

TO: James L. App, City Manager

FROM: Ronald Whisenand, Community Development Director

SUBJECT: Historic Preservation Ordinance

DATE: February 15, 2011

Needs: Consider revisions to the draft Historic Preservation Ordinance as directed by Council.

Facts:

1. The City Council adopted an update to the City's Historic Program on January 4, 2011.
2. Council action included adoption of the Historic Survey and Inventory. The Council continued action on the draft Historic Preservation Ordinance to allow review of revised language to various sections.
3. Revisions per Council direction have been made and are now ready for final action and implementation.

Analysis &
Conclusions: Council's January 4th review identified the need for several changes to the draft Historic Preservation Ordinance. The directed changes include:

- Use of the Planning Commission in lieu of a separate Historic Preservation Committee;
- Limiting the nomination process for Historic Landmarks and Districts to property owners, Planning Commission, City Council and organizations with a recognized interest in historic preservation;
- Elimination of enforcement language for the failure to maintain designated historic resources; and
- Minor clean-up matters

A legislative draft dated February 2011 is attached (Attachment showing the proposed changes. The Council is being asked whether the above changes reflect your action of January 4th. Once adopted, the Historic Preservation Ordinance will regulate both the listing process as well as changes to historic properties.

Policy

Reference:

- 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. Reaffirm recommended changes from January 4, 2011 and take the actions listed below:
 1. Adopt the attached Resolution adopting the Negative Declaration of Environmental Impact for the Historic Preservation Ordinance;
 2. Introduce the attached Ordinance amending the Zoning Code to establish historic preservation regulations, and set March 1, 2011 for adoption;
- b. Amend, modify, or reject the above-listed action.

Attachments:

1. Legislative Draft Historic Preservation Ordinance
2. Draft Ordinance
3. Draft Resolution Adopting Negative Declaration for Historic Preservation Ordinance



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

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HISTORIC RESOURCE is (a) 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; (b) is listed in the Paso Robles Historic Resources Inventory; (c) meets at least one of the Criteria for Designating a Historic Landmark; or (d) 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 (a) identified as Historic Resources or potential Historic Resources through survey or other evaluation; ~~are~~ (b) 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~~ (c) 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 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

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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.

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.

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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.

21.50.050 - Historic Preservation Commission Powers and Duties of the Planning 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~~

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- ~~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.~~

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~~ **development** applications (including applications for demolition) affecting designated Historic Resources.

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- 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~~ **advisory bodies** as necessary on historic preservation issues.
- 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

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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:

- 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:

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- 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
- 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~~ **Planning** 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 Planning Commission, the City Council, or any other organization with a recognized interest in historical preservation.**
- 2) Applications for designation originating from outside the ~~Historic Preservation~~ **Planning** Commission **or the City Council** shall complete the nomination form provided by the Community Development Department **and shall be accompanied by applicable fees.**
- 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.

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- 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~~ Planning 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~~ Planning 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 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~~ Planning 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~~ Planning 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~~ Planning 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

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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:

- 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~~ **Planning** Commission in the following manner:

- 1) Nominations for Historic Districts may be initiated by the ~~Historic Preservation~~ **City Council, Planning** Commission, by the Owner of a property that is included in the proposed district, or ~~by any resident of Paso Robles~~ **any other organization with a recognized interest in historical preservation.**
- 2) Applications for designation originating from outside the ~~Historic Preservation~~ **Planning** Commission shall complete the nomination form provided by the Community Development Department **and shall be accompanied by applicable fees.**
- 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.

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- 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~~ **Planning** 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.
- 7) There shall be a moratorium on the issuance of new demolition or alteration permits from the time the ~~Historic Preservation~~ **Planning** 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~~ **Planning** 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~~ **Planning** 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.

21.50.100 - 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

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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 Planning 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 there~~ **shall be no moratorium on the issuance of alteration or demolition permits.**

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 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

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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~~ **Planning** 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~~ **Planning** 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 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

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- 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; (a) any designated Historic Resource; or (b) 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;
- 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.

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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~~ **Planning** 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.

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~~ **Planning** 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~~ **Planning** Commission.

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

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- 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~~ **Planning** 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.

F. Process for Revocation of Certificate of Appropriateness.

Revocation proceedings may be initiated upon a motion by the ~~Historic Preservation~~ **Planning** 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~~ **Planning** 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.

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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~~ **Planning** 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.

The City Council may:

Require a six month continuance ~~in~~ **for** 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~~ **Planning** 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;

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- 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 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 Planning Commission makes one or more of the following findings:

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- 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~~ **Planning** 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~~ **Planning** 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.

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~~ **Planning** 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

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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.

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

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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.

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. C. 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. D. 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.

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- 3) The Community Development Director's decision may be appealed to the ~~Historic Preservation~~ Planning 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.

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.

City of Paso Robles Historic Preservation Ordinance

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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 and February 15, 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 February 15, 2011, and passed and adopted by the City Council of the City of El Paso de Robles on March 1, 2011 by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, MAYOR

ATTEST:

Caryn Jackson, DEPUTY CITY CLERK

Exhibit “A”



City of Paso Robles Historic Preservation Ordinance February 2011

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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	Powers and Duties of the Planning 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 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

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

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HISTORIC RESOURCE is (a) 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; (b) is listed in the Paso Robles Historic Resources Inventory; (c) meets at least one of the Criteria for Designating a Historic Landmark; or (d) 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 (a) identified as Historic Resources or potential Historic Resources through survey or other evaluation; (b) 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 (c) 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 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

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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.

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.

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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.

21.50.050 - Powers and Duties of the Planning Commission.

The Planning Commission shall be the advisory body to the City Council on all matters related to historic preservation. The 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 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.

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- 7) Make recommendations on development 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 advisory bodies as necessary on historic preservation issues.
- 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

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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:

- 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,

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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
- 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 Planning Commission in the following manner:

- 1) Nominations for Historic Landmarks may be initiated by the owner of record of the property or structure, the Planning Commission, the City Council, or any other organization with a recognized interest in historical preservation.
- 2) Applications for designation originating from outside the Planning Commission or the City Council shall complete the nomination form provided by the Community Development Department and shall be accompanied by applicable fees.
- 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.

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- 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 Planning 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 Planning 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 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 Planning 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 Planning 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 Planning 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

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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:

- 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 Planning Commission in the following manner:

- 1) Nominations for Historic Districts may be initiated by the City Council, Planning Commission, by the Owner of a property that is included in the proposed district, or any other organization with a recognized interest in historical preservation.
- 2) Applications for designation originating from outside the Planning Commission shall complete the nomination form provided by the Community Development Department and shall be accompanied by applicable fees.
- 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.

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- 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 Planning 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.
- 7) There shall be a moratorium on the issuance of new demolition or alteration permits from the time the Planning 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 Planning 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 Planning 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.

21.50.100 - 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.

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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 Planning Commission in the manner identified in paragraph 21.50.080.C (Procedure for Designating Historic Landmarks), with the exception that there shall be no moratorium on the issuance of alteration or demolition permits.

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 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.

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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 Planning 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 Planning 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 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.

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21.50.130 - Alterations or Repairs to Historic Resources.

A. Approval Process for Alterations or Repairs to 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; (a) any designated Historic Resource; or (b) 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;
- 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 Planning Commission and approved by the City Council prior to the commencement of any work.

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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.

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 Planning 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 Planning Commission.

The Planning 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.

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- 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 Planning 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.

F. Process for Revocation of Certificate of Appropriateness.

Revocation proceedings may be initiated upon a motion by the Planning 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 Planning 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,

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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 Planning 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.

The City Council may:

Require a six month continuance for 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 Planning 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.

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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 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 Planning 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 Planning Commission shall review major projects affecting City-owned, designated Historic Resources, including changes to public and semi-public interior

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spaces, and forward its recommendation on these projects for approval by the City Council.

The Community Development Director may also request the Planning 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.

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 Planning 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.

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. 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.

D. 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 Planning 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.

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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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 15th day of February, 2011 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Duane Picanco, Mayor

Caryn Jackson, Deputy City Clerk

EXHIBIT A

INITIAL STUDY/NEGATIVE DECLARATION

[to be inserted]

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
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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: See IIa above.				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: See IIa above.				

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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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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.

b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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Discussion: See III.a. above.

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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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Discussion: See III.a. above.

d. Expose sensitive receptors to substantial pollutant concentrations? (Source: 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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Discussion: See III.a. above.

e. Create objectionable odors affecting a substantial number of people? (Source: 11)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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Discussion: See III.a. above.

	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 |
|---|--------------------------|--------------------------|--------------------------|---|

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. The proposed procedural regulations do not affect emergency response related issues.				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: No applicable. The proposed procedural regulations do not affect wildland or wildfire related issues.				

IX. HYDROLOGY AND WATER QUALITY: Would the project:

a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. The proposed procedural regulations do not affect water quality related issues.				
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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. The proposed procedural regulations do not affect water quantity related issues.				
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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. The proposed procedural regulations do not affect drainage/erosion/siltation related issues.				
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
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)				
Discussion: Not applicable. The proposed procedural regulations do not affect drainage/flooding related issues.				
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)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. The proposed procedural regulations do not affect runoff related issues.				
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. The proposed procedural regulations do not affect water quality related issues.				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. The proposed procedural regulations do not affect flood hazard related issues.				
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: See IX. g. above.				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. There are no levees or dams within or near the City.				
j. Inundation by mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. The proposed procedural regulations do not affect mudflow related issues.				
k. Conflict with any Best Management Practices found within the City's Storm Water Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
Discussion: Not applicable. The proposed procedural regulations do not affect storm water related issues.				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. 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
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
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? Discussion: See XVI a. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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? Discussion: See XVI a. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? Discussion: See XVI a. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
e. Result in inadequate emergency access? Discussion: See XVI a. above.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
f. Result in inadequate parking capacity? 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.	<input type="checkbox"/>	<input type="checkbox"/>	X	<input type="checkbox"/>
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? Discussion: The proposed ordinance will not conflict with adopted policies, plans or programs that support alternative transportation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X

XVII. UTILITIES AND SERVICE SYSTEMS: Would the project:

a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Discussion: XVII a – g, not applicable.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X
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 |
|--|--------------------------|--------------------------|--------------------------|---|

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 it's 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.

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|--|--------------------------|--------------------------|--------------------------|---|
| 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