

ORDINANCE NO. 586 N.S.  
 AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
 AMENDING TWO SECTIONS OF THE MUNICIPAL CODE RELATING TO  
 DEMOLITION OF BUILDINGS AND STRUCTURES

WHEREAS, the preservation and protection of historically or architecturally significant buildings and structures are required in the interest of the health, prosperity, social and cultural enrichment, and general welfare of the people, and

WHEREAS, the existing Municipal Code provides little or no protection for buildings and structures of historic and architectural significance from demolition, and

WHEREAS, the existing Municipal Code fails to adequately define the application requirements and the criteria for determining the historic or architectural potential of a building or structure, and

WHEREAS, the following demolition ordinance provides an adequate review period to determine the appropriateness of demolition and seek alternatives to demolition,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of El Paso de Robles, California, that Section 21.15.040 of Chapter 21.15 of the zoning regulations be repealed and that the Municipal Code be amended by the attached Exhibit "A".

PASSED AND ADOPTED THIS 5th day of December, 1989 by the following roll call vote:


AYES: Russell, Reneau, Dolan, Conway and Martin

NOES: None

ABSENT: None

  
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 MAYOR STEVEN W. MARTIN

ATTEST:

  
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 JERRY BANKSTON, CITY CLERK

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BUILDINGS AND STRUCTURES

**Intent.** The purpose of this chapter is to preserve buildings, structures, and features which reflect the City's heritage and to seek alternatives for the important cultural resources. The protection of cultural prosperity, social and cultural health, and general welfare of the people.

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**17.16.020 Permit Required.** No person shall demolish any building or structure until a permit has been issued by the Building Official in accordance with the provisions set forth in this chapter.

**17.16.030 Application for Permit.** An application for a permit to wreck, demolish, or raze a building or structure shall be submitted to the Building Official. An application shall state:

- A. The precise location of the building or structure to be demolished, identifying the building or structure to be removed, property and distances to the neighboring buildings, public utilities, streets or right of ways, and public utilities;
- B. The type of equipment to be used to demolish the building or structure;
- C. The length, width, height, and principal materials or construction of the building or structure;
- D. The length of time required to complete the proposed demolition work;
- E. The name and address of the owner(s) and other building or structure;
- F. Proof of permission from the owner(s) and other vested interests to do the proposed work;
- G. Method(s) of proposed demolition; and
- H. Any other information deemed necessary by the Building Official.

**17.16.040 Significance.** Upon receipt of an application for a permit to demolish a building or structure, the Building Official shall forward the application to the Planning Division of the City Department. The City Planner shall determine if the building or structure is a potential historic or architectural resource, using the following criteria:

- A. Inclusion on any list of historic resources, including, but not limited to the Register of Historic Buildings, the National Historic Resources Survey conducted by the Department of Cultural Resources, and; Robles, and;

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

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

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

(3) Whether the building or structure embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or

(4) Whether the building or structure represents an established and familiar visual feature of a neighborhood or community of the City.

The City Planner shall make his/her determination within thirty (30) days from the date the application for demolition is submitted.

#### 17.16.050 Processing Procedures

A. Nonsignificant Buildings or Structures. If the building or structure to be demolished is determined by the City Planner as having no historic, architectural, or aesthetic significance to the City, the City Planner shall refer the matter back to the Building Official with recommendation to issue the demolition permit. When in doubt, the City Planner may seek the review and advice from the Architectural Review Committee/Historic Preservation Commission. The demolition permit shall be effective on the date of issue.

B. Significant Buildings or Structures.

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

(2) The Community Development Department shall place a legal notice in a newspaper of general circulation in the city, announcing the proposed demolition. The notice shall be given in a manner consistent with City policies and procedures and State law. The notice shall show the location of the building or structure on a vicinity map with the street address. The Community Development Department shall also notify, by first class mail, all property owners within a 300 foot radius of the proposed demolition and any persons or organizations that have asked to be notified of the application for demolition permits. The applicant for the demolition permit shall be responsible for providing a set of mailing labels containing the property owners and addresses based upon the latest County Assessor's Tax Roll.

C. Findings Required.

(1) The Council may, upon finding that the building or structure is of significant historical character, require a six (6) month continuance in consideration of the demolition permit request, with an option to extend the continuance for an additional six (6) month period should that become necessary. The purpose of the continuance, and the possible extension, is to provide adequate time to investigate alternatives to demolition.

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

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(3) The demolition of all buildings and structures shall be conducted in accordance with all conditions outlined in Chapter 44 and sub-section 4409 of the Uniform Building Code as adopted by Council.

**17.16.060 Exception.** Upon determination by the Building Official that the building or structure to be demolished poses a threat to the health and safety of persons in the area surrounding the subject structure, the Building Official may, with the Community Development Director's concurrence, issue the demolition permit without City Council review and the findings set forth in this chapter. The Building Official may also require fencing or other appropriate measures to secure the site pending review by Staff and/or Council.

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