

ORDINANCE NO. 2008 - 03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
AMENDING CHAPTER 11-06 TO THE SAN JUAN BAUTISTA MUNICIPAL CODE
REGARDING HISTORIC RESOURCES PRESERVATION

THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY
ORDAINS AS FOLLOWS:

SECTION 1. Chapter 11-06 hereby is added to the San Juan Bautista Municipal
Code to read as follows:

Chapter 11.06 Historic Resource Preservation Ordinance

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11.06.010 Intent.

The purpose of the Historic Preservation Ordinance is to promote the public health, safety, and general welfare of the City of San Juan Bautista by providing for the identification, protection, enhancement, perpetuation and use of improvements, buildings, structures, signs, objects, records, manuscripts, features, sites, places, landscape, and areas within the City that reflect historic or cultural elements of the City's architectural, artistic, cultural, engineering, aesthetic, historical, archeological, natural,

geological, scientific, educational, political, social, military, and other cultural heritage for the following reasons:

- A. To safeguard the City's heritage as embodied and reflected in such resources;
- B. To encourage public knowledge, understanding, and appreciation of the City's past;
- C. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of historic resources;
- D. To promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the City;
- E. To preserve diverse and harmonious architectural styles and design preference reflecting phases of the City's history and to encourage complementary design and construction;
- F. To enhance property values and to increase economic and financial benefits to the City and its inhabitants;
- G. To protect and enhance the City's historic resources for residents, tourists, and visitors and serve as support and stimulus to business and commerce;
- H. To identify issues concerning preservation of historic resources and alternative land uses early in the planning and project approval processes;
- I. To integrate the preservation of historic resources and the extraction of relevant data from such resources into public and private land management and development processes;
- J. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment; and
- K. To take whatever steps are reasonable and necessary to safeguard property declared to be a historic resource or that is located in an area designated an historic district.

11.06.020 Definitions.

- A. "Alteration". See "major alteration" and "minor alteration.
- B. "Archeological Site" means a bounded area of a resource containing archaeological deposits or features that is defined in part by the character and location of such deposits or features.
- C. "Architectural Character Defining Feature" means those features of an architectural nature that contribute to the significance of a historical resource including but not limited to parts and features of the buildings or structures' type and style. Architectural Character Defining Features may include the size, scale,

and setback of the building's form, the roof pitch, design, dormers and material of roof cladding; the type, texture, style and material of building cladding; the type, design, character, fenestration pattern and materials of all windows and doors; all exterior architectural features such as stairs, porches, verandas, pergolas, porte cocher, bays, turrets, etc.; and all decorative treatments such as railings, molding, ornamental detailing, elements of craftsmanship, and finishes, as outlined in National Register Bulletin 15 and Preservation Brief 17: How to Identify Character Defining Features.

- D. "Building" A resource, such as a house, barn, church, factory, hotel, or similar structure, created principally to shelter or assist in carrying out any form of human activity. Also used to refer to an historically or functionally related unit, such as a courthouse and jail or a house and barn.
- E. "Building Official" is the designated representative of the City who is responsible for building permits, building inspections, and building plan review.
- F. "California Public Resources Code, Section 5028 (PRC § 5028)" shall be that section of the California Public Resources Code citing procedures for the demolition or alteration of historic structures that have sustained damage as a result of a Disaster.
- G. "California Environmental Quality Act" (CEQA) means the California Public Resources Code Section 21000 et seq. The CEQA Guidelines are found at California Code of Regulations Title 14, chapter 3, Section 15000 et seq.
- H. "California Office of Historic Preservation" (also known as the Office of Historic Preservation or OHP) means the agency that carries out the National Park's historic preservation programs including nominating historic properties to the National Register of Historic Places and qualifying local programs for the Certified Local Government program. It also administers the State's preservation programs such as the California Register of Historical Resources. (See Public Resources Code 5024.6 and PRC 5020.6.)
- I. "California Register of Historical Resources" means the register defined in California Public Resources code section 5024.1 and in the California Code of Regulations Title 14, Chapter 11.5, section 4850 et seq., as it may be amended.
- J. "City Planner" is the City staff person who is responsible for all City planning matters.
- K. "Civil Engineer" shall mean any individual registered by the State of California to practice civil engineering pursuant to the State of California Business and Professions Code, Chapter 7, Section 6702. For the purposes of this Chapter, a Civil Engineer shall also be an individual who has demonstrated experience in historic preservation and who is familiar with historic structures and historic building materials.
- L. "Conservation Easement" A less than fee simple interest in real property recorded as a deed restriction which is designed to protect the historic, cultural, archaeological, or ecological characteristics of a property. For the purposes of

the regulations in this chapter, it is interchangeable with the term “Preservation Easement.”

- M. “Demolition” means removing or destroying in whole or part an improvement or portion of property when not undertaken in conjunction with any other alteration or modification of the improvement or property.
- N. “Design Guidelines” means the guidelines governed by the Site Plan and Design Review Procedures Ordinance (Chapter 11.16).
- O. “Designated Historic District” means any area of the City that has been identified by the City through a comprehensive survey process, designated under local ordinance or resolution and zoned pursuant to Section 11.06.050 and Section 11.060.050 of this Chapter. A historic district may contain a concentration of historic buildings, structures, sites, spaces, objects, or other resources that are unified historically, culturally, or architecturally. An historic district may contain both “contributing” and “non-contributing” resources, depending on whether the resource adds or does not add to the architectural qualities, historic associations, or archeological values of the period or setting, all of which are subject to standards and procedures set forth in Chapter 11.06.
- P. “Disaster” shall mean any occurrence, natural or man-made, which results in the declaration of a State of Emergency or declaration of Emergency Action as defined in this Chapter. For the purposes of this Chapter, Disasters shall include, but are not limited to, wind storms, earthquakes, floods, mudslides and fires.
- Q. “Emergency Action” shall mean any occasion for which, in the determination of the City Council, additional assistance is needed to supplement local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the City. Additional assistance shall include, but is not limited to, State and Federal resources.
- R. “Emergency Demolition Permit” shall mean a permit to demolish, in part or in full, a Disaster-damaged Historic Building or Structure, as defined in this Chapter, issued pursuant to this Ordinance.
- S. “Engineering Evaluation” shall mean an evaluation of a suspected Disaster-damaged structure performed under the direction of a Historic Architect or Structural or Civil Engineer, as defined in this Chapter.
- T. “Environmental Elements” shall mean any by-product of the climate, weather, natural environment or Disaster that would contribute to the accelerated deterioration of a structure or any of its parts. These elements may include, but are not limited to, wind, rain, snow, hail, mudflows, direct sunlight on interior spaces, and animal habitation.
- U. “Federal Emergency Management Agency (FEMA)” shall be that federal agency authorized to respond to Disaster situations pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended.

- V. "Federal Inspector" shall mean any individual authorized by FEMA, to act on the behalf of FEMA, to assess the condition of a suspected Disaster-damaged structure.
- W. "Gateway" means, per the 1998 San Juan Bautista General Plan, 1) The Alameda between Highway 156 and Pearce Lane; 2) Muckelemi Street between Highway 156 and Third Street; and 3) First Street west of North Street (1998 SJB General Plan. Page 8-5 and Figure 8-2). Though not in the City limits at this time, as development occurs south of Highway 156, San Juan Canyon Road and San Juan Hollister Road, it will become a City gateway (1998 SJB General Plan. Page 8-6). Note also that the Historic San Juan Bautista Plan (February 2002) states (page 2-46) that three gateways shall be established (those listed above and in the General Plan). Figure 2.4 of the Historic San Juan Bautista Plan also identifies these gateways.
- X. "Historic Architect" shall mean any individual licensed by the State of California to practice architecture pursuant to the State of California Business and Professions Code, Chapter 3, Section 5500.1. For the purposes of this Chapter, a Historic Architect shall be an individual who meets the Secretary of the Interior's Professional Qualification Standards for Historic Architecture and has demonstrated (two or more years) professional experience working on historic buildings and structures in the field of historic preservation in the State of California.
- Y. "Historical Resource" means any object, improvement, building, structure, district or element of a district, sign, feature, site, place, landscape, area, record, or manuscript that is historically or archeologically significant, or that is significant in the architectural, artistic, engineering, aesthetic, natural, geological, scientific, economic, agricultural, educational, political, social, military, or cultural history of the City of San Juan Bautista or the State of California. For the purposes of this Section, historical resources include those resources identified as significant in an inventory or survey of historic resources [meeting the requirements of Public Resources Code 5020.1 (g)], those resources included in the City of San Juan Register of Historic Resources [as defined by Public Resources Code 5020.1(k)] as well as those buildings and structures that the City determines to be historically significant dependant upon recommendation by a qualified architectural historian that the resource meets those criteria for inclusion in the California Register as outlined in Public Resources Code 5024.1.
- Z. "Imminent Threat" shall mean the existence of any condition within, or affecting, a structure which, in the opinion of the authority having jurisdiction, would qualify such building or structure as dangerous to the extent that the life, health, property or safety of the public, its occupants or those performing necessary repair, stabilization or shoring work, are in immediate peril due to conditions affecting the building or structure. Potential hazards to persons using, or improvements within the public right-of-way may not be construed to be "Imminent Threats" solely for that reason if the hazard can be mitigated by shoring, stabilization, barricades or temporary fences.

- AA. "Improvement" means any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.
- BB. "Integrity" is the authenticity of an historical resource's physical identify evidenced by the survival of characteristics that existed during the resource's period of significance. Historical resources eligible for listing in the City of San Juan Bautista's Register of Historical Resources must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association.
- CC. "Listing" means process associated with having a historic resource of some type (e.g., property or building or object) placed on the San Juan Bautista Register of Historic Resources.
- DD. "Major alteration" refers to any maintenance, rehabilitation, or repair work that alters the exterior appearance of an existing building or structure, including building additions, removal or demolition of and/or additions of significant features to the building or site, relocation, disturbance, etc. alter, diminish, demolish, remove, (except for the purposes of replacing like for like materials) relocate, modify, excavate, construct new, reconstruct, remodel, restore, or rehabilitate the resource, site, and immediate surroundings, including appurtenances attached to, contiguous with, or otherwise related to the resource, including but not limited to landscape, setbacks, distinguishing aspects, roof attributes, overlays, moldings, light fixtures, doors, windows, paint or other coating, siding, fencing, walls, signs, monuments, and sculptures; or alter, modify, or rehabilitate the interior of a resource that is accessible to or has historically been made available to the public, including but not limited to areas commonly used as public spaces such as lobbies, meeting rooms, gathering rooms, public hallways, great halls, bank lobbies, shopping malls, stores, or other similar spaces.
- EE. "Minor alteration" refers to any maintenance, rehabilitation, or repair work that does not change exterior appearance of an existing building or structure, including roof repair or replacement, window replacement, residing, repainting, etc. that is consistent with existing materials and colors.
- FF. "Mitigate" shall mean any action, or combination of actions, to minimize, isolate, or ameliorate the degradation and/or loss of those characteristics of a property that make it significant as a Historic Building or Structure. The definition of Mitigate as provided herein shall not be construed as having any connection, implied or explicit, to the use of the term in the California Environmental Quality Act.
- GG. "New construction" consists of new or relocated freestanding buildings or structures constructed on previously undeveloped or vacant land, including infill development and signs associated with the new construction."

- HH. "Natural feature" means any tree, significant vegetation, or significant geological formation subject to the provisions of this Chapter.
- II. "Object" means a material thing of functional, aesthetic, cultural, symbolic or scientific value, usually movable by design or nature.
- JJ. "Office of Emergency Services Certified Inspector" shall mean any individual registered by the State of California as a Historic Architect or Structural or Civil Engineer, as defined in this Chapter, and certified by the State of California Governor's Office of Emergency Services as qualified to assess the structural integrity of a suspected Disaster-damaged structure.
- KK. "Owner" means the person appearing as the owner of such improvement, natural feature, or site on the latest equalized assessment roll of the County of San Benito.
- LL. "Person" means any individual, association, partnership, firm, corporation, public agency or political subdivision.
- MM. "Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of historic resources. Preservation maintains the form, materials and features of the historic property as it has evolved over time, acknowledging its growth, loss, and change. Preservation is the act or process of applying measures necessary to sustain the existing form, integrity and materials of a historic property. Work, including the preliminary measures to protect and stabilize the property, generally focuses on the on-going maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate.
- NN. "Programmatic Agreement" shall mean that document developed and signed by representatives of FEMA, the State Office of Emergency Services, the State Historic Preservation Officer and the Advisory Council on Historic Preservation for the expedited review of the effects of federally assisted undertakings on Historic Buildings and Structures to satisfy FEMA's Section 106 responsibilities pursuant to the National Historic Preservation Act of 1966, as amended.
- OO. "Qualified Architectural Historian" shall mean a person who meets the Secretary of the Interior's Professional Qualified Standards for Architectural History as outlined in the Code of Federal Regulations Chapter 36 Part 61 including at a minimum a graduate degree in architectural history, art history, architecture or a closely related field, with a concentration in American architecture; or a graduate degree in American history, public history, historic preservation, American studies, or a closely related field; or a bachelor's degree in one of the above disciplines, plus 12 months of full-time related professional experience in research, writing, teaching, interpretation, or other related professional activity; AND demonstrated ability to apply the practices of

architectural history in the identification, evaluation, and documentation of historic properties in California or the United States.

- PP. "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. Reconstruction re-creates a vanished or non-surviving historic property with new materials.
- QQ. "Relocation" refers to moving an improvement onto, from, or within a site.
- RR. "Review" refers to the procedure by which General Plan policies, Municipal Code standards, design guidelines, Secretary of the Interior Standards for Treatment of Historic Properties, and any other applicable plans, whether City, County, or other, are applied in evaluating the site plan and design of the project.
- SS. "Register ["Register"] of Historic Resources City of San Juan Bautista" includes historic resources and contributing buildings within Designated Historic Districts that have been determined by the City according to the procedures in this Chapter to be historically significant and possess integrity of location, design, setting, materials, workmanship, feeling, and association, as set forth in Section 11.06.060.
- TT. "Rehabilitation" means making a compatible use of a historic property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values. Rehabilitation retains the historic property as it has evolved by maintaining and repairing historic features, while allowing additions and alterations for contemporary and future uses.
- UU. "Repair" See "alteration," "major alteration," or "minor alteration."
- VV. "Restoration" means accurately depicting the form, features, and character of a property as it appeared at a particular time by means of removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional, is appropriate within a restoration project. Restoration depicts an appearance that existed during the historic property's most significant period by removing later additions and rebuilding or replanting earlier features.
- WW. "The Secretary of the Interior Standards for the Treatment of Historic Properties" includes both standards and guidelines. They were developed by the Department of the Interior, National Park Service for the preservation of historic resources including buildings, sites, objects, districts, and landscapes.
- XX. "State Historical Building Code (SHBC)" means the code that applies to all qualified historical structures, districts, and sites designated under federal, state, or local authority. It provides alternatives to the Uniform Building Code in rehabilitating, preserving, restoring, or relocating qualified historic structures designated as historic buildings. It is performance, not prescriptive, oriented. (See Part 8 of Title 24 of the California Code of Regulations, Building Standards.)

- YY. "State Historical Building Safety Board" shall be that board established in 1975 pursuant to SB 927 to oversee the preparation, implementation and interpretation of the State Historical Building Code.
- ZZ. "State Historic Preservation Officer (SHPO)" shall be the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966 as amended, and by the Chief of the State Office of Historic Preservation, to administer the State Historic Preservation Program.
- AAA. "State Office of Emergency Services (OES)" shall be that state agency authorized to respond to Disaster situations pursuant to the California Emergency Services Act of 1970. As the primary state agency responsible for directing Disaster response and recovery operations in California, including the disbursement of federal disaster relief funding, OES shall act as the "lead state agency" pursuant to the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended.
- BBB. "State Office of Historic Preservation shall be that state agency established by the Governor of the State of California for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, as amended, and related State and Federal laws and regulations pertaining to the preservation of historic and archaeological resources.
- CCC. "State of Emergency" shall mean a declaration by the President of the United States of America, or by the Governor of the State of California, pursuant to Chapter 7 of Division 1 of Title 2 of the Government Code, or by the San Juan Bautista City Council.
- DDD. "Structural Engineer" shall mean any individual registered by the State of California to practice structural engineering and to use the title Structural Engineer pursuant to the State of California Business and Professions Code, Chapter 7, Section 6701. For the purposes of this Chapter, a Structural Engineer shall also be an individual who has demonstrated experience in historic preservation and who is familiar with historic structures and archaic building materials.
- EEE. "Uninhabitable Structure" shall mean a Historic Building or Structure damaged as a result of a Disaster and that has been posted as "unsafe/no entry" (ATC red tag) or "unsafe/limited entry" (ATC yellow tag) by the Building Official, an OES Certified Inspector, or a Federal Inspector. An Uninhabitable Structure shall be a structure that is not, or cannot be, occupied, inhabited, or used for its intended purposes following a Disaster, and is Unsecured, as defined in this Chapter.
- FFF. "Unsecured" shall mean a Historic Building or Structure that is unprotected from unauthorized entry or from damage and deterioration caused by the effects of Environmental Elements.

11.06.030 Historic Resources Board.

- A. Authority. The City Council shall hereby establish, recognize and designate the Planning Commission as the "Historic Resources Board" (HRB) to assist and advise

the Planning Commission in cultural and historic preservation efforts, including the powers and duties in Section 11.06.040 of this Chapter. The HRB shall act as an advisory body to the Planning Commission.

- B. Members. The HRB shall consist of the five member Planning Commission. Preference shall be given to residents of the City of San Juan Bautista who have a unique knowledge of the cultural history of San Juan Bautista and who have a demonstrated interest and knowledge in historic preservation. At least two members shall be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. If such professionals are not available within the community, then membership may also include lay members who have demonstrated special interests, competence, experience, or knowledge in historic preservation.
- C. Qualifications. All board members will be required to submit a Professional Qualifications form on an annual basis in accordance with the requirements for the Certified Local Government Annual Report process. The Professional Qualifications form shall outline the qualifications and experience of the board member and will include a resume.
- D. Term of Duty. Board Members shall serve a term that correlates with their Planning Commission term. The terms shall be served on a rotating basis to ensure continuity in Board operation. The City Council shall act within sixty (60) days to fill a vacancy within the HRB.

11.06.040 Powers and Duties.

The Board shall have the following powers and duties:

- A. Conduct Meetings. Meet monthly at a duly noticed meeting and comply with the open meeting laws of the Ralph M. Brown Act (Government Code Section 54950 et seq.). Conduct a meeting when a majority of the members are present that constitutes a quorum. Mail the published agenda in advance of meetings to individuals and citizen organizations interested in the HRB's activities. Adopt procedures for the conduct of its business. Keep minutes and records of all meetings and proceedings including attendance, findings, determinations, recommendations, resolutions, and voting records. Written minutes of the board meetings shall be kept on file, available for public inspection, and submitted to the state as part of the CGL Annual Report process.
- B. Systematically Survey and Inventory Historical Resources within the City Limits and Sphere of Influence. The City of San Juan Bautista was surveyed in 1981 with updates conducted in 2006. However, as the 2006 Historical Resources Inventory and Context Statement is incomplete as compared to the 1981 Historical Resources Inventory and as determined by the City Planner, the 2006 and 1981 Historical Resources Inventory will be considered combined documents for purposes of this chapter. The Historic Resources Board shall coordinate with the Planning Commission and City Council to continuously

conduct or cause to be conducted comprehensive updates (at a minimum of every five years) to the existing historic resources survey data in accordance with state survey standards and procedures, to identify and update information on all buildings meeting the minimum age requirement of forty five (45) years identified within the City. Upon completion of survey updates, the HRB shall present recommendations to the Planning Commission for recommendation to the City Council for formal acceptance of additional identified historic resources to be added into the City of San Juan Bautista Register of Historic Resources, as appropriate. The most recent updates to the survey data shall be the accepted City of San Juan Bautista baseline survey of Historical Resources.

- C. Maintain and Update a List of Qualified Architectural Historians, Historic Architects, and Engineers who have experience and knowledge in historic preservation related issues who are pre-qualified to identify and evaluate historical resources, and to make recommendations to the Planning Staff, Commission, and HRB regarding impacts to historical resources, the application of design guidelines, and compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

- D. Review and Comment on Site Plan and Design Review Permit Applications for Major Alterations to identified Historic Resources. The HRB shall review Site Plan and Design Review permit applications for proposed major alterations to, 1) resources included in the City of San Juan Bautista Register of Historic Resources, 2) all contributing and non-contributing properties located within designated historic district boundaries, and, 3) properties that have been determined to be historically significant by the City through an environmental review process in accordance with CEQA Guidelines Title 14, Chapter 3, Section 15064.5(a)(3) as meeting the criteria for listing on the California Register of Historical Resources (PRC SS5024.1, Title 14 CCR, Section 4852). The HRB shall review permit applications and make recommendations to the Planning Commission on the permit application for compliance with the City of San Juan Bautista Historic Preservation Design Guidelines and the Secretary of the Interior's Standards for the Treatment of Historic Properties for alterations to all buildings located within Designated Historic Districts.

- E. Review and Comment on Site Plan and Design Review Permit Applications for New Construction within Designated Historic Districts and the City Gateways. Review Site Plan and Design Review permit applications for new construction on vacant parcels within Designated Historic Districts for compliance with the City of San Juan Bautista Historic Preservation Design Guidelines and the Secretary of the Interior's Standards for the Treatment of Historic Properties. Make recommendations to the Planning Commission regarding recommended treatments for the new construction for compatibility with the contributing buildings located within the Designated Historic District. Review permit applications for new construction within City Gateways and make recommendations to the Planning Commission on the compatibility with the general size, scale, character, and nature of existing buildings, architectural styles, landscapes, and open space that contribute to the historic quality and continuity of the existing neighborhoods adjacent to the Gateway.

- F. Review and Comment on Site Plan and Design Review Permit Applications for New Construction on Vacant Land with Known Features or Sites of an Archaeological Nature. Review Site Plan and Design Review permit applications for new construction on vacant parcels with known archaeological sites or features and make recommendations to the Planning Commission regarding the adequacy of the proposed avoidance, monitoring methods, coordination with local tribes and treatment plan for archaeological features or sites.
- G. Review and Comment on Demolition Permit Applications for Historical Resources. Review demolition permit applications for, 1) resources included in the City of San Juan Bautista Register of Historic Resources including contributing properties located within designated historic district boundaries, and 2) properties that have been determined to be historically significant by the City through an environmental review process in accordance with CEQA Guidelines Title 14, Chapter 3, Section 15064.5(a)(3) as meeting the criteria for listing on the California Register of Historical Resources (PRC SS5024.1, Title 14 CCR, Section 4852). The board shall review demolition permit applications, associated technical studies prepared by a Qualified Architectural Historian and proposed measures to mitigate significant impacts that may be caused by the demolition of historical resources and, 1) make recommendations to the Planning Commission regarding the adequacy of the findings of the technical studies, 2) provide feasible alternatives to demolition, if applicable, 3) recommend mitigation measures that may lessen the impact to a level of less than significance, and 4) propose mitigation measures that are roughly proportional to the impact on the historic resource.
- H. Attend Ongoing Training Relating to Historic Preservation Issues. Each board member (i.e., each Planning Commission member) is required to attend at least one informational or educational meeting, seminar, workshop, or conference per year that pertains directly to the work and functions of the board and that would be approvable by the State Office of Historic Preservation. Acceptable information or educational forums may include but are not limited to the, 1) CLG Regional Workshops sponsored by the OHP, 2) annual professional conferences and workshops sponsored by historic preservation groups, societies for the promotion of history and/or architectural history, planning associations, archaeology and/or advocacy groups relating to historic resources, or 3) local and specific training conducted by contracted professionals conducting business in historic preservation in the State of California that offer training to board members, Planning Commission, Council members, and/or City the City Planner and the public.
- I. Provide Information on the Boards' Activities and Accomplishments in Historic Preservation Related Issues and Assist with the Preparation of the CLG Annual Report. The HRB, at the request of the City Planner, City Manager, or City's CLG Contact Liaison, shall provide information on the HRB's accomplishments, survey activities, number of properties on which design review was held, number of properties on which environmental project reviews were conducted, summarization of local preservation activities, description of public education activities, lists of board members and resumes, detailed listing of training received, meeting attendance records, meeting minutes and agendas, and other

pertinent activities and duties pursuant to this Section for the purpose of reporting annually to the California State Office of Historic Preservation.

- J. Investigate, Pursue, and Report on Funding Sources for Historic Preservation Related Activities. Investigate and report to the Planning Commission and City Council on federal, state, local, and private funding sources and methods available to promote historic resource preservation. Dedicate two regularly scheduled HRB meetings to the investigation, identification, preparation and reporting on funding. As a result of these two meetings, the HRB shall prepare two bi-annual funding summary reports for presentation to the Planning Commission and City Council that, 1) summarizes past funding source allocations to the City for preservation related activities and how the monies were spent, 2) identify and summarize available public and private funding sources for preservation related activities, 3) identify and make recommendations to the Planning Commission and Council of specific projects, plans, goals, rehabilitation or preservation needs within the City that would require funding and, 4) work with the City Planner and Planning Commission to prioritize preservation goals and needs and prepare a plan for applying for public and private grants for funding. Act as the City's ambassadors in actively seeking and preparing applications for funding sources for both private and public entities on projects impacting historic areas or properties. With the approval of the Council, seek to involve public and private groups in the preservation of historic resources within the City. Any funds received shall be submitted to the City Treasurer for placement in an account designated for historic resource preservation.
- K. Conduct Positive Public Outreach and Inform the Public. In the pursuit of educating the public and its City Officials, promoting a strong sense of community understanding and appreciation for the importance of its historic resources, and meeting the City's goals of historic preservation, the HRB shall organize and conduct at a minimum one educational seminar, training, informational workshop, or other public forum per year with a focus on preservation related topics. The activity shall be held in a public location, shall be aggressively advertised, and shall focus on topics relating to the positive promotion of historic preservation including but not limited to, 1) navigating the City's historic preservation processes and procedures, 2) informing the public of historic preservation goals, 3) financial benefits and incentives to historic property owners, 4) education and outreach on appropriate design alterations to historic homes, and/or 5) the significance of the history and/or architecture within the City of San Juan Bautista, etc. The Board members may participate in, promote, and conduct the public information, educational, and interpretive programs on historic resources and historic preservation or may hire or find volunteer professionals working in the field of historic preservation in the State of California to achieve this annual duty.
- L. Disclose Pecuniary and Personal Interests. When a Board Member has a pecuniary and/or personal interest in an issue being presented before the Board, either directly or that may be a perceived conflict of interest, such members shall disclose any potential direct or indirect gain or loss that could flow from a recommended decision presented before the Board. In such cases, the Board Member shall disqualify himself or herself from discussing and voting on decisions or recommendations regarding the issue.

M. Other Duties. The Board shall take a leadership role in promoting the historical and cultural interests of the City of San Juan Bautista in cooperation with the public to promote broad community participation in local historical and cultural endeavors. The Board shall perform other duties delegated to it by the City Council and Planning Commission that are not in conflict with the duties outlined in this Section.

11.06.050 City of San Juan Bautista Register of Historical Resources

The City Council shall establish and maintain a Register of Historical Resources as follows:

A. Establishment. The City of San Juan Bautista Register of Historical Resources (Register) is hereby established upon the day and year that this Ordinance is adopted and passed by resolution by the City of San Juan Bautista City Council, and upon any subsequent updates.

B. Maintenance. The City shall maintain an official list of properties that it has determined, upon recommendation by the Historic Resources Board, to be historically significant through the systematic inventory and evaluation of buildings within its jurisdiction. The official Register of Historical Resources shall be updated at a minimum, every five years following the designation procedures outlined in Section 11.06.090 of this Chapter.

C. Inclusions. The official list of properties located on the City of San Juan Bautista Register of Historical Resources are located in City Hall and includes those properties that are located within the City of San Juan Bautista that are:

- 1) Designated National Historic Landmarks;
- 2) Designated National Historic Districts;
- 3) Properties that are listed on or formally determined eligible for the National Register of Historic Places. "Formally determined eligible" for the purposes of this Chapter means determined eligible through one of the federal preservation programs administered by the California Office of Historic Preservation. Specifically, these programs are the National Register, Tax Certification (Evaluation of Significance, Part 1, 36 CFR Part 67), and National Historic Preservation Act (Section 106, 16 U.S.C. 470f) reviews of federal undertakings;
- 4) California Registered Historical Landmarks;
- 5) California Points of Historical Interest, which have been reviewed by the California Office of Historic Preservation and recommended for listing by the California State Historic Resources Commission;
- 6) Properties that were identified as either individually significant or contributing to the significance of a designated historic district in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code and Section 11.06.070 of this Chapter (baseline survey); and

- 7) Properties that the City determines to be historically significant based on recommendation by the Historic Resources Board, a Qualified Architectural Historian, or the City Planner that the resource meets the criteria for registration as outlined in Section 11.06.080 of this Chapter (Historical Resource and Historic District Registration Criteria), providing that the properties are listed in accordance with the procedures outlined in Section 11.06.090 of this Chapter (Historical Resource Designation Procedures).

D. Design Review Requirements and Procedures. Properties listed on the City of San Juan Bautista Register of Historic Resources are subject to the design review requirements and procedures outlined in Section 11.06.120 of this Chapter.

E. Benefits and Incentives for Historic Resources. Properties listed on the City of San Juan Bautista Register of Historic Resources are eligible for benefits and financial incentives in accordance with Section 11.06.130 of this Chapter.

F. Treatment under the California Environmental Quality Act (CEQA). In accordance with the provisions outlined in Title 14, Chapter 3 Section 15064.5(a)(2) of the CEQA Guidelines, all properties listed on the City of San Juan Bautista Register of Historic Resources are automatically “historical resources” for the purposes of CEQA. Historical resources shall be subject to the provisions outlined in Section 11.06.120 of this Chapter.

11.06.060 City of San Juan Bautista Designated Historic Districts

- A. Third Street NR Historic District. The City has identified a Historic District that meets the Criteria for inclusion in the National Register. This historic district shall be known as the “Third Street Historic District” and shall include those properties located within the district boundaries.
- B. City of San Juan Bautista Historic District. The City has identified a Historic District that has local significance. This historic district shall be known as the “City of San Juan Bautista Historic District” and shall include those properties located within the district boundaries.
- C. Additional Historic Districts in the City. As an ongoing effort to update the City's historic resources, the City shall identify additional historic districts, as appropriate. In the event that future surveys of the City or newly incorporated areas within the City reveal new historic districts, these districts shall be designated through the designation procedures outlined in Section 11.06.090 of this Chapter and the list of contributing resources shall include a map locating the district boundaries.
- D. San Juan Bautista Plaza Historic District. This is a state owned National Register of Historic Places listed district.

11.06.070 Systematic Inventory and Identification of Historic Resources

The City shall maintain a system for the survey and inventory of historic resources. The City shall maintain the existing Register of Historical Resources and update those buildings that have since turned forty five (45) years old within the City limits at a minimum of every five years. The City shall:

- A. Update the existing inventory of historic resources. Identify properties that are more than 45 years old that have not been previously identified or evaluated within the City limits.
- B. Survey and Inventory those properties using state-approved inventory forms (DPR 523, A-L) and the OHP's Instructions for Recording Historical Resources and National Register Bulletin 24: Resources for Local Surveys.
- C. Professional Qualifications Standards. The City shall contract with a qualified architectural historian meeting the Secretary of the Interior's Professional Qualifications Standards to conduct the survey updates or to direct volunteers and City staff with the updated survey. The City may also conduct the survey internally if the staff meets the Secretary of the Interior's Professional Qualifications Standards.
- D. Identify the Character-Defining Features and Integrity of resources not yet identified using the guidance set forth in Public Resources Code 4852(c) including those aspects of integrity as defined in Section 11.06.020 of this Chapter.
- E. Evaluate the Historic Significance of buildings using the four criteria for inclusion in the California Register of Historical Resources including those criteria outlined in Public Resources Code 4852(b) and Section 11.06.080 of this Chapter.
- F. Assign Status Codes to the buildings identified in historic resource updates. The City shall assign California Historical Resource Status Codes to each of the buildings surveyed to identify those properties that are, 1) eligible for the National Register, 2) properties that are historically significant to the local government, 3) properties that are not eligible for listing or designation, and 4) properties that were not evaluated and require further evaluation in accordance with the Office of Historic Preservation's Technical Assistance Bulletin 8 "User's Guide to the California Historical Resource Status Codes and Historic Resources Inventory Directory."
- G. Update the City of San Juan Bautista Register of Historical Resources. Upon completion of an updated survey, the HRB shall recommend to the City Planning Commission for recommendation to the City Council to adopt any additional buildings identified during survey update activities to be included in the City of San Juan Bautista Register of Historical Resources. These resources shall be added to the Register in accordance with the procedures outlined in Section 11.06.090 of this Chapter. The most recent updates to the survey shall become the baseline survey for the City of San Juan Bautista. The 1981 Historical Resources Inventory shall be integral to the 2006 Historic Resources Inventory as the 2006 inventory is incomplete as compared to the 1981.
- H. Submit Annual Updates to the Office of Historic Preservation. When updates are made to the base inventory of resources located within the City limits, including those properties that are listed or updated to the Register of Historical Resources, the City shall submit the inventory forms and a summary of buildings inventoried and listed to the California Office of Historic Preservation for integration into the statewide inventory of properties via the "California Historical Resources Information System" regional center.

- I. Make Survey Available to Public. The City Planning Department shall provide copies of the most recent and past surveys to the public. Such hardcopies shall be on deposit at the planning department. Additional copies may be sent to local libraries, colleges, and historical societies at the discretion of the City.

11.06.080 Historic Resource and Historic District Registration Criteria.

The City Council may zone and list in the City of San Juan Bautista Register of Historic Resources, 1) an individual resource as a historic resource and, 2) a geographic area as an historic or cultural district pursuant to the procedure under Section 11.06.090 if the historic resource (a) exemplifies or reflects special elements of the City of San Juan Bautista architectural, artistic, cultural, engineering, aesthetic, historical, archeological, natural, geological, scientific, educational, political, social, military, and other cultural heritage and possesses integrity of location, design, setting, materials, workmanship, feeling, and association; or (b) has status as a feature of the natural environment that strongly contributes to the aesthetic integrity of the City; or (c) has a relationship to other registered historic resources or historic districts if its preservation is essential to the integrity of the registered historic resource or historic district; and meets one or more of the following criteria:

- A. Is associated with events that have made a significant contribution to the broad patterns of federal, state, or local history and cultural heritage; or
- B. Is associated with the lives of persons significant in our past; or
- C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or that represent the work of an important creative individual, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction (district); or
- D. Has yielded or may be likely to yield, information important in prehistory or history.

11.06.090 Procedures for Listing a Historic Resource in the City of San Juan Bautista Register of Historic Resources.

The City Council shall have the authority to list a historical resource in the City of San Juan Bautista Register of Historic Resources. The Register of Historic Resources does not include all properties that have been surveyed and inventoried within the City, but rather includes only those properties that the City has determined to meet the Registration Criteria as outlined in Section 11.06.080 of this Chapter and any subsequent updates to this Chapter shall be listed in the City of San Juan Bautista Register of Historic Resources upon adoption of this Ordinance by the City Council. The most recent updates to the Register shall serve as the official City of San Juan Bautista Register of Historic Resources and shall include any and all of the following properties:

- A. Automatic Resources: Properties Listed in Register. The properties listed in the Register, and any subsequent updates to the Register, are automatically listed on the Register of Historic Resources because they are those properties that the City has identified and evaluated in accordance with the systematic inventory requirements outlined in Section 11.06.070 of this Chapter as properties that meet

the Registration Criteria established in Section 11.06.080 of this Chapter. The properties listed in the Register include:

- 1) Properties listed in the National Register or the California Register, either individually or as a contributor to a designated historic district (Status Codes 1D, 1S, 1CD, 1CS, and 1CL);
- 2) Properties formally determined eligible for the National Register or California Register through a federal or state regulatory process (Status Codes 2B, 2D, 2D2, 2D3, 2D4, 2S, 2S2, 2S3, 2S4, 2Cb, 2CD, and 2CS);
- 3) Properties that appear eligible for the National Register or California Register through survey evaluation (Status Codes 3B, 3D, 3S, 3CB, 3CD, and 3CS);
- 4) Properties recognized as historically significant by the local government (Status Codes 5D1, 5D2, 5D3, 5S1, 5S2, 5S3, and 5B);

B. Discretionary Properties: Properties Identified as Historically Significant by the City. The City may also choose to list properties on the Register if the City determines that the property is historically significant through an evaluative process such as CEQA because it meets the Criteria outlined in Section 11.06.080 of this Chapter or the Criteria for listing in the California Register of Historical Resources (Public Resources Code Section 5024.1, Title 14 California Code of Regulations, Section 4852).

C. Application. The City shall make available an application for listing in the City of San Juan Bautista Register of Historic Resources with a fee, if required by City Council. A complete application shall include, at minimum, a site plan, photographs, and written justification for meeting the required criteria for listing, as well as any additional information required by the City. Applications for such listings may only be submitted by the following:

- 1) Single Property. The City Council, Planning Commission and the Historic Resources Board may nominate a property for listing or a property owner may submit an application to the City for listing his or her own property in the Register.
- 2) Historic District. The City Council, Planning Commission, and the Historic Resources Board may nominate or property owner(s) of candidate properties may submit an application to the City for listing of a new historic district or properties to be added to an existing historic district.

D. Owner Objection for Listing in the City of San Juan Bautista Register of Historic Resources. A property's inclusion in the City of San Juan Bautista Register of Historic Resources does not require owner approval prior to listing. However,

- 1) For Individual Listing. Upon City Council, Planning Commission or Historic Resources Board nomination or upon receipt of a complete application for the listing of an historic resource on the San Juan Bautista Register of Historic Resources, City staff shall provide notice by certified

mail to the property owner of the nominated historic resource as shown on the last equalized assessment roll. The notice shall disclose a description of the historic resource and the time, date, and place of the hearing on the matter before the Historic Resources Board, the Planning Commission and the City Council. The notice shall also instruct the property owner to indicate acceptance or opposition to their property being listed on the register. Property owners shall have 31 calendar days from the date of the notice to submit a response to the City. If a timely response is not received, the property will be automatically placed on the register.

- 2) For Inclusion in Historic District. Upon City Council, Planning Commission or Historic Resources Board nomination or upon receipt of a complete application for the designation of an historic district, City staff shall provide notice by certified mail to the property owners within the nominated Historic District as shown on the last equalized assessment roll. The notice shall disclose the boundaries of the nominated historic district and the time, date, and place of the hearing on the matter before the Planning Commission and the City Council. The notice shall also include a ballot for property owners to indicate acceptance or opposition to their property being included within the nominated historic district. Property owners shall have 31 calendar days from the date of the notice to submit the ballot to the City. Each property owner may submit no more than one ballot per parcel owned within the nominated historic district. If more than 50 percent of the property owners submit ballots in opposition to their property being included in the nominated district, the City shall take no further action on the application, and the proposed District will be null and void.

- E. Permits Stayed. No building, alteration, demolition, or removal permit for the proposed registered historic resource or for properties within the proposed boundaries of a historic district shall be issued prior to City Council action on the application or while any appeal related thereto is pending.
- F. Review by the Historic Resources Board. The Historic Resources Board shall review all applications for new listings on the City of San Juan Bautista Register of Historic Resources and forward a report to the Planning Commission detailing whether the property, properties, or proposed historic district meet the criteria for listing (Section 11.06.080) in the City of San Juan Bautista Register of Historic Resources.
- G. Review by the Planning Commission. The Planning Commission shall review applications for listing on the City of San Juan Bautista Register of Historic Resources, consider the Historic Resources Board report, and make a recommendation to the City Council. The Planning Commission recommendation shall incorporate by reference the Historic Resources Board report and specify whether the Planning Commission recommendation is consistent with the Historic Resources Board report.
- H. Adoption by City Council. The City Council shall review the application and recommendation by the Planning Commission and the Historic Resources Board and

consider adoption of the proposed City of San Juan Bautista Register of Historic Resources listing.

11.06.100 Criteria and Procedure for Removing a Historic Resource.

The City Council may remove a property from the City of San Juan Bautista Register of Historic Resources following the procedure for adoption as set forth in Section 11.06.090 if the property owner or Planning Commission demonstrate that the property did not meet the criteria for listing at the time of designation, the property no longer meets the criteria for listing under Section 11.06.080, or the property has lost significant amount of integrity that the property no longer conveys its significance. The application for removal may be submitted by the owner of the resource, the Planning Commission, or the Historic Resources Board. As a condition of removal, the City Council may require repayment of any preservation benefits awarded the owner of the resource under Section 11.06.130.

11.06.110 City Clerk's Duties.

The following records shall be retained permanently by the City Clerk as official City of San Juan Bautista public records:

- A. Historic Resources Board minutes and all other records including attendance, findings, determinations, decisions, and voting records.
- B. The survey and inventory forms of properties located within the City.
- C. The City of San Juan Bautista Register of Historic Resources.

11.06.120 Site Plan and Design Review Permit Procedure for Historic Resources.

- A. Submit Application to City. When a property owner wishes to make an alteration to a property that is more than 45 years old, the owner shall submit an application to the City Planning Department for a Site Plan and Design Review Permit.
- B. Review Application. The City Planner staff shall review the permit application and determine the following:
 - 1) If the structure is more than 45 years old;
 - 2) If the property has been previously inventoried as part of a citywide comprehensive survey and what the current status code for the property is (see section 11.06.090 for the various possible status codes);
 - 3) If the property is listed on the City Register of Historic Resources;
 - 4) If the property is located within the boundaries of a designated historic district regardless of individual significance;
 - 5) If the property will require additional evaluation as part of the application process; and

6) If the proposed alteration is a minor or major alteration¹.

C. Determination of Appropriate Review Application Procedure. The City Planner shall review the application and determine the proper review procedure according to the following schedule:

- 1) Applications for major and minor alterations to properties that are less than 45 years old may be approved administratively at the discretion of the Planning Staff. These projects shall be Categorically Exempt from CEQA and no further review shall be required;
- 2) Applications for major and minor alterations to properties that are more than 45 years old that have been previously inventoried as part of a citywide comprehensive survey, have been evaluated against the City criteria for listing in the Register, and have been determined to NOT be eligible for any listing, including those properties with a status code rating of 6C, 6J, 6L, 6T, 6U, 6W, 6X, 6Y, and 6Z may be approved administratively at the discretion of the Planning Staff. These projects shall be Categorically Exempt from CEQA and no further review shall be required;
- 3) Applications for minor alterations to properties that are included in the City of San Juan Bautista Register of Historic Resources, including those properties that contribute to a designated historic district (i.e., status codes 1-5) require review and approval by the City Planner for consistency with the City of San Juan Bautista Design Guidelines.
 - a. Minor alterations to historic resources that the City Planner determines to meet the City Design Guidelines shall be Categorically Exempt from CEQA and shall require no further review in the Planning Process.
 - b. Minor alterations to historic resources that the City Planner determines to NOT meet the City Design Guidelines shall be subject to review by the HRB and the Planning Commission. The Planning Commission shall have discretion over the approval of the application.
- 4) Applications for minor alterations to both contributing and non-contributing buildings located within designated historic district boundaries require review and approval by the City Planner for consistency with the City of San Juan Bautista Design Guidelines.
 - a. Minor alterations to any building located within designated historic district boundaries that the City Planner determines to meet the City Design Guidelines shall be Categorically Exempt from CEQA and shall require no further review in the Planning Process.
 - b. Minor alterations to buildings located within designated historic district boundaries that do NOT meet the City Design Guidelines

¹ "minor" and "major" are defined in Section 11.06.020 - Definitions.

shall be subject to review by the HRB and the Planning Commission. The Planning Commission shall have discretion over the approval of the application.

- 5) Applications for major alterations or demolition to properties that are included in the City of San Juan Bautista Register of Historic Resources, including those properties that contribute to a designated historic district with status codes of 1-5 or to non-contributing buildings within designated historic districts shall require the following:
 - a. An Historic Resource Evaluation and Impact Report shall be prepared by a qualified architectural historian that includes a discussion of the property's historic significance, the determination of project impacts and the application of how the project does or does not meet the Secretary of the Interior's Standards for the Treatment of Historic Properties and the City of San Juan Bautista Design Guidelines. The report will also include a discussion on how the proposed changes may cause a substantial adverse change in the significance of the historic resource in accordance with CEQA Guidelines and a discussion as to how the proposed project may impact the significance of a surrounding historic district, as applicable. The report may also include proposed measures to minimize or mitigate significant impacts, if such impacts exist.
 - b. The Historic Resource Evaluation and Impacts Report will be attached to the Site Plan and Design Review Application for review by the Historic Resources Board. The HRB will review the recommended impacts and treatments and make recommendations to the Planning Commission and Applicant on ways to conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and the City of San Juan Bautista's Design Guidelines. The Planning Commission will have discretionary authority over the approval of the application. Appeals on the determination made to the Planning Commission shall be directed to the City Council for approval.
 - c. Proposed major alterations that comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties shall be considered a Class 31 Categorical Exemption under CEQA and no further review is required.
 - d. Proposed major alterations that do not comply with the Secretary of the Interior's Standards for the Treatment of Historic Properties or demolition may be considered to cause a significant impact on the historic resource and will therefore require mitigation. Effort shall be made, in consultation with the City Planner, to avoid or minimize causing impacts to a historic resource. In such a circumstance, where impacts may not be avoided, a focused EIR may be required.
- 6) Applications for major and minor alterations to properties that are more than 45 years old that have been previously inventoried as part of a citywide

comprehensive survey but have NOT been evaluated against the City criteria for listing in the Register, including those properties with a status code rating of 7J, 7K, 7L, 7M, 7N, 7N1, 7R, and 7W; OR properties that have turned 45 years old since the previous survey and inventory were conducted and have yet to be identified, will require the following;

- a. An Historic Resource Evaluation Report shall be prepared to evaluate the property against the criteria for inclusion in the local Register of Historic Resources and the California Register of Historical Resources using the criteria established in Section 11.06.080 of this Chapter and the California Public Resource Code 5024.1, title 14 CCR, Section 4852. The report will include at a minimum, a summary of findings, an introduction, description of the proposed project, identification and description of the proposed property, a state inventory form (DPR 523 A-L, as appropriate), map indicating the property's location, a description of the building's character defining features, an assessment of the property's integrity, an overview of the property's historic context, an evaluation of the property against the criteria for inclusion in the local Register and the California Register of Historical Resources, and a conclusion. The individual evaluating the property must meet the Secretary of the Interior's Professional Qualifications Standards for architectural history.
 - b. Applications for minor alterations on properties that are determined to meet the criteria for inclusion in one of these registers shall be presumed to be historically significant and treated in accordance with Section 11.06.120 (C)(3) of this Chapter for minor alterations.
 - c. Applications for major alterations to properties that are determined to meet the criteria for inclusion in one of these registers shall be presumed to be historically significant and treated in accordance with Section 11.06.120 (C)(5) of this Chapter for major alterations.
 - d. Properties that are determined to NOT meet any of the criteria for inclusion in one of these registers shall be treated in accordance with Section 11.06.120 (C)(1) of this Chapter for major and minor alterations.
- 7) Applications for new construction, 1) on a parcel containing a Historic Resource, 2) within a Designated Historic District, or 3) within the Gateway entries adjacent to the Historic Districts; or plaques within the City's Designated Historic Districts; and any other project not discussed herein that may affect a historic resource in the City of San Juan Bautista shall be reviewed by the Historic Resources Board for consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the City Design Guidelines, the City of San Juan Bautista Historic Preservation Plan, and neighborhood compatibility for recommendation to the Planning Commission.

- a. Approval of all Site Plan and Design Review Permit applications shall require the following findings in addition to findings required by Section 11.18.040 (Site Plan and Design Review):
 - 1) The project has been reviewed in compliance with the California Environmental Quality Act (CEQA);
 - 2) The project is consistent with the Secretary of Interior Standards for Treatment of Historic Properties;
 - 3) The project is consistent with the goals and policies of the San Juan Bautista Design Guidelines;
 - 4) That the proposal will not adversely affect the character of the Historic Resource or Designated Historic District; and
 - 5) That the proposal will be compatible with the appearance of existing improvements on the site and that the new work will be compatible with massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

11.06.130 Benefits and Incentives for Historic Resources.

The following preservation incentives may be made available to properties listed on the City of San Juan Bautista Register of Historic Resources. In application of the following incentives and benefits, any maintenance or alteration on the Historic Resource must be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties:

- A. Application of the California State Historical Building Code.
- B. The following exceptions to underlying zoning standards, upon grant of a Use Permit and Site Plan and Design Review by Planning Commission:
 1. A reduction in parking requirements to a maximum of 50 percent for commercial structures with limited off-street parking.
 2. An additional 15 percent of the floor area in existence prior to such additions, not to exceed 500 square feet, without requiring additional parking and without requiring any existing nonconformity to be brought into compliance with the current zoning regulations. The addition must be removed if the Historic Building is demolished.
 3. Additions shall be allowed to maintain legal non-conforming front, side and rear yard setbacks up to the line of existing encroachment, provided that all setbacks as required by the Historical Building Code are maintained.
 4. Additional uses may include:
 - a. Multi-family residential uses in a single-family residential district,

- b. Commercial uses in a multi-family residential district,
- c. Industrial uses in a commercial district,
- d. Guest Houses on lots less than the minimum required lot size for the R-1 and R-2 zoning districts;
- e. Establishment of the historic use (defined as the original resource use or the use for which the resource was designed) if that use is not allowed in the underlying zoning district, and
- f. Any use that provides public access to a historically preserved restored interior. Public access is defined as establishment of a museum for public display of an historic interior or a use in which the interior is generally accessible to the public during normal business hours. Use Permit approval may specify areas which are to remain open to the public and minimum hours for public access. Public access shall include the type of public entry customary for the approved use and shall not include the requirement for extraordinary access such as historic tours unless such extraordinary access is a condition of permit approval.

C. Findings. Approval of a Use Permit for modification of zoning standards for qualifying properties shall require the following findings:

- a. The modification of standards contributing to preservation of the historic setting or minimizes or eliminates impacts of alteration on a historic resource or historic district.
- b. The modification of standards will not adversely affect parking availability to surrounding properties.

D. Mills Act Contracts (Government Code section 50280 et seq.).

1. When, if ever, the City establishes the Mills Act mechanism, the Mills Act contracts granting property tax relief shall only be made available by the City of San Juan Bautista to owners of historic resources listed in the City of San Juan Bautista Register of Historic Resources, including those properties that are listed in the National Register of Historic Places or the California Register of Historical Resources.
2. The City may process Mills Act contract applications pursuant to the Mills Act. A fee in the amount to be determined by the City Council for the application may be required to cover all or portions of the costs of the preparation of the contract.
3. The City Council shall be the approval body for all Mills Act contract applications and shall consider the recommendations from the Historic Resources Board and the Planning Commission.
4. A Mills Act contract application that is denied by the City Council cannot be resubmitted for one year after the date of denial.

- E. Preservation Easements. Preservation easements on the facades of qualifying properties may be acquired by the City or nonprofit group through purchase, donation, or documentation pursuant to California Civil Code 815.
- F. Official Recognition/Awards. The Historic Resources Board, on an annual basis, may recognize those projects involving qualifying properties that have demonstrated a high level of commitment to maintaining or restoring the historic integrity of the resource. The Historic Resources Board shall nominate all qualifying projects implemented within a calendar year for award consideration.
- G. Federal Rehabilitation Tax Credits. The Federal Rehabilitation Tax Credits may be available for properties listed on the National Register of Historic Places within the City of San Juan Bautista

11.06.140 Enforcement and Penalties.

- A. Any person who violates a requirement of this Chapter shall be guilty of a misdemeanor and subject to provisions of Title 6 of the San Juan Bautista Municipal Code.
- B. Any person who constructs, alters, removes, or demolishes a designated historic resource in violation of this Chapter shall be required to restore the building, object, site, or structure to its appearance or setting prior to the violation.
- C. Any person who violates a requirement of this Chapter shall be liable for any damage caused thereby and for a civil penalty assessable by the City Council in an amount not to exceed \$50,000. The City may recover any assessed civil penalty through an administrative hearing at which notice and an opportunity to be heard is provided to the person so assessed or by a civil lawsuit filed on behalf of the City.
- D. The City of San Juan Bautista may institute legal action against any person who violates a provision of this chapter to enforce this Chapter. These actions include, but are not limited to, an action: (1) to enjoin an act in violation of this chapter, (2) to correct a violation of this ordinance, (3) for damage, and (4) to enforce and collect any penalty assessed by the City. If such legal action is instituted, any person found guilty of violating any provision of this chapter shall be liable for all expenses and costs incurred to enforce this Chapter, including reasonable attorney fees and costs. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty and other remedy provided by law.

11.06.150 Showing of Hardship.

The Planning Commission or City Council need not deny an application permit to carry out any proposed work in an historic district, or on a historic resource if the applicant presents clear and convincing evidence of facts demonstrating to the satisfaction of the Planning Commission or City Council that such denial will work immediate and substantial hardship on the applicant because of conditions peculiar to the particular improvement, building, or structure or other feature involved, and that failure to deny the application will be consistent with the purposes of this chapter. If a hardship is found to exist under this section, the Planning Commission or City Council shall make a written

finding to that effect, and shall specify the facts and reasons relied upon in making such a finding.

11.06.160. Dangerous and Imminently Dangerous Buildings, Structures, or Resources.

- A. Notification and Coordination of OES Certified Inspectors. Upon declaration of a State of Emergency or declaration of Emergency Action, the City Manager will contact the California Governor's Office of Emergency Services to request activation of the volunteer network of OES Certified Inspectors. In coordination with the City Manager, the volunteer OES Certified Inspectors, Federal Inspectors and any available Historic Architects and Civil or Structural Engineers will assist in the identification, assessment and evaluation of Historic Buildings and Structures affected by the Disaster to determine the level of damage sustained by each structure. This "first pass" inspection will conclude with the tagging of each structure as "safe/no restrictions (ATC green tag), "unsafe/limited entry" (ATC yellow tag) or "unsafe/no entry" (ATC red tag). All assessments and Engineering Evaluations of Historic Buildings and Structures made pursuant to this Ordinance shall utilize the State Historic Building Code and the Uniform Code for Building Conservation.
- B. Securing Disaster-Damaged Historic Buildings and Structures. It shall be unlawful for any property owner holding title to a Historic Building or Structure, damaged as a result of a Disaster to the extent of being Uninhabitable, to allow such structure to remain Unsecured following a Disaster. It shall be the duty of said property owner to secure each such structure to prevent unauthorized entry by members of the public and to prevent damage and deterioration caused by the effects of Environmental Elements pursuant to the requirements of Subsection F of this Section.
- C. Order to Secure. The Building Official, upon determining that a Historic Building or Structure is an Uninhabitable Structure and remains Unsecured, shall provide the owner of said structure with a written Order to Secure. The Order shall set forth those factors, which, in the opinion of the Building Official, causes the Historic Building or Structure to be an Unsecured Uninhabitable Structure. The Order shall provide that, within five (5) days from the date set forth in the Order, the owner of said structure shall begin the work of securing the structure pursuant to the terms of the Order and of this Ordinance. The Order shall include a date by which the work must be completed. The Building Official, in establishing such date, shall take into consideration the condition of the structure, the amount of work that must be done to secure it, and the existing post-Disaster conditions of the community.
- D. Appeal. The determination of the Building Official that a Historic Building or Structure is an Unsecured Uninhabitable Structure may be appealed to the Planning Commission by the owner of said structure. Any such appeal shall be in writing and shall indicate the basis of error by the Building Official. Copies of the appeal shall be delivered to the Planning Commission and to the Building Official within five (5) days of the date set forth in the Order to Secure. Failure to appeal within the required five (5) day period shall constitute a waiver of the right to appeal to the Planning Commission and the Building Official's determination and Order shall stand as final. An appeal that is properly and timely filed shall cause

the Building Official's determination and Order to be suspended until such time as the matter is heard and resolved by the Planning Commission.

- E. Hearing. Upon receiving a valid appeal, the Planning Commission shall schedule a hearing and notify the Building Official and the appellant of the date, time and place of the hearing. The Planning Commission shall set the date of the hearing at no later than five (5) days from the date the appeal is filed. At the hearing, the Planning Commission shall review the documentation supplied by the City Manager and any evidence submitted by the appellant. At the close of the hearing, the Planning Commission shall act to uphold, overrule or modify the determination and Order of the Building Official. The determination and Order of the Building Official shall be upheld, unless the Planning Commission finds, based upon submitted evidence in the record, that the Building Official erred in determining that the subject Historic Building or Structure is an Unsecured Uninhabitable Structure. The decision of the Planning Commission must be made within five (5) days of the date of the hearing. If the Planning Commission upholds the decision of the Building Official, the owner of said structure shall be ordered to secure the Historic Building or Structure within the time set forth in the decision by the Planning Commission. If the Building Official is determined to have erred, his/her determination and Order shall be rescinded. The decision of the Planning Commission shall be final on the date it is rendered.

- F. Specifications for Securing Disaster-Damaged Historic Buildings and Structures. All openings, including but not limited to the roof, doorways, windows, cracks, gaps, holes and other apertures, shall be secured to meet the minimum standards as set forth in this Section and pursuant to the requirements of the SHBC, so as to prevent unauthorized entry by members of the public and to prevent damage and deterioration caused by the effects of Environmental Elements.
 - 1. Securing of Disaster-damaged Historic Buildings or Structures shall consist of emplacement of one-half inch exterior grade plywood, painted to match the predominate color of the structure, if possible, across the exterior side of all openings on the ground level floor and floor immediately accessible to entry, other than those where mechanical assistance would be required to effect entry. Plywood shall be cut to the size of the opening and securely fastened. Nailing of the plywood to the structure in any manner that would create damage to architectural detailing such as window and door frames, window sashes, and decorative detailing, shall be avoided. At least one door providing entry to each unit of the structure shall be secured by means of one-half inch exterior grade plywood cut to the door opening size and fastened by means of hinges and secured with a hasp and padlock. Broken windows on upper floors shall be secured by emplacement of one-half inch exterior grade plywood, painted to match the predominate color of the structure, if possible. Plywood shall be cut to the size of the opening and placed on the interior side of the window and shall be securely fastened. Nailing of the plywood to the structure in any manner that would create damage to architectural detailing such as window and door frames, window sashes, and decorative detailing, shall be avoided;

2. All exterior doors and windows not secured, as set forth in this Section shall be kept closed and locked.
 3. Bracing and other temporary shoring measures shall be installed as necessary to prevent further physical degradation to the damaged structure's roof, walls, foundation, or other structural components.
 4. Temporary fencing shall be installed as necessary around the damaged structure to provide protection to the general public from threats to public life and safety presented by said structure.
 5. All secured areas, in compliance with applicable codes and regulations, shall be kept free of graffiti, bills, posters and litter.
- G. Penalties for Unsecured Uninhabitable Historic Structures. It shall be unlawful for any property owner holding title to a Historic Building or Structure, damaged as a result of a Disaster, to allow such structure to remain an Unsecured Uninhabitable structure, or to fail to comply with an Order to Secure imposed by the Building Official or the Planning Commission.
1. If after ten (10) days from the date of issuance of an Order to Secure imposed by the Building Official, or on appeal, the Planning Commission, the property owner has failed to begin the work of securing said structure, the City may choose to utilize municipal resources to secure said structure.
 2. If the work of securing a Historic Building or Structure is completed by City resources, the owner of said structure shall be charged ten percent (10percent) of the actual costs incurred by the City in securing the structure pursuant to the provisions of this Ordinance. Alternate funding, including but not limited to FEMA, SBA, State, or local funds, loans, or grants may be utilized by the property owner to repay this debt.
- H. Unreinforced Masonry Buildings. The fact that a Historic Building or Structure has been made subject to an order issued by the Building Official pursuant to an unreinforced masonry buildings retrofit ordinance, or other similar law relative to the retrofitting of unreinforced masonry buildings, shall not in itself compel a determination that the Historic Building or Structure constitutes an immediate threat to public health and safety as to require allowing its removal, destruction, demolition, or partial demolition without review pursuant to this Ordinance and other applicable State and Federal regulations.
- I. Removal of Disaster-Damaged Historic Architectural Elements. Disaster-damaged historic Architectural Elements determined by the Building Official as being an Imminent Threat to public health and safety, and for which bracing, shoring or isolation will not Mitigate the danger, shall be removed, in part or in full, to a point where stability can be assured by a Civil or Structural Engineer. Brick and/or stone masonry materials shall be salvaged for possible reuse in the reconstruction of the damaged architectural element.

- J. Emergency Demolition Procedures - Federal Declaration. Upon determination that an Historic Building or Structure is an Imminent Threat and that bracing, shoring or isolation will not Mitigate the danger to public health and safety, or to adjacent property, the Building Official shall:
1. Within twenty-four (24) hours of making a determination, provide a written statement of evaluation to FEMA, as the lead federal agency responsible for Section 106 compliance. The written statement shall contain an itemization of the structural and/or environmental conditions upon which the determination of Imminent Threat has been made, an assessment of the immediacy of the action, the age of the building, an assessment of the building's eligibility for the National Register of Historic Places, if available, and request for Expedited Review pursuant to the Programmatic Agreement. A copy of the written determination shall also be given to the Historic Resources Board, the City Council and the property owner at this time.
 2. Pursuant to Stipulation III(B)(1) of the Programmatic Agreement, FEMA shall notify SHPO of implementation of Expedited Review for said structure. SHPO shall have five (5) calendar days to notify FEMA if a property is listed in, or has previously been determined eligible for listing in, the National Register, or if a previously unevaluated property appears to meet one or more of the National Register criteria.
 3. The Historic Resources Board and the City Council or City Manager as acting authority, shall review the Building Official's written statement of evaluation. If the evidence shows that said structure is an Imminent Threat and that bracing, shoring or isolation will not Mitigate the danger to public health and safety, or to adjacent property, and FEMA concurs following review of SHPO's comments, pursuant to Stipulation III(B)(2) of the Programmatic Agreement, FEMA shall have five (5) calendar days to consult with SHPO to reach an agreed upon course of action.
 4. Upon notification from FEMA that demolition, in part or in full, of said Historic Building or Structure is prudent and necessary, and that required consultation with SHPO has been accomplished, the Historic Resources Board shall order the Historic Building or Structure demolished, in part or in full, and authorize the issuance of an Emergency Demolition Permit no later than three (3) days following receipt of notification from FEMA.
- K. Emergency Demolition Procedures - State or Local Declaration. Upon determination that an Historic Building or Structure is an Imminent Threat and that bracing, shoring or isolation will not Mitigate the danger to public health and safety, or to adjacent property, the Building Official shall, within twenty-four (24) hours of making a determination, provide a written statement of evaluation to SHPO pursuant to PRC § 5028. The written statement shall contain an itemization of the structural and/or environmental conditions upon which the determination of Imminent Threat has been made, an assessment of the immediacy of the action, the age of the building, an assessment of the building's eligibility for the National Register of Historic Places, if available, and request for Expedited Review. A copy of the written determination shall also be given to the Historic Resources Board, Planning Commission, the City Council or City Manager as acting authority, and the property owner at this time.

1. SHPO shall have five (5) calendar days from the date of receipt of notification to review the material and consult with the Historic Resources Board, the City Council or City Manager as acting authority, and the property owner to reach an agreed upon course of action.
 2. If the evidence shows that said structure is an Imminent Threat and that bracing, shoring or isolation will not mitigate the danger to public health and safety, the Historic Resources Board and Planning Commission shall order the Historic Building or Structure demolished, in part or in full, and authorize the issuance of an Emergency Demolition Permit no later than three (3) days following completion of consultation with SHPO as described in Section 12(a)(1)(A) of this Chapter.
- L. Non-Imminent Threat Demolition Procedures. Upon approval by the HRB and Planning Commission that an Historic Building or Structure potentially requires demolition, in part or in full, the Building Official shall:
1. Require that an independent Structural Engineer with prior experience assessing Historic Buildings and Structures, provide an Engineering Evaluation as to the structural stability of said structure. Immediately following inspection the Engineer will submit in writing to the Building Official, a report as to his/her findings.
 2. Within ten (10) business days of receiving the Engineering Evaluation, provide documentation to SHPO pursuant to PRC § 5028. The documentation shall contain the Engineering Evaluation, the age of the building, an assessment of the building's eligibility for the National Register of Historic Places, the California Register of Historic Resources, or any local register, if such documentation is available, and request for review. A copy of the documentation shall also be given to the Historic Resources Board, Planning Commission, the City Council and the property owner at this time.
 3. Pursuant to PRC § 5028, SHPO shall have thirty (30) calendar days from the date of receipt of the documentation to review the material and consult with the Historic Resources Board, the City Council and the property owner to reach an agreed upon course of action.
 4. If the evidence shows that said structure shall require demolition, in part or in full, and that bracing, shoring or isolation will not Mitigate the damage until repairs can be made, and SHPO concurs, the Historic Resources Board shall order the Historic Building or Structure demolished, in part or in full, and authorize the issuance of a Demolition Permit no sooner than five (5) days from the date of the decision.
- M. Recording of Structure. Prior to the issuance of an Emergency Demolition Permit or Demolition Permit pursuant to this Section, the Historic Building or Structure shall be photographed, including architectural detail, to the satisfaction of the Planning Director and in accordance with Historic American Building Survey recordation standards. Any architectural detail uncovered during the demolition shall also be photographed to the satisfaction of the Planning Director. The photographs and photographic record shall be submitted to the City Planning Department, the Cultural

Heritage Commission and SHPO. Undamaged brick and stone masonry materials, and/or architectural detailing and trim shall be salvaged for possible reuse.

N. Appeal. Any interested party who may object to the Planning Commission decision, or in the absence thereof, the decision of the City Council, that bracing, shoring or isolation of said structure will not Mitigate the danger to public health and safety, or to adjacent property, may appeal the decision to the City Council by filing a written notice of appeal with the City Clerk within twenty-four (24) hours after the decision has been rendered. Any appeal filed pursuant to this Section shall be set for a hearing at a special meeting of the City Council held not more than three (3) days after filing of the notice of appeal. At the hearing, the City Council shall review all additional evidence submitted in response to the request for stay of demolition of said structure. If the evidence does not substantially alter the determination that said structure is structurally unsafe, in part or in full, and that bracing, shoring or isolation of said structure will not Mitigate the danger to public health and safety, or to adjacent property, the City Council shall order the demolition, or partial demolition, of the Historic Building or Structure and authorize issuance of an Emergency Demolition Permit. The City Council shall issue a decision at the hearing or no later than twenty-four (24) hours after the hearing. Once the City Council has rendered a decision upon appeal, no further appeals will be considered.

THE FOREGOING ORDINANCE was first read at a regular meeting of the San Juan Bautista City Council on the 15th day of January, 2008, and was adopted at a regular meeting of the San Juan Bautista City Council on the 18th day of February, 2008, by the following vote:

AYES: **Dias, Edge, Laverone**

NOES: **None**

ABSENT: **Hill, Paradice**

ABSTAIN: **None**

George Dias III, Mayor

ATTEST:

Trish Paetz, Acting City Clerk

APPROVED AS TO FORM:

George Thacher, City Attorney

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