorporated herein by reference, in accordance with CEQA, the CEQA Guidelines and the City's Procedures for Implementing CEQA.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 4th day of January, 2011 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

EXHIBIT A

INITIAL STUDY/NEGATIVE DECLARATION

[to be inserted]

Attachment 11

Draft Ordinance

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES ADDING ARTICLE V. CHAPTER 21.50 OF THE MUNICIPAL CODE ON HISTORIC PRESERVATION

WHEREAS, policies contained in the City's General Plan of 2003 and Economic Strategy of 2006 call for the identification and preservation of historic resources in the City of Paso Robles; and

WHEREAS, Council directed staff to develop a Historic Preservation Program, including adoption of a Historic Preservation Ordinance; and

WHEREAS, the City, through its historic preservation consultant, prepared a draft Historic Preservation Ordinance that meets the goals, policies and objectives of the City; and

WHEREAS, at its meeting of November 9, 2010, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this ordinance;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance and environmental determination;
- c. Based on the information contained in the Initial Study prepared for the ordinance, a determination has been made that there is no substantial evidence that the amendment would have a significant adverse effect on the environment and thus a Negative Declaration can be adopted;
- d. Recommended that the City Council adopt the proposed ordinance; and

WHEREAS, at its meetings of January 4, 2011, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this ordinance;
- b. Considered the recommendation of the Planning Commission regarding this ordinance;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance and environmental determination;
- d. Based on the information contained in the Initial Study prepared for this Project, a determination was made, based on the independent review and judgment of the City Council, that there was no substantial evidence that the amendment would have significant adverse effects on the environment and thus a Negative Declaration was adopted by separate Resolution.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, hereby finds as follows:

1. The above stated facts of this ordinance are true and correct.

2. As indicated in the staff report for the Historic Preservation Program, the ordinance is consistent with the City's General Plan and Economic Strategy.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

Article V, Chapter 21.50 , attached and labeled Exhibit "A" and incorporated herein, is hereby added to the Paso Robles Municipal Code.

SECTION 1. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 2. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 3. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 4. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on January 4, 2011, and passed and adopted by the City Council of the City of El Paso de Robles on January 18, 2011 by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

Attachment 12 Public Comment Letters

Ron Whisenand

From: Dennis Loucks <dloucks1@hotmail.com>
Sent: Tuesday, November 16, 2010 3:01 PM
To: Ron Whisenand
Cc: Council; Jim App; christy@historicla.com; Susan DeCarli; al.garcia@pacbell.net; treatch@sbcglobal.net; garysam@charter.net; joel@hfwines.com; heely@tcsn.net; 2stevegregory@att.net; Vince Vanderlip
Subject: RE: Historic Preservation Program

Mr. Whisenand:

Thank you for your response. I must say that I was not expecting a response based upon my public comments of five months ago but I was expecting a response to my letter of June 17 which outlined in detail my questions as well as my comments. Since a copy of my letter was provided at the time of the June 22 workshop, I trust that you have had the opportunity to review the content of the letter and have based your most recent reply based on that letter. The reason I say this is because your e-mail of 11/15 included information that was not mentioned in my public comment but was included in my letter of June 17.

In talking to others, apparently we were not alone regarding the lack of notification regarding the Tuesday Planning Commission meeting. I appreciate your comment that staff will again send out notices, hopefully the list of historic property owners has been revised and will now include all property owners.

The Historic Preservation Ordinance, if adopted, does have restrictions as to what a property owner is allowed regarding their building. In exchange for these restrictions there are certain incentives, including the Mills Act, that an owner can elect to implement. The reason I take exception to the proposed ordinance is that it applies to all Historic Landmark or Contributor properties, even if the property owner is receiving no incentives. In my view, the only way that a property owner can be forced to maintain their property is through a contract. And if the terms of the contact are violated the contract stipulates the remedy. As you point out the Mills Act requires a contract with the city in exchange for a reduction in property tax. This would clearly define the conditions that obligate the property owner and would be the only appropriate means of requiring maintenance of historic properties. Since my response will be forwarded to Council and the Planning Commissioners, I have copied the ordinance language for their review.

In addition to any other penalty authorized by law, failure to maintain a designated Historic Landmark or Contributor to a Historic District as specified shall constitute a public nuisance resulting in the issuance of an order that the Owner perform the maintenance necessary to comply with this section. Any failure to comply with such an order shall entitle the City to cause the maintenance to be performed at the Owner's expense and in addition to the penalties provided by this code for violation thereof, such cost may be recovered of such Owner or occupant by civil action in any court of competent jurisdiction. In addition, any such costs shall become a lien against the property.

There seems to be a "disconnect" between the what is written in the ordinance and your interpretation as conveyed in your e-mail. Also, as noted during the workshop of June 22 you were unaware of the maintenance/lien provision in the ordinance and it was not until one of the Commissioners' read the provision that it was identified as being part of the ordinance. Clearly, this needs to be addressed.

Fees:

I would like clarification regarding fees attributable to any building subject to the Historical Preservation Ordinance. In discussing the ordinance with others that had attended the Tuesday meeting a fee of \$5,500 was mentioned. Was this comment made? and if so, in what context? I understand that there will be fees for "Certificates of No Effect" and "Certificates of Appropriateness". Your e-mail mentions individual historic evaluations, is there a cost associated? Please provide a list of all fees.

Thank you for taking the time to respond to my June correspondence, it is important from a property owner's point of view that all potential costs as well as benefits be clearly defined prior to adoption of this ordinance. In addition, it is also important that the Council fully understands all of the costs, benefits and the enforcement mechanism to properly consider this ordinance.

From: RWhisenand@prcity.com
To: dloucks1@hotmail.com
CC: Council@prcity.com; JApp@prcity.com; christy@historicla.com; SDeCarli@prcity.com; al.garcia@pacbell.net; treatch@sbcglobal.net; garysam@charter.net; joel@hfwines.com; heely@tcsn.net; 2stevegregory@att.net; vince101@pacbell.net
Subject: Historic Preservation Program
Date: Mon, 15 Nov 2010 19:24:54 +0000

Mr. Loucks:

I wanted to take this opportunity to respond to your Nov. 11th email to the Planning Commission and Council (below). You are correct, that the City's Planning Commission met last Tuesday to discuss a recommendation to the Council on the City's draft Historic Preservation Program. While the meeting was noticed, that notice was not mailed to all owners of historic properties as was the Commission's June property owner workshop. Staff advised the Commission last Tuesday that we would once again send copies of the public notice to all property owners on the historic inventory when the Council takes up the issue in January of 2011.

I am sorry if you have been waiting for a response to your June 17th public comments. It is not the City's practice to respond in writing to every comment provided as part of a public meeting. Your comments however, were received by the Commission and answered by staff as part of the June 22nd public workshop you attended. Your presentation specifically asked about the following program details:

- The Historic Survey identified 1225/1227 Park St as "individually significant" yet the 1229/1231 Park, which is part of the original building, is not. *It is important to note that as a result of your comments, staff did field research and worked with the historians to correct this situation. The updated survey and inventory now lists all addresses on this building (which is two separate Assessors Parcels) as being eligible for "local listing."*
- Apparent errors exist in the survey regarding the Fire Station, Panolivo, and Rocky Mountain Chocolate. *These discrepancies have also been corrected based on your public input.*
- Will there be additional building fees for properties listed in the survey and will the length of process be impacted? *As responded to at the public workshop, building fees would only apply to when you propose construction and would cover the costs of providing the plan check and building permit services. As far as the process, the draft ordinance would only outline a special process for those buildings found to be eligible for listing as a historic landmark or contributor to a historic district. State law currently regulates these buildings (even without an ordinance). The purpose of the ordinance is to provide a clear and streamline process for future changes to these structures. The ordinance also outlines a voluntary process for property owners to have their*

properties listed and receive various restoration incentives such as Mills Act tax breaks. You asked about the need for special consultants and studies. As responded at the public workshop, the draft ordinance is intended to streamline the current process of requiring individual historical evaluations for any properties listed as eligible for listing. Additional reporting would only be required if a property owner proposed future alterations (or demolition) that did not comply with the Secretary of the Interior Standards for historic properties.

- *Will the ordinance allow for the use of Mills Act Contracts? As responded to at the public workshop and at earlier Planning Commission training sessions, the draft ordinance contains a variety of incentive programs. If adopted, the ordinance would permit the City to pursue our own Mills Act program for owners of qualified historic properties. I've provided you with a link to a website where more information on the Mills Act program can be obtained:*

http://ohp.parks.ca.gov/?page_id=21412

Your email also references the issue of required maintenance of historic properties. The Commission directed that staff explore this issue further when the draft ordinance is presented to the Council. It is important to note that the requirement for property owners to maintain their historic building(s) only applies to those property owners who voluntarily come forward and pursue having their properties listed as a Historic Landmark. The same provision does not apply to those owners of buildings shown in the survey and inventory as "eligible for listing."

I think it is also important to note that maintenance of historic buildings is not limited to the draft ordinance. One of the main reasons for property owners to request "listing" of their buildings as historic landmarks is to take advantage of Mills Act tax benefits. As you may know, in exchange for lower property taxes, the Mills Act requires a contract with the property owner. That contract requires the property owner to restore and "maintain" that historic resource. A failure to maintain can cause the contract to be cancelled and tax benefits lost.

Thanks again for your continued interest in the City's draft Historic Preservation Program. Your earlier comments have been helpful and as you can see, have provided several revisions to the document. We'll be sure to notify of the upcoming Council meeting and look forward to your support.

Ronald Whisenand
Community Development Director
City of El Paso de Robles

From: Dennis Loucks [<mailto:dloucks1@hotmail.com>]
Sent: Thursday, November 11, 2010 2:08 PM
To: Planning; Council
Subject: Historic Preservation Ordinance

Dear Council and Planning Commission Members,

I was informed this week that another meeting was held concerning the Historic Preservation Ordinance. As property owners of a historic building, we were again not notified of the meeting. We had previously forwarded a letter to the planning commissioners' requesting clarifications as well as questions regarding the proposed ordinance. To date, we have had no reply from either the city planning department or the consultant hired by the city. A copy of my June 17, 2010 letter was given to the consultant at the time of the joint meeting with the City Council and Planning Commissioners in June. Of primary interest was if property tax assessments would be reduced for historic buildings as afforded under the Mills Act. The planning department asks for public comment and I provided them with constructive comment, am I wasting my time?

I learned from others that the ordinance still contained the provision that historic property owners would be required to maintain their property. I am opposed to that provision in the ordinance. The city is opening "pandora's box" if they go down this path. To threaten, through ordinance, that the city will authorize/make repairs to a property owned by a private citizen and then lien the property is outrageous. Most property owners maintain their property and are proud of their home. If they fail to maintain their property, the value goes down and they, not the city, makes the determination as to the extent of maintenance.

For convenience, I have attached a copy of my June 17, 2010 letter. Unless I'm mistaken, I have not heard of any

discussion regarding the Mills Act and it seems that a discussion would be prudent prior to the adoption of the ordinance.

Thank you for your time regarding this issue,

Dennis Loucks

**Dennis R Loucks
1810 San Marcos Rd
Paso Robles, Ca 93446**

City of Paso Robles
1000 Spring St
Paso Robles, Ca
Attn: Planning Commissioners

June 17, 2010

Re: Historic Resources Survey/Historic Preservation Ordinance

Dear Commissioners,

I recently had the opportunity to review the draft update of the Historic Resource Survey along with the draft of the Historic Preservation Ordinance. We were notified of the draft Survey and Ordinance through Main Street Association early this week. As property owners of a property listed, we did not receive any notification from the City regarding the pending action. As requested in the City's correspondence, I have commented regarding the inventory and ordinance drafts as follows:

My wife and I own a mixed-use commercial building located at 1229/1231 Park Street, which is in the central business district. During my review, I discovered discrepancies in our buildings identification as well as classification that should be brought to your attention. I have also included other comments that seem inconsistent with the classification of other buildings as well.

- **Appendix E:** Central Business District Proposed Conservation Overlay Zone Page 135, 1225-1231 Park Street (APN 009042005) is in error, 1229/1231 Park St is the building that my wife and I own (APN 009042004).
- Regarding the current name, 1229 Park St is not part of the Chamber of Commerce, although the buildings are of the same style and were built at the same time in 1922. The comment is understandable when the building is viewed from the front, as it appears to be one building.
- 1225 Park Street is listed as Individually Significant, both 1225/1227 and our building 1229/1231 should be listed as Individually Significant. 1229 Park St was originally occupied by the Paso Robles Bakery, and is listed as Extant Commercial Building from the period (page 50).
- In 2005 the front of 1229 Park St was remodeled to reflect the original building design, Spanish Colonial Revival. During the removal of a 1950's era plate glass storefront, we discovered that the original window transom had been covered and was still intact after several decades. After reviewing photographs depicting the Paso Robles Bakery storefront from the 1930's we duplicated the design and

brought the building back to its original appearance. Portions of the storefront used recycled materials from the building. The design was approved by the Design Committee and the building received a Main Street Design Award.

- **Please include 1229/1231 Park Street in the Individually Significant category (page 135) as well as Appendix A: Properties that appear eligible for Historic Landmark Status (page 122).**

Additional Comments:

- Fire Station 623 13th, page 51 indicates the building was built in 1930, page 122 lists that the building was built in 1940.
- Panolivo, 1344 Park is listed as a Non-contributor building but it is listed as Individually Significant. Can a Non-contributor building be listed as Individually Significant?
- 1106 Pine Street, Rocky Mountain Chocolate, is listed as Contributor Status but the building of the same design next to 1106 Pine has a Non-contributor status, Good Times Café (page 137). I believe that both buildings were built at the same time a few years ago and would have the same Non-contributor status.

Draft of Historic Preservation Ordinance

In principal, I approve of preserving our historic buildings and understand that they have created the community we enjoy today. My concern is over regulation and the costs associated. Most of the recent improvements to the downtown commercial district have been sensitive to the original building design and have complemented the City's historic character. I can fully appreciate the need for an ordinance that promotes preservation and maintains design continuity. My questions regarding the proposed ordinance are as follows:

- Will there be additional City building fees for properties listed in the Historic Resources Survey?
- If the proposed improvement to a building listed in the survey is found to be consistent with design guidelines adopted by the City Council how long would it take for building permit approval?
- Are any special consultants required regarding the improvement of a building listed in the Historical Resources Survey?

Preservation Incentives 21.50.066

- Mills Act Historic Property Contracts. Will the City authorize, through contract with the City of Paso Robles, a reduction in property tax as authorized in Government Code Sections 50280-50290?
- Technical Assistance, regarding technical advice and assistance regarding grants and preservation incentives, will there be a cost for this service?

Thank you for taking the time to review my comments. As property owners, my wife and I appreciate your efforts in promoting the downtown historical district that has become a vibrant element of our community.

Sincerely,

Dennis R Loucks, Property Owner

Cc: Main Street Association

SCULPTERRA WINERY

Bruce Woodworth

5015 Linne Road
Paso Robles, CA 93446
www.Sculpterra.com

Winery: 805 226-8881
Cell: 805 459-5462
Woodworth@Gmail.com

Date: 12/6/10

To: City of Paso Robles
Paso Robles Historical Society

From: Bruce Woodworth, Broker
Paso Robles Historical Society Charter Member

Subject: Nomination of the Historic Mud Bath building, site
and artesian mineral springs for listing as California
Historic Landmarks.

To Whom It May Concern:

I believe that the Paso Robles Historic Resources Survey has errantly overlooked and omitted recognizing the historical significance of the hot artesian mineral springs and the historic Mud Bath building at the north end of Spring Street.

I have permission from Julie & Ali Salmanzadeh, current owners of the historic Mud Bath Property, to nominate subject historic Mud Bath building and artesian springs for recognition as California Historic Landmarks on the following grounds:

1. It is the warm and hot artesian mineral springs, above all other factors that contributed to the establishment and development of Paso Robles. The Salinan Indians used the Paso Robles Mud Bath property long before recorded history and referred to the Mud Bath property as "Heaven's Spot" because of the curative powers of the hot sulphur springs. Tribal lore speaks of tribes that carried their sick from as far away as Texas and the Mississippi River to partake of the hot artesian mineral waters at the Mud Bath location.
2. The Paso Robles Mud Bath properties feature the FIRST and LAST remaining HOT artesian mineral springs which contributed to the establishment and development of Paso Robles.

3. The Paso Robles Mud Bath building was built in 1914 and in addition to it's unique architecture, is the LAST remaining operable structure which can offer public access to and enjoyment of the historic hot mineral waters.

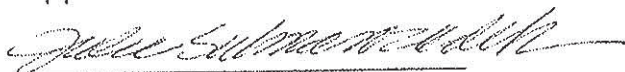
I hereby nominate the historic artesian springs and Mud Bath building at the north end Spring Street for listing as California Historic Landmarks.

Respectfully,



Bruce Woodworth

Approved:



Julie & Ali Salmanzadeh

Ron Whisenand

From: Christine Lazzaretto <christine@historicla.com>
Sent: Monday, December 13, 2010 5:02 PM
To: Ron Whisenand; Christy McAvoy
Cc: Susan DeCarli; Ed Gallagher
Subject: RE: Historic property?

Ron:

This is great news - we would love to see any remnants of the hot springs officially recognized. I confirmed with the field surveyors the status of this property in our data table, and you are correct that it is not listed in the inventory. The survey team was aware of this property and did go look at it, but were not able to match the property with an APN or a street address. In addition, since it is difficult to view and/or access from the public right-of-way, they weren't able to document it or even confirm what was present on the property. This is definitely an example where the property owner can supplement the field survey with additional information. Please note that the hot springs are identified as an important part of the early development of Paso Robles in the Historic Context statement, which is meant to assist the City in the continuing process of identifying and evaluating historic resources.

Thanks,

Christine

From: Ron Whisenand [mailto:RWhisenand@prcity.com]
Sent: Monday, December 13, 2010 3:41 PM
To: Christine Lazzaretto; Christy McAvoy
Cc: Susan DeCarli; Ed Gallagher
Subject: Historic property?

Christy:

We received a letter from a Bruce Woodworth addressed to the City and the Historical Society. Mr. Woodworth represents Julie and Ali Salmanzadeh, owners of the hot springs at the north end of town. You may recall during the charrette that this property sits all by itself and is accessed by a private railroad crossing. In his letter Mr. Woodworth is suggesting (and even nominating) his client's property to the California register of historic resources.

I looked though the Survey and Appendix I and don't see the property listed, which I can only assume means it wasn't surveyed. Is this correct? We'll be sharing the letter with Council and my response will be simply, that from time to time, new information will come up and in this case, the Salmanzadeh's can hire a professional in the field of historic resources to prepare a report and if the building truly meets the criteria for listing, then it can be added to our inventory and take advantage of ordinance provisions on listing as a landmark.

I just wanted you to be aware and let you have an opportunity to respond should HRG indeed looked at the property and ruled it out for whatever reason.

Thanks

Ron