

Chapter 14.01

HISTORIC PRESERVATION ORDINANCE

14.01.010 Findings and purpose.

A. Findings.

1. The city of San Luis Obispo has a distinctive physical character and rich history that are reflected in its many cultural and historic resources, ~~such as historic structures and sites~~. These irreplaceable resources are important to the community's economic vitality, quality of life, and sense of place, and need protection from deterioration, damage, and inappropriate alteration or demolition.

2. The city of San Luis Obispo has been fortunate to have owners who care about the history of their community and have undertaken the costly and time-consuming task of restoring, maintaining and enhancing their historic homes and commercial buildings. Their efforts have enhanced the distinctive character and sense of place of the community.

3. The California Environmental Quality Act ~~requires special treatment of ("CEQA")~~ considers historic resources and to be part of the environment that may be adversely affected by projects subject to public agency review. The establishment of clear local guidance for the identification and preservation of such resources lends clarity and certainty to the review of those development applications involving historic resources. ~~See Section 3.1.4 of the Historic Preservation Program Guidelines that are subject to review under CEQA.~~

B. *Purpose*. The broad purpose of this chapter is to promote ~~the~~ public health, safety, and welfare through the identification, protection, enhancement and preservation of those properties, structures, sites, artifacts and other cultural and historic resources that represent distinctive elements of San Luis Obispo's cultural, educational, social, economic, political and architectural history. Specifically, this chapter sets forth regulations and procedures to:

1. Identify, protect, preserve, and promote the continuing use and upkeep of San Luis Obispo's historic buildings, structures, objects, sites, and districts ~~landscape features~~ through establishment and maintenance of the Inventory of Historic Resources.

2. Foster the retention and restoration of historic buildings and other ~~cul~~ultural~~histori~~cal resources that promote tourism, economic vitality, sense of place, and diversity.
3. Encourage private stewardship of historic buildings and other ~~cul~~ultural~~histori~~cal resources through incentives where possible.
4. Implement the historic preservation goals and policies of the conservation and open space element of the general plan.
5. Promote the conservation of valuable material and embodied energy in historic structures through ~~thei~~their~~r~~the continued use, restoration and repair, and on-going maintenance of historic resources.
6. Promote the knowledge, understanding and appreciation of the City's distinctive character, ~~cul~~ultural~~histori~~cal resources, and history.
7. Establish the procedures and significance criteria to be applied when evaluating development project effects on historic resources.
8. Fulfill the City's responsibilities as a Certified Local Government under state and federal regulations and for federal Section 106 reviews.
9. Establish the policy of the City to pursue all reasonable alternatives to achieve compliance with this chapter for the protection of historic resources prior to initiating penalty proceedings as set forth in Section 14.01.140. (~~Ord. 1557 § 3 (part), 2010~~)

14.01.020 Definitions.

For the purposes of this chapter, certain terms, words and their derivatives are used as follows:

1. ~~"Accessory structure" means a structure which is subordinate or incidental and directly related to a permitted use or structure on the same parcel. Accessory structures that include habitable space, as defined by the California Building Code, shall be no larger than four hundred fifty square feet. Accessory structures are located on the same parcel and are related to the primary structure but are subordinate or incidental, but may include structures that have achieved historic significance in their own right, as determined by the director, committee or council. (See "Primary structure.")~~

~~2.~~ “Adjacent” means located on property ~~which~~that abuts the subject property on at least one point of the property line, on the same property, or located on property directly across right-of-way from subject property and able to be viewed concurrently.

~~3~~2. “Adverse effects” means effects, impacts or actions that are detrimental or potentially detrimental to a historic resource’s ~~condition or architectural or historical integrity and its ability to convey its significance.~~

~~4~~3. “Alteration” means change, repair, replacement, remodel, modification, or new construction to: (1) the exterior of a historic resource or adjacent building on the same parcel, (2) the structural elements ~~which~~that support the exterior walls, roof, or exterior elements of the historic resource or adjacent building on the same parcel or within the project site, (3) other construction on a ~~lot~~parcel shared with a historic resource or within the project site, or (4) character defining features of the interior of a historic resource if the structure’s significance is wholly or partially based on interior features and the resource is publicly accessible. “Alteration” does not include ordinary landscape maintenance, unless the landscaping is landscape features are identified as significant character-defining at the time a property is listed or found eligible. “Alteration” also does not include ordinary property maintenance or repair that is exempt from a building permit, ~~or is consistent with the Secretary of the Interior Standards for Treatment of Historic Properties.~~

~~4.~~ “ARC” means the Architectural Review Commission as appointed by the City Council.

~~5.~~ “Archaeological site” means those areas where archaeological resources are present and may ~~be larger include precontact or smaller than the project site. An historic-period archaeological site may include prehistoric Native American materials and deposits. Archaeological sites; historic archaeological sites; sites may extend horizontally across multiple parcels or natural landscapes associated with important human events; and Native American sacred places and cultural landscapes property lines.~~

~~6.~~ “ARC” means the architectural review commission as appointed by the city council.

~~7~~6. “California Register” means the California Register of Historical Resources defined in California PRC 5024.1 and in CCR Title 14, Chapter 11.5, Section 4850, et seq., as it may be amended.

~~8.~~ “CHC” means the cultural heritage committee as appointed by the city council.

~~97.~~ "Character-defining features" means, as outlined in the U.S. Department of the Interior's National Register Bulletin 15 and Preservation Brief 17: "Howrefer to Identify Character-Defining Features," those elements of the architectural character and general composition of a resource, including, but not limited to, type and texture of building material; type, design, and character of all windows, doors, stairs, porches, railings, molding and other appurtenant elements; and fenestration, ornamental detailing, elements of craftsmanship, and finishes, etc.

~~108.~~ "CHC" means the Cultural Heritage Committee as appointed by the City Council.

~~9.~~ "City" means the City of San Luis Obispo.

~~11.~~ "Community design guidelines" means the most recent version of the city's community design guidelines as adopted and amended from time to time.

~~12.~~ "Contributing list resource or property" means a designation that may be applied to buildings or other resources at least fifty years old that maintain their original or attained historic and architectural character, and contribute either by themselves or in conjunction with other structures to the unique or historic character of a neighborhood, district, or to the city as a whole. They need not be located in a historic district. In some cases, buildings or other resources that are less than fifty years old, but are nonetheless significant based on architecture, craftsmanship or other criteria as described herein may be designated as a contributing list resource.

~~13.10.~~ "Contributing Resource" means a property that is within the boundaries of and contributes to the significance of a Historic District.

~~11.~~ "Council" means the Council of the City of San Luis Obispo.

~~14.~~ "Cultural resource" means any prehistoric or historic district, site, landscape, building, structure, or object included in, or potentially eligible for local, state or national historic designation, including artifacts, records, and material remains related to such a property or resource.

~~1512.~~ "Demolition," for the purpose of this chapter, refers to any act or failure to act that destroys, removes, or relocates, in whole or part, a historical resource such that its historic or architectural character and ability to convey its significance are materially alteredimpaired.

~~16~~13. “Department” means the Community Development Department, or the staff thereof.

~~14.~~ “Deterioration” means the significant worsening of a structure’s condition or architectural and/or historic integrity, due to lack of maintenance, organisms, neglect, weathering and other natural forces.

~~17~~15. “Director” means the director of the Community Development Department, or another person authorized by the director to act on his or her behalf.

~~18~~16. “Eligible resource” means any building, structure, object, site, historic district, or historic district contributor that has been found eligible for designation through a historic resource evaluation prepared by a qualified professional and accepted by the Director and/or City Council, but that has not been formally designated in the Inventory of Historic Resources, California Register of Historical Resources, or National Register of Historic Places.

17. “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account cultural, economic, environmental, historic, legal, social and technological factors. “Structural feasibility” means that a building or other structure can be repaired or rehabilitated so as to be safe and usable without significant loss of historic fabric. Factors to be considered when making this determination include the existence of technology that will allow the design of the work and the ability to repair, supplement or replace load-bearing members and the thermal and moisture protection systems required for continued use of the structure; and the physical capacity of the structure to withstand the repair and/or rehabilitation process without the danger of further damage.

~~19.~~ “Historic Building Code” means the most recent version of the California Historical Building Code, Title 25, Part 8, as defined in Sections 18950 to 18961 of Division 12, Part 2.7 of Health and Safety Code (H&SC), a part of California state law.

~~20~~18. “Historic context” are those patterns, themes or trends in history by which a specific occurrence, property, or site is understood, and its meaning and significance is made clear.

~~21~~19. “Historic district/historical preservation district” means areas or neighborhoods with an area adopted as a collection or Historical Preservation “H” Overlay Zone by the City under Chapter 17.56, and that has a concentration of listed or potentially contributing

~~historic properties or archaeologically significant buildings, structures, objects, sites, where historic properties or landscape features that help define the area or neighborhood's unique significant architectural, cultural, and historic character or sense of place. Historic districts are delineated on the official zoning map as historic (H) overlay zone under Chapter 17.54.~~

~~2220.~~ "Historic Preservation Program Guidelines" means the most recent version of the Historic Preservation Program Guidelines, as adopted by the City Council and amended from time to time.

~~23.~~ "Historic preservation report" means a document which describes preservation, rehabilitation, restoration, or reconstruction measures for a historic resource, based on the Secretary of the Interior's Standards for Treatment of Historic Properties, and which includes standards and guidelines for recommended treatments for preserving the resource.

~~24.~~ "Historic property" means a property, including land and buildings, which possesses aesthetic, architectural, cultural, historic or scientific significance, and which is included in, or potentially eligible for local, state or national historic designation.

~~25.~~ "Historic resource" means any building, site, improvement, area or object of aesthetic, architectural, cultural, historic or scientific significance, and which is included in, or potentially eligible for local, state or national historic designation.

~~26-21.~~ "Historic resource" means any building, structure, object, site, property, landscape feature, or district that is designated locally as a Landmark, Local Register Resource, or contributor to a locally designated Historic District, or that has been designated or found eligible for designation in the California Register of Historical Resources or National Register of Historic Places as an individual resource or district contributor. This definition includes, but is not limited to historic gardens, site features and improvements, accessory structures, signs, Traditional Cultural Properties, cultural landscapes and areas or objects of archaeological, architectural, cultural or historic significance. Elsewhere in City publications, the terms "historic property" or "cultural resource" may be used to refer to the same definition.

~~22.~~ "Historic resource evaluation" means a report prepared by a qualified professional that evaluates the significance of a resource within its historic context. It explains how the

resource meets the eligibility criteria and integrity thresholds as established by local, state or federal government.

23. "Historic status" means historic designation of a listed resource or property as as authorized by the Director or approved by the city council.

2724. "Improvement" means any building, structure, fence, gate, landscaping, hardscaping, wall, landscape features (including gardens), permanent site features, work of art, or other object constituting a physical feature of real property or any part of such feature.

2825. "Inappropriate alteration" means alterations to historic resources which that are inconsistent with these provisions and the Secretary of the Interior's Standards for the Treatment of Historic Properties and/or the Historic Preservation Program Guidelines.

2926. "Integrity, architectural or historical" means the ability of a property, structure, site, building, improvement or natural feature historic resource to convey its identity significance, typically evidenced by the retention of attributes that existed during a resource's period of significance and authenticity, including but not limited to its original location, period(s) of construction, design, setting, scale, design, materials, detailing, workmanship, uses feeling, and association.

3027. "Inventory of Historic Resources" means the City's list of historically designated resources and properties, consisting of master list Landmarks, Local Register Resources, and Historic Districts, inclusive of their contributing properties list of resources, and any historic resources, and any properties, objects, sites, gardens, sacred places and resources subsequently added to the inventory as, having been determined to meet criteria outlined herein and approved by the city council Director or City Council as described herein.

3428. "Landmark" is the highest level of individual local designation and may be applied to a historic resource that has been found significant at the local, state, or national level under one or more of the criteria described in Section 14.01.050, and that retains sufficient integrity to convey its significance.

29. "Listed resource" means properties and resources included in the Inventory of Historic Resources.

32. "Massing" means the spatial relationships, arrangement and organization of a building's physical bulk or volume.

~~33. "Master list resource" is a designation which may be applied to the most unique and important historic properties and resources in terms of age, architectural or historical significance, rarity, or association with important persons or events in the city's past meeting criteria outlined. The term "designated" as used herein.~~

~~34. "Minor alteration" means any structural or exterior change refers to a historic resource which the director determines to be consistent with the Historic Preservation Program Guidelines, Secretary of the Interior Standards for Treatment of Historic Properties and other applicable standards the same definition.~~

~~35. "Modern contributing resources"~~
~~30. "Local Register Resource" is a an individual local designation which that may be applied to properties and resources which are less than fifty years old, but which exemplify or include a historic resource that has been found significant works at the local level under one or more of architecture or craftsmanship or are associated the criteria described in Section 14.01.060, and that retains sufficient integrity to convey its significance as defined in Section 14.01.020.26.~~

~~31. "Mills Act Program" refers to a program established under State law in which owners of historic buildings may, under a contract with a person or event significant to the city's history, the City, agree to preserve, maintain, and improve their property in compliance with the Secretary of the Interior's Standards and local regulations in exchange for property tax savings.~~

~~36~~~~32. "National Register" means the National Register of Historic Places" means, the official inventory of districts, sites, buildings, structures, and objects places significant in American history, architecture, engineering, archaeology and culture which 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, as amended.~~

~~37~~~~33. "Neglect" means the lack of maintenance, repair or protection of a listed property, resource, site or, structure, or property which results may result in significant deterioration, as determined by the director or city council based on visual and physical evidence.~~

~~38. "Noncontributing resource" means designation which may be applied to properties and resources in historic districts which are typically less than fifty years old and do not support the prevailing historic character of the district or other listing criteria as outlined herein.~~

~~39. "Preservation" means the act or process of applying measures necessary to sustain a historic site, building or other structure's historically significant existing form, integrity, and materials through stabilization, repair and maintenance.~~

~~4034. "Non-Contributor" means a property that is located within the boundaries of a Historic District but does not contribute to the significance of that district.~~

~~35. "Property owner" means the person or entity (public or private) holding fee title interest or legal custody and control of a property.~~

~~41. "Primary structure" means the most important building or other structural feature on a parcel in terms of size, scale, architectural or historical significance, as determined by the committee.~~

~~4236. "Qualified professional" means an individual ~~meeting~~ determined by the Director to ~~meet~~ the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61, Appendix A) in history, architectural history, historic architecture ~~and other designated categories, or an individual determined by the CHC to have the qualifications generally equivalent to the above standards based on demonstrated experience, or archaeology.~~~~

~~43. "Reconstruction" means the act or process of recreating the features, form and detailing of a non-surviving building or portion of building, structure, object, landscape, or site for the purpose of replicating its appearance at a specific period of time and in its historic location.~~

~~44. "Rehabilitation" means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its architectural, cultural, or historic values.~~

~~4537. "Relocation" means removal of a resource from its original site and its reestablishment in essentially the same form, appearance and architectural detailing at another location. Relocation may refer to movement of a resource outside of the parcel within which it was originally built or established, or movement within its original parcel in a manner that alters its spatial relationships and/or orientation.~~

~~4638. "Responsible party" means any person, business, corporation or entity, and the parent or legal guardian of any person under the age of eighteen years, who has committed, permitted, directed or controlled any act constituting a violation of this chapter.~~

47. "Restoration" means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period.

48. "Scale" means the proportions of architectural design that relate to human size or other relative size measure.

4939. "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 amended from time to time.

5040. "Setting" means the character of the site, physical area, environment, or neighborhood in which a resource is located.

51. "~~Sensitive site~~" means ~~a site determined by the community development director, planning commission, architectural review commission or council, upon recommendation of the cultural heritage committee, to have special characteristics, constraints or community value such as: historic significance, historic context, creek-side location or visual prominence, requiring more detailed development review than would otherwise be required for other similarly zoned lots.~~

5241. "Site," as used in this chapter, means the location of ~~a significant~~an event, a prehistoric or historic occupation or activity, or of a building or, structure, or object whether ~~standing intact, ruined, or vanished~~non-extant, where the location itself possesses known or potential historic, cultural, or archeological value ~~regardless of the value of any existing structure~~archaeological significance.

53. "~~Siting~~" means ~~the placement of structures and improvements on a property or site.~~

5442. "Stabilization" means the act or process of applying measures designed to reestablish a weather-resistant enclosure and/or the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.

55. "~~Statement of historic significance~~" means ~~an explanation of why a resource is important within its historic context. It explains how the resource meets the eligibility criteria and integrity thresholds as established by local, state or federal government.~~

~~5643.~~ "Structure," as used in this chapter, includes 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.

~~57.~~ "Survey" means a systematic process for identifying and evaluating a community's historic resources using established criteria. "Survey" may also refer to the documentation resulting from a survey project.

~~58.~~ "Threatened resource" means properties or resources at risk of loss of architectural, cultural or historic value due to physical alteration, relocation or demolition.

~~5944.~~ "Traditional Cultural Property" refers to a site or natural landscape associated with human activities and events, including tribal cultural resources, sacred places and cultural landscapes. Traditional cultural properties that meet one or more of the criteria described in Section 14.01.060 may be designated as historic resources.

~~45.~~ "Zoning code" means Title 17 of the City's Municipal Code, as amended from time to time. (Ord. 1557 § 3 (part), 2010)

14.01.030 Cultural Heritage Committee (CHC).

A. *Committee membership and terms.* The City shall have a Cultural Heritage Committee (the "CHC" or "committee"), consisting of seven members who shall be appointed by the City Council ("council") for terms of up to four years, which shall commence immediately upon appointment by the council consistent with Resolutions 6157 (1987 Series) and 6593 (1989 Series), and CHC bylaws or as subsequently amended. The CHC shall function within the guidelines and policies of the "Advisory Body Handbook" and perform other duties as assigned by council. The CHC is assisted by the Director and staff of the Community Development Department.

B. *Duties.* The CHC shall make recommendations to decision-making bodies on the following:

~~1. Historic and archaeological resource preservation program guidelines that implement this chapter and provide guidance to persons planning development projects subject to cultural heritage committee review, and for city and property owner decisions regarding cultural resources in San Luis Obispo. Once adopted by the city council, a record copy of the guidelines shall be maintained in the office of the city clerk and in the community-~~

~~development department. Copies shall be available on the city's website and printed versions will be available at cost.~~

~~2. Properties for inclusion on the city's list of historic resources—those properties, areas, sites, buildings, structures or other features having significant historical, cultural, architectural, community, scientific or aesthetic value to the citizens of San Luis Obispo.~~

~~3. The master and contributing properties lists of historic resources, and historic property and archaeological site inventories.~~

~~4. Actions subject to discretionary city review and approval that may affect significant archaeological, cultural or historic resources.~~

~~5. The application of architectural, historic, and cultural preservation standards and guidelines to projects and approvals involving historic sites, districts, and structures.~~

1. Amendments to the Historic Preservation Program Guidelines.

2. Applications for designation of Landmarks, Local Register Resources, and Historic Districts.

3. Requests for removal from designation as Landmarks, Local Register Resources, and Historic Districts (including status of Contributing Resource within Historic Districts).

4. Adoption of historic context statements, historic resource surveys, and design standards or guidelines.

5. Actions referred by the Director that may affect historic resources, including but not limited to new construction, additions or alterations, demolition, or relocation of or to individually designated properties, contributing resources to Historic Districts, or archaeological sites.

6. Consolidation of information about cultural and historic resources and promotion, participation in, or sponsorship of educational and interpretive programs that foster public awareness and appreciation of cultural and historic resources.

~~7. Alterations related to development or demolition~~Development and implementation of, including review of applications involving listed resources and properties within historic preservation districts.

~~8. for~~ incentive programs approved by the council that are directed at preserving and maintaining ~~cultural~~ historic resources. ~~(e.g., Mills Act Contracts).~~

~~9. Information for~~ 8. Providing information to property owners preparing local, state and federal historic nominations to utilize preservation incentives, including the Mills Act and federal or state tax incentives, such as rehabilitation tax credits.

~~C. Actions Subject to Cultural Heritage Committee Review. The committee shall review and make recommendations to the director, architectural review commission, planning commission or city council on applications and development review projects which include any of the following:~~

- ~~1. Changes to the inventory of historic resources.~~
- ~~2. Changes to historic districts and applications to establish new historic districts.~~
- ~~3. Statements of historic significance and historic inventories for existing and proposed historic districts.~~
- ~~4. New construction, additions or alterations located in historic districts, or on historically listed properties, or sensitive archaeological sites.~~
- ~~5. Applications to demolish or relocate listed historic resources or structures.~~
- ~~6. Referrals to the committee by the community development director ("director"), architectural review commission, planning commission, or council.~~
- ~~7. Proposed actions of public agencies that may affect historic or cultural resources within the city. (Ord. 1557 § 3 (part), 2010)~~

14.01.040 Community Development Director role.

The CHC is assisted by staff of the Community Development Department. The Community Development Director ("Director") is responsible for interpreting and implementing this chapter and helping the CHC carry out its duties. ~~Notwithstanding Section~~ The Director may refer applications to the CHC for review consistent with 14.01.030(C)(1) through (5) and (7), ~~the~~ The Director may determine that CHC review is not required for actions or projects that: (1) ~~do~~ will

not adversely affect historic resources, or (2) are consistent with this chapter, the Secretary of the Interior's Standards, and the Historic Preservation Program Guidelines, and no public purpose would be served by requiring CHC review. (Ord. 1557 § 3 (part), 2010)

14.01.050 Historic resource designation.

The following classifications shall be used to designate historic resources and properties. The primary categories of historic significance are ~~master list and contributing properties~~. ~~Contributing properties include those properties that by virtue of their age, design and appearance, contribute to and embody the historic character of the neighborhood or historic district in which they are located.~~

A. ~~Master List~~ Landmarks, Local Register Resources, and Historic Districts. ~~The most unique and important~~ Department shall make the current list of designated historic resources and properties available to the public.

1. Landmarks, defined above in 14.01.020.28, are historic resources that are of the greatest importance at the local, regional, state, or national level, in terms of age, architectural or historical significance, rarity, or association with important persons or events in the City's past, which meet one or more of the criteria outlined in Section 14.01.070 that meet one or more of the criteria outlined in Section 14.01.060 and that retain a high degree of integrity. Landmarks are eligible for participation in the Mills Act program. Individual properties that have been listed on the National Register of Historic Places and/or California Register of Historical Resources, and that have been assigned a California Historical Status Code of 1, are automatically included in the Inventory of Historical Resources as Landmarks.

B. ~~Contributing List Resources or Properties~~. ~~Buildings or other resources at least fifty years old that maintain their original or attained historic and architectural character, and contribute, either by themselves or in conjunction with other structures, to the unique or historic character of a neighborhood, district, or to the city as a whole. They need not be located in a historic district. In some cases, buildings or other resources that are less than fifty years old, but are nonetheless significant based on architecture, craftsmanship or other criteria as described in Section 14.01.070 may be designated as a contributing resource.~~

~~C. *Noncontributing*. Buildings, properties and other features in historic districts which are less than fifty years old, have not retained their original architectural character, or which do not support the prevailing historic character of the district. (Ord. 1557 § 3 (part), 2010)~~

14.01.055 — Historic gardens, site features, signs, and other cultural resources.

~~A. *Historic Site and Landscape Features*. Historic gardens, site features and improvements, accessory structures, signs, Native American sacred places, cultural landscapes and areas or objects of archaeological, architectural, cultural or historic significance not part of a designated property may be added to the inventory of historic resources through CHC review and council approval as specified herein.~~

~~B. *Cultural Resources on Public Property*. Cultural and historic features on public property, such as Bishop's Peak granite walls and curbing, sidewalk embossing, ornamental manhole covers and hitching posts, may be added to the inventory of historic resources through CHC review and council approval as specified herein.~~

~~C. *Sign*. A sign which contributes to the unique architectural or historic character of a building, site or historic district may be designated as a historic sign. Signs that meet at least one of the following criteria may be designated historic:~~

- ~~1. The sign is exemplary of technology, craftsmanship or design of the period when it was constructed, uses historic sign materials and means of illumination, and is not significantly altered from its historic period. Historic sign materials shall include metal or wood facings, or paint directly on the facade of a building. Historic means of illumination shall include incandescent light fixtures or neon tubing on the exterior of the sign. If the sign has been altered, it must be restorable to its historic function and appearance.~~
- ~~2. The sign is well integrated with the site and/or architecture of the building.~~
- ~~3. A sign not meeting either criterion may be considered for inclusion in the inventory if it demonstrates extraordinary aesthetic quality, creativity, or innovation. (Ord. 1557 § 3 (part), 2010)~~

14.01.060 ~~Listing~~ **2. Local Register Resources**, defined above in 14.01.020.30, are historic resources that are important locally for their architectural or historical significance or association with important persons or events in the City's past, according to the criteria outlined in Section 14.01.060, and that retain sufficient integrity to convey their significance.

3. Historic Districts, as defined above in 14.01.020.19, are discrete areas or neighborhoods with concentrations of buildings, structures, objects, sites, or landscape features that help define an area or neighborhood's significant architectural, cultural, and historic character or sense of place and that meet one or more of the criteria outlined in Section 14.01.060 and that retain integrity. Historic districts consist of identified contributors and non-contributors within a defined boundary. Landmarks and Local Register Resources within the boundary of a historic district may be contributors or non-contributors to the district's significance.

14.01.060 Evaluation criteria for historic resource designation.

A. In order to be eligible for designation, a Landmark, Local Register Resource, or Historic District shall be at least fifty years old (if less than fifty it must be demonstrated that sufficient time has passed to understand its historical importance), demonstrate significance under at least one of the following criteria, and retain integrity as defined in Section 14.01.020.26. Consult "National Register Bulletin No. 15: How to Apply the National Register Criteria for Evaluation" for guidance on determining significance.

1. Events. Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States.

2. Persons. Associated with the lives of persons important to local, California, or national history.

3. Architecture. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an architect or design professional of merit or possesses high artistic values.

4. Information Potential: It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

B. In addition to eligibility under one or more of these significance criteria, Historic Districts must also demonstrate a sufficient concentration of contributing resources (unless discontinuous) and continuity of design or thematic associations to convey their character and significance.

14.01.070 Designation procedures for historic resources.Landmarks and Local Register Resources

A. Application for historic ~~listing~~ designation. The property owner may request that a resource to be added to the master or contributing list of historic resources property be designated as a Landmark or Local Register Resource by submitting a completed application to the Community Development Department ("Department"), accompanied by all available information documenting the a historic resource evaluation report that describes the property's significance with reference to the criteria defined in Section 14.01.060 and architectural integrity, identifies the property's period of significance, and lists character of the resource, defining features. The CHC, ARC, or planning commission Director may also recommend, or City Council may directly request, that the addition City initiate preparation of a resource to the master or contributing list an application for designation of historic resources a property as a Landmark or Local Register Resource.

B. Review process, Landmark. The CHC shall review all applications for historic listing Landmark designation, whether initiated by the City or a the property owner, to determine if a property proposed for listing designation meets eligibility criteria for historic listing. The CHC will review the eligibility criteria for a proposed listing at a noticed public hearing designation. The Director shall provide notification to the property owner and public, as required by City standards. The CHC will review the eligibility criteria for a proposed designation at a noticed public hearing. At the public hearing, or in no case more than sixty days from the hearing date, the CHC shall forward a recommendation on the application to the City Council. The City Council will take an action on the application to add designate or not add designate the resource to property as a

~~Landmark in adherence with the master or contributing list of historic resources~~City's requirements for noticing and appeal. The decision of the City Council is final.

C. *Owner objection, Landmark.* The City Council shall not take an action to designate a property as a Landmark against the written objection of the property owner.

D. *Review process, Local Register Resource.* The CHC shall review all applications for designation as a Local Register Resource, whether initiated by the City or the property owner, to determine if a property proposed for designation meets eligibility criteria for historic designation. The Director shall provide notification to the property owner and public, as required by City standards. The CHC will review the eligibility criteria for a proposed designation at a noticed public hearing. At the public hearing, the CHC shall forward a recommendation to the Director to designate or not designate the property as a Local Register Resource. The Director shall undertake the action to designate the resource in adherence with the City's requirements for noticing and appeal.

E. *Removal from historic listing*~~designation.~~ It is the general intention of the City not to remove a property from historic listing. ~~Council designation. However, a property's designation may, however, rezone a property to~~ be removed if new or additional information supports the finding that the property is not eligible.

1. City Council may remove historic overlay zoning, or remove the property from historic listing if the property no longer meets eligibility criteria for listing, a property's Landmark status following the process for listing~~designation~~ set forth herein. (Ord. 1557 § 3 (part), 2010)

14.01.070 — Evaluation criteria for historic resource listing.

~~When determining if a property should be designated as a listed historic or cultural resource, the CHC and city council shall consider this chapter and State Historic Preservation Office ("SHPO") standards. In order to be eligible for designation, the resource shall exhibit a high level of historic integrity, be at least fifty years old (less than fifty if it can be demonstrated that enough time has passed to understand its historical importance) and satisfy at least one of the following criteria:~~

A. *Architectural Criteria.* Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.

1. *Style*. Describes the form of a building, such as size, structural shape and details within that form (e.g., arrangement of windows and doors, ornamentation, etc.). Building style will be evaluated as a measure of:

- a. The relative purity of a traditional style;
- b. Rarity of existence at any time in the locale; and/or current rarity although the structure reflects a once popular style;
- c. Traditional, vernacular and/or eclectic influences that represent a particular social milieu and period of the community; and/or the uniqueness of hybrid styles and how these styles are put together.

2. *Design*. Describes the architectural concept of a structure and the quality of artistic merit and craftsmanship of the individual parts. Reflects how well a particular style or combination of styles are expressed through compatibility and detailing of elements. Also, suggests degree to which the designer (e.g., carpenter-builder) accurately interpreted and conveyed the style(s). Building design will be evaluated as a measure of:

- a. Notable attractiveness with aesthetic appeal because of its artistic merit, details and craftsmanship (even if not necessarily unique);
- b. An expression of interesting details and eclecticism among carpenter-builders, although the craftsmanship and artistic quality may not be superior.

3. *Architect*. Describes the professional (an individual or firm) directly responsible for the building design and plans of the structure. The architect will be evaluated as a reference to:

- a. A notable architect (e.g., Wright, Morgan), including architects who made significant contributions to the state or region, or an architect whose work influenced development of the city, state or nation.
- b. An architect who, in terms of craftsmanship, made significant contributions to San Luis Obispo (e.g., Abrahams who, according to local sources, designed the house at 810 Osos—Frank Avila's father's home—built between 1927—1930).

B. Historic Criteria.

1. *History—Person.* Associated with the lives of persons important to local, California, or national history. Historic person will be evaluated as a measure of the degree to which a person or group was:

a. Significant to the community as a public leader (e.g., mayor, congress member, etc.) or for his or her fame and outstanding recognition—locally, regionally, or nationally.

b. Significant to the community as a public servant or person who made early, unique, or outstanding contributions to the community, important local affairs or institutions (e.g., council members, educators, medical professionals, clergymen, railroad officials).

2. *History—Event.* Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States. Historic event will be evaluated as a measure of:

a. A landmark, famous, or first-of-its-kind event for the city—regardless of whether the impact of the event spread beyond the city.

b. A relatively unique, important or interesting contribution to the city (e.g., the Ah-Louis Store as the center for Chinese-American cultural activities in early San Luis Obispo history).

3. *History—Context.* Associated with and also a prime illustration of predominant patterns of political, social, economic, cultural, medical, educational, governmental, military, industrial, or religious history. Historic context will be evaluated as a measure of the degree to which it reflects:

a. Early, first, or major patterns of local history, regardless of whether the historic effects go beyond the city level, that are intimately connected with the building (e.g., County Museum).

b. Secondary patterns of local history, but closely associated with the building (e.g., Park Hotel).

C. *Integrity.* Authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Integrity will be evaluated by a measure of:

~~1. Whether or not a structure occupies its original site and/or whether or not the original foundation has been changed, if known.~~

~~2. The degree to which the structure has maintained enough of its historic character or appearance to be recognizable as a historic resource and to convey the reason(s) for its significance.~~

~~3. The degree to which the resource has retained its design, setting, materials, workmanship, feeling and association. (Ord. 1557 § 3 (part), 2010)~~

2. At the recommendation of the CHC, the Director may remove a property's Local Register Resource status following the process for designation set forth herein.

14.01.080 Historic district designation—Purpose and application.

A. *Historic-(H) district designation.* All properties within Historic Districts shall be designated by an "H" zoning. Properties zoned "H" shall be subject to the provisions and standards as provided in Chapter 17.5456 (zoning) of the Municipal Code.

B. *Purposes of Historic Districts.* The purposes of Historic Districts and H zone designation are to:

1. Implement cultural and historic resource preservation policies of the general plan, the preservation provisions of adopted area plans, the historic preservation and archaeological resource preservation program guidelines; and
2. Identify and preserve definable, unified geographical entities that possess a significant concentration, linkage, or continuity of ~~sites, buildings, structures, or objects,~~ sites, or landscape features united historically or aesthetically by plan or physical development;
3. Implement historic preservation provisions of adopted area and neighborhood improvement plans;
4. Enhance and preserve the setting of historic resources so that surrounding land uses and structures do not detract from the historic or architectural integrity of designated historic resources and districts; and
5. Promote the public understanding and appreciation of historic resources.

~~C. *Eligibility for Incentives.* Properties zoned as historic preservation (H) shall be eligible for preservation incentive and benefit programs as established herein, in the guidelines and other local, state and federal programs~~*Where Applied.* The (H) designation may be applied to areas or neighborhoods that are historically significant according to one or more of the criteria defined in Section 14.01.060, and that include a collection or concentration of contributing historic or archaeological properties that define the district's architectural and historic character or sense of place, and that possess sufficient integrity to convey their significance.

~~D. *Where Applied.* The (H) designation may be applied to areas or neighborhoods with a collection or concentration of listed historic properties or archaeologically significant sites, or where historic properties help define an area or neighborhood's unique architectural and historic character or sense of place.~~

~~E. *"H" District Combined.* A historic preservation overlay district (H) may be combined with any zoning district, and shall be shown by adding an "H" to the base zone designation. H district boundaries shall be drawn to follow property lines or right-of-way lines, and as set forth in the zoning regulations. (Ord. 1557 § 3 (part), 2010)~~

14.01.090 Process for establishing or amending Historic Districts.

~~A. *Initiating or Amending Historic Districts.* Any person may initiate the process to establish or alter the boundaries of a historic preservation district. The process can also be initiated by the CHC, ARC, planning commission~~*Director,* or city council.

~~B. *Application.* An application to establish or alter the boundaries of a historic preservation district shall be submitted to the Department. The application shall meet the requirements for rezoning as described in the zoning regulations. The application and supporting information and plans shall be submitted to the department and shall include~~*shall be accompanied by a report that:*

- ~~1. A map (eight and one-half inches by eleven inches) from the official zoning map,~~*Describes the district's significance with reference to the criteria defined in Section 14.01.060.*
- 2. Describes and provides justification for the district boundary.*

3. Identifies the district's period of significance.

Lists contributing and non-contributing resources; all parcels within the boundaries of the district must be included in the list of contributors and non-contributors. Features within public spaces and rights-of-way, such as street furnishings and landscape features, may be listed as contributors or non-contributors to a historic district.

Lists designated Landmarks and Local Register Resources within the boundary of the district.

Includes a district map with the area to be established or changed shaded or outlined in a heavy, black boundary line. For Historic Districts with the proposed area boundary alterations, the original and proposed boundary to be changed must be clearly labeled;

~~2. Information showing how the application meets the criteria to establish or alter a historic district designation;~~

~~3. A statement of historic significance. A statement of historic significance shall be prepared by a qualified professional, as listed in the city's list of qualified historians. The director may waive the requirement that the statement be prepared by a qualified professional if the applicant provides adequate information to enable informed review of the proposed district.~~

C. *Contents.* Statements of historic significance shall include, but not be limited to, the following:

1. A visual and written description of the district's boundaries.

2. A description of the district's architectural, historic, and cultural resources, character and significance, including a historic survey documenting the period of significance and how historic properties meet adopted local, state and, where applicable, federal criteria for historic listing.

3. Preservation goals and concerns for the district including but not limited to:

a. Identification of preservation priorities, important features, goals and objectives; and

b. Identification of potential obstacles to preservation; and

c. Identification of historic land use policies and goals for future land use; and

~~d. Special considerations for development review of projects both involving and not involving historic resources.~~

~~4. Graphic and written design guidelines applicable to the district's preservation goals, historic character and features which shall include, but not be limited to:~~

~~a. Guidelines for projects involving historic resources, focused on preserving the district's character and significant archeological, architectural, and historic features; and~~

~~b. Guidelines for projects within the district but not involving historically designated properties, focused on maintaining street character and compatibility with the district's historic character while not necessarily mimicking historic styles.~~

~~D. Review.~~ The CHC shall review the application to determine if a district proposed for designation and zoning amendment meets eligibility criteria for historic designation and make a recommendation to the Planning Commission. The Director shall provide notification to all property owners within the proposed district boundary and public, as required by city standards. The Planning Commission shall review the CHC recommendation and rezoning application and make a recommendation to the City Council. The City Council shall review the application and the recommendations of the CHC and Planning Commission, and approve or disapprove the application. The CHC, Planning Commission, and the City Council shall each conduct a noticed public hearing on the application ~~and the notice of such hearings shall be completed as provided in the city's notification procedures.~~

~~E. Review Criteria.~~ When considering a historic preservation district application, the reviewing body shall consider both of the following criteria:

~~1. Environmental Design Continuity.~~ The inter-relationship of structures and their relationship to a common environment; the continuity, spatial relationship, and visual character of a street, neighborhood, or area. Environmental design continuity is comprised of:

~~a. Symbolic importance to the community of a key structure in the area and the degree to which it serves as a conspicuous and pivotal landmark (e.g., easily accessible to the public, helps to establish a sense of time and place); or~~

~~b. Compatibility of structures with neighboring structures in their setting on the basis of period, style (form, height, roof lines), design elements, landscapes, and natural-~~

~~features; and how these combine together to create an integral cultural, historic, or stylistic setting; or~~

~~c. Similarity to and/or compatibility of structures over fifty years of age which, collectively, combine to form a geographically definable area with its own distinctive character.~~

~~2. Whether the proposed district contains structures which meet criteria for inclusion on the city's list of historic resources. (Ord. 1557 § 3 (part), 2010)~~

14.01.100 Demolition of listed or eligible historic resources.

~~A. *Intent.* Listed and eligible historic resources.~~

~~A. *Intent.* Listed historic (as defined in Section 14.01.020), including Landmarks, Local Register Resources, and Historic Districts and their Contributing Resources are an irreplaceable community resource resources that merit special protection to preserve them for future generations, and. For the purposes of review under CEQA, per title CCR 14 § 15064.5, the demolition of such resources may be found to cause a significant impact to the environment. Buildings, structures, objects, sites, or landscape features that are listed or eligible historic resources shall not be demolished unless the City Council makes all of the findings specified in subsection DE of this section; provided, however, that these thresholds shall. These findings are additional to the City's review requirements under CEQA, as applicable, including but not apply to repairs to listed historic resources that do not require a building permit, or where the CHC or the director has determined such work is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties and with the Historic Preservation Program Guidelines limited to preparation of an Environmental Impact Report (EIR).~~

~~B. *Demolition review.* The CHC shall review and make a recommendation to the City Council concerning demolition applications for buildings, structures, objects, sites, or landscape features listed or eligible for listing in the Inventory of Historic Resources.~~

C. *Demolition thresholds.* Demolition permits for buildings, structures, which, objects, sites, or landscape features that are included on the or that have been found eligible for inclusion on the Inventory of Historic Resources shall be required for:

1. Alterations to or removal of greater than twenty-five percent of the original building framework, roof structure, and exterior walls; and
2. Relocation of such resources to a site outside the City limits.

D. *Evaluation required.* The Director may require that a historic resource evaluation be submitted with a demolition application for a building or structure that is fifty years old or older and that has not been previously evaluated or listed on the Inventory of Historic Resources. The historic resource evaluation shall be prepared by a qualified professional and shall evaluate the property's eligibility for listing in the Inventory of Historic Resources and California Register. Evaluations shall be reviewed by the Director and CHC for adequacy. Third-party review by a qualified professional may be required by the Director, at the expense of the applicant.

E. *Required Findings for Demolition of a Historic Resource.* The decision-making body shall approve an application for demolition of a structure listed in or eligible for listing in the Inventory of Historic Resources only if it determines that the proposed demolition is consistent with the general plan and:

1. The historic resource is a hazard to public health or safety, and repair or stabilization is not structurally feasible. Deterioration resulting from the property owner's neglect or failure to maintain the property should not be a justification for demolition. The applicant may be required to provide structural reports, to the approval of the ~~community development~~ Director or City Council, to document that repairs or stabilization are not feasible; or
2. Denial of the application will constitute an economic hardship as described under subsections ~~(4)(1)~~ (1) through (3) of this section.

~~3.~~ Application of these provisions do not waive the City's responsibilities for project review under CEQA.

E. Demolition Timing. City regulations provide for a ninety-day waiting period before demolition of a listed or eligible historic resource to allow consideration of alternatives to preserve the building through relocation and/or property trades. The chief building official shall not issue a permit for demolishing a listed or eligible historic resource, except where the chief building official determines ~~a listed historic~~ that resource may pose an imminent demonstrable threat to human life and safety, until:

1. Public notice requirements in the City's demolition and building relocation code have been met; and
2. A construction permit is issued for a replacement building if one is proposed; and
3. All permit fees for the new development are paid. Where no new development is proposed, the property owner shall provide to the Director's satisfaction, financial guarantees to ensure demolition plans and conditions of approval are implemented.

FG. Historic and Architectural Documentation. Before the issuance of a demolition permit for ~~structures~~ a building, structure, object, site, or landscape feature listed in the Inventory of Historic Resources, the resource and its site shall be documented as specified in City standards, to the satisfaction of the CHC and the Director. The documentation shall be retained in a secure, but publicly accessible, location. Documentation prepared for implementation of mitigation measures required as part of the CEQA review process may be sufficient to fulfill this requirement.

G

H. Historic Acknowledgement. An acknowledgment of demolished resources shall be provided through historic signage and/or the reuse or display of historic materials and artifacts on site, at the owner's expense, to the Director's approval.

H

I. Code Requirements. Demolitions shall follow standards and procedures in the demolition and building relocation code and California Building Code as locally amended.

I

J. Expiration of Demolition Approval. Demolition approval of a listed historic resource shall expire two years after its date of approval, unless a building permit has been issued and construction has begun. A one-year extension may be granted by the Director. Additional time extensions shall require reapplication to and approval by the CHC.

J

K. Economic Hardship. An economic hardship provision is established to ensure that denial of a demolition permit does not impose undue hardship on the owner of a ~~historical~~historic resource. If the applicant presents evidence clearly demonstrating to the satisfaction of the CHC or the City Council that the action will cause ~~an~~ extreme hardship, the CHC may recommend approval, and the council may approve or conditionally approve a demolition or other application to modify a listed historic resource even though it does not meet one or more standards set forth herein. The applicant shall be responsible for providing substantiation of the claim to the Director, who shall review the information with the Director of finance and make a joint recommendation to the CHC on the hardship request. The CHC shall consider and make a recommendation to the council regarding the financial impacts of denial of the demolition permit. Private financial information shall be maintained in confidence by the City. The CHC is authorized to request that the applicant furnish information, documentation and/or expert testimony, the cost of ~~which~~that shall be paid by the applicant, to be considered by the committee in its related findings. All additional required information shall be provided by a qualified individual or firm approved by the Director. In determining whether extreme hardship exists, the committee and council shall consider evidence that demonstrates:

1. Denial of the application will diminish the value of the subject property so as to leave substantially no economic value, after considering other means of offsetting the costs of retaining the historic resource, including, but not limited to, tax abatements, financial assistance, building code modifications, changes in allowed uses, grants; or
2. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in the zoning district; or
3. Utilization of the property for lawful purposes is prohibited or impractical. (~~Ord. 1557 § 3 (part), 2010~~)

14.01.110 Relocation of listed or eligible historic resources.

A. Intent. Relocation of a property within or outside of its original site or parcel (as defined in Section 14.01.020.37) has the potential to adversely affect the significance of a historic resource and is discouraged. The City Council will not grant approval for the relocation of a listed historic resource unless the criteria for relocation under subsection D of this section can be met.

Relocation applications shall be evaluated as follows:

A

B. Review. The CHC ~~and ARC~~ shall review and make a recommendation to the City Council concerning relocation applications to relocate for buildings, structures, objects, sites, or landscape features listed or eligible for listing in the Inventory of Historic Resources that would result in removal of the building from its original site or parcel. Minor relocation within a structure's original parcel may, at the recommendation of the CHC, be reviewed by the Director. Applications for relocation of buildings or structures listed or eligible for listing on the Inventory of Historic Resources outside of the City limits are subject to the requirements of Section 14.01.100.

B

C. Evaluation required. The Director may require that a historic resource evaluation be submitted with an application for relocation of a building, structure, object, site, or landscape feature that is fifty years old or older and that has not been previously evaluated or listed on the Inventory of Historic Resources. The historic resource evaluation shall be prepared by a qualified professional and shall evaluate the property's eligibility for listing in the Inventory of Historic Resources and California Register. Evaluations shall be reviewed by the Director for adequacy. Third-party review by a qualified professional may be required by the Director, at the expense of the applicant.

D. Criteria for relocation. Relocation of structures included on or that have been found eligible for listing on the Inventory of Historic Resources, or those that are determined by the CHC or the director to be potentially historic, is the least preferred preservation method and shall be permitted only when relocation is consistent with the goals and policies of the general plan, any applicable area or specific plans, and the Historic Preservation Program Guidelines, ~~and.~~ Prior to recommendation of approval for a permit to relocate a listed or eligible resource, CHC must find the following:

1. The relocation will not significantly change, destroy, or adversely affect the historic, architectural or aesthetic value of the resource, as demonstrated to the satisfaction of the CHC and Director by a project analysis report prepared by a qualified professional; and
2. Relocation will not have a significant adverse effect on the character of the Historic District or neighborhood, or surrounding properties ~~whereat the resource is located or at its resource's original and proposed location~~ receiving site; and

3. The original site and the proposed receiving site are controlled through ownership, long-term lease or similar assurance by the person(s) proposing relocation, to the Director's approval; and

4. The proposed receiving site is ~~relevant to~~ compatible with the original character and use of the resource or eligible resource's historic significance; ~~or~~ and

5. The relocation is necessary to correct an unsafe or dangerous condition on the site and no other measures for correcting the condition are feasible; or

6. The proposed relocation meets the findings for economic hardship required under Section 14.01.100(J) ~~for demolition of a historic resource.~~ K).

€These findings are additional to the City's review requirements under CEQA, including but not limited to preparation of an Environmental Impact Report (EIR).

E. Relocation Timing. The historic resource shall not be relocated unless the chief building official issues a permit for relocation and all permit or impact fees for new development are paid; or, where no new development is proposed, an appropriate security is posted to guarantee that relocation plans are implemented; to the Director's approval.

Ⓓ

F. Historical and Architectural Documentation. Prior to issuance of a construction permit for relocation, the resource and its site shall be historically documented as specified herein, to the satisfaction of the CHC and the Director. An acknowledgment of the resource, such as a permanent, weatherproof historic plaque, shall be incorporated on the resource's original site as provided by the applicant or property owner, subject to the approval of the CHC and Director.

Ⓔ

G. Relocation Plan and Procedures. Relocations shall follow a plan approved by the CHC ~~or the director,~~ that adheres to standards and procedures in the demolition and building relocation code, of the California Building Code, and the following:

1. Application for relocation shall be made on forms provided by the Department and shall include information to respond to the criteria in subsection BD of this section.

2. The CHC shall hold a noticed public hearing and recommend action to ~~the ARC or City Council~~ on the application for relocation of a historic resource, and the ~~ARC or City Council~~ shall consider the CHC's recommendation in making the final determination to approve or deny the permit.

3. ~~The ARC or the city council will not grant an approval for the relocation of a listed historic resource unless the criteria for relocation under subsection B of this section can be met.~~
(Ord. 1557 § 3 (part), 2010)

14.01.120 Unpermitted demolition or destruction of listed or eligible historic resources.

A. *Preservation of listed historic resources.* The purpose of this section is to prevent unpermitted active demolition or demolition by neglect by ensuring that listed historic resources are maintained in good repair, and free from structural defects and safety hazards, consistent with the International Property Maintenance Code, Property Maintenance Standards (Chapter 17.17), and standards as specified herein. ~~Alteration or Demolition in whole or part, of any significant features or characteristics of a listed or eligible historic property or resource~~ requires city authorization, pursuant to Section 14.01.100.

B. *Enhanced Penalties for Unpermitted Demolition.* In addition to penalties otherwise provided for violations of the San Luis Obispo Municipal Code and this chapter, the City Council, following notice and a public hearing, may impose the following enhanced penalties for unpermitted demolition of a listed or eligible resource, as defined herein, where ~~a~~the property owner has willfully demolished, or directed, or allowed the demolition of a listed resource, or where the property owner has failed to comply with notices to correct violations of this code, such that the continuance of such violations may result in the unpermitted demolition of the listed historic resource (either active or by neglect):

1. *Restoration.* The owner may be required to restore the property or structure to its appearance prior to the violation to the satisfaction of the Director.
2. *Building Permit Restriction.* The City may prohibit the owner(s), successors, or assigns from obtaining a building permit for development of the subject property for a period of up to

five years from the date of violation, unless such permit(s) is for the purpose of complying with provisions of this chapter. In cases where this penalty is imposed, the City shall:

- a. Initiate proceedings to place a deed restriction on the property to ensure enforcement of this restriction.
- b. Require the property owner to maintain the property during the period of development restriction in conformance with standards set forth in this chapter.
- c. Initiate action to remove any such deed restriction within ten days of correction or compliance. Subsequent development applications shall be subject to CEQA review and conditions of development shall address the demolition of the historic resource.

3. *Loss of Preservation Benefits.* Any historic preservation benefits previously granted to the affected property, such as a Mills Act contract, may be subject to revocation.

4. *Other Remedies.* These enhanced penalties are nonexclusive, in addition to and not in lieu of penalties otherwise provided for violations of the San Luis Obispo Municipal Code and this chapter, including, but not limited to, administrative citations, criminal prosecution, civil fines, and public nuisance proceedings. (Ord. 1557 § 3 (part), 2010)

14.01.130 Historic and cultural resource preservation fund established.

The historic and cultural resource preservation fund ("fund") is hereby established to provide for the conservation, preservation, restoration and rehabilitation of historic and cultural resources in the city of San Luis Obispo. The council shall provide the policy direction for funding and expenditures from the fund.

A. *Program Administration.* The director shall administer the fund, following specific procedures and funding priorities adopted by the council.

B. *Purpose.* The purpose of the fund is to provide funds for historic preservation projects within the city. All funds deposited in the fund shall be used for the conservation, preservation, restoration and rehabilitation of historic or cultural resources, as provided in this section and as directed by the council.

1. *Financial Administration.* Financial administration of the fund shall be by the city finance director or designee, in accordance with state and local law. Any interest earned on the fund shall accrue to the funds, unless council specifically designates such funds for another purpose.

2. *Grants, Gifts and Donations.* The finance director shall deposit into the fund any grants, gifts, donations, rents, royalties, or other financial support earmarked by council for historic or cultural resource preservation.

C. *Cultural Heritage Committee Role.* The committee shall advise the council on the fund regarding:

1. Criteria for use and award of funds;
2. Entering into any contract, lease, agreement, etc., for use of funds;
3. Any other action or activity necessary or appropriate to achieve the fund purposes and the intent of this chapter.

D. *Uses of Fund.* The fund may be used for: (1) the identification and protection of cultural resources, including preparation of historic surveys and design guidelines, (2) for the repair, restoration, rehabilitation, preservation and maintenance of historical buildings, features, or archaeological sites, (3) for public education on cultural resources, (4) for real property acquisition if there is a willing property owner, including lease, purchase, sale, exchange or other forms of real property transfer or acquisition to protect significant historic resources, or (5) any other historic preservation related purpose approved by the council. Council decisions on the use of funds are final.

E. *Loans and Grants.* The fund may be used, upon council approval and recommendation by the committee, for loans and grants to public agencies, nonprofit organizations and private entities to carry out the purposes of this chapter.

F. *Preservation Agreements.* Loans, grants or other financial assistance shall require execution of an agreement between the city and the recipient to ensure that such award or assistance carries out the purposes of this chapter and is consistent with applicable state and local standards.

G. *Funding Eligibility.* The fund shall be used to benefit properties on the master or contributing properties list, or for other properties or uses deemed eligible by the council upon recommendation by the committee. (Ord. 1557 § 3 (part), 2010)

14.01.140 Enforcement.

A. The Director, chief building official and city attorney and their designees are hereby authorized to enforce the provisions of this chapter.

B. *Time to Correct.* Prior to assessment of any penalty or initiation of any prosecution for any violation of this chapter, the Director shall provide written notice of noncompliance to property owners. Notice shall be by certified and regular mail. Following mailing of notice, property owner shall have sixty days to correct the violation or to inform the City why an extension is warranted. Additional time to correct the violation may be allowed where the property owner is exercising due diligence in acting to correct noticed violations. The Director shall have the authority to place reasonable conditions on such an extension. Notwithstanding these provisions, if the Director or the chief building official determines there is an imminent threat to a listed ~~or historic or cultural~~ resource, the Director shall notify the property owner of the imminent threat and property owner shall be required to provide urgent measures deemed reasonable and necessary to protect the public health and safety and for the protection of the resource within seventy-two hours of notification.

C. *Work Stoppage.* In addition to any other fines, penalties or enforcement provisions set forth in this chapter, failure to comply with an approved application shall constitute grounds for immediate stoppage of the work involved in the noncompliance until the matter is resolved.

D. *Violation—Penalty.* Every property owner and/or responsible party, as defined in this chapter, who violates provisions of this chapter is subject to penalty as set forth in Chapter 1.12 or administrative enforcement as set forth under Chapter 1.24 of the Municipal Code. (~~Ord. 1557 § 3 (part), 2010~~)

14.01.150 Appeals.

Decisions of any City official or body under the provisions of this chapter are appealable in accordance with the provisions of Chapter 1.20, except that fees for appeals under this chapter by the property owner concerning the ~~masterLandmark~~ or ~~contributing list property~~Local Register Resource in which said owner is residing at the time of appeal shall be waived. (~~Ord. 1557 § 3 (part), 2010~~)

14.01.160 Severability.

Should any section or other portion of this chapter be determined unlawful ~~or~~, unenforceable, or otherwise invalid by a court of competent jurisdiction, the remaining section(s) and portion(s) of this chapter shall be considered severable and shall remain in full force and effect. (~~Ord. 1557 § 3 (part), 2010~~)