

11-08-010 Intent.

The purpose of this Chapter is to promote the public health, safety, and general welfare of the City of San Juan Bautista by providing for the identification, protection, enhancement, perpetuation and use of improvements, buildings, structures, signs, objects, records, manuscripts, features, sites, places, landscape, and areas within the City that reflect historic or cultural elements of the City's architectural, artistic, cultural, engineering, aesthetic, historical, archaeological, natural, geological, scientific, educational, political, social, military, and other cultural heritage for the following reasons:

- (A) To safeguard the City's heritage as embodied and reflected in such resources;
- (B) To encourage public knowledge, understanding, and appreciation of the City's past;
- (C) To foster civic and neighborhood pride and a sense of identity based on the recognition and use of historic resources;
- (D) To promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the City;
- (E) To preserve diverse and harmonious architectural styles and design preference reflecting phases of the City's history and to encourage complementary design and construction;
- (F) To enhance property values and to increase economic and financial benefits to the City and its inhabitants;
- (G) To protect and enhance the City's historic resources for residents, tourists, and visitors and serve as support and stimulus to business and commerce;
- (H) To identify issues concerning preservation of historic resources and alternative land uses early in the planning and project approval processes;
- (I) To integrate the preservation of historic resources and the extraction of relevant data from such resources into public and private land management and development processes;

(J) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment; and

(K) To take whatever steps are reasonable and necessary to safeguard property declared to be an historic resource or that is located in an area designated an historic district.

11-08-020 Definitions.

"Alteration" means any change, repair, replacement, modification, or new construction, including but not limited to: (1) the exterior, including minor and exterior maintenance and signs, (2) the exterior and interior structural elements which support the exterior walls, roof, or exterior elements, (3) other construction on the lot, or (4) the significant interior character-defining features of an historic resource that are accessible to or have historically been made accessible to the public, including areas commonly used as public spaces such as lobbies, meeting rooms, public hallways, great halls, bank lobbies, shopping malls, stores, or other similar spaces. Alteration includes changes to or modifications of structures, architectural details or visual characteristics such as paint color, color, surface texture, grading, surface paving, new structures, cutting or removal of trees or other natural features, disturbance of archaeological sites or areas, and the placement or removal of any exterior objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plantings and landscape accessories affecting the exterior visual qualities of the property.

"Archaeological" means the systematic recovery and study of material evidence, such as buildings, tools, and pottery, remaining from past human life and culture.

"Architectural element" shall mean any structural component of the building's fabric that adds to the historic integrity of a building or structure, and in whose absence said building or structure would lose significant aesthetic qualities. For the purposes of this Chapter, "architectural elements" shall include, but are not limited to, chimneys, parapets, towers, steeples, architectural detailing and trim.

"Board" means the Historic Resources Board established by this Title.

"California Environmental Quality Act" (CEQA) means the California Public Resources Code Section 21000 et seq. The CEQA Guidelines are found at California Code of Regulations Title 14, Chapter 3, Section 15000 et seq.

"California Office of Historic Preservation" (also known as the Office of Historic Preservation or OHP) means the agency that carries out the National Park's historic preservation programs

including nominating historic properties to the National Register of Historic Places and qualifying local programs for the Certified Local Government program. It also administers the State's preservation programs such as the California Register of Historical Resources. (See Public Resources Code 5020.6 and 5024.6.)

"California Public Resources Code, Section 5028 (PRC Section 5028)" shall be that section of the California Public Resources Code citing procedures for the demolition or alteration of historic structures that have sustained damage as a result of a disaster.

"California Register of Historical Resources" means the register defined in California Public Resources Code Section 5024.1 and in the California Code of Regulations Title 14, Chapter 11-5, Section 4850 et seq., as it may be amended.

"Character-defining features" means the architectural character and general composition of an historic 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, as outlined in National Register Bulletin 15 and Preservation Brief 17: How to Identify Character Defining Features.

"Civil engineer" shall mean any individual registered by the State of California to practice civil engineering pursuant to the State of California Business and Professions Code, Chapter 7, Section 6702. For the purposes of this Chapter, a civil engineer shall also be an individual who has demonstrated experience in historic preservation and who is familiar with historic structures and archaic building materials.

"Demolition" means removing or destroying in whole or part an improvement or portion of property when not undertaken in conjunction with any other alteration or modification of the improvement or property.

"Design guidelines" means the guidelines governed by Chapter [11-18](#) SJBMC, Site Plan and Design Review.

"Disaster" shall mean any occurrence, natural or manmade, which results in the declaration of a state of emergency or declaration of emergency action as defined in this Chapter. For the purposes of this Chapter, disasters shall include, but are not limited to, wind storms, earthquakes, floods, mudslides and fires.

"Emergency action" shall mean any occasion for which, in the determination of the City Council, additional assistance is needed to supplement local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the City. Additional assistance shall include, but is not limited to, State and Federal resources.

"Emergency demolition permit" shall mean a permit to demolish, in part or in full, a disaster-damaged historic building or structure, as defined in this Chapter, issued pursuant to this Chapter.

"Engineering evaluation" shall mean an evaluation of a suspected disaster-damaged structure performed under the direction of an historic architect or structural or civil engineer, as defined in this Chapter.

"Environmental elements" shall mean any by-product of the climate, weather, natural environment or disaster that would contribute to the accelerated deterioration of a structure or any of its parts. These elements may include, but are not limited to, wind, rain, snow, hail, mudflows, direct sunlight on interior spaces, and animal habitation.

"Exterior architectural feature" means the architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including but not limited to the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

"Federal Emergency Management Agency (FEMA)" shall be that Federal agency authorized to respond to disaster situations pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended.

"Federal Inspector" shall mean any individual authorized by FEMA, to act on the behalf of FEMA, to assess the condition of a suspected disaster-damaged structure.

"Historic architect" shall mean any individual licensed by the State of California to practice architecture pursuant to the State of California Business and Professions Code, Chapter 3, Section 5500.1. For the purposes of this Chapter, an historic architect shall also be an individual who has demonstrated experience in historic preservation and who is familiar with historic structures and archaic building materials.

"Historic district" means any area of the City that has been so zoned pursuant to SJBMC [11-08-050](#) and listed in the City of San Juan Bautista Register of Historic Resources. An historic district may contain a concentration of historic buildings, structures, sites, spaces, objects, or other resources that are unified historically, culturally, or architecturally. An historic district may contain both "contributing" and "noncontributing" resources, depending on whether the resource adds or does not add to the architectural qualities, historic associations, or archaeological values of the period or setting, all of which are subject to standards and procedures set forth in this Chapter.

"Historic resource" means any object, improvement, building, structure, sign, feature, site, place,

landscape, area, record, or manuscript that is historically or archaeologically significant, or that is significant in the architectural, artistic, engineering, aesthetic, natural, geological, scientific, economic, agricultural, educational, political, social, military, or cultural history of the City. An historic resource is eligible for listing on the local, State, or National Register of Historic Places according to local, State, or the Secretary of Interior evaluation criteria for listing. (See "Register of Historic Resources, City of San Juan Bautista" below.)

"Imminent threat" shall mean the existence of any condition within, or affecting, a structure which, in the opinion of the authority having jurisdiction, would qualify such building or structure as dangerous to the extent that the life, health, property or safety of the public, its occupants or those performing necessary repair, stabilization or shoring work, are in immediate peril due to conditions affecting the building or structure. Potential hazards to persons using, or improvements within, the public right-of-way may not be construed to be "imminent threats" solely for that reason if the hazard can be mitigated by shoring, stabilization, barricades or temporary fences.

"Improvement" means any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or any part of such betterment.

"Interior remodeling" refers to altering, remodeling, or construction work within the building envelope that does not alter the exterior physical appearance of a structure.

"Inventory of Historic Resources" means the process of (1) surveying all City resources according to State standards and procedures to identify those resources eligible for the City of San Juan Bautista Register of Historic Resources or with significant cultural merit and then (2) recording them in the City of San Juan Bautista Inventory of Historic Resources. The process involves systematic identifying, researching, photographing, and documenting historic resources for the inventory.

"Major exterior maintenance" refers to any maintenance, rehabilitation, or repair work that alters the exterior appearance of an existing structure, including building additions, removal or demolition of and/or additions of significant features to the building or site, relocation, disturbance, sign-age, and visually apparent changes in building materials and colors.

"Minor exterior maintenance" refers to any maintenance, rehabilitation, or repair work that does not change exterior appearance of an existing structure, including roof repair, window replacement, repainting, etc., that is consistent with existing materials and colors.

"Mitigate" shall mean any action, or combination of actions, to minimize, isolate, or ameliorate the degradation and/or loss of those characteristics of a property that make it significant as an historic building or structure. The definition of "mitigate" as provided herein shall not be construed as having any connection, implied or explicit, to the use of the term in the California Environmental Quality Act.

"Natural feature" means any tree, significant vegetation, or significant geological formation subject to the provisions of this Chapter.

"New construction" consists of new or relocated freestanding buildings or structures constructed on previously undeveloped or vacant land, including infill development and signs associated with the new construction.

"Object" means a material thing of functional, aesthetic, cultural, symbolic or scientific value, usually movable by design or nature.

"Office of Emergency Services Certified Inspector" shall mean any individual registered by the State of California as an historic architect or structural or civil engineer, as defined in this Chapter, and certified by the State of California Governor's Office of Emergency Services as qualified to assess the structural integrity of a suspected disaster-damaged structure.

"Overlay district" means properties designated with the HD (City-Designated Historic District) or NRHD (National Register Third Street Historic District) zoning.

"Owner" means the person appearing as the owner of such improvement, natural feature, or site on the latest equalized assessment roll of the County of San Benito.

"Person" means any individual, association, partnership, firm, corporation, public agency or political subdivision.

"Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of historic resources. Preservation maintains the form, materials and features of the historic property as it has evolved over time, acknowledging its growth, loss, and change. Preservation is the act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property. Work, including the preliminary measures to protect and stabilize the property, generally focuses on the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate.

"Programmatic agreement" shall mean that document developed and signed by representatives of FEMA, the State Office of Emergency Services, the State Historic Preservation Office and the Advisory Council on Historic Preservation for the expedited review of the effects of federally assisted undertakings on historic buildings and structures to satisfy FEMA's Section 106 responsibilities pursuant to the National Historic Preservation Act of 1966, as amended.

"Reconstruction" is the act or process of depicting, by means of new construction, the form, features, and detailing of a nonsurviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location. Reconstruction re-creates a vanished or nonsurviving historic property with new materials.

"Register of Historic Resources, City of San Juan Bautista" includes historic resources and historic districts that have received the HD or NRHD overlay zoning and have been determined by the City according to the procedures in this Chapter to possess integrity of location, design, setting, materials, workmanship, feeling, and association, as set forth in SJBMC [11-08-060](#).

"Rehabilitation" means making a compatible use of an historic property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values. Rehabilitation retains the historic property as it has evolved by maintaining and repairing historic features, while allowing additions and alterations for contemporary and future uses.

"Relocation" refers to moving an improvement onto, from, or within a site.

Repair. See "alteration," "major exterior maintenance," or "minor exterior maintenance."

"Restoration" means accurately depicting the form, features, and character of a property as it appeared at a particular time by means of removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project. Restoration depicts an appearance that existed during the historic property's most significant period by removing later additions and rebuilding or replanting earlier features.

"Review" refers to the procedure by which General Plan policies, Municipal Code standards, design guidelines, Secretary of the Interior Standards for Treatment of Historic Properties, and any other applicable plans, whether City, County, or other, are applied in evaluating the site plan and design of the project.

"The Secretary of the Interior Standards for the Treatment of Historic Properties" includes both standards and guidelines. They were developed by the Department of the Interior, National Park Service for the preservation of historic resources including buildings, sites, objects, districts, and landscapes.

"State Historic Preservation Officer (SHPO)" shall be the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Historic Preservation Act of 1966 as amended, and by the Chief of the State Office of Historic Preservation, to administer the State Historic

Preservation Program.

"State Historical Building Code (SHBC)" means the code that applies to all qualified historical structures, districts, and sites designated under Federal, State, or local authority. It provides alternatives to the Uniform Building Code in rehabilitating, preserving, restoring, or relocating qualified historic structures designated as historic buildings. It is performance, not prescriptive, oriented. (See Part 8 of Title 24 of the California Code of Regulations, Building Standards.)

"State Historical Building Safety Board" shall be that board established in 1975 pursuant to SB 927 to oversee the preparation, implementation and interpretation of the State Historical Building Code.

"State of emergency" shall mean a declaration by the President of the United States of America, or by the Governor of the State of California, pursuant to Chapter 7 of Division 1 of Title 2 of the Government Code, or by the San Juan Bautista City Council.

"State Office of Emergency Services (OES)" shall be that State agency authorized to respond to disaster situations pursuant to the California Emergency Services Act of 1970. As the primary State agency responsible for directing disaster response and recovery operations in California, including the disbursement of Federal disaster relief funding, OES shall act as the "lead State agency" pursuant to the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended.

"State Office of Historic Preservation" shall be that State agency established by the Governor of the State of California for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, as amended, and related State and Federal laws and regulations pertaining to the preservation of historic and archaeological resources.

"Structural engineer" shall mean any individual registered by the State of California to practice structural engineering and to use the title "structural engineer" pursuant to the State of California Business and Professions Code, Chapter 7, Section 6701. For the purposes of this Chapter, a structural engineer shall also be an individual who has demonstrated experience in historic preservation and who is familiar with historic structures and archaic building materials.

"Uninhabitable structure" shall mean an historic building or structure damaged as a result of a disaster and that has been posted as "unsafe/no entry" (ATC red tag) or "unsafe/limited entry" (ATC yellow tag) by the Building Official, an OES certified inspector, or a Federal Inspector. An uninhabitable structure shall be a structure that is not, or cannot be, occupied, inhabited, or used for its intended purposes following a disaster, and is unsecured, as defined in this Chapter.

"Unsecured" shall mean an historic building or structure that is unprotected from unauthorized entry or from damage and deterioration caused by the effects of environmental elements.

11-08-030 Historic Resources Board.

- (A) There is created the "Historic Resources Board" of the City of San Juan Bautista.
- (B) The members of the Planning Commission shall serve as members of the Historic Resources Board.

11-08-040 Powers and duties.

The Board shall have the following powers and duties:

- (A) Meetings. Meet monthly at a duly noticed meeting and comply with the open meeting laws of the Brown Act. Conduct a meeting when a majority of the members are present that shall constitute a quorum. Adopt procedures for the conduct of its business. Keep minutes and records of all meetings and proceedings including attendance, findings, determinations, recommendations, resolutions, and voting records.
- (B) Inventory of Historic Resources. With notification to the Planning Commission and City Council, conduct or cause to be conducted a comprehensive survey according to State standards and procedures to identify all historic resources for the Inventory of Historic Resources, update the Inventory as needed, and present the updated Inventory to the Planning Commission for recommendation to the City Council for formal acceptance. The preexisting 1981 Inventory shall be the accepted City of San Juan Bautista baseline Inventory of Historic Resources.
- (C) City of San Juan Bautista Register of Historic Resources. Follow the adopted procedures set forth in SJBMC [11-08-060](#) for listing qualifying historic resources in the City of San Juan Bautista Register of Historic Resources and for establishing historic district boundaries.
- (D) Site Plan and Design Review Permit Applications. Review and make recommendation to the Planning Commission on site plan and design review permit applications, associated environmental assessments and similar documents (1) that may impact an historic resource as described in SJBMC [11-08-090](#), and (2) for new construction, relocation, or major exterior maintenance of commercial, mixed use, planned unit, institutional, and public buildings and structures and residential projects involving the construction of three (3) or more new residential structures.
- (E) Government Programs and Projects as They Relate to the Historic Resources of the Community. Review and comment to the Planning Commission upon government programs and projects undertaken by any agency of the (1) City, including public works, major subdivisions, gateway entries, and projects

referenced in the San Juan Bautista Historic Plan, (2) County, including coordinating with the County Historic Resources Board, (3) State, or (4) Federal government.

(F) Preservation Incentives.

(1) Upon request, consult with prospective applicants seeking to register an historic resource for "conceptual review";

(2) Review applications for preservation incentives under SJBMC [11-08-100](#) and make recommendations thereon to the Planning Commission and City Council, including negotiated Mills Act agreements pursuant to Government Code Section 50280 et seq.; and

(3) Assist owners of historic resources in certifying compliance with Federal regulations upon request, when resource owners apply for Federal historic preservation tax credits.

(G) Purchase. Recommend to the City Council the purchase of fee or less-than-fee interests in property for historic resources preservation.

(H) Funding Sources. Investigate and report to the City Council on Federal, State, local, and private funding sources and methods available to promote historic resource preservation.

(I) Fundraising. With the approval of the City Council, seek public and private funds to preserve historic resources and to otherwise seek to involve public and private groups in the preservation of historic resources. Any funds received shall be submitted to the City Treasurer for placement in an account designated for historic resource preservation.

(J) Inform the Public. On request of an owner, provide information, advice, and guidance on preservation incentives and appropriate restoration, alteration, decoration, landscaping, or maintenance standards for the historic resource, historic district, or neighboring property. The Board may participate in, promote, and conduct public information, educational, and interpretive programs on historic resources and historic preservation.

(K) Other Duties. The Board shall not be limited to those duties specifically set forth, but shall take a leadership role in doing all things appropriate to further the historical and cultural interests of the City of San Juan Bautista in cooperation with the public to strengthen broad community participation in local historical and cultural endeavors. The Board shall perform other duties delegated to it by the City Council and Planning Commission.

11-08-050 Historic resource and historic district registration criteria.

The City Council may zone and list in the City of San Juan Bautista Register of Historic Resources:

- (A) An individual resource as an historic resource; and

- (B) A geographic area as an historic or cultural district pursuant to the procedure under SJBMC [11-08-060](#) if the historic resource:
 - (1) Exemplifies or reflects special elements of the City of San Juan Bautista architectural, artistic, cultural, engineering, aesthetic, historical, archaeological, natural, geological, scientific, educational, political, social, military, and other cultural heritage and possesses integrity of location, design, setting, materials, workmanship, feeling, and association; or

 - (2) Has status as a feature of the natural environment that strongly contributes to the aesthetic integrity of the City; or

 - (3) Has a relationship to other registered historic resources or historic districts if its preservation is essential to the integrity of the registered historic resource or historic district; and meets one (1) or more of the following criteria:
 - (a) Is associated with events that have made a significant contribution to the broad patterns of Federal, State, or local history and cultural heritage; or

 - (b) Is associated with the lives of persons significant in our past; or

 - (c) Embodies the distinctive characteristics of a type, period, region, or method of construction, or that represents the work of an important creative individual, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

 - (d) Has yielded or may be likely to yield information important in prehistory or history; or

 - (e) Is listed on the National Register or the California Register of Historic Places.

Bautista Register of Historic Resources.

The City Council shall have the authority to list an historic resource in the City of San Juan Bautista Register of Historic Resources according to the following procedure:

(A) Pre-Existing District. The City's historic district, adopted by the City Council in 1987, shall be listed in the City of San Juan Bautista Register of Historic Resources and will receive the historic overlay zoning upon the effective date of the ordinance adopting this Chapter.

(B) Application. The City shall make available an application for listing in the City of San Juan Bautista Register of Historic Resources with a fee, if required by City Council. A complete application shall include, at minimum, a site plan, photographs, and written justification for meeting the required criteria for listing, as well as any additional information required by the City. Processing of an application for listing in the City of San Juan Bautista Register of Historic Resources shall, at minimum, follow the provisions for a zoning amendment (Chapter [11-26](#) SJBMC), including the requirement of a public hearing before the Planning Commission, and the provisions of this Section. Applications for such listings may only be submitted by the following:

(1) Single Property. The City Council, Planning Commission and the Historic Resources Board may nominate a property for listing or a property owner may submit an application to the City for listing his or her own property in the City of San Juan Bautista Register of Historic Resources.

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

(C) Owner Consent for Listing in the City of San Juan Bautista Register of Historic Resources.

(1) For Individual Listing. Upon City Council, Planning Commission or Historic Resources Board nomination or upon receipt of a complete application for the listing of an historic resource on the San Juan Bautista Register of Historic Resources, City staff shall provide notice by certified mail to the property owner of the nominated historic resource as shown on the last equalized assessment roll. The notice shall disclose a description of the historic resource and the time, date, and place of the hearing on the matter before the Historic Resources Board, the Planning Commission and the City Council. The notice shall also instruct the property owner to indicate acceptance or opposition to their property being listed on the register. Property owners shall have thirty (30) calendar days from the date of the notice to submit a response to the City. If a timely response is not received, the property will be placed on the register.

(2) For Inclusion in Historic District. Upon City Council, Planning Commission or Historic Resources Board nomination or upon receipt of a complete application for the designation of an historic district, City staff shall provide notice by certified mail to the property owners within the nominated historic district as shown on the last equalized assessment roll. The notice shall disclose the boundaries of the nominated historic district and the time, date, and place of the hearing on the matter before the Historic

Resources Board, the Planning Commission and the City Council. The notice shall also include a ballot for property owners to indicate acceptance or opposition to their property being included within the nominated historic district. Property owners shall have thirty (30) calendar days from the date of the notice to submit the ballot to the City. Each property owner may submit no more than one (1) ballot per parcel owned within the nominated historic district. If more than fifty percent (50%) of the property owners submit ballots in opposition to their property being included in the nominated district, the City shall take no further action on the application.

(D) Permits Stayed. No building, alteration, demolition, or removal permit for the proposed registered historic resource or for properties within the proposed boundaries of an historic district shall be issued prior to City Council action on the application or while any appeal related thereto is pending.

(E) Review by the Historic Resources Board. The Historic Resources Board shall review all applications for new listings on the City of San Juan Bautista Register of Historic Resources and forward a report to the Planning Commission detailing whether the property, properties, or proposed historic district meet the criteria for listing (Section 11-08-050) in the City of San Juan Bautista Register of Historic Resources.

(F) Review by the Planning Commission. The Planning Commission shall review applications for listing on the City of San Juan Bautista Register of Historic Resources, consider the Historic Resources Board report, and make a recommendation to the City Council. The Planning Commission recommendation shall incorporate by reference the Historic Resources Board report and specify whether the Planning Commission recommendation is consistent with the Historic Resources Board report.

(G) Adoption by City Council. The City Council shall review the application and recommendation by the Planning Commission and the Historic Resources Board and consider adoption of the proposed City of San Juan Bautista Register of Historic Resources listing.

(H) All listings in the City of San Juan Bautista Register of Historic Resources shall receive the historic (H) or historic district (H-D) zoning overlay.

11-08-070 Criteria and procedure for removing an historic resource.

The City Council may remove a property from the City of San Juan Bautista Register of Historic Resources following the procedure for adoption as set forth in SJBMC [11-08-060](#) if the historic resource no longer meets the criteria for listing under SJBMC [11-08-050](#). The application for removal may be submitted by the owner of the resource, the Planning Commission, or the Historic Resources Board. As a condition of removal, the City Council may require repayment of any preservation benefits awarded the owner of the resource under SJBMC [11-08-100](#).

11-08-080 City Clerk's duties.

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

- (A) Historic Resources Board minutes and all other records including attendance, findings, determinations, decisions, and voting records.
- (B) The Inventory of Historic Resources.
- (C) The City of San Juan Bautista Register of Historic Resources.

11-08-090 Site plan and design review permit procedure for historic resources.

(A) Applicability. The Historic Resources Board shall review and make recommendations to the Planning Commission on all site plan and design review permit applications and environmental assessments for projects that involve:

- (1) An historic resource or contributing or noncontributing resource within an historic district, and propose to:
 - (a) Alter, diminish, demolish, remove, relocate, modify, excavate, construct new, reconstruct, remodel, restore, or rehabilitate the resource, site, and immediate surroundings, including appurtenances attached to, contiguous with, or otherwise related to the resource, including but not limited to landscape, setbacks, distinguishing aspects, roof attributes, overlays, moldings, light fixtures, doors, windows, paint or other coating, siding, fencing, walls, signs, monuments, and sculptures; or
 - (b) Alter, modify, or rehabilitate the interior of a resource that is accessible to or has historically been made available to the public, including but not limited to areas commonly used as public spaces such as lobbies, meeting rooms, gathering rooms, public hallways, great halls, bank lobbies, shopping malls, stores, or other similar spaces;
- (2) New construction on a site containing an historic resource or within an historic district or adjacent to an historic resource;
- (3) Gateway entries to the City of San Juan Bautista;

(4) Signs and banners requiring applicable permits and plaques at any location within the City; and

(5) Any other project referred to the Historic Resources Board by the Planning Commission, City Council, or City staff that may affect an historic resource in the City of San Juan Bautista.

(B) Application Procedure. In addition to site plan and design review application procedures set forth in SJBMC [11-18-030](#), an historic report completed by an historic architect that addresses findings required in subsection (C) of this Section may be required by staff, the Historic Resources Board, or Planning Commission.

(C) Findings. Approval of all site plan and design review permit applications as described in subsection (A) of this section shall require the following findings in addition to findings required by SJBMC [11-18-040](#):

(1) The project has been reviewed in compliance with the California Environmental Quality Act (CEQA);

(2) The project is consistent with the Secretary of the Interior Standards for Treatment of Historic Properties;

(3) The project is consistent with the goals and policies of the San Juan Bautista Historic Plan;

(4) That the proposal will not adversely affect the character of the historic district; and

(5) That the proposal will be compatible with the appearance of existing improvements on the site and that the new work will be compatible with massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

11-08-100 Preservation incentives.

The following preservation incentives shall be made available to properties listed on the City of San Juan Bautista Register of Historic Resources that undergo maintenance or alteration consistent with the State Secretary of the Interior Standards for the Treatment of Historic Properties:

- (A) Waiver of all permit fees.

- (B) Application of the California State Historical Building Code.

- (C) The following exceptions to underlying zoning standards, upon grant of a use permit and site plan and design review by Planning Commission:
 - (1) A reduction in parking requirements to a maximum of fifty percent (50%) for commercial structures with limited off-street parking.

 - (2) An additional fifteen percent (15%) of the floor area in existence prior to such additions, not to exceed five hundred (500) square feet, without requiring additional parking and without requiring any existing nonconformity to be brought into compliance with the current zoning regulations. The addition must be removed if the historic building is demolished.

 - (3) Additions shall be allowed to maintain legal nonconforming front, side and rear yard setbacks up to the line of existing encroachment; provided, that all setbacks as required by the Historical Building Code are maintained.

 - (4) Additional uses to include:
 - (a) Multifamily residential uses in a single-family residential district;

 - (b) Commercial uses in a multifamily residential district;

 - (c) Industrial uses in a commercial district;

 - (d) Guest houses on lots less than the minimum required lot size for the R-1 and R-2 zoning districts;

 - (e) Establishment of the historic use (defined as the original resource use or the use for which the resource was designed) if that use is not allowed in the underlying zoning district; and

 - (f) Any use that provides public access to an historically preserved restored interior. "Public access" is defined as establishment of a museum for public display of an historic interior or a use in which the interior is generally accessible to the public during normal business hours. Use permit approval may

specify areas which are to remain open to the public and minimum hours for public access. Public access shall include the type of public entry customary for the approved use and shall not include the requirement for extraordinary access such as historic tours unless such extraordinary access is a condition of permit approval.

(5) Findings. Approval of a use permit for modification of zoning standards for qualifying properties shall require the following findings:

(a) The modification of standards contributes to preservation of the historic setting or minimizes or eliminates impacts of alteration on an historic resource or historic district.

(b) The modification of standards will not adversely affect parking availability to surrounding properties.

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

(1) Mills Act contracts granting property tax relief shall only be made available by the City of San Juan Bautista to owners of historic resources listed in the City of San Juan Bautista Register of Historic Resources, or that are listed in the National Register of Historic Places or the California Register of Historical Places.

(2) The City shall process Mills Act contract applications pursuant to the Mills Act. A fee in the amount to be determined by the City Council for the application may be required to cover all or portions of the costs of the preparation of the contract.

(3) The City Council shall be the approval body for all Mills Act contract applications and shall consider the recommendations from the Historic Resources Board and the Planning Commission.

(4) A Mills Act contract application that is denied by the City Council cannot be resubmitted for one (1) year after the date of denial.

(E) Preservation Easements. Preservation easements on the facades of qualifying properties may be acquired by the City or nonprofit group through purchase, donation, or documentation pursuant to California Civil Code 815.

(F) Official Recognition/Awards. The Historic Resources Board, on an annual basis, may recognize those projects involving qualifying properties that have demonstrated a high level of commitment to maintaining or restoring the historic integrity of the resource. The Historic Resources Board shall nominate all qualifying projects implemented within a calendar year for award consideration.

11-08-110 Repair.

No person, whether owner, occupant, or other person in actual charge of an historic resource, or an improvement, building or structure in an historic district, shall be required to perform any acts of repair, maintenance, or renovation other than such acts as are required of all property owners or occupants by reason of municipal, State, or Federal law.

11-08-120 Enforcement and penalties.

(A) Any person who violates a requirement of this Chapter shall be guilty of a misdemeanor and subject to provisions of SJBMC Title 13.

(B) Any person who constructs, alters, removes, or demolishes a designated historic resource in violation of this Chapter shall be required to restore the building, object, site, or structure to its appearance or setting prior to the violation.

(C) Any person who violates a requirement of this Chapter shall be liable for any damage caused thereby and for a civil penalty assessable by the City Council in an amount not to exceed fifty thousand dollars (\$50,000). The City may recover any assessed civil penalty through an administrative hearing at which notice and an opportunity to be heard is provided to the person so assessed or by a civil lawsuit filed on behalf of the City.

(D) The City of San Juan Bautista may institute legal action against any person who violates a provision of this Chapter to enforce this Chapter. These actions include, but are not limited to, an action: (1) to enjoin an act in violation of this Chapter, (2) to correct a violation of this Title, (3) for damage, and (4) to enforce and collect any penalty assessed by the City. If such legal action is instituted, any person found guilty of violating any provision of this Chapter shall be liable for all expenses and costs incurred to enforce this Chapter, including reasonable attorney's fees and costs. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty and other remedy provided by law.

11-08-130 Showing of hardship.

The Planning Commission or City Council need not deny an application permit to carry out any proposed work in an historic district, or on an historic resource if the applicant presents clear and convincing evidence of facts demonstrating to the satisfaction of the Planning Commission or City Council that such denial will work immediate and substantial hardship on the applicant because of conditions peculiar to the particular improvement, building, or structure or other

feature involved, and that failure to deny the application will be consistent with the purposes of this Chapter. If a hardship is found to exist under this Section, the Planning Commission or City Council shall make a written finding to that effect, and shall specify the facts and reasons relied upon in making such a finding.

11-08-140 Demolition or relocation of a property or structure fifty (50) years in age or older.

(A) It is the intent of the City of San Juan Bautista that historic resources will not be demolished or relocated unless extraordinary circumstances exist.

(B) Applications for the demolition or relocation of a property or structure fifty (50) years in age or older shall require:

(1) Photographs of all four (4) sides of the structure;

(2) The age and character-defining features of the structure determined or verified by appropriate public records and inspection of the property or an historic architect; and

(3) Determination by City staff whether the structure qualifies as an historic resource. The determination may require a deposit for review by the City's historic consultant.

(C) If City staff determines that the structure does not qualify as an historic resource, a ten (10) day appeal period shall follow approval of the demolition permit. Staff decisions may be appealed to the Planning Commission, with review and recommendation by the Historic Resources Board.

(D) If City staff determines that the structure qualifies as an historic resource, review and approval by the Planning Commission with recommendation by the Historic Resources Board will be required, as well as the following:

(1) A deposit for the preparation of an environmental impact report by City staff or an environmental consultant to the City;

(2) Design review of the replacement structure, to be considered by the Historic Resources Board and Planning Commission concurrent with the demolition permit request;

(3) A structural report from a registered structural engineer that documents whether repairs or stabilization are feasible, subject to peer review by a City consultant;

(4) Notification of a public hearing by the Planning Commission to all property owners within a three-hundred-foot (300') radius of the project;

(5) Required Findings. Approval of the demolition or relocation permit for an historic resource shall require the following findings:

(a) That the benefits of demolition or relocation outweigh the potential effect on the achievement of the goals and policies of this Chapter; and

(b) That the size, massing and scale of the replacement structure is harmonious with other structures that contribute to the district or neighborhood character; and

(c) That the replacement structure contributes to the integrity of the district or neighborhood; and either

(d) That the resource qualifies as a hazard to public health and safety, and neither repairs nor stabilization is feasible; or

(e) That denial of the demolition or relocation application will result in unreasonable economic hardship to the owner and that there are no feasible measures that can be taken, including application of all financial and land use incentives available to the property owner that will enable the property owner to make a reasonable economic beneficial use of the property or derive a reasonable economic return from the property.

(E) Conditions. Conditions of approval for the demolition or relocation of an historic resource may include the following:

(1) Documentation appropriate to the project, which may include application of Historic American Building Standards/Historic American Engineering Standards (HABS/HAES) of the Department of the Interior.

(2) Retention of one (1) or more facades.

(3) Suspension of approval of the demolition permit for one hundred eighty (180) days to allow the Historic Resources Board to take steps as it deems necessary to preserve or restore the resource, including acquisition of the property, moving the resource to another location, or removing parts or features from the resource.

(F) Relocation as an Alternative to Demolition. The Planning Commission may approve relocation of an historic resource upon making the following findings:

(1) That the relocation is required to prevent destruction of the resource at its former location; and

(2) That the new location is compatible with the original character and use of the historic resource; and

(3) That, upon relocation, the resource retains its historic features and compatibility in orientation, setting, and general environment; and

(4) That the receiving location is appropriately zoned; and

(5) That the relocation is part of a definitive series of actions that will assure preservation of the resource.

11-08-150 Dangerous and imminently dangerous buildings, structures, or resources.

(A) Notification and Coordination of OES Certified Inspectors. Upon declaration of a state of emergency or declaration of emergency action, the City Manager will contact the California Governor's Office of Emergency Services to request activation of the volunteer network of OES certified inspectors. In coordination with the City Manager, the volunteer OES certified inspectors, Federal inspectors and any available historic architects and civil or structural engineers will assist in the identification, assessment and evaluation of historic buildings and structures affected by the disaster to determine the level of damage sustained by each structure. This "first pass" inspection will conclude with the tagging of each structure as "safe/no restrictions" (ATC green tag), "unsafe/limited entry" (ATC yellow tag) or "unsafe/no entry" (ATC red tag). All assessments and engineering evaluations of historic buildings and structures made pursuant to this Chapter shall utilize the State Historic Building Code and the Uniform Code for Building Conservation.

(B) Securing Disaster-Damaged Historic Buildings and Structures. It shall be unlawful for any property owner holding title to an historic building or structure, damaged as a result of a disaster to the extent of being uninhabitable, to allow such structure to remain unsecured following a disaster. It shall be the duty of said property owner to secure each such structure to prevent unauthorized entry by members of the public and to prevent damage and deterioration caused by the effects of environmental elements pursuant to the requirements of subsection (F) of this Section.

(C) Order to Secure. The Building Official, upon determining that an historic building or structure is an uninhabitable structure and remains unsecured, shall provide the owner of said structure with a written order to secure. The order shall set forth those factors which, in the opinion of the Building Official, cause the historic building or structure to be an unsecured uninhabitable structure. The order shall provide that, within five (5) days from the date set forth in the order, the owner of said structure shall begin the work of securing the structure pursuant to the terms of the order and of this Chapter. The order shall include a date by which the work must be completed. The Building Official, in establishing such date, shall take into consideration the condition of the structure, the amount of work that must be done to secure it, and the existing post-disaster conditions of the community.

(D) Appeal. The determination of the Building Official that an historic building or structure is an unsecured uninhabitable structure may be appealed to the Planning Commission by the owner of said structure. Any such appeal shall be in writing and shall indicate the basis of error by the Building Official. Copies of the appeal shall be delivered to the Planning Commission and to the Building Official within five (5) days of the date set forth in the order to secure. Failure to appeal within the required five (5) day period shall constitute a waiver of the right to appeal to the Planning Commission and the Building Official's determination and order shall stand as final. An appeal that is properly and timely filed shall cause the Building Official's determination and order to be suspended until such time as the matter is heard and resolved by the Planning Commission.

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

(F) Specifications for Securing Disaster-Damaged Historic Buildings and Structures. All openings, including but not limited to the roof, doorways, windows, cracks, gaps, holes and other apertures, shall be secured to meet the minimum standards as set forth in this Section and pursuant to the requirements of the SHBC, so as to prevent unauthorized entry by members of the public and to prevent damage and deterioration caused by the effects of environmental elements.

(1) Securing of disaster-damaged historic buildings or structures shall consist of emplacement of one-half inch (1/2") exterior grade plywood, painted to match the predominate color of the structure, if possible, across the exterior side of all openings on the ground level floor and floor immediately accessible to entry, other than those where mechanical assistance would be required to effect entry. Plywood shall be cut to the size of the opening and securely fastened. Nailing of the plywood to the structure in any manner that would create damage to architectural detailing such as window and door frames, window sashes, and decorative detailing shall be avoided. At least one (1) door providing entry to each unit of the structure shall be secured by means of one-half inch (1/2") exterior grade plywood cut to the door opening size and

fastened by means of hinges and secured with a hasp and padlock. Broken windows on upper floors shall be secured by emplacement of one-half inch (1/2") exterior grade plywood, painted to match the predominate color of the structure, if possible. Plywood shall be cut to the size of the opening and placed on the interior side of the window and shall be securely fastened. Nailing of the plywood to the structure in any manner that would create damage to architectural detailing such as window and door frames, window sashes, and decorative detailing shall be avoided.

(2) All exterior doors and windows not secured as set forth in this Section shall be kept closed and locked.

(3) Bracing and other temporary shoring measures shall be installed as necessary to prevent further physical degradation to the damaged structure's roof, walls, foundation, or other structural components.

(4) Temporary fencing shall be installed as necessary around the damaged structure to provide protection to the general public from threats to public life and safety presented by said structure.

(5) All secured areas, in compliance with applicable codes and regulations, shall be kept free of graffiti, bills, posters and litter.

(G) Penalties for Unsecured Uninhabitable Historic Structures. It shall be unlawful for any property owner holding title to an historic building or structure, damaged as a result of a disaster, to allow such structure to remain an unsecured uninhabitable structure, or to fail to comply with an order to secure imposed by the Building Official or the Planning Commission.

(1) If, after ten (10) days from the date of issuance of an order to secure imposed by the Building Official or, on appeal, the Planning Commission, the property owner has failed to begin the work of securing said structure, the City may choose to utilize municipal resources to secure said structure.

(2) If the work of securing an historic building or structure is completed by City resources, the owner of said structure shall be charged ten percent (10%) of the actual costs incurred by the City in securing the structure pursuant to the provisions of this Chapter. Alternate funding, including but not limited to FEMA, SBA, State, or local funds, loans, or grants, may be utilized by the property owner to repay this debt.

(H) Unreinforced Masonry Buildings. The fact that an historic building or structure has been made subject to an order issued by the Building Official pursuant to an unreinforced masonry buildings retrofit ordinance, or other similar law relative to the retrofitting of unreinforced masonry buildings, shall not in itself compel a determination that the historic building or structure constitutes an immediate threat to public health and safety as to require allowing its removal, destruction, demolition, or partial demolition without review pursuant to this Chapter and other applicable State and Federal regulations.

(I) Removal of Disaster-Damaged Historic Architectural Elements. Disaster-damaged historic

architectural elements determined by the Building Official as being an imminent threat to public health and safety, and for which bracing, shoring or isolation will not mitigate the danger, shall be removed, in part or in full, to a point where stability can be assured by a civil or structural engineer. Brick and/or stone masonry materials shall be salvaged for possible reuse in the reconstruction of the damaged architectural element.

(J) Emergency Demolition Procedures – Federal Declaration. Upon determination that an historic building or structure is an imminent threat and that bracing, shoring or isolation will not mitigate the danger to public health and safety, or to adjacent property, the Building Official shall:

(1) Within twenty-four (24) hours of making a determination, provide a written statement of evaluation to FEMA, as the lead Federal agency responsible for Section 106 compliance. The written statement shall contain an itemization of the structural and/or environmental conditions upon which the determination of imminent threat has been made, an assessment of the immediacy of the action, the age of the building, an assessment of the building's eligibility for the National Register of Historic Places, if available, and request for expedited review pursuant to the programmatic agreement. A copy of the written determination shall also be given to the Historic Resources Board, the City Council and the property owner at this time.

(2) Pursuant to Stipulation III(B)(1) of the programmatic agreement, FEMA shall notify SHPO of implementation of expedited review for said structure. SHPO shall have five (5) calendar days to notify FEMA if a property is listed in, or has previously been determined eligible for listing in, the National Register, or if a previously unevaluated property appears to meet one (1) or more of the National Register criteria.

(3) The Historic Resources Board and the City Council or City Manager as acting authority, shall review the Building Official's written statement of evaluation. If the evidence shows that said structure is an imminent threat and that bracing, shoring or isolation will not mitigate the danger to public health and safety, or to adjacent property, and FEMA concurs following review of SHPO's comments, pursuant to Stipulation III(B)(2) of the programmatic agreement, FEMA shall have five (5) calendar days to consult with SHPO to reach an agreed upon course of action.

(4) Upon notification from FEMA that demolition, in part or in full, of said historic building or structure is prudent and necessary, and that required consultation with SHPO has been accomplished, the Historic Resources Board shall order the historic building or structure demolished, in part or in full, and authorize the issuance of an emergency demolition permit no later than three (3) days following receipt of notification from FEMA.

(K) Emergency Demolition Procedures – State or Local Declaration. Upon determination that an historic building or structure is an imminent threat and that bracing, shoring or isolation will not mitigate the danger to public health and safety, or to adjacent property, the Building Official shall, within twenty-four (24) hours of making a determination, provide a written statement of evaluation to SHPO pursuant to PRC Section 5028. The written statement shall contain an itemization of the structural and/or environmental conditions upon which the determination of imminent threat has been made, an assessment of the immediacy of the action, the age of the building, an assessment of the building's eligibility for the National Register of Historic Places, if available, and request for expedited review. A copy of the written

determination shall also be given to the Historic Resources Board, the City Council or City Manager as acting authority, and the property owner at this time.

(1) SHPO shall have five (5) calendar days from the date of receipt of notification to review the material and consult with the Historic Resources Board, the City Council or City Manager as acting authority, and the property owner to reach an agreed upon course of action.

(2) If the evidence shows that said structure is an imminent threat and that bracing, shoring or isolation will not mitigate the danger to public health and safety, the Historic Resources Board shall order the historic building or structure demolished, in part or in full, and authorize the issuance of an emergency demolition permit no later than three (3) days following completion of consultation with SHPO as described in subsection (K)(1) of this Section.

(L) Non-Imminent Threat Demolition Procedures. Upon determination that an historic building or structure potentially requires demolition, in part or in full, the Building Official shall:

(1) Require that an independent structural engineer with prior experience assessing historic buildings and structures provide an engineering evaluation as to the structural stability of said structure. Immediately following inspection, the Engineer will submit in writing to the Building Official a report as to his/her findings.

(2) Within ten (10) business days of receiving the engineering evaluation, provide documentation to SHPO pursuant to PRC Section 5028. The documentation shall contain the engineering evaluation, the age of the building, an assessment of the building's eligibility for the National Register of Historic Places, the California Register of Historic Resources, or any local register, if such documentation is available, and request for review. A copy of the documentation shall also be given to the Historic Resources Board, the City Council and the property owner at this time.

(3) Pursuant to PRC Section 5028, SHPO shall have thirty (30) calendar days from the date of receipt of the documentation to review the material and consult with the Historic Resources Board, the City Council and the property owner to reach an agreed upon course of action.

(4) If the evidence shows that said structure shall require demolition, in part or in full, and that bracing, shoring or isolation will not mitigate the damage until repairs can be made, and SHPO concurs, the Historic Resources Board shall order the historic building or structure demolished, in part or in full, and authorize the issuance of a demolition permit no sooner than five (5) days from the date of the decision.

(M) Recording of Structure. Prior to the issuance of an emergency demolition permit or demolition permit pursuant to this Section, the historic building or structure shall be photographed, including architectural detail, to the satisfaction of the Planning Director and in accordance with Historic American Building Survey recordation standards. Any architectural detail uncovered during the demolition shall also be photographed to the satisfaction of the Planning Director. The photographs and photographic record

shall be submitted to the City Planning Department, the Cultural Heritage Commission and SHPO. Undamaged brick and stone masonry materials, and/or architectural detailing and trim shall be salvaged for possible reuse.

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

Legislative History: Ords. 2007-03 (2/20/07), 2007-18 (8/21/07).
