



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL
FROM: Director of Management and Budget James L. Becklenberg
Community Development Director Lynn Burgess
MEETING DATE: June 18, 2008

CONSIDER RESOLUTIONS ADOPTING THE UPDATED MASTER FEE SCHEDULE FOR FEES INCLUDED IN THE FY 2008/09 BUDGET AND AMENDING COUNCIL POLICY 200-1, GOLF COURSE RULES AND REGULATIONS, AND INTRODUCING AN ORDINANCE TO AMEND SECTION 14.12.010 OF THE MUNICIPAL CODE RELATED TO GOLF COURSE RULES

SUBJECT:

The City Council will consider amending the master fee resolutions to include several fees approved conceptually in the FY 2008/09 budget:

- *Establish a fee to pay for a share of the costs for long-range planning work*
- *Establish a fee/deposit for CEQA screening related to historic preservation*
- *Modify golf rates and restrictions allowing for discounted golf*

CEQA STATUS

This action does not constitute a "Project" as defined by CEQA.

RECOMMENDATION:

1. Adopt a resolution approving the revised master fee schedule, which includes the following changes:
 - a. A new long-range planning fee equal to 15% of the value of permits subject to the fee (detailed in this report);
 - b. A deposit to be paid by development project applicants for assessment of potentially historic structures; work which is required by the California Environmental Quality Act (CEQA); and
 - c. A new \$2 surcharge on 18-hole rounds (\$1 surcharge on 9-hole rounds) of golf played on annual card privileges.
2. Adopt a resolution amending Council Policy 200-1, Golf Course Rules and Regulations
3. Introduce and hold the first reading on an Ordinance to amend Section 14.12.010 of the Municipal Code

DISCUSSION:

Staff is recommending that the City Council approve two new fees for community development services and modify the rates and rules related to discounted golf for residents and golf club members. These fees were approved conceptually in budget proceedings during the spring of 2008 and estimated revenues for the fees are included in the adopted FY 2008/09 budget. If the fee schedule amendments are approved, the updated master fee schedule will be effective July 1, 2008. Per Government Code Section 66017, changes to development fees will not be effective for a period of sixty (60) days following the adoption of the resolution.

Long-Range Planning Fee

The staffing reorganization plan included a new Senior Planner position to focus on long-range planning work: updating the City of Pacific Grove's (City) General Plan, developing Coastal Implementing Regulations, and updating the zoning ordinance, among other projects. Cost estimates for five years of long-range planning work total approximately \$750,000, which equals an average of \$150,000 per year. Without a fee charged to development customers, these costs would be paid entirely by General Fund revenues.

Staff recommends that the initial costs for long-range planning services be shared between the development community, through a surcharge fee on other development permit activity, and the general public, through general revenues. While the development community benefits most directly from current comprehensive long-range planning documentation and processes, the general community benefits as well from the product of this administrative infrastructure through the quality of a well-planned environment.

From a policy standpoint, staff's goal is to distribute the burden of paying for long-range planning between direct customers of development services and indirect customers (i.e., the general public and taxpayers) in such a way that the resulting surcharge fee does not make development/construction projects cost-prohibitive. *Staff recommends that the long-range planning fee be implemented as a surcharge of 15% on virtually all community development permits, including (as they are categorized in the master fee schedule):*

- Use permits
- Variances
- Subdivisions
- General Plan and zoning amendments
- Architectural review
- Historic permits
- Appeals and miscellaneous (except for investigation fees and code violations)
- Plan checking and construction inspection fees (including building permits)

A five-year plan for long-range planning work, along with preliminary cost estimates upon which the long-range planning fee recommendation is based, is attached to this report. The cost estimates include City staff time and consultant assistance.

Follow-up from last Council meeting: At the June 4, 2008 City Council meeting, Councilmember Miller inquired as to the benefits a long-range planning fee would provide to substantiate the proposed 15% surcharge fee on all building and planning permits. In response, this fee is proposed to partially fund long-range planning projects directly related to the use and development of properties throughout the City. Projects planned over the next five years include clean-up and restructuring of the City's Zoning Ordinance, adoption of a fully certified Local Coastal Program (LCP), revisions to the Historic Preservation Ordinance and development of related preservation programs (e.g., historic context statement, application for Certified Local Government status), and a comprehensive General Plan update (see attached five-year plan for a complete list).

The benefits to the community as a whole, and the development sector in particular, include:

- More clear, complete and internally consistent land use policies and zoning rules that reflect the current needs and interests of the community.
- More predictability in the outcome of the permit review process.
- More streamlined and consistent permit review processes.
- With a fully certified LCP, permit authority within the Coastal Zone will revert back to the City, providing faster permit processing and more local control over decision making.

Another question that arose at the City Council meeting was how the preliminary cost figures were calculated for the long-range planning projects on the five-year plan. The Chief Planner in the Community Development Department (CDD) prepared the cost estimates based on past experience in conducting these types of projects. The figures include both staff and consultant costs.

Historic Assessment Deposit

The California Environmental Quality Act (CEQA) requires the City to assess the applicability of CEQA historic preservation guidelines for all projects affecting structures at least 50 years of age or older. The City's Guidelines for Historic Assessments, which explains the program requirements, is attached to this report. The City currently requires the project applicant to hire a qualified historic consultant to prepare the required assessments. Staff believes that the assessments could be accomplished at lower cost to the applicant if the City were to contract with one or more qualified consultants to perform the assessments at a contract rate that assumes higher volume of work and therefore lower costs per assessment. The estimated cost for Phase One Assessments ranges from \$450 - \$1000. The estimated cost for a Phase Two assessment is approximately \$1,500.

Staff recommends that the City require a deposit, which would only be spent on the historic assessment work required for the applicant's project. Unspent deposit monies would be returned to the applicant. Based on the current estimates of potentially required assessments, the recommended deposit levels are \$1,000 for Phase One assessments and \$1,500 for Phase Two assessments. In most cases, only one deposit will be required. Depending on the circumstances of a given project application, however, both deposits could be required.

Follow-up from last Council meeting: At the June 4, 2008 Council meeting, members of the public expressed concerns about the high cost of preparing Historic Assessments and the permit

delays incurred, which act as disincentives for homeowners to repair or remodel historic homes. The Historic Assessments are also viewed as superseding the Historic Resources Committee's role of deciding whether properties should be added or deleted from the City's Historic Resource Inventory. Councilmember Miller asked what percentage of residences within the City are 50 years of age or older, and where in the California Environmental Quality Act (CEQA) does it require the City to apply a 50-year threshold for Historic Assessments. Additionally, Councilmember Bennett asked what the required credentials were for preparing Historic Assessments.

The State Legislature adopted special rules within CEQA for determining whether impacts to "historical resources" are or may be significant impacts on the environment. Public Resources Code (PRC) Section 21060.5 defines the 'environment' to include 'historic' conditions within an area which will be affected by a proposed project.

PRC Section 21084.1 requires local agencies, such as the City, to make two distinct determinations when reviewing a discretionary development permit: first, whether a project may impact a resource that falls within the definition of "historical resource," as that term is used in the section; and second, whether any such impact will cause a "substantial adverse change" in the significance of the resource. If, after completing this dual inquiry, the City concludes that substantial evidence exists to conclude that a project "may cause a substantial adverse change in the significance of an historical resource," the City must prepare an Environmental Impact Report (EIR) for the project.

CEQA does not apply to all resources that a lay person might consider to be historic. Rather, Section 21084.1 applies only to those "historical resources" that fit within the following four categories:

1. **California Register of Historical Resources.** The first category of historical resources—considered "mandatory" under the statute—is described as "a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources." Thus, if a resource is found in the California Register, or is determined to be eligible for inclusion in the Register, the resource must in all cases be granted status as an historical resource. This mandatory provision may be triggered by mere eligibility for listing in the Register (see attached SOHP's Technical Assistance Series #4).

There are four specific criteria that must be used to determine if a resource is eligible for listing in the Register. PRC Section 5024 gives the State Historic Preservation Officer within the California Department of Parks and Recreation (DPR) the authority to determine how the four criteria will be applied. California Administrative Code Title 14, Section 4852, provides the applicable DPR standards for use of the California Register criteria. Subsection 4852(d)(2) establishes the 50-year threshold, as follows:

"(2) Historical resources achieving significance within the past fifty (50) years. In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than fifty (50) years old may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historical importance."

2. **Local Register of Historical Resources.** The second category of historical resources set forth in PRC Section 21084.1 is described as follows: “Historical resources included in a local register of historic resources, as defined in subdivision (k) of [PRC] Section 5020.1”...are presumed to be historically or culturally significant...unless the preponderance of the evidence demonstrates” otherwise. This statement indicates that, although any resource included in, or eligible for inclusion in, the State Register must be treated as an historical resource, a resource included in a local register, but not in the State Register, is only presumed to be an historic resource. That presumption may be rebutted by a “preponderance of the evidence.” The historic resources listed in the City’s Historic Resources Inventory would fall under this category.
3. **Public Resources Code Section 5024.1, Subdivision (g).** The third category of historical resources subject to Section 21084.1 is as follows: “Historical resources...deemed significant pursuant to criteria set forth in subdivision (g) of 5024.1”...are presumed to be historically or culturally significant...unless the preponderance of the evidence demonstrates” otherwise. This provision pertains to survey data that meets the criteria for listing in the California Register.
4. **Agencies may exercise discretion to define additional historical resources.** The fourth and final category of historical resource is created by the principle that even where a resource does not qualify as “historical” under any of the preceding tests, a local agency may nevertheless exercise its discretion to treat the resource as “historical.” Thus, where a local agency wants to protect only those “historical resources” specified by statute, the agency, at a minimum, must extend protection to the first three categories. Where an agency wants to protect more resources than those minimally protected by statute, the agency is free to define “historical resources” more broadly. Per PRC Section 15064.5, the criteria that must be applied under this category is as follows:

“Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record.”

If, in the review of a discretionary development permit, the City determines that the resource is “historical” as defined by the categories above, then the City must evaluate whether the proposed alterations to the resource will result in a “substantial adverse change in the significance” of that resource. CEQA defines this to mean “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historic resource would be materially impaired.”

After having identified a significant impact, CEQA requires that the City identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. PRC Section 15064.5(b)(3) provides that, generally, a project that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstruction Historic Buildings is considered as mitigated to a level of less than a significant impact on the historical resource. The state-

recommended minimum professional qualifications to evaluate projects under these standards are listed in the attached State Office of Historic Preservation's Technical Assistance Series #1, Appendix D.

In light of the scope and complexity of the dual inquiry required by CEQA and the state recommendations that an historic preservation professional be used to apply the Secretary of the Interior's Standards, staff believes that a professional meeting the requirements of the attached Appendix D is needed to conduct the City's historic assessments under CEQA. Additionally, due to the mandatory requirement to consider resources on, or determined to be eligible for inclusion on, the California Register, discretionary projects involving structures 50 years of age or older need to be evaluated.

It is also important to consider the pending litigation against the City, which challenges the constitutionality of the City's Historic Preservation Ordinance. These suits claim that the evaluation criteria for adding new historical resources to the local Historic Resources Inventory are vague, ambiguous and overbroad, resulting in arbitrary and discriminatory enforcement. The City is currently in the process of updating the Historic Preservation Ordinance, including these evaluation criteria. The City is also considering the preparation of a historic context statement, which would further define the purpose and intent of the evaluation criteria. In the meantime, having an historic preservation professional conduct Historic Assessments for discretionary projects under CEQA will provide the City with more complete and accurate information, more consistency in the application of the evaluation criteria, and better protection from further litigation.

Pursuant to the Municipal Code, the Historic Resources Committee is the decision maker on additions and deletions to the local Historic Resources Inventory. The Committee will benefit from the Historic Assessments, prepared by historic preservation professionals, in making those decisions. The Historic Assessment itself will not take away this specific duty of the Committee.

To reduce the delays incurred by the preparation of historic assessments, staff proposes to take the following steps:

- Hire historic preservation consultants to prepare the Historic Assessments for discretionary projects (using the proposed deposit system) to save money for the applicants and ensure more consistency and objectivity in the process;
- Assemble a List of Acceptable Materials to streamline the review of roofing and other exterior material replacements on structures 50 years of age or older;
- Work with the Historic Resources Committee and Planning Commission to clarify the evaluation criteria in the City's Historic Preservation Ordinance; and
- Encourage hiring a consultant to prepare an historic context statement to further clarify the meaning of the City's evaluation criteria.

Regarding the percentage of residences within the City that are 50 years of age or older, staff queried the County Assessors data to determine that out of a total of 5,566 residential properties in Pacific Grove, 4,263 (77%) have structures that are 50 years of age or older. Of those 4,263 structures, 1,694 were built prior to 1928 and surveyed in 1978 for listing on the local Historic Resources Inventory. There are approximately 1,300 properties currently on the Historic Resources Inventory.

Golf fee modifications

The FY 2008/09 budget for the golf enterprise fund assumes that the golf fund will generate an operating profit for the year of \$260,000. Half of the profit would be retained in the golf fund balance for reinvestment in golf facilities and half would be transferred to the General Fund to support General services. Plans for increasing revenue in FY 2008/09 balance the interests of retaining significantly discounted golf rates for Pacific Grove residents and maximizing revenue from players paying the full rates. In general, the strategy reserves the busiest times of the year for full-price play and restricts the time periods when cards for discounted play may be used to times when there is excess capacity on the course. Representatives of the golf clubs collaborated with staff to identify ways to expand the strategies implemented in FY 2007/08.

Recommended changes to the golf fee schedule include:

- Expand the hours within which tee times may only be made more than seven days in advance by players paying full greens fee rates. Currently, these times are 10:00 am – 2:00 pm during daylight savings time, and 10:00 am – 1:00 pm during standard time.
 - **Recommended:** Tee times may only be made by players paying full greens fee rates more than seven days in advance from June 1st to October 31st, between 9:00 am – 3:00 pm every day. There will be no restrictions from November 1st through May 31st.
- Establish a new surcharge of \$2.00 for an 18 hole-round and \$1.00 for a 9-hole round for all rounds played using annual card privileges.

Other rule changes agreed to by the golf clubs, but not included in the fee schedule, include:

- Players paying full greens fee rates may make tee times up to 60 days in advance.
- Lodging establishments may reserve tee times for paying guests up to 120 days in advance.
- Elimination of men's club tournament in August; reduce from two events to one in June, July, and October
- Seniors' club will reduce events each month from three to two.
- The ladies' club will reduce events in August from four to two.

The change in annual card restrictions will be reflected in City Council Policy 200-1 "Golf Course Rules and Regulations," which is attached with the changes highlighted.

Finally, staff is recommending a modification to Section 14.12.010 of the Municipal Code. This Section requires that each golfer be required, upon request, to show a valid ticket providing a right to play the course. For several years, the Golf Shop has not issued such a ticket. Instead, the marshals utilize a copy of the tee sheet to ensure that each golfer is authorized to be on the course. Modification of this Section will provide consistency between the Code and the City's current practices.

The City Council should review and discuss the draft Ordinance amending Section 14.12.010. The Council may approve or reject the first reading of the draft Ordinance. City Council may direct that the publication of the Ordinance as required by the Charter Article 15 may be satisfied

by publication of a summary of the proposed Ordinance, approved by the City Attorney. If approved, the Ordinance shall then be set for second reading at the next Council meeting.

Amending the master fee schedules to include several fees approved conceptually in the FY 2008/09 budget does not constitute a "Project" as that term is defined under the California Environmental Quality Act (CEQA), CEQA Guideline section 15378.

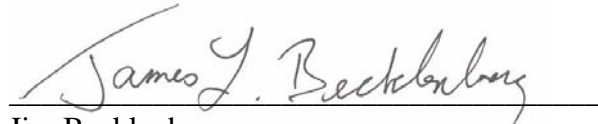
FISCAL IMPACT:

The anticipated revenues from the recommended fee schedule amendments are included in the FY 2008/09 budget, so they will have no additional benefit to the City. Deciding not to implement any of the fees will cause reductions of budgeted revenue by the amounts described in the report and potential corresponding expenditure budget reductions.

ATTACHMENTS:

- Revised master fee schedule including changes recommended in this report.
- Resolution adopting the 2008 master fee schedule
- Five-year long-range planning work plan, which is the basis for the long-range planning fee.
- Pacific Grove Guidelines for Historic Assessments
- SOHP's Technical Assistance Series #4
- SOHP's Technical Assistance Series #1, Appendix D
- Resolution Amending Council Policy 200-1
- City Council Policy 200-1 "Golf Course Rules and Regulations"
- Ordinance to amend Section 14.12.010

RESPECTFULLY SUBMITTED:



Jim Becklenberg
DIRECTOR OF MANAGEMENT AND BUDGET

REVIEWED BY:



Digitally signed: I have reviewed this document

James J. Colangelo
CITY MANAGER

City of Pacific Grove



2008 MASTER FEE SCHEDULE

(as approved by City Council 6/18/08)

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

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City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008
GENERAL ADMINISTRATION
(Fees applicable to all departments)

BILLING FOR SPECIAL CITY SERVICES	The City may bill for special services, such as support for special events, clean up of hazardous materials spills, protection of public property and public safety due to unusual events. Charges will be based on actual costs, including direct and indirect costs. Billings may be waived or reduced by action of the City Manager with ratification by the City Council.	Based on total actual costs
OVERHEAD	When billing for services not specifically set forth in this fee schedule (i.e. a hazardous material cleanup) combined overhead of 20% should be added (based on calculation of indirect cost rate)	20.71%
01-4405	Maps and Specialized Printed Material (including municipal code and updates) (PUBLICAT)	Cost
01-4406	Document Photocopy and Report Fees (COPIES)	
	All Documents (per page)	0.02
	Notary fees (per signature)	10.00
	Reproduction of digital information (CD/DVD)	\$23.00 each or actual cost if produced by third party
01-4513	Appeal Fee (Beautification, Traffic Commission, all others not listed elsewhere) (APPEAL)	31.20
01-4513	Annual Subscription Service: Agenda and Minutes (MAIL FEE)	21.00
	Agenda only	No Charge
01-4513	Returned check processing (per item) (MISC)	10.00
01-4406	Copy of Annual Budget or Annual Financial Report(BUDGET)	.10 per page + \$2.00
01-4674	City Hall Facility Rental Fees:	
	Security Deposit (SECURITY)	\$50.00
	Clean-up Fee	\$50.00
	Special Audio Visual Equipment Use Deposit	\$200.00
	Council Chambers – first four hours of use (CHAMBERS)	\$100.00
	Council Chambers – per hour after four hours	\$25.00
	Forest Avenue Conference Room – first four hours	\$20.00
	Forest Avenue Conference Room – per hour after four hours	\$5.00
	City Manager Conference Room – first four hours (C.M.CONF)	\$40.00
	City Manager Conference Room – per hour after four hours	\$10.00
01-4516	Fuel sales to outside agencies (FUEL-SVC)	Cost + 10%

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

COMMUNITY DEVELOPMENT DEPARTMENT

ACCT. #	COMMUNITY DEVELOPMENT DEPARTMENT FEES AND CHARGES	FEE
01-4407	ENVIRONMENTAL REVIEW (CDD-ENV)	
	Initial Studies (including negative declarations):	
	--Single family dwelling	1,080
	--Multi-family units (plus \$110.00 per unit)	2,170
	--Visitor accommodations (plus \$110.00 per unit)	2,170
	--Commercial, professional, industrial, and institutional (plus \$105.00 per 1000 square feet)	2,170
	--Subdivisions (plus \$110.00 per lot)	2,170
	--General Plan and/or Zoning Amendments	2,600
	--Initial Screening	2,170
	Environmental Impact Report (EIR), consultant cost plus administrative cost	Variable
	Mitigation Monitoring	130
01-4754	Historic assessment deposit; Phase I assessment	1,000
01-4754	Historic assessment deposit; Phase II assessment	1,500
01-4401	USE PERMITS (CDD-RES)	
	Single family dwellings and related	650
	Signs	650
	Secondary housing units	1,080
	Multi-family dwellings (plus \$110.00 per unit)	1,080
	Group quarters (plus \$110.00 per unit)	2,170
	Visitor accommodations (plus \$110.00 per unit)	2,170
	Commercial, professional, industrial, institutional (plus \$110.00 per 1000 square feet)	1,080
	Special events (commercial)	540
	Foster Care and Day Care Homes	165
	Liquor sales	1,080
	Height limits not related to single-family dwellings	1,080
	Minor amendments to use permits	650
01-4401	VARIANCES (CDD-RES)	
	Single family dwellings	1,080
	All other uses	2,170
	Minor amendments to variances (per item)	650
01-4401	SUBDIVISIONS (CDD-RES)	
	Lot Line Adjustment	1,080
	Tentative Parcel Map (plus \$110.00 per lot)	2,170
	Final Parcel Map (plus recording fees and \$110.00 per hour for Engineer's time)	1,080
	Tentative Tract Map (plus \$110.00 per lot)	3,250
	Final Tract Map (plus recording fees and \$60.00 per lot)	3,250
	Certificate of Compliance (plus \$62.00 per hour if more than 3 hours required)	650
01-4401	GENERAL PLAN AND ZONING AMENDMENTS (CDD-RES)	
	General Plan Amendment (\$62.00 per hour)	(Min) 2,600
	Zoning Ordinance Amendment (\$62.00 per hour)	(Min) 1,300

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

01-4402	ARCHITECTURAL REVIEW (CDD-ARB)	
	Single family dwellings	650
	Minor items/amendments (e.g., awnings, window design), if reviewed administratively	110
	Minor items/amendments (e.g., awnings, window design), if reviewed by ARB	215
	Multi-family, commercial, professional, industrial and institutional based on following:	
	--Under \$50000	650
	--\$50,000 to \$100,000	1,080
	--\$100,000 to \$250,000	1,625
	--\$250,000 to \$500,000	2,170
	--\$500,000 to \$1,000,000	4,340
	--\$1,000,000 and over (plus \$62.00 per hour in excess of 24 hours)	6,500
	--If use permit is involved	½ above fee
	Sign Permit (if reviewed administratively)	110
	Sign Permit (if reviewed by Architectural Review Board)	215
01-4402	HISTORIC PERMITS (CDD-ARB)	
	Historic Preservation Permit	650
	Historic Demolition Permit (or combination with Preservation)	2,170
	On-site relocation permit	650
	Off-site relocation permit	2,170
	Registration fee for illegal units	430
	Second Unit Permit application	650
01-4401	APPEALS AND MISCELLANEOUS (CDD-RES)	
	Appeals of discretionary permits (50% of base fee plus cost of mailing and legal notices)	Variable
	Appeals of enforcement and zoning ordinance interpretations	650
	Application for abandonment or purchase of City property (Section 23.64.300, PGMC)	1,625
	Application for density bonus per Government Code Section 65915 et. seq.	1,080
	Permit Extension (base fee of permit being extended to a maximum of \$2,170)	Max. 2,170
	Preliminary Project Review (Actual Cost)	Min. 110
01-4403	Investigation fees, Code violations (Actual Cost) (CDD-CVI)	Min. 110
01-4401	Statement of Compliance (plus \$62.00 per hour if more than 2 hours required)	Min. 260
	Residential Zoning Records Review/Report (CDD-RES)	110
01-4401	Revocable License for Encroachments (plus \$62.00 per hour after 2 hours)	430
	Multiple Permits –Full Highest Fee + ½ Lower Fees (CDD-RES)	Variable

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

	PLAN CHECKING & CONSTRUCTION INSPECTION FEES	
01-4404	Plan Checking — A combination permit fee shall be payable in cases of new construction in lieu of the separate fees prescribed in the Uniform Building/Mechanical/Electrical Codes. A plan review fee equal to 75 percent of the fee for single-family residential projects and 90 percent of the permit fee for all other projects shall be paid at the time of submitting plans and specifications for review. Permit fees shall be based on the value of improvements as follows:	
01-4203	Construction Inspection:	
	Combination Permit:	
	Value up to \$500.00	88.00
	Value of \$501.00 to \$2,000.00(first \$500.00)	88.00
	Value of \$501.00 to \$2,000.00 (each additional \$100.00 or fraction thereof)	6.65
	Value of \$2,001.00 to \$25,000.00 (first \$2,000.00)	187.75
	Value of \$2,001.00 to \$25,000.00 (each additional \$1,000.00 or fraction thereof)	28.83
	Value of \$25,001.00 to \$50,000.00 (first \$25,000.00)	850.84
	Value of \$25,001.00 to \$50,000.00 (each additional \$1,000.00 or fraction thereof)	20.66
	Value of \$50,001.00 to \$100,000.00 (first \$50,000.00)	1,367.34
	Value of \$50,001.00 to \$100,000.00 (each additional \$1,000.00 or fraction thereof)	14.44
	Value of \$100,001.00 to \$500,000.00 (first \$100,000.00)	2,089.34
	Value of \$100,001.00 to \$500,000.00 (each additional \$1,000.00 or fraction thereof)	11.70
	Value of \$500,001.00 to \$1,000,000.00 (first \$500,000.00)	6,769.34
	Value of \$500,001.00 to \$1,000,000.00 (each additional \$1,000.00 or fraction thereof)	10.55
	Value of \$1,000,001.00 and up (first \$1,000,000.00)	12,044.34
	Value of \$1,000,001.00 and up (each additional \$1,000.00 or fraction thereof)	6.26
	Single Permit:	
	Value up to \$500.00	77.50
	Value of \$501.00 to \$2,000.00(first \$500.00)	77.50
	Value of \$501.00 to \$2,000.00 (each additional \$100.00 or fraction thereof)	4.48
	Value of \$2,001.00 to \$25,000.00 (first \$2,000.00)	144.70
	Value of \$2,001.00 to \$25,000.00 (each additional \$1,000.00 or fraction thereof)	20.52
	Value of \$25,001.00 to \$50,000.00 (first \$25,000.00)	616.66
	Value of \$25,001.00 to \$50,000.00 (each additional \$1,000.00 or fraction thereof)	14.82
	Value of \$50,001.00 to \$100,000.00 (first \$50,000.00)	987.16
	Value of \$50,001.00 to \$100,000.00 (each additional \$1,000.00 or fraction thereof)	10.23
	Value of \$100,001.00 to \$500,000.00 (first \$100,000.00)	1,498.66
	Value of \$100,001.00 to \$500,000.00 (each additional \$1,000.00 or fraction thereof)	8.24
	Value of \$500,001.00 to \$1,000,000.00 (first \$500,000.00)	4,794.66
	Value of \$500,001.00 to \$1,000,000.00 (each additional \$1,000.00 or fraction thereof)	6.97
	Value of \$1,000,001.00 and up (first \$1,000,000.00)	8,279.66
	Value of \$1,000,001.00 and up (each additional \$1,000.00 or fraction thereof)	4.66
	The Valuation for new construction shall be the full cost (labor and materials) of the construction or a minimum of \$125 per square foot (for a combination permit including plumbing, mechanical, electrical and building).	

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

01-4203	OTHER INSPECTIONS AND REVIEWS	
	<i>The following are minimum hourly fees. If the total cost to the City is greater than the fees shown below, the actual cost shall be recovered. This cost shall include supervision, overhead, equipment, and the hourly wages and benefits of the employees involved:</i>	
	Inspections outside of normal business hours (2-hour minimum)	165.00
	Re-inspection fees assessed under provisions of CBC Section 108.8	165.00
	Inspections for which no fee is specifically indicated	82.50
01-4413	Long range planning fee: A fee equal to 15 percent of the fee for other development permits, including: use permits, variances, subdivisions, General Plan and zoning amendments, architectural review, historic permits, appeals and miscellaneous (except for investigation fees and code violations), plan checking and construction inspection fees, shall be paid at the time of submitting plans and specifications for review.	
01-4404	Additional plan review due to changes/additions/revisions to approved plans (1/2 hour min.) per hour	82.50
01-4203	Grading Inspection (hourly fee, 1 hour minimum)	82.50
01-4204	Grading Plan Checking (hourly fee, 1/2 hour minimum)	82.50
01-4203	Excavation Review/Inspection (except utility companies)	200.00

FEE REDUCTIONS PERMITTED IN CERTAIN INSTANCES:

The Community Development Director may reduce a fee or charge set forth herein if he determines that the cost of providing a particular service will be substantially less than the normal cost of such service.

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

POLICE DEPARTMENT

ACCT. #	POLICE DEPARTMENT FEES AND CHARGES	FEE (Bail)
01-4426	PARKING ENFORCEMENT, MUNICIPAL CODE VIOLATIONS	
	14.08.010 Parking on ice plant	25.00
	14.12.010 Parking on golf course	100.00
	16.12.055 Tamper with chalk marks	100.00
	16.32.130 Parking on park grounds	30.00
	16.40.030 Storing vehicle on street or public parking lot	30.00
	16.40.045 48 hour parking	30.00
	16.40.050 Parking for sale or repair	30.00
	16.40.070 Parallel parking, one-way street	25.00
	16.40.080 Parallel parking, one-way roadway	25.00
	16.40.090 Parallel parking, sign on one-way street	25.00
	16.40.110 Angle Parking Only, Must Comply	25.00
	16.40.130 Angle Parking	25.00
	16.40.170 Parking On Narrow Streets Prohibited	30.00
	16.40.190 Failure to Set Parking Brake	60.00
	16.40.200b Parking Within 20' of Intersection	25.00
	16.40.280 City Parking Lots, Angle Parking	25.00
	16.40.290 City Parking Lot, Use of Single Space Only	25.00
	16.40.300 City parking Lots, Reserved Parking Spaces	25.00
	16.40.360 No Parking/Stopping, Curb Markings	25.00
	16.40.360f Illegal Parking Handicapped Zone	270.00
	16.40.430 Blocking Alley	25.00
	16.40.500 Bus Zone, Other Vehicles Prohibited	30.00
	16.40.510 Parking One Hour Limit	25.00
	16.40.515 Parking 90 minute overtime	25.00
	16.40.520 Parking Two Hour Limit	25.00
	16.40.525 Not Vacating Space	25.00
	16.40.535 Parking 24 hour	25.00
	16.40.540 Parking in Business District/Load-Unload	30.00
	16.40.550 No Parking Anytime	30.00
	16.40.555 No Parking Certain Hours	30.00
	16.40.560 No Parking Between 4am-6am	25.00
	16.40.570 No Parking Between 2am-4am (Commercial)	40.00
	16.40.580 Parking, Overlapping Marked Space	30.00
	16.40.585 Parking on Privately Owned Lots	25.00
	16.40.610 Displaying Vehicle for Sale	40.00
	16.41.040 Resident Parking	40.00
	16.42.100 Unlawful Parking	25.00
	16.56.095 Parking Over Yellow Line	25.00
	16.68.020 No tour bus parking	100.00
	16.68.030 Parked bus with engine running	100.00
	18.36.030 House Cars on Private Property	30.00
	18.36.040 House Cars on Streets & Other Public Property	30.00
01-4501	PARKING ENFORCEMENT, CALIFORNIA VEHICLE CODE	
	Bail Rates for the following parking violations are set by the Judicial Council:	
	Parking Prohibited, Over 18" from Curb, Handicapped Zone, Within 15' of Fire Hydrant, Unattended With Motor Running	
	ANIMAL REGULATION — DOG LICENSES	

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

ACCT. #	POLICE DEPARTMENT FEES AND CHARGES	FEE (Bail)
01-4204	Dog License Fee, unaltered dog, 1 through 12 months	36.00
	Dog License Fee, unaltered dog, each additional month	3.00
	Dog License Fee, spayed or neutered dog, 1 through 12 months	12.00
	Dog License Fee, spayed or neutered dog, each additional month	1.00
	Dog License Fee, unaltered dog where altering contraindicated, 1 through 12 months	30.00
	Dog License Fee, unaltered dog where altering contraindicated, each additional month	2.00
01-4502	Dog License, Delinquent Penalty (first 30 days)	10.00
	Dog License, Delinquent Penalty (more than 30 days)	10.00
01-4204	Dog License, Replacement Tag	5.00
	ANIMAL REGULATION — UNSTERILIZED/IMPOUND/BOARDING FEES	
01-4502	Unsterilized Dog Fee, Initial Impoundment (Section 10.04.100, P.G.M.C.)	150.00
01-4502	Unsterilized Dog Fee, Second and Subsequent Impoundment (Sec. 10.04.100, P.G.M.C.)	200.00
01-4425	Impound Fee (Section 10.04.100, P.G.M.C.)	30.00
01-4425	Impound Fee, Second and Subsequent Impoundment of Unsterilized Dogs	50.00
01-4425	Boarding Fee, per day	15.00
	ANIMAL REGULATION — BREEDING PERMITS	
01-4425	Commercial Breeding Permit, Cats (Section 10.16.040, P.G.M.C.)	400.00
01-4425	Commercial Breeding Permit, Dogs (Section 10.16.040, P.G.M.C.)	500.00
01-4425	Incidental Breeding Permit, Cats (per litter)	200.00
01-4425	Incidental Breeding Permit, Dogs (per litter)	300.00
01-4421	FALSE ALARM RESPONSE	
	First Incident	35.00
	Second Incident	65.00
	Third and Subsequent Incidents	100.00
01-4421	ADMINISTRATIVE AND MISCELLANEOUS	
	Accident Report, Compilation and Copying (per report)	.10 per page
	Abstract Issuance from DMV, ETECH	10.00
	Crime Report, Compilation (per report)	.10 per page
	Crime Report, Copy of Audio Cassette	Cost
	Crime Report, Copy of Video Cassette	Cost
	Crime Scene Photo Reproduction (flat rate plus cost of film processing)	Cost
	Fingerprint Processing (flat rate plus \$1.00 per card)	10.00
	Special Event Police Service (actual hourly officer cost)	Cost + 20%
	DUI Emergency Response	375.00
	Abandoned Vehicle Removal	95.00
	Stored Vehicle Fee	70.00
	Concealed Weapon Permit - Processing and Testing (Issuance)	100.00
	“ -Annual Renewal	20.00
	DMV Administrative Fee for Parking Violation Holds	3.00
	Solicitor/Peddler License Application	200.00
	Sign-off of tickets written by other agencies	5.00
	Removal of Traffic Boot	80.00
	Taxicab Driver Permit Fee	45.00

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

ACCT. #	POLICE DEPARTMENT FEES AND CHARGES	FEE (Bail)
01-4201	PARKING AND GARAGE SALE PERMITS	
	Public Parking Lot Permit, 6 Month Fee	130.00
	Public Parking Lot Permit, 12 Month Fee	240.00
	Public Parking Lot Permit Processing, Delinquency Penalty	10.00
	Residential Parking Permit Processing, annual fee per vehicle	10.00
	Contractor's Parking Permit, Annual Fee	250.00
	Daily <i>Contractor's</i> Parking Permit, Per Day	25.00
	Refuse Container or Storage Container Permit	30.00
	Refuse Container or Storage Container Permit Renewal/Extension	30.00
	Garage Sale Permit Processing (exception to \$10.00 minimum)	5.00
	Use of Public Areas for Still Photograph Productions (16.64.030, P.G.M.C.), Daily Fee Range (Minimum may be reduced not more than 50% with City Manager approval)	500.00 to 1,000.00
	Use of Public Areas for Motion Picture Productions (16.64.030, P.G.M.C.), Daily Fee Range (Minimum may be reduced not more than 50% with City Manager approval)	2,000.00 to 5,000.00
	Amplified sound permit	25.00
01-4421	Firearms storage: Administrative fee. First firearm	20.00
	Firearms storage: Additional firearm	8.00
	Firearms storage: Per day storage fee for one of more firearms	1.00
	Ammunition disposal: Administrative/storage fee	10.00
	Ammunition disposal: Per gross pound disposal fee	2.25

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

FIRE DEPARTMENT

ACCT. #	FIRE DEPARTMENT FEES AND CHARGES	FEE
	FIRE PREVENTION	
01-4436	Fire Inspection/Permit Required Due to Materials, Processes, or Occupancies	100.00
	Day care inspection (Six or more children)	25.00
	Fire hydrant flow test (per hydrant)	75.00
	Fireworks permit, Special Event Tent/Canopy permit	75.00
01-4436	Underground Tank Installation/Removal Inspection	100.00
01-4436	Sprinkler System Inspection, Installation/Alteration (50 heads or less)	100.00
01-4437	Plan Check Fee — Actual cost of consultant plus 22% administrative overhead	Variable
01-4436	Fixed Fire Extinguishing Systems (Hood & Duct) — New System	120.00
01-4436	Fixed Fire Extinguishing Systems (Hood & Duct) — Alterations, relocation, or addition	75.00
01-4436	Fire Alarm System Inspections - Actual cost or consultant's cost + 22%	Variable
	Fire Alarm or Fire Sprinkler System (Commercial) inspection	100.00
	Fire Sprinkler System (Residential) inspection	100.00
01-4502	Penalty if appointment is made for a system test or inspection and contractor/developer (or their representative is not ready:	
	Commercial	100.00
	Residential	60.00
01-4436	Penalty for failure to comply with Fire & Life Safety Inspection violation	150.00
	ADMINISTRATIVE ACCOUNTS	
01-4436	Fire Alarm System False Alarm Response First call in a 90-day period = No charge Second call in a 90-day period = ½ cost of response Third + calls in a 90-day period = full cost of response	
	Vehicle Rates based upon OES Rates (updated by the State annually)	
	Sedan (per incident)	44.00
	Pickup/Utility (per incident)	53.00
	SUV (per incident)	73.00
	Apparatus GPM Rates:	
	Other-Rescue /PWC (per hour)	73.00
	0-1000 (per hour)	53.00
	1001-1250 (per hour) (Engine #6512)	56.00
	1251-1500 (per hour) (Engines #6511 and #6513)	71.00
	1501-2000 (per hour) (Truck #6571)	77.00

**City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008**

LIBRARY

ACCT. #	LIBRARY FINES AND FEES	FEE/FINE
01-4455	OVERDUE FINES AND OTHER PENALTIES	
	All items (per day with a \$5.00 maximum)	0.25
01-4455	OTHER FEES AND RENTALS	
	Interlibrary loan	1.00
	Photocopy machine (per copy)	0.15
	Microform reader/printer (per copy)	0.15
	Computer printout (per page)	0.15
01-4455	CARD REPLACEMENT/TEMPORARY CARD	
	Replace borrower's card	2.50
	Temporary resident borrower's card, valid for one month or less (card retained at Library)	4.50
01-4455	LOST /DAMAGED MATERIAL REPLACEMENT/REPAIR	
	Re-cataloging charge for lost book or recording	9.50
	Charges for lost or damaged material or equipment will be made at current cost of repair or replacement plus a re-cataloging charge (if applicable) or a 21% administrative surcharge. If material is no longer available, the charge will be based on appraised value or original purchase price, plus a 21% administrative surcharge.	Variable

**City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008**

MUSEUM

ACCT. NO.	FACILITY	CLASS 1	CLASS 2	CLASS 3
01-4450	Large multi-purpose room (3 hour event)	200.00	100.00	No charge
	Small multi-purpose room (3 hour event)	50.00	50.00	No charge
	Conference room (3 hour event)	50.00	50.00	No charge
01-4451	Pt. Pinos Lighthouse Entrance Fee (Suggested Donation)	Adult 2		Child 1

Class Definitions

CLASS 1 — Non-profit organizations without a primary focus on natural history. The small multi-purpose room and the conference room are only available to Class 1 users when a Museum staff member is scheduled to be working at the Museum.

CLASS 2 — Non-profit organizations with a primary focus on natural history, at times when no Museum staff member is scheduled to be working at the Museum.

CLASS 3 — Meetings or activities jointly sponsored by the Museum.

Museum Rental Policies

1. Individuals or organizations wishing to rent a Museum facility must complete a City rental application form.
2. The Museum Director may approve the rental of Museum facilities if he determines that such rental will further the purpose of the Museum of Natural History.
3. Any rental usage must be compatible with the current exhibition use of the facility and must not disrupt the normal usage of Museum facilities.
4. Renters are required to clean the facility after usage. In addition to any rental fee, renters will be charged for damages and any additional cleaning deemed necessary by the Museum Director. The Museum Director may require an advance deposit to cover any necessary clean up and repairs.
5. The serving or consumption of alcoholic beverages is prohibited at Museum facilities.
6. Any proposed rental of Museum facilities which does not meet the above criteria must be approved by the City Council.

**City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008**

RECREATION

ACCT. #	RECREATION DEPARTMENT FEES AND CHARGES	RESIDENT	NON-RESIDENT
01-4462	PRE-SCHOOL (MONTHLY FEES)		
	2 Days Per Week	110.00	120.00
	3 Days Per Week	170.00	185.00
	5 Days Per Week	270.00	305.00
	Summer School	170.00	185.00
01-4462	TENNIS (fees set by contract with tennis professional)		
01-4462	ADULT SPORTS LEAGUES, ENTRY FEES PER TEAM		
	Basketball	450.00	500.00
	Socko	350.00	400.00
	Slowpitch Softball	400.00	400.00
01-4462	YOUTH BASKETBALL AND SOCCER LEAGUES, FEE PER ENTRANT		
	1 Child	80.00	90.00
	2 Children	145.00	165.00
	3 Children	200.00	230.00
01-4462	YOUTH TRACK CLUB	65.00	75.00
01-4462	SUMMER PROGRAMS		
	Adventure (weekly charge per child)	125.00	135.00
	Athletic Clubs	80.00	80.00
	Caledonia Park Playground	50.00	55.00
01-4462	SWIMMING		
	Swim Lessons, 2-week session, per child	45.00	50.00
	Recreational Swimming: Lovers Point, Weekdays	2.00	2.00
	Recreational Swimming: Lovers Point, Weekends	4.00	4.00
	Family Card (50 HIGH-SCHOOL Swims, 50 Lovers Point Swims on weekdays, or 25 Lovers Point Swims on weekends)	65.00	75.00
01-4462	OTHER PROGRAMS, CONTRACTUAL AGREEMENTS		
	Contractual Agreements	Contract	Contract
	Adult Contract Recreation Programs	Contract	Contract
	Youth Special Trips/Excursions (85% of cost)	Variable	Variable
01-4465	SPECIAL EVENT FEES		
	Application (booklet and planning meeting)	50.00	50.00
	Garbage Cans/ Recycling Bins (per set)	2.00	2.00
	Park Usage (per hour)	50.00	50.00
	Street Parking (per block)	50.00	50.00
	0-50 cars	50.00	50.00
	51-100 cars	100.00	100.00
	101-up cars	150.00	150.00
	Staff Costs: per hour		
	Police Officer	65.55	65.55
	Public Works Worker	32.34	32.34

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

ACCT. #	RECREATION DEPARTMENT FEES AND CHARGES	RESIDENT	NON-RESIDENT
	Fire Officer	50.18	50.18
	Recreation Staff	39.92	39.92

01-4462	SPECIAL EVENT INSURANCE PREMIUMS (Note: This is a pass through of rates charged to the City by insurance carrier, so fees will change if premium rates change)		
	Wedding receptions, anniversary parties, and similar events	Cost + 10%	
	Private parties of 50 or less, no sale of alcohol, no admission charge	Cost + 10%	
	Private parties of 51 to 500, no sale of alcohol, no admission charge	Cost + 10%	
	Private parties of 50 or less, alcohol sold and/or an admission charge	Cost + 10%	
	Private parties of 51 to 249, alcohol sold and/or an admission charge	Cost + 10%	
01-4670	FACILITY RENTAL		
CLASS I	<i>Pacific Grove Recreation Department programs and activities or events that are co-sponsored by the Recreation Department and a non-profit recreation organization. Official City of Pacific Grove activities and those of any other public agency that has a reciprocal use arrangement with the City.</i>		
	Hourly Rental Charges — Weekdays from 8:00 a.m. to 5:00 p.m.		
	All facilities EXCEPT Meals On Wheels	No Charge	
	Meals On Wheels	Not Avail.	
	Hourly Rental Charges — Weekday Evenings from 5:00 p.m. to 9:30 p.m. and Weekends and Holidays from 8:00 a.m. to 11:00 p.m.		
	All facilities EXCEPT Meals On Wheels	No Charge	
	Meals On Wheels, Main Room (Minimum of 4 hours)	45.00	
	Meals On Wheels, Jewell/Health & Fitness Rooms (Minimum of 2 hours)	45.00	
	Meals On Wheels, View Room (Minimum of 2 hours)	45.00	

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

01-4670	FACILITY RENTAL (CONT)	
CLASS IA	<p><i>Organizations that have received City authorization to use facilities at a reduced fee. Such organizations must meet the following requirements:</i></p> <p><i>1) Must have a tax exempt status granted by the IRS and donations or gifts to the organization must be exempt from state and federal income taxes.</i></p> <p><i>2) Must provide a recreation or social service program to a major segment of the community, and a majority of those served must be Pacific Grove residents.</i></p> <p><i>3) Must establish, to the satisfaction of City, that it would not be practical to charge a fee for the program sufficient to cover reasonable operating costs.</i></p> <p><i>4) Must establish, to the satisfaction of City, that it does not have resources sufficient to pay standard City rental rates. Furthermore, the organization must certify that no funds raised from within Monterey County are sent outside the County (other than reasonable dues to a parent organization).</i></p>	
	Hourly Rental Charges — Weekdays from 8:00 a.m. to 5:00 p.m.	
	Community Center, Lebeck Room	12.00
	Community Center, Kuwatani/Scout Room	12.00
	Chautauqua Hall Facility (Requires Council approval)	Not Available
	Youth Center (Requires Council approval)	Not Available
	Jewell Park (parties- per hour; support group- per use)	15.00
	Meals On Wheels Facility	Not Available
	Hourly Rental Charges — Weekday Evenings from 5:00 p.m. to 9:30 p.m. and Weekends and Holidays from 9:00 a.m. to 11:00 p.m.	
CLASS IA	Community Center, Lebeck Room	25.00
	Community Center, Kuwatani/Scout Room	25.00
	Chautauqua Hall Facility (Requires Council approval)	Not Available
	Youth Center (Requires Council approval)	Not Available
	Jewell Park (parties-per hour; support group-per use)	15.00
	Meals On Wheels, Main Room (Minimum of 4 hours)	45.00
	Meals On Wheels, Jewell/Health & Fitness Rooms (Minimum of 2 hours)	45.00
	Meals On Wheels, View Room (Minimum of 2 hours)	45.00

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

FACILITY RENTAL (CONT)		
CLASS II	<i>Meetings or activities on a recurring schedule with a minimum of 40 meetings per year and all scheduling done in advance.</i>	
	Hourly Rental Charges — Weekdays from 8:00 a.m. to 5:00 p.m.	
	Community Center, Lebeck Room	35.00
	Community Center, Kuwatani/Scout Room	25.00
	Chatauqua Hall Facility (Requires Council approval)	Not Available
	Youth Center (Requires Council approval)	Not Available
	Jewell Park (parties-per hour; support groups-per use)	15.00
	Meals On Wheels, Main Room (Minimum of 4 hours)	Not Avail.
	Meals On Wheels, Senior Citizens Room (Minimum of 2 hours)	Not Avail.
	Meals On Wheels, Meeting Room (Minimum of 2 hours)	Not Avail.
	Hourly Rental Charges — Weekday Evenings from 5:00 p.m. to 9:30 p.m. and Weekends and Holidays from 9:00 a.m. to 11:00 p.m.	
	Community Center, Lebeck Room	35.00
	Community Center, Kuwatani/Scout Room	25.00
	Chatauqua Hall Facility (Requires Council approval)	Not Available
	Youth Center (Requires Council approval)	Not Available
	Jewell Park (parties-per hour; support groups-per use)	15.00
	Meals On Wheels, Main Room	45.00
	Meals On Wheels, Jewell/Health & Fitness Rooms	45.00
	Meals On Wheels, View Room	45.00
CLASS III	<i>Programs, activities, meetings, parties, or events which do not meet the criteria of Classes I, IA, or II, such as private parties, weddings, receptions, potluck dinners, political, union, or commercial activities.</i>	
	Hourly Rental Charges — Weekdays from 8:00 a.m. to 5:00 p.m.	
	Community Center, Lebeck Room	45.00
	Community Center, Kuwatani/Scout Room	33.00
	Chatauqua Hall Facility (Requires Council approval)	Not available
	Youth Center (Requires Council approval)	Not Available
	Jewell Park (parties-per hour; support groups-per use)	15.00
	Lovers Point, Berwick Park, Jewell Park Gazebo, and El Marie Dyke Gazebo Reservation Fee: 1-100 Persons (100 maximum, with 2 hour minimum)	100.00
	Permit to utilize tables/chairs/lattice/arches in parks	50.00 + 150.00 Deposit
	George Washington Park and Arnett Park Picnic Facilities 1- 50 persons	50.00
	51+ persons	100.00
	Meals On Wheels, Main Room	Not Available
	Meals On Wheels, Senior Citizens Room	Not Available
	Meals On Wheels, Meeting Room	Not Available

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

FACILITY RENTAL (CONT)			
CLASS III	Hourly Rental Charges — Weekday Evenings from 5:00 p.m. to 9:30 p.m. and Weekends and Holidays from 9:00 a.m. to 11:00 p.m.	RESIDENT	NON-RESIDENT
	Community Center, Lebeck Room (Minimum of 4 hours)	400.00	800.00
	Community Center, Lebeck Room – Security Deposit	500.00	500.00
	Community Center, Lebeck Room – Per Hour after 4 hours	75.00	75.00
	Community Center, Kuwatani/Scout Room (Minimum of 2 hours)	40.00	45.00
	Chautauqua Hall Facility (First 4 hours)	1,500.00	2,500.00
	Chautauqua Hall Facility – Security Deposit	500.00	500.00
	Chautauqua Hall Facility – Per Hour after 4 Hours	150.00	150.00
	Youth Center (Council approval required)	N/A	N/A
	Jewell Park (parties-per hour; support groups-per use)	15.00	15.00
	Meals On Wheels, Main Room (Minimum of 4 hours)	500.00	1,000.00
	Meals On Wheels – Security Deposit	500.00	500.00
	Meals On Wheels – Per Hour after 4 Hours	75.00	75.00
	Meals On Wheels, View Room (Minimum of 2 hours)	45.00	45.00
	Lovers Point, Berwick Park, Jewell Park Gazebo, and Elmarie Dyke Gazebo reservation fee per hour.	150.00	150.00
	Reservations		
	No verbal reservations will be accepted. Class III reservations will be made on a first-come, first-served basis at a maximum of six months and a minimum of 10 working days prior to use. Facility is not reserved until all fees have been paid and a contract has been executed. Cancellations result in loss of deposit and insurance fees. No refunds if cancelled within 10 business days of event. Park fees allow for a two-hour time block; deposit refund to be made within thirty days following event if City determines no damage resulted from usage.		
	Holiday Usage		
	Rental facilities will not be available on the following days: New Year's Eve, New Year's Day, Martin Luther King Day, President's Day, Easter Sunday, Memorial Day, Cesar Chavez Day, Independence Day, Labor Day, Admission Day, Columbus Day, Veterans' Day, Thanksgiving Day and the day following, Christmas Eve and Christmas Day.		

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

01-4670	MUNICIPAL SOFTBALL PARK RENTAL POLICY SPECIAL EVENTS	
CLASS I	<p><i>A. Recreation programs and activities directly sponsored by the Recreation Department.</i></p> <p><i>B. Recognized civic, community, or local organizations whose recreation activities are being presented in conjunction with the Recreation Department.</i></p> <p><i>C. Adult or youth activities or programs sponsored by the Pacific Grove Unified School District or activities or programs sponsored by schools within the Pacific Grove Unified School District area and run by the Associated Student Body.</i></p>	No Charge
CLASS II	<p><i>A. Community Youth Groups — Any organized youth group which is non-profit, has a majority of members who are Pacific Grove residents age 17 and under, has volunteer adult leaders or chaperones, is recreational in nature, has no membership restrictions other than age and gender, has a defined organizational structure, meets regularly, and is primarily interested in serving school-age youth of the community.</i></p> <p><i>B. Community Adult Groups — Any organized group which is non-profit, has a majority of members who are Pacific Grove residents, is recreational in nature, has no membership restrictions other than age and gender, has a defined organizational structure, and meets regularly.</i></p>	
	Field Use, Per Hour	10.00
	Field Prep.	30.00
	Lights	20.00
	Staff, Per hour	11.00
	Restrooms	35.00
	Deposit	150.00
	Concession	75.00
	Must have insurance satisfactory to City in an amount not less than \$1 million.	
CLASS III	<i>Commercial Use: Groups or organizations that are, by their nature, commercial or profit oriented.</i>	
	Field Use, Per Hour	15.00
	Field Prep.	40.00
	Lights	25.00
	Staff, Per hour	15.00
	Restrooms	35.00
	Deposit	150.00
	Concession	150.00
	Must have insurance satisfactory to City in an amount not less than \$1 million.	
CLASS IV	<p><i>A. Resident Use, Private — Any resident group or individual not meeting the requirements of another class which wishes to use the facility for private recreational activities.</i></p> <p><i>B. Non-resident groups and organizations maybe required to meet specific requirements as deemed appropriate by the Recreation Director.</i></p>	
	Field Use, Per Hour	10.00
	Field Prep.	40.00
	Lights	20.00
	Staff, Per hour	11.00

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

	Restrooms	35.00
CLASS IV	Deposit	150.00
	Concession	150.00
01-4462	Miscellaneous Recreation Fees and Charges	
	Picnic Kit Rental Fee	20.00
	Transfer Fee (transfers between classes and/or sessions)	2.00
	Refund Processing Fee	25% of refund
	Service fee for delivery and/or pickup of loaned furniture	50.00

RENTAL POLICIES

1. The Recreation Department may require appropriate deposits or extra payments for special charges incurred.
2. The Charge for Class 1A is intended to help cover City costs for building maintenance and utilities related to the activity. All use under Class 1 and 1A shall be scheduled at a time convenient to the City in order to minimize expenses. Any Class 1A group requesting to use the facilities at a time when on-duty staff is not available will be charged a rental fee of \$13.00 per hour to cover staffing and other costs. Groups in Class 1 and 1A are expected to clean facilities after use. A minimum clean-up fee of \$30.00 will be charged if facilities are not cleaned to City's satisfaction.
3. All renters of City facilities shall complete a rental application and have it on file with the Recreation Department. City facilities may not be sublet without the express authorization of City.
4. All senior citizen nutrition programs serving Pacific Grove residents are exempt from rental fees and charges.
5. The renter agrees to indemnify and hold harmless the City of Pacific Grove, its agents, employees, or any other person against loss or expense, including attorney's fees, by reason of the liability imposed by law upon the City, except in cases of the City's sole negligence, for damage because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons, or on account of damage of property are due or claim to be due to any passive negligence of the City, its employees or agents, or any other person. It is further understood and agreed that the renter shall, at the option of the City, defend the City of Pacific Grove with appropriate counsel, and shall further bear all costs and expenses, including the expense of counsel, in the defense of any suit arising hereunder.
6. Official Pacific Grove youth groups, under 18 years of age, will be allowed to use City facilities as Class I (no charge), scheduled at a time when a supervisor is on duty, with the approval of the Recreation Director and City Manager for activities on a space available basis. Examples of qualified users would be the PONY Baseball League, Pop Warner league, Girl Scouts, Boy Scouts, Cub Scouts and Brownies.
7. The City will provide liquor liability insurance to cover events held in City facilities at which alcoholic beverages are consumed. Individuals and organizations responsible for such events shall pay a prorated share of the cost for such insurance, as may be determined from time to time by the City insurance carrier.
8. If the person or organization imposes a cover charge, sells alcoholic beverages, or otherwise comes under the jurisdiction of the State Department of Alcoholic Beverage Control, the City must be provided with evidence of a valid license from the State Department of Alcoholic Beverage Control.

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

PUBLIC WORKS

ACCT. #	PUBLIC WORKS FEES	FEE
01-4445	Excavation and Inspection Services:	
	Excavation, Basic Charge (Utility Company)*	110.00
	Open Excavation, Each additional square foot over 50 square feet of surface*	2.00
	Open Excavation, Each additional foot in depth over 5 feet*	2.00
	*FEE EXCEPTIONS: Excavations performed on behalf of the City for compensation, and excavations within a development where the developer is paying for City engineering inspections.	
	Curbs/Gutters, Each additional foot over 40 lineal feet	1.00
	Sidewalks, Each additional square foot over 200 square feet	.75
	Driveway approaches and alleys, Each additional square foot over 100 square feet	1.00
	Trenching, Each additional foot of length over 75 lineal feet (up to 3 feet in width)	1.00
	Trenching, Each additional foot in depth over 5 feet	2.00
	Asphalt/Concrete paved area, Basic Charge (Up to 160 square feet)	50.00
	Asphalt/Concrete paved area, Each additional square foot in excess of 160 square feet	.75
	Inspections made outside of normal business hours (per hour with a 3-hour minimum)	105.00
	Re-inspection fees assessed under provisions of Uniform Building Code 305(g) (per hour)	70.00
	Inspections for which no fee is specifically indicated (per hour with a 1/2-hour minimum)	70.00
	Grading Plan Review — Per Tables 70A and 70B, Uniform Building Code, 1985 Edition	Variable
01-4445	Miscellaneous Services:	
	Requested Special Traffic Marking Review (per hour with a 1-hour minimum)	130.00
	Banner Installation and Removal (Downtown Street Lights) per pole	15.00
	Memorial Bench (Construction and installation included.)	550.00
	Memorial Bench maintenance (5 years)	175.00
01-4201	Tree Permit, Single Tree Removal or Trimming Only	35.00
	Tree Permit, Per Tree Removal if More Than One Tree. (In addition to single tree removal or trimming fee.)	15.00
	Arborist report for private property	200.00
01-4445	Right-of-way	
	Right-of-way (ROW), Encroachment/Revocable License (Council action necessary.)	400.00
	Right-of-way (ROW), Encroachment Permit	50.00
	Right-of-way (ROW), remodel/construction project review	50.00
01-4445	Equipment Use Charges:	
	One ton dump truck per hour	75.00
	Backhoe per hour	95.00
	Half ton truck per hour	50.00
	Trailer, 4 ft x 8 ft, per day	20.00
	Compressor per hour	45.00
	One ton truck per hour	55.00
	Grader per hour	100.00
	Loader per hour	100.00
	Five ton truck per hour	65.00
	Hydro Cleaner per hour	80.00
	Hydro Vac Cleaner per hour	85.00
	Standard size barricade, each per day (\$100 deposit required.)	3.00
	Four foot delineator, each per day (\$100 deposit required.)	4.00
	Eight foot barricade, each per day (\$100 deposit required.)	10.00

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

	18 inch traffic cone, each per day (\$100 deposit required.)	2.00
	24 inch traffic cone, each per day (\$100 deposit required.)	3.00
	Sandbags, each	1.50
	Temporary Directional Signage	2.00
	Temporary Parking Signage	1.00

**City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008**

CEMETERY

ACCT. #	EL CARMELO CEMETERY FEES	RESIDENT	NON- RESIDENT
75-4481	CEMETERY SITE SALES		
	Single Burial Site, Adult	\$2,040	\$2,550
	Single Burial Site, Child	850	1,050
	Double Garden Crypt-In Ground	3,600	4,500
	Urn Garden, Double-In Ground	1,200	1,500
	Urn Garden, Single-In Ground	780	970
	Urn Sites, Other than Urn Garden (per Urn)	800	1,000
	Columbarium Niche (1-4 urns)	3,200	4,000
	Unit 1 - Mausoleum Double Niche (1-2 urns)	2,775	3,465
	Unit 1 - Mausoleum Single Niche (1 urn)	1,400	1,750
	Unit 1 - Mausoleum Crypt	7,525	9,405
	Unit 2 - Mausoleum Niche (1-2 urns)	2,775	3,465
	Unit 2 - Mausoleum Crypt	7,525	9,405
	Unit 2- Mausoleum Double Crypt	13,755	17,195
	Unit 2- Mausoleum Memorial Garden – per urn	185	230
86-4480	ENDOWMENT CARE		
	Burial Site, Adult	660	825
	Burial Site, Child	335	415
	Double Garden Crypt	820	1,025
	Urn Garden, Double	295	370
	Urn Garden, Single	150	185
	Urn Sites, Other than Urn Garden (per Urn)	160	200
	Columbarium Niche (1-4 urns)	300	375
	Unit 1 - Mausoleum Double Niche	265	330
	Unit 1 - Mausoleum Single Niche	195	245
	Unit 1 - Mausoleum Crypt	480	600
	Unit 2 - Mausoleum Niche	265	330
	Unit 2 - Mausoleum Crypt	480	600
	Unit 2- Mausoleum Double Crypt	960	1,200
	Unit 2- Mausoleum Memorial Garden	50	65
75-4481	LABOR CHARGES		
	Open/Close Burial Site, Adult	650	815
	Open/Close Burial Site, Child	200	250
	Open/Close Double Garden Crypt	475	590
	Set or Remove In-Ground Marker	225	280
	Set or Remove In-Ground Marker with Border	320	400
	Set or Remove In-Ground Urn and Marker	320	400
	Set or Remove Urn and Marker with Border	375	470
	Set or Remove In-Ground Vase	43	54
	Set or Remove In-Ground Vase with Border	100	125
	Add border to marker after original placement	320	400
	Add border to vase after original placement	160	200
	Open Mausoleum Crypt for inurnment/removal	290	360
	Open Mausoleum Crypt for entombment	560	700
	Place Plaque on Crypt at Burial	90	115

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

ACCT. #	EL CARMELO CEMETERY FEES	RESIDENT	NON- RESIDENT
	Place Plaque on Crypt other than at Burial	380	475
	Open Underground Unit 1 Mausoleum Crypt for Burial	615	770
	Open Columbarium Niche to Place or Remove Urn	290	360
	Place Plaque on Columbarium at Burial	50	65
	Place Vase on Columbarium at Burial	50	65
	Open Columbarium Niche to Place/Remove Plaque or Vase	290	360
	Open Mausoleum Niche for Inurnment/Removal	290	360
	Place Plaque on Mausoleum Niche at Inurnment	90	115
	Place Plaque or Vase on Mausoleum Niche after Inurnment	380	475
	Open Memorial Garden Site	86	108
	Place Plaque on Memorial Garden Site	43	54
	Disinter Casket, Double Garden Crypt (lower level)	3,280	4,100
	Disinter Casket, Double Garden Crypt (upper level)	1,640	2,050
	Disinter In-Ground Casket, Child	820	1,025
	Disinter In-Ground Casket, Adult	1,640	2,050
	Disinter In-Ground Urn	270	335
	Hourly Labor Rate	Current rate	Current rate
	Overtime Hourly Rate	Current rate	Current rate
	Pall Bearers (each)	Hourly rate	Hourly rate
	Vault Handling fee	Hourly rate	Hourly rate
75-4481	DEED PROCESSING		
	Deed Fee	100	125
	Deed Transfers, Document Processing	100	125
75-4481	PRODUCTS		
	Adult Liner, Single	Current cost	Current Cost
	Liner, Double Garden Crypt (taxable portion)	750	935
	Child Liner, Single	Current cost	Current Cost
	Vault (single)	Current cost	Current Cost
	Vault (double)	Current cost	Current Cost

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

SEWER

ACCT. NO.	SEWER SERVICE CHARGES AND CONNECTION FEES	FEE
76-4471	Sewer Service Charge	200% of fee charged by MRWPCA
76-4470	Sewer Connection Fee	85% of fee charged by MRWPCA

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008

GOLF COURSE

GOLF COURSE FEES AND CHARGES	RESIDENT	NON-RESIDENT
Green Fees		
9 holes — Monday through Thursday	12.00	20.00
18 holes — Monday through Thursday	20.00	40.00
9 holes — Friday, Saturday, Sunday and Holidays (reservations after 2:00 pm)	18.00	25.00
18 holes — Friday, Saturday, Sunday and Holidays	25.00	45.00
18 holes — Twilight Rate (after 2:00 pm during Daylight Savings Time/4:00 pm on Standard Time)	15.00	20.00
18 holes — Junior Rate (17 and under) - Monday through Thursday and after 2:00 p. m. on Friday, Saturday, Sunday and Holidays	10.00	20.00
Annual Cards — Purchased on a fiscal year basis, from July 1 to June 30 No Card Play Reservations or Complimentary Play between 10:00 am-1:00 pm during Standard Time or 10:00 am-2:00 pm during Daylight Savings Time		
Annual Cards — Purchased on a fiscal year basis, valid from July 1st to June 30th No Card Play Reservations or Complimentary Play between 9:00 am-3:00 pm between June 1 st and October 31 st		
Single Player	710.00	875.00
Senior Single (Age 65 and over)	635.00	775.00
Non-resident (No Club affiliation)		2,000.00
Junior Annual (Age 17 and under)- Monday-Thursday and after 2:00 pm on Friday, Saturday, Sunday and Holidays	200.00	N/A
Junior Summer 3-month Card (Age 17 and under) Available only June through August, Mondays-Thursdays and after 2:00 pm Friday, Saturday and Sunday	75.00	N/A
Annual card play surcharge – 18-hole round	2.00	2.00
Annual card play surcharge – 9-hole round	1.00	1.00
Rentals		
Electric Cart - 9 holes	20/10 rider	20/10 rider
Electric Cart-18 holes	34/17 rider	34/17 rider
Set of Golf Clubs-9 holes	25.00	25.00
Set of Golf Clubs – 18 holes	40.00	40.00
Pull Cart-9 holes	4.00	4.00
Pull Cart- 18 holes	8.00	8.00
(4) Bag Attachment 9 or 18 holes	5.00	5.00
Annual Club Storage (Fiscal Year – July 1-June 30)	125.00	125.00

City of Pacific Grove
SCHEDULE OF FEES AND CHARGES FOR CITY SERVICES 2008
Pertinent Policies

1. Annual play cards are purchased on a fiscal year (July 1-June 30) basis. No Card Reservations or Complimentary Play between 10:00 am-3:00 pm between June 1 and October 31.
2. Cards may be used by the purchaser only. They are not transferable.
3. All fees and charges set forth herein are non-refundable.
4. Holidays shall include the following legal holidays: New Year's Day, Martin Luther King Day, Presidents Day, Cesar Chavez Day, Memorial Day, Independence Day, Labor Day, California Admission Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Eve and Christmas Day. The course is open on all holidays, weather permitting.
5. All tournaments are subject to scheduling by the City.
6. Residents are defined as those individuals whose primary residence is located within the City of Pacific Grove. Proof of residency requires a Pacific Grove address on the resident's drivers license and utility bill or voter registration indicating a physical street address (not a PO box). A minimum of two items is required.

RESOLUTION NO.

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
ESTABLISHING FEES AND CHARGES FOR CERTAIN ACTIVITIES**

**THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS
FOLLOWS:**

SECTION 1. After receiving a report of the proposed changes in fees, charges, costs, and recommended bail schedules contained in the City of Pacific Grove Master Fee Schedule, and having held a public hearing on the changes, the City Council hereby approves the changes (as revised, if appropriate, by Council direction).

SECTION 2. Approved changes that do not related to development services shall be effective July 1, 2008.

SECTION 3. Per Government Code 66017, Approved changes that relate to community development services shall be effective 60 days following final action by the City Council on the resolution.

SECTION 4. Every department is requested to reproduce, display, and distribute copies of their fee schedules as deemed appropriate.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 18nd day of June, 2008, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

DANIEL E. CORT, Mayor

ATTEST:

CHARLENE WISEMAN, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney

**Pacific Grove Long-Range Planning Projects
5-Year Plan**

[Preliminary cost estimates, which include City staff time and contract services, are shown in brackets]

FY 2008-09 [Total \$158K]

- Adopt Historic Preservation Ordinance update *[\$17K]*
- Adopt Zoning Ordinance clean-up and restructuring *[\$28K]*
- Adopt ADA Plan update *[\$15K]*
- Begin implementing programs for historic preservation *[\$17K]*
- Adopt Housing Element update *[\$59K]*
- Adopt General Plan amendments re flood management *[\$10K]*
- Begin LCP Land Use Plan update and Coastal Implementing Regulations *[\$12K]*

FY 2009-10 [Total \$161K]

- Adopt implementing programs for historic preservation *[\$32K]*
- Adopt LCP Land Use Plan update and Coastal Implementing Regulations *[\$70K]*
- Begin comprehensive General Plan update and associated EIR *[\$59K]*

FY 2010-11 [Total \$153K]

- Hold public review process and adopt comprehensive General Plan update and EIR *[\$153K]*

FY 2011-12 [Total \$130K]

- Begin Municipal Code amendments to implement General Plan update *[\$29K]*
- Begin implementing plans/programs for LCP and General Plan updates *[\$101K]*

FY 2012-13 [Total \$145K]

- Adopt Municipal Code amendments to implement General Plan update *[\$44K]*
- Adopt implementing plans/programs for LCP and General Plan updates *[\$101K]*

Plan to supplement General Fund support for work with long-range planning fee:

	FY 08/09	FY 09/10	FY 10/11	FY 11/12	FY 12/13	5-year total
Cost of work	158,000	161,000	153,000	130,000	145,000	747,000
Fee revenue	105,000	105,000	110,250	110,250	110,250	540,750
% of work paid by fee	66.5%	65.2%	72.1%	84.8%	76.0%	72.4%

Pacific Grove Guidelines for Historic Assessments

March 24, 2008

Overview

A historic assessment is a survey and evaluation that is used to determine the significance of a building, site, object or structure. The survey contains a description of the building, site, object or structure as well as information about its historical background and surrounding area.

The Pacific Grove Community Development Department will require an applicant to hire a qualified historic consultant to prepare a Phase One Assessment when a project has the potential to affect a building, site, object or structure that is 50 years of age or older. The assessment will determine if a resource is historic by using criteria from the National Register of Historic Places, the California Register of Historic Resources and Pacific Grove's Historic Preservation Ordinance (Municipal Code Chapter 23.76). If it is determined that a resource is eligible for listing under one or more of the above sources, then a Phase Two Assessment is triggered.

A Phase Two Assessment, prepared by a qualified historic consultant, provides a more detailed evaluation of the resource and examines how a project will affect its significance. In addition, a Phase Two Assessment should provide potential mitigation measures for consideration by the City to reduce impacts to a level of insignificance, if possible, or a clear statement that the proposal will cause a significant impact to the resource which cannot be mitigated to a level of insignificance.

If a property is listed or has been determined eligible for listing on the National or California Registers or is listed on the Pacific Grove Historic Resource Inventory, a Phase Two Assessment is automatically required.

Uses of a Phase Two Historic Assessment

The Community Development Department will use any required Phase Two Assessment as a resource to complete an Initial Study (IS) to determine whether a project will have a significant affect on a historic resource as required by the California Environmental Quality Act (CEQA), Government Code Section 15300.2(f). A project will have a significant affect on a historic resource if it demolishes, or substantially alters a resource listed or eligible for listing on the National Register, California Register or Pacific Grove Historic Resource Inventory.

If a project will not have a significant affect on the environment, the Community Development Department will prepare a Negative Declaration for consideration and approval by the appropriate hearing body. If a project will have a significant affect on the environment, mitigation measures may be implemented to reduce the impacts to the resource to a level that is considered less than significant. The Community Development Department will then prepare a Mitigated Negative Declaration for consideration and approval by the appropriate hearing body. In the event that impacts are so great that mitigation measures cannot be implemented to reduce the impact to a

less than significant level, the Community Development Department will require the preparation of an Environmental Impact Report (EIR).

Qualified Historic Consultants

The Community Development Department (CDD) maintains a list of qualified historic consultants. This list is available at CDD or by calling 831-648-3190.

General Requirements

Phase One Assessment

An applicant must submit (3) administrative draft copies of a Phase One Historic Assessment to the Community Development Department (CDD). Submission requirements vary based on the consultant's findings as follows:

- Not Significant - submit a letter stating why the property is not historic, citing local, state and federal criteria to support the finding.
- Significant w/o Integrity – submit a completed DPR 523a and DPR 523b (Primary Record and Building, Structure, Object Record) with a cover letter that addresses the 7 specific aspects of integrity and which of the seven have been lost and why.
- Significant – submit a completed DPR 523a and DPR 523b (Primary Record and Building, Structure, Object Record) with a cover letter stating at what level (local, state or national) the resource is significant and the applicable criteria. On DPR 523b, section B10, address integrity and list the character defining features of the resource.

Phase Two Assessment

An applicant must submit three (3) administrative draft copies of a Phase Two Historic Assessment to CDD. The assessment should be written in a narrative tone. It must be checked for typographical errors and proof-read for syntax. All material facts, such as the date of construction, must contain references to sources of information. The assessment must contain subheadings and page numbers for clarity and organization. Maps, photographs and figures should be labeled and integrated with the text of the assessment or assembled in an appendix. CDD staff will review the administrative draft copies and forward comments to the consultant. The consultant must address the Department's comments before the historic assessment will be accepted and used for environmental review.

Format Requirements

A Phase Two Historic Assessment prepared for Pacific Grove must conform to the following format:

A. Title Page

A title page is required that contains the (1) name and address of the property, (2) the name and address of the applicant, (3) the name and address of the consultant and (4) the completion date of the report.

B. Table of Contents

A table of contents is required that indicates the page numbers of each of the items from Section C through I below.

C. Introduction

The introduction should include, but not be limited to, the (1) name of property owner and applicant, (2) address of proposed project, (3) Assessor's Parcel Number(s) of the property, (4) description of the proposed project, (5) current use of the property, (6) names of the firm, principal and staff preparing the assessment and each of their professional qualifications, (7) beginning and completion dates of the assessment, (8) description of the research procedures used to prepare the assessment, and (9) current listing of the property on the National Register, California Register or Pacific Grove Historic Resource Inventory.

D. Historical Background

The historical background should contain, but not be limited to, the (1) location map of the property drawn to scale with a north arrow, (2) historical context of the study area, and (3) historical development of the property including facts concerning ownership, subdivision, construction dates, occupants and uses of the property, (4) identify the period of significance. The assessment should concisely describe the historical background of the resource from the Spanish Period (1777-1822) to the present. Omission of facts during major periods is not acceptable.

E. Description of the Historic Resource

The description of the historic resource should concisely describe (1) the physical appearance and condition of the buildings, structures, objects and natural features on the subject site, and (2) the architectural style and character defining features of the exterior of the historic resource. Photographs of each facade of the resources are required.

F. Evaluation for Significance

The evaluation for significance must include completed historic evaluations using the following criteria:

- (1) National Register of Historic Places
- (2) California Register of Historic Resources
- (3) Pacific Grove Historic Resource Inventory

For each set of criteria, the assessment should analyze the historic background and description of the resource to determine if it qualifies for listing on any of the above. In addition, the assessment must evaluate the resource's potential to contribute to a district comprised of similar resources in the area. A district is composed of a significant concentration of sites or buildings conveying a visual sense of the overall historic environment or an arrangement of historically or functionally related properties. Conclusions should be based on an objective analysis of the information presented in the assessment.

G. Impacts of the Proposed Project

The impacts of the proposed project should describe how the project would affect the historic resource. It should contain a (1) project description, (2) site plan and floor plans, and (3) an analysis of the affects of the proposed project on the historic resource. If the resource is part of a district, the analysis should also discuss impacts to other contributing properties in the district.

H. Mitigation

Mitigation should include feasible measures that would either avoid or reduce the affects of the proposed project. Mitigation may include, but is not limited to, use of (1) the Secretary of the Interior's Standards and Guidelines for Rehabilitating Historic Structures, (2) the State Historic Building Code, (3) project alternatives, (4) documentation using the Historic American Building Survey (HABS) or alternative standards, (5) an educational exhibit for public use, (6) salvage of building elements, and (7) relocation of the structure.

I. Appendices

The appendices must contain (1) bibliography of the literature cited and persons consulted, (2) documents related to the history of the subject property such as historic photos, articles, letters and diagrams, and (3) completed State Historic Resources Evaluation Forms (DPR 523a & b). If the property is listed on the Pacific Grove Historic Resource Inventory and no DPR 523a & b forms were prepared as part of that listing, the documentation used to list the property will suffice.

**California Office of Historic Preservation
Technical Assistance Series #4**

**California Register of Historical Resources
Questions and Answers for Local Governments**

What is the relationship between the California Register and the California Environmental Quality Act (CEQA) and how does it affect how local governments implement CEQA?

The California Register serves as an authoritative guide to resources that are to be considered when there is a discretionary action subject to CEQA. However, simply because a resource is not currently listed in the California Register does not mean that it is not an historical resource and is not subject to CEQA environmental review.

Any resource that is eligible for listing in the California Register is considered significant for purposes of CEQA. Therefore, the lead agency on a project must determine not only if the resource is listed, but also if it is eligible for listing. Unlike the process for determining eligibility under Section 106 of the National Historic Preservation Act, the State Office of Historic Preservation has no authority to make consensus determinations for the California Register for purposes of CEQA. The evaluation of resources for eligibility is solely the responsibility of the lead agency.

Properties that are designated under a local ordinance are presumed to be eligible for the California Register unless there is a preponderance of evidence to the contrary. Additionally, resources identified as significant in an adopted local survey have this same presumption of significance.

In making an evaluation of a resource's significance, it is recommended that lead agencies consult the implementing regulations for the California Register (CCR, Title 14, Chapter 11.5, Section 4852) and *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation* (the California Register criteria mirror those for the National Register and this publication very thoroughly and thoughtfully covers the evaluation process).

The Office of Historic Preservation has created a handout on CEQA and Historical Resources. Additionally, two technical bulletins, *CEQA and Historical Resources* and *CEQA and Archeological Resources*, provide assistance to local governments in evaluating historical resources and project impacts. These publications can be accessed on the Internet at <http://ceres.ca.gov/ceqa>.

Please understand that the California Register does not make any resource subject to CEQA that wasn't previously considered significant. This new program, rather, is a tool to help local governments gain a clearer understanding of what is subject to CEQA and therefore have surety and consistency in their CEQA implementation processes.

Does the State Historical Building Code apply to resources listed in the California Register?

Yes, all resources listed in the California Register are qualified historical resources for purposes of the State Historical Building Code (SHBC), and projects must be allowed to utilize the alternatives offered in the SHBC. For more information about the SHBC, please contact the State Historical Building Safety Board at (916) 445-7627.

Are local governments involved in the nomination of resources to the California Register?

If the applicant nominating a resource to the California Register is not the local government, the applicant must notify the clerk of the local government with land use authority over the resource by certified mail that a nomination will be filed with the Office of Historic Preservation (OHP) and request that the local government join in the nomination and/or provide comments.

This notification must include a copy of the nomination. The local government is given ninety days to comment, and its comments must be included with the nomination when it is sent to OHP. Comments from the local government are to be given full and careful consideration at the time the nomination is heard by the State Historical Resources Commission (SHRC). If a local government objects to a nomination during its comment period, the SHRC can still list the resource but must issue findings that identify the historical or cultural significance of the resource and explain why the resource was listed over the objections of the local government.

Local governments should consider proactively giving direction to their clerks, indicating to whom nominations should be sent for comment, such as a local landmarks commission, city council or county board of supervisors.

Can local governments nominate resources to the California Register?

Yes, local governments can nominate any individual resource, historic district, survey or local landmark ordinance to the California Register. For more information about nominations, please call the Office of Historic Preservation to request a nomination packet.

How can we obtain a listing of California Register resources in our city or county?

Certified Local Governments in California will receive semiannual updates to their listings. All other local governments can receive a one-time listing from the OHP and thereafter should contact the Information Centers for future listings. A list of Information Centers is located in the *Instructions for Recording Historical Resources*, can be requested from OHP at the address below or can be obtained at <http://ohp.cal-parks.ca.gov>.

Where should I look for updates on the implementation of the California Register program?

Updates about the California Register will be posted on OHP's website at <http://ohp.cal-parks.ca.gov>.

Who can I contact for more information?

Contact the Information Center that serves your county or the State Office of Historic Preservation, Department of Parks and Recreation, PO Box 942896, Sacramento CA 94296-0001, voice: (916) 653-6624, fax: (916) 653-9824, email: mnels@ohp.parks.ca.gov.

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896

SACRAMENTO, CA 94296-0001

(916) 653-6624 Fax: (916) 653-9824

calshpo@ohp.parks.ca.gov

**California Office of Historic Preservation
Technical Assistance Series #1****California Environmental Quality Act (CEQA) and Historical
Resources****Introduction**

The California Environmental Quality Act (CEQA – pronounced see' kwa) is the principal statute mandating environmental assessment of projects in California. The purpose of CEQA is to evaluate whether a proposed project may have an adverse effect on the environment and, if so, if that effect can be reduced or eliminated by pursuing an alternative course of action or through mitigation. CEQA is part of the Public Resources Code (PRC), Sections 21000 et seq.

The CEQA Guidelines are the regulations that govern the implementation of CEQA. The CEQA Guidelines are codified in the California Code of Regulations (CCR), Title 14, Chapter 3, Sections 15000 et seq. and are binding on state and local public agencies.

The basic goal of CEQA is to develop and maintain a high-quality environment now and in the future, while the specific goals of CEQA are for California's public agencies to:

1. Identify the significant environmental effects of their actions; and, either
2. Avoid those significant environmental effects, where feasible; or
3. Mitigate those significant environmental effects, where feasible.

CEQA applies to "projects" proposed to be undertaken or requiring approval by state and local public agencies. "Projects" are activities which have the potential to have a physical impact on the environment and may include the enactment of zoning ordinances, the issuance of conditional use permits and variances and the approval of tentative subdivision maps.

Where a project requires approvals from more than one public agency, CEQA requires ones of these public agencies to serve as the "lead agency."

A "lead agency" must complete the environmental review process required by CEQA. The most basic steps of the environmental review process are:

1. Determine if the activity is a "project" subject to CEQA;
2. Determine if the "project" is exempt from CEQA;

3. Perform an Initial Study to identify the environmental impacts of the project and determine whether the identified impacts are "significant". Based on its findings of "significance", the lead agency prepares one of the following environmental review documents:
 - Negative Declaration if it finds no "significant" impacts;
 - Mitigated Negative Declaration if it finds "significant" impacts but revises the project to avoid or mitigate those significant impacts;
 - Environmental Impact Report (EIR) if it finds "significant" impacts.

The purpose of an EIR is to provide State and local agencies and the general public with detailed information on the potentially significant environmental effects that a proposed project is likely to have, to list ways that the significant environmental effects may be minimized and to indicate alternatives to the project.

Throughout this handout you will find references to various sections of the California Public Resources Code and the Code of Regulations. The various State statutes and regulations can all be accessed on-line at the following websites:

Statutes - <http://www.leginfo.ca.gov/calaw.html>

Regulations - <http://ccr.oal.ca.gov/>

This handout is intended to merely illustrate the process outlined in CEQA statute and guidelines relative to historical and cultural resources. These materials on CEQA and other laws are offered by the State Office of Historic Preservation for informational purposes only. This information does not have the force of law or regulation. This handout should not be cited in legal briefs as the authority for any proposition. In the case of discrepancies between the information provided in this handout and the CEQA statute or guidelines, the language of the CEQA statute and Guidelines (PRC § 21000 et seq. and 14 CCR § 15000 et seq.) is controlling. Information contained in this handout does not offer nor constitute legal advice. You should contact an attorney for technical guidance on current legal requirements.

Questions and Answers

When does CEQA apply?

Resources listed in, or determined to be eligible for listing in, the California Register are resources that must be given consideration in the CEQA process.

All projects undertaken by a public agency are subject to CEQA. This includes projects undertaken by any state or local agency, any special district (e.g., a school district), and any public college or university.

CEQA applies to discretionary projects undertaken by private parties. A discretionary project is one that requires the exercise of judgement or deliberation by a public agency in determining whether the project will be approved, or if a permit will be issued. Some common discretionary decisions include placing conditions on the issuance of a permit, delaying demolition to explore alternatives, or reviewing the design of a proposed project. Aside from decisions pertaining to a project that will have a direct physical impact on the environment, CEQA also applies to decisions that could lead to indirect impacts, such as making changes to local codes, policies, and general and specific plans. Judgement or deliberation may be exercised by the staff of a permitting agency or by a board, commission, or elected body.

CEQA does not apply to ministerial projects. A ministerial project is one that requires only conformance with a fixed standard or objective measurement and requires little or no personal judgment by a public official as to the wisdom or manner of carrying out the project. Generally ministerial permits require a public official to determine only that the project conforms with applicable zoning and building code requirements and that applicable fees have been paid. Some examples of projects that are generally ministerial include roof replacements, interior alterations to residences, and landscaping changes.

For questions about what types of projects are discretionary and ministerial within your community, you must contact your local government; usually the local Planning Department handles such issues.

What is the California Register and what does it have to do with CEQA?

Historical resources are recognized as part of the environment under CEQA (PRC § 21002(b), 21083.2, and 21084.1). The California Register is an authoritative guide to the state's historical resources and to which properties are considered significant for purposes of CEQA.

The California Register includes resources listed in or formally determined eligible for listing in the National Register of Historic Places, as well as some California State Landmarks and Points of Historical Interest. Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the California Register and are presumed to be significant resources for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC § 5024.1, 14 CCR § 4850).

The California Register statute (PRC § 5024.1) and regulations (14 CCR § 4850 et seq.) require that at the time a local jurisdiction *nominates* an historic resources survey for listing in the California Register, the survey must be updated if it is more than five years old. This is to ensure that a *nominated survey* is as accurate as possible at the time it is listed in the California Register. However, this does not mean that resources identified in a survey that is more than five years old need not be considered “historical resources” for purposes of CEQA. Unless a resource listed in a survey has been demolished, lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource to be potentially eligible for the California Register.

However, a resource does not need to have been identified previously either through listing or survey to be considered significant under CEQA. In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the California Register criteria prior to making a finding as to a proposed project’s impacts to historical resources (PRC § 21084.1, 14 CCR § 15064.5(3)).

Are archeological sites part of the California Register?

An archeological site may be considered an historical resource if it is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California (PRC § 5020.1(j)) or if it meets the criteria for listing on the California Register (14 CCR § 4850).

CEQA provides somewhat conflicting direction regarding the evaluation and treatment of archeological sites. The most recent amendments to the CEQA Guidelines try to resolve this ambiguity by directing that lead agencies should first evaluate an archeological site to determine if it meets the criteria for listing in the California Register. If an archeological site is an historical resource (i.e., listed or eligible for listing in the California Register) potential adverse impacts to it must be considered, just as for any other historical resource (PRC § 21084.1 and 21083.2(l)).

If an archeological site is not an historical resource, but meets the definition of a “unique archeological resource” as defined in PRC § 21083.2, then it should be treated in accordance with the provisions of that section.

What is “substantial adverse change” to an historical resource?

Substantial adverse change includes demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired (PRC § 5020.1(q)).

While demolition and destruction are fairly obvious significant impacts, it is more difficult to assess when change, alteration, or relocation crosses the threshold of substantial adverse change. The CEQA Guidelines provide that a project that demolishes or alters those physical characteristics of an historical resource that convey its historical significance (i.e., its character-defining features) can be considered to materially impair the resource’s significance.

How can “substantial adverse change” be avoided or mitigated?

A project that has been determined to conform with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties* can generally be considered to be a project that will not cause a significant impact (14 CCR § 15126.4(b)(1)). In fact, in most cases if a project meets the *Secretary of Interior’s Standards for the Treatment of Historic Properties* it can be considered categorically exempt from CEQA (14 CCR § 15331).

Mitigation of significant impacts must lessen or eliminate the physical impact that the project will have on the historical resource. This is often accomplished through redesign of a project to eliminate objectionable or damaging aspects of the project (e.g., retaining rather than removing a character-defining feature, reducing the size or massing of a proposed addition, or relocating a structure outside the boundaries of an archeological site).

Relocation of an historical resource may constitute an adverse impact to the resource. However, in situations where relocation is the only feasible alternative to demolition, relocation may mitigate below a level of significance provided that the new location is compatible with the original character and use of the historical resource and the resource retains its eligibility for listing on the California Register (14 CCR § 4852(d)(1)).

In most cases the use of drawings, photographs, and/or displays does not mitigate the physical impact on the environment caused by demolition or destruction of an historical resource (14 CCR § 15126.4(b)). However, CEQA requires that all feasible mitigation be undertaken even if it does not mitigate below a level of significance. In this context, recordation serves a legitimate archival purpose. The level of documentation required as a mitigation should be proportionate with the level of significance of the resource.

Avoidance and preservation in place are the preferable forms of mitigation for archeological sites. When avoidance is infeasible, a data recovery plan should be prepared which adequately provides for recovering scientifically consequential information from the site. Studies and reports resulting from excavations must be deposited with the California Historical Resources Regional Information Center (see list in Appendix G).

Merely recovering artifacts and storing them does not mitigate impacts below a level of significance.

What are “exemptions” under CEQA and how are they used?

There are basically two types of exemptions under CEQA: statutory and categorical. Statutory exemptions are projects specifically excluded from CEQA consideration as defined by the State Legislature. These exemptions are delineated in PRC § 21080 et seq. A statutory exemption applies to any given project that falls under its definition, regardless of the project’s potential impacts to the environment. However, it is important to note that any CEQA exemption applies only to CEQA and not, of course, to any other state, local or federal laws that may be applicable to a proposed project.

Categorical exemptions operate very differently from statutory exemptions. Categorical exemptions are made up of classes of projects that generally are considered not to have potential impacts on the environment. Categorical exemptions are identified by the State Resources Agency and are defined in the CEQA Guidelines (14 CCR § 15300-15331). Unlike statutory exemptions, categorical exemptions are not allowed to be used for projects that may cause a substantial adverse change in the significance of an historical resource (14 CCR § 15300.2(f)). Therefore, lead agencies must first determine if the project has the potential to impact historical resources and if those impacts could be adverse prior to determining if a categorical exemption may be utilized for any given project.

If it is determined that a statutory or categorical exemption could be used for a project, the lead agency may produce a notice of exemption, but is not required to do so. If a member of the public feels that a categorical exemption is being improperly used because the project could have a significant adverse impact on historical resources, it is very important that any appeals be requested and comments be filed making the case for the exemption’s impropriety. If a notice of exemption is filed, a 35-day statute of limitations will begin on the day the project is approved. If a notice is not filed, a 180-day statute of limitations will apply. As a result, lead agencies are encouraged to file notices of exemption to limit the possibility of legal challenge.

What are local CEQA Guidelines?

Public agencies are required to adopt implementing procedures for administering their responsibilities under CEQA. These procedures include provisions on how the agency will process environmental documents and provide for adequate comment, time periods for review, and lists of permits that are ministerial actions and projects that are considered categorically exempt. Agency procedures should be updated within 120 days after the CEQA Guidelines are revised. The most recent amendments to the CEQA Guidelines occurred in November 1998 and included specific consideration of historical resources. An agency’s adopted procedures are a public document (14 CCR § 15022).

Additionally, local governments will often produce materials for distribution to the public explaining the local CEQA process. The OHP strongly recommends the creation of such documents to further aid the public in understanding how CEQA is implemented within each local government's jurisdiction. Often a local historic preservation ordinance will also come into play in that process. In such instances, the OHP further recommends that the local ordinance procedures be explained in a straightforward public document. The materials distributed by the City of San Diego are included in this booklet in Appendix H as an example.

Who ensures CEQA is being followed properly?

In a way, the people of California bear this responsibility. But, ultimately, it is the judicial system that ensures public agencies are fulfilling their obligations under CEQA. There is no CEQA "police" agency as many members of the public mistakenly assume. Rather it is any individual or organization's right to pursue litigation against a public agency that is believed to have violated its CEQA responsibilities.

Although the OHP can, and often does, comment on documents prepared for CEQA purposes (or the lack thereof), it is important that the public be aware that such comments are merely advisory and do not carry the force of law. Comments from state agencies and other organizations with proven professional qualifications and experience in a given subject can, however, provide valuable assistance to decision-makers as well as provide substantive arguments for consideration by a judge during CEQA litigation.

How should a citizen approach advocating for historical resources under CEQA?

1. Familiarize yourself with CEQA. CEQA is a complex environmental consideration law, but the basics of it can be mastered with some concerted education. There is a large amount of information available on the subject of CEQA. Please refer to the following section of this publication for some suggested information sources. Additionally, contact your local government and request a copy of their local CEQA guidelines as well as any public informational handouts they may have available.

Finally, familiarize yourself with the local codes related to historical resources. Find out if there is a local historic preservation ordinance that would serve to provide protection for the historical resource in question. If so, find out how the review process under that ordinance works. Research ways you can make your opinion heard through that process as well as the general CEQA environmental review process. Usually local ordinances will allow for greater protection for historical resources than CEQA's requirement of consideration. Therefore this is a very important step.

It cannot be emphasized enough the importance of educating yourself prior to an actual preservation emergency arising. CEQA puts in place very strict time controls on comment periods and statutes of limitations on litigation. These controls do not allow

much time to learn CEQA in the heat of an impending project. It is far, far better to have at least a cursory understanding of CEQA and local codes related to historical resources well in advance of having to take on a preservation advocacy battle.

2. If and when there is an “action” or a “project” that would invoke CEQA, you should contact the local government undertaking the action. First rule, don’t give up if you get shuffled from person to person. Stick with it. Ultimately, you want to get to the person in charge of the project (usually that’s a planner in the Planning Department, but it might also be someone with Parks and Recreation, Public Works, Building and Safety, etc.). When you get to the right person, ask where they are in terms of CEQA compliance (using an exemption, preparing initial study or preparing CEQA document).

If the lead agency is using an exemption, ask if they have filed or intend to file a notice of exemption. If so, obtain a copy of it and move to step 3. If not, and you question the use of the exemption, investigate how you go about requesting an appeal of the decision and do so. Additionally, contact OHP to discuss submitting written comments. See step 4 for further information on ensuring your right to initiate litigation.

Once the initial study is finished, the lead agency should know what type of CEQA document they’re going to prepare (negative declaration, mitigated negative declaration, or environmental impact report). If the document has already been prepared, ask to have a copy mailed to you or ask where you can pick up a copy. If the document has not been prepared yet, ask to be placed on mailing list to receive a copy when it’s done. If they don’t keep a mailing list, then you need to keep an eye on the public postings board (usually at the Clerk’s office) for when it does come out and then get a copy (some local governments also post on the internet, so you don’t have to go in person or call in every week).

If the local government says they didn’t do a CEQA document, ask why. Then call OHP to discuss where to go from there.

If the local government says that they prepared a CEQA document but the comment period on it is closed then there may not be much you can do (see litigation information in step 4); still, ask to have a copy of it sent to you. Then call OHP to discuss how best to proceed.

3. When you get a copy of the document, read it and call OHP to discuss. Then prepare your comments (don’t dally, comment periods are usually for 45 days, but are sometimes only 30 days). Also, contact OHP as soon as possible to inform us when a document has come out so we can get a copy and comment on it as well. OHP does its best to respond to all citizens’ requests for comments on CEQA documents. However, we cannot guarantee that we will be able to comment on a document with only a few days notice. Therefore, contacting us as soon as possible at the beginning of a comment period on a document, or, even better, prior to the release of the document, will help ensure that we are able to provide substantive written comments within the allotted time period.

4. Submit your comments and attend public hearings. Make sure all your concerns are on record (if the decision does go to litigation, the only thing the judge will be looking at is what's in the public record). Appeal any decision that doesn't go your way (you must exhaust all administrative remedies or your lawsuit—if it comes to that—won't be heard). Even if you do not intend to or want to initiate litigation, don't let the local government know that. You need to appear ready to take the matter to court, because often that's the only thing that will get their attention. If you know in advance that litigation will probably result, you should strongly consider hiring an attorney as early in the process as possible. An attorney will probably be able to provide much stronger arguments in commenting on the adequacy of a CEQA document than you as a member of the public would, and he or she can help ensure that your right to initiate litigation is protected.
5. Often you will find that CEQA doesn't provide you with a mechanism to protect a particular historical resource. This may be the case for a number of reasons, including that the project is private and ministerial (i.e., involves no discretion on the part of a public agency), is subject to a statutory exemption, or has been approved as a result of CEQA documents already having been prepared and circulated prior to your learning of the project. In these instances, you may find that a public relations campaign is your only recourse. In such situations, do not give up hope. There are many examples of citizens utilizing such means as the media, informational mailings and meetings, and dialogue with project developers to halt or alter a project even in the absence of legal remedies. This is an especially useful course of action when the proposed project involves a business that needs to build or retain a positive image in the minds of citizens in the local community in order to succeed.

What information is useful to have on hand when contacting OHP about a CEQA project?

Information about the project:

- Where is the project located? City, county, street address.
- Is there a project name? Often having the project name will make it easier for OHP to find out more information about the project when we contact the lead agency.
- What does the project propose to do? Demolish, alter, relocate an historical resource? Build housing, commercial offices, retail?

Information about the historic property (or properties) potentially impacted:

- Where is the property located? City, county, and a street address
- What is its name? If the property has an historic name, or even what it is generally known as in the local community, it may be easier for us to locate information on it.
- What do you know about the property? Why do you think it's significant?

Lead agency contact information:

- Who is the lead agency for the project? That is, who is undertaking the project (if it's a public project) or permitting it (if it's a private project)? Ideally this should include both

the name of the public agency as well as the department or division handling the project.

- Can you obtain a specific contact person's name? Do you have a phone number and/or email address for him or her?

Information on the development of the CEQA process thus far:

- What has the lead agency told you about the environmental review process so far?
- Do they know what type of CEQA document they're going to prepare?
- Have they already prepared one, and, if so, what is the public comment period on it?

Please refer to Appendix A for a sample form you can use to collect this information.

CEQA Information sources

CEQA Statute and Guidelines

California Resources Agency

The CEQA Statutes and Guidelines with Office of Planning and Research (OPR) commentary are available to download in Adobe Acrobat (PDF) format at the California Environmental Resources Evaluation System (CERES) website at <http://ceres.ca.gov/ceqa>. The Secretary of the Interior's Standards for Historic Preservation are also available at this website.

Governor's Office of Planning and Research

Statutes and Guidelines with OPR Commentary (Sacramento: State Printing Office, June 1995).

Available through State Department of General Services, Publications Section PO Box 1015, North Highlands CA 95660. Orders should include title, stock number (7540-931-1022-0), number of copies, and remittance (\$18.00 per copy, includes UPS delivery). Make checks payable to State of California. No phone orders accepted.

Consulting Engineers and Land Surveyors of California (CELSOC)

California Environmental Quality Act/CEQA Guidelines

This handy pocket edition is updated annually. Cost is \$6.50 for CELSOC members, \$9.50 for public agencies, and \$19.50 for non-members. Shipping is an additional \$3.00 and California residents must include sales tax at 7.25%. Available through CELSOC, 1303 J St, Ste 370, Sacramento CA 95814, phone: (916) 441-7991, fax: (916) 441-6312, email: staff@celsoc.org, website: <http://www.celsoc.org>.

State Office of Historic Preservation

California State Law and Historic Preservation: Statutes, Regulations and Administrative Policies Regarding Historic Preservation and Protection of Cultural and Historical Resources, 1999.

This complete compilation of all state codes, regulations and executive orders pertaining to historic preservation is available at no cost through the State Office of Historic Preservation, PO Box 942896, Sacramento CA 94296-0001, phone: (916) 653-6624, fax: (916) 653-9824, email: calshpo@ohp.parks.ca.gov. It can be found on the internet at <http://ohp.parks.ca.gov/>.

Technical Assistance Publications and General Information

Governor's Office of Planning and Research

CEQA and Historical Resources

CEQA and Archaeological Resources

Circulation and Notice under CEQA

Thresholds of Significance: Criteria for Defining Environmental Significance

This useful series of publications provides assistance in interpreting the CEQA statutes, guidelines and case law. It is available at no cost at <http://ceres.ca.gov/ceqa> or through the State Office of Historic Preservation (first two publications only) at the address and contact information above.

Solano Press

CEQA Deskbook: A Step-by-Step Guide on How to Comply with the California Environmental Quality Act, Ronald Bass, Albert Herson, and Kenneth Bogdan (Point Arena: Solano Press Books).

A very handy guide, which is updated annually, to preparing and evaluating CEQA documents and understanding the CEQA process. Available through Solano Press Books, PO Box 773, Point Arena CA 95468, phone: (800) 931-9373, fax: (707) 884-4109, email: spbooks@solano.com, website: <http://www.solano.com>.

California Preservation Foundation

The Preservationist's Guide to the California Environmental Quality Act, Jack Rubens and Bill Delvac (Oakland: California Preservation Foundation, 1993).

The Guide is a step-by-step tour of CEQA requirements, useful case law and appropriate strategies you might use in your community. [Updated and expanded after the 1993 Annual Statewide Conference in Long Beach.] \$14. Available through the California Preservation Foundation, 1611 Telegraph Avenue, Suite 820, Oakland CA 94612, phone (510)763-0972, fax (510) 763-4724, email: cpf_office@californiapreservation.org, website: <http://www.californiapreservation.org>.

Recent Case Law and CEQA Issues

Solano Press

Guide to the California Environmental Quality Act, Michael Remy, Tina Thomas, et al. (Point Arena: Solano Press Books).

This publication is updated annually and provides general information as well as analysis of CEQA case law. Available through Solano Press Books at the address and contact information above.

California Resources Agency

The CERES website at <http://ceres.ca.gov/ceqa> provides copies of recent CEQA decisions, 1995-1998.

Historic Preservation Advocacy

National Trust for Historic Preservation (NTHP)

A Layperson's Guide to Preservation Law: Federal, State, and Local Laws Governing Historic Resources

A look at the various laws and regulations that protect historic resources, as well as laws governing nonprofit organizations and museum properties.

Non-member \$10.00 / NTHP member \$9.00 / NT Forum \$7.50

Organizing for Change

Five in-depth case studies on how citizens worked through the political process to change preservation planning decisions.

Non-member \$6.00 / NTHP member \$5.40 / NT Forum \$4.50

Rescuing Historic Resources: How to Respond to a Preservation Emergency

The steps to take when faced with a preservation crisis.

Non-member \$6.00 / NTHP member \$5.40 / NT Forum \$4.50

The above titles represent only a few of the many publications the National Trust has available in its series of Historic Preservation Information Booklets. Each of these publications as well as other books, videos, and journals can be purchased through the National Trust's website at <http://www.nthp.org> or by calling (202) 588-6189.

California Preservation Foundation

A Preservationist's Guide to the Development Process, edited by William F. Delvac, Christy McAvoy and Elizabeth Morton (Oakland: California Preservation Foundation, 1992).

This guide is based on CPF's popular 1992 workshop series. Chapters by statewide experts provide valuable overviews of the development process, real estate economics, tax credits, easements, property tax incentives, the State Historical Building Code, CEQA and more. \$12

Avoiding the Bite: Strategies for Adopting and Retaining Local Preservation Programs, edited by Lisa Foster (Oakland: California Preservation Foundation, 1994).

This book contains presentations made during CPF's 1994 workshops on preservation commissions. Includes sections on making allies in City Hall and with Redevelopment staff, maintaining programs in times of budget cuts, building public and political support for local preservation programs, and creating an adoptable ordinance. \$12

Both publications, as well as many others dealing with other preservation subjects, are available through the California Preservation Foundation, 1611 Telegraph Avenue, Suite 820, Oakland CA 94612, phone (510)763-0972, fax (510) 763-4724, email: cpf_office@californiapreservation.org, website: <http://www.californiapreservation.org>.

Appendix A: Form for Collection of Information about a Project

The form that follows on the next page is intended to allow you to collect and have readily available pertinent information about a project both for your own personal use as well as for instances when you choose to contact OHP. Although it can readily be argued that collecting even more information is often useful, the attempt herein was to create an easily readable one-page form that can be quickly referenced for particularly pertinent information about a project.

Project Information

Project Name	
City/County Address (if applicable)	
Project Description	

Historical Resources Information

Name of Property	
Street Address	
City/County	
Property Description/ Significance	

Lead Agency Information

Lead Agency	
Contact Person	
Phone/Fax Email	
Mailing Address	
Other Agencies Involved (if applicable)	

CEQA Process

Document Type	
Comment Period	
Notes on Process	

General Notes

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Appendix B: State Codes and Regulations Related to CEQA and Historical Resources

California Public Resources Code

21083.2. Archeological Resources.

(a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.

(b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

- (1) Planning construction to avoid archaeological sites.
- (2) Deeding archaeological sites into permanent conservation easements.
- (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
- (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.

(c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision. The project applicant shall provide a guarantee to the lead agency to pay one-half the estimated cost of mitigating the significant effects of the project on unique archaeological resources. In determining payment, the lead agency shall give due consideration to the in-kind value of project design or expenditures that are intended to permit any or all archaeological resources or California Native American culturally significant sites to be preserved in place or left in an undisturbed state. When a final decision is made to carry out or approve the project, the lead agency shall, if necessary, reduce the specified mitigation measures to those which can be funded with the money guaranteed by the project applicant plus the money voluntarily guaranteed by any other person or persons for those mitigation purposes. In order to allow time for interested persons to provide the funding guarantee referred to in this subdivision, a final decision to carry out or approve a project shall not occur sooner than 60 days after completion of the recommended special environmental impact report required by this section.

(d) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.

(e) In no event shall the amount paid by a project applicant for mitigation measures required pursuant to subdivision (c) exceed the following amounts:

(1) An amount equal to one-half of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a commercial or industrial project.

(2) An amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a housing project consisting of a single unit.

(3) If a housing project consists of more than a single unit, an amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of the project for the first unit plus the sum of the following:

(A) Two hundred dollars (\$200) per unit for any of the next 99 units.

(B) One hundred fifty dollars (\$150) per unit for any of the next 400 units.

(C) One hundred dollars (\$100) per unit in excess of 500 units.

(f) Unless special or unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after final approval necessary to implement the physical development of the project or, if a phased project, in connection with the phased portion to which the specific mitigation measures are applicable. However, the project applicant may extend that period if he or she so elects. Nothing in this section shall nullify protections for Indian cemeteries under any other provision of law.

(g) As used in this section, "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

(1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

(2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.

(3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

(h) As used in this section, "nonunique archaeological resource" means an archaeological artifact, object, or site which does not meet the criteria in subdivision (g). A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.

(i) As part of the objectives, criteria, and procedures required by Section 21082 or as part of conditions imposed for mitigation, a lead agency may make provisions for archaeological sites accidentally discovered during construction. These provisions may include an immediate evaluation of the find. If the find is determined to be a unique archaeological resource, contingency funding and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in this section. Construction work may continue on other parts of the building site while archaeological mitigation takes place.

(j) This section does not apply to any project described in subdivision (a) or (b) of Section 21065 if the lead agency elects to comply with all other applicable provisions of this division. This section does not apply to any project described in subdivision (c) of Section 21065 if the applicant and the lead agency jointly elect to comply with all other applicable provisions of this division.

(k) Any additional costs to any local agency as a result of complying with this section with respect to a project of other than a public agency shall be borne by the project applicant.

(l) Nothing in this section is intended to affect or modify the requirements of Section 21084 or 21084.1.

21084. Guidelines shall list classes of projects exempt from Act.

(e) No project that may cause a substantial adverse change in the significance of an historical resource, as specified in Section 21084.1, shall be exempted from this division pursuant to subdivision (a).

21084.1. Historical Resources Guidelines.

A project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. For purposes of this section, an historical resource is a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section.

California Code of Regulations, Title 14, Chapter 3

15064.5. Determining the Significance of Impacts to Archeological and Historical Resources

(a) For purposes of this section, the term "historical resources" shall include the following:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of

Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.

(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.

(2) The significance of an historical resource is materially impaired when a project:

(A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

(C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

(3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.

(4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

(5) When a project will affect state-owned historical resources, as described in Public Resources Code Section 5024, and the lead agency is a state agency, the lead agency shall consult with the State Historic Preservation Officer as provided in Public Resources Code Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents.

(c) CEQA applies to effects on archaeological sites.

(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subsection (a).

(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.

(3) If an archaeological site does not meet the criteria defined in subsection (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.

(4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

(d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate native americans as identified by the Native American Heritage Commission as provided in Public Resources Code SS5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:

(1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).

(2) The requirements of CEQA and the Coastal Act.

(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

(A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

(B) If the coroner determines the remains to be Native American:

1. The coroner shall contact the Native American Heritage Commission within 24 hours.

2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased native american.

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of,

with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.

(B) The descendant identified fails to make a recommendation; or

(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.

Note: Authority: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21083.2, 21084, and 21084.1, Public Resources Code; *Citizens for Responsible Development in West Hollywood v. City of West Hollywood* (1995) 39 Cal.App.4th 490.

15126.4 Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects

(a) Mitigation Measures in General.

(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.

(A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

(B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

(C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.

(D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation

measure shall be discussed but in less detail than the significant effects of the project as proposed. (*Stevens v. City of Glendale*(1981) 125 Cal.App.3d 986.)

(2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.

(3) Mitigation measures are not required for effects which are not found to be significant.

(4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:

(A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and

(B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an *ad hoc* exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.

(5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination.

(b) Mitigation Measures Related to Impacts on Historical Resources.

(1) Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.

(2) In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.

(3) Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:

(A) Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.

(B) Preservation in place may be accomplished by, but is not limited to, the following:

1. Planning construction to avoid archaeological sites;
2. Incorporation of sites within parks, greenspace, or other open space;
3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.
4. Deeding the site into a permanent conservation easement.

(C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and

adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archaeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code.

(D) Data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21002, 21003, 21100, and 21084.1, Public Resources Code; *Citizens of Goleta Valley v. Board of Supervisors*, (1990) 52 Cal.3d 553; *Laurel Heights Improvement Association v. Regents of the University of California*, (1988) 47 Cal.3d 376; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; and *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112; *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011.

15325. Transfers of Ownership of Interest In Land to Preserve Existing Natural Conditions and Historical Resources

Class 25 consists of transfers of ownership in interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:

(a) Acquisition, sale, or other transfer of areas to preserve existing natural conditions, including plant or animal habitats.

(b) Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.

(c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.

(d) Acquisition, sale, or other transfer to prevent encroachment of development into flood plains.

(e) Acquisition, sale, or other transfer to preserve historical resources.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 21084, Public Resources Code.

15300.2 Exceptions

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

(b) Cumulative impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

15331. Historical Resource Restoration/Rehabilitation

Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

Note: Authority cited: Section 21083 and 21087, Public Resources Code. Reference: Section 21084, Public Resources Code.

Appendix C: California Register of Historical Resources

The California Register was created by the State Legislature in 1992 and is intended to serve as an authoritative listing of significant historical and archeological resources in California. Additionally, the eligibility criteria for the California Register (codified in PRC § 5024.1 and further amplified in 14 CCR § 4852) are intended to serve as the definitive criteria for assessing the significance of historical resources for purposes of CEQA. In this way establishing a consistent set of criteria to the evaluation process for all public agencies statewide.

Resources can be nominated directly to the California Register or can be listed automatically as defined in PRC § 5024.1(d). Resources that are listed automatically in the California Register include:

- Resources listed in the National Register of Historic Places (this includes individual properties as well as historic districts and properties that contribute to the significance of an historic district);
- Resources that have been formally determined eligible for listing in the National Register of Historic Places (formal determinations of eligibility are made during federal review processes under Section 106 of the National Historic Preservation Act, during reviews conducted for projects taking advantage of the federal rehabilitation tax credits program, or when a private property being nominated for listing has been opposed by the property owner);
- California Historical Landmarks beginning with #770;
- California Points of Historical Interest beginning with those designated in January 1998 (the time at which the program was revised to reflect requirements for listing in the California Register).

For further information on applying and interpreting the California Register criteria, please refer to the handout entitled *California Register and National Register: A Comparison* and *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*. Both can be found online at http://ohp.cal-parks.ca.gov/careqs/ts6ca_nat.htm and http://www.cr.nps.gov/nr/publications/bulletins/nr15_toc.htm, respectively.

Eligibility Criteria

An historical resource must be significant at the local, state, or national level, under one or more of the following four criteria:

1. It is 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; or
2. It is associated with the lives of persons important to local, California, or national history; or
3. It embodies the distinctive characteristics of a type, period, region, or method or construction, or represents the work of a master, or possesses high artistic values; or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Integrity

Integrity is the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Historical resources eligible for listing in the California Register must meet one of the criteria of significance described above and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Historical resources that have been rehabilitated or restored may be evaluated for listing.

Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is proposed for eligibility. Alterations over time to a resource or historic changes in its use may themselves have historical, cultural, or architectural significance.

It is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if it maintains the potential to yield significant scientific or historical information or specific data.

Special Considerations

Moved buildings, structures, or objects The State Historical Resources Commission encourages the retention of historical resources on site and discourages the non-historic grouping of historic buildings into parks or districts. However, it is recognized that moving an historic building, structure, or object is sometimes necessary to prevent its destruction. Therefore, a moved building, structure, or object that is otherwise eligible may be listed in the California Register if it was moved to prevent its demolition at its former location and if the new location is compatible with the original character and use of the historical resource. An historical resource should retain its historic features and compatibility in orientation, setting, and general environment.

Historical resources achieving significance within the past fifty years In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than fifty years old may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historical importance.

Reconstructed buildings Reconstructed buildings are those buildings not listed in the California Register under the criteria stated above. A reconstructed building less than fifty years old may be eligible if it embodies traditional building methods and techniques that play an important role in a community's historically rooted beliefs, customs, and practices; e.g., a Native American roundhouse.

Appendix D: Secretary of the Interior's Standards for Professionals in Historic Preservation

The OHP recommends that public agencies seeking to contract with outside consultants to conduct evaluations of the significance of historical resources and proposed project impacts ensure that such consultants meet professional qualifications standards. In the absence of state promulgated standards for such professionals, it is recommended that public agencies consider adopting the standards put forward by the Secretary of the Interior.

In the September 29, 1983, issue of the Federal Register, the National Park Service published the following Professional Qualification Standards as part of the larger Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. These Professional Qualification Standards are in effect currently. Since 1983, the National Park Service has not issued any revisions for effect, although the National Park Service is in the process of drafting such revisions.

The following requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

History

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Archeology

The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
2. At least four months of supervised field and analytic experience in general North American archeology; and
3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period.

A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

Architectural History

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

Architecture

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.

Historic Architecture

The minimum professional qualifications in historic architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
2. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

Appendix E: Secretary of the Interior's Standards for the Treatment of Historic Properties

The information contained in this appendix is provided solely for informational purposes due to the fact that the CEQA Guidelines make reference to the Secretary of the Interior's Standards for the Treatment of Historic Properties (14 CCR § 15064.5(b)(3), 15126.4(b)(1) and 15331). It is the responsibility of the lead agency under CEQA, not the OHP as is often mistakenly assumed, to assess whether or not a proposed project meets these standards, and it is the right of any individual or organization to offer comments relative to the findings of a lead agency regarding the application of these standards.

The following information is reprinted from the National Park Service's website. This information as well as additional publications, including the illustrated version of the standards and guidelines (which is referenced in the CEQA Guidelines), can be found on the internet at <http://www2.cr.nps.gov/tps/tpscat.htm>.

Rooted in over 120 years of preservation ethics in both Europe and America, The Secretary of the Interior's Standards for the Treatment of Historic Properties are common sense principles in non-technical language. They were developed to help protect our nation's irreplaceable cultural resources by promoting consistent preservation practices. The Standards may be applied to all properties listed in the National Register of Historic Places: buildings, sites, structures, objects, and districts.

It should be understood that the Standards are a series of concepts about maintaining, repairing and replacing historic materials, as well as designing new additions or making alterations; as such, they cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. But once an appropriate treatment is selected, the Standards provide philosophical consistency to the work.

Four Treatment Approaches

There are Standards for four distinct, but interrelated, approaches to the treatment of historic properties--preservation, rehabilitation, restoration, and reconstruction.

Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. (Protection and Stabilization have now been consolidated under this treatment.)

Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.

Restoration depicts a property at a particular period of time in its history, while removing evidence of other periods.

Reconstruction re-creates vanished or non-surviving portions of a property for interpretive purposes.

Choosing an Appropriate Treatment

Choosing an appropriate treatment for a historic building or landscape, whether preservation, rehabilitation, restoration, or reconstruction is critical. This choice always depends on a variety of factors, including its historical significance, physical condition, proposed use, and intended interpretation.

The questions that follow pertain specifically to historic buildings, but the process of decisionmaking would be similar for other property types:

Relative importance in history. Is the building a nationally significant resource--a rare survivor or the work of a master architect or craftsman? Did an important event take place in it? National Historic Landmarks, designated for their "exceptional significance in American history," or many buildings individually listed in the National Register often warrant *Preservation* or *Restoration*. Buildings that contribute to the significance of a historic district but are not individually listed in the National Register more frequently undergo *Rehabilitation* for a compatible new use.

Physical condition. What is the existing condition--or degree of material integrity--of the building prior to work? Has the original form survived largely intact or has it been altered over time? Are the alterations an important part of the building's history? *Preservation* may be appropriate if distinctive materials, features, and spaces are essentially intact and convey the building's historical significance. If the building requires more extensive repair and replacement, or if alterations or additions are necessary for a new use, then *Rehabilitation* is probably the most appropriate treatment. These key questions play major roles in determining what treatment is selected.

Proposed use. An essential, practical question to ask is: Will the building be used as it was historically or will it be given a new use? Many historic buildings can be adapted for new uses without seriously damaging their historic character; special-use properties such as grain silos, forts, ice houses, or windmills may be extremely difficult to adapt to new uses without major intervention and a resulting loss of historic character and even integrity.

Mandated code requirements. Regardless of the treatment, code requirements will need to be taken into consideration. But if hastily or poorly designed, code-required work may jeopardize a building's materials as well as its historic character. Thus, if a building needs to be seismically upgraded, modifications to the historic appearance should be minimal. Abatement of lead paint and asbestos within historic buildings requires particular care if important historic finishes are not to be adversely affected. Finally, alterations and new

construction needed to meet accessibility requirements under the Americans with Disabilities Act of 1990 should be designed to minimize material loss and visual change to a historic building.

Standards for Preservation

Preservation is defined as the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon 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 within a preservation project.

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

Preservation as a Treatment. When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, Preservation may be considered as a treatment.

Standards for Rehabilitation

Rehabilitation is defined as 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 historical, cultural, or architectural values.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Rehabilitation as a treatment. When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, Rehabilitation may be considered as a treatment.

Standards for Restoration

Restoration is defined as 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. 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.

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

8. chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

Restoration as a treatment. When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for Restoration developed.

Standards for Reconstruction

Reconstruction is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

Reconstruction as a treatment. When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered as a treatment.

Appendix F: A Guide to Planning In California

STATE OF CALIFORNIA
Pete Wilson, Governor

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Introduction

This is a citizen's guide to land use planning as it is practiced in California. Its purpose is to explain, in general terms, how local communities regulate land use and to define some commonly used planning terms. The booklet covers the following topics:

- State Law and Local Planning
- The General Plan
- Zoning
- Subdivisions
- Other Ordinances and Regulations
- Annexation and Incorporation
- The California Environmental Quality Act
- A Glossary of Planning Terms
- Bibliography

Cities and counties "plan" in order to identify important community issues (such as new growth, housing needs, and environmental protection), project future demand for services (such as sewer, water, roads, etc.), anticipate potential problems (such as overloaded sewer facilities or crowded roads), and establish goals and policies for directing and managing growth. Local governments use a variety of tools in the planning process including the general plan, specific plans, zoning, and the subdivision ordinance.

The examples to be discussed here represent common procedures or methods, but are by no means the only way of doing things. State law establishes a framework for local planning procedures, but cities and counties adopt their own unique responses to the issues they face. The reader is encouraged to consult the bibliography for more information on planning in general and to contact your local planning department for information on planning in your community.

State and Local Planning

State law is the foundation for local planning in California. The California Government Code (Sections 65000 et seq.) contains many of the laws pertaining to the regulation of land uses by local governments including: the general plan requirement, specific plans, subdivisions, and zoning.

However, the State is seldom involved in local land use and development decisions; these have been delegated to the city councils and boards of supervisors of the individual cities and counties. Local decisionmakers have adopted their own sets of land use policies and regulations based upon the state laws.

Plan and Ordinances

There are currently 456 incorporated cities and 58 counties in California. State law requires that each of these jurisdictions adopt "a comprehensive, long-term general plan for [its] physical development." This general plan is the official city or county policy regarding the location of housing, business, industry, roads, parks, and other land uses, protection of the public from noise and other environmental hazards, and for the conservation of natural resources. The legislative body of each city (the city council) and each county (the board of supervisors) adopts zoning, subdivision and other ordinances to regulate land uses and to carry out the policies of its general plan.

There is no requirement that adjoining cities or cities and counties have identical, or even similar, plans and ordinances. Cities and counties are distinct and independent political units. Each city, through its council and each county, through its supervisors, adopts its own general plan and development regulations. In turn, each of these governments is responsible for the planning decisions made within its jurisdiction.

Hearing Bodies

In most communities, the city council or board of supervisors has appointed one or more hearing bodies to assist them with planning matters. The titles and responsibilities of these groups vary from place-to-place, so check with your local planning department regarding regulations in your area. Here are some of the more common types of hearing bodies and their usual responsibilities:

The Planning Commission: considers general plan and specific plan amendments, zone changes, and major subdivisions.

The Zoning Adjustment Board: considers conditional use permits, variances, and other minor permits.

Architectural Review or Design Review Board: reviews projects to ensure that they meet community aesthetic standards. In some cities and counties, these bodies simply advise the legislative body on the proposals that come before them, leaving actual approval to the council or board of supervisors. More commonly, these bodies have the power to approve proposals, subject to appeal to the council or board of supervisors. These hearing bodies, however, do not have final say on matters of policy such as zone changes and general or specific plan amendments.

Hearings

State law requires that local governments hold public hearings prior to most planning actions. At the hearing, the council or supervisors or advisory commission will explain the proposal, consider it in light of local regulations and environmental effects, and listen to testimony from interested parties. The council, board, or commission will vote on the proposal at the conclusion of the hearing.

Depending upon each jurisdiction's local ordinance, public hearings are not always required for minor land subdivisions, architectural or design review or ordinance interpretations. The method of advertising hearings may vary. Counties and general law cities publish notice of general plan adoption and amendment in the newspaper. Notice of zone change, conditional use permit, variance, and subdivision tracts is published in the newspaper and mailed to nearby property owners. Charter cities may have other notification procedures.

The General Plan

The Blueprint

The local general plan can be described as the city's or county's "blueprint" for future development. It represents the community's view of its future; a constitution made up of the goals and policies upon which the city council, board of supervisors, or planning commission will base their land use decisions. To illustrate its importance, all subdivisions, public works projects, and zoning decisions (except in charter cities other than Los Angeles) must be consistent with the general plan. If inconsistent, they must not be approved.

Long-Range Emphasis

The general plan is not the same as zoning. Although both designate how land may be developed, they do so in different ways. The general plan and its diagrams have a long-term outlook, identifying the types of development that will be allowed, the spatial relationships among land uses, and the general pattern of future development. Zoning regulates present development through specific standards such as lot size, building setback, and a list of allowable uses. In counties and general law cities, the land uses shown on the general plan diagrams will usually be reflected in the local zoning maps as

well. Development must not only meet the specific requirements of the zoning ordinance, but also the broader policies set forth in the local general plan.

Contents

State law requires that each city and each county adopt a general plan containing the following seven components or "elements": land use, circulation, housing, conservation, open-space, noise, and safety (Government Code Sections 65300 et seq.). At the same time, each jurisdiction is free to adopt a wide variety of additional elements covering subjects of particular interest to that jurisdiction such as recreation, urban design, or public facilities.

Most general plans consist of: (1) a written text discussing the community's goals, objectives, policies, and programs for the distribution of land use; and, (2) one or more diagrams or maps illustrating the general location of existing and future land uses. Figure 1 is an example of a general plan diagram.

Each local government chooses its own general plan format. The plan may be relatively short or long, one volume or ten volumes, depending upon local needs. Some communities, such as the City of San Jose, have combined the required elements into one document and most communities have adopted plans which consolidate the elements to some extent. State law requires that local governments make copies of their plans available to the public for the cost of reproduction.

Planning Issues

Although state law establishes a set of basic issues for consideration in local general plans, each city and county determines the relative importance of each issue to local planning and decides how they are to be addressed in the general plan. As a result, no two cities or counties have plans which are exactly alike in form or content. Here is a summary of the basic issues, by element:

The **land use element** designates the general location and intensity of housing, business, industry, open space, education, public buildings and grounds, waste disposal facilities, and other land uses.

The **circulation element** identifies the general location and extent of existing and proposed major roads, transportation routes, terminals, and public utilities and facilities. It must be correlated with the land use element.

The **housing element** is a comprehensive assessment of current and projected housing needs for all economic segments of the community and region. It sets forth local housing policies and programs to implement those policies.

The **conservation element** addresses the conservation, development, and use of natural resources including water, forests, soils, rivers, and mineral deposits.

The **open-space element** details plans and measures for preserving open-space for natural resources, the managed production of resources, outdoor recreation, public health and safety, and the identification of agricultural land.

The **noise element** identifies and appraises noise problems within the community and forms the basis for distributing new noise-sensitive land uses.

The **safety element** establishes policies and programs to protect the community from risks associated with seismic, geologic, flood, and wildfire hazards.

Approving the Plan

The process of adopting or amending a general plan encourages public participation. Cities and counties must hold public hearings for such proposals. Advance notice of the place and time of the hearing must be published in the newspaper or posted in the vicinity of the site proposed for change. Prior to approval, hearings will be held by the planning commission and the city council or board of supervisors.

Community and Specific Plans

"Community plans" and "specific plans" are often used by cities and counties to plan the future of a particular area at a finer level of detail than that provided by the general plan. A community plan is a portion of the local general plan focusing on the issues pertinent to a particular area or community within the city or county. It supplements the policies of the general plan.

Specific plans describe allowable land uses, identify open space, and detail infrastructure availability and financing for a portion of the community. Specific plans implement, but are not technically a part of the local general plan. In some jurisdictions, specific plans take the place of zoning. Zoning, subdivision, and public works decisions must be in accordance with the specific plan.

Zoning

The general plan is a long-range look at the future of the community. A zoning ordinance is the local law that spells out the immediate, allowable uses for each piece of property within the community. In all counties, general law cities, and the city of Los Angeles, zoning must comply with the general plan. The purpose of zoning is to implement the policies of the general plan.

Zones

Under the concept of zoning, various kinds of land uses are grouped into general categories or "zones" such as single-family residential, multi-family residential, neighborhood commercial, light industrial, agricultural, etc. A typical zoning ordinance describes 20 or more different zones which may be applied to land within the community. Each piece of property in the community is assigned a zone listing the kinds of uses that will be allowed on that land and setting standards such as minimum lot size, maximum building height, and minimum front yard depth. The distribution of residential, commercial, industrial, and other zones will be based on the pattern of land uses established in the community's general plan. Maps are used to keep track of the zoning for each piece of land.

Zoning is adopted by ordinance and carries the weight of local law. Land may be put only to those uses listed in the zone assigned to it. For example, if a commercial zone does not allow five-story office buildings, then no such building could be built on the lands which have been assigned that zone. A zoning ordinance has two parts: (1) a precise map or maps illustrating the distribution of zones within the community; and, (2) a text which both identifies the specific land uses allowed within each of those zones and sets forth development standards.

Rezoning

The particular zone determines the uses to which land may be put. If a landowner proposes a use that is not allowed in the zone, the city or county must approve a rezoning (change in zone) before development of that use can begin. The local planning commission and the city council or county board of supervisors must hold public hearings before property may be rezoned. The hearings must be advertised in advance. The council or board is not obligated to approve requests for rezoning and, except in charter cities, must deny such requests when the proposed zone conflicts with the general plan.

Overlay Zones

In addition to the zoning applied to each parcel of land, many cities and counties use "overlay zones" to further regulate development in areas of special concern. Lands in historic districts, downtowns, floodplains, near earthquake faults or on steep slopes are often subject to having additional regulations "overlain" upon the basic zoning requirements. For example, a lot that is within a single-family residential zone and also subject to a steep-slope overlay zone, must meet the requirements of both zones when it is developed.

Prezoning

Cities may "prezone" lands located within the surrounding county in the same way that they approve zoning. Prezoning is usually done before annexation of the land to the city in order to facilitate its transition into the city boundaries. Prezoning does not change the allowable uses of the land nor the development standards until such time as the site is officially annexed to the city. Likewise, land that has been prezoned continues to be subject to county zoning regulations until annexation is completed.

Variances

A variance is a limited waiver of development standards. The city or county may grant a variance in special cases where: (1) application of the zoning regulations would deprive property of the uses enjoyed by nearby, similarly zoned lands; and (2) restrictions have been imposed to ensure that the variance will not be a grant of special privilege. A city or county may not grant a variance that would permit a use that is not otherwise allowed in that zone (for example, a commercial use could not be approved in a residential zone by variance). Typically, variances are considered when the physical characteristics of the property make it difficult to develop. For instance, in a situation where the rear half of a lot is a steep slope, a variance might be approved to allow the house being built to be closer to the street than usually allowed. Variance requests require a public hearing and neighbors are given the opportunity to testify. The local hearing body then decides whether to approve or deny the variance.

Conditional Use Permits

Most zoning ordinances identify certain land uses which do not precisely fit into existing zones, but which may be allowed upon approval of a conditional use permit (sometimes called a special use permit or a CUP) at a public hearing. These might include community facilities (such as hospitals or schools), public buildings or grounds (such as fire stations or parks), temporary or hard-to-classify uses (such as Christmas tree sales or small engine repair), or land uses with potentially significant environmental impacts (hazardous chemical storage or building a house in a floodplain). The local zoning ordinance specifies those uses for which a conditional use permit may be requested, which zones they may be requested in, and the public hearing procedure. If the local planning commission or zoning board approves the use, it will usually do so subject to certain conditions being met by the permit applicant. Alternatively, it may deny uses which do not meet local standards.

Subdivisions

In general, land cannot be divided in California without local government approval. Dividing land for sale, lease or financing is regulated by local ordinances based on the State Subdivision Map Act (commencing with Government Code Section 66410). The local general plan, zoning, subdivision, and other ordinances govern the design of the subdivision, the size of its lots, and the types of improvements (street construction, sewer lines, drainage facilities, etc.). In addition, the city or county may impose a variety of fees upon the subdivision, depending upon local and regional needs, such as school impact fees, park dedications, etc. Contact your local planning department for information on local requirements and procedures.

Subdivision Types

There are basically two types of subdivisions: parcel maps, which are limited to divisions resulting in fewer than five lots (with certain exceptions), and final map subdivisions (also called tract maps), which apply to divisions resulting in five or more lots. Applications for both types of subdivisions must be submitted to the local government for consideration in accordance with the local subdivision ordinance and the Subdivision Map Act.

Processing

Upon receiving an application for a subdivision map, the city or county staff will examine the design of the subdivision to ensure that it meets the requirements of the general plan, the zoning ordinance, and the subdivision ordinance. An environmental impact analysis must be prepared and a public hearing held prior to approval of a tentative tract map. Parcel maps may also be subject to a public hearing, depending upon the requirements of the local subdivision ordinance.

Final Approval

Approval of a subdivision map generally means that the subdivider will be responsible for installing improvements such as streets, drainage facilities or sewer lines to serve the subdivision. These improvements must be installed or secured by bond before the city or county will grant final approval of the map and allow the subdivision to be recorded in the

county recorder's office. Lots within the subdivision cannot be sold until the map has been recorded. The subdivider has at least two years (and depending upon local ordinance, usually more) in which to comply with the improvement requirements, gain final administrative approval, and record the final map. Parcel map requirements may vary dependent upon local ordinance requirements.

Other Ordinances and Regulations

Cities and counties often adopt other ordinances besides zoning and subdivision to protect the general health, safety, and welfare of their inhabitants. Contact your local planning department for information on the particular ordinances in effect in your area. Common types include: flood protection, historic preservation, design review, hillside development control, growth management, impact fees, traffic management, and sign control.

Local ordinances may also be adopted in response to state requirements. Examples include: Local Coastal Programs (California Coastal Act); surface mining regulations (Surface Mining and Reclamation Act); earthquake hazard standards (Alquist-Priolo Special Studies Zone Act); and hazardous material disclosure requirements. These regulations are generally based on the applicable state law.

Annexation and Incorporation

The LAFCO

Annexation (the addition of territory to an existing city) and incorporation (creation of a new city) are controlled by the Local Agency Formation Commission (LAFCO) established in each county by the state's Cortese-Knox Act (commencing with Government Code Section 56000). The commission is made up of elected officials from the county, cities, and, in some cases, special districts. LAFCO duties include: establishing the "spheres of influence" that designate the ultimate service areas of cities and special districts; studying and approving requests for city annexations; and, studying and approving proposals for city incorporations. Below is a very general discussion of annexation and incorporation procedures. For detailed information on this complex subject, contact your county LAFCO.

Annexation

When the LAFCO receives an annexation request, it will convene a hearing to determine the worthiness of the proposal and may deny or conditionally approve the request based on the policies of the LAFCO and state law. Annexation requests which receive tentative approval are delegated to the affected city for hearings and, if necessary, an election. Annexations which have been passed by vote of the inhabitants or which have not been defeated by protest (in cases where no election was required) must be certified by the LAFCO as to meeting all its conditions before they become final. It is the LAFCO, not the city, that is ultimately responsible for the annexation process.

Incorporation

When the formation of a new city is proposed, the LAFCO studies the economic feasibility of the proposed city, its impact on county and special districts, and the provision of public services. If the feasibility of the proposed city cannot be shown, the LAFCO can terminate the proceedings. If the proposed city appears to be feasible, LAFCO will refer the proposal to the county board of supervisors for hearing along with a set of conditions to be met upon to incorporation. If the supervisors do not receive protests from a majority of the involved voters, an election will be held to create the city and elect city officials.

The California Environmental Quality Act (CEQA)

The California Environmental Quality Act (commencing with Public Resources Code Section 21000) requires local and state governments to consider the potential environmental effects of a project before deciding whether to approve it or not. CEQA's purpose is to disclose the potential impacts of a project, suggest methods to minimize those impacts, and discuss alternatives to the project so that decision makers will have full information upon which to base their decision. CEQA is a complex law with a great deal of subtlety and local variation.

The following discussion is *extremely* general. The basic requirements and administrative framework for local governments' CEQA responsibilities are described in the *California Environmental Quality Act: Law and Guidelines*. For more information, readers should contact their local planning department or refer to the CEQA listings in the bibliography.

Lead Agency

The "lead agency" is responsible for seeing that environmental review is done in accordance with CEQA and that environmental analyses are prepared when necessary. The agency with the principal responsibility for issuing permits to a project (or for carrying out the project) is deemed to be the "lead agency". As lead agency, it may prepare the environmental analysis itself or it may contract for the work to be done under its direction. In practically all local planning matters (such as rezoning, conditional use permits, and specific plans) the planning department is the lead agency.

Analysis

Analyzing a project's potential environmental effect is a multistep process. Many minor projects are exempt from the CEQA requirements. These include single-family homes, remodeling, accessory structures, and some lot divisions (for a complete list refer to *California Environmental Quality Act: Law and Guidelines*). No environmental review is required when a project is exempt from CEQA.

When a project is subject to review under CEQA, the lead agency prepares an "initial study" to assess the potential adverse physical impacts of the proposal. When the project will not cause a "significant" impact on the environment or when it has been revised to eliminate all such impacts, a "negative declaration" is prepared. The negative declaration describes why the project will not have a significant impact and may require that the project incorporate a number of measures ensuring that there will be no such impact. If significant

environmental effects are identified, then an Environmental Impact Report (EIR) must be written before the project can be considered by decision makers.

The EIR

An EIR discusses the proposed project, its environmental setting, its probable impacts, realistic means of reducing or eliminating those impacts, its cumulative effects, and alternatives to the project. CEQA requires that Negative Declarations and EIRs be made available for review by the public and other agencies prior to consideration of the project. The review period allows concerned citizens and agencies to comment on the completeness and adequacy of the environmental review prior to its completion. When the decision making body (the city council, board of supervisors, or other board or commission) approves a project, it must certify the adequacy of the environmental review. If its decision to approve a project will result in unavoidable significant impacts, the decision making body must state, in writing, its overriding reasons for granting the approval and how the impacts are to be addressed.

An EIR is an informational document. It does not, in itself, approve or deny a project. Environmental analysis must be done as early as possible in the process of considering a project and must address the entire project. There are several different types of EIRs that may be prepared, depending upon the project. They are described in the *California Environmental Quality Act: Law and Guidelines* written by the Governor's Office of Planning and Research and the Resources Agency.

Glossary

These are some commonly used planning terms. This list includes several terms that are not discussed in this booklet.

Board of Supervisors

A county's legislative body. Board members are elected by popular vote and are responsible for enacting ordinances, imposing taxes, making appropriations, and establishing county policy. The board adopts the general plan, zoning, and subdivision regulations.

CEQA

The California Environmental Quality Act (commencing with Public Resources Code Section 21000). In general, CEQA requires that all private and public projects be reviewed prior to approval for their potential adverse effects upon the environment.

Charter City

A city which has been incorporated under its own charter rather than under the general laws of the state. Charter cities have broader powers to enact land use regulations than do general law cities.

City Council

A city's legislative body. The popularly elected city council is responsible for enacting ordinances, imposing taxes, making appropriations, establishing policy, and hiring some city officials. The council adopts the local general plan, zoning, and subdivision ordinance.

COG

Council of Governments. There are 25 COGs in California made up of elected officials from member cities and counties. COGs are regional agencies concerned primarily with transportation planning and housing; they do not directly regulate land use.

Community Plan

A portion of the local general plan that focuses on a particular area or community within the city or county. Community plans supplement the policies of the general plan.

Conditional Use Permit

Pursuant to the zoning ordinance, a conditional use permit (CUP) may authorize uses not routinely allowed on a particular site. CUPs require a public hearing and if approval is granted, are usually subject to the fulfillment of certain conditions by the developer. Approval of a CUP is not a change in zoning.

Density Bonus

An increase in the allowable number of residences granted by the city or county in return for the project's providing low- or moderate-income housing (see Government Code Section 65915).

Design Review Committee

A group appointed by the city council to consider the design and aesthetics of development within design review zoning districts.

Development Fees

Fees charged to developers or builders as a prerequisite to construction or development approval. The most common are: (1) impact fees (such as parkland acquisition fees, school facilities fees, or street construction fees) related to funding public improvements which are necessitated in part or in whole by the development; (2) connection fees (such as water line fees) to cover the cost of installing public services to the development; (3) permit fees (such as building permits, grading permits, sign permits) for the administrative costs of processing development plans; and, (4) application fees (rezoning, CUP, variance, etc.) for the administrative costs of reviewing and hearing development proposals.

Downzone

This term refers to the rezoning of land to a more restrictive zone (for example, from multi-family residential to single-family residential or from residential to agricultural).

EIR

Environmental Impact Report. A detailed review of a proposed project, its potential adverse impacts upon the environment, measures that may avoid or reduce those impacts, and alternatives to the project.

Final Map Subdivision

Final map subdivisions (also called tract maps or major subdivisions) are land divisions which create five or more lots. They must be consistent with the general plan and are generally subject to stricter requirements than parcel maps. Such requirements may include installing road improvements, the construction of drainage and sewer facilities, parkland dedications, and more.

Floor Area Ratio

Abbreviated as FAR, this is a measure of development intensity. FAR is the ratio of the amount of floor area of a building to the amount of area of its site. For instance, a one-story building that covers an entire lot has an FAR of 1. Similarly, a one-story building that covers 1/2 of a lot has an FAR of 1/2.

General Law City

A city incorporated under and run in accordance with the general laws of the state.

General Plan

A statement of policies, including text and diagrams setting forth objectives, principles, standards, and plan proposals, for the future physical development of the city or county (see Government Code Sections 65300 et seq.).

"Granny" Housing

Typically, this refers to a second dwelling attached to or separate from the main residence that houses one or more elderly persons. California Government Code 65852.1 enables cities and counties to approve such units in single-family neighborhoods.

Impact Fees

See Development Fees.

Infrastructure

A general term describing public and quasi-public utilities and facilities such as roads, bridges, sewers and sewer plants, water lines, power lines, fire stations, etc.

Initial Study

Pursuant to CEQA, an analysis of a project's potential environmental effects and their relative significance. An initial study is preliminary to deciding whether to prepare a negative declaration or an EIR.

Initiative

A ballot measure which has been placed on the election ballot as a result of voter signatures and which addresses a legislative action. At the local level, initiatives usually focus on changes or additions to the general plan and zoning ordinance. The right to initiative is guaranteed by the California Constitution.

LAFCO

Local Agency Formation Commission. The Cortese-Knox Act (commencing with Government Code Section 56000) establishes a LAFCO made up of elected officials of

the county, cities, and, in some cases, special districts in each county. LAFCOs establish spheres of influence for all the cities and special districts within the county. They also administer incorporation and annexation proposals.

Mitigation Measure

The California Environmental Quality Act requires that when an environmental impact or potential impact is identified, measures must be proposed that will eliminate, avoid, rectify, compensate for or reduce those environmental effects.

Negative Declaration

When a project is not exempt from CEQA and will not have a significant effect upon the environment a negative declaration must be written. The negative declaration is an informational document that describes the reasons why the project will not have a significant effect and proposes measures to mitigate or avoid any possible effects.

Overlay Zone

A set of zoning requirements that is superimposed upon a base zone. Overlay zones are generally used when a particular area requires special protection (as in a historic preservation district) or has a special problem (such as steep slopes, flooding or earthquake faults). Development of land subject to overlay zoning requires compliance with the regulations of both the base and overlay zones.

Parcel Map

A minor subdivision resulting in fewer than five lots. The city or county may approve a parcel map when it meets the requirements of the general plan and all applicable ordinances. The regulations governing the filing and processing of parcel maps are found in the state Subdivision Map Act and the local subdivision ordinance.

Planned Unit Development (PUD)

Land use zoning which allows the adoption of a set of development standards that are specific to the particular project being proposed. PUD zones usually do not contain detailed development standards; these are established during the process of considering the proposals and adopted by ordinance if the project is approved.

Planning Commission

A group of residents appointed by the city council or board of supervisors to consider land use planning matters. The commission's duties and powers are established by the local legislative body and might include hearing proposals to amend the general plan or rezone land, initiating planning studies (road alignments, identification of seismic hazards, etc.), and taking action on proposed subdivisions.

Referendum

A ballot measure challenging a legislative action by the city council or county board of supervisors. Referenda petitions must be filed before the action becomes final and may lead to an election on the matter. The California Constitution guarantees the right to referendum.

School Impact Fees

Proposition 13 put a limit on property taxes and thereby limited the main source of funding for new school facilities. California law allows school districts to impose fees on new developments to offset their impacts of area schools.

Setback

A minimum distance required by zoning to be maintained between two structures or between a structure and property lines.

Specific Plan

A plan addressing land use distribution, open space availability, infrastructure, and infrastructure financing for a portion of the community. Specific plans put the provisions of the local general plan into action (see Government Code Sections 65450 et seq.).

Tentative Map

The map or drawing illustrating a subdivision proposal. The city or county will approve or deny the proposed subdivision based upon the design depicted by the tentative map. A subdivision is not complete until the conditions of approval imposed upon the tentative map have been satisfied and a final map has been certified by the city or county and recorded with the county recorder.

Tract Map

See final map subdivision.

Transportation Systems Management (TSM)

A transportation plan that coordinates many forms of transportation (car, bus, carpool, rapid transit, bicycle, walking, etc.) in order to distribute the traffic impacts of new development. Rather than emphasizing road expansion or construction (as does traditional transportation planning), TSM examines methods of increasing the efficiency of road use.

Variance

A limited waiver from the requirements of the zoning ordinance. Variance requests are subject to public hearing, usually before a zoning administrator or board of zoning adjustment. Variances may only be granted under special circumstances.

Zoning

Local codes regulating the use and development of property. The zoning ordinance divides the city or county into land use districts or "zones", represented on zoning maps, and specifies the allowable uses within each of those zones. It establishes development standards such as minimum lot size, maximum height of structures, building setbacks, and yard size.

Zoning Adjustment Board

A group appointed by the local legislative body to consider minor zoning adjustments such as conditional use permits and variances. It is empowered to conduct public hearings and to impose conditions of approval. Its decisions may be appealed to the local legislative body.

Zoning Administrator

A planning department staff member responsible for hearing minor zoning permits. Typically, the zoning administrator considers variances and conditional use permits and may interpret the provisions of the zoning ordinance when questions arise. His/her decision may be appealed to the local legislative body.

Bibliography: A Few Good Books

The reader is encouraged to refer to the following books for a better understanding of planning in California.

Alternative Techniques for Controlling Land Use: A Guide to Small Cities and Rural Areas in California, by Irving Schiffman (University Center for Economic Development and Planning, California State University, Chico) 1982, revised 1989. *This book discusses, in detail, concepts such as hillside development standards, planned unit development, and specific plans.*

California Environmental Quality Act: Statutes and Guidelines (Governor's Office of Planning and Research, Sacramento, California) 1996, 301 pp. The CEQA Guidelines describe the requirements for evaluating environmental impacts. Out of Print, check in the government documents section of your local library.

California Land Use and Planning Law, by Daniel J. Curtin Jr., (Solano Press, Pt. Arena, California) revised annually. A look at the planning, zoning, subdivision, and environmental quality laws that is illustrated by references to numerous court cases.

The General Plan Guidelines (Governor's Office of Planning and Research, Sacramento, California) 1987, 368 pp. *The Guidelines discuss local planning activities and how to write or revise a general plan.*

Guide to California Government, (League of Women Voters of California, Sacramento, California) 13th Edition, 1986, 167 pp. An excellent summary of the processes of local and state government.

Guide to the Cortese/Knox Local Government Reorganization Act of 1985, by the Assembly Local Government Committee (Joint Publications Office, Sacramento, California), 1985, 228 pp. A compilation of the law that authorizes annexations and other local government reorganizations. It contains a flowchart illustrating the annexation process.

Planning Commission Handbook (League of California Cities, Sacramento, California) 1984. A well-written overview of the role of the planning commission and California planning law.

Subdivision Map Act Manual, by Daniel J. Curtin, Jr., (Solano Press, Pt. Arena, California), revised annually. A practitioner's guide to the Map Act, including pertinent legal precedents.

Your Guide to Open Meetings, The Ralph M. Brown Act, by the Senate Local Government Committee (Joint Publications Office, Sacramento, California), 1989. An easy to read explanation of the state's open meeting laws and the responsibilities of local government with regard to public meetings.

Appendix G: Information Center Contact list

The following institutions are under agreement with the Office of Historic Preservation to:

1. Integrate information on new Resources and known Resources into the California Historical Resources Information System.
2. Supply information on resources and surveys to government, institutions, and individuals who have a need to know.
3. Supply a list of consultants qualified to do historic preservation fieldwork within their area.

COORDINATOR: John Thomas, Historian II, (916) 653-9125

Northwest Information Center

Counties: **Alameda, Colusa, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Yolo**

Ms. Leigh Jordan, Coordinator
Sonoma State University, 1801 East Cotati Ave, Rohnert Park CA 94928
(707) 664-2494, Fax (707) 664-3947
nwic@sonoma.edu

Northeast Information Center

Counties: **Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity**

Dr. Frank Bayham, Interim Coordinator
Dept of Anthropology, Langdon 303,
California State University, Chico CA 95929-0400

Attn: Luchia Ledwith, Interim Asst
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(530) 898-6256, Fax (530) 898-4413, please call first
neinfocntr@csuchico.edu

North Central Information Center

Counties: **Amador, El Dorado, Nevada, Placer, Sacramento, Yuba**

Dr. Christopher Castaneda, Coordinator, Dr. Terry Castaneda, Coordinator
Dept of Anthropology, California State University, 6000 J St, Sacramento CA 95819-6106

Attn: Marianne Russo
(916) 278-6217, Fax (916) 278-5162
ncic@csus.edu

Central California Information Center

Counties: **Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, Tuolumne**

Ms. Elizabeth A. Greathouse, Coordinator
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egreatho@toto.csustan.edu

Central Coastal Information Center

Counties: **San Luis Obispo, Santa Barbara**

Dr. Michael A. Glassow, Coordinator
Dept of Anthropology, University of California, Santa Barbara CA 93106
Attn: Harry Starr
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hes0@umail.ucsb.edu

Southern San Joaquin Valley Information Center

Counties: **Fresno, Kern, Kings, Madera, Tulare**

Dr. Robert Yohe, Coordinator
California State University, 9001 Stockdale Hwy, Bakersfield CA 93311-1099
Attn: Adele Baldwin
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<http://www.csubak.edu/ssjvic>

San Bernardino Archeological Information Center

Counties: **San Bernardino**
Robin Laska, Acting Coordinator

San Bernardino County Museum, 2024
Orange Tree Ln, Redlands CA 92374
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Yurok Tribe, 15900 Highway 101 N, Klamath
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South Central Coastal Information Center
Counties: **Los Angeles, Orange, Ventura**
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<http://anthro.fullerton.edu/sccic.html>

Eastern Information Center
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Dr. M. C. Hall, Coordinator
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South Coastal Information Center
Counties: **San Diego**
Dr. Lynne Christenson, Coordinator
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lchriste@mail.sdsu.edu,
<http://ssrl.sdsu.edu/scic/scic.html>

Southeast Information Center
Counties: **Imperial**
Mr. Jay von Werlhof, Coordinator
Imperial Valley College Desert Museum, PO
Box 430, Ocotillo CA 92259
physical location: 11 Frontage Rd
Attn: Karen Collins
(760) 358-7016, FAX (760) 358-7827
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North Coastal Information Center
Counties: **Del Norte, Humboldt**
Dr. Thomas Gates, Coordinator

Appendix H: City of San Diego Sample Information

The information contained in this appendix is included as an illustration of the type of materials that are often distributed by local governments throughout California concerning their management of their CEQA responsibilities. For those readers who are preservation advocates, we would suggest you inquire with your local government as to the availability of such explanatory documents. For those readers who represent local governments that don't distribute such useful documents, we suggest you consider developing such guidance as the City of San Diego has produced.

[This information is not available in electronic format. If you are interested in seeing this information, please contact the Office of Historic Preservation for a hard copy of this handout.]

Appendix I: State Clearinghouse Handbook

[This information is not available in electronic format. However, it can be found on the Internet at <http://ceres.ca.gov/planning/sch/>]