

Appendix 8: Cultural Resources

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Appendix 8A: Secretary of the Interior's Standards for the for the Treatment of Historic Properties

Secretary of the Interior's Standards for the Treatment of Historic Buildings with Guidelines for Preserving, Rehabilitation, Restoring and Reconstructing Historic Buildings

The Secretary of the Interior is responsible for establishing professional standards and providing advice on the preservation and protection of all cultural resources listed in or eligible for listing in the National Register of Historic Places.

The Secretary of the Interior's Standards for the Treatment of Historic Properties apply to all proposed development grant-in-aid projects assisted through the National Historic Preservation Fund, and are intended to be applied to a wide variety of resource types, including buildings, sites, structures, objects, and districts. These Standards, developed in 1992, were codified as 36 CFR Part 68 in the July 12, 1995 Federal Register (Vol. 60, No. 133). They replace the 1978 and 1983 versions of 36 CFR 68 entitle "The Secretary of the Interior's Standards for Historic Preservation Projects."

The Secretary of the Interior's Standards for the Treatment of Historic Properties may be used by anyone planning and undertaking work on historic properties, even if grant-in-aid funds are not being sought. It should be noted that another regulation, 36 CFR Part 67, focuses on "certified historic structures" as defined by the IRS Code of 1986. The "Standards for Rehabilitation" cited in 36 CFR 67 should always be used when property owners are seeking certification for federal tax benefits.

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.

In summary, the simplification and sharpened focus of these revised sets of treatment Standards is intended to assist users in making sound historic preservation decisions. Choosing and appropriate treatment for a historic property, whether preservation, rehabilitation, restoration, or reconstruction is critical. This choice always depends on a variety of factors, including the property's historical significance, physical condition, proposed use, and intended interpretation.

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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.*

PRESERVATION STANDARDS:

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.

Rehabilitation

The Secretary of the Interior is responsible for establishing standards for all programs under Departmental authority and for advising Federal agencies on the preservation of historic properties listed in or eligible for listing in the National Register of Historic Places.

The Standards for Rehabilitation (codified in 36 CFR 67 for use in the Federal Historic Preservation Tax Incentives program) address the most prevalent treatment. "Rehabilitation" is defined as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values."

Initially developed by the Secretary of the Interior to determine the appropriateness of proposed project work on registered properties within the Historic Preservation Fund grant-in-aid program, the Standards for Rehabilitation have been widely used over the years--particularly to determine if a rehabilitation qualifies as a Certified Rehabilitation for Federal tax purposes. In addition, the Standards have guided Federal agencies in carrying out their historic preservation responsibilities for properties in Federal ownership or control; and State and local officials in reviewing both Federal and nonfederal rehabilitation proposals. They have also been adopted by historic district and planning commissions across the country.

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. The Standards pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and interior of the buildings. They also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction. To be certified for Federal tax purposes, a rehabilitation project must be determined by the Secretary to be consistent with the historic character of the structure(s), and where applicable, the district in which it is located.

As stated in the definition, the treatment "rehabilitation" assumes that at least some repair or alteration of the historic building will be needed in order to provide for an efficient contemporary use; however, these repairs and alterations must not damage or destroy materials, features or finishes that are important in defining the building's historic character. For example, certain treatments--if improperly applied--may cause or accelerate physical deterioration of the historic building. This can include using improper repainting or exterior masonry cleaning techniques, or introducing insulation that damages historic fabric. In almost all of these situations, use of these materials and treatments will result in a project that does not meet the Standards. Similarly, exterior additions that duplicate the form, material, and detailing of the structure to the extent that they compromise the historic character of the structure will fail to meet the Standards.

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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.*

REHABILITATION STANDARDS

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.

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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.*

RESTORATION STANDARDS:

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

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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.

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.*

RECONSTRUCTION STANDARDS:

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.

Copies of the Secretary of the Interior's Standards, with guidelines, can be purchased from the United States Government Printing Office, www.cr.nps.gov/hps/bookstore.htm, or call 1-866-512-1800. General Printing Office (GPO) Stock Number: 024-005-01157-9.

Appendix 8B: Standards for Conducting Cultural Resources Studies

Standards for Conducting Cultural Resources Studies

Cultural resource studies will:

- Be performed by a qualified professional.
- Be conducted according to the standards established by the State Office of Historic Preservation and the Secretary of the Interior's standards and guidelines as they may be modified from time to time and including, but not limited to:

Secretary of the Interior's Standards and Guidelines for the Identification, Evaluation, Documentation, Registration, Historical Documentation, Architectural and Engineering Documentation and Archaeological Documentation Standards for Cultural Resources Studies

- Be Submitted to Central California Information Center, California State University, Stanislaus in Turlock, CA.
- Include a copy of the background research map obtained by the cultural resource professional conducting the study from the Central California Information Center of the California Historical Resources Information System. Said map to be submitted to the City of Angels Planning Department and retained in confidential files, as applicable.

Resource Management Plans

When a cultural resource study determines the resource to be significant, then a resource management plan shall be prepared by the qualified professional and shall be implemented. The management plan shall include photo documentation and recordation of the cultural resources.

Data Recovery Excavations

Data recovery through use of data recovery excavations will be used as a last resort. When a data recovery excavation is required pursuant to a resource management plan excavations shall be limited in area to only those portions of the parcel where cultural resource disturbance cannot feasibly be avoided and when data recovery is determined by a qualified professional to be required to mitigate the impact to the cultural resource.

Capping

When capping is required as part of a resource management plan, the cultural resource shall be covered with a layer of chemically stable soil before construction on top of the resource only after recordation of the cultural resource by a qualified professional. Alternative methods of capping that are generally accepted by cultural resource professionals and approved by the community development department may be considered on a case-by-case basis.

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Appendix 8C: Standards for Cultural Resource Professionals

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History Professional Qualifications

Local Government _____

Name _____ Commissioner Staff
(Name of Commissioner or Staff)

Date of Appointment: _____ Date Term Expires: _____

Certified Local Government procedures require local commissions to meet specific professional requirements. The commission shall include a minimum membership of five individuals with all members having demonstrated interest, competence, or knowledge in historic preservation. At least two Commission members are encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. Commission membership may also include lay members who have demonstrated special interests, competence, experience, or knowledge in historic preservation. **In addition to completing the form below for any commission member or staff who meets the requirements for this profession, please attach a resume for this individual.**

Alternative A

MA or PhD in History

or

MA/MS or PhD in
CRF

(specify field)

Alternative B1

BA in History

or

BA in CRF

(specify field)

and

- Two years full-time experience in history (check appropriate boxes below and attach explanation and dates)
 - ___ research
 - ___ writing
 - ___ teaching
 - ___ interpretation
 - ___ other (specify) _____

With a professional institution

(specify institution)

- ___ academic institution
- ___ historical org./agency
- ___ museum
- ___ other (specify) _____

Alternative B2

BA in History

or

BA in CRF

(specify field)

and

- Substantial contribution through research and publication to body of scholarly knowledge in history (attach explanation)

To meet the standards in this discipline you must be able to check either a big box or a big circle, and check all the smaller boxes under that alternative. One year = 12 months. Full-time = 35-40 hours per week. A year of 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 period. CRF = Closely Related Field; field closely related to this or other discipline in historic preservation (Urban or Regional Planning, American Studies, Historic Preservation, Art History, Architecture, Material Culture, Landscape Architecture, or Folklore). Coursework should be evaluated if discipline itself is not always or obviously related. [Certified Local Government Professional Qualifications (36 CFR Part 61)]

Architectural History Professional Qualifications

Local Government _____

Name _____ Commissioner Staff

(Name of Commissioner or Staff)

Date of Appointment: _____ Date Term Expires: _____

Certified Local Government procedures require local commissions to meet specific professional requirements. The commission shall include a minimum membership of five individuals with all members having demonstrated interest, competence, or knowledge in historic preservation. At least two Commission members are encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. Commission membership may also include lay members who have demonstrated special interests, competence, experience, or knowledge in historic preservation. **In addition to completing the form below for any commission member or staff who meets the requirements for this profession, please attach a resume for this individual.**

Alternative A

- MA or PhD in Architectural History
- or
- MA/MS or PhD in Art History, Historic Preservation or CRF
- _____
- (specify field)
- and
- Coursework in American Architectural History (list courses or attach listing)
- _____
- _____
- _____
- _____

Alternative B1

- BA in Architectural History
- or
- BA in Art History, Historic Preservation or CRF
- _____
- (specify field)
- and
- Two years full-time experience in American architectural history or restoration (check appropriate boxes below and attach explanation and dates)
- With a professional institution
- _____
- (specify institution)
- ___ academic institution
- ___ historical org./agency
- ___ museum
- ___ other (specify) _____

Alternative B2

- BA in Architectural History
- or
- BA in Art History, Historic Preservation or CRF
- _____
- (specify field)
- and
- Substantial contribution through research and publication to body of scholarly knowledge in American architectural history (attach explanation)

To meet the standards in this discipline you must be able to check either a big box or a big circle, and check all the smaller boxes under that alternative. One year = 12 months. Full-time = 35-40 hours per week. A year of 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 period. CRF = Closely Related Field; field closely related to this or other discipline in historic preservation (Urban or Regional Planning, American Studies, Historic Preservation, Art History, Architecture, Material Culture, Landscape Architecture, or Folklore). Coursework should be evaluated if discipline itself is not always or obviously related. In addition, note that Alternative A requires the advanced degree in architectural history or a closely related field and coursework in American architectural history. Alternatives B1 and B2 require the work experience or publications (in lieu of a graduate degree) to be in American architectural history. [Certified Local Government Professional Qualifications (36 CFR Part 61)]

Historic Architecture Professional Qualifications

Local Government _____

Name _____ Commissioner Staff
 (Name of Commissioner or Staff)

Date of Appointment: _____ Date Term Expires: _____

Certified Local Government procedures require local commissions to meet specific professional requirements. The commission shall include a minimum membership of five individuals with all members having demonstrated interest, competence, or knowledge in historic preservation. At least two Commission members are encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. Commission membership may also include lay members who have demonstrated special interests, competence, experience, or knowledge in historic preservation. **In addition to completing the form below for any commission member or staff who meets the requirements for this profession, please attach a resume for this individual.**

Alternative A

- Professional degree in Architecture
- and
- At least one year of graduate study in Architectural Preservation, American Architectural History, Preservation Planning, or CRF

 (specify field)

Alternative A2

- Professional degree in Architecture
- and
- At least one year of full-time professional experience in historic preservation projects, including detailed investigations of historic structures, preparation of historic structures research reports, preparation of plans and specifications for preservation projects (attach explanation)

Alternative B1

- State license to practice architecture

 (specify state(s))
- and
- At least one year of graduate study in Architectural Preservation, American Architectural History, Preservation Planning, or CRF

 (specify field)

Alternative B2

- State license to practice architecture

 (specify state(s))
- and
- At least one year of full-time professional experience in historic preservation projects, including detailed investigations of historic structures, preparations of historic structures research reports, preparation of plans and specifications for preservation projects (attach explanation)

To meet the standards in this discipline you must be able to check all the boxes under one of the alternatives. Note that a professional degree means a five-year or graduate degree. One year = 12 months. Full-time = 35-40 hours per week. A year of 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 period. CRF = Closely Related Field; field closely related to this or other discipline in historic preservation (Urban or Regional Planning, American Studies, Historic Preservation, Art History, Architecture, Material Culture, Landscape Architecture, or Folklore). Coursework should be evaluated if discipline itself is not always or obviously related. [Certified Local Government Professional Qualifications (36 CFR Part 61)]

Prehistoric Archeology Qualifications

Local Government _____

Name _____ Commissioner Staff

(Name of Commissioner or Staff)

Date of Appointment: _____ Date Term Expires: _____

Certified Local Government procedures require local commissions to meet specific professional requirements. The commission shall include a minimum membership of five individuals with all members having demonstrated interest, competence, or knowledge in historic preservation. At least two Commission members are encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. Commission membership may also include lay members who have demonstrated special interests, competence, experience, or knowledge in historic preservation. **In addition to completing the form below for any commission member or staff who meets the requirements for this profession, please attach a resume for this individual.**

Alternative A

MA/MS or PhD in Archeology or Anthropology or CRF _____
(specify field)

and

At least one year full-time professional experience or equivalent specialized training in archeological research, administration, or management (attach explanation)

and

At least four months of supervised field and analytic experience in general North American archeology (attach explanation)

and

Demonstrated ability to carry research to completion (attach explanation)

and

At least one year of full-time experience at a supervisory level in the study of archeological resources of the prehistoric period (attach explanation)

To meet the standards in this discipline you must be able to check all the boxes above. One year = 12 months. Full-time = 35-40 hours per week. A year of 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 period. CRF = Closely Related Field; field closely related to this or other discipline in historic preservation (Urban or Regional Planning, American Studies, Historic Preservation, Art History, Architecture, Material Culture, Landscape Architecture, or Folklore). Coursework should be evaluated if discipline itself is not always or obviously related. [Certified Local Government Professional Qualifications (36 CFR Part 61)]

Historic Archeology Qualifications

Local Government _____

Name _____ Commissioner Staff
(Name of Commissioner or Staff)

Date of Appointment: _____ Date Term Expires: _____

Certified Local Government procedures require local commissions to meet specific professional requirements. The commission shall include a minimum membership of five individuals with all members having demonstrated interest, competence, or knowledge in historic preservation. At least two Commission members are encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. Commission membership may also include lay members who have demonstrated special interests, competence, experience, or knowledge in historic preservation. **In addition to completing the form below for any commission member or staff who meets the requirements for this profession, please attach a resume for this individual.**

Alternative A

MA/MS or PhD in Archeology or Anthropology or CRF _____
(specify field)

and

At least one year full-time professional experience or equivalent specialized training in archeological research, administration, or management (attach explanation)

and

At least four months of supervised field and analytic experience in general North American archeology (attach explanation)

and

Demonstrated ability to carry research to completion (attach explanation)

and

At least one year of full-time experience at a supervisory level in the study of archeological resources of the historic period (attach explanation)

To meet the standards in this discipline you must be able to check all the boxes above. One year = 12 months. Full-time = 35-40 hours per week. A year of 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 period. CRF = Closely Related Field; field closely related to this or other discipline in historic preservation (Urban or Regional Planning, American Studies, Historic Preservation, Art History, Architecture, Material Culture, Landscape Architecture, or Folklore). Coursework should be evaluated if discipline itself is not always or obviously related. [Certified Local Government Professional Qualifications (36 CFR Part 61)]

Appendix 8D: California Register & National Register - A Comparison

California Register of Historical Resources and National Register of Historic Places

From California Office of Historic Preservation Technical Assistance Series #6

California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register)

This handout compares the California Register of Historical Resources and the National Register of Historic Places. Because the California Register was consciously designed on the model of the National Register, the two programs are extremely similar. However, it is important to be aware of the areas in which these programs differ. Herein is offered information about eligibility criteria, integrity requirements, special (criteria) considerations, and the nomination process.

When trying to determine if a resource is eligible for the California Register, you may find it easier to first determine a resource's eligibility for the National Register. Then, if you find it ineligible for the National Register--and keeping in mind the differences between the two programs--move on to determine if it may in fact be eligible for the California Register as a result of these differences.

The information in this handout is taken from the implementing regulations for the California Register of Historical Resources (California Code of Regulations, Title 14, Chapter 11.5, Section 4850 et seq), which can be accessed on the internet at <http://ohp.parks.ca.gov>, and *How to Apply the National Register Criteria for Evaluation* (National Register Bulletin 15), which can be accessed on the internet at http://www.cr.nps.gov/nr/publications/bulletins/nr15_toc.htm. It is advised that you consult these two publications for more specific information. The back of this handout contains a listing of and request form for other publications you may find helpful.

ELIGIBILITY CRITERIA

California Register

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.

National Register

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

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.

INTEGRITY

California Register

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.

National Register

Integrity is the ability of a property to convey its significance. To be listed in the National Register of Historic Places, a property must not only be shown to be significant under the National Register criteria, but it also must have integrity. The evaluation of integrity is

sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance.

Historic properties either retain integrity (that is, convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognize seven aspects or qualities that, in various combinations, define integrity. These are location, design, setting, materials, workmanship, feeling, and association. To retain historic integrity a property will always possess several, and usually most, of the aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance. Determining which of these aspects are most important to a particular property requires knowing why, where, and when the property is significant.

SPECIAL (CRITERIA) CONSIDERATIONS

California Register

Moved buildings, structures, or objects.

The State Historical Resources Commission (SHRC) encourages the retention of historical resources on site and discourages the nonhistoric 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.

National Register

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty years shall not be considered eligible for the National Register. However, such

properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or
- A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- A property achieving significance within the past fifty years if it is of exceptional importance.

NOMINATION PROCESS

California Register

1. Obtain nomination packet from the Office of Historic Preservation (OHP).
2. Complete application, including all necessary supplemental forms, according to instructions.
3. Notify the clerk of the local government in whose jurisdiction the resource is located by certified mail that an application will be filed with OHP and request that the local government provide written comments. The notification must include a copy of the application.
4. Upon receiving written comments from the local government or ninety days after sending notification to the local government (whichever is sooner), the applicant forwards the completed application and any comments to OHP.
5. Within 30 days, OHP staff will ensure that the application is complete and will send notification to the property owner (if the applicant is not the property owner). When the application is complete and the property owner has been notified, the application will be scheduled on an agenda of the SHRC for action.

Note: A nomination does not require owner consent in order for the resource to be listed, but it cannot be listed over an owner's objections. The State Historical Resources Commission can, however, formally determine a property eligible for the California Register if the resource owner objects.

National Register

1. Obtain nomination packet from OHP. Read National Register criteria and *How to Complete the National Register Forms* (Bulletin 16A) and follow these guidelines exactly when preparing application form.
2. If you are not the owner of the property you are submitting for registration, please inform the owner of your intention to apply for registration. The property or district may not be listed over the objection of the owner or majority of owners.
3. If the area is proposed for registration as an historic district, please follow the SHRC district policy prior to submission of the application. OHP staff is available to assist district applicants and should be contacted in the early stages of the process.
4. Submit completed forms, photographs and maps to OHP for review. If the property is endangered or the applicant is requesting rehabilitation incentives under the Tax Reform Act or Revenue Act of 1978, this must be stated clearly in the cover letter.
5. Applications will be reviewed by the OHP. Those which are inadequate or are not prepared in accordance with the guidelines published in Bulletin 16A will be returned to the applicant for further work.
6. OHP notifies all applicants, property owners and appropriate governmental jurisdictions of the time and place of the SHRC meeting.
7. If approved by the SHRC, the application is sent to the State Historic Preservation Officer for nomination to the National Register. The final determination is made 45 days after receipt by the Keeper of the National Register in Washington, D.C.

CALIFORNIA HISTORICAL RESOURCE STATUS CODES

- 1 Properties listed in the National Register (NR) or the California Register (CR)**
- 1D Contributor to a district or multiple resource property listed in NR by the Keeper. Listed in the CR.
- 1S Individual property listed in NR by the Keeper. Listed in the CR.
- 1CD Listed in the CR as a contributor to a district or multiple resource property by the SHRC
- 1CS Listed in the CR as individual property by the SHRC.
- 1CL Automatically listed in the California Register – Includes State Historical Landmarks 770 and above and Points of Historical Interest nominated after December 1997 and recommended for listing by the SHRC.
- 2 Properties determined eligible for listing in the National Register (NR) or the California Register (CR)**
- 2B Determined eligible for NR as an individual property and as a contributor to an eligible district in a federal regulatory process. Listed in the CR.
- 2D Contributor to a district determined eligible for NR by the Keeper. Listed in the CR.
- 2D2 Contributor to a district determined eligible for NR by consensus through Section 106 process. Listed in the CR.
- 2D3 Contributor to a district determined eligible for NR by Part I Tax Certification. Listed in the CR.
- 2D4 Contributor to a district determined eligible for NR pursuant to Section 106 without review by SHPO. Listed in the CR.
- 2S Individual property determined eligible for NR by the Keeper. Listed in the CR.
- 2S2 Individual property determined eligible for NR by a consensus through Section 106 process. Listed in the CR.
- 2S3 Individual property determined eligible for NR by Part I Tax Certification. Listed in the CR.
- 2S4 Individual property determined eligible for NR pursuant to Section 106 without review by SHPO. Listed in the CR.
- 2CB Determined eligible for CR as an individual property and as a contributor to an eligible district by the SHRC.
- 2CD Contributor to a district determined eligible for listing in the CR by the SHRC.
- 2CS Individual property determined eligible for listing in the CR by the SHRC.
- 3 Appears eligible for National Register (NR) or California Register (CR) through Survey Evaluation**
- 3B Appears eligible for NR both individually and as a contributor to a NR eligible district through survey evaluation.
- 3D Appears eligible for NR as a contributor to a NR eligible district through survey evaluation.
- 3S Appears eligible for NR as an individual property through survey evaluation.
- 3CB Appears eligible for CR both individually and as a contributor to a CR eligible district through a survey evaluation.
- 3CD Appears eligible for CR as a contributor to a CR eligible district through a survey evaluation.
- 3CS Appears eligible for CR as an individual property through survey evaluation.
- 4 Appears eligible for National Register (NR) or California Register (CR) through other evaluation**
- 4CM Master List - State Owned Properties – PRC §5024.
- 5 Properties Recognized as Historically Significant by Local Government**
- 5D1 Contributor to a district that is listed or designated locally.
- 5D2 Contributor to a district that is eligible for local listing or designation.
- 5D3 Appears to be a contributor to a district that appears eligible for local listing or designation through survey evaluation.
- 5S1 Individual property that is listed or designated locally.
- 5S2 Individual property that is eligible for local listing or designation.

5S3 Appears to be individually eligible for local listing or designation through survey evaluation.
5B Locally significant both individually (listed, eligible, or appears eligible) and as a contributor to a district that is locally listed, designated, determined eligible or appears eligible through survey evaluation.

6 Not Eligible for Listing or Designation as specified

6C Determined ineligible for or removed from California Register by SHRC.
6J Landmarks or Points of Interest found ineligible for designation by SHRC.
6L Determined ineligible for local listing or designation through local government review process; may warrant special consideration in local planning.
6T Determined ineligible for NR through Part I Tax Certification process.
6U Determined ineligible for NR pursuant to Section 106 without review by SHPO.
6W Removed from NR by the Keeper.
6X Determined ineligible for the NR by SHRC or Keeper.
6Y Determined ineligible for NR by consensus through Section 106 process – Not evaluated for CR or Local Listing.
6Z Found ineligible for NR, CR or Local designation through survey evaluation.

7 Not Evaluated for National Register (NR) or California Register (CR) or Needs Revaluation

7J Received by OHP for evaluation or action but not yet evaluated.
7K Resubmitted to OHP for action but not reevaluated.
7L State Historical Landmarks 1-769 and Points of Historical Interest designated prior to January 1998 – Needs to be reevaluated using current standards.
7M Submitted to OHP but not evaluated - referred to NPS.
7N Needs to be reevaluated (Formerly NR Status Code 4)
7N1 Needs to be reevaluated (Formerly NR SC4) – may become eligible for NR w/restoration or when meets other specific conditions.
7R Identified in Reconnaissance Level Survey: Not evaluated. 12/8/2003
7W Submitted to OHP for action – withdrawn.

Appendix 8E: California Register of Historical Resources: Questions & Answers

California Register of Historical Resources

*From California Office of Historic Preservation Technical Assistance Series #3
California Register of Historical Resources: Questions and Answers
What is the California Register?*

The California Register of Historical Resources is an authoritative guide to California's significant historical and archeological resources to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state, and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change. (See *California Public Resources Code* §5024.1)

The California Register Program encourages public recognition and protection of resources of architectural, historical, archeological and cultural significance, identifies historical resources for state and local planning purposes, and defines threshold eligibility for state historic preservation grant funding. The State Historical Resources Commission (SHRC) oversees the California Register program, which the State Office of Historic Preservation (OHP) administers.

The California Register includes:

- a. Resources formally determined eligible for, or listed in, the National Register of Historic Places through federal preservation programs administered by the Office of Historic Preservation including:
 - the National Register program; □
 - Tax Certification (Evaluation of Significance, part 1, 36 CFR Part 67); and
 - National Historic Preservation Act (Section 106, 16 U.S.C. 470f) reviews of federal undertakings;
- b. State Historical Landmarks numbered 770 or higher;
- c. Points of Historical Interest recommended for listing by the State Historical Resources Commission;
- d. Resources nominated for listing and determined eligible in accordance with criteria and procedures adopted by the SHRC, including:
 - individual historic resources and historic districts;
 - resources identified as significant in historical resources surveys which meet certain criteria; and
 - resources and districts designated as city or county landmarks pursuant to a city or county ordinance when the designation criteria are consistent with California Register criteria.

What are the Effects of Listing on Property Owners?

The rights and responsibilities of owners of historic properties are the same as those of owners of non-historic properties. Listing does **not** prevent the use, sale or transfer of the property. Because land use authority in California generally belongs to the local government, listing does **not** give either the state or the federal government any additional authority over the property.

Local governments may enact zoning regulations that affect privately owned historic properties within their jurisdictions. Contact the planning department of the city or county within which the property is located for information about local zoning regulations that may apply to historic properties.

What are the Benefits of Designation to Property Owners?

In addition to the honor and recognition of owning an historically significant property, listing on the California Register may qualify the owner to benefit from historic preservation grants and other preservation programs such as the Mills Act, a local property tax incentive for historic preservation. The State Historical Building Code can be applied when requirements of the Uniform Building Code threaten the historical integrity of a designated resource. Historic designation often results in increased property values. Because the non-renewable stock of historic resources is rapidly being depleted, historic properties are considered premium commodities in many markets. Owners of designated properties may identify them with a plaque or marker.

What are the Criteria for Listing Historical Resources in the California Register?

Resources eligible for listing include buildings, sites, structures, objects, or historic districts that retain historic integrity and are historically 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;
- 2) It is associated with the lives of persons important to local, California, or national history;
- 3) It embodies the distinctive characteristics of a type, period, region, or method of 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.

In addition to having significance, resources must have integrity for the period of significance. The period of significance is the date or span of time within which

significant events transpired, or significant individuals made their important contributions. Integrity is the authenticity of a historical resource's physical identity as evidenced by the survival of characteristics or historic fabric that existed during the resource's period of significance. Alterations to a resource or changes in its use over time may have historical, cultural, or architectural significance. Simply, resources must retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if, under criterion 4, it maintains the potential to yield significant scientific or historical information or specific data.

Historic Districts are a concentration of historic buildings, structures, objects, or sites within precise boundaries that share a common historical, cultural or architectural background. Individual resources within an historic district may lack individual significance but be considered a contributor to the significance of the historic district.

Can a Resource be Removed from the Register?

The State Historical Resources Commission may remove an historical resource from the California Register if the resource, through demolition, alteration, or loss of integrity has lost its historic qualities or potential to yield information; or if new information or analysis shows that the historical resource was not eligible at the time of its listing.

If you think your property does not meet the criteria for listing and you wish to have your property removed from the California Register, you may submit a written request for removal which provides detailed justification, including photographic documentation showing the current condition of the historical resource and photographic and/or archival documentation of the exterior appearance and condition of the historical resource at the time of listing, and complete ownership information.

How Does Listing Protect the Resource?

Under the California Environmental Quality Act (CEQA), projects which are to be permitted, funded or carried out by public agencies that may have an adverse impact upon historical resources are subject to environmental review. Projects involving privately owned resources that require a discretionary permit or review from a public agency are also subject to environmental review. Resources that are listed, as well as those formally determined eligible for listing, are considered significant historical resources for purposes of CEQA.

By itself, historical designation or listing in the California Register does not prevent the alteration or demolition of an historic resource. However, like flashing signals at a railroad crossing, listing alerts local government officials, property owners, and interested citizens to "stop, look, and listen" before making decisions that may cause irreparable damage to a non-renewable and irreplaceable aspect of California's cultural and historical heritage. The *best* protection for historical resources results from the active efforts of

concerned citizens who promote awareness, recognition, and appreciation of locally significant historic resources in a community which provides incentives for preservation and adopts a comprehensive approach to historic preservation in local land use policies and planning.

Where Do I Get Additional Information?

You may address any questions or comments about the California Register Program to the staff of the Registration Unit, Office of Historic Preservation, PO Box 942896, Sacramento, CA 94296-0001; Phone: (916) 653-6624; Fax: (916) 653-9824; E-mail: calshpo@ohp.parks.ca.gov.

- Pertinent sections of the Public Resources Code and the California Register of Historical Resources regulations are available in Technical Assistance Bulletin #10 “*California State Law and Historic Preservation.*”
- Instructions for nominating resources to the California Register are available in Technical Assistance Bulletin #7 “*How to Nominate a Resource to the California Register of Historical Resources.*”
- Additional information about CEQA and historical resources is provided in Technical Assistance Bulletin #1 *California Environmental Quality Act (CEQA) and Historical Resources.*

Additional information about programs administered by the California State Office of Historic Preservation is available on line at www.ohp.parks.ca.gov. To request printed copies of Technical Assistance Series bulletins or other written materials, contact OHP at 916-653-6624 or calshpo@ohp.parks.ca.gov.

Appendix 8F: Department of Parks & Recreation Forms

For the **523A – Primary Record** and **523B – Building, Structure and Object** forms, see the *California Historical Resources Information System (CHRIS) Information Center Procedure Manual*, 1995 – Amended 2002

www.ohp.parks.ca.gov/pages/1069/files/2001%20IC%20Manual.pdf

Appendix 8G: Cultural Resources Management Ordinance Guidelines (State Office of Historic Preservation)

Cultural Resources Management Ordinance Guidelines

From the Introduction to California Office of Historic Preservation Technical Assistance Series #14, “Local Historic Preservation Ordinances”

Every local government in California has the authority to adopt a local ordinance which provides regulations applicable to historic properties. Because every local community has different types of historic resources, populations, development pressures, etc., each local government should create a local historic preservation ordinance that best suits the needs and views of its community.

There is no standard “model” for what an ordinance should contain. However, historic preservation ordinances will typically include the following:

- a provision for creation of a local historic preservation commission and the responsibilities and powers given to that commission;
- an explanation of the criteria used to determine what properties can be designated under the ordinance and the process for such a designation;
- a provision for granting economic hardship waiver;
- a requirement that property owners maintain resources designated under the ordinance and guidelines for that maintenance.

We have provided links to a sampling of actual historic preservation ordinances from local governments in California. So that you can compare and contrast how different local governments have addressed a particular issue, such as commission powers, designation criteria, economic hardship waivers, etc., there are links to pages that draw from these ordinances and group certain types of ordinance provisions together.

In order to help local governments in California address the issue of creating and revising historic preservation ordinances, the Office of Historic Preservation has contracted with Clarion Associates, Inc. of Denver, Colorado, to create of a local historic preservation ordinance manual. We anticipate that this manual will be available by Spring 2003.

In the interim, The American Planning Association has given us permission to distribute, free of charge, copies of their booklet entitled “Preparing a Historic Preservation Ordinance” by Richard J. Roddewig. Although it was last updated in 1983 and was written for a national audience and therefore is not California specific, it still is extremely useful for anyone considering undertaking the ordinance creation process. You may request a copy by contacting the Local Government Unit at (916) 653-2582, or calshpo@ohp.parks.ca.gov.

Appendix 8H: Financial Incentives

Financial Incentives For Historic Preservation

Mills Act Property Tax Abatement Program

From: California Office of Historic Preservation Technical Assistance Series #12

The Mills Act is a state sponsored legislation granting local governments the authority to directly participate in an historic preservation program. More importantly, the Mills Act is a self-directed, economic incentive program designed to provide private property owners the opportunity to actively participate in the restoration of their properties while receiving property tax relief.

Introduction

Economic incentives contribute to the preservation of residential neighborhoods and the revitalization of downtown commercial districts. The Mills Act is the single most important economic incentive program available in California for use by private property owners of qualified historic buildings. Owner-occupied single family residences and income-producing commercial properties may qualify for the Mills Act program.

Property owners of historic buildings may qualify for property tax relief if they pledge to rehabilitate and maintain the historical and architectural character of their properties for at least a ten-year period. Mills Act participants may realize a property tax savings of approximately 50% each year for newly improved or purchased older properties. County Assessors are required to calculate the assessed value of the property tax savings for Mills Act properties on the capitalization of income method rather than on market value.

The Mills Act is a permissive program subject to approval and adoption by city and county governments. California's four largest cities (Los Angeles, San Diego, San Francisco, and San Jose) have instituted Mills Act programs. The Mills Act provides local governments the flexibility to design preservation programs to accommodate specific community needs and priorities for rehabilitating entire neighborhoods, encouraging seismic safety programs, contributing to affordable housing, promoting heritage tourism, or fostering pride of ownership.

A formal agreement, generally known as a Mills Act contract, is executed between the local government and the property owner for a minimum ten-year term. Contracts are automatically renewed each year and are transferred to new owners when the property is sold. Property owners agree to protect, preserve, and maintain the property in accordance with specific historic preservation standards and conditions identified in the contract. Periodic inspections of the property by city or county officials ensure proper maintenance of the property. Local authorities may impose penalties for breach of contract or failure to protect the historic property. The contract is binding to all owners during the contract period.

A qualified historic property is a property listed on any official federal, state, county, or city register, including the National Register of Historic Places, the California Register of Historical Resources, California Historical Landmarks, State Points of Historical Interest, local landmarks, and local survey listings.

California State Codes Relating to Mills Act Program
California Government Code, Article 12, Sections 50280 – 50290

50280. Restriction of property use.

Upon the application of an owner or the agent of an owner of any qualified historical property, as defined in Section 50280.1, the legislative body of a city, county, or city and county may contract with the owner or agent to restrict the use of the property in a manner which the legislative body deems reasonable to carry out the purposes of this article and of Article 1.9 (commencing with Section 439) of Chapter 3 of Part 2 of Division 1 of the Revenue and Taxation Code. The contract shall meet the requirements of Sections 50281 and 50282.

50280.1. Qualified historic property.

"Qualified historical property" for purposes of this article, means privately owned property which is not exempt from property taxation and which meets either of the following:

- (a) Listed in the National Register of Historic Places or located in a registered historic district, as defined in Section 1.191-2(b) of Title 26 of the Code of Federal Regulations.
- (b) Listed in any state, city, county, or city and county official register of historical or architecturally significant sites, places, or landmarks.

50281. Required contract provision.

Any contract entered into under this article shall contain the following provisions:

- (a) The term of the contract shall be for a minimum period of 10 years.
- (b) Where applicable, the contract shall provide the following:
 - (1) For the preservation of the qualified historical property and, when necessary, to restore and rehabilitate the property to conform to the rules and regulations of the Office of Historic Preservation of the Department of Parks and Recreation, the United States Secretary of the Interior's Standards for Rehabilitation, and the State Historical Building Code.
 - (2) For the periodic examinations of the interior and exterior of the premises by the assessor, the Department of Parks and Recreation, and the State Board of Equalization as may be necessary to determine the owner's compliance with the contract.
 - (3) For it to be binding upon, and inure to the benefit of, all successors in interest of the owner. A successor in interest shall have the same rights and obligations under the contract as the original owner who entered into the contract.

(c) The owner or agent of an owner shall provide written notice of the contract to the Office of Historic Preservation within six months of entering into the contract.

50281.1. Fees.

The legislative body entering into a contract described in this article may require that the property owner, as a condition to entering into the contract, pay a fee not to exceed the reasonable cost of administering this program.

50282. Renewal.

(a) Each contract shall provide that on the anniversary date of the contract or such other annual date as is specified in the contract, a year shall be added automatically to the initial term of the contract unless notice of nonrenewal is given as provided in this section. If the property owner or the legislative body desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract on the other party in advance of the annual renewal date of the contract. Unless the notice is served by the owner at least 90 days prior to the renewal date or by the legislative body at least 60 days prior to the renewal date, one year shall automatically be added to the term of the contract.

(b) Upon receipt by the owner of a notice from the legislative body of nonrenewal, the owner may make a written protest of the notice of nonrenewal. The legislative body may, at any time prior to the renewal date, withdraw the notice of nonrenewal.

(c) If the legislative body or the owner serves notice of intent in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be.

(d) The owner shall furnish the legislative body with any information the legislative body shall require in order to enable it to determine the eligibility of the property involved.

(e) No later than 20 days after a city or county enters into a contract with an owner pursuant to this article, the clerk of the legislative body shall record with the county recorder a copy of the contract, which shall describe the property subject thereto. From and after the time of the recordation, this contract shall impart a notice thereof to all persons as is afforded by the recording laws of this state.

50284. Cancellation.

The legislative body may cancel a contract if it determines that the owner has breached any of the conditions of the contract provided for in this article or has allowed the property to deteriorate to the point that it no longer meets the standards for a qualified historical property. The legislative body may also cancel a contract if it determines that the owner has failed to restore or rehabilitate the property in the manner specified in the contract.

50285. Consultation with state commission.

No contract shall be canceled under Section 50284 until after the legislative body has given notice of, and has held, a public hearing on the matter. Notice of the hearing shall be mailed to the last known address of each owner of property within the historic zone and shall be published pursuant to Section 6061.

50286. Cancellation.

(a) If a contract is canceled under Section 50284, the owner shall pay a cancellation fee equal to 121/2 percent of the current fair market value of the property, as determined by the county assessor as though the property were free of the contractual restriction.

(b) The cancellation fee shall be paid to the county auditor, at the time and in the manner that the county auditor shall prescribe, and shall be allocated by the county auditor to each jurisdiction in the tax rate area in which the property is located in the same manner as the auditor allocates the annual tax increment in that tax rate area in that fiscal year.

(c) Notwithstanding any other provision of law, revenue received by a school district pursuant to this section shall be considered property tax revenue for the purposes of Section 42238 of the Education Code, and revenue received by a county superintendent of schools pursuant to this section shall be considered property tax revenue for the purposes of Article 3 (commencing with Section 2550) of Chapter 12 of Part 2 of Division 1 of Title 1 of the Education Code.

50287. Action to enforce contract.

As an alternative to cancellation of the contract for breach of any condition, the county, city, or any landowner may bring any action in court necessary to enforce a contract including, but not limited to, an action to enforce the contract by specific performance or injunction.

50288. Eminent domain.

In the event that property subject to contract under this article is acquired in whole or in part by eminent domain or other acquisition by any entity authorized to exercise the power of eminent domain, and the acquisition is determined by the legislative body to frustrate the purpose of the contract, such contract shall be canceled and no fee shall be imposed under Section 50286. Such contract shall be deemed null and void for all purposes of determining the value of the property so acquired.

50289. Annexation by city.

In the event that property restricted by a contract with a county under this article is annexed to a city, the city shall succeed to all rights, duties, and powers of the county under such contract.

50290. Consultation with state commission.

Local agencies and owners of qualified historical properties may consult with the State Historical Resources Commission for its advice and counsel on matters relevant to historical property contracts.

California Revenue and Taxation Code, Article 1.9, Sections 439 – 439.4

439. Historical Property Restrictions; enforceably restricted property.

For the purposes of this article and within the meaning of Section 8 of Article XIII of the Constitution, property is "enforceably restricted" if it is subject to an historical property contract executed pursuant to Article 12 (commencing with Section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code.

439.1. Historical Property; definitions.

For purposes of this article "restricted historical property" means qualified historical property, as defined in Section 50280.1 of the Government Code, that is subject to a historical property contract executed pursuant to Article 12 (commencing with Section 50280) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code. For purposes of this section, "qualified historical property" includes qualified historical improvements and any land on which the qualified historical improvements are situated, as specified in the historical property contract. If the historical property contract does not specify the land that is to be included, "qualified historical property" includes only that area of reasonable size that is used as a site for the historical improvements.

439.2. Historical Property; valuation.

When valuing enforceably restricted historical property, the county assessor shall not consider sales data on similar property, whether or not enforceably restricted, and shall value that restricted historical property by the capitalization of income method in the following manner:

(a) The annual income to be capitalized shall be determined as follows:

(1) Where sufficient rental information is available, the income shall be the fair rent that can be imputed to the restricted historical property being valued based upon rent actually received for the property by the owner and upon typical rentals received in the area for similar property in similar use where the owner pays the property tax. When the restricted historical property being valued is actually encumbered by a lease, any cash rent or its equivalent considered in determining the fair rent of the property shall be the amount for which the property would be expected to rent were the rental payment to be renegotiated in the light of current conditions, including applicable provisions under which the property is enforceably restricted.

(2) Where sufficient rental information is not available, the income shall be that which the restricted historical property being valued reasonably can be expected to yield under prudent management and subject to applicable provisions under which the property is enforceably restricted.

(3) If the parties to an instrument that enforceably restricts the property stipulate therein an amount that constitutes the minimum annual income to be capitalized, then the income to be capitalized shall not be less than the amount so stipulated. For purposes of this section, income shall be determined in accordance with rules and regulations issued by the board and with this section and shall be the difference between revenue and

expenditures. Revenue shall be the amount of money or money's worth, including any cash rent or its equivalent, that the property can be expected to yield to an owner-operator annually on the average from any use of the property permitted under the terms by which the property is enforceably restricted. Expenditures shall be any outlay or average annual allocation of money or money's worth that can be fairly charged against the revenue expected to be received during the period used in computing the revenue. Those expenditures to be charged against revenue shall be only those which are ordinary and necessary in the production and maintenance of the revenue for that period. Expenditures shall not include depletion charges, debt retirement, interest on funds invested in the property, property taxes, corporation income taxes, or corporation franchise taxes based on income.

(b) The capitalization rate to be used in valuing owner-occupied single family dwellings pursuant to this article shall not be derived from sales data and shall be the sum of the following components:

(1) An interest component to be determined by the board and announced no later than September 1 of the year preceding the assessment year and that was the yield rate equal to the effective rate on conventional mortgages as determined by the Federal Housing Finance Board, rounded to the nearest 1/4 percent.

(2) A historical property risk component of 4 percent.

(3) A component for property taxes that shall be a percentage equal to the estimated total tax rate applicable to the property for the assessment year times the assessment ratio.

(4) A component for amortization of the improvements that shall be a percentage equivalent to the reciprocal of the remaining life.

(c) The capitalization rate to be used in valuing all other restricted historical property pursuant to this article shall not be derived from sales data and shall be the sum of the following components:

(1) An interest component to be determined by the board and announced no later than September 1 of the year preceding the assessment year and that was the yield rate equal to the effective rate on conventional mortgages as determined by the Federal Housing Finance Board, rounded to the nearest 1/4 percent.

(2) A historical property risk component of 2 percent.

(3) A component for property taxes that shall be a percentage equal to the estimated total tax rate applicable to the property for the assessment year times the assessment ratio.

(4) A component for amortization of the improvements that shall be a percentage equivalent to the reciprocal of the remaining life.

(d) Unless a party to an instrument that creates an enforceable restriction expressly prohibits the valuation, the valuation resulting from the capitalization of income method described in this section shall not exceed the lesser of either the valuation that would have resulted by calculation under Section 110, or the valuation that would have resulted

by calculation under Section 110.1, as though the property was not subject to an enforceable restriction in the base year.

(e) The value of the restricted historical property shall be the quotient of the income determined as provided in subdivision (a) divided by the capitalization rate determined as provided in subdivision (b) or (c).

(f) The ratio prescribed in Section 401 shall be applied to the value of the property determined in subdivision (d) to obtain its assessed value.

439.3. Historical Property; notice of nonrenewal.

Notwithstanding any provision of Section 439.2 to the contrary, if either the county or city or the owner of restricted historical property subject to contract has served notice of nonrenewal as provided in Section 50282 of the Government Code, the county assessor shall value that restricted historical property as provided in this section.

(a) Following the hearing conducted pursuant to Section 50285 of the Government Code, subdivision (b) shall apply until the termination of the period for which the restricted historical property is enforceably restricted.

(b) The board or assessor in each year until the termination of the period for which the property is enforceably restricted shall do all of the following:

(1) Determine the full cash value of the property pursuant to Section 110.1. If the property is not subject to Section 110.1 when the restriction expires, the value shall be determined pursuant to Section 110 as if the property were free of contractual restriction. If the property will be subject to a use for which this chapter provides a special restricted assessment, the value of the property shall be determined as if it were subject to the new restriction.

(2) Determine the value of the property by the capitalization of income method as provided in Section 439.2 and without regard to the fact that a notice of nonrenewal or cancellation has occurred.

(3) Subtract the value determined in paragraph (2) of this subdivision by capitalization of income from the full cash value determined in paragraph (1).

(4) Using the rate announced by the board pursuant to paragraph (1) of subdivision (b) of Section 439.2, discount the amount obtained in paragraph (3) for the number of years remaining until the termination of the period for which the property is enforceably restricted.

(5) Determine the value of the property by adding the value determined by the capitalization of income method as provided in paragraph (2) and the value obtained in paragraph (4).

(6) Apply the ratios prescribed in Section 401 to the value of the property determined in paragraph (5) to obtain its assessed value.

439.4. Historical Property; recordation.

No property shall be valued pursuant to this article unless an enforceable restriction meeting the requirements of Section 439 is signed, accepted and recorded on or before the lien date for the fiscal year in which the valuation would apply.

Federal Historic Preservation Tax Incentives: National Park Service

Introduction

The Federal Historic Preservation Tax Incentives is described here in general terms only. For more detailed information, including copies of application forms, regulations, and other program information, contact one of the offices listed in the online SHPO listing. The provisions of the Internal Revenue Code governing tax incentives for the rehabilitation of historic buildings and of non-historic buildings built before 1936 are extremely complex. Provisions of the tax code regarding at-risk rules, passive activity limitation, and alternative minimum tax can affect a taxpayer's ability to use these tax credits. Readers are strongly advised to consult an accountant, tax attorney, or other professional tax advisor, legal counsel, or the Internal Revenue Service for help in determining whether these incentives pertain to their own situations.

Department of the Interior regulations governing the procedures for obtaining historic preservation certifications are more fully explained in Title 36 of the Code of Federal Regulations, Part 67. The Internal Revenue Service regulations governing the tax credits for rehabilitation are contained in Treasury Regulation Section 1.48-12. These sets of regulations take precedence in the event of any inconsistency with this publication.

Preservation Tax Incentives

Historic buildings are tangible links with the past. They help give a community a sense of identity, stability and orientation. The Federal government encourages the preservation of historic buildings through various means. One of these is the program of Federal tax incentives to support the rehabilitation of historic and older buildings. The Federal Historic Preservation Tax Incentives program is one of the Federal government's most successful and cost-effective community revitalization programs. The Preservation Tax Incentives reward private investment in rehabilitating historic properties such as offices, rental housing, and retail stores. Since 1976, the National Park Service has administered the program in partnership with the Internal Revenue Service and with State Historic Preservation Officers. The tax incentives have spurred the rehabilitation of historic structures of every period, size, style and type. They have been instrumental in preserving the historic places that give cities, towns and rural areas their special character. The tax incentives for preservation attract new private investment to the historic cores of cities and towns. They also generate jobs, enhance property values, and augment revenues for State and local governments through increased property, business and income taxes. The Preservation Tax Incentives also help create moderate and low-income housing in historic buildings. Through this program, abandoned or under used schools, warehouses, factories, churches, retail stores, apartments, hotels, houses, and offices throughout the country have been restored to life in a manner that maintains their historic character.

Current tax incentives for preservation, established by the Tax Reform Act of 1986 (PL 99-514; Internal Revenue Code Section 47 [formerly Section 48(g)]) include:

- 20% tax credit for the certified rehabilitation of income-producing certified historic structures.
- a 10% tax credit for the rehabilitation of non-historic, non-residential buildings built before 1936.

For both credits, the rehabilitation must be a substantial one and must involve a depreciable building. (These terms will be explained later.)

What Is a Tax Credit?

A tax credit differs from an income tax deduction. An income tax deduction lowers the amount of income subject to taxation. A tax credit, however, lowers the amount of tax owed. In general, a dollar of tax credit reduces the amount of income tax owed by one dollar.

The 20% rehabilitation tax credit equals 20% of the amount spent in a certified rehabilitation of a certified historic structure. The 10% rehabilitation tax credit equals 10% of the amount spent to rehabilitate a non-historic building built before 1936.

20% Rehabilitation Tax Credit

The Federal historic preservation tax incentives program (the 20% credit) is jointly administered by the U.S. Department of the Interior and the Department of the Treasury. The National Park Service (NPS) acts on behalf of the Secretary of the Interior, in partnership with the State Historic Preservation Officer (SHPO) in each State. The Internal Revenue Service (IRS) acts on behalf of the Secretary of the Treasury. Certification requests (requests for approval for a taxpayer to receive these benefits) are made to the National Park Service through the appropriate State Historic Preservation Officer (SHPO). Comments by the SHPO on certification requests are fully considered by the NPS. However, approval of projects undertaken for the 20% tax credit is conveyed only in writing by duly authorized officials of the National Park Service.

The 20% rehabilitation tax credit applies to any project that the Secretary of the Interior designates a certified rehabilitation of a certified historic structure. The 20% credit is available for properties rehabilitated for commercial, industrial, agricultural, or rental residential purposes, but it is not available for properties used exclusively as the owner's private residence.

What is a “certified historic structure?”

A certified historic structure is a building that is listed individually in the National Register of Historic Places —OR— a building that is located in a registered historic district and certified by the National Park Service as contributing to the historic significance of that district. The “structure” must be a building—not a bridge, ship, railroad car, or dam. (A registered historic district is any district listed in the National Register of Historic Places. A State or local historic district may also qualify as a

registered historic district if the district and the enabling statute are certified by the Secretary of the Interior.)

What is a “certified rehabilitation?”

The National Park Service must approve, or “certify,” all rehabilitation projects seeking the 20% rehabilitation tax credit. A certified rehabilitation is a rehabilitation of a certified historic structure that is approved by the NPS as being consistent with the historic character of the property and, where applicable, the district in which it is located. The NPS assumes that some alteration of the historic building will occur to provide for an efficient use. However, the project must not damage, destroy, or cover materials or features, whether interior or exterior, that help define the building’s historic character.

IRS Requirements

To be eligible for the 20% rehabilitation tax credit, a project must also meet the following basic tax requirements of the Internal Revenue Code:

The building must be depreciable. That is, it must be used in a trade or business or held for the production of income. It may be used for offices, for commercial, industrial or agricultural enterprises, or for rental housing. It may not serve exclusively as the owner’s private residence.

The rehabilitation must be substantial. That is, during a 24-month period selected by the taxpayer, rehabilitation expenditures must exceed the greater of \$5,000 or the adjusted basis of the building and its structural components. The adjusted basis is generally the purchase price, minus the cost of land, plus improvements already made, minus depreciation already taken. Once the substantial rehabilitation test is met, all qualified expenditures, including those incurred outside of the measuring period, qualify for the credit. If the rehabilitation is completed in phases, the same rules apply, except that a 60-month measuring period applies. This phase rule is available only if: (1) there is a set of architectural plans and specifications for all phases of the rehabilitation, and (2) it can reasonably be expected that all phases of the rehabilitation will be completed.

The property must be placed in service (that is, returned to use). The rehabilitation tax credit is generally allowed in the taxable year the rehabilitated property is placed in service.

The building must be a certified historic structure when it is placed in service; if it is not yet a certified historic structure when it is placed in service, the owner must have requested on or before the date that the building was placed in service a determination from the NPS that the building is a certified historic structure, and have a reasonable expectation that the determination will be granted. (This means, generally, for buildings not individually listed in the National Register of Historic Places, that Part 1 of the Historic Preservation Certification Application must have been filed before the building was placed in service.)

Qualified rehabilitation expenditures include costs associated with the work undertaken on the historic building, as well as architectural and engineering fees, site survey fees, legal expenses, development fees, and other construction-related costs, if such costs are added to the basis of the property and are determined to be reasonable and related to the services performed. They do not include costs of acquiring or furnishing the building, new additions that expand the existing building, new building construction, or parking lots, sidewalks, landscaping, or other facilities related to the building.

Other Tax Incentives for Historic Preservation

Other Federal and State tax incentives exist for historic preservation. They may be combined with the rehabilitation tax credit.

Charitable Contributions for Historic Preservation Purposes

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). The Tax Reform Act of 1986 retained these provisions. Generally, the IRS considers that 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. For purposes of the charitable contribution provisions only, a certified historic structure need not be depreciable to qualify, may be a structure other than a building and may also be a portion of a building such as a facade, if that is all that remains, and may include the land area on which it is located.

The IRS definition of historically important land areas includes: independently significant land areas, including any related historic resources that meet National Register Criteria for Evaluation; land areas within registered historic districts, including buildings, that contribute to the significance of the historic district; and, land areas adjacent to a property individually listed in the National Register of Historic Places (but not within a historic district) where physical or environmental features of the land area contribute to the historic or cultural integrity of the historic property.

State Tax Incentives

A number of States offer tax incentives for historic preservation. They include tax credits for rehabilitation, tax deductions for easement donations, and property tax abatements or moratoriums. The SHPO will have information on current State programs. Requirements for State incentives may differ from those outlined here.

Investment Tax Credit for Low Income Housing

The Tax Reform Act of 1986 (IRC Section 42) also established an investment tax credit for acquisition, construction, or rehabilitation of low income housing. The credit is approximately 9% per year for 10 years for each unit acquired, constructed, or rehabilitated without other Federal subsidies and approximately 4% for 10 years for units involving the 20% rehabilitation tax credit, Federal subsidies or tax-exempt bonds. Units must meet tests for cost per unit and number of units occupied by individuals with

February 3, 2009

incomes below area median income. The law sets a 15-year compliance period. Credits are allocated by State Housing Credit Agencies.

National Park Service and State Historic Preservation Officers
Preservation Tax Incentives
Technical Preservation Services, National Park Service
1849 C St., NW (org code 2255)
Washington, D.C. 20240
202-513-7270 e-mail: nps_hps-info@nps.gov

Appendix 8I: State Historical Building Code

State Historical Building Code

*From the introduction: 2001 California Historical Building Code
California Code of Regulations, Title 24, Part 8*

The State Historical Building Code (SHBC) is unique among state regulations. The authoring of the original SHBC required state agencies promulgating regulations for building construction to work in harmony with representatives of other design and construction disciplines. The result was a totally new approach to building codes for historical structures, which maintains currently acceptable life-safety standards. These regulations are also unique in that they are performance-oriented rather than prescriptive. The provisions of the SHBC are to be applied by the enforcing authority of every city, county, city and county, or state agency in permitting repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use or continued use of a qualified historical building.

The authority for use of the SHBC is vested in Sections 18950 through 18961 of the Health and Safety Code. Section 18954 states, “The building department of every city or county shall apply the provisions of alternative building standards and building regulations adopted by the SHBC Board pursuant to Section 18959.5 in permitting repairs, alterations and additions necessary for the preservation, restoration, rehabilitation, moving or continued use of an historical building or structure. A state agency shall apply the alternative building regulations adopted by the SHBC Board pursuant to Section 18959.5 in permitting repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, moving, or continued use of an historical building or structure.”

However, be aware that in order to use the SHBC, the structure under consideration must be qualified by being designated as an historical building or structure. Section 18955 states: .For the purposes of this part, a qualified historical building or structure is any structure or collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. This shall include structures on existing or future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks.

The regulations of the SHBC have the same authority as state law and are to be considered as such. Liability is the same as for prevailing law.

The intent of the SHBC is to save California’s architectural heritage by recognizing the unique construction problems inherent in historical buildings and by providing a code to deal with these problems.

Appendix 8J: California Environmental Quality Act Cultural Resources Guidelines

California Environmental Quality Act (CEQA) and Historical Resources

*Excerpted From California Office of Historic Preservation Technical Assistance
Series #1*

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 one 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 judgment 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. Judgment 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.

For more information on CEQA and historical resources, contact the Office of Historic Preservation for the entire document at <http://ohp.parks.ca.gov>.

8K: Certified Local Government Program

Overview of the CLG Program

Preserving important historic properties as reflections of our American heritage became a national policy through passage of the Antiquities Act of 1906, the Historic Sites Act of 1935, and the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) (NHPA). In part, the NHPA instructed the Federal Government to assist local governments to expand and accelerate their historic preservation programs and activities. Since enactment of the NHPA, the historic preservation expertise and activities of local governments have significantly increased. The act, however, provided no opportunity for local governments to be involved formally in the national historic preservation program. Lack of formal participation by local governments often meant that historic preservation issues were not considered until development planning was well underway. This often resulted in preservation/land development conflicts causing project delays and increasing costs. In addition, opportunities frequently were lost for preservation-oriented development that could satisfy both preservation and development goals. The CLG must be able to demonstrate an understanding of and be included in the local project appeal process involving such activities as CEQA review.

In recognition of the need to involve local governments in historic preservation, the 1980 amendments to the NHPA provided a specific role for local governments in the national program by establishing the Certified Local Government (CLG) program. A CLG is a local government whose local historic preservation program has been certified pursuant to Section 101 (c) of the NHPA. Any local government is eligible to apply for certification, with the exception of regional commissions and councils of government. A local government is any general purpose political subdivision of California such as a city, county, or city/county government. Once certified, a local government must be included in the process of nominating properties to the National Register of Historic Places and will be eligible to apply to the state for a share of the state's annual Historic Preservation Fund (HPF) allocation.

What is the Certified Local Government Program?

The 1980 amendments to the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), provided for the establishment of a Certified Local Government (CLG) Program. The CLG program is a national program designed to encourage the direct participation of a local government in the identification, registration, and preservation of historic properties located within the jurisdiction of the local government. A local government may become a CLG by developing and implementing a local historic preservation program based on federal and state standards.

The CLG program encourages the preservation of cultural resources by promoting a partnership among local governments, the State of California, and the National Park Service (NPS) which is responsible for the National Historic Preservation Program.

Becoming a CLG can provide local staff and commissions the tools, technical training, and more meaningful leadership roles in the preservation of the community's cultural heritage. Local interests and concerns are integrated into the official planning and decision-making processes at the earliest possible opportunity.

In response to the federal government's 1995 initiative for simplifying the National Park Service's oversight of the National historic preservation program, the NPS revised 36 CFR 61 to provide each state with greater discretion in carrying out the responsibilities mandated in the National Historic Preservation Act. Decisions on membership requirements for local preservation commissions are left entirely to the states. The requirement that local preservation commissions consult outside professionals in certain instances is eliminated.

Who Can Apply for Certified Local Government Status?

Any local government is eligible to apply for certification, with the exception of regional commissions and councils of governments. A local government is any general purpose political subdivision of California such as a city, county, or city/county. It is important to be aware that certification pertains to the entire local government and its agencies, not simply to the preservation commission that serves the local government.

Why Become a Certified Local Government?

Local governments that have achieved CLG status are considered full partners with the California Office of Historic Preservation in carrying out the protection of cultural resources.

Benefits of becoming a CLG include:

- Eligibility for federal grants from the Historic Preservation Fund administered by the California Office of Historic Preservation. (See below for more information.)
- Direct participation in the nomination of historic properties to the National Register of Historic Places.
- Opportunity for enhanced responsibilities to review and comment on development projects in compliance with federal environmental regulations, thereby expediting the review time.
- Special technical assistance and training for local preservation commission members and staff from the SHPO.
- Potential for participation in the review of building rehabilitation plans for federal investment tax credits.

Qualified staff or consultants (who meet the Secretary of the Interior's Professional Qualifications Standards, see **Appendix 8C**) at the local level, working closely with the OHP and the local preservation commission, can expedite the review of these program components and provide local perspective in project development.

At least ten percent (10%) of California's annual HPF allocation shall be designated for transfer to the CLGs on a competitive basis. CLGs receiving HPF grants shall be considered subgrantees of the state. All CLGs shall be eligible to receive funds from the CLG share of the state's local annual HPF grant award. The state, however, is not required to award funds to all certified governments that are eligible to receive funds.

Historic Preservation Fund grants shall be awarded to CLGs on a 60/40 matching basis. The matching share is a requirement to maintain consistency with other federal allocations to the state and to ensure standard accountability in fiscal management. Local financial management systems shall be in accordance with the standards specified in the federal Office of Management and Budget (OMB) Circular A-128 and shall also be auditable pursuant to the federal General Accounting Office's "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."

How Does a Local Government Become a CLG?

The chief elected official of the local government must submit an application to the OHP requesting certification. Procedures and requirements for becoming a CLG are outlined in Part II of this booklet.

When Are CLG Applications Accepted?

Local governments applying for CLG status can submit applications year round. However, in order to apply for grants through the CLG program, local governments must be certified by the grant application deadline (usually June 1 of each year). The certification review period includes up to 45 days for state review of the CLG application and 15 days for NPS review and concurrence. NPS has final approval to certify local governments as CLGs. The grant application is a separate form independent of the certification application.

Where Can I Get More Information?

If you have any questions on this program, the enclosed certification application form, or the preparation of a local preservation ordinance, please contact the Local Government Unit, Office of Historic Preservation, Post Office Box 942896, Sacramento, CA 94296-0001, phone (916) 653-6624, fax (916) 653-9824.

Requirements for Certification

Local governments may be certified to participate in the CLG program by complying with the five minimum responsibilities of a CLG. Local governments must:

- Enforce appropriate state and local legislation for the designation and protection of historic properties;
- Establish an adequate and qualified historic preservation review commission by local law;

- Maintain a system for the survey and inventory of historic properties;
- Provide for adequate public participation in the local historic preservation program, including the process of reviewing and recommending properties for nomination to the National Register of Historic Places; and
- Satisfactorily perform the responsibilities delegated to it by the state.

Enforce appropriate state and local legislation for the designation and protection of historic properties

Certified Local Governments must enact and enforce a local historic preservation ordinance as well as enforcing the California Environmental Quality Act regulations in relation to historical resources. Additionally, CLGs, along with other local governments, have a role in the environmental review of federally-sponsored projects under Section 106 of the National Historic Preservation Act of 1966, as amended.

Establish an adequate and qualified historic preservation review commission by local law

The establishment of a local preservation commission is usually done through the local government's preservation ordinance. CLG preservation commissions must have a minimum of five members with all members having a demonstrated interest, competence or knowledge of historic preservation. Additionally, two members are encouraged to be professionals who meet the qualifications for various disciplines outlined by the Secretary of the Interior (see Appendix C for more information about professional qualifications). Local governments can be certified without this minimum professional qualified membership. The commission must meet a minimum of four times per year and each commissioner must attend at least one training session that is certified as meeting the requirements of the CLG program each year. The commission is the local governmental entity responsible for preparing and submitting an annual report to the OHP each year.

Maintain a system for the survey and inventory of historic properties

Because surveying is one of the cornerstones of any historic preservation program, CLGs must develop or have in place a system for the survey and inventory of historic properties within their jurisdictions. This system must be coordinated with the OHP's statewide inventory program, use state-approved inventory forms and evaluative criteria consistent with the National Register, and be in line with the Secretary of the Interior's Standards for Identification and Evaluation. Communities which have conducted surveys in the past must update their survey data as new resources become eligible for consideration, or when older surveys warrant re-examination over time.

Provide for adequate public participation in the local historic preservation program

Public participation is an integral feature of any preservation program. All local preservation commission meetings must be open to the public and meet the requirements of open meeting laws. Additionally, the public should be involved in the CLG's survey program, nominations to registration programs, and preservation planning. Surveys must be available to the public as appropriate with the exception of certain archeological information, which must be kept confidential in order to ensure its protection.

Satisfactorily perform the responsibilities delegated to it by the state

CLGs, in consultation with the OHP, can choose to take on additional responsibilities in their preservation programs. These include reviewing and commenting on applications for federal tax incentives for historic preservation and National Register nominations. Additionally, CLGs can take part in state programs such as the Mills Act property tax abatement for historic properties.

Appendix 8L: Historic Preservation Resources

Historic Preservation Resources

National Park Service www.nps.gov

The National Historic Preservation Act of 1966 (as amended, 16 U.S.C. 470) created the framework for historic preservation in the United States. Most notably, the National Register of Historic Places was created, to recognize historic resources important to our national, state and local heritage, and the Historic Preservation Fund was also formed, to provide funding and assistance for historic preservation. The responsibility to carry out the National Historic Preservation Act lies with the Secretary of the Interior; federal preservation programs are the responsibility of the National Park Service.

- **Links to the Past** www.cr.nps.gov
The Links to the Past website provides access to information and programs carried out by the National Park Service, most notably, the National Register of Historic Places.
- **Heritage Preservation Services** www2.cr.nps.gov
Heritage Preservation Services, a division of the National Park Service, provides guidance and tools to help citizens and communities identify, evaluate, protect and preserve historic properties. The Division provides a broad range of products and services, financial assistance and incentives, educational guidance, and technical information in support of this mission, in partnership with State Historic Preservation Offices, local governments, tribes, federal agencies, colleges, and non-profit organizations. Programs include the Federal Historic Preservation Tax Incentives and Certified Local Government program. Technical Preservation Services prepares and publishes information to assist in the preservation of historic properties, including the Secretary of the Interior's Standards for the Treatment of Historic Properties.

California Office of Historic Preservation (OHP) <http://ohp.parks.ca.gov>

The Office of Historic Preservation is located in the California Department of Parks and Recreation and is responsible for administration of federally and state mandated historic preservation programs in California. The mission of the Office of Historic Preservation and the State Historical Resources Commission, in partnership with the people of California and governmental agencies, is to preserve and enhance California's irreplaceable historic heritage as a matter of public interest so that its vital legacy of cultural, educational, recreational, aesthetic, economic, social, and environmental benefits will be maintained and enriched for present and future generations.

National Trust for Historic Preservation www.nationaltrust.org

The National Trust for Historic Preservation, established in 1949, is the national non-profit organization whose mission is to provide "leadership, education and advocacy to save America's diverse historic places and revitalize our communities." Among the Trust's many programs are Heritage Tourism, Rural Heritage, and the National Main Street Center, all of which help preserve, protect and revitalize historic communities.

The Trust also conducts a variety of education programs and has several grant and loan programs.

California Preservation Foundation (CPF) www.californiapreservation.org

The California Preservation Foundation, founded in 1976, is California's only statewide non-profit historic preservation education, advocacy and membership organization. Its mission is to ensure that California's rich and diverse historic resources are identified, protected and celebrated for their history and their valuable role in California's economy, environment and quality of life. CPF conducts the state-wide annual conference, presents preservation awards to recognize excellence in preservation, provides training opportunities for preservationists, and acts as an advocate for preservation throughout the state.

California Historical Society www.californiahistoricalsociety.org

The California Historical Society is a statewide membership-based organization. Its mission is to engage the public's interest and participation in collecting, preserving and presenting art, artifacts, and written materials relevant to the history of California and to support historical research, publication and educational activities.

California Council for the Promotion of History (CCPH) www.csus.edu/org/ccph/

The California Council for the Promotion of History is a statewide nonprofit organization founded in 1977 as a state committee of the National Coordinating Committee for the Promotion of History. The purpose of CCPH is to foster, facilitate, and coordinate efforts which enhance appreciation of historical heritage, application of history skills in the public and private sectors, and ensure the preservation, interpretation, and management of California's historical resources.

Society for California Archaeology (SCA) www.scahome.org

The Society for California Archaeology is a nonprofit scientific and educational organization dedicated to research, understanding, interpretation and conservation of California's heritage. Membership is open to everyone with an interest in California archaeology. SCA promotes cooperation among archaeologists in California and seeks to increase public appreciation and support for archaeology in California.

Angels Camp Museum www.cityofangels.org/museum.htm

753 S. Main St., PO Box 667, Angels Camp, CA 95222

Phone: 209-736-2963

Fax: 209-736-0709

Calaveras County Historical Society www.calaverascohistorical.com

30 N. Main Street, PO Box 721 San Andreas, CA 95249

Phone: 209-754-1058

The mission of the Calaveras County Historical Society is to preserve, chronicle and display the rich history of Calaveras County.

February 3, 2009

Central Sierra Me-Wuk Cultural & Historic Preservation Committee

Reba Fuller, Spokesperson

P.O. 699

Tuolumne, CA 95379

Tribal Affiliation: Me-Wuk–Miwok

(209) 928-1398

Calaveras Band of Me-Wuk

Debra Grimes

P.O. Box 899, West Point, CA 95255

Phone: (209)293-4135

Appendix 8M: Angels Camp History References

Angels Camp Reference Materials

Books:

Buckbee, Edna Bryan. *Pioneer Days of Angels Camp*. Angels Camp, CA: Calaveras Californian, 1932.

Calaveras County Illustrated and Described. Oakland, CA: W.W. Elliott & Company, 1885; reprinted by Linrose Publishing, Fresno, CA, 1991.

Leonard, Edward C. *A Brief History of Angels Camp*. Murphys CA: Old Timer's Museum, 1998.

Limbaugh, Ronald H. and Willard P. Fuller, Jr. *Calaveras Gold: The Impact of Mining on a Mother Lode County*. Reno: University of Nevada Press, 2004

Mace, O. Henry. *Between the Rivers: a history of early Calaveras County, California*. Murphys, CA: Paul Groh Press, 1993.

Manners, H. Stuart. *A History of Angels Camp*. Altaville, CA: Haddon House Press, 2001

Wood, R. Coke. *Big Tree Bulletin*. Murphys, CA: R. Coke Wood, 1960

Central California Information Center:

California Historical Resources Information System
Department of Anthropology – California State University, Stanislaus
801 W. Monte Vista Avenue
Turlock, CA 95382

National Register Nomination Forms:

- Calaveras County Bank
- Angels Hotel
- Sam Choy Brick Store/City Jail
- Utica Mansion
- Altaville Grammar School

California Register of Historical Landmarks

- Angels Camp, No. 287
- Altaville, No. 288
- Red Brick (Altaville) Grammar School, No. 499
- Prince Garibaldi Building, No. 735

Calaveras County Archives:

P.O. Box 1281
San Andreas, CA 95249
Phone: (209) 754-3918

- Angels Camp Vertical File
- Angels Camp buildings vertical file

MILESTONES IN ANGELS CAMP HISTORY

- Pre-10,000 B.C. The Davis-Winter vein of gold-bearing quartz ore that passes through the Angels Camp and Altaville portion of the Mother Lode is formed.
- 10,000 B.C. The first native people arrive in the area and establish one of the oldest native villages in California along Angels Creek, downstream from present-day Angels Camp.
- ca. 0 A.D. Ancestors of the Central Miwok Indians migrate to the area.
- ca.1806 Spanish Army Lieutenant Gabriel Morago is the first European to explore the interior of California. He names the Calaveras River after the many skulls found along its banks, believed to be the remains of an Indian battle.
- 1826 Jedediah Smith is the first white man to cross the Sierra Nevada; trappers arrive from the east, establishing immigration routes.
- 1848 California becomes a U.S. territory.
A party of men, including James H. Carson, Henry Angel, and Edward and John Murphy, enter the area and discover gold at Angels Creek, Carson Creek and Murphys. Angels Camp is founded and named after Henry Angel, a native of Rhode Island, who establishes a trading post to provision miners. Soon, there are nearly 300 miners working placer claims in the Angels Camp area. Within a few years, the population will grow to 4,000 people.
- 1849 John Scribner and Captain Henry Matthews take over Angel’s Trading Post.
Gold is worth \$12 an ounce.
Robinson’s Ferry begins operation on the Stanislaus River near Melones, improving access to Angels Camp and the surrounding area.
- 1850 Calaveras County is created. One of the original 27 counties in California, it includes parts of what later becomes Amador, Alpine and Mono Counties. The population of Calaveras County is 16,884 – about 18% of the state’s population. Almost 99% of the county population is male, and 22% are Chinese.
The first passenger stagecoach service to Stockton is provided.
- 1851 On November 6, the first post office is established on Carson Creek.
Mexican miners mine quartz rock using arrastras.
An accusation of claim jumping by American miners in Los Muertes, a Mexican mining encampment on Angels Creek, leads to a violent confrontation and death. The accusation of claim jumping is proven before the alcalde of the district and a lynching follows. Others receive lashes, a common form of punishment in the early days of the gold rush.
- 1852 The Stickle Mine is established by George Stickle.
Dr. J.J. Boone locates the Sultana Mine.
The Winter brothers find an area of rich ore at their Marshall Mine.
The Calaveras Grove of Big Trees is discovered by A.T. Dowd. As word of this natural wonder spreads, tourism begins.

- The townspeople suffer from a smallpox epidemic and famine.
Dr. William A. Kelly is the first of many doctors in Angels Camp; he practices medicine here for many years.
- 1853 On May 27, the post office moves the first of several locations on Main Street.
- 1854 The population of Angels Camp is estimated to be 4,500.
On May 3, the Union Water Company is formed.
California's first foundry is established in Altaville by Andy Gardiner and J.M. Wooster. They begin manufacturing most of the stamp mills used in Calaveras and Tuolumne Counties and also manufacture the fire-proof iron doors and shutters used on many buildings.
The first benevolent organizations are established. Between 1854 and 1943, at least 21 lodges are organized, including the International order of Oddfellows Hope Lodge, chartered December 21, 1854 with 6 members.
Bennager Raspberry, while trying to dislodge the ramrod of his gun, fires it into a bush. In the process of freeing the ramrod, he uproots the bush to discover rich gold-bearing quartz.
The first school is established; classes are held in a room on Raspberry Lane that is rented from Bennager Raspberry.
St. Michael's Catholic Church is built, but it is destroyed by fire a year later.
The largest gold "nugget" found in the U.S. is taken from the Morgan Mine at nearby Carson Hill, weighing in at 195 pounds (troy).
John Peirano erects a stone building and opens a general store on Main Street at Birds Way; the store is regarded as one of the finest in the Mother Lode.
- 1855 Surface mining in the area dwindles as placer gold plays out.
- 1855-56 Fires destroy much of the town; most businesses and many houses are rebuilt of stone or brick and outfitted with fire-proof iron shutters and doors. One of the rebuilt businesses is the Angels Hotel.
- 1856 Wells Fargo and Company establishes an office and begins carrying bullion from the mines to the Mint in San Francisco. Wells Fargo also runs stages to Oakdale, Stockton and beyond.
- 1857 There are 11 quartz mills in and about Angels Camp.
A second floor is added to the Angels Hotel.
The name of Altaville is adopted, replacing Forks of the Road and Cherokee Flat, and winning out over the proposed name of Winterstown.
B.R. Prince and G. Garibaldi open a general merchandise store in Altaville.
- 1858 The Altaville Grammar School is constructed.
On May 12, James Palache attaches the wire for the Big Tree, Murphys and Angels Telegraph line.
- 1860 The Methodist Episcopal Church is built on a hill north of town.
Bret Harte comes to Tuolumne and spends 2 years in area; he later features Angels Camp and many surrounding locations in his writings.

- Sam Choy, a Chinese businessman, builds his store on Birds Way in the Chinese settlement along Angels Creek known as Chinatown; the building later serves as the city jail.
- The population remains relatively unchanged from 1850, but the percentage of women has increased to 16%.
- 1860s-1870s Mining activities shift to lode mining. However, many mines and stamp mills shut down, due to difficulty in processing the ores, and miners move on to other discoveries, including the Comstock.
- 1862 The Angels Camp Guard, a militia company authorized by an act of the Legislature, is organized on April 22. They meet at Cosgrove Hall.
- 1863 Mark Twain spends 4 months in the area and is told the story of the Jumping Frog in 1864 at the Angels Hotel bar. On November 18, 1865, the first version of “The Celebrated Jumping Frog of Calaveras County” is published in the *New York Saturday Press*, giving Twain a national reputation.
- 1864 The Carson Valley and Big Trees Road is opened through Ebbetts Pass.
- 1865 James Graham Fair and Irwin Davis sell a mining claim known as the “Invincible” to Attorney James T. Boyd and Judge Delos Lake for \$30,000. The claim is renamed the Utica in honor of Judge Lake’s birthplace. Boyd and Lake find the mine not worthy of development and lease it to a prospector, who disappears and effectively abandons the claim.
- 1866 The “Pliocene skull” is discovered in a local mine; the subject of much scientific speculation, it is finally proven many years later to be a hoax perpetrated by local residents.
- 1870 The population of Angels Camp is 1,748, including 222 Chinese, 4 black people, and 3 “domesticated” Indians.
- 1871 The townsite is surveyed by A.B. Beauvais; he lays out the town in eight blocks, with approximately one hundred lots.
- 1872 The first of many local newspapers, *The Mountaineer* is published by R.V. Chadd.
- 1877 Prominent businessman B.R. Prince demonstrates that silk can be successfully cultured in Angels Camp, but the project fails to develop into an industry.
- 1879 The Gold Cliff Mine is established by Cogswell and Dolan.
- 1880 The population of Angels Camp declines to 1,381.
- 1882 The Utica Mansion is built by Robert Leeper, owner of the Utica Mine; Leeper had acquired the abandoned mine in a process known as “claim jumping.”
- 1884 C.D. Lane purchases the Utica Mine and Utica Mansion.
- 1885 On June 24, fire destroys the Cosgrove Hotel, 15 buildings on both sides of Main Street and nearly all of Chinatown
On January 10, the Miners’ Protective Union (AFL) is organized for the purpose of achieving better underground working conditions for miners.
- 1886 Prince Parlor, Native Sons of the Golden West, is organized on March 25.

- 1887 The Union Water Company is sold to the Utica Mining Company. The following year, the mining company increases the size of the canals and flumes bringing water from the headwaters of the Stanislaus River to Angels Camp.
- 1889 A cave-in at the Utica Mine begins at the 300-foot level and continues to the surface; 16 of 19 men in the timber crew are killed.
- 1890 The county population is 8,895. The population of Angels Camp is 1,950.
- 1891 D.D. Demarest and G.D. Orcutts purchase the Altaville Foundry.
- 1894 The Utica Mine owners erect a hospital to care for injured miners. The building is located on Main Street, south of Angels Creek. The Angels Camp Race Track Association is formed and the Angels Camp Race Track is built south of town in what becomes known as the Frogtown area.
- 1895 In July, a fire breaks out in the Utica Mine and burns for 14 days. To extinguish the fire, 20 million gallons are reportedly poured into the mine each day. After 4 days, the water rises to a sufficient level to extinguish the fire. It takes 8 weeks to pump the water out of the mine.
- 1899 The first bank in Angels Camp is established by Walter Tryon, A.L. Howe and E.B. Cushing.
A two-story school building is constructed on Finnegan Lane at a cost of \$10,000.
The Utica Power Company, a subsidiary of the Utica Mining Company, builds an electricity generating plant east of Murphys. A Pelton wheel powering a Westinghouse alternator produces 750 kilowatts and transmits 2,500 volts to Angels Camp, 8 ½ miles away. The capacity is soon doubled. Power is intended to be used for the Utica, Lightner and Gold Cliff mines, but surplus power is also used by the city.
Mrs. Olivia Rolleri, a widow with ten children, begins operating the Calaveras Hotel. She expands the hotel into one of the finest in the region, and purchases a ranch to supply the restaurant.
- 1900 Mining reaches its peak. Between 1887 and 1918, the combined Utica-Stickle mines produce \$13,635,747. Over \$30 million is produced by the Sultana, Angels, Lightner, Stickle and Utica mines, with shafts worked to the 2,700-foot level.
The county population is 11,200. The population of Angels Camp is 4,258.
The Calaveras County Bank is established.
- 1901 The first resident priest, Father Vaughn, arrives in Angels Camp. Fearing that the land under the existing church is honeycombed by mines, he sets out to build St. Patrick's Catholic Church.
- 1901-02 The rights-of-way are secured to bring the railroad from Jamestown to Angels Camp by way of Tuttletown, Melones and Carson Hill. The first train arrives on September 10, 1902. The railroad provides service to Oakdale and San Francisco.

- 1905 The Bret Harte Union High School District is established. A school is built on Stanislaus Street.
The First Congregational Church is dedicated.
- 1907 A strike closes the mines for 7 months.
- 1909 Angels Creek floods and carries away most of Chinatown, as well as one of the fire company's two hose carts.
St. Basil's Serbian Church is constructed.
- 1910 The Utica Reservoir is built.
The population of Angels Camp is 3,370.
- 1912 On January 24, Angels Camp is incorporated as the City of Angels and a Board of Trustees is established. The first Board president is Alexander May, and the directors are James Lagomarsino, W. Tryon, James Snow, and C.H. Wood.
The Volunteer Fire Department is formed.
- 1913 At the Etna Mine, a skip becomes jammed below the 200-foot level and is trapped beneath the sump. A diver wearing a deep sea outfit descends to release the skip, the first time a diver is employed in a mine in California.
- 1914 The Angels Camp Women's Improvement Club offers plans for a city park.
Tuner Lillie establishes Calaveras Transit and begins offering bus service to Stockton via Altaville, San Andreas, Valley Springs and Linden. Service is also provided to Arnold, Big Trees State Park and Lake Alpine, as well as Carson Hill and Melones.
- 1915 The Lightner Mine closes.
- 1916 On December 25th, the Utica Mine lays off the final 100 men and ceases operations.
- 1917 The Fire Department purchases its first fire engine.
- 1918 In response to the influenza epidemic, City Ordinance #76 requires that masks be worn over the mouth and nose when on the street and at public gatherings, and orders that all chairs and card tables be removed from saloons.
- 1920 The population of Angels Camp declines to 2,224.
- 1924 The Art Deco-style Mother Lode Theater opens its doors on February 9.
- 1925 The Angels Booster Club is formed, for the purpose of working out problems among businesses, and for the betterment of the community.
The Fire Department purchases its second engine.
- 1926 On November 26, a flood damages many Main Street businesses.
The new Bret Harte High School on Main Street is completed, and funded by a \$60,000 bond issue.
The Monte Verda family purchases the Altaville Foundry and changes its name to California Electric Steel.
- 1927 City voters approve a bond measure to pave Main Street
The Mother Lode Theater is remodeled to show moving pictures.
- 1928 In May, the first Jumping Frog Jubilee is held. Over 15,000 people attend. The winner, "Pride of San Joaquin," jumps 3 feet 9 inches.
The railroad is permitted to cease passenger service.

- 1930 The population of Angels Camp continues to decline to 1,894.
- 1931 In September, the Commercial Hotel and six businesses burn. The hotel is rebuilt with fireproof materials in the Art Deco style. Renamed the Bazinett Hotel, it later becomes the Utica Hotel.
- 1933 The Utica Park Association is formed.
- 1935 The Mother Lode Theater changes its name to the Angels Theater and begins showing moving pictures with sound.
- 1938 The Jumping Frog Jubilee is combined with the Calaveras County Fair. Another major fire burns Olivia “Grandma” Rolleri’s Calaveras Hotel and eight businesses.
- 1939 Fire hydrants are installed in the city, replacing the Utica Mining Company’s “Giant Brodies,” stationary nozzles connected directly to the water mains named after their inventor, a local mine engineer. The Jamestown-Angels Camp branch of the Sierra Railroad is discontinued.
- 1940 The railroad tracks are removed.
- 1941 Woods Hall and Opera House burns. The building also housed the Wells Fargo office.
- 1942 The last mine, the Gold Cliff Mine, closes and most of the mining machinery is sold as scrap metal as part of the war effort.
- 1945 The Mark Twain statue in Utica Park is dedicated.
- 1946 The Utica Power Company’s hydroelectric system is sold to Pacific Gas and Electric.
The Angels Gun Club is formed. Construction of the clubhouse begins the following year.
- 1950 The Angels and Altaville school districts are joined and become Mark Twain Elementary School. The Altaville and Finnegan Lane schools close.
- 1953 Dial telephone service comes to Angels Camp.
- 1954 Ground is leveled and a portion of the old north Utica shaft is filled above the 60-foot level to create present-day Utica Park.
- 1959 After years of effort, a new fire house is built.
- 1968 The City of Angels has 5 employees and an annual budget of \$125,000.
- 1970 On January 16, a flood damages numerous businesses on Main Street.
- 1972 Altaville is annexed into the City of Angels, creating a Main Street 4 miles long.
- 1979 The 625-foot high dam for New Melones Reservoir is completed, replacing the 1926 old Melones Reservoir. With a capacity of 2.4 million acre-feet, the reservoir is filled by 1982.
- 1986 The International Frog Jump World Record of 21 feet 5 ¾ inches is set by “Rosie the Ribeter.”
California Electric Steel, “the oldest continuous foundry operation west of the Mississippi,” moves to its new location.
- 1987 The City of Angels has 20 full time employees and a budget of almost \$2 million.
Calaveras Transit ceases operation.

- 1990 The Morgan Mine at Carson Hill closes.
1994 The Greenhorn Creek golf development begins construction.
2000 The population of Angels Camp is 3,002. The population of Calaveras County 44,533.

Appendix 8N: Native American Consultation Guidelines

This 46-page manual is available online at the Governor's Office of Planning and Research:

www.opr.ca.gov/sb182004/Final_Guidelines_for_Web_05-15-05.pdf