

-New Section – Historic Resources Ordinance-

Title 9, Chapter 19

9-19.010 Purpose.

The purpose of this Chapter is to promote the public health, safety, and welfare and provide for the recognition and consideration of historic resources that reflect the social, cultural, historical, and architectural heritage of the city by establishing procedures and standards necessary to:

- (a) Implement the goals and policies of the General Plan;
- (b) Maintain historic community assets;
- (c) Integrate the consideration of historic resources into the development process;
- (d) Maintain rights of the owners of historic resources; and
- (e) Fulfill the City's responsibilities under any applicable state and federal laws, including the California Environmental Quality Act, National Environmental Policy Act, the National Historic Preservation Act of 1966.

9-19.020 Applicability.

The provisions of this Chapter apply to historic resources, as defined in Section 9-19.040, located within Atascadero.

9-19.030 Definitions.

Alteration. as used in this Chapter means change, repair, replacement, rehabilitation, remodel modification, or new construction to: (1) the exterior of an historic resource, including the replacement of windows; (2) the structural elements that support the exterior walls, roof, or exterior elements of the historic resource; (3) character-defining features of the interior of an historic resource if the resource's significance is wholly or partially based on interior features and the resource is publicly accessible.

"Building"

"California Register of Historical Resources" means the State register that includes buildings, sites, structures, objects, and districts significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California pursuant to the 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.

"Character defining feature" means the essential physical features that convey why a building, structure, object, site, or district is socially, culturally, or architecturally significant based on the

applicable criteria for designation and its period of significance. See Section 9-19.040(b) for character-defining features specific to Atascadero.

“Cultural Landscape”

“Demolition” for the purposes of this Chapter means any act that destroys, removes, or relocates, in whole or part, an historical resource such that its historic or architectural character and significance are materially altered.

“Historic District”

“National Register of Historic Places” means the official inventory of districts, sites, buildings, structures, and objects significant in American history, architecture, engineering, archaeology, and culture that is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 and the National Historic Preservation Act of 1966.

“Object”

“Preservation”

“Rehabilitation”

“Relocation” for the purpose of this Chapter means removal of an historic resource from its original site and its re-establishment in essentially the same form, appearance, and architectural detailing at another location.

“Resource”

“Secretary of the Interior’s Standards” means the Secretary of the Interior’s Standards for the Treatment of Historic Properties as published by the U.S. Department of the Interior and as it may be amended.

“Site”

“Structure” as used in this Chapter means anything assembled or constructed on the ground, or attached to anything with a foundation on the ground, including walls, fences, buildings, signs, bridges, monuments, and similar features.

9-19.040 Historic Resources List.

(a) Creation of Historic Resources List. The City shall create and maintain a list of historic resources in Atascadero known as the Historic Resources List, which shall be adopted by resolution of the City Council and which shall consist of historic resources meeting the following criteria:

- (1) Colony Era and Pre-Colony Era structures built prior to 1926 that retain historical integrity;

(2) Other buildings, structures, objects, or sites that:

- (i) Are at least 50 years old;
- (ii) Exhibit demonstrable historic significance under one or more of the Historic Resource List eligibility criteria; and
- (iii) Retain sufficient historic integrity to accurately convey its significance.

(b) Historic Resource List Eligibility Criteria In order to qualify as eligibility for listing in the City's Historic Resources List, a resource must exhibit demonstrable historical significance related to the heritage of Atascadero, region, state, or nation under one or more of the following eligibility criteria, in addition to retaining :

(1)

- a. The resource is recognized as a significant example of the cultural, natural, archaeological, or built heritage of Atascadero.
- b. The resource is associated with a significant local event or pattern of development
- c. The resource is associated with a significant person or persons.
- d. The resource is associated with an architect, designer, or builder whose work has influenced the development of Atascadero.
- e. The resource is recognized as possessing special aesthetic merit or value as a building with quality of architecture and that retains sufficient character-defining features embodying its architectural significance.
- f. The resource is recognized as possessing distinctive stylistic characteristics or workmanship significant for the study of a period, method of construction, or use of native materials.

(2) Historical Integrity

- a. Location
- b. Setting
- c. Design
- d. Materials
- e. Workmanship
- f. Feeling
- g. Association

(c) Amending Historic Resources List. The Community Development Director may amend the Historic Resources List from time to time, either by adding or removing historic resources, based on the factors listed in Section 9-19.040(a)(2). Amendment of the Historic Resources List shall require public notice to the property owner of the subject historic resource.

9-19.050 Historic Alterations

(a) Ministerial Review. The following alterations to historic resources on the Historic Resources List, which include additions to resources, shall be processed as a ministerial review (e.g., Plot Plan and/or Building Permit, as applicable):

(1) Ordinary maintenance and repairs that do not change the exterior design, materials, architectural features, or character-defining features of an historic resource, including in-kind replacement of existing features. To be considered “replacement in kind,” the features must reasonably match the design, profile, material, and general appearance of the existing or original features; and

(2) Alterations to historic resources on the Historic Resources List that meet the Secretary of the Interior’s Standards for the Treatment of Historic Properties applicable to the particular historic resource type, its significance, and its character-defining features.

(b) Precise Plan Review. The following alterations to historic resources shall be processed as a Precise Plan review pursuant to Section 9-2.109:

(1) Alterations to historic resources on the Historic Resources List that do not meet the Secretary of the Interior’s Standards for the Treatment of Historic Properties applicable to the particular historic resource; and

(2) Alterations to historic resources listed on the National Register of Historic Places or on the California Register of Historical Resources.

(c) Alternative Building Code Provisions. All buildings, structures, objects, or sites on the Historic Resources List are considered historical resources as defined by the California Environmental Quality Act (PRC §21000-22189) and may be eligible to use alternative building code provisions as determined by the Building Official.

9-19.060 Historic Demolitions and Relocation

(a) Relocation of Historic Resources.

(1) **Ministerial Review.** Relocation of an historic resource on the Historic Resources List that meet the following conditions shall be processed as a ministerial review (e.g., Plot Plan and/or Building Permit, as applicable):

- a.* The historic resource is significant for its architecture, design, construction method, or similar historical theme that is not derived from its original location, setting, or specific surrounding context;
- b.* The historic resource is significant for events, patterns of development, or similar historical themes, but is being relocated a short distance such that it retains essential aspects of historical integrity; and
- c.* All alterations to the historic resource—from preparing for relocation to final rehabilitation and occupation—meets the Secretary of the Interior’s Standards for the Treatment of Historic Properties applicable to the particular historic resource. The applicant shall submit a Historic Resource Relocation Plan

(2) **Discretionary Review.** Relocation of an historic resource on the Historic Resources List that is inconsistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties applicable to the particular historic resource shall be processed as a Precise Plan pursuant to Section 9-2.109.

(b) Demolition of Historic Resources.

(1) **Discretionary Review Process.** Demolition of historic resources on the Historic Resources List shall be processed as a Precise Plan pursuant to Section 9-2.109.

(2) **National and State Historic Resources.** Any proposed demolition or other action that will have an adverse effect on a resource on the National Register of Historic Places or on the California Register of Historical Resources shall comply with California Public Resources Code Section 5028.

(3) **Unlisted Resources.** If a building, structure, object, or site is more than 50 years old but not listed in the Historic Resources Inventory, National Register of Historic Places, or California Register of Historical Resources, and is proposed for demolition, an historic resources assessment report may be required by the Director to determine its historical significance and status as a historical resource and the eligibility criteria for listing on the City’s Historic Resource List. If determined a historic resource, the property shall be subject to the provisions of this Chapter.

(4) **Requirements.** Prior to the issuance of a permit to demolish an historic resource in accordance with this Chapter 9-19, the following measures shall be completed by the applicant:

(i) Documentation. Each historic resource shall be documented to provide a record of the resource, which shall include the preparation of measured drawings and high quality photographs.

- a.* For buildings, plans shall include, but not be limited to, a site plan; floor plans; elevations; and detailed drawings of

character-defining features, such as exterior ornamentation and interior details

- b. Photographs documenting a resource shall include the exterior and interior, context and important spatial features, and details of relevant character-defining features.

(ii) **Salvaged Features and Artifacts.** In an effort to preserve features and artifacts of buildings and structures, the city shall make a determination on whether items within or appurtenant to the building or structure shall be salvaged by the applicant prior to demolition. This is particularly true of historic Colony Homes, where certain materials may be utilized in repair and rehabilitation efforts at other Colony Homes under the guidance included within Secretary of the Interior's Standards and Guidelines.

9-19.070 - Application and Process

(a) Application Submittal Requirements. In addition to the application submittal requirements pertaining to the specific type of permit required for historic alterations, relocations, and demolitions, the following items may be required if determined necessary by the Director:

(1) Historic resource survey that provides photographs of the historic resource (exterior, interior, character-defining features, and setting) and a summary of the property's history, existing condition, and historical significance. All historic resource survey filings shall be conducted by a qualified architectural historian who meets the Secretary of the Interior's professional qualifications standards in architectural history, or equivalent professional; and/or

(2) Any other supporting information reasonably necessary for review of the proposed work or request.

(b) Concurrent Processing. Any historic resource alteration or relocation, or demolition associated with a permit application that involves other development that requires discretionary review and approval shall be processed concurrently with the overall project.

(c) Accessory Dwelling Units. Alterations to historic resources that consist of the addition of an accessory dwelling unit to an historic resource on the California Register of Historical Resources shall comply with Title 9, Chapter 5 (Accessory and Junior Accessory Dwelling Units).

(d) No Net Loss. Notwithstanding the provisions of Section 9-19.060, demolition of an historic resource shall be consistent with the applicable provisions of Government Code Section 66300(d), including that in the case of a housing development project, as defined in Government Code Section 65589.5(h)(2), no demolition or other loss of a legally established

residential dwelling unit in the city shall be approved unless it is part of a project that will create at least as many residential dwelling units as that to be demolished or otherwise lost.

(e) Unsafe Structures. Notwithstanding Subsection 9-19.060(a)(1), if a building, structure or object is determined by the City's Building Official and Community Development Director to be unsafe, presents a public hazard, is not securable, or is in imminent danger of collapse so as to endanger persons or property, it may not be subject, in whole or in part, to the demolition standards of this section, consistent with Subsection 9-2.109((d)(3)(v)(4). The Building Official and Community Development Director's mutual determination on this matter shall be governed by applicable law.
