

ORDINANCE NO. 972 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 15, 2011 by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

Exhibit "A"



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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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