

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING SECTION 12-1606 OF THE FRESNO MUNICIPAL CODE, RELATING TO DETERMINATIONS OF THE HISTORIC PRESERVATION COMMISSION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 12-1606 of the Fresno Municipal Code is amended by adding subdivision (5.1) to subsection (b) thereto to read:

(b) The Commission shall have the following additional duties and powers:

(1) Conduct studies and evaluations of applications requesting the designation of Historic Districts, make determinations and recommendations as appropriate for consideration of such applications in order to effectuate the purposes of this article.

(2) Adopt specific guidelines for the designation of Historic Resources, Historic Districts and Heritage Properties as it deems necessary to effectuate the purposes of this article.

(3) Maintain a current listing and description of designated Historic Resources, Historic Districts and Heritage Properties and transmit copies and update of such listings to all appropriate city agencies and departments as determined by the Secretary to the Commission.

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Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: MRD

Ordinance No.

(4) Develop and recommend the adoption of an Historic Preservation Element for the General Plan of the City of Fresno in accordance with the requirements of the Certified Local Government Program.

(5) Participate in environmental review procedures called for under this article or under the California Environmental Quality Act (CEQA) or under the National Environmental Protection Act (NEPA) by providing review and comments on permit actions affecting designated Historic Resources, Historic Districts and Heritage Properties as the Commission deems appropriate.

[(5.1) Make environmental determinations under the California Environmental Quality Act on any discretionary project applications the Commission considers for approval, including, but not limited to demolition permits for subject properties brought before the Commission.]

(6) Review and comment upon the conduct of land use, housing, redevelopment, municipal improvement and other types of planning and programs undertaken by any agency or department of the city, county or state as they relate to designated Historic Resources, Historic Districts and Heritage Properties as the Commission deems appropriate.

(7) Establish criteria and conduct or cause to be conducted historical resource surveys of properties within the city limits in accordance with state survey standards and procedures; submit

completed surveys to the Council for official adoption; and submit adopted surveys to the Office of Historic Preservation for integration into the Historic Property Data File for Fresno County maintained by that office.

(8) Recommend internal procedures to facilitate the use of such adopted historical resource surveys in planning and development processes by all relevant city agencies and departments in accordance with Certified Local Government Program requirements.

(9) Publicize, maintain and periodically update such historical resource surveys in accordance with state survey standards and procedures, including those surveys adopted prior to the award of Certified Local Government status and surveys of new areas annexed or incorporated by the city.

(10) Adopt procedural rules for the systematic review of such historical resource surveys to determine if designation proceedings should be initiated on appropriate sites. Provide for the removal of sites not found qualified for designation from the survey and from the Historic Property Data File for Fresno County maintained by the State Office of Historic Preservation if included therein.

(11) Review and make recommendations on nominations for inclusion in the California Register of Historical Resources and the National Register of Historic Places for local historic resources or districts to the chief elected local official for transmission to the State Office of

Historic Preservation in accordance with procedures established by the Certified Local Government Program.

(12) Review and make recommendations on any proceedings under Section 106 of the National Historic Preservation Act pertaining to properties within the city limits and establish programmatic agreements with the State Office of Historic Preservation as the Commission deems appropriate.

(13) Review and make recommendations on historic preservation certification applications for federal tax incentives.

(14) Develop and recommend the adoption of historic preservation incentives including but not limited to conditional use permits allowing uses not otherwise permitted by the underlying zoning, Mills Act Contracts, and other programs utilized by other Certified Local Governments.

(15) Review and make recommendations on any applications to participate in local historic preservation incentive programs established in order to effectuate the purposes of this article.

(16) Prepare an annual report on the activities of the Commission to the State Office of Historic Preservation at the end of each calendar year in accordance with procedures established by the Certified Local Government Program.

(17) Ensure that each commissioner attends at least one informational or educational meeting, seminar, workshop or conference

per year in accordance with the requirements of the Certified Local Government Program.

(18) Perform any other functions consistent with the purposes herein or that may be directed by the Council from time to time.

(19) Adopt, promulgate, amend and rescind, from time to time, such rules, guidelines and regulations as the Commission may deem necessary to effectuate the purposes of this article.

(20) Provide for a suitable sign, plaque or other marker at public or private expense, on or near the Historic Resource or District (LHD or NRD), indicating that the Resource or District (LHD or NRD) has been so designated. The sign, plaque or other marker shall contain information and data deemed appropriate by the Commission and its placement shall be at the discretion of the owner.

(21) Meet not less than once a month at meetings held pursuant to public notice and open to the public.

(22) Keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions as a matter of public record.

(23) Render advice and guidance, upon the request of a property owner or tenant on the financial and physical aspects of the restoration, alteration, rehabilitation, landscaping or maintenance of any Historic Resource, any Contributor to any Historic District (LHD or NRD) or any Heritage Property.

(24) Investigate and report to the Council on the use of various federal, state, local or private funding sources and mechanisms available to promote historic resource preservation in the city.

(25) Participate in, promote and conduct public information, educational and interpretive programs pertaining to Historic Resources and provide for public participation in all aspects of the city's historic preservation programs.

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

\* \* \* \* \*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO ) ss.  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2015  
Mayor Approval/No Return: \_\_\_\_\_, 2015  
Mayor Veto: \_\_\_\_\_, 2015  
Council Override Vote: \_\_\_\_\_, 2015

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: \_\_\_\_\_  
Mary Raterman-Doidge Date  
Deputy

MRD:prn [66870prn/ord] 01-28-15