Preservation Resources of the California Office of Historic Preservation

Mark Huck, AIA, LEED AP
Montague, CA
November 19, 2016
History of Preservation in California

1966 - The National Historic Preservation Act (NHPA) created the National Historic Preservation program establishing in each state, a State Historic Commission and a State Historic Preservation Officer (SHPO).

1969 - The State Legislature amended previous legislation to bring the Historical Landmarks Advisory Committee into conformance with federal standards.

1972 - As a result of the National Historic Preservation Act of 1966, the California History Preservation Section was established in the Department of Parks and Recreation.

1975 - The Office of Historic Preservation was established by the Director of the Department of Parks and Recreation.

- Office of Historic Preservation Staff, June 1977
National Historic Preservation Act 1966

- Created Historic Preservation Fund
- National Register of Historic Places
- Founded Advisory Council on Historic Preservation
- Established State Historic Preservation Officers and State Commissions
- Described Certified Local Government Program (CLG)
- Section 106 (in Section 106!)
PRC 5020: State Historical Resources Commission

- Nine members appointed by Governor
- Review National Register applications
- Nominate and maintain statewide inventory of historical resources
- Establish criteria and policies for historic preservation
- Oversee administration of the California Register
- Develop statewide historical resources plan
Office of Historic Preservation
Units and Programs

The mission of the Office of Historic Preservation (OHP) and the State Historical Resources Commission is to provide leadership and promote the preservation of California's irreplaceable and diverse cultural heritage.

- Registration Unit
  - National Register
  - California Register, Landmarks, Points

- Architectural Review Unit
  - Historic Preservation Tax Credit review

- Local Assistance Unit
  - Certified Local Government program, grants

- Project Review Unit
  - Section 106
  - Public Resources Code 5024, 5028
  - California Environmental Quality Act

- Information Management Unit
  - Survey and Inventory
Registration Unit
Jay Correia, Supervisor

- Creates agenda for quarterly Commission meetings
- National Register of Historic Places – 18,079 sites recorded
- California Register of Historical Resources – 18,366 sites recorded
- California Historical Landmarks – 1,164 sites recorded
- California Points of Historical Interest – 836 sites recorded
*Listed or eligible
As of November 16, 2016, 63 National Register nominations have resulted in the listing of properties individually or as contributors to National Register Districts in Siskiyou County. Current listings are:

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<thead>
<tr>
<th>Name</th>
<th>Type</th>
<th>Address</th>
<th>City</th>
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<tr>
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**Certified Local Districts**

Dunmuir and Yreka Districts
Architectural Review Unit
Timothy Brandt, Supervisor

- Federal Tax Credits
- Section 106 Review for Federal Projects
- Public Resources Code 5024 for State Projects
- Technical Assistance, Interpretation, Outreach, and Education
- Promote Incentives

- Leland Stanford Mansion SHP
Local Government Assistance
Lucinda Woodward, Supervisor

Provides Technical Assistance and Training for:
- Preservation Planning
- General Plans, HP Element
- Design Guidelines
- Surveys
- Historic Preservation Commissions
- Preservation Incentives
- California Environmental Quality Act Responsibilities
- Section 106 HUD
- Certified Local Government Program – 67 CLGs currently
CERTIFIED LOCAL GOVERNMENT PROGRAM

National Park Service Program
- Provides overall rules
- Provides some funding

Administered by State Office of Historic Preservation
- OHP’s role remains advisory

Local governments carry out the program
- Partnership with federal and state government
- Autonomy - Neither the NPS or OHP have regulatory authority over local governments

Primary Goal
Integrate historic preservation into land-use planning
General Plan: Historic Preservation Element

- Identifies long-term goals and policies for community growth and development
- Links historic preservation to land use planning

Preservation Ordinance

- Provides the policy for protection of historic properties
- Establishes an objective and democratic process for designating resources
- Protects the integrity of designated historic properties through design review
- Authorizes design guidelines for new development within historic districts
- Stabilizes declining neighborhoods and protect and enhance property values through incentives and protections

Preservation Commission

Scope of Powers

- Maintains the local inventory of resources
- Nominates resources to local, state and national registers
- Reviews and Comments on permits impacting historic resources

Relationship with Planning Commission, City Council, and other agencies
DESIGN GUIDELINES

CHAPTER 1
RESIDENTIAL DESIGN GUIDELINES

CHAPTER 2
COMMERCIAL DISTRICT DESIGN GUIDELINES

CHAPTER 3
INDUSTRIAL DESIGN GUIDELINES

CHAPTER 4
SIGN DESIGN GUIDELINES

A Vision for Downtown Fort Bragg

Proposed Public Parking and Signage

Noting to continue downtown Fort Bragg's identity, the new streetscape aims to create a high-quality, walkable urban environment that enhances the character of the area. The design focuses on creating a sense of place by integrating historical elements and contemporary materials.

The streetscape includes new sidewalks, street furniture, and public art installations. The design also incorporates sustainable features, such as rain gardens and permeable pavements, to reduce runoff and improve stormwater management.

The project aims to revitalize the downtown area, making it more pedestrian-friendly and visually appealing. The new streetscape will help attract visitors and encourage a sense of community among residents and visitors alike.
CERTIFIED LOCAL GOVERNMENT PROGRAM

- Enforces applicable laws for designation and protection of historic properties
- Establishes an adequate and qualified local commission
- Maintains a system for the survey and inventory of historical properties
- Provides for public participation in local historic preservation programs
- Performs other responsibilities delegated by the State
COMPREHENSIVE PRESERVATION PROGRAM BENEFITS

CREDIBILITY
- Consistency with federal and state laws that have stood the test of time and court decisions

PREDICTABILITY
- Know ahead of time how properties will be treated in regulatory procedures and code enforcement
- Insulates the preservation program from charges of being arbitrary and capricious

STREAMLINING
- Brings clarity to question of what resources are significant when comes to CEQA
- Use of Secretary’s Standards allows CEQA exemptions (Class 31 Categorical Exemption)
- Use of National Register/California Register criteria and Secretary of the Interior’s Standards integrates local, state, and federal levels of review

INVolvEMENT
- Brings local preservation boards and commissions into broader land use planning and project approval processes
- Builds on local initiative and incorporate efforts and expertise of grass-roots preservation groups in local policy making
BENEFITS OF BEING A CLG

TECHNICAL ASSISTANCE FROM OHP

- CLG listserv hosted by SHPO
- Training
- Consultation

CLG GRANTS

- Each state is required to pass through 10% of its annual Historic Preservation Fund grant from the NPS to CLGs to fund preservation planning activities
- Maximum is $25,000 (60% grant 40% match – cash or in-kind)

Provides SUPPORT for and RECOGNITION of the aesthetic, economic, and social values of historic preservation to the community
Incentives

- Federal Preservation easements – Federal/NPS
- Low income Housing Tax Credit – Federal/State
- Federal tax credits – Architectural Review Unit/NPS
- Grants - Local Government Unit
- California Historical Building Code – Local
- Mills Act; Williamson Act – Local
- Seismic Property Tax Abatement Act – Local
Federal Easements

Internal Revenue Code Section 170(h) and Department of the Treasury Regulation Section 1.170A-14 provide for income and estate tax deductions for charitable contributions of partial interests in historic property (principally easements).

- A donation of a qualified real property interest to preserve a *historically important land area* or a *certified historic structure* meets the test of a charitable contribution for conservation purposes.

- A *certified historic structure* need not be depreciable to qualify, and may include the land area on which it is located.

- The entire exterior of the building (including its front, sides, rear, and height) must be preserved.

- Change to the exterior of the building that is inconsistent with its historic character is prohibited.

- The easement donor must enter into a written agreement with the organization receiving the easement contribution, and must provide additional substantiation requirements.

- If the deduction claimed is over $10,000, the taxpayer must pay a $500 filing fee.

- For additional information, see IRS publication 526.
Low Income Housing Tax Credit

- 9% per year for 10 years for projects not receiving certain Federal subsidies
- 4% for 10 years for projects subsidized by tax-exempt bonds or below market Federal loans.
- The units must be rent restricted and occupied by individuals with incomes below the area median gross income.
- 15-year compliance period.
- State housing credit agencies allocate credits.
- The tax credit for low-income housing can be combined with the tax credit for rehabilitation.
Federal Historic Preservation Tax Credits

- Promotes rehabilitation
- Preserves historic places
- Attracts private investment
- Generates jobs
- Enhances property values
- Augments revenues
- Creates moderate and low-income housing
- 1,283 proposed projects and $6.63 billion in rehabilitation work approved
- 870 completed projects and $4.47 billion in rehabilitation work certified
- 85,058 jobs created by completed projects
- 8,096 new low and moderate income housing units / 23,569 new or renovated housing units overall

California private developers invested $208,701,891 in QRE in 2015, which ranks CA ninth behind NY, OH, VA, MA, MI, PA, LA, and MN.

Returned $41,740,378 of Federal tax credit to developers.
Federal Historic Preservation Tax Credits

- **20%**
  - Available for certified rehabilitations of certified historic structures. Part 1 certifies a structure; Part 3 certifies the completed rehabilitation.
  - Part 2 certifies that the PROPOSED rehabilitation meets the SOIS.
  - SHPO has 30 days to review; NPS has 30 days to review each Part
  - Part 2 should be approved by NPS prior to the start of construction.
  - Not available for private residences

- **10%**
  - Must be non-historic and built prior to 1936
  - Non-Residential only
  - Can not have been moved after 1935
  - Specific retentions of external and internal walls and frame applies
  - Not reviewed by SHPO or NPS; apply directly to the IRS.

- **IRS Requirements**
  - Depreciable
  - Substantial rehabilitation: exceeds $5000 or adjusted basis of the building.
  - Projects may be phased – increases the measuring period from 24 months to 60 months
  - Must be nominated to NR prior to being placed in service.

McCloud River Mercantile Company
The Mills Act Program is administered and implemented by local governments.

Mills Act contracts are between the property owner and the local government granting the tax abatement. Each local government establishes their own criteria and determines how many contracts they will allow in their jurisdiction.

For answers to specific questions contact tax official for your jurisdiction.

The Office of Historic Preservation is not a signatory to Mills Act contracts.

Ager Hotel, Montague
July 23, 2010

TO COUNTY ASSESSORS:

NEW CONSTRUCTION EXCLUSION
SEISMIC RETROFITTING IMPROVEMENTS

On June 8, 2010, the voters of California approved Proposition 13 (SCA 4, Stats. 2008, Res. Ch. 115) which amended article XIII A of the California Constitution to combine the two new construction exclusions for seismic retrofitting, thereby eliminating the 15-year new construction exclusion for seismic safety improvements on unreinforced masonry buildings. Senate Bill 111 (Stats. 2008, Ch. 336) is the companion bill that makes the corresponding changes to Revenue and Taxation Code sections 70(c) and 74.5. These changes became effective on June 9, 2010.

This letter summarizes the changes to the new construction exclusion for seismic safety improvements. In doing so, this letter supersedes Letter To Assessors 2001/089 (December 17, 2001).

UNREINFORCED MASONRY BUILDING IMPROVEMENTS

Former section 70(d) provided a 15-year new construction exclusion for improvements to unreinforced masonry buildings undertaken to comply with local ordinances on seismic safety. This 15-year exclusion has been eliminated. Any seismic safety improvements to unreinforced masonry buildings completed on or after June 9, 2010 may be excluded from assessment under section 74.5. Any seismic safety improvements to unreinforced masonry buildings excluded from assessment under former section 70(d) will remain excluded until the property undergoes a change in ownership.

SEISMIC RETROFITTING COMPONENTS

Section 74.5 has been amended to implement the provisions of Proposition 13 (2010). As amended, section 74.5 provides a new construction exclusion for the addition of any seismic retrofitting components to existing buildings and structures. Section 74.5 does not apply to any seismic retrofitting components of an entirely new structure.

Seismic retrofitting components includes both seismic retrofitting improvements and improvements using earthquake hazard mitigation technologies.

1 All statutory references are to the Revenue and Taxation Code unless otherwise indicated.
2 Proposition 23, approved by the voters in 1984.
3 Added to implement Proposition 127, approved by the voters in 1990.
RESOURCES: MAIN STREET

The Four Points:

- Organization
- Economic Restructuring
- Promotion
- Design

The California Main Street Program unites the forces of local economic redevelopment and historic preservation to build and enhance diverse downtown areas.

California Main Street does not provide funding; the program provides training, information, research, and referral services, and technical assistance.
RESOURCES:
Secretary of the Interior’s Standards for the Treatment of Historic Properties

Rehabilitation
Restoration
Preservation
Reconstruction

McCloud Courthouse, McCloud
Dysart Cabin, Dorris

Credit: George Jennings
RESOURCES:
Secretary of the Interior’s Standards for Rehabilitation

§ 67.7 Standards for Rehabilitation Preamble

“The intent of the Standards is to assist the long-term preservation of a property’s significance through the preservation of historic materials and features.”
1: Compatible or same use
2: Retain the character
3: Recognize property as physical record of its time
4: Retain acquired significance
5: Preserve distinctive features
6: Repair distinctive features; replace in kind
7: Appropriate cleaning gently undertaken
8: Accommodate exterior, interior archeology
9, 10: Additions that don’t subtract
RESOURCES: California Historical Building Code

- Performance based as opposed to a prescriptive approach as in the regular code
- Applies to all Qualified Historical Buildings
- Generally, does not require historical buildings to meet the same safety standards as new buildings
- Does not allow unacceptable levels of hazard to exist in historic buildings
- Recognizes the benefits of fire sprinklers and other modern technologies in reducing the level of risk
RESOURCES:
California Historical Resources Information System (CHRIS)

Dr. Antoinette Martinez, Coordinator
Northeast Information Center
123 West 6th Street, Suite 100
Chico, CA 95928
Attn: Amy Huberland, Asst Coordinator
(530) 898-6256
neinfocntr@csuchico.edu
http://www.csuchico.edu/neic

Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity
2018 Statewide Preservation Plan

- Provides guidance for the identification, evaluation, registration, protection and preservation of important historical resources.

- Identifies critical preservation issues, needs, challenges, and opportunities for historic preservation in California.

Take the survey to shape the 2018 Preservation Plan at www.ohp.parks.ca.gov/stateplan

Attend the Listening session in Redding – place and time TBD.

Watch our web site for announcement, or

Supply an email to be contacted about events (emails sent at most twice a month)
For More Information:

- Office of Historic Preservation:
  916-445-7000
  www.ohp.parks.ca.gov

- NPS forms, guidelines and instructions:
  http://www.nps.gov/history/hps/tps/tax/

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