



**City of Paso Robles
Historic Preservation Training
Session Two – March 24, 2009**

HISTORIC RESOURCES GROUP

Introduction



Drafting an Effective Local Preservation Ordinance



Historic Preservation Ordinance

Section 1: Purpose

Section 2: **Enabling Authority**

Section 3: **Establishing the Preservation Commission**

Section 4: **Procedures and Criteria for Designation of Historical Resources**



Historic Preservation Ordinance

Section 5: Procedures and Criteria for Actions Subject to Review

Section 6: **Consideration of Economic Effects**

Section 7: Appeals

Section 8: **Enforcement**

Section 9: **Definitions and Severability**



Definitions

Effective preservation ordinances will include a thorough and carefully conceived set of definitions for essential terms. The ordinance needs to clearly differentiate between alterations and demolitions, and should outline the types of buildings, structures, or other features that are regulated under the ordinance, and define terms related to process.

Structure

A preservation ordinance should identify the local entity charged with administering and enforcing the ordinance:

The preservation commission can be a **separate decision-making body within the local government; or the **Planning Commission** may act in the capacity of a **preservation commission**.**

Authority: Common Elements

- Survey and identification of historic resources
- Establishment of standards and procedures for designation of historic resources
- Develop clear criteria for identifying and evaluating historic resources
- Designation of historic resources
- Review of applications for alteration, construction, or demolition of historic resources and all structures located within historic districts
- Enforcement of ongoing maintenance requirements
- Review of zoning amendments and comprehensive plans relating to historic preservation

Authority: Considerations

- Control over exterior and interior changes to a historic resource?
- Exempt certain changes or to allow minor changes to be approved by the Planning staff?
- Provide the commission with adequate power to protect historic resources.

Final Review Authority

- Advisory authority only
- Final review authority
- Shared authority

Criteria for Designation

The City of Paso Robles Municipal Code Chapter 17.16: Demolition of Buildings & Structures includes language for determining historic or architectural significance, which can be used as criteria for a local designation program:

- Inclusion on any list of historic and cultural resources, including, but not limited to, the National Register of Historic Buildings, the state list of significant historic buildings, the 1981-1984 Historic Resources Survey conducted by the community development department or any other recognized source of historic and cultural resources for the City of El Paso de Robles; and

Criteria for Designation

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

- Whether the building or structure reflects special elements of the city's historical, archaeological, cultural, social, economic, aesthetic, engineering, or architectural development; or
- Whether the building or structure is identified with persons or events significant in local, state, or national history; or
- Whether the building or structure embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or whether the building or structure represents an established and familiar visual feature of a neighborhood or community of the city.

Designation: Considerations

- Age should not be the only factor in determining historic status.
- A uniform age standard as a requisite to designation may prevent federal certification of the local ordinance for federal tax credit and other benefits.
- Recognize the need to regulate non-landmark buildings that serve as a setting or are adjacent to significant structures.
- Designate resources related to each other in a distinguishable way or in a geographically definable area as historic districts.
- Provide for conservation zones to help protect the historic character of a neighborhood.

Designation: Procedures

- Set forth a procedure to ensure that an owner of a property proposed for designation is given notice of the proposed designation and an opportunity for a hearing.
- Owner consent for a property to be designated is not encouraged.
- Balance preservation goals and the needs of the community as a whole, and to bring property owners into the preservation process in a positive way.

Enforcement

- Advisory authority only
- Final review authority
- Shared authority
- Strong enough to deter violations, but not so stringent that they become unreasonable.

Economic Effect

An effective ordinance will also typically include provisions for economic incentives and assistance to encourage preservation. Examples include:

- Mills Act property tax relief
- Reduction in parking requirements
- Allowance of a broad range of allowable uses
- Assistance programs to obtain private financing for rehabilitation
- Reduction in fees for necessary building permits
- Expedited processing of permit applications
- Use of the Historic Building Code

Economic Effect

The ordinance must also include a procedure that allows a property owner to make a case that enforcement of the ordinance will cause unusual and extreme economic hardship. Considerations for economic hardship include:

- Whether the preservation regulation limits the economic return of the property, or if the regulation makes the property economically unviable.
- If the owner has made a bona fide attempt to rent or sell the property. If no attempt has been made and the owner is holding on to the property with plans for demolition, it is difficult to make a hardship case.
- If the owner can demonstrate that the existing use is not profitable, and it is not feasible to renovate or adaptively reuse the property.